MR. STILLEY: I'll be able to hook all this up.

MR. BRIGGS: If you can hook it all up some day, that's great. Unless you can do it right now, make a connection between the cold shower and this dream about GI showers, I'm going to instruct her not to answer.

MR. STILLEY: So you want a connection between GI shower and cold shower?

MR. BRIGGS: Yes.

MR. STILLEY: Otherwise you instruct her not to answer?

MR. BRIGGS: Yes.

Q (By Mr. Stilley) Have you ever heard of a GI shower?

A I've heard of it, yes.

Q Do you know what it is?

A No.

Q What did you hear about it?

A I don't know.

Q Is it possible that was a cold shower?

A I don't know.

Q Who used the term?

A I don't know where I heard it. I might have read it

in that document.

Q Have you ever heard it on the premises of the Mountain Park Baptist Church property?

A No.

Q Positive about that?
A I'm positive.
Q What did you call the cold showers?
A Cold shower.
Q Is it possible someone might think that was a GI shower?
A No.
MR. BRIGGS: Objection. Calls for speculation.
Q (By Mr. Stilley) You told me about some showers that were given in your term as correction or discipline, right?
A No.
Q You did not?
A I did not tell you about any showers.
Q Are there any showers that are given as correction or discipline?
A A cold shower.
Q Anything else?
A No.
Q Are you positive about that?
A I'm positive.
Q Any threats of any other kind of shower?
A No.

Q And do the girls ever use any other term or the boys ever use any other term for a cold shower?

A I don't know what they use.

Q What kind of implements are used during a cold shower?
A Water.
Q Anything else?
A No.
Q Any soap?
A No.
Q Wash rag?
A No.
Q You're sure?
A Sure.
Q That's part of the rules?
A Yes.
Q No wash rag?
A No wash rag.
Q What's the temperature of the water?
A I don't know.
Q Is it just well water?
A Yes.
Q How long do they last?
A Not long.
Q What's the rule?
A There is no set rule.
Q How much is not long?
A Ten minutes.
Q Four hours?

A Ten minutes.
Q Is that the max?
A Probably ten, maybe 15. That's the max.
Q Is that written down anywhere?
A No.
Q Has that been told to you orally anywhere?
A No.
Q How do you know that it's a rule?
A Just what happens.
Q In other words, there isn't a rule about how long those showers can last, correct?
MR. BRIGGS: Objection. Argumentative.
MR. STILLEY: Are you instructing her not to answer?
MR. BRIGGS: No, I'm not instructing her not to answer.
A Ask your question.
Q (By Mr. Stilley) Isn't it true then that there is no rule concerning how long a cold shower could last?
MR. BRIGGS: Same objection.
A No.
Q (By Mr. Stilley) There is a rule concerning how long a shower can last?
A Common sense.

Q Now, how long does common sense say that this shower can continue?

A 15 minutes.
Q Is it exactly 15 minutes?
A I've never timed it.
Q If you don't time it, how do you know it's 15 minutes?
A I don't know exactly to the second, but I know that it's never been more than 15 minutes.
Q Does the victim ever change color?
A No.
MR. BRIGGS: Objection. Mischaracterization. It's just an improper question.
Q (By Mr. Stilley) Does the subject of the shower ever change color?
A No.
Q You're sure about that?
A I'm sure about that.
Q How many times have these showers been administered?
A I don't know.
Q Do you know a record of correction or discipline?
A Not always.
Q When you did swats, you kept a record of how many swats had been given and when, did you not?
A Yes.

Q And that was recorded in writing, was it not?

A Yes.

Q The parents were privy to that information, were they

not?

A Yes.

Q Any reason why the same rules wouldn't apply to a cold shower?

A No.

Q Are students ever allowed to discipline one another?

A No.

Q When you use the term students, what does that mean to you?

A Students.

Q Does that include orientation guides?

A Yes.

Q When someone completes the course work and then gets hired, what do you call them?

A What do you mean by complete the course work?

Q In other words, they are no longer enrolled and doing studies at Mountain Park. They're getting paid to work at Mountain Park. What do you call those people?

A Staff.

Q When they first -- if they have just completed their high school and they start as staff, how much are they paid per

month?

MR. BRIGGS: Objection. I'm going to instruct the witness not to answer. Oscar, that's outside the scope of inquiry as permitted by the Court pursuant to its order.

MR. STILLEY: I'm just trying to find out a definition for sure of who's student and who's staff.

MR. BRIGGS: Well, how much money they're paid is outside the scope of inquiry pursuant to the Court. You know that.

MR. STILLEY: Well, actually I don't.

MR. BRIGGS: The judge said you can't find out how much staff are paid. You know that. You asked an interrogatory about staff and he said you can get names, but you can't find out how much they're paid.

MR. STILLEY: I didn't understand that to prohibit a question concerning what a general category or class of staff got paid.

MR. BRIGGS: I think it does fall into that category.

Q (By Mr. Stilley) So the orientation guides are not allowed to discipline or correct a student, is that correct? Is that true or false?

A Ask that again.

Q Well, let me ask it in a little different fashion. Is

an orientation guide ever allowed to correct or discipline their students?

A Define correct or discipline.

Q I'll let you to do that.

A Correct would be to verbally tell someone that's against the rules. Discipline would be to administer some

discipline.

Q Well, are the orientation guides ever allowed to use any sort of physical force or touching in the performance of their duties concerning their students?

A No.

Q So if the student tries to run, they're not allowed to grab the student and restrain the student?

A We have a no touching rule. They are not allowed to touch each other.

Q So if a student with an orientation guide, the student begins to run, what is the orientation guide supposed to do?

A They holler help.

Q And is it staff that is supposed to catch the runaway?

A You're giving me hypothetical episodes.

Q Has this never happened in nine years that you've been there?

A Have we had students run away? Yes. Have we ever had an orientation guide chase a student? No.

Q Has the orientation guide ever reached out and grabbed the student to physically restrain the student?

A I don't know about that.

Q If that ever happened and it came to your knowledge, what would the consequences be?

A You'll have to ask that again.

Q What would the consequences be for an orientation

guide touching their student, for example, grabbing their student to keep them from running away?

A Probably be told don't touch your student.

Q Have you ever had to do that?

A Yes.

Q How many times?

A I don't know.

Q Did you do that with any degree of severity?

A Do what with any degree of severity?

Q Tell the orientation guide not to touch their students?

A You'll have to explain that.

Q What does severity mean to you?

MR. BRIGGS: Actually I'm going to object. Oscar, the term severity is used in your question and I think it's being vague and ambiguous. If you want to ask with some particularity the manner in which she may speak with an orientation guide, then do so, but asking her to define severity for herself so that you can interrogate her is inappropriate.

Q (By Mr. Stilley) Have the orientation guides ever

been told that they would get lines because they touched their student?

A I don't know.

Q How about loss of movie privileges?

A No.
Q How about loss of sweets?
A No.
Q How about loss of other privileges?
A No.
Q So the only thing you do is tell them not to touch the student again?
A Yes.
Q When the orientation guide starts, are they given detailed instructions on how to treat the student?
A Yes.
Q Are they given anything in writing?
A No.
Q Who gives the instructions to the student to the orientation guide?
A Staff.
Q And what staff give those instructions?
A All staff.
Q Even the new staff?
A Any staff who works directly with the girls may advise orientation guides on proper behavior.
Q Well, now is there a first time when the prospective

orientation guide is given detailed instructions? Is there a particular point when that happens?

A No.

Q Is it possible that some of the orientation guides just don't get any formal instruction?
A No.
Q That's not possible?
A No.
Q They all get some formal instruction?
A Yes.
Q What does this formal instruction consist of?
A Bible studies, church services.
Q Well, that happens all the time to all the students, does it not?
A Yes.
Q So do they not get any extra training as to how to deal with another student?
A No.
Q Are the orientation guides paid for their services?
A No, they volunteer.
Q Why do they volunteer?
MR. BRIGGS: Objection. Calls for speculation as to what somebody else might think.
MR. STILLEY: Are you going to instruct her not to answer?

MR. BRIGGS: No, but it's an improper form. If she knows what other students can think as to why they might volunteer, then I suppose she can answer.

A I'm sure every student volunteers for different reasons.

Q (By Mr. Stilley) Have any of the orientation guides ever physically injured their student?

A Not that I know of.

Q If that had happened amongst the girls, would you have knowledge of it?

A I'm sure I would.

Q But it hasn't happened in nine years, right?

A No.

Q In your position as secretary, do you deal with insurance contracts?

A No.

Q Do you have any duties with respect to Palm Lane Baptist Church in Florida?

A Yes.

Q What duties are those?

A I just keep their checkbook.

Q Any other duties?

A No.

Q Do they send you information from Palm Lane in order for you to keep the checkbook?

A Yes.

Q So you actually do this work in Missouri, correct?

A Yes.

Q Do you consider yourself a Missouri resident?
A Yes.
Q Are you a member of Palm Lane Baptist Church?
A No.
Q Do you know how many members that church has?
A No. I may have answered that question wrongly. I have never removed myself from the roll of Palm Lane Baptist Church so I can hold a dual membership.
Q Are you a trustee for -- scratch that question.
How long have you had duties with respect to Palm Lane Baptist Church?
A Three or four years.
Q Is it just keeping the checkbook?
A Yes.
Q Do you know who had that job before you did?
A No.
Q Do you know if anybody had that job before you did?
A No.
Q You don't know whether they had somebody else to do that or not?
A No.
Q Do you know when Palm Lane Baptist Church was

incorporated?

A No.

Q Did you start when the church was incorporated as the

person that keeps the checkbook?

A I don't know when the church was incorporated so I don't know.

Q Well, when you first got the checkbook, did it already have a lot of entries in it?

A No.

Q Was it a new checking account?

A I think it was new. There may have been two or three entries. I don't remember.

Q That's on a Florida bank?

A Yes.

Q And do you know if they just have one checking account?

A Yes.

Q Does Mountain Park Baptist Church just have one checking account?

A Yes.

Q Do you know if either of these --

A Excuse me. No, we have two checking accounts.

Q At which place?

A People's Bank.

Q That's for Palm Lane?

A No.

Q Or Mountain Park?

A Mountain Park.

Q Two accounts at the same bank?
A Yes.
Q Any other accounts or is that all the accounts?
A What do you mean by other accounts?
Q Like CD's or money market accounts or anything?
A No.
Q Do you reside on the premises of Mountain Park Baptist Church?
A Yes.
Q And is your housing provided by the church?
A Yes.
Q Is that part of your compensation package if you know?
A I don't know if you'd call it compensation. We're provided housing.
Q Do you know how old the house is?
A Maybe eight years.
Q Do you know what size it is, how many square feet it has?
A No.
Q Do you receive the use of an automobile as part of your compensation for either of the churches?
A I use a church vehicle.

Q Do you use that vehicle for church purposes only or for church as well as personal use?

A I have used it for personal use.

Q Do you use it regularly for personal use?
A When I get time for personal use, yes.
Q Do you get house cleaning services as part of your compensation package?
A No.
Q Do you have to pay for those?
A I don't pay anybody. I don't have any.
Q You don't have any house cleaning services?
A No.
Q You clean your own house?
A Yeah.
Q Do you get free or reduced cost yard maintenance as part of your compensation package?
A Excuse me?
Q Do you get free or reduced cost yard maintenance as part of your compensation package?
A You'll have to explain that because I live on the church property. My yard is the church yard.
Q Do you have to pay to have the yard mowed?
A No.
Q Do you mow it yourself?
A I have.
Q Do you ordinarily mow it yourself?

A No.

Q Who ordinarily mows the lawn?

A We've hired a man that mows.
Q Does he routinely mow the yard?
A Yeah.
Q Did your own children attend Mountain Park Baptist Church?
A Yes.
Q And how long did they attend that school?
A You asked me if they attended the church.
Q I'm sorry. The school, did your children get their high school education at Mountain Park Baptist Church and Boarding Academy?
A Yes.
Q When did they start school there?
A 1993.
Q When did they -- what's your children's names?
A Bo and Rachel.
Q When did they complete?
A Rachel in '95. Bo in '97.
Q Did you have to pay tuition to the church for them to attend the school?
A No.
Q Was their tuition part of your compensation package?

A I've already told you I don't know what you mean by compensation package. I don't know about any compensation package.

Q Do you know what compensation is?

A No, tell me.

Q Well, let me ask you what you think compensation is.

MR. BRIGGS: Actually I'm going to object, Oscar. The judge has instructed you that you can't inquire about any staff salaries or really any form of compensation. That would include the Wills and the Gerhardts. In fact, you've been instructed that you can't inquire about their financial condition so, you know, I permitted some line of inquiry with respect to their housing and their automobiles, but to start getting into this I think is outside the scope of what is permitted in this case pursuant to the Court and I would instruct her not to answer.

MR. WALTZ: We join in the objection.

Q (By Mr. Stilley) At Mountain Park Baptist Church, is the church sanctuary also used for educational purposes?

A Yes.

Q Do you put desks in or how do you use it for the uses of the school?

A It's used in many ways.

Q Did you have full access to Jordan Blair's academic placement, financial and enrollment records while Jordan Blair was at Mountain Park?

A Ask that again, please.

Q Did you have access to Jordan Blair's academic

placement, financial and enrollment records while he attended Palm Lane or Mountain Park Academy?

A No.

Q You didn't have access to those?

A No.

Q Who does have access to those records?

A Ask that one more time.

Q Who does have access to the records of the student's academic placement, financial and enrollment records?

A You've asked me two different questions and you've confused me because you asked me if I had access to Jordan's records while he was a student. Now you're asking me who has access to any student's record now so I have to know which question are you asking me.

Q Who has general access to the academic records of the student population at Mountain Park?

A School staff, Brother Gerhardt.

Q Do you have that access?

A If I want it.

Q Have you ever wanted it?

A Not very often.

Q Sometimes?

A Sometimes.

Q How about placement records, the records that you use to enroll the student?

A How about them?
Q Do you have access to those?
A Yes.
Q Do all the staff have access to those records?
A No.
Q What staff have access?
A Brother and Miss Gerhardt, Brother and Miss Wills, Bo and Julie and over different times it's been different people, but that would be basically it right now.
Q Would that same group of individuals have records -- have access to the financial records which would be the records of payments or tuition?
A No.
Q Who would have the access to the financial records?
A Me.
Q Anybody else?
A Brother Wills.
Q Anybody else?
A Miss Wills.
Q Does Sam Gerhardt have access to those?
A No.
Q Any reason why not?

A I guess he doesn't want them.

Q If he wanted access to those records, could he get it?

A If he asked me and wanted it, I would give it to him.

MR. STILLEY: Go off the camera.

OFF THE RECORD DISCUSSION WAS HELD.

Q (By Mr. Stilley) To your knowledge, have any students been sent to Mountain Park pursuant to a Court order?

A No.

Q Does that mean that you have no knowledge that any student has been sent to this facility by Court order?

A Ask that again.

Q Let me rephrase it a little bit. Maybe it will make it a little easier. If any -- let me ask you a little different question. If a student had been sent to Mountain Park Academy by a Court, would you have knowledge of that fact?

A I might. I don't get directly involved with enrollment of the students very often so . . .

Q Have you ever come to have knowledge that a student was actually sent to Mountain Park Academy by way of a Court order?

A No.

Q Do you regularly eat in the school cafeteria?

A Yes.

Q Do you drink the same milk that the students drink?

A No.

Q Where do you get your milk?

A I don't drink milk.

Q You don't like milk?

A Huh-uh.
Q Do you use milk with cereal?
A No.
Q Do you use milk for any purpose?
A No.
Q Are you allergic to milk?
A I don't recall ever having drunk milk so I don't know if I'm allergic to it or not. I just don't drink it.
Q Are the students required to drink milk?
A No.
Q If they don't drink milk, do they have to drink some other substitute?
A No.
Q They don't?
A Don't have to, no.
Q Do they have to take any vitamin pills if they don't drink milk or juice?
A No, not unless their parents want them to.
Q If the student chooses to drink tap water only, is that permissible?
A Yes.
Q Are there any foods that the students are required to eat?

24 A They are all required to get a balanced meal, yes.

25 Q During your nine years, have the students ever been

required to drink milk?

A No.

Q During your nine years, have the students ever been required to drink juice?

A No.

Q So then is it fair to say that during the nine years that you have been with this facility that any student could choose to drink water only without adverse consequences?

A Yes.

Q What happens if a student chooses not to eat?

A Nothing.

Q They don't ever get force fed?

A No.

Q You're sure about that, right?

A I'm sure.

Q And if any student had ever been force fed at the school or any girl had been force fed at the school, you would have knowledge of that, correct?

A Yes.

MR. STILLEY: Can I take just a minute off the record?

MR. BRIGGS: Yes.

OFF THE RECORD DISCUSSION WAS HELD.

MR. STILLEY: Pass the witness.

MR. BRIGGS: Does that mean you've asked all your questions?

MR. STILLEY: Yes. If you don't have anything, we're ready for the next witness.

MR. BRIGGS: We'll go ahead and read, signature.

(Witness excused.)

* * * *

_____
DEBORAH GERHARDT

Subscribed and sworn to before me on this 22nd day of October, 2003.

My Commission expires _____

_____
NOTARY PUBLIC

STATE OF MISSOURI)
) SS
COUNTY OF CAPE GIRARDEAU)

I, BRENDA WILLS-CHRISTENSEN, a Certified Court Reporter and Notary Public in and for the County of Cape Girardeau, State of Missouri, do hereby certify that pursuant to notice there came before me at the law offices of Oliver, Oliver and Waltz, 400 Broadway, Cape Girardeau, Missouri, DEBORAH GERHARDT, who was by me first duly sworn to tell the whole truth of her knowledge to your knowledge the matter in controversy aforesaid; that she was examined on the day, between the hours and at the place in that behalf first aforesaid, and her examination was taken in shorthand and later reduced by computer-aided transcription, that the deposition was read and signed by the witness, and said deposition is herewith returned.

IN WITNESS WHEREOF, I have hereunto set my name and affixed my notarial seal on this 24th day of October, 2003.

My Commission expires November 4, 2004.

BRENDA WILLS-CHRISTENSEN,
Certified Court Reporter, #452
and Notary Public

COURT MEMO
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JORDAN BLAIR,)
)
Plaintiff,)
)
vs.) Case No. 1:02CV88 CAS
)
BOB WILLS, AKA BOBBY RAY)
WILLS, et al,)
)
Defendants.)

* * * *

CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES
Deposition of DEBORAH GERHARDT
Taken on behalf of the Plaintiff
October 16, 2003

Name and address of person or firm having custody of the original transcript: MR. OSCAR STILLEY, 5111 Rogers Avenue, Suite 520, Fort Smith, Arkansas 72903

TAXED IN FAVOR OF: MR. OSCAR STILLEY
Original and one copy..... $360.00

TAXED IN FAVOR OF: MR. JOHN BRIGGS
One copy..... $130.50

TAXED IN FAVOR OF: MR. JOHN L. OLIVER, JR.
One copy..... $130.50

Upon delivery of transcripts, the above charges had not yet been paid. It is anticipated that all charges will be paid in the normal course of business.

IN WITNESS WHEREOF, I have hereunto set my hand and

notarial seal on this 24th day of October, 2003.

BRENDA WILLS-CHRISTENSEN
Certified Court Reporter, #452
and Notary Public

My commission expires November 4, 2004.

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