

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

WILL McRANEY

PLAINTIFF

V.

No. 1:17cv080-GHD-DAS

**THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.**

DEFENDANT

**THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.'S
MOTION FOR SUMMARY JUDGMENT**

ORAL ARGUMENT REQUESTED

Defendant The North American Mission Board of the Southern Baptist Convention, Inc. (“NAMB”), pursuant to Fed. R. Civ. P. 56, respectfully moves for summary judgment in its favor and dismissal of the Plaintiff’s claims with prejudice.

1. Plaintiff advances six claims against NAMB: (i) two claims for interference with contract and economic relations (Counts I and IV); (ii) two claims for defamation (Counts II and V); and (iii) two claims for infliction of emotional distress (Counts III and VI).

2. NAMB is entitled to judgment as a matter of law on each of Plaintiff’s claims because (i) the First Amendment precludes adjudication of this lawsuit; (ii) Plaintiff released his claims against NAMB; and (iii) the evidence shows that there are no genuine issues of material fact as to the merits of each of Plaintiffs’ claims, and NAMB is therefore entitled to judgment pursuant to Federal Rule of Civil Procedure 56.

3. NAMB’s Motion for Summary Judgment is based upon the Memorandum Brief and the following exhibits, which are attached to the Declaration of Timothy Perla:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1.	Strategic Partnership Agreement executed between NAMB and the Baptist Convention for Maryland/Delaware (“BCMD”)
2.	Excerpts of March 2, 2023 deposition transcript of Kevin Ezell
3.	May 4, 2023 deposition transcript of William Warren
4.	January 14, 2015 letter from BCMD to Kevin Ezell
5.	February 3, 2015 email from Jeff Christopherson to Steve Davis and attached document
6.	November 14, 2014 email chain between Jeff Christopherson and Will McRaney
7.	August 25, 2014 email from Jeff Christopherson to Will McRaney
8.	November 18, 2014 email from Jeff Christopherson to Will McRaney
9.	November 20, 2014 email from Kevin Ezell to Will McRaney
10.	December 2, 2014 letter from NAMB to BCMD
11.	February 6, 2015 Resolution of Support
12.	March 18, 2015 email from Steve Davis to Will McRaney
13.	June 8, 2015 BCMD General Mission Board Meeting Minutes
14.	June 4, 2016 email chain between Michael Trammell and William Warren
15.	August 26, 2015 email chain between William Warren and Will McRaney
16.	May 19, 2016 NAMB Trustee Information Conference Call minutes
17.	Separation Agreement and Release
18.	February 4, 2016 email from Will McRaney to NAMB trustees and attached letter
19.	June 13, 2016 email from Bill Ingram to Rick Curtis and attached letter and document
20.	February 5, 2016 Tom Wigginton Outlook item and attached photograph

21. Excerpts of February 28, 2023 deposition transcript of Rob Paul
22. Exhibit D2 from February 28, 2023 deposition of Rob Paul
23. Will McRaney Facebook and Twitter post samples
24. April 25, 2023 deposition transcript of Barry Hankins
25. September 19, 2014 email from Ron Blankenship to Jeff Christopherson
26. November 26, 2014 letter from Will McRaney to Kevin Ezell
27. November 8, 2015 email chain between William Warren and Thomas Winborn
28. September 9, 2015 email from Mark Dooley to Will McRaney
29. Affidavit of Jimmy Crosby
30. Affidavit of Scott Thomas
31. December 9, 2014 NAMB Executive Committee Conference Call minutes
32. August 19, 2014 email chain between Kevin Ezell and Aaron Coe
33. October 10, 2014 email from Will McRaney to Tom Stolle
34. Excerpts of November 3, 2022 deposition transcript of Tom Wigginton
35. Excerpts of May 1, 2023 deposition transcript of William Barker
36. September 13, 2015 email from Mark Dooley to Will McRaney
37. Excerpts of February 16, 2023 deposition transcript of Danny De Armas
38. November 18, 2014 email from Will McRaney to Jeff Christopherson
39. Plaintiff's Amended Objections and Fifth Supplemental Responses to NAMB's First Set of Interrogatories
40. Excerpts of February 8, 2023 deposition transcript of Will McRaney

WHEREFORE, PREMISES CONSIDERED, NAMB respectfully requests that this Court grant its Motion for Summary Judgment.

Respectfully submitted, this 18th day of May, 2023.

By: s/ Kathleen Ingram Carrington

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*Counsel for Defendant The North American
Mission Board of the Southern Baptist
Convention, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court the using the Court's ECF system, which sent notification of such filing to all counsel of record.

SO CERTIFIED, this 18th day of May, 2023.

s/ Timothy Jeffrey Perla

TIMOTHY JEFFREY PERLA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

WILL McRANEY

PLAINTIFF

v.

No. 1:17cv080-GHD-DAS

**THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.**

DEFENDANT

**DECLARATION OF TIMOTHY PERLA IN SUPPORT OF THE NORTH
AMERICAN MISSION BOARD OF THE SOUTHERN BAPTIST
CONVENTION, INC.'S MOTION FOR SUMMARY JUDGMENT**

I, Timothy Perla, declare as follows:

1. I am an attorney licensed to practice law in the State of Massachusetts and the State of New York, am a member in good standing of the State Bar of Massachusetts and the State Bar of New York, and am admitted to appear *pro hac vice* before this Court. I am an attorney with Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”), and counsel of record for Defendant The North American Mission Board of the Southern Baptist Convention, Inc. (“NAMB”) in this matter. I make this declaration based upon my knowledge of the facts stated herein, and if called to testify, I could and would testify competently thereto. I submit this declaration in support of NAMB’s Motion for Summary Judgment.

2. A true and correct copy of the Strategic Partnership Agreement executed between NAMB and the Baptist Convention for Maryland/Delaware (“BCMD”) in 2012, bearing Bates numbers NAMB-0002 through NAMB-0005, is attached hereto as Exhibit 1.

3. A true and correct copy of excerpts of the March 2, 2023 deposition transcript of Kevin Ezell is attached hereto as Exhibit 2.

4. A true and correct copy of the May 4, 2023 deposition transcript of William Warren is attached hereto as Exhibit 3.

5. A true and correct copy of a letter dated January 14, 2015, sent by BCMD to Kevin Ezell, signed by Will McRaney, Mark Dooley, William Warren, and Harold Phillips, bearing Bates numbers WM06171 through WM06172, is attached hereto as Exhibit 4.

6. A true and correct copy of an email dated February 3, 2015, from Jeff Christopherson to Steve Davis, and an attached document, bearing Bates numbers NAMB 6743 through NAMB 6745, are attached hereto as Exhibit 5.

7. A true and correct copy of an email chain dated November 14, 2014 between Jeff Christopherson and Will McRaney, bearing Bates numbers NAMB 6483 through NAMB 6485, is attached hereto as Exhibit 6.

8. A true and correct copy of an email dated August 25, 2014, from Jeff Christopherson to Will McRaney, bearing Bates numbers NAMB 6214 through NAMB 6215, is attached hereto as Exhibit 7.

9. A true and correct copy of an email dated November 18, 2014, from Jeff Christopherson to Will McRaney, bearing Bates number NAMB 6512, is attached hereto as Exhibit 8.

10. A true and correct copy of an email dated November 20, 2014, from Kevin Ezell to Will McRaney, bearing Bates numbers NAMB 6568 through NAMB 6570, is attached hereto as Exhibit 9.

11. A true and correct copy of a letter dated December 2, 2014, sent by NAMB to BCMD, signed by Kevin Ezell and Jeff Christopherson, bearing Bates number NAMB-0001, is attached hereto as Exhibit 10.

12. A true and correct copy of a Resolution of Support, dated February 6, 2015, signed by Mark Dooley, bearing Bates number WM00846, is attached hereto as Exhibit 11.

13. A true and correct copy of an email dated March 18, 2015, from Steve Davis to Will McRaney, bearing Bates numbers NAMB 6981 through NAMB 6982, is attached hereto as Exhibit 12.

14. A true and correct copy of the meeting minutes for a June 8, 2015 meeting of the BCMD General Mission Board, bearing Bates numbers BCMD_0682 through BCMD_0692, is attached hereto as Exhibit 13.

15. A true and correct copy of an email chain dated June 4, 2016, between Michael Trammell and William Warren, bearing Bates numbers WARR 041 through WARR 042, is attached hereto as Exhibit 14.

16. A true and correct copy of an email chain dated August 26, 2015, between William Warren and Will McRaney, bearing Bates numbers NAMB 7363 through NAMB 7368, is attached hereto as Exhibit 15.

17. A true and correct copy of the minutes for a May 19, 2016 NAMB Trustee Information Conference Call, bearing Bates numbers NAMB 5379 through NAMB 5382, is attached hereto as Exhibit 16.

18. A true and correct copy of the Separation Agreement and Release executed by Will McRaney and BCMD in July 2015, bearing Bates numbers BCMD_0630 through BCMD_0637, is attached hereto as Exhibit 17.

19. A true and correct copy of an email dated February 4, 2016, from Will McRaney to NAMB trustees, and an attached letter dated February 3, 2016, bearing Bates numbers NAMB 7495 through NAMB 7502, are attached hereto as Exhibit 18.

20. A true and correct copy of an email dated June 13, 2016, from Bill Ingram to Rick Curtis, and an attached letter and attached document, bearing Bates numbers NAMB 7657 through NAMB 7664, are attached hereto as Exhibit 19.

21. A true and correct copy of an Outlook item, dated February 5, 2016, and an attached photograph of Will McRaney, bearing Bates numbers NAMB-5237 through NAMB-5238, is attached hereto as Exhibit 20.

22. A true and correct copy of excerpts of the February 28, 2023 deposition transcript of Rob Paul is attached hereto as Exhibit 21.

23. A true and correct copy of Exhibit D2 from the February 28, 2023 deposition of Rob Paul, bearing Bates numbers WM01021 through WM01029, is attached hereto as Exhibit 22.

24. A true and correct copy of samples of Will McRaney's Facebook and Twitter posts is attached hereto as Exhibit 23.

25. A true and correct copy of the April 25, 2023 deposition transcript of Barry Hankins is attached hereto as Exhibit 24.

26. A true and correct copy of an email dated September 19, 2014, from Ron Blankenship to Jeff Christopherson, bearing Bates numbers NAMB 6317 through NAMB 6319, is attached hereto as Exhibit 25.

27. A true and correct copy of a letter dated November 26, 2014, from Will McRaney to Kevin Ezell, bearing Bates numbers NAMB 6610 through NAMB 6626, is attached hereto as Exhibit 26.

28. A true and correct copy of an email chain dated November 8, 2015, between William Warren and Thomas Winborn, bearing Bates numbers WARR 032 through WARR 039, is attached hereto as Exhibit 27.

29. A true and correct copy of an email dated September 9, 2015, from Mark Dooley to Will McRaney, bearing Bates numbers BCMD_0065 through BCMD_0066, is attached hereto as Exhibit 28.

30. A true and correct copy of an affidavit of Jimmy Crosby, dated October 31, 2018, bearing Bates number WM00966, is attached hereto as Exhibit 29.

31. A true and correct copy of an affidavit of Scott Thomas, dated October 29, 2018, bearing Bates numbers WM00323 through WM00324, is attached hereto as Exhibit 30.

32. A true and correct copy of the minutes for a December 9, 2014 Executive Committee conference call of NAMB Board of Trustees, bearing Bates numbers NAMB 5346 through NAMB 5349, is attached hereto as Exhibit 31.

33. A true and correct copy of an email chain dated August 19, 2014, between Kevin Ezell and Aaron Coe, bearing Bates number NAMB 6213, is attached hereto as Exhibit 32.

34. A true and correct copy of an email dated October 10, 2014, from Will McRaney to Tom Stolle, bearing Bates numbers BCMD_1331 through BCMD_1332, is attached hereto as Exhibit 33.

35. A true and correct copy of excerpts of the November 3, 2022 deposition transcript of Tom Wigginton is attached hereto as Exhibit 34.

36. A true and correct copy of excerpts of the May 1, 2023 deposition transcript of William Barker is attached hereto as Exhibit 35.

37. A true and correct copy of an email dated September 13, 2015, from Mark Dooley to Will McRaney, bearing Bates numbers BCMD_0029 through BCMD_0030, is attached hereto as Exhibit 36.

38. A true and correct copy of excerpts of the February 16, 2023 deposition transcript of Danny De Armas is attached hereto as Exhibit 37.

39. A true and correct copy of an email dated November 18, 2014, from Will McRaney to Jeff Christopherson, bearing Bates number NAMB 6511, is attached hereto as Exhibit 38.

40. A true and correct copy of Plaintiff's Amended Objections and Fifth Supplemental Responses to NAMB's First Set of Interrogatories dated March 3, 2023, is attached hereto as Exhibit 39.

41. A true and correct copy of excerpts of the February 8, 2023 deposition transcript of Will McRaney is attached hereto as Exhibit 40.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 18, 2023, in Boston, Massachusetts.

/s/ Timothy Perla

Timothy Perla (admitted *pro hac vice*)

WILMER CUTLER PICKERING

HALE & DORR LLP

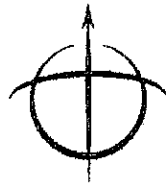
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EXHIBIT 1



*NORTH AMERICAN
MISSION BOARD*

COPY

**Strategic Partnership Agreement
between the
North American Mission Board
and the
Baptist Convention of Maryland/Delaware**

PREAMBLE:

"So then neither the one who plants nor the one who waters is anything, but only God who gives the growth. Now the one who plants and the one who waters are equal, and each will receive his own reward according to his own labor" (1 Corinthians 3:7-8; HCSB).

**North American Mission Board (NAMB) Ministry Statement
approved by the Southern Baptist Convention, 2011:**

"The North American Mission Board exists to work with churches, associations and state conventions in mobilizing Southern Baptists as a missional force to impact North America with the gospel of Jesus Christ through evangelism and church planting."

Ministry Priorities of the North American Mission Board:

1. Assist churches in planting healthy, multiplying, evangelistic SBC churches in the United States and Canada.
2. Assist churches in the ministries of evangelism and making disciples.
3. Assist churches by appointing, supporting and assuring accountability for missionaries serving in the U.S. and Canada.
4. Assist churches by providing missions education and coordinating volunteer missions opportunities for church members.
5. Assist churches by providing leadership development.
6. Assist churches in relief ministries to victims of disaster and other people in need.

The North American Mission Board desires to partner with Baptist conventions in North America according to its ministry priorities described above. NAMB also respects the ministry priorities as defined by each convention; therefore, the following strategic partnership agreement sets forth mutual guidelines for defining the parameters of coordinating strategies, projects, resourcing and assistance with providing missionaries to help each convention penetrate lostness.

Convention Mission Statement of Purpose:

The Baptist Convention of Maryland/Delaware exists to intentionally assist in the starting and strengthening of congregations so that together we can accomplish the Great Commission as given to us by our Lord in Matthew 28:19-20 and Acts 1:8.

I. General Principles

1. This Strategic Partnership Agreement is between **the Baptist Convention of Maryland/Delaware** and the North American Mission Board (NAMB) of the Southern Baptist Convention. The purpose of this agreement is to define the relationships and responsibilities of the convention and the North American Mission Board in areas where the two partners jointly develop, administer and evaluate a strategic plan for penetrating lostness through church planting and evangelism.
2. The Strategic Partnership Agreement shall be driven by shared values that reflect mutual respect and peer-to-peer relationships. These values are:
 - a. Biblical Authority
 - b. Kingdom Advancement
 - c. Partnership
 - d. Evangelism and Missions
 - e. Mutual Accountability
 - f. Autonomy of Individual Baptist Entities
 - g. Contextualized Focus
3. The Strategic Partnership Agreement shall be cooperatively developed and approved by representatives of the two partners in accordance with the policies of each. In the negotiation of the strategic plan and its funding, NAMB will be represented by the regional vice president and the convention will be represented by the executive director and/or his designee(s).
4. The Strategic Partnership Agreement will address the mutual goals and strategic plan of the convention and NAMB's support of the plan through cooperative funding.
5. Financial support for the strategic plan shall be provided by the two entities on a negotiated ratio basis and reviewed annually.
6. The implementation of a strategic plan shall be in accordance with all the policies and procedures of each partner.
7. General administration and implementation of the strategic plan shall be by the convention.
8. Adjustments to the strategic plan and its resourcing will be determined in consultation between the executive director and the regional vice president of NAMB.

9. NAMB resourcing for the strategic plan shall be provided through the convention.
10. All NAMB funding must be requested and approved through the regional vice president.
11. The partners shall have equal opportunity to pursue their respective assignments from their Boards.
12. After advanced discussion with the executive director, additional projects may be initiated, financed, resourced, administered and promoted in the convention area by NAMB.
13. Neither entity will initiate work that obligates the other without written approval by both partners.
14. All elements of this document shall be consistent with the most recently adopted version of the Southern Baptist Convention Baptist Faith and Message.

II. Personnel

1. Jointly Funded Missionary Personnel

- a. Jointly funded missionaries must go through the approval process of both the convention and NAMB. Searches for jointly funded missionaries shall be initiated by the convention in consultation with NAMB. Final approval of the candidate will be from NAMB.
- b. Supervision of missionaries will be the responsibility of the convention's executive director or his designee(s).
- c. The entity that issues the W-2/T-4 (Canada) shall be the employer of record.
- d. All missionaries will participate in at least semi-annual reviews, with input from all financially supporting partners, coordinated through the convention's executive director or his designee.
- e. Approved moving expenses for missionaries may be negotiated between the executive director and the regional vice president through the current funding ratio formula of the convention with NAMB.
- f. Insurance benefits for missionaries shall normally be provided according to the policies of both the convention and NAMB. All other insurance supplements may be provided by another entity.
- g. The annuity benefit will be provided by the employer of record.
- h. Other benefits may be provided to a missionary in accordance with a supporting partner's policies. Additional benefits should be periodically reviewed by all partners.
- i. Both the convention and NAMB will provide appropriate orientation for the missionaries.

IV. Cooperation

1. It is the continuing goal of the two partners to improve cooperation and communication in the planning, administration, promotion and implementation of the details of the Strategic Partnership Agreement.
2. The convention and the North American Mission Board shall conduct a review of this Strategic Partnership Agreement as necessary. It may be amended by mutual agreement between the executive director and the regional vice president of the North American Mission Board in accordance with each entity's policies.
3. The agreement may be discontinued by either partner after consultation between the executive director and the president of the North American Mission Board or his designee, normally with at least twelve months' notice. The convention's executive director and the president of the North American Mission Board may negotiate a different, appropriate timeframe for implementation.

V. Funding

1. The funding ratio will be reviewed by the regional vice president and the convention executive director at least every five years, or as requested.
2. The convention will be accountable to the North American Mission Board for the expenditure of NAMB resources according to the specifics of the strategic plan.
3. The convention will provide either an annual financial accounting or independent audit report to the regional vice president. If the North American Mission Board deems it necessary to request an independent audit, NAMB will bear that cost.

VI. Addendums

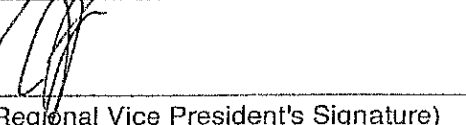
Additional items of mutual agreement between the convention, the president of NAMB and/or the regional vice president of NAMB may be detailed below:

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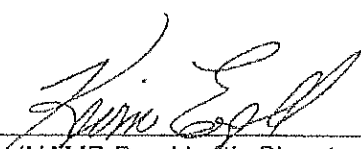
VII. Signatures

X 
(Executive Director's Signature)

Date 7/20/2012

X 
(Regional Vice President's Signature)

Date AUG 13 / 2012

X 
(NAMB President's Signature)

Date 8/21/12

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Will McRaney,)
)
Plaintiff,)
)CASE NO.
vs.)1:17-cv-00080-GHD-DAS
)
The North American Mission)
Board of the Southern Baptist)
Convention, Inc.,)
)
Defendant.)

DEPOSITION OF
KEVIN EZELL
March 2, 2023
8:58 a.m.

Butler Snow, LLP
1170 Peachtree Street NE
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Atlanta, Georgia

Robin K. Ferrill, CCR-B-1936, RPR

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ALSO PRESENT:

Mike Brown, Videographer

Will McRaney

George McCallum, NAMB In-house Counsel

1 DEPOSITION OF

2 KEVIN EZELL

3 March 2, 2023

4 THE VIDEOGRAPHER: We are on the record.

5 Today's date is March the 2nd, 2023. The time
6 on the video monitor is 8:58 a.m. This marks
7 the beginning of video Number 1, deposition of
8 Kevin Ezell, in the matter of Will McRaney
9 versus the North American Mission Board of
10 Southern Baptist Convention, Incorporated.
11 Location of the deposition is 1170 Peachtree
12 Street, Atlanta, Georgia.

13 MR. GANT: I'm sorry. If you're not asking
14 the question. The typing is really loud so --

15 MS. CARRINGTON: Oh, okay.

16 MR. GANT: -- if you could not ...

17 THE VIDEOGRAPHER: My name is Mike Brown,
18 representing Veritext Legal Solutions. I'm the
19 videographer. The court reporter is Robin
20 Ferrill.

21 Counsel, please state your name for the
22 record and who you represent.

23 MR. GANT: Scott Gant from Boies Schiller
24 Flexner, for the plaintiff, Dr. Will McRaney.
25 With me is my colleague from my law firm,

1 Victoria Scordato, and Dr. McRaney is also
2 present.

3 MR. PERLA: Timothy Perla, WilmerHale, for
4 the defendant and the witness.

5 MS. CARRINGTON: Kat Carrington, Butler
6 Snow, LLP, for the defendant and the witness.

7 MR. McCALLUM: George McCallum with the
8 North American Mission Board, serving as
9 in-house counsel. I'm here for the North
10 American Mission Board and the witness.

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

13 DR. KEVIN EZELL,

14 called as a witness, having been duly sworn
15 by a Notary Public, was examined and testified as
16 follows:

17 EXAMINATION

18 BY MR. GANT:

19 Q. Good morning, Dr. Ezell.

20 A. Good morning.

21 Q. I introduced myself a few minutes ago, but
22 just to repeat, my name is Scott Gant. I represent
23 Dr. McRaney, the plaintiff in this case, against the
24 North American Mission Board.

25 I would ask Robin to hand you what I have

1 Q. All right. If you use that term, I'll
2 understand what that means. If I use BCMD, you will
3 understand what I'm referring to.

4 A. All right.

5 Q. Same thing.

6 Prior to the time that Dr. McRaney became
7 the executive director of the BCMD, you never met him
8 in person, correct?

9 A. No.

10 Q. Sorry. Had you ever met him in person
11 before he became executive director of BCMD?

12 A. No.

13 Q. Had you ever communicated in any way with
14 Dr. McRaney before he became executive director of
15 BCMD?

16 A. Not to my knowledge.

17 Q. Were you aware of who he was before he
18 became the executive director of the BCMD?

19 A. No.

20 Q. And if I understand your testimony, you
21 have only met with Dr. McRaney in person twice, is
22 that correct?

23 A. To my knowledge.

24 Q. Now, the first meeting in person with
25 Dr. McRaney that you had you indicated was shortly

1 after he became the executive director, is that
2 correct?

3 A. Yes.

4 Q. Do you remember the month and year of that
5 meeting?

6 A. I do not.

7 Q. Do you remember what year Dr. McRaney
8 became the executive director of BCMD?

9 A. I think it was '13.

10 Q. 2013?

11 A. 2013.

12 Q. Do you remember what month and year
13 Dr. McRaney was terminated by BCMD?

14 A. I think it was 2015, but I don't know the
15 dates.

16 Q. What was the purpose of meeting with
17 Dr. McRaney in person that first time?

18 A. There are 42 state conventions. Fifteen of
19 those state conventions give us 90 percent of our
20 revenue. The other 27 are much smaller and I
21 delegate those to regional guys.

22 And so when a new state comes on, I connect
23 so that we are -- got my cell phone. I'll see if
24 there's any specific needs they might have; in his
25 case, communicated the challenge of having an

1 apartment and a home in Florida, an apartment in
2 Maryland/Delaware, and that's when we initiated the
3 \$30,000 gift to pay for his first year's rent.
4 So ...

5 Q. Was that the purpose of the meeting?

6 A. The purpose of the meeting is get to know
7 him. And then a part of that, anytime there's a new
8 state exec, you know, I ask if there are other --
9 what's your biggest need and how can we be the
10 best -- I mean, were there -- in their case they are
11 our biggest partner, so how can we help? And in that
12 case it was rent.

13 Q. Do you remember where that first meeting
14 occurred?

15 A. Yeah. I don't remember the hotel, but we
16 were -- I remember the meeting; but said, hey, if you
17 got some time, come up to the room and I would just
18 love to get to know you better. It was a -- it was a
19 crowded lobby and everybody kept stopping in so it
20 was one of those -- just like get to know his
21 background, that type of thing.

22 Q. So the meeting wasn't planned in advance?

23 A. Oh, no, no.

24 Q. It was impromptu?

25 A. Impromptu.

1 Q. And where -- what city was this in?

2 A. I don't remember.

3 Q. Do you remember what event this was in
4 connection with?

5 A. I don't.

6 Q. How long was this meeting?

7 A. I don't remember.

8 Q. Was it in your hotel room?

9 A. My hotel room, yeah. It was brief, less
10 than an hour.

11 Q. You don't know how much less?

12 A. I have no idea.

13 Q. Did you take any notes from that meeting?

14 A. No.

15 Q. Was anyone else present?

16 A. No.

17 Q. Just the two of you?

18 A. Yes.

19 Q. And then the second and only other meeting
20 you ever had with Dr. McRaney in person occurred
21 when?

22 A. That I recall, was the one in Baltimore
23 with his leadership.

24 Q. Do you remember what year?

25 A. It was -- I believe it was in spring --

1 MR. PERLA: Objection. Misstates the
2 testimony. Go ahead.

3 A. Mr. Christopherson was the representative
4 for Maryland/Delaware. At some point we transitioned
5 to Steve Davis, but they continued to work together
6 to my knowledge.

7 Q. (By Mr. Gant) Notwithstanding whether and
8 how they worked together after the transition, do you
9 recall when the transition occurred?

10 A. I do not.

11 Q. So you don't know on what date or month
12 Steve Davis became the vice president for the
13 Northeast Region at NAMB?

14 A. No.

15 Q. So we discussed your in-person meetings
16 with Dr. McRaney and we'll come back to the second
17 one later.

18 Have you ever spoken on the phone with
19 Dr. McRaney one-on-one?

20 A. I don't recall.

21 Q. Have you ever spoken on the phone with
22 Dr. McRaney with others participating?

23 A. I don't recall.

24 Q. Have you ever texted with Dr. McRaney?

25 A. I don't recall.

1 Q. Have you ever -- strike that.

2 I know you have responded to a few e-mails
3 from Dr. McRaney at various points and we'll look at
4 those, some of them. Have you ever, to your
5 recollection, initiated an e-mail to Dr. McRaney?

6 A. I don't recall.

7 Q. During your first meeting with Dr. McRaney
8 in person, did he make any threats to you?

9 A. Not that I recall.

10 Q. During your second in-person meeting with
11 Dr. McRaney, did he make any threats to you?

12 A. Not that I recall.

13 Q. Has Dr. McRaney ever sent you anything in
14 writing that threatened you?

15 A. When he sent us -- sent us and the SBC
16 leaders and our trustees a note, I think it was -- I
17 can't remember the date when he sent kind of this
18 very long statement. I remember at that point we did
19 feel threatened.

20 Q. In what sense?

21 A. My relationship -- I guess our relationship
22 with Mr. McRaney evolved. Started very well I
23 thought. We provided one year rent for him. And we
24 were told he was intelligent, liked to talk about
25 himself, but other than that, it was very workable.

1 And over a period of time things began to
2 deteriorate or have challenges, Mr. Christopherson
3 and then Mr. Davis, and it evolved to the point --
4 when you see that note -- that he had characteristics
5 of being a bit unhinged and not -- very
6 unpredictable, hard to follow. His version of facts
7 would not represent what my representatives would
8 say, and the inconsistencies. So it was a build-up.
9 And so, yes, when he sent that, we did have a sense
10 of concern.

11 Q. You just used the phrase "sense of concern"
12 earlier. You said we did feel threatened.

13 A. Yeah.

14 Q. What kind of threat was it that you felt?
15 First, let's back up.

16 A. Okay.

17 Q. What do you remember about this
18 communication you just referred to as a note a few
19 minutes ago? What was this note or communication?

20 A. It was a long letter to my trustees and to
21 our SBC. What I do remember about it is it was
22 written in such a way in which setting a narrative.
23 It was obvious it was trying to set a basis for some
24 type of lawsuit, and his narrative did not match the
25 facts of the interaction that we'd had. And it was a

1 growing -- you know, when I said threat, it was a
2 growing concern that he's very unpredictable.

3 Q. Unpredictable in what sense?

4 A. I mean unpredictable.

5 Q. Lots of things could be unpredictable. A
6 baseball pitcher could be unpredictable in pitches he
7 throws. There are all kinds of unpredictability, so
8 what kind of unpredictability?

9 A. He's unpredictable in the fact you can't
10 predict. Who knows? And so ...

11 Q. The note that you're referring to?

12 A. Uh-huh. Not his note. It was a very long
13 e-mail.

14 Q. I was using your word. Okay. So how
15 should we refer to it?

16 A. Very long e-mail.

17 Q. Okay. This very long e-mail that
18 Dr. McRaney sent, that you said made you or NAMB feel
19 threatened and gave you a sense of concern, what
20 specific language in it gave you concern or made you
21 feel threatened?

22 A. It was obviously a complete temperature
23 turn, going back and stating things that were not the
24 case, and that was the consistent problem, the
25 inaccuracy of statements, saying one thing and doing

1 another, and the whole narrative listed in that long
2 e-mail was the same.

3 Q. When you said that we did feel threatened,
4 what kind of threat? Are you talking about physical
5 threat or something else?

6 A. Unpredictable. It just -- all I know is my
7 guys, they told me, look, he's -- he's very
8 unpredictable. You don't know where he's going to
9 come from.

10 Q. I'm asking you -- you used the word
11 "threat."

12 A. Uh-huh.

13 Q. Are you talking about a physical threat
14 or --

15 A. He's unpredictable. You don't know. You
16 just didn't know.

17 Q. So physical threat plus other threats?

18 A. I don't know. He's unpredictable.

19 Q. Did anyone at any point ever tell you that
20 Dr. McRaney posed a physical threat to you or others
21 at NAMB?

22 A. Are you referring to who?

23 MR. GANT: Robin, can you read it back,
24 please?

25 (WHEREUPON, the record was read back by the

1 reporter as follows:

2 Question: Did anyone at any point ever
3 tell you that Dr. McRaney posed a physical
4 threat to you or otherwise [sic] at NAMB?)

5 MR. GANT: Anyone else.

6 THE REPORTER: Anyone else. Sorry.

7 A. Anyone else at NAMB?

8 Q. (By Mr. Gant) Let me try it again.

9 A. Okay.

10 Q. Did anyone at any point in time tell you,
11 Kevin Ezell, that Dr. McRaney posed a threat to you
12 or anyone else at NAMB?

13 A. No one ever told me that he would cause a
14 threat.

15 Q. Sitting here -- strike that.

16 What you call this very long e-mail that
17 you say did make you feel threatened and gave a sense
18 of concern, when is the last time you reviewed that
19 e-mail?

20 A. I glanced at that with my attorneys.

21 Q. When you say you glanced at it, does that
22 mean you didn't read it through?

23 A. Parts of it.

24 Q. Why did you only read parts?

25 A. It's all I ever -- I just -- I didn't read

1 A. I just don't know who participated. You
2 asked me who I knew participated. Those two guys
3 did.

4 Q. And one of them was not a board member,
5 right?

6 A. Right.

7 Q. Was Mark Dyer on the board at that time?

8 A. Yes.

9 Q. Do you know for a fact whether or not any
10 other nonboard members participated in the
11 examination?

12 A. I have no knowledge.

13 Q. I take it, based on your prior answers, you
14 don't know how the examination and review was
15 conducted, is that right?

16 MR. PERLA: You can answer yes or no.

17 A. No.

18 Q. (By Mr. Gant) You don't know?

19 A. No.

20 Q. Did you ever see any written description of
21 the outcome of that review and examination?

22 MR. PERLA: You can say whether you saw
23 something. Don't say what it said if you saw
24 something.

25 A. No.

1 Q. (By Mr. Gant) Did you ever discuss with
2 anyone the process for the examination and review
3 referred to in Exhibit 5?

4 MR. PERLA: You can say yes or no whether
5 you discussed something.

6 A. No.

7 Q. (By Mr. Gant) Did you ever discuss with
8 anyone the outcome of the examination and review
9 described in Exhibit 5?

10 MR. PERLA: Same idea.

11 A. No.

12 Q. (By Mr. Gant) Put that aside for the
13 moment.

14 Have you ever heard of a Timothy Reece?

15 A. Yes.

16 Q. Who is that?

17 A. He's a former FBI agent, Tennessee.

18 Q. How do you know him?

19 A. I was interim pastor at Long Hollow Church
20 after a friend of mine died who was a pastor there,
21 for 10 months, and Tim was on my security detail.

22 Q. Where is Long Hollow?

23 A. It's in Hendersonville, Tennessee.

24 Q. I'm sorry. It's in what?

25 A. Hendersonville, Tennessee.

1 Q. You said you had a security detail while
2 you were at Long Hollow?

3 A. Yes.

4 Q. Why?

5 A. They run about seven -- I don't know. I
6 don't know how many. Six, 7,000 and that's standard.

7 Q. To have security at a large church?

8 A. Yes.

9 Q. And when you say your detail, what do you
10 mean? Did he -- was he only present at the church or
11 did he follow you around at home?

12 A. No. He followed me to the car to where I
13 lived.

14 Q. Did he sometimes come to your home?

15 A. I didn't live there.

16 Q. Where were you living?

17 A. In Alpharetta, Georgia.

18 Q. You were commuting?

19 A. Yes, sir.

20 Q. Did you know Timothy Reece before he was on
21 your security detail at Long Hollow?

22 A. No.

23 Q. When were you interim there?

24 A. I just don't remember the years.

25 Q. What's your best estimate? What decade?

1 A. Decade? It was -- it's when David -- oh, I
2 don't remember. It's in the 2012-ish decade. But
3 when David Landrith passed away, it would be right
4 after that.

5 Q. Okay. Thank you.

6 And did you go there once a week?

7 A. Yes.

8 Q. Sundays?

9 A. Saturday and come back Sunday. It was four
10 services.

11 Q. Did you stay at a hotel or somewhere else?

12 A. Hotel.

13 Q. Did you have security at the hotel as well?

14 A. No.

15 Q. So your security was just at the church?

16 A. Yes.

17 Q. What was the size of the security detail at
18 Long Hollow?

19 A. I don't know. They -- they had regulars,
20 and he was personally assigned to me, but there were
21 several.

22 Q. I'm sorry if I asked this already. Did you
23 know Timothy Reece prior to that?

24 A. No.

25 Q. And have you ever discussed Dr. McRaney

1 orally or in writing with Timothy Reece?

2 A. I don't -- I mean, we used him for one of
3 the SBC meetings in Nashville and he obviously, I'm
4 sure -- I don't remember ever talking to Tim about
5 Mr. McRaney.

6 Q. You say you used him for one of the SBC
7 meetings in Nashville. What do you recall about
8 that?

9 A. Yeah, the SBC executive committee meetings.

10 Q. Were there other SBC meetings where you had
11 security?

12 A. Yes.

13 Q. Every one or just sometimes? Did you have
14 it at every meeting?

15 A. Every SBC convention.

16 Q. Yes.

17 A. I can't remember if it's every -- I don't
18 remember when, but SBC executive committees, the
19 larger meetings.

20 Q. So since you became president of NAMB, you
21 have had security at every SBC convention meeting?

22 A. No.

23 Q. How many of them?

24 A. I don't remember how many, but ...

25 Q. What determines whether you have security

1 at a particular meeting?

2 A. My trustees, due to the unpredictability in
3 this, had asked that we have security.

4 Q. Your testimony is the trustees of NAMB
5 asked that you have security?

6 A. Yes. They asked that we be cautious and to
7 have security. I know we had them in our trustee
8 meetings and at the SBC convention.

9 Q. You had security at trustee meetings?

10 A. Well, some of the -- again, I don't know
11 which ones, but some of the trustee meetings were at
12 the convention.

13 Q. Okay.

14 A. It's the same time, so ...

15 Q. Okay. Do you remember having security at
16 any trustee meetings other than those conducted in
17 connection with the SBC meeting in Nashville,
18 Tennessee?

19 A. No.

20 Q. No, you don't?

21 A. I don't recall. I just don't know. We
22 could have.

23 Q. When I asked you about security a moment
24 ago, you referred to the unpredictability of, I think
25 you said, this situation.

1 A. Uh-huh.

2 MR. PERLA: Just make -- don't say uh-huh.

3 Was it yes?

4 A. Yes.

5 MR. PERLA: Okay.

6 A. Sorry.

7 MR. PERLA: That's okay.

8 Q. (By Mr. Gant) Is it your testimony that one
9 or more trustees asked you to or instructed you to
10 hire security?

11 A. No. They instructed our staff to do that.
12 I never -- they never told me.

13 Q. Okay. What knowledge do you have of one or
14 more trustees instructing NAMB staff to hire security
15 in connection with Dr. McRaney?

16 A. What personal knowledge? It was discussed
17 as is that something that we should do just to be
18 safe. I don't remember which trustees said it, I
19 don't remember what year, but I remember the
20 discussion of -- because I was against it, I ...

21 Q. You were against having security?

22 A. I didn't want -- I don't want to walk
23 around with an entourage and -- and -- but the
24 unpredictability, trying to be on the safe side,
25 which I appreciated.

1 Q. So you appreciated, but you were against
2 it?

3 A. No. I appreciated it. I just didn't want
4 to -- you know, I just didn't want to be seen as
5 somebody -- I wanted to be discreet and so we
6 compromised on being more discreet.

7 Q. Did you ever tell NAMB staff that you
8 wanted security hired to protect you?

9 A. I told our trustees that I had a degree of
10 fear.

11 Q. Fear of Dr. McRaney?

12 A. Yes.

13 Q. So who did you tell that to?

14 A. I know Carlos Ferrer was in the room and
15 been -- at that point, yeah, it was a chairman and
16 officers, but I don't remember what year and which
17 ones. Because I'm trying to -- I just don't remember
18 the exact ones.

19 Q. You don't remember what trustees were --

20 A. I don't.

21 Q. Do you remember what year this was?

22 A. No, I don't.

23 Q. Do you remember whether there was something
24 specific that happened that led you to have fear of
25 Dr. McRaney?

1 A. Yes, the very long e-mail we referred to.
2 The tone and the tenor of that and the temperature of
3 it escalated everyone's concern to just be on the
4 safe side.

5 Q. So you're still referring to that one very
6 long e-mail?

7 A. Very long e-mail. Well, there are several,
8 but the one he sent.

9 Q. So it's your testimony that very long
10 e-mail instilled fear in you for your physical
11 safety?

12 A. Yes.

13 Q. And you told other people that?

14 A. I told Carlos Ferrer and I'm sure there was
15 others perhaps as we discussed what to do, what not
16 to do. I'm sure there were others, but Carlos was
17 always there.

18 Q. Uh-huh. Sitting here today, can you tell
19 me with certainty whether or not you ever told anyone
20 outside of NAMB that you feared for your physical
21 safety from Dr. McRaney?

22 A. Anyone outside of NAMB?

23 Q. Yes. Are you able to tell me?

24 A. Does that include the trustees?

25 Q. Well, I consider the trustees part of NAMB.

1 A. Part of NAMB.

2 Q. Don't you consider the trustees part of
3 NAMB?

4 A. Sure, but -- no, I do not recall anyone
5 outside.

6 Q. Are you 100 percent certain you never said
7 that to anyone outside of NAMB or you just don't
8 remember?

9 A. I just don't remember.

10 (Plaintiff's Exhibit 6, E-mail string to
11 Smith from Ferrer, 9/18/18, Bates stamped NAMB
12 8237 - 38, marked for identification.)

13 Q. (By Mr. Gant) Robin has handed you what's
14 been Bates labeled -- excuse me -- what's been marked
15 as Exhibit 6, which is Bates labeled NAMB 8237
16 through 38. Please let me know when you've reviewed
17 it and are ready for a question.

18 A. Okay.

19 Q. Have you reviewed both pages?

20 A. Oh, is it both? Oh, I'm sorry.
21 Okay.

22 Q. Have you reviewed both pages now?

23 A. Yes, sir.

24 Q. Do you recognize them?

25 A. No.

1 A. Looks like -- I think it was a place in
2 South -- Travelers Rest or something like that maybe.

3 Q. So Dr. McRaney wrote, Sandy and I will be
4 in T.R. the next several days. Our youngest daughter
5 and her husband just built a home there they have
6 moved into the last couple of weeks. They are also
7 expecting their first child. So we will be traveling
8 tomorrow to T.R. to visit with them for several days.
9 If you would like to connect, let me know.

10 Do you see that?

11 A. Yes, sir.

12 Q. So Dr. McRaney was reporting he was taking
13 a trip with his wife to visit his daughter and
14 expected grandchild, correct?

15 A. Looks that way.

16 Q. Do you see anything threatening or
17 worrisome in there?

18 A. In that note?

19 Q. Yes.

20 A. Not in that note.

21 Q. Randy Bradley forwarded that e-mail to
22 Danny Wood, correct?

23 A. Yes, looks that way.

24 Q. And then you responded. Danny Wood then
25 looped you in and you wrote in the middle of the

1 first page, yikes.

2 Do you see that?

3 A. Yes.

4 Q. Why did you write "yikes" about
5 Dr. McRaney's e-mail about visiting his daughter and
6 grandchild?

7 A. As I said several times, we started with a
8 good relationship over the period of time. And all
9 these public displays of whatever you want to call
10 it -- you can tell my trustees had a sense of, I
11 would say, fear for my own safety and concern. They
12 purchased a home security for me.

13 Q. Because of Dr. McRaney?

14 A. Yes, and because it's unpredictability.
15 And so all of them, they typically -- I want to say
16 they would forward things to the chairman. The
17 chairman would let us know a cause of concern. And
18 they instructed me to -- when I post things on social
19 media, to do it a day or two after I do it so he
20 would not know where I would be.

21 And so, yes, I mean, there was a level of
22 feeling threatened and it -- and our trustees have
23 seen this. I mean, trustees serve for eight years,
24 and people rotated on and now rotated off and this is
25 still going on. You don't see this type of obsession

1 every day.

2 Q. Well, I have taken the deposition of a
3 couple of them and none of them were able to identify
4 anything that suggested that Dr. McRaney posed a
5 physical threat to you or anyone else at NAMB.

6 A. Yes.

7 Q. So this sounds like it's an imagination
8 rather than in fact. What were the facts that --

9 MR. GANT: By the way, let me note for the
10 record to your attorneys, Dr. Ezell just
11 testified that home security was purchased for
12 him by NAMB as a result of Dr. McRaney. We have
13 received zero documents about that. So that's
14 another document deficiency that we expect to be
15 promptly addressed.

16 A. It's a Ring.

17 MR. PERLA: Is there a question pending?

18 MR. GANT: I'm going to ask one.

19 MR. PERLA: Nothing said until there's a
20 question. And objection to the speech.

21 MR. GANT: Has it been produced? Did I
22 miss it?

23 MR. PERLA: If you would like to talk about
24 documents, you've got 10 minutes left. Do you
25 want to use it talking about this or do you want

1 to ask a question?

2 MR. GANT: We expect it to be produced
3 promptly.

4 Q. (By Mr. Gant) You declined security at the
5 top of this e-mail, correct?

6 A. For that -- I'm good but thanks. I'm good
7 but thanks. Yeah.

8 Q. So you were -- you didn't feel like you
9 needed security?

10 A. As an association event, with a lot of
11 people there, so in that particular case I didn't.

12 Q. Dr. McRaney has been present for the entire
13 deposition today, correct?

14 A. Uh-huh, yes.

15 Q. Are you fearful of him today?

16 A. Today?

17 Q. Yes. I mean, you've been in the same room.
18 You've been standing close to him. Were you afraid
19 for your physical safety at any point in time?

20 MR. PERLA: Objection. Argumentative. Go
21 ahead.

22 A. There's a -- there's still a sense of he's
23 unpredictable. So in these settings I was confident
24 that everything would be fine. But would you say
25 it's a -- do I have complete peace that it would be?

C E R T I F I C A T E

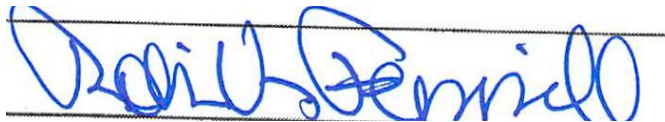
STATE OF GEORGIA)
) ss.:
FULTON COUNTY)

I, Robin Ferrill, Certified Court Reporter
within the State of Georgia, do hereby certify:

That KEVIN EZELL, the witness whose
deposition is hereinbefore set forth, was duly sworn
by me and that such deposition is a true record of
the testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage; and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 20th day of March, 2023.



ROBIN K. FERRILL, RPR

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WILL MCRANEY)
Plaintiff)
Vs.)
THE NORTH AMERICAN) Civil Action No.:
MISSION BOARD OF THE) 1:17-cv-80GHD-DAS
SOUTHERN BAPTIST)
CONVENTION, INC.)
Defendant)

Deposition of WILLIAM WARREN, Ph.D., was
taken via videotape on Thursday, May 4, 2023,
commencing at 10:39 a.m., at Regus - Annapolis 2,
1910 Town Centre Boulevard, Suite 250, Annapolis,
Maryland, before MICHELE D. LAMBIE, Notary Public.

Reported By: Michele D. Lambie, CSR-RPR

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19 ALSO PRESENT: Brian Mackey - Videographer

20 Dr. Will McRaney

21

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are going on the
3 record at 10:39 a.m. on May 4th, 2023.

4 This is media unit number one in the
5 deposition of Bill Warren, Ph.D., in the matter of
6 Will McRaney versus the North American Mission
7 Board of the Southern Baptist Convention,
8 Incorporated, in the United States District Court
9 for the Northern District of Mississippi, Case
10 Number 1:17-cv-80GHD-DAS.

11 This deposition is taking place at Regus,
12 1910 Town Centre Boulevard, Annapolis, Maryland.

13 My name is Brian Mackey from Veritext,
14 and I'm the videographer. The court reporter today
15 is Michele Lambie from Veritext.

16 Will Counsel please state their
17 appearances and affiliations for the record?

18 MR. GANT: Scott Gant from Boise Schiller
19 Flexner for Plaintiff.

20 MR. MARTENS: Matthew Martens and Joshua
21 Vittor for the Defendant.

1 MR. GUNDERSON: Eric Gunderson
2 representing Dr. William Warren.

3 THE WITNESS: William Warren, testifying.

4 MR. WEBSTER: Clarence Webster also from
5 Jones Walker also representing Dr. Warren.

6 MS. CARRINGTON: And Kat Carrington with
7 Butler Snow, LLP for NAMB.

8 MR. MARTENS: And then also for the
9 record, Plaintiff Dr. McRaney is present.

10 MR. GANT: Yes. Just is the laptop
11 Veritext? Is it the Zoom or is that Dr. Warren's
12 laptop?

13 THE VIDEOGRAPHER: It's just the Zoom.

14 MR. GANT: It's the Zoom, okay.

15 THE VIDEOGRAPHER: Um-hmm.

16 Will the reporter please swear in the
17 witness?

18 WILLIAM WARREN, Ph.D.,
19 the Deponent, called for examination by the
20 Defendant, being first duly sworn to tell the
21 truth, the whole truth, and nothing but the truth,

1 testified as follows:

2 EXAMINATION

3 BY MR. MARTENS:

4 Q. Good morning, --

5 A. Good morning.

6 Q. -- Dr. Warren.

7 A. Good morning.

8 Q. Thank you for coming in today.

9 A. Certainly.

10 Q. You and I have never spoken before; is
11 that right?

12 A. No.

13 Q. So, as you heard, I represent the North
14 American Mission Board of the Southern Baptist
15 Convention. We're going to be using that a lot
16 today. It's a long phrase, so I'm just probably
17 going to say NAMB, N-A-M-B, and you'll know what I
18 mean when I do that?

19 A. Yes.

20 Q. All right. Thank you. You're appearing
21 here today pursuant to a Subpoena; is that right?

1 A. Yes.

2 Q. Have you ever had your deposition taken
3 before?

4 A. No.

5 Q. Have you ever given testimony under oath
6 before?

7 A. Yes.

8 Q. And so you understand you're under oath
9 today which requires you to give truthful answers
10 to my questions just as if you're in court?

11 A. Yes.

12 Q. And you have Counsel representing you
13 here today, correct?

14 A. Yes. Um-hum.

15 MR. GANT: Just didn't have any
16 objections, but you are not giving me a chance.
17 So, just a reminder to pause.

18 THE WITNESS: Oh, pause, okay.

19 MR. GANT: Yes, thank you.

20 THE WITNESS: Sure.

21 BY MR. MARTENS:

1 Q. Also, just because everything you say is
2 being taken down today, you have to give audible
3 answers rather than head nods or head shakes so
4 that the court reporter can record it, okay?

5 A. Yes.

6 Q. Can you state your full name for the
7 record?

8 A. William Leon Warren, Jr.

9 Q. What's your date of birth?

10 A. Jr. May 16th, 1953.

11 Q. Are you married?

12 A. Yes.

13 Q. How long have you been married?

14 A. 1979, so 40 plus years.

15 Q. And where are you currently employed?

16 A. Allen Memorial Baptist Church, Salisbury,
17 Maryland.

18 Q. How long have you been there?

19 A. Thirty-nine years.

20 Q. So, since 1984?

21 A. Correct.

1 Q. Have you been the senior pastor the
2 entire time?

3 A. Yes.

4 Q. What type of church is Allen Memorial
5 Baptist Church?

6 A. It is -- it is a Southern Baptist Church.

7 Q. What do you mean when you say it's a
8 Southern Baptist Church?

9 A. We are affiliated with the Southern
10 Baptist Convention.

11 Q. And what does it mean to be affiliated
12 with the Southern Baptist Convention?

13 MR. GANT: Objection. Vague, compound.

14 THE WITNESS: Well, for one thing, it
15 means we send them money. It also means that we
16 support their mission endeavors, and we are in line
17 with their beliefs.

18 BY MR. MARTENS:

19 Q. Their doctrinal beliefs?

20 A. Yes.

21 Q. And when you say in line with their

1 doctrinal beliefs, what in particular are you
2 referring to when you refer to the Southern Baptist
3 Convention's doctrinal beliefs?

4 A. The Baptist Faith and Message.

5 Q. Which version?

6 A. The most recent one.

7 Q. 2000?

8 A. Yes.

9 Q. Can you just briefly sketch your
10 educational background?

11 A. I graduated with a Bachelor of Arts from
12 Washington and Lee University in Lexington,
13 Virginia; master of divinity from the Southern
14 Baptist Theological Seminary in Louisville,
15 Kentucky; and a Ph.D. in New Testament from the
16 Southern Baptist Theological Seminary.

17 Q. During your tenure as senior pastor of
18 Allen Memorial Baptist Church in Maryland, did you
19 become familiar with the Baptist Convention of
20 Maryland and Delaware?

21 A. Yes.

1 Q. Again, for ease today, I'll just refer to
2 that as BCMD; is that okay?

3 A. That's okay.

4 Q. What, if any, involvement do you
5 have -- strike that.

6 What, if any, involvement did you have
7 with BCMD during your tenure as senior pastor of
8 Allen Memorial Baptist Church?

9 A. I served on the General Mission Board.

10 Q. What is the General Mission Board?

11 A. In layman's terms, it's the ruling body.
12 It's -- it's the convention. When the convention
13 is not in session, representatives of the various
14 churches, associations are elected to serve, so
15 it's a ruling body.

16 Q. The General Mission Board, which I'll
17 sometimes refer to the GMB, is the ruling body of
18 the BCMD?

19 A. Yes, when they're not in -- in convention
20 meetings.

21 Q. Directing your attention to the 2014/2015

1 time period, what, if any, position did you hold
2 with the BCMD?

3 A. I was the president.

4 Q. How did you become president?

5 A. I was elected by --

6 Q. Who elected you?

7 A. -- messengers to the annual meeting of
8 the Baptist Convention of Maryland/Delaware.

9 Q. And what are messengers?

10 A. Members of cooperating churches who are
11 elected to represent them at the annual meeting.

12 Q. And when you refer to the annual meeting,
13 you're referring to the annual meeting of the BCMD
14 as opposed to the annual meeting of the Southern
15 Baptist Convention; is that correct?

16 A. Yes.

17 Q. Can you just briefly describe your role
18 as president of the BCMD?

19 A. To provide leadership along with the
20 president of the General Mission Board and the
21 chairman of the adminis- -- Administrative

1 Committee in conjunction with the executive
2 director.

3 Q. And when you refer -- refer to the
4 executive director, are you referring to the
5 executive director of BCMD?

6 A. Yes.

7 Q. And when you refer to the Administrative
8 Committee, what is that?

9 A. That is a committee drawn from the
10 General Mission Board that deals with matters such
11 as personnel.

12 Q. Are there spiritual, religious, or
13 doctrinal criteria to be the president of the BCMD?

14 MR. GANT: Objection. Vague, compound.

15 THE WITNESS: Would you repeat the
16 question, please?

17 BY MR. MARTENS:

18 Q. Sure. Are there any type of doctrinal
19 criteria in order to qualify to be the president of
20 the BCMD?

21 MR. GANT: Same objections.

1 THE WITNESS: No more than there would be
2 for a messenger to the convention.

3 BY MR. GANT:

4 Q. And what would the criteria be for a
5 messenger to the convention?

6 MR. GANT: Same objection.

7 THE WITNESS: That you come from a
8 cooperating Southern Baptist Church in
9 Maryland/Delaware.

10 BY MR. MARTENS:

11 Q. Did you as the president of the BCMD have
12 to be in agreement with the Baptist Faith and
13 Message 2000?

14 A. I was not asked.

15 Q. Are you in agreement with the Baptist
16 Faith and Message 2000 or 1963?

17 MR. GANT: Objection. Vague, compound,
18 foundation.

19 THE WITNESS: I'm in agreement in general
20 with both of those, not everything in both of
21 those.

1 BY MR. MARTENS:

2 Q. Were you compensated for your work as
3 president of BCMD?

4 A. If you're meaning were I -- was I paid,
5 no.

6 Q. While you were serving as the president
7 of the BCMD, were you also contemporaneously a
8 pastor of Allen Memorial Baptist Church?

9 A. Yes.

10 Q. Can you just briefly describe
11 what -- what is BCMD?

12 MR. GANT: Objection. Vague.

13 THE WITNESS: It's a cooperative body of,
14 I think we're close to 500 churches now, that come
15 together to advance the gospel.

16 BY MR. MARTENS:

17 Q. Are those 500 churches geographically
18 located in certain places?

19 A. For the most part, they're in Maryland
20 and Delaware.

21 Q. When you say advance the gospel, what do

1 you mean by that?

2 A. Pursue the great -- excuse me.

3 (Brief pause for cell phone
4 interruption.)

5 THE WITNESS: Pursue -- pursue the --
6 BY MR. MARTENS:

7 Q. Let me restate the question again so we
8 can have a clean record there.

9 You used the phrase advanced the gospel.
10 What did you mean by that?

11 A. Pursue the Great Commission of Jesus
12 Christ as given in Matthew 28:18-20.

13 Q. How is the BCMD organized?

14 A. We have an executive director. We have a
15 staff who work with him, and then we have the
16 General Mission Board, Administrative Committee and
17 the president.

18 Q. How does a church become affiliated with
19 the BCMD?

20 A. We've been a member for so long I'm not
21 exactly sure, but I think it is that we have to be

1 in line -- in general, we have to be in line with
2 the Baptist Faith and Message and also agree to
3 contribute financially.

4 Q. Is it fair to say that the BCMD is a
5 cooperative missions and ministry organization?

6 A. Yes.

7 Q. What does that mean?

8 A. That means we work together to pursue the
9 Great Commission of Jesus Christ, which includes
10 planting churches.

11 Q. And what does it mean to say that the
12 BCMD is cooperative?

13 MR. GANT: Objection. Vague.

14 THE WITNESS: No church in
15 Maryland/Delaware -- no -- no Southern Baptist
16 Church in Maryland and Delaware has to participate.
17 Some don't, so there's no forced participation.

18 BY MR. MARTENS:

19 Q. And is that a Baptist distinctive, that
20 cooperation?

21 A. Oh, yes.

1 MR. GANT: Objection. Sorry.

2 THE WITNESS: I'm sorry.

3 MR. GANT: You need to give me a chance
4 to object here.

5 THE WITNESS: I'm going to look at you
6 before I answer. That will help.

7 MR. GANT: If that helps --

8 THE WITNESS: That will help me help you.

9 MR. GANT: -- that's fine, that's fine by
10 me.

11 THE WITNESS: Okay.

12 MR. GANT: Can I hear the question back
13 so I can articulate my -- sorry, I lost it.

14 MR. MARTENS: Yeah.

15 BY MR. MARTENS:

16 Q. Is cooperation a Baptist distinctive?

17 MR. GANT: Objection. Vague, foundation.

18 THE WITNESS: Yes, it is.

19 BY MR. MARTENS:

20 Q. What do you mean by that? Why do
21 you say it's -- strike that.

1 Why do you say it's a Baptist
2 distinctive?

3 A. According to my understanding of Baptist
4 his- -- Southern Baptist history, it's always been
5 a distinctive.

6 Q. Are you familiar with the principle
7 autonomy?

8 MR. GANT: Objection. Vague.

9 THE WITNESS: Yes.

10 BY MR. MARTENS:

11 Q. What do you understand to be the
12 principle of autonomy?

13 A. Every Southern Baptist Church governs
14 itself. We don't have a Bishop. We don't have a
15 Pope.

16 Q. Is the principle of autonomy relevant to
17 the fact that Baptists organize themselves in a
18 cooperative way?

19 MR. GANT: Objection. Vague, foundation.

20 THE WITNESS: I would say yes.

21 BY MR. MARTENS:

1 Q. In what way?

2 MR. GANT: Same objections.

3 THE WITNESS: Would you repeat the
4 question, please?

5 BY MR. MARTENS:

6 Q. In what way does the principle autonomy
7 relate to the fact that Baptists organize
8 themselves in a cooperative way?

9 MR. GANT: Same objections.

10 THE WITNESS: As autonomous
11 inst- -- institutions, we are free to cooperate
12 together. In other words, we are not required to
13 be a part of the state convention. So, if we were
14 not autonomous, we could, perhaps, be forced to
15 participate.

16 BY MR. MARTENS:

17 Q. Does the principle of autonomy apply to
18 the relationship between BCMD and NAMB?

19 MR. GANT: Objection. Vague, compound,
20 foundation.

21 THE WITNESS: Yes.

1 BY MR. MARTENS:

2 Q. Why do you say that?

3 A. My understanding is that if a state
4 convention does not wish to cooperate with NAMB,
5 they don't have to.

6 Q. And what about in reverse with regard to
7 NAMB and its cooperation with the state convention?

8 MR. GANT: Same objections.

9 THE WITNESS: I think they have the same
10 autonomy.

11 BY MR. MARTENS:

12 Q. Are there spiritual -- strike that.

13 Are there doctrinal criteria for a church
14 to be affiliated with the BCMD?

15 MR. GANT: Objection. Vague, compound,
16 foundation.

17 THE WITNESS: I would say yes.

18 BY MR. MARTENS:

19 Q. Why would you say yes?

20 MR. GANT: Same objections.

21 THE WITNESS: Because if a Southern

1 Baptist Church in Maryland/Delaware steps outside
2 of the Baptist Faith and Message in a radical way,
3 they might well be booted out of the convention.

4 BY MR. MARTENS:

5 Q. I'd like to show you a copy of the
6 Baptist Faith and Message 2000.

7 A. Okay.

8 MR. MARTENS: Which I'm going to mark as
9 Warren Exhibit 1.

10 MR. GUNDERSON: Mr. Warren, since you're
11 going to be handling exhibits, why don't you put
12 these papers aside so you don't confuse them with
13 what's being handed to you.

14 THE WITNESS: Sounds good.

15 (Whereupon, Warren Deposition Exhibit No.
16 1, Baptist Faith and Message 2000, marked for
17 identification.)

18 BY MR. WARRENS:

19 Q. Are you familiar with the Baptist Faith
20 and Message 2000?

21 MR. GANT: Objection. Vague, compound.

1 THE WITNESS: Overall, yes.

2 BY MR. MARTENS:

3 Q. I'd like you to turn to page 7, the
4 Section 6 entitled, The Church. And do you see the
5 first sentence reads, A New Testament Church of the
6 Lord Jesus Christ is an autonomous local
7 congregation of baptized believers associated by
8 covenant in the faith and fellowship of the gospel
9 observing the two ordinances of Christ governed by
10 His laws, exercising the gifts, rights, and
11 privileges invested in -- in them by His word and
12 seeking to extend the gospel to the ends of the
13 earth? Did I read that correctly?

14 A. Yes.

15 Q. Do you agree with that?

16 MR. GANT: Objection. Compound.

17 THE WITNESS: Yes.

18 BY MR. MARTENS:

19 Q. Did you agree with that during your
20 tenure as president of BCMD?

21 MR. GANT: Same objection.

1 THE WITNESS: Yes.

2 BY MR. MARTENS:

3 Q. If you go to the next page, page 8, the
4 last paragraph reads, "The New Testament speaks
5 also of the church as the Body of Christ which
6 includes all of the redeemed of all of the ages,
7 believers from every tribe, and tongue, and people,
8 and nation." Did I read that correctly?

9 A. Yes.

10 Q. Do you agree with that?

11 A. Yes.

12 Q. Mr. Warren, just so you know, you don't
13 need permission to answer any question. You
14 can -- you're here to ans- -- you'll answer every
15 question regardless of objections, so I just don't
16 want to slow us down. You don't have to --

17 A. I'm just trying to give him time to
18 object.

19 Q. Yeah, you can give him time, but you
20 don't have to get his permission to answer, okay?

21 A. Oh, I understand.

1 Q. Okay. Do you agree with that statement?

2 A. Yes.

3 Q. Did you agree with that statement at the
4 time you were serving as BCMD president?

5 A. Yes.

6 Q. Let's turn to Section 14 on page 12 of
7 Exhibit 1 entitled, Cooperation, and the -- it
8 reads at the beginning, Christ people should, as
9 occasion requires, --

10 A. I'm sorry, you're on page 14.

11 Q. I'm sorry, page 12, section 14, entitled,
12 Cooperation. The first paragraph reads "Christ
13 people should, as occasion requires, organize such
14 associations and conventions as may best secure
15 cooperation for the great objects of the Kingdom of
16 God. Such organizations have no authority over one
17 another or over the churches. They are voluntary
18 and advisory bodies designed to elicit, combine,
19 and direct the energies of our people in the most
20 effective manner." Did I read that correctly?

21 A. Yes.

1 Q. Do you agree with that?

2 MR. GANT: Objection. Compound.

3 THE WITNESS: I do.

4 BY MR. MARTENS:

5 Q. Did you believe that when you were
6 president of BCMD?

7 MR. GANT: Same objection.

8 THE WITNESS: Yes.

9 BY MR. MARTENS:

10 Q. Is the BCMD an association or convention
11 as that phrase is used in the pass- -- passage I
12 just read?

13 MR. GANT: Objection. Vague, foundation,
14 calls for a legal speculation.

15 THE WITNESS: It is convention.

16 BY MR. MARTENS:

17 Q. Is the SBC, including its agencies, a
18 convention as that phrase is used in the passage I
19 just read?

20 MR. GANT: Objection. Vague, compound,
21 foundation, calls for a legal conclusion.

1 THE WITNESS: It is.

2 BY MR. WARRENS:

3 Q. Do you agree that under the Baptist
4 principle of autonomy any cooperation between a
5 state convention like BCMD and the SBC, including
6 its agencies, must be voluntary on the part of both
7 parties?

8 MR. GANT: Objection. Compound, vague,
9 foundation.

10 THE WITNESS: Yes.

11 BY MR. MARTENS:

12 Q. Let's turn to section 17 on page 14
13 entitled, Religious Liberty, and do you see in the
14 third sentence it reads, "The state owes to every
15 church protection and full freedom in a pursuit of
16 its spiritual ends?"

17 A. Yes.

18 Q. Do you agree with that?

19 A. Yes.

20 Q. Did you believe that when you were
21 president of BCMD?

1 A. Yes.

2 Q. Do you believe that this full freedom
3 applied not only to churches, but also to an
4 association of churches like BCMD?

5 MR. GANT: Objection. Vague, compound,
6 foundation.

7 THE WITNESS: Yes.

8 BY MR. MARTENS:

9 Q. Do you believe that the full freedom
10 applied -- applies not only to a state convention
11 like BCMD, but also to the SBC?

12 MR. GANT: Same objection.

13 THE WITNESS: Yes.

14 BY MR. MARTENS:

15 Q. And by SBC, I'm referring to the Southern
16 Baptist Convention. You understand that?

17 A. I understand.

18 Q. Do you see that in the next sentence it
19 reads, "In providing for such freedom, no
20 ecclesiastical group or denomination should be
21 favored by the state more than others?" Did I read

1 that correctly?

2 A. Yes, you did.

3 Q. Do you agree with that?

4 A. Yes.

5 Q. Did you believe that when you were
6 president of BCMD?

7 A. I will say I think the wording is a bit
8 vague, but since no one is here to clarify, I
9 will -- I will say yes.

10 Q. Is there something in there that you
11 think is vague?

12 A. Ecclesiastical group.

13 Q. Okay.

14 A. Are they referring to churches? Are they
15 referring to -- what are they referring to?
16 But --

17 Q. Okay. Well, any -- any ecclesiastical
18 group in any form do you believe should be favored
19 by the state more than another ecclesiastical
20 group?

21 A. No.

1 MR. GANT: Objection. I'm sorry.

2 THE WITNESS: I'm sorry.

3 MR. GANT: Objection. Vague, foundation.

4 THE WITNESS: No. No.

5 BY MR. MARTENS:

6 Q. Did you believe that when you were
7 president of BCMD?

8 MR. GANT: Same objections.

9 THE WITNESS: I did.

10 BY MR. MARTENS:

11 Q. Do you believe that Roman Catholic
12 Churches should have more freedom from government
13 interference when it comes to disputes between a
14 church and a diocese than Baptist Churches should
15 have when it comes to disputes between a church and
16 a state convention?

17 MR. GANT: Objection. Vague, compound,
18 foundation, calls for speculation, and to the
19 extent it calls for a legal conclusion.

20 THE WITNESS: Please ask that question
21 again.

1 BY MR. MARTENS:

2 Q. Do you believe that Roman Catholic
3 Churches should have more freedom from government
4 interference when it comes to disputes between a
5 Roman Catholic Church and a Roman Catholic Diocese
6 than a Baptist Church should have when it comes to
7 a dispute between a church and a state convention?

8 MR. GANT: Same objections, and if I
9 didn't include calls for speculation as an
10 incomplete hypothetical, I'll add that.

11 THE WITNESS: No.

12 BY MR. MARTENS:

13 Q. Do you believe that Roman Catholic
14 Churches should have more freedom from government
15 interference when it comes to disputes between a
16 diocese and the Vatican than a Baptist association
17 should have when it comes to disputes between a
18 state convention and the SBC?

19 MR. GANT: Same objections.

20 THE WITNESS: No.

21 BY MR. MARTENS:

1 Q. I'm going to show you what I'm going to
2 mark as Exhibit 2. And while we're doing that, can
3 I just ask you, do you recognize this Exhibit 1 as
4 a copy of the Baptist Faith and Message 2000?

5 A. Yes.

6 Q. Okay. I'll show you what we're going to
7 mark as Warren Exhibit 2.

8 (Whereupon, Warren Deposition Exhibit No.
9 2, Copy of BCMD Website, marked for
10 identification.)

11 BY MR. MARTENS:

12 Q. Do you recognize Exhibit 2 as a copy of
13 the BCMD website?

14 MR. GANT: A copy of the whole website,
15 is that what you're asking? Objection. Vague,
16 foundation, calls for speculation.

17 THE WITNESS: Yes, it appears to be drawn
18 from -- yes, it does -- it is drawn from the
19 website. Whether it's the entire website or not, I
20 don't know.

21 BY MR. MARTENS:

1 Q. I'll ask you to turn to page 4, the
2 section entitled, Our Mission, and it states that
3 the Baptist Convention of Maryland/Delaware will
4 intention- -- intentionally assist in starting and
5 strengthening congregations so that together we can
6 fulfill Jesus' command in Matthew 28:19-20 and Acts
7 1:8. Did I read that correctly?

8 A. Yes.

9 Q. What is a congregation?

10 MR. GANT: Objection. Vague, foundation.

11 THE WITNESS: A church.

12 BY MR. MARTENS:

13 Q. What was Jesus' commands in those
14 passages referenced, in the passage I just read?

15 A. Make disciples of all nations.

16 Q. Is that a religious endeavor?

17 MR. GANT: Objection. Vague.

18 THE WITNESS: It's a spiritual endeavor.

19 BY MR. MARTENS:

20 Q. Is strengthening congregations in
21 fulfillment of Jesus' command a spiritual endeavor?

1 MR. GANT: Objection. Vague.

2 THE WITNESS: Yes, it certainly is.

3 BY MR. MARTENS:

4 Q. Are you familiar with NAMB?

5 MR. GANT: Objection. Vague.

6 THE WITNESS: Yes.

7 BY MR. MARTENS:

8 Q. What is NAMB?

9 MR. GANT: Same objection.

10 THE WITNESS: The initials stand for
11 North American Mission Board, and it is an -- an
12 entity of the Southern Baptist Convention charged
13 basically with planting churches in North America.

14 BY MR. MARTENS:

15 Q. Is planting churches a spiritual
16 endeavor?

17 MR. GANT: Objection. Vague.

18 THE WITNESS: Yes.

19 BY MR. MARTENS:

20 Q. Why do you say that?

21 A. Because it's in line with the Great

1 Commission of Jesus Christ.

2 Q. During your tenure as president of
3 BCMD -- strike that.

4 I'm not sure if I asked you this. When
5 were you president of BCMD?

6 A. From November of 2014 through October of
7 2016 is my recollection.

8 Q. During your tenure as president of BCMD,
9 were you involved in working together with NAMB?

10 A. Yes.

11 Q. Do you know Kevin Ezell?

12 A. Yes.

13 Q. Who is Kevin Ezell?

14 A. He is executive director of NAMB.

15 Q. Have you ever met Kevin Ezell?

16 A. Yes.

17 Q. Do you consider him to be a friend?

18 A. Yes.

19 Q. Do you consider --

20 A. But I would clarify, he's more of what I
21 would call a phone friend.

1 Q. Have you ever met him in person?

2 A. Yes.

3 Q. How many times?

4 A. Once.

5 Q. Do you consider him to be a good person?

6 MR. GANT: Objection. Vague.

7 THE WITNESS: Yes.

8 BY MR. MARTENS:

9 Q. Do you have --

10 A. Yes.

11 Q. Do you have any doubt that he's a man of
12 God?

13 MR. GANT: Objection. Vague.

14 THE WITNESS: None whatsoever.

15 BY MR. MARTENS:

16 Q. If we go back to Exhibit 2, page 2, Who
17 We Are -- strike that. We'll move on beyond that.
18 I think we've already covered it.

19 A. Okay.

20 Q. I'd like to show you what I'm now going
21 to mark as Exhibit 3.

1 (Whereupon, Warren Deposition Exhibit No.
2 3, Documents Bates Numbered NAMB-0002 through 0005,
3 marked for identification.)

4 BY MR. MARTENS:

5 Q. And ask you if you recognize Exhibit 3?

6 MR. GANT: You may be getting to this,
7 but if you can read in the Bates number for the
8 record.

9 MR. MARTENS: Sure.

10 THE WITNESS: Yes, I do.

11 MR. MARTENS: For the record, Exhibit 3
12 is Bates numbered NAMB-0002 through 0005.

13 BY MR. MARTENS:

14 Q. What is Exhibit 3?

15 A. It is a Strategic Partnership Agreement
16 between the North American Mission Board and the
17 Baptist Convention of Maryland/Delaware.

18 Q. I'm going to for short sometimes refer to
19 that as the SPA, okay?

20 A. Okay.

21 Q. If you go to the last page of Exhibit 3,

1 do you know whose signature is on the left?

2 A. I would assume it's the executive
3 director's, but I don't know which one.

4 Q. You don't remember who the executive
5 director was in 2012?

6 A. David Lee.

7 Q. Okay. Was this SPA in place during your
8 tenure as president of BCMD?

9 A. We had one. I am assuming it was this
10 one.

11 Q. Okay. You're not aware of any other SPA
12 signed after 2012, are you?

13 A. No.

14 Q. Okay. Let's go to the second page of
15 Exhibit 3 under General Principles. In paragraph
16 2, it states that the Strategic Partnership
17 Agreement shall be driven by shared values that
18 reflect mutual respect and peer-to-peer
19 relationships. Did I read that correctly?

20 A. Yes, you did.

21 Q. What does that mean?

1 MR. GANT: Objection. Vague, foundation.

2 THE WITNESS: Shared Biblical values.

3 BY MR. MARTENS:

4 Q. And what does peer-to-peer relationship
5 mean?

6 MR. GANT: Same objections.

7 THE WITNESS: There's an equality in the
8 relationship.

9 BY MR. MARTENS:

10 Q. An equality between whom?

11 MR. GANT: Same objections.

12 THE WITNESS: The members of the Baptist
13 Convention of Maryland/Delaware and the North
14 American Mission Board.

15 BY MR. MARTENS:

16 Q. Do you see in paragraph 2 it refers to a
17 list of values?

18 A. Yes.

19 Q. And letter F is autonomy of individual
20 Baptist entities?

21 A. Yes.

1 Q. What does that mean?

2 MR. GANT: Same objections.

3 THE WITNESS: What we said earlier, that
4 each entity governs itself and is not dictated to
5 by any other entity.

6 BY MR. MARTENS:

7 Q. And in this instance, which entities are
8 you referring to in particular?

9 A. Baptist Convention of Maryland/Delaware
10 and North American Mission Board.

11 Q. During your tenure as president of BCMD,
12 did the autonomy of individual Baptist entities
13 apply to the peer-to-peer relationship between NAMB
14 and BCMD?

15 MR. GANT: Objection. Vague, compound,
16 foundation, calls for speculation.

17 THE WITNESS: Yes.

18 BY MR. MARTENS:

19 Q. Are you familiar with an individual named
20 Will McRaney?

21 A. Yes.

1 Q. And you're aware that he's the Plaintiff
2 in this lawsuit?

3 A. Yes.

4 Q. Directing your attention to September of
5 2013, was Dr. McRaney selected to be the executive
6 director at BCMD?

7 A. I don't remember the date, but I would
8 assume that was the date.

9 Q. Okay. And do you remember how he was
10 selected?

11 MR. GANT: Objection. Vague.

12 THE WITNESS: I would assume he was
13 elected by the messengers to the convention --
14 BY MR. MARTENS:

15 Q. Why do you say you would assume that?

16 MR. GANT: Were you finished?

17 THE WITNESS: I'm sorry?

18 MR. GANT: Were you finished? I thought
19 you were still talking and the next question came.

20 THE WITNESS: No, I was finished.

21 BY MR. MARTENS:

1 Q. Why -- why did you assume -- why do you
2 assume that?

3 A. Because I don't recall exactly how -- I
4 would -- I would assume that it has to be approved
5 by the messengers, something that major. Perhaps,
6 it was approved by the General Mission Board
7 because the convention wasn't in session. That's
8 probably more likely since it's -- the September
9 convention usually meets in November, so probably
10 the General Mission Board.

11 Q. Were you involved in the selection of
12 Will McRaney as the executive director of BCMD?

13 A. No, I don't believe I was on the GMB
14 then.

15 Q. Was Dr. McRaney an ordained minister
16 while he served as executive director of BCMD?

17 A. I -- yes, I assume so.

18 Q. Are there doctrinal criteria to be the
19 executive director of BCMD?

20 MR. GANT: Objection. Vague, foundation,
21 calls for speculation.

1 THE WITNESS: Yes.

2 BY MR. MARTENS:

3 Q. What are those?

4 MR. GANT: Same objections.

5 THE WITNESS: Again, I would think
6 adherence with the Baptist Faith and Message.

7 BY MR. MARTENS:

8 Q. Directing your attention to the 2014 to
9 2015 time period, --

10 A. Okay.

11 Q. -- was the BCMD executive director
12 required to believe a particular version of the
13 Baptist Faith and Message?

14 MR. GANT: Objection. Vague, foundation,
15 compound, calls for speculation.

16 THE WITNESS: I don't know.

17 BY MR. MARTENS:

18 Q. Earlier today we looked at the Baptist
19 Faith and Message provision on religious liberty,
20 do you recall that?

21 A. Yes.

1 Q. Did Dr. McRaney ever express to you a
2 belief that Roman Catholic Churches should have
3 more freedom from government interference when it
4 comes to disputes between a diocese and the Vatican
5 than a Baptist association should have when it
6 comes to disputes between the state convention and
7 the SBC?

8 A. I don't recall.

9 Q. Would you have remembered that if he had
10 expressed that?

11 MR. GANT: Objection. Calls for
12 speculation.

13 THE WITNESS: Maybe.

14 BY MR. MARTENS:

15 Q. What would your reaction have been if you
16 had heard the executive director of the BCMD
17 expressed the view that a Baptist religious entity
18 should have less religious freedom than a Roman
19 Catholic entity?

20 MR. GANT: Objection. Vague, foundation,
21 calls for speculation.

1 THE WITNESS: I would be stunned.

2 BY MR. MARTENS:

3 Q. Why?

4 MR. GANT: Same objections.

5 THE WITNESS: It's just not the Will
6 McRaney I know, and it's not in keeping with
7 Baptist beliefs.

8 BY MR. MARTENS:

9 Q. During Dr. McRaney's tenure as executive
10 director of BCMD, what did his position entail in
11 terms of duties?

12 MR. GANT: Objection. Vague, foundation,
13 calls for speculation, and compound.

14 THE WITNESS: Setting and implementing a
15 vision for our state convention and providing
16 leadership.

17 BY MR. MARTENS:

18 Q. When you say vision, what do you mean by
19 that?

20 A. Where he wanted to see the convention go
21 in terms of how we spend our dollars and pursue our

1 ministry.

2 Q. Is setting vision a spiritual activity?

3 MR. GANT: Objection. Vague.

4 THE WITNESS: In this context, yes.

5 BY MR. MARTENS:

6 Q. Why do you say that?

7 A. If you're the executive director of a
8 state convention and you're not seeking the will of
9 God, you're not doing your job.

10 Q. Does the executive director's -- strike
11 that.

12 During your tenure as BCMD president, did
13 the executive director's job responsibilities
14 include conveying the Baptist message?

15 MR. GANT: Objection. Vague, compound.

16 THE WITNESS: I suppose. It's not a
17 major task.

18 BY MR. MARTENS:

19 Q. Does -- during your tenure as the
20 president of the BCMD, did the executive director's
21 job responsibilities include evangelism?

1 MR. GANT: Objection. Vague.

2 THE WITNESS: It might not have been in
3 the job description, but it's certainly an
4 expectation of every Christian, particularly every
5 Christian minister.

6 BY MR. MARTENS:

7 Q. During your tenure as the president of
8 BCMD, did the executive director's job
9 responsibilities including church -- include church
10 planting?

11 MR. GANT: Objection. Vague, foundation.

12 THE WITNESS: He oversaw church planting,
13 but that wasn't specifically his task.

14 BY MR. MARTENS:

15 Q. During your tenure as president of BCMD,
16 did the executive director's job responsibilities
17 include oversight and direction of church planting?

18 MR. GANT: Same objections, and compound.

19 THE WITNESS: Yes.

20 BY MR. MARTENS:

21 Q. During your tenure as president of BCMD,

1 did the executive director's job responsibilities
2 include support of evangelism?

3 MR. GANT: Objection. Vague.

4 THE WITNESS: Absolutely.

5 BY MR. MARTENS:

6 Q. During your tenure as president of the
7 BCMD, did the executive director's job
8 responsibilities include oversight of strengthening
9 congregations to fulfill Jesus' command in
10 scripture?

11 MR. GANT: Objection. Vague, compound.

12 THE WITNESS: Yes.

13 BY MR. MARTENS:

14 Q. During your tenure as president of BCMD,
15 did the executive director's job responsibilities
16 including -- include oversight of church planting
17 strategy?

18 A. Yes.

19 Q. If you could take a look at Exhibit 3,
20 this is the Strategic Partnership Agreement?

21 A. Okay. Um-hum.

1 Q. During your tenure as president of BCMD,
2 did the executive director's job responsibilities
3 include oversight effort -- oversight of efforts to
4 seek conversions?

5 MR. GANT: Objection. Vague, compound.

6 THE WITNESS: Yes.

7 BY MR. MARTENS:

8 Q. And what are conversions?

9 A. Where people surrender their life to
10 Jesus Christ as their Lord and Savior.

11 Q. Take a look at the Strategic Partnership
12 Agreement, Exhibit 3, the second page under General
13 Principles, paragraph 1, there's a reference at the
14 end of that paragraph to penetrating lostness
15 through church planting and evangelism, do you see
16 that?

17 A. Where is it?

18 Q. The last -- the last line of paragraph 1
19 under General Provisions.

20 A. Yes, I see it.

21 Q. Do you know what penetrating lostness

1 means?

2 MR. GANT: Objection.

3 THE WITNESS: Yes, I do.

4 BY MR. MARTENS:

5 Q. What is it?

6 A. Yes, I do.

7 MR. GANT: Objection. Vague, foundation.
8 Go ahead.

9 THE WITNESS: Seeking to lead people from
10 no relationship to God to a relationship to God
11 through Jesus Christ.

12 BY MR. MARTENS:

13 Q. During your tenure as president of BCMD,
14 was the executive director's job responsibilities
15 such that they included developing a Strategic plan
16 for penetrating lostness through church planting
17 and evangelism?

18 A. Would you repeat the question please?

19 Q. During your tenure as president of BCMD,
20 did the executive director's job responsibilities
21 include development of a strategic plan for

1 penetrating lostness through church planting and
2 evangelism?

3 MR. GANT: Same objections.

4 THE WITNESS: Absolutely.

5 BY MR. MARTENS:

6 Q. During Dr. McRaney's tenure as executive
7 director, did he hold himself out as a minister?

8 MR. GANT: Objection. Vague, foundation,
9 calls for speculation.

10 THE WITNESS: I would say yes.

11 BY MR. MARTENS:

12 Q. Why would you say yes?

13 MR. GANT: Same objections.

14 THE WITNESS: Because he came to us as
15 a -- as a -- as a minister of the gospel.

16 BY MR. MARTENS:

17 Q. During Dr. McRaney's tenure as executive
18 director of BCMD, was he provided a parsonage
19 allowance by BCMD?

20 MR. GANT: Objection. Foundation, calls
21 for speculation, and for a legal conclusion.

1 THE WITNESS: I think so, but I'm not
2 sure.

3 BY MR. MARTENS:

4 Q. And can you just tell us briefly what a
5 parsonage allowance is?

6 MR. GANT: Objection to the extent it
7 calls for a legal conclusion and foundation.

8 THE WITNESS: For pastors, the church
9 helps or entirely -- helps to fund or entirely
10 funds a pastor's residence.

11 BY MR. MARTENS:

12 Q. Is there a tax advantage to doing so?

13 A. Yes.

14 MR. GANT: Same objection.

15 THE WITNESS: Yes.

16 BY MR. MARTENS:

17 Q. What is that?

18 MR. GANT: Same objections.

19 THE WITNESS: I don't think it's taxable
20 income if I'm recall -- recalling correctly.

21 BY MR. MARTENS:

1 Q. And are you familiar that -- familiar
2 with that idea of a parsonage allowance as a result
3 of your service as a minister?

4 A. I would quibble with the -- the word
5 parsonage allowance.

6 Q. What would you call it?

7 A. Housing allowance.

8 Q. Are you familiar with the idea of a
9 nontaxable housing allowance as a result of your
10 service as a minister?

11 A. Yes.

12 Q. Let's go back to Exhibit 3, the Strategic
13 Partnership Agreement, --

14 A. Um-hum.

15 Q. -- and look at the top of the last page
16 entitled, Cooperation, do you see that?

17 A. Yes, I do.

18 Q. And reading from paragraph 1, it says, It
19 is the continuing goal of the two partners to
20 improve cooperation and communication in the
21 planning, administration, promotion, and

1 implementation of the details of the Strategic
2 Partnership Agreement. Did I read that correctly?

3 A. Yes, you did.

4 Q. Do you agree that that was the goal of
5 the Strategic Partnership Agreement during your
6 tenure as president of BCMD?

7 MR. GANT: Objection. Vague, compound,
8 foundation, calls for speculation.

9 THE WITNESS: Please repeat the question.

10 BY MR. MARTENS:

11 Q. Do you agree that improving cooperation
12 and communication between NAMB and BCMD was the
13 goal of the SPA during your tenure as BCMD
14 president?

15 MR. GANT: Same objections.

16 THE WITNESS: Yes.

17 BY MR. MARTENS:

18 Q. Is the relationship between BCMD as
19 cooperative rather than hierarchical a doctrinal
20 commitment?

21 MR. GANT: I'm sorry, can I hear that

1 back, please?

2 (Whereupon, the record was read as
3 requested.)

4 MR. GANT: Objection. Vague.

5 THE WITNESS: I don't know if it's
6 referred to in the Baptist Faith and Message or
7 not, but it is -- it is in keeping with Baptist
8 principles.

9 BY MR. MARTENS:

10 Q. Okay.

11 A. The principle of autonomy.

12 Q. Okay. Let's turn to the second page of
13 the document which has a section we looked at
14 before entitled, General Principles.

15 A. Um-hum.

16 Q. And it reads in the second sentence of
17 paragraph 1, The purpose of this Agreement is to
18 define the relationships and responsibilities of
19 the Convention and the North American Mission Board
20 in areas where the two partners jointly develop,
21 administer, and evaluate a strategic plan for

1 penetrating lostness through church planting and
2 evangelism, did I read that correctly?

3 A. Yes, you did.

4 Q. And in that sentence, the convention
5 refers to whom?

6 A. Baptist Convention of Maryland/Delaware
7 in this instance, in this particular agreement.

8 Q. If we look at item 5, it reads that,
9 Financial support for the strategic plan shall be
10 provided by the two entities on a negotiated ratio
11 basis and reviewed annually, did I read that
12 correctly?

13 A. Yes, you did.

14 Q. What is financial support?

15 MR. GANT: Objection. Vague, foundation.

16 THE WITNESS: Funds that the North
17 American Mission Board would provide to the Baptist
18 Convention of Maryland/Delaware to pursue our
19 mission. In particular, church planting is my
20 understanding.

21 BY MR. MARTENS:

1 Q. Let's turn to the next page under the
2 section entitled, Personnel. Paragraph No. 1 says,
3 Jointly Funded Missionary Personnel. I'd like to
4 go to item D that reads, All missionaries will
5 participate in at least semiannual review --
6 reviews with input from all financially supporting
7 partners coordinated through the convention's
8 executive director or his designee, did I read that
9 correctly?

10 A. Yes, you did.

11 Q. And NAMB was a financially supporting
12 partner --

13 A. Yes.

14 Q. -- of BCMD during your tenure as
15 president of BCMD, correct?

16 A. Yes.

17 THE WITNESS: Did you have an objection?

18 MR. GANT: I did.

19 THE WITNESS: Go ahead.

20 MR. GANT: Can I hear it back?

21 (Whereupon, the record was read as

1 requested.)

2 MR. MARTENS: Let me do the question over
3 to save time here.

4 BY MR. MARTENS:

5 Q. During your tenure as president of BCMD,
6 was NAMB a financially supporting partner as that
7 term is used in paragraph D that we just read?

8 MR. GANT: Objection. Vague, compound,
9 foundation.

10 THE WITNESS: Yes.

11 BY MR. MARTENS:

12 Q. What does it mean to be a financial
13 support -- a financially supporting partner under
14 the SPA?

15 MR. GANT: Same objections.

16 THE WITNESS: As I said earlier, they
17 provide funds for the pursuit of the convention's
18 mission, particularly church planting, but I don't
19 think it was exclusively that.

20 BY MR. MARTENS:

21 Q. Let's turn to the last page. The V is

1 entitled, Funding. Look at paragraph 2. It reads,
2 The convention will be accountable to the North
3 America Mission Board for the expenditure of NAMB
4 resources according to the specifics of the
5 strategic plan. Did I read that correctly?

6 A. I'm sorry, which one?

7 Q. Paragraph 2.

8 A. Please read it again.

9 Q. The convention will be accountable to the
10 North American Mission Board for the expenditure of
11 NAMB resources according to the specifics of the
12 strategic plan did I read that correctly?

13 A. Yes.

14 Q. In your understanding, is that consistent
15 with the principle of autonomy?

16 MR. GANT: Objection. Vague, foundation.

17 THE WITNESS: Certainly.

18 BY MR. MARTENS:

19 Q. If we go back to page 3 of the SPA, this
20 section entitled on page 2, General Principles, the
21 last general principle No. 14 on page 3 reads, "All

1 elements of this document shall be consistent with
2 the most recently adopted version of the Southern
3 Baptist Convention Baptist Faith and Message, did I
4 read that correctly?

5 A. Yes, you did.

6 Q. What does that mean?

7 MR. GANT: Objection. Vague, foundation,
8 calls for speculation.

9 THE WITNESS: It means that nothing in
10 this agreement can violate the most recent adopted
11 version of the Baptist Faith and Message.

12 BY MR. MARTENS:

13 Q. Does that mean that interpreting this
14 agreement requires an understanding of the Baptist
15 Faith and Message?

16 MR. GANT: Objection. Foundation, calls
17 for speculation, vague, compound.

18 THE WITNESS: Please repeat the question.

19 BY MR. MARTENS:

20 Q. Does interpreting this agreement require
21 an understanding of the Baptist Faith and Message?

1 A. It wouldn't hurt. I don't know that it's
2 necessary.

3 Q. How would one -- strike that.

4 If paragraph 14 requires that the
5 agreement be consistent with the Baptist Faith and
6 Message, how would one interpret the agreement
7 without knowing the Baptist Faith and Message?

8 MR. GANT: Objection. Vague, foundation,
9 calls for speculation, and mischaracterizes the
10 document.

11 THE WITNESS: I think I may correct my
12 answer. I would say that you could understand it.
13 You could understand the document, but interpreting
14 would require a knowledge of the Baptist Faith and
15 Message. You could understand it without that, but
16 interpreting it would require that, yes, in my
17 view.

18 BY MR. MARTENS:

19 Q. When did Dr. McRaney's tenure as
20 executive director of BCMD end?

21 A. The vote was on June the 8th, 2015.

1 Q. Why did his time in that role end?

2 MR. GANT: Objection. Vague.

3 BY MR. MARTENS:

4 Q. Let me rephrase because you may -- I may
5 be unclear.

6 Was Mr. B -- was Mr. -- strike that.

7 Was Dr. McRaney's tenure as executive
8 director of BCMD terminated?

9 MR. GANT: Was his tenure terminated?
10 Objection, vague.

11 BY MR. MARTENS:

12 Q. Let me rephrase.

13 Was Dr. McRaney terminated as executive
14 director of BCMD in June of 2018?

15 A. He was given an opportunity to resign.

16 Q. Did he resign?

17 A. He did the next day as I recall.

18 Q. Were you involved in the decision to give
19 him an opportunity to resign?

20 A. Yes.

21 Q. Did you pray over that decision?

1 A. Abundantly.

2 Q. Why do you say that? Why did you -- why
3 did you laugh when I asked that?

4 A. It was probably the most painful,
5 difficult decision of my life.

6 Q. Did you consider it a spiritual decision?

7 MR. GANT: Objection. Vague.

8 THE WITNESS: Absolutely.

9 BY MR. MARTENS:

10 Q. Did you consider it a decision for which
11 you sought God's guidance?

12 A. Absolutely.

13 Q. I'm going to show you what appears to be
14 an email from John -- from June of 2016 between you
15 and Michael Trammell and ask you if you recognize
16 it, and --

17 A. Can --

18 Q. -- I'm going to mark it.

19 A. Can I ask you a question?

20 Q. Well --

21 A. No, I guess not. Okay. You said

1 something earlier. I'm not sure I answered it, but
2 that's --

3 Q. Okay. Well, what was that? We can
4 certainly clear it up.

5 A. There was -- there was a why question in
6 there somewhere. Maybe I answered it. I don't
7 recall.

8 Q. Yeah. Why -- why -- I think what I asked
9 you was why was Dr. McRaney given the opportunity
10 to resign?

11 MR. GANT: Are you asking a new question?

12 BY MR. MARTENS:

13 Q. If you --

14 MR. MARTENS: Yes, I am.

15 MR. GANT: Okay. Objection. Vague,
16 foundation. Go ahead.

17 THE WITNESS: To adequately answer that
18 question, you would have to interview every one of
19 the 37 people who voted in favor of asking him for
20 his resignation.

21 BY MR. MARTENS:

1 Q. Okay. Let me show you -- strike that.

2 Were you involved in discussions with
3 those 37 people who were members of the General
4 Mission Board in the decision to ask Dr. McRaney to
5 resign as executive director?

6 A. Yes, I was.

7 MR. GANT: You've got to give me a
8 chance.

9 THE WITNESS: I'm sorry. I keep
10 forgetting. I'll just pause all the time.

11 MR. GUNDERSON: You're doing fine.

12 MR. GANT: I know you're trying. I'm not
13 criticizing you. I'm just --

14 THE WITNESS: I'm trying. I'm not used
15 to the setup.

16 MR. GANT: We need a clear record. It's
17 an unusual way of communicating.

18 May I have the question back and then
19 I'll lodge my objection? And just I think you
20 misstated something, but you can -- I'll make my
21 objection and you can decide whether you want to

1 fix your question. Go ahead.

2 (Whereupon, the record was read as
3 requested.)

4 MR. GANT: Objection. Foundation, vague,
5 assumes facts not in evidence, calls for
6 speculation.

7 THE WITNESS: I want to add to that
8 response.

9 BY MR. MARTENS:

10 Q. Sure.

11 A. There were 38 people present. To my
12 knowledge, one did not vote, so that's why I said
13 you would have to ask 37.

14 Q. Were you involved in discussions with all
15 38 of those people?

16 A. Yes.

17 MR. GANT: Wait. You need --

18 MR. MARTENS: Scott, it's a frivolous
19 objection. There's nothing to object to in that
20 question.

21 MR. GANT: It's not frivolous.

1 (Whereupon, Warren Deposition Exhibit No.
2 4, Documents Bates Numbered WARR 041 through 042,
3 marked for identification.)

4 BY MR. MARTENS:

5 Q. I'm going to show you Exhibit 4.

6 MR. GANT: It's not frivolous. First of
7 all, I didn't make an objection, Scott.

8 MR. MARTENS: Scott, if you keep it up,
9 we're going to go to the Judge on this.

10 MR. GANT: You're --

11 MR. MARTENS: You're objecting to
12 compound and vague to questions that are not
13 remotely compound or vague, and I've asked you
14 not -- before not to do this, and if you're going
15 to keep it up, we're going to go to the Judge.

16 MR. GANT: You're -- you're welcome to
17 call. I didn't make an objection to that last
18 question, but what I would have done --

19 MR. MARTENS: Just state what you need to
20 state. Let's go.

21 MR. GANT: No, I just -- please give me a

1 chance and pause. I know you're trying your best.
2 Thank you.

3 THE WITNESS: Okay.

4 BY MR. MARTENS:

5 Q. I'll show you Exhibit 4.

6 MR. GANT: You're welcome to apologize at
7 any time.

8 BY MR. MARTENS:

9 Q. Do you recognize Exhibit 4?

10 A. Yes.

11 Q. And is it an email exchange between you
12 and Michael Trammell on or about June 3rd and June
13 4th of 2016?

14 A. Yes.

15 Q. As of June 2016, who was Michael
16 Trammell?

17 A. He was a member -- I believe he was a
18 member of the Administrative Committee, certainly a
19 member of the General Mission Board.

20 Q. And was he another pastor in the BCMD
21 jurisdiction?

1 A. Yes.

2 Q. I want to direct your attention to the
3 middle of the first page --

4 A. Um-hmm.

5 Q. -- in an email that you wrote on June
6 4th, 2016 at 12:08 p.m.; do you see that?

7 A. Um-hum. Yes. Um-hum.

8 Q. And you wrote, "I really do not recall at
9 all what I said to Wolverton. He may well be
10 right. I would tell him and anyone else, though,
11 that this is the bottom line: We fired Will
12 because of his retched leadership, not because of a
13 possible loss of NAMB funds." Did I read that
14 correctly?

15 A. No. You said --

16 Q. I -- I misread the first sentence?

17 A. The all, yeah.

18 Q. Let me read that again. On June 4th,
19 2016 at 12:08 p.m. you wrote, "I really do not
20 recall all that I said to Wolverton. He may well
21 be right. I would tell him and anyone else,

1 though, that this is the bottom line: We fired
2 Will because of his retched leadership, not because
3 of a possible loss of NAMB funds." Did I read that
4 correctly?

5 A. Yes, you did.

6 Q. Was that a true statement when you made
7 it to Mike Trammell in June of 2016?

8 MR. GANT: Objection. Vague, compound.

9 THE WITNESS: It was my view, which I
10 considered it to be the truth.

11 BY MR. MARTENS:

12 Q. Do you still consider it to be the truth
13 today?

14 A. Absolutely.

15 Q. What was your basis for making that
16 statement?

17 MR. GANT: Objection. Compound.

18 THE WITNESS: Numerous conversations with
19 leadership, conversations with pastors,
20 conversations with senior staff, observations.

21 BY MR. MARTENS:

1 Q. Are you done with your answer?

2 A. Yes.

3 Q. When you say conversations with
4 leadership, what do you mean by leadership?

5 A. The president of the General Mission
6 Board, Mike Dooley, and the chairman of the
7 Administrative Committee, Harold Phillips, as well
8 as others on the Administrative Committee. In
9 fact, all of the others on the Administrative
10 Committee.

11 Q. When you refer to Will McRaney -- strike
12 that.

13 When you refer to Will in this passage
14 that I read from your email, is Will, Will McRaney?

15 A. Yes.

16 Q. And when you refer to Will McRaney's
17 retched leadership, what did you mean by that?

18 A. There were six areas of concern that we
19 had with Will, which you all have the documentation
20 for.

21 Five of those -- actually, all six were

1 concerns that we had. He failed -- we thought that
2 he had failed to serve us well as our leader.

3 Q. I'm going to show you what I'm going to
4 mark as Exhibit 5.

5 (Whereupon, Warren Deposition Exhibit No.
6 5, Documents Bates Numbered NAMB 7667 through 7668,
7 marked for identification.)

8 BY MR. MARTENS:

9 Q. Do you recognize Exhibit 5?

10 A. I certainly do.

11 Q. What is it?

12 MR. GANT: Just, Matt, just a standing
13 request if it has a Bates number, if you can put it
14 in the record.

15 MR. MARTENS: Exhibit 5 bears the Bates
16 number NAMB 7667 through 7668.

17 MR. GANT: Thank you.

18 BY MR. MARTENS:

19 Q. Do you recognize Exhibit 5 as an email
20 exchange between you and Kevin Ezell on June 14th
21 of 2016?

1 MR. GANT: Objection. Mischaracterizes
2 the document.

3 THE WITNESS: Yes, it is an email from me
4 to Kevin.

5 BY MR. MARTENS:

6 Q. And just for clarification, and also
7 involves an email with a steve@cantonbaptist, do
8 you see that at the bottom?

9 MR. GANT: Thank you. That was the
10 objection.

11 THE WITNESS: Yes, it does.

12 BY MR. MARTENS:

13 Q. Who is steve@cantonbaptist?

14 A. Pastor Steve Wolverton.

15 Q. I want to direct your attention to the
16 second paragraph of the email and I'm going to ask
17 you to read it to yourself.

18 MR. GANT: Sorry, which?

19 MR. MARTENS: Paragraph two of the first
20 email on -- at the top of the page at 9:12 p.m.

21 THE WITNESS: Do you want me to read it?

1 BY MR. MARTENS:

2 Q. Just to yourself.

3 (Whereupon, there was a pause for
4 document examination.)

5 THE WITNESS: Yes. Okay.

6 BY MR. MARTENS:

7 Q. What role, if any, did Will McRaney's
8 lack of a humble spirit play in BCMD's decision to
9 terminate his employment?

10 MR. GANT: Objection. Vague and
11 foundation.

12 THE WITNESS: He betrayed a spirit of
13 unwillingness to make the changes from his heart
14 that needed to be made in his leadership.

15 BY MR. MARTENS:

16 Q. Was it -- in your estimation, did Will
17 McRaney lack the humble spirit necessary for the
18 role as executive director of BCMD?

19 MR. GANT: Objection. Foundation.

20 THE WITNESS: Yes.

21 BY MR. MARTENS:

1 Q. Are you familiar with Philippians 2:5-8?

2 A. Yes.

3 Q. I'm going to show what you what we're
4 going to mark as Exhibit 6.

5 (Whereupon, Warren Deposition Exhibit No.
6 6, Portion of Philippians in New Testament, marked
7 for identification.)

8 BY MR. MARTENS:

9 Q. Do you recognize Exhibit 6 as a portion
10 of Philippians 2 in the New Testament of the King
11 James version of the Bible?

12 A. Yes, I do.

13 Q. And are you familiar with verses 5
14 through 8 of Philippians 2?

15 A. I'm very familiar.

16 Q. You probably could recite it from memory,
17 right?

18 A. Not in King James, but maybe.

19 Q. Verse 5 reads, Let this mind be in you,
20 which was also in Christ Jesus. Do you have an
21 understanding of that passage, of that verse?

1 A. Yes.

2 Q. What is your understanding of it?

3 A. That we should emulate the mind of
4 Christ.

5 Q. And verse 8 reads, And being found in
6 fashion as a man, He humbled himself and became
7 obedient unto death, even the death of the cross.
8 Did I read that correctly?

9 A. Yes.

10 Q. Who is the He in that verse?

11 A. Jesus.

12 Q. And what does that passage tell you what
13 the mind of Christ was?

14 A. He flew low.

15 Q. What do you mean by that?

16 A. Which is what the Greek word for humble
17 means. It means that you -- you don't puff
18 yourself up, you know, consider yourself above
19 others. You serve -- you're not proud. Beyond
20 that, he was totally obedient to the Father, to
21 Father of God, even though it involved crucifixion.

1 Q. Do you consider a humble spirit to be an
2 element of a Christ-like character?

3 A. Absolutely.

4 Q. Based on your involvement -- strike that.
5 Based on your discussion with other
6 members of the General Mission Board during your
7 tenure as president of BCMD, was Dr. McRaney
8 terminated as executive director of BCMD because
9 someone in NAMB stated that he had breached the
10 SPA?

11 MR. GANT: Objection. Vague, compound,
12 foundation.

13 THE WITNESS: No, he was not terminated
14 because of the funding issue.

15 BY MR. MARTENS:

16 Q. Based on your discussions with others on
17 the General Mission Board during your tenure as
18 president of BCMD, did NAMB or any NAMB personnel
19 say disparaging things about Dr. McRaney to BCMD
20 that caused BCMD to terminate Dr. McRaney?

21 MR. GANT: Objection. Vague, compound,

1 foundation, calls for speculation.

2 THE WITNESS: No, not to --

3 MR. GANT: Sorry, and to the extent it
4 calls for a legal conclusion.

5 THE WITNESS: I can't speak for the
6 entire BCMD, but not to my knowledge.

7 BY MR. MARTENS:

8 Q. Did NAMB personnel tell BCMD that
9 Dr. McRaney had lied?

10 MR. GANT: Same objections.

11 THE WITNESS: Please repeat the question.

12 BY MR. MARTENS:

13 Q. Did any NAMB personnel tell BCMD that
14 Dr. McRaney had lied?

15 MR. GANT: Objection. Vague, compound,
16 foundation, calls for speculation.

17 THE WITNESS: Not to my knowledge.

18 BY MR. MARTENS:

19 Q. Did any allegation that Dr. McRaney had
20 lied have any bearing on BCMD's decision to
21 terminate him in June of 2015?

1 MR. GANT: Objection, vague, compound,
2 foundation, calls for speculation.

3 THE WITNESS: Would you repeat it?

4 BY MR. MARTENS:

5 Q. Based on your discussions with other
6 members of the General Mission Board, to your
7 knowledge did any allegation that Dr. McRaney had
8 lied have any bearing on the decision to terminate
9 him in June of 2015?

10 MR. GANT: Same objections.

11 THE WITNESS: No.

12 BY MR. MARTENS:

13 Q. Did NAMB personnel tell BCMD that
14 Dr. McRaney had ruined BCMD?

15 MR. GANT: Same objections.

16 THE WITNESS: Not to my knowledge.
17 Again, I have to answer in terms of what I was
18 said -- what was said to me. That was never said
19 to me.

20 BY MR. MARTENS:

21 Q. Based on your interactions with other

1 members of the GMB, did any allegation that
2 Dr. McRaney had ruined BCMD play any role in the
3 decision to terminate him in June of 2015?

4 MR. GANT: Same objections.

5 THE WITNESS: No.

6 BY MR. MARTENS:

7 Q. From your perspective, did NAMB appear to
8 be attacking Dr. McRaney?

9 MR. GANT: Objection. Vague.

10 THE WITNESS: No, not as I understand the
11 word attack.

12 BY MR. MARTENS:

13 Q. Based on your discussions with other
14 members of the GMB, did any attack on Dr. McRaney
15 by NAMB play any role in the decision to terminate
16 Dr. McRaney in June of 2015?

17 MR. GANT: Objection. Vague, foundation.

18 THE WITNESS: Not at all.

19 BY MR. MARTENS:

20 Q. Based on your discussions with other
21 members of the GMB, was Dr. McRaney terminated as

1 executive director of the BCMD because NAMB asked
2 BCMD to fire him?

3 A. Not at all.

4 Q. Based on your discussions with other
5 members of the GMB, was Dr. McRaney terminated as
6 executive director of the BCMD in June of 2015
7 because NAMB pressured BCMD to fire him?

8 MR. GANT: Objection. Vague, foundation,
9 compound, calls for speculation.

10 THE WITNESS: Not at all.

11 BY MR. MARTENS:

12 Q. Based on your discussions with other
13 members of the GMB, was Dr. McRaney terminated as
14 executive director of the BCMD because NAMB
15 threatened to withhold funds if Dr. McRaney was not
16 terminated?

17 MR. GANT: Objection. Vague, foundation,
18 calls for speculation, compound.

19 THE WITNESS: No.

20 BY MR. MARTENS:

21 Q. I want to show you what we're going to

1 mark as Exhibit 7.

2 (Whereupon, Warren Deposition Exhibit No.
3 7, Affidavit of Mark Dooley In Support of the
4 Baptist Convention of Maryland/Delaware's Motion to
5 Quash, marked for identification.)

6 BY MR. MARTENS:

7 Q. Have you seen 7, Exhibit 7 previously?

8 A. I have seen it, but I have not read it.

9 Q. Okay. I'd like you to take a minute to
10 read whatever you want, but in particular, I'm
11 going to ask you about paragraph 4 of Exhibit 7.

12 (Whereupon, there was a pause for
13 document examination.)

14 THE WITNESS: Okay. I've read section 4.

15 BY MR. MARTENS:

16 Q. Were all personnel decisions considered
17 and recommended by the Administrative Committee and
18 voted on by the General Mission Board during your
19 tenure as president of the BCMD guided by religious
20 tenants of BCMD and its associated churches and
21 made only after meaningful prayer and

1 consideration?

2 MR. GANT: Objection. Vague, compound,
3 foundation, calls for speculation.

4 THE WITNESS: Yes.

5 BY MR. MARTENS:

6 Q. Was that true of BCMD's decision to
7 terminate Dr. McRaney in June of 2015?

8 MR. GANT: Same objections.

9 THE WITNESS: Please repeat the question.

10 BY MR. MARTENS:

11 Q. Was that true of BCMD's decision to
12 terminate Dr. McRaney in June of 2015?

13 A. Was what true?

14 MR. GANT: Same objections.

15 BY MR. MARTENS:

16 Q. The statement that we just -- that I just
17 asked you about concerning how decisions were made
18 with regard to personnel?

19 MR. GANT: Same objections. Vague if it
20 wasn't included.

21 THE WITNESS: Yes, we did. We were

1 guided by religious tenets of BCMD and associated
2 churches, and we made that decision only after
3 meaningful prayer and consideration.

4 MR. MARTENS: Let's take a break.

5 THE WITNESS: Okay.

6 THE VIDEOGRAPHER: We are going off the
7 record. The time is 11:55 a.m.

8 (Recess taken -- 11:55 a.m.)

9 (After recess -- 12:07 p.m.)

10 THE VIDEOGRAPHER: We are back on the
11 record. The time is 12:07 p.m. This is media
12 number two.

13 BY MR. MARTENS:

14 Q. Dr. Warren, I would like to show you what
15 I'm going to mark as Exhibit 8.

16 (Whereupon, Warren Deposition Exhibit No.
17 8, Document Bates Numbered NAMB-0001, marked for
18 identification.)

19 BY MR. MARTENS:

20 Q. I want to back up and talk about the
21 events that led to Dr. McRaney's termination.

1 Do you recognize Exhibit 8?

2 A. Yes, I do.

3 Q. What is it?

4 A. It is a letter from Kevin Ezell and Jeff
5 Christensen -- Christopherson, I'm sorry, to Will
6 McRaney.

7 Q. Were you copied on that letter?

8 A. Yes.

9 Q. Did you receive a copy of it on or about
10 December 2nd, 2014?

11 A. Yes.

12 Q. When did you first learn that NAMB had
13 concerns -- strike that.

14 At some point, did you learn that NAMB
15 had concerns about Dr. McRaney's work as executive
16 director of BCMD?

17 MR. GUNDERSON: Objection. Vague.

18 THE WITNESS: It was at this point that I
19 learned that NAMB had concerns not about Will's
20 ministry in general, but about his handling of the
21 agreement.

1 BY MR. MARTENS:

2 Q. And when you say at this point, to what
3 are you referring?

4 A. December 2nd, 2014, whenever we received
5 the letter.

6 Q. What did you do when you got the letter?

7 A. I got angry.

8 Q. Angry at whom?

9 A. Kevin Ezell and NAMB.

10 Q. Why?

11 A. I thought very highly of Will. I was on
12 board with him. I once told a group -- this is a
13 bit of a longer answer.

14 Q. That's fine.

15 A. I once told a group of -- on the General
16 Mission Board that I would follow him anywhere. I
17 was a fan, and I was very impressed with him. So,
18 I took this personally because they were slamming
19 my leader and my friend and someone that I
20 respected.

21 Q. So, what did you do about that?

1 A. Well, we got together and talked about
2 it.

3 Q. When you say we, who is we?

4 A. My recollection is Will and Harold
5 Phillips and Mark Dooley and me; the leadership
6 team.

7 Q. At the time, who was Harold Phillips?

8 A. The -- he -- he was the chairman of the
9 Administrative Committee.

10 Q. Of the BCMD?

11 A. Yes.

12 Q. And at the time, who was Mark Dooley?

13 A. He was the president of the General
14 Mission Board of the BCMD.

15 Q. Did the four of you get together in
16 person?

17 A. I don't recall if it was in person or it
18 was a conference call.

19 Q. Did you speak with anybody at NAMB about
20 the letter?

21 A. No.

1 MR. GANT: Objection. Objection. Vague.

2 THE WITNESS: No.

3 BY MR. MARTENS:

4 Q. Did you speak with Kevin Ezell about the
5 letter?

6 MR. GANT: Same objection.

7 THE WITNESS: He called -- he called me.

8 BY MR. MARTENS:

9 Q. When was that approximately?

10 A. It's in the documentation somewhere. I
11 think it was still in Novem- -- in December.

12 Q. And what do you recall about that
13 conversation?

14 A. I wondered how he got my number. I was
15 surprised to hear from him. I was blunt. I said,
16 You're wrong about Will. You don't know him the
17 way I know him, and I'm not happy about your
18 letter, and I don't think you're being fair to him
19 or to us.

20 Q. And what was Dr. Ezell's response?

21 A. I don't recall.

1 Q. Do you see that the letter, Exhibit 8,
2 refers to Dr. McRaney's serious and persistent
3 disregard of the Strategic Partner Agreement in the
4 first paragraph?

5 A. Yes.

6 Q. Do you see the first paragraph refers to
7 a breach of the agreement in the third line?

8 A. I was looking for the word breach.

9 Q. In the third line of the first paragraph.

10 A. Oh, yes.

11 Q. Do you see that the last paragraph refers
12 to willfully and repeatedly ignoring the Strategic
13 Partner Agreement?

14 A. I see that.

15 MR. GANT: I'm sorry, Matt. You keep
16 saying partner. It's partnership.

17 BY MR. MARTENS:

18 Q. Partnership Agreement.

19 Did any of those statements -- strike
20 that.

21 Based on your discussions with other

1 members of the GMB or anyone else at BCMD, did any
2 of those statements in the letter from Dr. Ezell
3 that is Exhibit 8 have any bearing on the decision
4 of BCMD to terminate Dr. McRaney's employment in
5 June of 2015?

6 MR. GANT: Objection. Vague, compound,
7 foundation, calls for speculation.

8 THE WITNESS: One element of concern that
9 we had with Will was his relationship to NAMB.

10 BY MR. MARTENS:

11 Q. What do you mean by that?

12 A. As time went on, it seemed to be
13 adversarial.

14 Q. And what do you mean as time went on?

15 A. In the next six months, it seemed
16 adversarial to us, to me.

17 Q. What does adversarial mean?

18 A. Quite frankly, I think both men were
19 adversarial.

20 Q. Both men meaning?

21 A. Kevin Ezell and Will. I think there was

1 poor communication between the two of them.

2 Q. Adversarial in a nonChrist-like way?

3 MR. GANT: Objection. Vague, foundation.

4 THE WITNESS: No, not as enemies. They
5 just -- just didn't agree, and I think it
6 became -- well, they just didn't agree.

7 BY MR. MARTENS:

8 Q. You referenced earlier a -- a meeting you
9 had after receiving this letter with -- with four
10 people, three other people besides yourself.

11 Did Dr. McRaney during that meeting, or
12 otherwise, express to you a response to Exhibit 8,
13 the letter from Dr. Ezell in December of 2014?

14 MR. GANT: Objection. Vague, compound.

15 THE WITNESS: If you mean did we discuss
16 it, yes.

17 BY MR. MARTENS:

18 Q. And did Dr. McRaney express a view about
19 the letter?

20 A. I'm sure he did.

21 Q. Do you recall what that was?

1 A. Like the rest of us, he wasn't happy
2 about it.

3 Q. Okay.

4 A. More specific I can't get.

5 Q. Okay. Did Dr. McRaney and Dr. Ezell in
6 your -- based on your discussions with them appear
7 to be in disagreement over whether or not
8 Dr. McRaney had complied with the SPA?

9 A. Absolutely.

10 Q. Let me show you what I'm going to mark as
11 Exhibit 9.

12 Strike that. We already marked as
13 Exhibit I believe 1 the Baptist Faith and Message.
14 I'll just direct you back to page 7 where we
15 earlier looked at Section VI of the Baptist Faith
16 and Message concerning the church. Do you remember
17 that?

18 A. Yes.

19 Q. And on page 8, we looked at the paragraph
20 that states that the New Testament speaks also of
21 the church as the Body of Christ, which includes

1 all of the redeemed of all of the ages, believers
2 from every tribe, and tongue, and people, and
3 nation. Do you remember discussing that?

4 A. Yes. Um-hum.

5 Q. Do you consider Dr. McRaney to be part of
6 the Body of Christ, meaning a member of the
7 redeemed of all ages?

8 A. Absolutely.

9 Q. Did you believe that to be the case in
10 2015?

11 A. Absolutely.

12 Q. Do you believe it to be the case today?

13 A. Absolutely.

14 Q. Did you consider Dr. Ezell to be part of
15 the Body of Christ? Meaning a member of the
16 redeemed of all ages?

17 A. Absolutely.

18 Q. Did you believe that to be the case in
19 2015?

20 A. Absolutely.

21 Q. Do you believe it to be the case today?

1 A. Absolutely.

2 Q. Regardless of what local congregations
3 Drs. McRaney and Ezell are members of, do you
4 consider them to be both members of the church,
5 meaning the Body of Christ?

6 A. Absolutely.

7 Q. Did you believe that to be the case in
8 2015?

9 A. Absolutely.

10 Q. The disagreement you just described that
11 you observed between Drs. McRaney and Ezell over
12 Dr. McRaney's compliance with the SPA, do you view
13 that as a dispute between two people within the
14 Body of Christ?

15 MR. GANT: Objection. Vague.

16 THE WITNESS: Yes, it was a dispute.

17 BY MR. MARTENS:

18 Q. Did you consider that to be a dispute
19 between two members within the Body of Christ over
20 BCMD's cooperation with NAMB in their performance
21 of their cooperative evangelistic mission?

1 MR. GANT: Objection. Vague, foundation,
2 compound.

3 THE WITNESS: It wasn't BCMD's
4 cooperation. It was Will's cooperation.

5 BY MR. MARTENS:

6 Q. Okay. Did you consider the dispute that
7 you observed between Dr. Ezell and Dr. McRaney to
8 be a dispute between two members within the Body of
9 Christ concerning Dr. McRaney's cooperation with
10 NAMB in the performance of the cooperative
11 evangelistic mission?

12 MR. GANT: Objection. Vague, compound,
13 foundation.

14 THE WITNESS: Yes.

15 BY MR. MARTENS:

16 Q. When you received the termination --
17 strike that.

18 When you received the letter that's
19 Exhibit 8 from Dr. Ezell in December of 2014, did
20 you interpret it as an ultimatum from NAMB to fire
21 Dr. McRaney?

1 MR. GANT: Objection. Vague.

2 THE WITNESS: Absolutely not.

3 BY MR. MARTENS:

4 Q. Did anyone from NAMB tell you that the
5 December 2nd, 2014 letter from Dr. Ezell and Jeff
6 Christer- -- Christopherson was an ultimatum to
7 fire Dr. McRaney?

8 A. No.

9 Q. Did BCMD terminate Dr. McRaney's
10 employment as executive director of BCMD because of
11 the December 2nd, 2014 letter?

12 MR. GANT: Objection. Vague, foundation,
13 calls for speculation.

14 THE WITNESS: Again, you would need to
15 ask all 37 members why they voted yes. That is not
16 why I voted yes --

17 BY MR. MARTENS:

18 Q. Did any --

19 A. But it wasn't this letter.

20 Q. Did anyone in your presence express the
21 view that they voted to terminate Dr. McRaney's

1 termination as executive director of BCMD because
2 of the December 2nd, 2014 letter from Dr. Ezell?

3 A. No.

4 Q. Who is David Jackson?

5 A. At the time, he was the -- I don't recall
6 the technical term, but he was in charge of church
7 planting for the State Convention of
8 Maryland/Delaware.

9 Q. At the time, meaning in 2014 and 2015?

10 A. Yes.

11 MR. GANT: Objection. Sorry, objection.
12 Compound.

13 BY MR. MARTENS:

14 Q. Did you speak to David Jackson about the
15 December 2nd, 2014 letter from NAMB that is Exhibit
16 8?

17 A. No, not that I recall.

18 Q. I'm going to show you what I'm going to
19 mark as Exhibit 9.

20 (Whereupon, Warren Deposition Exhibit No.
21 9, Documents Bates Numbered NAMB 6645 through NAMB

1 6648, marked for identification.)

2 THE WITNESS: So, is the correct answer
3 there I don't recall or, no, not that I recall?
4 Does it matter?

5 BY MR. MARTENS:

6 Q. Whichever is --

7 A. It doesn't matter?

8 Q. Whichever is your best recollection.

9 MR. GANT: I think you're looking in the
10 wrong direction. I think you should look to your
11 left.

12 BY MR. MARTENS:

13 Q. Whichever is your best memory.

14 MR. GUNDERSON: You're saying because you
15 answered, no, I don't recall, or, yes, I don't
16 recall? Is that your --

17 BY MR. MARTENS:

18 Q. Let me ask you it this way: I'll try to
19 clarify it.

20 MR. GUNDERSON: Yeah.

21 BY MR. MARTENS:

1 Q. Do you recall any conversation with David
2 Jackson about the December 2nd, 2014 letter that is
3 Exhibit 8?

4 A. I do not recall a conversation.

5 Q. Let me show you what is Exhibit 9.

6 MR. GANT: Matt, just a reminder, please,
7 about the Bates numbers.

8 MR. MARTENS: Exhibit 9 is a document
9 bearing Bates numbers NAMB 6645 through 6648.

10 BY MR. MARTENS:

11 Q. Do you recognize Exhibit 9?

12 A. Yes, I do.

13 Q. Do you recognize it as an email exchange
14 between Will McRaney, Kevin Ezell and ultimately
15 you beginning in November 20th, 2014 and continuing
16 through December 5th, 2014?

17 MR. GANT: Objection. Mischaracterizes
18 the document.

19 THE WITNESS: Yes.

20 BY MR. MARTENS:

21 Q. Do you remember receiving this email on

1 or about December 5th, 2014?

2 A. I remember it because I pulled it out of
3 my computer last week.

4 Q. Okay. Do you remember receiving
5 at -- remember receiving it at the time?

6 A. I have no distinct recollection that
7 I -- when I received it.

8 Q. Do you know why -- strike that.
9 Do you know what prompted Kevin Ezell to
10 send this to you on December 5th, 2014?

11 A. I can't speak for Kevin, but I would
12 assume that he wanted to keep me in the loop of
13 conversations -- of communications since I was the
14 president.

15 Q. Had you spoken with Kevin Ezell by
16 telephone as of December 5th, 2014?

17 A. There is documentation in here somewhere
18 of my conversation with him, so I do not believe
19 that we had spoken at that point. I would -- I do
20 not believe we did.

21 Q. Okay. Let's focus on Dr. Ezell's email

1 to Will McRaney on the first page of Exhibit 9, the
2 email dated November 20th, 2014 at 10:06 p.m. Do
3 you see that?

4 A. November 20th?

5 Q. Yes.

6 A. At 5:25?

7 Q. At 10:06 on the first page.

8 A. On the first page.

9 MR. GUNDERSON: The first page.

10 THE WITNESS: Okay. Yes.

11 BY MR. MARTENS:

12 Q. And I think I said -- I should have said
13 from Kevin Ezell to Will McRaney on November 20th,
14 2014 at 10:06 p.m., are you with me there?

15 A. Yes.

16 Q. Okay. Do you see there's some numbered
17 paragraphs there?

18 A. Yes.

19 Q. Numbered paragraph No. 1 reads, "Local
20 disregard for NAMB staff. You have not yet
21 returned a phone call from Kevin Marsico. Kevin

1 and Ron Larson are very careful of their speech,
2 but our understanding is that you openly speak
3 against both leaders. Jeff has confronted you on
4 this on two separate occasions. Did I read that
5 correctly?

6 A. Yes, you did.

7 Q. Who is Kevin Marsico?

8 A. He was employed by the North American
9 Mission Board. I think he functioned as like a
10 regional director for church planting.

11 Q. Back in 2014/2015?

12 A. Yes.

13 Q. Who was Ron Larson?

14 A. Ron, as I recall, was the Send, S-E-N-D,
15 Send City representative for the North American
16 Mission Board dealing primarily I think with
17 Baltimore.

18 Q. And that was true back in 2014/2015?

19 A. Yes.

20 Q. What is the Send organization?

21 MR. GANT: Objection. Foundation.

1 THE WITNESS: My recollection is it was
2 an effort to plant churches in major metropolitan
3 areas of the United States.

4 BY MR. MARTENS:

5 Q. Prior to receiving this email from Kevin
6 Ezell on December 5th, 2014, were you aware of
7 issues between Dr. McRaney, Kevin Marsico, and Ron
8 Larson?

9 MR. GANT: Objection. Foundation,
10 compound.

11 THE WITNESS: No.

12 BY MR. MARTENS:

13 Q. Do you believe Kevin Marsico to be a
14 member of the Body of Christ?

15 MR. GANT: Objection. Foundation.

16 THE WITNESS: Yes.

17 BY MR. MARTENS:

18 Q. Do you -- did you believe that to be the
19 case in 2015?

20 A. Yes.

21 Q. Do you believe Ron Larson to be a member

1 of the Body of Christ?

2 A. Yes.

3 Q. Did you believe that to be the case in
4 2015?

5 A. Yes.

6 Q. Do you believe that openly speaking
7 against other members of the Body of Christ is an
8 example of a humble spirit?

9 MR. GANT: Objection. Vague, foundation,
10 incomplete hypothetical.

11 THE WITNESS: Repeat the question,
12 please.

13 BY MR. MARTENS:

14 Q. Do you believe that openly speaking
15 against other members of the Body of Christ is an
16 example of a humble spirit?

17 MR. GANT: Same objections.

18 THE WITNESS: If by openly speaking
19 against them one is referring to negative comments
20 about their character, my answer is yes.

21 BY MR. MARTENS:

1 Q. You think it is an example of a humble
2 spirit?

3 A. Oh, I'm sorry. My answer is no, it's
4 not.

5 Q. Do you believe that openly speaking
6 against other members of the Body of Christ is an
7 example of Christ-like character?

8 MR. GANT: Objection. Vague, compound,
9 foundation, incomplete hypothetical, calls for
10 speculation.

11 THE WITNESS: Again --

12 MR. GANT: Go ahead.

13 THE WITNESS: -- with my understanding of
14 what speak against, openly against is, it is
15 not -- it's not in the spirit of Christ and it's
16 not humble.

17 BY MR. MARTENS:

18 Q. Are you familiar with Christ's teaching
19 in Matthew 18 about how to resolve disputes among
20 members of the Body of Christ?

21 A. Yes, I am.

1 Q. At a high level, what does Christ say are
2 the steps for dealing with disputes among members
3 of the Body of Christ?

4 A. Matthew 18 states that if your brother
5 sins against you, you go to him, and I'll
6 paraphrase, try to work it out.

7 Q. And when you --

8 A. That's the beginning.

9 Q. Okay. And when does the term
10 brother -- what does the term brother mean in your
11 answer?

12 A. Fellow Christian.

13 Q. Is that another member of the Body of
14 Christ?

15 A. Yes.

16 Q. Where does openly speaking against
17 another member of the Body of Christ fit into
18 Christ's teaching in Matthew 18?

19 A. It's a violation of Matthew 18.

20 Q. Let's look at item 2 in Kevin Ezell's
21 email to Will McRaney titled, Disregarding NAMB's

1 Processes. Did you understand the part of the
2 dispute between NAMB and BCMD was the hiring of
3 BCM -- strike that.

4 Did you understand in the 2014/2015 time
5 period that part of the dispute between NAMB and
6 BCMD was the hiring by BCMD of certain personnel?

7 MR. GANT: Objection. Vague, compound,
8 foundation.

9 THE WITNESS: Yes.

10 BY MR. MARTENS:

11 Q. Who were the personnel?

12 A. Joel Rainey and later Michael Crawford.

13 Q. What position was Joel Rainey hired to
14 fill?

15 A. I don't recall the exact title, but it
16 had to do with directing evangelism.

17 Q. As directing evangelism, are you
18 referring to the BCMD?

19 A. Yes.

20 Q. Is directing evangelism for BCMD a
21 spiritual activity?

1 MR. GANT: Objection. Vague.

2 THE WITNESS: Absolutely.

3 BY MR. MARTENS:

4 Q. What position was Michael Crawford hired
5 for?

6 A. Again, in layman's terms, church
7 planting.

8 Q. Is church planting a spiritual activity?

9 MR. GANT: Same objection.

10 THE WITNESS: Certainly.

11 BY MR. MARTENS:

12 Q. And when you say hired for church
13 planting, are you referring to Michael Crawford
14 being hired for church planting for BCMD?

15 A. Yes.

16 Q. Let's look at item 3. It refers to
17 adding percentages fees to -- to planters.

18 Prior to receiving this email from Kevin
19 Ezell on December 5th, 2014, were you aware of a
20 dispute between Drs. Ezell and McRaney about adding
21 percentages fees to planters?

1 MR. GANT: Objection. Mischaracterizes
2 the document, foundation, vague.

3 THE WITNESS: No, I was not aware.

4 BY MR. MARTENS:

5 Q. Were you aware of -- strike that.

6 Prior to receiving the email on December
7 5th, 2014, were you aware of a dispute between
8 anyone at NAMB and Dr. McRaney about adding
9 percentages fees to planters?

10 MR. GANT: Objection. Vague.

11 THE WITNESS: No, I was not.

12 BY MR. MARTENS:

13 Q. Do you see in that document in paragraph
14 numbered 3, that document meaning Exhibit 9, the
15 email at 10:06 p.m. on November 20th from Kevin
16 Ezell to Will McRaney, on the second line of
17 paragraph numbered 3, there's a reference to church
18 planter's covenant, do you see that?

19 A. Yes.

20 Q. What is the church planter's covenant?

21 A. My recollection is it's a covenant

1 between the church planter and the -- probably the
2 Baptist Convention of Maryland/Delaware.

3 Q. And what is it -- what does the word
4 covenant mean?

5 MR. GANT: Objection. Vague, foundation.
6 BY MR. MARTENS:

7 Q. Strike that.

8 What does the word covenant mean as used
9 in this email as you understand it meaning?

10 A. An operating agreement.

11 Q. Is there a reason it's referred to as a
12 covenant and not just an agreement?

13 MR. GANT: Objection. Foundation, calls
14 for speculation.

15 THE WITNESS: Probably.

16 BY MR. MARTENS:

17 Q. What would that be?

18 MR. GANT: Same objections.

19 THE WITNESS: A covenant is a more
20 Biblical word than agreement. If someone violates
21 the covenant, we're not going to court.

1 BY MR. MARTENS:

2 Q. Where do you go if someone violates a
3 covenant if you don't go to court?

4 MR. GANT: Objection. Vague, foundation.

5 A. Matthew 8 --

6 MR. GANT: Compound, calls for
7 speculation.

8 THE WITNESS: Matthew 18. You go to your
9 brother and talk -- and discuss it and try to work
10 it out.

11 BY MR. MARTENS:

12 Q. After receiving this email on December
13 5th, 2014, did you speak with Dr. McRaney about it?

14 A. I don't recall.

15 Q. The email in Exhibit 9 from Kevin Ezell
16 on November 20th, 2014 is in response to an email
17 from Will McRaney to Kevin Ezell earlier that day,
18 correct?

19 A. Will's email is the day before.

20 Q. Aren't they both on November 20th?

21 A. Well, one says September -- Thursday,

1 November 20th. The other one says -- oh, I'm
2 sorry. Yes, they are.

3 I was looking at the wrong -- I was
4 looking at Kevin's email to me. Yes, they are both
5 November 20th. Yes.

6 Q. Do you remember when you received this
7 email from Kevin Ezell on December 5th, 2014
8 reading Will McRaney's email of November 20th, 2014
9 to Kevin Ezell?

10 A. I'm certain that I did.

11 Q. Do you remember what your reaction was?

12 A. No.

13 Q. If you look at the second full paragraph
14 of Will McRaney's email of December -- excuse me,
15 of November 20th, 2014, so page 2 of Exhibit
16 9, --

17 A. Um-hmm.

18 Q. -- on the fourth line, Will McRaney
19 refers to our collective work to reduce the
20 spiritual and personal darkness in this region, do
21 you see that?

1 A. Yes. Um-hum.

2 Q. What is your understanding of whose
3 collective work was to reduce spiritual and
4 personal darkness in the region?

5 MR. GANT: Objection. Foundation.

6 THE WITNESS: The collective work of the
7 BCMD and NAMB.

8 BY MR. MARTENS:

9 Q. And what is spiritual and personal
10 darkness?

11 MR. GANT: Objection. Vague, foundation,
12 calls for speculation.

13 THE WITNESS: Lack of a personal
14 relationship with Jesus Christ --

15 BY MR. MARTENS:

16 Q. And --

17 A. -- which has -- which has negative
18 effects on the individual.

19 Q. And how did NAMB and BCMD collectively
20 work to reduce spiritual and personal darkness in
21 the -- in the Delaware/Maryland region?

1 MR. GANT: Objection. Vague, compound.

2 THE WITNESS: NAMB provided funds for us
3 to hire Michael Crawford, and they provided funds
4 for us to do other parts of the ministry. I don't
5 recall the details.

6 BY MR. MARTENS:

7 Q. If you look at the first paragraph of
8 that same email about midway through, Will writes
9 that, I'm extending the offer again to do the
10 Biblical thing and talk together first and deal
11 with the facts and realities, do you see that?

12 A. Yes, I do.

13 Q. What do you understand the Biblical thing
14 to be a reference to?

15 A. He's referring to Matthew 18 or, perhaps,
16 Matthew 5.

17 Q. And what does Matthew 5 provide?

18 A. Matthew 5 says if your brother has
19 something against you, go to him.

20 Q. And in your view, does scripture provide
21 guidance as to how cooperating organizations like

1 BCMD and NAMB should resolve disputes over church
2 planting and evangelization issues?

3 MR. GANT: Objection. Vague, compound,
4 foundation.

5 THE WITNESS: Yes.

6 BY MR. MARTENS:

7 Q. And what is that guidance?

8 MR. GANT: Same objection.

9 THE WITNESS: Matthew 5; Matthew 18.

10 BY MR. MARTENS:

11 Q. If you go to the fourth paragraph of that
12 email --

13 (Whereupon, there was a pause for
14 document examination.)

15 BY MR. MARTENS:

16 Q. Sorry, the third paragraph, still on the
17 second page of Exhibit 9, the next to the last line
18 on the page Will writes, I'm seeking to do this not
19 without assistance from you and NAMB, but seeking
20 to reduce the dependency on others as we seek to
21 carry our own load for this region and beyond, do

1 you see that?

2 A. Yes, I do.

3 Q. What do you -- what did you understand
4 assistance from you and NAMB to be referring to?

5 MR. GANT: Objection. Foundation.

6 THE WITNESS: Financial assistance and
7 other types of assistance.

8 BY MR. MARTENS:

9 Q. From whom to whom?

10 A. From NAMB to BCMD.

11 Q. Dr. McRaney also refers to reducing
12 the -- the dependency on others. What did you
13 understand that to refer to?

14 MR. GANT: Objection. Foundation.

15 THE WITNESS: My recollection is that
16 Will wanted us to be in a financial position where
17 we didn't have to depend upon NAMB dollars to do
18 our mission. We did not want to be dictated to by
19 NAMB in terms of how we did our mission, but he
20 wasn't opposed to working together.

21 BY MR. MARTENS:

1 Q. Did NAMB's relationship with BCMD include
2 NAMB supporting BCMD's work?

3 MR. GANT: Objection. Vague, compound,
4 foundation.

5 THE WITNESS: Yes.

6 BY MR. MARTENS:

7 Q. At the bottom of page 3 of Exhibit 9, the
8 next to the last paragraph begins, Romans 12:8
9 instructs us to, "if it is possible, as far as it
10 depends on you, live at peace with everyone." I am
11 totally committed to this. I hate interpersonal
12 conflict, but we are in a spiritual war with the
13 real enemy. It is for the Kingdom good that you
14 and I try to quickly identify the many points of
15 major agreement, clear up any false perceptions,
16 and then work together in our lanes with deep
17 respect on the matters which we disagree
18 strategically and do so based on our call to carry
19 out the mission given and entrusted to you. Did I
20 read that correctly?

21 A. Yes. Um-hmm.

1 Q. Did you have an understanding based on
2 reading this email exchange as to whether
3 Dr. McRaney and NAMB or Dr. Ezell had a
4 disagreement about how to carry out the mission?

5 MR. GANT: Objection. Vague, compound,
6 foundation.

7 THE WITNESS: They had a disagreement as
8 to how to carry out the agreement.

9 BY MR. MARTENS:

10 Q. And the agreement being --

11 MR. GANT: Same objections.

12 BY MR. MARTENS:

13 Q. -- the SPA?

14 A. The SPA.

15 Q. And the purpose of the SPA was to do
16 what?

17 A. To lay out the -- to create an
18 understanding of how we would cooperate together,
19 to lay out the ground rules and expectations.

20 Q. Cooperate together to what end?

21 A. Fulfilling the Great Commission.

1 Q. Do you see a reference in that paragraph
2 I just read to being in a spiritual war with the
3 real enemy?

4 A. Yes.

5 Q. Who is the real enemy?

6 A. Satan.

7 MR. GANT: Objection. Sorry.

8 THE WITNESS: Well, okay. I didn't think
9 there would be -- I'm sorry.

10 MR. MARTENS: Hard to imagine why there
11 would be an objection, but understood.

12 MR. GANT: I'll explain it, if you'd
13 like, Matt.

14 THE WITNESS: Yeah, I would. Oh, him,
15 okay.

16 MR. MARTENS: I don't want to take Matt's
17 time, but he's asking you about something someone
18 else wrote, so ...

19 THE WITNESS: I see. Okay. Yes, that's
20 Satan.

21 BY MR. MARTENS:

1 Q. Let's take a look at --

2 A. That is standard Biblical language.

3 Q. What is standard Biblical language?

4 A. The enemy refers to Satan.

5 Q. Let's take a look at what I'm going to
6 mark as Exhibit 10.

7 (Whereupon, Warren Deposition Exhibit No.
8 10, Documents Bates Numbered WM00895 through
9 WM00897, marked for identification.)

10 BY MR. MARTENS:

11 Q. I am handing you what's marked as Exhibit
12 10, which is document bearing Bates number WM00895
13 through 00897, and ask you if you recognize it?

14 A. Yes.

15 Q. Do you recognize it as an email exchange
16 between you and Will McRaney between December 4th,
17 2014 and December 5th, 2014?

18 A. Yes.

19 Q. And let's start with the email at the
20 end, so the first email in the string
21 chronologically, which is at the -- on the last

1 page, the page marked 897.

2 This is the end of an email from Will
3 McRaney on December 4th, 2014, correct?

4 A. Yes.

5 Q. And the last paragraph reads, I don't
6 believe much will change. There -- they are on a
7 course, and even with a good meeting (whatever that
8 would look like) the end result is the same. They
9 want to get to planting and pay us to be nice and
10 not cause them trouble or tell our people the
11 facts. We do not have to demean them, but it is
12 energizing for pastors to know what we are facing
13 in the region and mission field. Did I read that
14 correctly?

15 A. No.

16 MR. GANT: You missed one word.

17 MR. MARTENS: What word did I miss?

18 MR. GANT: You said the instead of their
19 before region.

20 BY MR. MARTENS:

21 Q. Okay. Other than that, did I read it

1 correctly?

2 A. There was another one. I don't --

3 Q. All right. Let me do it again.

4 A. Sorry.

5 Q. Let's just say do you see the last
6 paragraph?

7 MR. GANT: I'll make a suggestion. You
8 can just say, Do you see that paragraph?

9 BY MR. MARTENS:

10 Q. Do you see that last paragraph?

11 A. I do.

12 Q. Did you understand what Dr. McRaney was
13 referring to when he said, they want to get
14 planting?

15 MR. GANT: Objection. Foundation, calls
16 for speculation.

17 THE WITNESS: Yes.

18 BY MR. MARTENS:

19 Q. Who was the they?

20 A. North American Mission Board.

21 Q. And getting planting refers to what?

1 MR. GANT: Same objections.

2 THE WITNESS: My recollection was that
3 that meant they would fund our church planting
4 ministry fully.

5 BY MR. MARTENS:

6 Q. They being NAMB would fund it?

7 A. (Nodding head yes.)

8 MR. GANT: Same objections.

9 THE WITNESS: Yes.

10 BY MR. MARTENS:

11 Q. And when you say our church planting, who
12 is the our?

13 MR. GANT: Same objections.

14 THE WITNESS: BCMD. There might have
15 been more to it than that, but that's what I
16 recall.

17 BY MR. MARTENS:

18 Q. When Dr. McRaney referred to paying us to
19 be nice and not cause them trouble or tell our
20 people the facts, did you have an understanding as
21 to what he was referring to there when you received

1 this email?

2 A. I think so, yes.

3 Q. What did you understand Dr. McRaney to be
4 referring to?

5 A. To take the money, total funding without
6 objection and without expressing concerns to our
7 people, the constituents of the Baptist Convention
8 of Maryland/Delaware.

9 Q. Did you agree with Dr. McRaney's
10 assessment of what NAMB wanted BCMD to do?

11 MR. GANT: Objection. Vague.

12 THE WITNESS: At that point, I didn't
13 know whether he was correct or not.

14 BY MR. MARTENS:

15 Q. What did you do in response to that
16 email?

17 A. Well, my response here is that I say, I
18 agree. I'm not sure what I was agreeing with.
19 Perhaps, other -- just the meeting and that I would
20 wish Kevin to meet in January.

21 Q. Did you talk to Will McRaney about this

1 email, particularly the allegation that NAMB wants
2 to get to planting and pay the BCMD to be nice and
3 not cause them trouble?

4 A. I don't recall. We had lots of
5 conversations.

6 Q. Understood. I'm going to show you what
7 I'm going to mark as Exhibit 11.

8 MR. MARTENS: Do you want to take a
9 break?

10 THE WITNESS: No, just stretching. Just
11 stretching.

12 BY MR. MARTENS:

13 Q. Let me ask you this: Did BCMD ever send
14 NAMB a formal response to that termination -- to
15 the -- strike that.

16 Did BCMD ever send NAMB a formal written
17 response to the December 2nd, 2014 letter from
18 Kevin Ezell?

19 A. Oh, yes. It's in the documentation.

20 MR. GANT: I think we're going to see it.

21 THE WITNESS: I think you're right.

1 BY MR. MARTENS:

2 Q. I'm going to show what you we're going to
3 mark as Exhibit 11.

4 (Whereupon, Warren Deposition Exhibit No.
5 11, Documents Bates number WM06171 to WM06172,
6 marked for identification.)

7 BY MR. MARTENS:

8 Q. Do you recognize Exhibit 11?

9 MR. GANT: I don't have it yet. I don't
10 think Eric does either. I know Eric doesn't, since
11 I give them to him.

12 MR. GUNDERSON: Thank you.

13 THE WITNESS: Yes, I do recognize it.

14 BY MR. MARTENS:

15 Q. What is Exhibit 11?

16 A. It is a letter from the top leadership of
17 the Convention, Baptist Convention of
18 Maryland/Delaware, Will McRaney, Mark Dooley,
19 Harold Phillips and yours truly.

20 MR. GANT: I'm sorry, Matt, just a
21 reminder about the Bates numbers, please,

1 especially since there's different versions of this
2 in the production of documents.

3 MR. MARTENS: Exhibit 11 is Bates
4 numbered WM06171 to 06172.

5 MR. GANT: Thank you.

6 BY MR. MARTENS:

7 Q. What was the gist of your response to
8 Kevin Ezell in your letter of January -- January
9 14th, 2015?

10 A. We did not agree that Dr. McRaney had
11 violated the agreement, the Cooperative Agreement.
12 We found the notice of pending termination to be
13 unfortunate. We also did not agree with the
14 personal claims and accusations against Will, but
15 we were willing to work together to resolve the
16 issues.

17 Q. And when you say we didn't agree, who
18 didn't agree?

19 A. The signatories on the letter.

20 Q. And did you take steps to reach the
21 conclusion that you did not agree with the concerns

1 raised by NAMB?

2 A. We discussed them.

3 Q. Discussed. Who is the we that discussed?

4 A. The four of us discussed it.

5 Q. Did you take any other steps other than
6 discussing it?

7 A. In the previous -- one of the previous
8 emails, I did note to Will that I would press Kevin
9 Ezell to have a meeting in January, so, yes, we --
10 we sought to have a meeting.

11 Q. Let's look at the second page of Exhibit
12 11. There's a signature there by you on the lower
13 left-hand side, correct?

14 A. Um-hum.

15 Q. Is that a yes?

16 A. I'm sorry, yes.

17 Q. And above that, there's a signature by
18 Will McRaney; is that right?

19 A. Yes.

20 Q. And it refers to him as the Exec
21 Missional Strategist, do you see that?

1 A. Yes.

2 Q. What does that mean?

3 A. That was Will's terminology for executive
4 director.

5 Q. What do you understand missional to mean?

6 MR. GANT: Objection. Vague.

7 THE WITNESS: The pursuit of the Great
8 Commission.

9 BY MR. MARTENS:

10 Q. Did you agree that Dr. McRaney's role
11 as -- at BCMD during the 2014/2015 time period was
12 to be an executive strategist for pursuing the
13 Great Commission on behalf of BCMD?

14 MR. GANT: Objection. Vague, foundation.

15 THE WITNESS: Yes.

16 BY MR. MARTENS:

17 Q. On page 1 of Exhibit 11, the second
18 paragraph refers to a careful and thorough
19 exploration of the claims against our executive
20 director, do you see that?

21 A. Yes.

1 Q. And had there, in fact, been a careful
2 and thorough ex- -- exploration of NAMB's concerns
3 with regard to Will McRaney?

4 A. Absolutely.

5 Q. And based on that, were you confident
6 that our executive director and BCMD had not
7 breached the SPA?

8 A. Yes.

9 Q. That was your view as of January 14th,
10 2015; is that right?

11 A. Yes.

12 Q. And you held that view notwithstanding
13 NAMB's allegation in December of 2014 that
14 Dr. McRaney had disregarded the SPA, correct?

15 A. Yes.

16 Q. In other words, you had a difference of
17 opinion with NAMB over that issue; is that right?

18 A. At that time, yes.

19 Q. At some point, did you come to agree with
20 NAMB on that point?

21 MR. GANT: Objection. Vague.

1 THE WITNESS: I came to agree that there
2 was some merit to his -- his concerns.

3 BY MR. MARTENS:

4 Q. His concerns meaning?

5 A. Dr. Ezell's concerns.

6 Q. There was some merit to Dr. Ezell's
7 concerns about what?

8 A. How Will -- whether Will did or did not
9 follow the agreement.

10 Q. And what led you to come to the
11 conclusion that there was some merit to Dr. Ezell's
12 concerns?

13 A. I don't recall. I'm sure just further
14 discussion, further thought.

15 Q. Further factual investigation?

16 A. Probably just further discussion.

17 Q. Discussion with whom?

18 A. That I don't recall.

19 Q. Is it fair to say that as of January
20 14th, 2015, notwithstanding the December 2014
21 letter from Dr. Ezell, BCMD was not planning on

1 terminating Will McRaney; is that correct?

2 A. Absolutely not.

3 Q. It's not correct or it is correct?

4 A. Oh, I'm sorry. Restate the question,
5 please.

6 Q. As of December -- strike that.

7 As of January 14th, 2015, notwithstanding
8 the December 2nd, 2014 letter from Dr. Ezell, was
9 BCMD considering terminating Dr. McRaney?

10 MR. GANT: Objection. Compound.

11 THE WITNESS: We were not considering
12 terminating Dr. McRaney at that time. That's
13 just -- okay.

14 BY MR. MARTENS:

15 Q. On the next page, the last page of
16 Exhibit 11, the paragraph -- there's a paragraph
17 that begins, The Mid-Atlantic Baptist Network, do
18 you see that?

19 A. Yes.

20 Q. Is that another name for the BCMD?

21 A. Yes.

1 Q. That sentence ends by -- excuse me. That
2 paragraph begins, "The Mid-Atlantic Baptist Network
3 remains open to a continuing future partnership
4 with the North American Mission Board provided that
5 it honors and protects the historic Baptist notions
6 of autonomy and mutual respect." Did I read that
7 correctly?

8 A. Yes.

9 Q. What did the historic Baptist notions of
10 autonomy and mutual respect have to do with the
11 relationship between NAMB and BCMD?

12 MR. GANT: Objection. Vague, compound.

13 THE WITNESS: Well, I think the mutual
14 respect is obvious. That's how we treat one
15 another, with respect, the two entities, the
16 leaders.

17 Autonomy means that NAMB can't tell us
18 what to do, and we can't tell NAMB what to do in
19 layman terms.

20 BY MR. MARTENS:

21 Q. Turning back to the prior page, the first

1 page of Exhibit 11, there's a header that says
2 FORWARD, do you see that?

3 A. Yes.

4 Q. And under that it reads, We know the
5 Baptist way has always required a mutual
6 interdependence grounded in mutual respect spurring
7 one another on toward love and good works. Losing
8 this long-standing Baptist-way partnership as
9 assigned and entrusted to us by Southern Baptist
10 Worldwide, would be most unfortunate. Did I read
11 that correctly?

12 MR. GANT: No.

13 THE WITNESS: You said works instead of
14 deeds, but I get it.

15 BY MR. MARTENS:

16 Q. What is the Baptist way?

17 MR. GANT: Objection. Vague, compound.

18 THE WITNESS: Our way of pursuing the
19 Great Commission as Baptists.

20 BY MR. MARTENS:

21 Q. And what is the Baptist way of pursuing

1 the Great Commission?

2 MR. GANT: Same objections.

3 THE WITNESS: Mutual interdependence,
4 grounded in mutual respect, and also I would add
5 respect for the autonomy of the various parties,
6 and spurring one another on toward love and good
7 deeds is a Biblical reference that we are to do
8 with all Christians from Hebrews.

9 MR. MARTENS: All right. Let's take a
10 break.

11 THE WITNESS: Yes.

12 THE VIDEOGRAPHER: We're going off the
13 record. The time is 1:01 p.m.

14 (Recess taken -- 1:01 p.m.)

15 (Whereupon, Warren Deposition Exhibit No.
16 12, Documents Bates Numbered BCMD_0152 to
17 BCMD_0153, marked for identification.)

18 (After recess -- 1:57 p.m.)

19 THE VIDEOGRAPHER: We are back on the
20 record. The time is 1:57 p.m. This is media unit
21 number three.

1 BY MR. MARTENS:

2 Q. Dr. Warren, I'd like to show you what I
3 have marked as Exhibit 12, a document bearing the
4 Bates number BCMD_0152 to 0153.

5 Do you recognize this as an email you and
6 others received from Will McRaney on January 9th,
7 2015?

8 A. Yes.

9 Q. I would like to direct your attention to
10 the fourth paragraph that begins with the word,
11 Michael.

12 A. Um-hum.

13 Q. And if you go down about two-thirds of
14 the way, there's a line that begins with the word,
15 Occurred, and there's a sentence that reads, "We
16 believe their strategic approaches and tactics are
17 short-sighted, missionally unsound for our region,
18 outside of the spirit of cooperation and good
19 partnership, and in the end undercuts the fabric of
20 our historic SBC values and damages the future of
21 the SBC. Did I read that correctly?

1 A. Yes.

2 Q. Do you agree with that assessment by
3 Dr. McRaney in January of 2015 with regard to NAMB?

4 MR. GANT: Objection. Compound and
5 vague.

6 THE WITNESS: I don't recall.

7 BY MR. MARTENS:

8 Q. Did you have an understanding as
9 to -- strike that.

10 In -- in that sentence, it refers to
11 their strategic approaches, do you see that?

12 A. Yes.

13 Q. Who is the their?

14 A. NAMB.

15 Q. Do you have an understanding as to what
16 NAMB's strategic approaches and tactics Dr. McRaney
17 was referring to?

18 MR. GANT: Objection. Foundation, calls
19 for speculation.

20 THE WITNESS: No.

21 BY MR. MARTENS:

1 Q. Was it a reference to strategic
2 approaches to -- strike that.

3 Did you understand it to be a reference
4 to strategic approaches to church planting?

5 MR. GANT: Objection. Foundation, calls
6 for speculation, asked and answered, and leading.

7 THE WITNESS: I don't know what I thought
8 at the time.

9 BY MR. MARTENS:

10 Q. Do you see the reference in that sentence
11 to NAMB being missionally unsound for our region?

12 A. Yes.

13 Q. What does missionally unsound mean as you
14 understand it?

15 MR. GANT: Objection. Foundation.

16 THE WITNESS: Not effective in pursuing
17 the mission.

18 BY MR. MARTENS:

19 Q. The mission being what?

20 A. The Great Commission.

21 Q. Let's look at what I'm going to mark as

1 Exhibit 13.

2 (Whereupon, Warren Deposition Exhibit No.
3 13, Documents Bates Numbered WM00837 through
4 WM00840, marked for identification.)

5 MR. MARTENS: For the record, Exhibit 13
6 is a document bearing Bates number NAMB 6777
7 through 6782.

8 THE WITNESS: Mine says WM.

9 MR. GANT: You gave us a different
10 document.

11 MR. MARTENS: I may have. Exhibit 12.
12 I'm looking at the wrong one. Sorry.

13 BY MR. MARTENS:

14 Q. Exhibit 13 --

15 A. Yes.

16 MR. GANT: Do you want these back? BY

17 MR. MARTENS:

18 Q. -- is a document --

19 MR. GANT: Hold on. Are you --

20 MR. VITTOR: No. He was looking at the
21 wrong document.

1 MR. GANT: Okay. He switched.

2 BY MR. MARTENS:

3 Q. Exhibit 13 a document bearing Bates
4 number WM00837 through 840. Do you recognize
5 Exhibit 13?

6 A. Yes.

7 Q. Was the regular -- strike that.
8 What is Exhibit 13?

9 A. Minutes from the Administrative Committee
10 meeting February 5th to 6th, 2015.

11 Q. And is that the Administrative Committee
12 of the BCMD?

13 A. Yes.

14 Q. Was it the regular practice of the
15 Administrative Committee to have minutes taken of
16 its meetings?

17 MR. GANT: Objection. Foundation,
18 compound.

19 THE WITNESS: I don't recall.

20 BY MR. MARTENS:

21 Q. Were minutes of the Administrative

1 Committee meetings typically taken by someone in
2 attendance?

3 MR. GANT: Same objections, and calls for
4 speculation.

5 THE WITNESS: I'm going to change my
6 answer and say I'm confident that minutes were
7 taken in every meeting. I would be stunned if they
8 were not, and they were undoubtedly taken by Donna
9 Jefferys.

10 BY MR. MARTENS:

11 Q. Who is Donna Jefferys?

12 A. Administerial assistant to Dr. McRaney.

13 Q. Exhibit 13, the Administrative Committee
14 Minutes of a meeting on February 5th and 6th, 2015,
15 has a number of numbered paragraphs starting on
16 page 1, do you see that?

17 A. Yes.

18 Q. And it says as item No. 1 that after the
19 meeting was called to order, Bill Warren shared a
20 devotional thought and prayer, do you see that?

21 A. Yes.

1 Q. Is that true?

2 A. I assume so.

3 Q. Why -- why did you begin the
4 Administrative meeting -- committee meeting with a
5 devotional thought and prayer?

6 A. We always did.

7 Q. Why is that?

8 A. Because we are people of the Word of God,
9 and we are people of prayer. We need God's help in
10 our proceeding.

11 Q. You need God's help in your -- in which
12 proceeding?

13 A. The meeting.

14 Q. Did you view the meeting as a spiritual
15 activity?

16 MR. GANT: Objection. Vague, foundation.

17 THE WITNESS: Certainly.

18 BY MR. MARTENS:

19 Q. Why do you say that?

20 A. Because it had to do with the pursuit of
21 the Great Commission, and we were asking God to

1 assist us.

2 Q. Let's just look at the second page, item
3 5. The heading is, Update on Current Cooperative
4 Funding Agreement with NAMB, do you see that?

5 THE WITNESS: Just a moment. I need a
6 paper towel, if we have one.

7 MR. GUNDERSON: Oh, you spilled.

8 MR. MARTENS: Do you need to take a
9 break?

10 THE WITNESS: No.

11 MR. GANT: I was about to warn you, it's
12 loose, which has caused the spill.

13 MR. GUNDERSON: You need to push down the
14 edge. It gives a little character to the
15 deposition exhibits.

16 BY MR. MARTENS:

17 Q. Do you want me to repeat the question?

18 A. Please.

19 Q. On page 2 of Exhibit 13, item 5 states,
20 Update on Current Cooperative Funding Agreement
21 with NAMB, do you see that?

1 A. Yes.

2 Q. Do you remember that discussion?

3 A. Yes.

4 Q. What do you remember about it?

5 A. That we were not in favor of NAMB having
6 one hundred -- one hundred percent control of
7 church planting.

8 Q. And when you say we weren't in agreement,
9 who's the we?

10 A. I'm confident it was all of the committee
11 at that point, all of the Administrative Committee.

12 Q. On the next page at the very top, we're
13 still under item 5, it says, McRaney addressed the
14 accusations referenced in the NAMB termination
15 letter and supplied the committee with his written
16 response, do you see that?

17 A. Yes. Um-hum.

18 Q. What is the NAMB termination letter?

19 A. The letter from December the 4th, 2014.

20 Q. December 2nd, 2014?

21 A. December 2nd, 2014.

1 Q. The letter from Kevin Ezell --

2 A. Yes.

3 Q. -- on that date?

4 Why was Dr. McRaney given an opportunity
5 to address the accusations in the letter?

6 A. Well, they involve him, and he was our
7 leader.

8 Q. What do you remember about his
9 presentation?

10 A. Nothing.

11 Q. After this meeting on February 5th and
12 6th of 2015, were -- was the BCMD planning on
13 terminating Dr. McRaney as executive director?

14 A. No.

15 Q. Why not?

16 A. At that point, we saw no need.

17 Q. Let's look at what I'm going to mark as
18 Exhibit 14.

19 (Whereupon, Warren Deposition Exhibit No.
20 14, Documents Bates Numbered Bates number BCMD_0395
21 through BCMD_0396, marked for identification.)

1 BY MR. MARTENS:

2 Q. I'll hand you what I have marked as
3 Exhibit 14, a document bearing the Bates number
4 BCMD_0395 through 0396. I'll ask you if you
5 recognize it?

6 A. Yes. Yes.

7 Q. What is it?

8 A. It's an email from Will McRaney to Mark
9 Dooley, Harold Phillips, Tom Stolle, Michael
10 Crawford, Reid Sterrett and me.

11 Q. On or about -- excuse me. On February
12 4th, 2015?

13 A. February 4th, 2015.

14 Q. On the third paragraph of that document,
15 that email from Dr. McRaney, he refers to -- he
16 states, "Just two quick verses I shared among
17 others and a longer devotional time with staff this
18 morning."

19 Is it -- what is the purpose of, as you
20 understand it, having a devotional with the NAMB
21 staff?

1 MR. GANT: Objection. Foundation.

2 THE WITNESS: Again, our ministry is
3 based upon the Word of God, so it's appropriate for
4 us to learn more from the Word of God and to give
5 reverence and respect to the Word of God at our
6 meetings.

7 BY MR. MARTENS:

8 Q. Did you believe it was within the duties
9 of the executive director of BCMD in February of
10 2015 to lead the staff of BCMD in devotionals?

11 A. Absolutely.

12 MR. GANT: Objection. Vague.

13 THE WITNESS: Absolutely.

14 BY MR. MARTENS:

15 Q. Why do you say that?

16 MR. GANT: Same objection.

17 THE WITNESS: He's the leader of the
18 State Convention, and he's wedded to the scriptures
19 as much as any of the rest of us. Anything we can
20 learn, and I'm sure he -- he had a point to make by
21 referencing scripture.

1 BY MR. MARTENS:

2 Q. There's a document attached to the email.
3 Do you recognize that as the second page of this
4 exhibit?

5 MR. GANT: Objection. Vague.

6 THE WITNESS: Yes, it is the second page.

7 BY MR. MARTENS:

8 Q. The document -- the attachment is
9 entitled, Selected Avenues to Address NAMB's
10 Withdrawal of the Financial Support, do you see
11 that?

12 A. Yes.

13 Q. Did NAMB provide financial support to
14 BCMD during your tenure as BCMD president?

15 MR. GANT: Objection. Vague.

16 THE WITNESS: Yes.

17 BY MR. MARTENS:

18 Q. Was NAMB a supporting organization of
19 BCMD during your tenure as president of BCMD?

20 MR. GANT: Objection. Vague, foundation,
21 calls for speculation, and to the extent it calls

1 for a legal conclusion and -- yes, that's it.

2 THE WITNESS: Yes.

3 BY MR. MARTENS:

4 Q. Let's look at what I'm going to mark as
5 Exhibit 15.

6 (Whereupon, Warren Deposition Exhibit No.
7 15, Document Bates Numbered WM00846, marked for
8 identification.)

9 BY MR. MARTENS:

10 Q. A document bearing the Bates number
11 WM00846. Do you recognize that document?

12 A. Yes.

13 Q. What is it?

14 A. It's a resolution of support from Mark
15 Dooley on behalf of the General Mission Board and
16 resolution of support for Will McRaney and the
17 elected leadership of our board and convention.

18 Q. And when was that resolution of support
19 issued?

20 A. February the 6th, 2015.

21 Q. What, if anything, is the relationship

1 between this resolution of support and the
2 meet -- minutes of the Administrative Committee
3 meeting that we just looked at?

4 (Whereupon, there was a pause for
5 document examination.)

6 THE WITNESS: They both deal with persons
7 present at the meeting of the Administrative
8 Committee.

9 BY MR. MARTENS:

10 Q. And what do you mean deal with persons
11 present?

12 A. Well, they both speak to -- reference
13 Will McRaney and the elected leadership of our
14 board and convention, and we were present at the
15 Administrative Committee meeting.

16 Q. Exhibit 15 has as the heading
17 Mid-Atlantic Baptist Network. Is that the BCMD?

18 A. Yes.

19 Q. And the Exhibit 15 says, On this 6th day
20 of February 2015, the General Mission Board of the
21 Mid-Atlantic Baptist Network/BM -- BCMD meeting in

1 executive session unanimously voted a resolution of
2 support for Dr. Will McRaney and the elected
3 leadership of our board and convention. Do you see
4 that?

5 A. Yes.

6 Q. Is that true? Did that happen?

7 A. Yes, I'm sure it did.

8 Q. Did you vote in support of Dr. McRaney as
9 of February 6th, 2015?

10 A. I'm sure I did.

11 Q. Why do you say that?

12 A. Because Mark Dooley is a man of
13 integrity, and he would not have written
14 that, I'm certain of that, because I do not recall
15 any discussion with Mark Dooley that I was in
16 opposition.

17 Q. Did you --

18 A. And at that point, I'm sure I was not in
19 opposition to this show of support.

20 Q. As of February 6th, 2015, did Dr. McRaney
21 have your support?

1 A. That is my recollection. Also, Mark
2 would not have put unanimously if I had not voted
3 in favor.

4 Q. I'm going to show you what I'm going to
5 mark as Exhibit 16.

6 (Whereupon, Warren Deposition Exhibit No.
7 16, Documents Bates Numbered NAMB 6981 to NAMB
8 6982, marked for identification.)

9 BY MR. MARTENS:

10 Q. A document bearing the Bates number NAMB
11 6981 to 6982. Do you recognize this document?

12 (Whereupon, there was a pause for
13 document examination.)

14 THE WITNESS: Yes.

15 BY MR. MARTENS:

16 Q. What is it?

17 A. It is an email from Steve Davis of the
18 North American Mission Board to Dr. McRaney
19 concerning a recap of, I'm assuming, the meeting
20 that we had at the convention headquarters, Baptist
21 Convention of Maryland/Delaware headquarters with

1 Kevin Ezell, and I believe Steve Davis was there.
2 And I was there and I'm sure that everyone listed
3 here. My recollection is Mark Dooley was there,
4 and Harold Phillips was there.

5 Q. And were you a recipient of this email on
6 March 18th, 2015?

7 A. I don't think so.

8 Q. Do you see the cc: line?

9 A. Okay. Then I must have been.

10 Q. Do you have any doubt that you were a
11 recipient of this email --

12 A. No.

13 Q. -- on March 18th, 2015?

14 A. No. I don't remember in particular, but
15 yes. I don't have any doubt, no.

16 Q. Let's look at item 10 of the recap of
17 your meeting last week. Item 10 reads, Commit all
18 this to prayer for the Holy Spirit's guidance
19 toward positive resolutions for a more healthy
20 relationship and partnership to reach the lost and
21 plant churches in Maryland/Delaware, do you see

1 that?

2 A. Yes.

3 Q. Why -- strike that.

4 Did you agree that the meeting the prior
5 week between NAMB and BCMD should be committed to
6 prayer?

7 MR. GANT: Hold just a moment, please.
8 Mischaracterizes the document, vague.

9 BY MR. MARTENS:

10 Q. Let me rephrase. What did you -- what
11 did you understand this to be stating, should be
12 committed to prayer?

13 MR. GANT: Objection. Foundation.

14 THE WITNESS: The Holy Spirit's guidance
15 toward a resolution of the difficulties between us
16 so that we could do a better job of pursuing the
17 Great Commission.

18 BY MR. MARTENS:

19 Q. The difficulties between whom?

20 A. NAMB and BCMD.

21 Q. Did you agree that this should be

1 committed to prayer for the Holy Spirit's guidance?

2 A. Yes. At -- may I comment?

3 Q. Sure.

4 A. I remember that meeting well, and at that
5 point, all of us, including me, were firmly in
6 Will's corner.

7 Q. And when you say you meet -- you remember
8 the meeting well, which meeting is that?

9 A. When Kevin Ezell came in wearing his
10 white sweater.

11 Q. That's why you remember it in part?

12 A. That's one of the things. I was told
13 before he came he was going to wear a sweater, and
14 he did.

15 Q. Where was the meeting at?

16 A. BCMD headquarters.

17 Q. And where is that?

18 A. In Columbia.

19 Q. Columbia, Maryland?

20 A. Um-hum. (Nodding head yes.)

21 Q. Is that a yes?

1 A. Oh, I'm sorry. That's a yes. Yes.

2 Q. What do you remember about the meeting?

3 A. It was frank. It was clear that Kevin
4 wanted to run the meeting, and it was also clear
5 that he wanted to get a resolution, if at all
6 possible, it seemed to me that day.

7 Will, to his credit, did not attack. He
8 was calm and patient, and we -- we complimented him
9 on that after the meeting. Kevin wasn't ugly. He
10 was just kind of, like, large and in charge.

11 Q. Does this document, Exhibit 16, fairly
12 recap the meeting?

13 MR. GANT: Objection. Vague, foundation,
14 calls for speculation.

15 (Whereupon, there was a pause for
16 document examination.)

17 THE WITNESS: To the best of my
18 recollection.

19 BY MR. MARTENS:

20 Q. You said after that meeting you were
21 still, I think your words were, in Will's camp.

1 What does that mean?

2 MR. GANT: Objection. Mischaracterizes
3 his testimony.

4 THE WITNESS: We were supportive of him
5 as our executive director.

6 BY MR. MARTENS:

7 Q. And when you say we, who is the we?

8 A. My sense is the entire Administrative
9 Committee. Certainly, the people at the meeting.

10 Q. So, at that point in March of 2015, you
11 had received the December 2nd, 2014 letter from
12 Kevin Ezell contending that Dr. McRaney had
13 breached the SPA, correct?

14 A. Yes.

15 Q. And you had had discussions
16 about -- strike that.

17 You had had a telephone conversation with
18 Kevin Ezell by that point, correct?

19 A. Yes.

20 Q. You had had email exchanges with Kevin
21 Ezell regarding the situation, correct?

1 MR. GANT: Objection. Vague,
2 mischaracterizes testimony, foundation.

3 THE WITNESS: I'm not sure if there was a
4 conversation, it was email or telephone.

5 BY MR. MARTENS:

6 Q. Had you received emails at that point
7 regarding the issue from Kevin Ezell?

8 MR. GANT: Objection. Vague.

9 THE WITNESS: I'd have to look in my
10 file, but you all should have it if I did.

11 BY MR. MARTENS:

12 Q. Do you remember looking at some emails
13 today with regard to that email?

14 MR. GANT: Objection. Vague.

15 THE WITNESS: No. No, I didn't have time
16 to go over everything again.

17 BY MR. MARTENS:

18 Q. Okay. Had you had conversations as of
19 March 2015 with Will McRaney concerning the
20 disagreement between NAMB and BCMD?

21 MR. GANT: Objection. Vague.

1 THE WITNESS: Oh, sure.

2 BY MR. MARTENS:

3 Q. As of March 2015, had you had discussions
4 with other members of the Administrative Committee
5 regarding the disagreement between NAMB and BCMD?

6 MR. GANT: Same objection, foundation.

7 THE WITNESS: Certainly we did.

8 BY MR. MARTENS:

9 Q. As of March 2015, had you had discussions
10 with other members of the GMB regarding the
11 disagreement between NAMB and BCMD?

12 MR. GANT: Objection. Vague, foundation,
13 compound.

14 THE WITNESS: I don't recall, because I
15 don't know when the GMB met.

16 BY MR. MARTENS:

17 Q. And after all of that as of March 2015,
18 having heard Kevin's concerns, you were in
19 agreement with Dr. McRaney; is that fair?

20 MR. GANT: Objection. Foundation, vague,
21 compound, mischaracterizes testimony.

1 THE WITNESS: I think the date would be
2 about -- well, to be precise, March the 18th, yes.
3 Not the 25th.

4 BY MR. MARTENS:

5 Q. I'm going to show you what I'm going to
6 mark as Exhibit 17.

7 (Whereupon, Warren Deposition Exhibit No.
8 17, Documents Bates Numbered WM00103 to WM00104,
9 marked for identification.)

10 THE WITNESS: Is it the coffee or did
11 they turn the air down?

12 MR. GUNDERSON: You're chilly?

13 THE WITNESS: Huh?

14 MR. GUNDERSON: You're chilly?

15 THE WITNESS: I'm warm I think.

16 MR. GUNDERSON: Oh, warm.

17 MR. GANT: I think what's tricky is, is
18 the air going down and making it hotter or cooler.

19 THE WITNESS: I'm okay. I'm just
20 wondering if anybody else noticed. It's probably
21 the coffee, I'm sorry.

1 BY MR. MARTENS:

2 Q. I'm going to show you what I have marked
3 as Exhibit 17.

4 A. Okay.

5 Q. A document bearing the Bates number
6 WM00103 to 104. Do you recognize this document?

7 (Whereupon, there was a pause for
8 document examination.)

9 THE WITNESS: Yes.

10 BY MR. MARTENS:

11 Q. What is it?

12 A. It's an expression from the
13 Administrative Committee of our disappointment with
14 Dr. McRaney's performance, especially relative to
15 the relationship with NAMB, members -- member
16 churches, director of admissions and the senior
17 leadership team network and it states what those
18 concerns are.

19 Q. And this document is dated June 2nd,
20 2015?

21 A. Yes, it is.

1 Q. And do you recognize Will McRaney's
2 signature on the second page?

3 A. Yes, I do.

4 Q. The first line of the document refers to
5 of a meeting on Tuesday, June 2nd, 2015, do you see
6 that?

7 A. Yes.

8 Q. Do you -- were you present at that
9 meeting?

10 A. Yes, I was.

11 Q. What do you remember about that meeting?

12 A. It was in, I believe, a conference room
13 off of Will's office. Harold Phillips, Mark Dooley
14 and I were there with Will, and I believe Sandy was
15 in the office that day as well.

16 Q. Who is Sandy?

17 A. His wife.

18 Q. Okay. She was in the meeting?

19 A. No, no.

20 Q. Okay.

21 A. I think she was in the office complex.

1 Q. Who called the meeting?

2 A. The three of us did. I don't remember if
3 it was one of us or all three of us together.

4 Q. Had you told Dr. McRaney in advance what
5 the meeting was going to be about?

6 A. No, not to my recollection.

7 Q. So, what was the meeting about?

8 A. What's on the paper here.

9 Q. Who was speaking on behalf of -- you
10 mentioned that there were four people present. Who
11 was presenting to Dr. McRaney?

12 MR. GANT: Objection. Vague, foundation.

13 THE WITNESS: Harold Phillips, Mark
14 Dooley and I.

15 BY MR. MARTENS:

16 Q. Was any one of you taking the lead?

17 A. I don't recall.

18 Q. And this document says in the second
19 paragraph, Will, you need to improve and perform
20 the following actions within the next two weeks, do
21 you see that?

1 A. Yes.

2 Q. As of June 2nd, 2015, were you still in
3 Will McRaney's camp?

4 MR. GANT: Objection. Vague.

5 THE WITNESS: Not as I was in March.

6 BY MR. MARTENS:

7 Q. Why not?

8 A. Because of the six concerns.

9 Q. You referenced six concerns, meaning the
10 handwritten numbers along the left-hand side of
11 Exhibit 17?

12 A. Yes.

13 Q. What caused you to form -- strike that.

14 As of June 2nd, 2015, did you have each
15 of those six concerns personally about
16 Dr. McRaney's performance as executive director of
17 BCMD?

18 MR. GANT: Objection. Vague.

19 THE WITNESS: Yes, I did.

20 BY MR. MARTENS:

21 Q. What led you to have those concerns?

1 A. Observations, conversations with the
2 Administrative Committee, conversations with
3 pastors, conversations with staff.

4 Q. When you say observations, what do you
5 mean by that?

6 A. I'll strike that. Conversations.

7 Q. What were your observations?

8 A. I cannot recall specific observations, so
9 I'll just go with conversations.

10 Q. When you say conversations with the
11 staff, what do you mean by that?

12 A. Hearing the concerns of some of the staff
13 about Dr. McRaney.

14 Q. What types of concerns?

15 A. The style of his leadership, the
16 direction he was taking the convention, his
17 treatment of them.

18 Q. What do you mean by -- what do you mean
19 by the direction he was taking the convention?

20 A. At least some of the staff were concerned
21 about the seeming inability to get this thing

1 with -- this controversy with NAMB fixed. There
2 may have been other concerns, but that's what I
3 remember.

4 Q. You mentioned treatment of staff. What
5 do you mean by that?

6 A. From their viewpoint, heavy-handed,
7 middle-of-the-night emails that were censorious in
8 nature.

9 Q. What does censorious mean?

10 A. Highly critical, kind of the tone of sort
11 of at times putting them in their place. It -- it
12 became fairly common for them to refer to them as
13 midnight emails.

14 Q. What do you mean by that?

15 A. A lot of them would get emails in the
16 middle of the night that were difficult to read in
17 the sense of -- in the sense of they weren't
18 pleasant.

19 Q. They were what?

20 A. They were not pleasant. I'm not saying
21 that all of them were that way, but some were

1 categorized that way by the members of the team.

2 Q. During the meeting with Dr. McRaney on
3 June 2nd, 2015, did you or other members of BCMD
4 talk through each of the six items with Will?

5 A. Absolutely.

6 Q. What was his response?

7 MR. GANT: Objection. Compound,
8 foundation, calls for speculation.

9 THE WITNESS: He was quiet, pretty quiet.
10 I think he was surprised, but he was willing
11 to -- well, he was pretty quiet. I don't remember
12 much of any reaction really. I think he was
13 surprised.

14 BY MR. MARTENS:

15 Q. Did you bring this document, Exhibit 17,
16 with you to the meeting?

17 A. Yes.

18 Q. Was it given to Will at the meeting?

19 A. Yes.

20 Q. Did he sign the document there at the
21 meeting?

1 A. That's my recollection.

2 Q. So, how were things left at the end of
3 the meeting?

4 A. I went out and told I think it was Sandy
5 or somebody, Will -- Will needs you right now.
6 It's been a tough meeting.

7 After that, I think Will proceeded to try
8 to do what we asked of him to do.

9 Q. I want to show you, just have you take a
10 look again at Exhibit 5, which we looked at earlier
11 today.

12 A. Okay.

13 Q. Do you have that in front of you?

14 A. Yes.

15 Q. There's a reference in that second
16 paragraph, which we looked at earlier, that said,
17 Had Will exhibited a humble spirit after we
18 confronted him and had he not dismissed the six
19 charges against him as baseless, we would have
20 given him time to work out the mess and just lived
21 with the reduction in NAMB funding that was coming

1 down the pike, do you see that?

2 A. Yes, I do.

3 Q. That reference there to confronting Will,
4 what is that a reference to?

5 A. This meeting.

6 Q. The June 2nd, 2015 meeting?

7 A. Yes, which I would not characterize as
8 confrontational, but confront in the more milder
9 sense of the term.

10 Q. And in this Exhibit 5, you refer to Will
11 as dismissing the charges against him as baseless,
12 do you see that?

13 A. Yes.

14 Q. In fact, dismissing the six charges
15 against him as baseless, do you see that?

16 A. Yes.

17 Q. What are the six charges you're
18 referencing in Exhibit 5?

19 A. What's on Exhibit 17.

20 Q. The six numbered items in Exhibit 17?

21 A. Yes.

1 Q. When did Will dismiss the six charges
2 against him as baseless?

3 A. According to a member of the -- I believe
4 Victor Kirk was on the Administrative Committee.
5 He was certainly on the General Mission Board. He
6 referenced a phone call to Will in which basically
7 Will said, I'm not guilty of any of these.

8 And then in the meeting on June the 8th,
9 I recall Victor point blank asking Will if there
10 was any merit to these concerns, and his answer
11 was, No. Something to that effect.

12 Q. And you observed that personally?

13 A. Yes, I did. It should be in the minutes.

14 Q. Well, let's look at that. I'll show you
15 what I'm going to mark as Exhibit 18.

16 (Whereupon, Warren Deposition Exhibit No.
17 18, Documents Bates Numbered BCMD_0682 through
18 BCMD_0692, marked for identification.)

19 BY MR. MARTENS:

20 Q. And ask you if you recognize this?

21 A. Yes.

1 MR. MARTENS: For the record, Exhibit 18
2 is a document bearing Bates number BCMD_0682
3 through 0692.

4 BY MR. MARTENS:

5 Q. What is Exhibit 18?

6 A. It is the confidential minutes of the
7 meeting on June 8th with the General Mission Board
8 concerning the termination of Dr. McRaney.

9 Q. And is that the June 8th meeting you
10 referenced just a minute ago?

11 A. Yes.

12 Q. Is this the June 8th meeting where you
13 observed Will McRaney dismiss as baseless the six
14 concerns raised with him on June 2nd?

15 A. Yes.

16 Q. Tell me what you remember about the June
17 8th meeting.

18 A. It was at the church Tim Simpson used to
19 pastor. I can't remember the name, and it was well
20 attended.

21 Will had an opportunity to speak on his

1 behalf, which he did. Then we had lunch, and then
2 Will left I'm sure per our request, and then we had
3 a long meeting that afternoon. And what I remember
4 most vividly, and it's reflected in the minutes, is
5 the overwhelming negative view expressed that day
6 by five of his top six staff, as well as a director
7 of missions who in -- in -- in -- was representing
8 the other, maybe not all of them, but a significant
9 por- -- portion of the other directors of missions.

10 I also recall the vote was by ballot, and
11 according to what I've read since then, 37 voted
12 yes. I think one vote -- did not vote.

13 Q. So, let me break this down a bit.
14 Anything more?

15 A. Mike Trammell was given the task of going
16 to tell Will about our decision.

17 Q. Let me go back and break that down a bit
18 and ask a few follow-up questions.

19 A. Okay.

20 Q. The Exhibit 18, is this the minutes of
21 that meeting?

1 A. Yes.

2 Q. Was it, again, the regular practice to
3 take minutes of the meetings of the GMB during your
4 tenure as president of BCMD?

5 MR. GANT: Objection. Vague.

6 THE WITNESS: I would assume it was.

7 BY MR. MARTENS:

8 Q. Do you have any -- I'm sorry.

9 A. I'm going to say yes.

10 Q. Do you remember who it was who would
11 typically take minutes? Was it someone present?

12 MR. GANT: Objection. Vague, compound,
13 foundation.

14 THE WITNESS: Yes. The one who took
15 these minutes was Thomas Winborn, a member of the
16 Administrative Committee.

17 BY MR. MARTENS:

18 Q. The agenda for the meeting, page 1 of
19 Exhibit 18, references a devotion by Mark. Who is
20 Mark?

21 A. Mark Dooley.

1 Q. Why did a meeting open with a devotion?

2 A. Again, we're people of the Word, and we
3 like to start with the Word of God.

4 Q. And then after the devotion, there was a
5 prayer by Harold. Who is that?

6 A. Harold Phillips.

7 Q. Why did the meeting have a prayer after
8 the devotional?

9 A. Well, if we ever needed prayer for a
10 meeting, it was this one.

11 Q. Why is that?

12 A. There was a very important decision
13 before us, and we needed to seek God's guidance.

14 Q. Did you view it as a spiritual decision?

15 MR. GANT: Objection. Vague, foundation.

16 THE WITNESS: Yes.

17 BY MR. MARTENS:

18 Q. Why do you say that?

19 MR. GANT: Same objections.

20 THE WITNESS: Because it dealt with
21 the -- our pursuit of the Great Commission and who

1 was going to lead us to do that.

2 BY MR. MARTENS:

3 Q. Why was Dr. McRaney given an opportunity
4 to speak at the meeting?

5 A. To be fair.

6 Q. What do you mean by that?

7 A. To give him an opportunity to share what
8 was on his heart, to give "his side of the story,"
9 because we were going to hear the other side later
10 in the day, to give him an opportunity to own some
11 of the six concerns.

12 Q. How long did Dr. McRaney speak for?

13 A. I don't recall. He was scheduled for 30
14 minutes. I don't recall how much of the time he
15 took.

16 Q. Do you recall -- do you recall anyone
17 cutting him off from anything he wanted to say
18 during that meeting?

19 A. No. No.

20 Q. You mentioned that after Dr. -- you
21 mentioned that there were other people who

1 presented at the meeting, some staff members?

2 A. Yes.

3 Q. How many staff members presented?

4 A. Five.

5 Q. Do you remember who they were?

6 A. Tom Stolle, Joel Rainey, Doug DuBois,
7 Michael Crawford, Randy Millwood.

8 Q. And who are each of them?

9 A. I don't remember the exact titles. Randy
10 Millwood was -- he might have been in charge of
11 church services. I recall Michael Crawford was
12 church planting. Joel Rainey was evangelism. Doug
13 DuBois and Scott Croft -- Tom Stolle was the CFO,
14 and he might have been at that time like an
15 assistant executive director, but I'm not sure.

16 Q. I think you mentioned earlier that the
17 response from or the views of five of the six was
18 negative toward Dr. McRaney?

19 A. Yes.

20 Q. In what way?

21 A. It's in the minutes. Those were the

1 concerns that I mentioned earlier; his treatment of
2 the staff, his direction for the -- for the future,
3 his skills as a leader.

4 Q. When you came to the meeting on June 8th,
5 2015, were you in Will McRaney's camp or outside of
6 his camp by that point?

7 MR. GANT: Objection. Vague.

8 THE WITNESS: I was out.

9 BY MR. MARTENS:

10 Q. Why were you out? What had happened
11 since June 2nd?

12 A. I'm glad you asked me that question.
13 Again, this is one person's view of a meeting.

14 Will had a meeting with his senior staff
15 in between June 2nd and June the 8th. One of the
16 members called me after the meeting was over and
17 basically said, Will is not owning any of this. He
18 makes it seem like it's our fault because we didn't
19 come to him. He has an open door. We don't see
20 that anything has changed in his attitude. We
21 don't see any humility. We don't see any

1 acceptance of -- real acceptance of fault.

2 At that point, because I had been
3 taking -- keeping up with these five and where they
4 were, I said, If he stays, are you going to leave?
5 He said, Yes. I said, What about the other four
6 guys? They were all still there. So, they did a
7 quick vote, and all five said, If he stays, we're
8 gone.

9 Q. And who was it who called you?

10 A. Either he called me or I called him. I
11 don't recall, but my initial conversation was with
12 Tom Stolle.

13 Q. And Tom Stolle, I'm sorry, again is whom?

14 A. CFO.

15 Q. And who were the others that you
16 understood were expressing the view that they, too,
17 would leave if Will stayed?

18 A. Joel McRaney, Randy Millwood, Doug
19 DuBois, Michael Crawford. If you will note in the
20 minutes, Michael Crawford flat out says it.

21 Q. Do you remember him saying that at the

1 meeting on June 8th?

2 A. Because I read some of the minutes this
3 morning on my way in.

4 Q. That refreshed your memory?

5 A. It did. That was, for me, the tipping
6 point.

7 Q. Why?

8 A. I had concerns about Will's leadership,
9 and those five men, I had no concerns about their
10 leadership. They were excellent employees,
11 excellent leaders, and I didn't want to lose those
12 five men. I thought that would be very, very
13 detrimental to our convention.

14 Q. Would losing them have been detrimental
15 to the spiritual mission of the BCMD?

16 MR. GANT: Objection. Vague --

17 THE WITNESS: In --

18 MR. GANT: -- and foundation.

19 THE WITNESS: Go ahead.

20 MR. GANT: No, I'm done.

21 THE WITNESS: In my opinion, yes.

1 BY MR. MARTENS:

2 Q. Why?

3 A. Because they were very good at what they
4 did. They were very spiritual men, and they had
5 proven over the years to be high quality.

6 Q. During the meeting on June 8th, 2015, did
7 you form any opinions about Dr. McRaney?

8 MR. GANT: Sorry, can I hear that back?

9 (Whereupon, the record was read as
10 requested.)

11 MR. GANT: Objection. Vague.

12 THE WITNESS: I was disappointed that he
13 didn't take his time to say to us, Obviously,
14 I've -- I've screwed up. Obviously, I'm doing
15 something wrong. Let's work together, give me some
16 time to fix it. Again, I was disappointed that
17 there wasn't ownership and humility, but -- yeah.

18 BY MR. MARTENS:

19 Q. If there had been ownership and humility
20 by Dr. McRaney at the June 8th, 2015 meeting, what
21 would you have done?

1 MR. GANT: Objection. Vague.

2 THE WITNESS: I would have recommended
3 that the Administrative Committee have a meeting
4 with the five men and say, Okay, you heard him. Do
5 you believe him? What are your thoughts? Are you
6 still going to leave?

7 BY MR. MARTENS:

8 Q. Were those five men present when
9 Dr. McRaney presented during the meeting?

10 A. As soon as I said that, I realized
11 they -- they probably were not, yeah.

12 Q. So, you mentioned that after lunch I
13 think you said there was a long meeting that
14 occurred on June 8th, 2015?

15 A. Yes.

16 Q. How long did the meeting last?

17 A. Well, if we stuck to the schedule, I'm
18 going to say it was probably four, four and a half
19 hours. Now, after -- at some point during that
20 day, the Administrative Committee did meet, and I
21 think it was after lunch, to kind of get a head

1 count of based upon what we've heard, what -- what
2 are you thinking.

3 Q. Why did the meeting last -- why did the
4 discussion last so long?

5 A. It took a long time to hear from the five
6 men, and it took a pretty good time, length of time
7 to do Q and A.

8 Q. Was there then a discussion after hearing
9 from the five men?

10 A. I'm assuming so since that's item 10.

11 Q. Do you remember that?

12 A. I'm sure there was. Yes, I do.

13 Q. How long did that last?

14 A. I don't recall, but it was thorough.

15 Q. What do you mean it was thorough?

16 A. Everyone had an opportunity to ask any
17 question they wanted to ask, and I think they did.
18 We -- we did not say when -- we needed to be
19 finished by such and such a time. We -- we were
20 going to stay as long as it was necessary to hear
21 from everybody.

1 Q. And by everybody, are you referring to
2 the --

3 A. General Mission Board.

4 Q. Was there -- did you stop at any point
5 during that discussion to pray further?

6 A. I don't recall.

7 Q. Was there a prayer before the vote?

8 A. I don't recall.

9 Q. You mentioned -- strike that.

10 At the -- there's a reference to item 8,
11 Corporate Prayer Time, do you see that?

12 A. Yes.

13 Q. What is corporate prayer?

14 A. Very likely what we did there was we
15 opened it up so that anybody could pray who wanted
16 to among the GMB.

17 Q. Was this before or after hearing from the
18 five men?

19 A. Before.

20 Q. You --

21 A. Now I do recall we had prayer time.

1 Q. That's okay. That's why I show you the
2 documents to try to refresh your memory.

3 A. Sure.

4 Q. You -- you mentioned that the vote was by
5 ballot?

6 A. Yes.

7 Q. What did you mean by that?

8 A. On a piece of paper, you write yes or no.

9 Q. Was there some significance to the fact
10 that the vote was by ballot?

11 A. Yes.

12 Q. Why?

13 A. We wanted everyone to feel free to vote
14 their conscience with no pressure from others in
15 terms of people standing or putting their hands up,
16 so ...

17 Q. What was your vote?

18 A. My vote was to terminate.

19 Q. What was the overall vote?

20 A. Thirty-seven in favor of termination, and
21 I'm assuming that one did not vote.

1 Q. When you say you assume one, because
2 there were 38 present?

3 A. Yeah.

4 Q. Was the vote counted immediately during
5 the meeting?

6 A. Yes. Well, I don't know about
7 immediately, but it was counted before everyone
8 left.

9 Q. What happened after the vote came back?

10 A. I don't recall if we had any discussions
11 or not, but then we adjourned. And then -- I don't
12 know, it might have been Harold and Mike Trammell
13 who went to talk to Will. I'm not sure, but we
14 agreed that -- that they should do that.

15 Q. And what was Harold's position at the
16 time?

17 A. The chairman of the executive -- of the
18 Administrative Committee.

19 Q. And what was Mike Trammell's position at
20 the time?

21 A. He was on the General Mission Board. He

1 might have been -- I think he was also on the
2 Administrative Committee.

3 Q. And why were those two selected to go
4 talk to Will?

5 A. Because Harold had a better relationship
6 with Will than I did and so did Mike, and quite
7 frankly I said, Gentlemen, he doesn't want to see
8 me, I'm sure.

9 Q. Was Will still in the building at that
10 point?

11 A. No.

12 Q. Where did they go see him?

13 A. I don't remember. I -- I -- I don't
14 know. I don't remember. I'm assuming his home,
15 but I don't recall.

16 Q. Did you hear from Will after that?

17 A. Not directly, no.

18 Q. Now, you had said earlier in the day that
19 he was given the opportunity to resign, which you
20 used here the word terminated. Why the difference?

21 MR. GANT: Objection. Vague.

1 THE WITNESS: Well, we voted to allow him
2 to resign. We all knew what was happening.

3 BY MR. MARTENS:

4 Q. Meaning what?

5 A. We were voting to terminate him as
6 director. We wanted to give him the opportunity to
7 resign so that on his resume' it didn't say
8 terminated.

9 Q. I'm going to show you what we're going to
10 mark as Exhibit 19.

11 (Whereupon, Warren Deposition Exhibit No.
12 19, Document Bates Numbered WARR 002, marked for
13 identification.)

14 BY MR. MARTENS:

15 Q. Exhibit 19 is a document bearing the
16 Bates number WARR 002.

17 A. Yes.

18 Q. You chuckled at that document.

19 A. Oh, I recognize it. I've read it about,
20 I don't know, four -- three, four, five times.

21 Q. Did you receive this email on or about

1 June 24th, 2015?

2 A. I did.

3 Q. Who did you receive it from?

4 A. Clint Scott.

5 Q. Who is Clint Scott?

6 A. A pastor in Delaware, he was at the time.

7 He's no longer there.

8 Q. And what made you chuckle when seeing
9 this today?

10 A. Because Clint engaged in a fishing
11 expedition at my expense.

12 Q. What do you mean by that?

13 A. He contacted me the day before. It was a
14 Tuesday.

15 Q. The day before what?

16 A. The day before this letter. My
17 recollection, it was a Tuesday. I think it was the
18 day before.

19 I was standing in my front yard. I
20 remember distinctly where I was. I just had gotten
21 home from work, and he called to ask a lot of

1 questions.

2 Q. What questions did he call to ask?

3 A. Questions about the -- Will's
4 termination.

5 Q. Why did you describe that as a fishing
6 expedition?

7 A. Because -- in part, because of this
8 email. He states that sometimes I have a tendency
9 to hear something different than the way it was
10 stated, so respond to my questions, which I took to
11 mean I want to nail down your answers in writing so
12 I can go share them with Will.

13 In my opinion, he had no desire to really
14 want to know, to really communicate. He wanted
15 information, and it has been since used in that
16 way.

17 Q. Does this email, Exhibit 19, accurately
18 reflect what you said in your conversations with
19 Clint Scott?

20 A. I would like see the -- to answer that, I
21 need to look at my response to him, which is a

1 document that you have.

2 Q. Okay. I'm going to show you what I'm
3 going to mark as Exhibit 20.

4 (Whereupon, Warren Deposition Exhibit No.
5 20, Documents Bates Numbered WARR 012 through WARR
6 013, marked for identification.)

7 THE WITNESS: Can we break for a moment?

8 MR. MARTENS: Certainly.

9 THE WITNESS: This contact is about as
10 dry as it can get.

11 MR. MARTENS: We'll go off the record.

12 THE VIDEOGRAPHER: We're going off the
13 record. The time is 2:56 p.m.

14 (Recess taken -- 2:56 p.m.)

15 (After recess -- 3:03 p.m.)

16 THE VIDEOGRAPHER: We are back on the
17 record. The time is 3:03 p.m. This is media unit
18 number four.

19 BY MR. MARTENS:

20 Q. I'd like to direct your attention to
21 Exhibit 19.

1 A. Um-hum.

2 MR. GANT: Sorry, the new one?

3 MR. MARTENS: I'm going back to 19 for a
4 second.

5 MR. GANT: Okay.

6 BY MR. MARTENS:

7 Q. Exhibit 19 is the email to you from Clint
8 Scott on June 24th, 2015, a Wednesday, correct?

9 A. Yes.

10 Q. And item No. 3 Clint Scott said you, Bill
11 Warren, said that, "Kevin Ezell said that as long
12 as Will McRaney was to stay the executive leader,
13 NAMB would not support the BD/DE -- the MD/DE
14 convention and that this was wrong for him to say."

15 A. Um-hum.

16 Q. Do you see that?

17 A. Yes.

18 Q. Did you say that during your telephone
19 call with Clint Scott?

20 MR. GANT: Objection. Foundation.

21 THE WITNESS: No.

1 BY MR. MARTENS:

2 Q. Why do you say that?

3 A. Because I answered no in my response to
4 him, so I'm trusting my memory from that time and
5 not eight years later.

6 Q. So, let's look at Exhibit 20. Do you
7 recognize Exhibit 20?

8 A. Yes.

9 Q. What is Exhibit 20?

10 A. It's my response, my note -- my response
11 to his questions.

12 Q. Is this an email from you to Clint Scott?

13 A. Yes.

14 Q. And this is a document bearing the Bates
15 number, if I haven't said it before, WARR 12
16 through WARR 13, correct?

17 A. Can I get an Exhibit 20?

18 MR. GUNDERSON: It's --

19 THE WITNESS: Oh, it's on the back?

20 MR. GUNDERSON: Yes.

21 THE WITNESS: I got it.

1 BY MR. MARTENS:

2 Q. Let me just try that again. Exhibit 20
3 is a document bearing Bates number WAR -- WARR 12
4 through 13, correct?

5 A. Correct.

6 Q. And do you recognize that as an email
7 from you to Clint Scott on August 25th, 2015?

8 A. June.

9 Q. It's dated August 25th, 2015, correct?

10 A. Is it on the back? Oh, okay. Yes.

11 Q. And it says, Notes from Wednesday,
12 6-24-15 Phone Conversation between Bill Warren and
13 Clint Scott, do you see that --

14 A. Right.

15 Q. -- in Exhibit 20?

16 A. Right. So, maybe I was wrong on the
17 date. Maybe it was a Wednesday instead of a
18 Tuesday. Okay. Yes, I see that.

19 Q. Who took those notes in Exhibit 20?

20 A. Those were my written responses to the
21 questions that I chose to answer from Clint Scott.

1 Q. And why did you choose to answer certain
2 of his questions?

3 A. I don't recall why.

4 Q. In Exhibit 20 in the fourth bullet point
5 on the second page, it begins, Kevin Ezell said
6 that as long as Will McRaney was to stay executive
7 leader, NAMB would not support the MD/DE State
8 Convention and that this was wrong for him to say.
9 That's quoting from item No. 3 of Exhibit 19,
10 correct?

11 A. Right. Right.

12 Q. And then after that, it says, No, in
13 caps, do you see that?

14 A. Yes.

15 Q. Who wrote no?

16 A. I did.

17 Q. And then it continues, "Implication from
18 March meeting that they would give less because
19 they were very dissatisfied with Will. Never in
20 personal conversation with me did Kevin imply or
21 state a threat that we had to fire Will in order to

1 continue receiving funds at all or at an acceptable
2 level, do you see that?

3 A. Yes.

4 Q. Who wrote that?

5 A. I did.

6 Q. Were the words you wrote in bullet point
7 4 true?

8 A. Yes, and when you finish, I want to speak
9 to them.

10 Q. Please explain.

11 A. I've been wanting to give this
12 explanation for eight years.

13 Here's what happened: Clint is asking
14 his questions. He said something to the effect,
15 Did Kevin Ezell ever say to you that you -- there
16 would be no NAMB funding if you didn't get rid of
17 Will. I said, No, he never said that. Did he
18 imply that? I said, Yes. And in that moment in
19 the pit of my stomach, there was a churning because
20 I realized I had not spoken what I intended to say.

21 Thinking back on it, what I should have

1 said was, I inferred from Kevin Ezell's actions
2 that that would be the case.

3 Never in personal conversation or
4 correspondence or any kind of meeting did Kevin
5 imply that if you'll just get rid of him, we'll
6 be -- we'll be whole.

7 So, I said the wrong thing, and since
8 then, I've been accused of lying and other things,
9 but that's what I meant to say, that I inferred
10 from his actions, or less precisely, his actions
11 implied.

12 When you get a letter in December stating
13 that because of Will's actions, we're going to
14 terminate the agreement, okay, that's pretty clear.
15 When you have a meeting in March in which they say
16 they're going to reduce our funding because we
17 still have problems with Will's cooperation, that's
18 pretty clear, but, no, he never came to me and
19 said, Hey, Bill, just between you and me, get rid
20 of him and you got the money, nor would it have
21 mattered.

1 Q. Why not?

2 A. As I stated in an email to Kevin Ezell,
3 we would have put up with it. We would have put up
4 with the loss of funds trusting God for the
5 difference if we had seen from Will what we needed
6 to see in terms of humility and bearing his portion
7 of some portion of -- of the concerns that we
8 addressed to him. I stated it in an email; I state
9 it today.

10 Q. Did you vote to terminate Will McRaney as
11 executive director of BCMD in order to retain
12 funding from NAMB?

13 MR. GANT: Objection. Vague, compound,
14 foundation, calls for speculation.

15 THE WITNESS: No. We all knew -- well, I
16 can't say all. I knew that that would very likely
17 mean a resumption of previous levels of giving, but
18 that's not why.

19 Despite what some people have said about
20 me, I am a man of integrity, and I can't be bought,
21 and I wasn't bought that day, and Kevin didn't try

1 to buy me.

2 BY MR. MARTENS:

3 Q. So, why did you vote to terminate Will
4 McRaney?

5 A. The tipping point of the five staff
6 members who said, We don't see any change. We're
7 leaving.

8 Q. In any of the meetings that you
9 participated in with regard to the termination of
10 Will McRaney as executive director of BCMD, did you
11 hear anyone express the view that Will was being
12 terminated in order to maintain NAMB's funding?

13 A. No. I can't say what was in the mind of
14 the other 36 people that day, but I didn't hear
15 anybody say that.

16 Q. I'm going to show you -- I'm going to
17 show you what we're going to mark as Exhibit 21.

18 (Whereupon, Warren Deposition Exhibit No.
19 21, Documents Bates BCMD_0029 to BCMD_0030, marked
20 for identification.)

21 BY MR. MARTEN:

1 Q. Do you recognize this Exhibit 21?

2 A. Yes.

3 Q. What is it?

4 A. It's an email from Mark Dooley to Mike
5 Trammell and Will, with a copy sent to me, Harold
6 Phillips, and Tom Stolle.

7 Q. And did you receive this email exchange
8 on or about September 13th, 2015?

9 A. Yes.

10 Q. The first email -- strike that.

11 This is a document, Exhibit 21, bearing
12 the Bates BCMD_0029 to 0030.

13 Turn to the second page of that exhibit.
14 It begins with an email from Mike Trammell to Will
15 McRaney on September 13th, 2015, correct?

16 A. Correct.

17 Q. Who is Mike Trammell at this time?

18 A. A member of the -- at least the General
19 Mission Board, but I'm -- I'm almost certain he was
20 also on the Administrative Committee.

21 Q. Was he a member of the General Mission

1 Board at the time of the vote to terminate --

2 A. Yes.

3 Q. -- Will McRaney as executive director of
4 BCMD?

5 A. Right.

6 Q. Was he present at the June 8th, 2015
7 meeting?

8 A. Yes.

9 Q. Do you see at the end that Mike says,
10 "Count me among those who will never vote for your
11 reinstatement"?

12 A. Yes.

13 Q. Do you know why Mike felt that way?

14 A. He heard all -- well, I can't speak for
15 Mike.

16 Q. Okay. Do you see at the beginning of
17 that email by Mike he says, "I am writing to inform
18 you that I was offended that you came to my church
19 today for what appeared to be the purpose of
20 winning me over in your battle for reinstatement?"
21 Do you see that?

1 A. I see that. I see that.

2 Q. Had you heard about Will appearing at
3 Mike Trammell's church to try to win him over for
4 reinstatement?

5 MR. GANT: Objection. Vague, foundation.

6 THE WITNESS: I had heard that he
7 appeared at Mike's church and discussed the issue,
8 and Mike was not happy.

9 BY MR. MARTENS:

10 Q. Who did you hear that from?

11 A. Mike.

12 Q. Do you think that was proper for Will to
13 do?

14 MR. GANT: Objection. Vague.

15 THE WITNESS: No.

16 BY MR. MARTENS:

17 Q. Do you see where Mike writes, Engaging me
18 in conversation in the foyer of my church within
19 earshot of my church members to discuss your recent
20 termination was highly improper?

21 A. I see that.

1 Q. Do you agree with that?

2 A. Yes.

3 Q. Meaning do you --

4 MR. GANT: Sorry.

5 THE WITNESS: I'm sorry.

6 MR. GANT: You just need to slow down a
7 little bit in case I have an objection. Go ahead.

8 BY MR. MARTENS:

9 Q. Do you agree with Mike Trammell's
10 assessment that that conduct by Will McRaney was
11 highly improper?

12 MR. GANT: Objection. Vague, foundation.

13 THE WITNESS: Yes, I do.

14 BY MR. MARTENS:

15 Q. Do you see where Mike wrote, I was
16 saddened to have to answer Sandy when she asked me
17 to explain to her I voted to fire her husband.
18 That is just plain wrong on a lot of levels.
19 Sunday is God's day, Will. You should know that.
20 Do you see that?

21 A. I see it.

1 Q. Do you agree with Mike Trammell's
2 assessment that Will McRaney's wife confronting
3 Mike Trammell was improper?

4 MR. GANT: Objection. Foundation,
5 mischaracterizes the document.

6 MR. MARTENS: I'll restate.

7 BY MR. MARTENS:

8 Q. Did you agree with Mike Trammell's
9 assessment that having to answer questions to Sandy
10 at church that Sunday was just plain wrong?

11 A. Yes, but these are human beings who have
12 received terrible news and they're deeply hurt, so
13 nobody -- nobody defends us like our wives,
14 Gentlemen. So, I understand.

15 Q. Do you see Mike continues, Your ceaseless
16 verbal accusations against Bill Warren and others
17 is wearing thin?

18 A. I see it.

19 Q. Did you know what -- do you know what
20 Mike was referring to with regard to this reference
21 to ceaseless allegations against you and others?

1 MR. GANT: You said allegations. That's
2 not --

3 THE WITNESS: Accusations.

4 MR. GANT: It doesn't say that.

5 BY MR. MARTENS:

6 Q. Do you -- strike that.

7 Do you know what Mike was referring to
8 when he referenced ceaseless verbal accusations
9 against you and others?

10 A. Yes.

11 Q. What was he referring to?

12 A. Emails. I'm assuming he's referring to
13 emails and Facebook posts.

14 Q. What emails and Facebook posts are you
15 referring to?

16 A. My recollection is emails he sent to
17 other pastors or at least an email posted on
18 Facebook.

19 Over -- over the years, Will has sent me
20 emails. I think the last one was in 2019, so I'm
21 familiar with -- with -- with that.

1 Q. When you say he was sending emails and
2 Facebook posts, he being Will McRaney?

3 A. Yes.

4 Q. Where does -- strike that.

5 Were these Facebook posts making
6 accusations against you?

7 A. I tried --

8 MR. GANT: Objection. Vague, compound.

9 THE WITNESS: I tried as best I could not
10 to read any of it.

11 BY MR. MARTENS:

12 Q. Did you become aware that there were
13 Facebook posts making accusations against you?

14 MR. GANT: Same objections.

15 THE WITNESS: Yes.

16 BY MR. MARTENS:

17 Q. Where does one member of the Body of
18 Christ making Facebook posts against another member
19 of the Body of Christ over a dispute concerning
20 employment at a state convention fit within Matthew
21 18?

1 MR. GANT: Objection. Vague, foundation,
2 incomplete hypothetical, calls for speculation.

3 THE WITNESS: It doesn't fit.

4 BY MR. MARTENS:

5 Q. How does one member of the Body of Christ
6 making accusations on Facebook against another Body
7 of Christ -- another member of the Body of Christ
8 align with Christ-like character?

9 MR. GANT: Same objections.

10 THE WITNESS: Same -- same response. It
11 doesn't fit Matthew 18, but nobody knows how deeply
12 Will was hurt but Will and Sandy. And we are human
13 beings, so they were in a lot of pain.

14 BY MR. MARTENS:

15 Q. And you understand that?

16 A. As best I can. I haven't been in his
17 shoes.

18 Q. In other words, you're willing to show
19 grace in that situation even though it's not proper
20 conduct?

21 MR. GANT: Objection. Leading, Vague --

1 THE WITNESS: Yes.

2 MR. GANT: -- foundation.

3 MR. MARTENS: We can just take a break
4 and go off the record.

5 THE VIDEOGRAPHER: We're going off the
6 record. The time is 3:20 p.m.

7 (Recess taken -- 3:20 p.m.)

8 (After recess -- 3:28 p.m.)

9 THE VIDEOGRAPHER: We are back on the
10 record. The time is 3:28 p.m.

11 (Whereupon, Warren Deposition Exhibit No.
12 22, Documents Bates Numbered NAMB 5379 through
13 5382, marked for identification.)

14 BY MR. MARTENS:

15 Q. I'm going to show you, sir, what I'm
16 going to mark as Exhibit 22. It's a document
17 bearing the Bates number NAMB 5379 through 5382.

18 (Whereupon, there was a pause for
19 document examination.)

20 BY MR. MARTENS:

21 Q. Take your time.

1 (Whereupon, there was a pause for
2 document examination.)

3 THE WITNESS: Okay.

4 BY MR. MARTENS:

5 Q. Have you ever seen Exhibit 22 before?

6 A. Yes, I have. Yes.

7 Q. When did you see it?

8 A. A few days ago.

9 Q. Have you -- strike that.

10 Do you recall attending a meeting with
11 NAMB on May 19th, 2016?

12 A. Yes, I do. I was in the parking lot in
13 my car behind the University Library, Salisbury
14 University. I know exactly where I was.

15 Q. So, you participated in the meeting
16 remotely?

17 A. Yes.

18 Q. Why were you attending that meeting?

19 A. Kevin requested that I talk to his
20 trustees and set the record straight.

21 Q. And did you agree to do so?

1 A. Yes.

2 Q. What do you mean by set the record
3 straight?

4 A. Tell the truth.

5 Q. The truth about what?

6 A. About NAMB's -- about whether or not
7 Kevin badgered us or influenced us to fire Will.

8 Q. Did you speak to the trustees of NAMB
9 about that issue?

10 A. Yes. I was on speaker phone.

11 Q. What did you say?

12 A. What's here in the -- in the letter, in
13 the -- in the minutes of the conference call.
14 That's exactly what I said per my recollection.

15 Q. So, you're referring to on page 5380, the
16 second page of Exhibit 22, there's a paragraph that
17 begins, Bill Warren?

18 A. Yes.

19 Q. And is that an accurate recitation of
20 what you said in that meeting --

21 A. Yes.

1 Q. -- that you participated in by conference
2 call on May 16th, 2016?

3 A. Yes, it is.

4 Q. May 19th, 2016?

5 A. Yes.

6 MR. GUNDERSON: Hold on a second.

7 MR. GANT: Objection. Thank you, Eric.
8 Objection, compound, vague.

9 THE WITNESS: Okay. Yes, it is.

10 BY MR. MARTENS:

11 Q. Is there anything in that paragraph that
12 is not an accurate recitation of what you recall
13 saying during that conference call?

14 MR. GANT: Same objections.

15 THE WITNESS: There's nothing inaccurate
16 here.

17 BY MR. MARTENS:

18 Q. Did Kevin Ezell ever bully BCMD or badger
19 BCMD or ask BM -- BCMD to fire Will McRaney?

20 MR. GANT: Objection. Vague, compound.

21 THE WITNESS: Not in my presence or in my

1 knowledge from interactions with the GMB.

2 BY MR. MARTENS:

3 Q. You state -- strike that.

4 It states in this document that you
5 stated during the call with the NAMB trustees that
6 over the months you started to realize that Kevin
7 was right and you came to see him as a friend, do
8 you see that?

9 A. Not yet. Where is it?

10 Q. If you look in the paragraph that begins
11 Bill Warren?

12 A. Yeah.

13 Q. The sixth line down --

14 A. Yes.

15 Q. -- the sentence --

16 A. I see it.

17 Q. Did you state during that meeting that
18 over the months, you started to realize that Kevin
19 was right and you came to see him as a friend?

20 A. Yes.

21 Q. What did you come to realize Kevin was

1 right about?

2 A. That Will had not cooperated with NAMB
3 the way he should have and that despite our earlier
4 thoughts that he was not violating the agreement,
5 that actually he had.

6 Q. You came to the conclusion that Will had
7 what?

8 A. Violated the agreement between NAMB and
9 BCMD.

10 Q. The SPA?

11 A. Yes.

12 Q. The document reads, Anyone who says we
13 wanted him (McRaney) to resign because we wanted
14 more money is out of their mind. The loss of NAMB
15 funding was never a consideration. We didn't act
16 out of a lust for money. Do you see that?

17 A. I see it.

18 Q. Is that a fair and accurate
19 representation of what you said during that
20 conference call to the NAMB trustees?

21 A. Yes, it is.

1 Q. Is it true?

2 A. It is true. Now, I'm not going to sit
3 here and say that we were happy at the prospect of
4 losing that money, that that didn't affect our
5 evaluation of Will. I'm sure it did. I tell the
6 truth, but it wasn't the reason. It wasn't my
7 reason for voting yes.

8 Q. Did you hear anyone else on the GMB
9 express that it was their reason?

10 MR. GANT: Objection. Vague.

11 THE WITNESS: No.

12 BY MR. MARTENS:

13 Q. The document states, I'm really ticked
14 off -- ticked off at the way he (Kevin) has been
15 treated by some of the players and the press. Do
16 you see that?

17 A. Yes. Um-hum.

18 Q. Is that a fair and accurate
19 representation of what you said at the meeting with
20 the NAMB trustees on May 19th, 2016?

21 A. Yes.

1 Q. What did you mean by that?

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

3 Q. How was Kevin being treated by some of
4 the players?

5 MR. GANT: Objection. Vague, foundation,
6 compound, calls for speculation, asked and
7 answered.

8 THE WITNESS: I'm sure it was negative,
9 but I don't recall specifics.

10 BY MR. MARTENS:

11 Q. It ends -- that paragraph ends, I hope
12 you will continue to stand behind Kevin because he
13 is a great man of God. Do you see that?

14 A. Yes.

15 Q. Is that a fair and accurate
16 representation of what you said to the NAMB
17 trustees on May 19th, 2016?

18 A. Yes, it is.

19 Q. Did you at that time sincerely believe
20 that Kevin was a great man of God?

21 A. Yes, I did.

1 Q. Do you still believe that?

2 A. Yes, I do.

3 Q. If you continue down the next paragraph
4 begins, Andy Childs, do you see that?

5 A. Yes, I do.

6 Q. And then two lines below it begins Bill
7 Warren again, correct?

8 A. Yes.

9 Q. And if you go four lines below that, it
10 reads, He is now aiming his bullets at Kevin. He
11 wants Kevin's scalp. He wants his job. Do you see
12 that?

13 A. Yes.

14 Q. Is that a fair and accurate
15 representation of what you said to the NAMB
16 trustees during the meeting on May 19th, 2016?

17 A. I'm sure it is.

18 Q. And who is the he who is aiming his
19 bullets at Kevin?

20 A. Will.

21 Q. Who is the he who wanted Kevin scalped?

1 A. Will.

2 Q. Who is the he who wanted Kevin's job?

3 A. Will.

4 Q. If you continue down a few more lines, it
5 recounts you speaking again as saying, He hasn't
6 been able to find a job, and he's trying to restore
7 his reputation and say, I'm not a bad guy. "They
8 messed me over." He's attempting to find a job.
9 Sadly, I think it's going to do just the opposite.
10 Do you see that?

11 A. Yes, I do.

12 Q. Is this a fair and accurate
13 representation of what you said to the NAMB
14 trustees during the meeting on May 19th, 2016?

15 A. Yes, it is.

16 Q. Was that your honest opinion at the time?

17 A. Yes, it was.

18 Q. Is it still your opinion?

19 A. I don't know what he's doing now. I
20 haven't kept up with Will's career.

21 MR. MARTENS: I don't have any more

1 questions at this time. I reserve the time for
2 redirect.

3 MR. GANT: What's our running time?

4 THE VIDEOGRAPHER: Approximately 3.37.

5 MR. GANT: Do you want five minutes or do
6 you just want to go?

7 THE WITNESS: I'm good.

8 EXAMINATION

9 BY MR. GANT:

10 Q. Good afternoon, Dr. Warren.

11 A. Good afternoon.

12 Q. As you know from this morning, my name is
13 Scott Gant, and I represent Dr. McRaney in this
14 case.

15 You recall several hours ago you took an
16 oath?

17 A. (Nodding head yes.)

18 Q. You need to answer verbally, please.

19 A. Oh, yes.

20 Q. And --

21 MS. CARRINGTON: You all, I'm sorry to

1 interrupt. Scott, is there a like microphone that
2 you can put on or?

3 MR. GANT: I have a microphone.

4 MS. CARRINGTON: Okay. It's just very
5 quiet. Is there a way to turn up the volume up on
6 it?

7 THE WITNESS: It may have to come up
8 higher on your shirt.

9 MR. GANT: Kat, I'm just going to ask my
10 questions. I have a cold. So, if you can't hear
11 me, I'm sure Matt and Josh will fill you in.

12 BY MR. GANT:

13 Q. Do you agree to give truthful and
14 complete answers to my questions?

15 A. Yes.

16 Q. Thank you. Since you turned 18 years
17 old, have you ever told a lie?

18 A. Yes.

19 Q. What's your best guess about how many
20 times?

21 A. That's a lot of years, Scott.

1 Q. I'm only asking for your best good-faith
2 estimate.

3 A. Maybe five.

4 Q. Thank you.

5 A. Five to ten, I guess.

6 Q. Thank you. You have described
7 Dr. McRaney as a man of great vision and courage,
8 correct?

9 A. Yes.

10 Q. You have described Dr. McRaney as someone
11 who is not afraid to tackle hard issues, correct?

12 A. I would -- I don't recall, but I -- that
13 would have been true at one point, yes.

14 Q. You have also said that Dr. McRaney is a
15 man of truth who lives the Great Commission,
16 correct?

17 A. I probably did. Are you reading from
18 something?

19 Q. I am. Would you like to see it?

20 A. Sure.

21 Q. Okay.

1 (Whereupon, Warren Deposition Exhibit No.
2 23, Documents Bates Numbered NAMB 6695 through NAMB
3 6704, marked for identification.)

4 BY MR. GANT:

5 Q. I've handed you what's been marked as
6 Exhibit 23, which is Bates labeled NAMB 6695
7 through 6704, and I was reading from page 6703, the
8 second to the last page.

9 When you get there, you will see there's
10 a section entitled, Presidents Remarks. Is that a
11 picture of you?

12 A. Yes, it is.

13 Q. Okay. A younger you?

14 A. Yes.

15 Q. We all -- we all look different.

16 A. Yes.

17 Q. And I was reading, in particular, from
18 under -- under the picture, the third paragraph --

19 A. Yes.

20 Q. -- beginning -- do you see that?

21 A. Um-hum. Um-hum.

1 Q. So -- so, does that refresh your
2 recollection of your making those statements about
3 Dr. McRaney?

4 A. Yes, I see it and, yes, it does.

5 Q. Okay. And did you believe those to be
6 true when you made those statements?

7 A. Absolutely.

8 Q. Is it your practice when you put
9 something in writing or make a statement to be as
10 accurate and truthful as possible?

11 A. Yes, it is.

12 Q. Can you -- I just want to make sure I
13 understand a couple of things about the capacity in
14 which you're appearing today.

15 Mr. Martens has asked you if you were
16 appearing pursuant to a subpoena, do you recall
17 that?

18 A. Yes.

19 Q. Was it one subpoena or two?

20 A. I think it was just one.

21 THE WITNESS: Correct, one subpoena?

1 MR. GANT: I don't mind if you answer,
2 Eric.

3 MR. GUNDERSON: You can --

4 MR. GANT: If you don't want to, that's
5 all right. I'm happy to make a representation.

6 MR. GUNDERSON: We only received one
7 subpoena from your office.

8 MR. GANT: Right, but there was a
9 subpoena from NAMB.

10 MR. GUNDERSON: Yes. Yes.

11 THE WITNESS: Well, there was a subpoena
12 from NAMB. That's what --

13 MR. GUNDERSON: Yes.

14 THE WITNESS: -- he was referring to.

15 BY MR. GANT:

16 Q. I'm not trying to hide the ball or make
17 this tricky.

18 A. Okay.

19 Q. I just -- my understanding is there was a
20 subpoena from NAMB for your testimony today, and
21 then I know that I sent a subpoena to your counsel

1 for your testimony, which he accepted --

2 A. Okay.

3 Q. -- service of on your behalf, so those
4 are the two subpoenas I'm referring to.

5 A. Okay.

6 Q. Now, those -- you're appearing today and
7 giving testimony in your individual capacity,
8 correct?

9 A. Yes.

10 Q. You're not testifying on behalf of
11 anybody else?

12 A. No.

13 Q. Are you giving testimony for any of the
14 other members of the General Mission Board or the
15 BCMD, either now or at the time that you were
16 serving on the board?

17 A. Clarify.

18 Q. Well, are you test- -- giving sworn
19 testimony today for anyone other than yourself
20 individually?

21 A. I'm giving sworn testimony of what I

1 recall.

2 Q. And -- and --

3 A. That may or may not involve other
4 peoples' opinions that were expressed to
5 me, --

6 Q. Okay.

7 A. -- but I'm not here to represent an
8 individual.

9 Q. You're not here to represent, I'm sorry?

10 A. I'm not here -- I'm not here to -- I'm
11 here to speak as an individual, a former president
12 of State Convention.

13 Q. That's the capacity in which you're
14 appearing?

15 A. Absolutely.

16 Q. Okay. You're not appearing as a -- as a
17 "legal representative" of the BCMD today, are you?

18 MR. GUNDERSON: I'm not sure he
19 understands what that means.

20 MR. GANT: Okay.

21 THE WITNESS: I'm not sure either.

1 BY MR. GANT:

2 Q. In lawyer speak, that means you're not
3 here as a 30(b)6 representative.

4 MR. GANT: Eric will understand what that
5 means. You're welcome to confirm that or I will
6 try and ask in terms he understands.

7 MR. GUNDERSON: Yeah, he's not here on
8 that behalf.

9 MR. GANT: He's not here on BCMD's
10 behalf?

11 MR. GUNDERSON: No. He's not been noted.
12 There's been no Notice of Deposition noted
13 for -- for BCMD to appear as a corporate designee,
14 and so there's been no process by which he's been
15 designated as a corporate resident -- corporate
16 resident for BCMD.

17 MR. GANT: Okay. Thank you.

18 BY MR. GANT:

19 Q. I'll accept your lawyer's representations
20 if that's okay with you.

21 A. That's fine, yes.

1 Q. Have you been designated or asked to
2 serve as an expert witness in this case?

3 A. I don't know if anybody has designated me
4 as an expert witness or not.

5 Q. Has anyone asked you to serve as an
6 expert in this case, to give testimony as an
7 expert?

8 A. No. I got a subpoena. I showed up.

9 Q. Are -- are you an expert on any aspect of
10 the First Amendment to the United States
11 Constitution?

12 A. Refresh my memory, what's the First
13 Amendment?

14 Q. I think that might answer the question
15 itself, but do you know what the -- what the First
16 Amendment to the United States Constitution is?

17 A. I can't recall right now, but go ahead
18 and you tell me.

19 Q. Okay. well --

20 A. If you're talking about separation of
21 church and state, yes, I am.

1 Q. You are an expert on separation of church
2 and state?

3 A. Expert, no, I'm not an expert.

4 Q. That was my question about expert.

5 A. Okay. Yeah.

6 Q. So, let me ask it again. Do you consider
7 yourself -- strike that.

8 Have you ever described yourself as an
9 expert on the First Amendment?

10 A. No.

11 Q. Are you offering testimony in this case
12 as an expert on the First Amendment?

13 A. No.

14 Q. You're not a lawyer, correct?

15 A. No.

16 Q. You're not offering any legal opinions in
17 this case; is that correct?

18 A. No.

19 Q. Well, I said is that correct? So, is
20 that --

21 A. Yes, that is correct.

1 Q. Thank you. All right. Thanks. Okay.
2 Thank you for those clarifications.

3 Are you familiar with how the term
4 supporting organization is used in connection with
5 the Internal Revenue Code of the United States?

6 A. No.

7 Q. Do you know how the term supporting
8 organization is used in connection with accounting
9 for -- and taxes for nonprofits?

10 A. No. I don't know what a supporting
11 organization is --

12 Q. Okay. Do you know who Charles --

13 A. -- in that context.

14 Q. Do you know who Charles Lindsey is? He
15 gave a declaration in this case.

16 A. No, it doesn't ring a bell.

17 Q. I take it you don't remember reading a
18 declaration by Charles Lindsey?

19 A. Huh-uh. (Shaking head, no.)

20 Q. She would like an audible answer.

21 A. Oh, I'm sorry. No.

1 Q. Thank you. Are you aware that
2 Dr. McRaney has expert reports from some
3 individuals in this case?

4 A. Expert reports?

5 Q. Yes.

6 A. No, I'm not aware of that.

7 Q. You haven't read those?

8 A. No.

9 Q. Okay. Have you read any of the
10 transcripts of any depositions in this case?

11 A. No. I read a couple of affidavits.

12 Q. Okay. But deposition transcripts, have
13 you read any?

14 A. No.

15 Q. What affidavits have you read?

16 A. I read -- I scanned through quickly
17 from -- the one from Wolverton and Dooley.

18 Q. The Dooley one that Mr. Martens showed
19 you?

20 A. It was in the -- it was in the documents.

21 Q. That Mr. Martens showed you today or some

1 other documents?

2 A. No, that one. It was that one.

3 Q. Okay. So, Dooley, Wolverton. Any others
4 you recall?

5 A. Huh-uh.

6 Q. Again, audible answers, please.

7 A. No.

8 Q. Thank you.

9 A. No problem. Sorry.

10 Q. That was audible. It just wasn't --

11 A. I understand. Yes or no, I'm sorry. My
12 bad.

13 Q. Thank you. We're not trying to make this
14 difficult.

15 A. No, I understand. We -- we need to get
16 it right.

17 Q. Did you starting at any point in time
18 specifically set out to preserve documents related
19 to this case?

20 A. No.

21 Q. Why not?

1 A. I never thought I would need them.

2 Q. Do you remember being asked to preserve
3 documents related to this case?

4 A. Yes.

5 Q. By whom?

6 A. Will.

7 Q. And you did not heed that request or
8 abide by it?

9 A. I did keep them all just in case.

10 Q. Okay. So, I thought you said -- I
11 thought you said that you didn't see a need, and I
12 got the impression that you didn't preserve.

13 A. Well, I didn't see -- no, no. That would
14 be a wrong impression.

15 Q. Okay.

16 A. I didn't see the need, but I'm very bad
17 at deleting emails.

18 Q. Okay.

19 A. So, that's why I have 18,000 emails on my
20 computer. That's why I have emails dating back to
21 2015, so it was all preserved.

1 Q. Okay. So, you kept them out of inertia
2 rather than --

3 A. Inertia was -- right. That's the right
4 term.

5 Q. And do you remember Will sending you an
6 email in June 24th, 2017 requesting that you
7 preserve all documents related to -- to his work at
8 BCMD?

9 A. Now that you mention it, yes.

10 Q. I have that. I'm not trying to hide it.
11 Would you like to see it or do you
12 remember it?

13 A. No. I remember it.

14 Q. Okay. Just for the record, I'm reading
15 from BCMD 0021. So, it's your testimony that --

16 A. So, before -- if I may?

17 Q. Please.

18 A. Before I received that email, I saw no
19 need to maintain the files, but I did anyway.

20 Q. Okay. Thank you. So, to your knowledge,
21 you did not delete or dispose of any emails or

1 other documents you had that might relate to
2 Dr. McRaney or this case?

3 A. No. I -- no.

4 Q. And you did, in fact, make a production
5 of documents in this case --

6 A. Yes.

7 Q. -- recently, correct?

8 A. Um-hum. Yes.

9 Q. Can you --

10 MR. GANT: And we're going to mark those.

11 (Whereupon, Warren Deposition Exhibit No.
12 24, Documents Bates Numbered WARR 001 through WARR
13 054, marked for identification.)

14 BY MR. GANT:

15 Q. I've handed you what's been marked WARR
16 001 through 054. I will represent to you that
17 these are the documents that were produced by your
18 counsel to us and described as your document
19 production in response to Plaintiff's subpoena.

20 A. Um-hum.

21 Q. Were you involved in collecting those

1 documents that you have in front of you marked as
2 Exhibit 24?

3 A. Oh, yes.

4 Q. What did you do to gather them?

5 A. I looked through all of my emails on my
6 computer that had anything to do with McRaney. I
7 also looked in my file to see if I had any
8 documents related to Will.

9 I also looked in an old computer that
10 was -- I don't know when it finally bit the dust,
11 but I can't access those emails. It won't
12 get -- you can't get on the internet, so -- but I
13 had preserved a document from that old computer
14 that I put on my new computer. That was the six
15 items.

16 I thought, well, I might need this one
17 day, and so I -- I did transfer that over. But
18 there were no other documents on the computer that
19 were relevant.

20 Q. When you say on the computer --

21 A. On the old computer.

1 Q. Okay. And when you say you looked in
2 your emails, was there -- was there a particular
3 email address that you used?

4 A. Both. WWarren@allenmemorial.org and the
5 iCloud.

6 Q. What's your iCloud email address?

7 A. I think it's WWarren1953. I never use
8 it. I never pay much attention to it, but
9 it's -- they -- they're both on my Mac -- on my
10 Mac.

11 Q. Do you have any other email addresses
12 other than those two?

13 A. Not that I would have -- we have one at
14 home. I don't even remember what it is, but I
15 don't get -- I've never gotten anything there.

16 Q. And I thank you for conducting the search
17 for the documents and giving them to your counsel.

18 A. You're welcome.

19 (Whereupon, Warren Deposition Exhibit No.
20 25, Subpoena to Produce Documents, Information, or
21 Objects or to Permit Inspection of Premises in a

1 Civil Action, marked for identification.)

2 BY MR. GANT:

3 Q. You have been handed Exhibit 25, which
4 will look like a little bit of legal mumbo-jumbo,
5 so I'll represent to you what it is.

6 It's a subpoena to you for
7 documents --

8 A. Okay.

9 Q. -- that your counsel accepted on your
10 behalf.

11 A. Okay.

12 Q. Have you ever seen it before? You may
13 have seen the back pages which contain the actual
14 requests. If you look at the very back page, that
15 has the actual requests.

16 A. No, I don't think I have.

17 Q. Can you turn to the back page? I don't
18 think you looked at that yet. Just flip it over.
19 There you go.

20 A. Um-hmm.

21 Q. Do you see two document requests there?

1 A. Yes, I do.

2 Q. Have you ever seen these before?

3 A. I have not seen this, no.

4 Q. Okay. When -- so, how did you know what
5 to look for? What was your guiding principle when
6 you were searching for documents?

7 A. Eric said, They want everything that even
8 tangentially relates to Will. We're pushing back
9 and giving the documents that relate to the -- the
10 resignation.

11 So, I went through and found all of the
12 documents that dealt with the resignation. Not
13 every single -- I did not present every single
14 document that says anything about Will McRaney, but
15 I did present every document that has anything to
16 do with the resignation.

17 Q. What other kinds of documents related to
18 Will do you -- did you have in your computer that
19 you didn't provide?

20 A. Nothing relevant to this case --

21 Q. What --

1 A. -- as I recall.

2 Q. What did they relate to if they were
3 about Dr. McRaney?

4 A. If I get my bag, you won't hear me, but
5 I'll guess we'll just wait.

6 Q. Well, you can get the bag. I was going
7 to ask you some questions about the materials on
8 the floor in a second, so ...

9 A. Let's see. I think I have them with me.

10 MR. GUNDERSON: What are you looking for?

11 THE WITNESS: All of the documents that
12 had Will's name in them.

13 MR. GUNDERSON: Okay.

14 THE WITNESS: I'm not sure that I -- that
15 I brought them. No, I don't have them with me.

16 BY MR. GANT:

17 Q. Okay. Do you have them at home
18 somewhere?

19 A. Yes.

20 Q. Where are they?

21 A. They're in a file. They're in a file

1 maybe in my car. I might have brought them -- I
2 might have brought them with me. I don't recall.

3 Q. So you have them printed out in hard
4 copy.

5 A. Um-hum.

6 Q. Yes?

7 A. I'm sorry. Yes.

8 Q. All right.

9 MR. GANT: We request that Dr. Warren
10 through counsel provide them to us. There's
11 obviously no burden objection. They were already
12 collected. He may even have them in his car as he
13 just said, so we'd like them produced to us as soon
14 as possible.

15 BY MR. GANT:

16 Q. Do you have any objection to providing
17 them?

18 A. No. No. No. You can have whatever you
19 want.

20 Q. Thank you.

21 MR. GUNDERSON: I'll need to review them

1 for attorney-client privilege.

2 MR. GANT: That's fine.

3 MR. GUNDERSON: But other than that --

4 MR. GANT: Other than that, once that's
5 done, I would appreciate you sending them to us.
6 Thank you.

7 BY MR. GANT:

8 Q. Now, you were just looking through a
9 stack of material to your left. I also noticed
10 when you sat down this morning you have some kind
11 of tablet with you --

12 A. Um-hum.

13 Q. -- and then you had stuff on the floor
14 before. I'm not sure if that's now on the table or
15 it's still on the floor and I would like to go
16 through what you have surrounding you.

17 A. No. I think it's all on the table.

18 Q. Okay. All right. So, what do you have
19 to your left there?

20 A. All the materials he gave me.

21 Q. You mean the deposition exhibits?

1 A. Yes.

2 Q. Okay.

3 A. My iPad.

4 Q. Your iPad was open for parts of the
5 deposition --

6 A. Yes.

7 Q. -- I believe when you started?

8 A. Yes.

9 Q. What's -- what's on the screen there?

10 A. Okay. All of the materials that I gave
11 to both of you is on --

12 Q. You mean hard copies -- images of
13 materials?

14 A. Yes.

15 Q. Okay. What did you give besides what was
16 marked as Exhibit 24?

17 MR. MARTENS: I think that's -- are you
18 referring to --

19 THE WITNESS: Yeah.

20 MR. MARTENS: -- all of the Warren
21 documents?

1 THE WITNESS: All of the Warren stuff is
2 what's on the iPad.

3 BY MR. GANT:

4 Q. The 54 pages?

5 A. Yes. You're welcome to take a look at it
6 if you'd like.

7 Q. Well, at least for now, I'm fine taking
8 your word for it.

9 Is there anything on there other than the
10 54 pages that you produced?

11 A. No.

12 Q. Okay.

13 A. Let's see what else is there.

14 Q. What else is there?

15 A. Notes from my attorney. I think this
16 is -- see, what I wanted was the documents I sent
17 to Eric who sent to you with a correct pagination.

18 Q. Okay.

19 A. That's what I was looking for, and he
20 provided those with me, and that's what I put down
21 on the iPad so I would be -- literally be on the

1 same page with all of you. I'm pretty sure that
2 this is all of that just in a different order.

3 Q. I see. Okay.

4 A. But you're welcome to look through it.

5 Q. Well, if you don't mind at a break, can I
6 do that?

7 A. Sure, you can. Yeah, absolutely.

8 Q. All right.

9 A. I don't think you're going to find
10 anything different.

11 Q. Okay. Now, I also noticed that you took
12 a note at, at least one juncture during the
13 deposition on that yellow pad there?

14 A. Yes.

15 Q. What was that?

16 A. You're going to laugh.

17 Q. Is it about how good looking I am?

18 A. No.

19 Q. Okay. What does it say?

20 A. I said, No, I didn't say that. I'm not
21 saying you're not, but, no, it wasn't that. Yes,

1 no, don't recall to remind myself of how I should
2 respond.

3 Q. Okay.

4 MR. GANT: I'm not getting into any
5 privilege information, don't worry.

6 THE WITNESS: I took down -- I took
7 down --

8 MR. GANT: Those were instructions from
9 Eric. I will not assert waiver, correct?

10 THE WITNESS: Yeah, as well as two
11 friends of mine who have been through depositions.

12 BY MR. GANT:

13 Q. Okay.

14 A. Then I wrote down Scott, your name, and
15 Matt's name and Josh's name, and then I started
16 writing down answers to Matt's questions; no, no,
17 no, yes, and then I decided, no, I'm not going to
18 keep writing down the answers.

19 Q. Is there anything else on there?

20 A. No.

21 Q. Can I just see it?

1 A. Sure.

2 (Document tendered.)

3 BY MR. GANT:

4 Q. What's on -- I'm not going to turn in
5 case it's privileged.

6 A. No, there's nothing.

7 Q. Well, there's something. I don't want
8 to --

9 A. Is there something?

10 MR. GUNDERSON: There's something on the
11 second page.

12 THE WITNESS: Oh, okay.

13 (Document tendered.)

14 BY MR. GANT:

15 Q. What's there?

16 A. Journal notes to myself, notes on
17 Ephesians Chapter 1.

18 THE COURT REPORTER: Notes on?

19 THE WITNESS: Notes to myself, like
20 journal --

21 BY MR. GANT:

1 Q. She wants to know exactly what you said.

2 Notes on?

3 A. Like a journal.

4 Q. No, you said -- I assume it's a Book of
5 the New Testament.

6 A. Oh, -- Ephesians.

7 MR. GANT: Is it Matthews?

8 MR. MARTENS: It is.

9 THE WITNESS: That's -- that's it.

10 MR. GANT: I'm an Old Testament guy.

11 BY MR. GANT:

12 Q. Okay. So, do those -- those notes, do
13 they relate to your deposition?

14 A. No. I just grabbed what I thought was a
15 clean legal pad. And guess what? It wasn't.

16 Q. Okay.

17 A. But the front page was.

18 Q. I'm glad I reminded you those were there.

19 A. I'm glad you did. I might need those. I
20 have lots of legal pads sitting around.

21 Q. Okay. Good. Can you describe for me

1 what you did to prepare for today's deposition?

2 A. I prayed --

3 Q. Anything else?

4 A. -- a great deal. I collected the
5 materials as requested.

6 Q. You're referring to Exhibit 24, the 54
7 pages?

8 A. Right.

9 Q. Okay.

10 A. And I reviewed those pages at length to
11 refresh my memory. It has been eight years.

12 Q. Anything else?

13 A. We -- we consulted. I consulted with my
14 attorney about dos and don'ts for depositions --

15 Q. Okay.

16 A. -- and what to expect and how long is it
17 going to last.

18 Q. How long did you meet with him? Eric is
19 your counsel, correct?

20 A. Yes.

21 Q. Okay. And --

1 A. We talked for an hour on Tuesday.

2 Q. Okay.

3 A. 10:00 to 11:00.

4 Q. You mentioned in response to a question
5 from Mr. Martens, I think it was about Exhibit 22,
6 yes, it was, that you reviewed it a few days ago.
7 Do you remember saying that in response to a
8 question from Mr. Martens?

9 A. Let's see what it is.

10 Q. Twenty-two.

11 A. Yes.

12 Q. How did you get that document?

13 A. I received all of the documents that both
14 you and NAMB presented to one another.

15 Q. How did you get those?

16 A. I asked Eric. Actually, what I asked
17 Eric for was a copy of the letter from Ezell in
18 December of 2014, because I couldn't find my copy,
19 and then he said, correct me if I'm wrong, that,
20 Well, we'll just get the materials from both sides
21 and you can look over them.

1 Q. Unless my memory is failing me, I don't
2 remember providing to your counsel any of the
3 documents that Dr. McRaney produced, so maybe
4 someone else gave them to him, and I wasn't aware
5 that you had received or your counsel had received
6 NAMB's document productions. What do you know
7 about that?

8 MR. MARTENS: Objection to the extent it
9 calls for anything that you learned from your
10 counsel.

11 THE WITNESS: Yeah.

12 MR. GUNDERSON: Can I --

13 MR. GANT: Go ahead.

14 MR. GUNDERSON: -- shortcut and clarify?

15 MR. GANT: Go ahead.

16 MR. GUNDERSON: So, NAMB provide --
17 NAMB's counsel provided me a copy of what the
18 anticipated might be some deposition exhibits to be
19 used today, and I forwarded those on to the -- the
20 witness. It sounds like a couple of days ago he
21 reviewed them.

1 THE WITNESS: Right.

2 BY MR. GANT:

3 Q. Okay.

4 MR. GUNDERSON: If you recall, I emailed
5 both counsel --

6 MR. GANT: Yes.

7 MR. GUNDERSON: -- and asked for that.

8 MR. GANT: That's right. Okay. And I
9 don't think there could be any privilege over those
10 documents, so we will make a request, Eric, to you
11 and Dr. Warren that we be provided with copies of
12 what NAMB gave you in response to that, that you
13 just described?

14 MR. MARTENS: Objection. Work product.

15 MR. GANT: You're saying that there's
16 documents that you selected and gave to
17 Dr. Warren's counsel are still shielded from work
18 product, as work product?

19 MR. MARTENS: I'm not here to answer your
20 questions, just make my objections.

21 MR. GANT: Okay. We disagree with --

1 with that assertion. I'll reiterate -- reiterate
2 the request for those documents.

3 BY MR. GANT:

4 Q. Do you remember what other documents were
5 provided to you by counsel for NAMB in order to
6 prepare for today's deposition?

7 A. No. It's whatever I got from Eric.

8 Q. What I was -- and I don't think we
9 finished, so I'm not criticizing you. But --

10 A. No, that's fine.

11 Q. -- when I was asking you what you did to
12 prepare for today's deposition, I didn't understand
13 you.

14 A. I read as much of the material, there's a
15 lot, as I could from both your side and NAMB and
16 then basically I reviewed my materials to make sure
17 that I remembered what was in them.

18 Q. Did you receive from anyone other than
19 your counsel any mock questions and answers or
20 practice questions or lists of possible questions?

21 A. No.

1 Q. Mr. Martens has asked you at the
2 beginning of the deposition -- strike that --
3 whether you had ever spoken with him before, do you
4 remember that? He actually asked you to confirm
5 that you had never spoken, do you remember?

6 A. I do remember.

7 Q. Okay. And you -- I think you said you
8 never have; is that right?

9 A. No, never have.

10 Q. Have you ever spoken with any lawyer
11 representing NAMB at any point in time?

12 A. No.

13 Q. I -- I take it then from your response
14 you had -- I said spoken. Let me broaden that.

15 Have you ever communicated with any
16 counsel for NAMB?

17 A. No.

18 Q. Including in preparation for this
19 deposition?

20 A. Including in preparation for this
21 deposition.

1 Q. Other than reviewing the 54 pages of
2 documents you produced and the documents provided
3 to you by NAMB through your counsel, did you review
4 any other documents to prepare for today's
5 deposition or refresh your memory about the events
6 that you thought might come up today?

7 A. I'm pretty sure I got some documents
8 from -- from -- that originated with you.

9 Q. Well, we -- it may have had a WM on them,
10 which meant we produced them to NAMB in the case,
11 but we did not give any documents to your counsel.

12 A. Okay. Well, let's see.

13 (Whereupon, there was a pause for
14 document examination.)

15 THE WITNESS: I'll see if there's any in
16 here, because --

17 BY MR. GANT:

18 Q. Well, just to save us time, I'll look at
19 that at a break.

20 A. Okay.

21 Q. Unless you --

1 A. No, no.

2 Q. -- you want to look at it now?

3 A. No.

4 Q. I don't want to interfere with your
5 answer.

6 A. No, I'm fine.

7 Q. Okay. In order to prepare for today's
8 deposition, did you review a Separation Agreement
9 between Dr. McRaney and BCMD?

10 A. No.

11 Q. Are you aware that there was one?

12 A. Oh, yes, and it's in my file and I saw
13 it, but -- but I did not review it.

14 Q. So, that was one of the documents that
15 related to Dr. McRaney, but that you did not
16 provide for production; is that correct?

17 A. I don't recall whether I did or not.

18 Q. Well, it wasn't in --

19 A. It wasn't?

20 Q. It's not in Exhibit 24.

21 A. Okay. Then I guess I didn't keep it.

1 Q. Were there any other documents related to
2 a draft or a potential separa- -- Separation
3 Agreement with Dr. McRaney that were in your files
4 that you didn't produce?

5 A. No.

6 (Whereupon, Warren Deposition Exhibit No.
7 26, Separation Agreement and Release, marked for
8 identification.)

9 BY MR. GANT:

10 Q. I'm handing you what's been marked as
11 Exhibit 26, which is a document from this
12 litigation number 37-1, which was filed with the
13 court on October 5th, 2018, a Separation Agreement
14 and Release. Do you believe you have seen this
15 before?

16 A. Yes.

17 Q. What role, if any, did you have in
18 negotiating this agreement?

19 A. I'm sure I consulted with our attorney as
20 well as Mark Dooley.

21 Q. Are you making an assumption or do you

1 have an actual memory of having done so?

2 A. I have an actual memory of doing so.

3 Q. What do you remember? Not the exhibit.
4 I asked -- asked specifically about your role, if
5 any, in negotiating.

6 Do you have a specific recollection of
7 playing any role in the negotiation of the
8 Separation Agreement?

9 A. I'm sure I did.

10 Q. Can you describe anything specific?

11 A. No. There -- I'm -- I'm sure there was
12 some back and forth, but I don't recall in
13 particular.

14 Q. What role, if any, did you play in the
15 actual drafting of the Separation Agreement?

16 A. Probably next to none. It was just
17 probably Jeff Agnor, our attorney who did that.

18 Q. Is he from the same firm as Eric who is
19 representing you in this case?

20 A. Yes.

21 Q. Okay. By the way, who is paying for your

1 attorney's time in connection with representing you
2 in this deposition?

3 A. I'm assuming -- it's not me. I'm
4 assuming it's the BCMD.

5 Q. Have you discussed that with anyone at
6 BCMD?

7 A. No. They don't -- they don't talk to me
8 about this.

9 Q. Why is that?

10 A. It would be improper they say, so ...

11 Q. So, not only are you not representing
12 BCMD today, but you have engaged in no
13 communications with BCMD about this -- this case
14 with Dr. McRaney for some period; is that right?

15 A. Well, I had a conversation with Mark
16 Dooley before I realized I wasn't supposed to have
17 a conversation with Mark Dooley, and I said, Mark,
18 I'm going to be deposed. And he said, Okay,
19 well ...

20 Q. When was that?

21 A. About two weeks ago I guess.

1 Q. What did you discuss with Mr. Dooley two
2 weeks ago?

3 A. I just said, Believe it or not, I'm being
4 deposed. Okay. And --

5 Q. Was it -- was it a surprise to you that
6 you were being deposed?

7 A. No, because not after -- not after the
8 effort to quash NAMB's subpoena failed. I knew
9 that after that I would be subpoenaed.

10 Q. Were you surprised that the effort to
11 quash the Subpoena failed?

12 A. I didn't have an opinion. I will say
13 that I'm glad it did fail.

14 Q. Okay.

15 A. Because I wanted to tell the truth and
16 lay out my position.

17 Q. Speaking of that, are you willing to come
18 to trial if asked by either NAMB or Dr. McRaney?

19 A. I would prefer that we all meet here
20 again as opposed to going to Mississippi, but I am
21 prepared to do whatever needs to be done.

1 Q. Including attending a person -- a trial
2 in person?

3 A. Including attending in person.

4 Q. Okay. Thank you.

5 A. It would not be my preference, but ...

6 Q. If you could turn to page 7 of the
7 Separation Agreement, --

8 A. Um-hum.

9 Q. -- do you see there's a paragraph No. 15,
10 Governing Law and Jurisdiction? Do you see that?

11 A. Yes. Um-hum.

12 Q. Do you see the second sentence says, All
13 suits, proceedings, and other actions relating to
14 or arising out of or in connection with this
15 agreement shall be brought exclusively in the
16 Circuit Court for Howard County or, as applicable,
17 in the federal courts in the State of Maryland? Do
18 you see that?

19 A. I see that.

20 Q. So, even though you're not a lawyer, you
21 can read. Those words are pretty clear, would you

1 agree with that?

2 A. Yes.

3 Q. And they provide that any suit,
4 proceeding, or other action relating to or arising
5 out of the Separation Agreement must be brought in
6 Maryland, correct?

7 A. Correct.

8 Q. You can put that aside for now.

9 A. Okay.

10 Q. Do you know who Danny de Armas is?

11 A. Danny who?

12 Q. De Armas.

13 A. No, I don't think so.

14 Q. Do you know who David de Armas is?

15 A. I don't believe so.

16 Q. Did you have any interaction with
17 Dr. McRaney's lawyer during the time when the
18 Separation Agreement was being drafted and
19 negotiated?

20 A. No. No, not that I recall.

21 (Whereupon, Warren Deposition Exhibit No.

1 27, Documents Bates Numbered WM00048 through
2 WM00049, marked for identification.)

3 BY MR. GANT:

4 Q. You've been handed Exhibit 27 which is
5 Bates labeled WM00048 through 49. If you could
6 take a look at that and let me know when you're
7 ready for a question. Thank you.

8 (Whereupon, there was a pause for
9 document examination.)

10 THE WITNESS: Okay, I've read it.

11 BY MR. GANT:

12 Q. Have you ever seen Exhibit 27 before?

13 A. No.

14 Q. Do you have any basis for disputing any
15 of the factual representations made in Exhibit 27
16 by Mr. De Armas?

17 MR. MARTENS: Objection. Compound.

18 MR. GUNDERSON: Same objection.

19 MR. GANT: Can I hear the question back?
20 I want to see how it's compound. Can you read it,
21 please?

1 (Whereupon, the record was read as
2 requested.)

3 MR. GANT: Sorry, Matt, what's compound
4 about it?

5 MR. MARTENS: Any of the.

6 MR. GANT: Okay.

7 BY MR. GANT:

8 Q. To the extent you need to distinguish
9 between or among any of the constituent parts of
10 the Exhibit 27, please let me know, but my question
11 is do you have any factual basis for disputing any
12 of the factual assertions set forth by David de
13 Armas in Exhibit 27?

14 MR. MARTENS: Objection. Compound.

15 MR. GUNDERSON: Same objection. If you
16 want to direct him to a specific factual statement
17 and ask him --

18 MR. GANT: Well, he's read it so, I'm
19 asking --

20 MR. GUNDERSON: Well --

21 MR. GANT: Let me ask -- let me read it

1 differently.

2 BY MR. GANT:

3 Q. Having read the entirety of Exhibit 27,
4 do you see anything in there that you know to be
5 untrue based on your firsthand knowledge?

6 MR. MARTENS: Objection. Compound.

7 MR. GUNDERSON: Same objection, and I
8 would ask or just before you answer make sure you
9 read the entire statement.

10 (Whereupon, there was a pause for
11 document examination.)

12 THE WITNESS: What is the definition of a
13 supporting organization of the BCMD?

14 BY MR. GANT:

15 Q. Okay. You said -- I -- I don't want to
16 put words in your mouth, but --

17 A. What is the definition of supporting?
18 That's obviously a legal term.

19 Q. Well --

20 A. Supporting organization, what is the
21 definition?

1 Q. I just don't think it's appropriate for
2 me to answer that.

3 A. Okay.

4 Q. But let me put it this way, because I
5 think -- I heard you testify a few minutes ago you
6 didn't know what a supporting organization is,
7 right?

8 A. Yes.

9 Q. That's what you said, correct?

10 MR. MARTENS: Objection. Misstates the
11 testimony.

12 BY MR. GANT:

13 Q. Is that what you said?

14 A. Yeah, I think so.

15 MR. GUNDERSON: Do you recall the
16 question?

17 THE WITNESS: I recall the question, and
18 I think that was my answer, yes.

19 BY MR. GANT:

20 Q. And that's what I recall.

21 A. Which is why I'm asking him what

1 is --

2 Q. So, which paragraph are you looking at?

3 A. I'm looking at No. 5.

4 Q. Okay. All right. Are you able to
5 understand paragraph 5 --

6 A. Oh, yeah.

7 Q. -- in light of your question?

8 A. Yes.

9 Q. Okay.

10 A. But in order to agree or disagree, I need
11 to know what a supporting organization is.

12 Q. Okay. Well, without -- without knowing
13 what it is, are you able to agree or disagree with
14 paragraph 5?

15 MR. MARTENS: Objection.

16 THE WITNESS: Okay. In my view --
17 because I don't know the legal definition of
18 supporting organization, in my view NAMB does
19 support the BCMD because they give us funds.

20 BY MR. GANT:

21 Q. Does the BCMD support NAMB?

1 A. It goes both ways.

2 Q. Okay.

3 A. Now, if the definition of a supporting
4 organization means that they give us more money
5 than we give them, then -- then they're not a
6 supporting organization if that's what supporting
7 organization means. But if it means do they
8 support us financially, yes, they do.

9 So, I would quibble with No. 5 if my
10 understanding of supporting organization, the
11 definition, is correct.

12 Q. Okay.

13 A. I don't quibble with No. 4. That is
14 true.

15 Q. Okay. So, we've covered 4. We've
16 covered 5.

17 A. Um-hum.

18 Q. With respect to do you have any basis for
19 disputing paragraph 3 of Exhibit 27?

20 A. I have no knowledge of whether he did or
21 he didn't do it.

1 Q. Do you have any basis for disputing
2 paragraph 6 of Exhibit 27?

3 MR. GUNDERSON: I'll object to the extent
4 paragraph --

5 MR. GANT: That's fine. I'm going to
6 withdraw the question.

7 MR. GUNDERSON: Okay.

8 MR. GANT: So save -- save yourself.
9 Thank you.

10 BY MR. GANT:

11 Q. Let's focus on paragraph 7. Mr. De
12 Armas, Dr. McRaney's attorney, wrote there, At no
13 time did Dr. McRaney intend that his settlement
14 with BCMD would release the NAMB for the harm
15 caused by the NAMB nor did the release executed by
16 Dr. McRaney serve to release NAMB, do you see that?

17 A. I see that.

18 Q. Do you have any factual basis for
19 disputing that sentence?

20 A. I was not privy to the conversation.

21 Q. Do you -- are you aware of any factual

1 basis for questioning the accuracy of that
2 statement?

3 A. No, I'm not aware of any factual basis to
4 question that.

5 Q. You can put that aside for now.

6 A. Okay.

7 (Whereupon, Warren Deposition Exhibit No.
8 28, Documents Bates Numbered BCMD_1838 through
9 BCMD_1839, marked for identification.)

10 BY MR. GANT:

11 Q. I've handed you what's been marked as
12 Exhibit 28, which is Bates labeled BCMD_1838.

13 Just a housekeeping question before we
14 get on to the exhibit itself.

15 Were you provided with a copy of any
16 Protective Order in this case prior to reviewing
17 documents produced by BCMD?

18 A. Define Protective Order.

19 Q. A Protective Order generally is an Order
20 that governs how certain material may be used in a
21 case and who can see it.

1 There's a specific Protective Order
2 related to BCMD documents that was entered by the
3 court in this case. What I'm trying to find out is
4 whether anyone gave you a copy of that prior
5 to -- prior to or after your reviewing documents
6 produced by BCMD?

7 A. I don't recall getting a Protective
8 Order.

9 Q. Okay.

10 A. But I didn't show them to anyone.

11 Q. But you reviewed them?

12 A. I reviewed them, yes.

13 Q. All right. Let's turn back to Exhibit
14 28. I don't remember if I said the Bates numbers.
15 It's labeled BCMD_1838 through 39.

16 Please take a look at it and let me know
17 if you've seen this exhibit before.

18 (Whereupon, there was a pause for
19 document examination.)

20 THE WITNESS: I don't recall receiving
21 the document, but obviously I did because I'm

1 listed.

2 BY MR. GANT:

3 Q. You don't have any reason to doubt that
4 you received this email --

5 A. No.

6 Q. -- on or around February 20, 2015?

7 A. No.

8 Q. Now, the -- the BCMD's legal counsel
9 there is identified as Jeff Agnor, correct?

10 A. Yes.

11 Q. And I may be mispronouncing the last
12 name.

13 A. No, that's right.

14 Q. His firm is the same firm that is
15 representing you in connection with this
16 deposition, correct?

17 A. Yes.

18 Q. And you were familiar with them from your
19 time as president of BCMD?

20 A. Yes.

21 Q. And do you consider them reliable

1 counsel?

2 A. Yes, I do.

3 Q. Now, the first paragraph of this
4 email -- strike that.

5 This is an email from Dr. McRaney to
6 yourself and several other people, --

7 A. Yes.

8 Q. -- copying Jeff Agnor, BCMD's counsel,
9 correct?

10 A. Yes.

11 Q. And the first paragraph describes a
12 request that was made for an input from Jeff Agnor,
13 BCMD's counsel, correct?

14 A. Correct. Correct.

15 Q. And then there's some bullet points where
16 Dr. McRaney has summarized statements from Jeff
17 that Jeff authorized to be communicated to you and
18 others, correct?

19 A. Correct.

20 Q. Okay. And in the third bullet there,
21 Dr. McRaney transmitted from BCMD's counsel, Jeff

1 Agnor, that neither Dr. McRaney nor the BCMD had
2 breached the Cooperative Agreement either
3 technically or the spirit of the agreement,
4 correct?

5 MR. MARTENS: Objection. Hearsay.

6 THE WITNESS: That's what it says.

7 BY MR. GANT:

8 Q. And there the reference to network you
9 understand to refer to BCMD?

10 MR. MARTENS: Objection. Hearsay.

11 THE WITNESS: Yes.

12 BY MR. GANT:

13 Q. And the reference to
14 Cooperative -- Cooperative Agreement you understand
15 to be to the Strategic Partnership Agreement that
16 you looked at earlier today?

17 MR. MARTENS: Objection. Hearsay.

18 THE WITNESS: Yes.

19 BY MR. GANT:

20 Q. Then after the bullets, it says, I
21 believe that I have accurately reflected my

1 conversation with Jeff, but I am copying Jeff in
2 case he would like to correct or edit in some way.
3 Do you see that?

4 MR. MARTENS: Objection. Hearsay.

5 THE WITNESS: Yes.

6 BY MR. GANT:

7 Q. Are you aware of Jeff in any way
8 correcting or editing Dr. McRaney's representation
9 in the third bullet there?

10 MR. MARTENS: Objection. Hearsay.

11 THE WITNESS: I'm not aware of any.

12 BY MR. GANT:

13 Q. Okay. And I'll represent to you I didn't
14 see in any of the documents --

15 A. No.

16 Q. -- produced anything indicating
17 that Mr. -- Mr. Agnor had, in fact, done so.

18 MR. MARTENS: Objection.

19 BY MR. GANT:

20 Q. So, you're -- you're not aware of that
21 happening, right?

1 MR. MARTENS: Objection to the speech.

2 THE WITNESS: No, I'm not aware.

3 BY MR. GANT:

4 Q. You can put that away for now.

5 Do you remember asking Mr. Agnor any
6 questions about this email or the third bullet in
7 particular?

8 A. No.

9 MR. MARTENS: Objection. Privilege.

10 THE WITNESS: I'm sorry. No.

11 MR. GANT: You can assert a privilege
12 objection for other parties? On what basis?

13 MR. MARTENS: I'm not here to answer
14 questions, Scott.

15 MR. GANT: Okay. Well, also don't make
16 inappropriate objections that you have no legal
17 basis to make.

18 (Whereupon, Warren Deposition Exhibit No.
19 29, Documents Bates Numbered BCMD_1806 through
20 BCMD_1807, marked for identification.)

21 BY MR. GANT:

1 Q. I have handed you what's been marked as
2 Exhibit 29, which is Bates labeled BCMD_1806
3 through 1807. Please let me know when you've
4 finished reviewing it.

5 (Whereupon, there was a pause for
6 document examination.)

7 THE WITNESS: Okay.

8 BY MR. GANT:

9 Q. You have reviewed the exhibit?

10 A. I did.

11 Q. Do you -- do you recognize this?

12 A. Excuse me. Yes, because it was in the
13 materials that I was given.

14 Q. From NAMB?

15 A. From Eric.

16 Q. Transmitted by NAMB to Eric to give to
17 you?

18 A. I'm -- yes, I'm assuming so. I did not
19 have this in my file, this email.

20 Q. Do you have any reason to doubt that you
21 received this email from Dr. McRaney on or around

1 February 17, 2015?

2 A. No reason to doubt that.

3 Q. Okay. And do you have any reason to
4 doubt that you at the time you received this email
5 read the sixth bullet in which Dr. McRaney said, "I
6 am convinced that I -- we/I did not violate the
7 Cooperative Agreement with NAMB in our hiring
8 process of Michael Crawford?

9 A. I'm confident that I read it.

10 Q. Okay. You can put that aside for now.
11 Thank you.

12 Now, you're welcome to pull it out, but
13 earlier we looked at Exhibit 11, which was a
14 response from BCMD to NAMB's December 2nd, 2014
15 termination letter.

16 A. Yes.

17 Q. I'm going to mark another version of it
18 that as far as I'm aware is substantively
19 identical, --

20 A. Okay.

21 Q. -- but it -- it's on BCMD letterhead

1 unlike the other version.

2 A. Okay.

3 (Whereupon, Warren Deposition Exhibit No.
4 30, Documents Bates Numbered NAMB 010664 through
5 NAMB 665, marked for identification.)

6 BY MR. GANT:

7 Q. This is Exhibit 30. It's Bates labeled
8 NAMB 010664 through 665. I'm going to use Exhibit
9 30.

10 A. Okay.

11 Q. You can look at 11. Again, as far as I'm
12 aware, they're the same with the exception of the
13 letterhead. Speaking of which, is the top of
14 Exhibit 30 the BCMD letterhead and a reference to
15 Office of the Executive Director?

16 A. Um-hum. Yes, it is.

17 Q. Okay. So, you're welcome to look at
18 this, but I believe you looked at it earlier. But
19 I -- if you feel like you want to review it again,
20 just let me know when you're ready for a question.

21 A. I'm ready.

1 Q. What steps, if any, did you take to
2 ensure the accuracy of this document prior to its
3 being sent by BCMD to NAMB?

4 A. I don't recall, but I must have been in
5 agreement with it or I wouldn't have signed it.
6 But in terms of steps to assure the accuracy, I
7 don't recall.

8 Q. Do you believe you would have relied on
9 others to ensure its accuracy or is that something
10 that you think you would have had a role in?

11 A. I am sure that if I had a question about
12 anything on here, I would have communicated with
13 the other parties and discussed it with them. I
14 don't just sign things because other people sign
15 it.

16 Q. Is it fair to say that you would not have
17 signed this letter if you were not very confident
18 that the statements in it were accurate?

19 A. That's fair to say.

20 Q. So, when you signed this letter, you were
21 very confident that Dr. McRaney had not breached

1 the Strategic Partnership Agreement, correct?

2 A. Yes.

3 Q. And you were very confident that there
4 had been a careful and thorough exploration of
5 NAMB's claims by BCMD, correct? Let me restate
6 that.

7 You were very confident that BCMD had
8 conducted a careful and thorough exploration of
9 NAMB's claims against Dr. McRaney, correct?

10 A. Yes.

11 Q. What do you remember about the nature of
12 that careful and thorough exploration?

13 A. Nothing.

14 Q. You're confident that there was a
15 thorough and careful exploration, but you just
16 don't recall what the details were?

17 A. Right.

18 Q. Okay. You were also confident when you
19 signed this letter that NAMB had made false
20 accusation against Dr. McRaney, correct?

21 A. Yes.

1 Q. And you were very confident when you
2 signed this letter that BCMD and Dr. McRaney had
3 abided by both the letter and the spirit of the
4 Strategic Partnership Agreement, correct?

5 A. At that time, that was my opinion.

6 Q. Can -- can you identify for me as
7 precisely as you can the point in time when you
8 concluded that Dr. McRaney had violated the SPA,
9 which I understand to be your testimony today?

10 A. I don't recall the point in time. I
11 truly don't. If I did, I'd tell you.

12 Q. I believe you. Will you agree with me
13 that the year that happened was 2015?

14 A. Yes.

15 Q. Okay. But you can't tell me what month;
16 is that right?

17 A. No.

18 Q. And Mr. Martens was asking you --

19 A. I might could piece it together if I
20 looked at the documents, --

21 Q. Right. Well --

1 A. -- so it was probably between this and
2 this time.

3 Q. Mr. Martens was trying to narrow this
4 down, too, so he showed you a document from mid
5 March I believe, and at that point, you were -- his
6 word was you were still in Dr. McRaney's camp, do
7 you remember that?

8 A. Yes.

9 Q. I think you had said corner; he called it
10 a camp. I'm not sure there's a difference.

11 A. Right.

12 Q. But so would you agree with me that at
13 some point between -- strike that.

14 At the time you voted to terminate
15 Dr. McRaney, you personally, was it your belief at
16 that point in time that Dr. McRaney had violated
17 the Strategic Partnership Agreement?

18 A. Yes.

19 Q. Okay.

20 A. Based upon what I've read in my materials
21 to refresh my memory.

1 Q. Okay. So, is it fair to say that it was
2 some point between mid March 2015 and June 8th,
3 2015 when you changed your mind about whether
4 Dr. McRaney had, in fact, violated the Strategic
5 Partnership Agreement?

6 A. More than likely it was in that time
7 period, --

8 Q. Okay.

9 A. -- but since I don't recall when it was,
10 I'm not going to be categorical about it.

11 Q. I understand. I'm just trying to get
12 your best recollection.

13 A. Sure.

14 Q. Understanding you don't know exactly when
15 things happened in that time period, are you able
16 to tell me what it was specifically that led you to
17 change your mind about whether Dr. McRaney had
18 violated the Strategic Partnership Agreement?

19 A. No.

20 Q. When was the last time you -- other than
21 being shown the Strategic Partnership Agreement as

1 an exhibit today, prior to starting the deposition
2 today, when was the last time you reviewed the
3 Strategic Partnership Agreement?

4 A. Probably eight years ago.

5 Q. You didn't review it in preparation for
6 your deposition?

7 A. No.

8 Q. Did anyone send it to you?

9 A. I have a copy of it. I think it was in
10 my materials. I have a copy of it.

11 Q. Why didn't you review the SPA in
12 preparation for today's deposition?

13 A. I didn't think it was of critical
14 importance, and I only had just so much time go
15 through all of these documents. I'm still
16 pastoring a church. So, I tried to stick to the
17 most important documents that are related to the
18 resignation.

19 Q. Why did the SPA did not make cut in terms
20 of what you thought was important to review to
21 prepare for today's deposition?

1 A. Because whether Will violated the SPA or
2 not was not a significant factor in my decision to
3 vote for termination.

4 Q. Is it fair to say it was a factor, but
5 not a significant factor?

6 A. It was a factor that created a mosaic
7 concerning leadership.

8 Q. Was there any one piece of information or
9 belief that you had about Dr. McRaney that led you
10 to vote to terminate him or were they all
11 interdependent? You couldn't isolate?

12 A. It was the five staff members who were
13 going to leave if he didn't. As I said, that was a
14 tipping point.

15 Q. Now, would that alone have been enough?

16 A. Yes.

17 Q. Okay. Even if Dr. McRaney had not been
18 at fault? Let's just say, for example --

19 A. That's -- I'm not going to speculate. I
20 don't think that's fair to ask me to speculate.

21 Q. Well, I do get to ask you whether you

1 think it's fair.

2 A. Then I'll answer. Go ahead. Ask the
3 question.

4 Q. Yeah. I -- and when -- if I'm asking you
5 to speculate, you're entitled to be clear that you
6 are speculating.

7 A. Okay.

8 Q. Let's -- let's hypothesize that the five
9 people you're referring to as staff members made up
10 information about Dr. McRaney and they just wanted
11 someone different that they liked better, but there
12 was no meritorious criticism of his job
13 performance, but they still said they were going to
14 quit and you believed them, would you have
15 terminated Dr. McRaney under that circumstance?

16 MR. MARTENS: Objection. Calls for
17 speculation.

18 MR. GUNDERSON: Same objection.

19 BY MR. GANT:

20 Q. You said you would answer.

21 A. Give me a minute. It's a specious

1 question because those five gentlemen would not
2 have made up stuff to get somebody new. Their
3 integrity would not allow that, so it is an
4 out-of-the-realm-of-possibility scenario.

5 Q. So, you can't answer for that reason, is
6 that your testimony?

7 A. Yeah.

8 Q. Do you consider Dr. McRaney a liar?

9 A. No.

10 Q. Do you believe that Dr. McRaney genuinely
11 believed in things he told you and others at BCMD
12 about NAMB and his job performance?

13 A. Oh, yes.

14 Q. Okay. You just think he's wrong even
15 though his beliefs are held in good faith?

16 A. Yes.

17 Q. I want to go back to the SPA in a second,
18 but I realize I wanted to clear up a couple of
19 things.

20 You testified earlier that you were
21 president of BCMD for roughly two years; is that

1 right?

2 A. Yes, two years. Yeah.

3 Q. Is it a two-year term?

4 A. Well, it's a one-year term, and then you
5 have to be reelected, which I was.

6 Q. So -- okay. And did you put yourself up
7 for re-election --

8 A. Yes.

9 Q. -- a third time?

10 A. No. You're -- you're only allowed to
11 serve two terms.

12 Q. There's a term limit?

13 A. Um-hum.

14 Q. Before you were president of BCMD, did
15 you have any formal role at BCMD?

16 A. As I stated earlier, I was on the General
17 Mission Board.

18 Q. During what period of time?

19 A. Oh, I don't remember. I've been around a
20 long time, 39 years, so I go way back.
21 Probably -- probably in the 1980s I was on the

1 General Mission Board, and I might have been again
2 after that. But Ken Lyle was the executive
3 director when I was on the General Mission Board
4 the first time.

5 Q. When -- prior to your being president of
6 BCMD, do you remember when you last served on the
7 General Mission Board?

8 A. No.

9 Q. Was it within a couple of years of the
10 service or --

11 A. Oh, I don't think it was within a couple
12 of years. I think it had been quite a while.

13 Q. After you served your two years as
14 president of the BCMD, did you have a formal role
15 at BCMD?

16 A. Repeat the question.

17 Q. After you completed your two years as
18 president of BCMD, did you subsequently have a
19 formal role at BCMD?

20 A. No. No. I can't recall -- you know,
21 perhaps Kevin Smith, Will's successor, might have

1 said, Can you sit in on some meetings? But I don't
2 think he did. I think after that second term, that
3 was it.

4 Q. So, the last time you had a position at
5 BCMD was October 2016?

6 A. Right. As soon as my successor was voted
7 in, in the meeting in November, yeah.

8 Q. And I think if my math is right, and my
9 calendaring is right, you're going to turn 70 this
10 month; is that right?

11 A. Yes.

12 Q. Happy birthday in advance.

13 A. Thank you.

14 Q. And you said you're -- you're -- are you
15 the lead pastor or head pastor at your church?

16 A. Yes.

17 Q. And you've been there for 39 years?

18 A. Thirty-nine years.

19 Q. And do you have any plans to retire?

20 A. Eventually.

21 Q. Do you -- do you have any active plans to

1 retire or specific plans?

2 A. I don't have any, no. I'm still waiting
3 for God to tell me when.

4 Q. So, your present intention is to keep
5 pastoring for as long as you can?

6 A. Until he tells me to quit, --

7 Q. And --

8 A. -- and I really don't know when that is.
9 I honestly don't.

10 Q. And he hasn't told me either, so --

11 A. Right.

12 Q. Okay. It's not unusual for pastors to
13 keep pastoring into their mid/late 70s, correct?

14 A. Correct. Right. Well, is it unusual? I
15 would say it's unusual, yeah.

16 Q. Well, are you aware of pastors who pastor
17 into their mid 70s?

18 A. Oh, yes.

19 Q. Many, right?

20 A. I don't know.

21 Q. Okay.

1 A. I'm sure there's some, but most guys hang
2 it up at 70 --

3 Q. Seventy.

4 A. -- based upon my experience.

5 Q. But you're not planning to do that?

6 A. Not at this time. Well, no, certainly
7 not. That's in a couple of weeks.

8 Q. Right.

9 A. I have to give more notice than that.

10 Q. Would you be surprised if you're still
11 pastoring at 75?

12 A. Yes.

13 Q. Yes?

14 A. Yes, I would be.

15 Q. So, you -- you think it's likely God will
16 tell you it's your time to retire at some point
17 between today and 75?

18 A. It is likely, but I don't want to speak
19 for God unless he tells me to.

20 Q. Okay.

21 A. But it's -- it's likely. It's likely,

1 you know.

2 Q. Okay. And as a man of faith, is it your
3 view that that's what a good pastor should do, is
4 wait for God to tell the person when it's time to
5 hang it up?

6 A. Absolutely. He's the one that called me
7 to go there.

8 Q. And that could be someone who is 80,
9 right?

10 A. Potentially.

11 Q. Okay. That's happened with God and other
12 pastors. You know, I'm sure you are aware --

13 A. I'm sure there is.

14 Q. -- there are other pastors pastoring in
15 their 80s?

16 A. I imagine there are.

17 Q. We looked earlier at the Strategic
18 Partnership Agreement.

19 A. Um-hum.

20 Q. It's -- I think it's Exhibit 3 if you
21 care to pull it out.

1 A. Okay.

2 Q. Do you know who drafted the Strategic
3 Partnership Agreement?

4 A. No.

5 Q. You didn't, did you?

6 A. No. No, no.

7 Q. And it was executed prior to your
8 becoming president of BCMD, correct?

9 A. I'm confident that it was.

10 Q. And this -- as you can see, the back, it
11 was signed in July and August 2012, correct?

12 A. Okay. Then it was. Yes, I see that.

13 Q. So, in a sense, you inherited
14 this S- --

15 A. Yes.

16 Q. -- this SPA when you became president?

17 A. Yes.

18 Q. Now, earlier in the discussion between
19 you and Mr. Martens, you -- you talked about -- he
20 asked you about a covenant and I think he asked you
21 how it was different from an agreement, do you

1 remember that?

2 A. Um-hum.

3 Q. Just a factual question. This document
4 is called the -- a Strategic Partnership Agreement,
5 correct?

6 A. Yes, it is.

7 Q. It does not describe -- describe itself
8 as a covenant, does it?

9 A. Not in that title.

10 Q. Did you see it reference covenant
11 anywhere in the title?

12 A. Not in the title. I would have to look
13 through the whole thing to see if it's in there,
14 but it's not in the title. And under General
15 Principles, it's called an agreement.

16 Q. Okay. Okay. While you were president of
17 BCMD, did you ask anyone to change the title of the
18 Strategic Partnership Agreement to a covenant?

19 A. No.

20 MR. GANT: Let's take a short restroom
21 break.

1 THE WITNESS: Sure.

2 THE VIDEOGRAPHER: We're going off the
3 record. The time is 4:49 p.m.

4 (Recess taken -- 4:49 p.m.)

5 (After recess -- 5:00 p.m.)

6 THE VIDEOGRAPHER: We are back on the
7 record. The time is 5:00. This is media unit
8 number five.

9 BY MR. GANT:

10 Q. So, we were looking at the SPA, which was
11 marked as Exhibit 3. Sitting here today, are you
12 able to identify specifically for me what precise
13 provisions of the SPA you believe Dr. McRaney
14 violated?

15 A. Let's see.

16 (Whereupon, there was a pause for
17 document examination.)

18 THE WITNESS: My recollection is that my
19 concern was with Personnel -- Personnel Section 1A,
20 and I came to believe that the -- the hiring of
21 Joel Rainey and/or Michael Crawford wasn't handled

1 properly. I don't recall all of the details, but I
2 think there was some moving ahead there with both
3 gentlemen before there should have been a moving
4 ahead with both gentlemen, before NAMB really
5 signed on and approved. That's my recollection.

6 BY MR. GANT:

7 Q. Is there specific language in Section II
8 that you're referencing?

9 A. 1A. You go through the approval process
10 of both the convention and NAMB.

11 Q. And --

12 A. Searches shall be an initiative by the
13 convention in consultation with NAMB.

14 As I understood at the time, what should
15 have happened, whether it's typical procedure or
16 not, I mean, it just would have been a cooperative
17 thing to do to say, Hey, we're looking at Joel
18 Rainey, but before we talk to him, we want to know
19 what you think, or we're looking at Michael
20 Crawford, and before we talk to him, would you
21 approve him?

1 Again, I don't know whether Will talked
2 to the Administrative Committee about these two
3 gentlemen or not. I don't know if it got that far,
4 but that would be -- that was the concerns I recall
5 now that, that I had, that it would have been
6 better to have gotten full approval before -- even
7 before discussing and getting somebody's hopes up.

8 Q. Well, you say would have been better.
9 That strikes me as different than my question,
10 which was whether there was an actual violation of
11 a provision in the SPA.

12 So, are you contending that Dr. McRaney
13 violated any express provision of the SPA,
14 including anything concerning personnel in Section
15 II?

16 A. The agreement doesn't get into those
17 weeds, but Kevin Ezell did.

18 Q. Kevin Ezell did what?

19 A. Got into the weeds.

20 Q. Do you know whether Kevin Ezell had any
21 firsthand knowledge or involvement with any of the

1 circumstances related to alleged violations of the
2 SPA by Dr. McRaney?

3 A. Do I know if he what?

4 Q. Had any firsthand knowledge or
5 involvement of the circumstances that were at issue
6 in the alleged violation of the SPA by Dr. McRaney?

7 A. What do you mean by firsthand?

8 Q. That he was a direct participant in
9 or -- or a direct party in the communications
10 whether written or oral.

11 A. Well, he states in his communications is
12 that Christopherson communicated on his
13 behalf --

14 Q. Okay.

15 A. -- on behalf of NAMB and expressed their
16 concern with the procedure used with Joel Rainey,
17 but that didn't make a change. The same procedure
18 was used with Michael Crawford, so ...

19 Q. And were you personally involved in those
20 circumstances?

21 A. No.

1 Q. Did you have any --

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

3 I'm -- I don't recall. I believe I was on the
4 Administrative Committee when Michael Crawford was
5 hired. I'm not sure that I was when Joel was. I
6 don't know about the timing.

7 Q. Were you familiar with the SPA when you
8 became president of BCMD?

9 A. I became familiar after the letter of
10 December 2014.

11 Q. Not beforehand? You didn't try to make
12 yourself aware of the obligations that the BCMD had
13 undertaken?

14 A. Okay. I had been in office less than a
15 month. I have a church to pastor. It's
16 Christmastime. No.

17 Q. And you didn't read Kevin Ezell's
18 deposition in this case, correct?

19 A. (Shaking head no.)

20 Q. So, you don't know whether he
21 acknowledged that he did not have firsthand

1 knowledge or involvement with any of the --

2 A. No.

3 Q. -- alleged violations of the SPA by
4 Dr. McRaney?

5 A. No, I don't have any idea what he said.

6 Q. Did he ever tell you that he didn't have
7 firsthand knowledge or --

8 A. No.

9 Q. Would that have mattered to you?

10 A. No.

11 Q. Why?

12 A. You have to trust your lieutenants, and I
13 have a lot of respect for Christopherson.

14 Q. So, you trusted Kevin Ezell's word
15 because Kevin Ezell trusted Jeff Christopherson?

16 A. I trusted Kevin Ezell's word, period. I
17 didn't know whether he had firsthand knowledge or
18 secondhand knowledge or what kind of knowledge he
19 had.

20 Q. Did you personally -- well, strike that.

21 Sorry, I started to ask this, but I don't

1 think we got to finish it. Did you -- while you
2 were president of BCMD, did you have any
3 responsibility for supervising Dr. McRaney?

4 A. As a member of the Administrative
5 Committee, yes.

6 Q. But not as president?

7 A. I was on the Administrative Committee
8 because I was president.

9 Q. Right. But there are people who are on
10 the Administrative Committee who are not president,
11 right?

12 A. Right.

13 Q. So, did they have the same
14 responsibilities vis-a-vis Dr. McRaney as you?

15 A. Yes. That -- that is the personnel
16 committee at State Convention.

17 Q. And in what manner does the
18 Administration Committee supervise the executive
19 director while you were president?

20 A. He communicated with us at our meetings,
21 updated us on what was going on, and when these

1 concerns began to be raised, we discussed it,
2 discussed it among ourselves and the Administrative
3 Committee.

4 Q. You mentioned the vote on June 8th, 2015
5 to terminate Dr. McRaney was done by ballot.

6 Do you remember what -- was there writing
7 on the ballot or was it a blank piece of paper that
8 people filled in?

9 A. I don't recall.

10 Q. Do you remember if there was either a
11 preprinted section or people who were asked to
12 write in their reasons for voting one way or
13 another?

14 A. No. There was -- there were no reasons
15 asked for.

16 Q. It was just up or down on termination?

17 A. Yes.

18 Q. You don't have any direct knowledge about
19 the reason why each of the other 36 people who
20 voted to terminate Dr. McRaney did so, correct?

21 A. Not all of them. I do know the -- the

1 reasons for some of them.

2 Q. You know what they told you?

3 A. Right.

4 Q. Those might or might not be their
5 reasons, correct?

6 A. I know what they told me if they told me
7 their reason.

8 Q. Assuming they gave you all of their
9 reasons?

10 A. Right.

11 Q. It's possible someone told you a reason,
12 but didn't list every reason?

13 A. Right. Sure.

14 Q. So, is it fair that the other 36 people
15 who voted to terminate Dr. McRaney may have been
16 influenced by allegation or belief that he violated
17 the SPA, correct?

18 MR. MARTENS: Objection. Calls for
19 speculation, object to the form.

20 THE WITNESS: It's possible, but
21 impossible to determine unless you're going to

1 bring them all in and do a dep- -- I mean, you
2 know, I'm not being smart, but unless you're going
3 to bring them all in and ask them, there's no way
4 to know. It's possible.

5 BY MR. GANT:

6 Q. I don't think you're being smart. I
7 agree with you.

8 Is there -- you've -- you've pointed me
9 to Section 1A under Personnel in the Separation
10 Agreement. Is there any other specific provision
11 that you want to point me to that sitting here
12 today you contend that Dr. McRaney breached?

13 A. Which exhibit is that?

14 MR. GUNDERSON: You said Separation
15 Agreement.

16 MR. GANT: I'm sorry.

17 MR. GUNDERSON: I think you meant
18 Strategic Partnership Agreement.

19 MR. GANT: I misspoke.

20 MR. GUNDERSON: So, he started looking
21 for the Separation Agreement.

1 MR. GANT: You're absolutely right.

2 BY MR. GANT:

3 Q. We're still on Exhibit 3.

4 A. Okay.

5 Q. I called it the wrong name.

6 MR. GANT: So, thank you for pointing
7 that out.

8 BY MR. GANT:

9 Q. The Strategic Partnership Agreement --

10 A. Okay.

11 Q. -- you are contending today that
12 Dr. McRaney did, in fact, violate it, correct?

13 A. Section II, 1-A.

14 Q. Any other specific provision you'd like
15 to direct me to, to support your contention today
16 that Dr. McRaney violated the SPA?

17 (Whereupon, there was a pause for
18 document examination.)

19 THE WITNESS: Potentially Section I,
20 General Principles, 2, Mutual Respect. I don't
21 recall specific examples. I just know that there

1 seemed to be some friction between Ron Larson and
2 Will. Now, whether there was disrespect, that I
3 don't know.

4 BY MR. GANT:

5 Q. I was just going to ask that question.

6 A. I don't -- I don't know. I don't know
7 for sure.

8 Q. Right.

9 A. Kevin Ezell thought there was, but I
10 don't recall my conversation with Ron Larson,
11 whether he felt there was disrespect or not, or
12 Kevin Marsico, but that may be an area, but ...

13 Q. Maybe; maybe not?

14 A. Maybe not.

15 Q. Okay. Any others that you would like to
16 refer me to?

17 (Whereupon, there was a pause for
18 document examination.)

19 THE WITNESS: Possibly No. 6, policies
20 and procedures of each partner. It was at the very
21 least a difference of opinion between NAMB and Will

1 with regard to tacking on a 2-percent contribution
2 to church planters' churches. I was -- I was --
3 there's the potential there.

4 I was dismayed that -- that
5 Christopherson made it clear that was not to be
6 done, and it was done anyway. And I understand why
7 they don't want even more tacked on to church
8 planters.

9 BY MR. GANT:

10 Q. Just because NAMB complained about
11 something doesn't mean that there was a violation
12 of the SPA, does it?

13 A. It would be a matter of opinion whether
14 it was or it wasn't.

15 Q. And someone would have to interpret the
16 agreement and apply it to the facts --

17 A. Right.

18 Q. -- to decide whether there was a
19 violation, correct?

20 A. Right.

21 Q. Would you agree with me that allegations

1 of violation of the SPA was a serious charge of
2 misconduct?

3 A. Sure.

4 Q. And the December 2, 2014 termination
5 letter contained very serious allegations against
6 Dr. McRaney, correct?

7 A. Yes, it did, and they focused on the
8 respect issue. They focused on the procedural
9 issue, and they focused on the policy issues,
10 because there were three.

11 He's not respecting our people. He
12 didn't respect our process for hiring, for joint
13 hires, and he tacked on a percentage that has never
14 been -- he tacked on a percentage that we thought
15 was inappropriate, and we told him so.

16 Q. And when you say we, you're -- you're
17 speaking for NAMB?

18 A. To NAMB. Yeah, NAMB.

19 Q. You're saying what NAMB alleged?

20 A. What NAMB alleged.

21 Q. Okay. And BCMD did an investigation and

1 they received a termination letter December 2014
2 and after a careful and thorough exploration of the
3 facts determined that NAMB's allegations were
4 misguided, correct?

5 A. Yes.

6 Q. You acknowledged a moment ago that the
7 allegations against Dr. McRaney in the December
8 2nd, 2014 termination letter were serious charges
9 of misconduct.

10 If they were false, do you acknowledge
11 that that could injure Dr. McRaney's reputation?

12 MR. MARTENS: Objection. Calls for
13 speculation.

14 MR. GUNDERSON: Same objection.

15 THE WITNESS: State it again, please.

16 BY MR. GANT:

17 Q. Sure. Allegations were made against
18 Dr. McRaney in the December 2nd, 2014 termination
19 letter, correct?

20 A. (Nodding head yes.) Yes.

21 Q. If it turned out that those allegations

1 were false, like BCMD thought they were --

2 A. Right.

3 Q. -- in mid-January 2015, --

4 A. Um-hum.

5 Q. -- but the word spread in the Baptist
6 world that Dr. McRaney had engaged in serious
7 violations of the Strategic Partnership Agreement
8 with NAMB and that was false, do you agree that
9 that false allegation could injure Dr. McRaney's
10 reputation?

11 MR. MARTENS: Objection. Calls for
12 speculation, assumes facts not in evidence.

13 MR. GUNDERSON: Same objection.

14 THE WITNESS: I would say that the damage
15 would be minimal because also people hopefully
16 would know that legal counsel of BCMD and the
17 leadership didn't agree, so I would say the damage
18 would be minimal.

19 BY MR. GANT:

20 Q. Because of the cover provided by BCMD?

21 A. Yeah.

1 Q. And if that cover was removed?

2 A. Well, that's not what happened.

3 Q. But --

4 A. I mean --

5 Q. Well, let's suppose it is what happened.
6 Let's say Dr. McRaney is correct, that he did not
7 violate the SPA and you have NAMB contending that
8 he did and you have BCMD doing a 180 and saying
9 that he did, do you agree that that allegation, if
10 false, would injure Dr. McRaney's reputation?

11 MR. MARTENS: Objection. Calls -- calls
12 for speculation, assumes facts not in evidence.

13 MR. GUNDERSON: Same objections.

14 THE WITNESS: If it were false -- if the
15 allegations were false and there was no cover from
16 the BCMD, I'm going to answer the question, but
17 we're -- this is speculation universe, but you
18 asked the question. I would still say minimal if
19 he kept his job.

20 BY MR. GANT:

21 Q. Sorry, if he kept his?

1 A. If he kept his job. You know, with time,
2 it floats away. People forget it.

3 Q. And if he didn't keep his job?

4 MR. MARTENS: Objection. Calls for
5 speculation.

6 MR. GUNDERSON: Same objections.

7 THE WITNESS: Again, I would say it was
8 minimal because it's not even on the horizon for
9 the reasons of termination. I think the larger
10 issue would be the termination itself, so I don't
11 see that as a major -- major damage to his
12 reputation, no.

13 BY MR. GANT:

14 Q. You think it was the termination by BCMD
15 rather than the constituent reported out violation
16 of the SPA that harmed Dr. McRaney?

17 MR. MARTENS: Objection. Calls for
18 speculation, assumes facts not in evidence.

19 MR. GUNDERSON: Same objections.

20 THE WITNESS: I think that common sense
21 would dictate that, yes.

1 BY MR. GANT:

2 Q. All right. I need you to be as specific
3 as you can here.

4 A. Okay.

5 Q. Tell me the particular things that you
6 heard or learned or found out that led you to go
7 from believing that Dr. McRaney did not violate the
8 SPA to the conclusion that he did.

9 We discussed earlier when that happened.
10 It was sometime in 2015, probably between mid March
11 and the beginning of June, but now we're -- that
12 was the when.

13 Now I'm focusing on the why. Tell me as
14 specifically as you can what you learned that made
15 you do what I referred to a moment ago as a 180.

16 A. In my judgment, the procedures as I've
17 already stated with the hiring of those two men was
18 not in the spirit of cooperation.

19 Now, you can go to this document all you
20 want, but to me, it wasn't in the spirit. This
21 document is all about cooperation. It wasn't in

1 the spirit of cooperation, particularly after
2 objections were raised, and yet, the second man was
3 hired. So, that -- I came to believe that
4 was -- that was a wrong move.

5 Whether it's legally a violation or not,
6 I thought it was the wrong move. It was bad
7 judgment. It wasn't cooperative in spirit.

8 I also felt the same way about the 2
9 percent tacking on. To me, there needed to have
10 been some negotiation about that between NAMB and
11 the BCMD and not just what appeared to be, We're
12 going to go ahead and do it anyway. Again, it was
13 the lack of a spirit of cooperation that disturbed
14 me.

15 Q. Anything else you want to add to your
16 answer?

17 A. That's sufficient.

18 MR. GANT: Let's go off the record.
19 Someone is knocking at the door.

20 THE VIDEOGRAPHER: We're going off the
21 record. The time is 5:25 p.m.

1 (Recess taken -- 5:25 p.m.)

2 (After recess -- 5:28 p.m.)

3 THE VIDEOGRAPHER: We are back on the
4 record. The time is 5:28 p.m.

5 BY MR. GANT:

6 Q. You just answered in two parts. I want
7 to take them one at a time.

8 You talked about the hirings of Rainey
9 and/or Crawford as being the wrong move, do you
10 remember?

11 A. The procedure used seemed to me to be
12 lacking in a cooperative spirit --

13 Q. Okay.

14 A. -- and communication.

15 Q. Can you tell me what you personally did
16 to investigate the actual facts concerning those
17 hirings that led you to move from thinking there
18 was no violation of the SPA to thinking there was a
19 violation of the spirit of the SPA?

20 A. The facts remain the same.

21 Q. No different facts?

1 A. The facts were the same. It was the way
2 I interpreted the facts.

3 Q. That changed?

4 A. Yes.

5 Q. Why?

6 A. It didn't seem to be -- betray a
7 cooperative spirit.

8 THE COURT REPORTER: I'm sorry, I didn't
9 hear it.

10 THE WITNESS: It didn't seem to betray a
11 cooperative spirit.

12 BY MR. GANT:

13 Q. Betray or portray? Just say what you
14 said.

15 A. It didn't seem to betray --

16 Q. Betray.

17 A. -- any cooperative spirit.

18 Q. So, you -- you did no new factual
19 investigation --

20 A. No.

21 Q. -- that led you to change your mind?

1 A. No.

2 Q. And what -- you referred to as the 2
3 percent tacking on?

4 A. Right.

5 Q. Can you explain what you're referring to?

6 A. It was a percentage as I recall. I can
7 look in the documents, but it was a percentage from
8 the church planting, from the church plants of
9 their budget or receipts, I'm not sure which it
10 was, going to the State Convention.

11 Q. And what's your understanding of what
12 Dr. McRaney purportedly did wrong concerning that
13 issue?

14 A. NAMB rigorously objected to that, and I
15 think there should have been some communication and
16 some give and take on that. And perhaps there was,
17 but I didn't -- I didn't hear of any.

18 Q. Okay. But you don't have any firsthand
19 knowledge of what actually happened in connection
20 with that issue, do you?

21 A. No.

1 Q. Okay. So, you don't actually know one
2 way or another whether Dr. McRaney violated the
3 letter of the spirit of the SPA in connection with
4 the 2-percent issue?

5 A. I have an opinion.

6 Q. But do you have facts?

7 A. Well, it dep- -- again, how do you have
8 facts relative to the spirit of a document? You
9 don't.

10 Q. And what specifically -- strike that.
11 Your opinion presumably is based on some
12 understanding of the facts. What I want to
13 understand is what specifically did Dr. McRaney do
14 wrong on the 2-percent issue? Not in general
15 platitudes about not cooperating, but specifically
16 what you believe --

17 A. Okay. Let's go back to the document
18 then.

19 MR. MARTENS: Objection.

20 (Whereupon, there was a pause for
21 document examination.)

1 THE WITNESS: Whichever one it is where
2 NAMB objects. Maybe it's in the 2014; maybe it's
3 in an email after that. I think it might be in an
4 email after that where Kevin explains.

5 BY MR. GANT:

6 Q. It's Exhibit 9 I think you're looking
7 for.

8 A. Okay. No.

9 Q. It's not?

10 A. There's another document where he talks
11 about the time that Christopherson talked to Will.

12 Q. All right. Well, to save time, let's do
13 this: Was the information that formed the basis
14 for your opinion about the 2-percent issue, did
15 your information come from NAMB?

16 A. Yes.

17 Q. Okay.

18 A. And Ezell's explanation to us about the
19 history of the controversy.

20 Q. And was that information from NAMB that
21 led you to your opinion about the 2-percent issue

1 as it relates to the SPA?

2 A. I don't recall.

3 Q. Do you recall --

4 A. It may just be -- it may just be what I
5 think right now. I don't recall what I thought
6 eight years ago or not.

7 Q. Okay.

8 A. I know I felt that way about the -- the
9 hirings for sure.

10 Q. And the SPA that we've been looking
11 at, --

12 A. Okay.

13 Q. -- which was Exhibit 3, is that the
14 entirety of it?

15 A. I assume.

16 Q. Do you have any reason to believe that
17 that is not a full and complete copy of the SPA?

18 A. I have no reason to believe that.

19 Q. Okay. So, if we wanted to discern the
20 contents and provisions of the SPA, we need look no
21 further than Exhibit 3 itself, correct?

1 A. It would seem so to me.

2 Q. Okay. The -- the meeting on June 2nd
3 with Dr. McRaney when he was provided with a copy
4 of the six points, --

5 A. Um-hum.

6 Q. -- do you remember discussing that
7 earlier?

8 A. I certainly do. Which Exhibit No. is
9 that?

10 Q. Well, the six points, let's see what that
11 is.

12 A. Please.

13 Q. That is Exhibit 17.

14 A. Okay.

15 Q. Do you acknowledge that Dr. McRaney was
16 not given a copy of the six points in any format
17 prior to the June 2nd meeting?

18 A. Yes.

19 Q. And -- and he was terminated six days
20 later, correct?

21 A. Yes.

1 Q. He was not given any period -- strike
2 that.

3 He was not given two weeks to try and
4 implement the changes he was asked to make,
5 correct?

6 A. Correct.

7 Q. Do you think that was fair?

8 A. Yes.

9 Q. Who drafted the six-points document
10 marked as Exhibit 17?

11 A. I don't recall. It was run by the -- I'm
12 pretty sure it was run by the -- well, it says here
13 Administrative Committee. My hunch is it was -- my
14 hunch, it's just a hunch, that was it Mark Dooley
15 and Harold and me --

16 Q. And why do you think --

17 A. -- with a consultation of the
18 Administrative Committee.

19 Q. And why do you think it was fair to not
20 give Dr. McRaney the two weeks that he had been
21 promised when he signed Exhibit 17?

1 A. Because --

2 MR. MARTENS: Objection. Misstates the
3 evidence.

4 MR. GUNDERSON: Objection. Same
5 objection.

6 THE WITNESS: Okay. Because it was clear
7 to me that the concern No. 5 was not going to be
8 met, and that was, in my opinion, a major concern.

9 BY MR. GANT:

10 Q. When you met with Dr. McRaney on June
11 2nd, 2015, was he told that he might have fewer
12 than two weeks to --

13 A. No.

14 Q. Why not?

15 A. Because we didn't anticipate that he
16 would have fewer than two weeks. We didn't -- we
17 didn't dissemble.

18 Q. I'm sorry, I couldn't hear you.

19 A. We didn't dissemble.

20 Q. As soon as you had your mind made up, you
21 acted and terminated Dr. McRaney?

1 MR. GUNDERSON: Objection.

2 THE WITNESS: As soon as Mark Dooley and
3 I communicated, we then decided to call together
4 the Administrative Committee to discuss. I don't
5 recall the exact order of events.

6 We -- yeah, we didn't -- we didn't have
7 the power to terminate him by ourselves. That's
8 why I keep talking about the 37 people.

9 BY MR. GANT:

10 Q. Okay. But the precip- -- what
11 precipitated the June 8, 2015 meeting was a
12 decision by you and Mark Dooley that you thought
13 termination was in order, right?

14 A. Yes, approved by the Administrative
15 Committee.

16 Q. When you say approved by the
17 Administrative Committee, what do you mean?

18 A. They agreed with us.

19 Q. Okay. When was that?

20 A. I don't recall. It might have been
21 before the meeting. I don't recall. I -- I know

1 we had a meeting in the middle of the meeting for
2 sure. I think -- I think that -- that it was more
3 a matter of, Okay, let's present this to the
4 General Mission Board and see what they do with it,
5 but then we did meet during the -- probably right
6 after the lunch break as an Administrative
7 Committee, and everyone but Harold was on board
8 with proceeding with the rest of the meeting and
9 then letting the General Mission Board make up
10 their mind having heard from Will, having heard
11 from a representative from the direct -- the DOMs
12 and having heard from the senior staff and having
13 heard from leadership.

14 Q. When did you personally first seriously
15 entertain voting to terminate Dr. McRaney?

16 A. After my conversation with Mark Dooley.

17 Q. Which was when?

18 A. After I got the call from Tom Stolle
19 about their meeting.

20 Q. Do you remember what date that was?

21 A. No. I'm sure there's a record of it at

1 the convention.

2 (Whereupon, Warren Deposition Exhibit No.
3 31, Document Bates Numbered BCMD_0085, marked for
4 identification.)

5 BY MR. GANT:

6 Q. You're being handed Exhibit 31. You're
7 welcome to read as much of it as you'd like, but in
8 the interest of time, I'm going to direct you to
9 specific provisions that I'm interested in.

10 A. Sure. That's fine. I have seen this
11 before.

12 Q. Okay. So, Exhibit 31 is Bates labeled
13 BCMD_0085, and you just said a moment ago you have
14 seen this before?

15 A. Um-hum.

16 Q. This is a letter dated June 8th, 2015
17 from Mark Dooley to the BCMD --

18 A. Right.

19 Q. -- Network -- Network Pastors; is that
20 right?

21 A. Right. Yes.

1 Q. Who does that comprise? Is that all of
2 the churches that are part --

3 A. Yes.

4 Q. Okay. And in the third paragraph
5 Mr. Dooley wrote -- do you see there's a sentence
6 that begins, However on the third line?

7 A. Yes.

8 Q. It says, However, the issue of Will
9 McRaney's reinstatement is over and done with, do
10 you see that?

11 A. Yes.

12 Q. That was prior to Dr. McRaney resigning,
13 correct?

14 A. I think so, because I think June 9th is
15 when he actually signed the document.

16 Q. That's my understanding as well.

17 So, based on that, you acknowledge that
18 Mr. -- Mr. Dooley was telling the BCMD churches
19 that the issue of Dr. McRaney's tenure at BCMD was
20 over, correct?

21 A. That's what he states.

1 Q. Okay. You can put that aside. Thank
2 you.

3 (Whereupon, Warren Deposition Exhibit No.
4 32, Documents Bates Numbered NAMB 7160 through NAMB
5 7162, marked for identification.)

6 BY MR. GANT:

7 Q. You have been handed what's been marked
8 as Exhibit 32, which is Bates labeled NAMB 7160
9 through 62.

10 Once again, it's your right to review as
11 much of this as you'd like, but I'm going to direct
12 you to the portion I'm interested in, in the
13 interest of time.

14 A. Sure. I have seen it.

15 Q. Okay. Thank you. So, I'm focusing on
16 the top of the first page of the email from Steve
17 Davis to Kevin Ezell. Was this one of the
18 documents that was given to you by your counsel
19 that was provided by NAMB?

20 A. I'm sure it was.

21 Q. Do you see it says on the first line,

1 Mr. Davis wrote to Mr. Ezell, I'm trying to hold
2 off as asked by Bill Warren, but also not wanting
3 to tip off Will that something else is causing the
4 delay? Do you see that?

5 A. Yes, I do.

6 Q. Okay. And that's in an email from
7 Mr. Davis to Mr. Ezell -- Mr. Ezell dated June 1,
8 2015, correct?

9 A. Right.

10 MR. MARTENS: Objection. Hearsay.

11 BY MR. GANT:

12 Q. Do you have any basis for disputing the
13 accuracy of Mr. Davis' characterization to
14 Mr. Ezell in this email?

15 MR. MARTENS: Objection. Calls for
16 speculation, hearsay.

17 THE WITNESS: No. I think it's accurate.

18 BY MR. GANT:

19 Q. Okay. You can put that aside, please.

20 A. Um-hum.

21 Q. Was -- when Dr. McRaney was terminated on

1 June 8th, 2015, was he given a description of the
2 reasons for the vote at the time?

3 A. I don't think so.

4 Q. Okay. In fact, didn't you --

5 A. Express regret that he was not?

6 Q. Yes.

7 A. Yes, I did.

8 Q. Do you remember the circumstances of your
9 expressing your regret about that?

10 A. Yes. Matthew 5 says if your brother has
11 something against you, go to him. It doesn't
12 matter whether your brother is correct or not. And
13 I heard that Will wanted to meet with somebody from
14 leadership, and I got the call from Harold Phillips
15 who said, Will would like to meet with somebody
16 from leadership. And I prayed about it, and that's
17 the verse that came to me. And I thought, Okay,
18 let's go talk to Will. He has something against
19 me. Let's go talk to Will.

20 It was at the -- it was at the end of
21 that meeting, which was three hours, Will had two

1 pastors with him, I had one pastor with me. Their
2 role was to be silent witnesses. Mine --

3 Q. That's a biblical admonition --

4 A. Yes.

5 Q. -- of having witnesses, right?

6 A. Yes. Mine was silent; his were not. So,
7 it was basically three on one for three hours, but
8 at the end of that, Harold, who was also there,
9 said, Would you do anything differently? And I
10 said, No.

11 And later as I thought about it, I
12 thought -- I felt the Holy Spirit saying, Yeah,
13 you -- you should have told Will. There should
14 have been reasons given that night, and so I
15 emailed -- and you have that document -- and said,
16 Yes, we should have given you the reasons that
17 night. That wasn't fair to you.

18 Q. And just for the sake of the record, the
19 email that you're describing is at WAR -- WARR 031,
20 which is part of Exhibit 24.

21 A. Okay.

1 (Whereupon, Warren Deposition Exhibit No.
2 33, Document Bates Numbered BCMD_0664 through
3 BCMD_0667, marked for identification.)

4 BY MR. GANT:

5 Q. You have been handed Exhibit 34, which is
6 Bates labeled BCMD_066 --

7 MR. MARTENS: Thirty-three, right?

8 THE WITNESS: Yeah, 33 is what I have
9 got.

10 MR. VITTOR: Unless you want to
11 introduce that as a separate exhibit?

12 MR. GANT: Did I miss a sticker? Yes,
13 it's 33. Sorry. Thank you for the correction.

14 THE WITNESS: No problem.

15 BY MR. GANT:

16 Q. Exhibit 33 is labeled BCMD_0664 through
17 67. It says at the top, General Mission Board
18 Minutes February 6th, 2015.

19 A. Um-hum.

20 Q. Do you have any reason to doubt this is a
21 true and accurate copy of the General Mission Board

1 Minutes from February 6th, 2015?

2 A. I have no reason to doubt that.

3 Q. You can put that aside.

4 A. Okay.

5 Q. If you could turn to Exhibit 24, which is
6 your document production, and if you could look
7 at -- it's the big packet.

8 A. Oh, the big packet. Okay.

9 Q. That looks like it.

10 A. I got it.

11 Q. If you could turn to page 21, WARR 21 and
12 through 23. This was in the documents you
13 produced?

14 A. Yes.

15 Q. And my only question about this document
16 is what is it? Or let -- let me ask it to save
17 time. Is -- are these pages 21 through 23 a copy
18 of a letter from Mark Dooley to pastors and church
19 leaders in the BCMD dated September 3rd, 2015?

20 A. Yes.

21 Q. Do you have any reason to doubt this is a

1 true and accurate copy of that letter?

2 A. No.

3 Q. You can put that aside for now. Thank
4 you. Can you keep out that exhibit?

5 A. It's right on top.

6 Q. I'm going to direct you to a different
7 page, page 5.

8 A. I'm sorry, page 5?

9 Q. Five through 6.

10 A. Okay.

11 Q. This -- pages 5 through 6 in your
12 document production are an email chain, correct?

13 A. Yes.

14 Q. Do you have any reason to doubt that
15 these are true and accurate copies of the emails
16 exchanged between yourself and Clint Scott on the
17 dates indicated here?

18 A. No, because I found them in my -- in my
19 computer.

20 Q. So, you believe these are genuine?

21 A. Yes.

1 Q. And you believe that the statements here
2 that are attributed to you are statements that you
3 actually wrote?

4 MR. MARTENS: Objection.

5 MR. GUNDERSON: Are you referring to the
6 statements that Scott made that --

7 MR. GANT: No, no.

8 MR. GUNDERSON: Oh, what he said or his
9 writing?

10 MR. GANT: His emails.

11 MR. GUNDERSON: His emails.

12 MR. GANT: The emails that are his, so
13 let me state it more clearly.

14 BY MR. GANT:

15 Q. Dr. Warren, these two pages, 5 and 6, in
16 Exhibit 24 include emails from you, correct?

17 I see three. I'm happy to help if you,
18 but if you -- I see three emails that you wrote
19 here. One --

20 A. Yes. I think this is accurate, yeah.

21 Q. So, you wrote those words?

1 A. Um-hum.

2 Q. Please answer audibly.

3 A. Yes, I wrote the words that were --
4 I -- that are -- where I speak to Clint, where I
5 write to Clint.

6 Q. And those are --

7 A. And just to be clear, Clint, I would say
8 that the December -- that those are -- are my
9 words.

10 Q. And you believed them to be true when you
11 wrote them, correct?

12 A. Absolutely.

13 Q. Okay. You can put that aside for now,
14 please.

15 A. And then I enjoyed our conversation.
16 Please find attached. Yes, those are also my
17 words.

18 Q. You can put that aside.

19 A. I think there seems to be two, am I
20 correct?

21 Q. I see --

1 A. Two emails from me. Is there a third?

2 Q. I see three, but it's -- they're
3 not -- the first one -- here, if you look with
4 me, --

5 A. Yeah.

6 Q. -- it's just one, two, three
7 (indicating).

8 A. The word, Agreed?

9 Q. Well, I see three from you.

10 MR. GUNDERSON: Yes, the word Agreed is
11 what his point is.

12 THE WITNESS: The word Agreed --

13 BY MR. GANT:

14 Q. I'm saying there are three of them, yes.
15 One of them just says Agreed, yes.

16 A. Oh, okay. Yes.

17 Q. But I'm saying there were three emails
18 from you on these two pages?

19 A. I'm assuming the Agreed is from me.

20 Q. Well, it says from William Warren, --

21 A. Okay.

1 Q. -- do you see that?

2 A. Yeah. Yeah.

3 Q. So, these are your words?

4 A. Yes.

5 Q. True statements?

6 A. Yes.

7 Q. Okay. You can put that aside. Let's go
8 to page 41 in that same packet.

9 A. Um-hum.

10 Q. Forty-one and 42.

11 A. Um-hum.

12 Q. You reviewed these to prepare for today's
13 deposition?

14 A. Yes.

15 Q. So, do you remember the reference to an
16 article in SBC Today and then -- that was brought
17 to your attention and then you wrote an email on
18 June 4th, 2016 at 12:08 p.m. in the middle of page
19 41? Do you see that?

20 A. To Mike Trammell?

21 Q. Yes.

1 A. Yes, I see that.

2 Q. And this is a true and accurate copy of
3 an email exchange between yourself and Mike
4 Trammell?

5 A. I'm sure it is. It was in my computer,
6 yes.

7 Q. Okay. And the statements that you wrote
8 you believed to be true when you wrote them?

9 A. Yes.

10 Q. And the Wolverton referred to there, is
11 that Steve Wolverton?

12 A. Yes, Pastor.

13 Q. Have you read his declaration in this
14 case?

15 A. I don't recall.

16 Q. Okay. You can put that aside for now.
17 Thank you.

18 A. Um-hum.

19 Q. Can you turn to page 43 in the same
20 Exhibit 24 --

21 A. Okay.

1 Q. -- which is your document production?

2 A. Okay.

3 MR. GANT: Was this marked separately as
4 an exhibit?

5 MR. VITTOR: Page 41 and 42 are.

6 MR. GANT: Maybe not. It doesn't matter.

7 BY MR. GANT:

8 Q. Okay. All right. Do you have page 43
9 from your production in front of you?

10 A. Yes.

11 Q. And this is an email exchange?

12 A. Yes.

13 Q. The top email is from you to Kevin Ezell,
14 correct?

15 A. Right.

16 Q. Is that a true and accurate copy of the
17 email that you sent to Kevin Ezell on June 14th,
18 2016?

19 A. Yes.

20 Q. Were the statements in the email true
21 when you wrote them?

1 A. Yes.

2 Q. You can put that aside. Thank you.

3 I'm just going to mark a version of this
4 email that NAMB produced.

5 A. Okay.

6 (Whereupon, Warren Deposition Exhibit No.
7 34, Document Bates Numbered NAMB 7667, marked for
8 identification.)

9 MR. VITTOR: Exhibit 34?

10 MR. GANT: Yes, Exhibit 34, Bates labeled
11 NAMB 7667.

12 BY MR. GANT:

13 Q. The email on the top two-thirds of this
14 exhibit are the same as the one we just looked at
15 on Warren 43, correct?

16 A. Yes. It's from me to Kevin Ezell.

17 Q. Okay. So, Exhibit 34 is a true and
18 accurate copy of your email to Kevin Ezell and the
19 statements in there were true, correct?

20 A. Yes.

21 Q. You can put that aside. Thanks.

1 At the June 8, 2015 meeting, --

2 A. Yes.

3 Q. -- why was Dr. McRaney not permitted to
4 stay during the presentations of the NAMB staff
5 members about their experiences?

6 A. I don't recall.

7 Q. You acknowledged that he was not
8 permitted to stay?

9 A. I acknowledged that he wasn't there.

10 Q. I don't know if scripture has anything to
11 say about this, but in -- in civil law, there's a
12 very important principle about being able to
13 confront your accusers. Have you ever heard that?

14 A. I've heard of that. Um-hum.

15 Q. The Sixth Amendment Confrontation Right,
16 for example?

17 A. Um-hum. Um-hum.

18 Q. Is there something comparable in
19 scripture?

20 A. Yes, Matthew 5 and Matthew 18.

21 Q. What does it say?

1 A. Matthew 5 says if your brother has
2 something against you, go to him, point out his
3 fault, just between the two of you. No. If your
4 brother has something against you, go to him and
5 work it out.

6 Matthew 18 is if your brother has sinned
7 against you, go and restore the relationship.

8 Q. So, in -- in both provisions, one of the
9 operative principles is a face-to-face?

10 A. Right.

11 Q. Okay. And Dr. McRaney in the June 8th,
12 2015 meeting was not afforded that right, was he?

13 A. He was not invited to be there.

14 Q. So, he wasn't able to hear what was being
15 said about him --

16 A. No.

17 Q. -- and respond?

18 A. No.

19 Q. And Dr. McRaney had no opportunity to
20 respond to what was said outside of his presence
21 about him at the June 8th, 2015 meeting prior to

1 being terminated, correct?

2 A. Correct.

3 MR. GANT: Let's take a short break. Let
4 me see how much I have left.

5 THE WITNESS: Okay.

6 THE VIDEOGRAPHER: We're going off the
7 record. The time is 5:56 p.m.

8 (Recess taken -- 5:56 p.m.)

9 (After recess -- 6:06 p.m.)

10 THE VIDEOGRAPHER: We are back on the
11 record. The time is 6:06 p.m. This is media unit
12 number six.

13 BY MR. GANT:

14 Q. Earlier in connection with Exhibit 5, you
15 mentioned the name Victor Kirk --

16 A. Yes.

17 Q. -- and some communication you had with
18 him that influenced at least your decision to vote
19 to terminate Dr. McRaney, do you recall that?

20 A. I remember what he said in the meeting.

21 Q. What did he say? Who is he, and what did

1 he say?

2 A. He's a pastor. I'm pretty sure he was on
3 the Administrative Committee, and somewhere in all
4 of this mound of material I read that he had called
5 Will privately and had gotten the same response
6 about the six concerns, but I very distinctly
7 remember his standing and saying -- asking about
8 it, and I was shocked by Will's response.

9 Q. Is it a Biblical tenet to be truthful and
10 give honest responses when someone asks you a
11 question?

12 A. Sure.

13 Q. If Dr. McRaney believed that the
14 allegations leveled against him were misguided or
15 unfounded, isn't the appropriate response for
16 Dr. McRaney to say so?

17 A. Sure.

18 Q. So, I think you testified earlier that
19 you acknowledge that Dr. McRaney believes that the
20 allegations against him are unfounded, correct?

21 A. Right.

1 Q. So, your complaint wasn't about
2 Dr. McRaney's response, which is what you'd expect
3 to hear from him, it was for -- it was a complaint
4 about his beliefs that he had done nothing wrong;
5 aren't I right?

6 A. Which I found out through his response.

7 Q. Right.

8 A. So, his response troubled me.

9 Q. Because you thought that he should have
10 contrition even though he didn't think he
11 should -- had done anything wrong?

12 A. If he was that blind to the six concerns
13 and he really felt like he hadn't done anything
14 wrong, we were worse off than I thought.

15 Q. So, that was your complaint, a
16 disagreement over what the facts were?

17 A. Yes.

18 Q. Do you consider Dr. McRaney intelligent?

19 A. Very.

20 Q. You still do?

21 A. Absolutely.

1 Q. Do you consider Dr. McRaney hard working?

2 A. Yes. One of the things that impressed me
3 about him in the beginning was that I don't think
4 he had been on the job a week when he invited many
5 of us pastors to come to the building and talk with
6 him, and -- and I thought that was very, very
7 admirable, and I know he worked hard during his
8 tenure. He went to a lot of churches.

9 Q. Earlier you said that you were a fan and
10 very impressed by Dr. McRaney, correct?

11 A. Absolutely.

12 Q. What -- what else did you observe that
13 made you have that impression?

14 A. Well, that was a first, a good -- a great
15 first impression. He's articulate. He's bright.
16 He has a heart for lost people, which is rare among
17 pastors believe it or not. I liked him personally.
18 I enjoyed working with him.

19 Q. You believe he's committed to the -- and
20 forgive me, I'm --

21 A. That's okay.

1 Q. -- if I get the words wrong, but is he
2 committed to the gospel?

3 A. Absolutely.

4 Q. To spreading Christ's message?

5 A. Yes, absolutely.

6 Q. A genuine believer?

7 A. Absolutely.

8 Q. You used the phrase with Mr. Martens man
9 of God. Maybe I missed it, but I didn't hear what
10 you meant by that. What does that phrase mean to
11 you?

12 A. A really committed follower of Christ.

13 Q. Do you consider Dr. McRaney a man of God?

14 A. Yes, I do.

15 Q. Dr. McRaney was not terminated by BCMD
16 due to differences over theology or doctrinal
17 issues, was he?

18 A. No.

19 Q. I think you testified earlier that
20 you -- and, again, I'm not trying to put words in
21 your mouth, just make sure I understand what you

1 said. I thought you said that you never
2 communicated directly with Kevin Ezell before the
3 December 2nd, 2014 termination letter; is that
4 right?

5 A. Right. I don't recall any. No, I don't
6 recall. No, I didn't. Not -- if -- if there's
7 something out there that I'm overlooking --

8 Q. No, no. I'm not trying to trick you.
9 I'm not aware of anything.

10 A. No. No. In fact, that call was out of
11 the blue. I was, like I said, shocked that he
12 called me.

13 Q. Shocked that he had your phone number?

14 A. Shocked that he had my number, number
15 one. I was like, Who's this?

16 Q. He's an influential person. He can get a
17 number if he needs it.

18 A. I guess so.

19 Q. The -- now, you did have a number of
20 communications with Kevin Ezell between December
21 2nd, 2014 and June 8th, 2015 when BCMD terminated

1 Dr. McRaney, correct?

2 A. I had some.

3 Q. Those included one or more in-person
4 meetings, correct?

5 A. Only one in-person meeting, and that was
6 in March of 2015.

7 Q. You exchanged some texts according to the
8 documents with Kevin Ezell, correct?

9 A. I probably did. I'm sure I did.

10 Q. Did you -- did you preserve those?

11 A. Not -- no, I don't have those texts. I
12 don't think so. We can look.

13 Q. Did you look for them in response?

14 A. No, I didn't. No, I didn't.

15 Q. Just so the record is clear, did you
16 look for texts with Kevin Ezell or anyone else
17 about --

18 A. No. I didn't think about --

19 Q. -- Dr. McRaney?

20 A. I didn't think about texts.

21 Q. Okay. So, you didn't -- you didn't look

1 for them in order to respond to the subpoenas?

2 A. No. Huh-uh. I just focused on the
3 emails and the documents. I don't even know -- I
4 mean, I can look. I don't have a problem looking.
5 They may not -- they're probably not still in my
6 phone.

7 Q. Okay. If you have the texts, you have no
8 objection to providing them --

9 A. None whatsoever.

10 Q. -- to Eric?

11 A. They tell the truth.

12 Q. I appreciate that. You also communicated
13 with Kevin Ezell during that period by telephone,
14 correct?

15 A. I'm sure I did.

16 Q. And by email?

17 A. Yes. The -- there's some email. Yes,
18 there's some email evidence of that.

19 Q. Okay. Sitting here today are you able to
20 estimate, regardless of the method of
21 communication, how many times you communicated with

1 Kevin Ezell about Dr. McRaney between December 2nd,
2 2014 and June 8th, 2015?

3 A. I'm not able to estimate, but there were
4 a few times I'm sure. Some of that was
5 communication about, Hey, when can we get together
6 and have this meeting to fix this mess?

7 Q. Okay. You don't have records of all of
8 the communications between you and Dr. Ezell during
9 that period, correct?

10 A. I have what you have, all of the emails
11 and all of the documents. I'll check for texts,
12 but I'm not optimistic.

13 Q. We don't have the texts and we don't
14 have -- we don't know the context of the phone
15 calls, correct?

16 A. No.

17 Q. No, I'm not correct, or, no, we don't
18 have them?

19 A. We don't have the -- I'll look and see if
20 I have the texts, but after eight years, I
21 doubt -- I doubt they're still.

1 Q. And the phone calls, I assume there are
2 no written records or summaries of those?

3 A. No. No. No.

4 Q. In Exhibit 24, the page WARR 30, it
5 references your application --

6 A. Oh, yes.

7 Q. -- for the position of executive
8 director --

9 A. Yes.

10 Q. -- at BCMD. I also noticed that you have
11 an original copy --

12 A. Yes.

13 Q. -- in your pile to your left, correct?

14 A. Yes, I do. Yes, I do.

15 Q. So, you reviewed that to prepare for
16 today's deposition?

17 A. I did review it, and I did include it
18 because I figured I would get this question.

19 Q. Why?

20 A. That's -- you -- one might think this was
21 my motive. Oh, I state it in my letter, you know,

1 that -- that -- that that might have been my motive
2 for --

3 Q. Well, right now I just want to establish
4 facts.

5 A. Yes.

6 Q. After Dr. McRaney was terminated by BCMD
7 as its executive director, you subsequently applied
8 to assume his position, correct?

9 A. Yes.

10 Q. When did you make that application?

11 A. I don't recall.

12 Q. Was it at some point in 2015, after June
13 8th?

14 A. Oh, yes.

15 Q. Okay.

16 A. Yes.

17 Q. What happened with your application to
18 succeed Dr. McRaney as executive director at BCMD?

19 A. Well, it came after, as you can read in
20 the document, a lot of pray and even a fleece that
21 I didn't think -- by fleece, I meant, God, if this

1 happens, I'll take that as a yes.

2 Q. I'm sorry, I wasn't clear. I don't want
3 to cut you off, but I don't -- we don't have a ton
4 time.

5 A. Okay. All right.

6 Q. I just meant did you get the job after
7 you applied for it?

8 A. Oh, no. No, no. I withdrew my
9 nomination in December after the Lord told me to
10 withdraw it.

11 Q. What did the Lord tell you about the
12 reason to withdraw it, or did the Lord not give you
13 a reason?

14 A. I asked, and what I got was, I told
15 Abraham to sacrifice Isaac, so I --

16 THE COURT REPORTER: Sacrifice, I'm
17 sorry?

18 MR. GANT: Sacrifice Isaac.

19 THE COURT REPORTER: Okay.

20 THE WITNESS: So, I took it as a
21 test --

1 BY MR. GANT:

2 Q. Meaning just do what I say?

3 A. -- a test -- a test of faith.

4 Q. To withdraw?

5 A. A test of faith to even submit. I really
6 didn't want to, and I really didn't want to go
7 through the process because I knew it would be a
8 lot of hours on the road. And my wife and I were
9 not going to move. It wasn't going to be good for
10 my marriage, blah, blah, blah.

11 Q. Okay. So, I want to make sure I
12 understand. You did put your -- your name in
13 for --

14 A. Yes.

15 Q. -- the position? Are you saying that you
16 withdrew from the candidacy prior to a decision
17 about whether to hire you?

18 A. Yes.

19 Q. So --

20 A. In December.

21 Q. Okay. Who is Tom Winborn?

1 A. He was a member of the Executive
2 Committee. He was a member of the Administrative
3 Committee. He's a pastor. He's now in Alabama.

4 Q. Do you know whether Kevin Ezell
5 communicated with him about Dr. McRaney at any
6 point in time?

7 A. I do not know.

8 (Whereupon, Warren Deposition Exhibit No.
9 35, Documents Bates Numbered NAMB 6756 through NAMB
10 6758, marked for identification.)

11 BY MR. GANT:

12 Q. Exhibit 35 is Bates -- it's stamped NAMB
13 6756 through 58. Again, in the interest of time,
14 I'm going to just ask you some discrete questions.

15 A. Sure.

16 Q. But it's your right to review what you
17 think you need to in order to respond.

18 Have you ever seen this before, either
19 the email or the attachment?

20 A. Hmm, not that I recall. It could be in a
21 stack, but I don't think I got through the entire

1 stack.

2 Q. And do you see the cover page is an email
3 from Kevin Ezell to thomas@welshbaptist.com --

4 A. Yes.

5 Q. -- dated February 24th, 2015?

6 A. Yes.

7 Q. Was that a place where Thomas Winborn
8 worked?

9 A. Yes.

10 Q. So, you don't have any reason to doubt
11 this is an email from Kevin Ezell to Thomas
12 Winborn?

13 A. I have no reason to doubt that.

14 Q. Do you know whether Kevin Ezell sent any
15 texts to Thomas Winborn about or related to
16 Dr. McRaney?

17 A. I have no idea.

18 Q. Do you know what Dr. Ezell told anyone
19 else in leadership at BCMD about Dr. Ezell other
20 than what was said in your presence?

21 MR. GUNDERSON: I believe you meant

1 Dr. McRaney.

2 MR. GANT: Yeah, sorry. Let me start
3 over.

4 BY MR. GANT:

5 Q. Do you know what Kevin Ezell said to
6 others in BCMD leadership about Dr. McRaney outside
7 of your presence?

8 A. No.

9 Q. So, if Dr. McRaney -- excuse me. If
10 Dr. Ezell had calls or texts or in-person
11 discussions or emails with others in BCMD
12 leadership that you weren't included in, you don't
13 know what he said?

14 A. Not unless they cc'd me on a -- on an
15 email.

16 Q. You can put 35 aside.

17 A. Not that I recall.

18 Q. Do you remember emailing Kevin Ezell and
19 asking him if he thought you would be called to
20 testify in this case?

21 A. I don't recall, but it wouldn't surprise

1 me.

2 Q. Why wouldn't it surprise you?

3 A. Why -- why would it not surprise me?

4 Q. Yes.

5 A. Curiosity.

6 (Whereupon, Warren Deposition Exhibit No.
7 36, Documents Bates Numbered NAMB 9061 through NAMB
8 9062, marked for identification.)

9 BY MR. GANT:

10 Q. You have been handed what's marked
11 Exhibit 36, which is Bates labeled NAMB 9061
12 through 62.

13 I'm just going to direct your attention
14 to the top of the first page, which is an email
15 from you to Kevin Ezell dated October 28th, 2020 in
16 which you wrote, Do you think I will be called to
17 testify? Do you see that?

18 A. Yes.

19 Q. Do you recall getting a response?

20 A. No, I don't recall. I don't know whether
21 I did or not.

1 Q. Why were you asking Kevin Ezell that
2 question?

3 A. Because I think at that time, I knew that
4 they were being sued.

5 Q. The lawsuit was filed in April of 2017,
6 so --

7 A. Okay.

8 Q. -- the lawsuit had been going on for
9 three and a half years at that point.

10 A. Yeah.

11 Q. Do you know why --

12 A. Why that particular moment?

13 Q. Yes.

14 A. No.

15 Q. Other than this email, have you had any
16 communication with Kevin Ezell about this case
17 since it was filed? And I just told you it was
18 filed in April of 2017.

19 A. I can't remember when it was. He called
20 me to see if I was still alive, because he would
21 get -- he was one of my prayer partners praying for

1 the poor and the persecuted we help in Pakistan and
2 he hadn't heard from me in a while. I said, Yeah,
3 I'm -- I'm still here. And I -- I -- in that
4 conversation, or maybe one subsequent, I said, You
5 know, I want to tell the truth, so I'm willing
6 to -- to tell the truth about what happened.

7 I did call him a couple of weeks ago,
8 left a voicemail to explain to him why originally I
9 went along with the BCMD's effort to quash the
10 subpoena to testify to -- to be deposed. I
11 explained to him that it really wasn't my desire
12 that I wanted to be deposed, but I wanted to tell
13 the truth. I wanted to set the record straight.

14 Q. You left all of that in a voicemail?

15 A. Yes, and I said, Call me or text me and
16 let me know you got the voicemail. He never did.
17 Now I know why. He wasn't supposed to.

18 Q. Why did you feel like you should or
19 wanted to leave that message, convey that message?

20 A. I didn't want him to get the impression
21 that I went along with BCMD's quashing because I

1 didn't want to be cooperative or tell the truth or
2 whatever after I had told him before, you know, I
3 will testify.

4 Q. I understand you're not a lawyer, but
5 just so you --

6 A. Right.

7 Q. -- understand, you also filed a Motion to
8 Quash the subpoena. You and BCMD are separate
9 entities. Do you dispute that?

10 A. They -- I did it through their office. I
11 did it through Agnor's office.

12 Q. Well, you have the same lawyer?

13 A. Right, we have the same lawyer. David,
14 right.

15 Q. You voluntarily made the decision to have
16 the same lawyer as BCMD, correct?

17 A. For sure. I wasn't going to pay for
18 them, --

19 Q. And --

20 A. -- and they know the case.

21 Q. So, BCMD wanted to move to quash and you

1 agreed to join that motion?

2 A. Reluctantly. After consultation with an
3 attorney in our church, reluctantly.

4 Q. Did you pray on it?

5 A. Yeah.

6 Q. Did God give you any guidance whether to
7 move to quash or not?

8 A. He told me to cooperate with them.

9 Q. With BCMD?

10 A. Yeah.

11 Q. Generally or just with respect to that?

12 A. With respect to this particular
13 issue --

14 Q. What about that --

15 A. -- which I'm glad -- excuse me?

16 Q. What -- I'm sorry, we're speaking over
17 each other.

18 A. Which I'm glad that I did cooperate with
19 them, because my hunch is that since the subpoena
20 wasn't quashed, I would probably be sitting here on
21 my own without legal counsel. I don't know. They

1 might have -- you know, I think there would have
2 been a conflict of interest there or something. I
3 think that's what I heard.

4 Q. I can't remember if I asked you this
5 earlier. Do you have a written engagement letter
6 with your attorney's firm for representation in
7 this case?

8 A. No.

9 Q. All right.

10 (Whereupon, Warren Deposition Exhibit No.
11 37, Documents Bates Numbered WM831 through WM832,
12 marked for identification.)

13 BY MR. GANT:

14 Q. I'm handing you what's been marked as
15 Exhibit 37, which is Bates labeled WM831 through
16 32. Have you ever seen this before?

17 MR. GUNDERSON: Thirty-seven?

18 MR. GANT: I'm sorry?

19 MR. GUNDERSON: Thirty-seven.

20 MR. GANT: Yes.

21 (Whereupon, there was a pause for

1 document examination.)

2 THE WITNESS: Yes, I have seen it.

3 BY MR. GANT:

4 Q. Do you have any reason to doubt this is a
5 true and accurate copy of an email from you to
6 Dr. McRaney dated December 5th, 2014?

7 A. No, I have no reason to doubt it is
8 accurate.

9 Q. And is the information that you -- you
10 included here accurate -- accurate as far
11 as -- strike that.

12 You pasted an email from -- at least part
13 of an email from Kevin Ezell into this email,
14 correct?

15 A. Yes, it looks like it.

16 Q. Okay. And so, Kevin Ezell told you that
17 the -- NAMB's three primary concerns or issues with
18 Will are the three that are listed here, correct?

19 A. Yes.

20 Q. You can put that aside.

21 Do you consider Clint Scott to be a liar?

1 A. No.

2 Q. Do you consider Clint Scott to be a man
3 of God?

4 A. Yes.

5 Q. Do you consider Steve Wolverton to be a
6 liar?

7 A. No.

8 Q. Do you consider Steve Wolverton to be a
9 man of God?

10 A. Yes.

11 Q. Are you -- have you read Steve
12 Wolverton's declaration in this case?

13 A. Is that his affidavit?

14 Q. I think it's called his declaration.
15 They're similar, but not the same.

16 A. I think I did.

17 (Whereupon, Warren Deposition Exhibit No.
18 38, Document Bates Numbered NAMB 7638, marked for
19 identification.)

20 BY MR. GANT:

21 Q. I'm handing you what's been marked as

1 Exhibit 38, which is Bates labeled NAMB 7638. Have
2 you ever seen this before?

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

4 Q. My last question about it is going to be
5 did you review it to prepare for today's
6 deposition?

7 A. No.

8 Q. Okay. You can put that aside, please.

9 (Whereupon, Warren Deposition Exhibit No.
10 39, Documents Bates Numbered BCMD_0095 through
11 BCMD_0096, marked for identification.)

12 BY MR. GANT:

13 Q. I'm handing you what's been marked as
14 Exhibit 39, which is Bates labeled BCMD_0095
15 through 96. Have you ever seen this before?

16 A. I don't know. It's not ringing a bell,
17 but I don't recall.

18 Q. Did you consider recommending that
19 severance payments being made to Dr. McRaney under
20 the Separation Agreement be terminated?

21 A. I don't think I did, no.

1 Q. You don't remember -- do you remember
2 anyone suggesting that?

3 A. Oh, I think some people wanted to because
4 they felt like he violated our agreement.

5 Q. You didn't hold that view?

6 A. It didn't matter to me.

7 Q. Do you --

8 A. I wanted to do the best we could for him
9 and his family, so it didn't matter to me if he
10 didn't -- if he violated the agreement by whatever.
11 It didn't -- it didn't matter to me.

12 Q. Do you remember Mark Dooley sharing with
13 you an email from Harold Phillips imploring that
14 the severance payments not be terminated?

15 A. From Mark to Harold urging that they not
16 be? I don't recall that.

17 Q. Okay. That's at Warren 28 in Exhibit 24
18 just for the record.

19 A. Okay.

20 MR. GANT: All right. Let's take a quick
21 break. I probably have five minutes or less left,

1 and then I'll turn it back to Mr. Martens and see
2 if he has anything.

3 THE VIDEOGRAPHER: We're going off the
4 record. The time is 6:27 p.m.

5 (Recess taken -- 6:27 p.m.)

6 (After recess -- 6:30 p.m.)

7 THE VIDEOGRAPHER: We are back on the
8 record. The time is 6:30 p.m.

9 BY MR. GANT:

10 Q. Mr. Martens has asked you some questions
11 about these minutes earlier. Do you remember
12 observing based on reviewing the document that
13 Thomas Winborn acted as recording secretary?

14 A. Yes.

15 Q. And we looked at an exhibit a few minutes
16 ago where Kevin Ezell sent some -- an email, a
17 document to Thomas Winborn, do you remember that?

18 A. Yes.

19 Q. Were you aware that Kevin Ezell had been
20 communicating with Thomas Winborn before he served
21 as the minute-taker for this meeting?

1 A. I don't think so.

2 Q. Was Dr. McRaney sent a draft of the
3 minutes to review for accuracy before they became
4 final?

5 A. I don't know.

6 Q. Earlier you agreed to give truthful and
7 complete answers to my questions. I think I know
8 the answer, but --

9 A. Yes.

10 Q. -- have you done so?

11 A. Yes, I have. I have -- I have a higher
12 power that I answer to, but yes.

13 MR. GANT: All right. I think
14 Mr. Martens will have a few follow-up questions. I
15 may have questions after he goes. That's how this
16 works.

17 THE WITNESS: That's fine.

18 MR. GANT: But for the moment, I
19 appreciate your time.

20 THE WITNESS: Thank you for your time.

21 MR. MARTENS: Just a few things.

1 THE WITNESS: No problem.

2 REEXAMINATION

3 BY MR. MARTENS:

4 Q. Are you familiar with the term orthodoxy?

5 A. Yes.

6 Q. Are you familiar with the term

7 orthopraxy?

8 A. Yes.

9 Q. What is -- strike that.

10 Is orthodoxy fairly defined as right
11 belief?

12 A. Yes.

13 MR. GANT: Sorry. You still have to give
14 me a chance --

15 THE WITNESS: Oh, I'm sorry. Okay.
16 We're back to that.

17 MR. GANT: -- even though we're in a
18 different phase.

19 THE WITNESS: I didn't mean it in a
20 negative -- a critical way. I've just got to shift
21 gears here. You have objections, so okay. Go

1 ahead, object.

2 MR. GANT: Objection. Foundation. Go
3 ahead.

4 THE WITNESS: Okay.

5 BY MR. MARTENS:

6 Q. Does orthopraxy mean right practice or
7 conduct?

8 MR. GANT: Objection. Vague, foundation.

9 THE WITNESS: Yes.

10 BY MR. MARTENS:

11 Q. Did you expect an executive director of
12 the BCMD to be both orthodox in belief and orthodox
13 in practice?

14 MR. GANT: Objection. Vague, foundation,
15 compound.

16 THE WITNESS: Yes.

17 BY MR. MARTENS:

18 Q. Does orthopraxy include a humble spirit?

19 MR. GANT: Same objections.

20 THE WITNESS: Absolutely.

21 BY MR. MARTENS:

1 Q. Does orthopraxy include a Christ-like
2 Christ likeness?

3 MR. GANT: Same objections.

4 THE WITNESS: Absolutely.

5 BY MR. MARTENS:

6 Q. I want to show you Exhibit 31.

7 A. So, we're going back to something you've
8 already given me?

9 Q. And while I'm going back, let me just ask
10 you one more question on that last line.

11 Which is more important, orthodoxy or
12 orthopraxy?

13 MR. GANT: Objection. Vague, foundation,
14 calls for speculation, incomplete hypothetical.

15 THE WITNESS: I think it's orthopraxy.

16 BY MR. MARTENS:

17 Q. Orthopraxy?

18 A. Orthopraxy.

19 Q. Why?

20 MR. GANT: Same objections.

21 THE WITNESS: In the end, obedience is

1 how God defines love. In the end, orthopraxy is
2 obedience. That's what matters most to God in my
3 opinion rather than whether you believed everything
4 correctly.

5 Jesus said to love me and still obey me,
6 basically. They're both important, but orthopraxy
7 if I had to choose one.

8 BY MR. MARTENS:

9 Q. Let's go back to Exhibit 31.

10 A. Okay.

11 Q. We looked at the memo earlier. Do you
12 see the date on it is June 8th, 2015?

13 A. Yes.

14 Q. Is that the right date?

15 MR. GANT: Objection. Vague, foundation,
16 leading, calls for speculation.

17 (Whereupon, there was a pause for
18 document examination.)

19 THE WITNESS: It can't be.

20 BY MR. MARTENS:

21 Q. Why not?

1 A. Because it references an email sent by
2 Steve Wolverton on September 8th in an effort to
3 reinstate Will McRaney. It's dated June the 8th,
4 2015. That means the email would have to have been
5 sent out before we even had our meeting to
6 terminate. That cannot be a correct date in my
7 view.

8 Q. Okay.

9 A. I don't know what the right date is, but
10 it's sometime after September 8th.

11 Q. Okay. Let's look at Exhibit 24, which is
12 a stack of documents from your production.

13 MR. GUNDERSON: I think you passed it. I
14 think it's --

15 THE WITNESS: Thank you.

16 MR. GUNDERSON: Here it is.

17 THE WITNESS: Okay.

18 BY MR. MARTENS:

19 Q. If you can go to page 43 of Exhibit 24.
20 Do you see the first email at the top of the page
21 is from you dated June 14th, 2016 at 9:12 p.m.?

1 A. Yes.

2 Q. And the first two sentences reads, Steve
3 is right that I was convinced that we would lose
4 staff and NAMB funds if Will stayed in his
5 position. He is wrong to believe such -- that such
6 a concern was a major factor in the firing of Will.
7 Do you see that?

8 A. Yes, I do.

9 Q. In the second sentence when you referred
10 to such a concern, which concern were you referring
11 to?

12 A. The concern that we would lose staff and
13 NAMB funds.

14 Q. So, did you -- was the concern about
15 losing staff not part of the decision-making in
16 terminating Will?

17 A. Two different -- they are two different
18 factors, two different agents in the losing.

19 This references losing staff because of
20 funds. The other was losing staff because they
21 resigned.

1 Q. Was losing staff because they resigned a
2 major factor in the decision to terminate
3 Mr. McRaney -- Dr. McRaney?

4 A. In my decision to vote, yes, absolutely.
5 It was, again, the tipping point.

6 It's one thing to lose one or two staff
7 because you don't have the money. It's not a thing
8 to have five of the six top staff leave because
9 they can't stay. They don't want to stay.

10 Q. You were asked about Exhibit 23 and some
11 statements that you made to the effect that
12 Mr. -- Dr. McRaney was a man of great vision and
13 courage. He was not afraid to tackle hard issues.
14 He's a man of truth and lives the Great Commission.
15 Do you remember being asked about that?

16 A. Yes, I do. Do you want me to find the
17 document or just --

18 Q. Sure, if you want to.

19 A. -- or just wing it?

20 Q. Exhibit 23.

21 A. Or just wing it?

1 Q. No, let's not wing it.

2 A. Okay.

3 Q. We have done a good job thus far.

4 A. All right. My next deposition I'll keep
5 these in order. Okay.

6 Q. Go to the last page of Exhibit 23, the
7 next to the last page bearing the Bates number
8 ending in 6703.

9 A. Okay. Okay.

10 Q. Do you remember being asked about
11 statements you made to the effect that Dr. McRaney
12 was a man of great vision and courage, not afraid
13 to tackle hard issues, a man of truth and lives the
14 Great Commission?

15 A. I do remember being asked about that.

16 Q. When did you make those statements?

17 A. Well, it appears that it was in December
18 of 2014, and this is from Baptist Life December
19 17th, 2014. So, sometime before that. My guess is
20 it's probably Monday, the 15th or Tuesday, the
21 16th.

1 Q. Of December of 2014?

2 A. That would be my guess, but it might have
3 been the week before that. We would have to look
4 in the records to see when the GMB met --

5 MR. MARTENS: I don't have any further
6 questions.

7 THE WITNESS: -- in December.

8 MR. GANT: Just a couple of quick
9 follow-ups on this.

10 THE WITNESS: Sure.

11 REEXAMINATION

12 BY MR. GANT:

13 Q. The paragraph that Mr. Martens was just
14 directing you to, I think there were five elements.
15 You characterized Dr. McRaney as, one, a man of
16 great vision; two, of courage; three, not afraid to
17 tackle hard issues; four, a man of truth; five,
18 living the Great Commission.

19 I'm just trying to establish a baseline.
20 So, do you agree there are five --

21 A. Yes.

1 Q. -- statements there by you about
2 Dr. McRaney?

3 A. Yes.

4 Q. Okay. And as Mr. Martens asked you, you
5 made those statements in December 2014, correct?

6 A. Yes.

7 Q. Sitting here today, do you take back any
8 of those?

9 A. No.

10 Q. Did any of the questions that Mr. Martens
11 has just asked you, were the answers that you gave
12 to them lead you to conclude that any of your
13 answers to my questions were in any way inaccurate
14 or incomplete?

15 A. Well, we were wrong about the date.
16 That's pretty clear.

17 Q. I -- I didn't ask you about the date, and
18 Mr. Martens has made a good point which, by the
19 way, I had not noticed. I was not trying to trick
20 you.

21 A. I know, but you --

1 Q. So, I -- I actually agree that does
2 appear to be the wrong -- the wrong date. So,
3 kudos to Mr. Martens for catching that.

4 So, other than that, and I don't think
5 you testified about the date. So, I don't think
6 that would be -- but putting that aside --

7 A. No, I didn't, but you made a point that
8 it was the day after --

9 Q. Yes, you're -- yes, that's --

10 A. -- the firing.

11 Q. -- fair enough. Okay. So, let's put
12 that question and answer about that document, which
13 I think was Exhibit 31, to the side.

14 Other than the revelation about that
15 missed date, did any of the questions that
16 Mr. Martens just asked you during cross-examination
17 or your answers to them lead you to conclude that
18 your answers to my questions were in any way
19 inaccurate or incomplete?

20 A. I'd have to hear the questions again.

21 Q. Okay. You're not sure?

1 A. I'd have to hear the questions again.

2 Q. All right.

3 A. I doubt it, but I'd have to hear the
4 questions again. We've been here since 10:30, so
5 I -- I don't want to speculate --

6 Q. We'll be here until 10:30 at night if you
7 actually hear the questions again, so that's not a
8 good idea.

9 So, let me ask it this way: Sitting here
10 now, other than the date in Exhibit 31, can you
11 think of any answers to my questions that you gave
12 that you now believe were inaccurate or incomplete?

13 A. That's a long time and a lot of
14 questions.

15 Q. I'm just asking if sitting here you have
16 an awareness or a belief that any of them are
17 wrong? Anything you want to recant, change?
18 That's what I'm giving you an opportunity to do. I
19 understand you probably don't -- you do not
20 remember all of the questions and the answers. I
21 want to know what's in your head now.

1 A. When I answered your questions, I spoke
2 the truth, so I stand by that.

3 Q. All right. And, again --

4 A. My answers were the truth.

5 MR. GANT: And I thank you for your time,
6 and if Mr. Martens has nothing further, I don't
7 either, and --

8 MR. MARTENS: Thank you for coming in.

9 THE WITNESS: Thank you.

10 MR. VITTOR: Thanks, Dr. Warren.

11 THE VIDEOGRAPHER: This marks the end of
12 the deposition. We're going off the record. The
13 time is 6:44 p.m.

14 (Whereupon, the deposition of William
15 Warren, Ph.D. was concluded at 6:44 p.m., and the
16 reading and signing of the transcript was not
17 waived.)

18

19

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21

McRaney v. NAMB

WILLIAM WARREN, Ph.D.

ACKNOWLEDGMENT OF DEPONENT

I, WILLIAM WARREN, Ph.D., do hereby
certify that I have read the foregoing pages and
that the same is a correct transcription of the
answers given by me to the questions therein
propounded, except for the corrections or changes
in form or substance, if any, noted in the attached
errata sheet.

DATE

SIGNATURE

Subscribed and sworn to before me this
___ day of _____, 2023.

My Commission Expires: April 29, 2024

Notary Public

1 State of Maryland

2 County of Baltimore, to wit:

3 I, Michele D. Lambie, a Notary Public of
4 the State of Maryland, County of Baltimore, do
5 hereby certify that the within-named witness
6 personally appeared before me at the time and place
7 herein set out, and after having been duly sworn by
8 me, according to law, was examined by counsel.

9 I further certify that the examination
10 was recorded stenographically by me and this
11 transcript is a true record of the proceedings.

12 I further certify that I am not of
13 counsel to any of the parties, nor related to any
14 of the parties, nor in any way interested in the
15 outcome of this action.

16 As witness my hand and notarial seal this
17 9th day of May 2023.

18

19

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21



Reported By: Michele D. Lambie, CSR-RPR

Eric W. Gunderson, Esq.

egunderson@darslaw.com

May 9, 2023

RE: WILL MCRANEY vs. THE NORTH AMERICAN MISSION BOARD OF THE
SOUTHERN BAPTIST CONVENTION, INC.

May 4, 2023, William Warren, Ph.D. (JOB NO. 5851132)

The above-referenced transcript has been
completed by Veritext Legal Solutions and
review of the transcript is being handled as follows:

___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext
to schedule a time to review the original transcript at
a Veritext office.

___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF
Transcript - The witness should review the transcript and
make any necessary corrections on the errata pages included
below, notating the page and line number of the corrections.
The witness should then sign and date the errata and penalty
of perjury pages and return the completed pages to all
appearing counsel within the period of time determined at
the deposition or provided by the Code of Civil Procedure.

___ Waiving the CA Code of Civil Procedure per Stipulation of
Counsel - Original transcript to be released for signature
as determined at the deposition.

___ Signature Waived - Reading & Signature was waived at the
time of the deposition.

Page 392

1 _X_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.

9 ___ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

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1 WILL MCRANEY vs. THE NORTH AMERICAN MISSION BOARD OF THE
2 SOUTHERN BAPTIST CONVENTION, INC.

3 William Warren, Ph.D. (JOB NO. 5851132)

4 E R R A T A S H E E T

5 PAGE_____ LINE_____ CHANGE_____

6 REASON_____

7 PAGE_____ LINE_____ CHANGE_____

8 REASON_____

9 PAGE_____ LINE_____ CHANGE_____

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12 REASON_____

13 PAGE_____ LINE_____ CHANGE_____

14 REASON_____

15 PAGE_____ LINE_____ CHANGE_____

16 REASON_____

17 _____

18 WITNESS Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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EXHIBIT 4

January 14, 2015

Kevin Ezell, President
North American Mission Board
4200 North Point Parkway
Alpharetta, Georgia 30022

Regrettably, we received your notice of the pending termination of the Cooperative Agreement with the Mid-Atlantic Baptist Network. We find this action most unfortunate in light of the trust placed in our organizations to help churches advance the mission of Christ and the historic partnership of the SBC national missions agency with our state convention.

After careful and thorough exploration of your claims against our Executive Director in regards to the Cooperative Agreement, we are confident that our Executive Director and our Network have not breached the agreement. Additionally, after reviewing multiple communications with the President of the North American Mission Board, we find that our Executive Director initiated clarification and unity of mission by making multiple requests to meet with you personally. Upon your refusal, he provided multiple documented responses in order to provide you with information regarding related matters.

We also find your personal claims and false accusations against our Executive Director to be unfounded and highly inflammatory. We find in review of the actions and documents, the Executive Director acted in keeping with our Cooperative Agreement in both the technical stipulations, as written, and in the spirit of the partnership. To the best of our knowledge, we abided by the letter of the agreement and the spirit behind it.

In summary, we regret your ongoing decisions to dismantle and terminate the long-standing, historical commitment of cooperation and partnership with our region's Network of churches, associations and state convention.

FORWARD:

We know the Baptist way has always required a mutual interdependence grounded in mutual respect, spurring one another on toward love and good deeds. Losing this long-standing Baptist-way partnership, as assigned and entrusted to us by Southern Baptists worldwide, would be most unfortunate.

To that end, we would welcome an opportunity to engage with Steve Davis as he transitions to our region. We hope he will take the time to receive our honest feedback, hear our concerns and work with us toward crafting a new, less entangled agreement. We believe constructing a new agreement around a grant-based framework would be in good order. The new agreement for

advancing our collective SBC mission could recognize both our non-Southern mission field context and the value of current financial agreements. It could also be constructed to recognize the unique roles, values, strategies, objectives, and priorities of both the North American Mission Board and the Mid-Atlantic Baptist Network and let each entity engage in their work with greater clarity and simplicity.

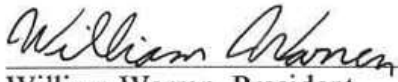
The Mid-Atlantic Baptist Network remains open to a continuing future partnership with the North American Mission Board, provided that it honors and protects the historic Baptist notions of autonomy and mutual respect. We are interested in making efforts to simplify our partnership and position the future for greater success as we together seek to eliminate lostness and advance God's Kingdom in this vital region. Ultimately, we want to find ways forward that advances our organizations' common mission, honors God, and adequately meets the needs of those who pour their lives into our local communities.

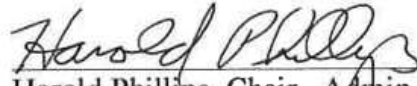
We remain hopeful for constructive discussions that will lead to the crafting of a mutually beneficial cooperative agreement. We look forward to hearing from you soon.

Sincerely,


Will McRaney, Exec. Missional Strategist


Mark Dooley, GMB President


William Warren, President


Harold Phillips, Chair., Admin. Comm.

CC:

Chuck Herring, Chairman of Trustees
First Baptist Collierville
830 New Byhalia Rd.
Collierville, TN 38017

Mark Dyer, 1st Vice Chair of Trustees
Niels Esperson Building
808 Travis 20th Floor
Houston, TX 77002

Spike Hogan, 2nd VP Chair of Trustees
Chets Creek Church
4420 Hodges Blvd.
Jacksonville, FL 32224

EXHIBIT 5

From: Christopherson, Jeff <jchristopherson@namb.net>
Sent: 2/3/2015 7:13:42 PM
To: Davis, Steve
Subject: BCMD
Attachments: [BCMD_Documentation.docx](#), [ATT00001.htm](#)

Documenting Issues of Partnership Pertaining to Dr. Will McCraney

The following two points related to partnership, although not exhaustive, serve to illustrate the deep divide that has grown in NAMB's partnership with the BCMD. Although many other issues could be cited to illustrate the quick degeneration of this partnership (comments made in public addresses, complete lack of cooperation with NAMB's local initiatives, disregard for NAMB staff), these two well-documented points clearly speak to the breakdown.

1. Failure to follow a Partnership Process in Hiring Jointly Funded Missionaries.

On June 25th, 2014 at 11:30 am, on a phone conversation, Dr. McCraney informed Jeff Christopherson that he had offered Joel Rainey the position of SDOE for BCMD. It was obvious from this discussion that Dr. McCraney had approached Joel, and many transitional details had already been discussed and worked out. Although Jeff had no objections to this personnel selection, he did speak at great length to the problems inherent in Dr. McCraney's process. Since this was to be a jointly funded position, both parties need to be in agreement before candidates are approached. Dr. McCraney apologized and said that this misunderstanding was due to the learning curve in his new position.

On November 13, 2014, a few days after David Jackson's resignation became public, Dr. McCraney emailed Jeff Christopherson informing him of his intent to hire Michael Crawford as SDOM, *"I am pleased to inform you and our Administrative Committee chairman that Michael Crawford has agreed to assume the SDOM position pending approvals."*

Jeff immediately responded to Dr. McCraney reiterating once again the process established for partnership, *"Before jobs are offered to specific people, since this is a joint partnership, I would very much like to have input in the field of possible choices. Once we gain agreement on a candidate to proceed forward with, then we will run him through an assessment process to get a better picture of strengths and weaknesses. If both of us agree that this is the leader that we want, then I will bring him forward to the trustees of namb, and you to your admin committee."*

On November 15, 2014, Dr. McCraney communicated with Dr. Ezell via email that not only had the position been offered and accepted, but that the offer and acceptance was widely broadcasted within his convention. *"[P]astor/planter Michael Crawford has agreed to accept the position pending approval ... We have just begun conversation with our board leaders, Convention President and a leader among our African American pastors, but we are excited on this end..."*

On November 17, 2014, Jeff Christopherson spoke with Dr. McCraney on the telephone, reiterating the jointly funded hiring process and the reasons for that process. Dr. McCraney did not agree that he violated that process since all decisions were subject to NAMB's approvals. Much effort was given to help Dr. McCraney understand and appreciate the damage that is done when process is not followed. Dr. McCraney persistently maintained that he operated within

On December 9, 2014, Jeff Christopherson spoke with the President of BCMD, Rev. Bill Warren. Jeff's goal was to help Rev. Warren see a different side to the issues that had been framed. During the section of the conversation related to the hiring of Michael Crawford, Bill Warren shared that while this hiring was being discussed during a BCMD meeting, that he himself publically suggested that the BCMD approach NAMB before offering this position to Michael Crawford. Rev. Warren further confessed that Dr. McCraney had no interest in taking that step.

These failures of partnership speak to a fundamental breakdown of mutual cooperation and respect and provide little incentive for further engagement.

2. Disregard for National Agreements.

It had come to Jeff Christopherson's attention that the BCMD was making a requirement on all NAMB/BCMD funded planters that they give a percentage to their association. On August 25, 2014, Jeff wrote a letter to Dr. McCraney outlining three major concerns – this being one. *"Required associational giving by church planters. Several planters have sent me a copy of your updated church planter's covenant which seems to require a 3% allocation to their association. Our agreement with the 42 conventions is 6% to CP and 4% to SBC causes as determined by the planter/sending church. If an association contributed to a planter's package and requires a percentage for the acceptance of that contribution - then the planter/sending church can make that determination."*

On September 10, 2014, Jeff spoke with Dr. McCraney at length on these issues. Call notes document a lengthy conversation of 2 hrs. 42 mins. Dr. McCraney agreed to remove this condition from the BCMD Church Planter's Covenant.

On October 30, 2014, Jeff Christopherson met with all of the SDOMs and Executive Directors of Canada and the Northeast. On the agenda of that meeting was a reminder to the agreement that all 42 conventions made regarding the expectations of NAMB funded church planters. In Dr. McCraney's presence, we once again went over this statement and had a lengthy conversation about its application.

Beginning November 21, 2014, Jeff Christopherson began fielding phone calls from BCMD church planters that Dr. David Jackson issued a new requirement that all funded church planters were required to give an additional 2% of their undesignated giving to BCMD's newly established "Go Forward" fund. Jeff called Dr. Jackson to inquire about this, and David confirmed this new obligation, stating that it was a directive of Dr. McCraney.

This established pattern of unilateral decision-making serves to undermine both the hard work of consensus gained by 42 conventions, and our confidence that Dr. McCraney desires to work within the confines of mutual partnership.

EXHIBIT 6

From: Christopherson, Jeff
Sent: Friday, November 14, 2014 10:12 AM
To: Mr Will McRaney
Cc: Tom Stolle; Marsico, Kevin
Subject: Re: SDOM change & process

Will,

Thanks for your email - trust that things went well at your annual meeting - they're a lot of work to pull off!

I have been in the loop with David's transition, I know that your convention will miss his leadership. He's a rare guy with a tremendous church planting background.

With regard to replacing this vacancy, this is indeed something that is of the highest priority to NAMB. Our strategy requires a high capacity and proven church planting leader at this post - otherwise this position becomes a choke point in a joint system that has been working better and better each year. In the last four years, when vacancies happen in the SDOM slot, we have been finding leaders in consultation/partnership with the EDs, that are of the highest caliber. Our mutual friend, Hal Haller, is a great example of that. I really believe that we have been raising the caliber of leader significantly over the past years.

So, before jobs are offered to specific people, since this is a joint partnership, I would very much like to have input in the field of possible choices. Once we gain agreement on a candidate to proceed forward with, then we will run him through an assessment process to get a better picture of strengths and weaknesses. If both of us agree that this is the leader that we want, then I will bring him forward to the trustees of namb, and you to your admin committee.

Does that make sense to you?

Lets begin to brainstorm through our networks for possible leaders - Michael being one of them. Heard many great things about him.

Thanks brother,

Jeff

Jeff Christopherson
Vice-President, Canada, Northeast US
North American Mission Board
Agence Missionnaire Nord-Américaine
jchristopherson@namb.net
mobile: [REDACTED]



[Twitter](#) [Facebook](#)

On Nov 13, 2014, at 5:07 PM, Will McRaney <mcraney@aol.com> wrote:

Jeff,

I trust this finds you doing well. Just wanted to provide a couple of updates related to the SDOM position and get information from you as to next steps.

First, we appreciate and will miss David's faithful leadership here in the region for over a decade to advance God's kingdom here in the region. We also rejoice with and support David's decision to follow God's call to his new assignment in New England. We look forward to continued relationship and learning from his ministry in the NE.

Second, I am pleased to inform you and our Administrative Committee chairman that Michael Crawford has agreed to assume the SDOM position pending approvals. I have begun the process on our end and will be seeking the Administrative Committee's affirmation of my decision regarding Michael in keeping with our policy. We appreciate NAMB's partnership with this position and want to begin the NAMB process in good order

and quickly as well as to support the current and future work here. I would appreciate your advising me on the next steps as this is my first experience with this position.

Michael is a man of deep faith and high character, a strong leader with a solid reputation, an experienced and fruitful planter, passionate about seeing people come to faith in Christ, and deeply concerned about effectively assisting other leaders. He is positioned to have significant impact on the great diversity, lostness, and need for leaders in our Mid-Atlantic region.

Many blessings!

Will

Will McRaney, PhD

Exec. Missional Strategist

Mid-Atlantic Baptist Network / BCMD

410-290-5290 ext. 202

EXHIBIT 7

From: Christopherson, Jeff
Sent: Monday, August 25, 2014 11:50 AM
To: Will McRaney
Subject: areas of concern

Brother Will,

I hope things are well with you and that you've been able to find some time to enjoy this uncommonly cool summer. Laura and I have had a wonderful week away - loved it.

Will, there are three issues that we need to talk through in order to build a smooth working relationship over the days ahead. I will outline the issues that have come to my attention and that we will want to address in order to preserve the integrity of our working relationship. Two of these stem from understandings that predate your arrival as Exec, and therefore are understandable as to why you might have been unaware. In all of these we will need to come to some kind of resolution in order to proceed in some of the pending decisions that we are working together in.

1. Required associational giving by church planters. Several planters have sent me a copy of your updated church planter's covenant which seems to require a 3% allocation to their association. Our agreement with the 42 conventions is 6% to CP and 4% to SBC causes as determined by the planter/sending church. If an association contributed to a planter's package and requires a percentage for the acceptance of that contribution - then the planter/sending church can make that determination. A general associational giving requirement is not something we can partner in - any association that has made this universal requirement, we have not partnered with in funding planters. We in good conscience cannot universally require planters to contribute to systems which may or may not offer any value to them. If an association does offer value, the gravity of that value should elicit financial involvement.

2. Budgetary Shortfall. As we have been working together to develop a synergistic budget, we seem to be hitting the same issue - BCMD has prioritized internal CP resources in a way that doesn't accommodate the church planting reality that is currently happening within your convention - let alone planning for growth. For the past two years, the BCMD has depleted its CPFund and has petitioned NAMB for 100% dollars to be added to their budget. Our budget proposal offered an increase in the CPFund to accommodate that current reality, but it seems that the internally allocated dollars are not

currently available to fulfill a joint partnership. We do not wish to by any means to slow down the church planting momentum that has been continually increasing through our partnership over the past many years. We will need to come up with some resolution that both accommodates your specific priorities as Exec, and our mutual priorities of fulfilling the Great Commission through the increased planting of evangelistically effective new churches.

3. Church Planting Catalyst's work allocation. As we look together at your request of new jointly-funded CPCs (100% of their job description is that of a Church Planting Catalyst - no associational requirements) replacing the vacant associational positions, I want to be sure that we both are working off of the same understanding. The Church Planting Catalyst job description was originally developed by Execs and SDOMs within the Northeast and Canada to describe the activity of CPCs. We understood that some associations who financially contributed to their package would have additional requirements, but no Convention would add additional convention requirements or assignments. The conventions financial contribution within the jointly funded budget was their participation in the strategic evangelization of their territory. The Convention's responsibility (usually through the SDOM) was to ensure the exclusive focus of CPCs activities against the mutually agreed upon job description. Comments have been shared with me that lead me to believe that you may be thinking of giving matrix responsibilities with other convention priorities to these Catalysts to occupy BCMD's percentage of their funding. This dual-role functionality would not be aligned with the spirit with which we agree to jointly fund a missionary.

So Will, if you and I could arrange a conversation to work through these three issues as soon as possible, that would be really helpful.

Thanks for all that you do for the Kingdom,



Jeff Christopherson
Vice-President, Canada, Northeast US
North American Mission Board
Agence Missionnaire Nord-Américaine
jchristopherson@namb.net
mobile: [REDACTED]



[Twitter](#) [Facebook](#)

EXHIBIT 8

From: Christopherson, Jeff
Sent: Tuesday, November 18, 2014 4:12 PM
To: Mr Will McRaney;Tom Stolle
Cc: Ezell, Kevin;Ferrer, Carlos
Subject: Meeting near BWI

Brother Will,

In light of our conversation yesterday, and the need to shift in our relationship, Kevin Ezell, Carlos Ferrer and I would like to fly to BWI and meet with you, Tom, your president Bill Warren, the officers of admin committee and general missions board.

If you could accommodate a meeting on Tuesday, Dec 2nd maybe later morning. We will leave a meeting a bit early in Alpharetta, and meet with you and your leaders. We hope it to be a mutually profitable and beneficial time together in order to better walk together as two collaborating entities.

Thanks for your help in this.

Gratefully,



Jeff Christopherson
Vice-President, Canada, Northeast US
North American Mission Board
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[Twitter](#) [Facebook](#)

EXHIBIT 9

From: Ezell, Kevin
Sent: Thursday, November 20, 2014 10:06 PM
To: Will McRaney
Cc: Christopherson, Jeff; Ferrer, Carlos
Subject: RE: Perspectives & Request

Will,

Thanks for your note, but this is extremely serious. Trust me, we don't threaten. I disagree with your assumption that there has been no dialogue. Our team has spent more time talking with you than any other Executive Director.

In regard to unasked questions and that you have no idea why we would want to talk to your officers. Let me recap the 'asked' questions which seems to continually be disregarded.

1. Local Disregard for NAMB staff. You have not yet returned a phone call from Kevin Marsico. Kevin and Ron Larson are very careful of their speech, but our understanding is that you openly speak against both leaders. Jeff has confronted you on this on two separate occasions.
2. Disregarding NAMB's processes. After Jeff corrected you from hiring your SDOE without any consultation with him, you did the very same thing with the SDOM vacancy. I realize you seem to see no problem with these actions, perhaps viewed as just a minor administrative mis-step. Forty-one other state partners of ours understand it and have abided by that agreement.
3. Adding Percentages Fees to Planters. This summer Jeff spent at least an hour on the phone with you In regards to removing the associational % requirement off of his Church Planters Covenant. He repeated this again in the October Executive Director meeting in NY. This week we learned that you have added a 2% giving requirement from planters to your "Go Forward" fund.

These with a myriad of other minor issues, which have been confronted, are not "unasked questions" - they are patterns of poor partnership.

I really do wish you the best, but we do not have time for such a high maintenance relationship. I feel it is time to consider other options and would prefer to do that with leaders from your convention present.

We would like to meet with you, your president and executive board officers or chairman.

I'm out of town all weekend at a pastor friends funeral. Feel free to contact Jeff in regards to Setting up the meeting or next steps.

Thanks Will, we really do want to be good partners, we just have a long way to go.

Kevin

-----Original Message-----

From: Will McRaney [mailto:wmcraney@bcmcmd.org]
Sent: Thursday, November 20, 2014 5:25 PM
To: Ezell, Kevin

Subject: Perspectives & Request

Kevin,

When I heard from leaders in two different meetings that I supposedly had a problem with you or that NAMB was threatening to defund the BCMD, I reached out, as I knew these were false. I would expect the same from you should matters of concern or questions regarding my part in our collective work be brought to your attention. I want to offer again to get together with just us to help us dispel the vast majority of misperceptions and rumors. Based on what you evidently are hearing which may or may not be accurate, you probably don't trust me enough to take this step, but before we involve trustees and board members from both NAMB and our Network, I am extending the offer again to do the Biblical thing and talk together first and deal with facts and realities, not rely on second, third, and fourth hand information. If it matters to you, I am willing to meet with the strictest of confidentiality. At this point I am exerting major time and energy over a bunch of stuff that in the end, almost matters nothing and you may feel the same way. In some ways our Network is a small fish in NAMB's big pond. Our work together should be multiplying our effectiveness, not draining limited energies and resources from it.

My guess is that on 90%+ of the matters we agree. I don't have a single thing against you on a personal level or animosity toward you and you have every right to lead NAMB in the manner you deem best. I expect that from you and I assume you expect the same from me. We have some phenomenal opportunities and big challenges before us in our collective work to reduce the spiritual and personal darkness in this region. To have about twice as many planters start churches this year, without twice as many assessors, trainers, coaches, planting strategists, or money is not an easy task, but a good challenge that will demand our best. We have some new systemic challenges on who is doing what and how that is negatively impacting churches. This network of Baptist churches have historically been strong in church planting to reach the peoples of the world God is bringing to the region, and I am not in support of any effort that would involve the Mid-Atlantic Baptist Network from abrogating its privilege and responsibility to birth and support new churches in this region as it has done since the early 1800s.

In the midst of the decay of many cooperative aspects of SBC life and entities, I am seeking help preserve the best of our mission and our cooperative efforts as SBC, because I believe if we fail to connect on the local level, eventually, everything good about the SBC and our capacity to impact NA and the world will suffer. I am seeking to strengthen the Kingdom impact of our Network by strengthening the mission advance of existing churches and starting new churches and helping them to become strong in their mission impact as well. I am seeking to do this not without assistance from you and NAMB, but seeking to reduce the dependency on others as we seek to carry our own load for this region and beyond. I am not seeking to be independent, but help the local level through our Network work together as every pressure in society, economics and our great diversity (a good thing) is working against us.

I stand ready to clarify, correct or explain whatever I become aware of, but I cannot continue to wrestle against unknown accusations or address unasked questions. You don't know me well, but I really am not that complicated. I am a highly Biblically principled and strategic thinker who fears God more than man and seeks to maximize His Kingdom as He grows me in the process. I would ask you to consider, I did not get to be a 33 year old full-time evangelism and church planting professor at NOBTS by being the smartest guy in a room or by being reckless in word or deed, and certainly not because I was perfect. However, I was offered the position because Dr. Kelley had seen my life and work and I was creative and missional in ministry and my thinking about how to prepare others for ministry. All my mentors have

been planting people, so my default is to process in this manner but out of an appreciation for the whole and from a fairly widely researched perspective. I am deeply passionate about stewarding the planters and their families well as a matter of trust from God with our work, as well as challenge and encourage leaders and churches that were previously started toward greater Kingdom impact. From my seat, I have to think with a wide lens to help churches seeking great kingdom impact of all ages, but I am sure you do as well.

You of all people know what it is like to weather storms, most of which were not of your making. For the sake of the advance of the gospel and to not hinder your (NAMB's) work in Baltimore, I have avoided being a distraction or interfere with those on the front lines in new plants in Baltimore and left the work to my planting staff and others and then assist them after they get started. I have done this in spite of some of points of concern I brought to your attention which is not helpful to me or our work here locally. However, I am just taking a beating in the Baltimore area from some over misperceptions that I don't care about planters, I am only interested in church strengthening, the BCMD is the bad guys and the NAMB guys are the good guys, and the like. These of course have no basis in reality and I certainly hope are not the messages people are receiving from my staff who should know differently. The only benefactor over these false views is the enemy as he seeks to divide and then destroy.

Historically, this region has been forward thinking, missional focused, pioneering in spirit, and pro seeing the gospel advance in this region and through it to the peoples of the world God has brought here and the ones we are to go to. Historically, many aspects of kingdom work were going well before we arrived at our posts. Parts of that for many reasons have new challenges, new opportunities brought about by lots of factors. Since its first days, I am been a supporter of the good things of NAMB. I will continue to do that, but mostly focus on my assignment to equip, encourage, and engage pastors and planters and churches in the mission field assigned to us.

Romans 12:18 instructs us to "if it is possible, as far as it depends on you, live at peace with everyone." I am totally committed to this. I hate interpersonal conflict, but we are in a spiritual war with the real enemy. It is for the Kingdom good that you and I try to quickly identify the many points of major agreement, clear up any false perceptions, and then work together in our lanes with deep respect on the matters which we disagree strategically and do so based on our call to carry out the mission given and entrusted to you.

Sorry for the length and thank you for reading it. My preference is face to face, even confidentially if you deem best. If talking by phone would help you assess my heart on these matters, I am certainly available.

I hope you and Lynette and the kids have a great Thanksgiving together next week. I arrived in Orlando last night and will be here through Dec. 1, but if you need to reach me, I will make every effort to be available. Please let me know about either my coming or me and Tom coming to Alpharetta on Dec. 3 or if there is another date that works better for you and me, let's work toward that.

Blessings to you and on NAMB!
Will

Will McRaney, PhD
Exec. Missional Strategist

EXHIBIT 10



*NORTH AMERICAN
MISSION BOARD*

4200 North Point Parkway
Alpharetta, GA 30022
northmi.net

December 2, 2014

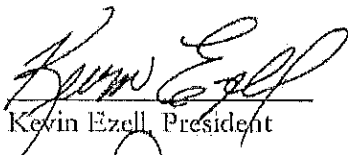
Will McRaney, Executive Missional Strategist
Baptist Convention of Maryland/Delaware
10255 Old Columbia Road
Columbia, Maryland 21046

After careful and prayerful consideration, NAMB believes that the BCMD Executive Director's serious and persistent disregard of the Strategic Partnership Agreement between BCMD and NAMB has resulted in a breach of the Agreement. Therefore, based on multiple failures on the part of the Executive Director of BCMD to abide by the Agreement, NAMB is tendering official twelve months' notice under clause IV.3 of our intention to change/terminate the Agreement and funding relationship effective on the date of this letter.

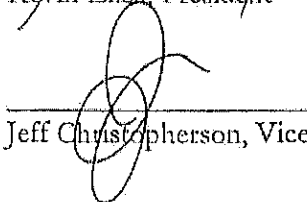
This one-year notice, effective December 1, 2015 is a courtesy provided by NAMB, and NAMB reserves the right to terminate the Agreement and funding relationship immediately in the event the BCMD Executive Director or the leadership of BCMD further disregards the Agreement, or acts in a way NAMB deems fundamentally detrimental to cooperating in ministry.

NAMB recognizes the significance of this act of termination, but the actions of BCMD's Executive Director in willfully and repeatedly ignoring the Strategic Partnership Agreement have left NAMB with no other solution at this time.

Sincerely,



Kevin Ezell, President



Jeff Christopherson, Vice President of Northeast Region

CC:
Bill Warren, President
Allen Memorial Baptist Church
1303 Snow Hill Road
Salisbury, MD 21804

NAMB-0001

EXHIBIT 11



Rev. Mark Dooley
President of
General Mission Board
mark.dooley@lbcmd.org

Resolution of Support

On this 6th day of February 2015, the General Mission Board of the Mid-Atlantic Baptist Network/BCMD meeting in Executive Session unanimously voted a resolution of support for Dr. Will McRaney and the elected leadership of our board and convention. We affirm his (and their) positions in the ongoing conversations/negotiations with the North American Mission Board as they work to craft a new cooperative agreement.

Mark Dooley
General Mission Board President
Mid-Atlantic Baptist Network

EXHIBIT 12

From: Davis, Steve

Sent: Wednesday, March 18, 2015 4:01 PM

To: Will McRaney

Cc: wwarren@allenmemorial.org;drphillips@zoominternet.net;mark.dooley@lbcmd.org;Ezell, Kevin;Christopherson, Jeff;Herring, Chuck;Chuck Herring;Tom Stolle;mcrawford@bcmd.org

Subject: Recap

Will & Group,

Below is a recap from our meeting last week:

1. At the end of the day, we determined to do our best to find a way to partner and move forward.
2. The current plan is to fund according to the cooperative budget through the end of 2015.
3. Currently anticipate by January 1, 2016, that NAMB would provide \$500,000, non-matching funds for church planting and evangelism ministries.
4. January 1, 2016, no jointly funded missionaries.
5. Possibility that McQuitty could become a regional Collegiate strategist funded 100% by NAMB, working under the supervision of Bryan Frye, and continuing his work in MD/DE as well, similar to agreement with Ohio. This would be contingent upon the Convention wanting this and Bryan approving it. If not, he would be part of the staff that the Convention absorbs January 1, 2016.
6. That we would have an interim period of three months to see how things progress. In June, if all is going well in our partnership, we will meet again to talk about the next steps in the partnership.
7. All negative rhetoric must cease, because it is detrimental to moving forward. Instead we must move forward in a positive way as we try to rebuild trust.
8. Concern was expressed by the pastors and Convention staff present about the ability of the convention to absorb the staff at 100% January 1, 2016, but both sides agree that this is our goal. Steve was asked to take those concerns into consideration.
9. Steve will be working with Dr. McRaney, Michael Crawford and Tom Stolle during the next three months on following through with further discussions, and report to the group in June.
10. Commit all this to prayer for the Holy Spirit's guidance toward positive resolutions for a more healthy relationship and partnership to reach the lost and plant churches in Maryland/Delaware.

There may be some other things we discussed, but tried to put down the important things guiding us in the days ahead. I will be meeting with Will, Michael, Tom, and Kevin Marsico (Regional Mobilizer) April 20th to begin those conversations.

Blessings, Steve

Dr. Stephen P. Davis

Vice President, South Region

North American Mission Board

4200 North Point Parkway

Alpharetta, Georgia 30022

██████████ (cell)

770-410-6519

(Angie Fox, Administrative Assistant)

Aofox@namb.net

Sdavis@namb.net

"Whatever It Takes!"



EXHIBIT 13

GMB Agenda
June 8, 2015

- | | |
|--|---------------|
| 1. Welcome and Devotion – Mark | 10:00 – 10:05 |
| 2. Opening Prayer – Harold | 10:05 – 10:10 |
| 3. Sharing the journey – Harold / Mark / Bill
(5-10 minutes each) | 10:10 – 10:40 |
| 4. Corporate prayer time | until 11:00 |
| 5. Dr. McRaney | 11:00 – 11:30 |
| 6. Questions / Answers until noon | until noon |
| 7. Lunch | 12:00 – 1:00 |
| 8. Corporate prayer time | 1:00 – 1:30 |
| 9. Staff perspectives – The Five | 1:30 – 2:30 |
| 10. Discussion / Decisions | 2:30 – on |

Minutes for the Specially Called Meeting of the GMB — June 8, 2015
Location: Green Ridge Baptist Church of Boyds, MD
Mark Dooley Presiding as President of the General Mission Board
Thomas Winborn acting as Recording Secretary

10:00AM

- Introduction and Reason for the Meeting and Instructions by Mark Dooley.
- Mark also gave a brief sense of his perspective on the process up until today.
- “Hope for the outcome to be a positive one for everyone has diminished over the weekend.”
- The question for today: Is will McRaney the man to lead our network? Does he have the leadership ability? Does he have the relational equity?

10:15AM

- Harold Phillips led the GMB in prayer.
- Harold gave his perspective specifically talking about Matthew 18 and how we should have gone to Will one-on-one and then by taking another person, but “we haven’t done that.”
- “The honeymoon is over and the problems are rising now.... We have some struggles.”
- “I like Will, but if I didn’t like him, I’d still say the same thing. I don’t believe we need to move to dismiss at this point.”

10:23AM

- Keith Corrick steps up to give his perspective and on behalf of the majority of the DOM’s.
- It’s been a two-step forward, and three steps back over the last couple of years with McRaney’s talk about absorbing the DOM’s into the state convention without even getting to build relationships the DOM’s first.
- The relationship trouble with NAMB is of great concern and seems to be mostly pointing to McRaney’s relationship problems with NAMB.
- Dr. McRaney’s pastor meetings seem to leave pastors confused and only having more questions than answers. DOM’s see that pastors are unhappy to hear it’s more about how to get more money from the churches for the network instead of how we can help more churches in the network.
- Lack of confidence in Dr. McRaney by 5 leadership staff that we know and trust.
- Lack of trust and confidence in Dr. McRaney among the DOM’s.
- If Dr. McRaney stays, the result will be a negative one for our convention and the churches that make up our network.
- I believe for the future good of our convention, Dr. McRaney should step down for the good of the churches of the BCMD.

10:29AM

- Bill Warren gives his perspective and goes over the 6 directives that were emailed to the GMB and that were given to Will for completion within two weeks of receipt.
- We saw a great potential for division with McRaney going to the top 20 or top 50 pastors so we asked him to cancel the meetings.
- I believe we have seen McRaney circumvent the AC and GMB going against polity set up for the network.
- The Exec cannot offer jobs to people when the position has not been approved by the AC or GMB especially when we don’t have any idea where we are going to get the money for such positions.
- Mistakes by McRaney with NAMB: 1) Deciding to call Crawford without approval by NAMB after being in trouble for the way Joel Rainey was hired and after we received the letter by NAMB in December about canceling our contract. 2) Will lambasted NAMB and Ezell in Alabama at the meeting of state Execs. 3) There are more than a few pastors who do not trust Will and will not follow him, even to the point of voting with our budgets. 4) The staff feel ignored, put-down, censoring emails at midnight. They are all saying they will leave if Will stays.

10:39AM

- Mark begins to open the floor for Q&A.
- Ken Stalls asks for copy of DOM report to read while we are here.
- Curtis Hill comments that Matthew 18 is complicated and may not be as straight forward as has been presented. Mark responds that all 5 staff were terrified to come and meet.
- Request to hear more about the nature of the problem with Will and his interactions among the staff. Bill Warren said that Will isn't Tyrannical, but he deals with staff issues by email in the late hours of the night (after mid-night) with what Bill refers to as scathing emails from his perspective.
- Victor Kirk spoke with McRaney last night and Will said that there was no merit to the six directives.
- Various others said they also received phone calls from McRaney.
- Charlie Arnold had a three hour meeting with Will yesterday. Will seemed to deflect most of it. Charlie encouraged him to get rest and stop running himself to death. Will's answer about the emails is that he would not have changed anything other than one word in one of Doug's emails. He didn't take any ownership that there is a problem.
- Hellen Corrothers says we have a problem in management here from her perspective. She was a former warden of a prison. She went down the list of 6 things and is concerned that these relationships are not reconcilable.
- Josh McCord says Matthew 18 wasn't followed but it is the Word of God and we should have followed it. However, we now have to deal with where we are. Since it is so divisive, Will should see that he should step down. Will came to him at the ballgame and spoke negatively of NAMB on and on.
- Mark says the spirit of the law of Matthew 18 has been followed by DOM's and others on staff and leadership.
- Bruce Glisson overheard what he said to Doug Dubois, "If I hurt you, I'm sorry. I'm supposed to tell you that I'm sorry, but I'm not sure what I'm supposed to be sorry about."
- Mark Swan asked if Will was repentant or willing to work to do these six things. Harold said Will was trying to do at least some of these things. Bill Warren said Will's demeanor and response was appropriate in the meeting with Elected Leadership to inform Will of the 6 directives last Tuesday, June 2, 2015.

11:19AM Will McRaney enters the room to start giving his statement.

- Prayer was given to the Lord for this time by a GMB member.
- Will comes to the podium saying he will not walk point by point but try to frame things.
- You hired me to come in and set direction and to lead and serve these staff. The staff's job is to run the play. Sometimes it feels like a wrestling team instead in church with staff as well. It's my desire to have open and clean hands in my leading of this network.
- Most of the things in these 6 directives are "news to me" or I have been in the dark about them. There are some things that are real, but some that are false or innuendos or non-realities.
- We are facing a culture of change in our country and our denomination is going through some changes as well. Associations are radically changing and so are state conventions. Overall there is a decrease in emphasis in denominational life. Then there are some tsunami changes in our network. Every change is painful.
- You called me to serve as the Exec Director, but God appointed me. You affirmed me. God prepared me through training and experience. I believe I have a track record with people over time. Organizations have to accomplish a task and work with people. There is constantly a balancing act in that regard and ideally we have to move forward to strike a balance.
- We have worked hard to reconnect with our pastors, the network, like never before. Our peer-learning groups, etc, have helped us to reconnect at all levels. Strong with church-plants. Reaching muslims on college campuses. Skycroft operating in the black reaching thousands. Tightened our belts in our operations. We're trying to build up a star staff, but we have some shifting that needs to still be done. Annual meeting attendance has increased from 300 at Ogletown to almost 700 this past year.

- Lessons I've learned: 1) The enemy is at work. The enemy works on babies and that is where we are (like Moses and Jesus). If we get sidetracked now, it's not going to be good. We need to guard well and steward well. I've brought much to the job, but I've got plenty to learn. 2) I've overworked, under-slept, under-exercised, and not taken good care of my body. I need to take some time off regularly. 3) I could use some assistance in coaching for transitioning our network. 4) Corporate transitions are difficult. 5) 75% of your brain is used to identify threats. Fear is something that we are hard-wired to and have to fight. Have to foresee as much as we can. Do worst-case scenarios. 6) We have to rebuild trust because when you unhinge things to move forward you lose some trust and we have to rebuilt that.
- I'll be addressing these areas, but the good thing is that I already do most of those 6 things. I love on pastors and the DOM's. I need to set up meetings with staff individually. Want to help staff deal with this in Matthew 18 and Matthew 5:23-24. I'm going to seek forgiveness and clarity so that we can move forward. I'm ok with uneasiness, but I'm going to keep helping us. I'm going to get better and better and they will as well.
- I've sent correspondence to Ezell to seek to meet with him to seek forgiveness. I've been trying to meet with him all the way back to October which is very well documented.
- 6 Directions for our network: enhanced network relationships - membership matters; thriving self-supporting network; stronger leadership network; local ministry/contextualized training; purposeful church revitalization; local and global kingdom impact.
- ———— Q&A ————
- Steve Fehrman asked if Dr. McRaney believes most of the conflict is from culture change? Will gives three things conflict comes from...?
- Sean Davis agrees with changes like NAMB, but feels like we are doing an old way of Southern Baptist dealing with things. Will, can you listen more and seek to possibly change when you hear things? Will says he has allowed the staff to be very collaborative and the natural inclination is to naturally buck authority.... If you cannot follow well you will have leadership rebellion. Teach followership first is what must happen. We have a collection of all-stars Sean, and they're used to doing things their way, but it's my job to set direction and they need to follow my direction. It's not their job to criticize my direction and question it. This meeting is the wrong order in every way. We're under attack. Give us 6 months and you'll see us running forward!
- ?? You've tried to reach out to staff and how? Will responded, some via email, phone calls, face to face, but this is all a shock! I've reached out in virtually all those forms. If you have a personal issue, don't make it an issue. That's called triangulation. Follow up question for Will: can you share with us with what you've done wrong? Will responds that he is not aware, maybe something with Doug...but I'm still in the dark. With NAMB...I've reached out to Kevin Ezell. We continue to be open postured with them, putting on the whole armor — sandals...always ready to be at peace with them. Let's try to stop the information that circulates that is wrong. I feel right before the Lord in this with NAMB. Next question for clarification, you're saying you're in the dark with what you've done wrong with NAMB and with staff? Will says he has responded with the 17 page response to NAMB. The ruffles with the staff are not interpersonal, but those men will have to grow and we will do business differently. Another follow up question: What have you done wrong with DOM's. Will: Ron Blankenship - I reached out to him early and said something is amiss here. Ron said it's a group issue, so not needing to meet personally. Will says he's been trying to protect our local work and be able to pass it off well. I'm trying to validate the work and it's clear. I've been working on this with DOM's, but Ron's going to have to open up. I've since gone and made amends to Ron, but in the midst of that, Ron's made a bunch of emails to people.
- ?? Did you meet with staff members to apologize? Will: I just learned this week on Tuesday, so I met with them to tell them that I really want to meet with them. Said a few things, but I can't apologize. To offer a false apology is also a lie. It's not an offense for me to tell people to do their job and I can't really apologize for something I don't know I've done. I'm so open. I have conversations with them in the halls and everywhere else. People didn't breach those Exec doors

often before I got there, but I'm open. I've made every attempt to reach out to them that I can, but they are not seeming to want to meet or respond. They've seemingly been encouraged to not talk to me directly because the elected leadership has created a wrong way of communicating. Should go through me to staff not around me to staff.

- Ken ? — What is your feelings are about the associations being absorbed into the state convention? Will: I'm looking at how we create greater alignment for synergy. I can't tell associations... We can't take them over. We're not going to be talking about this I told them. It's a dynamic situation. We need to keep taking a look at it.
- Bruce Glisson — What was the process in creating Reid Sterrett's position. Mark Dooley answered saying, GMB set up pilot program. Bruce Glisson said it never went through the associations which it should have. Will: there are no positions created. Goes on to talk about positions we do have from CPC. Mark Dooley said Scott Weatherford asked to have his name removed from the section under prospective employees. Will tears down the language in this section by saying he has to talk with guys before he can suggest we hire them.
- Mark Swan— It's a blessing to be planting a church in this network. Publicly you have sung the praises of your staff, but somewhere there is a breakdown because they are unhappy or in unrest. The same exists with the DOM's. What do you perceive this breakout might be and what are some things you are going to try to do to change or rectify this? Will: if there is a pastor that has a problem, I am not aware of it. We are engaged as we can be at this point. You guys have to stop allowing rumors to create this problem. Give me names. We've got to stop this chatter stuff. I'm sure some pastors aren't happy, but I don't know who. DOM's, I meet with them every month. Only maybe one or two of those that are really unhappy. The unintended consequence of all the NAMB problem is that I wasn't able to do these other things. In terms of staff, it mostly unraveled...it should have been between personnel or me (Will). It doesn't take but a little bit of chatter, and a little bit of the enemy, and a little bit of miscommunication to create all this.
- Victor Kirk: What's your management style and can you adjust that style to not compromise but to communicate better to the different levels that exist in the convention. And based on your management style do you see anything you have done where you have not gone through the AC or GMB as you should have. Will: it's a very fluid situation. Ultimately the AC submits a budget to the GMB. I've not been out having a wide discussion, but I've tried to put that in a form that someone could actually make some sense of it. \$650,000 is hard to deal with but I wasn't out promoting...most of that was awareness...so I could see how it might be seen that I maybe circumvented the AC, but there are many unknowns, we don't know how much we're going to need to raise. I put them on a card. We had full documents to communicate with upcoming meetings that were cancelled to present to them our direction. We're looking at some ways to make up the shortfall that have not been fully hammered out. VK — you think you've been in your wheelhouse and it's been ok at this point? Will: yes, we're still trying to work through the meetings, but I'm really, really good at this. I'm not trying to run out and make controversy and sell a plan...and I have to look at a worse case scenario. We're going to have to raise support. I can adjust and learn. I'm highly collaborative. My collaborativeness has made this more open which has created more chatter which has made part of this problem. They have to learn to follow and they will learn.

12:22PM

- Mark dismissed the GMB and calls a short AC meeting with Will McRaney to listen to the recording of the leadership team meeting made last week.
- Ken Stalls Prayed for lunch.

1:35PM

- Mark reconvenes the meeting for Staff perspectives after a short time in prayer.
- Mike Trammel led the board in prayer.

1:40PM

- Michael Crawford gives his perspective on the situation with our Exec Director.

- I had to pick a side from the beginning between NAMB and BCM/D. I started meeting with Marsico and Larson to help defray some of the friction.
- 2 to 3 months in I started to see some things. 1) We were going in circles. Monday meetings were pretty much about the same things each week. 2) All of the ideas that we got excited about were ours. 3) Why is it that I can be friends with Marsico and Larson, but McRaney can't? I tried to produce some reconciliation and I found it easy to reconcile in that way, but for whatever reasons for Dr. McRaney, he couldn't.
- The straw that broke my back was when I was going out in the field and I was encountering something I had never encountered before...people were suspicious of me. "We like you, but we don't like your boss. We don't trust your boss. We don't know where your boss is going." This was DOM's, pastors, church leaders, etc. I had been championing Dr. McRaney, but I started running up against a common theme that was very uncomfortable. I met with a DOM that was supposedly one of Dr. McRaney's biggest critics and we had a great time. I concluded this is not going to work. This is 5th grade stuff. It's just ridiculous. It is totally unacceptable. I'm trying to do my job but can't because people don't like my boss. In a leadership meeting, I explained this to Dr. McRaney. It didn't go well. He got quiet. I pled the whole thing. Great organizations always deal with hard things. It doesn't matter if those people are all wrong, let's just grant they are. It's still a problem. We need them to come along with us. "I don't know if you have the relational equity to pull this off." That meeting ended. The very next day, a very significant pastor said everything to McRaney that we had said. I then sat in my office for two hours alone and talked about his strengths and weaknesses. The following morning at 2am I got an email that told me it wasn't my place to do that. I've been quiet ever since. This isn't personal for me. The bottom line is he can't lead. I love him. He cannot lead. He is never going to inspire leaders to really go for it.
- Bruce Glisson: There was a two hour meeting alone with you and McRaney in addition to the leadership meeting where you brought up some of these things? Yes.
- ?? Do you have any problems with McRaney? Michael: My problem is that I don't believe he can lead us out of this.
- ?? Do you think he heard you? MC: No, he didn't hear a word I said.
- ?? Do you think he's more in denial about that or just not aware of his lack of leadership ability? MC: I don't know if it connects? No, I think he's in denial. Sometimes I waffle. I'm not sure if he's not connecting, but either way...
- Mike Trammel: This is a minor piece in all of this, but I wonder if we have contributed to this by letting him have the title of strategist...? MC: You hired a strategist and a processor, a guy who is really adept in grabbing a bunch of ideas and putting them into a "thing", but he's just not Joshua or Jeremiah.
- Jessie Arce: Did you go to him before you brought it up in the leadership meeting? MC: Yes. All of us have been in his office with his "open door policy."
- ??: Is he directing like you're his students? MC: Yes, 100% agree.
- ??: Who is he to you if McRaney is not Joshua? MC: He would be on staff at the MABN, but not the leader. ??: With the email issue that came, was it about something you brought up in leadership meeting. MC: Yes, "You are giving credence to the chatter and to the work of the enemy."
- ?? Do you guys have regularly scheduled individual meetings with McRaney? MC: We have Monday meetings that accomplish nothing and talk about the same things over and over and over and over and over. If he remains, I will eventually leave.
- Ken Fentress: I recognize the position you guys are in, and I appreciate your honesty.
- MC: To conclude: The narcissism is choking. I love this network and the local churches.

2:01PM

- Doug Dubois begins his perspective talk.

- I fell in love with his book on evangelism and his family. He is my friend. Dr. McRaney allowed me to sit at the leadership table. I got frustrated when my brick idea got taken from me and given to Keith Hammer. Then I got called back to take the bricks back. There were 160+ bricks.
- I ended up having to report to Keith Hammer. I met with Dr. McRaney and told him at his house all my frustrations for four hours. WM: Said he wouldn't have to report to him. DD: Got an email at 2am that said he would have to report to Keith Hammer.
- Let me run with Love Your Neighbor Share Christ. Then WM gives it to Joel. They begin fighting even about it. WM transferred budget money for LNSC to DD and never told Joel.
- I went to WM with an idea to systematically pray for every pastor every week and contact them every week. Would you allow me to do this strategy? WM: Yes. DD: I first apologized for the brick tour failure. WM: Said everything is good great job after that meeting. DD: Got an email in the middle of the night about how that meeting was a physical attack on the staff for saying the failure of the brick tour was my fault. He said it was an attack against Keith.
- WM sent out optional meeting email in FL. DD: I told him I couldn't go because of things here with my wife's health and SkyCroft is crazy. WM sent me a 2am email that said I have to go....that was a lame excuse and I better find myself there in FL.
- In a meeting after vision: I had to go in and apologize for fear of getting fired.
- Never had he apologized. He always says I am sorry if anything I have said offended you. He doesn't know what's wrong??? How can you not know something is wrong as you sit in the midst of your five staff leaders and not know something is wrong? I can't work for him any longer.
- ?? Can this be redeemed? DD: It can, Christ can do anything, but from evidence I see with his history here so far, I don't believe it will be. I've gone to him man to man, and WM says it's ok, but then emails others that I can't be trusted. It's not ok. HE has to do Matthew 18.
- ?? Would you characterize the problems we are facing as being there are tumultuous changes happening in the convention or would you say it is more of a relational issue? DD: I believe it is both. We need a good captain that can navigate tumultuous waters in a storm. WM is not that guy. It's relational. I think he has a self-confidence issue.
- Mike Trammel affirms DD. DD: I love you guys.

2:22PM

- Randy Millwood begins presentation.
- Randy says, I've known Randy for 20 years. We've worked together and survived a LOT together. I love the guy.
- 1) As a leader, Will loves to carelessly criticize former employees like David Lee and David Jackson. I am appalled and I have to listen to them every Monday over and over.
- 2) Demonizing everyone who disagrees or offers criticism. 8 times to 2 it's satan discussed over God.
- 3) In my first eight years with your staff, the overwhelming majority of time was spent talking about our churches and praying for our churches. In the last two years, we seldom talk about you at all. If we pray, we check it off the list.
- 4) Professional methods: Metric for raises was a merit system. No professional review system or standards or goals, etc. The staff is very confused about what we are supposed to do, what is the target we are supposed to shoot for personally.
- 5) Self-Control: As an adult I have yelled at 5 times in my entire life and 3 of them has been by WM in the last 18 months. Demanded that I breach a confidence that I would not breach. Yelled at bc Adele was stirring up trouble when asking to write notes instead of making phone calls.
- 6) Long-term planning. Our work is with you. 6 weeks to 3 months out. Everything is urgent now and everything is building central and we get little to no notice for these urgent repetitive meetings.
- 7) Cooperative vs. Corporate — Now the network is a corporation and we don't even do that well. We have six or seven layers of administration hierarchy for 30 employees. I don't know who I report to. Prayer assignment — it was immediately corporatized. We had to email people we had

contact with who were pastors in the last quarter. WM used that to keep those pastors from each person's list. We want them to connect with network, not the person. We don't want them to connect to you WM said. Language is now us vs you, partner-donors.

- 8) Where there is no vision or mission, people run wildly. WM's mission is to raise money. That's all we hear about or read about or talk about. Who we hire...to raise money. Mission never follows money. Money follows mission. We have a desperate need for a leader to cast such vision and mission. Will doesn't do it.
- 9) WM has said that men have no interest in personal spiritual growth. He said what I do is "Navel Gazing". I believe we have to have habits to live and walk with God to be able to hear the voice of God and discern his direction. I'm told this is no longer valuable.
- 10) Will is very me-centric. He cares very deeply who gets the credit and he processes that through corporate filters. In Baltimore crisis he just wanted to turn the attention from NAMB to MABN. That is unacceptable.
- ?? Did you have meetings with WM one on one. RM: Often in the first 9 months. After about the 9 month mark, WM gave us a book that said raising questions was disloyalty and disloyalty was questioned at every moment. So no, I didn't believe I could at that point.
- ?? How do you help someone hear like McRaney? RM: He's not able to do more than give facts and answers. He doesn't see the relational misses.
- ?? How did you 5 come together and begin talking together? RM: When I contacted Tom Stolle confidentially I was looking for a job. Two weeks ago I walked into the meeting with the other 4 guys with the elected leadership. That was when I knew about them.

2:47PM

- Joel Rainey begins his story.
- I learned about the other guys kind of piecemeal. I am angry right now. I will be sad. I will be hurt. Right now I'm just angry.
- I'm here because I think the future of our network is at stake! Otherwise I'd be quietly seeking employment elsewhere.
- I laid it all out about my philosophical ideas while interviewing.
- I told him I didn't like the leadership book.
- He never addressed my performance, although I told him I need that when I interviewed.
- I asked how I was doing. He said he didn't know. I asked for a meeting with him 3 weeks later. I told him I need to know how I am doing. He said he couldn't tell me.
- In meeting with Dr. McRaney and leadership team I asked what water can I carry for you? WM didn't want to know or hear that.
- In Steve Davis meeting, I was told to be prepared for that. Went to lunch with him, but was not included in the meeting. I knew I wasn't on the inside anymore.
- In Florida, WM and Hammer discussed how they could take Bill Warren out of the discussion.
- Baltimore riots WM paraded MC's idea about Video.
- Joel was chastised by 2am email about his not showing "deference" to WM at JR's conference.
- I'm here because I love you. Your network is at stake. It's not a personal issue. It's not a Matthew 18 issue. If he stays, we're definitely going over the falls.
- ?? One on one meetings with him about these things? Yes, I already spoke to those. WM is checking boxes off the list now, and I told him I hate this situation and I think the best way is for us to get together all of us and let's lock the door and hammer this out. He never responded to me. I reiterated this again at the end of the meeting. No response.
- ?? Do you have any input on what can be done to heal the DOM's relationship with WM or with the network? JR: I've offered to help with that, but I'll refer to Keith on it. But I offered WM to help with that for him and the network. He never spoke to me about it again. I said to WM, let me sit down with them, let me go in there with them. He didn't say no. He just didn't answer the question. I have to have clarity. I can't live with an unclear leader. I can't.

3:08PM

- Tom Stolle begins his story.
- Not once in my 28 years have I ever spoken to a board of directors about an exec's inability to do his job. My role is CFO. I report to you. You trust me to report accurately and to tell you the truth. You trust me as CFO to bring my opinion of where we are going as an organization. That trust is sacred to me. I've tried to spend over ten years in this organization earning your trust.
- If I'm an office and a leader, then you hired me to tell you what I think, right? I have fiduciary responsibility to you, so I will tell you the truth as I always have.
- I am grieved beyond words to say it is my opinion that WM should not be allowed to continue as Exec Director.
- It's already having a negative effect on our organization. These men are putting their ministry careers in your hands. They are saying, "I love you so much that instead of quietly leaving, I am going to tell you the truth even if it costs me my family." I take no joy in this.
- WM struggles in his ability to communicate. He doesn't have the relational equity he needs to move the relationship forward and WM struggles to be widely respected in the network.
- You are NOT partner donors. You are churches. Here are my concerns from my perspective.
- Staff have received hostile emails from their boss...I say this as CFO and HRD. This kind of communication is inappropriate and inflammatory and not becoming of a godly leader.
- These staff were told to stay in their lanes and let the boss be the boss.
- WM told me he and Doug were not good even after he had just told Doug they were good. That is unacceptable.
- Keith Hammer is stepping into the CFO position and has basically become the Associate Exec Director. WM told the AC that Hammer would spend 75% of his time in church strengthening. But I'd be surprised if he spends even 10% of the time doing church strengthening.
- Will wouldn't allow TS to speak when asked a financial question.
- The GMB should be allowed to hear from a NAMB representative even when asked about that in the GMB...WM doesn't offer a response or say let's get one in here to talk to you.
- WM refuses to go through the AC for financial changes that are HUGE. I confronted him on these things multiple times, face to face, via email, and face to face again and email again.
- WM tried to get me to say I would agree with his ideas to take the top 20 and 50 giving church pastors, but I said I would not because the ideas were not first taken to the AC and I would not go against the AC when two of the leaders on there were against the ideas and the rest hadn't even been informed of them yet. It is a matter of my integrity.
- The "apology attempt" with JR, MC, and TS was unacceptable. It was inappropriate.
- If WM stays I will seek employment elsewhere.
- Victor Kirk: Thank you Tom. The pastor who was defunding CP because of WM...was he defunding CP to move money towards Go FWD? TS: No, to send it over top of us to NAMB.
- ?? How is this affecting the other employees? TS: Everyone knows something is going on and it is uncomfortable and there are multiple issues for other staff.
- Prayer was called for all 5 staff.

3:58PM

- Reconvened for final discussion and decisions.
- Mark Dooley recognizes the chairman of the administrative committee, Harold Phillips.
- Harold Phillips brings a recommendation from the administrative committee: It is a heart breaking endeavor but the situation being what it is with staff and ministry, we don't have any choice. "I move as the chairman of the administrative committee with the full support and voted approval of the administrative committee that we terminate the employment of Dr. Will McRaney as the Executive Director/Executive Missional Strategist of the Mid-Atlantic Baptist Network effective immediately giving Dr. McRaney the option to resign if he so desires."
- The motion has an automatic second coming from the administrative committee.
- Mike Trammel moves that the GMB rescind the six point understanding given to Dr. McRaney from the administrative committee prior to the termination motion.

- Second made by Helen Corrothers for this new amendment.
- Call for the question by Bill Warren. Second by Ken Stalls. Voted approval unanimously.
- Vote is by hand: Unanimous in favor of motion to rescind the 6 point understanding.
- Harold Phillips brings a recommendation from the administrative committee: It is a heart breaking endeavor but the situation being what it is with staff and ministry, we don't have any choice. "I move as the chairman of the administrative committee with the full support and voted approval of the administrative committee that we terminate the employment of Dr. Will McRaney as the Executive Director/Executive Missional Strategist of the Mid-Atlantic Baptist Network effective immediately giving Dr. McRaney the opportunity to submit a letter of resignation by 5:00PM on June 9th to the Administrative Committee Chairman if Dr. McRaney so desires."
- Discussion:
- Amendment to the motion: "I, Harold Phillips, move as the chairman of the administrative committee with the full support and voted approval of the administrative committee that the General Mission Board terminate the employment of Dr. Will McRaney as the Executive Director/Executive Missional Strategist of the Mid-Atlantic Baptist Network effective immediately giving Dr. McRaney the opportunity to submit a letter of resignation by 5:00PM on June 9th to the Administrative Committee Chairman if Dr. McRaney so desires."
- Unanimous Vote to call to Question.
- Ballots passed out with a YES if you are in favor of termination or NO to vote against the motion.
- Votes read allowed UNANIMOUS 37 votes of YES to 0 votes NO at 4:25PM
- Mark Dooley recognizes Bill Warren to speak as the President of the Convention regarding the legal steps needed to move forward with this motion from the administrative committee.
- Motion made to remove Dr. McRaney as the Corporate Secretary. Unanimous vote to remove.
- Harold Phillips recommends from the administrative committee we give Dr. McRaney 6 months severance paid monthly including insurance plus his 15 days PTO and that the severance package include a non-disparagement clause.
- Motion made by Steve Fehrman that the Administrative Committee be delegated the authority to work out the details of the severance package and then to communicate that back to the GMB.
- Motion Seconded by Curtis Hill.
- Call to Question
- Vote is Unanimous on Call to Question
- Vote on Motion - Passed Unanimously
- Motion to give AC authority to decide on details of communication to staff and the time frame of Dr. McRaney's departure and cleaning out of his office.
- Motion seconded
- Call for the question - Unanimous Vote for
- Motion passed unanimously.
- Harold Phillips brings motion from the AC to nominate Tom Stolle as the interim Executive Director while retaining the CFO position and title. Second comes with motion from AC.
- Call to Question - Unanimous vote
- Motion Passed
- Mark Dooley asked Ken Stalls to moderate.
- Ken recognizes Mark to speak to the issue of Keith Hammer as an employee and what happens from here. Mark makes a recommendation that Keith will be contacted by the AC and that he will now work under the original conditions of his employment package under the authority of Randy Millwood as his direct supervisor.
- Motion is seconded.
- Call to Question - Passed
- The AC will instruct Keith Hammer to return to his original job description as hired reporting to Randy Millwood with his job being reviewed by the AC in the near future.
- Helen Corrothers seconded.
- Motion Passed

- Bill Warren asked to share information from the Lawyer.
- Motion to Adjourn. Seconded. Unanimous vote to adjourn at 5:25PM.

Members of GMB Present:

- Robert Anderson
- Victor Kirk
- David Orr
- Ken Fentress
- Glen Swanson
- Lance Metcalf
- Mike Trammell
- Randal Blackmon
- Bruce Glisson
- Joshua McCord
- Steve Hokuf
- Glenn Leatherman
- Bernard Fuller
- David Scafide
- Mark Swan
- Joe Blanton
- Steve Fehrman
- Mitch Young
- Martin Bennett
- Bill Jones
- Helen Corrothers
- Cecil Cunigan
- Charlie Arnold
- Stan Graham
- Harold Phillips
- Bill Warren
- Curtis Hill
- Jessie Arce
- Thomas Winborn
- Bobby Cook
- Sean Davis
- John Lee
- David Hall
- Dan Housam
- John Manry
- Ken Stalls
- Quentin Few
- Mark Dooley, President

EXHIBIT 14

Subject: Re: Article

Date: Saturday, June 4, 2016 at 4:08:09 PM Eastern Daylight Time

From: Michael Trammell

To: William Warren

My friend,

No one can recall every detail of every conversation that took place this long ago.

In my judgment you have made more than a good faith effort to reconcile with Wolverton, Scott, and McRaney.

Anything else you say or write to Wolverton will go into his database of "Bill said this" or "Bill said that." Had McRaney, or Scott, or Wolverton made half the effort to reconcile that you have, we wouldn't still be talking about this.

You are a fine man, a fine pastor, and a fine convention president. That's who you are. Remember that.

His and yours,

Michael L. Trammell, D.Min.

Senior Pastor

Mt. Airy Baptist Church

1402 North Main Street

P.O. Box 447

Mt. Airy, MD 21771

Tel: (301) 829-2185 / 829-2121

Web: mtairybaptistchurch.com

On Jun 4, 2016, at 12:08 PM, William Warren <WWarren@allenmemorial.org> wrote:

I really do not recall all that I said to Wolverton. He may well be right. I would tell him and anyone else, though, that this is the bottom line: we fired Will because of his wretched leadership not because of a possible loss of NAMB funds.

Sent from my iPad

On Jun 3, 2016, at 4:56 PM, Michael Trammell <mltpgt@verizon.net> wrote:

Just read "all" the comments made to the article.
If you haven't read them already, you need to do so.

His and yours,

Michael L. Trammell, D.Min.

Senior Pastor

Mt. Airy Baptist Church

1402 North Main Street

P.O. Box 447

Mt. Airy, MD 21771

Tel: (301) 829-2185 / 829-2121
Web: mtairybaptistchurch.com

On Jun 3, 2016, at 1:00 PM, Tom Stolle <tstolle@bcmid.org> wrote:

Please see the latest article in sbctoday

<http://sbctoday.com/can-pepper-hamilton-investigate-namb/>

EXHIBIT 15

From: William Warren <WWarren@allenmemorial.org>
Sent: Wednesday, August 26, 2015 11:48 AM
To: Will McRaney
Cc: Mark Dooley; Harold Phillips; Robert J. Anderson; Charlie Arnold; Ken Fentress; Dan Housam; Victor Kirk; Andrew Morgan; David Scafide; Mark Swan; Thomas Winborn; Joshua McCord; Dennis Man Kim; Drew Shofner; Ezell, Kevin; Davis, Steve
Subject: Re: [SPAM] Re: Re: Face Time

Will,
Kevin Ezell never implied or stated to me a threat that NAMB would eliminate or reduce their funding to the Network if you were not removed as the Executive Director. In our conversations I urged him to give the Network what we needed and that to do otherwise because of his dissatisfaction with you would be wrong. Will, I am moving on.

Drew, I am looking forward to meeting with you as we discussed before you left for vacation. Joshua and Dennis, if you would like to discuss this or any other related matter, please feel free to call me [REDACTED].
Bill
Sent from my iPad

On Aug 21, 2015, at 9:27 PM, Will McRaney <mcraney@aol.com> wrote:

Bill,

I write to clarify your most recent email, a copy of which appears below.

In your email you used the word “all” when referencing the withholding of NAMB funds, a term which I did not use. To clarify, do you contend that Dr. Ezell did not make ANY statement to the effect that NAMB would withhold some funds if I continued as Executive Director of the Network? Similarly, did you respond by saying anything to the effect that it was wrong or otherwise inappropriate of Dr. Ezell to threaten to withhold funds from the Network?

Regarding the claims against me and Mt. 18:

I continue to stand ready to address any assertions regarding my conduct, strategy, and leadership of the staff and Network. The Network under my leadership was making significant advances and relationships were being strengthened across the Network.

Stage 1 & 2 – The Network did not follow either of these with me. The Network leadership was gathering claims against me, but did not discuss or verify these matters with me, one-on-one or in a small group prior to June 2.

Stage 3 —

June 1 – Officers met with the Administrative Committee outside of my presence and without me jointly calling the meeting with Harold, as required by the Network’s governing documents. The participants in this meeting addressed issues and determined “facts” related to my performance, all without a single conversation with me. The meeting concluded by “sentencing” me to two weeks of “probation.”

June 2 – Officers met with me and asserted my performance for the past few months had not met the requirements of the position of Executive Director. I was given 48 hours to agree to work on the six items given to me (notwithstanding the strength of my work and the advances being made), and 14 days to work on the matters in question.

June 4 – Even though I agreed in writing to the officers to work on the six items brought up during the June 2 meeting, a special GMB meeting was called for June 8.

June 7 – I sent an email update on progress on the six specified items to the entire Administrative Committee.

June 8 – Certain staff members addressed the GMB without you or the other officers requiring they meet with me. According to the Network's governing documents, I, as Executive Director, was the staff's supervisor. Nevertheless, you met with my staff several times without informing me, seeking my input or clarification, or sharing any concern with me so these matters could be addressed appropriately. At the conclusion of this meeting I was terminated with the option of resignation, even though the 14-day "probationary" period had just begun.

June 15 – At the SBC, a NAMB staffer shares with me that a six week instead of two week probation period was considered, along with other surprising insights that I did not know and that a NAMB employee should not have known. An Admin Committee member later told me that he had no recollection of a timeframe being discussed in June 1 meeting.

June 23 – A Network pastor called you to ask about the circumstances surrounding my resignation. He said you revealed the threat from Dr. Ezell at that time. I have attached his email to you based on his notes taken during your conversation. When given the opportunity to contest the accuracy of this email, you did nothing. Any reasonable person in this situation would have immediately denied the assertions contained in the email. Doing nothing was tantamount to admitting the statements attributed to you. At a minimum you could have responded by stating that you were "choosing not to confirm or deny" the words attributed to you.

July 20 – A pastor at a PBA meeting and unfamiliar with the situation stated that Mark Dooley, in his explanation of my dismissal, said something to the effect that "we had to move quickly because we were about to lose funds from NAMB."

Mt. 18 – Regarding your recent request to meet with me, based on everything that has happened over the past months I requested that a few Network pastors sit in on this meeting to avoid more misunderstandings. I was surprised and chagrined that after requesting the meeting, you refused to meet if anyone other than you and Mark were present. Including pastors not directly involved in the issues outlined above would have been good for all of us. You did previously meet with three pastors without me being present to respond to claims that had not been shared with me directly.

I continue to pray that through confession and prayer (and in this I include myself) the redemptive work of God will heal wounds and unite the Network to faithfully and courageously obey and serve God and His Kingdom.

Respectfully,

Will McRaney

Will,

Kevin Ezell never implied or stated to me that NAMB would withhold all funds from the Network unless you resigned. Hence, I never stated to anyone that Ezell implied or stated the above to me.

The Network pastor who told you that I did so is mistaken. A Network pastor sent to me a list of summary statements based on his conversation with me.

He asked me to confirm or deny each statement. I chose to do neither.

Not every statement in his list was an accurate recollection of what I said to him.

My proposed FaceTime meeting falls in line with the first stage mandate of Matthew 18:15 since Mark Dooley would have entered the conversation not as a witness (stage two) but as a primary participant.

I am forwarding this email to Kevin Ezell and Steve Davis in case either of them wants to communicate with you regarding their intentions about NAMB funding to the Network prior to June 8.

I will continue to pray for you, Sandy, and your family each day.
Bill

Sent from my iPad

On Aug 18, 2015, at 7:56 AM, Will McRaney <mcraney@aol.com> wrote:

Bill,

Sandy and I continue to be quite healthy and have no interest in unbiblical venting as I shared below. It is well with our souls in spite

of the circumstances. However, I continue to be concerned for the

Network. I am saddened over the actions of some. Regarding your

communication with a Network Pastor, I am stunned that Ezell told you he

would withhold SBC Mission/NAMB funds to the Network unless I was removed.

I am perplexed in many ways, but trust God. There needs to be some

healing for some individuals, but God has faithfully ministered to Sandy

and me.

I am saddened that your expectation of a meeting with me did not include some components of Mt. 18. My acceptance terms were in keeping with the second phase of Mt. 18. I regret this was not done previously and is now once again delayed. But, I continue to pray against the schemes of our deceiving and crafty enemy. I am praying for spiritual sight, courage, discernment, and obedience for men in leadership. Bill, repentance and reconciliation as acts of faith in God alone are the paths to drive out fears facing the Network and is the only path for the Network to go forward. I am praying for all the leaders entrusted with the stewardship of the Network to be courageous in their righteous obedience. When you are ready to put your, my and Ezell's actions in the light in line with Mt. 18, please let me know.
Will

On 8/17/15, 7:55 PM, "William Warren"

<WWarren@allenmemorial.org> wrote:

Will,

What you have proposed goes well beyond the scope of the meeting

I had

envisioned and to which Mark agreed.

What I had in mind was a personal meeting involving you, Sandy,

Mark, and

me or at least you, Mark, and me.

I wished to give you an opportunity to say what you needed to

say and ask

what you needed to ask. The goal was, even in some small way,

to help

you heal from this traumatic experience.

When you are ready to have such a meeting, please let me know.

I will continue to pray for you, Sandy, and your family every

day.

Bill

Sent from my iPad

On Aug 17, 2015, at 6:33 PM, Will McRaney <mcraney@aol.com> wrote:

Bill,

Thank you for your email. I look forward to honoring your

request to

meet.

Although you did not come to me prior to June 2 with your concerns concerning my work or the threat against the Network by NAMB President Kevin Ezell, I welcome the opportunity to address these matters with you. I take issue, however, with one of your suggestions. In my opinion, venting is neither biblical nor helpful, and if you wish to meet simply to give me chance to ³vent,² it is probably better that we not meet. Having said this, I would like to speak freely to questions raised about me. I also desire to address the offenses against me, recognizing I will give an account to Jesus for every word. Also, while I am willing to meet with you and Mark, I request that I secure 2-3 pastors to attend the meeting as well, as it would not be prudent for you, Mark and I to meet without someone else participating in the process. This meeting will probably take more than an hour, if the goals are toward building a solid understanding of what happened and reconciliation where possible. Thus, in my opinion a personal meeting would be more appropriate than your suggestion of FaceTime. Next week is better for me as Macy heads off to college on Thursday. I would also welcome additional individual meetings with the five staff members who were involved, as I have not been afforded the opportunity to talk with them to date. Thank you again for reaching out to me. I look forward to an open and honest exchange where we address my concerns as well as the reasons for the Network's decisions. While I still think you should have communicated

your concerns to me first in order to give me a chance to address matters appropriately as the executive leader of the Network staff, I am still willing to meet with you now. As Drew Shofner noted in his letter to the GMB, dismissing a spiritual leader is a most serious matter that demands complete integrity and must be just and redemptive before the Lord throughout its entire process. From my point of view, the process employed by the GMB in my case was grossly unfair and was not consistent with what the Bible calls for. While being asked to resign hurt me deeply, the way this entire process was handled hurt me even more. Please let me know how you wish to proceed. Will

On 8/14/15, 7:28 AM, "William Warren"

<WWarren@allenmemorial.org>

wrote:

Will and Sandy,

The Truth:

I continue to be deeply burdened for both of you and for your family.

You are enduring a terrible trauma.

I pray for you every night.

I feel no guilt over my role in the events before and after June 8.

I would follow the same sad course again.

The Spirit has powerfully impressed upon me that the road to healing

for

you includes a conversation with Mark Dooley and me...a

conversation in

which you ask questions, find out what really happened and

why,

and...vent.

Would you be willing and available to talk to us on Face Time for an

hour

this coming Tuesday morning beginning at 9:15?

Bill

Sent from my iPad

EXHIBIT 16

Trustee Informational Conference Call

May 19, 2016 3:00 PM Eastern Time

Reminders: 1. This conversation is confidential. 2. Per our media policy, only Trustee Chairman and NAMB president (or their designee) speaks on behalf of the Board.

- You have seen Kevin's blog; sample state agreement
 - Confidentiality clause was in there at request of the states and we are happy to remove
 - Great majority of state relationships are good
 - Most church planting happens in partnership with them
 - NAMB sending \$43 million to states in 2017
 - We are held accountable for that money and how spent
 - Biggest issue in Maryland was that exec was in violation of our agreement and was doing things to undermine the NAMB trustee missionary approval process
 - Bill Warren on call to address Maryland-Delaware perspective
 - We will walk through timeline of Md/Del at St. Louis trustee workshop
 - We want this to be a time to ask questions—anything you are concerned about. It is ok to ask anything at all
-
- Chuck said ask any question you want... reminded of confidentiality... reminded of media policy.
 - Kevin – introduced Bill Warren. I don't hire or fire state execs. We've gone through a lot of changes in last five years; 800 people transitioned, trimmed budgets... you are going to have people get frustrated. Three or four years ago we were all in the battle. It's been two years of peace and more calm. So when something like this happens, it's a reminder, we have to be prepared to protect what God has going. I want to make sure... not just this situation but another. We need to be prepared. It just takes one goofball to write a blog full of lies and slander. Hard part is when you have people come on who are new... you don't know namb that well or me that well.... you may wonder "what is he doing?" That's why we want to have the call. I want to maintain the trust I have with my trustees... we hoped we could wait until the June meeting but there are enough people contacting our trustees that we felt like we need to address it.

- Chuck asked Kevin to explain “gag order.” Kevin said there is none. Kevin explained how agreements work. We asked state execs to help us write the thing. Some execs wanted the agreements and budgets to be confidential. They didn’t want other states knowin what they were getting. Some had some special things because of how things were done in the past. We preferred for everyone to know what everyone else was getting. Now they are agreeing to go public. We agree it’s easier. In the agreement we state that any time a state convention funded by NAMB hires someone funded by NAMB they are supposed to do in collobration with us. That’s the trustee approval process.... Will did not do that. we called him on it and asked not to do it again. He said ok. Two months later he did the exact same thing again. He communicated with Jeff, Steve D and ultimately me. We said, look, we’re just going to have to not relate and we gave one year notice. We were not talking to the state convention or the board or the pastors. So they didn’t know what was going on... at that point we flew to Baltimore and met with Mr. Mc and three officers. Included bill warren. McR claims I coerced and that was never the case. I wanted to

Bill Warren – I’m going to stay away from the details of Dr. McRaney’s employment. But categorically I can say Kevin Ezell never bullied us or badgered us or asked us to fire Will McRaney. If anybody knows me very well they know I am not easy to bully and Kevin didn’t try. Nothing could be further from the truth. When we got that letter on Dec 14 (referring to letter from NAMB giving one-year notice of intent to cease partnership) I wasn’t real happy with your leader and thought he was dead wrong. But over the months I started to realize he was right and came to see him as a friend. Anyone who says we wanted him (McRaney) to resign because we wanted more money is out of their mind. The loss of NAMB funding was never a consideration. We didn’t act out of a lust for money. I’m really ticked off at the way he (Kevin) has been treated by some of the players and the press. I told Kevin I will fly to Alpharetta and meet with your trustees to share the truth and to tell them that this is garbage and I welcome the opportunity. I hope you will continue to stand behind Kevin because he is a great man of God.

Andy Childs, NAMB trustee from Georgia asked what exactly at this point does Dr. McRaney desire? I’ve had people here in Ga call me and ask me that. Do you know? What does he want? Bill Warren: Of me he says he wants me to repent and ask his forgiveness and agree to the statement that KE badgered us into firing him. He’ll never get it because it’s not true. He has done his best to sully my reputation in the Maryland-Delaware convention. He has worked very hard and I’m happy to say he has not been successful. I was re-elected as pres. last November. He is now aiming his bullets at Kevin. He wants Kevin’s scalp. He wants his job. Kevin added: We think potentially he is baiting us so we will say something he can sue us over. Our attorneys have sent cease and desist letters because he has slandered me. He is contacting pastors all over. He is relentless. This is his fulltime job. He has gone the scorched earth approach and he is taking down anyone he can. Bill Warren: He hasn’t been able to find a job and he’s trying to restore his reputation and say I’m not a bad guy. ‘They messed me over.’ He’s attempting to find a job. Sadly, I think it’s going to do just the opposite. Andy Childs: best thing to do if you want to have opportunity for a job is not to nuke the people who can help you.

Chuck Herring — Most of you are pastors and you know on the church staff you can have a staff member who is woefully short of the expectations... you begin to transition him out... every staff member has a posse.... Chuck asked Dr. Warren, at the meeting we had with McRaney, Kevin said to Steve D. Steve is going to work and said when we get to a level of trust we will restore it.

One trustee spoke up and said it was good that we are making agreements public...

Larry Robertson asked what can we say? What should we say?

Kevin said when they quoted Nate Adams he immediately emailed me and said they quoted him in a way he did not mean it. They are misleading on purpose. Kevin said there are mean, evil pastors out there. There are deceptive pastors out there. It is discouraging. Kevin read something from an entity press: We get the support of 14 million sweet people at the expense of having to accept an insane asylum as part of the package. Anyone can throw something out there. Examiner did not check with us on the facts she just relied on innuendo.

Chuck said: Be careful of what you email people.

Spike: After the NAMB report, how much freedom do you have to say you are out of order? Kevin said his church is not sending him as a messenger. The parliamentarian has been told and we will remind him. But a friend might remind him. Unfortunately this year they set aside 50 minutes to question all the entity press. Spike said: just want to make sure the parliamentarian knows. Kevin said: We really want all the facts out there. We just don't want to give him a reason to sue us. The thing is: when you turn on the light here roaches scurry and people write blogs.

Mark Dyer: wanted to echo Chuck's comments about emails and texts. People sometimes get loose with texts and emails. If this guy decides to file against us all of that information will come to light in discovery. Be judicious in your choice of words. Kevin mentioned cease and desist: it was written in a very compassionate way. We anticipated it might be on a blog. His response was to set up a meeting with conditions that nobody would agree with.

Andy Addis: asked if there is anyone in his life that can speak to him. Kevin said: We know several have tried to do that. His spiritual father is in Ft Worth and we don't have access to him. We need to pray for him that this is exactly what he would do. We have to remember Prov 15:1—soft answer, soft answer, soft answer (Prov. 15:1 A gentle answer turns away anger, but a harsh word stirs up wrath.)

Spike: said to Kevin—you tried to meet with him. Kevin said yes, but I wanted someone else in the room who did not work for him. The reason I wanted to do that is he is a liar. He has no integrity. He would say I had stipulations that he couldn't agree to. My stipulation was I wanted someone else in the room. Kevin made another point to say confidentiality is tough. Bill W asked Kevin "How confidential are they?" because he doesn't want to stir will up again.

Kevin: Md-Del is about to announce next week they have a new state exec, African America. Great leader, great preacher. Kevin says I have known him for a long time. I know what's going to happen... Will is going to say I got him fired so I could get this guy hired. When they told me who they chose I thought "Of all the people." It will play into the conspiracy theory.

Chuck closed with prayer.

EXHIBIT 17

SEPARATION AGREEMENT AND RELEASE

THIS SEPARATION AGREEMENT AND RELEASE (this "Agreement") is made as of July 16, 2015, by and between Will McRaney ("Dr. McRaney"), and the Baptist Convention of Maryland/Delaware, Inc., a Maryland religious corporation (the "Convention").

WHEREAS, Dr. McRaney has been employed by the Convention as the Executive Director since October 1, 2013; and

WHEREAS, on June 8, 2015 the Convention's General Mission Board voted to end Dr. McRaney's employment with the Convention; and

WHEREAS, on June 9, 2015, Dr. McRaney resigned from his employment with the Convention and the Convention accepted his resignation; and

WHEREAS, the parties wish to provide Dr. McRaney with severance pay and certain other separation benefits, and further to provide for resolution and release of any and all claims Dr. McRaney may have against the Convention in any way related to Dr. McRaney's employment with, or separation from, the Convention.

NOW, THEREFORE, in consideration of the foregoing recitals (which will be deemed a substantive part of this Agreement), and the mutual covenants contained herein, and other consideration the receipt and sufficiency which is hereby acknowledged, the parties agree as follows:

1. Resignation. Dr. McRaney resigned from his employment with the Convention on June 9, 2015 (the "Resignation Date"). If Dr. McRaney does not sign this Agreement, or if Dr. McRaney revokes this Agreement within the seven (7) day Revocation Period described in Section 13 below (the "Revocation Period"), Dr. McRaney's employment is nevertheless terminated as of the Resignation Date. Dr. McRaney's employment with the Convention will be deemed terminated for all purposes as of the Resignation Date. Dr. McRaney waives all rights to employment with the Convention. Dr. McRaney agrees not to apply for or seek reinstatement or re-employment by the Convention.

2. Accrued Compensation. Whether or not Dr. McRaney signs this Agreement, Dr. McRaney will receive his wages and other compensation, if any, accrued through the Resignation Date, less all required withholdings. Such compensation was paid to Dr. McRaney on July 1, 2015, the first regular payroll date following the Resignation Day. Dr. McRaney will not accrue any paid time off (PTO), annuity contributions, sick leave or any other compensation or benefits after the Resignation Date. Except for Dr. McRaney's right to receive reimbursement of health insurance premiums under Section 3(b) of this Agreement, Dr. McRaney's eligibility, if any, for health insurance, life insurance, disability benefits, annuity contributions, and all other benefits and perquisites provided or funded by the Convention will end after the Resignation Date.

3. Separation Benefits. Although not required to do so, the Convention will provide Dr. McRaney with the following accommodations (the "Separation Benefits"), contingent on Dr. McRaney signing this Agreement, provided Dr. McRaney does not breach this Agreement and that Dr. McRaney does not revoke this Agreement during the seven (7) day Revocation Period:

(a) Severance Pay. The Convention will continue to pay Dr. McRaney his salary, housing allowance and Social Security offset, at the rate as of the Resignation Date, as severance pay (the "Severance Pay") for a period of six (6) months commencing upon the Resignation Date and continuing through December 9, 2015. The total amount of such Severance Pay is \$67,681.98. Payments of Severance Pay will be made to Dr. McRaney in monthly installments, less all required withholdings, according to the Convention's regular payroll policy and schedule. The first installment will be paid to Dr. McRaney on the first regular payroll date following the last day of the Revocation Period. Dr. McRaney will not receive Severance Pay if Dr. McRaney does not sign this Agreement or if Dr. McRaney revokes this Agreement within the seven (7)-day Revocation Period. Dr. McRaney will not receive any payment of Severance Pay prior to expiration of the seven (7)-day Revocation Period. Any Severance Pay scheduled to be paid prior to the end of the seven (7)-day Revocation Period will be accumulated and paid (without interest) on the first regular payroll date following the last day of the Revocation Period, if Dr. McRaney signs and does not revoke this Agreement. Dr. McRaney will be entitled to the Severance Pay whether or not Dr. McRaney finds future employment, and the Severance Pay will not be reduced or offset by any of Dr. McRaney's earnings after the Resignation Date.

(b) Reimbursement of Health Insurance Premiums. The Convention will reimburse Dr. McRaney for the amount of health insurance premiums paid by Dr. McRaney during the Premium Reimbursement Period (defined below) for health insurance coverage for himself, his spouse and dependent children, provided that the amount of such reimbursements will not exceed \$2,061.81 per month or an aggregate of \$12,370.86 for all such health insurance premium reimbursements. The Convention will pay each such premium reimbursement within 15 days following receipt from Dr. McRaney of written verification of each premium payment. Such reimbursable health insurance premiums may include health insurance premiums which Dr. McRaney pays for continued coverage under the Convention's group health insurance plan pursuant to the Maryland continuation of health insurance benefits law if Dr. McRaney elects such continued coverage. After the Premium Reimbursement Period, Dr. McRaney will be financially responsible for all of his, his spouse's and his dependent children's health insurance premiums. The term "Premium Reimbursement Period" means the period commencing with the Resignation Date and continuing for a period ending on the earlier of (a) December 31, 2015 or (b) the date on which Dr. McRaney first becomes eligible to receive health insurance benefits from his new employer.

(c) Retained Equipment. The Convention will allow Dr. McRaney to retain possession and ownership of his Convention-provided cell phone, laptop computer and iPad, provided that Dr. McRaney will first return these items to the Convention and allow a Convention representative to inspect these devices to ensure that no Convention files or property are stored on these devices. The Convention may delete any such Convention files or property stored on these devices, including removal of the current hard drive from the laptop computer.

Dr. McRaney will be invited to participate in this inspection and removal. Thereafter, Dr. McRaney shall retain possession of these items.

(d) Nature of Benefits. Dr. McRaney acknowledges that the Convention has no obligation to provide Dr. McRaney with Separation Benefits and that the Separation Benefits are above and beyond any wages, housing allowance or benefits to which Dr. McRaney is entitled from the Convention. The Separation Benefits are provided strictly as an accommodation to Dr. McRaney and as consideration for Dr. McRaney's covenants and his release set forth in this Agreement. Dr. McRaney will not receive the Separation Benefits if Dr. McRaney breaches this Agreement. Dr. McRaney will also not receive the Separation Benefits if he revokes this Agreement within the seven (7)-day Revocation Period.

(e) Deductions and Withholding. Dr. McRaney authorizes the Convention to withhold or deduct from any payment of Severance Pay or other Separation Benefits such sums as that are required to be deducted or withheld, including, but not limited to, withholding for Social Security and taxes.

4. No Other Payments. Other than as expressly provided in Sections 2 and 3 above, Dr. McRaney will not be entitled to receive any other compensation, benefits, reimbursements or other payments whatsoever.

5. General Release.

In exchange for the Severance Pay and the other Separation Benefits, Dr. McRaney hereby releases and forever discharges the Convention and its past, present and future affiliates, agencies, supporting organizations, member churches, associations of churches, messengers, committee members (including members of the Administrative Committee and the General Mission Board), officers, employees, trustees, volunteers, agents, attorneys, successors and assigns (collectively, "Released Parties"), from any and all actions, causes of action, suits, claims, debts, liabilities, obligations, covenants, contracts and demands whatsoever, administratively, at law or in equity, which Dr. McRaney ever had, now has or may have, whether known or unknown, foreseen or unforeseen, actual or potential, from the beginning of time to the date hereof and including the date on which Dr. McRaney executes this Agreement, arising from or related to, directly or indirectly, Dr. McRaney's employment with the Convention, or the termination thereof, whether the same are brought under any federal, state or local law or regulation, including, but not limited to the following:

(a) any claim of discrimination or harassment based on age, race, color, sex, religion, handicap, genetics, physical or mental disability, national origin, ancestry, citizenship, pension qualification, marital status, familial status, political opinion or affiliation, or physical appearance, under any federal, state or local law, statute, regulation or ordinance, including, without limitation, any claim under Title VII of the Civil Rights Act of 1964; the Civil Rights Act of 1866, as amended by the Civil Rights Act of 1991 (42 U.S.C. § 1981); the Age Discrimination in Employment Act (ADEA); the Older Workers Benefit Protection Act (OWBPA); the Americans with Disabilities Act; the Family and Medical Leave Act; the Equal Pay Act; the Worker Adjustment and Retraining Notification Act; the Employee Retirement

Income Security Act of 1974; the Fair Labor Standards Act; the Consolidated Omnibus Budget Reconciliation Act of 1985 (29 U.S.C. §§ 1161 et seq.); the Rehabilitation Act of 1973 (29 U.S.C. §§ 701 et seq.); the Equal Pay Act; Executive Order 11246; and Executive Order 11141; the Maryland Fair Employment Practices Act, Article 49B of the Annotated Code of Maryland; and §§ 12.200–12.213 of the Howard County Code, all as may have been from time to time amended;

(b) any claim for breach of an actual or implied contract of employment between Dr. McRaney and the Convention or any other agreement between Dr. McRaney and the Convention;

(c) any claim concerning disciplinary action or termination, including any claim of unjust, wrongful, discriminatory, retaliatory or tortious discharge or other adverse employment action (including any claim of whistleblowing), and any claim for arbitration;

(d) any claim concerning severance pay, sick leave, vacation pay, life insurance, group medical insurance, and any other fringe benefits;

(e) any rights or claims for any tort that Dr. McRaney may allege, including any claim of negligence (including negligent infliction of emotional distress, negligent hiring, or negligent retention) and any claim of intentional tort (including libel, slander, assault, battery, and intentional infliction of emotional distress); and

(f) any other claim under any other law, statute, regulation or ordinance relating to the employment relationship, or any other alleged violation of local, state or federal law, constitution, regulation or ordinance, and/or public policy.

Dr. McRaney is not, however, waiving or releasing: (i) any of the Convention's obligations under this Agreement or any right to bring an action to enforce this Agreement; (ii) any right Dr. McRaney may have to receive wages and benefits to which Dr. McRaney may be entitled through the Resignation Date, net of withholding amounts; (iii) Dr. McRaney's right to bring an action to challenge this Agreement's compliance with the Older Workers Benefit Protection Act (OWBPA); or (iv) any claim that cannot be released under applicable law.

For purposes of this Agreement, an employee of the Convention includes any individual who (i) is an employee of the Convention, or (ii) or who performs services for the Convention as an employee of the North American Mission Board ("NAMB") or under a co-employment, shared employment, leased employee or similar contract or arrangement with NAMB.

Nothing in this Agreement is intended to limit in any way any right or ability Dr. McRaney may have to file a charge or claim with the U.S. Equal Employment Opportunity Commission ("EEOC") or comparable state or local agencies. Dr. McRaney retains the right to participate, testify, and assist in such action and to recover any appropriate relief. Dr. McRaney retains the right to communicate with the EEOC and comparable state or local agencies and such communication can be initiated by Dr. McRaney or in response to the government and is not limited by any non-disparagement obligation under this agreement. Dr. McRaney understands and acknowledges that the Convention will rely on

this general release as a bar and complete defense to any request for any award of any damages, back pay or other individual relief to Dr. McRaney. Dr. McRaney agrees that this release will survive termination or resignation of employment.

6. Covenant Not to Sue. Dr. McRaney agrees not to file or participate in any civil action, law suit, claim, grievance, complaint or charge with any court or any state or federal or local agency, concerning or relating to any claim or matter released in this Agreement, other than an action to challenge this Agreement's compliance with the Older Workers Benefit Protection Act (OWBPA). Dr. McRaney represents and warrants that he has not filed or otherwise initiated any civil action, law suit, claim, grievance, complaint or charge against the Convention or any of the other Released Parties.

7. Non-Disparagement. Dr. McRaney will not at any time make or induce or assist anyone else in making any disparaging, untrue or misleading statements or communications about the Convention or any of its agencies, member churches or associations, any of the employees, officers or trustees of the Convention or any of its agencies, member churches or associations, or any of the ministries or services provided by the Convention or any of its agencies. The foregoing will not, however, prevent Dr. McRaney from giving factual information required to be given pursuant to subpoena or other compulsory legal process, or from otherwise presenting testimony or other evidence in any suit or other proceeding in connection with this Agreement, including giving factual information as necessary for Dr. McRaney to bring any action to enforce his rights and remedies under this Agreement or to challenge this Agreement's compliance with the Older Workers Benefit Protection Act (OWBPA) or defending any action brought against Dr. McRaney.

8. Transition Cooperation. For a period of time after the Resignation Date through December 31, 2015, Dr. McRaney will, at the Convention's request, provide reasonable cooperation and information to the Convention toward an orderly transition of matters which were within the scope of Dr. McRaney's duties and responsibilities while employed at the Convention. Upon the Convention's request, Dr. McRaney will promptly provide the Convention with a report containing a list of all passcodes, passwords, the location and status of files, and other information within Dr. McRaney's knowledge or control. Dr. McRaney will be available at reasonable times to respond to occasional inquiries by telephone and email. The Convention will promptly reimburse Dr. McRaney for any reasonable and legitimate out-of-pocket expenses incurred by Dr. McRaney in providing this cooperation, in accordance with the Convention's regular expense reimbursement policies, upon presentation of documentation of such expenses.

9. Confidentiality. Dr. McRaney shall not use or disclose any Confidential Information and will not use any Confidential Information for his own or another's benefit. For the purposes of this paragraph, Confidential Information means any confidential or proprietary information of the Convention, including but not limited to: financial information; files; correspondence; books and records; and any information which the Convention has received from a third party in confidence. The term "Confidential Information" will not, however, include any information that is already publicly known or available through no act or failure to act by Dr. McRaney. Dr. McRaney shall not disclose the contents of this Agreement to anyone other than Dr. McRaney's spouse, children, legal advisors and professional tax advisors.

10. Return of Convention Property. Subject the provisions of Section 3(c), prior to receiving any of the Severance Pay, Dr. McRaney will immediately return to the Convention, without retaining any copies thereof, all tangible and intangible property of the Convention, including, all equipment, credit cards, charge cards, building pass cards, keys, computers, all books, records, documents and files, and all Confidential Information.

11. Cooperation in Litigation. Dr. McRaney will cooperate with reasonable requests from the Convention or its attorneys in giving truthful written or oral testimony in defense or support of any inquiry, litigation, arbitration or administrative proceeding involving the Convention or its agencies about which Dr. McRaney possesses knowledge as a result of Dr. McRaney's employment. To the extent practicable, the Convention will accommodate Dr. McRaney's schedule with regard to Dr. McRaney's availability for preparation for and giving of such truthful testimony. The Convention will reimburse Dr. McRaney for all expenses incurred by Dr. McRaney in preparing for and giving such testimony, including travel, lodging and per diem expenses.

12. Right to Continue Using Dr. McRaney's Name and Likeness. In order to facilitate an orderly transition, Dr. McRaney authorizes the Convention for a period of twelve (12) months after the Resignation Date to continue using Dr. McRaney's name, photograph and likeness in the Convention's literature (including *Baptist Life*), website and in any other media now known or hereafter developed (including video, internet or other electronic media) for promoting the Convention's ministries in a positive manner. Dr. McRaney also authorizes the Convention to continue using and displaying and reproducing, in perpetuity, any and all video recordings and audio recordings containing Dr. McRaney's image and/or Dr. McRaney's voice that were recorded prior to the Resignation Date.

13. Waiver of Age Discrimination Claims. Dr. McRaney acknowledges that he is waiving and releasing any rights he may have under the Age Discrimination in Employment Act of 1967 ("ADEA") and that this waiver and release is knowing and voluntary. This waiver and release does not, however, apply to any rights or claims that may arise under the ADEA after the date Dr. McRaney signs this Agreement. Dr. McRaney further acknowledges that the Severance Pay and other Separation Benefits paid to Dr. McRaney in consideration for the waiver and release in this Agreement is in addition to anything of value to which Dr. McRaney was already entitled.

Pursuant to the Older Workers Benefit Protection Act (OWBPA), Dr. McRaney further acknowledges and agrees that he has been advised in writing that:

(a) Dr. McRaney should consult with an attorney before signing this Agreement;

(b) Dr. McRaney has twenty-two (22) days after the date on which he first received this Agreement (the "Review Period"), in which to review and consider this Agreement before signing it;

(c) Dr. McRaney has seven (7) days after he signs this Agreement (the "Revocation Period") to revoke this Agreement;

(d) This Agreement will not become effective until the seven (7) day Revocation Period has expired; and

(e) Nothing in this Agreement prevents or precludes Dr. McRaney from challenging or seeking a determination in good faith of the validity of this waiver under the ADEA, nor does it impose any condition precedent, penalties or costs for doing so, unless specifically authorized by federal law.

If Dr. McRaney decides to sign this Agreement prior to expiration of the twenty-two (22) day Review Period, Dr. McRaney acknowledges that he is doing so knowingly and voluntarily, and without any demand or inducement by the Convention to do so. Dr. McRaney's signature on this Agreement is an express waiver of the twenty-two (22) day Review Period if Dr. McRaney signs this Agreement prior to the expiration of the Review Period. Dr. McRaney understands and acknowledges that the twenty-two (22) day Review Period will begin on June 18, 2015, the day immediately following the date on which Dr. McRaney received this Agreement.

If Dr. McRaney wishes to exercise his right to revoke this Agreement, he must deliver written notice of revocation to the Convention within the seven (7)-day Revocation Period in accordance with the "Notices" provisions in Section 19. If Dr. McRaney exercises his revocation right during the Revocation Period, this Agreement will become null and void, and Dr. McRaney will not receive the Severance Pay or any other Separation Benefits. This Agreement will also not serve as evidence for any purpose or as an admission of any fact or liability. If the Convention has not received written notice of Dr. McRaney's revocation within the Revocation Period, this entire Agreement will become effective on the eighth (8th) day after the date Dr. McRaney signs this Agreement.

14. No Admission. Nothing in this Agreement will be deemed or construed to be an admission or acknowledgment by either Dr. McRaney or the Convention (or by any Released Party) (i) of the truth or falsity of any actual or potential claims, (ii) of any fault or liability to the other party or to any third party, or (iii) of any violation of an applicable law.

15. Governing Law; Jurisdiction. This Agreement shall be construed and governed in accordance with the laws of the State of Maryland. All suits, proceedings and other actions relating to, arising out of or in connection with this Agreement shall be brought exclusively in the Circuit Court for Howard County or, as applicable, in the federal courts in the State of Maryland. Each party hereby consents to the personal jurisdiction of such courts, agrees that venue shall properly lie in each of such courts.

16. Severability. If any provision of this Agreement is held to be invalid or unenforceable, in whole or in part, by any court of competent jurisdiction, such invalidity or unenforceability will not affect any other provision hereof. Any provision of this Agreement that is declared invalid or unenforceable will be deemed to be modified to the minimum extent necessary to make such provision valid and enforceable.

17. Entire Agreement. This Agreement contains the entire agreement between Dr. McRaney and the Convention concerning the subject matter of this Agreement, and there are no other representations, warranties or covenants except as contained herein. This Agreement supersedes all prior and contemporaneous agreements, understandings, negotiations, letters, summaries, proposals and discussions, whether written or oral, regarding separation of Dr. McRaney's employment and the other matters contemplated herein. No amendment or modification of this Agreement, nor any waiver of any provision hereof, will be effective unless in writing by the Convention and Dr. McRaney.

18. Rules of Construction. The enumeration and headings of the sections of this Agreement are merely for convenience of reference and do not constitute representations or warranties, do not impose any obligations whatever and have no substantive significance. Unless the context otherwise requires, whenever used in this Agreement the singular will include the plural, the plural will include the singular, and the masculine gender will include the neuter or feminine gender and vice versa. This Agreement will not be deemed to have been drafted by either party for purposes of any rule of construction.

19. Notices. Any notice or other communication to the Convention (including any notice of revocation of this Agreement by Dr. McRaney during the Revocation Period) will be delivered to the following address:

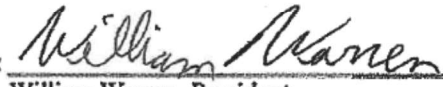
Baptist Convention of Maryland/Delaware, Inc.
10255 Old Columbia Road
Columbia, Maryland 21046
Attn. Mark Dooley, President, General Mission Board

EXECUTED by the parties on the dates set forth below.


Dr. Will McRaney

Date: 7/9/15

BAPTIST CONVENTION OF MARYLAND/DELAWARE, INC.

By: 
William Warren, President

Date: 7/16/15

By: 
Mark Dooley, President, General Mission Board

Date: 7/15/15

EXHIBIT 18

From: Will McRaney <will@willmcraney.com>

Sent: Thursday, February 4, 2016 2:46 PM

To: Andy Addis; Andy Childs; BJ Bateman; Barry Anderson; Bill Ingram; Bill Logan; Blake Gideon; Bob Dickerson; Bob Lowe; Brent Campbell; Bruce Franklin; Chuck Herring; Dan Walker; Danny Ringer; Danny Wood; Danny de Armas; David Green; David Parks; David Saylor; David Washington; Denny Gorena; Ferrel Wiley; Gary Yochum; Greg Varndell; Heath Peloquin; Joey Anthony; Keith Warden; Lane Moore; Larry Robertson; Manuel Martinez; Mark Dyer; Mike McLemore; Natalie White; Shane Sowers; Spike Hogan; Stephen Spurgin; Steve Hardy; Tad Thompson

Cc: Ezell, Kevin

Subject: Letter of Concern

Attachments: Letter of Concern Ezell NAMB.docx; ATT00001.htm

Dear NAMB Trustee,

I am writing you because of your leadership role in the SBC. As a trustee of the Southern Baptist Convention assigned to the North American Mission Board, I value the role you play in providing oversight, accountability and insuring good stewardship on behalf of all Southern Baptist church members.

I appreciated the opportunity to serve the 560 churches of the Mid-Atlantic Baptist Network (MD/DE Baptist Convention) as the Executive Director until my shocking termination on June 8, 2015. In relation to my termination, I have written the attached letter of concern. This letter relates to Dr. Kevin Ezell's interference with matters related to the Mid-Atlantic Baptist Network and my role as the Exec. Director the Network.

The attached letter is being sent to various leaders of the SBC, all NAMB trustees, and select leaders in the Mid-Atlantic Baptist Network because of their relationship in some way to this matter.

Thank you kindly for your consideration.

Will McRaney

PS You are receiving this in electronic form because I was able to locate what I believed to be your email address. My apologies to the other trustees if I was not able to locate an email for them. However, a paper copy has been mailed to you and each NAMB trustee to the address located in the SBC Annual.

www.willmcraney.com

Feb. 3, 2016

NAMB Trustees and SBC Leaders,

I am sending you this letter because of your leadership role within the Southern Baptist Convention ("SBC") and your responsibility as it relates to North American Mission Board ("NAMB") President Kevin Ezell, a man who holds a critical position within our Convention. I have served as a pastor, a church planter, a SBC seminary faculty member, and as a staff member of two state conventions for 29 years. After seeking counsel from several SBC leaders, I bring matters to your attention as it relates to Dr. Ezell's actions toward me in my capacity as Executive Director of the Maryland/Delaware ("MD/DE") Convention, a position I held until June 2015. I have not addressed this with you until now so as not to potentially violate my severance agreement with the MD/DE Convention.

As detailed below, when Dr. Ezell disagreed with my decisions as Executive Director, he informed the Convention that he would withhold money from the Convention as long as I remained Executive Director. Dr. Ezell pressured the Convention over a series of months, interfering with our affairs, thereby undermining and damaging my position as the executive leader, which resulted in my forced resignation in lieu of termination. He acted against me personally and against the MD/DE Convention, damaging me, my family, the Maryland/Delaware Convention, and the mission of the SBC. Furthermore, Dr. Ezell has similarly strong-armed other state convention partners and executive directors, repeatedly damaging the relationships between the state conventions and NAMB/SBC.

I. The Relationship Between NAMB and the MD/DE Convention

The MD/DE Convention is a mid-size state convention consisting of 560 churches and ranked #4 of 42 state conventions for highest percentage forwarded to the SBC, annually contributing approximately \$900,000 to NAMB and \$1.9 million to the IMB through the Cooperative Program and other offerings. NAMB annually averaged returning to the MD/DE Convention \$960,000 for evangelism and mission efforts for the previous 10 years.

NAMB has historically partnered with state conventions. The Great Commission Resurgence adopted in 2010 set the goal for NAMB to "phase out all Cooperative Agreements within seven years." Toward that end, like other state conventions, in 2012 NAMB and the MD/DE Convention entered into a new Strategic Partnership Agreement (SPA) which outlined how NAMB and the MD/DE Convention would work together to advance the gospel in the Mid-Atlantic region.

State conventions typically enter into agreements with church planters who wish to receive SBC funding. These agreements include a requirement that the church plant contribute to the Cooperative Program and the local association a percentage of the undesignated offerings received by the church plant. In August 2014, NAMB directed the Northeast Conventions to remove this requirement for church plants which receive SBC funds, even though this action undermined future mission efforts at the local level.

For 2015-2017, NAMB made a three-year financial commitment to MD/DE Convention as a part of their budgeting process so that states and NAMB could make better budget forecasting.

II. Dr. Ezell's Interference in the Affairs of the MD/DE Convention

In late 2014, I was informed that Dr. Ezell had concerns about my leadership as Executive Director of the MD/DE Convention as it related to the partnership with NAMB. In October and November 2014, I wrote to him five times requesting a meeting to hear and address his concerns. In late November 2014, just before Thanksgiving, I received an email from Dr. Ezell where I first learned of his three issues he wished to address:

1. I had allegedly failed to return a phone call from a NAMB staff member.
2. I was requiring church planters receiving funds through the MD/DE Convention to reinvest 2% in local and regional church plants as a substitute for the previous 3% reinvestment removed by Dr. Ezell.
3. On two occasions I allegedly violated the hiring procedures in the SPA for jointly funded missionaries.

I wrote Dr. Ezell a detailed response to his concerns, addressing each one in detail, and expressed my desire for the MD/DE Convention to have a partnership with NAMB.

III. Dr. Ezell's Actions in Response to My Letter and the Impact of His Actions

Despite my efforts to meet with Dr. Ezell, he refused to meet with me. On December 3, 2014, before the 2015-2017 budget period took effect, Dr. Ezell sent a SPA one-year cancellation notice to the MD/DE Convention, cancelling the strategic and historic financial partnership between NAMB and the MD/DE Convention effective December 3, 2015. Dr. Ezell took this action without consulting me, as required by the SPA. After a review of the facts, the three elected pastor/leaders of the MD/DE Convention and I reviewed Dr. Ezell's reasons for canceling the SPA, declared them to be false, and said so in a January 14, 2015 response to Dr. Ezell and the three NAMB Trustee officers. Dr. Ezell undermined the relationship between NAMB and the MD/DE Convention by communicating with MD/DE Convention President Dr. Bill Warren, while refusing to meet with me and putting in writing false accusations against me as Executive Director as his reason to cancel the SPA.

On February 6, 2015, the MD/DE Convention General Mission Board (GMB) met to consider Dr. Ezell's claims and cancellation of the SPA. During that meeting, GMB President Mark Dooley and Administrative Committee Chair Harold Phillips declared Dr. Ezell's allegations to be false and noted that NAMB had violated the SPA in numerous ways. The Board also voted unanimously to affirm my leadership and support my handling of NAMB matters. Finally, the Board voted to not accept NAMB's offer to cancel the agreement of joint responsibility and joint funding of church planting in favor of NAMB's desire to take 100% ownership in various aspects of church planting (in essence the nationalization of church planting efforts). Ezell sent a threatening text message to a Board member during this meeting which was read aloud

to the Board. Later that day, Dr. Ezell finally told Dr. Warren he would meet with a small group of MD/DE leaders (including me,) on March 11, 2015.

When Dr. Ezell arrived in March, he refused to meet the local staff or engage with anyone not participating in the meeting. During the meeting he agreed to not withhold all funds from the Convention at the end of 2015, as he had written he would do. Instead, he said he would cut the MD/DE funding to \$500,000 (in half), and imposed the restriction that no NAMB money could go to jointly funded state staff. This effectively removed NAMB funds for seven current staff and a total of eight positions, imposing enormous pressure on and fear in the MD/DE staff and elected leaders.

In my view, Dr. Ezell acted inappropriately in at least the following ways:

He falsely told the MD/DE Convention leadership that he had repeatedly tried to meet with me, despite the multiple emails reflecting my efforts to meet with him.

He interfered with my leadership of the MD/DE Convention by falsely accusing me of violating the SPA's hiring procedures.

He sent a text message to a MD/DE Convention Board member during a February 2015 meeting threatening to withhold all future NAMB funding from the MD/DE Convention, a text message which was read aloud and recorded at that meeting.

He orchestrated my termination as Executive Director of the MD/DE Convention by tying future SBC resources to my removal. This threatened loss of funds caused the Convention to rush my termination in violation of our governing documents such that the entire process took only six days, despite a positive employment affirmation only a few months earlier (Feb. 2015). The Convention President acknowledged that he loved my wife and me, but noted that he "believed our cooperation with NAMB was not something we should lose."

He restored financial support to the Convention shortly after my termination, thereby confirming his pivotal role in the process. In fact, the Convention was rewarded with a new NAMB agreement which contained additional funding, reportedly almost doubling Dr. Ezell's March 2015 commitment, causing one former elected pastor/leader of the Convention to write that I had been "sold out" for NAMB money.

Termination Process: Drs. Ezell and Warren remained in contact as Dr. Warren drove the termination process. Warren did so around me and Admin. Chairman Phillips, in violation of policies written and promises made, and with Ezell's threat against me hidden.

- *June 8, 2015* -- To my shock, Phillips and Board member Mike Trammel informed me of my termination. When I inquired as to the accusations or causes of my termination, Trammel immediately replied, "**There are none.**"

- *July 14, 2015* -- The MD/DE Board affirmed by letter, “it was not aware, either on the date of your resignation or today, of any allegation against you related to any illegal, immoral or unethical behaviors or acts.”
- *September 10, 2015* -- Before me and six witnesses, Dr. Warren revealed that he told Trammel the morning after my termination that he (Warren) should become the next Executive Director.
 - Place: Trammel’s home
 - Time: Before Warren drove to the Convention offices to share my resignation with the MD/DE staff.
- *October 26, 2015* -- Dr. Warren revealed by email that I had not been informed of the reasons for my termination. “Will should not have had to wait for weeks (months?) to learn what those reasons were.”

IV. The Impact of Dr. Ezell’s Actions on Other State Conventions

In the wake of my experience I have learned that Dr. Ezell violated cooperative agreements with *other* state conventions by making threats to withhold NAMB money in order to further his agenda, causing these state conventions and executive directors to further question whether Dr. Ezell will honor his word or written agreements, and to accept new agreements after my termination. According to written communications, Dr. Ezell has also reportedly imposed “gag orders” on state convention executives, threatening to withhold SBC funds if anyone says anything negative about Dr. Ezell or NAMB, or if anyone discloses the terms of an agreement between a state convention and NAMB.

Dr. Ezell’s tactics have led a number of state and local leaders to say they “have had it” with NAMB. Some local and associational leaders are disengaging. Some executives are reconsidering their positions regarding the most effective way to fund mission efforts across North American, especially in the non-southern states. Many of these executives may hesitate to speak out due to fear of damaging NAMB or fear of retaliation by Dr. Ezell, but I am hopeful they will speak with you at your request. Collectively there is a growing concern that the fabric of the SBC is being unraveled and will have long-term negative impact on future cooperative mission efforts.

Despite Dr. Ezell’s contention in a November 13, 2015, *Baptist Press* article that claimed state partnerships with NAMB were strong, state conventions have been systematically strong-armed in ways that are unraveling the fabric of cooperative missions. Not only are partnerships not strong, many describe them as not partnerships at all. A long-term Executive Director from the South recently noted in writing, “Partnership is dead in the SBC.” The past and future mission impact of the SBC is dependent upon a cooperative spirit and mutual respect among the local, state, and national levels.

Under Dr. Ezell’s leadership, NAMB has also used mission dollars intended for the most under-evangelized population centers of the U.S. to entice the newer conventions to bow to NAMB’s national priorities and to increasingly adopt NAMB’s strategies rather than develop or continue with their own. Those who refuse to kowtow face the threat of defunding — the loss

of dollars originally given for use on the field, which means the loss of vital ministries among the newer convention churches.

A related issue is the accumulation of massive NAMB reserves, with \$400 million in assets and \$285 million in unrestricted reserves, despite SBC and NAMB governing documents restricting reserves to one-half of NAMB's annual budget. These reserves mean that local and state mission work is not being funded as it could be, and they are in stark contrast to Dr. Ezell's assertion in a November 2015 *Baptist Press* article: "Southern Baptists don't give sacrificially so that we can leave money unspent."

V. Impact on SBC Mission Effectiveness

America is our mission field, one of the world's largest mission fields, and our base for global impact. According to SBC and NAMB Annual Reports and statistics:

- Baptisms among Southern Baptists are at 70 year lows.
- In spite of the national campaign and emphasis by Ezell/NAMB, the number of church starts has **decreased** by 592 per year over the last 5 years when compared to the previous 5 years.
 - SBC church plants are baptizing less than half of the national average of other denominations as reported in a research project conducted by NAMB.
 - NAMB is investing **twice** as many SBC mission dollars in the last 5 years, while defunding or eliminating other mission efforts in partnerships with states and associations.

VI. Conclusion

While I have seen it firsthand, I am not the only one who has experienced Dr. Ezell's vindictive tactics. I write this letter at some risk to myself and my family. Proverbs 18:17 teaches us: "The one who states his case first seems right, until the other comes and examines him," and former Congressman Daniel Moynihan is quoted as saying, "Everyone is entitled to his own opinion, but not to his own facts." These facts need further investigation. Ignoring the problem will not make it go away.

Baptisms and local church plants are alarmingly decreasing, and I believe the problem is in part related to the interaction between NAMB and the state conventions. Furthermore, Dr. Ezell, in his role at NAMB, has damaged me financially and harmed my reputation. I respectfully request an investigation of the matters set forth in this letter, and that appropriate corrective actions be taken to correct what Dr. Ezell has done to me, my family, the MD/DE Convention, other state conventions, the North American Mission Board, and the Southern Baptist Convention.

Thank you.
In truth and love,

Will McRaney

EXHIBIT 19

From: Bill Ingram <bingram@mabc.us>
Sent: Monday, June 13, 2016 9:28 AM
To: Curtis, Rick
Subject: Fwd: Open Letter
Attachments: NAMB Trustees Open Letter McRaney.docx; Related Quotes NAMB Ezell Matters.docx

----- Forwarded message -----

From: **Will McRaney** <will@willmcraney.com>

Date: Saturday, June 11, 2016

Subject: Open Letter

To: Andy Addis <andy@crosspointnow.net>, Andy Childs <andychilds@ebenezerbaptist.com>, BJ Bateman <bj@cefgreenville.com>, Barry Anderson <barry@mygvbc.com>, Bill Ingram <bingram@mabc.us>, Bill Logan <billlogan@immanuelridgecrest.org>, Blake Gideon <sgorham@fbcedmond.org>, Bob Dickerson <pastor@fbmarion.org>, Bob Lowe <lowerj@juno.com>, Brent Campbell <trbadom@centurytel.net>, Bruce Franklin <bfranklin@gloryroad.net>, Chuck Herring <cherring@fbccoll.org>, Dan Walker <dwalker@slba.org>, Danny Ringer <dringer@cablone.net>, Danny Wood <stjohn@shades.org>, Danny de Armas <DannyydeArmas@firstorlando.com>, David Green <daviddgreen.ddg@gmail.com>, David Parks <dparks@ddafcpa.com>, David Saylor <pdave777@gmail.com>, David Washington <pastordavid@cantoncf.org>, Denny Gorena <office@fbcleonardtx.org>, Ferrel Wiley <ferrel@srblife.com>, Gary Yochum <pastorgary@harrisonhills.org>, Greg Varndell <greg@fairlawnbaptist.com>, Heath Peloquin <hpeloquin@sbtexas.com>, Joey Anthony <joey.anthony@mpbclife.com>, Keith Warden <keithw@fbcpic.net>, Lane Moore <lmoore@nwlba.org>, Larry Robertson <larrydrobertson67@gmail.com>, Manuel Martinez <pastor@pibi.org>, Mark Dyer <dyer@mdjwlaw.com>, Mike McLemore <mikem@bbaonline.org>, Stephen Spurgin <sspurgin@fbcmiamisburg.org>, Steve Hardy <shardy@ncbaptist.org>, Tad Thompson <tthompson@habc.net>
Cc: Wolverton Steve <steve@cantonbaptist.net>, Scott Clint <cscott@fbcde.com>

I respectfully submit these to you because of your oversight responsibilities on behalf of all Southern Baptists. I request your prayerful consideration of these most serious matters.

I mailed the entire trustee body copies late Thursday afternoon. The above list is reflective all the email addresses that I have.

I will be at the SBC in St. Louis should you desire to talk with me directly.

Will McRaney

<http://willmcraney.com>

--

Bill Ingram

Student Pastor

Mississippi Avenue Baptist Church

NAMB Trustees – June 2016 Open Letter

The matters before you are quite serious as you steward before God and Southern Baptists the high calling and resources of Southern Baptists, both human and financial. Involved are the laws of God, terms of Cooperative Agreements, and governmental laws. In lieu of judgment being rendered by secular courts, your duty before God, Southern Baptists, me and my family, and also Dr. Ezell is to receive the accusations, examine evidence with cross examination, and then take appropriate actions. Your personal support of Dr. Ezell, me or even NAMB pales in value in light of the highest matter of pleasing God by doing justice, loving mercy and walking humbly.

My February 2016 “Letter of Concern” to you, the NAMB Trustees was met with denial and dismissed in 20 hours by your officers. I also personally provided you with a response and evidence to the additional denials by NAMB’s attorneys since I am not represented by legal counsel. Interlinked evidence was then made available to you online so that no one can claim they were not aware of the claims or the evidence. It is still readily organized and available.

Based on unimpeachable facts, Dr. Ezell is past tense guilty of the accusations against him. He has damaged people with his actions. This is not a “he said, she said” matter. The documents are clear and could speak for themselves. The evidence including cross examination (Prov. 18:17) of an unbiased investigation will reveal the guilt of Dr. Ezell. There were no accusations against me from MD/DE. The limited accusations by Dr. Ezell against me related to hiring protocols were examined for over a month by the 3 elected officers of MD/DE and proven to be false and are libelous in nature with subsequent damages.

With all due respect to you as trustees, God’s Word and the Biblical commands are clear and not optional: repentance, reconciliation, and then restoration and restitution for the damages caused by Dr. Ezell acting on behalf of NAMB. Not only has this been brought to your attention by me as one injured by Dr. Ezell’s actions, but many Southern Baptists are calling for a complete independent investigation. However, most importantly it is the only God-honoring path forward.

Some Southern Baptists have read the evidence, including a 20 year old NAMB summer missionary who after 30 minutes of reading, verbalized key factors, your response and signed the petition calling for an investigation. What is on trial is the trustworthiness of the NAMB Trustees to do your duty to God and Southern Baptists and to extend justice. They and I expect you to fulfill your oversight duties by investigating and acting on the accusations against the NAMB President and consequently our NAMB. Either your handling will enhance credibility, trust and goodwill, or these essentials will be undermined and damage our cooperative mission efforts.

Your attention to or ignoring of these matters is being judged by God and Southern Baptists will do so in time. No action, word or motive escape God’s view nor our accountability before Him. Blessings and discipline from God are both conditional. I will pray for your discernment and courage as well as the needed repentance and reconciliation.

Respectfully and Prayerfully,
Will McRaney, PhD

* documents and related articles at willmcraney.com/open-letter/

Questions to Consider

1. Why are the specifics of the allegations against Ezell not being addressed by Dr. Ezell or the trustee officers and is the answer tied to facts arguing against Dr. Ezell and his conduct?
2. Is there evidence that Dr. Ezell lied multiple times?
3. Is there evidence that Dr. Ezell made false written accusations against an Executive Director of a sister autonomous organization and historic NAMB partner?
4. Is there evidence that Dr. Ezell and NAMB knowingly and willfully violated multiple parts of the signed 2012 Cooperative Agreement with MD/DE?
5. Is there evidence that Dr. Ezell provided a cancellation of the Cooperative Agreement with the threat of the loss of \$1 million to MD/DE for mission efforts and missionaries? And, done so under false accusation and without meeting with Dr. McRaney as the Executive Director as requested and required in the Coop. Agreement, and then lied about it in writing?
6. Is there evidence that while Dr. McRaney sought to work with and made 6-7 requests to meet with Dr. Ezell to discover and clarify any challenges, that Dr. Ezell instead undermined Dr. McRaney by working around Dr. McRaney with the President of MD/DE Dr. Bill Warren and made threats to him against Dr. McRaney? (tortious interference)
 - In Feb. 2015 did Dr. Ezell seek to put Dr. McRaney on a 6 month probation period to determine if he (Dr. Ezell) would meet with Dr. McRaney and leaders of MD/DE?
7. Are there multiple witnesses and written communications that Dr. Warren told MD/DE pastors individually and in group settings that Dr. Ezell would withhold NAMB financial resources as long as Dr. McRaney remained as the Executive Director? Is there other information from a NAMB staff and MD/DE leaders this took place in spite of Dr. Warren's providing an "out" for Dr. Ezell in writing both personally and from the MD/DE Convention. (* note: Dr. Warren both hid the secret threat from Dr. McRaney as he worked in the shadows and then verbally sought the Exec. Director job the morning after he led the termination. Warren himself has also confirmed Ezell's actions when confronted)
8. Did Dr. McRaney and the 3 elected officers provide written notice to NAMB trustees officers in Jan 2015 that the claims of Dr. Ezell in cancelling the agreement were completely false after they investigated the facts?
9. Did Dr. McRaney communicate concerns with 2nd Vice Chair Spike Hogan in December 2014 and January 2015 and did Dr. McRaney offer in writing to meet with Pastor Hogan and Dr. Ezell to address these matters?
10. Did Dr. Ezell send a financially threatening text message to the MD/DE Convention via a Board member DURING a Board meeting on Feb. 6, 2015 during which meeting Dr. McRaney received unanimous vote of support and the Board voted to not accept the 100% offer Cooperative Agreement?
11. Did Dr. Ezell's actions threaten the MD/DE staff and mission and missions before a new 3 year budget agreement started?

12. Did Dr. Ezell's commitment go from \$1 million in Nov. 2014, to \$0 in Dec. 2014, to \$500K in March 11, 2015, and then a reported much higher (maybe closer to \$1 million) almost immediately after Dr. McRaney's termination? Does the "Flow of Money" and other evidence support that Dr. Ezell used money to threaten the MD/DE Convention into submission to his desire?
13. Before God and based on His Word, is NAMB responsible to provide or require Dr. Ezell a public acknowledgement of wrong doings against Dr. McRaney as a matter of biblical repentance and then make Biblical restitution for the damages to Dr. McRaney and possibly the MD/DE Convention. (1 church alone pulled almost \$200,000 from the MD/DE over the manner of Dr. McRaney's unjust termination and other churches disengaged as well.)
14. Did Dr. Ezell misuse his power, position, and SBC resources to strong-arm the MD/DE to get his way, including a new Cooperative Agreement even if it took threatening the Convention and Dr. McRaney specifically with lies and false accusations?
15. Will the NAMB Trustee actions be pleasing before a Holy God and will they be found to have faithfully carried out their duties to Southern Baptists and Dr. McRaney and the MD/DE Convention?

Select Related Scriptures

- Prov. 18:17 "In a lawsuit the first to speak seems right, until someone comes forward and cross-examines."
- 1 Cor. 6:1-11 *"I say this to shame you. Is it possible that there is nobody among you wise enough to judge a dispute between believers?"*
- Eph. 5:6-7 *"⁶ Let no one deceive you with empty words, for because of such things God's wrath comes on those who are disobedient. ⁷ Therefore do not be partners with them."*
- Eph 5:11-13 *"Have nothing to do with the fruitless deeds of darkness, but rather expose them. ¹² It is shameful even to mention what the disobedient do in secret. ¹³ But everything exposed by the light becomes visible—and everything that is illuminated becomes a light."*
- James 3:16 "For where you have envy and selfish ambition, there you find disorder and every evil practice."
- Prov. 19:9 *"A false witness will not go unpunished, and whoever pours out lies will perish."*
- Prov. 12:22 "The LORD detests lying lips, but he delights in people who are trustworthy."
- Prov. 6:16-19 - Six Sins God hates

"¹⁶ There are six things the LORD hates, seven that are detestable to him: ¹⁷ haughty eyes, a lying tongue, hands that shed innocent blood, ¹⁸ a heart that devises wicked schemes, feet that are quick to rush into evil, ¹⁹ a false witness who pours out lies and a person who stirs up conflict in the community."

- John 9 – *blindness of Pharisees* 9:27 *"²⁷ He answered, 'I have told you already and you did not listen. Why do you want to hear it again? Do you want to become his disciples too?'"* 9:40-41 *"⁴⁰ Some Pharisees who were with him heard him say this and asked, 'What? Are we blind too?'"⁴¹ Jesus said, 'If you were blind, you would not be guilty of sin; but now that you claim you can see, your guilt remains."*
- James 4:6 "But he gives us more grace. That is why Scripture says: "God opposes the proud but shows favor to the humble."
- Micah 6:8 *"He has shown you, O mortal, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly^[u] with your God."*
- Luke 12:48 "But the one who does not know and does things deserving punishment will be beaten with few blows. From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked."
- James 4:17 *"If anyone, then, knows the good they ought to do and doesn't do it, it is sin for them."*
- Prov. 20:11 "Even small children are known by their actions, so is their conduct really pure and upright?"
- James 3:1 *"Not many of you should become teachers, my fellow believers, because you know that we who teach will be judged more strictly."*
- Romans 8:31 *"³¹ What, then, shall we say in response to these things? If God is for us, who can be against us?"*

Select Quotes

MD/DE PASTORS/LEADERS

1. **MD/DE Pastor writes**, McRaney “was sold for NAMB funds”
2. **MD/DE Pastor/Leader** - “we had to move quickly to keep from losing funding from NAMB” (at Potomac Baptist Association meeting to explain the termination of Dr. McRaney as affirmed in writing by General Mission Board President Mark Dooley)
3. **MD/DE Pastor** -- in letter to MD/DE Board regarding hasty termination in violation of governing documents and the Spirit of God
 - “Whatever lacks the breath of the Spirit cannot in the end be from God.”
 - “sent an unmistakable message to the next executive director,...Don’t disagree with NAMB...”
 - “I believe Dr. Will McRaney is a very good man with a great heart. I believe he has a professor’s brilliance and an evangelist’s passion. His last act in packing up his office was to take the time to compellingly share Jesus with the moving man (I’ve driven to Baltimore to follow up).”
4. **MD/DE Convention President Bill Warren** –
 - “Will should not have had to wait for weeks (months?) to learn what those reasons were.” ---- in reference to McRaney’s termination in an email to several MD/DE pastor/leaders on Oct. 26, 2015 after termination on June 8, 2015 (right before SBC in Ohio)
 - (1) In personal conversation the morning after the McRaney termination and before he later that morning informed the shocked staff and then (2) in a group one on Sept. 11, 2015, Warren indicated that he believed “God was leading him to be the next Executive Director”

NAMB EMPLOYEES & SBC LEADERS

1. **NAMB employee to a senior NAMB leader**- “then why did you (NAMB leaders) force McRaney out?” -- SBC in Columbus Ohio in 2015 in front of a witness Mon or Tues
2. **Chairman Chuck Herring**, stated in meeting of 10 people in Columbia MD in March 11, 2015 meeting in his opening remarks that he has such belief in Kevin Ezell that “if Kevin said the sky was purple, I would believe him.”
3. **NAMB Employee** – told by NAMB leadership something of the order, “don’t worry about McRaney, he is just a gnat”

STATE EXECUTIVE DIRECTORS

1. **Southern State Executive Director** - “Partnership is dead in the SBC”
2. **Non-South Executive Directors**
 - “Ezell is lying and trying to bully us.”
 - “NAMB is not honoring its commitments”
 - “NAMB is continuing to pressure states.”

- “My state will lose funding if I criticize them.”

TWO PASTORS who had Multiple Personal AND Group Meetings with Staff and Leaders

1. MD Pastor, Foundation Board Member & Defense Contractor Owner Steve Wolverton

- “First, the “smoking gun”, signed by Dr. Ezell himself, is included in the linked documents posted. His juvenile threats to terminate funds within a year, and sooner if Dr. McRaney, or anyone else in the Network even so much as acted in any way he didn’t deem cooperative, are repugnant. This letter is an exemplar for how not to engage in Christian ministry. I found it disheartening and embarrassing and I challenge any Christ Follower to read it without feeling the same. Furthermore, the indictments levied in the letter are false.”
- “Second, the MABN President, Dr. Bill Warren personally told me that Dr. Ezell had convinced him that as long as Dr. McRaney remained the State Executive the funding was at risk. He then told me that he did not feel he could risk losing the funding and potentially losing staff so he did what he felt he had to do. All the while he claimed to love Dr. McRaney.”
- “It is time for repentance, forgiveness, reconciliation, and restoration. When I hear of and see Dr. Ezell tweeting out Proverbs 19:9 “A false witness shall not be unpunished, and he that speaketh lies shall perish”, I could not agree more. Dr. McRaney has told the truth and I stand by him; as do many in the MABN.”

2. DE Pastor Dr. Clint Scott –

- In email follow up with President Warren after their phone call ...
 - You said that, “the MD/DE state convention should not make her own decisions outside of the direction of NAMB.” --
 - You said that, “Kevin Ezell said that as long as Will McRaney was the state executive leader NAMB would not support the MD/DE Convention and that this was wrong for him to say.”
 - You said that, “you loved Will and Sandy McRaney but believed our cooperation with NAMB was not something we should lose.”
- Dr. McRaney had the total support of the Network and his leadership team shortly before his controversy began with Dr. Ezell. It has been stated to me personally by Dr. Bill Warren that pressure was being placed on the Network by Dr. Ezell through the withholding of financial support needed to honor budgeted items.Dr. Ezell and NAMB should be held accountable before this happens to more of our trusted brothers in the fight for the souls of men!
- “This is what happens when good men do nothing! Will McRaney got mistreated by NAMB and the MidAtlantic Network. This will not go away until men repent. My prayer is that their leadership treats them just like they have treated Will until they repent! This is what makes it hard to reach the unchurched while carrying the Baptist name. I am one disappointed pastor who has walked through this entire process by Will McRaney’s side. NAMB and the SBC must seek changes!”

EXHIBIT 20

Subject: Will McRaney picture to Lobby Desk--no entry in building
Due Date: Friday, February 5, 2016

Status: Completed
Percent Complete: 100%
Date Completed: Friday, February 5, 2016

Total Work: 0 hours
Actual Work: 0 hours

Owner: Wigginton, Tom

Will McRaney



EXHIBIT 21

In the Matter of:
WILL MCRANEY
VS
N. AMERICAN MISSION BOARD, ET AL.

PAUL, ROB
February 28, 2023

eDeposition
.COM

844.533.DEPO

WILL MCRANEY vs N. AMERICAN MISSION BOARD, ET AL.
Rob Paul - 02/28/2023

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF MISSISSIPPI
3 ABERDEEN DIVISION

4 WILL MCRANEY

PLAINTIFF

5 V.

No. 1:17cv080-GHD-DAS

6 THE NORTH AMERICAN MISSION BOARD
7 OF THE SOUTHERN BAPTIST CONVENTION, INC.

DEFENDANT

10 DEPOSITION OF ROB PAUL

11 taken on February 28th, 2023,
12 commencing at approximately 1:15 p.m.
13 via Video Conference

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19
20
21
22 REPORTED BY: BECKY LYNN LOGAN, RPR, CCR #1750
23 eDeposition Services
24 Post Office Box 14148
25 Jackson, MS 39236
(844) 533-DEPO
edeposition.com

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21

22

23 ALSO PRESENT:
DANIEL CONRAD, CLVS
24

25

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1 ROB PAUL

2 after having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. VITTOR:

6 Q. Good afternoon, Pastor Paul. First of all, can
7 you hear me okay?

8 A. Yes, I can.

9 Q. Perfect. My name is Josh. I represent the
10 North American Mission Board of the Southern Baptist
11 Convention, which I may refer to as NAMB throughout this
12 deposition. If I say NAMB, will you understand that to
13 mean the North American Mission Board of the Southern
14 Baptist Convention?

15 A. Yes.

16 Q. And we have never met or spoken to each other
17 in person before, have we?

18 A. I don't think so.

19 Q. And you will see a bunch of people on your Zoom
20 screen. Counsel for the plaintiff in this litigation,
21 Will McRaney, is here as well, and he may have some
22 questions for you later. Is that all right?

23 A. Sure.

24 Q. Do you have counsel representing you today?

25 A. I do.

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1 plaintiff may ask you some questions, and then your
2 attorney may ask some questions of you at the end.

3 A. Okay.

4 Q. We'll take breaks throughout, roughly every
5 hour or so. But you're the star here, and so if you
6 would like to take a break sooner than that, just let us
7 know, and we will, okay?

8 A. Okay.

9 Q. The only sort of ground rule there is, if
10 there's a question pending, I'll ask you to finish
11 answering that question, and then we'll take a break.

12 A. Okay.

13 Q. All right. What is your full name, for the
14 record?

15 A. Robert Milton Paul, Jr.

16 Q. And is it all right if I call you Pastor Paul
17 today, or do you prefer to be called by another name?

18 A. You can just call me Rob, for all I care.

19 Q. All right. What's your date of birth?

20 A. April 12th, 1962.

21 Q. What is your current home address?

22 A. 1225 Edinborough Lane, Vestavia, Alabama 35226.

23 Q. Are you currently married?

24 A. Yes.

25 Q. Are you currently employed?

1 A. Yes.

2 **Q. What is your current employment?**

3 A. I'm the lead pastor at Huffman Baptist Church
4 in Birmingham.

5 **Q. How long have you been the lead pastor at**
6 **Huffman Baptist?**

7 A. Three years and seven months.

8 **Q. So approximately since the middle of 2019?**

9 A. Yes, July of 2019.

10 **Q. And what did you do before coming to Huffman**
11 **Baptist?**

12 A. I've been in ministry since 1987, so I've been
13 in various forms of ministry, but immediately before
14 coming to Huffman I was doing church consulting with my
15 own consulting firm.

16 **Q. And what is that called?**

17 A. Church Revitalization Resources.

18 **Q. And do you still do consulting through Church**
19 **Revitalization Resources, or did you stop doing that**
20 **when you came to Huffman?**

21 A. Officially I still do. I don't have any
22 clients right now. COVID kind of took care of that.

23 **Q. Got it. Were you previously a pastor at other**
24 **congregations?**

25 A. Yes. My last pastoring full-time before coming

1 to Huffman was at First Baptist Church of Louisville,
2 Mississippi.

3 Q. How long were you --

4 MR. VITTOR: Strike that.

5 BY MR. VITTOR:

6 Q. What years were you lead pastor at First
7 Baptist of Louisville?

8 A. 2014 until the end of 2017.

9 Q. What did you do before First Baptist of
10 Louisville?

11 A. I did some of my consulting work while being a
12 member at Shades Mountain Baptist Church here in
13 Birmingham.

14 Q. You weren't a pastor at Shades; you were doing
15 your own consulting work while a member at Shades?

16 A. Yes.

17 Q. And why did you leave Shades to become a pastor
18 at First Baptist of Louisville?

19 A. Our time at Shades was kind of a time of
20 healing and preparation for the next phase of ministry,
21 so the whole time we were at Shades we were looking for
22 other ministry opportunities. And the church in
23 Louisville became available in 2014.

24 Q. And when you say "our" or "we" in that
25 response, do you mean you and your wife or other people?

1 A. Yes, me and my wife.

2 **Q. How did you become a pastor?**

3 A. In 1987 I was director of admissions for Troy
4 University in Dothan. My wife and I had just had a
5 baby. I had just gotten that promotion. We had just
6 bought our first house. And I was involved in a
7 ministry training program at our church, Calvary Baptist
8 Church, in Dothan, called Evangelism Explosion.

9 And one afternoon I was driving back to Dothan from
10 a recruiting trip in Eufaula at Eufaula High School, and
11 on my drive back I was praying because we had EE
12 training that night. And so I was praying just as I
13 drove and sensed the Lord telling me that he wanted
14 something else from my life. And I responded, "Lord,
15 whatever it is, I'll do it."

16 And that night I shared with my pastor that I felt
17 like God was maybe calling me into full-time ministry,
18 and so he reminded me that a call to ministry is a call
19 to prepare. So even though I was working on a Ph.D. at
20 Alabama at the time, I stopped doing that, I resigned my
21 job, we sold our house, moved in with the in-laws for
22 three or four months before heading off to New Orleans
23 to go to seminary.

24 **Q. And how long did seminary take?**

25 A. Three years.

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1 Q. And you have been a pastor ever since
2 graduating from seminary?

3 A. Yes.

4 Q. Would you describe yourself as a pastor even
5 when you weren't doing full-time lead pastoring work
6 during the time you were at Shades?

7 A. Yes.

8 Q. Are you familiar with NAMB?

9 A. Very much.

10 Q. Are you an employee of NAMB?

11 A. I'm not.

12 Q. Have you ever been an employee of NAMB?

13 A. No.

14 Q. Does your work as a Southern Baptist pastor
15 involve working with NAMB?

16 A. Yes.

17 MR. GANT: Objection. Vague. And, Dr. Paul,
18 this is Scott Gant, counsel for Dr. McRaney. I will be
19 asking you some questions later, as Mr. Vittor
20 indicated. But while Mr. Vittor is asking you
21 questions, I have the right to make any objections to
22 his questions before you answer.

23 So in addition to the instructions that Josh
24 conveyed, I would ask you to make sure you pause a
25 little bit between questions and answers, in case I have

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1 an objection, so that we're not speaking over one
2 another. Is that agreeable?

3 DEPONENT: Sure.

4 MR. GANT: Thank you. Thanks, Josh.

5 BY MR. VITTOR:

6 Q. And I think you said in response to my question
7 that your work as a Southern Baptist pastor involves
8 working with NAMB?

9 A. Yes.

10 Q. Can you describe that working relationship?

11 A. Sure.

12 MR. GANT: Objection. Vague, compound.

13 A. Virtually all Southern Baptist churches support
14 the work of NAMB through our offerings and contributions
15 to the cooperative program, as well as our contributions
16 to the Annie Armstrong Easter offering which supports
17 our missions efforts in North America.

18 But when I went to First Louisville, we started a
19 pretty aggressive missions program at the church
20 patterned after what we had seen at Shades Mountain
21 where we had missionaries, church planters in
22 particular, that we supported who were a part of the
23 Send Network at the North American Mission Board. We
24 hosted and partnered with a church planter in New
25 Orleans, as well as a church planter in New York City.

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1 **golf tournament?**

2 MR. GANT: Objection. Mischaracterizes the
3 document.

4 A. His daughter played golf at Furman, and I think
5 it was her senior year, so he wanted to know her
6 schedule so he could -- he didn't want to miss any of
7 her matches. As a father, I really appreciated that.

8 BY MR. VITTOR:

9 Q. Continuing down the chain, the next message in
10 this thread is dated March 17th, 2016. Do you see that?

11 A. Yes.

12 Q. Your text to Dr. McRaney in March of 2016 asks
13 him to confirm whether he can attend the October 23rd,
14 2016, GIC, is that right?

15 A. Yes.

16 Q. He hadn't let you know yet whether or not he
17 could attend?

18 A. He had not. He had asked me to check back with
19 him February or March.

20 Q. We have been going about an hour. I'm fine to
21 keep going, but I wanted to give you an opportunity if
22 you want a 5- or 10-minute break, I'm happy to take a
23 break at this point. It's up to you.

24 A. I'm fine.

25 MR. VITTOR: Scott, are you good to keep going?

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1 MR. GANT: Yes, I would prefer it. Thank you.

2 MR. VITTOR: Okay.

3 BY MR. VITTOR:

4 Q. Let's move to the top of page 5 of Exhibit 1.

5 This is a text dated March 17th, 2016, from Dr. McRaney
6 to you confirming that he would attend the GIC, is that
7 right?

8 A. Correct.

9 Q. And you were happy about that?

10 A. I was. I think my response says, "Fantastic."

11 Q. Let's keep scrolling down. Focusing on the
12 Facebook message dated March 22nd, 2015, you texted
13 Dr. McRaney and asked him to call you. Do you see that?

14 A. I do.

15 Q. Why did you want to talk to him?

16 A. That was the day -- five days after he had
17 confirmed that he could be there. I don't remember if
18 it was Monday night because that was a Tuesday, it was
19 either Monday night or Tuesday morning. I was scrolling
20 through my Facebook feed, and I don't remember the
21 details of what Will had posted, but basically it was
22 him going public with his claims against the North
23 American Mission Board.

24 And my first thought was, "Oh, my goodness, I can't
25 let him come," not with us having as many North American

1 Mission Board partners as we did, "There's no way he can
2 speak."

3 Tuesday morning when my wife walked into the
4 kitchen, I pulled up my Facebook feed and showed it to
5 her. And she looked at it, and her response was, "He
6 can't come, can he?" And I said, "No, he can't." She
7 said, "What are you going to do?" I said, "I'm going to
8 call Danny Wood because I don't know how to uninvite
9 somebody. I've never had to do that before."

10 So shortly after that, I sent a text message to
11 Danny because I never would -- I never would reach out
12 to Danny with a phone call because I was trying to
13 protect his time. I would usually send him a text, if I
14 needed to talk, and just say, "Hey, give me a call when
15 you can," similar to what I did here with Will.

16 It was early on Tuesday morning, probably 7:15, that
17 I sent Danny a text and said, "Hey, give me a call when
18 you can." I was shocked when he called right away.

19 Turns out he was driving to work, driving to the office.
20 And he said, "Hey, what do you need?" And my response
21 was, "Have you ever had to uninvite someone from a GIC?"

22 And he said, "Whoa, what's going on?" And I said,
23 "Does the name Will McRaney ring a bell?" And he said,
24 "Oh, yeah." I said, "I've invited him to preach on
25 Sunday morning" -- Actually, by that time we had had to

1 move it to Sunday night. I said, "I can't let him be
2 here."

3 And he said -- or I said, "Have you ever had to
4 uninvite somebody?" And he said, "Well, not for a GIC,
5 but I have uninvited someone for other things." And so
6 from there, he kind of walked me through kind of a
7 gracious way to ask Will -- tell Will that he couldn't
8 come.

9 Q. So there was a lot there, and I would like to
10 unpack it, but just starting with the Facebook post that
11 you said you read, do you remember what it said that
12 caused you to have that reaction?

13 A. I do not. And Will has now blocked me on
14 Facebook, so I can't even go back to refresh my memory.

15 Q. Do you remember the nature, the general nature,
16 of the message?

17 MR. GANT: Objection. Vague, foundation, calls
18 for speculation.

19 A. I do not.

20 BY MR. VITTOR:

21 Q. Why did it make you react in the way you did?

22 MR. GANT: Objection. Foundation, calls for
23 speculation, vague.

24 A. In essence, he was declaring war on the North
25 American Mission Board, and significant numbers of our

1 ministry partners were North American Mission Board
2 ministers, and those two things are incompatible.

3 BY MR. VITTOR:

4 Q. Was that declaration of war the reason for
5 uninviting him from the GIC?

6 A. Yes.

7 MR. GANT: Objection. Vague.

8 DEPONENT: Sorry.

9 MR. GANT: That's okay. Objection. Vague.

10 A. Yes.

11 BY MR. VITTOR:

12 Q. Was it important to you that he had gone public
13 with his declaration of war?

14 MR. GANT: Objection. Vague, foundation, and
15 to the extent it mischaracterizes testimony.

16 A. I'm not sure I understand the question.

17 BY MR. VITTOR:

18 Q. Okay, I'll move on.

19 Who made the decision to uninvite Dr. McRaney from
20 the GIC?

21 MR. GANT: Objection. Vague, and to the extent
22 it calls for a legal conclusion.

23 A. I think I know that I'm the one that did it.

24 BY MR. VITTOR:

25 Q. And you testified that you talked to Pastor

1 Wood about your decision?

2 A. Yes.

3 Q. Why did you reach out to Pastor Wood about it?

4 A. Danny has always been my go-to for tough
5 decisions, walking me through, thinking through, looking
6 at the decision from multiple aspects.

7 Q. And you testified earlier that Pastor Wood was
8 a mentor to you?

9 A. Yes.

10 Q. And you testified earlier that Pastor Wood had
11 experience with planning GICs?

12 A. Yes.

13 Q. Did Pastor Wood tell you to disinvite
14 Dr. McRaney from the GIC?

15 MR. GANT: Objection. Vague, foundation, and
16 to the extent it calls for a legal conclusion.

17 A. No.

18 BY MR. VITTOR:

19 Q. Did anyone else tell you to disinvite him?

20 MR. GANT: Same objections.

21 A. No.

22 BY MR. VITTOR:

23 Q. Your text message dated March 22nd, 2016, asks
24 Dr. McRaney to give you a call when he can -- when he
25 could. Did you end up speaking with him on March 22nd?

1 A. No.

2 **Q. When did you actually communicate to**
3 **Dr. McRaney that he had been uninvited from the GIC?**

4 A. At the Southern Baptist Convention in St. Louis
5 in June.

6 **Q. June of 2016?**

7 A. Yes.

8 **Q. How did Dr. McRaney react?**

9 MR. GANT: Objection. Foundation. Go ahead.

10 A. He seemed to understand. We probably had a 30-
11 or 45-minute conversation.

12 BY MR. VITTOR:

13 **Q. At the event in St. Louis in 2016?**

14 A. Yes.

15 **Q. What did you talk about?**

16 A. Primarily about the hurt that he and Sandy were
17 feeling, by "Sandy" I mean Sandy McRaney, his wife. And
18 because I had been through a similar situation of being
19 -- of walking away from a position at the church there
20 in Muscle Shoals, I knew a little bit about how they
21 felt. And I was trying to help them to understand that
22 the quicker they could move on, the easier it would be
23 for them.

24 I shared with them that my wife helped me
25 tremendously, even though she was also hurt, when we

1 read, but you can conduct your exam however you would
2 like.

3 MR. VITTOR: Thanks, Scott.

4 BY MR. VITTOR:

5 Q. Do you see just above your text dated --

6 A. Yes. Yeah, so that was the day before. So
7 looking at it in that context, my response on the 2nd,
8 that was in response to what he sent on the 1st. So at
9 that time, I'm assuming that I -- "Things are
10 progressing," meaning that the lawsuit was progressing
11 because that was already -- had already been filed at
12 that point, I believe.

13 And so he put in there the statement that, "I know
14 you were put in a bind and meant no harm to us. Ezell
15 has behaved so poorly and encouraged others to do it on
16 his behalf. Truth will come out. Sorry others involved
17 you."

18 So my long response on the 2nd was explaining to him
19 once again that no one involved me in anything except
20 him. He was the only one who involved me in anything.

21 Q. And how did he involve you?

22 A. By filing the lawsuit in my backyard.

23 Q. And when you say backyard, what do you mean?

24 A. So this suit was originally filed in Winston
25 County, Mississippi, which Louisville is the county

1 seat, and literally the Courthouse is 300 yards behind
2 where I parked my car every day when I went to work.

3 Q. And why is it significant to you that he filed
4 the lawsuit in Winston County?

5 A. Because he was basing the entire claim against
6 NAMB on the assumption or his belief that I was told to
7 uninvite him.

8 Q. And were you told to uninvite him?

9 A. No.

10 MR. GANT: Objection. Vague, and to the extent
11 it calls for a legal conclusion.

12 A. No.

13 BY MR. VITTOR:

14 Q. And just to clarify, when you were discussing
15 the lawsuit in the context of Dr. McRaney's May 1st,
16 2017, message, were you referring to this lawsuit?

17 MR. GANT: Objection. Vague, and to the extent
18 it calls for a legal conclusion.

19 A. Yes, this lawsuit before it was moved to
20 federal court.

21 BY MR. VITTOR:

22 Q. Let's look at your text message -- or Facebook
23 message dated May 2nd, 2017. You wrote, "Kevin Ezell
24 had absolutely no role in my decision to rescind my
25 invitation for you to speak here." Do you see that?

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1 A. Yes.

2 Q. Is that a true statement?

3 A. Yes.

4 MR. GANT: And you need to give me a moment.

5 Objection. Foundation, calls for speculation.

6 BY MR. VITTOR:

7 Q. You then wrote, "It was my decision based on
8 what was best for First Baptist Church and our mission
9 partners." Do you see that?

10 A. Yes.

11 Q. And that's referring to the decision to
12 uninvite Dr. McRaney from the October 2016 GIC, is that
13 right?

14 MR. GANT: Same objections.

15 A. Yes.

16 BY MR. VITTOR:

17 Q. You then write, "I can't speak to the other
18 issues in your lawsuit" -- "I can't speak to the other
19 issues your lawsuit raises, but the sole legal tie to
20 Winston County is based on your imagination." What did
21 you mean by that?

22 A. That he was imagining or whatever that I was
23 told to uninvite him.

24 Q. The message then reads, "The attorneys that
25 I've talked to in our area are scratching their heads as

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1 you to Dr. McRaney?

2 A. Yes, that's correct.

3 Q. And it is dated February 3rd, 2021, correct?

4 A. Yes.

5 Q. Did you send that message to Dr. McRaney on
6 February 3rd, 2021, correct?

7 A. I did.

8 MR. VITTOR: Go back to Exhibit 2, please,
9 Daniel, and then scroll down just a little bit.

10 BY MR. VITTOR:

11 Q. Do you see the note that says, "I plan to
12 defriend Rob in order to prevent him from getting
13 notifications when I post in FB live, which he says are
14 disturbing to him"?

15 A. Yes.

16 MR. GANT: Objection.

17 BY MR. VITTOR:

18 Q. What's your reaction to that?

19 MR. GANT: Objection. Vague.

20 A. It confirms what I already knew.

21 BY MR. VITTOR:

22 Q. What did you already know?

23 MR. GANT: Same objection.

24 A. That he had blocked me on Facebook.

25 BY MR. VITTOR:

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1 Q. Have you communicated with Dr. McRaney in any
2 form since February 3rd, 2021?

3 MR. GANT: Objection. Asked and answered.

4 A. I believe this was my last communication.

5 BY MR. VITTOR:

6 Q. I'm going to show you a document.

7 MR. VITTOR: Daniel, can you pull up document E
8 from the folder, and maybe zoom out just a little bit?
9 This is plaintiff's supplemental pleading which is
10 document number 191 filed on December 7th, 2022, in this
11 litigation.

12 BY MR. VITTOR:

13 Q. Pastor Paul, have you seen this document
14 before? And Daniel can scroll through the 13 pages, if
15 that will refresh your recollection.

16 A. I believe it was in the information sent to me
17 last week. I'll be honest, I did not read through it.

18 Q. I will represent to you that your name only
19 appears in one paragraph, which is the paragraph I would
20 like to focus on, Paragraph 28. But you're more than
21 welcome to review the whole document, if that would help
22 you; otherwise, let's focus on Paragraph 28. But if you
23 want to read the rest of the document, just let me know,
24 okay?

25 A. Okay.

1 Q. Let me know when you are done reading Paragraph
2 28 and ready for a question.

3 A. I'm ready.

4 Q. The large event in Louisville, Winston County,
5 on October 23rd, 2016, referenced in Paragraph 28 of
6 Exhibit 3 is the 2016 GIC to which you invited and then
7 uninvited Dr. McRaney, is that right?

8 A. Yes.

9 (Exhibit 3 marked for identification.)

10 BY MR. VITTOR:

11 Q. Is it true that Dr. McRaney was uninvited after
12 interference by a member of NAMB's board of trustees?

13 MR. GANT: Objection. Vague, foundation, and
14 to the extent it calls for a legal conclusion and calls
15 for speculation.

16 A. I don't think that I'm speculating that I know
17 who talked to me and who didn't, so the answer is no.

18 BY MR. VITTOR:

19 Q. You did have a phone call with Pastor Wood
20 around March 22nd, 2016, is that right?

21 A. Yes.

22 Q. Is it true that Pastor Wood told you that it,
23 "makes sense for you to uninvite Dr. McRaney"?

24 A. I don't remember the specific words, but that
25 would be the gist.

1 Q. Did you interpret Pastor Wood as instructing
2 you to uninvite Dr. McRaney?

3 MR. GANT: Objection. Vague, leading,
4 foundation, and to the extent it calls for a legal
5 conclusion.

6 A. No.

7 BY MR. VITTOR:

8 Q. Thank you, Pastor Paul. I have no more
9 questions at this time. It might make sense to take a
10 10-minute break, and then my questions are over, pending
11 questioning by counsel for plaintiff.

12 MR. GANT: I will have some questions, so
13 Dr. Paul and John, is a 10-minute break agreeable? I'm
14 sure the court reporter staff would like one as well.
15 So I have 4:05 eastern, so we'll reconvene at about 4:15
16 eastern.

17 MR. VITTOR: Sounds good.

18 (A short break was taken off the record at
19 3:05 p.m.)

20 (Deposition resumed on the record at 3:14 p.m.)

21 EXAMINATION

22 BY MR. GANT:

23 Q. Okay, Dr. Paul, again, if you don't mind, I
24 will address you as Dr. Paul. I know a doctorate is a
25 well earned and difficult thing to accomplish, so,

1 again, I'll give you the benefit of your hard work.

2 As I mentioned earlier, my name is Scott Gant. I
3 represent Dr. McRaney in this case, and I'm going to be
4 asking you some questions today, and I thank you in
5 advance for your time and responses.

6 Just a reminder, do you recall you took an oath at
7 the beginning of the deposition?

8 A. Yes.

9 Q. And do you agree to give truthful and complete
10 answers to my questions?

11 A. Yes.

12 Q. Thank you. I want to talk a little bit just
13 about some logistics. What did you do to prepare for
14 today's deposition?

15 A. I just looked back over the notes that we have
16 already seen on the screen I think as Exhibit 1 or 2,
17 whichever were the screenshots of my stuff. I did have
18 a conversation with my attorney, just some procedural-
19 type things. That's it.

20 Q. Nothing else?

21 A. No.

22 Q. Okay. You mentioned earlier that -- and, by
23 the way, there will be various points in my questions
24 where I will refer back to testimony you gave. I will
25 try and give it as close to your exact words as

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1 CERTIFICATE OF COURT REPORTER

2 I, BECKY LYNN LOGAN, Court Reporter and Notary
3 Public, in and for the County of Lincoln, State of
4 Mississippi, do hereby certify:

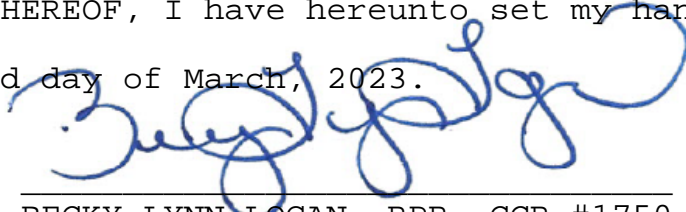
5 That on the 28th day of February, 2023, there
6 appeared before me ROB PAUL;

7 That the witness was sworn by me to tell the
8 truth, the whole truth, and nothing but the truth in
9 said cause;

10 That the foregoing pages contain a full, true,
11 and correct transcription of all testimony of said
12 witness as taken by me at the time and place heretofore
13 stated;

14 That I am not of kin or in anywise associated
15 with any of the parties to said cause of action or their
16 counsel, and that I am not financially interested in the
17 action.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and seal, this the 2nd day of March, 2023.

20
21 
22 BECKY LYNN LOGAN, RPR, CCR #1750



24 MY COMMISSION EXPIRES: September 10th, 2025

25

EXHIBIT 22

Rob Paul NAMB

Rob Paul

You're friends on Facebook

Lives in Birmingham, Alabama

Senior Pastor at Huffman Baptist Church and Certified Church Consultant at Rob Paul Ministries

5/28/12, 9:40 AM

Rob sent May 28, 2012

I'm going to need some advice. Looking to plant a church.

Rob sent May 28, 2012

Ok. Just saw your status. Praying for y'all. We can talk about this later.

5/20/14, 9:12 AM

Rob sent May 20, 2014

Guess I'm going to have to adopt State as my second team. Church is full of MSU fans.

Emily's boyfriend is a State grad and former pitcher. On another note. I had to turn away one of your churches a few weeks ago because I was already in this process.

7/3/14, 9:23 PM

Rob sent July 3, 2014

Hey man. I hope baby watch is going well. We are officially old! I am planning a Missions Celebration November 5-10 and would love to have you preach on either Sunday AM or PM. AM will be our financial commitment service. PM will be our life commitment service. If you are available, it's your choice. We are hoping to develop some church planting partnerships as a result of this weekend. My beat to Sandy!

7/18/14, 6:56 PM

You sent July 18, 2014

Let's talk next week when I am back in office. Give me a shout. 443-285-9644

6/11/15, 8:17 PM

Rob sent June 11, 2015

Hey buddy. Let me know if I can do anything to help you. Will be praying for you guys!

You sent June 11, 2015

Thank you Rob

6/20/15, 7:53 PM

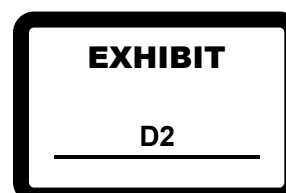
Rob sent June 20, 2015

Let me know if you are going to be in the area. I've got a pulpit ready for you.

You sent June 20, 2015

Thank you.

12/17/15, 10:24 PM



WM01021

Rob sent December 17, 2015

Hey Will. I hope all is well. I would love for you to preach on Sunday morning of our third Global Impact Celebration on October 23. The Sunday morning service is our financial commitment service when we challenge our folks to support our Acts 1:8 budget. In 2015 our Acts 1:8 Budget is \$150k including \$32k for Lottie Moon, \$12.5k for Annie Armstrong and support for our partners around the globe. We also give 15% of our \$1.1 mill general budget through the CP. I think you are the perfect person for this service. I hope you and Sandy can join us!

12/18/15, 8:34 PM

You sent December 18, 2015

great to hear from you! Hoping that you and Melanie are well and enjoying Louisville. Thank you for the invitation. I want to see you and do this with you. I am about 90-95% sure that I can. I will need to check Macy's senior year golf schedule. They only have a few tournaments in the fall. So, if you can, put me down for a probable yes and let me confirm later in Feb. or Mar. when their schedule comes out. Have a great weekend my friend!

3/17/16, 12:30 PM

Rob sent March 17, 2016

Checking in to see if you know anything about scheduling yet. Again, the invitation is for 10-23. Would it be possible to change from AM to PM?

You sent March 17, 2016

I can make the date work and what ever time works best for you. Look forward to it.

Rob sent March 17, 2016

Fantastic! Looking forward to spending some time with you. It's been to long.

Rob sent March 17, 2016

Let's go PM

Rob sent March 17, 2016

As we get closer I'll be in touch to make travel arrangements.

You sent March 17, 2016

great, tell Melaine hello for us

Rob sent March 17, 2016

Will do. Same to your crew!

3/22/16, 10:01 AM

Rob sent March 22, 2016

Hey buddy. Give me a call when you can. 662-803-4589

5/11/16, 9:56 PM

You sent May 11, 2016

Article out early this evening in Christian Examiner on Ezell's behaviors. Now we see if some men giving leadership have courage and integrity.

<http://www.christianexaminer.com/article/southern-baptist-state-leaders-accuse-mission-organization-of-strong-arming/50691.htm>

6/8/16, 2:53 PM

Rob sent June 8, 2016

Are you going to be in Saint Louis next week?

6/8/16, 7:00 PM

You sent June 8, 2016

Yes. Sandy and I will be there.

6/8/16, 11:10 PM

Rob sent June 8, 2016

We need to catch up. I'm at the Hampton on Sunday night and the Hilton the rest of the week. Message me your cell. Mine is 662-803-4589

You sent June 8, 2016

We are working to settle on which reservation we keep. My cell is 443-285-9644

5/1/17, 7:10 PM

You sent May 1, 2017

Things are progressing on our end. Hope you guys are well. I know you were put in a bind and meant no harm to us. Ezell has behaved so poorly and encouraged others to do it on his behalf. Truth will come out at some point. Sorry others involved you. Give Melanie our best.

5/2/17, 1:32 PM

Rob sent May 2, 2017

Will, In your email to me on 12/9/16 you wrote, "May you be encouraged to act with courage." Perhaps, this is a response I should have sent to you earlier, and for that I apologize. Confronting friends with the truth when that truth is not what they want to hear does in fact require courage. I hope that you will have the courage to hear. You wrote yesterday, "Sorry others involved you." Will, you are the only one who has involved me in this, and you have involved me in a pretty big way. Unfortunately for you, this is a mistake. Kevin Ezell had absolutely no role in my decision to rescind my invitation for you to speak here. No one from NAMB had any role in my decision. It was my decision based on what was best for First Baptist Church and our mission partners. I can't speak to the other issues your lawsuit raises, but the sole legal tie to Winston County is based on your imagination. The attorneys I have talked to in our area are scratching their heads as to why this action was filed in Winston County. The consensus is that this is a nuisance suit that very well could bring some form of sanction from the bench. One attorney jokingly said that he had taken on some really bad lawsuits in his career. Then he said, "Even I wouldn't have touched this one." And these are guys who do not know the facts. Here are the facts as they relate to my involvement in this mess: • On June 11, 2015 I reached out to you to offer my support as you were leaving your ministry position in Maryland-Delaware. I did not know why you were leaving, and it did not matter to me. My friend was hurting, and I was reaching out. • On December 17, 2015 I invited you to preach at our Global Impact Celebration in October 2016. Two days later you responded that you would like to participate, but that you needed to wait on Macy's golf schedule. • On March 17, 2016 I followed up to confirm your availability to speak at our GIC. Thirty minutes later you confirmed. • March 21, 2016 you went public with your claims against Kevin Ezell and the

WM01023

North American Mission Board. • March 22, 2016 Imagine my surprise when I woke up on this morning and saw your post on Facebook! Five days earlier you had accepted my invitation knowing that you were about to begin this campaign. You also knew that partnership with NAMB and the Send City strategy was a major component of our missions strategy at First Baptist. Perhaps a more thoughtful response from you would have been something along the lines of "I would love to participate in your GIC, but I'm about to wage war with Kevin Ezell and NAMB so my presence might be a bit awkward for you and your mission partners." I sent you an inbox message at 9:01 AM asking you to call me. I had already made the decision at that point to rescind my invitation. I was not contacted by anyone from NAMB asking me to do this. This was my decision based on what was best for my church and for our mission partners. • April 12, 2016 I enlisted Ed Litton to fill the vacant preaching spot at our GIC. Since you had not called me on March 22 as requested, I decided to wait until the SBC in St. Louis to talk to you face-to-face. • June 13, 2016 You and I met in the lobby of the convention center in St. Louis. I explained my decision, and I listened as you and Sandy expressed your hurt over all that had happened in your lives. I tried to encourage you and Sandy to begin the healing process. • August 17, 2017 we had a phone conversation about your future plans. I sensed that you had turned a corner and were moving forward. It was during this conversation that I talked to you about the possibility of future partnerships including the possibility of support. Will, I had really hoped that you were making progress and were moving on, but I continued to see posts on Facebook that indicated that the only thing you were moving forward with was a personal vendetta. Those posts have only intensified in recent days. I have no desire to be associated with such negativity. It is not healthy. Consequently, I made the decision to cut all ties and all communication. This was my decision. No one coerced me. No one influenced me. And now I see that I made the right decision. I pray that you find peace.

5/2/17, 4:07 PM

Rob sent May 2, 2017

I did leave out one detail that I am guessing is the crux of your legal claim. I initiated a conversation with my pastor and mentor, Danny Wood, to ask if he had ever had to uninvite someone. We had a productive conversation, and he suggested that I find a way to use you in some capacity at some point in the future. It was his advice that led me to be open to the things you and I discussed in August of last year. Danny did not ask me to uninvite you. I knew that had to happen the moment I read your Facebook post.

5/2/17, 5:12 PM

You sent May 2, 2017

Rob, Troubling indeed. God searches your heart and He is a just God with no mixture regarding our thoughts, words or actions. In your email to me on Oct 10, 2016 Sandy and I were coming to FBC Louisville and going to possibly stay with some of your MSU members since your children were coming home and us try to connect with pastors on the following Monday. Then...COMPLETE SILENCE. Not a word of response from you to my multiple texts, multiple voice messages, multiple emails, or even contact through your office assistant UNTIL – the recent note acknowledging my birthday wish. Nothing had changed on my end. WHY NO CONTACT OR RESPONSE, NOTHING from Oct. 2016 - Mar 2017? Your reasoning about seeing something on FB after you thought I made a turn forward does not

square with the timetable. I decided to let God deal with Ezell. I did not post anything about Ezell or NAMB until Dec. 2016, when I discovered in Nov. that Ezell had a FL pastor contact the FL Pastor's Conf. President and then later that month a SBC Exec. Committee member showed me a picture of my picture posted at NAMB. He was impacting my ability to earn a living, provide for my family and use my gifts because of his actions, not mine. He lied, misled people and made threats that he made good on in MD/DE. I am sorry I missed responding to your iMessage if I did not. I may have overlooked it as I was dealing with denials by NAMB Trustee officers 20 hours after my Letter of Concern in Feb. 2016 and responding to NAMB's Feb. 29 attorneys' denial when I did not have an attorney myself. The denials at that point had nothing to do with Louisville, FL, or my picture being posted. The denials to such serious claims in 20 hrs. frankly was disturbing and unthinkable and I was working with guys on how best to respond, which resulted in the website to lay out the facts disprove the denials and legal challenges to me. Rob, you have my phone number and could have either called or re-sent another message. My notes on the event have you originally inviting me and scheduling me to preach on Sunday morning and then asked if we could move it to Sunday night, which I agreed to do. My notes from our conversation in June in front of Sandy had at the essence that you could not have a NAMB representative and me speaking, that it would be awkward. You have been through a challenge of your own for two years. You know what it is like, except I have the weight of NAMB and part of the SBC on me and covering up wrongs that I can prove. My claim is wider, involving more people and complaints than you can know. I did not ask to be victimized by Kevin Ezell or him to misuse his position and SBC money. You are welcome to call. It would be good to hear your voice after this long period. Rob, this is not about you and me, but about Ezell and others he influenced to violate libel and tortuous interference laws.

You sent May 2, 2017

typo... I originally wrote searches "the" heart, but intended to change to "our" heart for all of our hearts, not "your" heart. We all know this, not meant to direct at you. My apology for the typo.

Rob sent May 2, 2017

No offense taken regarding the typo. I have no intention of getting into any of the other claims you have made against NAMB and Kevin Ezell. I can only speak to the one claim of which I have direct knowledge, and I am telling you without reservation - and God does in fact search our hearts - that you are wrong. Furthermore, I am offended that you are calling into question my integrity and the integrity of men I know and respect. And you can not argue that is not your intention. Otherwise, you would have filed this action in a Florida or a Georgia court.

Rob sent May 2, 2017

By the way, the men I know and respect is a reference to trustees. I have never met Kevin Ezell.

6/20/19, 11:06 PM

Rob sent June 20, 2019

Watching a State CWS game with a former State pitcher gives a quite different perspective.
Good to see you last week.

You sent June 20, 2019

Good to see you as well. Tell him if they need another pitcher tonight he is up. I have to go get my senior discount at Waffle House.

Rob sent June 20, 2019

Hey. Palmeiro is still playing.

You sent June 20, 2019

He might be able to hit my batting practice speed. But he did have the sweetest swing I ever saw. Raffy, Will Clark, Trent Intorsha and I rode in a bus bathroom back from Arkansas in two lane winding roads as a part is Freshman initiation. That was just entirely too close.

Rob sent June 20, 2019



10/29/20, 12:42 AM

You sent October 29, 2020

Rob, did you get word from Allen and Brenna regarding their having to leave Asia and the ways God rescued them as they got out? She sent out word either Tuesday or Wednesday via email. I am sure they are both grateful and heart sick as well.

Rob sent October 29, 2020

???

Rob sent October 29, 2020

Allen and Brenna????

You sent October 29, 2020

Oops Paine. They were with us at NOBTS. She did some PR type work as Allen was a student.

Rob sent October 29, 2020

I remember Allen Paine. Have not seen this info.

You sent October 29, 2020

They were in Asia for 27 years until forced out.

You sent October 29, 2020

It was in an email. Let me see if it has a precaution restriction on forwarding but if not, I will send to you.

Rob sent October 29, 2020

Are you guys going to question and challenge everything that every entity does from this point forward?

You sent October 29, 2020

We are going to ask them to follow the rules, operate in righteousness and seek to honor God and the givers. Rob you cannot have any idea the depth and width of what the Lord and how the Lord has brought things to us, primarily because God did not a trust it to you.

WM01026

Pray we are faithful and proceed as He leads. However bad you may think some of what have revealed, it is much worse. I do look forward to a resolution as I have for years.

You sent October 29, 2020

I can forward the email but I don't have an current email.

Rob sent October 29, 2020

Man, I love you. But that's incredibly arrogant. God revealed to you, but not to me and others. ??? I was uncomfortable with this bunch in the 80s. But now... totally uncalled for.

You sent October 29, 2020

Got to get back to sermon prep. We make the church first hire of a second ministerial staff this weekend and they are here from Friday through Monday. You know what that is like.

You sent October 29, 2020

No arrogance intended at all just a statement of fact that God gives us different assignments. Nothing special or better or to brag about. Just different. I know info Rob that if it hit the public or come out in testimony that would do irreparable damage. Such ungodliness in one case. So much so, he has staff members telling the Trustees they pray for his salvation. Again, sorry for confusion. No arrogance, just saying different roles and trust. God trusts you with info that God has not entrusted to your members and at times our wives as pastor's wives.

Rob sent October 29, 2020

Get to it, friend. And my best to Sandy. We don't agree much these days. But I do love you, dearly.

12/16/20, 11:47 PM

You sent December 16, 2020

Rob, I am tied up with my church and seminary and my legal case. I don't have time for sideways conversations with friends. When you starting telling Ezell he is wrong, not a feeling in your heart, then that would be helpful. When you tell Moore publicly that he is wrong for filing a lying legal brief to deceive a federal court and 17 justices, that would be good. Buddy, you have the wrong focus on your thoughts. Rainer took \$1 million while earning money from NAMB and was making \$225K a WEEK in gross revenue with a competing business to LifeWay that he owned, Church Answers. So, when you confront those things publicly, then you can post on my FB page. Until then, please don't. My mentor says about love that when people tell you they love you, it does not say what they love more. I value you. I also value doing as God leads me which we are seeking to do.

Wed 10:22 PM

Rob sent Yesterday at 10:22 PM

You also lied about Ezell pressuring me to uninvite you. In fact, that lie was the platform for filing your suit in your home state. Should I post that for others to see. I'm sick of seeing your public attacks on SBC leaders. It's hypocrisy.

The above were copied and this record taken on Feb. 4, 2021 at 12:34 PM in order to preserve the record. These were taken from FB Messenger from my laptop. I plan to

WM01027

defriend Rob in order to prevent him from getting notifications when I post a FB Live, which he says are disturbing him.
WM

The above were copied and this record taken on Feb. 4, 2021 at 12:34 PM in order to preserve the record. These were taken from FB Messenger from my laptop. I plan to defriend Rob in order to prevent him from getting notifications when I post a FB Live, which he says are disturbing him.

EXHIBIT 23



Ezell & NAMB leaders tell court they "situated" my picture at NAMB headquarters. WHY? #SBC #pastors #NAMB buff.ly/2r63x4D





FAKE NEWS, NAMB's style! Has Pres. Kevin Ezell's own lies & duplicity created a culture of deception at [#NAMB](#) that's infected staff? Listen to the written words of a current NAMB staffer. Evidence tonite FB Live 8:00 EST. Join 600+ others see below...buff.ly/2WioLDr





Will McRaney was live — with Sandy Vandevender McRaney.

April 30, 2019 · 🌐

The Ezell EFFECT: Good Men Negatively Impacted - Jeff Christopherson: Alcohol, Lies and Coverup.

5

12 comments 623 views

Like

Comment

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Comments

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Newest ▾

- Laura Beth Gray · 23:20

Sounds like the NAMB trustees have reprobate minds.

Like

Reply

3y
- Will McRaney

Laura I don't use that descriptor in this situation. My personal assessment is that some were and have been fooled, others ignorant by choice or neglect or internal Trustee processes by relying on their exec board of Trustees. Several are now informed and complicit.

ALL are responsible to provide oversight and to get informed and act accordingly. Trustee members should get informed and act OR resign.

Like

Reply

3y

Edited
- Laura Beth Gray · 22:33

Wow!!!

Like

Reply

3y
- Laura Beth Gray · 8:18

Now I know Kevin Ezell has got to go.

Like

Reply

3y
- Will McRaney

Laura he has disqualified himself multiple times over.

Like

Reply

3y
- Michael Petty · 20:44

Like

Reply

3y
- Will McRaney

Michael amen!

Like

Reply

3y
- Donna Jefferys · 8:41

I have witness church planters disqualified to receive funding from NAMB due to their honesty (church planter) in admitting that they have consumed alcohol in the past

Like

Reply

3y

2

Will McRaney

Donna well apparently Kevin Ezell's sending an alcoholic gift demonstrates he is above the rules NAMB and the NAMB Trustees have made for others.

Not so different then the Strategic Partnership Agreement where we #Ezell do the same thing.

Like

Reply

3y

JJ Lewis · 26:41

O

Like

Reply

3y

Donna Jefferys · 23:04

Hypocrites, there I said it.

Like

Reply

3y

2

Donna Jefferys · 16:45

More fear of man then fear of God.

Like

Reply

3y

2

Write a comment...



Will McRaney @willmcraney · May 2, 2019

NAMB Pres. bald-faced lies, deceives, manipulates, strong-arms, damages servants of Christ, threatens & delivers on threats, & then vindictive to inflict more hurt & covers up. Or, I am foolish for saying it. SADLY, SBC leaders have swallowed their tongues. Tonite 8 EST FB Live



2





Will McRaney

September 25, 2019 · 🌐



Should Kevin Ezell be suspended as NAMB President until there are investigations, hearings, & his answers on the record under Biblical cross examination? Does Ezell STILL meet Biblical qualification for spiritual leadership? What should be done?

Tonite 8:30 PM EST on FB Live



6



1



Like



Comment



Share



Write a comment...



EXHIBIT 24

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

-----:
WILL McRANEY, :
:
Plaintiff, :
:
vs. : No. :
: 1:17-cv080-GHD-DAS
THE NORTH AMERICAN MISSION :
BOARD OF THE SOUTHERN BAPTIST :
CONVENTION, INC., :
:
Defendant. :
-----:

VIDEO-TAPED DEPOSITION OF BARRY HANKINS

DATE: April 25, 2023
TIME: 9:02 a.m.
LOCATION: Boies Schiller Flexner, LLP
1401 New York Avenue, Northwest
Washington, D.C. 20005
REPORTED BY: Shari R. Broussard, RPR, CSR
Reporter, Notary

Veritext Legal Solutions
1250 Eye Street, NW, Suite 350
Washington, D.C. 20005

A P P E A R A N C E S

On behalf of Plaintiff:

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On behalf of Defendant (Cont'd):

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Ridgeland, Mississippi 39157

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josh.wiener@butlersnow.com

ALSO PRESENT:

Gene Aranov, Video Technician

C O N T E N T S

EXAMINATION BY: PAGE

Counsel for Defendant 7, 283

Counsel for Plaintiff 278

HANKINS EXHIBITS: * PAGE

Exhibit 1 Expert Report 40

Exhibit 2 Bylaws of American Baptist Churches in
the U.S.A. 74

Exhibit 3 Baptist Faith and Message 1925 126

Exhibit 4 Strategic Partnership Agreement,
Bates NAMB-0002 to 0005 188

(* Exhibits attached to transcript.)

P R O C E E D I N G S

VIDEO TECHNICIAN: Good morning. We are 09:02:35
going on the record at 9:02 a.m. on April 25th,
2023. Please note that the microphones are
sensitive and may pick up whispering and private
conversations. Please mute your phones at this
time. Audio and video recording will continue to
take place unless all parties agree to go off the
record.

This is Media Unit 1 of the 09:02:52
video-recorded deposition of Barry Hankins taken
by counsel for the defendant in the matter of Will
McRaney versus The North American Mission Board of
the Southern Baptist Convention filed in the
United States District Court, Northern District of
Mississippi, Aberdeen Division, Case Number
1:17-cv080-GHD-DAS. The location of this
deposition is Boies Schiller, 1401 New York
Avenue, Northwest, Washington, D.C.

My name is Gene Aranov representing 09:03:25
Veritext and I'm the videographer. The court
reporter is Shari Broussard from the firm

1 Veritext.

2 I'm not authorized to administer an 09:03:32
3 oath, I'm not related to any party nor I am
4 financially interested in the outcome.

5 If there are any objections to 09:03:39
6 proceeding, please state them at the time of your
7 appearance.

8 Counsel and all present, including 09:03:43
9 remotely, will now state their appearances and
10 affiliations for the record beginning with the
11 noticing attorney.

12 MR. MARTENS: Math Martens of WilmerHale 09:03:51
13 for the defendant North American Mission Board of
14 the Southern Baptist Convention.

15 MR. VITTOR: Joshua Vittor, also of 09:03:57
16 WilmerHale, also on behalf of the defendant.

17 MR. PERLA: Timothy Perla, WilmerHale, 09:04:04
18 for defendant.

19 MR. WIENER: Joshua Wiener, Butler Snow. 09:04:11
20 I'm appearing by Zoom as co-counsel for The North
21 American Mission Board.

22 MR. GANT: Scott Gant from Boies & 09:04:21

1 Flexner for the plaintiff.

2 VIDEO TECHNICIAN: Will the court 09:04:22
3 reporter please swear in the witness and you may
4 proceed.

5 WHEREUPON, 09:04:22

6 BARRY HANKINS 09:04:22

7 called as a witness, and having been sworn by the 09:04:22

09:04:22

8 notary public, was examined and testified as 09:04:23

09:04:23

9 follows: 09:04:23

10 EXAMINATION BY COUNSEL FOR DEFENDANT 09:04:24

11 BY MR. MARTENS: 09:04:24

12 Q Good morning, Professor Hankins. 09:04:35

13 A Good morning. 09:04:37

14 Q My name is Matthew Martens and, as you 09:04:37

15 just heard, I represent the defendant in this

16 case, The North American Mission Board of the

17 Southern Baptist Convention. Because that's a

18 mouthful, I'll probably today just refer to that as

19 NAMB, N-A-M-B. And you understand what I'll be

20 referring to if I use that acronym?

21 A I understand NAMB. 09:04:52

22 Q Are you familiar with NAMB? 09:04:54

1 MR. GANT: Objection. Vague. 09:04:56

2 THE WITNESS: I have known of the 09:05:01

3 existence of NAMB for quite some time.

4 BY MR. MARTENS: 09:05:06

5 Q I see. We've never spoken or met 09:05:07

6 before, have we?

7 A I've never met you or spoken to you 09:05:11

8 before.

9 Q You're appearing today pursuant to a 09:05:14

10 subpoena; is that correct?

11 A I -- I guess so, yes. 09:05:21

12 Q Have you ever had a deposition taken 09:05:22

13 before?

14 A I have not that I remember and I'm 09:05:26

15 pretty sure I would remember -- remember it.

16 Q Fair enough. 09:05:33

17 Have you ever given testimony under oath 09:05:34

18 before?

19 MR. GANT: Objection. Vague. 09:05:39

20 THE WITNESS: I -- I don't recall. 09:05:40

21 BY MR. MARTENS: 09:05:42

22 Q Do you have counsel representing you 09:05:43

1 here today?

2 A I do not have counsel -- 09:05:46

3 MR. GANT: Objection. 09:05:47

4 Give me a chance -- 09:05:48

5 THE WITNESS: Okay. 09:05:52

6 THE REPORTER: You have to keep your 09:05:52

7 voice up too being so far away.

8 MR. GANT: Yes, ma'am. 09:05:52

9 Objection. Vague and to the extent it 09:05:52
10 calls for a legal conclusion.

11 Go ahead. 09:05:56

12 BY MR. MARTENS: 09:05:56

13 Q Do you have counsel representing you 09:05:57
14 here today?

15 MR. GANT: Same objections. 09:06:00

16 THE WITNESS: I do not have counsel 09:06:01
17 representing me.

18 BY MR. MARTENS: 09:06:02

19 Q Did you meet with counsel in preparation 09:06:06
20 for the testimony today?

21 MR. GANT: Objection. Vague. 09:06:10

22 THE WITNESS: You're referring to Scott? 09:06:14

1 BY MR. MARTENS: 09:06:14

2 Q Yes. 09:06:15

3 A Yes. Scott and I met. Yes, we met. 09:06:16

4 Q When did you meet? 09:06:21

5 A We met -- Scott and I met yesterday. 09:06:24

6 Q For how long? 09:06:27

7 A I would say most of the day, but hard to 09:06:31

8 say for sure.

9 Q Okay. Did you look at any documents? 09:06:36

10 MR. GANT: You can answer that yes or 09:06:39

11 no, but don't disclose --

12 THE WITNESS: Okay. 09:06:43

13 MR. GANT: -- any documents that I may 09:06:43

14 have shown you.

15 THE WITNESS: Yes. 09:06:45

16 BY MR. MARTENS: 09:06:45

17 Q How many? 09:06:47

18 A If I recall -- well, we -- 09:06:49

19 MR. GANT: Sorry. Objection. Vague. 09:06:52

20 THE WITNESS: Okay. 09:06:54

21 MR. GANT: I'm sorry, can I hear the 09:06:54

22 question again?

1 BY MR. MARTENS: 09:06:58

2 Q How many? 09:06:58

3 MR. GANT: Are you asking how many he 09:06:59

4 reviewed when he met with me or are you asking him

5 how many documents he reviewed yesterday, which is

6 what I think the question was?

7 BY MR. MARTENS: 09:07:07

8 Q How many documents did you look at when 09:07:07

9 meeting with Mr. Gant?

10 A Yesterday we looked at a number of 09:07:15

11 documents, but I don't know how many.

12 Q Did you look at any documents in 09:07:21

13 preparation for this deposition other than meeting

14 with Mr. Gant?

15 MR. GANT: Objection. Vague. 09:07:27

16 THE WITNESS: I -- I read many documents 09:07:31

17 over the past number of months preparing --

18 BY MR. MARTENS: 09:07:40

19 Q What documents did -- 09:07:40

20 A -- my report. 09:07:40

21 Q I'm sorry, I didn't mean to cut you off. 09:07:40

22 Were you done with your answer? 09:07:40

1 A I was just going to say I've looked at 09:07:44
2 many documents in preparing my report if that's
3 what you mean.

4 Q And in addition -- or strike that. 09:07:53

5 Separate from the documents you identify 09:07:55
6 in your report that you relied on or -- or
7 considered, did you look at any other documents in
8 preparation for your testimony here today?

9 MR. GANT: Objection. Vague. 09:08:08

10 THE WITNESS: I'm -- I'm not sure what 09:08:10
11 you mean. Am I supposed to separate -- I don't
12 recall looking at documents that I was not looking
13 at for the purpose of preparing my report and --
14 and preparing to be here today.

15 BY MR. MARTENS: 09:08:26

16 Q Okay. 09:08:26

17 A But -- yeah, okay. I'll leave it at 09:08:27
18 that.

19 Q Okay. So just a few grounds rules 09:08:30
20 today. So your testimony is under oath.

21 You understand that, right? 09:08:38

22 A I understand that, yes. 09:08:40

1 Q And you recognize you're obligated to 09:08:41
2 answer my questions truthfully to -- to the best
3 of your ability, correct?

4 A I do. 09:08:48

5 Q Is there any reason that you can't do 09:08:48
6 that?

7 MR. GANT: Objection. Vague. 09:08:52

8 THE WITNESS: I can think of no reason 09:08:53
9 why I can't answer questions truthfully.

10 BY MR. MARTENS: 09:08:57

11 Q Now, everything you say today is being 09:08:58
12 recorded by the court reporter. We also have a
13 video recording occurring. So unless we go off
14 the record, the court reporter will continue
15 taking down your words. Okay?

16 A Yes, I understand that. 09:09:11

17 Q Because the court reporter is taking 09:09:16
18 down your words, you have to answer audibly. So
19 often in conversation people nod their heads or
20 shake their heads, but unfortunately the court
21 reporter can't record an answer that's a body
22 gesture rather than an audible response. So just

1 try to keep that in mind as you're answering my
2 questions.

3 A Okay. 09:09:37

4 Q I'll try to let you finish your answers 09:09:38
5 before I start, though I already fumbled on that
6 once today, and if you could just let me finish my
7 questions before you start, that way we'll try to
8 have as much clarity as possible when we're
9 communicating. Okay?

10 A Sure. Sounds fair. 09:09:53

11 MR. GANT: And as a reminder, give me an 09:09:53
12 opportunity to object --

13 THE WITNESS: Uh-huh. 09:09:57

14 MR. GANT: -- if I have objections. 09:09:57
15 Thank you.

16 BY MR. MARTENS: 09:09:58

17 Q If you don't understand any of my 09:09:59
18 questions, will you let me know so I can try to
19 rephrase it so you can understand it?

20 A I will. 09:10:05

21 Q So none of my questions are intended to 09:10:09
22 elicit from you attorney-client privileged

1 information. So when I ask you questions, you
2 should just assume that I'm excluding from that
3 any privileged information, and I'm sure Mr. Gant
4 will assist in that regard if he thinks I'm
5 starting into that territory. Okay?

6 A Okay. 09:10:29

7 Q If at some point you need a break, 09:10:29
8 because people need breaks during this, you just
9 let me know, and if there's a question pending,
10 I'll just ask you to finish the answer to that
11 question. I'm happy to give you a break as need
12 be, so don't feel like this is an endurance
13 contest.

14 A I understand. Thank you. 09:10:46

15 Q Okay. Could you state your full name 09:10:48
16 for the record.

17 A Barry Gene Hankins. 09:10:53

18 Q And your date of birth? 09:10:56

19 A 10/27/1956. 09:10:57

20 Q Are you employed? 09:11:03

21 A I am employed. 09:11:07

22 Q Where are you employed? 09:11:08

1 A I am employed at Baylor University. 09:11:09

2 Q And how long have you been employed at 09:11:12

3 Baylor University?

4 A I've been at Baylor for 27 years. 09:11:15

5 Q And what -- in what role have you been 09:11:17

6 employed at Baylor University for 27 years?

7 MR. GANT: Objection. Vague, compound. 09:11:24

8 THE WITNESS: A variety of -- of roles. 09:11:28

9 I am professor -- a professor of history.

10 BY MR. MARTENS: 09:11:33

11 Q And what other roles have you held at 09:11:33

12 Baylor?

13 MR. GANT: Same objections. 09:11:36

14 THE WITNESS: I have been the Associate 09:11:39

15 Director of the Institute of Church-State Studies.

16 Of course as I am a professor, I have also been

17 associate professor and assistant professor on the

18 way to being professor. I have been a graduate

19 program director of the Department of History and

20 I've been the chair of the Department of History.

21 Those are the ones that I remember. There -- I

22 don't -- there -- there may be something else in

1 there that I've left out.

2 BY MR. MARTENS: 09:12:15

3 Q Fair enough. 09:12:16

4 Are you a Southern Baptist? 09:12:16

5 MR. GANT: Objection. Vague. 09:12:18

6 THE WITNESS: I am not a Southern 09:12:21

7 Baptist, whatever that might mean.

8 BY MR. MARTENS: 09:12:26

9 Q Why do you say you're not a Southern 09:12:27

10 Baptist?

11 A I would say I'm not a Southern Baptist 09:12:32

12 because I have -- as far as I know, I've never

13 been a member of a Baptist Church that was in a

14 relationship with the Southern Baptist Convention.

15 Q And when you say "in a relationship with 09:12:47

16 the Southern Baptist Convention," what do you mean

17 by that?

18 A With -- again, as far as I know because 09:12:52

19 if you go back far enough there -- a church I was

20 a member of may have been in transition, but

21 supportive of the Southern Baptist Convention

22 through giving of funds to the cooperative program

1 or sending messengers to Southern Baptist
2 Convention meetings. That's what I would mean by
3 affiliated with the Southern Baptist Convention.

4 Q So you're currently a member of 09:13:27
5 DaySpring Baptist Church; is that right?

6 A I am a member of DaySpring Baptist. 09:13:32

7 Q And DaySpring does not support the 09:13:35
8 Southern Baptist Convention by giving funds to the
9 cooperative program?

10 MR. GANT: Objection. Vague, 09:13:43
11 foundation, calls for speculation.

12 THE WITNESS: As far as I know, 09:13:46
13 DaySpring Baptist Church, where I am a member,
14 does not send funds to the Southern Baptist
15 Convention.

16 BY MR. MARTENS: 09:13:55

17 Q Okay. And as far as you know, DaySpring 09:13:56
18 doesn't send messengers to the Southern Baptist
19 Convention --

20 MR. GANT: Same -- 09:14:02

21 BY MR. MARTENS: 09:14:02

22 Q -- is that right? 09:14:02

1	A	As far as I know, that --	09:14:04
2		MR. GANT: Hold on.	09:14:05
3		Same objections.	09:14:06
4		THE WITNESS: Okay.	09:14:06
5		MR. GANT: Give me a chance.	09:14:06
6		THE WITNESS: Yeah. As far as I know,	09:14:07
7		DaySpring Baptist does not send messengers to the	
8		Southern Baptist Convention.	
9	BY MR. MARTENS:		09:14:13
10	Q	DaySpring is in a relationship with the	09:14:15
11		Baptist General Convention of Texas; is that	
12		right?	
13		MR. GANT: Objection. Vague,	09:14:21
14		foundation, calls for speculation.	
15		THE WITNESS: As far as I know,	09:14:25
16		DaySpring is affiliated with the Baptist General	
17		Convention of Texas.	
18	BY MR. MARTENS:		09:14:30
19	Q	In what way is DaySpring affiliated with	09:14:31
20		the Baptist General Convention of Texas?	
21		MR. GANT: Same objections.	09:14:37
22		THE WITNESS: I -- as I sit here, I	09:14:39

1 would only speculate, so I would just have to say
2 I'm not sure. If I looked at church budget, I
3 would be clearer on that, or if I had it in front
4 of me, so...

5 BY MR. MARTENS: 09:14:54

6 Q Okay. Fair enough. 09:14:54

7 Is the Baptist General Convention of 09:14:55
8 Texas in a relationship with the Southern Baptist
9 Convention?

10 MR. GANT: Same objections. 09:15:01

11 THE WITNESS: You know, I'm not actually 09:15:03
12 sure. I -- I -- I know that -- I'm just -- I'm
13 not sure if there's any relationship left at all
14 between the two.

15 BY MR. MARTENS: 09:15:14

16 Q Okay. Was there at some point a 09:15:14
17 relationship between the Baptist General
18 Convention of Texas and the Southern Baptist
19 Convention?

20 MR. GANT: Objection. Vague, 09:15:25
21 foundation, calls for speculation.

22 THE WITNESS: It is my understanding 09:15:27

1 that there -- there was.

2 BY MR. MARTENS: 09:15:28

3 Q Okay. Do you consider yourself a 09:15:29
4 Baptist?

5 MR. GANT: Objection. Vague. 09:15:35

6 THE WITNESS: I consider myself a 09:15:36
7 Baptist if I am allowed to explain what that
8 means.

9 BY MR. MARTENS: 09:15:41

10 Q I was going to ask you what you mean by 09:15:41
11 that if you consider yourself a Baptist, so why
12 don't you go ahead.

13 A I did not grow up Baptist, but over the 09:15:51
14 course of my young adulthood I came to believe
15 that believer's baptism is doctrinally, biblically
16 the authentic form of baptism and I came to
17 believe that -- and I might hedge on this a -- a
18 little bit, but that the church is the local body
19 of baptized believers and that congregations
20 should act and be independent in that way. So...

21 And then in addition to that for I don't 09:16:36
22 know how long now, but decades, I have been a

1 member of three or four different Baptist
2 churches. So by virtue of membership in Baptist
3 churches, I would also consider myself Baptist.

4 Q Anything else that leads you to consider 09:16:56
5 yourself a Baptist?

6 MR. GANT: Objection. Vague. 09:17:00

7 THE WITNESS: One of -- one of the 09:17:03
8 issues that sort of attracted me to Baptist
9 history is the emphasis on religious liberty, it
10 resonated with me, and separation of church and
11 state, so I think those would be as well.

12 BY MR. MARTENS: 09:17:21

13 Q You said on the issue of church being 09:17:24
14 the local body you might hedge a bit on that.

15 What did you mean by that? 09:17:32

16 MR. GANT: Objection. Mischaracterizes 09:17:33
17 testimony.

18 THE WITNESS: I would answer it this 09:17:39
19 way, and I would reference my own church,
20 DaySpring Baptist Church in Waco, we are an
21 independent Baptist church, but because we are
22 independent and view ourself -- ourselves as a

1 local gathered body of baptized believers, we feel
2 that we can plug into the history and tradition of
3 Christianity in a way that could be construed as
4 recognizing that there is this sort of larger
5 church, if you will, or larger tradition, that
6 we're not just independent, making it up as we go
7 along. We feel -- we believe that we -- we
8 believe and we -- we choose to try to be
9 submissive to the traditions of the historic
10 Christian church. And so I keep coming back to
11 this term, which is hard to use, so that's why I
12 would say -- put it that way, yeah.

13 I also would put it that way because I'm 09:18:54
14 not ready to say that other conceptions of the
15 Christian Church are necessarily in error. I may
16 have been more willing to say that when I was
17 younger.

18 BY MR. MARTENS: 09:19:12

19 Q Are you familiar with the term "The 09:19:13
20 Universal Church"?

21 A I have heard that term, you know, 09:19:18
22 throughout my career. I'm not sure I've ever been

1 clear on what someone means when they're using
2 that term.

3 Q Have you ever used the term "Universal 09:19:29
4 Church"?

5 MR. GANT: Objection. Calls for 09:19:34
6 speculation.

7 THE WITNESS: Yeah, I -- I don't recall 09:19:35
8 using it. It's not a term that resonates with me.

9 BY MR. MARTENS: 09:19:39

10 Q Okay. Are you familiar with the 09:19:40
11 doctrinal concept of catholicity?

12 MR. GANT: Objection. Vague. 09:19:47

13 THE WITNESS: I am somewhat familiar 09:19:49
14 with the doctrine of catholicity and, in fact,
15 that is something that I was referring to with my
16 own church, DaySpring Baptist Church.

17 BY MR. MARTENS: 09:20:01

18 Q What were you -- what were you referring 09:20:01
19 to reference catholicity?

20 MR. GANT: Objection. Vague. 09:20:07

21 Go ahead. 09:20:08

22 THE WITNESS: That there is a -- a 09:20:09

1 history of Christianity that in some ways contains
2 or -- there is a history of Christianity,
3 traditions in Christianity that professing
4 believers are part of, again not just an
5 independent congregation without any connection at
6 all to the historic Christian faith.

7 BY MR. MARTENS: 09:20:52

8 Q You used the phrase a few minutes ago 09:20:52
9 "submissive to the traditions of the historic
10 Christian church."

11 Is that what you meant by catholicity? 09:21:01

12 A I don't think so and submissive may have 09:21:04
13 been a little too strong a word. I think -- I
14 would -- and I'm not sure I would relate that to
15 catholicity. And, again, catholicity is a term
16 that could be used in different ways and I'm not
17 sure -- it's not a term that I use often, but in
18 some of the creeds the historic Catholic church is
19 a small C and it -- and it means -- you know, it
20 has that sense.

21 Q Right, the -- the Nicene Creed were 09:21:45
22 the first --

1	A	Right.	09:21:48
2	Q	-- to believe in one -- one -- one	09:21:48
3		Catholic church, right?	
4	A	One Catholic church.	09:21:52
5	Q	And does DaySpring recite that creed?	09:21:54
6		MR. GANT: Objection. Foundation, calls	09:21:57
7		for speculation.	
8		And just a reminder to pause to give me	09:21:59
9		a chance.	
10		THE WITNESS: Yeah. At DaySpring	09:22:04
11		Baptist Church, where I attend, we recite --	
12		it's -- I believe it's usually the Apostles'	
13		Creed, but it's -- it could be at times be the	
14		Nicene Creed when we baptize a new believer.	
15		BY MR. MARTENS:	09:22:19
16	Q	And so do you participate in -- strike	09:22:20
17		that.	
18		Do you affirm One, Holy, Catholic and	09:22:26
19		Apostolic Church?	
20		MR. GANT: Do you mean him personally or	09:22:31
21		are you asking him --	
22		MR. MARTENS: Him personally.	09:22:34

1 MR. GANT: Okay. Can I -- sorry, can I 09:22:34
2 hear the question again?

3 BY MR. MARTENS: 09:22:36

4 Q Do you personally affirm One, Holy, 09:22:36
5 Catholic and Apostolic Church?

6	MR. GANT: Objection. Vague.	09:22:45
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7 THE WITNESS: As it is stated in the 09:22:47
8 Apostles' Creed and the Nicene Creed, I do firm
9 that.

10 BY MR. MARTENS: 09:22:52

11 Q And what -- when you affirm that, what 09:22:52
12 do you understand you're affirming about the
13 church being Catholic and one?

14 MR. GANT: Same objection. 09:23:00

15 And I'm not giving a lot of latitude 09:23:01
16 here, Matt, but this is supposed to be about the
17 report and his expert testimony and you're asking
18 him about his personal beliefs and opinions. So
19 I'll give you a little more latitude, but I'd like
20 to move on to the actual report and Dr. Hankins'
21 role in the case.

22	THE WITNESS: Can you repeat the	09:23:23
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1 question?

2 BY MR. MARTENS: 09:23:23

3 Q Sure. When you affirm one Catholic 09:23:24
4 church, what do you personally mean by that?

5 MR. GANT: Same objections. 09:23:28

6 THE WITNESS: I mean that in the context 09:23:33
7 of DaySpring Baptist Church, where I am a member,
8 I mean it as an acknowledgment that although we
9 are in the one sense independent and autonomous in
10 that we decide for ourselves nearly everything
11 that we do as a church, we also are cognizant that
12 we are part of something greater than our own
13 local congregation and that something greater that
14 we are a part of is the historic catholic, small
15 C, church. We are a gathered body of believers
16 within that context.

17 BY MR. MARTENS: 09:24:18

18 Q You're familiar with the Southern 09:24:29
19 Baptist Convention; is that fair?

20 MR. GANT: Objection. Vague. 09:24:32

21 THE WITNESS: I have a degree of 09:24:35
22 familiarity with the Southern Baptist Convention

1 via my studies, my research and so forth.

2 BY MR. MARTENS: 09:24:45

3 Q So today I may just use "SBC" as a 09:24:45
4 shorthand. Is that okay?

5 A SBC works for me. 09:24:50

6 Q Thanks. 09:24:52

7 What do you understand the SBC to be? 09:24:53

8 MR. GANT: Objection. Vague. 09:24:57

9 THE WITNESS: It's a little hard to 09:25:06
10 think of where to start because the SBC is
11 behemoth, the largest Protestant denomination, if
12 you want to consider it that, in the United
13 States.

14 Historically, Baptists have organized 09:25:25
15 themselves in conventions and the Southern Baptist
16 Convention is an organization with agencies and
17 seminaries that individual congregations and state
18 conventions and associations can partner with if
19 they so choose.

20 BY MR. MARTENS: 09:26:01

21 Q When you say agencies of the Southern 09:26:04
22 Baptist Convention, what are you referring to?

1 A For our purposes today the largest 09:26:14
2 example would be NAMB as an agency or the
3 International Mission Board. There are a variety
4 of them. I -- I have not memorized them all and
5 I'm not sure exactly what number of agencies there
6 are. Ethics & Religious Liberty Commission would
7 be another agency, so -- I think it would be
8 considered an agency.

9 Q Is an association different than a 09:26:37
10 convention?

11 MR. GANT: Objection. Vague, compound, 09:26:43
12 foundation.

13 THE WITNESS: You know, sometimes these 09:26:48
14 terms "association" and "convention" are -- are
15 used by various groups in ways that are not always
16 completely consistent, but as an opinion, I would
17 say, generally speaking, associations tend to be
18 local with local congregations associating
19 together. It's often by counties, but not always.

20 For some reason statewide associations 09:27:21
21 of Baptists tend to be called conventions almost
22 without exception and the Southern Baptist is

1 called a convention, so I'm not exactly clear --
2 I'm not sure one can be exactly clear on, well,
3 that's not a convention, that's an association.

4 BY MR. MARTENS: 09:27:42

5 Q What is the North American Mission 09:27:48
6 Board?

7 MR. GANT: Objection. Vague. 09:27:52

8 THE WITNESS: As I understand NAMB, it 09:27:56
9 is what used to be called the Home Mission Board
10 and it is the mission's agency of the Southern
11 Baptist Convention that operates in North America.
12 That would be my understanding.

13 BY MR. MARTENS: 09:28:18

14 Q What is its mission? 09:28:20

15 MR. GANT: Objection. Vague, 09:28:24
16 foundation.

17 THE WITNESS: My understanding of the 09:28:29
18 mission of NAMB, to put it as simply as possible,
19 is to evangelize and plant churches, plant Baptist
20 churches in North America.

21 BY MR. MARTENS: 09:28:47

22 Q What do you mean by "evangelize"? 09:28:55

1 A I would define evangelism as the effort 09:29:00
2 to gain converts to the Christian faith, spreading
3 the gospel, the evangel. So spreading the gospel
4 with the purpose of winning people to Christ. The
5 term "winning" being a sort of evangelical term
6 that is used for bringing people into a
7 relationship with Christ.

8 Q You mentioned that the mission of NAMB 09:29:33
9 includes planting Baptist churches; is that
10 correct?

11 A As -- as -- as far as I know. I -- I 09:29:42
12 can't imagine NAMB planting anything other than a
13 Baptist church, but -- and I know these church
14 plants start as missions, so over time they become
15 independent congregations of Baptists.

16 Q Why can't you imagine NAMB doing 09:29:56
17 anything other than planting a Baptist church?

18 A Simply because NAMB is an agency of the 09:30:03
19 Southern Baptist Convention and staffed by people
20 who believe that -- I'll just leave it at that.
21 Yeah.

22 Q NAMB wouldn't plant Presbyterian 09:30:16

1 churches; is that fair?

2 MR. GANT: Objection. Foundation, calls 09:30:21
3 for speculation.

4 THE WITNESS: It would -- it would seem 09:30:24
5 obvious to me.

6 BY MR. MARTENS: 09:30:27

7 Q Obvious meaning it would be contrary to 09:30:28
8 what Baptists believe for Baptists to plant a
9 Presbyterian church; is that fair?

10 MR. GANT: Objection. Vague, compound, 09:30:37
11 foundation, calls for speculation.

12 THE WITNESS: I would agree that it 09:30:42
13 would be beyond ironic -- absurd for a Baptist
14 mission group -- although, you know, I guess I
15 could imagine a case where it -- it might happen,
16 it -- yeah, it would seem absurd to me for -- for
17 NAMB to plant a Presbyterian church.

18 BY MR. MARTENS: 09:31:01

19 Q And is that in part because Baptists 09:31:01
20 have material theological disagreements with
21 Presbyterians?

22 MR. GANT: Objection. Vague, compound, 09:31:10

1 foundation, calls for speculation.

2 THE WITNESS: Sometimes the 09:31:19

3 disagreements between certain types of Baptists

4 and certain types of Presbyterian are partly

5 theological, but even more having to do with

6 church polity. The theological would be baptism.

7 BY MR. MARTENS: 09:31:34

8 Q Do you not consider church polity a 09:31:36

9 theological issue?

10 MR. GANT: Objection. Vague, 09:31:40

11 foundation.

12 THE WITNESS: I suppose church polity 09:31:43

13 could be theological if one is making a claim that

14 this polity is -- arises from our theological

15 beliefs as opposed to this polity -- polity just

16 happens to be more effective or something. So in

17 that sense I could -- I could entertain the idea

18 of polity being -- being theology. But there's a

19 reason they're two words, you know, theology and

20 polity, so...

21 BY MR. MARTENS: 09:32:15

22 Q Are you familiar with seminary classes 09:32:16

1 that teach ecclesiology?

2 MR. GANT: Objection. Vague, compound, 09:32:25
3 foundation.

4 THE WITNESS: It depends on what you 09:32:27
5 mean by familiar with classes. I have -- I spent
6 a year in seminary. I may have taken such a
7 class, I don't recall. I know such classes -- I
8 know there are classes in ecclesiology at
9 seminaries.

10 BY MR. MARTENS: 09:32:44

11 Q And ecclesiology is the doctrine of the 09:32:45
12 polity of the church, correct?

13 MR. GANT: Objection. Vague, 09:32:51
14 foundation, compound.

15 THE WITNESS: I think it could -- I 09:32:56
16 think it could be stated that ecclesiology is a
17 broader term and polity would be part of the
18 ecclesiology.

19 BY MR. MARTENS: 09:33:08

20 Q Okay. So ecclesiology would include the 09:33:09
21 doctrine of the polity of the church; is that
22 fair?

1 MR. GANT: Objection. Vague, compound, 09:33:16
2 foundation.

3 THE WITNESS: These are not issues that 09:33:24
4 I spend a great deal of my time thinking about.
5 I'm a historian. When historians use
6 "ecclesiology" and "polity" and "theology," I use
7 those terms as related terms, but I also use them
8 as a way of, okay, here I'm talking about one
9 thing, here I'm talking about another.

10 BY MR. MARTENS: 09:33:49

11 Q Okay. So tell me what you as a 09:33:50
12 historian understand ecclesiology to mean.

13 A Most simply I would see ecclesiology as 09:33:57
14 the study of the church.

15 Q And would the study of the church 09:34:06
16 include the study of church polity?

17 MR. GANT: Objection. Vague, compound. 09:34:13

18 THE WITNESS: Yes, I think the study of 09:34:16
19 the church would include the study of church
20 polity.

21 BY MR. MARTENS: 09:34:20

22 Q And by "polity" you mean what? 09:34:21

1 MR. GANT: Objection. Compound. 09:34:24

2 THE WITNESS: I generally use the term 09:34:26

3 "polity," as a historian, when I'm talking about

4 the way that a -- a church or a group of churches

5 organi- -- or a denomination organizes itself.

6 BY MR. MARTENS: 09:34:41

7 Q And do Baptists view their polity as 09:34:46

8 being theological?

9 MR. GANT: Objection. Vague, compound, 09:34:53

10 foundation, calls for speculation.

11 THE WITNESS: I think there's a pretty 09:35:00

12 wide range of what Baptists would say about

13 Baptist polity and I would think, I suspect, I

14 probably encountered in study those who would say

15 adamantly the Baptist polity is theological, it is

16 the theologically correct way to organize a

17 church, it's the biblical way to organize a

18 church. And I would -- I would say that is a

19 pretty common belief amongst --

20 BY MR. MARTENS: 09:35:41

21 Q Common belief amongst? 09:35:44

22 A -- many -- 09:35:46

1 MR. GANT: He was not -- he wasn't done 09:35:46
2 and he's still --
3 THE WITNESS: Yeah. 09:35:48
4 MR. GANT: -- answering. 09:35:48
5 THE WITNESS: Yeah -- a fairly common 09:35:50
6 belief among many Baptist -- Baptist leaders.
7 BY MR. MARTENS: 09:35:56
8 Q You've never been an employee of NAMB; 09:36:06
9 is that right?
10 A I've never been an employee of NAMB. 09:36:09
11 Q Okay. Are you familiar with the Baptist 09:36:11
12 Convention of Maryland and Delaware?
13 MR. GANT: Objection. Vague. 09:36:17
14 THE WITNESS: I am somewhat familiar 09:36:20
15 with the Baptist Convention of Maryland and
16 Delaware as a result of my looking into this case.
17 BY MR. MARTENS: 09:36:32
18 Q I'll refer to that as BCMD just to -- 09:36:32
19 A Okay. 09:36:36
20 Q -- shorten that. Okay? 09:36:36
21 Have you ever been employed by BCMD? 09:36:38
22 A I have not. 09:36:40

1 Q Ever been affiliated in any way with 09:36:41
2 BCMD?

3 MR. GANT: Objection. Vague. 09:36:45

4 THE WITNESS: I have not been affiliated 09:36:46
5 with BCMD, no.

6 BY MR. MARTENS: 09:36:49

7 Q And you've been retained by Will McRaney 09:36:49
8 to provide expert testimony in this matter; is
9 that right?

10 A Yes. 09:36:57

11 Q How did you -- strike that. 09:36:57

12 When did you first meet Dr. McRaney? 09:37:00

13 A I have never met Will McRaney. 09:37:03

14 Q Did he contact you to be an expert in 09:37:07
15 this case?

16 A No. I have never had any contact with 09:37:11
17 Will McRaney.

18 MR. GANT: Just -- just a reminder. 09:37:15

19 THE WITNESS: Yeah. Sorry. 09:37:17

20 BY MR. MARTENS: 09:37:17

21 Q Who contacted you about being an expert 09:37:17
22 in this case?

1 A Scott Gant contacted me about the case. 09:37:21

2 Q And when that was? 09:37:25

3 MR. GANT: Objection. Calls for 09:37:28

4 speculation.

5 THE WITNESS: I -- I'm not -- I'm not 09:37:30

6 sure exactly when it was. I -- probably in the

7 last year and-a-half.

8 BY MR. MARTENS: 09:37:37

9 Q I'm going to show you what we're going 09:37:41

10 to mark as I guess 1. We'll call it Exhibit 1.

11 (Hankins Exhibit Number 1 was 09:37:51

12 marked for identification.) 09:38:02

13 BY MR. MARTENS: 09:38:02

14 Q Do you recognize Exhibit 1 as a copy of 09:38:02

15 your expert report in this matter?

16 A I do. 09:38:06

17 Q And if you take a look at the last page 09:38:07

18 of the report before the appendices, do you

19 recognize that as the signature you placed on the

20 document?

21 A Yes, I recognize the signature. 09:38:21

22 Q Did you prepare the report yourself? 09:38:25

1 A I -- I prepared this report myself, yes, 09:38:28
2 I did.

3 Q From scratch you started typing it? 09:38:33

4 MR. GANT: Objection. Vague. 09:38:35

5 THE WITNESS: I was provided a template 09:38:42
6 of sorts as to where I should fill in and -- and
7 write my views.

8 BY MR. MARTENS: 09:38:53

9 Q The template meaning there's various 09:38:55
10 sections, background and things like that, or was
11 there more in it? Was there substance in the
12 template that was provided?

13 MR. GANT: Objection. 09:39:06

14 THE WITNESS: No, it was -- 09:39:06

15 MR. GANT: Sorry. Objection. Vague. 09:39:07

16 THE WITNESS: It -- it was a template 09:39:11
17 with the sections and the numbers and what should
18 go in those sections.

19 BY MR. MARTENS: 09:39:19

20 Q But the actual substance in the numbered 09:39:19
21 paragraphs, is that information that you typed in
22 its entirety?

1 A Yes. Well, the report is -- the report 09:39:27
2 is mine, these are my words, these are my ideas
3 emanating from my -- from my research, so yes.

4 Q I -- I recognize what you said, that 09:39:42
5 you're -- you're accepting it as yours. What I'm
6 just trying to understand is did you type it
7 originally or was it -- was some of the substance
8 provided to you and you agreed with it?

9 MR. GANT: Objection. Vague, compound 09:39:57
10 and mischaracterizes prior testimony.

11 THE WITNESS: I mean, I -- I wrote this 09:40:11
12 report. Okay? I had a template of where I should
13 address certain things.

14 BY MR. MARTENS: 09:40:21

15 Q Were any -- was any of the substance 09:40:25
16 that is in this report provided to you by someone
17 else?

18 MR. GANT: Objection. Vague. 09:40:31

19 THE WITNESS: I don't believe -- as best 09:40:36
20 I recall, I -- I don't recall there being
21 substance in the report.

22 BY MR. MARTENS: 09:40:45

1 Q And by "substance" I mean are any of the 09:40:45
2 words that are in the numbered paragraphs, were
3 those originally typed by someone else other than
4 you?

5 MR. GANT: Objection. Vague, asked and 09:40:58
6 answered.

7 THE WITNESS: The words in the numbered 09:41:02
8 paragraphs are my words.

9 BY MR. MARTENS: 09:41:05

10 Q But were they typed by you or were they 09:41:07
11 provided to you by someone else and adopted by
12 you?

13 MR. GANT: Same objections. 09:41:13

14 THE WITNESS: I wrote these things. 09:41:16

15 BY MR. MARTENS: 09:41:19

16 Q And -- 09:41:20

17 A If you want to use the word "typed," I 09:41:21
18 -- you know.

19 Q I'm just trying to get at -- I 09:41:24
20 understand you're adopting it and saying these are
21 my words.

22 A Uh-huh. 09:41:30

1 Q I'm trying to understand are they your 09:41:30
2 words because you originally wrote them into the
3 report or are they words -- your words because
4 someone else wrote them and you agree with them
5 and have adopted them into your report?

6 MR. GANT: Objection. Vague, compound, 09:41:42
7 asked and answered.

8 THE WITNESS: It is the case that I 09:41:48
9 wrote this report, I wrote these enumerated items.
10 These are my views, so...

11 BY MR. MARTENS: 09:41:57

12 Q And by "wrote," do you mean something 09:41:59
13 other than typed?

14 MR. GANT: Same objections and asked and 09:42:03
15 answered.

16 THE WITNESS: I -- I'm not sure the 09:42:05
17 distinction between "wrote" and "typed," but --
18 so...

19 BY MR. MARTENS: 09:42:16

20 Q Okay. I think it says in the report 09:42:16
21 that you're being paid for your work on this; is
22 that right?

1	A	Yes.	09:42:23
2	Q	And that's \$300 an hour?	09:42:24
3	A	Yes.	09:42:26
4	Q	How many hours did you spend preparing	09:42:27
5		the report?	
6	MR. GANT:	Objection. Vague.	09:42:32
7	THE WITNESS:	I actually do not recall.	09:42:34
8		I don't know at this moment.	
9	BY MR. MARTENS:		09:42:37
10	Q	How much have you been paid for	09:42:38
11		preparing the report?	
12	A	I have not been paid anything as yet.	09:42:41
13	Q	Okay. Do you have a rough estimate of	09:42:44
14		how much time you've spent on this matter?	
15	MR. GANT:	Objection. Vague.	09:42:49
16	THE WITNESS:	I -- not that I would be	09:42:50
17		confident enough to throw out here today. I'd	
18		have to go back and look at my records, logs and	
19		so forth.	
20	BY MR. MARTENS:		09:43:02
21	Q	Have you submitted invoices with the	09:43:02
22		amount of time that you've spent?	

1 A The best I recall I've submitted one 09:43:05
2 invoice, but I don't recall how many hours is on
3 it.

4 Q Do you remember roughly how much it was 09:43:12
5 for?

6 A I'm not -- I'm not sure. 09:43:18

7 Q Are you being paid for your time here 09:43:20
8 today?

9 MR. GANT: Objection. Vague. 09:43:23

10 THE WITNESS: I hope I'm being paid for 09:43:24
11 my time here today. That is my understanding.

12 BY MR. MARTENS: 09:43:28

13 Q How much do you anticipate, if you were 09:43:29
14 to estimate, you'll be paid in total for this
15 assignment?

16 MR. GANT: Objection. 09:43:35

17 THE WITNESS: I really don't know. I'm 09:43:37
18 sorry.

19 MR. GANT: Objection. Vague, calls for 09:43:38
20 speculation.

21 THE WITNESS: I really don't know 09:43:41
22 because I don't know how long this is going to go

1 on.

2 BY MR. MARTENS: 09:43:45

3 Q Prior to your retention as an expert in 09:43:47
4 this matter, had you heard about this case?

5 A I had never heard of this case that I 09:43:52
6 recall, but I read a lot of stuff that comes
7 across the Internet about religion and Baptist
8 Press and so forth, so the best I recall I did not
9 know about this case.

10 Q Prior to your retention had you heard of 09:44:06
11 Will McRaney?

12 A I had -- again, as best I recall, I had 09:44:10
13 never heard of Will McRaney.

14 Q And I think you said you've never spoken 09:44:17
15 with him?

16 A I've never spoken with Will McRaney. 09:44:21

17 Q I think your report on page two says 09:44:36
18 that your work in this matter is ongoing.

19 What's that mean? 09:44:54

20 A My understanding of ongoing is that I, 09:44:55
21 as of yesterday, I was going to have a meeting
22 today and having a meeting today on this matter

1 it's possible I could be called upon in the future
2 to have another meeting, maybe write something
3 else. I don't know. It's just -- it appears I'm
4 still here, so...

5 Q By "ongoing" did you mean you're 09:45:18
6 continuing to do any research?

7 MR. GANT: Objection. Vague. 09:45:22

8 THE WITNESS: I continue to prepare -- 09:45:28
9 if I am called to do something in the future after
10 this meeting today, I will read any documents I
11 can get my hands on to prepare for that meeting as
12 I did for this one.

13 BY MR. MARTENS: 09:45:45

14 Q Did you do any research after handing in 09:45:45
15 this report that was relevant to this matter?

16 MR. GANT: Objection. Vague. 09:45:52

17 THE WITNESS: The best I can recall, 09:45:59
18 after I submitted the report, I did no more
19 research until I was informed I was going to be
20 deposed.

21 BY MR. MARTENS: 09:46:14

22 Q And then what research did you do? 09:46:14

1 A I -- I think that the most that I did 09:46:19
2 was review research I had already done, but I
3 also -- I think it's possible I also received or
4 found on my own some documents, maybe BP articles
5 or -- I read some of the legal matter that's taken
6 place since I did this report, although I couldn't
7 cite which ones were which and when they came.
8 But I updated myself on the legal part of the case
9 and the briefs on both sides.

10 Q And you referred to "BP articles." Is 09:46:56
11 BP Baptist Press?

12 A Baptist Press, right. 09:47:02

13 Q Now, I think you say that your 09:47:04
14 assignment in this matter was to offer your
15 opinions about several issues; is that right?

16 MR. GANT: Objection. Vague. 09:47:13

17 THE WITNESS: I mean, I don't recall 09:47:20
18 exactly if "several issues" is the term that would
19 be used, but there seem to be various points that
20 I made in the report that I saw as these are the
21 sorts of things that I could bring some knowledge
22 to.

1 BY MR. MARTENS: 09:47:39

2 Q Okay. So if you could just take a look 09:47:39

3 at page two of your report.

4 A Okay. 09:47:43

5 Q And I'm looking at sub -- or Section II, 09:47:43

6 "Assignment." I'm looking at paragraph two. And

7 you -- it seems to indicate you were asked to

8 offer your opinion about several issues; is that

9 right?

10 A Apparently so, yes. 09:48:00

11 Q And is one of the issues -- just so -- 09:48:01

12 strike that.

13 I'm trying to make sure I understand 09:48:06

14 this paragraph. Is one of the issues about which

15 you were asked to offer an opinion Christianity in

16 America?

17 MR. GANT: Objection. Vague, the report 09:48:13

18 speaks for itself.

19 THE WITNESS: I don't think I would 09:48:22

20 see one of the -- I don't think I would see

21 Christianity in America as an issue. I think what

22 I mean there is several issues that are related

1 to, I say "based upon" here, my work, which,
2 broadly speaking, takes place under the umbrella
3 of Christianity in America. In fact, most -- that
4 would be the broadest category I would use to
5 define the work that I do.

6 BY MR. MARTENS: 09:48:49

7 Q So that's what I was trying to get at. 09:48:49
8 Is the list --

9 MR. GANT: I'm sorry. I'm sorry, Matt. 09:48:52

10 Were you done with your answer? 09:48:54

11 THE WITNESS: Yes. 09:48:55

12 MR. GANT: Okay. Thanks. 09:48:55

13 BY MR. MARTENS: 09:48:55

14 Q What I was trying to get at was, are you 09:48:56
15 listing in those paragraphs when you say
16 "Christianity in America, Baptists and Southern
17 Baptists, and the relationship between Church and
18 State in the United States," are those areas of
19 your research and scholarship or are those the
20 issues you are being asked to opine on?

21 A Those are issues of my scholarship. 09:49:13

22 Q Do you consider yourself an expert in 09:49:22

1 Christianity in America?

2 A It's not a -- 09:49:26

3 MR. GANT: Hold on. I'm sorry. 09:49:28

4 Objection. Vague and to the extent it 09:49:29
5 calls for a legal conclusion.

6 THE WITNESS: I -- I smile and -- and 09:49:35
7 chuckle because the term "expert" is not a term I
8 use to refer to myself. If others want to
9 consider me that, that's fine.

10 BY MR. MARTENS: 09:49:49

11 Q Do others consider you to your knowledge 09:49:57
12 an expert in Christianity in America?

13 MR. GANT: Objection. Vague, compound, 09:50:01
14 foundation, calls for speculation.

15 THE WITNESS: All I can say on that is 09:50:07
16 that just as one example, you know, reporters call
17 me on the phone and they want my opinion on
18 something that's happened. Are they calling me
19 because they consider me an expert, I don't know.
20 So -- and that's just one example, you know, so...

21 BY MR. MARTENS: 09:50:30

22 Q Fair enough. Do you consider yourself 09:50:30

1 an expert -- strike that.

2 Do you know whether people consider you 09:50:39
3 an expert on Baptists?

4 MR. GANT: Objection. Vague, compound, 09:50:46
5 foundation, calls for speculation.

6 THE WITNESS: I -- I really don't know 09:50:50
7 if people consider me an expert on -- again the
8 term "expert" is -- is -- I don't know if people
9 consider me an expert on Baptist history.

10 BY MR. MARTENS: 09:50:59

11 Q Do you consider yourself an expert on 09:51:00
12 Baptists?

13 MR. GANT: Objection. Vague, compound, 09:51:04
14 foundation, and to the extent it calls for a legal
15 conclusion.

16 THE WITNESS: Again, that is not a -- 09:51:08
17 that's not the term that I would use for myself.

18 BY MR. MARTENS: 09:51:13

19 Q What term would you use for yourself? 09:51:13

20 A I would say I'm a scholar of Baptist 09:51:17
21 history.

22 Q And what do you mean by that? 09:51:21

1 A The term "scholar," as I use it, is a 09:51:25
2 descriptive term. You could be a good scholar or
3 a bad scholar. It doesn't mean you're good or bad
4 at something. By "scholar" I mean I spend much,
5 if not the bulk, of my professional time studying
6 a particular thing and then writing about that
7 thing.

8 Q And that thing for you is Baptist 09:51:53
9 history?

10 A My scholarship deals with Baptist 09:51:59
11 history but not only Baptist history. I have
12 written and studied on other things as well.

13 Q Do you consider yourself an expert on 09:52:08
14 separation of church and state?

15 MR. GANT: Objection. Vague, 09:52:14
16 foundation, and to the extent it calls for a legal
17 conclusion, and compound.

18 THE WITNESS: Again, I wouldn't use the 09:52:23
19 term "expert." I would not call myself an expert
20 on -- on church and state.

21 BY MR. MARTENS: 09:52:28

22 Q Do you consider yourself a scholar of 09:52:29

1 separation of church and state?

2 A I -- I would put it this way: Sometimes 09:52:36
3 my scholarship deals with matters of church and
4 state, but I have not, for example, written a book
5 devoted to church and state. But when I write
6 about Baptists, I -- I am sometimes talking about
7 the church-state views of Baptists -- different
8 kinds of Baptists. So maybe -- I'm not sure I
9 would call myself a scholar of church-state, I
10 would say it's one of the areas out on the edge of
11 the scholarship that I do.

12 Q How much of your research do you devote 09:53:23
13 to separation of church and state?

14 MR. GANT: Objection. Vague, compound, 09:53:28
15 foundation and...

16 THE WITNESS: I would say that I deal 09:53:35
17 with separation of church and state when the
18 historical figures I'm studying grapple with
19 church and state and then I try to interpret and
20 explain what their views are on church and state
21 as opposed to what I don't do is go write a book
22 on church and state.

1 BY MR. MARTENS: 09:54:04

2 Q Do you think you would be qualified to 09:54:05

3 write a book on separation of church and state?

4 MR. GANT: Objection. Vague, 09:54:11

5 foundation.

6 THE WITNESS: I could write a book on 09:54:13

7 the separation of church and state if I had a good

8 research leave and the time to put to it, yes, I

9 could do that.

10 BY MR. MARTENS: 09:54:22

11 Q But if you were asked to sit down right 09:54:24

12 now and do it, could you do that?

13 MR. GANT: Objection. Vague, 09:54:28

14 foundation.

15 THE WITNESS: Not right now, no, I -- I 09:54:33

16 would have to do a -- a good bit of research. But

17 I have the background to do that research and

18 to -- to understand that research, yes.

19 BY MR. MARTENS: 09:54:43

20 Q Do you consider yourself an expert in 09:54:44

21 the First Amendment?

22 MR. GANT: Objection. Vague, compound, 09:54:49

1 foundation, and to the extent it calls for a legal
2 conclusion.

3 THE WITNESS: Again, I would not use the 09:54:56
4 term "expert" on the First Amendment.

5 BY MR. MARTENS: 09:54:59

6 Q Do you consider yourself a scholar of 09:55:00
7 the First Amendment?

8 MR. GANT: Same objections. 09:55:05

9 THE WITNESS: I would not call myself a 09:55:06
10 scholar of the First Amendment.

11 BY MR. MARTENS: 09:55:09

12 Q Why not? 09:55:10

13 A Put most simply, I have not written 09:55:16
14 an -- even an article on the First Amendment and
15 typically when you -- when we use the term
16 "scholar of the First Amendment," we're talking
17 about people who have written articles and perhaps
18 books on either the history or the legality or the
19 constitutionality of the First Amendment, so...

20 Q You're not a lawyer; is that right? 09:55:54

21 A I am not a lawyer. 09:55:55

22 Q Do you consider yourself an expert in 09:56:02

1 constitutional law?

2 MR. GANT: Objection. Vague, 09:56:06
3 foundation, and to the extent it calls for a legal
4 conclusion.

5 THE WITNESS: I do not consider myself 09:56:13
6 an expert in constitutional law.

7 BY MR. MARTENS: 09:56:17

8 Q Do you consider yourself a scholar of 09:56:17
9 constitutional law?

10 A I do not consider myself a scholar of 09:56:22
11 constitutional law.

12 Q Do you consider yourself an expert in 09:56:27
13 interpreting contracts, including contracts among
14 religious groups?

15 MR. GANT: Objection to the extent it 09:56:37
16 calls for a legal conclusion.

17 THE WITNESS: I do not consider myself 09:56:40
18 an expert on contracts.

19 BY MR. MARTENS: 09:56:43

20 Q Do you consider yourself a scholar of 09:56:43
21 contracts, including contracts between religious
22 organizations?

1 A I do not consider myself a scholar of 09:56:49
2 contracts.

3 Q Do you consider yourself an expert in 09:57:00
4 defamation?

5 MR. GANT: Objection. Vague and to the 09:57:05
6 extent it calls for a legal conclusion.

7 THE WITNESS: I do not consider myself 09:57:09
8 an expert in defamation.

9 BY MR. MARTENS: 09:57:11

10 Q Do you consider yourself a scholar of 09:57:12
11 defamation, including defamation law?

12 MR. GANT: Objection. Vague. 09:57:19

13 THE WITNESS: I do not consider myself a 09:57:20
14 scholar of defamation law.

15 BY MR. MARTENS: 09:57:23

16 Q If you take a look at your report, 09:57:32
17 there's an Appendix B which I believe is the
18 materials you considered in preparing your report;
19 is that right?

20 MR. GANT: Objection. Vague and to the 09:57:47
21 extent it mischaracterizes the report. The
22 report, as you also know, refers to footnotes --

1 THE REPORTER: Keep it up, the report 09:58:02
2 what?

3 MR. GANT: The report, Matt, also, as 09:58:02
4 you probably know, also refers to footnotes, which
5 may include things not listed there.

6 And did you call it appendix or exhibit? 09:58:07
7 Sorry.

8 Can I hear the question back, please. 09:58:32
9 (The reporter read the record 09:58:33
10 as requested.) 09:58:34

11 MR. GANT: Matt, you mean Exhibit B I 09:58:46
12 assume?

13 BY MR. MARTENS: 09:58:48

14 Q You can go ahead and answer the 09:58:49
15 question.

16 A I understand there's some difference 09:58:53
17 between "consider" and "reviewed" and so I'm going
18 to need some clarification here.

19 Q Okay. What does Exhibit B to your 09:58:59
20 report refer to?

21 MR. GANT: Objection. Vague. 09:59:05

22 BY MR. MARTENS: 09:59:07

1 Q Let me strike that. 09:59:08

2 What is Exhibit B to your report? 09:59:09

3 A It appears to be things that I at least 09:59:19

4 looked at, if not read, when I was preparing the

5 report.

6 Q Does Exhibit B to your report and the 09:59:30

7 footnotes to your report include the totality of

8 what you looked at in preparing your report?

9 MR. GANT: Objection. Vague and to the 09:59:40

10 extent it calls for a legal conclusion.

11 THE WITNESS: I seriously doubt that it 09:59:46

12 is inclusive of everything I looked at, but I -- I

13 can't be sure.

14 BY MR. MARTENS: 09:59:52

15 Q Why do you say you seriously doubt that? 09:59:53

16 A Because I've probably looked at a lot of 09:59:56

17 things and decided that they weren't necessarily

18 pertinent to what I was trying to do.

19 Q Does Exhibit B to your report and the 10:00:07

20 footnotes to your report include the totality of

21 what you considered in preparing your report?

22 A Again, I need some clarification on this 10:00:21

1 "considered" and "reviewed" sort of -- sort of
2 distinction.

3 Q You used the word "pertinent" I think. 10:00:29

4 Is Exhibit B and the footnotes to your 10:00:34
5 report the totality of what you considered
6 pertinent in rendering the opinions in your
7 report?

8 A I'm not actually sure because it's 10:00:46
9 possible I -- I would say this: If -- if I used
10 something in the report, a source of the kind that
11 are listed in Exhibit B, if I used something in
12 the report, I did the best I could to reflect that
13 in the footnotes and in Exhibit B.

14 Q If you used something to form your 10:01:13
15 opinions in the report, did you do your best to
16 include it in Exhibit B or the footnotes?

17 A Yes, I would have -- I would have done 10:01:25
18 my best to include everything in footnotes and
19 Exhibit B that I have -- has helped me shape my
20 historical interpretation, so...

21 Q In rendering your opinions in this case, 10:01:42
22 did you consider any information provided to you

1 orally?

2 MR. GANT: Objection. Vague. 10:01:51

3 THE WITNESS: I don't recall because 10:01:53

4 obviously Scott and I talked about the case, but

5 I -- I can't recall any piece of information that

6 I got orally that I would have included in the

7 report without documenting it.

8 BY MR. MARTENS: 10:02:13

9 Q Did you review the complaint by 10:02:15

10 Dr. McRaney in this case in rendering your

11 opinions in this case?

12 A I reviewed the -- all the legal matter 10:02:27

13 that has been pertinent to the case and -- by

14 "complaint" do you mean the -- what Dr. McRaney is

15 alleging in this case, have I read that?

16 Q Yeah, the formal legal document where he 10:02:42

17 makes his allegations.

18 A Yes, I've read that. 10:02:45

19 Q Did you read the supplemental complaint? 10:02:46

20 A Yes, I did. 10:02:50

21 THE REPORTER: So did you object? 10:02:51

22 MR. GANT: No. It has a different title 10:02:54

1 than what Matt said, so I didn't know if that
2 would cause confusion, but apparently it did not
3 cause confusion.

4 BY MR. MARTENS: 10:03:01

5 Q Did you read the Strategic Partnership 10:03:02
6 Agreement in rendering your opinions in this case?

7 MR. GANT: Objection. Vague. 10:03:07

8 THE WITNESS: I have not read a 10:03:08
9 Strategic Partnership Agreement.

10 BY MR. MARTENS: 10:03:09

11 Q Have you read any written agreement 10:03:11
12 between NAMB and BCMD in rendering your opinions
13 in this case?

14 A I have not read any such agreement 10:03:17
15 between BCMD and NAMB.

16 Q Are all of these -- 10:03:22

17 MR. GANT: I'm sorry. We've been going 10:03:29
18 an hour. Are you okay to keep going?

19 THE WITNESS: Yeah, I'm fine. 10:03:34

20 MR. GANT: Okay. 10:03:35

21 BY MR. MARTENS: 10:03:35

22 Q Are all of the opinions that you're 10:03:36

1 rendering in this case included in your written
2 report?

3 MR. GANT: Sorry, can I hear that back, 10:03:41
4 please.

5 (The reporter read the record 10:03:44
6 as requested.) 10:03:50

7 MR. GANT: Objection. Vague and to the 10:03:52
8 extent it calls for speculation.

9 THE WITNESS: Yeah, at this -- at this 10:03:57
10 point I couldn't give you an opinion that I have
11 that's not in my report, but having said that, I
12 think it's an ongoing sort of thing and -- well,
13 actually I think there is -- there is one opinion
14 that I have that is not in the report that's based
15 on new information and I suspect there might be
16 more such things. So I think I may have opinions
17 that are not in my report, yes.

18 BY MR. MARTENS: 10:04:26

19 Q What's the new opinion that you have 10:04:27
20 based on new information?

21 A In the report on the issue of the -- the 10:04:31
22 ERLCs amicus brief done with Thomas More Society,

1 when I wrote the report, I was not aware, as I am
2 now, that NAMB had a copy of that brief before it
3 was filed and so I would probably supplement that
4 section with that information.

5 Q And how do you know NAMB had a copy of 10:05:08
6 the brief before it was filed?

7 A In our preparation yesterday Scott 10:05:15
8 provided me with a couple of new documents.

9 Q What were those documents? 10:05:24

10 MR. GANT: Objection. Vague, calls for 10:05:26
11 speculation.

12 THE WITNESS: As best I recall, one was 10:05:29
13 a copy of e-mails and the other was something I
14 believe is called a privilege log of the Thomas
15 More Society.

16 BY MR. MARTENS: 10:05:48

17 Q And do you know what the ERLC brief that 10:05:48
18 was provided -- that you believe was provided to
19 NAMB before it was filed, do you know what it
20 said?

21 MR. GANT: Objection. Vague. 10:06:02

22 THE WITNESS: If it's the same brief 10:06:04

1 that is part of the case, I have read that brief.

2 BY MR. MARTENS: 10:06:08

3 Q Do you know whether the brief that was 10:06:08
4 provided to NAMB, if any, before the filing was
5 the same brief?

6 MR. GANT: Same objection. 10:06:17

7 THE WITNESS: I think it would be, but 10:06:23

8 I -- I guess I can't be sure.

9 BY MR. MARTENS: 10:06:26

10 Q Are you offering an opinion in this case 10:06:39

11 about whether NAMB is liable to Dr. McRaney?

12 A I am not offering any legal opinions. 10:06:48

13 That would sound like a legal opinion to me.

14 Q Okay. Are you offering an opinion as to 10:06:53
15 whether NAMB defamed Dr. McRaney?

16 A I am not offering any opinions on 10:07:05

17 defamation.

18 Q Are you offering an opinion on whether 10:07:07
19 NAMB tortiously interfered with Dr. McRaney's
20 employment?

21 MR. GANT: Objection. Vague and to the 10:07:15
22 extent it calls for a legal conclusion.

1 THE WITNESS: I am not offering any 10:07:17
2 opinions on tortious conduct.
3 BY MR. MARTENS: 10:07:22
4 Q Are you offering an opinion on whether 10:07:22
5 NAMB caused Dr. McRaney to lose his employment
6 with BCMD?
7 MR. GANT: Same objections. 10:07:30
8 THE WITNESS: I am offering no opinion 10:07:30
9 on NAMB's role in Dr. McRaney's position at BCMD.
10 BY MR. MARTENS: 10:07:37
11 Q Are you offering an opinion on whether 10:07:38
12 NAMB intentionally inflicted emotional distress on
13 Dr. McRaney?
14 MR. GANT: Same objections. 10:07:45
15 THE WITNESS: I am not offering any 10:07:45
16 opinion on emotional distress.
17 BY MR. MARTENS: 10:07:49
18 Q Are you offering an opinion on whether 10:07:49
19 Dr. McRaney suffered damages as a result of NAMB's
20 conduct?
21 MR. GANT: Same objections. 10:07:57
22 THE WITNESS: I'm not offering any 10:07:58

1 opinion on damages.

2 BY MR. MARTENS: 10:08:00

3 Q Let's turn to page three of your report, 10:08:02

4 Exhibit 1. If you look in the heading that is

5 III, you refer to "Southern Baptists."

6 Do you see that? 10:08:20

7 A Uh-huh. 10:08:21

8 Q Is that a yes? 10:08:21

9 A Yes. 10:08:22

10 Q Okay. And then in paragraph 1.a., you 10:08:23

11 use the word "Baptist" without the "Southern."

12 Do you see that? 10:08:31

13 A Yes. 10:08:31

14 Q Are you using "Baptist" and "Southern 10:08:33

15 Baptist" interchangeably in your report?

16 MR. GANT: Objection. Compound. 10:08:40

17 THE WITNESS: I am not using "Southern 10:08:43

18 Baptist" and "Baptist" interchangeably.

19 BY MR. MARTENS: 10:08:46

20 Q Do you understand the doctrinal beliefs 10:08:48

21 that you describe and attribute to Baptists --

22 strike that.

1 Do you understand the historic practices 10:08:59
2 and doctrinal beliefs that you attribute to
3 Baptists in your report to be different than
4 Southern Baptist practice and belief?

5 MR. GANT: Objection. Vague, compound. 10:09:10

6 THE WITNESS: Baptists are a -- very 10:09:15
7 diverse people. I -- I say diverse group.
8 They're not even a group. There are groups of
9 Baptists. And some of the things I'm saying here
10 in this page are in my view, as someone who's --
11 who's thought a lot about this and -- and read a
12 lot about it, are things that seem to be common to
13 just about all Baptists in history. It doesn't
14 matter if they're Southern Baptist, Northern
15 Baptist, English Baptist or whatever. So -- but
16 when you get beyond those few things, then
17 Baptists have a lot of diversity about a lot of
18 things.

19 BY MR. MARTENS: 10:10:07

20 Q Do you understand Baptists to have a 10:10:07
21 diversity of views about autonomy?

22 MR. GANT: Objection. Vague, compound, 10:10:16

1 foundation and calls for speculation.

2 THE WITNESS: Here's the way I -- I 10:10:23

3 would put it and have put it, in fact, in the book

4 that is sitting right there on the table, the

5 Baptists are so diverse that when Thomas Kidd and

6 I wrote this book, "Baptists in America," we

7 concluded if you wanted to say something that all

8 Baptists held to, about the only three things you

9 could say would be that they believe in adult

10 believer's baptism -- it would be really hard to

11 find a Baptist who doesn't believe in adult

12 believer's baptism -- that they believe in the

13 independence/autonomy, and I'd be happy to speak

14 to that, of the local congregation and that they

15 agree they should call themselves Baptists.

16 BY MR. MARTENS: 10:11:13

17 Q You said "independence" -- I think you 10:11:15

18 said "independence/autonomy."

19 A Uh-huh. 10:11:21

20 Q Are you using those terms 10:11:21

21 interchangeably?

22 A Well, once -- 10:11:24

1 MR. GANT: I'm sorry. 10:11:28

2 THE WITNESS: Yeah. 10:11:28

3 MR. GANT: Objection, vague. 10:11:28

4 THE WITNESS: In -- in terms of 10:11:31

5 Baptists' view of autonomy, you can find some

6 Baptists and some historians of -- of Baptist

7 history who would say a better term would be

8 independent because Baptist churches see

9 themselves as independent but yet part of the

10 larger, as we go back to the beginning,

11 catholicity of -- of -- of the church, and also

12 the term "autonomous" is conflicted in the past 35

13 years by, you know, a big debate within political

14 theory about the autonomy of the individual.

15 So independence or autonomy, many use 10:12:09

16 them interchangeably and many would want to argue

17 about one it's -- one is more accurate than the

18 other, so...

19 BY MR. MARTENS: 10:12:20

20 Q When you use the word "autonomy," for 10:12:20

21 example, in your number one under III on page

22 three, are you using "autonomy" to mean

1 essentially the same thing as independence?

2 MR. GANT: Objection. Vague. 10:12:35

3 THE WITNESS: Yes, and I'm -- I also use 10:12:39

4 "autonomy" because it's the word that is often

5 used in Baptist documents. I don't always think

6 it's the best choice of a word, but -- part of

7 that is because of the way things have happened in

8 the last 30 years with the term "autonomy," but

9 I -- you know, for the purposes of this report I

10 think I would say that I'm giving a -- a -- a more

11 general as opposed to theologically specific idea

12 about independence and autonomy and they're --

13 they're pretty much interchangeable.

14 BY MR. MARTENS: 10:13:15

15 Q What do you mean by the principle of 10:13:16

16 autonomy or independence?

17 A For Baptists historically, the 10:13:23

18 independence or autonomy of the local congregation

19 has meant that there is no entity outside that

20 congregation that can dictate what that

21 congregation believes, what it does, who it hires,

22 who it fires, how it organizes itself within its

1 own congregational parameters.

2 Q Would you agree that in the Baptist 10:13:52
3 tradition, autonomy is the unencumbered capacity
4 of each local -- local congregation and of each
5 organization created by local congregations or
6 their members to exercise full rights of
7 self-government in all matters of faith and
8 practice?

9 MR. GANT: Objection. Vague, compound, 10:14:16
10 foundation, and also asking him to agree to a
11 lengthy statement that you're reading without
12 putting the statement in front of him to consider.

13 THE WITNESS: Which is what I was going 10:14:30
14 to say. I would like to look at a statement that
15 long and -- and -- and see --

16 BY MR. MARTENS: 10:14:36

17 Q Sure, I'm happy -- I'm happy to do that. 10:14:36
18 We'll mark this as Exhibit 2.

19 (Hankins Exhibit Number 2 was 10:14:41

20 marked for identification.) 10:14:41

21 BY MR. MARTENS: 10:14:41

22 Q Exhibit 2 is a document that on the 10:14:53

1 first page states "Bylaws of American Baptist
2 Churches in the U.S.A." and it is 47 pages long.

3 Have you seen this document before? 10:15:07

4 A I have not seen this document. 10:15:10

5 Q Okay. 10:15:12

6 A I -- let me say I look at a lot of 10:15:14
7 documents having to do with Baptists and I've
8 written, not -- I've not written any work
9 exclusively on American Baptists, but Tommy and I
10 cover American Baptists in our book. So, you
11 know, best I recall I haven't seen this, but it's
12 possible that one day as I was doing research I
13 pulled this up on the Web and took a look at it.

14 Q Fair enough. I'm going to particularly 10:15:38
15 take a look at, with you, pages 46 and 47, so the
16 last two pages.

17 A Oh, the last two pages. 10:15:46

18 Q So if you look at footnote one on page 10:15:54
19 47, there's a definition of autonomy that states,
20 "In the Baptist (free church) tradition, it's the
21 unencumbered capacity of each local congregation
22 and of each organization created by local

1 congregations and/or their members to exercise
2 full rights of self-government in all matters of
3 faith and practice."

4 Do you see that? 10:16:24

5 A Yes. 10:16:25

6 Q Do you agree with that definition of 10:16:25
7 autonomy as it applies to Baptists?

8 MR. GANT: Objection. Foundation and 10:16:30
9 vague.

10 THE WITNESS: It's interesting that 10:16:34
11 it's -- it's worded that way because it -- it
12 could be interpreted to mean essentially the same
13 thing that -- of course these are American
14 Baptists, this is the old Northern Baptist
15 Convention. It changed its name in the early '50s
16 if I recall correctly.

17 It -- you know, it could be interpreted 10:16:55
18 to mean the same thing that Southern Baptists say
19 in their documents about the independence of
20 congregations, associations, state conventions,
21 and the larger convention, but without context I'm
22 not sure why this is worded this way. I'm not

1 even saying I have a problem with the way it's
2 worded, I'm just saying that putting it in front
3 of me without any historical context of where this
4 came from -- a lot of what historians do is we
5 figure out what people are saying by what the
6 context is in which they said it and what the
7 historical sort of activities were -- that were
8 going on at that time were like. And then it
9 helps understand and it helps us interpret that.
10 So I -- I -- you know, I -- it, as a general rule,
11 it sort of rings Baptist, but I -- I'm not ready
12 to sign on to it.

13 BY MR. MARTENS: 10:17:50

14 Q Can you identify any way in which this 10:17:50
15 American Baptist definition of autonomy differs
16 from how Southern Baptists understand autonomy?

17 MR. GANT: Can I hear that back, please. 10:18:02

18 (The reporter read the record 10:18:15

19 as requested.) 10:18:16

20 MR. GANT: Objection. Vague, compound, 10:18:18
21 foundation, calls for speculation.

22 THE WITNESS: Here -- here's what I 10:18:22

1 would say just looking at it -- and -- and, again,
2 this is a very provisional sort of view on this.
3 But if one were going to hone in on this, knowing
4 the history of Northern Baptists and Southern
5 Baptists -- something about the history of
6 Northern Baptists and Southern Baptists, I think
7 the word that would be problematic would probably
8 be "unencumbered" because Southern Baptists are
9 pretty quick to say that the local congregation is
10 encumbered by scripture, that local
11 congregation -- again, you get some differences on
12 this amongst various groups of Baptists, but as a
13 general rule, the local congregation is the locus
14 of interpretation. But Southern Baptists are very
15 quick to talk about the authority of scripture and
16 that all Baptist bodies, congregations being
17 independent, are under scripture.

18 BY MR. MARTENS: 10:19:32

19 Q That's helpful. 10:19:32

20 Any other ways in which you see this 10:19:35
21 definition of autonomy by American Baptists as
22 differing from what Southern Baptists believe

1 about autonomy?

2 MR. GANT: Same objections. 10:19:48

3 THE WITNESS: Again, as I sit here 10:20:20

4 looking at this without historical context, I'm

5 not seeing anything else at this point that I

6 could point to.

7 BY MR. MARTENS: 10:20:34

8 Q Does autonomy include the idea that 10:20:37

9 every unit of Baptist life operates as it wishes

10 and aligns with whomever it wishes?

11 MR. GANT: Objection. Vague, 10:20:48

12 foundation, compound.

13 THE WITNESS: I could answer this 10:20:57

14 question in a couple different ways. As a

15 historian, I do not believe most Baptists in

16 history, especially early Baptists, believed they

17 could act as they wished. That seems to be

18 problematic there. However, I have studied

19 Baptists that seem to believe that. So it's a

20 contested point. But I -- I don't think I -- in a

21 large sense autonomy does not mean you can do

22 whatever you wish.

1 There's a saying in Baptist history 10:21:42

2 Baptists believe -- you can believe whatever you

3 want, but you can't believe whatever you want and

4 be a Baptist, so...

5 BY MR. MARTENS: 10:21:52

6 Q Okay. So let's take a look at page 10:21:52

7 seven of your report and let's look at the

8 paragraph with the letter P.

9 A Letter? 10:22:03

10 Q P as in Paul. 10:22:04

11 A Oh, P., okay, at the top. 10:22:05

12 Q You can take a minute to read it to 10:22:08

13 yourself if you'd like.

14 A Okay. (Reading.) 10:22:12

15 Okay. 10:22:22

16 Q And the paragraph begins by referring to 10:22:23

17 independence.

18 A Uh-huh. 10:22:27

19 Q Are you using that in the sense of 10:22:28

20 autonomy?

21 MR. GANT: Objection. Vague. 10:22:30

22 THE WITNESS: I think for the purposes 10:22:31

1 of this report independence and autonomy because
2 I'm not trying to get into a narrow theological
3 and political theory distinction between the two
4 terms, so yes.

5 BY MR. MARTENS: 10:22:50

6 Q Okay. And in the second sentence you 10:22:50
7 say, "When Baptist polity is adhered to, Baptists
8 often appear as a cacophony of theological voices
9 with every unit of Baptist life operating as it
10 wishes and aligning with whomever it chooses."

11 So what did you mean when you used the 10:23:07
12 phrase they're operating as it wishes?

13 A I -- I meant that they often -- Baptists 10:23:13
14 often appear that way to those who are not
15 Baptist.

16 Q But you said that some Baptists would 10:23:22
17 reject the notion that they can operate as they
18 wish because they believe themselves to be subject
19 to scripture; is that fair?

20 MR. GANT: Objection. Vague. 10:23:32

21 THE WITNESS: Can you repeat that, 10:23:35
22 please.

1 BY MR. MARTENS: 10:23:36

2 Q You said earlier that some -- I thought 10:23:36
3 you said some Baptists would reject the idea that
4 they can operate as they wish and you used the
5 phrase you can believe whatever you want, but you
6 can't believe --

7 A Uh-huh. 10:23:48

8 Q -- whatever you want to be a Baptist. 10:23:48

9 What did you mean when you said some 10:23:50
10 Baptists can reject the idea that they can operate
11 as they wish?

12 MR. GANT: Objection. Vague. 10:23:57

13 THE WITNESS: I meant that many 10:23:58
14 Baptists, and I would probably say most Baptists
15 in history, have believed they are constrained by
16 scripture in what they believe, so you cannot just
17 believe anything you wish and you cannot do
18 anything you wish. So...

19 BY MR. MARTENS: 10:24:25

20 Q Okay. You -- in this paragraph P on 10:24:26
21 page seven of your report you refer to "every unit
22 of Baptist life."

1 What does that refer to? 10:24:36

2 A I mean -- by "unit" I mean 10:24:39

3 congregations, associations, state conventions,
4 conventions.

5 Q Agencies? 10:24:52

6 A No, I don't believe agencies would fit 10:24:57
7 in that category because an -- a convention,
8 especially a national convention like the Southern
9 Baptist Convention or the American Baptist
10 Churches that we just looked at, as a convention
11 they can have agencies and they can essentially
12 tell those agencies what they want them to do,
13 appoint those -- the leaders of those agencies,
14 the boards of those agencies. Any other Baptist
15 unit doesn't have that sort of institutional
16 control from something other than itself.

17 Q So agencies are not entirely independent 10:25:40
18 from the conventions to which they report; is that
19 fair?

20 MR. GANT: Objection. Vague, compound, 10:25:47
21 foundation, calls for speculation.

22 THE WITNESS: Agencies are not 10:25:52

1 independent. I would agree that agencies are by
2 and large for the most part, the ones I'm familiar
3 with, are not independent of the convention that
4 they're part of.

5 BY MR. MARTENS: 10:26:04

6 Q Are agencies independent of local 10:26:04
7 congregations?

8 MR. GANT: Objection. Vague, compound, 10:26:10
9 foundation.

10 THE WITNESS: I mean, in a very indirect 10:26:22
11 sense because in -- in Baptist history, you know,
12 power, if you will, or authority emanates from the
13 bottom up. If an agency got too out of line with
14 what congregations wanted, congregations could
15 have a motion at a convention meeting to have an
16 agency stripped of its power or something like
17 that. So, I mean, are they absolutely
18 independent, no, but can a congregation tell an
19 agency what to do, not to my knowledge.

20 BY MR. MARTENS: 10:26:57

21 Q So you've -- you've described in your 10:27:00
22 report that -- tell me if I'm fairly

1 characterizing this. You described in your report
2 how autonomy means no entity outside a
3 congregation has authority over that congregation;
4 is that fair?

5 MR. GANT: Objection. Vague and the 10:27:19
6 report speaks for itself.

7 THE WITNESS: I think it's a fair 10:27:24
8 characterization to say that autonomy of the
9 congregation means that no entity outside that
10 congregation can dictate or tell that congregation
11 what it needs to believe or do.

12 BY MR. MARTENS: 10:27:40

13 Q A local congregation is autonomous of a 10:27:41
14 local association of which the congregation may be
15 a member; is that fair?

16 MR. GANT: Objection. Vague, 10:27:54
17 foundation, compound.

18 THE WITNESS: I believe that's a fair 10:28:00
19 characterization, but even though congregations --
20 well, not even though, but because congregations
21 voluntarily align with associations, they can
22 adhere to the association's programs or not.

1 BY MR. MARTENS: 10:28:20

2 Q And the only thing an association could 10:28:21
3 do if a local congregation did something that the
4 association disagreed with was -- would be to
5 disfellowship that congregation, correct?

6 MR. GANT: Objection. Vague, compound, 10:28:37
7 foundation, calls for speculation.

8 THE WITNESS: Virtually as I sit here, 10:28:41
9 the only power I've ever been able to think of
10 that associations have with regard to their
11 congregations is to say we don't want to be
12 associated with you anymore.

13 BY MR. MARTENS: 10:28:57

14 Q And that's referred to as 10:28:58
15 disfellowshipping?

16 A It -- it -- it can be. 10:29:00

17 MR. GANT: Hang on. 10:29:01

18 THE WITNESS: I'm sorry. 10:29:03

19 MR. GANT: Same objections. 10:29:03

20 THE WITNESS: It can be and it probably 10:29:03
21 is a -- disfellowship is probably a suitable word
22 because fellowship is a two-way street and so

1 either party in a fellowship can walk away and say
2 I don't want to fellowship with you anymore. So
3 as it -- it -- as I sit here, I would think it is
4 the proper word and it is a term that you do see
5 in Baptist -- Baptist life as it is sometimes
6 called, yeah.

7 BY MR. MARTENS: 10:29:30

8 Q So a local congregation under the idea 10:29:30
9 of autonomy could decide to no longer fellowship
10 with an association, correct?

11 MR. GANT: Objection. Vague, 10:29:41
12 foundation, calls for speculation.

13 THE WITNESS: It -- it's definitely a 10:29:43
14 two-way street. The local congregation can at any
15 time say we no longer want to be in fellowship
16 with an association in most cases. You may
17 find -- you can -- the Baptists are sort of -- you
18 can find a rare case here that something was
19 different, but none that I am aware of.

20 BY MR. MARTENS: 10:30:02

21 Q And when you say "it's a two-way 10:30:02
22 street," meaning the decision to fellowship is a

1 two-way street, correct?

2 A Yes, the decision to fellowship between 10:30:11
3 a congregation and associations, the decision is
4 made on both ends, so...

5 Q In other words, they each have autonomy, 10:30:18
6 both the association and the local church,
7 correct?

8 A Yes. Associations and local 10:30:23
9 congregations are, for the purposes of my -- my
10 report, autonomous.

11 Q In other words, Baptists believe that 10:30:31
12 the principle of autonomy applies both to a
13 congregation and to a local association, correct?

14 MR. GANT: Objection. Compound, vague, 10:30:39
15 foundation.

16 THE WITNESS: Yes, autonomy applies to 10:30:44
17 congregations and associations.

18 BY MR. MARTENS: 10:30:46

19 Q And then a congregation could decide to 10:30:47
20 join a state convention in addition to being part
21 of a local association, correct?

22 A Congregations can affiliate and 10:30:59

1 fellowship with state conventions.

2 Q And the Baptist idea of autonomy would 10:31:05
3 also apply to that decision by a local
4 congregation, correct?

5 MR. GANT: Objection. Vague, 10:31:13
6 foundation, compound.

7 THE WITNESS: Yes, local congregations 10:31:18
8 can decide on their own whether or not to
9 fellowship with a state convention.

10 BY MR. MARTENS: 10:31:25

11 Q And a state -- 10:31:26

12 MR. GANT: Matt, we've been going about 10:31:27
13 an hour and a half, so if you could get to a
14 natural breaking point.

15 MR. MARTENS: Sure. 10:31:33

16 BY MR. MARTENS: 10:31:33

17 Q And a state convention could, likewise, 10:31:33
18 decide to fellowship or not fellowship with a
19 local congregation, correct?

20 MR. GANT: Same -- 10:31:40

21 THE WITNESS: Yes. 10:31:40

22 Go ahead. 10:31:40

1 MR. GANT: Same objections. 10:31:42

2 THE WITNESS: State conventions can 10:31:43

3 decide to fellowship or not fellowship with

4 individual congregations.

5 BY MR. MARTENS: 10:31:48

6 Q And the Baptist idea of autonomy would 10:31:48

7 apply both to a local congregation's decision

8 whether or not to fellowship with a state

9 convention and, conversely, a state convention's

10 decision whether or not to fellowship with a local

11 congregation, correct?

12 MR. GANT: Same objections. 10:32:04

13 THE WITNESS: That sounds like a -- just 10:32:06

14 a different characterization of -- of -- of what I

15 just said. So if I understand it correctly,

16 I'm -- I'm a little confused as to why we're

17 stating it again in a different way. But if you

18 mean that the state convention can decide to

19 fellowship or not with any given congregation and

20 that any given congregation can decide to

21 fellowship or not with a state convention, then

22 yes, I would agree with that.

1 BY MR. MARTENS: 10:32:32

2 Q And the convention and the congregation 10:32:32

3 can make that decision as a matter of autonomy,

4 correct?

5 MR. GANT: Same objections. 10:32:39

6 THE WITNESS: If I understand -- 10:32:45

7 MR. GANT: Same -- and asked and 10:32:46

8 answered.

9 THE WITNESS: Pardon? Okay. 10:32:49

10 MR. GANT: She got it. 10:32:51

11 THE WITNESS: Okay. If I understand 10:32:52

12 what you're saying -- I'm not -- you know --

13 BY MR. MARTENS: 10:32:55

14 Q I'm not trying to be -- 10:32:56

15 A It seems like we're getting hung up on 10:32:57

16 the word "autonomy" here. We're using the term

17 "autonomy," as I understand it, because Southern

18 Baptists particularly use that term.

19 Q All I'm asking is does the principle of 10:33:07

20 autonomy also apply to the relationship between

21 congregations and state conventions?

22 MR. GANT: Same objections. Asked and 10:33:15

1 answered.

2 THE WITNESS: Yes, the principle of 10:33:17
3 autonomy applies to congregations and state
4 conventions.

5 BY MR. MARTENS: 10:33:21

6 Q Does the principle of autonomy apply to 10:33:22
7 congregations and national -- the national
8 convention, meaning the Southern Baptist
9 Convention?

10 A In -- in virtually all cases I believe 10:33:36
11 that would be the case, a congregation can decide
12 whether or not to affiliate with the Southern
13 Baptist Convention and the Southern Baptist
14 Convention can decide whether to accept the
15 fellowship and be in fellowship with a
16 congregation, yes.

17 The only reason I'm hedging is that 10:34:00
18 there have been a few times in a few places that
19 I've seen where one entity in particular I'm
20 thinking of is a state convention has said a
21 congregation has to be in fellowship with an
22 association in order to be in fellowship. So you

1 may find a situation where there may be a
2 situation where a congregation has to be in
3 fellowship with an association or state convention
4 in order to then be in -- in association with the
5 national convention.

6 But my understanding of the Southern 10:34:43
7 Baptist Convention, that is not the case, that --
8 that individual congregations -- again, this is my
9 understanding as I sit here, but my understanding
10 is that individual congregations can affiliate
11 with the Southern Baptist -- can choose to
12 affiliate with Southern Baptist Convention if
13 that's what the congregation wants. And,
14 conversely, the Southern Baptist Convention can
15 choose to, the term that you brought into the
16 conversation, disfellowship, which I think is a
17 fine -- an okay term. Southern Baptist Convention
18 can certainly disfellowship a church.

19 Q Does the authority of the Southern 10:35:20
20 Baptist Convention, as a matter of its autonomy,
21 to disfellowship a local congregation violate the
22 principle of autonomy as you understand it?

1 MR. GANT: Objection. Vague, 10:35:32
2 foundation.

3 THE WITNESS: You'll get some debate on 10:35:35
4 this, but I do -- as an historian looks at these
5 things, I do not believe that the Southern Baptist
6 Convention disfellowshipping a congregation, I do
7 not believe that violates the autonomy of the
8 congregation.

9 MR. MARTENS: Scott requested we take a 10:35:57
10 break, so we'll take a break.

11 THE WITNESS: Okay. 10:36:00

12 VIDEO TECHNICIAN: We are going off the 10:36:03
13 record. This is the end of Media Unit 1. The
14 time is 10:36 a.m.

15 (Brief recess.) 10:36:08

16 VIDEO TECHNICIAN: We're back on the 10:52:03
17 record. This is the beginning of Media Unit 2.
18 The time is 10:52 a.m.

19 BY MR. MARTENS: 10:52:09

20 Q Mr. Hankins -- 10:52:11

21 A Before we start, can I make a sort of 10:52:13
22 correction to something I said a little earlier?

1 Q I just want to ask you a question before 10:52:18
2 you do that and then I'll let you do that.

3 A Okay. 10:52:22

4 Q Which is during the break did you speak 10:52:22
5 with Mr. Gant about your testimony?

6 MR. GANT: Objection. 10:52:25

7 THE WITNESS: I -- 10:52:25

8 MR. GANT: Objection. Vague and -- 10:52:26

9 THE WITNESS: Yes, we talked about it. 10:52:28

10 BY MR. MARTENS: 10:52:29

11 Q What did you talk about it? 10:52:30

12 MR. GANT: I'm going to instruct you not 10:52:32
13 to answer the substance of what we discussed.

14 THE WITNESS: Okay. 10:52:37

15 BY MR. MARTENS: 10:52:37

16 Q Are you going to follow Mr. Gant's 10:52:37
17 instructions and not answer my question?

18 A Yes, I'm going to follow his 10:52:43
19 instructions.

20 Q Was your discussion -- did -- strike 10:52:47
21 that.

22 During the break, did you discuss the 10:52:57

1 substance of your testimony?

2 MR. GANT: Objection. Vague and to the 10:53:01
3 extent that it calls for a legal conclusion. And
4 I'll make a representation to the extent I
5 understand what you mean by "substance," the
6 answer is no, which is why I'm asserting an -- an
7 instruction, because it was about legal -- legal
8 strategy and work product.

9 BY MR. MARTENS: 10:53:22

10 Q During -- during the break did you 10:53:22
11 discuss any of the answers you had given to my
12 questions?

13 MR. GANT: Objection. Vague. And I'm 10:53:29
14 going to -- I'm going to also instruct you not to
15 answer.

16 He wanted to make a clarification. 10:53:37

17 BY MR. MARTENS: 10:53:40

18 Q I'm going to let him do that, but I'm 10:53:41
19 asking first during the break, did you discuss any
20 of the answers you had given to my questions
21 previously?

22 MR. GANT: And I'm going to instruct you 10:53:48

1 not to answer that question on the same basis that
2 I just asserted.

3 BY MR. MARTENS: 10:53:53

4 Q Are you following Mr. Gant's 10:53:54
5 instructions and declining to answer the question?

6 A Yes. 10:53:57

7 Q During the break, did you discuss with 10:53:58
8 Mr. Gant any of the questions that I had asked
9 during the prior session?

10 MR. GANT: Same instruction. 10:54:04

11 MR. MARTENS: Are you instructing him 10:54:07
12 not to answer?

13 MR. GANT: Yes, on the same basis with 10:54:09
14 one exception, the clarification that he would
15 like to offer.

16 BY MR. MARTENS: 10:54:14

17 Q Are you going to follow Mr. Gant's 10:54:15
18 instructions and not answer my question?

19 A Yes, I'm going to follow it. 10:54:19

20 Q The clarification that you wanted to 10:54:21
21 provide, did you discuss that with Mr. Grant
22 during the break?

1	A	I did, yes.	10:54:26
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2 Q What did you discuss with him about that 10:54:27

3 clarification?

4 A I forgot -- when you were asking me 10:54:30
5 about whether I'm a scholar of church and state, I
6 failed to mention a couple things.

7 One, I'm the editor of the Journal of 10:54:39
8 Church and State. The Journal of Church and State
9 deals with much more than narrowly church and
10 state, it deals with a lot of things, including
11 religion in politics and religion in culture,
12 which are my areas. And I also -- I think I said
13 I had not written articles or books on church and
14 state and it occurred to me I have written a
15 couple of scholarly articles on religious liberty,
16 which would fit within church and state.

17 So I was -- so in -- in that sense I 10:55:08
18 don't focus as much on church-state as I do on
19 religion in politics and religion in culture and
20 those sorts of things, but I have certainly done
21 scholarly work in church and state.

22	And it's been many years, but I also	10:55:26
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1 used to teach graduate seminars, one of which was
2 church-state in America, where we read a large
3 number of Supreme Court church-state cases and the
4 like, so...

5 Q Did Mr. Gant bring this issue up with 10:55:42
6 you during the break or did you bring it up with
7 him?

8 A I believe he brought it up with me. 10:55:48

9 MR. MARTENS: Okay. So just for the 10:55:50
10 record, this representation about not discussing
11 the substance of the testimony was false. We'll
12 bring that up with the court.

13 MR. GANT: I object to your 10:55:57
14 characterization.

15 BY MR. MARTENS: 10:55:59

16 Q Let's take a look at page four of your 10:56:01
17 report I think it is -- excuse me, page three.
18 And you refer to the principle of nonhierarchy.

19 Do you see that? 10:56:37

20 A Where is that? 10:56:39

21 Q I'm sorry. At the top of the page. 10:56:40

22 A Okay. 10:56:42

1	Q	Number one.	10:56:43
2	A	Uh-huh.	10:56:44
3	Q	Do you see that?	10:56:45
4	A	Yes, I do see it.	10:56:47
5	Q	What is the principle of nonhierarchy?	10:56:48
6	A	It just -- nonhierarchy just means the	10:57:02
7		Baptists do not believe in a hierarchy of	
8		authority in church life.	
9	Q	Is that different than the principle of	10:57:13
10		autonomy?	
11		MR. GANT: Objection. Vague.	10:57:16
12		THE WITNESS: I -- I -- I think I'm	10:57:24
13		using them interchangeably there.	
14		BY MR. MARTENS:	10:57:27
15	Q	Okay. Let's flip over to the next page,	10:57:28
16		page four of Exhibit 1, your report, and look at	
17		paragraph F.	
18		Do you see that?	10:57:37
19		MR. GANT: Which page?	10:57:41
20		MR. MARTENS: Four.	10:57:42
21		THE WITNESS: Okay.	10:57:47
22		BY MR. MARTENS:	10:57:47

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1 Q In paragraph F you have a quotation from 10:57:47

2 Ronnie Floyd; is that right?

3	A	Yes.	10:57:53
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4 Q And the quotation reads: "While 10:57:54
5 independent and sovereign in its own sphere, the
6 Convention does not claim and will never attempt
7 to exercise any authority over any other Baptist
8 body, whether church, auxiliary organizations,
9 associations, or convention."

10	Did I read that correctly?	10:58:11
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11	A	Yes, I believe you did.	10:58:14
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12	Q	Do you agree with that statement?	10:58:17
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13	MR. GANT: Objection. Vague,	10:58:25
14	foundation.	

15 THE WITNESS: If you -- if I were to 10:58:29
16 parse that statement very, very closely, one might
17 hone in on "any other Baptist body," but I think
18 it could be interpreted that any other Baptist
19 body is defined by church.

20 Actually when I read the statement, I 10:58:51
21 think he's generally making a comment about the
22 autonomy of each, of congregations, associations,

1 state conventions, and Southern Baptist
2 Convention, but I think using the term "Baptist
3 body" and "auxiliary," if you really wanted to
4 parse it specifically, you probably would have to
5 say there are situations where auxiliaries --
6 auxiliary organizations would be under the
7 authority of the Southern Baptist Convention.

8 BY MR. MARTENS: 10:59:32

9 Q And -- 10:59:32

10 A I'm not sure of that, but I'm saying 10:59:32
11 that I -- I -- the associations or the convention
12 or the church I'm pretty sure of, but auxiliary
13 organizations, you know, could be a different
14 matter.

15 Q What do you understand "auxiliary 10:59:48
16 organizations" to refer to?

17 A Well -- 10:59:53

18 MR. GANT: Objection. Foundation. 10:59:57

19 THE WITNESS: I think the -- the one 11:00:00
20 that comes to mind would be the Woman's Missionary
21 Union. I'm not sure if it's called an auxiliary
22 organization, but it -- it would seem to fit that.

1 I think it actually is called that, but I'm not
2 sure. And I'm not sure what the exact
3 relationship is between the Woman's Missionary
4 Union, the WMU, and the Southern Baptist
5 Convention other than it's different than the
6 agencies of the Southern Baptist Convention as far
7 as I can tell.

8 BY MR. MARTENS: 11:00:34

9 Q As you used the term "autonomy" in your 11:00:35
10 report, would it violate the principle of autonomy
11 for a local congregation to disaffiliate or
12 disfellowship itself from the Southern Baptist
13 Convention?

14 A I -- I -- I believe we were talking 11:00:59
15 about this previous before the break and for -- if
16 you're saying -- if you're asking me if a
17 congregation withdraws from the Southern Baptist
18 Convention, that would seem to me an exercise of
19 its autonomy.

20 Q If a local congregation chose not to 11:01:19
21 send money to the SBC Cooperative Program, would
22 that violate the principle of autonomy?

1 MR. GANT: Objection. Foundation, calls 11:01:33
2 for speculation.

3 THE WITNESS: My understanding is that 11:01:38
4 if a congregation does not send funds to The
5 Cooperative Program of the Southern Baptist
6 Convention, it is no longer affiliated with the
7 Southern Baptist Convention. Now, that could have
8 changed over the years. But if a congregation
9 were to cease sending funds, that would seem to
10 me, as I sit here, to be an exercise in
11 congregational autonomy, not a violation of
12 congregational autonomy.

13 BY MR. MARTENS: 11:02:11

14 Q If a local congregation were to redirect 11:02:11
15 its Cooperative Program giving to a particular
16 agency of the SBC, would that violate the
17 principle of church autonomy?

18 MR. GANT: Same objections. 11:02:24

19 THE WITNESS: It would seem to me, as I 11:02:26
20 sit here, that redirecting funds from The
21 Cooperative Program to an agency, if that is even
22 allowed in -- in the Southern Baptist Convention,

1 again, would be an exercise in congregational
2 autonomy, not a violation of congregational
3 autonomy.

4 BY MR. MARTENS: 11:02:48

5 Q If a local congregation chose not to 11:02:48
6 work together on joint projects with a SBC agency,
7 would that violate the principle of autonomy?

8 MR. GANT: Same objections. 11:03:02

9 THE WITNESS: Again, if a local 11:03:05
10 congregation chose not to partner with a
11 particular agency's efforts, that would not seem
12 to be a violation of congregational autonomy, it
13 would seem to be an exercise of congregational
14 autonomy.

15 BY MR. MARTENS: 11:03:23

16 Q If the SBC chose not to partner with the 11:03:23
17 local congregation on joint evangelistic projects
18 would that violate the principle of autonomy?

19 MR. GANT: Same objections. 11:03:37

20 THE WITNESS: I do not believe it would 11:03:39
21 violate the principle of autonomy for the Southern
22 Baptist Convention to -- did you -- did you say

1 not partner with congregations on certain things?

2 Again, it would seem like an exercise in the
3 autonomy of the Southern Baptist Convention.

4 BY MR. MARTENS: 11:03:57

5 Q If the Southern Baptist Convention chose 11:03:59
6 not to partner with a particular state convention
7 on joint evangelistic projects, would that violate
8 the principle of autonomy?

9 MR. GANT: Same objections. 11:04:12

10 THE WITNESS: I don't believe that would 11:04:17
11 violate the principle of -- of autonomy. If the
12 Southern Baptist Convention decided to no longer
13 partner with a state convention, it's the Southern
14 Baptist Convention's decision as an autonomous
15 convention to do so.

16 BY MR. MARTENS: 11:04:30

17 Q And would that be an exercise of 11:04:30
18 autonomy by the convention?

19 MR. GANT: Same objections. 11:04:34

20 THE WITNESS: I guess it would depend. 11:04:36

21 It would not -- if the convention -- I'm not sure
22 what -- what you mean. If a state convention

1 decided to stop partnering with the Southern
2 Baptist Convention?

3 BY MR. MARTENS: 11:04:48

4 Q I'm sorry. Let me rephrase. 11:04:49

5 If the Southern Baptist Convention 11:04:51

6 declined to partner with a particular state
7 convention on joint evangelistic projects, would
8 that be an exercise of autonomy by the SBC?

9 MR. GANT: Objection. Vague, 11:05:03
10 foundation.

11 THE WITNESS: It -- it would seem to be 11:05:07
12 an exercise in autonomy for the Southern Baptist
13 Convention to cease partnering with a state
14 convention.

15 BY MR. MARTENS: 11:05:16

16 Q If a local congregation chose not to 11:05:17
17 partner with the International Mission Board, an
18 agency of the Southern Baptist Convention, on
19 international missions, would that violate the
20 principle of autonomy?

21 MR. GANT: Same objections. 11:05:33

22 THE WITNESS: Again, it would seem like 11:05:35

1 an exercise in congregational autonomy for a
2 congregation to stop partnering with the
3 International Mission Board.

4 BY MR. MARTENS: 11:05:46

5 Q If the International Mission Board 11:05:46
6 declined to participate jointly with a local
7 congregation in international missions, would that
8 be a violation of the principle of autonomy?

9 MR. GANT: Same objections. 11:05:57

10 THE WITNESS: I would not see that as a 11:06:00
11 violation of the principle of autonomy, for the
12 International Mission Board to stop partnering
13 with a particular congregation.

14 BY MR. MARTENS: 11:06:10

15 Q Would that be an exercise in autonomy by 11:06:11
16 the International Mission Board?

17 MR. GANT: Same objections. 11:06:17

18 THE WITNESS: There it gets complicated 11:06:18
19 because the International Mission Board is an
20 agency of the Southern Baptist Convention, so I --
21 I don't know if the International Mission Board
22 would do that or could do that or is allowed to do

1 that by the Southern Baptist Convention. So I'm
2 not sure autonomy is the word that would be used.
3 I'm not claiming that Southern Baptist agencies
4 are autonomous.

5 BY MR. MARTENS: 11:06:42

6 Q You've -- you've explained that -- that 11:06:43
7 you're not claiming the agencies are autonomous of
8 the SBC, but you said that the SBC is autonomous
9 of local congregations, correct?

10 MR. GANT: Objection. Compound, vague. 11:06:54

11 THE WITNESS: The -- the SBC is an 11:06:56

12 autonomous Baptist convention, yes.

13	BY MR. MARTENS:	11:07:02
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14	Q And so the SBC is autonomous of local	11:07:02
15	congregations, correct?	

16 MR. GANT: Same objections and vague. 11:07:08

17 THE WITNESS: I -- is that the same -- 11:07:10

18 it seems the same question I just answered.

19 I'm not -- could you rephrase it or --

20 BY MR. MARTENS: 11:07:19

21	Q	Yes.	11:07:19
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22 A -- just clarify for me what -- 11:07:19

1 Q Is the SBC autonomous of local 11:07:20
2 congregations?

3 MR. GANT: Objection. Vague, 11:07:24
4 foundation, compound.

5 THE WITNESS: When you -- when you put 11:07:33
6 it that way, "Is the SBC autonomous of local
7 congregations," I mean, there's a sense in
8 which -- you know, I -- it's -- it's -- put that
9 way it's very odd. It just seems like an odd way
10 to put it to me, so I'm not clear on -- on how to
11 answer it.

12	BY MR. MARTENS:	11:08:04
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13	Q	So let me -- let me rephrase.	11:08:04
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14 Is the SBC and its constituent agencies 11:08:07
15 free under the principle of autonomy to
16 voluntarily decide not to work with a particular
17 congregation on a particular project?

18 MR. GANT: Objection. Vague, compound, 11:08:22

19 foundation, calls for speculation.

20 THE WITNESS: Put that way, my answer 11:08:27
21 would be the Southern Baptist Convention under the
22 principle of autonomy can refuse to participate

1 with congregations or accept their participation
2 on issues and programs.

3 BY MR. MARTENS: 11:08:45

4 Q Does the Southern Baptist Convention to 11:08:46
5 your knowledge partner with the Baptist General
6 Convention of Texas?

7 MR. GANT: Objection. Vague. 11:08:55

8 THE WITNESS: At the moment I'm not 11:08:56
9 exactly clear on that. I haven't written on it
10 recently.

11 I can speak to what that relationship 11:09:01
12 has looked like over the past 15 or 20 years both
13 as a scholar and as someone who has lived through
14 it living in Texas. So at the moment I'm not sure
15 if the BGCT is partnering with the SBC and vice
16 versa or not.

17 BY MR. MARTENS: 11:09:20

18 Q Is the SBC and its constituent agencies 11:09:21
19 free under the principle of autonomy to
20 voluntarily not cooperate in joint projects with
21 the Baptist Convention -- Baptist General
22 Convention of Texas?

1 MR. GANT: Objection. Vague, 11:09:35
2 compound --
3 THE WITNESS: Yes. 11:09:37
4 MR. GANT: -- foundation, calls for 11:09:37
5 speculation.
6 THE WITNESS: The SBC is -- is free to 11:09:40
7 not participate and partner with the BGCT as far
8 as -- as far as I can tell as a matter of Baptist
9 autonomy, as a matter of -- well, as a matter of
10 Baptist autonomy here.
11 BY MR. MARTENS: 11:09:55
12 Q And you said the SBC is free to do that. 11:09:57
13 The SBC and its constituent agencies are free to
14 do that, correct?
15 A Well -- 11:10:05
16 MR. GANT: Same objections. 11:10:05
17 THE WITNESS: What I am not sure about 11:10:07
18 is whether agencies in the SBC are allowed to make
19 decisions about whether they partner with a state
20 convention or not. That may or may not be the
21 case. I don't know.
22 BY MR. MARTENS: 11:10:24

1 Q You don't know whether the constituent 11:10:25
2 agencies of the SBC can operate independently of
3 the SBC; is that what you're saying?

4 A I would say I -- I don't know the degree 11:10:35
5 to which or how much SBC agencies can operate
6 independently. I would guess they cannot -- they
7 are not independent of the SBC, but they may be
8 given the latitude to do certain things. But I --
9 I don't know for sure.

10 Q So let's -- let's do the hypothetical 11:10:58
11 then both ways. Let's assume that the SBC directs
12 the activities of the SBC agencies.

13 Is the SBC, as a matter of the principle 11:11:09
14 of autonomy, free to direct one of its agencies
15 not to work with a state convention?

16 MR. GANT: Objection. Vague, 11:11:20
17 foundation, calls for speculation, compound.

18 THE WITNESS: I can't be sure, but if I 11:11:25
19 had to guess, the SBC -- I can't be sure. I -- I
20 actually do not know the degree of latitude that
21 each agency in the SBC is given as they work
22 within the SBC.

1 BY MR. MARTENS: 11:11:49

2 Q Right. So I -- I recognized that you 11:11:50

3 said you were unfamiliar with that, so I -- I'm

4 doing a hypothetical.

5 Let's assume that the constituent 11:11:56

6 agencies of the SBC don't have latitude and they

7 have to take direction from the SBC.

8 In that circumstance, under the 11:12:05

9 principle of autonomy, is the SBC free to direct a

10 constituent agency not to partner with a state

11 convention?

12 MR. GANT: Objection. Vague, 11:12:17

13 foundation, incomplete hypothetical, calls for

14 speculation.

15 THE WITNESS: Yeah, I -- I'm just -- I'm 11:12:23

16 just not ready to say that the principle of

17 autonomy of Baptist congregations, associations,

18 state conventions, and national conventions, I'm

19 not prepared to say how I think that principle

20 applies or doesn't apply within the Southern

21 Baptist Convention itself with regard to its

22 agencies, so...

1 BY MR. MARTENS: 11:12:48

2 Q Right. And I'm not asking that 11:12:50

3 question, so maybe I'm being unclear.

4 I'm not asking you to give an opinion 11:12:54

5 about the autonomy between an SBC agency and the

6 SBC. I'm trying to understand the autonomy

7 between a state convention and an SBC agency.

8 Do you know the degree to which SBC 11:13:11

9 agencies have autonomy from state conventions?

10 MR. GANT: Objection. Vague, compound, 11:13:18

11 incomplete hypothetical, calls for speculation,

12 asked and answered.

13 THE WITNESS: I -- I think the way I 11:13:31

14 would see it as I sit here, although I haven't

15 thought about it quite this way for -- that

16 agencies being part of the SBC -- I'm not -- I'm

17 not sure where this -- I'm not sure what -- what

18 you're even getting at. I really don't.

19 BY MR. MARTENS: 11:14:00

20 Q Okay. Are -- I just want to know do you 11:14:01

21 know whether SBC agencies are autonomous of the

22 state conventions?

1 MR. GANT: Sorry, just, Matt, I want to 11:14:12
2 make sure, you were asking a hypothetical and now
3 we're shifting away from the hypothetical or are
4 we still doing the hypothetical?

5 BY MR. MARTENS: 11:14:22

6 Q You can answer the question. 11:14:22

7 MR. GANT: Can I hear it read back, 11:14:24
8 please.

9 (The reporter read the record 11:14:26
10 as requested.) 11:14:37

11 MR. GANT: Objection. Vague, 11:14:39
12 foundation, compound, and to the extent this is a
13 hypothetical, incomplete hypothetical and calls
14 for speculation.

15 THE WITNESS: Yeah, I -- I can't be 11:14:52
16 sure.

17 BY MR. MARTENS: 11:14:54

18 Q As a factual matter of how the SBC is 11:14:55
19 organized, do you know whether state agencies --
20 SBC agencies are autonomous from state
21 conventions?

22 MR. GANT: Objection. Vague, compound. 11:15:09

1 THE WITNESS: I do not know. 11:15:12

2 BY MR. MARTENS: 11:15:12

3 Q Are you familiar with the Baptist 11:15:24

4 principle of interdependence?

5 MR. GANT: Objection. Vague, 11:15:31

6 foundation.

7 THE WITNESS: That's not a term that I 11:15:39

8 have used, so I am not familiar with it in any

9 specific sense.

10 BY MR. MARTENS: 11:15:51

11 Q Okay. Let's look at Exhibit 2, which I 11:15:54

12 think was the American Baptist Bylaws document.

13 And if you turn to page 47 again, do you see

14 there's a footnote that refers to a definition of

15 the term "interdependence" as used in the

16 document?

17 A Yes, I -- I see footnote two. 11:16:30

18 Q Okay. Just take a minute to read that 11:16:32

19 to yourself.

20 A Okay. (Reading.) 11:16:36

21 Okay. 11:16:53

22 Q The definition as included in that -- 11:16:55

1 the definition of interdependence as included in
2 that footnote is that, "In the Baptist (free
3 church) tradition, in exercising self-government
4 in matters of faith and practice," the term is
5 defined as "a reckoning confidently upon one
6 another; relying on one another; as individual
7 believers, as local congregations, as
8 organizations created by a local congregation
9 and/or their members; and laboring together for
10 the well-being and general good of Christ's Body,
11 the Church, as members one of another."

12 Are you familiar with that concept even 11:17:35
13 if you're not familiar with the term
14 "interdependence"?

15 MR. GANT: Objection. Vague, compound. 11:17:40

16 THE WITNESS: If by "concept" you mean 11:17:56
17 the idea that congregations, associations, state
18 conventions, national conventions all work
19 together for various ends having to do with the
20 Christian faith, Baptist denomination, the Kingdom
21 of God used loosely, that is what Baptists
22 historically have tried to do.

1 Different Baptist groups use different 11:18:25
2 terms and, as I said, I -- the term
3 "interdependence," if you're just using the term
4 the way it would be applied in any other context,
5 but here it seems to be it's -- it's in
6 parentheses and it's capitalized -- of course it's
7 the first word in the sentence -- it seems to be
8 used in some sort of Baptist doctrine or doctrinal
9 sense that I'm not that familiar with.

10 When I -- yeah, so I -- I don't know 11:18:55
11 what the -- I don't know what the status of the
12 term "interdependence" is in American Baptist
13 life.

14 BY MR. MARTENS: 11:19:05

15 Q Okay. You referred to the idea of 11:19:06
16 congregations, associations, state conventions,
17 national conventions all working together for
18 various ends having to do with the Christian
19 faith, Baptist denomination and the Kingdom of God
20 used loosely.

21 Is there a term you use for that idea? 11:19:22

22 A A common term for that that Southern 11:19:29

1 Baptists seem to like is -- is cooperation. So --
2 friendly cooperation is a -- is a -- is one way of
3 putting it.

4 Q In other words, the way that Baptists 11:19:43
5 pool resources and efforts is through what they
6 call cooperation.

7 MR. GANT: Objection. Vague. 11:19:53

8 BY MR. MARTENS: 11:19:54

9 Q Is that correct? 11:19:54

10 MR. GANT: Objection. Vague, compound. 11:19:55

11 THE WITNESS: It seems to me that 11:19:59

12 Baptists, and -- and in particular Southern
13 Baptists, like the word "cooperation."

14 BY MR. MARTENS: 11:20:07

15 Q To refer to the idea of joining together 11:20:09
16 with other Baptist organizations to advance
17 religious purposes; is that right?

18 MR. GANT: Objection. Vague, compound 11:20:19
19 and foundation.

20 THE WITNESS: I would leave it, you 11:20:24
21 know, as -- I -- I would put it this way: That
22 because these entities -- congregations,

1 associations, state conventions, national
2 conventions -- are autonomous, the only way they
3 can join together is by deciding to cooperate with
4 each other on joint ventures.

5 BY MR. MARTENS: 11:20:51

6 Q And that cooperation is voluntary rather 11:20:51
7 than hierarchically ordered; is that right?

8 A Cooperation amongst -- 11:21:00

9 MR. GANT: You need to give me a chance. 11:21:01

10 THE WITNESS: Yeah. 11:21:04

11 MR. GANT: Objection. Vague, 11:21:04
12 foundation.

13 THE WITNESS: Cooperation amongst 11:21:06
14 Baptist bodies is usually voluntary. I say
15 "usually" only because there might be some, you
16 know, strange exception out there somewhere,
17 but...

18 BY MR. MARTENS: 11:21:20

19 Q And cooperation is a concept that 11:21:24
20 applies to local Baptist churches; is that right?

21 MR. GANT: Objection. Vague, 11:21:30
22 foundation, compound.

1 THE WITNESS: I think cooperation 11:21:37
2 applies in -- in most areas of Baptist life.
3 Congregations make decisions to cooperate with
4 other Baptist entities.

5 BY MR. MARTENS: 11:21:52

6 Q And Baptist local associations make 11:21:55
7 decisions about whether to cooperate with other
8 local associations; is that correct?

9 MR. GANT: Objection. Vague, compound, 11:22:05
10 foundation.

11 THE WITNESS: Baptist associations make 11:22:09
12 decisions about who they want to cooperate with.

13 BY MR. MARTENS: 11:22:18

14 Q And Baptist state conventions make 11:22:18
15 voluntary decisions about who they want to
16 cooperate with, correct?

17 MR. GANT: Same objections. 11:22:25

18 THE WITNESS: Baptist state conventions, 11:22:28
19 generally speaking, as I understand it, make
20 decisions about who they want to cooperate with.

21 BY MR. MARTENS: 11:22:38

22 Q And the Southern Baptist Convention 11:22:39

1 makes voluntary decisions about who it wants to
2 cooperate with, correct?

3 MR. GANT: Same objections. 11:22:46

4 THE WITNESS: Generally speaking, the 11:22:51
5 Southern Baptist Convention makes decisions about
6 who it wants to cooperate with, who it wants to
7 accept cooperation from and so forth.

8 BY MR. MARTENS: 11:23:01

9 Q As -- is the principle of autonomy as 11:23:09
10 understood by Baptists a principle with a
11 theological foundation?

12 MR. GANT: Objection. Vague, 11:23:20
13 foundation, compound, calls for speculation.

14 THE WITNESS: I think you could say that 11:23:29
15 many Baptists, if not most -- I would never say
16 all Baptists anything, but see autonomy as a
17 theological idea because autonomy emanates from
18 the theological idea of what a church is.

19 BY MR. MARTENS: 11:23:58

20 Q And Southern Baptists in particular, do 11:24:00
21 they understand autonomy to be a theological idea?

22 MR. GANT: Objection. Vague, compound, 11:24:07

1 foundation, calls for speculation.

2 THE WITNESS: Again, it's -- it's hard 11:24:13
3 to say categorically Southern Baptists believe
4 this or that, but as a general rule, as I
5 understand it, I -- it appears to me that Baptists
6 believe autonomy emanates from a theologically
7 proper understanding of what a church is.

8 BY MR. MARTENS: 11:24:35

9 Q If you take a look at page eight of your 11:24:37
10 report, paragraph C, the second paragraph, the
11 next to last sentence begins and reads, "What is
12 significant at the theological level, however, is
13 the fact that the doctrine of the autonomy of
14 local congregations would be employed at all."

15 Did I read that correctly? 11:25:10

16 A Yes, you read that correctly. 11:25:13

17 Q In SBC life, as a general rule, is 11:25:18
18 autonomy of local congregations -- strike that.

19 In SBC life is the principle of autonomy 11:25:24
20 understood as a doctrine?

21 MR. GANT: Objection. Vague, 11:25:32
22 foundation, compound.

1 THE WITNESS: It would seem to me that 11:25:38
2 it is a doctrine.

3 BY MR. MARTENS: 11:25:46

4 Q In -- among -- strike that. 11:25:47

5 In Southern Baptist life, is the 11:25:50
6 principle of cooperation a principle with a
7 theological foundation?

8 MR. GANT: Same objections. 11:26:01

9 THE WITNESS: I -- I'm not so sure about 11:26:02
10 that. I'm not sure I've ever seen an argument
11 that cooperation is a theological -- has a
12 theological foundation, but I suspect if you
13 wanted to press someone, you could find that
14 argument somewhere.

15 BY MR. MARTENS: 11:26:41

16 Q Are you familiar with the Baptist Faith 11:26:42
17 and Message?

18 MR. GANT: Objection. Vague. 11:26:45

19 THE WITNESS: I am familiar with the 11:26:48
20 Baptist Faith and Message, yes.

21 BY MR. MARTENS: 11:26:51

22 Q What do you understand the Baptist Faith 11:26:51

1 and Message to be?

2 A I call the Baptist Faith and Message the 11:26:56
3 confession of the Southern Baptist Convention.

4 Q Does the Baptist Faith and Message set 11:27:03
5 out the doctrine of the Southern Baptist
6 Convention?

7 MR. GANT: Objection. Vague, compound, 11:27:10
8 foundation.

9 THE WITNESS: I believe it does. I 11:27:18
10 believe it is a doctrinal statement as long as we
11 understand that not all doctrines are equal, but
12 generally speaking, in its totality it is a
13 doctrinal statement --

14 BY MR. MARTENS: 11:27:38

15 Q Okay. 11:27:39

16 A -- in my view. 11:27:39

17 Q Let me show you Tab 18. We'll mark this 11:27:40
18 as Exhibit 3.

19 (Hankins Exhibit Number 3 was 11:28:02

20 marked for identification.) 11:28:02

21 BY MR. MARTENS: 11:28:03

22 Q Do you recognize Exhibit 3 as being the 11:28:04

1 Southern Baptist Convention's Baptist Faith and
2 Message as adopted in 1925?

3 MR. GANT: Objection. Vague. 11:28:15

4 THE WITNESS: It appears to be the 11:28:18
5 Baptist Faith and Message of 1925.

6 BY MR. MARTENS: 11:28:21

7 Q Okay. And if you turn to the next to 11:28:22
8 last page of that Exhibit 3, do you see that XXII
9 is entitled "Co-Operation"?

10 MR. GANT: Just a question. I note 11:28:44
11 Roman numerals appear to go out of order and --
12 and I'm not sure -- may skip. Is that the way the
13 document is in the original or is this an excerpt?

14 MR. MARTENS: It's not meant to be an 11:29:01
15 excerpt.

16 MR. GANT: Do you -- do you see, for 11:29:04
17 example --

18 MR. MARTENS: I do -- 11:29:05

19 MR. GANT: -- what I'm pointing out? 11:29:05

20 MR. MARTENS: I do see that the Roman 11:29:07
21 numerals do not seem to follow one after the
22 other, but this is not meant to be an excerpt.

1 MR. GANT: So -- so you don't know 11:29:13
2 whether this is a complete version?
3 MR. MARTENS: I believe it to be a 11:29:16
4 complete version.
5 THE WITNESS: I'm not finding XXII. 11:29:18
6 BY MR. MARTENS: 11:29:20
7 Q So the next to last page -- 11:29:21
8 MR. GANT: They go out of order, so -- 11:29:23
9 BY MR. MARTENS: 11:29:24
10 Q -- middle of the page XXII. 11:29:24
11 A Oh, okay. There it is. Wait a minute. 11:29:31
12 No, that's X --
13 Q You're on the right page I believe. If 11:29:40
14 you go to the back -- go to the back page of the
15 entire document. Did you move the pages out of
16 order?
17 MR. GANT: And, Matt, since -- since 11:29:49
18 they're not numbered, just can you at least state
19 how many pages this exhibit is supposed to be --
20 MR. MARTENS: Sure. 11:29:55
21 MR. GANT: -- so we make sure we're all 11:29:55
22 looking at the same thing.

1 BY MR. MARTENS: 11:29:58

2 Q The exhibit has four pieces of paper 11:29:59

3 with -- each with a -- with printing on each side,

4 so it is eight pages long.

5 A I found it. 11:30:06

6 Q You found it. XXII entitled 11:30:07

7 "Co-Operation."

8 Do you see that? 11:30:13

9 A Yes, it's right after XXIV -- 11:30:14

10 Q Yes. 11:30:19

11 A -- and before XXI. 11:30:19

12 Q It seems that for some reason the 11:30:22

13 numbers on this are out of order and -- but you

14 see the number XXII, "Co-Operation"?

15 A Uh-huh. 11:30:30

16 Q Is that a yes? 11:30:31

17 A I see XXII, "Co-Operation," yes. 11:30:33

18 Q Having had a chance to look at that, do 11:30:41

19 you agree that, with regard to Southern Baptist

20 life, the concept of cooperation is a doctrinal

21 matter?

22 MR. GANT: Just have you had a chance to 11:30:54

1 read the paragraph?

2 THE WITNESS: No. 11:30:57

3 BY MR. MARTENS: 11:30:57

4 Q Take a minute to read it. 11:30:59

5 A (Reading.) 11:31:00

6 MR. GANT: And I'll just have a standing 11:31:15

7 objection on this because there are some

8 peculiarities with the document, that I'm going to

9 object because we don't know whether this is the

10 complete document or if, in fact, this paragraph

11 is complete, but will you agree to a standing

12 objection on that, Matt?

13 MR. MARTENS: Sure. 11:31:35

14 MR. GANT: Thank you. 11:31:35

15 THE WITNESS: Okay. 11:31:41

16 BY MR. MARTENS: 11:31:41

17 Q Do you believe that paragraph XXII of 11:31:42

18 Exhibit 3 entitled "Co-Operation" states the

19 concept of cooperation consistent with the

20 definition that you've previously provided me?

21 MR. GANT: Objection. Vague, 11:31:56

22 foundation.

1 THE WITNESS: Can you repeat the 11:31:58
2 question?
3 BY MR. MARTENS: 11:31:59
4 Q Yeah. 11:31:59
5 A What did I previously provide? 11:32:01
6 Q So we previously discussed the idea of 11:32:03
7 cooperation. Do you recall that --
8 A Right. 11:32:07
9 Q -- a few minutes ago? 11:32:07
10 A Right. 11:32:08
11 Q What I'm asking is what you were trying 11:32:09
12 to express when we were discussing that as to what
13 cooperation means, is that consistent with what
14 you see reflected in the definition of cooperation
15 in Exhibit 3?
16 MR. GANT: Objection. Vague, 11:32:21
17 foundation, the prior testimony speaks for itself.
18 THE WITNESS: As I'm sitting here, I 11:32:27
19 mean, without having the time to give it a close
20 reading and comparison, it seems generally
21 consistent.
22 BY MR. MARTENS: 11:32:36

1 Q Okay. And does this suggest to you that 11:32:37
2 in Southern Baptist life the idea of cooperation
3 is of a doctrinal nature?

4 MR. GANT: Objection. Vague, 11:32:47
5 foundation, compound.

6 THE WITNESS: A moment ago when you 11:32:52
7 asked me if the Baptist Faith and Message
8 statement is a doctrinal statement, I think I said
9 something to the effect of, generally speaking, I
10 see it as a doctrinal statement as long as we
11 allow that not all doctrines are -- are equal.

12 So when I see cooperation here, I think, 11:33:11
13 you know, depending on how one wants to argue it,
14 you could argue it is a theological position that
15 emanates from other theological positions or you
16 could see it as more of a polity matter and that
17 there are, in fact, some aspects of the Baptist
18 Faith and Message that deal more with what is the
19 best way of doing things as opposed -- as opposed
20 to what is theologically necessary.

21 BY MR. MARTENS: 11:33:49

22 Q Do you know whether Southern Baptists, 11:33:50

1 by including cooperation in the Baptist Faith and
2 Message, intended to be doctrinal and theological
3 on the one hand or a polity matter on the other?

4 MR. GANT: Objection as vague because 11:34:05
5 it's unclear which version of the Baptist Faith
6 and Message you're referring to and otherwise
7 vague and foundation.

8 THE WITNESS: And I don't know. 11:34:15

9 BY MR. MARTENS: 11:34:16

10 Q Okay. We talked earlier about the 11:34:16
11 principle of nonhierarchy.

12 In Southern Baptist life, do you 11:34:27
13 understand the principle of nonhierarchy to be
14 theological?

15 MR. GANT: Objection. Vague, 11:34:35
16 foundation.

17 THE WITNESS: The principle of 11:34:41
18 nonhierarchy, which is a -- a loose and convenient
19 phrase, is theological to the extent that for
20 Baptists, and not just Southern Baptists, the
21 theological conception of what a church is is a
22 local body of baptized believers. So if that's

1 what a church is, then there shouldn't be a
2 hierarchy over a congregation.

3 BY MR. MARTENS: 11:35:23

4 Q Let's go back to -- let's go back to the 11:35:26
5 Bylaws, Exhibit 2, the Bylaws of the American
6 Baptist Convention, and turn to page 46, line
7 1568.

8 A Okay. 11:36:05

9 Q And do you see that it says, "The 11:36:05
10 creation of understandings among American Baptists
11 regarding the degree of autonomy and
12 interdependence between and among American Baptist
13 organizations is, essentially, a theological
14 undertaking."

15 Do you see that? 11:36:23

16 A Yes. 11:36:24

17 Q Do you agree with that statement based 11:36:24
18 on your study of Baptists?

19 MR. GANT: Objection. Vague. 11:36:28

20 THE WITNESS: Again, I think there would 11:36:35
21 be diversity. I would not say categorically that
22 all Baptists in the history -- you know, I -- I'd

1 have to study this more to -- to be able to say.

2 I'm not exactly sure what my position on that

3 would be at this moment.

4 BY MR. MARTENS: 11:36:57

5 Q Do you know whether Southern Baptists 11:36:57

6 agree with that statement?

7 MR. GANT: Objection. Vague, compound. 11:37:01

8 THE WITNESS: I do not know. 11:37:04

9 BY MR. MARTENS: 11:37:05

10 Q The paragraph continues, "Only American 11:37:08

11 Baptists have the right or the power to interpret

12 or to alter those understandings contained within

13 American Baptist Covenants, Statements of

14 Agreement, and corporate documents."

15 Did I read that correctly? 11:37:25

16 A I believe so. 11:37:27

17 Q Do you agree with that statement based 11:37:28

18 on your study of Baptists?

19 MR. GANT: Objection. Vague, compound. 11:37:33

20 THE WITNESS: As I -- as I sit here, 11:37:36

21 it -- it seems to be saying only American Baptists

22 can deal with things having to do with American

1 Baptists. It almost -- so I'm not sure what
2 the -- I'm not sure how it could be any other way,
3 but I don't know if I would say I agree with that
4 or not, so...

5 BY MR. MARTENS: 11:38:00

6 Q Do you agree as a matter of the 11:38:00
7 principle of autonomy that only American Baptists
8 have the right and power to interpret American
9 Baptists' understandings?

10 MR. GANT: Objection. Vague, compound, 11:38:11
11 foundation.

12 THE WITNESS: Understand. Anyone can 11:38:14
13 under- -- understand or not understand what
14 American Baptists believe, so I don't know what
15 that means to say that.

16 BY MR. MARTENS: 11:38:28

17 Q You don't know what it means to say "the 11:38:31
18 right or the power to interpret"?

19 MR. GANT: Objection. Mischaracterizes 11:38:36
20 testimony, vague.

21 THE WITNESS: I'm not sure what it means 11:38:45
22 because it seems that anyone has the right and

1 power to interpret anything.

2 BY MR. MARTENS: 11:38:57

3 Q Do you agree that only American Baptists 11:38:58
4 have the right or the power to interpret, as a
5 controlling matter, American Baptist Covenants,
6 Statements of Agreement, and corporate documents?

7 MR. GANT: Objection. Foundation, vague 11:39:14
8 and compound.

9 THE WITNESS: I don't -- I have not 11:39:16
10 studied this and I don't really have an opinion on
11 it.

12 BY MR. MARTENS: 11:39:20

13 Q Okay. Do you know whether Southern 11:39:21
14 Baptists believe that only Southern Baptists have
15 the right or the power to provide definitive
16 interpretations of their Covenants, Statements of
17 Agreement, and corporate documents?

18 MR. GANT: Objection. Vague, compound, 11:39:37
19 foundation.

20 THE WITNESS: All I can say is that the 11:39:47
21 statement seems so obvious it would be hard to
22 imagine it being otherwise.

1 BY MR. MARTENS: 11:39:57

2 Q If we continue on, the paragraph reads, 11:39:59

3 "The First Amendment to the United States

4 Constitution prohibits government from deciding

5 for" -- "for any religious body that body's

6 beliefs, mission, or organization."

7 Did I read that correctly? 11:40:16

8 A I believe so. 11:40:19

9 Q Do you agree with that? 11:40:20

10 MR. GANT: Objection. Vague and to the 11:40:22

11 extent it calls for a legal conclusion and

12 compound.

13 THE WITNESS: I think if you took that 11:40:34

14 statement and put it on a wall with no context

15 whatsoever, I would agree with it. I'm not sure

16 what it's doing in this particular paragraph, so

17 I'm not ready to sign on to anything other than

18 that statement. But as a general principle, I do

19 believe the First Amendment prohibits the

20 government from deciding what a religious group's

21 beliefs or mission should be as a general

22 principle.

1 BY MR. MARTENS: 11:41:21

2 Q What about its organization? 11:41:21

3 MR. GANT: Same objections. 11:41:24

4 THE WITNESS: Yes, I believe the First 11:41:27

5 Amendment prohibits the government from deciding

6 how a religious group should be organized.

7 BY MR. MARTENS: 11:41:38

8 Q Could the government in your view, 11:41:43

9 consistent with the First Amendment, direct that a

10 religious group be organized in a hierarchical

11 way?

12 MR. GANT: Objection. Vague, 11:41:53

13 foundation, compound, and to the extent it calls

14 for a legal conclusion.

15 THE WITNESS: Yes, I am not a legal 11:42:00

16 scholar, but I do -- I do not believe the

17 government could constitutionally direct a

18 religious body to be hierarchical or

19 nonhierarchical or any other thing.

20 BY MR. MARTENS: 11:42:25

21 Q Could the government, consistent with 11:42:26

22 the First Amendment, direct a religious body to

1 use a cooperative, an autonomous form of
2 organization?

3 MR. GANT: Objection. Vague, compound, 11:42:41
4 foundation, and to the extent it calls for a legal
5 conclusion.

6 THE WITNESS: I do not believe that the 11:42:46
7 government can constitutionally direct a religious
8 group to be cooperative, hierarchical -- you used
9 another term there that I missed, but --

10 BY MR. MARTENS: 11:42:57

11 Q Autonomous. 11:42:57

12 A Autonomous. No, I do not believe that. 11:42:58

13 Q Could a government, consistent with the 11:43:02
14 First Amendment, direct a religious body not to
15 use a cooperative or autonomous form of
16 organization?

17 MR. GANT: Same objections. 11:43:12

18 THE WITNESS: I don't believe the 11:43:35
19 government can direct a religious body to use or
20 not use any of those.

21 I do think that there has been a 11:43:42
22 distinction, and I'm not speaking as a legal

1 expert, but as a historian who studies
2 church-state and has taught it, there has been a
3 legal distinction in some of the case law, Supreme
4 Court level, in how the courts deal with a
5 hierarchical body versus groups that are
6 nonhierarchical. And for the most part the
7 government wants to stay out of hierarchical
8 situations, so -- but you're saying to direct them
9 to be one or the other and I don't want to appear
10 to be saying that -- well, just -- I'll just leave
11 it at that.

12 BY MR. MARTENS: 11:44:35

13 Q What Supreme Court case law has dealt 11:44:35
14 with non- -- nonhierarchical religious
15 organizations?

16 A Well, as I said that -- 11:44:42

17 MR. GANT: Objection. Vague, calls for 11:44:43
18 speculation, and to the extent it calls for a
19 legal conclusion.

20 THE WITNESS: As I said that, I was 11:44:53
21 thinking it seems like they dealt with
22 hierarchical ones and I'm not sure about

1 nonhierarchical groups.

2 BY MR. MARTENS: 11:45:03

3 Q Could -- as you understand the First 11:45:04

4 Amendment, could the government direct DaySpring

5 Baptist Church to partner with NAMB?

6 A The government could not direct 11:45:18

7 DaySpring Baptist church to partner with NAMB, no.

8 Q As you understand the First Amendment, 11:45:24

9 could the government direct NAMB to cooperate with

10 DaySpring Baptist Church?

11 A As I understand the First Amendment, no 11:45:34

12 the government cannot direct NAMB to partner with

13 DaySpring Baptist Church.

14 Q The last sentence of the paragraph we 11:45:54

15 were looking at in Exhibit 2 at the bottom of page

16 46 reads, "Therefore, we as American Baptists

17 declare that government agencies and others

18 external to American Baptist life and mission have

19 no authority or competence to interpret or change

20 the self-understanding of American Baptists or the

21 documents and statements in which we have set

22 forth that understanding."

1 Did I read that correctly? 11:46:24

2 A I believe so. 11:46:26

3 Q Do you agree with that statement? 11:46:27

4 A It seems -- this statement seems to me, 11:46:30

5 as some of the other statements but not all -- let

6 me read it again.

7 MR. GANT: Objection. Compound and 11:46:46

8 vague.

9 THE WITNESS: This seems to be the 11:46:51

10 American Baptists articulating a concept that

11 is -- has been broadly accepted and vigorously

12 defended throughout the history of probably most

13 Baptist denominations.

14 BY MR. MARTENS: 11:47:17

15 Q As you understand -- 11:47:19

16 A So do I agree with it -- well, that -- 11:47:20

17 I'll leave it at that, what I just said.

18 Q Would you, based on your study of 11:47:28

19 Southern Baptists, agree with that statement about

20 Southern Baptists matters?

21 MR. GANT: Objection. Vague, 11:47:38

22 foundation, compound, calls for speculation.

1 THE WITNESS: It would be an interesting 11:47:50
2 exercise to put side by side the way that Southern
3 Baptists would articulate this versus American
4 Baptist ways of articulating it and see if there
5 are any nuances of distinction, but just that
6 sentence, it -- it would be hard for me to see any
7 Baptist disagreeing with that statement.

8 BY MR. MARTENS: 11:48:27

9 Q You said in your book, "Baptists in 11:48:36
10 America: A History," that Baptists are notorious
11 for two things: Evangelism and schism.

12 Do you remember saying that? 11:48:50

13 A I recall writing that. 11:48:52

14 Q What did you -- 11:48:55

15 A I -- I -- just to be careful, I think I 11:48:56
16 wrote that line, but Tommy could have -- could
17 have written it as well, so -- we both signed off
18 on it though, so...

19 Q By "Tommy" you mean Thomas Kidd? 11:49:06

20 A Thomas Kidd. 11:49:10

21 Q I assume whether or not you're the one 11:49:10
22 who typed it or you signed off on it, you agree

1 with that statement as a descriptive matter?

2 A Yeah, and as a -- when one writes a 11:49:20
3 book, you try to throw in a little levity here and
4 there and keep it interesting and so it's not the
5 sort of statement that I'm ready to go to the
6 stake for, but it's -- it's a way of maybe keeping
7 a reader's attention, so...

8 Q What does that mean, that Baptists are 11:49:37
9 notorious for schism?

10 A Generally in history -- because Baptists 11:49:45
11 are so fiercely independent, they quite naturally,
12 for lack of a better term, fight with each other
13 about a lot of issues, theological issues,
14 personal lifestyle issues and political issues and
15 so forth, and Baptists are known for that.

16 Generally speaking, and again this is 11:50:13
17 broad generalizations, Baptists teach that you
18 shouldn't just accept what somebody in authority
19 says, your congregation shouldn't just accept what
20 someone in authority says, so you end up with a
21 lot of Baptists fighting.

22 Q And fighting that leads to schism being 11:50:38

1 division, correct?

2 A Right. 11:50:38

3 Q In other words, Baptists believe that 11:50:38
4 they're entitled to, if it comes to it, to divide
5 over those issues; is that right?

6 MR. GANT: Objection. Foundation, 11:50:45
7 vague, compound.

8 THE WITNESS: Separating from one 11:50:51
9 another is the principle of Baptist. If you're
10 autonomous, you can -- you can leave when you
11 want.

12 BY MR. MARTENS: 11:50:56

13 Q And, in fact, that's caused not just 11:50:57
14 churches to divide in Baptist life but also
15 associations and conventions, correct?

16 A Associations and conventions as well as 11:51:06
17 churches have divided, separated, left, joined
18 other groups.

19 Q And, in fact, the Southern Baptist 11:51:21
20 Convention itself was the result of a schism in
21 the triennial convention, correct?

22 A This is correct. In -- in the 1840s 11:51:30

1 disagreements between northerners and southerners.

2 Q And the division -- the issue that 11:51:39
3 caused the schism of the triennial convention to
4 form the Southern Baptist Convention related to
5 missions, correct?

6 A It -- the formation of the Southern 11:51:50
7 Baptist Convention -- and this is a contested
8 point. It used to be that Southern Baptist
9 historians wanted to emphasize missions, but now
10 slavery is so much a part of that that -- so I'm
11 not ready to say the schism was about missions.
12 The schism was also about slavery.

13 Q Yeah, I was -- I tried to be careful in 11:52:16
14 my words.

15 A Yeah. 11:52:19

16 Q I said related to missions. It related 11:52:19
17 to who could serve as a missionary, correct?

18 MR. GANT: Objection. Vague, 11:52:25
19 foundation.

20 THE WITNESS: Yes, the question was 11:52:27
21 over, as I recall it -- and if I were going to
22 write this, I would be reviewing the documents --

1 whether or not slaveholders could serve as
2 missionaries.

3 BY MR. MARTENS: 11:52:41

4 Q In other words, the Southern Baptist 11:52:42
5 Convention was formed as the result of a belief by
6 a group of Baptists that they could divide from
7 one another if they disagreed over who served as
8 missionaries, correct?

9 MR. GANT: Objection. Vague, compound, 11:52:59
10 foundation.

11 THE WITNESS: That seems correct as I 11:53:05
12 sit here, that they -- they believe that if their
13 views were different from another group of
14 Baptists, then they -- they could pull away and in
15 this case form their own convention.

16 BY MR. MARTENS: 11:53:18

17 Q But in particular, they believed they 11:53:18
18 could pull away and form their own convention if
19 they disagreed over who could serve as
20 missionaries, correct?

21 MR. GANT: Same objections. 11:53:27

22 THE WITNESS: That would seem correct, 11:53:29

1 yes.

2 BY MR. MARTENS: 11:53:30

3 Q Let's stick with Exhibit 2. Let's turn 11:53:39

4 to page 44 beginning with line 1412. It reads,

5 "Baptist history in the United States, from the

6 founding of the First Baptist Church in

7 Providence, Rhode Island, in 1693 (sic) until the

8 present" --

9 MR. GANT: I think you misspoke. 11:54:12

10 THE REPORTER: What? 11:54:12

11 MR. GANT: You got the date wrong. 11:54:12

12 MR. MARTENS: Excuse me, I did get the 11:54:14

13 date wrong. Thank you for that.

14 BY MR. MARTENS: 11:54:18

15 Q Let me start again. It reads, "Baptist 11:54:18

16 history in the United States, from the founding of

17 the First Baptist Church in Providence, Rhode

18 Island, in 1639 until the present, reveals that

19 Baptists have emphasized the autonomy of both

20 local congregations and Baptist organizations."

21 Did I read that correctly? 11:54:36

22 A Yes, I believe you did. 11:54:39

1 Q Do you think that's an accurate 11:54:40
2 statement?

3 MR. GANT: Objection. Vague, compound. 11:54:43

4 THE WITNESS: Again, the -- the 11:54:45
5 statement seems to be a -- it seems to be
6 restating that the founding of the First Baptist
7 Church in 1639 shows that a group of baptized
8 believers could come together and form a
9 congregation that was autonomous from the Church
10 of England or any other body.

11 BY MR. MARTENS: 11:55:19

12 Q And you agree with that as a description 11:55:23
13 of historical Baptists' thought in practice --

14 MR. GANT: Objection. 11:55:29

15 BY MR. MARTENS: 11:55:29

16 Q -- correct? 11:55:29

17 MR. GANT: Objection. Vague, compound. 11:55:30

18 THE WITNESS: Yeah, it seems like a -- I 11:55:33
19 mean it's one sentence, but it seems like a -- a
20 shorthand, accurate rendition of how Baptists in
21 America formed the first Baptist congregation.

22 BY MR. MARTENS: 11:55:47

1 Q Continuing on to the next sentence it 11:55:49
2 reads, "At the same time, history records the
3 cooperation and interdependence between and among
4 congregations and a wide variety of Baptist
5 organizations."

6 Did I read that correctly? 11:56:06

7 A Yes, I think you read it correctly. 11:56:08

8 Q And do you think that that's an accurate 11:56:09
9 statement of what history records?

10 MR. GANT: Objection. Vague, 11:56:12
11 foundation, compound.

12 THE WITNESS: I actually -- I -- again, 11:56:18
13 as I've said before, I -- I hesitate on the word
14 "interdependence."

15 It probably would not be hard to find 11:56:37
16 examples of Baptist churches that have decided
17 they don't want to be interdependent or
18 cooperative, they want to go it alone. Would that
19 make them non-Baptists? Not in my view as a
20 historian, but...

21 BY MR. MARTENS: 11:56:54

22 Q So let me -- I don't want you to get 11:56:54

1 hung up on interdependence, so let me restate it
2 this way: Do you agree that history records the
3 cooperation between and among congregations and a
4 wide variety of Baptist organizations?

5 MR. GANT: Objection. Vague, compound. 11:57:08

6 THE WITNESS: I would agree -- I think I 11:57:13
7 probably have put this in -- in writing somewhere,
8 probably in "Baptists in America," that most
9 Baptist congregations recognize fairly readily
10 that if they wanted to be effective in evangelism,
11 spreading the gospel, that they could do that more
12 effectively by joining together with other
13 congregations and so it was a natural sort of
14 development for congregations to start to join
15 together in associations.

16 And I think in -- I think even in the 11:57:52
17 report I -- I have some dates, probably the date
18 of the first association, but it's kind of a
19 marker in history when Baptists in America began
20 to associate together pretty consistently. And
21 that's many -- again, with some exceptions because
22 there's exceptions to almost everything in Baptist

1 history, that is pretty common, very common.

2 BY MR. MARTENS: 11:58:20

3 Q In order for cooperation to be 11:58:20

4 consistent with the principle of autonomy,

5 cooperation has to be entirely voluntary, correct?

6 MR. GANT: Objection. Vague. 11:58:30

7 THE WITNESS: I would say cooperation 11:58:32

8 has to be voluntary in order for it to be

9 consistent with the principle of autonomy.

10 BY MR. MARTENS: 11:58:42

11 Q One of the ways in which Baptists 11:58:53

12 cooperate with one another is through monetary

13 support; is that correct?

14 MR. GANT: Objection. Compound, vague, 11:59:00

15 foundation, calls for speculation.

16 THE WITNESS: Throughout history 11:59:11

17 Baptists have cooperated with each other in a lot

18 of ways and financial cooperation, pooling of

19 resources has been a common one.

20 BY MR. MARTENS: 11:59:21

21 Q In order for cooperation by a pooling of 11:59:22

22 resources to be consistent with the principle of

1 autonomy, the pooling of resources has to be
2 voluntary, correct?

3 MR. GANT: Objection. Vague, 11:59:34
4 foundation.

5 THE WITNESS: Typically in Baptist 11:59:36
6 history each Baptist body, congregation,
7 association, state convention makes its own
8 decisions about where it sends its funds if it's
9 going to send them anywhere.

10 BY MR. MARTENS: 11:59:50

11 Q And in order for that principal of 11:59:53
12 cooperation to, when it comes to the pooling of
13 funds, to be consistent with the principle of
14 autonomy, the pooling of funds has to be
15 voluntary, correct?

16 MR. GANT: Same objections. 12:00:09

17 THE WITNESS: I would say the pooling of 12:00:11
18 funds has to be voluntary and I can't even imagine
19 it being otherwise in Baptist history.

20 BY MR. MARTENS: 12:00:22

21 Q One of the ways in which -- strike that. 12:00:25

22 Another way in which Baptists cooperate 12:00:30

1 is through joint statements of doctrinal belief,
2 correct?

3 MR. GANT: Objection. Vague, 12:00:43
4 foundation, compound.

5 THE WITNESS: I'm having trouble 12:00:53
6 thinking of an example of a joint statement, so
7 I'm not sure what you're referring to.

8 BY MR. MARTENS: 12:01:05

9 Q In early church history were Baptist 12:01:09
10 churches incorporated?

11 MR. GANT: Objection. Vague. 12:01:18
12 Foundation, compound.

13 THE WITNESS: Well, in -- in early 12:01:25
14 church history, as historians would define early
15 church history, that would be long before there
16 weren't --

17 BY MR. MARTENS: 12:01:33

18 Q I -- I recognize that's probably not a 12:01:35
19 great question.

20 In early American Baptist history, were 12:01:38
21 Baptist churches incorporated?

22 MR. GANT: Same objections. 12:01:46

1 THE WITNESS: I don't really know at 12:01:48
2 what point incorporation became an issue in the
3 formation of Baptist bodies.

4 BY MR. MARTENS: 12:01:59

5 Q And is that also true with regard to 12:01:59
6 associations and not just congregations?

7 A Yeah, I -- I just don't -- I have -- 12:02:04

8 MR. GANT: You need to give me a chance. 12:02:05

9 THE WITNESS: Yeah. Sorry. 12:02:08

10 MR. GANT: Same objections. 12:02:08

11 THE WITNESS: I -- I -- I just have no 12:02:10
12 background or I've -- I've done no study on the
13 whole issue of incorporation.

14 BY MR. MARTENS: 12:02:19

15 Q Let's look at page 15 of your report, 12:02:21
16 Exhibit 1.

17 Let me ask you this: Would, in your 12:02:42
18 view of the First Amendment, the government have
19 the authority to resolve an organizational dispute
20 between two churches?

21 MR. GANT: Objection. Vague, 12:02:58
22 foundation, and to the extent it calls for a legal

1 conclusion.

2 THE WITNESS: I'm -- again, I'm not a 12:03:16
3 legal scholar offering a legal opinion, but there
4 is quite a difference historically between how the
5 courts have looked at something that is considered
6 a church, one entity with a hierarchy church, and
7 how the courts have looked at other religious
8 issues, so it's a very complicated and tricky
9 thing that I -- I think I could say more, but
10 that's what I'm going to say at this point.

11 BY MR. MARTENS: 12:04:17

12 Q Can you point me to a case where the 12:04:17
13 courts were faced with a dispute between religious
14 bodies that were nonhierarchical?

15 A Not as I sit here I can't, no. 12:04:27

16 Q Can you ever remember reading such a 12:04:29
17 case?

18 MR. GANT: Objection. Vague. 12:04:35

19 THE WITNESS: That's a good question. 12:04:44

20 I can't think of a specific example, so 12:05:03
21 I'm going to have to say no, I cannot recall at
22 this point.

1 BY MR. MARTENS: 12:05:09

2 Q Can you explain to me the principles of 12:05:10
3 the First Amendment that the courts have
4 articulated apply with regard to nonhierarchical
5 religious bodies?

6 MR. GANT: Objection. Vague, compound, 12:05:23
7 and to the extent it calls for a legal conclusion.

8 THE WITNESS: Not nonhierarchical. 12:05:29

9 BY MR. MARTENS: 12:05:31

10 Q Have you ever -- can you recall reading 12:05:32
11 any case articulating what those principles would
12 be with regard to nonhierarchical religious
13 organizations?

14 MR. GANT: Objection. Vague, 12:05:41
15 foundation, calls for speculation, and to the
16 extent it calls for a legal conclusion.

17 THE WITNESS: I -- I don't recall, no. 12:05:49

18 BY MR. MARTENS: 12:05:50

19 Q Can you explain to me how, for First 12:05:52
20 Amendment purposes, the Supreme Court defines the
21 term "minister"?

22 MR. GANT: Objection. Vague, 12:06:02

1 foundation, calls for speculation and for a legal
2 conclusion.

3 THE WITNESS: Not precisely except that 12:06:15
4 my impression from a couple of cases is that they
5 give a lot of latitude for what that word means.

6 BY MR. MARTENS: 12:06:26

7 Q Can you tell me anything more about your 12:06:36
8 understanding of the First Amendment definition of
9 "minister" the Supreme Court has used beyond that?

10 MR. GANT: Same objections. 12:06:45

11 THE WITNESS: No, I can't. 12:06:46

12 BY MR. MARTENS: 12:06:47

13 Q So let's go back to page 15 of 12:06:51
14 Exhibit 2 -- excuse me, of Exhibit 1, your report,
15 paragraph F.

16 Do you see you refer -- and take all the 12:07:00
17 time you need to read the paragraph. I know it
18 laps over onto two pages, but in the first
19 sentence at the end of that sentence you refer to
20 a dispute "within a local association."

21 Do you see that? 12:07:12

22 A Yes. 12:07:13

1 Q Let me know when you've had a chance to 12:07:16
2 review it.

3 A Okay. (Reading.) 12:07:19

4 Okay. 12:07:39

5 Q So you talk in this paragraph about a 12:07:41
6 dispute within an individual congregation.

7 Do you see that? 12:07:46

8 A Yes. 12:07:47

9 Q And a dispute within an individual 12:07:47
10 congregation would be a dispute either between
11 members or between members and leadership,
12 correct?

13 MR. GANT: Objection. Foundation, 12:07:56
14 assumes facts not in evidence, calls for
15 speculation.

16 THE WITNESS: It would seem there would 12:08:02
17 be a lot of ways you could have a dispute within
18 an individual congregation.

19 BY MR. MARTENS: 12:08:07

20 Q List for me all the ways you could have 12:08:10
21 a dispute within an individual congregation?

22 MR. GANT: Objection. Calls for 12:08:16

1 speculation.

2 THE WITNESS: I can't list all the ways. 12:08:18

3 BY MR. MARTENS: 12:08:19

4 Q Would a dispute between two members of a 12:08:19
5 congregation over something relating to the church
6 be a dispute within an individual congregation as
7 you're using that term here?

8 MR. GANT: Objection. Vague. 12:08:30

9 THE WITNESS: I don't know. 12:08:34

10 BY MR. MARTENS: 12:08:34

11 Q Well, what did you mean by the phrase 12:08:35
12 "within an individual congregation"?

13 A I don't think I had anything specific in 12:08:50
14 mind other than the principle that what goes on
15 within a church is different from what goes on
16 between two separate bodies.

17 Q And I'm just trying to understand what 12:09:12
18 you mean by "within an individual church."

19 MR. GANT: Objection. Vague, asked and 12:09:17
20 answered. I withdraw the objection asked and
21 answered.

22 THE WITNESS: I'm -- I'm not sure I 12:09:25

1 could clarify it any more than to say that we're
2 talking about something that's happening within a
3 particular congregation versus something where one
4 congregation and another congregation are in
5 dispute about something.

6 BY MR. MARTENS: 12:09:40

7 Q Would a dispute among members of a 12:09:40
8 congregation -- among members of an individual
9 congregation over who should be the pastor, would
10 that be within the phrase "within an individual
11 congregation" as you used it in paragraph F on
12 page 15?

13 A Yes, I would believe that a dispute 12:09:58
14 about who should be pastor of a congregation would
15 be such a dispute within a particular
16 congregation.

17 Q Continuing on, you refer to "within the 12:10:08
18 SBC."

19 Do you see that? 12:10:10

20 A Yes. 12:10:11

21 Q What would be an example of a dispute 12:10:12
22 within the SBC, as you use that term in your

1 report?

2 A I can think of -- I can't think of a 12:10:24
3 specific incident, but of a hypothetical situation
4 I can think of an employee of the Southern Baptist
5 Convention being terminated and suing the Southern
6 Baptist Convention.

7 Q Would a dispute between churches in 12:10:41
8 friendly cooperation with the SBC over who should
9 be the president of the SBC be a dispute within
10 the SBC, as you used that phrase in paragraph F on
11 page 15?

12 MR. GANT: May I hear that back, please. 12:10:59

13 (The reporter read the record 12:11:01
14 as requested.) 12:11:16

15 MR. GANT: Objection. Vague, 12:11:17
16 foundation, incomplete hypothetical, calls for
17 speculation.

18 THE WITNESS: I don't know. I really 12:11:24
19 don't.

20 BY MR. MARTENS: 12:11:26

21 Q Would a dispute between two messengers 12:11:27
22 to the Annual Southern Baptist Convention over who

1 should be the SBC's president be a dispute within
2 the SBC, as you used that phrase in paragraph F on
3 page 15 of your report?

4 MR. GANT: Same objections. 12:11:46

5 THE WITNESS: I'm not even sure what 12:11:48
6 that would -- what that means, a dispute between
7 two mess- -- messengers over who should be the
8 convention president. I don't see how -- I
9 don't -- I don't even understand what that would
10 mean.

11 BY MR. MARTENS: 12:12:03

12 Q Let's -- hypothetically, what if 12:12:04
13 different groups of messengers at the SBC's annual
14 convention disagreed over the results of the
15 election for SBC president. Would that be a
16 dispute within the SBC, as you used that phrase in
17 paragraph F on page 15 of your report, Exhibit 1?

18 MR. GANT: Objection. Vague, 12:12:26
19 foundation, incomplete hypothetical.

20 THE WITNESS: I'm actually not sure if 12:12:31
21 it would. And if such a thing happened, my
22 position would be I'm going to watch this play out

1 and I may end up writing something about it
2 because I'm serious -- that is the sort of
3 hypothetical that the courts just haven't gotten
4 into very much as far as I know, and I'm not a
5 legal expert, and it would be a fascinating and
6 interesting thing for historians to write about.

7 BY MR. MARTENS: 12:12:58

8 Q If -- are you familiar with the 12:12:59
9 Conservative Baptist Network?

10 A Yes, I'm familiar -- somewhat familiar 12:13:08
11 with the Conservative Baptist Network.

12 Q What is that? 12:13:13

13 A As I understand it, having read their 12:13:15
14 website a time or two, the Conservative Baptist
15 Network is a group of individuals who are in one
16 way or another affiliated with the Southern
17 Baptist Convention. Some of them appear to be
18 pastors of Baptist Churches that are in fellowship
19 cooperation with the Southern Baptist Conventions,
20 others of them are other things.

21 These people, as far as I can tell, they 12:13:49
22 consider themselves Southern Baptists, they

1 consider themselves part of the Southern Baptist
2 Convention, and they are banding together because
3 they believe, it appears from the things that I've
4 read, and I've written a little bit about this,
5 that they believe that the Southern Baptist
6 Convention is going off course and needs to be
7 steered back in a conservative direction. So
8 they're banding together as a network as they --
9 as they call themselves.

10 Q If a group of churches within the 12:14:25
11 Southern Baptist Convention, meaning churches in
12 friendly cooperation with the Southern Baptist
13 Convention, disagreed with another group of
14 churches in the Southern Baptist Convention over
15 who was the rightful winner of the presidential
16 election at the Annual Southern Baptist Convention
17 in June, is that a dispute within the SBC that is
18 protected by the First Amendment?

19 A I -- 12:14:54

20 MR. GANT: Wait. Can you -- I have 12:14:55
21 other objections, but can you make that more
22 precise?

1 MR. MARTENS: No. 12:15:06

2 MR. GANT: What does that mean, the 12:15:06

3 dispute is protected under --

4 MR. MARTENS: You don't get to -- it's 12:15:08

5 not a speaking objection, Scott. Do you have an

6 objection or not?

7 MR. GANT: You've asked a bad question, 12:15:13

8 so if you want to fix it, I'm giving you the

9 opportunity to.

10 MR. MARTENS: Do you have an objection 12:15:17

11 or not?

12 MR. GANT: Can I hear the question then? 12:15:20

13 And let me know if you're sticking with that

14 question. If you are, then I'll make my

15 objections.

16 (The reporter read the record 12:15:25

17 as requested.) 12:15:49

18 MR. GANT: Are you sticking with that? 12:15:49

19 MR. MARTENS: Yes. 12:15:51

20 MR. GANT: Okay. 12:15:52

21 THE WITNESS: And I don't know -- 12:15:52

22 MR. GANT: Well -- 12:15:54

1 THE WITNESS: Oh, I'm sorry, I thought 12:15:54
2 you were done.

3 MR. GANT: Well, that's -- I -- I -- I 12:15:56
4 do have objections, so let me just state them for
5 the record. Objection. Vague and the question is
6 also nonsensical in its reference to whether the
7 dispute is protected by the First Amendment,
8 foundation, and to the extent it calls for a legal
9 conclusion.

10 BY MR. MARTENS: 12:16:12

11 Q Could the government, consistent with 12:16:16
12 the First Amendment as you understand it, resolve
13 a dispute between a state Baptist convention and
14 the Southern Baptist Convention over whether or
15 not the state Baptist convention was in
16 cooperation with the Southern Baptist Convention?

17 MR. GANT: I do need to hear that back, 12:16:38
18 please.

19 (The reporter read the record 12:16:40
20 as requested.) 12:16:40

21 MR. GANT: Objection. Vague, 12:17:01
22 foundation, incomplete hypothetical, calls for

1 speculation, and to the extent it calls for a
2 legal conclusion.

3 THE WITNESS: That would seem to be -- 12:17:12
4 if a state convention and the Southern Baptist
5 Convention were at odds with one another, it would
6 seem to be different than if such a dispute were
7 going on between two entities within a
8 hierarchical church. Whether or not -- or what
9 the court would do I wouldn't speculate, but from
10 my perspective as a historian a dispute between
11 two autonomous religious bodies is very different
12 from a dispute within a unified hierarchical
13 church. What the courts would do with that I
14 don't know because I'm not a legal expert or a
15 prognosticator of that sort, so I'm not going to
16 speculate, but...

17 BY MR. MARTENS: 12:18:20

18 Q Are you familiar with any case law that 12:18:21
19 you believe answers that question?

20 MR. GANT: Same objections. 12:18:26

21 THE WITNESS: As I -- as I sit here, I'm 12:18:28
22 not thinking of anything -- I'm not remembering

1 any such thing, but I suspect it would not be hard
2 to find religious organizations that have sued
3 each other.

4 BY MR. MARTENS: 12:18:45

5 Q Do you have a view of whether the First 12:18:45
6 Amendment should allow the government to intervene
7 in a dispute between a state Baptist convention
8 and the Southern Baptist Convention?

9 MR. GANT: Objection. Vague, to the 12:19:01
10 extent it's unclear whether the question is
11 normative or descriptive, lack of foundation,
12 incomplete hypothetical, calls for speculation,
13 and to the extent it calls for a legal conclusion.

14 THE WITNESS: My view on whether or how 12:19:18
15 the court should intervene in a dispute between a
16 state convention and the Southern Baptist
17 Convention would be, first, it depends a lot on
18 what the dispute is about and I think the
19 threshold for the courts being involved would be
20 much lower if the dispute was about property than
21 if it was a dispute about theological
22 disagreement.

1 BY MR. MARTENS: 12:19:51

2 Q In your study of the Southern Baptist 12:19:55

3 life, would you agree that Southern Baptists would

4 as a theological matter believe that someone could

5 not be a leader in the Southern Baptist Convention

6 if they were Roman Catholic?

7 MR. GANT: Objection. Vague, 12:20:14

8 foundation.

9 THE WITNESS: Can you state it again? I 12:20:18

10 think I know what you said, but I want to --

11 BY MR. MARTENS: 12:20:21

12 Q Sure. Based on your study of Southern 12:20:21

13 Baptist life, history, doctrine, do you agree that

14 Southern Baptists would as a theological matter

15 believe that someone could not be a leader in a

16 Southern Baptist organization if they were Roman

17 Catholic?

18 MR. GANT: Objection. Vague, compound, 12:20:44

19 foundation, incomplete hypothetical, calls for

20 speculation.

21 THE WITNESS: It's -- it's -- it's hard 12:20:56

22 to answer because it's -- it's out of the level of

1 unthinkable. I can't imagine how a Roman Catholic
2 could ever be a leader in a religious sense or a
3 theological sense.

4 You know, if -- if you're talking about 12:21:18
5 an accountant in some agency or something, that
6 would be a different matter, but...

7 BY MR. MARTENS: 12:21:25

8 Q Let's take the executive director of a 12:21:25
9 state convention.

10	A	Okay.	12:21:30
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11 Q Imagine that an executive director of a 12:21:30
12 state convention announced that he was a Roman
13 Catholic. Would, as a matter of autonomy and
14 cooperation, would the Southern Baptist Convention
15 be free to disassociate with that state
16 convention?

17 MR. GANT: Objection. Vague, 12:21:54

18 foundation, incomplete hypothetical.

19 THE WITNESS: I think that Southern 12:21:59
20 Baptist Convention is always free to disassociate
21 with state conventions if they have disagreements
22 that rise to that level.

1 BY MR. MARTENS: 12:22:09

2 Q If -- if a -- strike that. 12:22:09

3 Would the government, as a matter of 12:22:14

4 First Amendment doctrine as you understand it, be

5 permitted to resolve a dispute between a state

6 convention and the Southern Baptist Convention

7 over whether a Roman Catholic should serve as head

8 of the -- of the state convention?

9 MR. GANT: Objection. Vague, 12:22:31

10 foundation, incomplete hypothetical, calls for

11 speculation, and to the extent it calls for a

12 legal conclusion.

13 THE WITNESS: It sounds like uncharted 12:22:38

14 territory and constitutional law to me, but I'm

15 not a constitutional expert, so I don't know what

16 the courts might do.

17 BY MR. MARTENS: 12:22:48

18 Q If a state executive -- excuse me, 12:22:49

19 strike that.

20 If the executive director of a state 12:22:53

21 convention was someone who the Southern Baptist

22 Convention believed did not reflect the fruits of

1 the spirit, would the Southern Baptist Convention
2 be entitled under the principles of autonomy and
3 cooperation to disassociate with that state
4 convention?

5 MR. GANT: Objection. Vague, 12:23:16
6 foundation, incomplete hypothetical, calls for
7 speculation, and to the extent you're asking about
8 civil law it calls for a legal conclusion.

9 THE WITNESS: Again, I believe the 12:23:30
10 Southern Baptist Convention, as a matter of
11 autonomy, can disassociate itself with any state
12 convention as the Southern Baptist Convention
13 might choose to do so.

14 BY MR. MARTENS: 12:23:44

15 Q If a state convention employed as an 12:23:45
16 executive director someone who the Southern
17 Baptist Convention did not believe reflected
18 Christ-like character, would the Southern Baptist
19 Convention be free under the principles of
20 autonomy and cooperation to disassociate with that
21 state convention?

22 MR. GANT: Same objections. 12:24:08

1 THE WITNESS: Again, I -- the Southern 12:24:13
2 Baptist Convention has the right under principles
3 of autonomy to disassociate with state Baptist
4 conventions.

5 BY MR. MARTENS: 12:24:25

6 Q If the Southern Baptist Convention 12:24:25
7 disassociated with a state convention because it
8 believed that the executive director of the state
9 convention lacked Christ-like character, could the
10 government resolve that dispute as you understand
11 First Amendment doctrine?

12 MR. GANT: Objection. Vague, 12:24:47
13 foundation, incomplete hypothetical, calls for
14 speculation and for a legal conclusion.

15 THE WITNESS: Again, I don't know. It 12:24:54
16 would seem -- I'm not -- it would seem like
17 uncharted territory, but I -- I could be wrong on
18 that because I'm not a constitutional expert.

19 BY MR. MARTENS: 12:25:02

20 Q Do you have a view on whether or not the 12:25:02
21 government should be allowed to resolve that
22 dispute?

1	A	I don't --	12:25:07
2		MR. GANT: I'm sorry.	12:25:08
3		THE WITNESS: I'm sorry.	12:25:11
4		MR. GANT: Same objections.	12:25:11
5		THE WITNESS: I don't have a view on	12:25:12
6		that. However, I would be open to studying that	
7		and coming to a view if it came to that, but it's	
8		one of those things as I sit here I don't know	
9		what my view would be until I looked at a lot of	
10		data.	
11		BY MR. MARTENS:	12:25:25
12	Q	Okay.	12:25:33
13		MR. GANT: We're going to take lunch at	12:25:41
14		some point, so I don't know where you are in your	
15		--	
16		MR. MARTENS: Sure. We're at 12:25. We	12:25:44
17		can stop now.	
18		VIDEO TECHNICIAN: We're going off the	12:25:50
19		record. This is the end of Media Unit 2. The	
20		time is 12:25 p.m.	
21		(Whereupon, at 12:25 p.m., a	12:25:56
22		luncheon recess was taken.)	12:25:56

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12:25:56

1	A F T E R N O O N S E S S I O N	12:25:56
2	(1:07 p.m.)	12:25:56
3	Whereupon,	12:25:56
4	BARRY HANKINS	12:25:56
5	was called for continued examination, and having	12:25:56
6	been previously duly sworn was examined and	
7	testified further as follows:	
8	VIDEO TECHNICIAN: We're back on the	01:07:00
9	record. This the beginning of Media Unit 3. The	
10	time is 1:07 p.m.	
11	RESUMED EXAMINATION BY COUNSEL FOR	01:07:03
12	DEFENDANT	01:07:03
13	BY MR. MARTENS:	01:07:05
14	Q During the break, did you and Mr. Gant	01:07:06
15	discuss your testimony at all?	
16	A Very little. A little bit.	01:07:09
17	Q What did you talk about?	01:07:11
18	THE REPORTER: What are you saying?	01:07:12
19	MR. GANT: I'm sorry? I'm thinking of	01:07:19
20	my --	
21	THE REPORTER: Oh, I'm sorry, I thought	01:07:21
22	you said --	

1 MR. GANT: -- the instruction or the 01:07:21
2 objection.

3 I -- I maintain our position about the 01:07:26
4 work-product protection, but I'm not sure what
5 he's going to say because I had a -- I had a
6 different impression. But if you'll agree that --
7 well, if you agree there's no waiver of any
8 applicable protection, I'll let you take it
9 step-by-step.

10 MR. MARTENS: I'm not making any 01:07:55
11 agreements.

12 MR. GANT: Okay. Then I'll instruct you 01:07:58
13 not to answer.

14 MR. MARTENS: You're going to instruct 01:08:01
15 him not to answer the -- what you -- so you're
16 instructing him not to answer the last question.
17 Okay.

18 MR. GANT: Right. What -- 01:08:08

19 BY MR. MARTENS: 01:08:08

20 Q Are you -- 01:08:08

21 MR. GANT: -- what we discussed. Wasn't 01:08:08
22 that -- wasn't that the question? Maybe I lost

1 it, but I thought that was the question.

2 MR. MARTENS: Yes. 01:08:13

3 BY MR. MARTENS: 01:08:13

4 Q Are you following Mr. Gant's instruction 01:08:14
5 and not answering the question?

6 A Yes. 01:08:17

7 Q Did you discuss the substance of your 01:08:18
8 testimony?

9 A No. 01:08:19

10 MR. GANT: Objection. Vague. 01:08:20

11 BY MR. MARTENS: 01:08:22

12 Q Did you discuss the style of answering 01:08:23
13 questions?

14 MR. GANT: You can answer that yes or 01:08:26
15 no.

16 THE WITNESS: Yes. 01:08:28

17 BY MR. MARTENS: 01:08:28

18 Q Okay. Let's continue on in your report 01:08:31
19 if you have it there in front of you, Exhibit 2.

20 A I have it. 01:08:43

21 Q Excuse me, Exhibit 1. Turn to page ten. 01:08:43
22 Your report is Exhibit 1. I'm sorry, I misspoke.

1 In discussing -- excuse me. 01:08:56

2 In preparing this section "Relationship 01:09:00

3 of NAMB and BCMD"--

4 A The what relationship? I'm sorry. 01:09:05

5 Q Let me -- let me restate. I might be 01:09:06

6 mumbling a bit. I'm sorry.

7 In preparing this section of the report, 01:09:11

8 Section V beginning on page ten that's entitled

9 "Relationship of NAMB and BCMD," what documents

10 did you look at to develop an understanding of the

11 relationship between NAMB and BCMD?

12 A I recall -- I -- I couldn't sit here 01:09:31

13 and -- and recite every single document I looked

14 at, but I do recall among others looking at the

15 BCMD material that's on the website and some of

16 the NAMB material that's on the website as well.

17 Q At the time that you prepared this 01:09:53

18 section of your report, were you aware that there

19 was a Strategic Partnership Agreement between NAMB

20 and BCMD?

21 MR. GANT: Objection. Vague. 01:10:02

22 THE WITNESS: I had -- I was not 01:10:04

1 familiar with the term "Strategic Partnership
2 Agreement." I -- I guess I was just -- I guess
3 I've always just assumed that there's some -- some
4 way that state conventions partner with agencies
5 of the Southern Baptist Convention, but -- so in a
6 sense no, I was not but I don't want to make it
7 sound like, you know, I had never thought about
8 the relationship either. So...

9 BY MR. MARTENS: 01:10:27

10 Q Did you -- whether you knew of a 01:10:27
11 document specifically entitled "Strategic
12 Partnership Agreement," were you at the time you
13 prepared this section of your report aware that
14 there was some type of written agreement between
15 NAMB and BCMD during Mr. -- during Dr. McRaney's
16 tenure as executive director?

17 MR. GANT: Objection. Vague. 01:10:48

18 THE WITNESS: Yeah, I was -- I was not 01:10:50
19 aware of a written agreement.

20 BY MR. MARTENS: 01:10:52

21 Q Had you read Dr. McRaney's complaint at 01:10:52
22 the time you prepared your report?

1 A At the time I prepared my report? 01:11:02

2 Q Yeah. 01:11:05

3 MR. GANT: Objection. Vague. 01:11:05

4 THE WITNESS: Yes, I read his complaint 01:11:06

5 before I prepared my report.

6 BY MR. MARTENS: 01:11:09

7 Q Did you not recall a reference in there 01:11:10

8 to a Strategic Partnership Agreement?

9 A I didn't recall it. 01:11:15

10 Q Did you ask to see any documentation 01:11:18

11 regarding the relationship between BCMD and NAMB

12 before you prepared this section of your report?

13 A Asked to see like the contract, the 01:11:30

14 agreement itself?

15 Q Or any other working document. 01:11:35

16 A I don't recall if -- if -- and by the 01:11:37

17 way, when you asked that question before, I

18 thought you meant when I started researching this

19 topic. I thought you were asking me when I

20 started to research for this report was I aware of

21 a Strategic Partnership Agreement and my answer

22 was intended to convey that I had not seen the

1 term, I did not know the term "Strategic Partner
2 (sic) Agreement" until I read it in relationship
3 to this case.

4 At what point I saw SPA and understood 01:12:12
5 it to be a written agreement, I couldn't tell you
6 for sure at what point it was. It was whatever
7 first document I read that had that in there.

8 And I also thought you were asking me if 01:12:26
9 I knew that state conventions were -- had written
10 agreements with the SBC. And my answer would have
11 been I -- coming into this, I would have assumed
12 so, but I did not know that until I started
13 reading documents for this case.

14 Q So thank you for clarifying that because 01:12:41
15 I think my question might have been imprecise and
16 so that's helpful.

17 By the time you signed your report on 01:12:47
18 September 29th, 2022, were you aware that there
19 was some type of written agreement during
20 Dr. McRaney's tenure between NAMB and BCMD?

21 MR. GANT: Objection. Vague. 01:13:04

22 THE WITNESS: I believe I was if, in 01:13:06

1 fact, it's in the materials, as you say, and I
2 think it's referenced in different places that
3 there was a written agreement.

4 BY MR. MARTENS: 01:13:13

5 Q Did you look at the written agreement at 01:13:14
6 any point prior to September 29th, 2022, when you
7 signed your report?

8 A I don't remember seeing -- reading the 01:13:21
9 written agreement itself. I don't recall.

10 Q Did you not think that in writing an 01:13:25
11 expert report on the relationship of NAMB and BCMD
12 it would be important to look at a written
13 agreement documenting that relationship?

14 MR. GANT: Objection. Vague, 01:13:36
15 foundation, argumentative.

16 THE WITNESS: I saw my role as 01:13:39
17 describing the relationship that state conventions
18 have with the Southern Baptist Convention,
19 congregations with state conventions and so forth,
20 as we've been discussing today, and so my
21 understanding was that a written agreement is a
22 legal document that my expertise would not be

1 particularly valuable to. But -- yeah, I'll leave
2 it -- I'll leave it at that, yeah.

3 BY MR. MARTENS: 01:14:11

4 Q But you included a section in here 01:14:11
5 about -- entitled "Relationship of NAMB and BCMD."

6 What were you attempting to accomplish 01:14:17
7 with that section?

8 A What -- what section are we talking 01:14:20
9 about?

10 Q Your report, Section V. 01:14:22

11 A I was attempting to describe the way 01:14:31
12 that state conventions partner with the Southern
13 Baptist Convention and the ways that that fits in
14 with Baptist history of autonomy and so forth.

15 Q But isn't one of the ways they partner 01:14:55
16 through written agreements?

17 MR. GANT: Objection. Foundation, 01:14:59
18 argumentative, the report speaks for itself.

19 THE WITNESS: I -- as I -- as I say, 01:15:03
20 obviously autonomous organizations that are going
21 to partner together have to come to an
22 understanding of what that partnership is going to

1 be.

2 BY MR. MARTENS: 01:15:22

3 Q And so opining on the relationship 01:15:22
4 between NAMB and BCMD, wouldn't it make sense to
5 look at the agreement between them about that
6 partnership?

7 MR. GANT: Objection. Argumentative, 01:15:31
8 the report speaks for itself.

9 THE WITNESS: Again, it didn't seem -- 01:15:34
10 the legal structure of that agreement seemed a
11 matter for others to look into. I was interested
12 in how those agreements generally work and what
13 they mean in an organization that has autonomous
14 bodies.

15 BY MR. MARTENS: 01:15:57

16 Q Do you -- do you know whether there's 01:15:57
17 any spiritual component to that Strategic
18 Partnership Agreement?

19 A I do not, no. 01:16:04

20 MR. GANT: Hold on. 01:16:05

21 THE WITNESS: I'm sorry. 01:16:06

22 MR. GANT: Vague, foundation. 01:16:06

1 BY MR. MARTENS: 01:16:07

2 Q Do you know whether there's any 01:16:08

3 theological component to that Strategic

4 Partnership Agreement?

5 MR. GANT: Objection. Vague, 01:16:12

6 foundation.

7 THE WITNESS: I do not, no. 01:16:13

8 BY MR. MARTENS: 01:16:13

9 Q Do you know whether that Strategic 01:16:14

10 Partnership Agreement explains how the concept of

11 autonomy would govern between those organizations?

12 MR. GANT: Same objections. 01:16:23

13 THE WITNESS: I don't. 01:16:24

14 BY MR. MARTENS: 01:16:25

15 Q Okay. Let's take a look. We're going 01:16:25

16 to mark this as Exhibit 4.

17 (Hankins Exhibit Number 4 was 01:16:28

18 marked for identification.) 01:16:38

19 BY MR. MARTENS: 01:16:42

20 Q Exhibit 4 for the record is a four-page 01:16:43

21 document bearing Bates number NAMB-0002 through

22 0005.

1 A You know, as I look at this, I think I 01:17:09
2 may have looked at this online and did not
3 recognize it as a Strategic Partnership Agreement.

4 Q How did you find this online? 01:17:17

5 MR. GANT: Hold on. He's reviewing the 01:17:20
6 document.

7 BY MR. MARTENS: 01:17:22

8 Q Sure. Take -- let me know when you're 01:17:23
9 done reviewing it. I don't want to rush you on
10 that.

11 A (Reading.) 01:17:28

12 Okay. 01:18:35

13 Q Have you had a chance to review that? 01:18:35

14 A Very quickly in a sort of skimming 01:18:37
15 fashion.

16 Q Okay. Do you feel like you need to look 01:18:39
17 at it more to continue with the questions?

18 MR. GANT: Objection. Vague, calls for 01:18:43
19 speculation.

20 THE WITNESS: If you want to ask 01:18:49
21 questions about specific parts of it, I may want
22 to reread those specific parts.

1 BY MR. MARTENS: 01:18:56

2 Q Absolutely. You just let me know if you 01:18:56
3 need to look at more of it.

4 A Okay. 01:19:01

5 Q So let's start with what you mentioned 01:19:01
6 about you may have seen this online.

7 A Uh-huh. 01:19:05

8 Q What do you mean by that? 01:19:05

9 A I don't know -- see, what -- the reason 01:19:06
10 I say that is as I read through this, these things
11 are all familiar because I read online on the BCMD
12 website how they do their work and how they
13 partner with congregations, how they partner with
14 the SBC and NAMB and so forth, but I -- what I
15 can't recall for sure was whether I was reading
16 all of these principles in a different document.

17 I see at the end this looks like a 01:19:30
18 signed contract. I don't recall seeing that part
19 of it.

20 So when I say I hadn't seen a Strategic 01:19:37
21 Partnership Agreement, I'm not sure at this -- I
22 would correct that and say I'm not sure if I've

1 seen a Strategic Partnership Agreement because
2 I've read the website enough to see most of these
3 principles and most of these sort of
4 organizational structures the BCSD -- BCSD (sic)
5 utilizes.

6 Having said that, I would not class 01:20:03
7 myself as any sort of expert on the institutional,
8 you know, relationship. I study much more how
9 these things cash out, when they're operating,
10 what that means than I am on what the particulars
11 of the agreement are, especially in a legal sense,
12 so...

13 Q Just so I understand, when you said you 01:20:24
14 wouldn't consider yourself as a -- as any sort of
15 expert on the institutional relationship, what do
16 you mean by that? Do you mean between BCMD and
17 NAMB?

18 A I -- what I mean is I don't study the 01:20:37
19 institutional -- I don't focus my study on the
20 institutional relationship of religious bodies. I
21 focus on what they do in a substantive way within
22 culture, within politics, these sorts of things.

1 Q So maybe if you can just help me a 01:20:56
2 little bit more. When you say you don't focus
3 your study on the institutional relationship of
4 religious bodies, what does that mean?

5 A To give an example, if I were going to 01:21:08
6 talk about how an agency of the Southern Baptist
7 Convention did social ministry in a particular
8 state in partnership with a state convention, I
9 wouldn't concern myself with the exact nature of
10 what their agreement was, rather I would say these
11 two entities partnered together and this is what
12 they did and I would be much more interesting --
13 interested in focusing on what they did, what the
14 result of that was, why it was significant and so
15 forth.

16 Q Because you're a historian? Is that 01:21:50
17 why?

18 A I'm a historian, yes, correct. 01:21:54

19 Q Do you -- prior to this retention to be 01:21:57
20 an expert in this case, did you know anything
21 about the specifics about how NAMB and BCMD
22 partner?

1 MR. GANT: Objection. Vague. 01:22:13

2 THE WITNESS: If you mean by "specifics" 01:22:15

3 how they nailed down legally what they were -- how

4 they were going to be related to each other, I --

5 I didn't, but I would understand that almost all

6 the state conventions partner with other Baptist

7 entities and then they do certain things.

8 Again, my focus would not be on the 01:22:41

9 specific nuts and bolts of the institutional

10 relationship, it would be on the substantive way

11 they work together, what they did and how that was

12 significant.

13 BY MR. MARTENS: 01:22:52

14 Q Okay. And when you say "substantive way 01:22:52

15 they work together," are you referring to the

16 principles of autonomy, hierarchy, cooperation?

17 MR. GANT: Objection. Vague, compound. 01:23:01

18 THE WITNESS: No, in this sense I'm 01:23:03

19 meaning, okay, what were they doing, were they

20 trying to deal with issues of poverty or

21 evangelism.

22 BY MR. MARTENS: 01:23:14

1 Q Why did you go look at NAMB's website in 01:23:18
2 the course of preparing your report here?

3 MR. GANT: Objection. Mischaracterizes 01:23:24
4 testimony.

5 BY MR. MARTENS: 01:23:30

6 Q Was I mischaracterizing your testimony 01:23:30
7 about what you did?

8 MR. GANT: Can I tell you what I thought 01:23:34
9 he said?

10 MR. MARTENS: No, you can't coach him, 01:23:37

11 you can raise objections.

12 MR. GANT: I'm not trying to coach, I'm 01:23:40

13 trying to have a clear record.

14 BY MR. MARTENS: 01:23:45

15 Q Did I -- did I mis- -- did you you say 01:23:45

16 earlier -- I mean, if I misunderstood, tell me.

17 Did you go look at NAMB's website in the course of
18 preparing your report here?

19	A	I believe I did, yes.	01:23:53
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20 Q And did you go look at BCMD's website in 01:23:54

21 the course of preparing your report here?

22	A	Yes, I looked at BCMD's website.	01:24:01
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1 MR. GANT: That's what he had said. 01:24:01

2 BY MR. MARTENS: 01:24:01

3 Q And why did you go look at BCMD's 01:24:01
4 website in the course of preparing your report
5 here?

6 A Because I was interested in -- I mean, 01:24:07
7 in a general sense it seemed like just due
8 diligence dealing with these two entities within
9 the context of historically how Baptists have
10 worked together and I was interested in seeing
11 how, you know, in a broad sense again, not the
12 institutional nuts and bolts of the legal
13 agreement so much, as into what BCMD would say
14 about its partnership with the churches in --
15 in -- in Maryland and Delaware or with the
16 Southern Baptist Convention and so forth just to
17 familiarize myself with how that fits with the
18 general sort of historical understanding I have
19 about the relationship with state conventions and
20 the SBC.

21 Q And why did you look at NAMB's website 01:25:03
22 in the course of preparing your report here?

1 A I would say for the same reason. I -- 01:25:10
2 I -- I don't recall specifically thinking, oh,
3 this is what I just have to know about how NAMB --
4 I was just familiarizing myself with how NAMB and,
5 in this particular case, a state convention sort
6 of conceptualize their partnership together.
7 Q Prior to being retained to be an expert 01:25:34
8 in this matter, had you ever studied the
9 relationship between NAMB and state conventions?
10 MR. GANT: Objection. Vague, 01:25:44
11 foundation, asked and answered.
12 THE WITNESS: As best I can remember, 01:25:50
13 no, but I say as best as I can remember because
14 you might find something somewhere that I've
15 written and I actually did spend a few hours
16 looking at it, I don't know.
17 BY MR. MARTENS: 01:26:02
18 Q Fair enough. Okay. So let's go back to 01:26:04
19 Exhibit 4, the Strategic Partnership Agreement.
20 Do you see under the Preamble heading 01:26:13
21 there's a paragraph that begins in quotes, "The
22 North American Mission Board."

1 Do you see that? 01:26:23

2 A Uh-huh. 01:26:24

3 Q And it reads, "The North American 01:26:24

4 Mission Board exists to work with churches,

5 associations and state conventions in mobilizing

6 Southern Baptists as a missional force to impact

7 North America with the gospel of Jesus Christ

8 through evangelism and church planting."

9 Do you see that? 01:26:42

10 A Yes. 01:26:43

11 Q What do you understand the phrase 01:26:43

12 "missional force" to mean?

13 MR. GANT: Objection. Foundation and 01:26:47

14 vague.

15 THE WITNESS: Without thinking too 01:27:02

16 theologically and specifically, it strikes me as

17 simply saying that these Baptist entities want to

18 work together. I mean, to be a force for

19 missions, which is almost saying the same thing.

20 It -- it almost seems self-explanatory to me in

21 that sense.

22 BY MR. MARTENS: 01:27:36

1 Q Do you understand that phrase, "a 01:27:37
2 missional force to impact North America with the
3 gospel of Jesus Christ through evangelism and
4 church planting" to be describing a religious
5 activity?

6 MR. GANT: Objection. Vague, 01:27:50
7 foundation.

8 THE WITNESS: It would seem to me to be 01:27:56
9 a -- a missional force for the gospel of Jesus
10 Christ and evangelism and church planting would
11 seem to me to be a religious enterprise.

12 BY MR. MARTENS: 01:28:11

13 Q And would you, as you understand the 01:28:11
14 First Amendment, understand that enterprise, to
15 use your word, as one protected by the
16 constitution from government interference?

17 MR. GANT: Objection. Vague, 01:28:20
18 foundation, incomplete hypothetical, calls for
19 speculation and for a legal conclusion.

20 THE WITNESS: I do believe that the 01:28:31
21 First Amendment protects religious groups as they
22 seek to engage in their mission within the

1 culture.

2 BY MR. MARTENS: 01:28:41

3 Q Okay. Now, let's turn to the next page. 01:28:43

4 Do you see that there's a "I. General 01:28:51

5 Principles"?

6 A Yes, I see the General Principles 01:29:02

7 section, yes.

8 Q And under paragraph one it reads, "This 01:29:05

9 Strategic Partnership Agreement is between the

10 Baptist Convention of Maryland/Delaware and the

11 North American Mission Board of the Southern

12 Baptist Convention. The purpose of this agreement

13 is to define the relationships and

14 responsibilities of the convention and the North

15 American Mission Board in areas where the two

16 partners jointly develop, administer and evaluate

17 a strategic plan for penetrating lostness through

18 church planting and evangelism."

19 Did I read that correctly? 01:29:42

20 A I believe you did. 01:29:44

21 Q What, as you understand it, does 01:29:44

22 "penetrating lostness" mean?

1 MR. GANT: Objection. Vague. 01:29:50

2 THE WITNESS: Baptists, among most -- 01:29:54

3 almost all Evangelicals, believe that without
4 Christ a person is lost and that our culture is in
5 need of the penetration of the gospel into that
6 culture of people who are lost in sin and need
7 Christianity, need the gospel of Jesus Christ. So
8 that's how I would understand penetrating
9 lostness.

10 BY MR. MARTENS: 01:30:30

11 Q Okay. Is penetrating lostness through 01:30:31
12 church planting and evangelism a religious
13 activity?

14 MR. GANT: Objection. Vague, 01:30:40
15 foundation, incomplete hypothetical, calls for
16 speculation, and to the extent it calls for a
17 legal conclusion.

18 THE WITNESS: I believe for the purposes 01:30:49
19 of my work, yes, I would call that a religious
20 activity.

21 BY MR. MARTENS: 01:30:54

22 Q And as you understand the First 01:30:55

1 Amendment, would penetrating lostness through
2 church planting and evangelism be an activity
3 protected from government interference?

4 MR. GANT: Objection. Vague, 01:31:06
5 foundation, incomplete hypothetical, calls for
6 speculation and for a legal conclusion.

7 THE WITNESS: What was the last part of 01:31:12
8 your question? Protected?

9 BY MR. MARTENS: 01:31:14

10 Q By the -- protected from government 01:31:14
11 interference.

12 MR. GANT: Same objections. 01:31:18

13 THE WITNESS: Yes, I believe that church 01:31:19
14 planting, evangelism, penetrating lostness is
15 protected by the First Amendment.

16 BY MR. MARTENS: 01:31:27

17 Q Is the cooperation of BCMD and NAMB to 01:31:43
18 penetrate lostness through church planting and
19 evangelism a religious activity?

20 MR. GANT: Same objections. 01:31:57

21 THE WITNESS: It appears to me that BCMD 01:32:02
22 and NAMB partnered together to engage in these

1 religious activities and as such they would be
2 protected by the First Amendment.

3 BY MR. MARTENS: 01:32:15

4 Q If we continue on to the second 01:32:15
5 paragraph, it says, "The Strategic Partnership
6 Agreement shall be driven by shared values that
7 reflect mutual respect and peer-to-peer
8 relationships."

9 Did I read that correctly? 01:32:32

10 A Yes, I believe you did. 01:32:33

11 Q What do you understand peer-to-peer to 01:32:34
12 refer to in paragraph two on page two of
13 Exhibit 4?

14 A I believe peer-to-peer reflects that, 01:32:47
15 again, there's no hierarchy involved here, that
16 these are two autonomous Baptist bodies. I mean,
17 NAMB is not autonomous from the Southern Baptist
18 Convention, but to the extent that BCMD is
19 partnering with the Southern Baptist Convention,
20 these are two -- they're both autonomous Baptist
21 bodies, therefore, they operate as peers, not as
22 one being subservient to the other.

1 Q And if you continue down on the list of 01:33:22
2 shared values in paragraph two, letter F
3 identifies autonomy of individual Baptist
4 entities.

5 What do you understand that to mean in 01:33:31
6 the context of paragraph two and the agreement as
7 a whole?

8 MR. GANT: Object to the latter part 01:33:39
9 because he already said he's only skimmed the
10 whole agreement, so I object to that extent.

11 THE WITNESS: It appears to me as I look 01:33:53
12 at it that this is an attempt to list what the
13 shared values are, these values are, and so
14 autonomy of individual Baptist entities appears to
15 me to be a value shared by the BCMD and NAMB.

16 BY MR. MARTENS: 01:34:14

17 Q Now, if we continue through this 01:34:18
18 document, go to the last page, paragraph three.

19 A Which document are we on? 01:34:43

20 Q Same one. 01:34:45

21 A Oh, okay. 01:34:45

22 Q Sorry. Strategic Partnership Agreement, 01:34:45

1 Exhibit 4, the final page that has Bates number
2 ending in five on it.

3 A Okay. 01:34:51

4 Q Paragraph three under "Cooperation." 01:34:53

5 MR. GANT: I'm sorry, can you just pause 01:34:56
6 one second, please.

7 THE WITNESS: Paragraph IV. 01:34:58

8 MR. MARTENS: It's the page with the 01:34:59
9 signatures on it.

10 MR. GANT: No, I get that, but there's a 01:35:01
11 missing paragraph and I don't know if this is the
12 original or this is an issue. I notice after
13 seven an issue with a number of paragraphs, but
14 doesn't go from II on page four to IV?

15 THE WITNESS: That's what mine does. 01:35:17

16 MR. GANT: So is this -- 01:35:19

17 MR. MARTENS: As -- as far as I know, 01:35:21
18 it's the whole thing and it's Bates numbered
19 consecutively.

20 BY MR. MARTENS: 01:35:26

21 Q So if you look at paragraph three under 01:35:28
22 IV, "Cooperation," what do you understand

1 cooperation here to mean?

2 MR. GANT: Objection. Vague, 01:35:45
3 foundation.

4 THE WITNESS: Let me read this section a 01:35:49
5 little more carefully.

6 BY MR. MARTENS: 01:35:58

7 Q Sure. 01:36:00

8 A (Reading.) 01:36:33

9 Okay. 01:36:33

10 Q What did you understand cooperation as 01:36:35
11 used in this section of the agreement to mean?

12 MR. GANT: Same objections and the 01:36:40
13 document speaks for itself.

14 THE WITNESS: Cooperation in this sense 01:36:51
15 seems -- seems fairly straightforward to me that
16 you have two entities that have decided to work
17 together, cooperate to achieve certain ends.

18 BY MR. MARTENS: 01:37:09

19 Q We discussed earlier today before lunch 01:37:12
20 the idea of cooperation being a doctrinal concept
21 in Southern Baptist life.

22 Do you remember that? 01:37:22

1 A Yes. 01:37:24

2 Q Do you understand the cooperation being 01:37:25

3 described here to be that type of cooperation?

4 MR. GANT: Objection. Vague, 01:37:31

5 foundation, calls for speculation.

6 THE WITNESS: The way it is here in this 01:37:36

7 document it appears different in -- somewhat

8 different than in a confessional statement.

9 This seems to be more a description of 01:37:48

10 what these two entities are going to do as they

11 work together. So I don't see this document as a

12 doctrinal document.

13 BY MR. MARTENS: 01:38:05

14 Q Do you understand this cooperation 01:38:05

15 described in this document to be an example of the

16 type of cooperation that this Baptist Faith and

17 Message recognizes as a doctrinal matter Baptist

18 entities might engage in?

19 MR. GANT: Objection. Vague, compound, 01:38:24

20 foundation, calls for speculation.

21 THE WITNESS: All I can say is this does 01:38:29

22 not to be -- does not appear to me to be doctrinal

1 in nature. It seems to be a description of the
2 way in which these two entities are going to
3 cooperate.

4 BY MR. MARTENS: 01:38:46

5 Q So the Baptist Faith and Message -- 01:38:48

6 A Can I give an analogy? 01:38:50

7 Q Certainly. 01:38:53

8 A If a document outlined the ways that two 01:38:54
9 agencies were going to evangelize, I would not see
10 a description of how they were going to evangelize
11 as being doctrinal in the same sense as evangelism
12 is a doctrinal statement. The same thing here.

13 Q Understood. So I guess what I'm asking 01:39:14
14 is we looked at the Baptist Faith and Message
15 earlier and it describes the doctrinal concept of
16 cooperation, correct?

17 MR. GANT: I'm -- I'm just going to 01:39:28
18 object to make clear that the version of the
19 Baptist Faith and Message that was marked and
20 discussed earlier was from 1925, the SPA is 2012,
21 so I'd ask you to be clear in your question.
22 Object as vague, lacking foundation, misleading.

1 BY MR. MARTENS: 01:39:52

2 Q Go ahead and answer. 01:39:53

3 A In my response as I recall it from this 01:39:54
4 morning, I think I said something to the effect
5 that in the Baptist Faith and Message statement it
6 is a -- it is a -- it is a doctrinal statement, it
7 is a confession of faith, but not everything in
8 it -- not every doctrine in it rises to the same
9 level as every other doctrine. And when you get
10 to cooperation, I think it could be construed as a
11 doctrinal concept, but loosely so.

12 It is more in my view a description of 01:40:41
13 the prescribed way that Baptists are going to
14 carry out much more heavily doctrinal things like
15 evangelism and missions. So here cooperation
16 seems even less theological than that.

17 Q Okay. Is the belief that Christ people 01:41:12
18 should, as occasion require, organize as may best
19 secure cooperation for the great objects of the
20 Kingdom of God a doctrine of belief that Baptists
21 hold?

22 MR. GANT: Are you reading from 01:41:30

1 something?

2 BY MR. MARTENS: 01:41:32

3 Q Go ahead and answer the question. 01:41:33

4 MR. GANT: Can you read the question 01:41:35

5 back, please.

6 BY MR. MARTENS: 01:41:36

7 Q Is the belief that Christ people should, 01:41:37

8 as occasion require, organize as may best secure

9 cooperation for the great objects of the Kingdom

10 of God a doctrinal belief of Southern Baptists?

11 MR. GANT: Objection. Vague, 01:41:52

12 foundation, compound.

13 THE WITNESS: I think it should probably 01:41:59

14 be construed as doctrinal, but I think it's

15 important to see and interpret the word "should"

16 in that statement because some doctrines are not a

17 matter of should or shouldn't, it has to be that

18 way.

19 One -- no doctrinal statement of any 01:42:20

20 evangelical denomination would say one should

21 espouse that Jesus Christ is the son of God.

22 That's what I mean when I say in one sense it's

1 doctrinal, in another sense it's describing a way
2 to carry out the more fundamental things, the more
3 doctrinal things that Baptists want to do.

4 BY MR. MARTENS: 01:42:46

5 Q Okay. To use that language, going back 01:42:47
6 to Exhibit 4, the SPA, is the cooperation section
7 describing a way to carry out the more fundamental
8 things, the doctrinal things that Baptists want to
9 do, namely penetrating lostness?

10 MR. GANT: Objection. Vague, compound, 01:43:07
11 the document speaks for itself.

12 THE WITNESS: Again, I would say this is 01:43:15
13 outlining how these two Baptist entities are going
14 to cooperate together to carry out the mission of
15 Southern Baptists. So this does not strike me as
16 a doctrinal statement. It strikes me as an
17 outline of how to carry out the doctrine of
18 evangelism essentially and cooperation is a method
19 of doing that.

20 BY MR. MARTENS: 01:43:57

21 Q Okay. Thanks. 01:43:58

22 So as a matter of cooperation, the 01:44:02

1 agreement provides in paragraph three that it may
2 be discontinued by either partner, correct?

3 MR. GANT: Objection. Vague, compound. 01:44:15

4 THE WITNESS: Yes, it states, "The 01:44:20
5 agreement may be discontinued by either partner."

6 BY MR. MARTENS: 01:44:24

7 Q So in outlining how to carry out the 01:44:29
8 doctrine of evangelism in cooperation, the
9 agreement provides that the parties may
10 discontinue cooperation, correct?

11 MR. GANT: Objection. Vague, compound, 01:44:42
12 mischaracterizes testimony, asked and answered.

13 THE WITNESS: Yeah, that -- that -- I 01:44:49
14 think my previous answer would be my same answer.

15 BY MR. MARTENS: 01:44:54

16 Q Which is what? 01:44:55

17 A It sounds like the same question to me. 01:44:56

18 Q Which was what? What's the same answer? 01:44:59

19 MR. GANT: Would you like it read back? 01:45:02

20 THE WITNESS: Yes. 01:45:03

21 BY MR. MARTENS: 01:45:04

22 Q In carrying -- in outlining how to carry 01:45:05

1 out the doctrine of evangelism in cooperation, the
2 agreement provides that the parties may
3 discontinue their cooperation, correct?

4 A Well, either partner. Either partner 01:45:16
5 can discontinue the cooperation.

6 Q In other words, the agreement provides 01:45:23
7 that in carrying out evangelism, either partner
8 can decide to discontinue cooperation, correct?

9 MR. GANT: Objection. Foundation, 01:45:37
10 mischaracterizes testimony, asked and answered,
11 the document speaks for itself.

12 THE WITNESS: Unless I'm missing 01:45:43
13 something, it seems to me to be the same question
14 that I just answered, so I'm -- I'm not inclined
15 to change my answer.

16 BY MR. MARTENS: 01:45:51

17 Q I'm not asking you to. I'm asking a 01:45:52
18 slightly different question.

19 MR. GANT: Matt -- 01:45:55

20 BY MR. MARTENS: 01:45:55

21 Q In other words -- 01:45:55

22 MR. GANT: Matt, just -- 01:45:56

1 MR. MARTENS: There's nothing for you to 01:45:58
2 say, Scott.

3 MR. GANT: Yes, there is. 01:45:59

4 MR. MARTENS: Object or be quiet. 01:45:59
5 Object or be quiet.

6 MR. GANT: No. You -- you -- 01:46:00

7 MR. MARTENS: That's your options. 01:46:00

8 MR. GANT: No. 01:46:02

9 BY MR. MARTENS: 01:46:03

10 Q The question -- 01:46:03

11 MR. GANT: You cut him off when he was 01:46:03
12 still answering.

13 BY MR. MARTENS: 01:46:07

14 Q Were you still answering, Mr. Hankins? 01:46:07

15 MR. GANT: Now you're cutting me off. 01:46:10
16 Make sure you let him answer before you --

17 BY MR. MARTENS: 01:46:12

18 Q I didn't mean to cut you off, so if 01:46:12
19 you're not done, I definitely want you to finish.

20 A I hear you asking me if either partner, 01:46:16
21 according to this document, this agreement, if
22 either partner can discontinue the agreement and

1 my answer has been yes, either partner can
2 discontinue the agreement it appears to me looking
3 at this document here in front of me.

4 Q And I was only seeking to clarify by 01:46:40
5 adding one additional element, which is either
6 partner under the agreement can discontinue
7 cooperating in evangelism, correct?

8 MR. GANT: Objection. The document 01:46:55
9 speaks for itself, foundation, and asked and
10 answered.

11 THE WITNESS: Again, I'm not sure I 01:47:04
12 understand the difference, but -- so I'm really
13 not sure how to answer it.

14 BY MR. MARTENS: 01:47:14

15 Q Okay. Well, let's back up. The 01:47:14
16 agreement is an agreement, I thought we
17 established on page two, to cooperate in
18 penetrating lostness.

19 A Okay. 01:47:23

20 Q Is that right? 01:47:23

21 MR. GANT: Objection. 01:47:24

22 BY MR. MARTENS: 01:47:24

1 Q As you understand the agreement? 01:47:25

2 MR. GANT: Objection. Asked and 01:47:26

3 answered, the document speaks for itself.

4 THE WITNESS: Well, penetrating lostness 01:47:31

5 is not the only thing that's listed.

6 BY MR. MARTENS: 01:47:36

7 Q It also mentions church planting and 01:47:36

8 evangelism.

9 A Among other things, so I would say 01:47:36

10 penetrating lostness among the other things that

11 are listed there.

12 Q Okay. So let me be more precise. Do 01:47:41

13 you understand this agreement to be an agreement

14 of cooperation between NAMB and BCMD to penetrate

15 lostness through church planting and evangelism?

16 MR. GANT: Objection. Vague, 01:47:53

17 foundation, the document speaks for itself.

18 THE WITNESS: It seems to me an 01:47:57

19 agreement between these two organizations to

20 cooperate together to do those things.

21 BY MR. MARTENS: 01:48:06

22 Q And the agreement reserves the right of 01:48:07

1 either party to discontinue cooperating in
2 penetrating lostness through church planting and
3 evangelism, correct?

4 MR. GANT: Objection. Vague, 01:48:19
5 foundation, the document speaks for itself, asked
6 and answered.

7 THE WITNESS: It does seem clear to me 01:48:25
8 that either partner can discontinue the
9 cooperation.

10 BY MR. MARTENS: 01:48:30

11 Q Now, let's go to your report and -- 01:48:36
12 which is Exhibit 1, page three.

13 A Okay. 01:49:39

14 Q In paragraph C the first sentence reads, 01:49:39
15 "State conventions do not exist to support the
16 Southern Baptist Convention."

17 Did I read that correctly? 01:49:49

18 A Yes. 01:49:51

19 Q What do you mean by "do not exist to"? 01:49:54

20 A Baptist conventions are usually 01:50:15
21 formed -- well, they're always formed by
22 congregations who make decisions to partner

1 together to do a variety of things. With Southern
2 Baptists mostly it has to do with evangelism and
3 missions. And their relationship to the Southern
4 Baptist Convention then could be a way of
5 accomplishing those things. But the state
6 conventions exist to cooperate together to advance
7 Christian causes, not to support the Southern
8 Baptist Convention. Not that supporting the
9 Southern Baptist Convention would never come into
10 play, but that's not the reason for the existence
11 of Southern -- of state conventions.

12 Q And what do you mean by that phrase when 01:51:15
13 you say "not that supporting the Southern Baptist
14 Convention would never come into play for a state
15 convention." What do you mean by that?

16 A Well, you could have a state 01:51:27
17 convention -- a group of messengers from
18 congregations meeting at the state convention and
19 they could all vote on a resolution saying we want
20 to support the Southern Baptist Convention in its
21 great effort to evangelize the world.

22 Q Do state conventions contribute funds to 01:51:43

1 the Southern Baptist Convention?

2 MR. GANT: Objection. Vague, compound, 01:51:48
3 foundation, calls for speculation.

4 THE WITNESS: I believe they do. That 01:51:52
5 is my understanding.

6 BY MR. MARTENS: 01:51:54

7 Q Okay. So let's talk about the flow of 01:51:54
8 funds in the Southern Baptist Convention.

9 Local congregations pool funds into -- 01:52:05
10 or can pool funds into local associations,
11 correct?

12 MR. GANT: Same objections. 01:52:14

13 THE WITNESS: Yes, they do pool funds 01:52:16
14 into local associations.

15 BY MR. MARTENS: 01:52:19

16 Q And local congregations can pool funds 01:52:21
17 into state conventions, correct?

18 MR. GANT: Same objections. 01:52:26

19 THE WITNESS: Yes, local congregations 01:52:28
20 can submit a percentage of their funds to a state
21 convention.

22 BY MR. MARTENS: 01:52:35

1 Q And local associations can send a 01:52:35
2 portion of their funds to state conventions,
3 correct?

4 MR. GANT: Same objections. 01:52:41

5 THE WITNESS: I believe so, although I 01:52:43
6 have not studied fund- -- the funding mechanisms,
7 but that is my understanding as I sit here.

8 BY MR. MARTENS: 01:52:52

9 Q And then state conventions can send 01:52:52
10 money to and do send money to the Southern Baptist
11 Convention, correct?

12 MR. GANT: Same objections. 01:53:04

13 THE WITNESS: Yeah, state conventions 01:53:05
14 can send funds to the Southern Baptist Convention.

15 BY MR. MARTENS: 01:53:08

16 Q And then the Southern Baptist Convention 01:53:08
17 can distribute those funds received from either
18 congregations, local associations or state
19 conventions to SBC agencies, correct?

20 MR. GANT: Objection. Foundation, calls 01:53:22
21 for speculation, and to the extent it calls for a
22 legal conclusion.

1 THE WITNESS: As far as I know, yes, 01:53:28
2 that is the way it works.
3 BY MR. MARTENS: 01:53:32
4 Q And the Southern Baptist Convention can 01:53:32
5 distribute funds to state conventions, correct?
6 MR. GANT: Same objections. 01:53:41
7 THE WITNESS: I believe that is the 01:53:42
8 case.
9 BY MR. MARTENS: 01:53:43
10 Q And SBC agencies like NAMB can 01:53:43
11 distribute funds to state conventions, correct?
12 MR. GANT: Same objections. 01:53:49
13 THE WITNESS: I believe that is the 01:53:50
14 case, yes.
15 BY MR. MARTENS: 01:53:51
16 Q And none of that, if it's voluntary, 01:53:51
17 violates the principle of autonomy, correct?
18 MR. GANT: Objection. Vague, 01:53:57
19 foundation, compound, calls for speculation.
20 THE WITNESS: I would agree that the 01:54:02
21 flow of funds in the Southern Baptist Convention
22 from congregations, associations, state

1 conventions to the Southern Baptist Convention and
2 the flow of funds back the other direction, those
3 decisions about funds are made autonomously by
4 whichever unit, entity is sending the funds, so I
5 do not believe it would violate autonomy.

6 BY MR. MARTENS: 01:54:29

7 Q And that flow of funds we just described 01:54:29
8 also would not violate the principle of
9 nonhierarchy, correct?

10 MR. GANT: Same objections. 01:54:38

11 THE WITNESS: I believe that is the 01:54:40
12 case, that it would not -- the flow of funds in
13 Baptist -- Southern Baptist life, I do not believe
14 it violates nonhierarchy.

15 BY MR. MARTENS: 01:54:47

16 Q And the flow of funds also would not 01:54:48
17 violate the principle of cooperation, correct?

18 MR. GANT: Same objections. 01:54:54

19 THE WITNESS: I'm not sure what that -- 01:55:04
20 what that would look like.

21 BY MR. MARTENS: 01:55:09

22 Q Let me state it like this, maybe this is 01:55:14

1 easier: Would that flow of funds be an example of
2 the principle of cooperation?

3 MR. GANT: Can I hear both questions 01:55:23
4 together because I'm not sure what -- what "this"
5 refers to.

6 (The reporter read the record 01:55:28
7 as requested.) 01:55:52

8 MR. GANT: I've -- I've lost which flow 01:55:53
9 of funds we're talking about, so objection, vague,
10 foundation, calls for speculation.

11 THE WITNESS: It seems to me that the 01:55:59
12 flow of funds in whatever direction, congregations
13 to the SBC, other entities to the SBC and back the
14 other way, could -- could be construed as a form
15 of cooperation.

16 BY MR. MARTENS: 01:56:11

17 Q And in order for that cooperation to be 01:56:12
18 consistent with the principle of autonomy, that
19 flow of funds in either direction has to be
20 voluntary, correct?

21 A Yes, the flow of funds would have to be 01:56:25
22 voluntary.

1 Q And in order for that cooperation to be 01:56:28
2 consistent with the principle of autonomy, any of
3 those entities involved in the flow of funds would
4 have to have the authority not to distribute
5 funds, correct?

6 MR. GANT: Objection. Vague, 01:56:43
7 foundation, compound, incomplete hypothetical,
8 calls for speculation, and to the extent it calls
9 for a legal conclusion.

10 THE WITNESS: Could you say the question 01:56:53
11 again?

12 BY MR. MARTENS: 01:56:59

13 Q Right. And for that cooperation, 01:56:59
14 meaning the flow of funds either direction, to be
15 consistent with the principle of autonomy, the
16 entities involved in that flow of funds would have
17 to be free not to share funds, correct?

18 MR. GANT: Same objections. 01:57:17

19 THE WITNESS: It -- it would seem to me 01:57:20
20 that in Baptist polity each autonomous group
21 should be free to send funds or stop sending
22 funds.

1 BY MR. MARTENS: 01:57:37

2 Q Now, let's look at page 14 of your 01:57:56

3 report, your report being Exhibit 1, and in

4 particular I want to look at paragraph H.

5 A Okay. 01:58:51

6 Q And do you see you refer in paragraph H 01:58:51

7 to the authority of the SBC flowing from the

8 bottom up?

9 A Yes, I see authority flow from the 01:59:04

10 bottom up.

11 Q What is the bottom of the SBC? 01:59:07

12 A I would say the way the SBC is 01:59:14

13 organized, it's the messengers in the churches.

14 Q And what is the top of the SBC? 01:59:21

15 MR. GANT: Objection. Vague, 01:59:26

16 foundation.

17 THE WITNESS: Well, in a -- in a 01:59:34

18 hierarchical sense there's not a bottom and a top,

19 if that's where you're going with that, but --

20 it's -- it's hard to describe how this works

21 without using some sort of directional where is

22 the money going off to the Southern Baptist

1 Convention. But I think you can say that, you
2 know, it's -- it's -- it's a democratic process.
3 You have to have votes of the messengers to do
4 certain things that result in other things, not
5 every -- it's not a direct democracy on every
6 single issue by any means.

7 BY MR. MARTENS: 02:00:24

8 Q Have you ever seen a Southern Baptist 02:00:24
9 refer to the bottom or the top of the SBC?

10 A I don't know. I think that bottom up is 02:00:38
11 a -- usually when we're talking about any sort of
12 nonhierarchical situation, whether it's religious
13 or otherwise, and you say where's the ultimate
14 authority lie, and if it doesn't lie somewhere in
15 a hierarchy, but rather the people here are the
16 ones that can determine how things go, we use this
17 sort of from the bottom up sort of idea.

18 In history we even talk about social 02:01:20
19 history as being history from the bottom up and
20 that isn't a recognition that there's a higher and
21 a lower -- a lower, it's just that here's a ground
22 level sort of place and here's another place that

1 doesn't seem so ground level.

2 Q Okay. Well, but you -- you then 02:01:42

3 continue on to describe what the bottom up is.

4 You say, "from congregations to state conventions

5 and/or the SBC, and from state conventions to the

6 SBC."

7 Do you see that? 02:01:57

8 A Yes, and it's a figure of speech because 02:02:00

9 I can't imagine trying to describe where these

10 things are going, the funds, the votes, the

11 authority, other than here's the ground level of

12 believers organized in local congregations and

13 they get to make these decisions for this large

14 entity that's up here because of Baptist polity.

15 Q Haven't Baptists described that as 02:02:35

16 pooling rather than -- pooling of resources as

17 opposed to sending funds up?

18 A I wouldn't be -- 02:02:42

19 MR. GANT: Objection. 02:02:43

20 THE WITNESS: Yeah. 02:02:44

21 MR. GANT: Objection. Vague. 02:02:44

22 Foundation, calls for speculation, compound.

1 THE WITNESS: Yeah, I -- I wouldn't be 02:02:49
2 averse to describing it that way and the bottom-up
3 analogy, other than in a very loose sense, isn't
4 anything I'm going to hold to here.

5 BY MR. MARTENS: 02:03:05

6 Q Okay. Let's look at paragraph G. Take 02:03:05
7 a minute to read it if you'd like.

8 A (Reading.) 02:03:37

9 Okay. 02:03:37

10 Q You say, "The notion that any one entity 02:03:39
11 is 'supporting' another entity is contrary to
12 established doctrine."

13 Do you see that? 02:03:49

14 A Uh-huh. 02:03:50

15 Q What doctrine is an entity supporting 02:03:52
16 another contrary to?

17 A Well, it's important to point out that 02:03:58
18 in this section the term "supporting," if you go
19 back to number 12 on page 13, supporting
20 organization is in quotations -- quotation marks,
21 and I learned about what supporting organization
22 means in the context of nonprofits by reading this

1 report by Charles Lindsay. And so I'm trying to
2 fit how Baptists operate within this concept of a
3 supporting organization. And the way that
4 Baptists -- Southern Baptists operate together is
5 not supporting in the sense of the way that term
6 is used in nonprofit law, but I'm not a legal
7 expert on that. I was simply asked to look at it
8 in that context.

9 Q How is supporting used in nonprofit law? 02:05:02

10 MR. GANT: Objection. Foundation and to 02:05:05
11 the extent it calls for a legal conclusion.

12 THE WITNESS: Yeah. And, again, this is 02:05:09
13 something that I don't have expertise on. My
14 understanding is when one nonprofit exists for the
15 purpose of supporting what another nonprofit does
16 is a supporting institution. So my point here is
17 that state conventions do not exist for the
18 purpose of supporting NAMB or the other way
19 around, they partner together.

20 BY MR. MARTENS: 02:05:43

21 Q So you're saying if supporting means 02:05:43
22 exists for the purpose of supporting, then that is

1 not what NAMB is relative to BCMD --

2 MR. GANT: Objection. 02:05:58

3 BY MR. MARTENS: 02:05:58

4 Q -- is that right? 02:05:58

5 MR. GANT: Objection. Vague, compound, 02:05:59
6 and the report speaks for itself.

7 THE WITNESS: The way that I see it is 02:06:05
8 NAMB does not exist for the state conventions, the
9 state conventions do not exist for NAMB, they
10 partner together.

11 BY MR. MARTENS: 02:06:16

12 Q Okay. So you're -- so I have -- am I 02:06:18
13 hearing you right that on page 14 when you have
14 supporting in quotes, you're referring back to the
15 definition of supporting you just gave me, which
16 is exists for the purpose of supporting?

17 MR. GANT: Objection. Mischaracterizes 02:06:34
18 testimony and the report speaks for itself.

19 THE WITNESS: In this whole section I am 02:06:41
20 addressing the issue of supporting organizations,
21 not just support in the common sense that we would
22 use it.

1 BY MR. MARTENS: 02:06:56

2 Q Okay. So just to close the loop on 02:06:59

3 that, in paragraph G on page 14 when you have

4 supporting in quotes in the sentence that reads,

5 "The notion that any one entity is 'supporting'

6 another entity is contrary to established

7 doctrine," what definition of supporting are you

8 using in that sentence?

9 MR. GANT: Objection. Foundation and 02:07:18

10 the report speaks for itself.

11 THE WITNESS: In that sentence the 02:07:22

12 definition of supporting that I'm using is my

13 understanding of what Charles Lindsay outlined in

14 his report.

15 BY MR. MARTENS: 02:07:35

16 Q Which is what? 02:07:35

17 A That a supporting organization, as I 02:07:39

18 understand it from Charles Lindsay's report, a

19 supporting organization is a nonprofit that exists

20 to support what another nonprofit does.

21 Q Okay. And using that definition of 02:07:59

22 supporting, why would one entity supporting

1 another be contrary to established doctrine?

2 MR. GANT: Objection. Foundation, calls 02:08:14
3 for speculation, mischaracterizes testimony, and
4 both Dr. Hankins' report and the Lindsay
5 declaration speak for themselves.

6 THE WITNESS: My understanding of 02:08:36
7 supporting organizations is that a supporting
8 organization exists to support the work of another
9 nonprofit organization. Neither state conventions
10 nor NAMB exist to support the other.

11 BY MR. MARTENS: 02:08:54

12 Q And what doctrine would it violate if 02:08:55
13 they did existed to support the other -- or if
14 they did exist to support the other?

15 MR. GANT: Objection. Vague, 02:09:06
16 foundation.

17 THE WITNESS: I -- I would hesitate to 02:09:08
18 use the word "doctrine" here. It seems a
19 little -- a little heavy. I think it would be out
20 of step with the way that Baptist organizations
21 generally view themselves within Baptist polity,
22 meaning that Baptist organizations -- again, we

1 keep referring to congregations, associations,
2 state conventions, and national conventions -- are
3 all autonomous. If one organization exists to
4 support another, it doesn't seem like an
5 autonomous organization to me.

6 BY MR. MARTENS: 02:09:47

7 Q But you said here it's contrary to 02:09:47
8 established doctrine.

9 Are you taking that back? 02:09:51

10 A No, I'm not taking it back. 02:09:57

11 Q Okay. So what doctrine -- what 02:09:59
12 established doctrine would supporting as defined
13 --

14 A I guess there I probably was using the 02:10:07
15 term "doctrine" to refer to autonomy of Baptist
16 organizations.

17 Q And so where could I read the 02:10:14
18 established doctrine that one entity existing for
19 the purpose of supporting another is contrary to
20 it?

21 MR. GANT: Objection. Vague, 02:10:27
22 foundation, mischaracterizes testimony.

1 THE WITNESS: It is my opinion that the 02:10:32
2 relationship of a supporting organization to an
3 organization that is serving as a supporting
4 organization would be different and contrary to
5 the way that Baptist groups relate to one another.

6 BY MR. MARTENS: 02:10:51

7 Q Okay. Let's go back to the Strategic 02:10:52
8 Partnership Agreement, Exhibit 4, paragraph five
9 on page two, which is the page ending with Bates
10 number three.

11	A	Okay.	02:11:17
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12 Q Do you see it reads, "Financial support 02:11:18
13 for the strategic plan shall be provided by the
14 two entities on a negotiated ratio basis and
15 renewed (sic) annually?"

16	Did I read that correctly?	02:11:28
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17	A	"Reviewed annually."	02:11:29
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18	Q	I'm sorry, let me try it again.	02:11:31
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Paragraph five reads, "Financial support 02:11:33
for the strategic plan shall be provided by the
two entities on a negotiated ratio basis and
reviewed annually."

1 Did I read it correctly that time? 02:11:43

2 A I believe so. 02:11:45

3 Q Do you believe that financial support 02:11:48

4 being provided by both BCMD and NAMB as provided

5 for in paragraph five is contrary to the principle

6 of autonomy?

7 MR. GANT: Objection. Vague, 02:12:01

8 foundation, incomplete hypothetical, calls for

9 speculation.

10 THE WITNESS: If by that you mean that 02:12:12

11 NAMB and BCMD can sit down together and negotiate

12 ratio, finances going one direction or the other,

13 it seems to me you have two Baptist entities

14 entering into an agreement to do that.

15 BY MR. MARTENS: 02:12:33

16 Q And those two entities entering into an 02:12:34

17 agreement to do that would not be contrary to the

18 principle of autonomy, correct?

19 MR. GANT: Same objections. 02:12:44

20 THE WITNESS: It seems to me that it 02:12:47

21 would not be a violation of the principle of

22 autonomy for two Baptist organizations to sit down

1 and hammer out an agreement of how they want to
2 share funds or use funds or whatever.

3 BY MR. MARTENS: 02:13:02

4 Q Okay. Let's look to the next page of 02:13:02
5 the agreement under "Personnel," paragraph one,
6 subparagraph H. Paragraph one is entitled
7 "Jointly Funded Missionary Personnel."

8 Do you see that? 02:13:18

9 A Yes. 02:13:20

10 Q And paragraph H says, "Other benefits 02:13:20
11 may be provided to a missionary in accordance with
12 a supporting partner's policies. Additional
13 benefits should be periodically reviewed by all
14 partners."

15 Did I read that correctly? 02:13:32

16 A I believe so. 02:13:35

17 Q Who do you understand supporting 02:13:36
18 partners to refer to in that paragraph of this
19 agreement?

20 MR. GANT: Objection. Foundation and to 02:13:42
21 the extent it calls for a legal conclusion.

22 THE WITNESS: I would understand it to 02:13:55

1 be NAMB and BCMD.

2 BY MR. MARTENS: 02:13:58

3 Q Do you believe it violates the principle 02:14:00
4 of autonomy for NAMB to be a supporting partner
5 under this agreement?

6 MR. GANT: Objection. Vague, 02:14:08
7 foundation, and to the extent it calls for a legal
8 conclusion.

9 THE WITNESS: No, I do not believe that 02:14:14
10 NAMB working in partnership with the BCMD violates
11 anyone's autonomy.

12 BY MR. MARTENS: 02:14:28

13 Q Do you believe NAMB providing support to 02:14:28
14 BCMD would violate the principle of autonomy?

15 MR. GANT: Objection. Vague, 02:14:36
16 foundation, incomplete hypothetical, calls for
17 speculation, and to the extent it calls for a
18 legal conclusion.

19 THE WITNESS: I don't see why NAMB 02:14:46
20 supporting BCMD and vice versa, BCMD supporting
21 NAMB, using supporting in the nontechnical sense,
22 whether that support is -- well, it's usually

1 going to be monetary I suppose. I don't see why
2 that would be a violation of the autonomy.

3 BY MR. MARTENS: 02:15:10

4 Q And NAMB being a supporting partner of 02:15:10
5 BCMD under this agreement would not be contrary to
6 any established doctrine of Southern Baptists that
7 you're aware of, are you?

8 MR. GANT: Objection. Vague, 02:15:21
9 foundation.

10 BY MR. MARTENS: 02:15:22

11 Q Would it -- sorry, strike that. 02:15:23

12 And NAMB being a supporting partner of 02:15:24
13 BCMD under this agreement would not be contrary to
14 any established doctrine of Southern Baptists that
15 you're aware of, correct?

16 MR. GANT: Objection. Vague, 02:15:35
17 foundation, mischaracterizes the document,
18 incomplete hypothetical, calls for speculation,
19 and to the extent it calls for a legal conclusion.

20 THE WITNESS: I would not understand 02:15:44
21 NAMB being a supporting partner of BCMD to be a
22 violation of autonomy.

1 MR. MARTENS: Thank you. 02:15:49

2 Can we take a break? 02:15:50

3 VIDEO TECHNICIAN: We're going off the 02:15:55

4 record. This is the end of Media Unit 3. The

5 time is 2:16 p.m.

6 (Brief recess.) 02:16:00

7 VIDEO TECHNICIAN: We're back on the 02:22:59

8 record. This is the beginning of Media Unit 4.

9 The time is 2:23 p.m.

10 BY MR. MARTENS: 02:23:04

11 Q Dr. Hankins, I want to stay with this 02:23:07

12 Strategic Partnership Agreement, Exhibit 4, still

13 on page three which ends in Bates number four,

14 still under "II. Personnel, 1. Jointly Funded

15 Missionary Personnel," but I'd like to look at

16 item D, which reads, "All missionaries will

17 participate in at least semi-annual reviews, with

18 input from all financially supporting partners,

19 coordinated with the convention's executive

20 director or his designee."

21 Did I read that correctly? 02:23:42

22 A Yes, I believe you did. 02:23:44

1 Q And who did you understand the 02:23:45
2 financially supporting partners to be under this
3 agreement?

4 MR. GANT: Objection. Foundation, calls 02:23:50
5 for speculation, and to the extent it calls for a
6 legal conclusion.

7 THE WITNESS: I understand it to be BCMD 02:23:55
8 and NAMB.

9 BY MR. MARTENS: 02:24:00

10	Q	Okay. And do you believe that NAMB	02:24:00
11		being a financially supporting partner of BCMD	
12		violates any Southern Baptist doctrine of which	
13		you're familiar?	

14 MR. GANT: Objection. Vague, 02:24:17
15 foundation, and to the extent it calls for a legal
16 conclusion.

17 THE WITNESS: I don't see NAMB violating 02:24:21
18 any Southern Baptist doctrine here that I'm aware
19 of.

20 BY MR. MARTENS: 02:24:27

21	Q Would it violate the principle of	02:24:28
22	autonomy for NAMB to be a financially --	

1 financially supporting partner of BCMD?

2 MR. GANT: Same objection. 02:24:36

3 THE WITNESS: I don't believe it would 02:24:38
4 be a violation of autonomy for NAMB to be so.

5 BY MR. MARTENS: 02:24:41

6 Q Would it be a violation of the principle 02:24:42
7 of nonhierarchy for NAMB to be a financially
8 supporting partner of BCMD?

9 MR. GANT: Same objections. 02:24:52

10 THE WITNESS: So long as this is an 02:24:52
11 agreement, and this is an agreement between BCMD
12 and NAMB, I don't see it would be a violation of
13 nonhierarchy.

14 BY MR. MARTENS: 02:25:04

15 Q Okay. Let's look at the last page of 02:25:05
16 the document, which has the Bates number ending in
17 five. Let's look at V. entitled "Funding." Let's
18 look at item two under V. that reads, "The
19 convention will be accountable to the North
20 American Mission Board for the expenditure of NAMB
21 resources according to the specifics of the
22 strategic plan."

1 Did I read that correctly? 02:25:28

2 A Yes, I believe you did. 02:25:31

3 Q Is it contrary to the principle of 02:25:32

4 autonomy for BCMD to be accountable to the North

5 American Mission Board for the expenditure of NAMB

6 resources according to the specifics of the

7 strategic plan?

8 MR. GANT: Objection. Vague, 02:25:49

9 foundation, compound, calls for speculation, and

10 to the extent it calls for a legal conclusion.

11 THE WITNESS: I see this point as -- as 02:25:55

12 I sit here reading it, I'm not an expert in

13 contracts or agreements, but it seems to me BCMD

14 is voluntarily partnering with NAMB and in the

15 agreement of the partnership BCMD is going to be

16 accountable for the funds. They're just going to

17 keep track and make sure they're being used as

18 they should be.

19 BY MR. MARTENS: 02:26:27

20 Q And is that contrary to the principle of 02:26:27

21 autonomy?

22 MR. GANT: Same objections. 02:26:31

1 THE WITNESS: I don't believe a 02:26:33
2 voluntary partnership like this and the
3 accountability is adopted voluntarily, so I don't
4 believe it's a violation of autonomy or
5 nonhierarchy.

6 BY MR. MARTENS: 02:26:45

7 Q Okay. Let's go back to your report, 02:26:47
8 Exhibit 1, and let's go to Section V on page ten
9 and let's actually look at paragraph 11.e. which
10 appears on page 12.

11 A I'm making sure I finish the -- okay. 02:27:36

12 Q Have you had a chance to review that? 02:27:38

13 A Yes. 02:27:40

14 Q The first sentence of that paragraph 02:27:40
15 reads, "This case is not an employment-related
16 dispute."

17 Did I read that correctly? 02:27:46

18 A Yes. 02:27:48

19 Q What do you mean by "employment-related 02:27:48
20 dispute"?

21 A I mean it's not a dispute between an -- 02:27:51
22 an employer and an employee.

1 Q Do you challenge the notion that this 02:27:59
2 litigation involves Dr. McRaney's employment?

3 MR. GANT: Objection. Vague, 02:28:12
4 foundation, and to the extent it calls for a legal
5 conclusion.

6 THE WITNESS: It does seem that 02:28:20
7 employment is an issue here, but it's not
8 employment related between an employer and an
9 employee.

10 BY MR. MARTENS: 02:28:31

11 Q And what is the significance in your 02:28:31
12 mind of the fact that the dispute is not between
13 an employer and an employee?

14 MR. GANT: Objection. Vague and to the 02:28:41
15 extent it calls for a legal conclusion.

16 THE WITNESS: I think the significance 02:28:50
17 of that, and again I'm not speaking as a legal
18 expert here, but understanding the facts of the
19 case and looking at it in light of the documents
20 I've read, is that in church-state law the courts
21 tend to look very differently at a dispute that is
22 going on within a religious organization than a

1 dispute between two religious organizations. And
2 so to the extent that NAMB would like to make an
3 argument that this is just between them and one of
4 their employees, I'm saying that is not the case.

5 BY MR. MARTENS: 02:29:49

6 Q So you said that "in church-state law 02:29:50
7 courts tend to look very differently at a dispute
8 that is going on within a religious organization
9 than a dispute between two religious
10 organizations."

11 What case law are you referring to of 02:30:03
12 courts looking at a dispute between two religious
13 organizations?

14 A We got into this earlier and I don't 02:30:15
15 know of case law between -- I would have to go
16 find suits between two religious organizations.

17 What I'm saying is that when the courts 02:30:27
18 have dealt with disputes within a religious
19 organization, they tended to keep their hands off
20 and they have developed legal concepts. Again,
21 I'm not a legal scholar, but I can read -- you
22 know, get the gist of what they mean.

1 And the clear implication, and probably 02:30:46
2 actually stated it, is that these concepts would
3 not apply if we were talking about two different
4 institutions, but they do apply when we're talking
5 about a dispute within a religious organization.
6 So the point I'm making here is this is not a
7 dispute between a religious employer and a
8 religious employee that worked for that religious
9 employer.

10 Q Which case clearly implied that these 02:31:12
11 concepts would not apply if we were talking about
12 two different institutions?

13 MR. GANT: Objection. Mischaracterizes 02:31:21
14 testimony and calls for a legal conclusion.

15 THE WITNESS: Yeah, and as I said, I 02:31:26
16 don't know the case law, if there is any. What
17 I'm saying is that in the other type of case the
18 courts -- a case within a hierarchical, unified
19 church body, the courts have developed ways of
20 saying we will not adjudicate this.

21 By inference it seems to me they're 02:31:53
22 leaving aside whether this would be the case or

1 not if we were talking about two separate
2 religious institutions.

3 BY MR. MARTENS: 02:32:02

4 Q Okay. So are you saying the courts have 02:32:04
5 clearly implied that they would treat two separate
6 institutions differently or they just haven't
7 decided that?

8 MR. GANT: Objection. Vague and to the 02:32:13
9 extent it calls for a legal conclusion.

10 THE WITNESS: To say they've clearly 02:32:18
11 implied that I would want to go read a couple of
12 those cases, so I'm not really sure if they've
13 clearly implied it or left it aside.

14 What I am fairly confident in saying is 02:32:30
15 that these legal concepts that have applied in
16 unified churches that are hierarchical, perhaps
17 even unified churches that are Presbyterian -- I'm
18 not sure if there's been a case like that -- that
19 these concepts would not apply here.

20 BY MR. MARTENS: 02:32:49

21 Q Are you -- I just want to make sure I'm 02:32:59
22 understanding what you just said. Are you saying

1 you're fairly confident those concepts would not
2 apply here?

3 A I'm saying they have not been applied in 02:33:07
4 this sort of case.

5 Q Okay. I just wanted to make sure I 02:33:10
6 understood that.

7 A Yeah. 02:33:12

8 Q Let's take a case involving a religious 02:33:15
9 organization that is set up to advance the gospel
10 and has an executive director and that
11 organization is funded by the American Baptist
12 Convention, Presbyterian Church U.S.A., Disciples
13 of Christ. Let's take those three -- those three
14 denominations, fund this one organization that is
15 for the purpose of advancing the gospel.

16 If there's a dispute between those three 02:33:55
17 denominations and the organization set up by the
18 three and funded by the three of them, does the
19 First Amendment apply to that in your view?

20 MR. GANT: Objection. Vague, 02:34:10
21 foundation, incomplete hypothetical, calls for
22 speculation, and to the extent it calls for a

1 legal conclusion.

2 THE WITNESS: I could not be sure. 02:34:23

3 BY MR. MARTENS: 02:34:24

4 Q Why couldn't you be sure? 02:34:25

5 A Well, for one -- 02:34:26

6 MR. GANT: Same -- 02:34:27

7 THE WITNESS: Yeah. 02:34:28

8 MR. GANT: Same objections. And try not 02:34:28

9 to talk over each other. Same objections.

10 BY MR. MARTENS: 02:34:32

11 Q Go ahead. 02:34:35

12 A For one, I don't know what the issue of 02:34:35

13 the dispute is. Is it over office space,

14 harassment, I don't know. So I can't make a --

15 Q Okay. Let's -- 02:34:50

16 A -- speculation -- 02:34:50

17 Q Sorry, I didn't mean to cut you off. 02:34:51

18 A I can't make a speculation on such a 02:34:53

19 thing.

20 Q Let's assume an organization entitled 02:34:55

21 Interfaith Organization is set up. It has an

22 executive director. It's funded by the

1 Presbyterian Church, the Methodist Church and the
2 American Baptist churches and there's a dispute
3 between those funding denominations and the
4 executive director of Interfaith Organization over
5 whether he should be the executive director of
6 Interfaith Organization.

7 Does the First Amendment apply to that 02:35:32
8 dispute in your view?

9 MR. GANT: Objection. Vague, 02:35:38
10 foundation, incomplete hypothetical, calls for
11 speculation, to the extent it calls for a legal
12 conclusion, and I -- I know what case you're
13 holding, so maybe you want to show it to him.

14 THE WITNESS: I don't know if the First 02:35:51
15 Amendment would apply or not.

16 BY MR. MARTENS: 02:35:53

17 Q Why don't you know? 02:35:56

18 MR. GANT: Same -- same objections. 02:35:58

19 THE WITNESS: I would say because the 02:35:59
20 Supreme Court decides whether the First Amendment
21 applies in cases or not and I'm not familiar with
22 that case, so I don't know what the Supreme Court

1 did or didn't do.

2 MR. GANT: It might not be a Supreme 02:36:13
3 Court case.

4 THE WITNESS: Hm? Yeah, or a lower 02:36:15
5 court case.

6 BY MR. MARTENS: 02:36:17

7 Q Let's go back to your report, Exhibit 1, 02:36:37
8 page 13.

9 A Okay. 02:36:51

10 Q You state in the second sentence, "In 02:36:55
11 Baptist polity" --

12 MR. GANT: I'm sorry. Which part? 02:37:05

13 THE WITNESS: The second sentence of 02:37:05
14 what?

15 BY MR. MARTENS: 02:37:05

16 Q I'm sorry, I was unclear. Exhibit 1, 02:37:05
17 page 13, paragraph F.

18 A F. Okay. 02:37:08

19 Q Second sentence. "In Baptist polity, 02:37:09
20 only congregations can 'call' (appoint) pastors.
21 Only a local congregation can ordain, call or
22 dismiss a pastor. While Dr. McRaney is an

1 ordained Baptist minister, his role within BCMD
2 was that of an executive director, not a
3 minister."

4 Did I read that correctly? 02:37:34

5 A Yes. 02:37:36

6 Q When you say Dr. McRaney was the BCMD 02:37:36
7 executive director and not a minister, what did
8 you mean by that?

9 A The BCMD is not a church, a church in 02:37:56
10 Baptist polity being a local gathered body of
11 baptized believers. I could be wrong on this, but
12 I doubt it. In a church people do a variety of
13 things such as taking the Lord's Supper that I
14 doubt they do at the BCMD.

15 So his role was not as an ordained 02:38:45
16 minister because he was an executive director of
17 an agency, not the pastor of a church.

18 Q What is the significance in your mind of 02:38:57
19 the fact that BCMD is not a church?

20 MR. GANT: Objection. Vague, the report 02:39:04
21 speaks for itself.

22 THE WITNESS: Well, I think in the rest 02:39:30

1 of that paragraph some of that is -- is laid out,
2 some of what my answer would be, and that is that
3 the role is different, the relationship is
4 different. And so he entered into a contractual
5 agreement to be the executive director. It would
6 be quite different than being called into a
7 congregation and a dismissal is quite different.

8 BY MR. MARTENS: 02:40:15

9 Q Under the Supreme Court's First 02:40:16
10 Amendment case law, do you understand the First
11 Amendment protections to be limited to churches?

12 MR. GANT: Objection. Vague, compound, 02:40:27
13 foundation, calls for speculation and for a legal
14 conclusion.

15 THE WITNESS: I think there's a good 02:40:33
16 deal of debate both in scholarly circles and in
17 our culture at large as to just who and what kinds
18 of entities are protected by the First Amendment
19 and I think you would get a variety of views if
20 you asked different people different things,
21 including the view that only individuals are
22 protected by the First Amendment.

1 My own belief on this, and I'm not a 02:40:58
2 legal expert, but I am someone who has written and
3 studied religious liberty fairly extensively, that
4 historically the First Amendment has and should
5 protect more than individuals, also protects
6 churches and also protects other organizations
7 doing religious work.

8 MR. GANT: I assume you're talking to 02:41:30
9 each other about the religion clauses, but if you
10 care to be more precise, that's your choice
11 because as you know the First Amendment has other
12 provisions and the answers might differ depending
13 on what provision you're talking about.

14 BY MR. MARTENS: 02:41:45

15 Q Do you understand the First Amendment's 02:41:46
16 religion clauses to provide protection to an
17 organization like NAMB?

18 MR. GANT: Objection. Vague foundation 02:41:54
19 and -- that's it.

20 THE WITNESS: Yes, I believe that the 02:42:00
21 First Amendment protects NAMB's activities as an
22 agency of the Southern Baptist Convention to

1 evangelize and plant churches.

2 BY MR. MARTENS: 02:42:15

3 Q Do you understand the Supreme Court's 02:42:16

4 First Amendment religion clauses doctrine to apply

5 only to people who are pastors?

6 MR. GANT: Objection. Vague, compound, 02:42:27

7 foundation, and to the extent it calls for a legal

8 conclusion.

9 THE WITNESS: I'm -- I'm not sure I 02:42:33

10 understood the question. Can I get you to

11 rephrase it?

12 BY MR. MARTENS: 02:42:37

13 Q Sure. Do you understand the Supreme 02:42:37

14 Court case law regarding the First Amendment's

15 religion clauses to limit First Amendment

16 protection to people who are pastors?

17 MR. GANT: Same objections. 02:42:49

18 THE WITNESS: No, the First Amendment 02:42:51

19 protects the free exercise of religion. I view it

20 expansively, so virtually anyone and also

21 organizations.

22 BY MR. MARTENS: 02:43:04

1 Q Do you -- are you familiar with the 02:43:06
2 Supreme Court's case law on church -- on church
3 autonomy?

4 MR. GANT: Objection. Vague, 02:43:15
5 foundation.

6 THE WITNESS: I understand -- I -- I 02:43:16
7 wouldn't say I understand or have read the case
8 law on church autonomy. I think I have read
9 enough about it to understand in a basic sense
10 what the Supreme Court's doctrine of church
11 autonomy is.

12 BY MR. MARTENS: 02:43:42

13 Q Are you familiar with the Supreme 02:43:43
14 Court's case law on what's known as the
15 ministerial exception?

16 A Again, not familiar with all of the case 02:43:50
17 law, but in some of the recent cases I -- I think
18 I have a working understanding. I would have to
19 do some review if I were going to write something
20 dealing specifically with -- with that.

21 Q With regard to either the church 02:44:10
22 autonomy doctrine or the ministerial exception, do

1 you understand those doctrines to be limited to
2 people who are ministers, meaning pastors?

3 MR. GANT: Objection. Vague, compound, 02:44:25
4 foundation, calls for speculation and for a legal
5 conclusion.

6 THE WITNESS: I do not understand it to 02:44:32
7 be limited to pastors. It I'm quite sure has been
8 applied to teachers in schools and so forth.

9 BY MR. MARTENS: 02:44:43

10 Q And you would understand it to include 02:44:43
11 someone who was an executive director of a state
12 convention, correct?

13 MR. GANT: Objection. Foundation, 02:44:50
14 assumes facts not in evidence, vague, calls for
15 speculation, and to the extent it calls for a
16 legal conclusion.

17 THE WITNESS: I'm not sure. 02:44:58

18 BY MR. MARTENS: 02:44:59

19 Q Do you know what the test is that the 02:45:00
20 Supreme Court applies for the ministerial
21 exception?

22 MR. GANT: Same objections. 02:45:05

1 BY MR. MARTENS: 02:45:06

2 Q For purposes of defining a minister? 02:45:06

3 MR. GANT: Same objections. 02:45:09

4 THE WITNESS: I don't know the name of 02:45:12

5 the test and I can't be very, very specific, but

6 it has to do with carrying out the religious

7 enterprise or the religious work of the larger

8 church.

9 BY MR. MARTENS: 02:45:29

10 Q Do you know what Dr. McRaney's duties 02:45:30

11 were as executive director of BCMD?

12 A I have read in the documents -- there 02:45:37

13 was even some question as I recall about how clear

14 and specific his job description was, but if I

15 were asked to characterize what his duties would

16 be, it would be to lead an agency as an executive

17 director that attempts to partner with churches,

18 partner with NAMB, partner with other Baptist

19 entities for the purpose of evangelism and church

20 planting.

21 Q Okay. When you say in paragraph F on 02:46:15

22 page 13 that Dr. McRaney's role was that of an --

1 of an executive director and not a minister, are
2 you using "minister" in the sense that the Supreme
3 Court has used it in its ministerial exception
4 case law?

5 MR. GANT: Objection. Vague, 02:46:36
6 foundation, calls for speculation and for a legal
7 conclusion.

8 THE WITNESS: I was not thinking of 02:46:42
9 that. I don't recall thinking of that
10 specifically when I wrote that paragraph.

11 BY MR. MARTENS: 02:46:53

12 Q Do you know whether -- strike that. 02:46:54

13 Are you familiar with something known as 02:46:58
14 the parsonage allowance for ministers under the
15 IRS code?

16 A I am very generally familiar with it, 02:47:10
17 but I -- no, it's a -- a tax issue and whether
18 it's taxed and how much and why a church would
19 have it and the pastor would want it and all that
20 sort of thing.

21 Q Are you generally familiar with the idea 02:47:24
22 that someone who is, under the IRS tax code,

1 considered a "minister of the gospel" is entitled
2 to deduct from their income the cost of their
3 housing allowance?

4 MR. GANT: Objection. Vague, 02:47:38
5 foundation, calls for speculation and for a legal
6 conclusion.

7 THE WITNESS: It sounds familiar like 02:47:42
8 maybe it has come up in a business meeting I've
9 been in, but no, I'm not familiar enough with it
10 to -- to comment.

11 BY MR. MARTENS: 02:47:50

12 Q Are you familiar with whether or not 02:47:50
13 Dr. McRaney claimed the minister of the gospel
14 housing allowance under the IRS tax code?

15 A I'm not sure. I remember it coming up, 02:48:00
16 but I don't remember the specifics of it.

17 Q If Dr. McRaney did claim that he was a 02:48:07
18 minister of the gospel for purposes of the tax
19 code -- for purposes of his housing allowance,
20 would that influence your decision about whether
21 or not he was a minister?

22 MR. GANT: Objection. Vague, 02:48:20

1 foundation, calls for speculation, calls for a
2 legal conclusion, incomplete hypothetical.

3 THE WITNESS: I really -- I don't have a 02:48:28
4 position on that. If I were going to have a
5 position on it, I would have to do a lot of
6 homework.

7 BY MR. MARTENS: 02:48:33

8 Q Okay. Let's look at paragraph one under 02:48:37
9 VI on page 14 of your report. You say in that
10 paragraph, "There is no valid factual foundation
11 for NAMB's First Amendment defense in this case."

12 Did I read that correctly? 02:49:14

13 A Yes. 02:49:16

14 Q What did you mean by "no valid factual 02:49:17
15 foundation"?

16 A As I understand it, NAMB is claiming 02:49:41
17 that the court shouldn't have jurisdiction in this
18 because it's an inner church dispute and the facts
19 don't seem to bear that out to me. It seems to be
20 a dispute between an individual that worked for
21 one Baptist entity and a Baptist entity that did
22 not employ him.

1 Q And are you aware of any case law saying 02:50:16
2 that the First Amendment does not -- does not
3 provide a defense to such a dispute?

4 MR. GANT: Just give me a second. 02:50:27

5 Objection. Vague, compound, foundation, 02:50:33
6 and calls for a legal conclusion.

7 THE WITNESS: I'm not aware of any case 02:50:43
8 law, no.

9 BY MR. MARTENS: 02:50:44

10 Q Are you aware of any academic writing 02:50:45
11 that says the First Amendment does not provide a
12 defense to such a dispute?

13 MR. GANT: Same objections. 02:50:53

14 THE WITNESS: I cannot recall any 02:50:54
15 academic writing I've come across like that, but I
16 read a lot of stuff, so...

17 BY MR. MARTENS: 02:51:00

18 Q Have you heard of any academic expert in 02:51:00
19 First Amendment religion clauses express the view
20 that the First Amendment does not provide a
21 defense in such a dispute?

22 MR. GANT: Same objections. 02:51:16

1 THE WITNESS: I do not recall ever 02:51:17
2 hearing that.

3 BY MR. MARTENS: 02:51:21

4 Q Have you anywhere expressed the view 02:51:22
5 that the First Amendment does not provide a
6 defense to such a dispute?

7 A Not as far as I can remember. 02:51:29

8 MR. GANT: Hold on. 02:51:31

9 THE WITNESS: I'm sorry. 02:51:32

10 MR. GANT: Objection. Vague, 02:51:33
11 foundation, calls for speculation, and to the
12 extent you're referring to the report, the report
13 speaks for itself.

14 BY MR. MARTENS: 02:51:41

15 Q Are you providing an opinion in this 02:51:43
16 case that the First Amendment does not provide a
17 defense to such a dispute?

18 MR. GANT: Objection as vague and the 02:51:54
19 report speaks for itself as to whether he's
20 offering legal opinions and his other -- and --
21 and what his opinions are.

22 THE WITNESS: I do not believe I'm 02:52:07

1 offering an opinion on a legal matter. I believe
2 I am offering an interpretation of facts and
3 saying these facts do not seem to fit a legal
4 argument that NAMB is making.

5 BY MR. MARTENS: 02:52:27

6 Q The legal argument you understand NAMB 02:52:29
7 to be making is that this is an inner church
8 dispute, correct?

9 MR. GANT: Objection. The report speaks 02:52:37
10 for itself.

11 THE WITNESS: Yes, I understand -- in 02:52:39
12 part that. I understand NAMB to be making the
13 legal argument that this should fall under
14 ecclesiastical abstention, ministerial exception,
15 church autonomy, which I understand to be Supreme
16 Court concepts used in -- in cases, and I'm not
17 averse in all of the case law, but I know Kedroff
18 was a huge case in 1990 -- '52 and Hosanna-Tabor
19 and I'm saying the facts of this case do not seem
20 to me to fit the facts of those legal concepts.

21 BY MR. MARTENS: 02:53:21

22 Q If NAMB is arguing that the First 02:53:22

1 Amendment provides a defense to disputes between
2 religious organizations or between individuals
3 employed by religious organizations and one of
4 those organizations, do you have an opinion as to
5 whether the First Amendment provides a defense?

6 MR. GANT: Objection. Vague, compound, 02:53:43
7 foundation, calls for speculation, incomplete
8 hypothetical.

9 THE WITNESS: I actually don't have an 02:53:51
10 opinion. I would watch such a proceeding
11 carefully and -- and be open to reading the
12 arguments as to whether those concepts should be
13 broadened out to include differing agencies or
14 differing organizations.

15 BY MR. MARTENS: 02:54:09

16 Q Okay. You say in paragraph F on page 02:54:17
17 15, "The only way Baptists could make such a First
18 Amendment claim would be if the dispute was within
19 an individual congregation, within the SBC, within
20 a state convention, or within a local
21 association."

22 Did I read that correctly? 02:55:23

1	A	Yes.	02:55:24
2	Q	And when you are using the phrase "such	02:55:24
3		a First Amendment claim" in that paragraph, are	
4		you referring back to a First Amendment claim of	
5		an inner church dispute in the prior paragraph?	
6	MR. GANT:	Objection. Vague, compound	02:55:36
7		and the report speaks for itself.	
8	THE WITNESS:	I believe I'm referring	02:55:40
9		back to an inner church dispute having in mind the	
10		three concepts that have often been employed in	
11		those disputes.	
12	BY MR. MARTENS:		02:55:51
13	Q	And --	02:55:51
14	MR. GANT:	Sorry, I just want to make	02:55:52
15		sure I'm hearing and the court reporter -- I	
16		can't -- don't have realtime -- that we're using	
17		the same term. I heard him say "inter" and I	
18		thought earlier, Matt, you said he said inner.	
19		Did I mishear you?	
20	MR. MARTENS:	I'm reading he that says	02:56:10
21		inner.	
22	THE WITNESS:	Inner.	02:56:13

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1 BY MR. MARTENS: 02:56:13

2 Q Is that what you used, inner? 02:56:13

3 MR. GANT: He just said inter. 02:56:14

4 THE WITNESS: I -- I meant to say inner. 02:56:15

5 I'm sorry.

6 BY MR. MARTENS: 02:56:17

7 Q So just so we're clear, what you're 02:56:18

8 saying in paragraph F on page 15 is that the only

9 inner church dispute for Baptists would be within

10 an individual congregation, within the SBC, within

11 a state convention, or within a local association,

12 correct?

13 A Yes, those would be the -- seem to be 02:56:40

14 the cases where you would have an inner church

15 dispute.

16 Q But you are not -- you are not offering 02:56:47

17 an opinion about an interreligious organization

18 dispute and whether the First Amendment would

19 apply, correct?

20 MR. GANT: Objection. The report speaks 02:57:06

21 for itself, assumes facts not in evidence,

22 foundation, calls for speculation.

1 THE WITNESS: I -- I don't know what the 02:57:09
2 courts would do with such a case.

3 BY MR. MARTENS: 02:57:11

4 Q And you don't know what the courts would 02:57:11
5 do with a case of a dispute between a leader in
6 one religious organization and another religious
7 organization, correct?

8 MR. GANT: Same objections. 02:57:23

9 THE WITNESS: Correct, I -- I do not 02:57:24
10 know what would be the case in that.

11 BY MR. MARTENS: 02:57:27

12 Q And you're not offering an opinion in 02:57:27
13 this case as to whether the First Amendment
14 applies to such a dispute, correct?

15 MR. GANT: Objection. The report speaks 02:57:35
16 for itself, mischaracterizes his testimony.

17 THE WITNESS: Yeah, I'm not offering 02:57:39
18 legal opinions at all. I'm -- I'm looking at
19 facts and seeing if facts seem to line up where
20 legal theories have been developed.

21 BY MR. MARTENS: 02:57:48

22 Q Do you have an opinion as to whether or 02:57:48

1 not the First Amendment provides a defense to a
2 dispute between a religious leader of one
3 organization and another religious organization?

4 MR. GANT: Objection. Vague, 02:58:00
5 foundation, assumes facts not in evidence,
6 incomplete hypothetical, calls for speculation,
7 calls for a legal conclusion, and the report
8 speaks for itself.

9 THE WITNESS: Yes, I don't -- I don't 02:58:11
10 know.

11 BY MR. MARTENS: 02:58:12

12 Q Okay. If the SBC filed a lawsuit 02:58:16
13 against DaySpring Baptist Church seeking to compel
14 it to change who its senior pastor is, do you
15 believe the First Amendment would provide a
16 defense to that lawsuit?

17 MR. GANT: Objection. Incomplete 02:59:07
18 hypothetical, foundation, calls for speculation,
19 calls for a legal conclusion.

20 THE WITNESS: You said the SBC filed a 02:59:15
21 lawsuit?

22 BY MR. MARTENS: 02:59:17

1 Q Against DaySpring Baptist Church. This 02:59:18
2 is a hypothetical, no risk that this is going to
3 occur.

4 If the S- -- hypothetically, if the SBC 02:59:24
5 filed a lawsuit against DaySpring Baptist Church,
6 your church, to compel your church to change who
7 its pastor was, do you believe the First Amendment
8 would provide a defense to that lawsuit?

9 MR. GANT: Same objections. 02:59:43

10 THE WITNESS: That's a good question 02:59:45
11 because my understanding of religion clauses in
12 the First Amendment is they exist first and
13 foremost to keep government from infringing on
14 religious liberty or establishing a church. So
15 when one private entity tries to do it to another,
16 but they're using the legal process, I suspect
17 that at some point the First Amendment would come
18 into play. But it's -- I -- I don't -- I don't
19 claim to be clear on exactly when, how or what
20 mechanisms would be used to -- for that to happen.

21 But in such a case it would seem to me 03:00:18
22 if the Southern Baptist Convention tried to use

1 the legal arm of a lawsuit to force a church to do
2 something, that that might very well raise some
3 First Amendment issues.

4 BY MR. MARTENS: 03:00:34

5 Q Let's take Our Lady of Guadalupe. 03:00:34
6 You're familiar with that case, correct?

7 A In broad strokes. I don't think I've 03:00:39
8 actually ever read the case, but I've read about
9 it and -- and seen what comes into play.

10 Q Okay. And you're familiar with, 03:00:49
11 generally, with the Hosanna-Tabor case, correct?

12 A A little more familiar with that one, 03:00:54
13 yeah.

14 Q And in each of those cases it was not 03:00:56
15 the government suing over who the minister was --

16 A Uh-huh. 03:01:00

17 Q -- or wasn't, correct? 03:01:00

18 A I -- 03:01:03

19 MR. GANT: Sorry. 03:01:05

20 THE WITNESS: Yeah. 03:01:05

21 MR. GANT: Let me object to the extent 03:01:05

22 it calls for a legal --

1 THE WITNESS: Yeah. 03:01:10

2 MR. GANT: -- conclusion and calls for 03:01:10

3 speculation.

4 THE WITNESS: I'm not actually sure, 03:01:11

5 but -- how the cases started.

6 BY MR. MARTENS: 03:01:14

7 Q Those cases were disputes between two 03:01:16

8 private parties, correct?

9 MR. GANT: Same objections. 03:01:19

10 THE WITNESS: I'm -- I'm not -- I'm not 03:01:20

11 sure.

12 BY MR. MARTENS: 03:01:21

13 Q Okay. So assume that those cases were 03:01:22

14 instances in which individuals who were removed

15 from roles within the religious organizations were

16 suing over their removal --

17 A Uh-huh. 03:01:34

18 Q -- and that no government entity was a 03:01:34

19 party on either side of those lawsuits and yet the

20 Supreme Court found there was a First Amendment

21 defense, would that suggest to you that the

22 court's involvement, regardless of who the parties

1 are, could raise First Amendment implications?

2 MR. GANT: Objection. Foundation, calls 03:01:53
3 for speculation, calls for a legal conclusion, and
4 to the extent you're asking about other situations
5 incomplete hypothetical.

6 THE WITNESS: Yeah, I mean, it sounded 03:02:08
7 like a legal question to me, but what I'm trying
8 to focus on are the facts that I'm looking at as a
9 historian within the context of how Baptists are
10 organized, would the facts of this situation be
11 more similar or dissimilar to those cases that you
12 just cited. And it seems to me absolutely crucial
13 that in those cases we're talking about a church
14 adjudicating within itself and a member suing and
15 in this case we're talking about an employee of
16 one agency and another agency. So they seem
17 factually different to me and that's the point
18 that I'm trying to make in my report, so...

19 BY MR. MARTENS: 03:03:02

20 Q And what I was trying to understand your 03:03:03
21 view on is do you recognize that courts ordering
22 religious bodies to employ or not employ certain

1 people, even if it's in a lawsuit brought by
2 someone other than the government, could raise
3 First Amendment concerns?

4 MR. GANT: Objection. Vague, 03:03:24
5 foundation, incomplete hypothetical, calls for
6 speculation, calls for a legal conclusion.

7 THE WITNESS: Yeah, and I -- I suspect 03:03:31
8 that would be the case, but I'm not really sure.

9 BY MR. MARTENS: 03:03:35

10 Q So let's go back to my hypothetical. If 03:03:35
11 the SBC sued DaySpring Baptist Church to try to
12 change who its pastor was, would you expect that
13 the First Amendment would provide a defense to
14 that case?

15 MR. GANT: Same objections. 03:03:50

16 THE WITNESS: I would hope so. 03:03:53

17 BY MR. MARTENS: 03:03:55

18 Q Let's look at paragraph H. 03:04:07

19 A Page? 03:04:15

20 Q Sixteen. 03:04:16

21 A Okay. 03:04:16

22 Q You quote the District Court in this 03:04:20

1 case as defining the ecclesiastical abstention
2 doctrine "as preventing secular courts from
3 reviewing disputes that would require an analysis
4 of 'theological controversy,' church discipline,
5 ecclesiastical government, or the conformity of a
6 member of a church to the standard of morales
7 required by that church."

8 Did I read that correctly? 03:04:47

9 A I believe so, yes. 03:04:49

10 Q And you go on to say in that paragraph, 03:04:51
11 "Whatever theological disagreements existed
12 between Dr. McRaney and NAMB are immaterial to the
13 case at hand because those disagreements could not
14 lead to NAMB itself dismissing him as executive
15 director of the BCMD."

16 Did I read that correctly? 03:05:14

17 A Yes, I believe so. 03:05:15

18 Q Do you know whether NAMB had any 03:05:17
19 theological disagreements with Dr. McRaney?

20 MR. GANT: Objection. Vague, 03:05:26
21 foundation, calls for speculation.

22 THE WITNESS: I actually do not. 03:05:31

1 BY MR. MARTENS: 03:05:32

2 Q If NAMB had a theological disagreement 03:05:32
3 with Dr. McRaney, you would agree that under the
4 principle of autonomy NAMB would be permitted to
5 cease cooperation with a state convention,
6 correct?

7 MR. GANT: Objection. Vague, 03:05:46
8 foundation, calls for speculation, assumes facts
9 not in evidence, and to the extent it calls for a
10 legal conclusion.

11 THE WITNESS: I'm not sure, but based on 03:05:55
12 the Strategic Partnership Agreement, it would seem
13 to me that NAMB could end its partnership with
14 BCMD if it had disagreements with BCMD or its
15 executive director.

16 BY MR. MARTENS: 03:06:11

17 Q And that would be consistent with the 03:06:12
18 principle of autonomy, correct?

19 MR. GANT: Same objections. 03:06:17

20 THE WITNESS: I believe so. 03:06:19

21 BY MR. MARTENS: 03:06:20

22 Q Are you familiar with how speakers are 03:06:42

1 selected at religious conventions --

2 MR. GANT: Objection. Vague, compound. 03:06:50

3 BY MR. MARTENS: 03:06:51

4 Q -- in the Baptist world? 03:06:52

5 MR. GANT: Objection. Vague, compound. 03:06:54

6 THE WITNESS: I'm not sure there's one 03:06:59

7 way that speakers are selected, so no.

8 BY MR. MARTENS: 03:07:07

9 Q Okay. Would you agree that a pastor's 03:07:07

10 convention where speakers are being selected to

11 preach, would you agree that the selection of

12 preachers to speak at that convention would be a

13 decision protected by the First Amendment in your

14 view?

15 MR. GANT: Objection. Vague, 03:07:32

16 foundation, compound, incomplete hypothetical,

17 calls for speculation, and to the extent it calls

18 for a legal conclusion.

19 THE WITNESS: It would seem to me that 03:07:47

20 a -- any religious organization having a meeting

21 of some kind would be protected by the religion

22 clauses of the First Amendment from government

1 interference in choosing who they wanted to have
2 at that meeting.

3 BY MR. MARTENS: 03:08:12

4 Q And protected from government 03:08:12
5 interference would include protected from
6 interference by the courts deciding the issue of
7 who the speaker should be, correct?

8 MR. GANT: Same objections. 03:08:24

9 THE WITNESS: I believe that would be 03:08:26
10 correct, but I'm not a legal scholar, so I'm not
11 certain.

12 MR. MARTENS: If we could just take one 03:08:38
13 last break and I may be done.

14 THE WITNESS: Okay. 03:08:42

15 VIDEO TECHNICIAN: We're going off the 03:08:46
16 record. This is the end of Media Unit 4. The
17 time is 3:08 p.m.

18 (Brief recess.) 03:08:55

19 VIDEO TECHNICIAN: We're back on the 03:13:40
20 record. This is Media Unit 5. The time is
21 3:13 p.m.

22 MR. MARTENS: Dr. Hankins, thank you for 03:13:47

1 your time today. I don't have any further
2 questions.

3 THE WITNESS: Thank you. 03:13:52

4 EXAMINATION BY COUNSEL FOR PLAINTIFF 03:13:52

5 BY MR. GANT: 03:13:52

6 Q Dr. Hankins, I have a couple of 03:13:53
7 questions. As you know, my name is Scott Gant. I
8 represent Dr. McRaney in this case.

9 Do you recall Mr. Martens asked you a 03:14:01
10 number of questions earlier to the effect of
11 whether you considered yourself an expert on
12 various topics?

13 A Yes, I remember. 03:14:12

14 Q And I think with respect to all those 03:14:14
15 questions you said you did not consider yourself
16 an expert; is that correct?

17 A What I remember saying is that it's not 03:14:22
18 a term I usually apply to myself.

19 Q And that was the reason why you were not 03:14:26
20 willing to describe yourself as an expert?

21 A Yes. 03:14:34

22 Q Now, do you have an understanding about 03:14:36

1 who will decide whether or not you are qualified
2 to give testimony as an expert in this case?

3 A I -- I suspect it would be the judge and 03:14:48
4 the jury, but...

5 Q Was -- was the purpose of your report 03:14:54
6 and the testimony you will give at trial to assist
7 the jury in this case?

8 A I believe it would be, yes. 03:15:10

9 Q You understand -- strike that. 03:15:13

10 Do you understand your role to be to 03:15:15
11 offer your opinions and the bases for them and let
12 the jury decide whether and how to use that
13 information?

14 A Yes, uh-huh. 03:15:26

15 Q Is all of the testimony you've given 03:15:34
16 today your own testimony?

17 A Yes, all of the testimony is my own, 03:15:39
18 yes.

19 Q Has anyone instructed you about how to 03:15:42
20 testify or answer any particular question?

21 A No. 03:15:46

22 Q Have I told you how to testify today? 03:15:47

1	A	No.	03:15:50
2	Q	Have I told you how to answer any	03:15:51
3		particular question?	
4	A	No.	03:15:54
5	Q	Are you withdrawing any of the opinions	03:16:01
6		that are set forth in your report marked as	
7		Exhibit 1?	
8	A	No, I'm not withdrawing any.	03:16:08
9	Q	Do you continue to stand by them?	03:16:10
10	A	I do.	03:16:12
11	Q	This lawsuit is, and I think it's	03:16:15
12		reflected at the front of the first page of your	
13		report, is entitled "Will McRaney versus NAMB,"	
14		correct?	
15	A	Yes.	03:16:30
16	Q	Dr. McRaney is an individual; is that	03:16:31
17		correct?	
18	A	Yes.	03:16:34
19	Q	Is this lawsuit an individual against an	03:16:35
20		organization or is it two organizations against	
21		one another?	
22	A	It seems to me to be an individual	03:16:47

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1 | against an organization.

2 Q So when Mr. Martens was asking you a 03:16:52
3 number of questions about two religious
4 organizations being in disputes with one another
5 hypothetically, that's not this case, is it?

6	A	No.	03:17:04
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7 Q I think you testified in response to one 03:17:06
8 of Mr. Martens' questions that you looked at the
9 original complaint filed by Dr. McRaney in 2017;
10 is that correct?

11	A	Yes.	03:17:17
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12 Q Okay. And subsequent to your completing 03:17:17
13 your report, are you aware that Dr. McRaney filed
14 what's called a supplemental pleading? I think
15 Mr. Martens referred to it as a supplemental
16 complaint.

17	A	Uh-huh.	03:17:31
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18	Q	Do you remember that?	03:17:31
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19 A Yes. 03:17:33

20 Q And you're aware that there was such a 03:17:33

21 filing?

22	A	Yes.	03:17:37
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1 Q Have you read that document? 03:17:37

2 A Yes, I have. 03:17:38

3 Q Now, do you understand Dr. McRaney's 03:17:39

4 lawsuit against NAMB to concern both NAMB's

5 conduct before he was terminated by BCMD and after

6 he was terminated by BCMD?

7 A Yes, I understand that. 03:17:51

8 Q Do you remember that Dr. McRaney was 03:17:53

9 terminated by BCMD in 2015?

10 A I remember it being thereabouts, but 03:18:00

11 yeah.

12 Q So any conduct by NAMB after Dr. McRaney 03:18:04

13 was terminated by BCMD would be conduct directed

14 at Dr. McRaney while he was not employed by BCMD,

15 correct?

16 A Yes. 03:18:20

17 Q So when Mr. Martens was asking you a 03:18:21

18 number of hypothetical questions about a situation

19 where there was a dispute concerning conduct

20 concerning a plaintiff who was employed by a

21 religious organization, at least with respect to

22 Dr. McRaney's allegations about conduct by NAMB

1 after he left BCMD, those wouldn't be applicable,
2 would it?

3 A That's right. 03:18:48

4 Q And during the time preceding when 03:18:48
5 Dr. McRaney was terminated by BCMD, do you
6 understand Dr. McRaney to be complaining about
7 NAMB's conduct as directed towards him
8 individually or NAMB's conduct as directed towards
9 BCMD?

10 A Toward him. 03:19:05

11 Q And it was on the basis of those 03:19:06
12 understandings that you prepared your report; is
13 that right?

14 A Yes. 03:19:12

15 MR. GANT: All right. Unless 03:19:12
16 Mr. Martens has any questions, I don't have
17 anything else for now. Thank you, Dr. Hankins.

18 MR. MARTENS: I have a few questions. 03:19:18

19 FURTHER EXAMINATION BY COUNSEL FOR 03:19:19

20 DEFENDANT 03:19:19

21 BY MR. MARTENS: 03:19:19

22 Q If the Southern Baptist Convention filed 03:19:19

1 a lawsuit against DaySpring Baptist Church's
2 senior pastor seeking to remove him as your
3 pastor, would you believe the First Amendment
4 provides a defense to that lawsuit?

5 MR. GANT: I thought that was asked and 03:19:37
6 answered and whether it was or wasn't, it's vague,
7 incomplete hypothetical, foundation, calls for
8 speculations and calls for a legal conclusion.

9 THE WITNESS: It's -- it's really hard 03:19:45
10 for me to even work within this analogy since
11 DaySpring is not a Southern Baptist church. I --
12 you know, it -- it seems to me that such a suit
13 would be thrown out of court, but -- so I -- I --
14 I'm not sure what -- what to say about that.

15 BY MR. MARTENS: 03:20:02

16 Q You don't know whether the First 03:20:02
17 Amendment would protect the --

18 MR. GANT: Same -- 03:20:06

19 BY MR. MARTENS: 03:20:06

20 Q -- church in that -- the pastor in that 03:20:06
21 instance?

22 MR. GANT: Same objections. 03:20:09

1 THE WITNESS: As I said before, I 03:20:10
2 would -- I would hope so, but...
3 BY MR. MARTENS: 03:20:13
4 Q That's fine. 03:20:15
5 Do you remember Mr. Gant asked you 03:20:19
6 questions about whether he told you what to say in
7 testimony?
8 What did you talk about yesterday when 03:20:26
9 you met with him?
10 MR. GANT: I'd like to be able to look 03:20:31
11 at some of the testimony, but you would not agree
12 that there was no waiver --
13 MR. MARTENS: But you just waived with 03:20:37
14 your question, so that's why I'm asking.
15 MR. GANT: No, no, I have not waived. I 03:20:40
16 don't agree that I've waived. So --
17 MR. MARTENS: Okay. 03:20:45
18 MR. GANT: So you're not willing to 03:20:45
19 agree if we take this in baby steps. He already
20 answered earlier talking about, I think he put it,
21 a style of answering questions.
22 BY MR. MARTENS: 03:20:57

1 Q My question was what did you talk about 03:20:59
2 with Mr. Gant yesterday in preparation for your
3 testimony?

4 MR. GANT: That's way too broad a 03:21:05
5 question, so I have to instruct you not to answer
6 that question.

7 THE WITNESS: Okay. 03:21:08

8 BY MR. MARTENS: 03:21:08

9 Q Are you following your counsel's advice 03:21:09
10 to -- are you -- are you following Mr. Gant's
11 advice not to answer that question?

12 A Yes. 03:21:15

13 MR. GANT: I'm sorry, did you say that I 03:21:15
14 was his counsel? If so, that's a misstatement.

15 MR. MARTENS: That's why I took it back 03:21:21
16 I thought.

17 MR. GANT: Okay. 03:21:24

18 MR. MARTENS: Yeah, I took that back. 03:21:24

19 BY MR. MARTENS: 03:21:25

20 Q Do you recall discussing your testimony 03:21:27
21 yesterday with Mr. Gant?

22 MR. GANT: Objection. Vague. 03:21:34

1 THE WITNESS: Discussing my testimony? 03:21:37

2 MR. GANT: If you -- yeah, I don't 03:21:39

3 understand, but if you understand, you can answer

4 yes or no.

5 THE WITNESS: Well, I don't understand 03:21:43

6 how I could discuss my testimony if I hadn't given

7 my testimony yet.

8 BY MR. MARTENS: 03:21:47

9 Q Did you prepare -- strike that. 03:21:47

10 Did you meet with Mr. Gant yesterday to 03:21:49

11 prepare for your testimony today?

12 MR. GANT: You can answer that yes, no 03:21:56

13 or something else.

14 THE WITNESS: Yes. I've never been 03:21:59

15 deposed before and so I needed to know what it is

16 going to look like.

17 BY MR. MARTENS: 03:22:05

18 Q And how long did you say you met? 03:22:06

19 A I didn't say how long. 03:22:10

20 Q Okay. How long did you meet? 03:22:11

21 A We met for a good bit. I'm not really 03:22:14

22 sure exactly how long we met.

1 Q More than half a day? 03:22:20

2 MR. GANT: Objection. Vague. 03:22:21

3 Do you mean 12 hours or do you mean a 03:22:23

4 workday? That's not a good question, Matt.

5 Objection. Vague. 03:22:29

6 BY MR. MARTENS: 03:22:30

7 Q You can go ahead and answer. 03:22:34

8 A Oh. 03:22:36

9 MR. GANT: Same objection. 03:22:37

10 THE WITNESS: I think it was slightly 03:22:40

11 more than a half a day's work.

12 BY MR. MARTENS: 03:22:44

13 Q Okay. Did you look at your report 03:22:44

14 during that preparation?

15 MR. GANT: I'll let him answer if he 03:22:52

16 looked at the report. I won't let him answer if

17 you mean did I ask him to look at his report. So

18 are you accepting my clarification or not?

19 MR. MARTENS: No, I just asked him if he 03:23:01

20 looked at his report during -- during the meeting.

21 THE WITNESS: I believe I did. I looked 03:23:05

22 at it the night before and I looked at it last

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1 night as well.

2 BY MR. MARTENS: 03:23:09

3 Q Did Mr. Gant ask hypothetical questions 03:23:10
4 to you that you might be asked today?

5 MR. GANT: You can answer that yes or 03:23:15
6 no.

7 THE WITNESS: I'm not sure. 03:23:19

8 BY MR. MARTENS: 03:23:20

9 Q Did he talk about the report with you? 03:23:21

10 MR. GANT: Objection. Vague. 03:23:25

11 Again, unless I say otherwise on this 03:23:26
12 line of questions, you can answer yes or no.

13 THE WITNESS: We talked about my report 03:23:31
14 I believe. We reviewed it, yeah.

15 BY MR. MARTENS: 03:23:34

16 Q What did you talk about with regard to 03:23:34
17 the report?

18 MR. GANT: Again, I'm going to instruct 03:23:38
19 you not to answer.

20 THE WITNESS: Okay. 03:23:40

21 BY MR. MARTENS: 03:23:40

22 Q Are you following Mr. Gant's advice in 03:23:40

1 not answering?

2 A Yes. 03:23:45

3 Q Did Mr. Gant ask you questions that you 03:23:45
4 might be asked today?

5 MR. GANT: The same -- the same 03:23:50
6 instruction about limiting your answer, but you
7 can answer.

8 THE WITNESS: Yeah, I -- I remember 03:23:59
9 talking about sort of areas that would be covered
10 in the deposition.

11 BY MR. MARTENS: 03:24:02

12 Q What areas did you talk about with 03:24:04
13 Mr. Gant might be covered during the deposition?

14 MR. GANT: You can talk at a very 03:24:08
15 general level, but don't disclose the substance of
16 our discussions --

17 THE WITNESS: Yeah. 03:24:14

18 MR. GANT: -- which are work product. 03:24:14

19 THE WITNESS: Things that are in my 03:24:18
20 report I guess.

21 BY MR. MARTENS: 03:24:19

22 Q What are some that you remember talking 03:24:19

1 through with Mr. Gant yesterday?

2 MR. GANT: Same admonition. 03:24:23

3 THE WITNESS: I don't remember which 03:24:25

4 ones we talked about and which ones we didn't.

5 BY MR. MARTENS: 03:24:28

6 Q Did you practice with him questioning 03:24:29

7 you?

8 MR. GANT: Objection. Vague and same 03:24:33

9 admonition.

10 THE WITNESS: I think we -- I think we 03:24:42

11 practiced but not with substantive questions. I

12 think it was -- it was like a practice how to

13 answer questions, you know, in a deposition.

14 BY MR. MARTENS: 03:24:55

15 Q Did you talk through questions that -- 03:24:55

16 how you should answer certain questions?

17 MR. GANT: Objection. Vague, asked and 03:25:03

18 answered. It sounds like the same question.

19 THE WITNESS: Not substantively answer 03:25:06

20 them in terms of this case.

21 BY MR. MARTENS: 03:25:10

22 Q What -- what types of questions did you 03:25:12

1 talk through?

2 MR. GANT: Same admonition. Don't get 03:25:17
3 into the particulars.

4 THE WITNESS: I actually do not 03:25:20
5 remember.

6 MR. MARTENS: Okay. We don't have 03:25:23
7 anything else. Thanks for coming in.

8 THE WITNESS: Okay. Thank you. 03:25:31

9 MR. GANT: Thanks very much. 03:25:32

10 We'll -- we'll -- Dr. Hankins will read 03:25:33
11 and sign the transcript.

12 MR. MARTENS: Sure. 03:25:36

13 VIDEO TECHNICIAN: Please stand by. 03:25:40

14 We're off the record at 3:25 p.m. and
15 this concludes today's testimony given by Barry
16 Hankins. The total number of media units used was
17 five and will be retained by Veritext.

18 (Whereupon, at 3:25 p.m., the
19 deposition of BARRY HANKINS
20 was concluded.)

21 * * * * *

22

CERTIFICATE OF NOTARY PUBLIC

I, SHARI R. BROUSSARD, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



SHARI R. BROUSSARD

Notary Public in and for the
District of Columbia

My commission expires:

August 14, 2025

A C K N O W L E D G E M E N T
O F D E P O N E N T

I, BARRY HANKINS, do hereby acknowledge

I have read and examined the foregoing pages of
testimony, and the same is a true, correct and
complete transcription of the testimony given by
me, and any changes or corrections, if any, appear
in the attached errata sheet signed by me.

Date

BARRY HANKINS

1 SCOTT GANT, ESQ.

2 sgant@bsfllp.com

3 May 4, 2023

4 RE: WILL McRANEY vs. THE NORTH AMERICAN MISSION

BOARD OF THE SOUTHERN BAPTIST CONVENTION, INC.

5 April 25, 2023-BARRY HANKINS-JOB NO. 5849878

6 The above-referenced transcript has been
7 completed by Veritext Legal Solutions and
8 review of the transcript is being handled as follows:

9 — Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext
10 to schedule a time to review the original transcript at
11 a Veritext office.

12 — Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF
13 Transcript - The witness should review the transcript and
14 make any necessary corrections on the errata pages included
15 below, notating the page and line number of the corrections.
16 The witness should then sign and date the errata and penalty
17 of perjury pages and return the completed pages to all
18 appearing counsel within the period of time determined at
19 the deposition or provided by the Code of Civil Procedure.

20 — Waiving the CA Code of Civil Procedure per Stipulation of
21 Counsel - Original transcript to be released for signature
22 as determined at the deposition.

23 — Signature Waived - Reading & Signature was waived at the
24 time of the deposition.

25

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1 _x_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2 Transcript - The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.

9 ___ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

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1 WILL McRANEY vs. THE NORTH AMERICAN MISSION
BOARD OF THE SOUTHERN BAPTIST CONVENTION, INC.
2 BARRY HANKINS-JOB NO. 5849878
3 E R R A T A S H E E T
4 PAGE_____ LINE_____ CHANGE_____
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6 REASON_____
7 PAGE_____ LINE_____ CHANGE_____
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19 PAGE_____ LINE_____ CHANGE_____
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21 REASON_____
22 _____
23 _____
24 WITNESS Date
25

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Michigan Court Rules

Chapter 2: Civil Procedure

Subchapter 2.300 Discovery Rule 2.306

(f) Certification and Transcription; Filing;
Copies.

(1) If transcription is requested by a party, the person conducting the examination or the stenographer must certify on the deposition that the witness was duly sworn and that the deposition is a true record of the testimony given by the witness. A deposition transcribed and certified in accordance with sub-rule (F) need not be submitted to the witness for examination and signature.

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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
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OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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EXHIBIT 25

From: Ro <ronmba1613@aol.com>
Sent: Friday, September 19, 2014 11:33 AM
To: Christopherson, Jeff
Subject: Fwd: RE: Re:

Jeff
FYI...you may share with Kevin Ezell if u want.
Ron Blankenship

Sent from AOL Mobile Mail

From: Ro <ronmba1613@aol.com>
Date: Friday, September 19, 2014
Subject: RE: Re:
To: DJackson <DJackson@bcmd.org>

David

When are some dates you can meet with me and Michael? We can then coordinate.

There is not much we can say by email, but a lot of things have come to light the last few weeks. Neither Michael or I hold any hard feelings or any blame toward you. We love and appreciate you as always.

We realize you have been put in very difficult situation where you are pulled in different directions.

I do know there is an escalating tension between Dr. McRaney and NAMB which in my opinion will result in a parting of the ways, not because NAMB wants this but because of exec's new direction

which includes breaking with NAMB. I wish this was not the case. This comes along with major tensions and conflict that have been created between Will and almost all the Directors of Missions over his desire to dissolve and absorb associations into state convention, and at times denying it. In MBA Will has been trying to set up a meeting in one of our churches to pitch his plan without even discussing it with me.

That puts you and me in the middle of things.

Montgomery Association has always been as supportive of state convention as any association. However our leadership in MBA cannot support this aggressive and at times hostile approach to pushing a strategy with little consideration of the history, core values and identity of this state convention.

So I want you to know we want to continue a positive relationship with you wherever we can. We can talk more later. I am a friendly person who wants to get along, but not at all cost. My calling has not changed. I think you are a person of integrity and I know your heart for church planting has not changed. In the meantime we all need to pray and seek God's guidance.

I Remain Your Partner in Ministry and Friend,
Ron Blankenship

Sent from AOL Mobile Mail

On Tuesday, September 16, 2014 David Jackson <DJackson@bcmid.org> wrote:

Ron, Thank you again for your kind words. I am more than willing to meet with you to talk about these matters further. You are my friend, and I will do whatever I can to answer questions, give you information, etc. that can help you and MBA during this time. That being said, it would be best to say that the idea of full timers rather than part time CPCs initiated with me, not Dr. McRaney. When we started looking at the best way to service our field with catalysts for the future, I felt it best to find a full timer to surround the work of our coordinators in both cities. I also wanted to put part timers on the east and the west. Dr. McRaney agreed with the plan and pitched it to NAMB...they bought in on the full time positions, but not the part time ones...hence, we were left with potentially two full time positions. Because I thought I remembered (incorrectly, according to your remembrance) that you would not choose CPC work over DOM work, we moved on to consider Michael...hence, the problem we now face. So do not blame Dr. McRaney for this, or NAMB. Blame me, if you must; the idea started with me. There has never been any intent to hurt you or Michael or the MBA in this process; yet, I have done that, and for this I am truly sorry. The process was handled poorly and lives were hurt as a result. I apologize for these things and ask your forgiveness. Currently, I do not know if we will even get full time positions, or any positions in the field at all. That is still being negotiated by Dr. Mac with NAMB (Jeff). I have had to take a wait and see approach to this all. I will keep you informed on the process as it develops. And as I said at the beginning, I am more than willing to meet with you (and/or Michael), if you would like. I am eager to repair the damage I have done to our relationship; let me know how I can best serve you.

Sincerely, in Christ, David _____ From: Ro [ronmba1613@aol.com]

Sent: Wednesday, September 10, 2014 2:26 PM To: David Jackson Subject: Re: David, Thank you for your comments. Yes frustration describes the situation. The story I got from NAMB is that these CPC changes are driven directly from Dr. McKraney's office and that I would need to talk with him. Our friendship will always be there. That is why I am sharing these things with you. I just have a feeling communication and relationship are couched more in strategic goals now. I am hurt not because of the CPC position...I do not get my identity from that. I also did not say I would rather be a DOM than a CPC...I stated that I can do both and church planting is better because of my relationships with churches in both roles and the teams and structure I have built I am hurt because I was an afterthought...that may just be something that fell through the cracks but it is what happened. We are a strong association and we already have budget set up for next year to fully support me and Michael. As always we are here to partner wherever we can whether or not we might agree with BCM/D...As you said that is the only positive option. May God bless each of us as we seek God's will. Ron B Sent from AOL Mobile Mail

On Wednesday, September 10, 2014 David Jackson <DJackson@bcmid.org> wrote: Ron, Thank you for your email. I appreciate your kindnesses to me and I value your friendship greatly. I also understand your frustration. These changes have been challenging to us all. I have not handled all of the information very well; it's as though I have twenty plates spinning at once and I have to keep them all going. It is difficult, to say the least, without even factoring in the emotional toll it takes on all of us. Many of these

plates deal with personnel changes. The full back story is probably better shared in this way: with Joel and Mitch also moving out of their roles as CPCs, we shifted the conversation with NAMB toward full time positions, at least around the cities, rather than continuing with part time catalysts. Placing full time catalysts around the SEND cities of Baltimore and DC made sense to all involved. Since you had previously told me that you preferred the DOM role to the CPC role (if you had to choose between them), and with the hiring by MBA of Michael to do church planting and language work, I assumed you and Michael would both think it a good thing if we tried to help MBA with his salary, since your position was possibly going to lose NAMB funds. Plus, at that time there was still the chance that NAMB was going to allow us 2 part time positions for the future, as well, and I was still considering offering you one of them (this option never happened). In addition, NAMB recently wrote us and said that NAMB has an expectation that the CPCs should not have additional responsibilities apart from the church planting efforts in their job description. So putting all of this together, we simply decided it best that none of our positions be shared in an Associational setting. Dr. Mac and I have worked in tandem on this. However, he is doing all the negotiating with NAMB. At this point, I don't know what positions we will have available to us for 2015. My best guess is 5 or 6 full time positions. I still expect one of these to be around DC. In the meantime, I hope you will encourage your association, especially its leaders and staff, to continue to trust and build relationship with MABN and NAMB. I do not think any other response will work to the benefit of all parties involved. For example, how could we even contemplate asking Michael to reconsider a full time CPC role, if he is already distrusting us, the people with whom he'd be working? Or keeping him in the Language Church Coordinator role, if he doesn't want to leave his church? Trust must be demonstrated at the highest levels, if relationship is to work to both our benefits. As for communication, I will do better. As I said, there are many moving pieces, and I often find myself caught in the middle--between NAMB and MABN, between both and associations, etc. It is awkward, to say the least. That's not acceptable, I know, but it is reality. I must do better. Just please understand my situation. We are planting twice as many churches, with less personnel and support than previously. Something was bound to fall through the cracks. Please don't let this damage our relationship personally. I value you and our friendship. Let's continue to trust each other, even when things may not go as we hope, and do what we can to make sure those we influence continue to do the same. This is the key to us both moving together effectively in this brave new world that has been thrust upon us. Your ally and advocate, David Sent from my iPad

EXHIBIT 26

Kevin Ezell, NAMB, and Mid-Atlantic Baptist Network Concerns
Nov. 26, 2014

From: Will McRaney
Exec. Missional Strategist
Mid-Atlantic Baptist Network
To: Kevin Ezell
President – North American Mission Board

Kevin,

I appreciate the unique trust that you carry as the leader of our national mission board. You and Jeff have been effective in ministry and are men who are of honorable reputation. You serve a sister SBC organization that has a significant place of leadership among our family of autonomous sister organizations. We all serve Christ and we also serve Southern Baptists in positions of great trust and responsibility around the stewardship of our mission. I appreciate NAMB's unique role in our overall mission.

As Jeff noted in an earlier conversation, it is very important for us to work in a healthy manner. I am seeking to exercise God-honoring leadership of our Network and partner with NAMB in kingdom advancing ways. We are seeking to do this together around challenges we did not create and facts which seems to be disconnected from perceptions. I believe we can get to some common truths, work together well and dismiss these attempts to confuse and distract us from our Kingdom work. I will seek in this document to provide clear disclosure in hopes that we will quickly let not misperceptions continue to waste precious energies.

I appreciate the opportunity to address concerns and present my understandings of some facets of our common work. Clarity of communicating on paper is a bit more challenging than in person. Hopefully the thoughts and spirit will come through as I seek to clarify and fill in essential components and summarize a few concerns I have already provided you in previous communications. I am hopeful this effort below will help us alleviate some of the concerns expressed and set us on a new healthy course in our partnership.

I would encourage us to take the long view of things as we move forward. Our Network and I are sure NAMB desires to give and receive respect as we each carry out our assigned roles and steward that which God has entrusted to us. Both organizations have been around a long time. In most areas, the associations were the first to get formed and then followed by the state conventions. The Mid-Atlantic Baptist Network has been faithfully carrying out its mission for about 175 years and we are aware SBC pioneer Annie Armstrong carried out her ministry in our region. The North American Mission Board has a long history as well.

I am not a contentious person and seek to live peaceably toward greater Kingdom advance, as I am sure you do as well. Should we have issues or concerns, I would value the opportunity to discuss them to keep from giving footholds to the enemy or wasting energies unnecessarily instead of working through mission impacting challenges as they are certain to arise. I did appreciate the time you invested in sharing the several concerns and give me the opportunity to address and clarify several points which we share completely different information or perspectives.

Issues We May Be Dealing With:

- **Miscommunications**

Communications are hard at its best. Our Network assumes that like our Network, you desire to please Jesus and lead NAMB rightly before God. We are at different distances and layers from the communications we must both use to make decisions and lead our organizations. I believe many if not all of the three concerns you expressed would be significantly reduced with some additional and/or clarifying information. You have asked me to bring concerns to you and Jeff, which I have done and I appreciate seeing your concerns so that I can quickly and in an informed manner address those specific concerns directly.

I would like to propose that as we move forward, we work from conversations on procedural and staffing matters and then quickly to emails to highlight understandings and then verify and/or clarify on matters of decisions or directions or understandings. I would assume this primarily will occur in the exchanges that Jeff and I have about various details as they arise. These emails will assist with memory and help with clarity as well. Summary conclusions of conversations could be exchanged to help with communications.

- **Difference in Understanding of the Role of NAMB and the Network**

Our Network is an autonomous and wants to exercise intentional stewardship and mutual respect for our partners as we carry out evangelism, church planting and ministry. Both NAMB and MABN desire to work to advance the Kingdom of God.

In August 2012, NAMB and the BCMD entered a written Cooperative and Strategic Agreement that guides their relationship. We as the leadership of the BCMD are a people of integrity and will keep the stipulations of those agreements. At the same time, we are a sister Baptist organization that values mutual cooperation and respect. We look forward to a future of mutual cooperation and respect. We do not desire to be contentious or selfish, but as stewards of the Lord desire to be faithful to the mission field He has assigned and has given to us and do so in a way of loving mutual reciprocity or koinonia.

We understand and appreciate the role of NAMB in prosecuting its mission as it relates to MABN, to be that of advisor, helper, but not controller. We understand that as NAMB invests money in the mission of the MABN. NAMB is pursuing its mission to see church planting develop across the US and we should continue to operate with integrity of purpose as faithful stewards and be accountable for the use of those funds.

We also understand that it is reasonable for NAMB to expect MABN to use funds responsibly, and effectively. However, we the churches in the MABN, are the ones who will live with the wake behind the church planters. This would include their efforts, the results, their success or failures and their spirit of cooperation or distrust that they foster among the churches from their connection with our cooperative ministry. For this reason, we see the Mid-Atlantic Baptist Network as being accountable to the Lord to take intelligent, aggressive, and healthy actions in the selection, training, coaching, deployment, management, and servicing of church planting personnel. We see NAMB's role as providing support, insight and counsel and to the extent possible, funds to help the Network execute its stewardship responsibilities to the Lord Jesus.

- Possible Unseen Agendas

It is always possible that organizations and or individuals have agendas that are not readily seen or apparent that impact their attitudes and decisions. In fact the Scripture would exhort us all to guard our hearts, because we all have the capacity to be double-minded and desire both the things of the Lord and selfish desires as well.

The NAMB has worked to get focused, clear and then public with its overall direction as a new direction was set several years ago. The Mid-Atlantic Baptist Network has recently invested significant time and energies in clarifying our mission, roles, objectives and strategies with the churches in our region. The Exec has been out publicly speaking in all parts of our region and then to the entire network of churches at our Annual Celebration earlier this month. Further, in this document I will seek to further clarify my understandings and directions so that all those seeking to interpret the intent of the Network and its leaders have a solid base of information from which to form informed opinions and make contributions.

My Understandings & Commitments:

- Work Cooperatively, Not Contentiously, Not Argumentatively:

We as the Mid-Atlantic Baptist Network are an autonomous organization that plays a cooperative role in the life of our denomination. God established this Network of churches and gave them the responsibility and privilege to sharing the love of Jesus Christ to the peoples of our region and then to the peoples of the world.

Our desire is to work with other sister denominational organizations cooperatively for Kingdom advance, not contentiously or argumentatively. Within our autonomy, we desire to work responsibly and with intentional stewardship to the Lord of all resources, human, physical, and financial. As He establishes all things and brought the Mid-Atlantic Baptist Network into existence, we seek to steward it responsibly, intelligently, aggressively, and in love as we look to the interests of others as well as our own as Paul wrote in Phil. 2:3-4.

We do believe that God will hold us accountable for how we steward the mission He entrusted to us in taking the gospel to the lost in our realm through evangelism, church planting and ministry. One day we will give an account to the Lord Jesus for our efforts in these areas. As we pursue our responsibilities before the Lord as an autonomous organization accountable to Him, we want to be a cooperative member of the Southern Baptist Convention family of churches and organizations. Our understanding is that our

cooperation should enable other organizations to aggressively pursue their responsibilities before the Lord and should not distract from or undermine the assignment the Lord has assigned us in our region.

- Disposition of Missions Money:

We count it a significant portion of our stewardship to give a high degree of accountability and accuracy on all funds entrusted to our stewardship. NAMB and our Network operate on different budget years which leads to some differences, but it is my understanding that in 2013, the money sent out and the money received in dollars through the Mid-Atlantic Baptist Network were close in amounts. Churches of the Mid-Atlantic Baptist Network through their gifts to the Cooperative Program and the Annie Armstrong Offering invested approximately \$915K into national missions through NAMB. During the same year 2013, NAMB reinvested approximately \$915K in our region formally through our Mid-Atlantic Baptist Network. Neither of these figures represents the total picture, as our churches are investing significantly more through direct missions and sponsoring churches across North America, and NAMB is also directing additional financial resources and personnel in the region that is not reflected in the numbers shared.

We appreciate NAMB doing this and its generosity toward this mission efforts in this region. However, the money we send out and the money received are similar in amounts. The funds that return through the Network come with additional controls and stipulations that can serve to both enhance, but also restrict our stewardship toward our mission of multiplying the Kingdom advance and mission impact through existing and new churches.

- Stipulations of our Cooperative Agreements:

In August 2012, the North American Mission Board and the Baptist Convention of Maryland/Delaware entered into a Strategic Partnership Agreement. While the stipulations of the Cooperative Agreement were made prior to the current Exec. Director coming into office, the Exec. Director of the BCMD is committed to honoring the terms stipulated by the agreement.

There are several points of the agreement which seem to be in question regarding violation. According to the agreement, the ratios and other terms of the agreement can be reviewed and adjusted annually. During 2015 budget consultations with Jeff Christopherson, Northeast Regional VP of NAMB, NAMB Mobilizer Kevin Marsico and BCMD SDOM David Jackson, I was first made aware of the joint ministry funding ratio of 1% per \$100,000 of Cooperative Program dollars that remained in the state convention. Being new to the office, I was not aware of the written cooperative agreement, so VP Christopherson sent a copy to me after our budget meeting in Columbia.

After reading the agreement and evaluating our 2013 financial statements, I inquired to the NAMB Regional VP regarding a possible ratio adjustment to reflect the actual 2013 financials, which would result in an adjustment from the BCMD providing 26% to 22% on all jointly funded expenditures. The NAMB VP verbally indicated an adjustment to the ratio could be made in October 2014 as NAMB begins its new budget year to reflect the agreed to 1% per \$100,000.

Within several days Christopherson returned with the news from the NAMB corporate office that the adjustment would not be made. I understood the reason to be that NAMB could not make the change but every five years due to financial budgeting and recordkeeping factors. The Exec. Director appreciated the prompt communication of the decision of NAMB corporate as we were seeking to put together the Network's 2015 budget. The Network's Exec. Director reread the agreement where it states the agreement can be reviewed and adjusted annually. The Exec. Director had the BCMD chief financial steward review the document as well for an additional perspective. The Exec. Dir. communicated with the NAMB Regional VP regarding the Cooperative Agreement and was told that the intent of the agreement was for the ratios not be adjusted until 5 years had elapsed. As the Agreement was created prior to the new BCMD Exec's arrival to the position, it was impossible to know the intent.

Part of the NAMB budget proposal to the BCMD, was to increase the overall church planting budget for planters \$150,000; about \$39,000 being BCMD's portion under agreement and \$111K NAMB's portion. The Network appreciated the offer for the additional \$111k by NAMB, but could not accept the additional funds at that time. If NAMB had chosen to reduce the matching percentage 4% in keeping with 2013 BCMD financial realities and the Cooperative Agreement, about \$36k/yr. would have been available to match the additional money NAMB was offering to invest in church planters in our region.

Between the original 2012 agreement and current realities, the BCMD was operating on approximately \$400,000 less in CP staying in the state from the time of the original agreement two years earlier. At the direction of the new BCMD Exec, Tom Stolle, Chief Financial Steward, completed an extensive internal operations audit and invested significant time in reworking operations to save \$105,000 annually to help keep evangelism, church planting and ministry funds at their previous levels. The remaining smaller state staff also took a 1% reduction in retirement contributions to personally invest in our mission as an organization. Internally the BCMD was making all types of adjustments and reductions both in personnel, retirement and operational costs, all of which also impact church planters, in order to keep church planting and other ministry budgets the same in the midst of sending a higher percentage to SBC national than prior to Great Commission Resurgence. This was done in the midst of having some \$400,000 less in Cooperative Program staying in the region than was calculated for setting funding ratios for the 2012 NAMB/BCMD agreement.

The BCMD will strive to keep the stipulated agreement and where we know, the spirit of the agreement as well. However, it is more challenging for all involved to keep clarity around non-written agreements and intent. We keep our word, but we live in an age of legal agreements and we will keep our terms, not out of spirit of contention or being uncooperative, but out of a spirit of integrity and responsibility for our stewardship. We have no desire to be a contentious, legally spirited type of organization, but we cannot assume responsibilities that we have not formally committed to and we ask the same of our partners.

A concern has been expressed regarding hiring practices. Additional information and conversations should help us come to a much better understanding on what actually took place on these matters. These can be addressed more completely at a later point in this

document, but the Cooperative Agreement also speaks to these matters in terms of initiating the search, final approval, and our carrying out of our assigned responsibilities by our individual organizations.

- Frontlines of Mission Field

In keeping with our understanding of the New Testament, and historical Baptist traditions and ways of life, we believe that awareness of what needs to be done lies closer to the frontlines. Those nearer to the frontlines should be engaged and involved in creating and executing strategy. Baptist Associations have down through our history represented the interest of the people in the field. State Conventions have historically been autonomous self-governing organizations that are to represent the interests and insights of the people on the field. Our larger SBC is also an autonomous organization that should be inclined to represent well and fairly the interest of the churches. Our denominational boards have been charged with responsibilities to help with this overall process in the historic SBC structure and in a similar fashion to the New Testament church.

We have not had an Episcopalian type structure with an elite that dictates everything. We have needed aggressive leaders to lead into the future, but leaders in touch and sensitive to the needs of the constituents. It has been a part of the genius of the Baptist expansion along with having leaders who have an aggressive spirit of cooperation. In the Network, we see ourselves as an organization made up of duly elective representatives and a staff that courageously pursues the responsibilities of the Lord in a spirit of cooperation with the welfare of the churches in the field foremost in our minds.

It is vital the Mid-Atlantic Baptist Network be integrally engaged with the enlisting, equipping, encouraging, supporting and deploying of planters in starting churches in our region of responsibility. We have to live with the planters, the results, how they deal with people, other churches and the various facets of our denominational life. We are actually much closer to their mission field. We are in a better position to see what is happening on the field and what is not, therefore it is our best interest of our stewardship of responsibility and mission to be the organization on point in assisting those newly planted churches so that we can assist and redirect them as they experience challenges. It is the other local pastors around them and the Network staff that will be there to assist them with understanding the mission field, care for them and their families, celebrate victories and cry with them over personal and ministry hurts, help them with church and many other types of connections necessary for effective ministry, and provide assistance as they grow and develop disciples and as church for decades to come.

Having a strong regional base of support for the planters is vitally important not only for the individual plant, but also to maintain and enhance the several SBC distinctives, including essentials of SBC doctrine and a cooperative form of missions out of gratitude for others who paved the way. We really do believe we can do more faster and better together.

- Self-supporting to help others

In some areas of our denomination, the local work is extremely weak and almost entirely dependent upon the work of NAMB. And in those situations a higher degree of NAMB input and control is justified to make the work of the Great Commission progress. In our own region the Baptist work of the past has resulted in 550 churches and resulted in a fair amount of strength for effective ministry and the financial resources to carry on their own load.

The assistance of NAMB has been and is helpful and much appreciated as the churches in the Network seek to bear the vast majority of their own financial responsibility and also share with others across the globe. In this situation, cooperation with NAMB is helpful and accountability for spending NAMB funds well is reasonable. However, we understand we should be at a point in the life of our organization to control our destiny and set direction, and supervise our staff as is referenced in the Cooperative Agreement. With this understanding, we are grateful for our cooperative relationship with NAMB and the various ways it has and is contributing to our work.

Over the years the NAMB/HMB, expressed a desire to help the northeast and other parts of the country to grow stronger so that they can deploy money into more needy areas. The Baptists in this region have not only spawned other SBC work throughout the Northeast region, it has grown so that they can fund a major part of its operations and mission effort. No ministry organization, including the BCMD, has all the funds it would like to carry out its mission. However, while we greatly appreciate cooperative funds, we are seeking to take more responsibilities for the ministry that takes place in our assigned part of North America and through its strength, other parts of the globe. Historically, the SBC has rejoiced over this effort of becoming self-supporting for great Kingdom impact and sharing into more needy regions.

My Concerns:

There are some concerns that have been raised that we are trying to pay attention to as a Network who has mutual work and interests in our region.

- **Funding for Starting and Strengthen Network Churches**

Our denominational leadership has been aware of the downward trend in Cooperative Program from an average of 10.7% per church in the mid-1980s to 5.61% in 2012 and 2013, with all projections of that continuing and possibly in fact accelerating based on certain factors. Part of the decline prompted me to do an aggressive and intelligent study of factors toward the drivers back in 2012 prior to accepting the responsibilities to serve as the BCMD Executive Director. From my study and analysis, I did a formal summary of 13 factors impacting the Cooperative Program and presented it to various SBC leaders, including all the state executive directors and then to the executive leadership of the SBC Executive Committee. While not comprehensive or solution oriented, I sought to identify and communicate what I believe are the major factors impacting our Cooperative Program and capacities to carry out our collective mission. I would have every belief that all of the other SBC boards and agencies have done similar studies and made adjustments in strategies accordingly.

In assessing what the SBC boards, state conventions, and associations need do in the realm of church planting and evangelism as we work to multiplying the mission impact of churches, we realize that all of these cost money. The 2015 budget of the Mid-Atlantic Baptist Network has 70% of its budget coming from the Cooperative Program and another 16% from the NAMB. We purchased two Cooperative Program videos to use and share with churches and help facilitate the Annie Armstrong and Lottie Moon Offering through or in conjunction with our state offices. Both the IMB and the NAMB are dependent on the Coop. Program as well. If the figures I located are accurate, about 36% of the IMB's budget comes from the Cooperative Program and 36-38% of NAMB budget revenues comes from the Cooperative Program.

We are grateful that both the IMB and NAMB have highly recognizable designated offerings with special seasons of emphasis. State Conventions have had various levels of limited recognition and success in their state missions offerings. In recent history, the BCMD has collected around 3% of its budget from its state mission offering.

The good news is there are significantly more plants taking place across our region. This obviously has put stress in most every facet and system involved in planting from processing, assessing, training, coaching, counseling, encouraging and funding. A related concern, which is actually a good, but a difficult challenge to have, is that most all the 2015 budgeted money to assist planters has either been committed to plants that have started in the last three years or are planned to be started in 2015.

People in our region desperately need Jesus. God has continued to open the floodgates of the world by sending the peoples of the world to our neighborhoods. Healthy mission engaged churches serve as the foundation, funding and future for all missions efforts and in fact, all church ministry as well. We feel quite responsible to the Lord for making evangelism, church starting and ministry happen in our region of responsibility as a matter of stewarding the mission engagement in our area and through them to the world.

With the projections for continued further declines in the Cooperative Program over the next several years and a recent decline of over 20% in the BCMD state mission offering, I sought to steward my fiduciary responsibilities. One of those ways was to enhance the promotion and opportunity to invest in Kingdom mission advancement in our region through the historic state mission offering, now known as GoFwd Mid-Atlantic in keeping with Annie's admonition to aggressively leap forward into future mission impact.

This emphasis of an established and historic Baptist offering is not out of a spirit of contention or non-cooperation but simply it is our desire to please the Lord by aggressively pursuing our stewardship and responsibility to both carry more of our load and share resources with others. Like the two SBC Board's designated offerings, making this state missions vehicle recognizable and available year round may provide us additional resources to fund the work of the Network in evangelism, church planting and ministry. There is no desire to detract from the work of the SBC or its mission boards as we share common objectives from different roles. There is a desire however to be realistic for providing the necessary financial resources to fulfill our stewardship.

- Behaviors on some Personnel on Field

Behavior of some personnel on the field are generating reactions from people in our Network that is hindering our ability to communicate clearly on the field and with our partners and advance our strategic cooperative and unique mission objectives assigned to us as autonomous sister SBC organizations. I first experienced those concerns from the BCMD family before I actually officially began my position. Then several months later we had the difficulties of the Send City Coordinator representing and speaking on behalf of our entire organization without my approval. Over the last several months as additional concerns were expressed to me by leaders in our Network, I communicated those to NAMB national leaders in phone conversations and written communications. On October 16, 2014 I shared a summary of those personnel concerns in a letter to you. These personnel concerns are matters brought to my attention to explore, not ones the Exec created or sought out.

Much of the noise we are both hearing and having to invest time revolves around these personnel concerns. One of my hopes and prayers is that should Michael Crawford receive BCMD and NAMB formal approval, he will use his unique ministry and relationships to soon assist us with frontline troops and help put us on a new trajectory and path forward. Neither of us have excess time or energy to use in an ongoing fashion to continually address these distractions from our mission.

Perceived misinformation being spread that is undermining our ability to cooperate. The Exec is aware that it is impacting us locally and assume it has caused unwanted challenges to the President and Regional VP of NAMB as well. We are also hindered in this matter because the damaged lines of communication.

Misinformation and confusion is also undermining our work in the region. There seems to be confusion as to the roles of our Network and NAMB. There seems to be confusion as to who the planters go to for what parts of the planting process in light of NAMB's several year emphasis, newer structures, staff, and funding resources. Historically, the role of the associations, the state and our national mission board seemed to be more clear.

Our Network desires to steward our responsibilities and roles well. In many ways we are seeking to do this in an ever changing ministry context and appropriately deal with the challenges as they arise.

- Unique Roles of Sister Organizations

We are also damaged by the confusion in the field over the various roles of two separate organizations, as was recently noted as a factor by the pulling out of a Sending Baltimore lead partner and a BCMD very engaged pastor and planting advocate saying, "The SBC is broken" as I have written to you. In past years, it is the Exec's understanding this confusion did not exist, as the various partners, associations, state, and NAMB, each had definable roles and the churches and leaders we served knew exactly where to go for all denominational things church planting, evangelism, and disciple making. All things church planting eventually ended up on the desk of the SDOM and there was less confusion and the opportunity for clear communication and direction.

Concerns Expressed:

Concerns – you have expressed to me

By email dated Nov. 20, 2014 from the President of NAMB to the Exec. Director of Mid-Atlantic Baptist Network three primary concerns were expressed.

- Local Disconnect with NAMB staff & Returning phone calls:

Any claim that I am openly speaking against both NAMB leaders who reside in our region is simply false and at best several people removed from the supposed remarks. Additionally, the Exec does not recall any conversation with the NAMB Regional VP in regards to any claim that the Exec has openly spoke against the two NAMB employees from Maryland. The Exec does recall parts of one conversation with Christopherson back in the summer in which he expressed he had received a call from a former planter who expressed a concern from an associational meeting he had attended. The Exec communicated to the NAMB VP that there were about 12 people in the room and the unspecified concern could be checked with others. The Exec does not recall receiving or being told any specifics in terms of what I was reported to have said or when or where. I would welcome to the opportunity to deal with any specific claim of statements I supposedly made or make. All leaders understand that general statements of concern or complaints are ones that cannot be readily addressed and misunderstandings regarding intent and/or meaning are a natural part of communications as each one speaks and hears from their own perspectives.

As it would be expected of all leaders in similar positions, the Network Exec has exercised discipline in open communications in light on concerns expressed to him from various pastors and leaders in the region in order to please Jesus and protect the good efforts of both the BCMD and NAMB. In fact, since receiving more concerns, the Exec has intentionally eliminated most all references by name or position to these NAMB staff in order to drastically reduce the potential for misunderstanding or misrepresentation of comments, unless a direct question is asked. The Exec is focused on aggressively and respectfully advancing the mission of the Mid-Atlantic Baptist Network, which is the topic of many corporate gatherings.

Misunderstandings occur all the time in communications, particularly as the conversation is removed from the source, removed in time, and the people listen seek to interpret, conjecture, or misapply information based on their expectations and own life experiences. Knowing my own heart, most things I am saying and knowing that I will give an account for every thought and word before the Lord, the Exec has and will continue to work to keep a guard on my thoughts, attitudes and certainly words in spite of some gossip and ramblings that are swirling about various related topics.

Concern was express that the BCMD Exec was not returning calls from local NAMB personnel. It has been the intent and practice of the Exec and his staff to be responsive to the needs or requests of various sister SBC organizations and partners. While the SDOM was the primary person of contact with our Network with the NAMB Mobilizer and the Send Baltimore Coordinator, the Exec has been in several meetings with one or both personnel. The Exec has no memory that at any point had a call and/or email with a request had been received from the Mobilizer, and consequently not one that had not been returned.

After an extensive search of phone logs and email communications by the executive office staff, not one message was found asking for a return contact was received. Only one phone or email message was found originating from the NAMB Mobilizer, Kevin Marsico through my assistant and none directly to the Exec. The communication was on Oct. 16, 2013, two weeks into my taking the position. The note to the Exec from the assistant indicated that Marsico was praying for me and wanted to know how he can serve you.

At a couple of points, email communication was received as a copy on something to our SDOM and on a couple of occasions, an invitation was received. The Exec has responded to each known invitation for him specifically and on a few occasions, the SDOM said he replied and or attended something for us.

If there were believed to be additional efforts to contact me, it could have been a mechanical malfunction or a faulty memory. I regret the belief that such outreaches were ignored and would be glad to exchange communications if such calls were to take place in the future.

- Selection of Personnel -- Hiring Protocol:

Concern has been expressed about the Network's hiring process. We certainly seek to hire new staff for our given mission aggressively with good stewardship and accountability for helping churches evangelize, disciple, and start new churches in our region. We are seeking staff with high character, high servant's spirit, and highly skilled people who seek to serve others. Based on the Cooperative Agreement, the policies of the BCMD, and a more complete look at related facts and factors, the hiring seems to be in good order given the totality of the situations. However, there could be unwritten expectations and there are missing conversations and information that would have provided greater clarity and agreement on the hiring process if known by both NAMB and BCMD leaders.

While we desire to be aggressive in our efforts to seek the Lord and highly qualified staff as a matter of responsible stewardship of the mission entrusted to us, we have no desire to be contentious or consumed by self-interest. However, we need to deploy personnel who will deploy and manage personnel in the field and to assist church leaders to be successful on the field.

Concerns were expressed about both the SDOE and the SDOM hiring processes and tied together to imply there is a pattern that is procedurally outside of the stipulated Cooperative Agreement dated August, 2012 between NAMB and the BCMD and/or uncooperative in nature. The facts of both situations when understood should demonstrate that the BCMD Exec has acted in keeping with the Cooperative Agreement. Conversations with NAMB took place in good timing on each situation. The Network Exec. fulfilled his job responsibility to secure staff as outlined by and in keeping with the Network's policies and allowed NAMB like opportunity for approval as well.

Regarding the hiring of our current SDOE, there is one or more conversations between the Network Exec and the NAMB Regional VP that apparently are missing in the accounts communicated by the NAMB President. In the later part of 2013 or possibly first part of 2014, the Network Exec made an inquiry by phone call(s) to the NAMB Regional VP regarding forthcoming changes in the evangelism positions. The Regional NAMB VP communicated his affirmation of my moving forward with whoever I deemed best and to

just let him know. Christopherson communicated at least two reasons to support this position to me. First, the Regional VP trusted the BCMD Execs wide expertise and experience in this area, and second, his belief that whatever we did would be an improvement in our overall evangelism team. He also indicated a lessor hiring concern for NAMB over the hiring of evangelism personnel than church planting personnel.

The BCMD Exec. communicated to him that internal changes were being made as our then current Love Loud Missionary was leaving our staff. I communicated our desire to move our former SDOE back into her sweet spot of ministry in the coming vacancy as Love Loud Missionary and then begin a search for a SDOE. The Network Exec moved over the next several months to internally consider several people who might fit the need without initiating conversations with any candidate, then received two unsolicited resumes to consider, and then began a conversation with Dr. Joel Rainey for the position over multiple weeks in a slow and deliberate process.

Dr. Rainey was already an approved Church Planting Catalyst and highly qualified in evangelism and missions. At some point the Exec. presented his name to the Regional VP of NAMB with excitement, in keeping with what was understood from prior conversation(s) and written in the Cooperative Agreement. The full expectation was that Dr. Rainey would be received and approved by NAMB with great excitement, as we were adding a SDOE (Evangelism) with church planting success from the field and the denominational level as a DOM and as a CPC for the BCMD and NAMB.

Dr. Rainey had already been approved by NAMB to serve as a CPC, so the Exec was not aware if NAMB had additional approval processes or if this was just a matter of changing his position in their records. According to the Cooperative Agreement, NAMB does give the final approval to all candidates that are jointly funded. To the best of my recollection, the NAMB Regional VP communicated to me that he would have conversations with some (one) of the evangelism leadership at NAMB. The Exec does not remember any conversation indicating a disapproval of the hiring process or the person for the SDOE, Dr. Joel Rainey.

As per my email communication to the NAMB President on Nov. 15, 2014, the BCMD Exec is recommending to both the NAMB VP and the Administrative Committee of the Network that we hire Michael Crawford, a faithful and successful African American church planter to serve as the next State Director of Missions, a jointly funded position. The Cooperative Agreement stipulates the parameters and procedures regarding Personnel. One statement reads "Jointly funded missionaries must go through the approval process of both the convention and the NAMB. Search for jointly funded missionaries shall be initiated by the convention in consultation with NAMB. Final approval of the candidate will be from NAMB."

Part of the Cooperative Agreement indicates both NAMB and Convention leaders need to operate within their respective boards and policies and procedures. Recognizing the stipulated procedures in the process and duties assigned to Exec of the BCMD, we are moving aggressively in this matter and as it moves forward we will follow our responsibilities and agreements on these matters. I have communicated to Pastor Crawford that his hiring is contingent upon the approval of both the BCMD Administrative

Committee and NAMB. He is also aware that there will be communications with Christopherson as the Regional VP and possible questionnaires and/or tests.

As I noted in my email to you dated Nov. 15, 2014, I had been in current conversations with Crawford for a few weeks regarding other contract/part-time roles that would multiply his opportunities for mission and ministry within our Network and in various ways assist planters and pastors. We had been exploring various options and had been exploring possibilities with internal dialogues with select staff and Network leaders.

Crawford is a man of deep character with successful planting experience in urban Baltimore. He has great credibility with planters, strong relations with NAMB staff in the region, and high credibility with our African American leaders. With the short notice of David's departure and confusion because of misinformation among some planters as to the direction and future of church planting in our Network, it quickly became apparent that I should transition the conversations with Crawford to include the option of seeking approval for him to join our staff as our next SDOM.

This Mid-Atlantic Region has desperately needed a quality African American leader on so many fronts as we minister among, DC, Baltimore, and South Philadelphia, and also among the wealthiest and poorest of African Americans in the nation. The BCMD Exec has an extensive background in church planting as a planter, professor, researcher, assessor, coach, and training and support system designer and writer. The Exec has some understanding of the lay of the land in our region, and experience with Michael in various ministry and personal settings. The Exec came to believe that Michael Crawford would be a great fit to serve as SDOM and it is fully expected that after a review by NAMB personnel and our Administrative Committee, he would receive enthusiastic support and formal approval.

The timeline of events is as follows...

- Oct. 31, 2014 – SDOM resigns
- Oct. 31 – Nov. 5 – Exec. out of state including speaking at Renovate
- Nov. 6-8 final preparations for Annual Celebration
- Nov. 7 – initial conversation with Crawford about the opening, the job and his possible interest as he had communicated a 'no' to another possible church planting full-time role, other ongoing conversations about possible other roles prior to SDOM opening
- Nov. 9-11 – Annual Celebration of the Mid-Atlantic Baptist Network
- Nov. 13 – second meeting with Crawford in which he indicated his interest after his prayer and deliberations and more discussions about the job
- Nov. 14 – I exchanged communications with Jeff Christopherson and then the NAMB President regarding Crawford, with him indicating a desire to have input into possible candidates and my communicating that I had previously communicated with Crawford that he was my choice, pending the approval of the Admin. Committee and NAMB
- Nov. 12-14 – David Jackson, SDOM, last three days in the office before his two week vacation and Nov. 30 final day

- Nov. 12 & 14 – meetings with Jackson to download the many and complex dynamics of our church planting systems and people so that we could be better prepared to serve planters well for both the Network and NAMB as he was off and then after his final day on our staff (Nov. 30).

I believed that I was operating within the Cooperative Agreement, in an aggressive, intelligent and God-directed manner for the best interest of our Network with a highly qualified and needed leader in this role. Based on Christopherson's written statement that NAMB was most interested in having a "high capacity and proven church planting leader in this post", I communicated with Christopherson and Ezell that I believe that Crawford was both of these and brought many other qualities that would serve the Network, NAMB, and the leaders in our region exceptionally well.

In absence of previous ongoing discussions with Crawford, more time would have been given to take in additional qualified candidates from NAMB's broad ministry view and others as well. This may well have eliminated some of the current concerns. While the CPC positions are very tightly connected to church planting, the SDOM role includes church planting as a major component and has some oversight responsibilities. The SDOM has wider touch points with the Network's overall mission partners and churches, including our Associational Directors of Missions. As such, we believe Michael Crawford is uniquely wired to serve and lead well in the necessary roles and capacities.

We have desired to serve the Lord, our planters, missionaries and other leaders well. We provide for them high quality staff, men of strong character, servant's hearts, and experience, possessing expertise helpful to the overall mission of the BCMD and local churches. We have sought to do so not only in following the Cooperative Agreement around minimal stipulations, but looking to the interest of our collective strategic mission to advance the Kingdom of Christ in our region and through it to other parts and people of the world. We have sought to be open in our dialogues and cooperative in spirit and believe Michael Crawford will serve all involved well should he be approved.

- Church Planters Giving Requirement:

Each individual state convention has their own requirements regarding how much of the local offerings are to be reinvested in cooperative SBC mission efforts. Part of the objective of this practice is to teach the new church to think beyond themselves and to provide opportunity for the plant to reinvest in those who have invested freely in the many systems, resources, and people who have invested in them.

In Florida, the long established requirement for new plants receiving funds was to reinvest 8% into the Coop. Program and 2% to their local association. In the BCMD, the 10% required breakdown had been 6% to the Coop. Program, 3% to their local association, and 1% to some other SBC mission agency in the prior years. State conventions have differing requirements related to other mission offerings.

Exec's memory of the matters surrounding this concern are as follows.

- VP Christopherson communicated with the SDOM and then later the Exec. that NAMB wanted to remove all of the 3% associational requirement from

church plants to be reinvested into the ministry of their local association. This was discussed by phone and then later to a group of NE Execs and the SDOM in New York.

- Christopherson instructed (maybe requested, not really sure) the BCMD to remove the 3% required gifts to the Associations from the church planter's covenant. It is my understanding NAMB made this change because some associations were not investing financially in the plants and some planters were complaining about it. In our New York meeting with NE leaders, the BCMD SDOM, David Jackson, expressed the possible concerns and negative impact for our associational partners.
- The BCMD SDOM and the exec made the adjustment in the covenant to remove the 3% to associations as a part of the requirement, recognizing that associations are not under the direction of our Network. In addition to the Network providing direct support to the planters, we desire to be assistance to the planters and those local associations and churches that are supporting them in various ways.
- Recognizing the increasing demands for resources to assist the almost double number of planters and plants from the previous year, we made the decision to require 6% to Cooperative Program and 2% to the state mission offering designated for church planting. The 2% in direct support from the planters receiving funds, would assist with the need to continue to support current planters, match (ratio) increasing planting funds through NAMB, and also provide mission money to fund future human and financial resources for new planters in the Mid-Atlantic Baptist Network. This type of request is not usual or unBaptist, but in keeping with our cooperative form of missions. By specifying only 8%, the planters have 2 additional percentage of the 10% requirement to invest in other SBC mission efforts of at their discretion.
- Since we are funding them, assessing, training, coaching, supporting, and counseling them and their families, we felt it quite appropriate to require funds to reinvest in themselves and future planters. To our thinking it would be a healthy thing for them to help fund an organization supporting them in the manner of the Mid-Atlantic Baptist Network.

We did require 2% of funds to the Network as an expression of their spirit of cooperation. We are asking them to cooperate with the Mid-Atlantic Baptist Network that is not only funding their plant directly, but providing Network staff expertise and funding for their planting processing, assessing, training, coaching, financial accounting, 3 counseling-coaching check-ups per year, and a variety of other things to assist them in their frontline mission work.

This requirement was not done out of defeat or malice or to be contentious or to undermine in any way the other parts of the SBC family of boards and organizations. To us, it seems to be intelligent and a help to establishing a sense of reciprocity, (koinonia) as in New Testament church life and has been a part of the Baptist spirit down through the years.

Again, in this matter we were not attempting to be contrary or devious, but simply to establish an intelligent policy of reciprocity.

- Others Unnamed

It was mentioned other concerns that were of lessor nature. Again, I am not aware of specifics, but please understand that we really desire to cooperate with the SBC intelligently and in a spirit of love and mutual respect for sister organizations. On specific matters, the MABN Exec. would be pleased to talk about specifics in order to gain clarification and if or where fault is found, to apologize and seek reconciliation. However, if fault or accusations are not accurate, both leaders of NAMB and BCMD can move forward in communicating truth in the midst of other lessor forms of communication.

We understand we are autonomous with a stewardship to fulfill our part of our collective ministry to push back darkness and we take that very seriously and desire to have it respected by our Baptist partners. We desire to move forward in a spirit of cooperation among autonomous organizations. We do not desire to create unnecessary problems or misunderstandings. However, we anticipate that same spirit and integrity from our Baptist partners.

Future Communications:

- Email Understandings and confirm in writing

It is apparent that there are significant misunderstandings and miscommunications that have led to the three noted concerns by the NAMB President and from the perspective of the Network as well. We are in different roles, are in different parts of the country, have our own unique perspectives, expectations, and values, and are trying to communicate with people whom we do not have long histories with at this point. I believe we would have been better served with writing down and sending by email our understandings from conversations soon after we complete them so that we have greater clarity and less room for misunderstanding on salient matters. I do not believe there has been malintent regarding conversations and how those are relayed to others or remembered or not remembered, but I believe we can do better in communications as we both seek to manage and lead in the midst of changing times, ministry contexts and mission factors. We can fairly easily email and then confirm on major points of discussion to enhance clarity and eliminate confusion and extra work.

Closing:

As the designated Executive leader of the Mid-Atlantic Baptist Network, I want to express my deep desire to intelligently and aggressively pursue God's calling on this SBC organization to assist churches in evangelism, church planting and ministry and do it in love, thinking of the interests of others and with a spirit of cooperation in the midst of our autonomy among sister SBC boards and agencies.

The Mid-Atlantic Baptist Network desires to steward our assigned responsibility before the Lord by courageously pursuing our mission in keeping with our historic roots and high calling, all in ways that please Jesus through a spirit of love and cooperation inside of our unique roles and autonomy as a part of the SBC family of boards and organizations.

May God grant us the wisdom and the grace to carry out our respective duties only in ways that please Jesus who we serve and will give an unfiltered account.

May God bless you personally and use NAMB fruitfully to serve His Kingdom and Southern Baptists in its mission.

Blessings to you and your team!

Will McRaney

EXHIBIT 27

CONFIDENTIAL

Tuesday, April 18, 2023 at 21:39:11 Eastern Daylight Time

Subject: Re: Answer
Date: Sunday, November 8, 2015 at 11:17:15 PM Eastern Standard Time
From: William Warren
To: Thomas Winborn
Attachments: WBCEmail.jpg, WBCEmail.jpg

Indeed.

Sent from my iPhone

On Nov 8, 2015, at 11:15 PM, Thomas Winborn <thomas@welshbaptist.com> wrote:

Will,

I'm not going to argue with you. **You need to stop contacting any and all BCM/D staff via company email addresses or telephone numbers.** I'm fairly certain you have already been instructed in a similar way by our lawyers. You are no longer attached to this network in any capacity. Please stop harassing our employees. If you really care for this network, you will stop and simply walk away. You are only hurting yourself in the long-run.

I pray you will see the light of this truth.

For Jesus' fame,

Thomas Winborn | Lead Pastor

phone // 301.689.6332
email // thomas@welshbaptist.com
www.welshbaptist.com

<WBCEmail.jpg>

On Nov 6, 2015, at 10:03 AM, Will McRaney <whmcraney@aol.com> wrote:

Thomas,

Thank you for sharing your thoughts. I appreciated serving with you and thank you for the gift of walking in the same mission field as fellow servants and the trust that was placed in me to serve as the Executive Director of your Mid-Atlantic Baptist Network.

I will limit my response to addressing briefly just a few of your statements.

- Before Jesus and before people, we all at times need grace. As it relates to these particular matters, grace implies that I committed wrongdoing that needed grace. As it relates to my termination, I am not aware of an action of wrongdoing on my part that was brought to me that would need grace. Grace, actually justice, would have required a much different process to convict to a death penalty as it related to my ministry with the Network and implications across the SBC. Any actions by Bill or others of human sensitivities after my being sentenced to unjustified termination and all the related hurts and wrongs, is not grace.

- I did not claim special revelation from God other than a prompting to respond to Bill's email last week. As one given responsibilities that accompany serving as your Executive, I was highly informed on the matters, both the local issues, and with many Exec. Directors across the country.
- I was saddened to learn to read of your additional engagement with the matter in calling for the GMB meeting in advance of the two week period without your hearing directly from me. I can only assume that you acted in the manner you deemed best given the information others had shared with you. I appreciated your full disclosure back in Feb. that you had reached out to NAMB and that you had communicated with Dr. Ezell. I also appreciated your sharing Ezell's threat that Bill read aloud in the Feb. special GMB meeting.
- Before Jesus, I believe what I have shared to be as accurate in intent and content as I know. I have reread my response to Bill's email and I stand by the truthfulness and accuracy of my statements that implicate wrongdoing by both Bill and Ezell. Bill and Ezell were wrong on multiple fronts and have actually sinned against God, me and the Network in these matters. If you find a claim I actually wrote that is inaccurate in any substantive matter, I would be pleased to acknowledge and respond in kind to rectify my error.

Will McRaney

PS On the national scene, since June, all the other mid-size state conventions except one have felt the pressure and taken the NAMB 100% on planting. It would be completely mistaken think they thought it was good a thing for them or for the SBC.

From: Thomas Winborn <thomas@welshbaptist.com>
Date: Monday, November 2, 2015 at 9:19 AM
To: Will McRaney <whmcraney@aol.com>
Cc: Dan Housam <dan@summittracechurch.org>, Ken Fentress <KFentress@montrosecchristian.org>, Charlie Arnold <revca@mchsi.com>, Ken Fentress <kfentress@montroseministries.org>, Victor Kirk <pastorkirk@sharonbible.org>, Andrew Morgan <zimgerm5@gmail.com>, David Scafide <davescafide242@gmail.com>, Mark Swan <pastorswan@hotmail.com>, Mark Dooley <mark.dooley@lbcmd.org>, "William L. Warren" <wwarren@allenmemorial.org>, Harold Phillips <drphillips@zoominternet.net>
Subject: Re: FW: Answer

Will,

I will attempt to be as brief and to the point as possible. The facsimile that you have created in your mind in regard to the actions of the Administrative Committee and the GMB concerning your position as the Exec Director...is simply false. You have stated time and time again in different ways that you basically believe God has given you insight into the way things went down and that you have been given clear insight by God as to the "true" motives and moves by certain individuals among the leadership of the GMB, especially Bill Warren and Mark Dooley. You have run their names into the ground, through the mud, to the point that some might scream libel and slander (notice they have not as of yet done so which only points to their patience and long-suffering).

You need to know a few things:

1. Mark and Bill have both pushed for mercy and grace from day one concerning your position before the Admin Committee.
2. It was me, Thomas Winborn, NOT BILL WARREN, who pushed and made the Admin Committee meetings happen which resulted in your eventually being brought before the GMB.
3. It was me, NOT BILL or anyone else, who pushed to set a date to inform the GMB of our findings and actions as the Admin Committee.
4. In light of these things, the fact that you continually call out and defame Bill and Mark, implying that God has given you insight into such things, should prove to you (as it certainly does to everyone else) that your signals are crossed and you do not know what you are talking about...which means that you are NOT receiving these things from God. Therefore, I encourage you to please stop invoking His holy name for your incoherent and off-base claims (Deuteronomy 13:1-4; 18:22; Jeremiah 28:9).
5. You are continuously embarrassing yourself whether you realize it or not, hurting and not helping the network's future nor your own. I tell you this in hopes that you will repent and begin to act wisely for the future of your family (Proverbs 14:6-7; 29:20; Ecclesiastes 10:12-15).
6. None of this is about Bill Warren. Despite your self-aggrandizement, you also need to know that none of this is ultimately about you. It's about God's glory and the future of our network. Bill is not the Devil. Mark is not the Enemy. NAMB is not the Dragon. And you are NOT the savior of this network. All of us are replaceable. God does not need ANY of us to accomplish His mission, but He does choose to place all of us wherever He desires, and He tests us whenever it pleases Him, and He allows us to go through all kinds of storms and tempests SO THAT we would be conformed to the image of Christ (Romans 8:28-30). Although this is certainly not just about one person, it is surely, at least in part, about God using these times in each of our lives to shape us more into the image of Christ. I encourage you to reflect and walk in these truths.
7. Lastly, you need to know that every time your name has been discussed by any committee or board of the network, that everyone has endeavored in every way possible given the circumstances to show grace and mercy. If you think in any way that you have been treated unfairly or unjustly...you should know that given the circumstances which you created, you received the best and most gracious responses possible.

For your family, for this network, for yourself, and especially for the glory of God...I implore you to cease and desist these continued actions that will only result in more damage to your future. I pray the light of truth will shine in your heart and set you free.

For Jesus' fame,

Thomas Winborn | Lead Pastor

phone // 301.689.6332
email // thomas@welshbaptist.com
www.welshbaptist.com

<WBCEmail.jpg>

From: Will McRaney <whmcraney@aol.com>
Date: October 31, 2015 at 4:32:22 PM EDT
To: Stolle Tom <tstolle@bcmnd.org>, Randy Millwood

<rmillwood@bcmnd.org>, Dubois Doug
<dougdubois@bcmnd.org>, Keith Hammer
<khammer@bcmnd.org>, Joel Rainey <JRainey@bcmnd.org>,
Michael Crawford <mccrawford@bcmnd.org>
Subject: FW: Answer

Guys,

I hope this finds you and your family doing well and your weekend off to a great start.

I originally copied you on my response to Bill Warren's email that he sent to me as a copy. I learned a couple of months ago that someone had blocked your email addresses along with all those on the Network system from my aol email address. Yesterday I tried to send this to you through my iCloud account, but the system revealed to me that it went through mccraney@aol.com, so I assume none of you received it from me. If you did, I apologize for the duplicate. I am resending through a second email I use occasionally.

Will McRaney

From: Will McRaney <mccraney@aol.com>
Date: Thursday, October 29, 2015 at 9:54 PM
To: Harold Phillips <drphillips@zoominternet.net>, Michael Trammell <mltpastor@comcast.net>, Steven Wolverton <steve@cantonbaptist.net>, Clint Scott <cscott@fbcde.com>, "jdpopemd@gamil.com" <jdpopemd@gamil.com>
Cc: Stolle Tom <tstolle@bcmnd.org>, Dubois Doug <dougdubois@bcmnd.org>, Randy Millwood <rmillwood@bcmnd.org>, Keith Hammer <khammer@bcmnd.org>, Joel Rainey <JRainey@bcmnd.org>, Michael Crawford <mccrawford@bcmnd.org>, Charles Brown <ebgraffiti@outlook.com>, "Robert J. Anderson" <rjanderson@colonialbaptist.org>, Kenneth Stalls <jks777@verizon.net>, Jim Jeffries <lbcpastor@atlanticbbn.net>, Bernard Fuller <btfuller@aol.com>, Myer Keith <pastorkeith@pobox.com>, "William L. Warren" <wwarren@allenmemorial.org>
Subject: Re: Answer

My initial and desired reaction was to ignore Bill's email and what can be described as false in the picture and bizarre in nature. However, in order to walk in truth and light, to exhort one another and be obedient to what I understand to be the leading of the Holy Spirit, I am going to respond to you group of men. It is not my desire to hurt, but to testify truthfully so confession and healing can begin. You are not men on the street that are receiving this communication, but elected or engaged leaders of the Network in this matter. It is your responsibility before God to reflect and then act to make sure Jesus is pleased with you and the Network. The

truth may be inconvenient, cause discomfort, and not help with someone's individual goals, but truth matters, it matters to Jesus. Bill has stumbled and needs you brothers to help him repent, be reconciled and work toward restitution. This is what true brothers in Christ do for each other. For 11 days according to Bill, he was deeply troubled prior to carrying out the actions against me. I believe the Holy Spirit of God was trying to prompt Bill off of his actions, but with continued refusal, God gave him over to the plots he was making and the schemes of Satan in keeping with 2 Tim. 2:24-26. Mark Dooley himself acknowledged that for 5 nights he had to sleep in another bed because of his restlessness. I believe the Holy Spirit was seeking to speak to him as well. Both men missed God in this matter, not once, but with calculated and repeated patterns.

What Bill did and led others to do is wrong in virtually every way. It was carried out in secret, hastily, against the governing documents, without cross examination to check for accuracy and without any steps for reconciliation or correction if needed, except for the one that was given and then removed in spite of the progress made and reported. In spite of a public image or perception to the contrary, Bill's approach lacked integrity, courage, the fundamentals of fairness or leadership, or as Drew noted, the Spirit of the living God.

Bill said his mistake was not providing me a list of reasons on June 8 for my termination. Seriously? What this accurately reveals is that I was the one in the dark as Bill operated. He was operating completely around me in spite of his Dec. 2014 pledge to the GMB to have my back. There were not reasons, none, given to date that have been vetted for accuracy or cross-examination. **Nothing that I did nor Bill has presented to me warranted more than an inquiry to me and maybe a clarifying meeting with a staff member or two, certainly not discipline as the Executive leader and absolutely nothing that warranted termination.** You deeply hurt me and my family in many ways. This would have never happened or been allowed in a secular court and should not have happened among brothers. Bill operated in the dark and not in the light. He secretly built a weak case and allowed unexamined factors to present a false picture. Sandy and I were all in with mind, heart and experience, and according to elected leaders, Bill "demonized me" by twisting things to justify his actions. Really??? He functioned outside of the duties of President and outside of the governing documents of the Network. I don't know if it was pride, arrogance, desire to be a hero, selfish ambition, ignorance or if he was simply carrying out the wishes and threats of Ezell thinking that he individually knew better how to lead the Network. Bill has never served in a similar role nor did he have access to information, factors and dynamics that I possessed as the leader (just like he has in the church he pastors), but certainly it included the threats of Ezell against the Network.

Five of you men were present in the room on Sept. 10, 2015 and

listened to the ramblings and excuses, but not credible reasons. You listened to Bill's declarations of opinion and innuendos as if they came from God directly to him in special revelation. You heard Bill declare the previous search committee got it wrong in hiring me as if he was the authority and had special insights the collective committee did not have. You heard him express a desire for the job on the morning after I was terminated. You heard him acknowledge that Ezell provided more money to the Convention in keeping with what Bill reported Ezell told him in secret that he did not share with me. You heard Clint and Steve be very clear about this being a promise kept with direct evidence of the new money.

You know Bill acted in less than honorable or courageous fashions around me, created division, angst and fear among the staff, sought out trouble at multiple places including DOMs and kept accounts, not to assist me or to check with me, but to hurt me. He went to the staff, except for one, they did not come to him, contrary to what he told others previously. Shame on him for these actions and inappropriate behavior in any company or church.

Tom was at a very low and stressed point in his family and probably his work as well when this went down. In some ways Bill took informal control of the staff, beginning the next morning on June 9 to announce my resignation, forced with financial threats against my family if I chose not to resign as Steve Wolverton noted. Bill spoke to the staff right after he heard from the Lord that very morning that he should be the next exec director. Bill directed the affairs, the content of the press and probably influenced or wrote the description of the type of person that should be sought by the committee as exec/ director. Bill was involved with changing people's staff positions and dramatically reduced one staff member's salary without cause. Completely inexcusable, but accurate.

You saw Bill lead the Network, along with Mark, to violate its own governing documents. Bill and Mark led the Network to make a promise in the form of a written document after a pronouncement of guilt without even hearing from me prior, and then led the GMB to violate it and then justify it. Nothing about the entire matter involved integrity and certainly not the leading of God, regardless of these extra God hearings and promptings that Bill keeps referring to. The Spirit of God is not the only spirit which speaks to us according to Scripture.

Bill violated his own word in December to the GMB and Network to have my back, only to do the exact opposite. Bill remained in contact with Ezell and "became friends" without informing me of the conversations, nor forcing Ezell to talk with me. Instead, Bill played some sort of mediator or hero seeking role, while serving as the President of the Network.

The Network was making tremendous advances by any objective look. There were hundreds of solid relationships being formed and people were starting to trust in the Network and reconnect at

multiple levels. The Network was starting to matter to some who had been indifferent toward it. Bill painted false pictures about my relationships with staff, DOMs and pastors and certainly must have knowingly done so or at minimum did not check with me for accuracy as the appointed leader by God.

I was the Executive full-time leader, not Bill, by the election of the GMB. By governing documents I reported to the GMB through the Admin Committee, not the President. What he did, he did on his own with the Ezell threat in his mind. The Admin Chair was also left in the dark until it was too late according to Harold Phillips' own testimony. Bill did not just work around me, he worked around Harold and the Admin Committee until he had pronounced me guilty without charges, without discovery, without a defense, without cross examination, and without a fair hearing of the facts before the Admin Committee. Just simply wrong at every level.

Civil Court Comparison -- Bill served not to protect my back or serve on my defense. He served as the private eye, prosecutor who did not provide discovery to me or assist me, judge before he talked with me or told me the charges, co-convenor of the jury which met in secret without me to pronounce a guilty verdict before talking with me, then wrote sentence himself and the terms of probation before ignoring it and then leading others to give me the death penalty, not just in Maryland/Delaware, but across the larger SBC family. I have a 30 year history of faithful and fruitful trusted ministry. The Mid-Atlantic Baptist Network collective through Bill has damaged me, my family and my good name.

I am at points naive in positive belief in people and their character. On an earthly and Network level, I cannot imagine men, you now, who know the truth about Bill's actions and would allow this to stand untested and unrestored (see Pharisees in John 9). You men will either allow collectively this Network's sin to stand and Ezell to continue the threats, false accusations, and bullying tactics to stand as he is reportedly doing in other states right now or you will begin the complete Biblical process of reconciliation.

Robert, you know the Ezell patterns and stated so in the late 2014 conference call.

Kevin Ezell made false accusations against me in writing in his cancellation letter and Bill knew it and knows it. There are laws against this. Ezell refused to accept my many requests to meet with me, and Bill knew it. Ezell acted entirely inappropriately in our March 2015 meeting and Bill knows it. Ezell lied and misrepresented facts in written documents, and Bill knows it. According to the testimony of pastors who spoke with Warren, Ezell withheld committing money until I was removed. Actually, there are tort laws against this as well.

However and sadly, Ezell worked Bill and worked through Bill for the good and agenda of NAMB, not me nor the Network, and sadly, I don't think Bill knows it. By all accounts, it appears Bill worked select staff and select pastors and select DOMs for his

purposes, and hopefully these men will realize it. At the time, I don't think they knew Bill was doing it as it would be unthinkable to them, like it was for me.

The truth sets us free. God does not need us to cover-up wrong doing for the peace or the future of the Network. He is so much bigger than needing us to cover-up or protect so He can bless. What He needs is for the Network to act righteously. The path forward is through appropriately bringing these matters to the light for the healing power of God. OR, we need to preach a different message from our pulpits.

My God is able. Sandy and I trust Him. He will bring us through and He will restore me personally in His timing because He is God.

Healing for the Network will begin with James 5:16, confession, not acknowledgement. I have walked with a pregnant unwed college daughter through circumstances that were extremely challenging some six years ago and seen the REMARKABLE power of God to REDEEM. But, it was not through acknowledgement of sin, it was through confession of sin. It allowed everyone else to know how to respond to her. Until there is confession and then prayer that gets off the ground, the Network will be under the potential discipline of the Lord Himself.

Will McRaney

On Oct 26, 2015, at 1:57 PM, William Warren
<WWarren@allenmemorial.org> wrote:

Harold, at our meeting with Will at North Arundel Church, you asked me, "Bill, what would you have done differently?"

Yesterday in one of our worship services, the Lord revealed to me an action I should have taken:

Late on the afternoon of June 8, I should have urged the GMB to give you and Mike a list of the reasons for our vote that day.

You could have then delivered that list to Will when you met with him later that evening.

Will should not have had to wait for weeks (months?) to learn what those reasons were.

I sensed the Lord leading me to share this answer with you and the others present that evening.

Bill

<WBCEmail.jpg>

EXHIBIT 28

From: Mark Dooley <Mark.Dooley@LBCMD.org>
Sent: Wednesday, September 9, 2015 5:54 PM
To: mcraney; Andrew Morgan; pastor@hughesvillebaptist.com
Subject: providing clarification

Will,

I wanted to write to clarify some obvious misunderstandings / miscommunications you have / have received. Specifically, this is related to your document about the NAMB Network Timeline Factors. This was supplied to me by Andrew Morgan, who is aware that I was going to address this with you. I am asking that you please not communicate with him in such a way so as to seek to bully him about sharing your personal communication with me. He did the right thing to share it with the Network leadership who continue to have to deal with the fallout from the ungodly actions in which you and Steve Wolverton are engaging. I will no longer seek to convince you that this was not / is not about NAMB and Kevin Ezell. It appears to me that reason, common sense and logic do not register with you or Steve Wolverton. So believe what you will, because it appears you are going to anyway. I would simply agree with Andrew and reiterate his well stated point to you: "I find continued efforts to undo what has been done to be divisive to the Network and distracting to its Mission. I would strongly encourage you to do as I believe you so wisely said to me early in the process, and allow the Church's to seek the Lord in this ordeal and remove yourself completely from the picture. Your continued presence in the state does not suggest that you are doing this and it only casts you in a negative light, creating suspicion of your motivations regardless of your intent. If you genuinely care about the churches of our Network, which I believe that you do, then I feel it is time that you allow them to work this out without your presence, felt or physical." The only disagreement I would have with Andrew is the statement "which I believe that you do." There was a time that I believed you had the best interest of the Network as your concern. As of the past month, I no longer believe that.

With that said, however, you specifically state:

"Dooley to Potomac Assn. Pastors – regarding my 'resignation' – McRaney was told by a pastor in attendance that Dooley said, "we had to move quickly to keep from losing funding from NAMB". Dooley has a different version of the related statements.

Yes, I have a different version because I never made that statement. Let me set the record straight for you. Was that statement made? Yes it was ... but please stop attributing it to me, because I did not make it. It was made by another pastor in attendance, and for the record, I immediately spoke afterward to clarify that the situation with NAMB was but one factor in the decision of the GMB, and that we were not losing complete funding because NAMB had agreed to some level of funding, albeit a lesser degree. I further clarified that over the summer, negotiations with NAMB had continued and a newer and improved funding package had been offered by NAMB.

I have no intention to engage in any debate about NAMB's motives, or to rehearse your perceptions or remembrance of the timing of anything, so please do not respond in that manner. I will not speak to any such discussion. My sole purpose is to respectfully request that you cease distributing information that attributes statements to me that I did not make. Although I am not positive about this, it would seem to me that you arrived at that understanding of events from your discussion with Derrick Yelton. Derrick and I have discussed this, and I know your presence made him very uncomfortable and likely may have led him to speak in less than clear ways. It is easy for all of us, when in such situations, to speak in ways that are not absolutely clear. That is only exacerbated when people like you take every little

~~CONFIDENTIAL~~

tidbit of information and parse it to the nth degree only to arrive at a conclusion about what occurred that bears little resemblance to reality. I have seen where you are a master at that and, I must say, Steve Wolverton seems to have learned that trait well from you. So, I certainly hold Derrick to zero responsibility in this newest "spin" you are propagating.

Finally, Will, I will reiterate what I said in an earlier email correspondence we had. It is time to stop this nonsense and move on. You are not going to be restored to the position of Executive Director. Your ongoing actions and the actions of those with whom you are associated can only lead to distraction of kingdom work and division within our Network of churches. Whatever positive legacy you may have left is quickly being tarnished and diminished by the current activity. You, and you alone, have the power to put this to rest so we can all move on with the kingdom work to which we've been called. In the name of Jesus I call upon you to do just that. If you do not, I can only conclude that your motivation is actually to do as much damage as you can to the Network.

Although the tone of this email is admittedly harsh, please know that I hold no personal animosity toward you. I would actually still enjoy the presence of your fellowship on a friendship level, and while we have profound differences that would clearly prohibit our ability to serve together in any fashion from this point forward, I do hope you know that I wish you and Sandy nothing but God's best. I pray for you frequently and hope that God will soon open up another door of opportunity for you.

Respectfully submitted,
Mark Dooley

EXHIBIT 29

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WILL McRANEY

PLAINTIFF

VS.

CAUSE NO. 1:17cv080-GHD-DAS

THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.

DEFENDANT

AFFIDAVIT OF JIMMY CROSBY

STATE OF FLORIDA

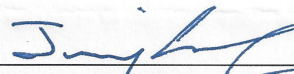
COUNTY OF

Bradford

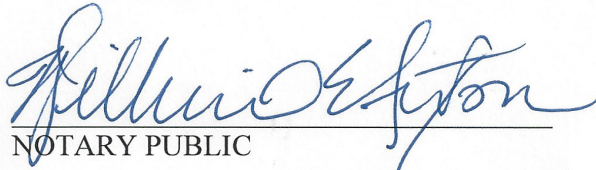
I, JIMMY CROSBY, do hereby affirm under the penalties of perjury, that the matters below are true.

1. I am over the age of eighteen (18), and I am competent to be a witness in this action, and have personal knowledge of the matters and facts set forth herein.
2. As the President of Jacksonville Baptist Theological Seminary (JBTS), I learned about Dr. Will McRaney and his work from several trusted friends who knew him personally, as a professional colleague, or from his writings, teaching and conferences, but did not meet him until Oct. 2016.
3. After meeting Dr. McRaney and talking with more trusted friends, I was impressed with his academic and ministry credentials and his wide experience in the Southern Baptist Convention serving as a tenured 11 year professor at New Orleans Baptist Theological Seminary, a leader in two State Baptist Conventions, including Florida, and catalytic and strategic thinker.
4. As the President of JBTS, I am always looking to upgrade the quality of teaching and training we seek to provide to our students, and quickly began considering ways to incorporate Dr. McRaney into the life of JBTS in several leadership roles.
5. After learning from various SBC leaders in Florida that NAMB leadership was not pleased with Dr. McRaney and denying his claims, I made the decision in late 2016 that I could at that time not hire Dr. McRaney in fear of damage to JBTS and backlash from some SBC leaders.

This the 31 day of October, 2018.


JIMMY CROSBY

SWORN TO AND SUBSCRIBED BEFORE ME, this the 31st day of October, 2018.


NOTARY PUBLIC

My Commission Expires

(SEAL)



WM00966

EXHIBIT 30

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WILL McRANEY PLAINTIFF

VS. CAUSE NO. 1:17cv080-GHD-DAS

THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.
DEFENDANT

AFFIDAVIT OF SCOTT THOMAS

STATE OF MISSISSIPPI

COUNTY OF Rankin

I, SCOTT THOMAS, do affirm under the penalties of perjury, that the matters set forth below are true.

1. I am over the age of eighteen (18), and I am competent to be a witness in this action, and have personal knowledge of the matters and facts set forth herein.
2. As the President of Safari Christian Business Alliance (SCBA) from June 2014 through May 2018, I was responsible for and seeking to secure an expert in the field of ministry who could work to advance the mission and objectives of SCBA.
3. I talked with SCBA Exec. Dr. Les Hughes in June and July 2015, during and after the Annual Southern Baptist Convention meeting where we discussed hiring Will McRaney and agreed that he was the strongest person we knew for the job and possessed the experience and attributes SCBA needed in an executive leader of SCBA earning multiple six figures and up.
4. After determining that we wanted to hire Dr. McRaney, I relayed to SCBA CEO Tony Dohrmann and Dr. Hughes that SCBA would be heavily reliant upon those connected to the Southern Baptist Convention (SBC), including North American Mission Board (NAMB), and could not afford to upset some Southern Baptists leaders and pastors.
5. Even though I lived next door to Dr. McRaney in high school and knew of his ongoing ministry, the perception portrayed by NAMB among SBC leaders was that Dr. McRaney was a trouble maker with NAMB as the Executive Director of Maryland/Delaware Baptist Convention.

6. After reflection, we regrettably determined that in spite of our personal relationship with and professional support for Dr. McRaney, we could not hire Dr. McRaney because SCBA could not afford the perception problems and potential hurt to SCBA with NAMB and SBC leaders.

This the 29th day of October, 2018.

Scott Thomas
SCOTT THOMAS

SWORN TO AND SUBSCRIBED BEFORE ME, this the
29 day of October, 2018.

Kayla Walls Pierce
NOTARY PUBLIC

My Commission Expires

(SEAL)



EXHIBIT 31

Minutes
EXECUTIVE COMMITTEE MEETING
CONFERENCE CALL

OF THE BOARD OF TRUSTEES
NORTH AMERICAN MISSION BOARD, SBC
Tuesday, December 9, 2014
12:30 p.m. EST

1. CALL TO ORDER/WELCOME

Mark Dyer called the meeting to order in Chuck's stead and asked Doug Dieterly to open the meeting with prayer.

2. PRAYER

Doug opened the meeting with prayer.

3. ROLL CALL

Present

Douglas K. Dieterly	Steven D. Holdaway	+ Chairman
Mark Dyer ++	Keith Peloquin	++ First Vice Chairman
Sissy Franks	Larry Robertson	+++ Second Vice Chairman
Larry E. Gipson	Keith D. Warden	
Spike Hogan+++		

NAMB staff present: Kevin Ezell (NAMB President), Carlos Ferrer (EVP/CFO), Clark Logan, Joe Outlaw (Recording Secretary)

4. ADOPTION OF AGENDA

Heath Peloquin moved to adopt the agenda for the meeting, Larry Gipson seconded that motion, and all voted to adopt the agenda as written.

5. FINANCIAL REPORT

Carlos Ferrer shared in the financial report that Ken Tan and his staff completed the audit preparation a week prior to the auditors arriving this week. The audit should be complete next week and ready for review at the February Board Meeting. FY2014 finished very strongly for NAMB and with AAEO and Cooperative Giving.

6. STANDING COMMITTEE REPORTS

- A. Chaplains Commission – Larry Gipson shared that 41 chaplains were endorsed yesterday. There is still a lot of political correctness pressing with chaplains and the Committee requests prayer. Spike mentioned a personal connection with a chaplain in process of being deployed and reminded us all to pray for the deployed military chaplains. Doug Carver also reported of his pride in how well our chaplains represent the Lord and the SBC.

Executive Committee Minutes
December 9, 2014
Page 2

- B. Church Finance – With no additional business to report, Doug Dieterly commended Ray Clark for his work thus far in his new leadership in this effort at NAMB.
- C. Canadian – Sissy Franks provided praises and prayer updates from Peter Blackaby and Cleatus Blackmon including missionary Derek Jones (heart); 44 baptisms in a new church plant. Sissy shared that the doors are opening in the first nations with invitations to minister to 4 first nation tribes. Sissy said, “There are 324 CNBC churches including 21 new plants thus far this year, stating, almost 23% of all CNBC churches were started since 2012 so... God is honoring the vision that NAMB has for pushing back the darkness!” Sissy lifted an additional prayer request as following the vision tour to Halifax, Trustees BJ Bateman and Cleatus are encouraging SC churches to embrace this area and are meeting with Tim Rice on Dec. 11. Sissy also shared that Jeff Phillips has just been approved to serve as a Send City Missionary (part-time) in Vancouver.
- D. West - Heath Peloquin stated that Ferrel Wiley and Heath are getting ready to join Steve Bass to experience the church planting movement going on in Las Vegas. CPC candidates are in the review process now as exciting things are happening out west.
- E. South - Keith Warden stated that nothing but good news is coming from the South as the grant system is proving to be a blessing in freeing up monies for the other regions and grateful for over 2000 student missionaries, many of which came from the South.
- F. Northeast - Danny Wood communicated an internal committee challenge to have skin in the game for Trustees and accountability is under way. Partnership process underway in NYC though weather has hindered many from attending. David Butler in Boston worked with the Charles River Church needing to transition to much more costly facilities. Great progress was made through David’s connection and Danny’s church pitched in as well and the church has relocated and is doing well.
- G. Midwest - Steve Holdaway communicated that the Heartland interstate work is going well and the southern tier and northern tier planters are coming together in Omaha to continue progress in this area.
- H. Financial Services- Mark Dyer communicated that the committee has met twice since Boston and has reviewed three potential Conflict of Interest concerns policy. 1. Dustin Willis contract with Moody Press to write a book 2. Dustin Willis’ wife contract employment with Orchestrate as a potential/perceived conflict, though no NAMB related projects. In this case, Dustin is not to be involved in any RFP process involving Orchestrate in the future. 3. Steve Bass’s son-in-law, Jesse Powell, is a Catalyst Apprentice candidate in Phoenix (nepotism policy). He will be reporting through another VP versus Steve Bass as a reasonable accommodation. Each of these were approved with stated caveats. A fourth issue of financial concern was also addressed. This comes as a recommendation from the Committee to the Executive Committee to act on behalf of the Board. Heath Peloquin seconded this motion and the motion was unanimously approved.

Carlos referred to the resolution with regard to use of reserves and asked for approval. Mark opened the item up for discussion. The motion from the Committee was seconded by Danny Wood and unanimously approved. (*Attachment 1*)

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7. OTHER TRUSTEE BUSINESS

Ad Hoc policy Committee- Doug Dieterly stated that he is working with Matt Martin in review of policies for operations as well as for property purchases. Policy Manual updates are also in progress.

No other Trustee business was raised.

8. PRESIDENT'S REPORT – KEVIN EZELL

Kevin communicated several activities for informational purposes including:

- 2015 Prayer calendar- 20,000 sent to pastors and partners
- Brazil Convention- SNA modeling for their efforts in which their budget went from \$3 million to \$11 million, which is the opposite of common expressed concerns in the US
- David Landrith's death- Kevin to step in and preach at his church in Tennessee for a time until they get a new pastor which is targeted in May. Kevin has received Chuck Herring's approval.
- Quality church plant focus in Send Cities- our goal is to have at least one high impact self-sustaining, reproducing church per year over the next 10 years.
- Looking at our structure, we see a need to focus even more so on the cities. We are starting a Send City Network- assessment, training, coaching, care- and a high impact training program for "Navy Seal" type leaders with a high level of accountability through NAMB. Kevin has asked Jeff Christopherson to lead this effort, transitioning the Northeast Region to Steve Davis. NAMB is in a great spot right now to focus full steam ahead on this focus effective January 1 with Trustee Committee transitions forthcoming.
- With grants, 3 year budgets, and 100% cooperative agreements, the administrative roles of our leaders are becoming more streamlined/simple. We are further along on the administrative plan than we had thought or hoped. All but three conventions in the South are on the grant system and the majority of Non-South Conventions are now on the 100% Cooperative Agreements.
- Maryland/Delaware- issues being addressed with cooperation efforts. The Agreement in place has been jeopardized by recent actions, specifically the hire of the SDOE without our participation. This was addressed but then this behavior was repeated. There have been other issues as well. We have communicated a one year notice for ending our Cooperative Agreement with MDE. This was in hopes of bringing the new President, Will McRainey, to work cooperatively again. We will follow up with him again in 6 months.

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Kevin closed his report stating what a blessing it is to have the Trustees who support and trust NAMB leadership.

Mark asked Sissy to close in prayer. After which, the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joe Outlaw". The signature is stylized with loops and a long horizontal stroke at the end.

Joe Outlaw, Recording Secretary

EXHIBIT 32

From: Ezell, Kevin
Sent: Tuesday, August 19, 2014 5:08 PM
To: Coe, Aaron
Subject: Re: <no subject>

Yes
But no specifics

Sent from my iPhone

> On Aug 19, 2014, at 5:04 PM, "Coe, Aaron" <acoe@NAMB.NET> wrote:

>

> Just got off the phone with Ellis Prince about another matter. Indicated that he's not real pleased with some of Wil McRaney's church planting overreach in Maryland. Are you hearing about any complaints? Ellis is talking it through with Christopherson tomorrow.

EXHIBIT 33

From: [Will McRaney](#)
To: [Tom Stolle](#)
Subject: FW: Covenant revised 2014
Date: Friday, October 10, 2014 1:29:04 PM

Any thoughts here?

WM

Will McRaney, PhD

Exec. Missional Strategist
Mid-Atlantic Baptist Network / BCMD
410-290-5290 ext. 202

From: David Jackson <djackson@bcmd.org>
Date: Friday, October 10, 2014 at 1:24 PM
To: Will McRaney <wmcraney@bcmd.org>
Cc: Tom Stolle <tstolle@bcmd.org>
Subject: RE: Covenant revised 2014

Boss,

If NAMB requires the planter to give to the offering, that's news to me. I have not been told that.

I just thought in light of the coming phones calls from CPCs/NAMB regarding AAEO, it would keep them from pushing for more.

We can leave it out and go back to 2% for association and/or other Great Commission SBC causes; I'm good with that. Just trying to anticipate the concern coming and have a response ready for it. Either way is fine with me, but the sooner the better on implementing something as whatever we do is a change from what we had...and we have two new planters yet to sign a covenant until we have the new one in place.

Thanks.
David

From: Will McRaney
Sent: Friday, October 10, 2014 1:18 PM
To: David Jackson
Cc: Tom Stolle
Subject: Re: Covenant revised 2014

I thought you and I had discussed 2% to GoFwd and then we discussed leaving 2% to go to association and/or other Great Commission SBC causes.

Historically, Annie Armstrong has been an offering emphasis, are we helping to change this approach by doing a percentage to Annie Armstrong Offering? It is my understanding that NAMB already requires the planter to give to the offering.

I would like to hear your thoughts on the situation.

WM

Will McRaney, PhD

Exec. Missional Strategist
Mid-Atlantic Baptist Network / BCMD
410-290-5290 ext. 202

From: David Jackson <djackson@bcmd.org>
Date: Friday, October 10, 2014 at 12:52 PM
To: Will McRaney <wmcraney@bcmd.org>
Subject: Covenant revised 2014

Boss,

Here is a copy of the revised covenant for church planters...let me know what you think, if we can implement it for use. In particular, here is what I've rewritten regarding the 10% missions giving. Give me your thoughts...

_____ When our church plant starts to receive tithes and/or offerings, we will contribute a portion of this income to missions, including gifts through the Cooperative Program via the Mid-Atlantic Baptist Network, the GoFwd Mid-Atlantic Church Planting fund, and the Annie Armstrong Easter Offering for North American Missions. Our participating Church Plant will give a minimum of 6% to Cooperative Program, 2% to the GoFwd Mid-Atlantic Church Planting fund, 2% to Annie Armstrong Easter Offering for North American Missions (a total of 10% minimum for missions giving). This percentage is based on your church's undesignated receipts.

_____ I understand that if my association provides financial support for my new church plant, then I should agree to participate in giving financially back to support their work, as well.

The entire copy of the rewritten covenant is attached. You should note that the association with very limited mention (as above) has been removed.

Let me know what you think!

David

EXHIBIT 34

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

WILL MCRANEY,
Plaintiff,

CIVIL ACTION FILE NO.:

vs.

1:17-cv-00080-GHD-DAS

The North American Mission Board
of the Southern Baptist Convention,
Inc.,

Defendant.

REMOTE DEPOSITION OF

TOM WIGGINTON

November 3, 2022

9:00 a.m.

(All attendees appeared remotely via
videoconferencing and/or teleconferencing)

Inger Douglas

CVR No. 7481

CCR No. 5166-3765-6508-0064

A P P E A R A N C E S O F C O U N S E L

On behalf of the Plaintiff:

MR. SCOTT E. GANT, Esquire

Boies Schiller Flexner LLP

1401 New York Avenue, NW

Washington, DC 20005

Phone: 202-237-2727

Email: sgant@bsfllp.com

On behalf of the Defendant:

MS. KATHLEEN I. CARRINGTON, Esquire

Butler Snow LLP

The Pinnacle at Symphony Place

150 Third Avenue South

Nashville, Tennessee 37201

Phone: 615-651-6745

Email: kat.carrington@butlersnow.com

Also Present:

Jason Novak, Videographer

I N D E X

DEPONENT:

TOM WIGGINGTON

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Examination By Ms. Carrington 146

Re-Examination By Mr. Gant 152

* * *

A T T A C H M E N T S

Certificate

Reporter's Disclosure Statement

* * *

T R A N S C R I P T C O D E S

-- interruption/change in thought

. . . incomplete thought

[sic] denotes word/phrase that may seem strange

or incorrect has been written verbatim

(ph) phonetically spelled

(indiscernible) not capable of being understood

(crosstalk) two people speaking simultaneously

Remote Deposition of Tom Wigginton

November 3, 2022

VIDEOGRAPHER: Good morning. We are going on the record at 9:07 a.m. on November 3, 2022. Please note that this deposition is being conducted virtually. Quality of the recording depends on the quality of camera and Internet connection with participants. What is seen from the witness and heard on screen is what will be recorded. Audio and video recording will continue to take place unless all parties agree to go off the record. This is media unit number one of the videorecorded deposition of Tom Wigginton taken by counsel for the plaintiff in the matter of McRaney versus the North American Mission Board of the Southern Baptist Convention, Incorporated, filed in the United States Supreme Court for the Northern District of Mississippi, Case Number 1:17-CV-00080-GHD-DAS. This deposition is being conducted remotely using virtual technology. My name is Jason Novak representing Veritext, and I'm the videographer. The reporter is Inger Douglas, also from the firm of Veritext. I am not authorized to administer an oath. I am not related to any party in this action nor am I financially interested in the outcome. If there any objections to proceeding, please state them at the time of your appearance. Counsel will now state their appearance and affiliations for the record, beginning with

1 the noticing attorney.

2 MR. GANT: This is Scott Gant from Boies Schiller
3 Flexner for the plaintiff. With me is my associate,
4 Victoria Scordato.

5 MS. CARRINGTON: Good morning. Kat Carrington with
6 Butler Snow LLP on behalf of the defendant, the North
7 American Mission Board of the Southern Baptist Convention,
8 Inc. And with me today is also Tom Wigginton, who is the
9 deponent, as well as George McCallum, who is in-house
10 counsel for NAMB.

11 VIDEOGRAPHER: Would the court reporter please swear
12 in the witness, and we may proceed?

13 TOM WIGGINTON

14 the witness herein; having first been
15 duly sworn, was examined and testified

16 as follows:

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

18 MS. CARRINGTON: Scott, before -- before you dive in,
19 would you be agreeable to reserving all objections except
20 as to form and privilege for trial just to help run things
21 smoothly today?

22 MR. GANT: That's fine. As we discussed at a prior
23 deposition, we're not obligated to do so. But I will
24 agree that if you would like to do that and just object to
25 form, you may do so.

1 memory of providing any instructions.

2 BY MS. CARRINGTON:

3 Q What was your intention behind bringing the
4 photograph to the front desk?

5 MR. GANT: Objection; vague, asked and answered,
6 calls for speculation.

7 BY MS. CARRINGTON:

8 Q You can answer.

9 A To identify Dr. McRaney. To allow our front desk --
10 our receptionist to identify Dr. McRaney and make sure that he
11 is connected to the appropriate person.

12 Q What was the size of the photograph?

13 A Eight and a half by 11.

14 Q Was it framed?

15 A No.

16 Q Do you recall if you told the receptionist to post it
17 at the front desk?

18 MR. GANT: Objection; asked and answered, calls for
19 speculation.

20 THE WITNESS: I recall no specific instructions.

21 BY MS. CARRINGTON:

22 Q Did you -- was there any intent that the photograph
23 be perceived as negative to Dr. McRaney?

24 MR. GANT: Objection.

25 THE WITNESS: No. I'm sorry.

1 MR. GANT: I'm going to make my objection.

2 Objection; vague, leading, asked and answered, calls for
3 speculation, compound.

4 THE WITNESS: No.

5 BY MS. CARRINGTON:

6 Q Was the photograph intended to portray Dr. McRaney as
7 public enemy number one?

8 MR. GANT: Objection; vague, compound, foundation,
9 calls for speculation, leading, asked and answered.

10 THE WITNESS: No.

11 BY MS. CARRINGTON:

12 Q Was the photograph published or displayed outside of
13 NAMB's headquarters?

14 MR. GANT: Objection; vague, compound.

15 THE WITNESS: Not to my knowledge, no.

16 BY MS. CARRINGTON:

17 Q Are you aware of NAMB displaying that photograph
18 anywhere other than to the extent it could be characterized as
19 being displayed at NAMB's headquarters in 2016?

20 MR. GANT: Objection; vague, leading.

21 THE WITNESS: No, not aware of any others.

22 BY MS. CARRINGTON:

23 Q Was NAMB acting in any willful malicious way towards
24 Dr. McRaney when it had that photograph brought down to the
25 reception desk?

1 MR. GANT: Objection; leading, vague, foundation,
2 calls for speculation, compound.

3 THE WITNESS: No.

4 BY MS. CARRINGTON:

5 Q Was NAMB acting in any wanton way towards Dr. McRaney
6 in having that photograph brought down to the reception desk?

7 MR. GANT: Same objection.

8 THE WITNESS: No.

9 BY MS. CARRINGTON:

10 Q Was NAMB intending to cause harm either physically or
11 emotionally to Dr. McRaney when it had a photograph of
12 Dr. McRaney at the reception desk at NAMB's headquarters in
13 2016?

14 MR. GANT: Same objection.

15 THE WITNESS: No.

16 BY MS. CARRINGTON:

17 Q Who was -- who was the photo intended to be seen by?

18 MR. GANT: Objection; leading, vague, foundation,
19 calls for speculation, compound, asked and answered.

20 THE WITNESS: The persons manning the reception desk.

21 BY MS. CARRINGTON:

22 Q Were the persons manning the reception desk expected
23 to say anything to anyone else at NAMB or otherwise about that
24 photograph and about Will McRaney?

25 MR. GANT: Objection; vague, foundation, leading,

1 calls for speculation.

2 THE WITNESS: No.

3 BY MS. CARRINGTON:

4 Q Mr. Wigginton, you were previously shown a document
5 -- a task note about bringing this photograph down to the
6 reception desk. Do you recall being shown that document during
7 today's deposition?

8 A Yes.

9 Q The document used the phrase "no entry in lobby". Do
10 you recall -- or building. Do you recall something of a phrase
11 associated along those lines?

12 A On the...

13 MR. GANT: Objection -- remember you need to give me
14 a chance. Objection; vague, leading.

15 THE WITNESS: I'm sorry. Just to clarify, do I
16 recall the phrase on that document I was shown?

17 BY MS. CARRINGTON:

18 Q Yes. A phrase that the subject line was "Will
19 McRaney Picture to Lobby Desk -- No Entry in Building"?

20 A Correct. I saw that on the document, yes.

21 Q Sitting here today, do you have a recollection of
22 what you meant by that?

23 A No, I do not.

24 Q Notwithstanding your lack of recollection about that,
25 do you believe that there was any ill intent associated with

1 that?

2 MR. GANT: Objection; vague, leading, foundation,
3 calls for speculation, asked and answered.

4 THE WITNESS: No.

5 MS. CARRINGTON: All right, Mr. Wigginton. That's
6 all the questions I have. Thank you.

7 THE WITNESS: Thank you.

8 R E - E X A M I N A T I O N

9 BY MR. GANT:

10 Q Okay. Do you recall that you agree to give truthful
11 and complete answers to my questions?

12 A Yes.

13 Q Did you, in fact, do so?

14 A I did so.

15 Q Do you wish to go back or change any of the testimony
16 you provided under oath earlier today in response to my
17 questions?

18 A I do not.

19 Q When Ms. Carrington started asking questions, did you
20 suddenly have a better recollection of events related to the
21 photograph of Dr. McRaney than you had when you were answering
22 my questions?

23 MS. CARRINGTON: Object to the form of the question.
24 You can answer.

25 THE WITNESS: I did not.

CERTIFICATE

STATE OF GEORGIA

COUNTY OF FORSYTH

I, Inger Douglas, Certified Court Reporter, hereby certify that the foregoing pages numbered 2 through 160 constitute a true, correct, and accurate transcript of the testimony heard before me, an officer duly authorized to administer oaths, and was transcribed under my supervision.

I further certify that I am a disinterested party to this action and that I am neither of kin nor counsel to any of the parties hereto.

In witness whereof, I hereby affix my hand on this the 17th day of November 2022.



Inger Douglas, CVR 7481

CCR 5166-3765-6508-0064

Certified Court Reporter

EXHIBIT 35

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WILL McRANEY,)
PLAINTIFF,)
v.) No. 1:17cv080-GHD-DAS
THE NORTH AMERICAN)
MISSION BOARD OF THE)
SOUTHERN BAPTIST)
CONVENTION, INC.,)
DEFENDANT.)
-----)

REMOTE PROCEEDINGS OF THE
VIDEOTAPED DEPOSITION OF WILLIAM BARKER
MONDAY, MAY 1, 2023

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WILL McRANEY,)
PLAINTIFF,)
v.) No. 1:17cv080-GHD-DAS
THE NORTH AMERICAN)
MISSION BOARD OF THE)
SOUTHERN BAPTIST)
CONVENTION, INC.,)
DEFENDANT.)
-----)

- - -
Monday, May 1, 2023
- - -

Remote Videotaped Deposition of WILLIAM BARKER,
beginning at 9:58 a.m., before Nancy J. Martin, a
Registered Merit Reporter, Certified Shorthand
Reporter. All parties appeared remotely.

1 A P P E A R A N C E S :

2
3 JOSHUA VITTOR, ESQ.
4 IRENE XU, ATTORNEY AT LAW
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7 Suite 2100
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9 joshua.vittor@wilmerhale.com
10 Counsel for North American Mission Board of the
11 Southern Baptist Convention

12
13 JULIA BLACKBURN STONE, ATTORNEY AT LAW
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19 jstone@caplancobb.com
20 Counsel for the Deponent

21
22 SCOTT GANT, ESQ.
23 BOIES SCHILLER FLEXNER LLP
24 1401 New York Avenue NW
25 Washington, D.C. 20005
 (202) 895-7566
 sgant@bsfllp.com
 Counsel for the Plaintiff

26 ALSO PRESENT:

27 WILL MCRANEY

1 ATLANTA, GEORGIA, MONDAY, MAY 1, 2023; 9:58 A.M.

2 - - -

3 WILLIAM BARKER, JR.,

4 having been sworn/affirmed,

5 was examined and testified as follows:

6
7 EXAMINATION

8 BY MR. VITOR:

9 Q. Good morning, Mr. Barker. Can you hear me
10 okay?

11 A. Yes, sir.

12 Q. Can you please state your full name for the
13 record.

14 A. William Frazier Barker, Jr.

15 Q. Do you prefer I call you Mr. Barker, or do
16 you prefer pastor or doctor? I want to make sure I
17 get that right.

18 A. Bill.

19 Q. Bill. Okay. Great.

20 And we already confirmed before we started
21 that you have access to Exhibit Share. Periodically
22 I'll direct you to Exhibit Share when we introduce an
23 exhibit, and we can go through documents together that
24 way. Is that all right?

25 A. That's fine.

1 Q. Scrolling down to Page -114 of Exhibit 7,
2 which is the fourth page of the document, and you'll
3 see -114 in the lower right-hand corner.

4 Please let me know when you're there.

5 A. All right. I'm there.

6 Q. Do you see the colored text in green and
7 purple?

8 A. Yes.

9 Q. These are redlines tracking changes that you
10 made to the declaration draft Scott had sent you;
11 right?

12 A. Correct.

13 Q. Scrolling down to the last paragraph, which
14 is actually on Page -116, Paragraph No. 9, which is
15 crossed out, do you see that?

16 A. Did you say -116?

17 Q. Yes. Paragraph No. 9.

18 A. Yes, I see that.

19 Q. In the initial draft that Scott sent to you
20 he asked you, "[DID YOU SEE THE PHOTO OF WILL POSTED
21 AT THE NAMB SECURITY DESK AT NAMB HEADQUARTERS]";
22 right?

23 A. Correct.

24 Q. And you responded, "No, I was aware of it but
25 did not see it. I was in the building on average

1 about 3 days a month"; right?

2 A. That's what I said, yes.

3 Q. You never saw the photo of Dr. McRaney at
4 NAMB headquarters?

5 A. I didn't hang around the front desk.

6 Q. But you were -- as you said in this draft,
7 you were there approximately three times a month;
8 right?

9 A. Correct.

10 Q. How did you become aware of the photo of
11 Dr. McRaney at NAMB headquarters?

12 A. Scuttlebutt among the fellow employees there
13 in the building who were well aware of what was taking
14 place between NAMB and Dr. McRaney.

15 Q. You eventually finalized and signed your
16 declaration on February 22, 2023; right?

17 A. Correct.

18 Q. Did you speak to Dr. McRaney directly between
19 your initial call with Mr. Gant on February 13 and
20 signing the declaration on February 22?

21 A. I have not spoken with Will or been in
22 contact with him since the phone call that initiated
23 this back earlier in February.

24 Q. During your correspondence with Mr. Gant
25 about your declaration, did he tell you anything about

1 how else you might be involved in the litigation?

2 A. No.

3 Q. Did you discuss with him the possibility of
4 having to sit for a deposition?

5 A. No.

6 Q. Did you discuss with him the possibility of
7 testifying at trial?

8 A. No.

9 Q. Do you intend to testify at trial?

10 A. No.

11 MR. VITOR: If you would turn to Exhibit 8,
12 which should be in your Exhibit Share folder. This is
13 a two-page document reflecting E-mails between you and
14 Mr. Gant bearing Bates Nos. BARKER000096 to -97.

15 (Deposition Exhibit 8 was marked for
16 identification.)

17 MR. VITOR: Let me know when you're there.

18 THE WITNESS: I'm looking at it.

19 MR. VITOR: Scott, do you have it?

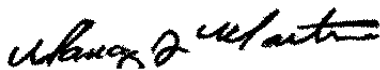
20 MR. GANT: It's still loading up through the
21 Veritext system, but I've pulled up the production
22 page. Thank you.

23 BY MR. VITOR:

24 Q. Mr. Barker, do you recognize Exhibit 8 to be
25 E-mails dated March 2 and March 3, 2023 between you

C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.



Nancy J. Martin, RMR, CSR

Dated: May 4, 2023.

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying shorthand reporter.)

EXHIBIT 36

From: Mark Dooley <Mark.Dooley@LBCMD.org>
Sent: Sunday, September 13, 2015 6:54 PM
To: Michael L. Trammell; mcraney
Cc: William Warren; Harold Phillips; Tom Stolle
Subject: Re: This morning

Will ... I am resending this to all parties because it occurred to me that Mike Trammel had inadvertently used your old bcmd email address. Since you are no longer employed by the Convention you did not receive his original email nor my response below, since I had simply replied all. Therefore, I am resending to your personal email address. One final point to reiterate (which both Mike and I referred to in our earlier emails). In speaking with Mike he told me that you informed him that after you left Mt. Airy this morning you were going to another service. For what reason Will? Sunday is the day to worship, not the day to politic and spread dissension. Brother, you have so lost your way. I am praying diligently that the Lord will open your eyes and remove the root of bitterness that has entwined your heart. The emails from both Mike and me follow.

Mark Dooley

From: Mark Dooley
Sent: Sunday, September 13, 2015 5:36 PM
To: Michael L. Trammell; Will McRaney
Cc: William Warren; Harold Phillips; Tom Stolle
Subject: Re: This morning

At Leonardtown Baptist this morning we had the privilege to see three people follow Christ in baptism. We had an amazing time of worship with the presence of the Spirit of God heavy among us. We had a young lady come forward and join the church indicating her desire to be baptized at the second service.

Granted, God does not always move in such tangible ways at our church. But his presence is clearly felt among us every week. I am sure the same can be said about Mount Airy church and all the other churches of our network. How saddening and sickening that my brother Mike Trammel had to endure what he did this morning. I consider these actions to be borderline evil. They are clearly divisive in nature and we all know what the Scripture says about one who would divide.

Will, I can promise you this, if you come to Leonardtown Baptist Church and try to pull that kind of a stunt you will regret it. As Mike indicated in his email to you, Sunday is the day of worship. You dishonored the Lord in so many ways by your actions. If you show up at LBC you will be called out in front of everybody. In fact, I will be communicating what happened at Mt. Airy today to all of my leaders. They WILL be prepared to deal with this at LBC should you show up. In fact I will be copying this email to all of them although they are already aware of much of what is going on. I know they will be joining me to continue to pray that you repent and get right with Jesus Will because you are clearly not right with him right now. A man of God does NOT behave the way that you are behaving right now. I fear for what you are about the face at the hand of God's discipline if you don't change something very very soon.

It is with great great sadness that I have written this email. **CONFIDENTIAL**

Mark Dooley

From: Michael L. Trammell
Sent: Sunday, September 13, 2015 3:36:48 PM
To: Will McRaney
Cc: William Warren; Mark Dooley; Harold Phillips; Tom Stolle
Subject: This morning
Will,

I am writing to inform you that I was offended that you came to my church today for what appeared to be the purpose of winning me over in your battle for reinstatement. Engaging me in conversation in the foyer of my church within earshot of my church members to discuss your recent termination was highly improper. I was saddened to have to answer Sandy when she asked me to explain to her I voted to fire her husband. That is just plain wrong, on a lot of levels. Sunday is God's day, Will. You should know that. Your ceaseless verbal accusations against Bill Warren and others is wearing thin. Your boasting that the top two giving churches in the convention have stopped their gifts to the work of MD/DL Baptists says a lot about your actions of late. You need to understand something, Will. My vote to terminate you as our Executive Director was an admittedly difficult vote made in what I believed to be in the best interest of the MABN. Today only confirms that I cast the proper ballot. Count me among those who will never vote for your reinstatement.

His and yours,

Michael L. Trammell, D.Min.

Senior Pastor

Mt. Airy Baptist Church

1402 North Main Street

P.O. Box 447

Mt. Airy, MD 21771

Tel: (301) 829-2185 / 829-2121

Web: mtairybaptistchurch.com

EXHIBIT 37

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

CASE NO.: 1:17cv080-GHD-DAS

WILL McRANEY,

Plaintiff,

vs.

THE NORTH AMERICAN MISSION

BOARD OF THE SOUTHERN

BAPTIST CONVENTION, INC.,

Defendant.

VIDEOCONFERENCE

DEPOSITION OF: DANNY DE ARMAS

DATE: THURSDAY, FEBRUARY 16, 2023

TIME: 10:15 A.M. - 4:46 P.M.

PLACE: VIA VIDEOCONFERENCING TECHNOLOGY

STENOGRAPHICALLY

REPORTED BY: JAZZMIN A. MUSRATI, RPR, CRR

Registered Professional Reporter

Certified Realtime Reporter

1 A P P E A R A N C E S: (VIA ZOOM VIDEOCONFERENCE)

2 SCOTT E. GANT, ESQUIRE

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14 joshua.vittor@wilmerhale.com

APPEARING ON BEHALF OF THE DEFENDANT

15 ALSO PRESENT:

16 Matt MacMurchy - Videographer

17 Dr. Will McRaney

P R O C E E D I N G S

(Whereupon, the proceedings began at
10:15 a.m.)

THE VIDEOGRAPHER: Good morning. We are going
on the video record at 10:15 Eastern time on
February 16th, 2023.

Please note that this deposition is being
conducted virtually. The quality of the recording
depends on the quality of the internet connection and
camera of the participants.

What is seen from the witness and heard on the
screen is what will be recorded. Audio and video
recording will continue to take place unless all
parties agree to go off the record.

This is Media Unit 1 of the video-recorded
deposition of Danny de Armas, taken in the matter of
Will McRaney v. The North American Mission Board of
the Southern Baptist Convention, filed in the United
States District Court for the Northern District of
Mississippi. Case Number 117-CV-00080-GHD-DAS.

My name is Matthew 18-style resolution
MacMurchy, representing Veritext, and I am the
videographer. The court reporter is Jazzmin Musrati
from the firm Veritext.

1 I'm not authorized to administer an oath. I am
2 not related to any party in this action, nor am I
3 financially interested in the outcome.

4 If there are any objections to proceeding,
5 please state them at the time of your appearance.

6 Counsel will now please state their appearances
7 and their affiliations for the record.

8 MR. GANT: Scott Gant from Boies Schiller
9 Flexner. And also with me virtually is Victoria
10 Scordato, also from my firm, an associate at my firm.

11 MR. RAJAVUORI: Derek Rajavuori with Butler
12 Snow. I'm here on behalf of the defendant.

13 MR. VITTOR: Josh Vittor from Wilmer Hale, also
14 on behalf of the defendant.

15 (Unintelligible cross-talk.)

16 THE VIDEOGRAPHER: Sorry. Go ahead.

17 MR. VITTOR: I would just note it looks -- it
18 looks like the plaintiff, Dr. Will McRaney, is here
19 as well.

20 MR. GANT: Yes, he is. I was going to say
21 that. I -- he wasn't appearing on my screen. I had
22 to scroll over, but -- yes. It looks like
23 Dr. McRaney is attending virtually as well.

24 (Unintelligible cross-talk.)

25 MR. GANT: And just for clarification, Derek

1 and Josh, neither of you said that you were
2 representing the witness. I'll ask him, but do you
3 want to clarify, or have you --

4 MR. RAJAVUORI: Thank you, Scott. I am
5 representing Mr. de Armas as well.

6 MR. GANT: Okay. What about you, Josh?

7 MR. VITTOR: Same here.

8 MR. GANT: Okay. You both are? Okay. Thank
9 you for that clarification.

10 THE VIDEOGRAPHER: Okay. Will the court
11 reporter swear in the witness, please, and then
12 counsel can proceed.

13 THE STENOGRAPHER: Mr. de Armas, if I can have
14 you raise your right hand, please, I'll swear you in.
15 Thank you.

16 Do you swear or affirm that the testimony
17 you're about to give will be the truth, the whole
18 truth, and nothing but the truth?

19 THE WITNESS: I do.

20 THE STENOGRAPHER: Perfect. We're good to go,
21 counsel. Thank you.

22 MR. GANT: Okay. Thank you.

1 in person?

2 A. Can I get some clarification. What do you mean,
3 "meet with him"? Like, have a conversation or have a
4 meeting?

5 Q. When you were in the same physical space as him
6 and have -- and communicated with one another.

7 A. I'm -- I am not for sure. It is possible that we
8 had a -- that he was in Orlando while he was there and
9 saw me here and we spoke. I do not recall having any
10 conversation while he was there, though.

11 Q. While Dr. McRaney was the executive director at
12 BCMD, did you have some responsibilities at NAMB?

13 A. I'm not exactly sure how the dates correspond,
14 but I think -- I think there was overlap that I was at
15 NAMB as a trustee while he was still at BCMD. I believe
16 there was overlap.

17 Q. While Dr. McRaney was the executive director at
18 BCMD, did you have any in-person or other communications
19 with him in your capacity as a NAMB trustee?

20 A. Not to my knowledge. Or maybe I should say not
21 to my recollection. But -- yeah.

22 Q. So no written communications? No phone calls?
23 No in-person meetings that you recall?

24 A. I do not recall any.

25 Q. Of all the times that you have been in the

1 presence of Dr. McRaney, have you ever seen him phys- --
2 threaten physical harm to anybody?

3 A. No.

4 Q. Okay. In any other form of communication where
5 you and Dr. McRaney had both been involved, whether it's
6 telephone or in writing, have you ever seen or observed
7 or heard Dr. McRaney threaten physical harm to anyone?

8 A. I have. I've -- I did have a conversation where
9 I felt -- I was worried for my safety or his intensely.
10 Yes. But he is -- I understood the previous question to
11 be about -- did he say anything threatening?

12 There was threatening posture and -- and in my
13 space conversation, but not -- he -- there was nothing
14 said that was threatening.

15 Q. Okay. So let's take this in parts. So
16 Dr. McRaney never said anything in your presence where
17 you're aware of -- where he used words that threatened
18 physical harm to anyone; is that right?

19 A. To my recollection, that is correct.

20 Q. Okay. And a moment ago, you mentioned a --
21 you -- I'm going to try and get these words as close to
22 what you said as possible. If I get it wrong, I -- it
23 was unintentional, and you can clarify.

24 A moment ago, you mentioned a conversation where,
25 I think you said, you worried for your safety based on

1 physical proximity and Dr. McRaney's intensity. Is that
2 what you said?

3 A. I'm not sure if that's what I said. I think
4 that's pretty close to what I said, but that would be an
5 accurate -- or a fair description of it.

6 Q. Okay. When was this conversation?

7 A. As best I can remember, I was -- I was serving as
8 a trustee for NAMB already, and he had been terminated
9 by BCMD. I don't know the date of it. My recollection
10 from, you know, what I read, it would be somewhere in
11 '15/'16, but I don't know exactly when it was. And I'm
12 not sure that those are accurate dates. It's just kind
13 of -- I -- yeah. I don't know. That's the best I can
14 give you.

15 Q. Okay. And were you and Dr. McRaney in the same
16 physical space when this conversation occurred?

17 A. Yes.

18 Q. When was the conversation held?

19 A. In our worship center here at First Baptist
20 Orlando.

21 Q. Were others present?

22 A. Yes.

23 Q. Who?

24 A. Several staff. Our Orlando police department
25 security team was still here. It was after one of our

1 services. There was a cadre of people. I'm not exactly
2 sure who all was gathered speaking to different staff
3 members and a pastor. As I recall, there were probably,
4 you know -- I don't -- 20, 30 people still hanging
5 around -- milling around after the service.

6 Q. Okay. And the -- the -- the communication that
7 you're referencing that led you to be worried for your
8 safety, did you report that to the -- the police who
9 were present at the church at the time?

10 A. I did not report it, but they -- they witnessed
11 it.

12 Q. Well -- so you're saying they witnessed the
13 exchange. Did they -- did they come over and confront
14 Dr. McRaney?

15 A. They did not.

16 Q. Okay. So the police witnessed the communication
17 that you're referring to, but they did not take any
18 action; is that correct?

19 A. That is not correct.

20 Q. Okay. So what happened?

21 A. They did take action.

22 Q. What did they do?

23 A. Their practice -- unless they see -- well, I
24 don't -- I'm not -- I don't know exactly their practice,
25 but what we -- the arrangement that we have and what

1 their common move is is to move in behind the person
2 that seems to be making us uncomfortable. And if I can
3 easily make eye contact with them -- and then they would
4 intervene. And I did not -- it did not get to that
5 level, probably because I -- I have a relationship with
6 Will, and I was thinking the best of him. But I was
7 uncomfortable. But they did move into place, and then
8 asked me about it after it was over.

9 Q. Okay. So just focusing on the incident for a
10 moment, you did not, either verbally or with body
11 language or your eyes, ask the police to intervene in
12 any way during this conversation with Dr. McRaney,
13 correct?

14 A. That's correct.

15 Q. And the interaction with Dr. McRaney that you're
16 referring to concluded without any incident, correct?

17 A. That is correct.

18 Q. Okay. And you sent -- mentioned a moment ago
19 that someone from the police at the church asked you
20 about the incident; is that correct?

21 A. Yes.

22 Q. What did they ask you?

23 A. "Who was that? What's" -- "What's going on? Are
24 you okay? Do I need to do anything?" Those kind of
25 questions, which are -- their typical kind of response

1 in those situations.

2 Q. And when -- when you were asked if they needed to
3 do anything, what was your response?

4 A. I don't recall.

5 Q. Did you take -- tell the -- ask the police to
6 take any action when they asked if you needed to do
7 anything?

8 A. I did not. Not to my recollection.

9 Q. When they asked if you were okay, did you respond
10 that you were not okay?

11 A. I told them that -- that that was weird. And I
12 felt sorry for Will and Sandy. I was -- I was hurting
13 for them. And -- and I -- so a part of my posture was
14 more like, "Wow, I don't know how to help them. I feel
15 so badly for them." The other part was, "Man, that was
16 uncomfortable."

17 And -- and I hoped that somehow they wouldn't --
18 they would figure out a way to manage the intensity of
19 emotion that they were dealing with, but I also --
20 again, these were friends and -- well, not friends.
21 Acquaintances is probably a better term. And I -- I
22 didn't want to make more of it than it was, but -- so
23 that's kind of how I responded and -- and explained to
24 them.

25 Q. Did you ask the church -- the -- strike that.

1 Did you ask the police officers who worked at the
2 church to take any special measures related to
3 Dr. McRaney going forward?

4 A. No, I did not.

5 Q. Okay. Did the police write up any report about
6 this interaction that you've been discussing?

7 A. Not to my knowledge.

8 Q. Did you or anyone else, to your knowledge, write
9 up any report or description of the communication that
10 you had been discussing?

11 A. Not to my knowledge.

12 Q. Okay. And what was it that Dr. McRaney was
13 saying to you that made you feel uncomfortable?

14 A. It wasn't the -- what he was saying. It was the
15 way he was saying it. The intensity that was in my
16 space. Sandy was particularly intense a couple of times
17 in it, moving closer to me, getting around him, and in
18 between us. And the best I can recall -- and I'm -- the
19 best I can recall, they were appealing to me that I was
20 in a position to take action and I needed to take
21 action.

22 Q. They were upset about -- they were upset about
23 Dr. McRaney's termination by BCMD, correct?

24 A. As I recall, yes.

25 Q. And they believed that -- that NAMB had

1 contributed to that termination, correct?

2 A. Yes. As I understand it, that was their
3 contention.

4 Q. And they were addressing you as a trustee of NAMB
5 during that conversation, correct?

6 MR. RAJAVUORI: Object to form.

7 A. I think as a --

8 MR. RAJAVUORI: Go ahead, you can answer.

9 A. I think as a -- again, I don't want to overstate
10 words, but as an acquaintance or someone who knows them
11 and in my capacity at NAMB.

12 BY MR. GANT:

13 Q. And is it fair to say that they were upset about
14 Dr. McRaney's termination?

15 A. Yes, that would be fair to say.

16 Q. And as a result of that, they were passionate
17 about what was being discussed; is that fair?

18 MR. RAJAVUORI: Object to form.

19 THE WITNESS: Can I answer?

20 MR. RAJAVUORI: Yes.

21 MR. GANT: Yes.

22 A. Yes. Yes. Very -- very emotional and very
23 passionate.

24 BY MR. GANT:

25 Q. Following that interaction, did you ever tell

1 anybody that Dr. McRaney had threatened you?

2 A. I did not use the -- to my recollection, I did
3 not use those terms.

4 Q. Okay.

5 A. That term.

6 Q. Yeah.

7 And did you feel that Sandy McRaney was a
8 physical threat during that interaction?

9 A. I'm not sure of the definition of "physical
10 threat." Did I -- does that mean I -- I -- I was
11 uncomfortable with the -- with -- with the closeness and
12 with the intensity with which she was -- there were
13 times where I needed to take a step backwards from them,
14 but I -- I did not -- you know, I didn't feel like I
15 needed to take cover or run away, but it was
16 uncomfortable.

17 Q. Did Dr. McRaney assault you in any way during
18 that interaction?

19 MR. RAJAVUORI: Object to form.

20 A. There is -- there -- there might be a way that I
21 would say it was a verbal assault, but -- but I'm not --
22 I'm not sure I would use that strong of a term.

23 BY MR. GANT:

24 Q. Okay. Well, I'm talking about a physical
25 assault. Did -- did he -- did Dr. McRaney physically

1 assault you in any way or commit a battery?

2 A. No.

3 Q. Okay. Did Sandy McRaney?

4 A. No.

5 Q. Were -- were -- was Dr. McRaney prohibited from
6 attending First Orlando after that interaction?

7 A. No.

8 Q. Was he put on any kind of probation?

9 A. No.

10 Q. Was there -- were the police told to not let him
11 enter the building?

12 A. No.

13 Q. Okay. He had the same rights and privileges as
14 any other member of the church after that incident,
15 correct?

16 A. Yes.

17 Q. Okay.

18 A. Well, I need to correct that. I'm not sure if he
19 was a member at the time, so all the rights and
20 privileges of a member. If he wasn't a member, probably
21 not. But having -- having to do with attendance and
22 being there, there was no restriction on that.

23 Q. Okay. So nothing about that conversation led you
24 to put in place any measures that were different than
25 prior to that interaction, correct?

1 A. Here at our church? No. That's correct.

2 Did I answer that correctly?

3 We did not take any measures here at our church.

4 Q. Okay. Everything with -- at the church with
5 respect to Dr. McRaney and his wife was the same before
6 and after that interaction, correct?

7 A. That -- yes, that's correct. To my recollection,
8 that is correct.

9 Q. And when you said -- you were talking about
10 several times about being uncomfortable based on
11 closeness. You're talking about physically how far
12 apart you were from Dr. McRaney; is that right?

13 A. That is correct.

14 Q. Okay. So he was standing closer to you than
15 you -- than you wanted; is that right?

16 A. That's correct.

17 Q. And you stepped backwards to create more space?

18 A. I -- as I recall, I did, but I can't say for
19 sure.

20 Q. Okay. And when you did that, Dr. McRaney didn't
21 physically move you back closer to him, did he?

22 A. The specifics of it -- it's -- it's been a long
23 time, and I don't remember exactly. But it's -- what
24 it -- as best I can remember, you know, he was intense.
25 He was a little more intense on a couple of occasions.

1 And then the conversation at the end was less intense
2 and -- and, you know -- but there were times in it that
3 I felt uncomfortable because of the -- you know, he --
4 he wasn't yelling at me or making a scene, but the
5 intensity with which he was talking, the intensity of
6 her comments and interrupting him to -- to make a point
7 and things like that, and the closeness which they were
8 made me uncomfortable.

9 I'm sure there were -- it was a -- I was trying
10 to be both compassionate and careful at the same time
11 and -- and so my -- my practice in that is to -- to be
12 as welcoming and comforting as I can be without being in
13 an uncomfortable situation. So it was probably a little
14 bit of back and forth of me stepping back a little bit
15 or giving a little room and -- but trying not to make it
16 obvious or, you know, feel like -- them to feel like I
17 wasn't listening or wanting to get away from them.

18 Q. Did you -- after that incident, did you send an
19 email or otherwise communicate with anyone from NAMB
20 about the incident?

21 A. From my recollection, I did.

22 Q. With whom?

23 A. I don't recall, but I think it was with Kevin.
24 But it -- it could be --

25 Q. (Unintelligible.)

1 A. Yeah. It could be that I -- I spoke to one of
2 the officers or somebody that I was closer to, but I
3 don't recall.

4 Q. By "officer," do you mean another member of the
5 board?

6 A. Yes, sir, one of the officers of the board. It
7 could have been. I'm not positive.

8 Q. Okay. So you're not sure who you spoke to. So
9 do you remember how you communicated with that person?
10 Was it in writing or by phone or something else? Text?

11 A. I do not recall. I think I had it in a phone
12 call, but --

13 Q. You're not --

14 A. -- I don't want to swear to it, because I'm
15 not -- my memory is not perfect on that, and I don't
16 recall.

17 Q. So you're not sure with whom you communicated or
18 how; is that fair?

19 A. That is fair.

20 Q. Are you even certain that you did communicate
21 with anyone about the incident afterwards, or you're not
22 sure about that, either?

23 A. I did communicate -- I did communicate with --
24 with peo- -- with someone or someones at NAMB.

25 Q. Okay. And what do you recall about that

1 communication?

2 A. I recall a quick description of the McRaneys
3 being very upset and -- and it was an uncomfortable,
4 awkward conversation. They weren't particularly mad at
5 me, but their intensity bled over into the conversation
6 with me. And that I was concerned for Kevin's safety
7 if -- and that we should make sure we're taking steps to
8 be careful and just avoid contact and -- and hopefully,
9 their intensity will lessen and -- and, you know, this
10 would be short-lived. But right now, they're really
11 intense, really hurt, and -- and -- and be careful.
12 Something to that effect.

13 Q. Why were you concerned for Kevin's safety based
14 on that interaction you've described?

15 A. Why? I think part of that would be that I'm --
16 because I'm aware -- I'm somewhat aware that employment
17 gone wrong is -- is a -- it can oftentimes cause people
18 to do really harmful things to other people and -- and
19 so there's a caution that goes with those kind of
20 things. And I was just concerned that -- I was
21 concerned that something might accidentally escalate if
22 there was an interaction between the McRaneys and Kevin.
23 And -- and it -- you know, with the intensity that I saw
24 in them, I was worried. It was -- it was -- because
25 they weren't mad at me. I didn't sense that they were

1 mad at me.

2 They were -- they were mad, though. And if they
3 got to the person they were mad at, I was concerned for
4 how they would -- what would happen. How would they
5 respond in that -- if -- if -- yeah. So that's why I
6 said it's -- be careful.

7 Q. But Dr. McRaney did not threaten Kevin Ezell
8 during the interaction you had with him that you've been
9 discussing, did he?

10 MR. RAJAVUORI: Object to form.

11 A. He -- he did not -- he did not say anything that
12 indicated he was threatening them -- threatening him.
13 Excuse me.

14 BY MR. GANT:

15 Q. Would you agree that accusing someone of being a
16 risk of physical harm is a serious accusation that
17 shouldn't be made lightly?

18 MR. RAJAVUORI: Object to form.

19 A. Yeah, I -- I would agree with that.

20 BY MR. GANT:

21 Q. Would you agree that characterizing someone as a
22 physical threat to the wellbeing of another could harm
23 that person's reputation?

24 MR. RAJAVUORI: Object to form.

25

CERTIFICATE OF OATH

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, Jazzmin A. Musrati, RPR, CRR, Notary Public, State of Florida, do hereby certify that DANNY de ARMAS personally appeared before me via videoconferencing technology on February 16, 2023, and was duly sworn and produced driver's license/I.D. as identification.

Signed on March 3, 2023.



Jazzmin A. Musrati, RPR, CRR

Notary Public - State of Florida

My Commission No. GG984252

My Commission Expires: May 4, 2024

CERTIFICATE OF REPORTER

STATE OF FLORIDA:

COUNTY OF ORANGE:

I, Jazzmin A. Musrati, RPR, CRR, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of DANNY de ARMAS; that a review of the transcript was requested; and that the foregoing transcript, Pages 1 through 232, is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED: March 3, 2023.



Jazzmin A. Musrati, RPR, CRR

Registered Professional Reporter

Certified Realtime Reporter

EXHIBIT 38

From: Will McRaney <wmcraney@bcmd.org>
Sent: Tuesday, November 18, 2014 4:07 PM
To: Christopherson, Jeff
Cc: Tom Stolle
Subject: Dec. 3 - forward

Jeff,

Thanks investing time yesterday in our navigating through some challenges and misunderstandings. Hopefully soon we will get to investing more time in taking advantages of opportunities instead of other things. I wanted to follow-up our time with a few notes.

I had another good conversation with Michael Crawford today and everything is still a go from our end. His contact information is (443) 742-7571 and michael@freedomchurchbaltimore.org. From my desk, he is the right person, God's person and is available to the Lord and us at just the right time to help us move forward in a collective effort to see God's Kingdom advance here in our region. I believe you will come to this same conclusion as you engage with him.

I have moved my cardiologist appointment from Dec. 3 in order to make that date available for Tom and me to come to Atlanta for a possible meeting with you and Kevin. Some time face to face will give us a needed opportunity to hear directly from each other and hopefully clear up some misunderstandings caused by conjectures, projections and lots of second and third hand information. If we can get some clarity from our positions of leadership and trust, we will be much better able to bring clearer understandings and healthy productive conversations in the field concerning our assigned ministries.

Let us know what works for you guys on Dec. 3 and we will make effort to make it work on our end. We have our staff Christmas party at 10:00 on Dec. 4, so we can return either the night of Dec. 3 or early morning the 4th as needed.

I look forward to seeing us set a new trajectory and doing so around greater firsthand clarity of purposes and objectives, and then more trust in time.

Have great rest of the day!
Will

Will McRaney, PhD
Exec. Missional Strategist
Mid-Atlantic Baptist Network / BCMD
410-290-5290 ext. 202

EXHIBIT 39

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

Will McRaney,

Plaintiff,

v.

The North American Mission Board of the
Southern Baptist Convention, Inc.,

Defendant.

Case No. 1:17-cv-00080-GHD-DAS

**PLAINTIFF’S AMENDED OBJECTIONS AND FIFTH SUPPLEMENTAL RESPONSES
TO DEFENDANT’S FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff hereby objects and responds to Defendant’s First Set of Interrogatories, dated February 11, 2022 (collectively, the “Interrogatories”), including the “Definitions” contained therein, as follows:

RESPONSES APPLICABLE TO ALL INTERROGATORIES

The following responses are incorporated into Plaintiff’s responses to each Interrogatory:

1. Plaintiff objects to the Interrogatories to the extent they seek or call for information not in Plaintiff’s possession, custody, or control. Plaintiff construes each Interrogatory as seeking only information in Plaintiff’s possession, custody, or control.

2. Plaintiff objects to the Interrogatories to the extent they seek or call for the production of documents or information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other privilege, protection, or immunity applicable under the governing law. If Plaintiff does not assert a specific privilege objection to any specific

Interrogatory, it is because Plaintiff does not understand that Interrogatory to seek privileged information. Any information disclosed in response to an Interrogatory will be disclosed without waiving, but on the contrary reserving and intending to reserve, each of these privileges, protections, or immunities. Any accidental disclosure of privileged information or material is not intended as a waiver of the applicable privilege, protection, or immunity.

3. These responses are being made after reasonable inquiry into the relevant facts, and are based only upon the information presently known to Plaintiff. Further investigation and discovery may result in the identification of additional information, and Plaintiff reserves the right to modify its responses.

4. Plaintiff objects to the Interrogatories to the extent they fail to specify an applicable time period. Plaintiff construes these Interrogatories consistent with the Court's December 7, 2022 Order (Doc. 190).

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1: Identify, by name and last known address and phone number, all individuals who have knowledge of relevant facts and/or discoverable information pertaining to the facts, allegations, and claims set forth in your Complaint.

RESPONSE TO INTERROGATORY NO. 1

Plaintiff objects to this Interrogatory as vague (e.g., "relevant facts"), overbroad, not proportional to the needs of the case, and calling for a legal conclusion insofar as it asks about "discoverable" information.

Without waiving the foregoing objections, Plaintiff is willing to meet and confer with Defendant about this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1

Without waiving the foregoing objections, Plaintiff refers to and incorporates its Rule 26(a) disclosures, including as amended or supplemented.

INTERROGATORY NO. 2: Itemize each element, component, and/or category [“element”] of injury, loss, economic damage, and/or non-economic damage for which you seek compensation in this action and set forth the amount of compensation you seek for each such element, including in your answer the basis for the amount(s) sought.

RESPONSE TO INTERROGATORY NO. 2

Plaintiff objects to this Interrogatory as vague (e.g., “itemize” and “element”), and premature to the extent it seeks information related to expert discovery concerning damages, which will be produced in accordance with the schedule to be set by the Court.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2

Without waiving the foregoing objections, Plaintiff states the damages he seeks include damages for economic loss, damages for non-economic loss (e.g., emotional distress), punitive damages, pre-judgment interest, post-judgment interest, attorneys’ fees, and costs. The harm to Plaintiff by Defendant continued to cause damages after the filing of Plaintiff’s complaint, and damages are ongoing. The precise amount of damages sought by Plaintiff will be set forth at trial, and relevant post-trial proceedings.

INTERROGATORY NO. 3: In par. X of your Complaint beginning on page 3, you allege that 18 small SBC state conventions which were highly reliant on NAMB financial support “submitted to the combination of requests and financial strong-arming tactics of NAMB to accept the new NAMB-friendly SPA.” Identify these 18 state conventions and set forth what specific acts on the part of NAMB constituted “strong-arm tactics” that caused them to “submit.”

RESPONSE TO INTERROGATORY NO. 3

Plaintiff states: the 18 state conventions referenced were:

1. Alaska Baptist Convention
2. Arizona Southern Baptist Convention
3. Canadian National Baptist Convention
4. Colorado Baptist General Convention
5. Dakota Baptist Convention
6. Hawaii Pacific Baptist Convention
7. Baptist Convention of Iowa
8. Baptist State Convention of Michigan
9. Minnesota-Wisconsin Baptist Convention
10. Montana Southern Baptist Convention

11. Nevada Baptist Convention
12. Baptist Convention of New England
13. Baptist Convention of New York
14. Baptist Convention of Pennsylvania/South Jersey
15. Convention of Southern Baptist Churches of Puerto Rico and the Virgin Islands
16. Utah-Idaho Southern Baptist Convention
17. West Virginia Convention of Southern Baptists
18. Wyoming Southern Baptist Convention

Plaintiff objects to the remainder of this Interrogatory as a premature contention interrogatory, to which no response is required at this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3

Without waiving the foregoing objections, Plaintiff further states:

Several people have communicated to me that Kevin Ezell via NAMB personnel pressured the Michigan Baptist Board and denigrated Bobby Gilstrap and said he would not be supportive of Michigan financially as long as Gilstrap remained as Executive Director. It is my understanding that NAMB's threat against Bobby Gilstrap in Michigan contributed in his termination.

Former NAMB contract worker and speaker/rep for NAMB, Brent Williams, communicated with me that Ezell had enlisted him to work around the Alaska State Executive Director to undermine him by providing church planting money to planters that did not go through the Alaska Convention as per the norm and SPA. Williams said he was remorseful and ashamed of what he did and later left Alaska because of it. Williams said he was in regular contact with Ezell, NAMB's Regional VP Steve Bass, NAMB contract worker Ed Stetzer, NAMB VP over Planting Aaron Coe, and others. He said he received NAMB Trustee approval 15 months prior and was going to be given an extra \$250,000-\$300,000 to plant church around Alaska state guys.

Several people have reported that NAMB has offered to pay the State Executive Director's salary if NAMB/Ezell would get to select their next Executive Director.

- West Virginia board members report that Ezell or his representatives offered to pay two years' salary if the West Virginia board would approve whoever Ezell put forth to fill their Executive Director vacancy.
- Ezell is reported to have paid the salary of the Ohio State Exec Director who was previously a NAMB contract worker.

Multiple State Executive directors have spoken to me and/or written about the strong-arm, bullying tactics of Ezell for them and other non-south state conventions.

- An article on these was published by SBC Today.
- About 18 state executive directors gathered and agreed that Ezell was bullying them. Six of them wrote the SBC Executive Committee and more of the state Executive Directors had a video meeting with the SBC Executive Committee to hear their individual accounts. The letter from the six state executive directors was made public.
- The former Penn/South Jersey Executive Director has told people he was so outdone in dealing with NAMB and their tactics that he left his position.

A former NAMB employee told me about and read from a document entitled "Legal Advisory, Legal Opinion Concerning Jointly Funded Missionaries." He communicated to me that Ezell used the withdrawing of health insurance from jointly funded State staff as a strategy to pressure the state conventions into accepting the new SPA NAMB had designed. The IL Baptist Association (state convention name) Executive Director Nate Adams told me of the pressure Ezell and NAMB leaders were placing on him regarding the removal of insurance. He accepted the new SPA because of the threatened health insurance money lost if he did not.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3

Without waiving the foregoing objections, Plaintiff further states:

In a paper “*North American Mission Board’s Strategic Shifts and the Impact on California Southern Baptist Convention*” dated January 2012 and published by the California Southern Baptist Convention (CSBC), the CSBC identified 7 actions by NAMB that concerned the CSBC leaders and impacted their work. The CSBC leaders published an article on these matters on March 1, 2012 “*Executive Board hears report on NAMB funding issues*,” <https://csbc.com/news/executive-board-hears-report-on-namb-funding-issues/>. The SBC’s Baptist Press also reported on these concerns.

A lengthy February 2021 article by journalist Joe Westbury in Baptist News Global recounts numerous examples of concerns expressed by State Executive Directors, “*State Conventions Beyond the South Question SBC North American Mission Board’s Spending and Accountability for Church Planting*.” The article discusses concerns in California, New England, Alaska, Hawaii, Ohio, New Mexico, the Northwest, Montana, and others.

On August 21, 2020, the Louisiana Baptist Message editor wrote about the published concerns of six state executive directors. <https://www.baptistmessage.com/six-state-executives-say-theres-no-partnership-in-new-namb-strategic-cooperative-agreement/>

In a letter to Alaska pastors, Alaska Executive Director Randy Covington wrote that “NAMB has lied to us time and again and not fulfilled their promises and agreements in the past,” and expressed other concerns with NAMB. *See* WM06195-98.

INTERROGATORY NO. 4: In par. XI of your Complaint beginning on page 3, you allege that certain NAMB employees, including Kevin Ezell, “wrote to various leaders within the BCMD that Plaintiff McRaney had repeatedly refused to meet with him.” Identify each specific NAMB employee who allegedly made such statement, the leaders within BCMD to whom you refer, the date of such writings, and the full content thereof.

RESPONSE TO INTERROGATORY NO. 4

Plaintiff also objects to this Interrogatory because Paragraph XI of the Complaint does not contain the quoted language.

Plaintiff also objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time.

Without waiving the foregoing objection, Plaintiff states: the “leaders within BCMD” referenced in Paragraph IX include Will McRaney, Tom Stolle and Bill Warren.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4

Without waiving the foregoing objections, Plaintiff further states: Kevin Ezell wrote an email to Bill Warren and Tom Stolle on December 3, 2014, stating I had refused to meet. That was false. I had offered over numerous times to meet. I recall Warren reporting to our top leadership team and me that Ezell told him that if I “was good for six months he would meet with us.” Warren said to our leaders that in essence “Ezell was putting me on probation.”

INTERROGATORY NO. 5: In par. XI beginning on page 4 of your Complaint, you allege that the letter of cancellation between NAMB and BCMD contained “false and libelous accusations against Plaintiff McRaney.” Identify the part(s) of the referenced letter which you contend constituted false and libelous accusations and set forth what you regard to be the truth in regard to these alleged allegations.

RESPONSE TO INTERROGATORY NO. 5

Plaintiff objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5

Without waiving the foregoing objection, Plaintiff states the December 2, 2014 letter from NAMB terminating its Agreement with BCMD falsely asserted that Plaintiff had: engaged in “serious and persistent disregard of the Strategic Partnership Agreement between BCMD and NAMB [which] resulted in breach of the Agreement”; that Plaintiff’s “multiple failures . . . to

abide by the Agreement” led NAMB to terminate the Agreement and stop providing funds to BCMD; and that Plaintiff had “willfully and repeatedly ignor[ed] the Strategic Partnership Agreement.”

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5

Without waiving the foregoing objections, Plaintiff further states:

NAMB’s December 2, 2014 letter had it backwards. I followed the SPA. The one matter and supposed two occurrences involved the hiring procedures for jointly funded missionaries State Director of Evangelism (SDOE) Joel Rainey and State Director of Missions (SDOM) Michael Crawford. The written SPA guidelines were followed, namely “Jointly funded missionaries must go through the approval process of both the convention and NAMB. Final approval of the candidate will be from NAMB.” I and the BCMD followed this agreed to process. As such, there was no “serious” or “persistent disregard” of the SPA by me. However, NAMB knowingly and intentionality violated the SPA. For example, while NAMB acknowledged the significance of their action, the sequence of NAMB’s notice of termination of the SPA was in violation of the SPA.

INTERROGATORY NO. 6: In par. XIII of your Complaint, you allege that “After Plaintiff McRaney’s termination in June of 2015, it was discovered that Ezell would withhold all NAMB monies to BCMD unless Plaintiff McRaney was terminated, but that those and additional funds would be forthcoming in the event of his termination and upon implementation of the new SPA by BCMD.” Identify how, when, and by whom these alleged facts were “discovered” and made known to you.

RESPONSE TO INTERROGATORY NO. 6

Plaintiff objects to this Interrogatory as seeking information not relevant to claims or defenses because it asks “how, when, and by whom these alleged facts were ‘discovered.’”

Plaintiff also objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time, to the extent it seeks information about Plaintiff’s contentions.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6

Without waiving the foregoing objections, Plaintiff states he does not currently recall the details of when or how he learned this information.

INTERROGATORY NO. 7: In paragraph XIV of your Complaint, you allege that “Plaintiff McRaney was invited to speak at a large mission emphasis in Louisville, Mississippi on October 23, 2016 but was uninvited as a direct result of intentional interference by Defendant NAMB employees and/or other representatives.” Identify the NAMB “employees and/or representatives” to whom you refer, set forth the specific acts which you contend these employees and/or representatives took to get you uninvited, identify the individual(s) representing the mission emphasis who informed you that you had been uninvited to speak, and set forth your best recollection of your conversation and communications with that individual(s).

RESPONSE TO INTERROGATORY NO. 7

Plaintiff objects to this Interrogatory because it misquotes the Complaint. Plaintiff also objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time.

Without waiving the foregoing objection, Plaintiff states: Rob Paul informed him he was uninvited to speak.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7

Without waiving the foregoing objections, Plaintiff further states, based on information available to date, that Plaintiff was uninvited to speak at the event after Rob Paul—who had extended the invitation to speak—spoke with then-NAMB Board of Trustees member, Danny Wood, and Wood told Paul that it “makes sense” for Paul to uninvite Plaintiff.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7

Without waiving the foregoing objections, Plaintiff further states:

Rob Paul had sought me out to speak at his multi-church missions conference for 2 or 3 years. I agreed to speak for him at his 2016 multi-day, multi-church missions conference. In December 2015, Paul invited me to speak in the morning worship service on Oct. 23, 2016 for

their Global Impact Celebration in Louisville, Mississippi, where he was pastoring. I confirmed with him in March 2016 to speak at his event.

Rob Paul told me in June 2016, at the SBC in St. Louis, that he had to uninvite me to speak at his conference because of NAMB. He told me he wanted to tell me in person, which he did with my wife, Sandy, present.

I later learned that Paul had a NAMB Trustee from Mississippi speaking at his conference. I also learned that months before telling me that he was uninviting me, Paul had replaced me with Ed Litton (who became the SBC President), the husband of NAMB employee Kathy Ferguson Litton.

INTERROGATORY NO. 8: In paragraph XIV of your Complaint, you allege that you used these “promotional opportunities to endorse and sell his books on mission strategy.” Identify the books to which you refer, including the title, date of publication, and publisher, and identify all similar “promotional opportunities” through which you have endorsed and sold your books, including the amount of revenue you received and expenses you incurred in connection with each such opportunity.

RESPONSE TO INTERROGATORY NO. 8

Plaintiff objects to this Interrogatory because it misquotes the Complaint. Plaintiff also objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time.

Without waiving the foregoing objections, Plaintiff states: he is the author of the book *The Art of Personal Evangelism: Sharing Jesus in a Changing Culture*, printed in English and Spanish in the United States, and author or contributor to other publications including *Life’s Most Important Decisions* (40 Day Experience series) and *Love Your Neighbor Share Christ*.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8

Without waiving the foregoing objections, pursuant to Federal Rule of Civil Procedure 33(d), Plaintiff refers NAMB to Plaintiff’s tax filings—e.g., WM00430, WM00491, WM00551, WM00614, WM00668, WM00731, and WM00784.

Plaintiff also refers NAMB to the expert report of Dr. D.C. Sharp. *See* Doc. 134.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8

Without waiving the foregoing objections, Plaintiff further states:

For the three years prior to my termination,¹ from the summer of 2012 through the summer of 2015, I had two employers: Florida Baptist Convention through Sept. 30, 2013, and then the BCMD until my termination. In those two roles, my daily job included working with churches to help them and their leaders in church life, evangelism, church growth, church planting and missions. Since I was a salaried employee, I thought it would be inappropriate for me to charge the churches paying my salary for the same services personally. This was true for the Florida Convention, where I served as a director in evangelism and church planting. This was also true in the BCMD where I served approximately 600 churches as the Lead Missional Strategist (Executive Director). So, for those time periods I had not actively pursued consulting or conference or speaking engagements for compensation, nor book sales. It was only after my termination and the need to provide for my family that I explored various ways to do so. While I was a professor at NOBTS from 1996-2007, I was more involved in research, writing, book publications, conferencing, speaking and consulting.

INTERROGATORY NO. 9: In paragraph XVI of your Complaint, you allege that “On November 15, 2015, a national SBC agency board member shared a photo he took of Dr. McRaney’s photo posted at NAMB headquarters in Alpharetta, GA.” Identify the board member to whom you refer, the manner in which such board member shared the photo, and the substance of any contemporaneous communication from such board member.

¹ The time period is based on the Court’s December 7, 2022 Order. *See* Doc. 190 at 4.

RESPONSE TO INTERROGATORY NO. 9

Plaintiff objects to this Interrogatory because “the substance of any contemporaneous communication” is vague, and also overbroad to the extent it refers to communication unrelated to the claims or defenses.

Without waiving the foregoing objection, Plaintiff states: the referenced photo was shared by board member Rick Wheeler, who had the photo on his phone, and shared the photo with Plaintiff over lunch in Clearwater, Florida, in or around November 2016. Mr. Wheeler later forwarded by text a copy of the photo.

Although the portion of the Interrogatory referencing “the substance of any contemporaneous communication” is vague, Plaintiff will answer any specific questions about his communications with Mr. Wheeler during the deposition of Plaintiff, if any is requested by NAMB.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9

Without waiving the foregoing objections, Plaintiff further states:

Around the gathering of hundreds of pastors and other church leaders at the annual Florida Baptist Convention in November 2016, in Clearwater, FL, my wife Sandy and I had lunch with Dr. Rick Wheeler at a restaurant away from the Convention site. At some point during our time together Rick said that Sandy and I looked like we were in good moods so we could handle what he wanted to show me. After which he pulled out his phone and showed me a photo of myself pasted or taped up on a desk. He then asked, do you know where I took this photo of you. I replied, “no.” He said it was on the reception desk at NAMB. He said he was there attending a meeting and serving as a greeter for a meeting NAMB was hosting for Associational Directors of Missions from across the country. I recall him conveying he found the posting of my photo by

NAMB strange and decided to take a photo of my picture at the reception desk. Rick was at the time serving as a member of the board for the SBC Executive Committee.

INTERROGATORY NO. 10: In paragraph XVI of your Complaint, you allege that you were the “victim of Dr. Ezell’s intentional, repeated, and widely damaging actions.” Set forth and fully describe each specific action which was done by Dr. Ezell that allegedly caused you damage, including in your answer the nature or substance of each action, the date of each such action, the identities of the individuals with whom he interfaced as a part of his “damaging actions,” and the damage you claim to have sustained as a result of each specific action.

RESPONSE TO INTERROGATORY NO. 10

Plaintiff objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time, and also premature to the extent it seeks information related to expert discovery concerning damages, which will be produced in accordance with the schedule to be set by the Court.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10

Without waiving the foregoing objections, Plaintiff states the damages he seeks include damages for economic loss, damages for non-economic loss (e.g., emotional distress), punitive damages, pre-judgment interest, post-judgment interest, attorneys’ fees, and costs. The harm to Plaintiff by Defendant continued to cause damages after the filing of Plaintiff’s complaint, and damages are ongoing. The precise amount of damages sought by Plaintiff will be set forth at trial, and relevant post-trial proceedings.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10

Without waiving the foregoing objections, Plaintiff further states:

Numerous harmful actions by Kevin Ezell are described in Plaintiff’s Supplemental Pleading, which is incorporated into this response. *See* Doc. 191. Plaintiff also incorporates here his responses to Interrogatories 9, 11 and 12.

Plaintiff continues to learn about other harmful actions by Ezell, including disparaging remarks made by Ezell to Russell Moore, among them calling Plaintiff a “nutcase” in a February 2016 email. *See* ERLC 00015.

THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10

Without waiving the foregoing objections, Plaintiff further states that additional examples of harmful actions by Dr. Ezell include:

Disseminating a document which disparaged Plaintiff, including asserting Plaintiff’s “[f]ailure to follow a Partnership Process in Hiring Jointly Funded Missionaries,” “[d]isregard for National Agreements,” “complete lack of cooperation with NAMB’s local initiatives,” and “disregard for NAMB staff.” *See* NAMB 6744-45; *see, e.g.*, NAMB 6756-58; 6772.

Kevin Ezell defamed Plaintiff, describing him as a threat to the safety or physical well-being of Kevin Ezell or others at NAMB.

Defaming Plaintiff by asserting that Plaintiff told lies. *See, e.g.*, NAMB 008240; NAMB 008242; NAMB 008685; NAMB 009459.

Defaming Plaintiff by asserting that all of Plaintiff’s assertions were untrue and made up. *See, e.g.*, NAMB 009188.

Defaming Plaintiff by asserting that Plaintiff’s videos posted online were “90% bull,” meaning false. *See, e.g.*, NAMB 009181.

Defaming Plaintiff by telling BCMD’s Bill Warren that Plaintiff had “disregard for NAMB staff,” “disregarded NAMB processes,” and added percentages fees to planters. *See, e.g.*, WM00831a.

Defaming Plaintiff by asserting that Plaintiff “is a liar” and “has no integrity.” *See, e.g.*, NAMB 5381.

Plaintiff also incorporates here his responses to Interrogatories 11 and 12.

INTERROGATORY NO. 11: In paragraph XVI of your Complaint, you allege “[t]his photo has caused additional damage and is a result of Dr. Ezell’s defamation.” Set forth and fully describe the “additional damage” the photo has caused, as well as each defamatory statement made about you by Dr. Ezell, including in your answer the content of each defamatory statement, the date of publication of each defamatory statement, the form and mode of each publication (*i.e.*, letter, e-mail, press release, internet post, etc.), and the individuals to whom each defamatory statement was published.

RESPONSE TO INTERROGATORY NO. 11

Plaintiff objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time, and also premature to the extent it seeks information related to expert discovery concerning damages, which will be produced in accordance with the schedule to be set by the Court.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11

Without waiving the foregoing objection, Plaintiff states, the conduct referenced in this Interrogatory was one part of NAMB’s conduct impeding Plaintiff’s sequent professional opportunities—actions which were intentional, undertaken with actual malice and bad intent and oppressively, and which harmed and continues to harm Plaintiff. The precise amount of damages sought by Plaintiff will be set forth at trial.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11

Without waiving the foregoing objections, Plaintiff cites, as an example, the unprecedented step of posting a photo of Plaintiff at the reception desk of NAMB’s headquarters, for the purpose of denying him entry to the building. This no-entry-photo, in the lobby of NAMB’s building, was visible to NAMB personnel and visitors, and was kept posted at the reception desk for many months in 2016, and perhaps longer. The no-entry-photo of Plaintiff was posted by NAMB at the direction of its President, Kevin Ezell—and damaged Plaintiff’s reputation and professional opportunities.

Plaintiff also refers NAMB to the expert report of Dr. D.C. Sharp. *See* Doc. 134.

THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11

Without waiving the foregoing objections, Plaintiff further states:

Numerous defamatory statements by Kevin Ezell are described in Plaintiff's Supplemental Pleading, which is incorporated into this response. *See* Doc. 191.

Other defamatory statements include each time that Ezell stated that I had violated the SPA, or failed to perform his responsibilities at BCMD. Examples include a November 20, 2014 from Ezell to me, copying Jeff Christopherson and Carlos Ferrer, in which Ezell made false claims, among them that I had not returned a call from Kevin Marsico, that I had violated the SPA, and that I hired a SDOE without any consultation with Christopherson.

Another example: Steve Davis and/or Jeff Christopherson stating in meeting with NAMB leaders (Ezell, Davis, Christopherson and Chuck Herring) and several BCMD leaders (Bill Warren, Harold Phillips, Mark Dooley, Tom Stolle, Michael Crawford) on March 11, 2015 that they had sent me a new hiring procedure that I violated, which is what Ezell claimed I had done.

Plaintiff continues to learn about other such statements made by Ezell to Russell Moore, among them calling Plaintiff a "nutcase" in a February 2016 email. *See* ERLC 00015.

FOURTH SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11

Without waiving the foregoing objections, Plaintiff further states:

Kevin Ezell defamed Plaintiff by disseminating a document which disparaged Plaintiff, including asserting Plaintiff's "[f]ailure to follow a Partnership Process in Hiring Jointly Funded Missionaries," "[d]isregard for National Agreements," "complete lack of cooperation with NAMB's local initiatives," and "disregard for NAMB staff." *See* NAMB 6744-45; *see, e.g.*, NAMB 6756-58; 6772.

Kevin Ezell defamed Plaintiff, describing him as a threat to the safety or physical well-being of Kevin Ezell or others at NAMB.

Kevin Ezell defamed Plaintiff, asserting that Plaintiff told lies. *See, e.g.*, NAMB 008240; NAMB 008242; NAMB 008685; NAMB 009459.

Kevin Ezell defamed Plaintiff, asserting that all of Plaintiff's assertions were untrue and made up. *See, e.g.*, NAMB 009188.

Kevin Ezell defamed Plaintiff, asserting that Plaintiff's videos posted online were "90% bull," meaning false. *See, e.g.*, NAMB 009181.

Kevin Ezell defamed Plaintiff when telling BCMD's Bill Warren that Plaintiff had "disregard for NAMB staff," "disregarded NAMB processes," and added percentages fees to planters. *See, e.g.*, WM00831a.

Kevin Ezell defamed Plaintiff, asserting that Plaintiff "is a liar" and "has no integrity." *See, e.g.*, NAMB 5381.

Plaintiff also incorporates here his responses to Interrogatories 10 and 12.

INTERROGATORY NO. 12: In Count I of your Complaint, you charge NAMB with "intentional interference with the business relationship between Plaintiff McRaney and BCMD by interfering with the contractual relationship between the two." Set forth and fully describe each specific action on the part of NAMB which constituted this "intentional interference," including in your answer the nature or substance of each action, the date of each action, and the identities of the individuals at NAMB who committed each action.

RESPONSE TO INTERROGATORY NO. 12

Plaintiff objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12

Without waiving the foregoing objection, Plaintiff states: NAMB made repeated, false and damaging assertions to BCMD about Plaintiff prior to Plaintiff's termination by BCMD. For

example, the December 2, 2014 letter from NAMB terminating its Agreement with BCMD falsely asserted that Plaintiff had: engaged in “serious and persistent disregard of the Strategic Partnership Agreement between BCMD and NAMB [which] resulted in breach of the Agreement”; that Plaintiff’s “multiple failures . . . to abide by the Agreement” led NAMB to terminate the Agreement and stop providing funds to BCMD; and that Plaintiff had “willfully and repeatedly ignor[ed] the Strategic Partnership Agreement.”

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12

Without waiving the foregoing objections, Plaintiff further states:

Plaintiff’s Supplemental Pleading, which is incorporated into this response, identifies acts of intentional interference. *See* Doc. 191.

As another example, Ezell sent a threatening text message to BCMD General Mission Board member Thomas Winborn during a meeting by the GMB in February 2015, as part of the interference leading to Plaintiff’s termination by BCMD.

THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12

Without waiving the foregoing objections, Plaintiff further states:

NAMB interfered with Plaintiff’s relationship with BCMD when Kevin Ezell falsely told BCMD’s Bill Warren in December 2104 that Plaintiff had “disregard for NAMB staff,” “disregarded NAMB processes,” and added percentages fees to planters. *See, e.g.*, WM00831a.

NAMB also interfered with Plaintiff’s relationship with BCMD when sending a document to BCMD in February 2015 which falsely asserted Plaintiff “[f]ail[ed] to follow a Partnership Process in Hiring Jointly Funded Missionaries,” had “[d]isregard for National Agreements,” a “complete lack of cooperation with NAMB’s local initiatives,” and “disregard for NAMB staff.”

See NAMB 6744-45; *see, e.g.*, NAMB 6756-58; 6772. NAMB repeated these false allegations to BCMD throughout 2015, leading up to Plaintiff's termination.

NAMB also interfered with Plaintiff's relationship with BCMD when it "put a moratorium on conversations" with Plaintiff, in or around February 2015. *See* NAMB 6752.

NAMB also interfered with Plaintiff's relationship with BCMD when Kevin Ezell falsely told Bill Warren, during February 2015, that Plaintiff "hired someone without any prior notification to NAMB" and "a few months later did it again." *See* NAMB 6777.

Plaintiff refers Defendant to the Declarations of Steve Wolverton and Clint Scott. *See* WM06179-80; WM06207-08.

INTERROGATORY NO. 13: In Count II of your Complaint, you alleged that NAMB "committed slander and/or libel by intentionally defaming Plaintiff so as to damage his reputation and character resulting in his ultimate termination." Set forth and fully describe each defamatory statement made about you by NAMB, including in your answer the content of each defamatory statement, the individuals with NAMB who published each defamatory statement, the date of publication of each defamatory statement, the form and mode of each publication (*i.e.*, letter, e-mail, press release, internet post, etc.), the individuals to whom each defamatory statement was published, and the damage you claim to have sustained as a result of each defamatory statement.

RESPONSE TO INTERROGATORY NO. 13

Plaintiff objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time, and also premature to the extent it seeks information related to expert discovery concerning damages, which will be produced in accordance with the schedule to be set by the Court.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13

Without waiving the foregoing objections, Plaintiff states the damages he seeks include damages for economic loss, damages for non-economic loss (e.g., emotional distress), punitive damages, pre-judgment interest, post-judgment interest, attorneys' fees, and costs. The harm to Plaintiff by Defendant continued to cause damages after the filing of Plaintiff's complaint, and

damages are ongoing. The precise amount of damages sought by Plaintiff will be set forth at trial, and relevant post-trial proceedings.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13

Without waiving the foregoing objection, Plaintiff states: NAMB made repeated, false and damaging assertions to BCMD about Plaintiff prior to Plaintiff's termination by BCMD. For example, the December 2, 2014 letter from NAMB terminating its Agreement with BCMD falsely asserted that Plaintiff had: engaged in "serious and persistent disregard of the Strategic Partnership Agreement between BCMD and NAMB [which] resulted in breach of the Agreement"; that Plaintiff's "multiple failures . . . to abide by the Agreement" led NAMB to terminate the Agreement and stop providing funds to BCMD; and that Plaintiff had "willfully and repeatedly ignor[ed] the Strategic Partnership Agreement."

Plaintiff also refers NAMB to the expert report of Dr. D.C. Sharp. *See* Doc. 134.

THIRD SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13

Without waiving the foregoing objections, Plaintiff further states:

Other defamatory statements include each time that NAMB personnel stated by Plaintiff had violated the SPA, or failed to perform his responsibilities at BCMD. Examples include a November 20, 2014 from Ezell to me, copying Jeff Christopherson and Carlos Ferrer, in which Ezell made false claims, among them that I had not returned a call from Kevin Marsico, violated the SPA, and hired a SDOE without any consultation with Christopherson.

Another example: Steve Davis and/or Jeff Christopherson stating in meeting with NAMB leaders (Ezell, Davis, Christopherson and Chuck Herring) and several BCMD leaders (Bill Warren, Harold Phillips, Mark Dooley, Tom Stolle, Michael Crawford) on March 11, 2015 that they had sent me a new hiring procedure that I violated, which is what Ezell claimed I had done.

Plaintiff continues to learn about other such statements made by Ezell to Russell Moore, among them calling Plaintiff a “nutcase” in a February 2016 email. *See* ERLC 00015.

FOURTH SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13

Without waiving the foregoing objections, Plaintiff further states:

Plaintiff’s Supplemental Pleading, which is incorporated into this response, identifies acts of intentional interference. *See* Doc. 191.

NAMB’s Carlos Ferrer defamed Plaintiff, calling him a liar. *See* Ferrer Dep. Tr. at 45-47; NAMB 7711.

NAMB personnel defamed Plaintiff, describing him as a threat to the safety or physical well-being of Kevin Ezell or others at NAMB. *See, e.g.*, NAMB 008237-28.

NAMB personnel defamed Plaintiff by disseminating a document which disparaged Plaintiff, including asserting his “[f]ailure to follow a Partnership Process in Hiring Jointly Funded Missionaries,” “[d]isregard for National Agreements,” “complete lack of cooperation with NAMB’s local initiatives,” and “disregard for NAMB staff.” *See* NAMB 6744-45; *see, e.g.*, NAMB 6756-58; 6772.

NAMB personnel defamed Plaintiff by asserting he refused requests to meet with NAMB.

NAMB personnel defamed Plaintiff, suggesting he is greedy and/or refused to engage in discussions with NAMB to redress the impact of NAMB’s conduct through biblical reconciliation. *See, e.g.*, Wood Dep. Tr. Exh. 15; NAMB 009345; NAMB 009362; NAMB 009056; NAMB 009362; NAMB 009348; NAMB 009345; NAMB 008003.

Plaintiff also incorporates here his responses to Interrogatories 10 and 11.

INTERROGATORY NO. 14: In Count VI of your Complaint, you charge NAMB with intentional infliction of emotional distress. Set forth and fully describe the emotional distress which NAMB caused you, including in your answer the period(s) of time during which you suffered emotional distress, the symptoms of emotional distress which you manifested, the identity of all health care providers from

whom you sought or received treatment and the date(s) of each visit to each health care provider, and the amount of compensation you seek for such emotional distress.

RESPONSE TO INTERROGATORY NO. 14

Plaintiff objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14

Without waiving the foregoing objection, Plaintiff states, by way of example, that Plaintiff suffered from stress, anxiety, difficulty sleeping, and weight gain as result of Defendant's conduct, and consulted primary care medical professionals and a cardiologist in connection with those conditions.

The harm to Plaintiff by Defendant has continued to cause damages after the filing of Plaintiff's complaint, and damages are ongoing. The precise amount of damages sought by Plaintiff for emotional distress will be set forth at trial.

INTERROGATORY NO. 15: Set forth and fully describe the actions of NAMB that "justif[y] the imposition of punitive damages" as alleged in Count VI of your Complaint.

RESPONSE TO INTERROGATORY NO. 15

Plaintiff objects to this Interrogatory as vague, as calling for privileged information, and to the extent it seeks a legal conclusion. Plaintiff also objects to this Interrogatory because it is a premature contention interrogatory, to which no response is required at this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15

Without waiving the foregoing objection, Plaintiff states, by way of example, that NAMB's actions leading to Plaintiff's termination from his position with BCMD, and NAMB's actions impeding Plaintiff's sequent professional opportunities, were intentional, were undertaken with actual malice and bad intent and oppressively, and caused harm to Plaintiff. NAMB's actions concerning Plaintiff occurred over an extended period of time, and are ongoing. Moreover, the

existence and frequency of similar conduct by NAMB supports the imposition of punitive damages in this case.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15

Without waiving the foregoing objections, Plaintiff further refers Defendant to Plaintiff's Supplemental Pleading (Doc. 191), Plaintiff's responses to other Interrogatories, and to the expert reports of Dr. Barry Hankins (Doc. 133) and Dr. D.C. Sharp (Doc. 134).

NAMB's failure to preserve, collect and produce relevant documents also further supports the imposition of punitive damages.

INTERROGATORY NO. 16: Identify all efforts you have made to find other employment since the termination of your employment with BCMD, including in your answer the name of all prospective employers to whom you applied, the date of your application, the position for which you applied, the individual(s) with whom you communicated regarding your application, the outcome of your application, and the amount of compensation anticipated and/or received for each applied-for position.

RESPONSE TO INTERROGATORY NO. 16

Plaintiff objects to this Interrogatory as overbroad, unduly burdensome and not proportional to the needs of the case, and to the extent it seeks information not relevant to claims or defenses.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16

Without waiving the foregoing objections, in light of NAMB's representation that the subject of this Interrogatory is relevant to Plaintiffs' "alleged damages" (April 4, 2022 letter from counsel for NAMB to counsel for Plaintiff), Plaintiff will attempt to compile and provide a response, based on currently available information.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16

Without waiving the foregoing objections, in light of NAMB's representation that the subject of this Interrogatory is relevant to Plaintiffs' "alleged damages" (April 4, 2022 letter from counsel for NAMB to counsel for Plaintiff), Plaintiff provides the following response, based on

his currently recollection and information reasonably available to him, but Plaintiff expressly reserves the right to amend or supplement this response based on further recollection or review of additional information or documentation:

Although I have not catalogued or memorialized in documents all of the substantial efforts made by me, or on my behalf, to find employment since the termination of my employment with BCMD, I made inquiries with at least the following people, places and organizations:

- Liberty Baptist Seminary where I used to teach adjunctively. They use my textbook and some videos as a part of their classes. – David Wheeler
- Baptist College of Florida – Robin Jumper
- New Orleans Baptist Theological Seminary – on campus in New Orleans or at the Orlando Extension Center – Chuck Kelley
- Southwestern Baptist Theological Seminary – Paige Patterson
- Mississippi College – Wayne Vanhorn
- LifeWay – Ed Stetzer
- Palm Beach Atlantic University – Gerald Wright
- Greater Orlando Baptist Association – Tom Cheyney
- Jacksonville Baptist Association – Rick Wheeler
- First Baptist Church, Wimberley, TX – Scott Weatherford
- Olive Baptist Church, Pensacola, FL – Ted Traylor
- Church at the Cross, Orlando, FL – Clayton Cloer
- Inquiries with numerous other Pastors, State and Associational leaders
- Vanderbloemen Search Group

It is my understanding that others have made advocacy or recommended me for the following positions (and my understanding of the approximate annual compensation for that position):

- Executive Director of the South Carolina Baptist Convention
 - \$235,000/yr.
- Opening for the role of Executive Director of the Georgia Baptist Convention
 - \$300,000/yr.
- Opening for the role of Executive Director of the Kentucky Baptist Convention
 - \$240,000/yr.
- Opening for the role of Executive Director of the Mississippi Baptist Convention
 - \$225,000/yr.
- Opening for the role of Executive Director of the North Carolina Baptist Convention
 - \$250,000/yr.
- Opening for Interim Pastor and Consultant for LifeBridge Church in Windemere, FL

- \$2,500/wk
- Opening for Pastor of Emmanuel Baptist Church in Tuscaloosa, AL
 - \$160,000/yr.
- Opening for Pastor at First Baptist Church Jackson, MS
 - \$325,000
- Opening for the role of President of the New Orleans Baptist Theological Seminary
 - \$325,000
- Teaching and Leadership position with Jacksonville Baptist Theological Seminary (part-time position)
 - \$24,000
- Online adjunct professor at Liberty Baptist Seminary (per course part-time)
 - \$3,000/course
- Positions at Wheaton College
 - President of Billy Graham School of Evangelism - \$300,000
 - Endowed Chair of Evangelism – Professor - \$185,000

I am currently serving as the Pastor of The Island Chapel church in Tierra Verde, FL. I became an interim pastor in Jan. 2020 and then became the full-time pastor in October 2022.

I started the Bullock Institute (DBA Bullock Theological Institute) in 2019. We launched the Bullock Institute publicly in Feb. 2020 and then Covid hit nationally in March 2020 which lead to the ministry being placed on pause. We anticipate restarting with a beta group of students in early 2023. This position has not provided a salary to date.

INTERROGATORY NO. 17: Identify all efforts you have made to earn self-employed income since the termination of your employment with BCMD, including in your answer a full description of all work performed as an independent contractor, consultant, speaker, teacher, minister and/or author, the date(s) you performed such work, and the amount you earned for each such self-employment opportunity.

RESPONSE TO INTERROGATORY NO. 17

Plaintiff objects to this Interrogatory as overbroad, unduly burdensome and not proportional to the needs of the case, and to the extent it seeks information not relevant to claims or defenses.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17

Without waiving the foregoing objections, in light of NAMB's representation that the subject of this Interrogatory is relevant to Plaintiffs' "alleged damages" (April 4, 2022 letter from

counsel for NAMB to counsel for Plaintiff), Plaintiff will attempt to compile and provide a response, based on currently available information.

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17

Without waiving the foregoing objections, in light of NAMB's representation that the subject of this Interrogatory is relevant to Plaintiffs' "alleged damages" (April 4, 2022 letter from counsel for NAMB to counsel for Plaintiff), Plaintiff provides the following response, based on his currently recollection and information reasonably available to him, but Plaintiff expressly reserves the right to amend or supplement this response based on further recollection or review of additional information or documentation:

Although I have not catalogued or memorialized in documents all of the substantial efforts made by me, or on my behalf, to earn self-employment income since the termination of my employment with BCMD, my pursuit of potential opportunities include:

- I started the Church Strengthening Network in the 4th quarter of 2016. From this ministry I served The Island Chapel as their contracted interim pastor from Jan. 2020 until Sept. 30, 2020. The Church Strengthening Network was paid approximately \$2,000 per week for me to provide services and cover all my related expenses for that 9-month contract period. Prior I did a few speaking engagements and a several month consulting contract with FBC Sweetwater through the Church Strengthening Network.
- Paid for the development of a website, business cards, etc. for the Church Strengthen Network and the Bullock Institute.
- Developed and submitted two book proposals to LifeWay, an SBC entity: (1) church evangelism (2) fundamental questions of church. Neither was accepted despite of the success of my previous book with them.
- Attended various SBC conferences and denominational events: SBC annual meeting, FL Baptist Convention, Assn. meetings and training events
- Participated in conferences such as Renovate and Exponential in Orlando FL
- Made appointments to meet with pastors one on one
- Made contacts to return to teaching online with Liberty Seminary
- Made contacts with NOBTS to teach in Orlando
- Met individually with denominational leaders
- Made countless calls
- Did research on evangelism and church planting in the SBC
- Wrote numerous articles

- Designed and led conferences/training
- Designed online conference/training schedule
- Started the Bullock Institute (see #16 above)

Others include:

- Renovate Conference 2015 – Conference leader then later not invited back to speak several additional years because of the concerns of repercussions with NAMB according to the Renovate founder, Tom Cheyney. Mr. Cheyney told me that Kevin Ezell described me as “delusional.”
- Extensive consulting with FBC Sweetwater FL – \$15,390
- Rewiring the American Church conference – est. \$300
- FBC Sylacauga - Personal evangelism sermon and afternoon training - \$1,500
- NOBTS teaching
 - Supervised Ministry 1 (personal evangelism course) \$800
 - Supervised Ministry 2 (pastoral ministries course) \$800
- FL Baptist Convention Pastor’s Conference - \$200
- Antioch Project – Immerse Degree Training in New Mexico
- Missions/Evangelism with FBC Delaware – Clint Scott
- Occasional supply preaching
- Interim Pastor - \$2,000/week gross payment to the Church Strengthening Network from Jan. 2020 through Sept. 2020 to the ministry from which I was paid a portion of that compensation from The Island Chapel.
- Electronic Caregiver – typically \$1,500/mo. starting in August 2017 for about 12 months - electronic home health care company

INTERROGATORY NO. 18: Identify every expert witness who you expect to call at the trial of this matter and identify the specific field or specialty and/or sub-fields or sub-specialties in which you will tender the witness as an expert.

RESPONSE TO INTERROGATORY NO. 18

Plaintiff objects to this Interrogatory as premature. Expert disclosures will be produced in accordance with the schedule to be set by the Court and the Federal Rules of Civil Procedure.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18

Plaintiff refers Defendant to the expert reports of Dr. Barry Hankins (Doc. 133) and Dr. D.C. Sharp (Doc. 134).

INTERROGATORY NO. 19: For each expert identified in your response to the preceding interrogatory, describe in full detail the subject matter upon which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

RESPONSE TO INTERROGATORY NO. 19

Plaintiff objects to this Interrogatory as premature. Any report will be produced in accordance with the schedule to be set by the Court and the Federal Rules of Civil Procedure.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19

Plaintiff refers Defendant to the expert reports of Dr. Barry Hankins (Doc. 133) and Dr. D.C. Sharp (Doc. 134).

INTERROGATORY NO. 20: Identify all individuals who you will call at the trial in this cause.

RESPONSE TO INTERROGATORY NO. 20

Plaintiff objects to this Interrogatory as premature. Identification of trial witnesses will be made in accordance with the schedule to be set by the Court and the Federal Rules of Civil Procedure.

INTERROGATORY NO. 21: If you contend that any employee, officer, agent, and/or representative of Defendant made any pertinent verbal “admission(s)” or “statement(s) against interest” (as defined by the Federal Rules of Evidence), set forth the content of the admission, the date it was made, and identify all individuals who heard or witnessed the admission.

RESPONSE TO INTERROGATORY NO. 21

Plaintiff objects to this Interrogatory as premature, to the extent it seeks privileged information, and to the extent it seeks to impose obligations beyond those established by the Court or the Federal Rules of Civil Procedure.

INTERROGATORY NO. 22: Identify your association with the following websites or the individual(s) operating such websites, including any ownership interest you have in such, and websites: <https://reformnambnow.org/>, <https://www.gofundme.com/f/help-McRaneys-seek-justice>, <https://www.gopetition.com/petitions/namb-forensic-audit-sbc-transparency-of-mission-gifts.html>, <https://sbctransparency.com/>, <https://capstonereport.com/>, and <https://nambwhistleblower.wordpress.com/>.

RESPONSE TO INTERROGATORY NO. 22

Plaintiff objects to this Interrogatory as vague (e.g., “your association with the following websites”), compound, overbroad, not proportional to the needs of the case, and seeking information not relevant to claims or defenses.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 22

Without waiving the foregoing objections, Plaintiff states: the URL <https://www.gofundme.com/f/help-McRaneys-see-justice> directs a user to a GoFundMe page created and maintained by Plaintiff.

The content linked to the other URLs listed in this Interrogatory is not maintained by Plaintiff, and Plaintiff has no “ownership interest” in those “websites.”

INTERROGATORY NO. 23: If not otherwise set forth in your responses to Defendants’ First Request for Production of Documents and Tangible Things to Plaintiff below, identify all documents you have withheld from production in responding to Defendants’ discovery requests, including but not limited to itemizing the type of document, date, author, recipients, title of document, and description of subject matter; state the grounds upon which such documents are withheld; and identify the present custodian of the withheld documents. Alternatively, produce an appropriate privilege log containing such information.

RESPONSE TO INTERROGATORY NO. 23

Plaintiff will comply with his obligation with respect to a privilege log, and objects to the extent this Interrogatory seeks to impose any additional obligation on Plaintiff.

March 3, 2023

Respectfully Submitted,

Scott E. Gant

William Harvey Barton, II
BARTON LAW FIRM, PLLC
3007 Magnolia Street
Pascagoula, MS 39567
Phone: (228) 769-2070
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Scott E. Gant
BOIES SCHILLER FLEXNER LLP
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Washington, DC 20005
Phone: (202) 237-2727
sgant@bsflp.com

EXHIBIT 40

In the Matter of:
WILL MCRANEY
VS
N. AMERICAN MISSION BOARD, ET AL.

MCRANEY, WILL

February 08, 2023

eDeposition
.COM

844.533.DEPO

WILL MCRANEY vs N. AMERICAN MISSION BOARD, ET AL.

Will McRaney - 02/08/2023

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF MISSISSIPPI

3 ABERDEEN DIVISION

4 -----X

5 WILL MCRANEY :

6 Plaintiff :

7 v. :No. 1:17cv080-GHD-DAS

8 THE NORTH AMERICAN MISSION :

9 BOARD OF THE SOUTHERN :

10 BAPTIST CONVENTION, INC. :

11 Defendant. :

12 -----X

13

14 Deposition of WILL MCRANEY

15 1401 New York Avenue, NW, Washington, D.C.

16 Wednesday, February 8th, 2023

17 9:00 a.m. (EST)

18

19

20

21

22

23 Job No.: 15384

24 Pages 1 - 235

25 Reported by: Stefanie Towns, CCR

WILL MCRANEY vs N. AMERICAN MISSION BOARD, ET AL.
Will McRaney - 02/08/2023

Page 2

1 Deposition of WILL MCRANEY, held in
2 Washington, D.C.:

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13 Pursuant to agreement, before Stefanie
14 Towns, Notary Public in and for the District of
15 Columbia.

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WILL MCRANEY vs N. AMERICAN MISSION BOARD, ET AL.
Will McRaney - 02/08/2023

Page 3

1 A P P E A R A N C E S

2

3 ON BEHALF OF PLAINTIFF:

4 SCOTT GANT, ESQUIRE

5 BOIES, SCHILLER & FLEXNER, LLP

6 1401 New York Avenue, N.W.

7 Washington, D.C. 20005

8 202.237.2727

9

10 BEHALF OF DEFENDANT:

11 KATHLEEN INGRAM CARRINGTON, ESQUIRE

12 BUTLER SNOW, LLP

13 150 3rd Avenue South

14 Suite 1600

15 Nashville, Tennessee 37201

16 615.651.6745

17

18

19 Also Present:

20 Matthew Martens, Esquire

21

22

23

24

25

1 C O N T E N T S

2 EXAMINATION OF WILL MCRANEY PAGE

3 By Ms. Carrington 7

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6 E X H I B I T S

7 (Attached to the Transcript.)

8 PAGE

9 1 Notice 5

10 2 Penetrating the Lostness

11 Document 52

12 3 Plaintiff's Amended Objections 110

13 4 E-mail 142

14 5 Letter 12-2-14 151

15 6 Plaintiff's Supplemental

16 Pleading 189

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WILL MCRANEY vs N. AMERICAN MISSION BOARD, ET AL.
Will McRaney - 02/08/2023

Page 5

1 (Exhibit 1 was marked for identification and
2 is attached to the transcript.)

3 Thereupon,

4 WILL MCRANEY,
5 called as a witness, and having been first duly
6 sworn, was examined and testified as follows:

7 MR. GANT: Okay. Let's do appearances
8 please. You want to go?

9 MS. CARRINGTON: Sure. Kat Carrington
10 with Butler Snow, LLC on behalf of the
11 defendant, the Northern American Mission
12 Board of the Southern Baptist Convention.

13 MR. MARTENS: My name is Matthew
14 Martens. I'm a partner with Wilmer, Hale and
15 I have been consulting with Butler, Snow and
16 with NAMB in this matter. I've now made an
17 appearance on the record.

18 MR. GANT: But you told me before the
19 deposition that you are representing NAMB in
20 this matter?

21 MR. MARTENS: I've stated my appearance.

22 MR. GANT: So you won't answer whether
23 you're representing NAMB?

24 MR. MARTENS: I'm not here to answer
25 your questions, Scott. I've stated my

1 in central or -- in terms of family, that
2 lives -- that's not in central southern part
3 of the state, so if there's somebody moved up
4 there, I would have no knowledge.

5 **Q. You're aware that the lawsuit is currently**
6 **pending in the Northeastern portion of the**
7 **State of Mississippi?**

8 A. I am aware that the lawsuit is in the
9 northeast part of the state -- north -- I'm
10 not sure. I'm not sure if it's northeast or
11 northwest because don't know how -- seems
12 like some may have taken place in the east
13 side and some may be on the west side. I
14 think Oxford is on the west side so.

15 **Q. No family -- do you have any family that**
16 **lives in the Oxford, Aberdeen, Tupelo**
17 **Starkville part of the state?**

18 MR. GANT: Objection. Foundation.
19 Calls for speculation. Asked and answered.

20 A. I'm not aware of family that lives in any of
21 the areas of Starkville, Aberdeen. I'm not
22 sure of the other cities you mentioned. If
23 you mentioned other cities, I don't remember,
24 sorry.

25 **Q. Starkville, Tupelo, Oxford, Aberdeen.**

1 MR. GANT: Same objection.

2 A. I'm not aware of any family members that live
3 in Oxford, or Tupelo, or Aberdeen, Starkville
4 so.

5 Q. Thank you for that. I appreciate that. I
6 understand you're currently the lead pastor
7 at the Island Church. Is that correct?

8 A. I am the lead pastor at Island Church.

9 Q. What's your salary?

10 A. Salary is -- we're in a new budget year so
11 I'm not exactly sure what it is. But it's
12 something just above 130,000.

13 Q. When did the new budget year begin?

14 A. The new budget year began January 1 here in
15 2023.

16 Q. What was your salary before the new budget
17 year?

18 A. My salary before this year was something in
19 the low 120,000's. I'm not sure exactly what
20 the salary was.

21 Q. And today is really all about what you recall
22 and, you know, your best estimate, so that's
23 a perfectly fine answer and I appreciate
24 that. Do you receive any other benefits
25 other than a paycheck as your -- in your role

1 **as the lead pastor at the Island Church?**

2 MR. GANT: Objection. Vague.

3 A. I do receive some other benefits.

4 **Q. What are those other benefits?**

5 A. One of the benefits that I receive is a
6 retirement portion from the church.

7 **Q. How much do you receive in retirement**
8 **benefits?**

9 MR. GANT: Objection. Vague.

10 A. I'm not sure how to answer that question
11 because part is the church's contribution,
12 part is a matching contribution so I don't
13 know which is -- which you're asking for.

14 **Q. Thank you for making sure I understood a**
15 **little bit better about what those benefits**
16 **look like. What is the church's portion**
17 **towards your retirement benefits?**

18 A. The church's portion of the retirement
19 benefit would be 6% of the salary and they
20 would match an additional 4%.

21 **Q. Who matches an additional 4%?**

22 A. The church matches an additional 4.

23 **Q. So the church provides 6% of your salary**
24 **towards retirement and then matches an**
25 **additional 4%?**

WILL MCRANEY vs N. AMERICAN MISSION BOARD, ET AL.
Will McRaney - 02/08/2023

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1 CERTIFICATE OF REPORTER - NOTARY PUBLIC

2 I, Stefanie Towns, the officer before whom the
3 foregoing deposition was taken, do hereby certify
4 that the foregoing transcript is a true and correct
5 record of the testimony given; that said testimony
6 was taken by me and thereafter reduced to
7 typewriting under my direction; that reading and
8 signing was requested; and that I am neither
9 counsel for, related to, nor employed by any of the
10 parties to this case and have no interest,
11 financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand and affixed my notarial seal this 22nd day of
14 February 2023.

15 Commission Expires:

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Stefanie Towns