

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEAST DIVISION

JORDAN BLAIR,                    )  
  )  
                                  Plaintiff,    )  
  )  
vs.                                    ) Case No. 1:02CV88CAS  
  )  
BOB WILLS, a/k/a BOBBY RAY    ) Volume 1 (pp. 1124)  
WILLS, a/k/a W. B. WILLS,       )  
et al.,                                )  
  )  
                                  Defendants.    )

DEPOSITION OF:       SAM GERHARDT

TAKEN:               By Counsel for Plaintiff

DATE:               October 6, 2003

PLACE:               Oliver, Oliver and Waltz  
                          400 Broadway  
                          Cape Girardeau, MO

TIME:               8:00 a.m.

REPORTED BY:       Loretta Hays, CCR  
                          State of Missouri



APPEARANCES:

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The deposition of SAM GERHARDT was taken pursuant to notice of counsel for the Plaintiff on the 6th day of October, 2003, commencing at 8:00 a.m. at the offices of Oliver, Oliver, and Waltz, 400 Broadway, Cape Girardeau, Missouri. Said deposition was reported by Loretta Hays, Certified Court Reporter, State of Missouri.

SAM GERHARDT,

a witness, having been duly sworn to tell the truth, the whole truth and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. STILLEY:

1           Q   Please state your name.

A   My name is Sam L. Gerhardt.

MR. BRIGGS: And before we go any further, I want this to be on the record.

Number 1, persons present include Mr. Blair's grandmother and Terry Young. I am going to interpose an objection. They are not parties to this case.

And therefore, they are not entitled to sit in on this deposition. And I will not permit them sitting in on this deposition or any of the other defendants' depositions, because it is not permitted under the rules. And we will not waive that.

Secondly, as to the videotaping of this deposition, the plaintiff, Jordan Blair, is operating a video camera, which, although there was a reference toward the end of the notice of the deposition to the possibility of this being videotaped, we do appreciate that there is a certified stenographic reporter present in the room, that videotaping is not an appropriate means; that Mr. Blair is not a certified videographer, who is approved for videotaping of depositions for the purposes of court use. He is a party to this case. He is also a fact witness to this case. He is a biased person. Moreover, since he is not authorized to videotape depositions in this case, and that he is not identified as an appropriate videographer, that he is not entitled to videotape the deposition.

While Rule 30 provides that videographic recording of depositions is permitted under the rules so long as it is noticed, it has to be done by an authorized and approved videographer. Since Mr.

Blair is not authorized, and since he is a fact witness, I will not move forward with the deposition, so long as it is being videotaped.

MR. WALTZ: By him?

MR. BRIGGS: By him, right, unless it is an



approved, authorized videographer.

MR. STILLEY: I don't have any problem with stipulating that these videotapes will not be used at trial. I would like to have these for my personal reference. I don't see any difference between that and tape.

MR. BRIGGS: Well, the difference is that these could end up on the web, like everything else in this case and other cases have ended up on the web. And that is not appropriate in this circumstance, Oscar. It is not appropriate in any circumstance.

You are going to argue that this would somehow constitute a public record, if we permit the videotape to continue. And it is not.

You are choosing to have Mr. Blair operate a video camera when he is not authorized, and when he is a fact witness in this case in this deposition. It is wholly inappropriate.

If you want to retain an authorized videographer, then I would proceed. And then, I

would file a motion for a protective order to keep  
that protected so it wouldn't go on the web.

But this is inappropriate. And I will not move  
forward.

MR. STILLEY: Are you going to instruct your

witness not to answer any questions unless that is turned off?

MR. BRIGGS: I will instruct the witness not to answer any other questions and other witnesses not to answer any other questions so long as that video camera is being operated, or any other unauthorized recording device is being operated in these depositions.

BY MR. STILLEY:

2 Q Where do you live?

MR. BRIGGS: Actually, we are not finished yet. You still haven't addressed the other point of the witnesses, Oscar.

MR. STILLEY: What is your other point?

MR. BRIGGS: Ms. Young and the grandmother sitting in in these depositions, how can they do that?

MR. STILLEY: What is your authority that a person cannot sit in on a deposition?

MR. BRIGGS: Under the rules, parties are

entitled to sit in on depositions. Otherwise, these are private enterprises.

Oscar, if that wasn't the case, then reporters could walk into a deposition, if they wanted to. That is not permitted under the rules.

MR. STILLEY: You allowed her to sit in last time. You allowed Lou Blair to sit in last time. And you apparently didn't seem to have a problem with it as well as Terry Young. And Terry Young is assisting me in this with the voluminous paperwork in this. And no, it is not acceptable. It is certainly not acceptable to send Terry Young out.

MR. BRIGGS: Well, Number 1, as to the grandmother and I apologize, ma'am that I can't remember your name off the top of my head.

MS. BLAIR: Lou.

MR. BRIGGS: Lou. In any event, whether I said it was okay for her to sit in before or not is irrelevant in this case.

In this case, I am defending my clients in your deposition.

Before, that was my deposition. It was your prerogative to say she couldn't sit in there.

I could have said she couldn't sit in there.

But in that case, I permitted it to go forward. And

I didn't have an objection to that.

I have an objection to it in this case.

As to Ms. Young, you know, she testified in her deposition that on some level, yes, you were her attorney. So, she is your client. She is not a

party in this case, but she is your client. And then, she is also assisting you in this case.

So, are you telling me that not only is she your client; but she is also an employee of yours?

MR. STILLEY: Sir, Jordan assists me with things. Is that objectionable? Does your client ever help you with anything?

MR. BRIGGS: Well, here is the thing, Oscar. In this case, Mr. Blair is a party to the case. So, he is entitled to sit in on this under the rules.

But Ms. Young is not a party to this case.

MR. STILLEY: What authority? You tell me what authority you have for excluding someone from helping the attorney in the case.

MR. BRIGGS: It is not authority for excluding somebody from helping an attorney in a case.

She is not your employee. She is your client. And she is not a party to this case. She is not entitled to sit in on this deposition.

MR. STILLEY: What is your authority?

MR. BRIGGS: Under Rule 30.

MR. STILLEY: And what does Rule 30 say, that an attorney is not entitled to have someone assist him in the deposition?

MR. BRIGGS: No. It is not a matter of



assistance, Oscar.

If this is an employee, or if this is a party, that is one thing. But to have a nonemployee, nonparty fact witness to this case, who is biased, come in and sit down in this deposition and for all I know make comments like she did in the last deposition of Mr. Blair, no, that is inappropriate.

Moreover, she has done fact finding throughout this case. She has gone to Florida by her own admission. She has gone to Florida.

MS. YOUNG: I have not been to Florida.

MR. BRIGGS: Well, I don't know Mississippi. She has been to Wayne County. She has solicited public records in connection with this case.

MR. WALTZ: At this stage, she will be a witness at the trial.

MR. BRIGGS: It is entirely possible she will be a witness at the trial. She is completely a biased fact witness.

MR. STILLEY: Are you going to instruct your

clients not to answer while she is in the room?

MR. BRIGGS: Yes. I will instruct my clients  
not to answer questions while she is in the room.

We can call the judge if you want to, Oscar.

MR. STILLEY: Let's proceed and call the judge

later. I need this individual to help me. Look how much stuff I have got. I have got piles of stuff in here that I need to get out.

MR. BRIGGS: Well, Oscar, Mr. Blair can assist you with that. He is a party. And he is entitled to sit in here.

MR. STILLEY: You have cited me nothing in the rule that says that I cannot have this person in here. You have cited nothing to suggest that anything unethical is taking place. And I am going to proceed on with this.

Go ahead and get a hold of the judge if that suits you.

MR. BRIGGS: Okay.

MR. STILLEY: Just wait a minute. If you want to go this route, either you get the judge to tell her to leave, or she stays in.

MR. BRIGGS: No. I am not going to take that position. If we can't get a hold of the judge, then we are moving forward without her in the room, or we

are not moving forward at all.

MR. STILLEY: Are you instructing your client  
not to answer?

MR. BRIGGS: With her in the room, that is  
correct.

(Off the Record)

MR. WALTZ: I want to go back on the record for a second to make sure that the record is clear that we are joining in the objection of counsel with respect to the objections to the video deposition and the exclusion of the witnesses.

MR. STILLEY: What did you say?

MR. WALTZ: The exclusion of witnesses, that means she is a potential witness. Is she not?

MR. BRIGGS: Uhhuh.

MR. WALTZ: Both the grandmother and

MR. STILLEY: What are you saying? I didn't understand what you said.

MR. WALTZ: The exclusion of the witnesses from the deposition.

MR. STILLEY: That is not a complete sentence.

MR. BRIGGS: He is joining in the objections as to the videotaping and the exclusion of witnesses from the depositions.

MR. STILLEY: On behalf of whom? Who is your

client?

MR. BRIGGS: Palm Lane and actually all the  
defendants.

MR. WALTZ: All the defendants, I guess.

MR. STILLEY: I asked him.

MR. WALTZ: Whoever Mr. Oliver represents in this case.

MR. STILLEY: You don't know who Mr. Oliver represents in this case?

MR. WALTZ: Well, I am sure that the file would reflect it. Whoever Mr. Oliver represents, I am making that objection on their behalf.

BY MR. STILLEY:

3 Q Where do you live?

A Street address?

4 Q Yes.

A Route 1, Box 71, Patterson, Missouri.

5 Q How long have you lived there?

A A little over ten years.

6 Q Where did you live before that?

A Hattiesburg, Mississippi.

7 Q What was your address there?

A I don't recall.

8 Q Tell us about your education.

A I have a Master's in Christian education.

9

Q From where?

A Carolina University of Theology.

10

Q When?

A '96, '97. I don't recall the exact date.

11

Q Now, have you participated in a deposition



before? Have you been a witness in a deposition before?

A No. I don't believe I have.

12 Q Have your lawyers explained to you about what happens during a deposition?

A Yes, sir. They have.

13 Q Let me just put my part in. And that is that I am going to be asking you some questions that you are to answer.

If you don't understand the question, feel free to say that you don't understand it.

A Sure.

14 Q Ask me to explain what I am trying to find out. Now, you know that you are required to tell the truth in everything that is testified to here. Correct?

A Certainly, certainly.

15 Q Are you a pastor?

A Yes.

16 Q Do you know what God's requirements for truthfulness are?

MR. BRIGGS: I am going to object to the extent

that it calls for speculation as to what God might  
require.

Subject to that, you can go ahead and answer.

A The Lord would require you to tell the truth

BY MR. STILLEY:

17 Q The whole truth?

A And nothing but the truth.

18 Q Now, you understand that I can ask you virtually anything to test your veracity as to your truthfulness.

Is that correct?

MR. BRIGGS: I am going to object to the extent that the question misstates what the law is, and that you can't ask just about anything to test the veracity of the truth. There are limitations that are set forth by the law.

Subject to that, go ahead and answer.

A Ask the question again.

BY MR. STILLEY:

19 Q Do you understand that I can ask you just nearly any question to test your veracity, to test your truthfulness?

A I understand that you cannot ask me anything outside of what the law allows.

20 Q Based on your Christian beliefs you are a Christian. Is that correct?

A Yes, sir.

21 Q How long have you been a Christian?

A 31 years.

22 Q Now on your Christian beliefs, do you believe  
that once a person is saved, they are always saved?

A Certainly according to the scriptures.

23 Q The scripture, where does the scripture say that liars will go in the after life?

A The Bible says all liars will have their part in the lick of fire.

24 Q Have you been completely truthful in the affidavits that you have made in this litigation?

A Most definitely.

25 Q Do you know what the difference is between a lie and a mistake?

A Certainly.

26 Q What is the difference?

A A lie is when you knowingly, willfully tell something that is not true.

A mistake is when you may have forgotten or just didn't have the facts together and thought you were telling the truth but didn't have all the pieces of the puzzle.

27 Q If you make a mistake, do you correct that mistake, if it is brought to your attention?

A Most certainly.

28 Q Do you know if your wife is a Christian?

A My wife, yes. She claims to have trusted Christ  
and gives evidence of being a Christian.

29 Q Do you know when she was born again?

A I don't recall the exact year.

30 Q Do you know if your children are Christian?

A Both of my children and their spouses also, all  
of my children certainly profess faith in Christ.

31 Q What are your children's names?

A My daughter is Rachel. My son is Sammy. We  
call him Bo.

32 Q Do you know when Bo trusted Christ as his  
savior?

A Bo trusted Christ as savior in I want to say  
it was 1993.

33 Q How about Rachel?

A It was '94 or '95. I don't recall exactly.

34 Q I am sure that made you happy.

A For sure.

35 Q To be saved?

A Certainly.

36 Q Was it under your preaching that they got saved?

A Not specifically, no, sir.

37 Q I want to show you a document that I have marked

Exhibit 1. Do you recognize that document?

A Yes, sir.

38 Q And what is that document?

A Power of attorney.

39 Q And what is the date on that?



A The 24th of October, 2001.

40 Q And did you sign that as Notary?

A Yes, sir.

41 Q And whose signatures did you notarize?

A Mr. Ron Blair and Mr. and Mrs. Janet Blair.

42 Q Now, this document says that on the 24th day of  
October, 2001, that these two individuals personally  
appeared before you. Is that correct?

A Yes, sir.

43 Q Did these individuals personally appear before  
you on that day?

A By evidence of this, they did. Yes, sir.

44 Q I am not asking about the evidence of this.

It is the truth of the matter that they did  
appear before you on that day?

A As I recall, yes, they did.

45 Q What do you mean when you say "as I recall"?

A I don't remember the exact specifics. I see a  
lot of people.

46 Q Did they come up to Missouri on that day?

A I don't have recollection of the 24th of  
October. All I can go by is that I am looking at this.  
Both signatures are there. I signed it, which says yes,  
indeed they were there.

47

Q Do you ever sign to notarize a document when

somebody didn't actually personally appear in front of you?

A No, sir.

48 Q What does Ron Blair look like?

A I don't recall his exact appearance. I see a lot of people.

49 Q Do you recall anything close to his appearance?

A No, sir. I could not give you any description.

50 Q Do you recall anything about what he looked like?

A I wouldn't even attempt.

51 Q And what about Janet Blair?

A I wouldn't even attempt.

52 Q You are sure that they did personally appear before you on the 24th day of October, 2001?

A Yes, sir.

53 Q I want to show you a document marked Exhibit 2. Do you recognize that document?

A Yes, sir.

54 Q And what is the date on that, the date of

signature?

A October 24.

55 Q Of what year?

A 2001.

56 Q Did you actually witness these signatures being

made?

A Yes, sir.

57 Q Have you ever at any other time except October  
24, 2001, seen Ron or Janet Blair?

A No, sir.

58 Q Could you pick Ron or Janet Blair out of a  
lineup?

A No, sir.

59 Q On this day, on October 24, 2001, did anything  
else happen that might help you remember the events of  
that day?

A No, sir.

60 Q Did they give you any money, a check?

A They certainly would have.

61 Q On the same day?

A Yes, sir.

62 Q Did they personally hand that check to you?

A You are asking me to recall things that I do not  
recall. When I answer, the only way I can answer the  
question would be to talk about what normally transpires.

I do not recall the specifics of how and what and where  
they paid their tuition.

63           Q   Where were you at on October 24, 2001?

A   We would have been at Mountain Park.

64           Q   That is in Patterson, Missouri?

A Correct.

65 Q Or nearby to Patterson, Missouri?

A Correct.

66 Q How far are your facilities outside of  
Patterson, Missouri?

A Five miles, six miles.

67 Q I want to show you a document marked Exhibit 3.  
Do you recognize that document?

A It appears to be answers to some questions.

68 Q Is that part of an affidavit that you made?

MR. BRIGGS: I am actually going to object,  
Oscar. This says on the bottom the Number 4. And  
also, it has numbered paragraphs, the first of which  
in the middle of the page is Paragraph Number 15.  
Therefore, Oscar, this is part of a whole document.  
And if you are asking him if this is part of an  
affidavit, I am going to object. The whole document  
speaks for itself. And you have to show him the  
whole thing if you want to ask questions about it.

BY MR. STILLEY:

Q Okay. Let me show you another document. It is not marked at this point in time. Well, actually I think it is. It is marked as A3 at the top, but we will mark it as Exhibit 3 later. Do you recognize that document?

A I recognize the affidavit that I signed. And I



recognize copies of things that appear to be printed off of the Mountain Park Academy website. And I recognize documents that appear to be copies of the enrollment, some of the enrollment documents that Jordan's parents filled out when they enrolled him.

70           Q   Is that your affidavit?

A   Yes, sir.

71           Q   Is that your signature at the end of the affidavit?

A   Yes, sir.

72           Q   And are the exhibits exhibits that you attached to the affidavit or intended to have attached to the affidavit?

A   I can't answer that without reading through the affidavit and looking again. I don't know that I attached those to the affidavit.

73           Q   I want you to take a look at Paragraph 19. Read that paragraph out loud.

A   "Mountain Park Baptist Academy never received a copy of any court order. It did not accept Jordan because

of any court order, because we do not accept students on that basis. And we do not function as a residential facility for any state, local or federal agency."

74

Q Is that the truth?

A At the time that this was written, that was the

truth.

75           Q   If Mountain Park Baptist Academy had received a copy of the court order, would you have known that?

A   Again, let me respond like this. I do not know the exact question that I am being asked when I answered this particular Number 19. I know that at some point, we received a copy of a court order; but whether or not that was received but I did not have that on enrollment day. As a matter of fact, it was it did not come to Mountain Park while Jordan was at Mountain Park.

76           Q   How did it come?

A   It came after Jordan was already at Palm Lane to the best that I recall.

77           Q   Did it come by mail or by fax, or how did it come?

A   I do not recall how we received it.

78           Q   If you had received well, just a minute. Let me find out. What is your fax number? What fax numbers might you possibly receive faxes at?

A   5738564353.

79           Q   And what is that the fax number for?

A   Mountain Park Baptist Church.

80           Q   And what other places might I receive a fax?

A   5738564210.

81           Q   And what fax number is that?

A That is in the school office.

82 Q Where else might you receive a fax?

A Nowhere else at Mountain Park.

83 Q If you had received a copy of this court order  
by fax, would you have known about it?

A Certainly.

84 Q So, now just a minute. On your affidavit, tell  
us what the date of that affidavit is, when you signed  
that?

A The 25th day of September, 2002.

85 Q Is it true then that as of the date, September  
of 2002, that you had not received a copy of the court  
order regarding Jordan Blair?

A No. That wouldn't be true.

86 Q Had you already received a copy of the court  
order?

A As of the 25th of September. Let me think about  
the dates. Jordan was enrolled in '01. At that time,  
yes, we would have had a copy of it.

87 Q Do you know when you first got a copy of that

court order?

A I do not recall when we first got a copy.

88

Q Did you get a copy of that court order before  
Jordan left your facility?

A I already answered that I did not have a copy of

it until after Jordan was already gone from Mountain Park.

89           Q   Let's establish when did Jordan leave  
Mountain Park?

A   He came in October. It would have been, I think  
November.

MR. WALTZ: Do you know?

A   I don't know exactly. It was November or  
December of 2001, after he was enrolled.

BY MR. STILLEY:

90           Q   Do you know when Jordan left Palm Lane?

A   I do not recall exactly when that was.

91           Q   Do you know the month?

A   Early in 2002, you know, February, March, April.  
I don't know.

92           Q   Had you gotten a copy of the court order before  
Jordan left Palm Lane Academy?

A   I don't exactly recall when we received it.

93           Q   Do you recall whether it was before Jordan left  
Palm Lane or not?

A   I have answered. I know we didn't have it

before he left Mountain Park. I do not recall when we received it.

94           Q   What would you have done if you had received a copy of the court order while Jordan was still there?  
Would you have sent him away because of the court order?



A Our relationship in Jordan's enrollment was with his parents.

Whether or not there was a court order, that was between his parents and the court and would have nothing to do with Mountain Park.

95 Q What did you mean by the words "Mountain Park Baptist Academy never received a copy of any court order"?

A I suppose I would need to see the question I was answering to best answer your question now.

96 Q Well, you weren't answering a question. You were making an affidavit. That is in Paragraph 19 of your affidavit.

MR. BRIGGS: Is that a question, Oscar, that you are asking him?

MR. STILLEY: Yes. I am asking him what he was saying, what he meant by that.

MR. BRIGGS: Okay.

A This would have been in response to another document that I was replying to and answering to. So if the question that I was answering, Number 19, or

responding to Number 19 about was at the time of Jordan Blair's enrollment, did we have a court order, or had we received a court order, then certainly Number 19 would be definitely a true statement; Mountain Park Academy never received a copy of the court order.

97 Q What does "never" mean?

A It is obvious what "never" means. Never means never.

98 Q So if Mountain Park Baptist Academy received that court order at some point in time up to was it September 25, 2002?

A That is the date.

99 Q Is it true that if Mountain Park Baptist Academy had received a court order regarding Jordan Blair by September 25, 2002, that the statement in Paragraph 19 would be false?

A No, sir, not if I was answering the question that directly related to the time he was with us or the date that he enrolled at Mountain Park.

100 Q So, now which one would it be, the time that he was enrolled or the time that he was with you?

A Either one. I don't know the question or the comment that I was answering when I replied to Number 19. Without that in front of me, I can't give you the kind of answer you are looking for.

101                   Q   Do you know what you were answering or  
responding to?

                  A   Probably was responding to no. I do not  
recall. I could speculate, but I do not recall.

102                   Q   Have you ever talked to Oscar Stilley before

today? Do you remember a phone call from somebody named Oscar Stilley in Arkansas?

A I remember a phone call.

103 Q Do you remember the substance of that conversation?

A I remember a phone call, someone asking to speak to Jordan.

104 Q And how did you respond?

A To contact Jordan's parents.

105 Q Did you say that you were George W. Bush?

A No, sir.

106 Q Did you say that you were George Bush?

A No, sir.

107 Q Are you positive of that?

A Most definitely. I can answer your question. You told me who you were, if it was indeed you. And again, I don't recall if it was Oscar Stilley to be specific or not. But it may have been you. You were claiming to be Attorney Oscar Stilley, giving no evidence of who you are, me not having any knowledge of who you

are.

And you said "Well, I am this guy. And  
here is who I am."

And I said "I could say I am George Bush; but  
without any evidence or proof, how do you know who I am,"

so the point being how would I know who a man on the telephone claiming to be somebody is if they can't offer me some level of proof. Just because someone calls and asks questions and says they have a particular name or a particular person is no proof.

108           Q   Did you ask for proof of who Oscar Stilley was?

A   I wasn't interested.

109           Q   Why were you not interested?

A   Whoever was calling was referred to the parents.

And my responsibility was to the parents.

110           Q   Oscar told you that there was a court order that had recently been entered against Jordan Blair; did he not?

A   I do not recall that.

111           Q   Do you recall why Oscar Stilley called?

A   Not specifically, no, I do not.

112           Q   Do you recall Oscar Stilley saying anything about an appeal?

A   No. I don't.

113           Q   Do you recall Oscar Stilley saying anything

about Jordan Blair needing legal services?

A No. I don't.

114

Q Do you recall anything at all about the substance of the conversation besides what you have told me?



A Besides what you have already said, no, I do not.

115 Q Do you remember a call from a gentleman named Derek Barlow?

A The name is familiar. I do not recall a phone call.

116 Q Do you recall that he is an attorney?

A Like I said, the name is familiar. I do not recall anything about it, other than the name is familiar.

117 Q Do you recall Derek Barlow trying to speak with Jordan Blair to see if he wanted to do an appeal?

A No, sir. I do not recall anything about that.

118 Q Do you recall Derek Barlow trying to contact Jordan Blair?

A No, sir. I do not.

119 Q Did you know that Jordan Blair had a recent order against him at the time he entered Mountain Park?

A What do you mean?

120 Q Did you know that an order had been entered in a court of law regarding Jordan Blair at the time that he

came to Mountain Park?

A I knew from his parents' words that he had been involved with the legal system in Arkansas. And so all my knowledge was, because our dealings are with the parents, not with the court systems, that his parents had made all

necessary arrangements for him to be with us. And that was between his parents and anybody in Arkansas. We enrolled the student based upon the request of the parents. That is all I knew.

121           Q   Are you a policymaker at Mountain Park Baptist Academy?

MR. BRIGGS: I am going to object to the extent that the term, policymaker, is vague and ambiguous.

If you want to rephrase or be more precise in what you are asking, Oscar, that is fine.

BY MR. STILLEY:

122           Q   Who makes the official, written policy of Mountain Park Baptist Academy?

A   The final word would be with Pastor Bob Wills.

123           Q   Who else is involved in that decisionmaking process?

A   Brother Wills, Mrs. Wills, my wife and I.

124           Q   Anybody else?

A   No, sir.

125           Q   So, you are in the loop on the making of policy

at Mountain Park?

A Yes, sir.

126 Q When I say Mountain Park, I am talking about  
Mountain Park Baptist Academy.

A Mountain Park Baptist Church and its ministry,

Mountain Park Baptist Academy.

127           Q   Is there a Mountain Park Baptist Church?

A   Yes, sir.

128           Q   Where is this church located?

A   Route 1, Box 71, Patterson, Missouri is where we  
meet.

129           Q   Is there a physical church building there?

A   There is a building where we meet and have  
services.

130           Q   Is the public invited?

A   Certainly.

131           Q   Do you allow the public to come into the church  
services?

A   Certainly.

132           Q   Do they have to make arrangements in advance to  
come in?

A   No, sir.

133           Q   Can I come to church at your church? Can Oscar  
Stilley come to church at Mountain Park Baptist Church?

A   If Oscar Stilley came as a private citizen, not

as an attorney and not as trying to create a problem for the ministry of that local church. All sinners are welcome to come to Christ and come to his preaching. And I am a sinner, too, by the way, a saved sinner.

134

Q At Mountain Park Baptist Church, you have your

students there come to church each Sunday. Correct?

A Certainly.

135 Q They are compelled to come to that church.

Right?

A Certainly.

136 Q How many other people do you usually have in the church, outsiders?

A Our staff and occasionally others.

137 Q Occasionally who, others?

A Local people.

138 Q Local church people?

A Local folks who come to services and visit with us from time to time.

139 Q When do your services start? What is your schedule of services?

A 10:00 on Sunday morning, 6:00 on Sunday evenings, 6:00 on Wednesday evenings.

140 Q Do you know what the average numbers would be for people who are not staff, not students, outside people coming into Mountain Park Baptist Church?

A There is not an average number to give. There is very few, hardly anyone that comes outside of Mountain Park. We have a couple that is coming now that come regularly.

141

Q Did they have to go to a secure area in order to



get to this church? Do they have to go behind barbed wire?

A They come into our facility.

142 Q Is there barbed wire around your facility?

A Around our facility, no, sir, there is not.

143 Q Are there areas that have barbed wire?

A There is areas that have fencing and barbed wire. Yes, sir.

144 Q And where is this fencing and barbed wire at?

A Well, in a section around our swimming pool area; and in a section there is a place where there is fencing with no barbed wire around our basketball and volleyball area.

145 Q Has it ever had barbed wire around the volleyball and basketball area?

A No, sir. It never has.

146 Q How tall is that fence?

A I haven't had a tape measure on it. I would speculate it to be 15 to 20 feet.

147 Q And why would you have a fence that tall around

a sports area?

A Well, we live in the Ozark hills. And we have basketballs and volleyballs. It keeps those from bouncing all over the place. Of course, it provides security for the students.

148           Q   What do you mean when you say security for the  
students?

A   It protects the students from intruders coming  
in, and it protects the students from becoming truant.

149           Q   From leaving the place?

A   Certainly.

150           Q   So, that is part of the intention of that fence  
is to keep students from leaving. Is that correct?

A   Certainly.

151           Q   Is it fair to say that Jordan Blair was detained  
from leaving Mountain Park while he was there?

A   If you are asking if Jordan Blair was behind a  
fence-secure area, no, he was not.

152           Q   Was he free to leave at any time?

A   No. He was not.

153           Q   So, he was detained at that point in time.

Correct?

A   He was enrolled under his parents' authority as  
a student at Mountain Park.

154           Q   Was he also detained by Mountain Park?

MR. BRIGGS: Objection, argumentative. It has  
been asked and answered.

MR. STILLEY: No. It has not.

BY MR. STILLEY:

155           Q   Was his liberty restricted while he was at

Mountain Park?

A Jordan was expected to remain on campus. To my knowledge, Jordan never made any effort to leave campus.

156 Q Was he told that he could leave campus?

A Of course not.

157 Q Was he told that he could not leave campus?

A Certainly.

158 Q What is the penalty for trying to leave campus?

A Penalty for trying to leave campus?

159 Q Right.

A Closer supervision, so that he would not.

160 Q Would he be physically restrained?

A Are you asking, would he be physically stopped; would somebody hold his arm and keep him from leaving campus; is that what you are asking?

161 Q Correct.

A Yes, sir.

162 Q Suppose that he was running real fast. Would other measures be taken to prevent him from leaving the property?

A Sure.

163

Q What kind of measures might be taken?

A We would do all we could to get to the place safely and securely to stop him from leaving campus, enrolled under his parents wishes, desiring that he be

there to receive the help of the ministry that we provide.

And our responsibility for his safety and his security

would be to keep him on campus.

164           Q   If he tried to run away, would he be punished?

A   Again, a closer supervision, a loss of  
privilege.

165           Q   Any other punishment?

A   I am not sure that punishment would be the  
correct word. I think corrective measures, and I think  
that again closer supervision would be the appropriate  
terms.

166           Q   Is it possible that he might get swats?

A   No, sir.

167           Q   Has any student ever gotten swats for trying to  
make an unauthorized departure from the premises of  
Mountain Park?

A   Has any student ever received swats for such, I  
am sure they have.

168           Q   Have they ever received any other kind of  
punitive measures?

A Explain what you mean, other punitive measures.

169 Q Have they ever been forced to write lines?

A I am sure they have.

170 Q Have they ever had some of their possessions  
taken away, so that they didn't have all their



possessions?

MR. BRIGGS: I am going to interpose an objection on the basis that you are asking questions that may relate to other students, their practices that concern other students or specific other students. To that extent, I think it is, Number 1, irrelevant. Number 2, I think it is outside the scope of what has been permitted in this case by the court and just to the extent that it would relate to other students.

MR. STILLEY: Are you going to direct him not to answer?

MR. BRIGGS: Well, I will instruct the witness that subject to that objection, he can answer.

A Ask your question again.

BY MR. STILLEY:

171 Q Have any of the

MR. WALTZ: Just so the record is clear, when John objects, we are also objecting.

MR. STILLEY: Certainly.

BY MR. STILLEY:

172

Q Have any of the students at Mountain Park Baptist Academy been forced to write lines because they tried to run away?

MR. BRIGGS: Same objection.

A Forced to write lines because they run away or attempted to run away?

MR. STILLEY: Right.

A Now again if you are asking me to specifically recall a time that I can remember that a specific student has been required to write lines for attempting to run away, I do not recall a specific time that that is a possibility, or that that happened.

BY MR. STILLEY:

173 Q Is it a possibility that that punishment might be imposed?

A Could it be possible the student may write lines as a part of that, sure, it is possible.

174 Q What about having some of their possessions taken away?

MR. BRIGGS: Same objection as before.

MR. STILLEY: I will just deem that you have a continuing objection to this line of questions.

THE WITNESS: Does that mean I have a choice to answer or not?

MR. WALTZ: Are you talking about Jordan Blair,  
or are you talking about some unspecified student?

MR. STILLEY: I many trying to find out what  
their policy is concerning people who try to make an  
unauthorized departure from Mountain Park.

MR. WALTZ: Why don't you just ask that question  
"What is your policy?"

A A student who sought to go truant?

BY MR. STILLEY:

175 Q Well, sought to make an unauthorized departure  
from Mountain Park Boarding Academy. Do you call that  
truant?

A Truant, certainly.

176 Q What do you mean by truant?

A They are no longer in school. They leave campus  
without permission. They are not there. They are truant.

177 Q What is your policy of the things that can  
happen to that student?

A There is no written, specific, exact dogmatic  
"If this happens, here is the consequence."

It is going to depend upon a variety of things,  
the particular student. Any kind of correction is going  
to be what is necessary appropriately to cause that  
student to reconsider the choices that they have made.

Some students may lose some of their things and

have some of their things put away. Some students may write lines.

Obviously, if they are a one who would leave campus without permission, we have to be more secure and pay closer attention to where they are, and what they are

doing.

178           Q   Is there any possibility that they might get  
sent to Mexico for that?

A   Not at all.

179           Q   You are sure of that?

A   I would have no knowledge or part of any student  
going to Mexico.

180           Q   You don't tell their parents to send them to  
Mexico?

A   No, sir. I do not.

181           Q   You don't suggest to their parents that they  
might need to go to Mexico?

A   We know of boarding ministries in various parts  
of America. And I know of one that is in Baha, Mexico.

Again to say that we have specifically told a  
parent to take a student somewhere, no, I can't say that  
we have done that.

182           Q   You don't specifically tell them to take them to  
Genesis by the Sea; do you?

A   No, sir.

Q You just suggest that they do it; don't you?

A If a parent is looking for help, and for whatever reason we are not able to provide that help, we may give them several other ministries that they could call. That parent would have to make that decision as to



which direction they might want to go.

184           Q   One of those suggestions is likely to be Genesis  
by the Sea; is it not?

A   I wouldn't use the word, likely; but I would use  
the words "It is a possibility."

185           Q   Why was Jordan Blair sent to Florida?

A   When Jordan's parents first called, it was with  
the understanding that he would go to Florida. He was  
enrolled at Mountain Park as a convenience for the  
parents, because we are in close proximity geographically  
to Arkansas, where the parents are from. We were doing  
this as a courtesy for the parents, again with the  
understanding that his enrollment at Mountain Park was to  
lead to him going to Florida.

186           Q   So, you are saying that Ron and Janet Blair knew  
up front that Jordan would probably go to Florida?

A   They knew up front that he would definitely go  
to Florida.

187           Q   Did they know when he would go to Florida?

A   They did not know exactly when, but they knew it

would be very soon after his enrollment.

188           Q   Why? Did it have anything to do with Jordan  
Blair's age?

          A   The parents have more authority to his 18th  
birthday in Florida.

189           Q   So, Jordan would have a greater set of rights,  
after he turned 17, in the State of Missouri than in the  
State of Florida. Correct?

A   I don't know that that is correct. I have got a  
question out there about that now.

190           Q   That was part of the motivation for sending  
Jordan Blair to Florida, though; was it not?

A   At that time, that was my understanding, that at  
17, it would be better for him to be in Florida. The  
parents would have greater authority if he were in  
Florida.

191           Q   Did Jordan Blair have a choice about whether he  
went to Florida or not?

A   No, sir.

192           Q   Did you ask him if he wanted to go to Florida?

A   I don't recall asking him. No, sir.

193           Q   You just took him?

A   He went to Florida with other boys that went  
when we went at the parents' authority, at the parents'  
request.

194           Q   Do you recall asking him if he wanted to go?

          A   I don't recall asking him if he wanted to go.

No.

195           Q   In fact, you did ask him if he wanted to go;  
              didn't you?

A You are saying I did?

196 Q Right.

A If you have knowledge to that end, then that is fine. I don't recall.

197 Q You couldn't deny that; could you?

A I wouldn't attempt to deny or confirm. I wouldn't attempt to do either one.

198 Q Do you recall if he objected to being taken to Florida?

A If I don't recall asking him, I can't recall him objecting.

199 Q Jordan in his lawsuit says that you made a comment or made a statement that if your own son made a report on you to certain authorities, that you would kill him and bury his body in the woods. Did you make that statement?

A No.

MR. BRIGGS: I am going to interpose an objection. The complaint speaks for itself.

Moreover, it is an allegation.

Subject to that, you can answer.

A No. I did not. That is ridiculous.

BY MR. STILLEY:

200 Q Did you ever say words to that effect?

A No. I did not. That is ridiculous.

201           Q   Do you have any idea why Jordan Blair would say  
that?

          MR. WALTZ: You don't have to speculate on  
Jordan Blair's state of mind.

          A   No way I can answer that question.

BY MR. STILLEY:

202           Q   Have you ever made a statement to that effect?

          MR. WALTZ: I think that has been asked and  
answered.

          A   That is what I think. I mean, you keep asking  
the same thing, I think. I don't know what else I can say  
to you.

BY MR. STILLEY:

203           Q   No. That has not been asked and answered. I am  
asking if you have ever made a statement to the effect  
that you would kill someone for making a legal complaint  
against you.

          MR. BRIGGS: Objection. That doesn't relate to  
the question that you asked, Oscar. You said you  
were talking about this petition.

MR. STILLEY: I am asking another question.

A On an episode of the Cosby show, Heath Cliff  
Huxtable made a comment regarding Theo "Boy, I brought you  
in this world. I will take you out."

It was made in a humorous, comedy situation. If



you are asking, is there a possibility that I like Heath  
Cliff Huxtable on the Cosby show made some comment like  
that, sure, it is a possibility.

If you are asking, am I the kind of person who  
would take my son out and kill him and bury him in the  
woods, I take personal offense. And no way. And it is  
absurd to even be asked the question.

BY MR. STILLEY:

204           Q   You never made a statement to that effect?

A   No, sir. I already answered you. If it was  
ever said, it was in the same kind of context that Heath  
Cliff Huxtable on national television said it, in that  
kind of a way.

205           Q   Is it possible that Jordan Blair heard you  
making a Huxtable comment? Do you understand what I mean?  
Does that make sense?

Is it possible that Jordan Blair heard you make  
a statement that sounded like a threat, that you didn't  
really mean as a threat?

A   I think I have already answered your question.

Q What was the answer?

A Is it possible that I could have made a comment like Heath Cliff Huxtable "Son, I brought you in this world. I will take you out;" is it possible that Jordan heard such a thing, sure, it is possible.

207                   Q   Have you ever threatened any of the boys I am  
talking about any of the boys or girls at Mountain Park  
Baptist Academy with physical harm?

A   No, sir.

208                   Q   Let's go back a little bit on the running away.  
Is it possible that a student who tried to run away could  
be given a cold shower as punishment for trying to run  
away?

MR. BRIGGS: Same objection as before.

MR. STILLEY: They are reserved.

A   I don't no. I don't recall that as being a  
part of anything like that. No, sir.

BY MR. STILLEY:

209                   Q   Do you ever use cold showers as punishment at  
all at Mountain Park?

A   Have students taken cold showers, sure.

210                   Q   Have they ever been held down or restrained by  
other students and forced to take a cold shower?

A   Not that I have any personal, direct knowledge  
of, no.

Q You sound very hesitant there, like that you have got some indirect knowledge of that.

MR. WALTZ: I object to counsel's subjective thoughts. That is not a question. If you have got a question, ask him.

BY MR. STILLEY:

212           Q   What kind of knowledge about cold showers do you  
have?

A   I know students have taken cold showers in time  
past.

213           Q   Did they do that voluntarily?

A   No. They would not do that voluntarily.

214           Q   How would they be forced to do it?

A   A staff member may take a student, may have at  
some time in the past taken a student and then taken a  
cold shower.

215           Q   What is a staff member? What do you mean when  
you say a staff member?

A   A hired employee, staff member of Mountain Park.

216           Q   Can one person do that job, hold another person  
in the shower and make them take a cold shower?

MR. BRIGGS: Objection, calls for speculation.

MR. STILLEY: I am trying to find out what  
happens at their facility.

MR. BRIGGS: Why don't you ask if one person can

do that to another person. I don't know. Is it possible for me to physically restrain you in a shower by myself? It is speculation.

BY MR. STILLEY:

217

Q At your facility, does it take more than one or

just one person to compel a student to take a cold shower?

MR. WALTZ: That calls for speculation, if that is their policy or practice. I don't know. That is a question like "When do you stop beating your wife," you know, type question.

MR. STILLEY: Your words, not mine. Do you understand the question?

MR. WALTZ: Object to the form of the question is what we are saying. It presumes that something is true.

MR. STILLEY: He just testified it was true.

A There is no policy that a formal form of discipline would be to give a student a cold shower. There is no policy as such.

BY MR. STILLEY:

218 Q You just got through telling me that sometimes staff members hold students in the shower and give them a cold shower.

How many staff members?

MR. BRIGGS: I am going to object. It misstates

his prior testimony.

BY MR. STILLEY:

219           Q   Well, you tell me what your prior testimony was.

What did you say about cold showers?

A   I said at some point in our history, has a



student been given a cold shower for whatever reason,  
sure, it is a possibility. I am sure that it has  
happened.

Can I tell you any specific, definite who, what,  
when, under what conditions, how many, how long, no, I  
cannot tell you. It is not a formal part of policy. Yes;  
I can say it is not a formal if a student does this,  
they go into a cold shower.

220 Q So, it is just informal punishment. Correct?

MR. WALTZ: I think that mischaracterizes what  
the witness has stated. We will object to the form  
of the question.

MR. STILLEY: Go ahead and answer.

A I don't know how to answer you.

BY MR. STILLEY:

221 Q Well, tell me what kind of punishment that is.  
If it is not a formal policy sort of punishment, what sort  
of punishment is it?

MR. WALTZ: Object again to the form of the  
question. It presumes that it is punishment.

MR. STILLEY: Well, your objection is noted.

A A corrective measure to discourage a student from putting themselves in the kind of jeopardy that leaving campus without permission, going truant, would present to them.

BY MR. STILLEY:

222           Q   Have you ever directed that a student be given a  
cold shower?

A   Not that I recall.

223           Q   Not that you recall?

A   Not that I recall.

224           Q   Is it possible that you did it and just forgot?

A   It is certainly a possibility, I suppose.

225           Q   Since you don't remember, I am assuming you  
don't keep any records about who took the shower, who gave  
the shower, how long it was or anything of that nature.  
Correct?

A   I don't have any knowledge of any kind of record  
of such. No, sir.

226           Q   Do you tell parents that you sometimes give  
their children cold showers?

A   Yes, sir.

227           Q   Do you tell all the parents that or just some of  
the parents that?

A   If the situation were where a student was given

a cold shower, we would talk to the parents and tell them

"Here is what took place. Here is what we did."

228

Q So, you tell them after the fact but not before  
the fact?

A Again, since it is not a formal kind of policy

of any kind, no, sir, we don't sit down and say "Here is what you know, we are going to put your child in a cold shower," as far as telling every parent upon their arrival or enrollment process, no, sir; might tell some if in the course of the conversation it would come about.

229           Q   When a cold shower is administered, do you have any policy or procedure to prevent hypothermia?

A   That is assuming that they are going to be in the cold shower long enough to get that.

230           Q   How do you know they are not in the shower long enough to get that?

MR. BRIGGS: Well, actually I am going to object to the form. You are speculating that it even occurs. His testimony was, he has no personal knowledge that cold showers have actually ever taken place. And it is speculation. He says it is speculative, and that it is possible that it has happened before. So to ask about specifics as to the method, manner and form in which a cold shower is carried out is inappropriate. I think it is an

improper line of questioning.

MR. STILLEY: He said they sometimes told the parents. I want to find out. Since they tell parents, he knows it happens. And I want to find out what kind of precautions they take. Your objection

is noted. Thank you.

Do you remember the question?

A The only way I can answer is: If a cold shower would have taken place, the staff member is right there, too.

Again from the understanding that our interest is in helping a student, there is no intent of harm and certainly with our consciousness of safety, if a cold shower were to take place.

BY MR. STILLEY:

231 Q Would the shower be timed?

A Again, specifically pull out a stopwatch, start, stop, no.

Again, you are asking me questions that I don't there is no formal plan structured, organized "Here is what we do. Here is how we do it. Here is how it all goes about," for that type of thing.

232 Q Is that a deliberate thing, that you don't have policies about that?

A No, sir. We have many. I think it is pretty

obvious we have many policies about many things.

Could we have policies about anything and everything, any possible scenario, every possible situation that could arise, there is not enough books in this room that could hold every possibility.



MR. WALTZ: Let the record show this room is filled with books wall to wall.

A It is a 20 by 10 room that is full of books, floor to ceiling, ten foot tall.

BY MR. STILLEY:

233 Q If the student thinks that the cold shower was too long, do they have any way to report that to the legal authorities?

MR. BRIGGS: Same objection.

MR. STILLEY: You have got that objection, standing objection, on all the depositions in this case.

A They would have the freedom to tell their parents, write a letter, tell their parents, tell their parents on the phone call.

BY MR. STILLEY:

234 Q Is that phone call going to be monitored?

A Phone calls are not monitored.

235 Q You are positive about that?

A Yes, sir.

236           Q   A student phone call to the parents is never  
monitored?

A   Never by Mountain Park, no, sir.

237           Q   Never by whom?

A   Never monitored by Mountain Park, no, sir.

238 Q Is it monitored by somebody else?

A If the definition of monitor is that someone has the responsibility to sit and listen to the telephone call, pay attention to what is being said, no, sir, it is not ever monitored and to my knowledge never has been.

239 Q Is it taped?

A No, sir.

240 Q So, you are saying that the student can call their parents and talk about anything they want to, and you won't find out?

A The parents call the students and talk to the students. The students are free to talk to their parents about anything they choose to.

If another student in a room hears a student saying something, they might come talk to me.

If a parent has a conversation with a student, in the parents' union with us in caring for their student, communicate with me about what was said on a telephone call, the parent might tell me.

The student themselves may come and say "I was

on a phone call with my parents, and this is the conversation we had."

But does Mountain Park formally in any way, shape or form monitor student phone calls, no, sir.

241

Q What is an orientation guide?

A An orientation guide is another student who is caring for the newer student.

242 Q Does the orientation guide monitor the telephone call?

A The orientation guide is nearby in the proximity of the student that is receiving the call. But again, is it their responsibility to monitor the phone call, no, sir.

243 Q Suppose a student wants some privacy to talk to their parents privately, will the orientation guide leave?

A The orientation guide is not going to leave, but the orientation guide but the student has the freedom to whisper or talk as quietly as they choose to. The orientation guide has no responsibility and is not expected in any way to try to eavesdrop in on the conversation.

244 Q What about secrets between the child and the parent; are those allowed?

A We have a written policy that no secrets are to be kept between the parent and student and Mountain Park,

if the parent wants us to care for the student. And the  
same thing, we have no secrets from the parents.

245           Q   You are sure of that?

A   Yes, sir.

246           Q   No secrets?

A Yes, sir.

247 Q And all your policies tell the truth. Correct?

A Correct.

248 Q But you are telling me that the parents are going to have to tell you any secrets that the student tries to keep between their parents?

A When the parents enroll their student, they understand that just like with a mom and dad, if a child goes to mother "Mother, I am going to tell you something. You can't tell Daddy," in my idea of a family relationship, that mother would have to say "Child, I love you; but your daddy and I are one. And what I hear, he hears."

If that child went to Daddy and said "Daddy, I am going to tell you something. You can't tell Mamma," again in that family relationship in my mind, it should be "Son, your mother and I are one. We are not going to keep secrets."

So, we have the same relationship with the parents.

Q So, let's assume that you have got 42degree water, and you put the kid in the shower for two hours. And they come out just blue. And they think that you were abusive to them. They want to call the law or the local authorities, the Sheriff, the child protective services.



Are they allowed to do that?

MR. WALTZ: Well, we are going to object to the form of the question, because it assumes facts that are not in evidence and will not be in evidence.

MR. STILLEY: Your objection is noted.

MR. WALTZ: We have a right to object.

MR. STILLEY: Are you directing him not to answer?

MR. WALTZ: If he understands the question. If the facts aren't true, then there is no basis for even responding.

A If in this question you throw out a time of two hours, et cetera, et cetera, that is not going to happen, never going to happen, never has happened. So, therefore, it is a ridiculous question that is as absurd as most of this stuff that we have read.

BY MR. STILLEY:

250 Q You told me you didn't know how long they were in.

A Well, I know it is not two hours.

