

CAITLIN O'CONNOR

vs.

LAMPO GROUP

Attorneys Eyes Only

MICHAEL FINNEY

September 28, 2021



Jerri L. Porter, RPR, CRR, CLR, LCR

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

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 ***CONFIDENTIAL***
13 ***ATTORNEYS' EYES ONLY***
14 (UNTIL FURTHER DETERMINATION)

15 Videoconference Deposition of:

16 MICHAEL FINNEY

17 Taken on behalf of the Plaintiff
18 September 28, 2021

19 Commencing at 1:35 p.m. CST

20
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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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S T I P U L A T I O N S

The videoconference deposition of MICHAEL FINNEY was taken by counsel for the Plaintiff, by Notice, with all participants appearing at their respective locations, on September 28, 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 Jerri L. Porter, RPR, 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 is not waived.

/ /
/ /

* * *

THE REPORTER: Good afternoon. My name is Jerri Porter. I am a Tennessee Licensed Reporter, LCR Number 335. Today's date is September 28, 2021, and the time is approximately 1:35 p.m. Central time.

This is the deposition of MICHAEL FINNEY in the matter of O'Connor versus The Lampo Group, in the United States District Court for the Middle District of Tennessee, Nashville Division, Case Number 3:20-cv-00628.

At this time, I will ask counsel to identify yourselves, state whom you represent, and agree on the record that there is no objection to Jerri Porter administering a binding oath to the witness via Zoom.

MS. WALTER: Ashley Walter for the plaintiff, and no objection.

MS. SANDERS: Leslie Sanders for defendant, along with Daniel Cortez, attorney for defendant. And with us is [REDACTED], the company representative, and the witness, Michael Finney. No objection.

/ /

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1 * * *

2 MICHAEL FINNEY,

3
4 was called as a witness, and after having been duly
5 sworn, testified as follows:

6
7 EXAMINATION

8 QUESTIONS BY MS. WALTER.

9 Q All right. Mr. Finney, like I mentioned
10 before, my name is Ashley Walter and I represent
11 Ms. O'Connor.

12 Have you ever had your deposition taken
13 before?

14 A No.

15 Q Okay. So, with any deposition, there's
16 always kind of some ground rules, just so that you
17 and I aren't stepping on each other's toes, and
18 that's especially true of Zoom depositions to make
19 sure the court reporter can easily get everything
20 down. One of the biggest things I'm going to try to
21 do and I'm going to ask you to try to do us not talk
22 over each other. So I'm going to try to let you
23 finish your response before jumping into another
24 question. If you'll let me finish my question
25 before responding.

1 Does that sound okay?

2 A Yes.

3 Q All right. And sometimes I'll probably have
4 to remind -- do a little reminder. That's not to
5 kind of scold you. It's more to kind of keep both
6 of us on -- make sure we're both being aware of it
7 because sometimes when you know where a question is
8 going, it's tempting to jump in and answer before I
9 get it out. But for the court reporter, we always
10 try to make sure we're not talking over each other.

11 Another thing is, during the deposition, it
12 is especially hard via Zoom, if someone responds
13 with an uh-huh or huh-uh or shakes their head yes or
14 no. So I do just ask that you always do verbal
15 responses, a yes or a no. That way the court
16 reporter can get it down, because uh-huh and huh-uh
17 look exactly the same on a transcript. So, for
18 accuracy sake, if you could stick to verbal
19 responses, that would be great.

20 And the last thing is, I'm going to be asking
21 you a number of questions. There may be something
22 that I ask you that is unclear or you don't quite
23 understand what I'm asking. You are welcome to ask
24 me to rephrase it or to clarify it. That way we can
25 assume that if you do answer my question, that you

understand the question that you were asked.

Does that seem fair?

A Yes.

Q Okay. And also, if you need a break -- I don't anticipate this taking particularly long, but those are every attorney's famous last words. So if you need a break during any of this, just let me know. We can take a five-minute break. I only ask that you finish what -- answer whatever question I've most recently asked and then we can take a break. All right?

A Cool.

Q Okay. Mr. Finney, could you state your full name for the record, please.

A Michael Finney.

Q All right. And what is your address, Mr. Finney?

A Home address?

Q Yes, sir.

A

[REDACTED]

Q Okay. And then what is your phone number?

A

Q All right. Is that a personal phone?

A Yes.

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1 Q Okay. So it's not a company phone?

2 A Correct.

3 Q All right. And what is your current job
4 title? Where do you work?

5 A Chief operating officer.

6 Q Okay. And where are you the chief operating
7 officer?

8 A Can you say that again?

9 Q Yes. Where are you the chief operating
10 officer?

11 A Ramsey Solutions.

12 Q Okay. And when did you take that position?

13 A Sixty days ago, roughly.

14 Q All right. And what was your position before
15 that?

16 A Chief digital officer.

17 Q Okay. And how long were you in that
18 position?

19 A Roughly four years.

20 Q All right. So, you were the chief digital
21 officer during the summer of 2020?

22 A Yes.

23 Q Okay. And what were your duties as the chief
24 digital officer?

25 A To lead several disciplines for the company

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1 and to serve on the operating board.

2 Q Okay. When you say serve -- I believe you
3 said multiple disciplines. What do you mean by
4 that?

5 A So, our company has people that work in
6 different disciplines and my job was to lead several
7 of the more technical disciplines.

8 Q Okay. And what do those disciplines include?

9 A IT, digital development, data and analytics.

10 Q Okay.

11 A Customer success. And I might be forgetting
12 one.

13 Q Okay. And is customer success like a
14 customer service?

15 A Yes.

16 Q Okay. In your position -- and you said you
17 were on the operating board?

18 A Yes.

19 Q So, in your position as the chief digital
20 officer, is it -- is there anything in your role to
21 set policy? Is that part of your duties?

22 A Can you clarify?

23 Q Sure. Do you set policy as to how operations
24 are run or set policy as to what actions are
25 fireable or disciplinary actions?

Attorneys Eyes Only

1 A I do not set policy as to what actions are
2 fireable or disciplinary actions.

3 Q Okay. But you do set policy as to how the --
4 how certain departments are run?

5 A For example, standards on how we do data and
6 analytics or standards on how we do IT.

7 Q Okay. What about as a member of the
8 operating board?

9 A It depends what -- can you be more specific
10 about what you're asking?

11 Q Sure. So what do you do as a member of the
12 operating board?

13 A Sure. On the operating board we meet
14 regularly to discuss holistic company matters,
15 usually business matters. Yeah, so, it's a regular
16 meeting of the top leaders in the company.

17 Q Okay. And how long have you been a member of
18 the operating board?

19 A I believe since the beginning of 2017.

20 Q Okay. So, does the operating board set
21 policies as to fireable offenses?

22 A No.

23 Q Who does set those standards?

24 A The HR committee.

25 Q Okay. And then I have -- are you ever

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1 involved with HR committee decisions?

2 A No.

3 Q So, the HR committee never talks to you even
4 if it's their own employee that they're making a
5 determination about?

6 A I may provide information to the HR
7 committee, but I am not part of the decision-making
8 for HR committee.

9 Q Okay. Are you ever called upon to do the
10 firing? Like are you ever in meetings where you're
11 telling somebody that they've been fired?

12 A Yes.

13 Q Okay. And why is that if you're not the
14 decision -- if you're not involved in making the
15 decision?

16 A I've always gone to the HRC for those
17 decisions.

18 Q Okay, sure. But my question was, do you know
19 why you are the one telling an employee that they're
20 fired if you're not involved in the decision to fire
21 them?

22 A The reason that I might be involved in being
23 the person to fire someone would be if they are on
24 my team, but that doesn't mean that I made the
25 decision to fire them.

Attorneys Eyes Only

1 Q Okay. Who from the -- so, if you -- correct
2 me if I'm wrong, but the HR committee makes the
3 decision on who's getting fired, correct?

4 A The HR committee makes the decision, yes.

5 Q Okay. And who from the HR committee notifies
6 you that you're going to be the one to fire someone?

7 A It depends. It's different. At least one
8 member of the HRC, but it's never a consistent one
9 person.

10 Q Okay. Do you ever make recommendations to
11 the HRC committee about recommending someone to be
12 fired?

13 A I don't recall if I've ever said I think we
14 should fire this person.

15 Q Okay. Have you ever brought to the HRC
16 committee a concern about somebody, one of your
17 employees?

18 A Yes.

19 Q Okay. And how does that process work?

20 A Sometimes it's in person, sometimes it's by
21 e-mail.

22 Q Okay. So, you just notice a behavior of
23 an employee and then report them to the HRC
24 committee -- or the HRC?

25 A Correct.

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1 Q Okay. So, in order to do that, though, you'd
2 have to -- are you aware of Ramsey Solutions'
3 policies and what types of behaviors are considered
4 fireable offenses?

5 A I, of course, know what HRC has decided in
6 past circumstances, yes.

7 Q So, as a chief digital officer, part of your
8 duties is to have a working knowledge of Ramsey
9 Solutions' policies?

10 A Yes.

11 Q Okay. Do you get trainings on those?

12 A What do you mean by training?

13 Q Sure. Do you get training on -- have you
14 ever received a training on the Ramsey Solutions --
15 throughout this I'll probably say Ramsey. In that
16 case I'm referring to Ramsey Solutions, the company.
17 If I'm ever referring to Dave Ramsey specific, I'll
18 specifically say his name, or Mr. Ramsey, making it
19 clear that I'm talking about a person.

20 So, do you ever receive training on the
21 Ramsey handbook?

22 A No.

23 Q What about within that -- and we'll talk
24 about it more in detail later, but just generally
25 are you familiar with the Ramsey core values?

Attorneys Eyes Only

1 A Yes.

2 Q Do you receive training on those?

3 A I don't know if I would call it training.

4 Q Okay. What would you call it?

5 A From time to time we might talk about a core
6 value from stage during staff meeting, as an
7 example.

8 Q Okay. So, it's more of a collective meeting
9 with everybody in the company?

10 A Correct.

11 Q Okay. Have you ever received training on how
12 company policies are supposed to be enforced?

13 A I'm struggling -- I'm struggling a lot with
14 the word training. Can you be more specific?

15 Q Sure. Instruction. You know, this behavior
16 needs to be reported to the HR committee, this
17 behavior you need to handle yourself and discipline.
18 Have you ever received any instruction as to when to
19 do a verbal warning, when to do a written warning,
20 when to escalate it to the HRC?

21 A No.

22 Q Okay. So, how do you know that?

23 A I do receive -- I do know what previous items
24 that I have brought to the HRC and sometimes what
25 others have brought to the HRC so I have a gauge for

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1 what things need to go there. But no training as to
2 what specifically should go there.

3 Q Okay. So, there's maybe communications with
4 you and some of the other supervisors about
5 situations that they've run into and what the HRC
6 has told them to do about it?

7 A Yes.

8 Q Okay. Who would some of those other people
9 be?

10 A All members of the HRC.

11 Q Okay. So -- and maybe this will just help me
12 kind of clarify. So, who would be your colleagues?
13 And more specifically I'm talking about during 2020.
14 So, when you were the chief digital officer. So,
15 who would the colleagues be? Who are the other
16 chiefs that were in line with you?

17 A Other operating board members.

18 Q Which are?

19 A There are, I want to say 14 or 15. So,
20 specifically excluding Dave, Dave -- I'm not on
21 level with Dave. But the other operating board
22 members.

23 Q Okay. And are all board members -- are all
24 members of the HRC also operating board members? I
25 understand that it doesn't necessarily go in the

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1 reverse, that not all operating board members are
2 members of the HRC, but is everybody who is on the
3 HRC also a member of the operating board?

4 A No.

5 Q Who is the exception?

6 A On our current -- I would need to see a
7 current roster of our HRC to be able to tell you
8 that.

9 Q Okay. So, as the chief digital officer, who
10 do you report to? Do you report to anyone?

11 A Dave Ramsey.

12 Q Okay. And then who reports -- who reported
13 to you? Obviously, that's probably changed since.

14 A Directly reported?

15 Q Yes.

16 A I'm trying to think. Are you looking for
17 specific names?

18 Q No. Just anybody who directly reported to
19 you while you were the chief digital officer.

20 A Are you looking for names, for titles, for --
21 (Overlapping speech.)

22 Q Names and titles if you can give them.

23 A I mean, there were over 200 -- I think at one
24 point 250 people inside that organization, so...

25 Q I'm looking for people who reported directly

to you, not kind of the people who reported to people who reported to people who reported to you. Just the direct line who was right beneath you in terms of the chain of command, if you will.

A Sure. I may miss somebody, but the people that reported to me and that I had regular one-on-ones with were my assistant, Katie Myers; [REDACTED], who was our senior technical officer, or he was at that time; Matt Michaud, who leads our analytics team; Lee Yoder, who leads customer success; [REDACTED], who leads some of our software operations; and Chelsea Bremer, who leads our IT.

Q Okay. Did at one point Caitlin O'Connor report to you?

A On the org chart, yes. In practice, no.

Q Okay. What do you mean by that?

A Caitlin was, at one point when I joined this team, a team assistant in that she supported just kind of whoever on the team needed help. Again, there's a couple hundred people. And during that season, it was decided, well, because she's not really directly assisting anyone, we'll just have her report to me on the org chart.

I want to say around 2018 -- I might have my

1 date kind of wrong, but somewhere in there -- we
2 made the decision for her to no longer be a team
3 assistant, but instead to more directly start
4 assisting certain leaders in the technology
5 organization. And so, 99.9 percent of her
6 communication and -- was with those people that she
7 was assisting.

8 Q Okay. Who -- in the course of regular
9 business, do you do annual evaluations?

10 A Yes.

11 Q Okay. Who would have performed Caitlin
12 O'Connor's annual evaluation in 2018, 2019, and
13 2020?

14 A I did those evaluations, but I wouldn't
15 necessarily call it an evaluation. I would call it
16 more of a check-in. Usually, because of the
17 relationship of Caitlin helping out multiple other
18 leaders, our conversation would more be focused on
19 the future and what she had in mind for her
20 aspirations.

21 Q Okay. If one of your employees, whether it
22 be your direct reports or one of their direct
23 reports, became pregnant, who were they supposed to
24 report that to? Who were they supposed to let know?

25 A I don't know.

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1 Q Would they let you -- have you had an
2 employee let you know that they were pregnant?

3 A I have, yes.

4 Q Okay. And what do you typically do with that
5 information?

6 A Nothing.

7 Q Okay. You don't tell them to go to HR?

8 A No.

9 Q Do you tell them at all that they need to
10 request FMLA?

11 A I have never been asked that.

12 Q You've never been asked about FMLA?

13 A Correct.

14 Q Okay. But you have been told that one of
15 your employees is pregnant.

16 A Yes.

17 Q Okay. So, you've never told an employee,
18 congratulations, go to HR and request FMLA
19 paperwork?

20 A No.

21 Q Okay. Do you receive any trainings as a
22 supervisor on FMLA or Title VII? Let me break that
23 up.

24 Have you ever received training on FMLA as a
25 supervisor?

Attorneys Eyes Only

1 A No.

2 Q What about Title VII?

3 A No.

4 Q Are you familiar at all with what Title VII
5 is?

6 A I've heard the term, but no.

7 Q Okay. What's your background? Where did you
8 work prior to working at Ramsey Solutions?

9 A Watson Wyatt Worldwide.

10 Q And what did they do there?

11 A They are a benefits consulting firm. Or they
12 were.

13 Q And what did you do there?

14 A I was an actuarial analyst.

15 Q That was going to be my next question. What
16 is an actuarial analyst? I have no idea what that
17 is.

18 A An actuarial analyst measures and values
19 risk.

20 Q Okay. What types of risk do they measure?

21 A An analyst can measure lots of risk.
22 Specifically what I did was measure the risk of
23 liabilities to defined benefit pension plans.

24 Q All right. I would have no idea where to
25 start with that.

Attorneys Eyes Only

1 What education allows you to be able to be an
2 actuarial analyst, if I even said that right?

3 A I don't know. Good with numbers.

4 Q Okay. Do you have to get like a bachelor's
5 in math?

6 A No. My bachelor's was not in math or -- I
7 had a business degree.

8 Q Okay. Where did you get your business degree
9 from?

10 A University of Memphis.

11 Q And was that a bachelor's in business?

12 A Yes.

13 Q Do you have any master's or anything like
14 that?

15 A No.

16 Q Okay. You would be hard pressed to find an
17 attorney who has a bachelor's in math or anything
18 regarding numbers. I'm going to be learning a lot
19 about what you do.

20 And you had said earlier that as a supervisor
21 you did not have the ability to fire; is that right?

22 A I did not make the decisions to fire.

23 Q Okay. What about to hire?

24 A Yes.

25 Q All right. And what does that process look

1 like? Can you walk me through the hiring process,
2 what you would do?

3 A These days my involvement in the hiring
4 process usually looks like one or two interviews
5 towards the tail end of the interview process. I do
6 relatively few these days. I usually do only upper
7 level leaders.

8 Q Okay. What about as the chief digital
9 officer?

10 A Same.

11 Q Same? Okay. So, kind of walk me through how
12 you get notified of when you're doing interviews and
13 what those interviews look like.

14 A Can you be more specific?

15 Q Yeah. And again, I'm more referencing the
16 time period when you were the chief digital officer.
17 How would you be notified that you have an interview
18 to do?

19 A I would receive an e-mail.

20 Q From?

21 A Usually someone in HR.

22 Q Okay. And was it always someone within your
23 department?

24 A That I received the notification from?

25 Q Or the people that -- good question. The

1 people that you would be doing the interviews of,
2 were they for your department?

3 A Usually, but not exclusively.

4 Q Okay. When would you do interviews of other
5 people not within your department?

6 A If another board member asked me to interview
7 someone.

8 Q Okay. And by the time it gets to you, are
9 you doing individual interviews or are you more a
10 part of the spousal interview process?

11 A Individual.

12 Q Okay. Did you ever participate in the
13 spousal interviews?

14 A Not -- as chief digital officer, I don't
15 believe so. It's been a long time.

16 Q Okay. Were you involved in the hiring
17 process of Caitlin O'Connor?

18 A No.

19 Q No? And why is that?

20 A I was -- I don't recall, but I was not her
21 leader or the person that she was going to be
22 assisting. I'm not even sure I was on that team at
23 the time she was hired. I would have to look at her
24 hire date to know for sure.

25 Q Okay. As a supervisor and as the chief

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1 digital officer, in your experience how important is
2 it for employees to know what actions are fireable
3 offenses?

4 A During the interview process?

5 Q Or just how important is it for them to know
6 for their career?

7 A So, to be clear, during the interview process
8 and while they are here?

9 Q Yes.

10 A It is important for them to know that.

11 Q Okay. And why is that?

12 A I don't have a good answer to that. Common
13 courtesy?

14 Q Sure. Just as a -- you know, in your
15 experience as a supervisor, why do you think it is
16 important that employees know what actions will
17 cause them to be fired?

18 A I mean, people need to know what the values
19 are of the organization and -- yeah, people need to
20 know the values of the organization.

21 Q Sure. Would you consider it important that
22 employees know what will get them fired since it
23 affects their ability to pay their bills?

24 A Yes.

25 Q And then, have you -- in the times that you

Attorneys Eyes Only

1 have been involved in interview processes, have you
2 ever hired -- have you ever interviewed someone who
3 was visibly pregnant?

4 A I don't recall.

5 Q Okay. Have you ever hired anybody who told
6 you they were pregnant?

7 A I don't recall.

8 Q All right. If someone was visibly pregnant,
9 would you ask them if they were married?

10 A No.

11 Q Would you double-check to confirm if they
12 were?

13 A No.

14 Q Would they be able to be hired if they were
15 pregnant and unmarried?

16 A We only hire the best person for the job.

17 Q So, if the best person for the job was
18 pregnant and unmarried, they would get hired?

19 A I've never been in that situation before.

20 Q Do you know of any reason they wouldn't get
21 hired if they were the best person for the job?

22 A No.

23 Q Okay. All right. And this is just to
24 clarify. You have not been a part of any spousal
25 interviews; is that right?

Attorneys Eyes Only

1 A I have. It has been a very long time.

2 Q Okay. What is the purpose of the spousal
3 interview?

4 A The purpose of it is twofold. One, for my
5 spouse to meet whoever we are considering hiring,
6 and then also to meet the spouse of the person that
7 is coming onboard.

8 Q Okay. And why is that important?

9 A It's important because we -- we value -- we
10 value spouses' opinions, both the opinion of my
11 spouse and the opinion of the spouse who's -- of the
12 person we are interviewing.

13 Q And is there a particular opinion that you
14 like to know about?

15 A There's no particular opinion that we ask
16 about. It's more of a get-to-know-you type thing.

17 Q Okay. Is there any sort of background check
18 that you're involved in?

19 A No.

20 Q In the spousal interviews that you've
21 participated in, were there any inquiries as to
22 where the new employee might go to church?

23 A No.

24 Q Okay. Do you receive any training to be a
25 part of the hiring team for the -- or any -- we'll

Attorneys Eyes Only

1 just start there.

2 A Training for interviewing?

3 Q Yes.

4 A Similar to how I answered earlier, that
5 would -- not like direct one-on-one training or any
6 manual. More -- if there is any discussion about
7 it, it would be at a kind of company-wide level.

8 Q Okay. Do you receive -- in those
9 company-wide level trainings, do you receive any
10 information as to questions you're allowed to ask or
11 you're not allowed to ask?

12 A I don't know where I heard this or who gave
13 it to me or what training, but I have heard that
14 there are specific questions you are not allowed to
15 ask.

16 Q Okay. And which ones were you told you're
17 not allowed to ask?

18 A Questions related to children, marriage, age.
19 That is not meant to be an exhaustive list.

20 Q Okay. All right. Are you able to ask about
21 religious background?

22 A No.

23 Q Were you told you couldn't ask about
24 religious background?

25 A I know I am not supposed to ask about

Attorneys Eyes Only

1 religious background and I do not ask about it.

2 Q All right. Do you ever have conversations
3 about where people attend religious ceremonies, like
4 if they go to church, if they don't go to church,
5 what church they go to, things like that?

6 A I do not ask questions about that.

7 Q Okay. Do you have discussions about things
8 like that?

9 A A candidate may choose to volunteer
10 information, but I do not ask.

11 Q Okay. Are you generally familiar -- do most
12 of the employees you work with -- or do all of the
13 employees that you work with attend church that you
14 know of?

15 A I don't know.

16 Q You don't know if anyone goes to church?

17 A Can you define anyone?

18 Q People you work with.

19 A Of course I know some people go to church. I
20 don't know if everyone or specifically who does or
21 who does not go to church.

22 Q Okay. All right. I'm going to share a
23 document with you. This is previously marked
24 Exhibit 1. I'm going to share it in the chat, but
25 I'll also pull it up on the share screen.

MS. SANDERS: He's got it, Ashley, in front of him. You don't have to pull it up if you don't -- we've got Exhibit 1, [REDACTED].

MS. WALTER: Yes, that is the one.

(WHEREUPON, a document was presented, previously marked as Exhibit Number 1.)

MS. WALTER: What I might do is do share screen just to make sure he and I are on the same page.

MS. SANDERS: Sure.

BY MS. WALTER:

Q All right. Mr. Finney, can you see the screen I'm sharing with you?

A Yes.

Q Okay. Do you recognize this document?

A It looks vaguely familiar.

Q Okay. So, are you familiar with this document at all?

A No.

Q Okay. So, you've never received training on -- you've never received information on Ramsey Solutions' policies and procedures?

A I don't recall.

Q Okay. Do you know what the second paragraph means by that "Ramsey Solutions is committed to

Attorneys Eyes Only

1 providing equal employment and advancement
2 opportunities to all individuals"?

3 A No.

4 Q All right. Are you familiar -- do you know
5 what it means -- do you understand what it means by
6 "We do not unlawfully discriminate in employment
7 opportunities or practices based on race, color,
8 religion, sex, national origin, age, disabilities,
9 or any other characteristic protected by law"?

10 A Yes, I understand what that says.

11 Q Okay. And what do you understand that to
12 mean?

13 A What it says, "We do not unlawfully
14 discriminate in employment opportunities or
15 practices based on race, color, religion, sex,
16 national origin, age, disabilities, or any other
17 characteristic protected by law."

18 Q Okay. And would you understand
19 discrimination means to treat somebody different for
20 any of those listed reasons?

21 A Yes.

22 Q Okay. And is it your understanding that
23 included in discrimination on sex, that includes
24 pregnancy?

25 A I would not assume that based on this

1 sentence.

2 Q Okay. And what is your understanding of --
3 that Ramsey does not unlawfully discriminate in
4 employment opportunities or practices based on
5 specifically religion? What does that mean in
6 practice at Ramsey Solutions?

7 A Speaking for myself, I believe that that
8 means that we cannot take religion into account when
9 making decisions about the opportunities of an
10 employee.

11 Q Okay. So, kind of like you testified before,
12 you can't treat somebody differently based on their
13 religion?

14 A Correct.

15 Q All right. And that was your understanding
16 when you were the chief digital officer?

17 A Correct.

18 Q And your current understanding as the chief
19 operating officer?

20 A Yes.

21 Q Okay. All right. I'm going to scroll down a
22 little bit. All right. Underneath "Company
23 Conduct," it states that -- and correct me if I'm
24 wrong, but it states that "The image of Ramsey
25 Solutions is held out to be Christian."

1 What is your understanding of what that
2 means?

3 A My opinion on what that means is that when we
4 represent ourselves in the marketplace, from time to
5 time we do so as Christians.

6 Q Okay. And you said from time to time. At
7 what times does Ramsey Solutions represent itself to
8 be Christian?

9 A One time that we do every day is to wrap up
10 The Ramsey Show, Dave will say that there's only one
11 way to have financial peace, and that's to walk
12 daily with the prince of peace, Christ Jesus.

13 Q Okay. And what are times that Ramsey
14 Solutions does not hold itself out to be Christian?

15 A Can you maybe state that another way?

16 Q Sure. You had mentioned that from time to
17 time Ramsey Solutions holds itself out to be
18 Christian and you gave an example of a time when it
19 does. Based off what you testified, are there times
20 that it doesn't?

21 A What I meant was that we don't just
22 constantly say it in every publication, in every
23 document, or everything that we produce.

24 Q Okay. So, it's -- Ramsey Solutions doesn't
25 put everywhere that it's a -- it holds itself out to

1 be a Christian organization.

2 A Correct.

3 Q Okay. Do you know if, in your experience as
4 a -- on the hiring teams, if Ramsey Solutions only
5 hires Christians?

6 A I don't know.

7 Q In your experience, has -- have all employees
8 that you've hired been Christians?

9 A I don't know.

10 Q Okay. The next sentence says, "Should a team
11 member engage in behavior not consistent with
12 traditional Judeo-Christian values or teaching...the
13 team member would be subject to review, probation,
14 or termination."

15 What is your understanding of what it means
16 by "if a team member engages in behavior not
17 consistent with traditional Judeo-Christian
18 values..."?

19 A My opinion is that it means that because we
20 hold ourselves out to be Christians in the
21 marketplace, that acting inconsistently with that
22 could be damaging to the image of the company.

23 Q What behaviors are not consistent with
24 traditional Judeo-Christian values or teaching?

25 A There is not a specific list.

Attorneys Eyes Only

1 Q As a chief digital officer, so as an
2 operating board member, in your experience, in your
3 understanding, what behaviors are not consistent
4 with traditional Judeo-Christian values or teaching?

5 A Again, I would say that I don't have a
6 specific list in mind when I think of that.

7 Q Do any examples come to mind?

8 A Yes.

9 Q Such as?

10 A So, we have a core value called righteous
11 living, and one of the things we frequently talk
12 about as it relates to righteous living is having
13 extramarital or premarital sex.

14 Q And when do those come up?

15 A When does what come up?

16 Q You mentioned that they get talked about.

17 A Oh. Staff meeting, company-wide staff
18 meeting, company-wide leadership meetings, during
19 the interview process, during the onboarding
20 process. There might be more.

21 Q Okay. Do they come up in the devotionals or
22 the devos?

23 A I don't recall.

24 Q Okay. Are there anything -- can you think of
25 any other examples besides extramarital sex or

1 premarital sex?

2 A When -- no, I cannot.

3 Q Okay. So, it mentions -- it states at the
4 bottom, "If this should occur, the team member would
5 be subject to review, probation, or termination."

6 So, is it correct to say that if a team --
7 depending on the behavior that a team member engages
8 in that would be considered inconsistent with
9 traditional Judeo-Christian values, some behaviors
10 might be subject to review, some different ones
11 might be subject to probation, and other ones might
12 be subject to termination?

13 A I would say that we are clear that if you
14 violate our righteous living core value, that you
15 might be terminated for that.

16 Q But you also might not be terminated.

17 A In my experience, we terminate team members
18 that violate that core value.

19 Q Is -- would viewing pornography violate the
20 righteous living core value?

21 A Yes.

22 Q Okay.

23 A In my opinion, yes.

24 Q Okay. Would you automatically be terminated
25 for that?

Attorneys Eyes Only

1 A In my opinion, no.

2 Q Okay. So, there are some violations of the
3 righteous living core value that would lead to
4 termination and some that don't.

5 A Correct.

6 Q Okay. And how, as a supervisor, are you
7 aware of which ones do and don't?

8 A I am aware based on prior decisions made by
9 the HRC.

10 Q Okay. And who's the ultimate decision-maker
11 for the HRC?

12 A I don't know.

13 Q Okay. And how does Ramsey Solutions ensure
14 that their employees are Christians and adhere to
15 the biblical teachings of the Judeo-Christian
16 values?

17 MS. SANDERS: Object to the form. He
18 may answer that.

19 THE WITNESS: Can you ask that again,
20 please?

21 BY MS. WALTER:

22 Q Yeah. How does Ramsey Solutions make sure
23 that all of its employees are Christians and adhere
24 to the traditional Judeo-Christian values or
25 teachings as set out in the "Company Conduct"

1 portion of the handbook?

2 MS. SANDERS: Object to the form.

3 You can answer.

4 THE WITNESS: The wording of your
5 question is weird. I'm having trouble understanding
6 exactly what you want me to answer.

7 BY MS. WALTER:

8 Q Sure. I'm wondering how Ramsey Solutions
9 enforces the company conduct policy, like how they
10 ensure that employees are adhering to these biblical
11 teachings or alleged -- or the traditional
12 Judeo-Christian values or teachings.

13 A I don't know.

14 Q Is it anybody's job to find out if people
15 aren't?

16 A To my knowledge, no.

17 Q Okay. How do you typically find out if
18 someone is not?

19 I guess first let me ask, have you ever had
20 an employee be terminated or put on probation or
21 reprimanded for not following -- or engaging in
22 behavior not consistent with traditional
23 Judeo-Christian values?

24 A I have had team members that have violated
25 the righteous living core value.

1 Q Which would be behavior not consistent with
2 traditional Judeo-Christian values, right?

3 A The way I would put it is that the team
4 members that I have dealt with have violated the
5 righteous living core value.

6 Q Okay. In your experience, what does the
7 righteous living core value come from? What
8 determines righteous living?

9 A It is a construct that has been adapted
10 over -- adapted is not the right word. It is a
11 construct that HRC, as they decide on issues, that I
12 understand what our -- and new things come up. My
13 understanding of what righteous living comes from
14 that.

15 Q Okay. Do you know who originally wrote the
16 righteous living policy, like who wrote the
17 handbook?

18 A No.

19 Q Do you know who came up with the idea of the
20 righteous living core value?

21 A No.

22 Q All right. And is there a written policy
23 that outlines what behaviors violate the righteous
24 living core value?

25 A To my knowledge, there is not.

Attorneys Eyes Only

1 Q So, employees don't -- do employees know
2 which violations of the righteous living core value
3 will get them terminated?

4 A I don't know.

5 Q Do you know what violations of the righteous
6 living --

7 (Technical difficulties.)

8 THE REPORTER: Excuse me. Would you
9 repeat the question?

10 MS. WALTER: Yes.

11 BY MS. WALTER:

12 Q Mr. Finney, do you know which violations of
13 the righteous living core value will lead to the
14 termination of your employees?

15 A I know based on prior HRC decisions which
16 things could lead to termination.

17 Q Okay. So, you don't necessarily know what
18 will -- what violation would get an employee put on
19 probation versus one that will get them terminated?

20 A I know based on what HRC has previously
21 decided.

22 Q Okay. So, then there is a set list of which
23 ones will always get you terminated?

24 A I am not aware of such a list.

25 Q Okay. So, then, how are employees supposed

1 to know what behaviors will get them terminated and
2 which ones won't?

3 A When we talk about the righteous living core
4 value from stage or interviewing or onboarding, the
5 employee would know what was covered during that
6 time.

7 Q Okay. So, which ones are covered during that
8 time?

9 A To my knowledge, I know that we cover the
10 having extramarital and premarital sex. I do not
11 know whether violations or whatever conduct might
12 also be included.

13 Q Okay. And when you say premarital sex, what
14 do you mean by that?

15 A I mean, having sex before marriage.

16 Q Okay. Does sex before marriage include oral
17 sex?

18 A Yes.

19 Q Okay.

20 A In my opinion, yes.

21 Q Okay. So, do you let employees know that
22 when you're in the interview?

23 A I don't know. I do not let them know that.

24 Q Okay. All right. Do you know if employees
25 are required to sign any sort of contract about the

1 righteous living core value?

2 A I don't know.

3 Q Okay. As a member of the hiring team, would
4 you hire somebody who is not a Christian?

5 MS. SANDERS: Object to the form, but he
6 can answer.

7 THE WITNESS: I hire the best person for
8 the job.

9 BY MS. WALTER:

10 Q Okay. If the best person for the job was not
11 a Christian, would they get hired?

12 A I would hire the best person for the job.

13 Q Okay. I'll be more specific. If you were
14 interviewing someone of the Jewish faith and they
15 were the best -- qualifications-wise, the best
16 person for the job, would they get hired?

17 A I do not ask about someone's religion, so I
18 would not know if they were Jewish or not.

19 Q Sure. As you testified earlier, sometimes in
20 the spousal interviews it comes up where people go
21 to church and if they volunteer the information.
22 So, if it came up in an interview and they were the
23 best person for the job, at that point would they
24 still be hired if they were of the Jewish faith?

25 A Yes, I would hire them.

Attorneys Eyes Only

1 Q Okay. Would they still be required to engage
2 in behavior that is consistent with traditional
3 Judeo-Christian values or teachings?

4 A To my knowledge, we don't -- we don't
5 selectively apply core values to particular team
6 members.

7 Q Okay. So, regardless of religious
8 affiliation, they would have to follow traditional
9 Judeo-Christian values?

10 A I would say what I said, that we don't
11 selectively apply it to selective team members.

12 Q Okay. So, yes, they would have to follow it,
13 follow -- engage in behavior that is consistent with
14 Judeo-Christian values, correct?

15 A I would say that we expect all team members
16 to follow our core values.

17 Q Okay. You'd mentioned staff meetings. Are
18 there things called devos that employees partake in?

19 A Yes.

20 Q And what does devo stand for?

21 A It's short for devotional.

22 Q Okay. And where does that name come from?
23 Like what happens at these devos?

24 A I don't know where the name comes from.

25 Q Okay. Do you know why it's called

1 devotional?

2 A No.

3 Q And do you attend church?

4 MS. SANDERS: Object to the form. He
5 can answer it.

6 THE WITNESS: Do I personally attend
7 church?

8 BY MS. WALTER:

9 Q Yes, sir.

10 A Yes.

11 Q Okay. Does your church do devos or
12 devotionals?

13 A No.

14 Q Okay. And what happens at the Ramsey
15 Solutions devotionals?

16 A A speaker will come in and talk for roughly
17 30 minutes, and then -- yeah, that's it. We all
18 attend, and someone will come, usually from outside
19 the organization, and speak to the company for about
20 30 minutes.

21 Q Okay. What type of speakers come?

22 A All kinds, from -- all kinds of people. Like
23 usually people that are here locally, people that
24 come from afar, people that -- business people,
25 different pastors in the area. It's a wide range.

Attorneys Eyes Only

1 Q All right. Have you had a particular
2 favorite that's come?

3 A No.

4 Q I think I've heard that some are more like
5 musically based, others are more like just a
6 speaker. Is that true?

7 A Yes.

8 Q Okay. Do you tend to prefer the speakers or
9 the more musical devotionals?

10 A The speakers.

11 Q The speakers? Are these devotionals required
12 for -- by employees to participate, to attend?

13 A I don't know.

14 Q Have you ever had an employee ask not to be
15 able to attend?

16 A Yes.

17 Q Have you had an employee ask to never have to
18 attend the devotionals? So, not sort of a one-off
19 situation of I'm sick and can I not go, but more of
20 a request not to ever attend the devotionals.

21 A No.

22 Q Okay. Would an employee be allowed to not go
23 to any devotionals?

24 A I don't know.

25 Q If an employee asked you that, as their

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1 supervisor, what would you tell them?

2 A I would tell them I don't know and I would go
3 to the HRC.

4 Q Okay. All right. And then, you worked with
5 Caitlin O'Connor, right?

6 A Can you define worked with?

7 Q You worked around her.

8 A Caitlin was an assistant, but she was never
9 my assistant.

10 Q Okay. But you would see her during the day?

11 A Yes.

12 Q Would you have conversations with her during
13 the day?

14 A Yes.

15 Q Okay. How often would you see her during the
16 day?

17 A Pretty infrequently.

18 Q Okay. Would she ever come and ask you
19 questions or what was the nature of y'all's
20 relationship?

21 A Umm...

22 Q I realize that phrasing sounds awkward. Were
23 you guys friendly. Did you rarely see her? Was it
24 sort of a you would just say hi and keep walking?
25 What was kind of the nature of your relationship

Attorneys Eyes Only

1 with her?

2 A I would characterize it as friendly. I don't
3 know if she would ever like specially come and seek
4 me out for a question. She may have, but I don't
5 recall.

6 Q Did you guys chat about your families?

7 A I don't recall specific conversations, but --
8 I don't recall specific conversations.

9 Q Okay. Are you married?

10 A Yes.

11 Q Okay. Do you have any kids or dogs or
12 anything like that?

13 A Yes.

14 Q Okay. Would Caitlin have known about that?

15 A She may have known. I don't know if she did
16 know that.

17 Q Okay. Would she share about her family with
18 you?

19 A From time to time, yes.

20 Q Okay. Were you aware that she had two
21 kids --

22 A Yes.

23 Q -- at the time of her employment?

24 A Yes.

25 Q Okay. Were you aware that she had those two

Attorneys Eyes Only

1 kids out of wedlock?

2 A I don't recall.

3 Q Would it surprise you that that was the fact?

4 A I recall her saying she was young when it
5 happened, but I don't know if she was married when
6 it happened.

7 Q Okay. In your experience with her, what type
8 of employee was she? Was she a good employee?

9 A Overall, yes, she was a good employee.

10 Q Did she seem like a hard worker?

11 A Yes.

12 Q Did she seem like an honest employee?

13 A Yes.

14 Q Did you have any issues with her as an
15 employee?

16 A I mean, all team members usually have at
17 least something, so I would hesitate to say never
18 had an issue.

19 Q Okay. But no major issues?

20 A Correct.

21 Q All right. And do you recall what the reason
22 for Caitlin's termination was?

23 A I was not involved in the decision to fire
24 Caitlin.

25 Q Sure. But do you know why she was fired?

A Yes.

Q And why was that?

A She was terminated for having extramarital sex.

Q And how did you find out about that?

A I became aware from an e-mail that [REDACTED] forwarded me that Caitlin had sent to [REDACTED].

Q Okay. And the -- Caitlin was terminated for engaging in premarital sex, which violated the righteous living core value; is that right?

A She was fired for having premarital sex --

Q And was that --

A -- which violated --

(Overlapping speech.)

Q Sorry. Go ahead.

A Sorry. She was terminated for having premarital sex, which violated the righteous living core value. My opinion is that that's why she was terminated.

Q Okay. Is that what you were told or how did you come to that opinion?

A I don't recall who told me or how I learned of that.

Q Okay. And does having premarital sex violate the righteous living core value because it's a

1 Judeo-Christian value that premarital sex is wrong?

2 How does that become a violation of the righteous

3 living value -- or righteous living core value?

4 A We -- as I have said, we talk frequently from

5 stage, staff meeting, about what righteous living

6 core value means, such as premarital sex. And so,

7 that's -- I'm sorry. I forgot the exact nature of

8 your question.

9 Q Sure. I'll kind of rephrase it.

10 So, engaging in premarital sex is a violation

11 of the righteous living core value because it's

12 consistent with Judeo-Christian values that

13 premarital sex is wrong; is that right?

14 A My opinion is she was terminated because she

15 violated the righteous living core value by having

16 premarital sex, period.

17 Q Do you know why having premarital sex

18 violates the righteous living policy or core value?

19 A No.

20 Q Okay. So, as a member of the operating

21 board, you don't know why premarital sex violates

22 the righteous living core value?

23 A Correct.

24 Q Okay. And you were -- I think you mentioned

25 this before. You were not a decision-maker into

Caitlin's termination, right?

A Correct.

Q Did you recommend that she be terminated?

A I don't recall.

Q Do you agree with the decision to terminate Ms. O'Connor?

A Yes, I agree with the decision.

MS. WALTER: I am going to show you another -- this is previously marked Exhibit 5.

(WHEREUPON, a document was presented, previously marked as Exhibit Number 5.)

MS. SANDERS: For the record, I've just given the witness a paper document marked Exhibit 5, [REDACTED].

BY MS. WALTER:

Q All right. I'm going to scroll down. This is one of those situations where the earliest message is actually at the bottom. So, just bear with me. So, if you'll actually go to the last page. You're welcome to follow along on the computer, whatever is easiest for you. I just want to make sure that we are on the same page.

All right. Do you recognize this e-mail?

A Could you zoom that in?

Q Yes, absolutely.

A Yes, I recognize that e-mail.

Q Okay. And then, I'm going to scroll up. It looks like within two minutes -- so Caitlin sent that e-mail June 18th at 4:44 p.m., and then at 4:46 p.m. that same day, [REDACTED] forwarded this e-mail to yourself, Dave Ramsey, and the HR committee; is that right?

A Yes.

Q Okay. All right. And then I'm going to scroll up a little bit. And in here, in an e-mail that you are included in, [REDACTED] says, "She sent me the e-mail only. I agree with handling the same way we have in the past."

Do you know what he meant by that?

MS. SANDERS: Ashley, I'm going to let Mr. Finney read the whole document if he wants to. It's kind of hard to see --

(Overlapping speech.)

MS. WALTER: That's fine if he wants to read the e-mail that's between them.

THE WITNESS: Can you scroll back to [REDACTED] response?

BY MS. WALTER:

Q Sure.

A Can you ask your question again?

Q Yes. What is your understanding of what [REDACTED] meant by "I agree with handling the same way we have in the past"?

A My opinion is [REDACTED] was relying on previous HR committee experience when he made that statement.

Q Okay. And what was that HR committee experience that he was relying on?

A I don't know.

Q And I'll scroll back down. Ms. Sievertsen says in the last sentence, "Lots of grace, lots of generosity, but our core values and what they stand for are clear."

Do you know what she meant by that?

A My opinion is that she meant that the specific core value of righteous living and what we mean by it is clear.

Q Okay. And is that alluding to the premarital sex requirement of the core value? Or the abstaining from premarital sex requirement of the core value?

A My opinion is that she was talking about premarital sex.

Q Okay. And so, the first notification that Ms. O'Connor violated the righteous living policy was after she sent this e-mail below, notifying

██████████ that she was pregnant?

A I'm sorry. Could you say that one more time?

Q Sure. So, the first time Ramsey Solutions became aware that Ms. O'Connor violated its core value of righteous living by engaging in premarital sex is when she sent ██████████ an e-mail saying that she was pregnant?

A To my knowledge, that is true.

Q Okay. So, you have no reason to believe that Ms. O'Connor told somebody else in a different way that she was -- that she had violated the premarital sex righteous living core value?

A I wouldn't know.

Q Okay. All right. And do you agree with the decision that after Ms. O'Connor notified ██████████ ██████████ that she was pregnant and unmarried that she should be terminated?

MS. SANDERS: Object to the form. He can answer it.

THE WITNESS: Can you ask that again, please?

BY MS. WALTER:

Q Sure. So, do you agree with the decision to terminate Ms. O'Connor after she notified ██████████ ██████████ that she was pregnant and unmarried --

MS. SANDERS: Object to the form.

BY MS. WALTER:

Q -- and requested FMLA paperwork?

A I do not believe she was terminated because she requested FMLA or was pregnant.

Q Sure. But that wasn't quite my question.

So, would you agree that in her e-mail she is notifying [REDACTED] that she is pregnant, that she's unmarried, and that she requested FMLA and ADA paperwork?

A I see that she requested ADA paperwork and FMLA something.

Q Okay. So, after she sent an e-mail that says she was pregnant, unmarried, requesting FMLA paperwork, and requesting ADA paperwork, there was a decision to terminate her, right?

A To my knowledge, I do not believe the decision had anything to do with the FMLA or ADA paperwork.

Q Sure. That's just not quite my question. I'm more asking if you agreed with the decision to terminate her after she sent this e-mail.

A I stated previously, I agree with the decision to terminate Caitlin because she engaged in premarital sex, which is a violation of the

righteous living core value.

Q Sure. After she was notified Ramsey Solutions she was pregnant, unmarried, and requested FMLA paperwork and ADA paperwork.

MS. SANDERS: Object to the form. He's answered this.

MS. WALTER: He's answered a variation of it, but not actually that question.

MS. SANDERS: Is your question timing? Does he agree that they fired Caitlin after June 18th? Is that what you're asking? Because I'm confused, too, frankly.

BY MS. WALTER:

Q I'll scroll up and then we can maybe work our way backwards.

So, Ms. O'Connor notifies [REDACTED] on June 18th at 4:44 p.m. that she's pregnant, unmarried, and requested FMLA paperwork and ADA paperwork; is that right?

A Yes.

Q Okay. And then, two minutes later, [REDACTED] forwarded that -- Ms. O'Connor's e-mail to yourself, Dave Ramsey, and the HR committee, right?

A Right.

Q Okay. And two minutes after that,

1 Ms. Sievertsen sends an e-mail that ends with "Lots
2 of grace, lots of generosity, but our core values
3 and what they stand for are clear."

4 A Yes.

5 Q And she stated, "We've dealt with this before
6 and I think we should handle it exactly the same
7 way."

8 A Yes, Jen said that in that e-mail.

9 Q Okay. Do you know what she means by "...we
10 should handle it exactly the same way"?

11 A Again, my opinion is that she is referencing
12 prior HR committee decisions.

13 Q And what is that prior HRC committee
14 decision?

15 A That we terminate someone for a violation of
16 the righteous living core value for having
17 premarital sex.

18 Q Okay. So, based -- is it correct that based
19 off of Ms. O'Connor's e-mail, a decision was made to
20 fire her within four minutes of her sending it?

21 A I do not know when the decision was made, how
22 long after this e-mail the decision was made.

23 Q Okay. We can scroll up and see. And feel
24 free to look through -- it looks like Mark Floyd
25 said he agrees with the precedent. Sarah Sloyan

Attorneys Eyes Only

1 said, "I agree with Jen's thoughts." Is that right?

2 A Yes.

3 Q And then you replied, "[I] agree with Jen as
4 well. Sad." Is that right?

5 A Yes.

6 Q What were you agreeing with?

7 A I agreed with what Jen said.

8 Q And what about what Jen said -- and I'll go
9 back -- did you agree with?

10 A Specifically, the last sentence. "Lots of
11 grace, lots of generosity, but our core values and
12 what they stand for are clear."

13 Q Okay. And what did you agree with about that
14 statement? What is clear?

15 A Our core values and what they stand for.

16 Q And what are those core values and what do
17 they stand for?

18 A Specifically, righteous living and that
19 premarital sex is a violation of the righteous
20 living core value.

21 Q Okay. And why did you say, "Sad"? I would
22 think that having a baby is a happy occasion.

23 A I was sad to know we might be losing Caitlin
24 as a team member.

25 Q Okay. And why wouldn't you lose Caitlin as a

1 team member?

2 A I'm sorry, say that again.

3 Q Yeah. You said we might be losing her as a
4 team member. Would there have been something that
5 prevented her from being terminated?

6 A As of this e-mail, when I replied, "Agree
7 with Jen as well. Sad," to my knowledge, we had not
8 made a final decision at that point. I don't know
9 if there were further HR committee discussions or
10 not.

11 Q Sure. And based off of Ms. O'Connor's
12 e-mail, are there a set of circumstances that would
13 have prevented -- that would have ensured she kept
14 her job, that wouldn't have led to her termination?

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

17 THE REPORTER: I'm sorry I need a
18 moment, please.

19 MS. WALTER: Sure.

20 (Discussion off the record.)

21 (The requested question was read back by
22 the court reporter as follows:

23 "Question: And based off of
24 Ms. O'Connor's e-mail, are there a set of
25 circumstances that would have prevented -- that

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1 would have ensured she kept her job, that wouldn't
2 have led to her termination?")

3 THE REPORTER: And then an objection to
4 form by Ms. Sanders.

5 MS. SANDERS: You can answer.

6 THE WITNESS: I don't know.

7 BY MS. WALTER:

8 Q Okay. You've referenced -- you've testified
9 before about, you know, a previous HRC committee
10 decision. Has there ever been -- with the knowledge
11 that Ms. O'Connor stated that she was unmarried and
12 pregnant, would there have been a situation that
13 would have allowed her to keep her job?

14 MS. SANDERS: Same objection.

15 You can answer.

16 THE WITNESS: To my knowledge, I don't
17 know. I don't think so, but that would be up to the
18 HR committee.

19 BY MS. WALTER:

20 Q Okay. But in your experience, no?

21 A Correct.

22 Q Okay. All right. And then I'm going to keep
23 scrolling. Some of these are repeats.

24 Mark Floyd wrote in his e-mail, "Totally
25 classless on her part."

Do you know what -- what did you take that to mean when you read it?

A I don't recall.

Q Looking over it now, what do you take that to mean? And you can take a minute to read through them if you'd like.

A I don't know why Mark said that. I would guess that perhaps he meant that it was sent in an e-mail.

Q Okay.

A But I don't know.

MS. WALTER: All right. I'm going to share with you another document which is previously marked Exhibit 6.

(WHEREUPON, a document was presented, previously marked as Exhibit Number 6.)

MS. SANDERS: For the record, I've just handed the witness the copy of Exhibit 6, [REDACTED].

BY MS. WALTER:

Q All right. It looks like -- so, this again starts with Ms. O'Connor's initial e-mail notifying that she's pregnant, followed by [REDACTED] sending the e-mail to Dave Ramsey, yourself, and the HRC committee. I keep saying that. The HR committee. HRC committee is redundant.

Then it looks like Dave Ramsey responded to you, Daniel Ramsey, the HR committee, and [REDACTED] saying, "So sad. The reason she sent an e-mail is she is scared and embarrassed. Jen 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. Then next week we will follow the steps we did before. Lots of grace, care for the child, money, counseling, pastor support. We were thorough because that is the right thing to do." And he sent that at 5:10 a.m. the next morning.

What did you understand him to mean when he said, "Tell her we will work this out with her next week but she will be loved and cared for. Then next week we will follow the steps that we did before"?

A My opinion is he's referring to some past experience with HR committee.

Q Do you know what that experience is?

A No.

Q Do you know if the next steps would be termination?

A I don't know.

Q Okay. All right. Have you ever had -- actually, strike that.

MS. WALTER: I'm going to share what is previously marked Exhibit 7.

(WHEREUPON, a document was presented, previously marked as Exhibit Number 7.)

BY MS. WALTER:

Q All right. So, in this it looks like there -- and you can take a minute to read through.

A Thank you. (Reviewing document.)

Q Let me know when you're ready.

A I'm ready.

Q Okay. So I'm just going to scroll up. It looks like the decision was made at some point to terminate Ms. O'Connor. And then it looks like Dave Ramsey responds agreeing with Suzanne Simms' e-mail and that "Finney and ██████ should not talk. As a matter of fact, would be good if one of them is not there."

Do you know why you shouldn't talk --

A I don't know.

Q -- to Ms. O'Connor?

A I don't know.

Q Okay. And it looks like you responded later that "I don't want her to feel ganged up on either. If I felt a lot of shame, I think I'd appreciate fewer people rather than more. I'm good to let you

and [REDACTED] take it."

Were you concerned that Ms. O'Connor would feel ganged up on?

A I was trying to communicate that in a meeting where you may terminate someone, generally having fewer rather than more people in the room is preferable.

Q Okay. And then next you said, "If I felt a lot of shame..."

Why did you feel like Ms. O'Connor felt shameful?

A I don't know. I believe what I was trying to communicate was it's just hard to get fired. It's not a good day.

Q Okay. I'm going to reference back to Exhibit 6, where Mr. Ramsey states, "So sad. The reason she sent an e-mail is she's scared and embarrassed."

Did that influence why you thought she might feel shameful?

A I don't recall.

Q Okay. Is an employee required to announce their pregnancy in person?

A I don't believe so.

Q Okay. Is there a reason to believe that an

1 e-mail is not the appropriate medium to announce --
2 to tell HR you're pregnant and request paperwork?

3 A I'm sorry. Can you -- I missed the first
4 part of what you said.

5 Q Sure. Is there a reason to believe that
6 someone e-mailing HR to announce that they're
7 pregnant and request paperwork is a problem? Is
8 that not how they should request paperwork?

9 A My opinion is it is not a problem to request
10 paperwork by e-mail.

11 Q And if a married person e-mailed HR saying
12 they were pregnant and requested FMLA paperwork,
13 would you assume that they were ashamed?

14 A I would say what I said. I don't -- I don't
15 think it is inappropriate to request paperwork by
16 e-mail.

17 Q Okay. Is there a standard policy or
18 procedure that this -- that this information should
19 be requested in person?

20 A I don't know.

21 Q Okay. In your experience with Ms. O'Connor's
22 employment, had there been any other inquiries into
23 Ms. O'Connor's personal behavior with significant
24 others?

25 A Can you say what you mean by inquiry?

Attorneys Eyes Only

1 Q I guess curiosity or discussion, asking about
2 personal details of Ms. O'Connor's significant
3 other's relationship.

4 A I can't remember a time when I ever asked
5 about a significant other's relationship with
6 Ms. O'Connor.

7 Q Okay. So, you never asked Ms. O'Connor if
8 she shared a hotel room or any sort of room with a
9 significant other?

10 A I did not ask that.

11 Q Okay. Did you ask anything of Ms. O'Connor
12 about her significant others ever?

13 A I don't recall.

14 Q Okay. Have you ever had to look into
15 Ms. O'Connor's relationships with her significant
16 others? And by --

17 (Overlapping speech.)

18 A When you say --

19 Q Yeah. And by look into, I mean uncover
20 details about Ms. O'Connor's personal relationship
21 with her significant others.

22 A I have never investigated details about her
23 relationship with significant others.

24 Q Okay. With any other employees have you been
25 asked to do that?

Attorneys Eyes Only

1 A I don't think so.

2 Q Okay. And I guess with any other employees,
3 have you looked into details of their personal lives
4 with their significant others, even if you weren't
5 asked to do so?

6 A I have not investigated personal details.

7 Q Okay. Does sharing a room with a member of
8 the opposite sex automatically violate the righteous
9 living policy?

10 A Does sharing a room automatically violate it?

11 Q Sure. So, for example, if you found out an
12 employee was -- stayed the weekend at their
13 significant other's home or apartment, would that
14 violate the righteous living policy?

15 A No.

16 Q Okay. There wouldn't be an assumption that
17 if a female employee was staying at her boyfriend's
18 house that premarital sex occurred?

19 A I don't think that I could automatically make
20 that assumption.

21 Q If -- is an employee required to answer
22 questions if that information was uncovered about
23 it?

24 A I don't know.

25 MS. WALTER: Okay. All right. I'm

1 going to pull up one document. And this is
2 previously marked Exhibit 2.

3 (WHEREUPON, a document was presented,
4 previously marked as Exhibit Number 2.)

5 MS. SANDERS: For the record, I've
6 handed the witness the paper document marked
7 Exhibit 2.

8 BY MS. WALTER:

9 Q Okay. Mr. Finney, do you recognize this
10 document?

11 A Yes.

12 Q Okay. Are these the Ramsey Solutions core
13 values?

14 A Yes.

15 Q Okay. And it looks like under "Righteous
16 Living," it says, "We believe that character
17 matters. All the time."

18 Is that right?

19 A Yes.

20 Q Can you just kind of explain to me how having
21 premarital sex means that someone doesn't have
22 character and that character matters all the time?

23 A When we have talked about this core value, I
24 can't remember us talking about premarital sex and
25 connecting it to the subtitle of "we believe that

1 character matters all the time." We have just
2 referred to that as a violation of the righteous
3 living core value.

4 Q Okay. So, someone can engage in premarital
5 sex and still have character?

6 A Again, we've never connected someone's
7 character to premarital sex anytime I can remember
8 us discussing this core value.

9 Q Okay. But righteous living is a component of
10 having character that an employee should have all
11 the time?

12 A I believe that this says that we believe that
13 character matters all of the time.

14 Q Okay. And so, if you -- actions that violate
15 righteous living would then, by extension, violate
16 someone having good character?

17 A I can't recall when we've ever said that.

18 Q Okay. But what's your understanding of it?

19 A My understanding is that premarital sex is
20 something that is inconsistent with how we talk
21 about righteous living.

22 Q Okay. Now, if -- I guess if someone by
23 extension -- if it was a gay couple who were
24 engaging in marital sex, would that violate the
25 righteous living policy, to your understanding?

Attorneys Eyes Only

1 MS. SANDERS: Object to the form. He
2 can answer to his understanding.

3 THE WITNESS: I'm sorry. Can you state
4 that again?

5 BY MS. WALTER:

6 Q Sure. So, you mentioned that it's come up a
7 few times before that premarital sex and
8 extramarital sex violate the righteous living
9 policy; is that right?

10 A Yes.

11 Q Okay. What about marital sex, so sex within
12 a marriage, but it happens to be a homosexual
13 couple, does that violate the righteous living
14 policy?

15 A That has never come up.

16 Q Okay. But your understanding as the -- at
17 the time and currently as the -- at the time as a
18 chief digital officer and currently as the chief
19 operating officer and a member of the operating
20 board, what is your understanding?

21 A My understanding is that the HR committee is
22 the one -- ones who make determinations as to what
23 does or does not constitute righteous living, and I
24 am not aware of any decision that they have made
25 related to the scenario you proposed.

Attorneys Eyes Only

1 Q Okay. Do you know who makes the final call
2 within the HRC committee of whether something
3 violates the righteous living policy, like if the
4 committee -- there's no majority vote, so to speak,
5 who makes the final decision?

6 A I don't know.

7 Q Okay. And do you know where the righteous
8 living policy comes from -- or the righteous living
9 core value comes from?

10 A I do not know its origins.

11 Q Okay. Do you remember which employees you've
12 reported to the HRC committee -- or the HR
13 committee?

14 A I don't have a list in front of me, no.

15 Q Okay. Do you recall any?

16 A Yes, there have been times I have sent
17 information about a team member to HR committee.

18 Q Okay. And do you remember any of those
19 people's names?

20 A Offhand?

21 Q Yes.

22 A Offhand, it's been a while. None just
23 immediately come to mind.

24 Q Okay. Do you remember -- even if you don't
25 remember their name, do you know what you reported

them for?

A I don't have any specific knowledge.

Q You don't recall what --

(Overlapping speech.)

A None specifically come to mind right now.

Q Okay. Well, for example, I guess we talked about some earlier. What about pornography?

A I have sent information to the HRC related to pornography.

Q Okay. Do you remember who that was regarding? Did the pornography jog your memory?

A [REDACTED] is one that comes to mind.

Q Okay. Tell me a little bit about what happened with [REDACTED] when you reported him to the HR committee.

A Because I lead IT, I was notified that our firewall that protects our incoming traffic from pornography and viruses, et cetera, that our firewall was -- a lot of pornography was attempting to get through our firewall. And when we traced it, we traced it to a device that [REDACTED] was using.

Q Okay. And what happened when you traced it to [REDACTED] device?

A I don't remember specifically what I did, but I know that I notified -- [REDACTED] was not on my team,

so I provided information to, I believe initially,
[REDACTED] leader of what happened.

Q Okay. Do you remember -- who was his leader?

A [REDACTED].

Q Okay. Do you know what happened to [REDACTED]
[REDACTED]?

A I know that he was eventually terminated.

Q Was he terminated right away?

A I don't recall the timing.

Q Okay. Do you know if he was given a warning?

A Goodness. I don't recall specifically that
situation and whether or not a warning was given.

Q Okay. I'm going to show you a document real
quick.

Actually, are you familiar with an [REDACTED]
[REDACTED]?

A No.

Q No? He's never worked for you or within your
department?

A No.

Q What about a [REDACTED]?

A No.

Q Have you had any other -- or any employee
other than [REDACTED] caught looking at porn at
work or through any of the devices at work?

Attorneys Eyes Only

1 A I don't recall.

2 Q Okay. Have you had any employees who were
3 treated for a porn addiction in your experience?

4 A No one on my team that I'm aware of.

5 Q Okay. What about -- now, when you say your
6 team, do you just mean your direct reports or the
7 people who report to your direct reports?

8 A Both.

9 Q Both, okay. Are you aware of any Ramsey
10 Solutions employees who have had extramarital
11 affairs?

12 A Do you mean current employees?

13 Q Current and former.

14 A I'm sorry. So state that again now that I
15 understand.

16 Q Are you aware of any current or former Ramsey
17 Solutions employees who have had extramarital
18 affairs?

19 A Yes.

20 Q Okay. And who were those people?

21 A Again, I don't have a list in front of me and
22 would struggle to recall individual names.

23 Q Do you remember any individual names? It
24 doesn't have to be an exhaustive list if you don't
25 remember all of them, but do you remember any names?

MS. SANDERS: For the record, we'll designate this deposition as confidential so you can testify and the transcript will be confidential.

THE WITNESS: Okay.

MS. SANDERS: So if you do recall names, it's okay to say it.

THE WITNESS: Okay. [REDACTED] is one that I -- the one that comes to mind.

BY MS. WALTER:

Q Okay. And what's your understanding of the situation -- the extramarital affair involving [REDACTED] [REDACTED]?

A My understanding, that the affair was something that happened quite a long time ago, if I recall correctly, perhaps [REDACTED], and that -- yes, that there was an extramarital affair [REDACTED].

Q Okay. So with extramarital affairs, there's a little bit of a flexible policy if it's happened a few years prior?

MS. SANDERS: Object to the form. He can answer.

THE WITNESS: To my knowledge, [REDACTED] [REDACTED] extramarital affair was the first time we had been presented with an extramarital affair that

had happened in the past.

BY MS. WALTER:

Q But while he was still a Ramsey employee?

A I believe he was a Ramsey employee when that extramarital affair took place.

Q Okay. So that -- and was that a decision made by the operating board?

A Yes.

Q And when did you first become aware of it, of the extramarital affair?

A It was [REDACTED]. I could have that year wrong, but it was a [REDACTED].

Q Okay. So, your understanding of the extramarital affair that Ramsey Solutions became aware of in [REDACTED] was one that happened a number of years prior; is that right?

A Yes.

Q Okay. And so, the operating board made a decision that because it happened a number of years prior, that was not a terminable offense?

A Correct.

Q Okay. So would you then say there's some flexibility with the prohibition of extramarital affairs depending on when they happen?

A I would say that the -- in my experience, the

Attorneys Eyes Only

1 only time that we have ever made an exception to
2 that core value was in that one case where the
3 affair had been such a long time ago.

4 Q Okay. So, if a male employee had a child
5 outside of wedlock but never disclosed it to Ramsey
6 Solutions and Ramsey Solutions found out about it
7 years later, would an exception be made?

8 A I don't know.

9 Q Because theoretically, a man could hide a
10 pregnancy or a child out of wedlock where a female
11 couldn't, right?

12 A I don't know.

13 Q You don't know if a woman could hide a
14 pregnancy?

15 A I'm saying, in your hypothetical scenario, I
16 don't know what our decision would be.

17 Q Okay. But you agree that a man could more
18 easily hide a child out of wedlock than a female, a
19 pregnant female could, right?

20 A I've honestly never thought about it.

21 Q What are your thoughts now?

22 A I don't know. I've never thought of a male
23 hiding a child or a pregnancy. I've never -- I've
24 just never even thought about it.

25 Q I follow all those scenarios where there's

people with secret second families and they typically end up being men because women can't really hide all of their secret families around.

So, as a member of the operating board in [REDACTED], was there any discussion about [REDACTED] engaging in recent oral sex with someone?

A There was a discussion about oral sex that was, I believe, [REDACTED] prior to that conversation.

Q Okay. And what was that conversation?

A The conversation was around the timing of that as well.

Q Okay. So your understanding is, in [REDACTED], any discussions about [REDACTED] extramarital affairs included both intercourse and oral sex but both were years prior; is that right?

A Yes.

Q Okay. I just -- I'm not trying to put words in your mouth. I'm just trying to make sure I understand what you're saying.

So, in [REDACTED], there was no discussion of a recent affair involving [REDACTED]?

A Correct.

Q And that the reason the oral sex was not a terminable offense is because it happened years

prior; is that right?

A Correct. It was due to the timing.

Q Okay. So, there is a prohibition -- so if a current -- if you find out a current employee tomorrow has recently engaged in oral sex, that would violate the righteous living policy?

A My personal opinion is that it does, but I would take that to the HRC.

Q Okay. But your understanding as the COO and a member of the operating board and a supervisor, that that would violate the righteous living policy?

A My understanding is that oral sex outside of wedlock would violate righteous living.

Q Okay. Have you ever had another employee under your supervision terminated after informing Ramsey Solutions they were having a baby, whether it be themselves or their spouse?

A Yes.

Q Okay. And who was that?

A I believe his name was [REDACTED].

Q Is that [REDACTED]?

A [REDACTED], yes.

Q I'm going to show you a document. I'm going to share this one because this is not a previously marked exhibit, so I'm going to go ahead and share

it and then also share it on the screen.

MS. SANDERS: While she's doing that, Jerri, just as a reminder, I know you've heard this, but any testimony related to [REDACTED] is attorneys' eyes only.

THE REPORTER: Yes.

MS. WALTER: All right. This may take a minute to come through.

MS. SANDERS: It's open, Ashley. We can't see you, but we can see the document.

MS. WALTER: You can't see me?

MS. SANDERS: No. We can only see the document.

MS. WALTER: That is so strange. Okay. Well, I guess the most important thing is to see the document. I don't know that it's necessary to see my face.

MS. SANDERS: He just minimized it. So I think he can --

(Overlapping speech.)

THE WITNESS: I can see the document now. We can see your screen share of the document.

MS. WALTER: Okay. Got it. All right. We're going to go ahead and mark this as the next exhibit, which I believe is Exhibit 18.

(WHEREUPON, a document was marked as Exhibit Number 18.)

BY MS. WALTER:

Q I'm going to scroll through. I have a few questions about some of these documents to see what you were aware of.

Could you walk me through a bit the situation you mentioned earlier with [REDACTED]?

A With [REDACTED], I learned -- I don't recall how I learned, but I learned that there was concern that he had violated the righteous living core value. That discussion was taken to the HR committee and the HR committee made the decision to terminate him.

Q Okay. Did you agree with the decision to terminate him at the time?

A I provided information to the HR committee, but this was -- this was one I struggled with.

Q Okay. And why did you struggle with this one?

A I struggled because I wasn't -- I wasn't sure of the timing related to when he was hired and when the premarital sex may have occurred.

Q Okay. I'll walk through some documents and maybe you can kind of explain that more. So let me scroll down. All right.

It looks like -- and correct me if I'm wrong, but it looks like on [REDACTED], an e-mail was sent by [REDACTED]. Who is [REDACTED]?

A Could you zoom in?

Q Absolutely.

MS. SANDERS: We can't see that at all, Ashley. Sorry. Okay. That's much better, thank you.

THE WITNESS: [REDACTED] was [REDACTED] leader.

BY MS. WALTER:

Q Did [REDACTED] report to you?

A [REDACTED] reported to [REDACTED], [REDACTED] [REDACTED] reported to [REDACTED], [REDACTED] reported to me.

Q Okay. So it's seven degrees of Mike Finney is what I'm hearing, from one to the other to the other to the other and then eventually up to you.

And is this how you found out about it, about [REDACTED] situation, this e-mail on [REDACTED]?

A I don't recall if that was the first time I had heard about it or not.

Q And in this [REDACTED] [sic] note, it says, "Gentlemen, I wanted to let you all know something

man or a woman?

A Man.

Q Okay. So, [REDACTED] found out that

[REDACTED]

[REDACTED]

[REDACTED]

A I would say that [REDACTED] was concerned about a violation of the righteous living core value.

Q

[REDACTED]

[REDACTED]

that's what triggered [REDACTED] concern?

A I don't know what conversations happened prior to this or if there was anything else that caused him concern.

Q But that's what he communicated to you; is that right?

A He communicated this timeline of events in this e-mail.

Q So then [REDACTED] went from the date that

[REDACTED]

[REDACTED]

[REDACTED]

A My opinion is that is what he was doing.

Q Okay. Do employees at Ramsey Solutions often try to create a timeline to determine when an

employee conceived their child?

A No.

Q Okay. So what happened after you got this e-mail, after [REDACTED] decided to create a timeline of conception to present date at the time of this e-mail?

A I don't recall the exact next action.

Q All right. Do you remember if you had any conversations with [REDACTED]?

A I don't recall having conversations with [REDACTED] related to what [REDACTED] -- I don't recall having conversations with [REDACTED] about this.

Q Okay. So this was on [REDACTED]. I'm going to try to scroll through. It looks like -- so then it looks like there was an e-mail between you, Mr.-- how do you pronounce that? [REDACTED] (phonetic)?

A [REDACTED] (phonetic).

Q [REDACTED], [REDACTED], yourself, and [REDACTED] setting up a meeting. I'm trying to make sure I have these in the right order. I have to scroll down to actually go further back. Okay. Here we go.

So, [REDACTED] responds to [REDACTED] e-mail with, "FYI, I will meet with [REDACTED] today. Crap."

Do you know why he would have said that?

A I don't know why he said that.

Q Okay. I'm sorry. I'm skipping ahead.

And you were not part of the HRC committee at this time, were you?

A I have never been on the HR committee.

Q That helps, because I'll then skip through some of the e-mails that aren't addressed to you.

All right. It does look like you received an e-mail from [REDACTED] that says -- I'm sorry. I'm just trying to figure out where this starts. One second. It is hard when they kind of go backwards.

Okay. So it looks like then the next day in January, you received an e-mail from [REDACTED] stating, "Dave is good to move forward. Can you let me know what time you plan to meet for me to be ready?"

And you responded with, "We probably only need a half hour but we should schedule the full hour. I have either the 1:00 p.m. hour, the 3:00 p.m. hour where I can shift things.

"First 15 minutes, [REDACTED]/Finney talk, agree on plan.

"The next 15 to 45 minutes, bring [REDACTED] in. Talk. Give him the bad news. Take him to [REDACTED]

office."

And that's from you, right?

A I sent that e-mail.

Q Okay. So, is it your understanding that when [REDACTED] said "Dave is good to move forward," that the moving forward was with the termination of [REDACTED]?

A It's tough to see the whole document and all the context here, so I don't know.

Q Did you bring [REDACTED] -- when you said bring [REDACTED] in, talk, give him the bad news, would there be any other bad news besides his termination?

A I believe that's when we terminated him, but I don't -- I don't recall if it was that particular meeting.

Q Did you have any other bad news that you recall having to tell [REDACTED] that would then require him to go to [REDACTED] office?

A I don't recall.

Q And is the Dave referenced in [REDACTED] e-mail, is that Dave Ramsey or is there another Dave?

A I don't know. It's tough, because again, I can't see what that is in response to.

Q It looks like that that's the first e-mail.

But I can scroll down.

A I am unaware of what conversations happened with [REDACTED] and HR committee or anyone else.

Q Okay. Let me scroll down to the beginning of this one, then. All right.

All right. It looks like that [REDACTED], on [REDACTED], the same day as receiving the e-mail from [REDACTED], said, "Nothing new to report after meeting [REDACTED]. Righteous living was discussed with [REDACTED] at interview and brought up at spousal lunch with [REDACTED] and his wife, [REDACTED]. [REDACTED] showed up alone since he was not married and conversations were had to insure he understood our core value and stance."

Then it lists out when [REDACTED] started, how much he makes, and [REDACTED] says, "I'm leaning towards 5K, which is what we offer people who opt out in 90 days. Thoughts?"

And your response seems to be, "The only wrinkle in this whole thing is he got her pregnant before he started here. Sure, we hire people all the time to who kids out of wedlock.

"My question would be would that change anything? I'm 99 percent sure that doesn't change things, but I had to call it out before we made the

final decision."

Did you write that?

A Yes.

Q Okay. What did you mean by that?

A What I meant was, I wanted to be sure that if the righteous living core value was violated, that it was violated post [REDACTED] being hired.

Q And how would you have been able to determine that?

A I never determined that.

Q Sorry. I didn't say -- I didn't ask if you did. I just said how would you have been able to determine that? Like what method would you have tried to use to determine whether he violated it before or after he was hired?

A I never had a conversation with [REDACTED] about that.

Q Okay. Would that mean that if he had, you know, premarital sex with her on the [REDACTED] before being -- before his start date, then he would be -- he wouldn't be fired, but if he did after his start date, then he would?

A I was communicating a concern to [REDACTED] and, I believe, the rest of the HR committee that I wanted them to consider when making a decision.

1 Q Okay. You do write, "But I had to call it
2 out before we make the final decision."

3 Who is the we?

4 A Yeah. That was more meant to say you guys,
5 because I'm sending it to them for the decision. I
6 was not involved, nor did I expect to be involved in
7 the decision.

8 Q Okay. Got it. I'm going to scroll down. It
9 looks like you then, after sending that e-mail, sent
10 another one that said, "Wow. That didn't come out
11 right. I'm sure we hire people who had sex before
12 marriage all the time. We don't hold that against
13 them.

14 "Maybe these two renewed their pledge to stay
15 off each other after getting pregnant (but I highly
16 doubt it).

17 "Again, I don't think it changes it. Does
18 it? If he says he knows he screwed up and they
19 talked about it and he told her dad and they talked
20 with their pastor and and and...would that change
21 anything?"

22 What did you mean by that e-mail?

23 A I felt like my previous e-mail didn't
24 communicate very well what I was trying to say, so I
25 sent this just a couple of minutes later trying to

be more clear.

Q Okay. And what did you mean by this e-mail? Did you think that there were circumstances that would have made it so that [REDACTED] didn't have to be fired for engaging in premarital sex?

A I was trying to communicate a concern, that I wanted to be sure that we didn't hold something against someone that happened prior to them getting hired here.

Q What about the portion where it says, "If he says he knows he screwed up and they talked about it..."? If [REDACTED] would have admitted that the premarital sex was a mistake and, you know, he married the mother of his child, in your opinion would that change whether he should be terminated?

A I'm sorry. Can you zoom in? It's really hard to see.

Q Absolutely. I'm happy to do that. Sorry. There's a balance between being zoomed out enough to see and being zoomed in enough to see.

A (Reviewing document.)

I am offering hypothetical questions to the HRC for them to consider when they make the decision.

Q Okay. So, in your opinion, things like

Attorneys Eyes Only

1 whether someone apologized or talked with their
2 pastor or things like that should be considered in
3 whether someone is terminated for engaging in
4 premarital sex?

5 MS. SANDERS: Object to the form. He
6 can answer.

7 THE WITNESS: My main and I believe only
8 concern was more around the timing.

9 BY MS. WALTER:

10 Q So it didn't matter if he said he knows he
11 screwed up and they talked about it and he told her
12 dad and they talked about it with their pastor, that
13 wouldn't matter, in your opinion?

14 A I'm talking about that within the context of
15 the timing.

16 Q Okay. I'm zooming far out just so I can
17 scroll quickly. I will zoom back in. I'm going to
18 scroll a little bit down because it looks like this
19 conversation began a little bit earlier.

20 Okay. So it looks like Ms. Simms, in
21 response to your e-mail that we just talked about
22 that said "Wow, that didn't come out right," she
23 states, "Feels like he would've said all that by
24 now," question mark, exclamation point.

25 And then Jack Galloway responded, "Didn't

hear back from Dave yesterday, but I don't expect any pushback. So anytime after Dave replies:

"I will confirm with you guys by e-mail.

"Finney and [REDACTED] sound like the right pair to meet with him.

"[REDACTED] will meet with him afterwards."

Who is your understanding of who Dave is in that context?

A My understanding is that's Dave Ramsey.

Q Okay. So, if -- am I reading this correctly that once Dave replies, as he had not yet, then you could go ahead with a meeting to terminate [REDACTED] [REDACTED]?

A I do not know how HRC operates in regards to that.

Q Sure. I'm asking your understanding of how that e-mail is written.

A My understanding is Jack says he didn't hear back from Dave and that he is expecting Dave to reply.

Q And so anytime after Dave replies, Jack will confirm with you by e-mail, you and [REDACTED] are the right pair to meet with [REDACTED], and then [REDACTED] will meet with him afterwards. Is that right?

A I mean, it says that -- it's laying out those

three bullet points.

Q Okay. So, after Dave replies, then Jack will confirm, you and [REDACTED] are the right pair to meet with [REDACTED], and then [REDACTED] will meet with him afterwards. Is that right? I'm just trying to make sure I'm understanding.

A That's what the e-mail says. I do not know what actually happened.

Q Okay. And then it looks like you responded, "I think it should be [REDACTED] and [REDACTED]. I can be there, too, but I've never spoken to him outside of a quick meet and greet and my Fraps with Finney meeting."

Who is [REDACTED]?

A [REDACTED] is my direct report in the organization where [REDACTED] resided.

Q Okay. So, in that e-mail, are you saying it should be [REDACTED] and [REDACTED] who do the talking but you could also be there?

A I'm reading.

Q Take your time.

A (Reviewing document.)

It looks like I'm communicating that because I don't have -- I've barely ever spoken to [REDACTED], that I would prefer that others be there in the

meeting.

Q Okay. And then it looks like Suzanne said, "Finney, a board member has to be there."

And you responded, "I said I'll be there, too," exclamation point.

Is that right?

A Yes.

Q Were you frustrated with having to be there? Is that why there's an exclamation point?

A I think -- no, I was not frustrated with having to be there.

Q Okay. What was the emotion behind the exclamation point?

A I don't recall.

Q Okay. Would it help to read through the e-mails a little bit more?

A My guess is that I was -- I thought I had been clear that I intend to be there and so I'm reiterating that point.

Q In kind of the context of the e-mails that we just went over, you had testified earlier that you struggled with this one. After kind of going through the e-mails, do you have clarity on what you struggled with with this one, with [REDACTED] termination?

MS. SANDERS: Objection. Asked and answered. He can answer it.

THE WITNESS: I'm sorry. That question was confusing.

BY MS. WALTER:

Q Sure. You had testified earlier that you had struggled with the termination of [REDACTED], but I believe you also testified earlier that you couldn't really remember all the details. So, I was asking if after reviewing some of these documents if that gave understanding as to why you struggled with [REDACTED] termination.

MS. SANDERS: Object to the form. He can answer.

THE WITNESS: I struggled with the timing related, as we discussed. And yes, I'm now clear on that I was struggling with the timing.

BY MS. WALTER:

Q Is it your belief that Ramsey Solutions should be able to get into an investigation into the exact date and time of conception in order to determine whether they fire an employee?

A I don't know.

Q You don't have an opinion, as a supervisor, as a member of the operating board?

A As to whether we should conduct investigations?

Q Into the dates of conception of employees to determine whether or not they should be terminated when they tell you that they're pregnant or their wife is pregnant?

A I believe that we should be concerned if information comes to us that causes us to be reasonably concerned that a violation of the righteous living core value happened.

Q

MS. SANDERS: Object to the form.

You can answer.

THE WITNESS: I don't seek out to investigate people's personal lives.

BY MS. WALTER:

Q Would it be fair to say that [REDACTED] could have lied and hidden the date of conception of his soon-to-be-born baby?

A I assume [REDACTED] could do whatever he wanted.

Q Would it be fair that a female employee couldn't do the same thing, as she's the pregnant

1 employee?

2 A Again, I've never really put thought into
3 people trying to disclose or not disclose certain
4 information.

5 Q But in an effort to keep their position,
6 would that be fair to say, that a male employee
7 could do that?

8 A I believe that people could choose to
9 disclose or not disclose whatever they want. I
10 don't have any control over that.

11 Q But since a female employee is the pregnant
12 employee, could she really lie about that or hide
13 it?

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

15 Q Okay. And then -- I am actually almost done.
16 Have any employees during your employment
17 been terminated after Ramsey Solutions became aware
18 that they were living with their significant other?

19 A I am aware that we have terminated people who
20 were violating the righteous living core value and
21 they may have been living together.

22 Q Do you know if those employees were asked if
23 they having intercourse or oral sex with their
24 significant others?

25 A I don't know.

Q Okay. Are you familiar with a [REDACTED]
[REDACTED]?

A Yes.

MS. WALTER: Okay. I am going to pull up what is previously marked Exhibit 14.

(WHEREUPON, a document was presented, previously marked as Exhibit Number 14.)

MS. SANDERS: I'm handing the witness a document marked Exhibit 14, Floyd.

BY MS. WALTER:

Q What is your understanding about the situation involving the termination of [REDACTED]
[REDACTED]?

A I recall that it was a violation of the righteous living core value.

Q Do you remember what that violation was?

A I believe it was premarital sex.

Q Did [REDACTED] say that he and his significant other were having premarital sex?

A I don't recall.

Q I'm going to scroll down.

And this was in [REDACTED]. Were you on the operating board at that time?

A Yes.

Q Okay. Do you recognize the e-mail that is on

the screen? It's page -- if you look at the bottom, there are numbers. It's DEFENDANT 1324, but I'll also zoom in on it on the screen.

A I have a paper copy here.

Q Okay. Take a minute to look through that and let me know when you're ready.

A (Reviewing document.) Okay.

Q Do you recall, is this how you found out about the situation involving [REDACTED]?

A I don't recall.

Q Okay. But it looks like Jack Galloway sent an e-mail saying, "Yesterday Jim Ebert and [REDACTED] [REDACTED] came to me concerned that [REDACTED]" -- I assume that means [REDACTED]?

A Yes.

Q Okay. "... [REDACTED] and his fiancée are living together. I met with [REDACTED] today, along with Finney and Ebert, in my office. The short version is that [REDACTED] was very nice but also very guarded and was hesitant to tell me anything other than he and his fiancée live at the same address. But it was clear that they are living together and don't plan to change the situation.

"We had some discussion about our core values, how clear we've been about them and why

they're important. He understood all of that.

██████ is very liberal in his beliefs and shared with us that his fiancée's pastor recommended that they live together prior to marriage. We had some short discussion about the difference in varying interpretations of right and wrong versus agreeing work here and respect our core values."

Do you remember the conversation you had with ██████?

A I don't recall specifics of that discussion.

Q Okay. But based off of Jack Galloway's e-mail, the discussion was that ██████ was living with his fiancée and was guarded and was hesitant to tell Jack anything other than he and his fiancée live at the same address.

Do you have any reason to believe that that's not accurate?

A That is what the e-mail says, but again, I don't recall the details of the meeting that we had.

Q Okay. Do you have a reason to believe that the e-mail is not accurate?

A I believe that this e-mail is a short summary of a longer conversation that happened.

Q Okay. I'm going to scroll down to Page 1327. It appears -- that first e-mail was ██████████,

and this e-mail is -- appears earlier that day. It says -- again, it's from Jack to Dave Ramsey, yourself, and [REDACTED]. And it says, "[REDACTED] [REDACTED] is an [REDACTED]" -- which again means [REDACTED]. "His leaders strongly suspected he lives with his girlfriend. [REDACTED] is showing some attitude about it and says he won't talk anymore about this. I will meet with him today and give him a second shot at discussing this, leveling with me, and moving her out (or him) immediately.

"If that doesn't go well, I assume we will let him go today."

Is there a righteous -- does it violate the righteous living policy to live with your significant other?

A In my opinion, it does not violate the righteous living core value.

Q It appears then Dave Ramsey responds saying, "And the beat goes on. Starting to feel like we are running Bob Jones University.

"Attitude if almost funny it is so pitiful. The arrogance of that.

"If he slept with her" -- it says "of lives," but I believe that probably means or lives, so, "If he slept with her [or] lives with her or won't

answer the question, fire him on the spot. We have let people go that were much more repentant and offended the policy less.

"Thing is, Jack...that should be obvious."

To which Jack replies, "Sorry. I'll take care of it today."

So, is it your understanding, based off of that e-mail, that regardless of whether [REDACTED] was sleeping with his girlfriend, living with her was enough, or if he wouldn't answer a question about details of their personal life, then it was a fireable offense?

A I would not make that conclusion based on this e-mail.

Q Okay. What conclusion would you make?

A The conclusion that I would make is an assumption is being made that they are having premarital sex, and that if that is the case, that we shall fire him because that is what we have typically done.

Q The part where it says, "...or won't answer the question, fire him on the spot," what's your understanding of what that was meant to say?

A My understanding is that Dave was frustrated that someone may not answer a question.

Q And is that question whether or not he was having premarital sex with his girlfriend or fiancée?

A I would assume so.

Q So you could be fired for actually having premarital sex or refusing to answer a question about premarital sex?

A In my experience, no one that I'm aware of has ever been fired for refusing to answer a question about that.

Q But is this e-mail Mr. Ramsey directing Jack Galloway to fire [REDACTED] if he slept with his fiancée or lives with her or won't answer the question?

A My opinion is that we act very consistently as a company, and I would consider it inconsistent of us to fire someone who won't answer a question about something like that on the spot.

Q Sure. But is that what Mr. Ramsey's e-mail says?

MS. SANDERS: Objection to the form. He can answer it.

THE WITNESS: My experience with Dave's e-mails is that sometimes Dave can sound a lot more forceful than what he really means.

BY MS. WALTER:

Q So, is Dave lying that Jack should not do what he just -- what he says he should do?

A My assumption -- again, my opinion is that Dave is just frustrated about the situation in general and that is why he responded the way that he did.

Q And that's because [REDACTED] wouldn't answer whether -- Mr. Galloway's question whether he was sleeping with his fiancée?

A I don't pretend to know what Dave meant in this e-mail. My opinion is that by "and the beat goes on," that this, perhaps, could have been maybe a similar situation to something that had happened -- I don't know.

Q Okay. But is this Mr. Ramsey directing Jack Galloway's next action with regards to whether [REDACTED] [REDACTED] is terminated or not?

A I would not conclude that he is directing Mr. Galloway's exact next action. I would suspect that by saying "that should be obvious," that Dave is saying follow our normal procedure for how we handle these things through the HR committee.

Q Okay. So Jack is responding, saying, "Sorry, I'll take care of it today" to Mr. Ramsey's "if he

slept with her or lives with her or won't answer the question, fire him on the spot" is not a directive?

A If I had received that e-mail, I would not have taken that directive quite that literally.

Q Is there a Dave Ramsey interpreter that determines whether or not he's serious about his directive or not serious about it?

A No.

Q All right. And was [REDACTED] ultimately terminated?

A Yes.

Q Okay. And in the previous -- well, what is previously talked about but what is actually, I believe, a later e-mail that afternoon after Mr. Ramsey's e-mail, where it states, "I met with [REDACTED] today, along with Finney and Ebert, in my office. The short version is that [REDACTED] was very nice but also very guarded and was hesitant to tell me anything other than he and his fiancée live at the same address."

It mentions in that e-mail that his fiancée's pastor recommended they live together prior to marriage. Is that right? Based on the e-mail.

A The e-mail does say that.

Q Okay. Do you have any reason to believe that

that e-mail is wrong about that fact?

A No, I do not believe that to be wrong.

Q Okay. Was there any discussion about a religious accommodation for [REDACTED], due to the recommendation from a pastor that he and his fiancée should live together?

A Not to my knowledge.

Q Would that be something that's taken into consideration when someone's religious leader tells them that they should live together before marriage?

A We have never had anybody ask for that accommodation, to my knowledge.

Q Does an employee have to specifically say I'm requesting a religious accommodation when they tell you that a pastor recommended they do something?

A To my knowledge, again, this is the only time this has ever happened and [REDACTED] did not request an accommodation, to my knowledge.

Q I guess that goes back to my question, does an employee have to say I'm requesting a religious accommodation for it to be considered?

A I don't know.

Q Okay. Did that come up in the operating board discussion about [REDACTED]?

MS. SANDERS: Object to the form.

1 You can answer.

2 THE WITNESS: I don't recall ever
3 discussing a religious accommodation.

4 BY MS. WALTER:

5 Q Okay. Out of just curiosity, why was this an
6 operating board decision instead of an HR committee
7 decision?

8 MS. SANDERS: Object to form. He can
9 answer it.

10 THE WITNESS: I don't know.

11 BY MS. WALTER:

12 Q And when these decisions come to the
13 operating board, which you were a part of, who makes
14 the decision to terminate?

15 A I don't know.

16 Q You mentioned that as a member of the
17 operating board you don't make fireable -- decisions
18 on who to fire, so who on the operating board does?

19 A My understanding is that it would have been
20 somebody on the operating board and that is on HRC.

21 Q Just anybody who does both?

22 A Correct.

23 Q So, it could be Jack, it could be Suzanne, or
24 it could be Mark Floyd?

25 A Yes.

Q Could it be Dave Ramsey?

A In my experience, the HRC is the one that makes all of those decisions.

Q Sure. But none of these e-mails regarding [REDACTED] include any other members of the HR committee. They're only to the operating board.

A I don't know why.

Q Would Dave Ramsey be able to make a determination of whether someone is fired?

A He is CEO. He could make whatever decision he wants.

MS. WALTER: Okay. I'm going to look at my notes real quick, but I think I'm almost ready to wrap up. Let's take a five-minute break.

MS. SANDERS: Okay.

(Recess observed.)

BY MS. WALTER:

Q Mr. Finney, I won't take up too much more of your afternoon. I just have a few questions.

You had testified earlier that there is not an exception for oral sex with regards to the righteous living core value. So you can't engage in oral sex, extramaritally or premaritally, and that be considered fine under the righteous living core value; is that right?

A That is my opinion, yes.

Q Okay. And we had discussed earlier the situation with [REDACTED] and extramarital affairs. That situation was handled by the operating board, right?

A Yes.

Q Okay. Would it surprise you that other members of the operating board have testified that there is an exception to the premarital -- to any violation of the premarital sex righteous living core value so long as it's exclusively oral sex?

MS. SANDERS: Object to form. He can answer.

THE WITNESS: It would not surprise me if others had differing opinions on that.

BY MS. WALTER:

Q So different members of the operating board believe the decision regarding [REDACTED] is for different reasons?

MS. SANDERS: Object to the form. He can answer.

THE WITNESS: My understanding is that the decision related to the oral sex event was made more out of the timing than out of the characterization of it being oral sex.

BY MS. WALTER:

Q Okay. Would it be a problem for employees if some members of the operating board believed that oral sex -- premarital oral sex violated the righteous living core value but other ones believed it didn't?

A I believe that if that got presented to the HRC that they would come to agreement on that.

Q The [REDACTED] situation didn't get presented to the HRC with regard to his oral sex extramaritally?

A My personal opinion, that if the timing of that event had been much more recent, then there would have been a lot more vigorous debate as to the oral sex part of it.

Q Okay. But if other members of the operating board have said that premarital or extramarital oral sex does not violate the righteous living core value, would that be a problem for employees to know whether or not they'd be fired or not?

A Again, to my knowledge, we have never been presented with that before, other than in the [REDACTED] [REDACTED] case, and only then it was more around timing than around oral sex.

Q Okay. So it's still your understanding that

1 an employee cannot engage in extramarital or
2 premarital oral sex with their significant other and
3 remain an employee at Ramsey Solutions?

4 A That is my personal opinion.

5 Q As a member of the operating board?

6 A Yes. I am a member of the operating board
7 and that is my opinion.

8 Q Sure. Just clarifying this isn't just you
9 have personal opinions about it, but in your
10 position as a member of the operating board, that is
11 your understanding.

12 A No.

13 MS. SANDERS: No.

14 THE WITNESS: No.

15 MS. SANDERS: Objection.

16 THE WITNESS: That is not what I said.

17 What I said is it is my personal opinion of that.

18 BY MS. WALTER:

19 Q So, then, as a -- you mentioned that you
20 could take things to the HRC.

21 A Yes.

22 Q Okay. So, then, one member of the operating
23 board could not report an employee for engaging in
24 extramarital oral sex but you might, and one
25 employee might be terminated for it and another

employee might not be because it's just everybody's personal opinion about how they feel about the righteous living policy?

A No. No. I believe that if that was presented to the HRC, that they would come to an agreement on it and that when they made the decision there would be agreement on it.

Q Okay. And the operating board made a decision that [REDACTED] extramarital oral sex did not violate the righteous living policy?

A No. We made the determination that it was more about the timing, not about the oral sex.

Q So, because you just didn't find out about it soon enough, he wouldn't lose his job?

A That was the first time we had been presented with a case of oral sex or intercourse that had been in the past.

Q Okay. And then, Mr. Finney, other than speaking to your attorney, what did you do to prepare for your deposition today?

A I spoke with the attorneys and they shared with me some of the exhibits that we've gone over today.

Q Which documents did you review?

MS. SANDERS: Objection to that. That's

1 attorney/client privilege.

2 MS. WALTER: If they're exhibits or
3 documents that have been produced, it's not
4 attorney/client privilege.

5 MS. SANDERS: He doesn't know if they've
6 been produced. I do and I'm --

7 (Overlapping speech.)

8 MS. WALTER: Well, they have --

9 MS. SANDERS: -- objecting.

10 MS. WALTER: -- nice little Bates stamps
11 on them.

12 MS. SANDERS: He doesn't know that. He
13 doesn't --

14 (Overlapping speech.)

15 MS. WALTER: He doesn't know --

16 (Overlapping speech.)

17 THE REPORTER: One at a time, please.

18 BY MS. WALTER:

19 Q And then, Mr. Finney, do you have any
20 other -- the documents that have been handed to you
21 during your deposition, did any of them have
22 handwritten notes on them?

23 A No.

24 Q All right.

25 MS. SANDERS: As an officer of the

Attorneys Eyes Only

1 Court, Ashley, I represented to you that I handed
2 him the exhibits that have been produced in these
3 depositions and that's what I handed to him. That's
4 what I represented.

5 And I want to go on record, Jerri, I
6 said that every single time that I handed him the
7 actual exhibit from the deposition transcript.

8 MS. WALTER: Okay.

9 BY MS. WALTER:

10 Q Do you have any other documents in front of
11 you other than the documents that have been handed
12 to you during the course of your deposition?

13 A No.

14 MS. WALTER: Okay. All right. Those
15 are all the questions that I have.

16 MS. SANDERS: None from us. Thank you.
17 He'll read and sign.

18 THE REPORTER: Regular turnaround?

19 MS. WALTER: Yes.

20 THE REPORTER: And same transcript
21 orders as previous?

22 MS. WALTER: Yes.

23 MS. SANDERS: Yes.

24 FURTHER DEPONENT SAITH NOT

25 (Proceedings concluded at 4:30 p.m. CST)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF Davidson

I, Jerri L. Porter, RPR, CRR, Licensed Court Reporter, with offices in Nashville, Tennessee, hereby certify that I reported the foregoing deposition of MICHAEL FINNEY 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.

I further certify that in order for this document to be considered a true and correct copy, it must bear my original signature, and that any unauthorized reproduction in whole or in part and/or transfer of this document is not authorized, will not be considered authentic, and will be in violation of Tennessee Code Annotated 39-14-104, Theft of Services.



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My Notary Public Commission Expires: 2/6/2022
LCR 335 - Expires: 6/30/2022

