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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 THE CIRCLE GROUP, L.L.C.,
5 and JOYCE LAIDLER,
6 Plaintiffs,

7 CIVIL ACTION FILE
8 vs. NO. 1:09-cv-3039-WSD

9 THE SOUTHEASTERN CARPENTERS
10 REGIONAL COUNCIL OF THE
11 UNITED BROTHERHOOD OF
12 CARPENTERS AND JOINERS
13 OF AMERICA,
14 Defendants.

15 - - -

16 Deposition of STEVEN SHELTON,
17 Taken by James W. Wimberly Jr.,
18 Before Joel P. Moyer,
19 Certified Court Reporter,

20 At the Law Offices of
21 Quinn, Walls, Weaver & Davies, LLP,
22 Atlanta, Georgia,

23 On Friday, November 5, 2010,
24 Beginning at 9:48 a.m & ending at 5:33 p.m.

25 - - -

0002

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14

4 A I mean, I don't know what dispute
5 you're talking about. But, yes, I disagreed
6 with it.

7 Q Okay. Did you at any time have any
8 contact with any agencies of the government,
9 state or federal, other than the labor board
10 dealing with The Circle Group or any officials
11 of The Circle Group?

12 A You mean ever?

13 Q Yes.

14 A Yes.

15 Q When was that?

16 A I don't remember dates.

17 Q All right. What was it about?

18 A You know, I couldn't be certain of
19 everything. It was not uncommon for me to
20 meet with the Department of Labor
21 investigators about the illegal activity of
22 contractors working in the market.

23 Q Did you ever deal with a person
24 from IRS by the name of Patti Bergstron on
25 this issue?

0244

1 A Yes.

2 Q Tell us about that.

3 A I met with her, I don't know, two
4 or three times.

5 Q Okay.

6 A She expressed that she was
7 investigating Circle Group and wanted to know
8 if I had any information on Circle Group.

9 Q All right. Give me an idea of the
10 time frame on which this occurred.

11 A Close to 2005 I think. Between
12 January and April of 2005.

13 Q Okay. Are you pretty confident of
14 that, or is your memory weak about it? It
15 possibly could have been other time frames?

16 A I'm fairly confident that it was
17 right before I went to work for International.

18 Q Okay. Did you visit with Patti
19 Bergstron alone, or were you accompanied by
20 anyone else?

21 A I had the Department of Labor
22 representative, John Jupin, was there.

23 Q Okay. And what was the substance

24 of the discussion or concern about The Circle
25 Group or any of its officials?

0245

1 A They really wouldn't talk to me
2 about anything. They just -- I had worked
3 with John Jupin in the past, and he knew that
4 I gathered information about contractors and
5 asked me if I would meet with Patti
6 Bergstron. And then she asked me if I had any
7 information. And it's common for them not to
8 tell me the nature of why they needed it, and
9 they didn't.

10 Q Did you provide any information to
11 her?

12 A I believe I did.

13 Q Yes. What was the nature of the
14 information you provided?

15 A It would have been stuff like
16 payroll records or, you know, pay stubs or
17 statements from workers or things like that.

18 Q Did the subject of the strip club
19 come up in any of these meetings?

20 A I don't think so.

21 Q Okay. Did the subject of work on
22 any houses come up in any of these meetings?

23 A I don't believe so.

24 Q Okay. Were you asked to provide
25 additional information?

0246

1 A Just, I mean, I was asked to
2 provide whatever information I had, and they
3 would determine if it was valuable or not.

4 Q All right. And you indicated that
5 you had more than one meeting with her?

6 A Yes.

7 Q Did she ask you to go back and get
8 additional information and then return for
9 another meeting?

10 A Well, we were always gathering
11 information on contractors, and I was -- I
12 would meet with John Jupin if I had stuff
13 anyway. So I think in the next two or three
14 meetings she came. And if I had additional
15 stuff on Circle, I gave it to her.

16 Q Do you remember what the subject
17 matter was of the additional information on

18 Circle that you gave to her?

19 A I believe it would have been the
20 same kind of stuff.

21 Q Do you remember specifically what
22 it was, or are you just kind of guessing what
23 it was?

24 A I don't remember specifically.

25 Q Okay. Did you provide any pay

0247

1 records of any nature to Patti?

2 A I don't remember specifically if I
3 did.

4 Q But that's one of the things she
5 asked for?

6 A I was saying that's one of the
7 things I would typically gather on contractors
8 and typically provide to John Jupin.

9 Q And how do you get those payrolls?

10 A You know, however we can.

11 Q Going into dumpsters, is that one
12 of the more common methods?

13 MR. QUINN: Objection. Form.

14 A It's a method.

15 Q Okay. Did you direct persons to go
16 in the dumpster at The Circle Group?

17 A I don't remember.

18 MR. QUINN: Objection. Form.

19 A I don't remember directing hits on
20 Circle.

21 Q Were you aware that persons from
22 the union were going into the dumpster at The
23 Circle Group looking for information?

24 MR. QUINN: Objection. Form.

25 A I can't remember if when I was

0248

1 there if we were -- if we were getting Circle.

2 Q Did you provide any information to
3 any other personnel with the government?
4 Like, does the name Kim Sellers mean anything
5 to you?

6 A No.

7 Q What about Paul Monan?

8 A No.

9 Q Okay. Did you meet with Patti more
10 than two times?

11 A It was, you know, I think three

12 times, but I couldn't be certain about that.

13 Q All right. And do you have any
14 idea what the third one would have been?

15 A No. I mean, it was the same
16 stuff. Every time I met with her, she came
17 with John.

18 And typically, when I met with
19 John, we were discussing people who were
20 1099'ing their work force and stuff like
21 that. And it was someone that I had hard
22 information about, and so she came with John
23 to those meetings. And I can't even remember
24 if I had stuff for her every time.

25 Q All right. Did she indicate to you
0249

1 what information she had on The Circle Group?

2 A No.

3 Q Okay.

4 A They never did. Neither did John
5 Jupin, no.

6 Q Any idea how long these meetings
7 would last?

8 A Fifteen, twenty minutes.

9 Q Okay. Now, you indicated several
10 times in your testimony that Circle Group
11 allegedly funneled money through a mob-fronted
12 strip club. What's the source of your
13 information on that, and did this subject come
14 up in any, or the mob come up in any of these
15 discussions with Patti?

16 A No. The mob never came up in any
17 of that. They didn't talk to me about their
18 cases. I learned about the conviction and the
19 connection and that stuff through the
20 Department of Justice website, press release.

21 Q All right. And did you write up in
22 some of your quarterly reports that you were
23 continuing to cooperate with the authorities
24 on investigations of this nature?

25 MR. QUINN: Objection. Form.
0250

1 A I don't remember writing about that
2 in my reports.

3 Q Now, let me ask you a question I
4 want you to think about. Other than the
5 special project directors who led the Atlanta

6 Area Standards Campaign, different directors
7 that have come along -- I think we've named
8 four? There's been four? Yourself; right?

9 A I was.

10 Q Then Chris Freitag?

11 A Right.

12 Q I guess then Jimmy Gibbs?

13 A Yes.

14 Q Just three. Did I leave one out?

15 A I don't think so.

16 Q There's just been three. Other
17 than the change in special projects directors,
18 had there been any other changes to your
19 knowledge in the goals, objectives of the
20 Atlanta Area Standards Campaign?

21 MR. QUINN: Objection. Form.

22 A I don't know.

23 Q Well, let me put it this way. Are
24 there any changes that you know that you can
25 identify or list here today?

0251

1 MR. QUINN: Objection. Form.

2 A Targets. I know that targets have
3 changed.

4 Q Okay. All right. Anything else
5 that's changed that you know of besides
6 targets and special project directors?

7 A I don't know.

8 Q Don't know of any other changes?

9 A I mean, I don't know what their
10 goals are.

11 Q Did you ever indicate to the
12 council or Local 225 that The International
13 wanted to target Circle?

14 A No.

15 Q Aren't you known as kind of an idea
16 person, to bring in new ideas concerning area
17 standards tactics to the various councils in
18 your geographic area?

19 A I don't know if people know me like
20 that.

21 Q In order to get these grants from
22 The International that you referred to, do you
23 have to turn in any kind of annual summary of
24 what's been done to justify the grants?

25 MR. QUINN: Objection. Form.

0252

1 A Are you talking about currently?

2 Q Well, at any time since you've been
3 involved in the council activities for the
4 southeastern region.

5 A Repeat the question.

6 Q All right. Any kind of summaries
7 that have to be provided to The International
8 to justify the grants to the council for its
9 activities?

10 A Oh, as a special projects, I submit
11 quarterly reports to Larry Phillips.

12 Q All right. You testified to that.
13 I guess I'm taking it a step further and
14 asking if any information has to be provided
15 to The International to justify the grants.

16 A Not by me.

17 Q Okay. When you coordinate these
18 other area standards campaigns in these other
19 areas, do you ever discuss -- are the other
20 areas getting grants from The International as
21 well, like New Orleans and Knoxville and these
22 others, Miami, Tulsa, Dallas? Are they
23 getting grants as well?

24 MR. QUINN: Objection to the form.

25 A I believe some are and some aren't.

0253

1 Q Okay. Are you aware at any of
2 these other areas, including Atlanta, whether
3 any sort of documentation or justification has
4 to be provided before the grants are given by
5 The International?

6 A I don't see them. But I understand
7 that, in order to receive the grant, you have
8 to put together a plan of what you're going to
9 do. It's a grant proposal.

10 Q And who's explained that process to
11 you?

12 A Larry Phillips.

13 Q Okay. And how long ago did he
14 explain that to you?

15 A When we were going through the
16 grant process.

17 Q Okay. And you did that every year
18 you were with the council?

19 A I believe so.

20 Q Okay. And did you see any of these
21 reports before they were submitted to The
22 International?

23 MR. QUINN: Objection. Form.

24 A I don't know if I saw the full
25 report. I saw the work I did.

0254

1 Q Now, the work you did, is that the
2 quarterly reports you're referring to or
3 something different?

4 A Well, like the grant proposal,
5 whatever I wrote up for the grant proposal, I
6 obviously saw that. But I don't know if Larry
7 added or detracted from that.

8 Q Okay. So let me see if I
9 understand your testimony. In addition to the
10 quarterly reports that you handed in to Larry
11 Phillips, you also provided input on the grant
12 applications?

13 A Yes.

14 Q And you did this once a year?

15 A I believe so.

16 Q Okay. But you didn't see the final
17 submissions to The International?

18 A Right.

19 Q Okay. Do you understand that
20 process continued after you left?

21 MR. QUINN: Objection. Form.

22 A I believe it did.

23 Q All right. You were replaced by
24 Chris Freitag?

25 A Yes.

0255

1 Q Did you provide any assistance,
2 advice, or whatever to Mr. Freitag in
3 preparing any of these reports or grant
4 applications?

5 A I don't believe so.

6 Q Okay. Did Mr. Freitag or Mr. Gibbs
7 indicate that these applications were still
8 being made to The International after you
9 left?

10 A Yes.

11 Q Both of them?

12 A I believe so.

13 Q Did Mr. Phillips indicate that the

14 grant applications were still being made after
15 you left the council?

16 A I think so.

17 Q Okay. Where are these grant
18 applications kept?

19 MR. QUINN: Objection.

20 A I don't know.

21 Q Okay. Do you know whether or not
22 they're maintained in the council offices in
23 Augusta?

24 A I don't know.

25 MR. QUINN: Objection.

0256

1 Q All right. Do you know whether The
2 International keeps these grant applications?

3 MR. QUINN: Objection. Form.

4 A Don't know.

5 Q All right. Do you ever in going
6 around at these other locations and advising
7 these other area standards groups like you've
8 testified to in these other locations, do you
9 ever review their grant applications and offer
10 suggestions?

11 MR. QUINN: Objection. Form.

12 A I have in the past. I don't do it
13 as a regular --

14 Q Which areas have you reviewed the
15 grant application?

16 A I remember doing Alabama,
17 Mississippi. It was one section.

18 Q All right. Can you remember any
19 others?

20 A I don't recall any specifically.

21 Q All right. Let me ask you this.
22 Is it a prepared form, like grant
23 application? You know, is it a standard form,
24 or is it just a homemade kind of thing?

25 A It's not a standard form.

0257

1 Q All right. It's more homemade?

2 A Right.

3 MR. WIMBERLY: Let's go off the
4 record for about five minutes.

5 (Deposition in recess, 5:00 p.m. to
6 5:08 p.m.)

7 MR. WIMBERLY: All right. Back on

8 the record.

9 Q Just, you know, I realize you were
10 very indefinite about the number of telephone
11 conversations you had with Jimmy Gibbs about
12 the Berry College situation. But to the best
13 of your recollection, kind of summarize to us
14 what you discussed with Jimmy Gibbs in these
15 phone conversations.

16 MR. QUINN: Objection. Asked and
17 answered.

18 A We would discuss just some of the
19 things that they had said to me. And some of
20 the things we got, they sent to both of us, so
21 we discussed those. And we would discuss just
22 the general circumstances of, you know, what
23 was happening out there.

24 Q Did you discuss with Mr. Gibbs what
25 he was doing regarding Berry College?

0258

1 MR. QUINN: Objection. Asked and
2 answered.

3 A He sometimes told me about things
4 he was doing.

5 Q And did you sometimes tell him
6 things that you were doing at Berry College?

7 MR. QUINN: Objection. Asked and
8 answered.

9 A Yes.

10 Q Now, well, let me ask you this.
11 Did you feel like your actions at Berry
12 College in any way had anything to do with
13 your position with The International?

14 A No.

15 Q Let me talk you through some
16 things. One of your jobs with the council and
17 with The International is area standards;
18 correct?

19 MR. QUINN: Objection.

20 A Yes.

21 Q You use an area standards e-mail
22 address; correct?

23 MR. QUINN: Objection.

24 A I own an area standards e-mail
25 address.

0259

1 Q Yes. And you knew that the union

2 was conducting some type of labor activities
3 at Berry College over area standards; correct?

4 A Yes.

5 Q And you referenced in your
6 discussions or e-mails to Berry College that
7 they were using what you considered to be an
8 unfit contractor; right?

9 MR. QUINN: Objection. Form.

10 A I expressed issues with Circle.

11 Q Yes. And some of the issues you
12 addressed concerning Circle were the same type
13 of issues that council was addressing with
14 Circle?

15 MR. QUINN: Objection. Form.

16 Q Right?

17 A Are you talking about their
18 criminal activity?

19 Q Yes. Their criminal activity,
20 their safety record, yes. So you were
21 addressing some common issues that the council
22 was also addressing to Berry College?

23 A There were some issues that were
24 the same.

25 Q Yes. And all these things were

0260

1 going on at the same time, time period; is
2 that correct?

3 A Yeah.

4 Q Well, let me ask you this. Did you
5 ever get approval from anyone from The
6 International to carry out any activities at
7 Berry College?

8 A No.

9 Q Do you have authority in your
10 capacity as International rep to make
11 decisions about area standards activities
12 without getting permission from someone else
13 at The International?

14 A No.

15 Q You don't? You have to get
16 permission from someone else?

17 A Yeah.

18 Q Who?

19 A Generally Danny Maples.

20 Q Did you ever discuss with Danny
21 Maples your activities at Berry College?

22 A I have since. I don't think I did
23 at the time.

24 Q Could you have at the time, just
25 not remember it?

0261

1 MR. QUINN: Objection. Form.

2 A I don't think that I did.

3 Q All right. Now, when you were
4 working on area standards with the council,
5 you could make decisions as to targets and the
6 like without approval from anyone, couldn't
7 you?

8 MR. QUINN: Objection.

9 A When I was with the council -- your
10 question is when I was with the council, did I
11 choose targets --

12 Q On your own without approval from
13 anyone else.

14 MR. QUINN: Objection. Please let
15 him finish the answer.

16 A Generally.

17 Q Okay. And you say you have less
18 authority in that regard now that you're with
19 The International?

20 A Yeah. I don't choose targets in
21 area standards campaigns for sure.

22 Q Do you choose methods?

23 A No.

24 Q Do you give advice to various
25 councils on methods?

0262

1 A I can give advice, but it's up to
2 them to follow it. They're not bound to it.

3 Q All right. Did you use council or
4 International equipment to write these
5 numerous e-mails you sent to Berry College?

6 A No.

7 Q What equipment did you use?

8 A My personal computer.

9 Q You never at any time used your
10 council computer?

11 A No.

12 MR. QUINN: Objection.

13 Q Did you use International cell
14 phones or other phones in making your calls to
15 persons at Berry College?

16 MR. QUINN: Objection.
17 A No.
18 Q Did you use your council or
19 International phones in making calls to Jimmy
20 Gibbs?
21 A No.
22 Q Okay. Did you make an effort to
23 separate yourself from The International in
24 your dispute as you refer to it with Berry
25 College?

0263

1 A I don't believe I ever told them I
2 was an International rep.
3 Q You told them you were with the
4 Carpenters Union; correct?
5 A Yeah. And, yes, I am.
6 Q Whose name did you file the charge
7 in that I don't have, the unfair labor
8 practice charge?
9 A What do you mean? Under --
10 Q Who is the charging party?
11 A Me.
12 Q Okay. Does that name any labor
13 organization in your charge?
14 A No. It names Berry College.
15 Q Is any labor organization cited in
16 anywhere in that charge?
17 A No.
18 Q Did you --
19 A Other than -- let me just say, I
20 probably need to look at the document to say
21 for sure. But I am a member of the Carpenters
22 Union, so the whole charge was because I was
23 being discriminated against because I'm a
24 member of the Carpenters Union. So when you
25 say anywhere in the charge, that may have been

0264

1 in the charge.
2 Q Okay.
3 A But I filed the charge.
4 Q Okay. What regional office did you
5 use?
6 A Atlanta.
7 Q All right. Did you prepare the
8 correspondence or e-mails in conducting your
9 phone calls during work hours towards Berry

10 College?

11 A No.

12 Q You did them all after hours?

13 A I did them on my own time.

14 Q All right. What do you consider
15 your own time?

16 A I have lunchtimes and things like
17 that. I have odd hours.

18 Q All right. Well, let me say, we
19 looked at e-mails on just one day that I can
20 recall off the top of my head that you sent
21 e-mails at 9:00, 10:00, 11:00?

22 A Right.

23 Q 3:00?

24 A Yeah.

25 Q You're saying you were on lunch all

0265

1 those times?

2 MR. QUINN: Objection. Form.

3 A Sometimes I have Mondays off if I
4 have to work weekends for different reasons.

5 Q That was the 26th of January, '09.
6 Is that a Monday?

7 A Well, I could have --

8 Q You're saying that was a Monday?

9 A I believe it was a Monday. But I
10 can take other days off too.

11 Q Are you saying you took a whole day
12 off to send these e-mails?

13 MR. QUINN: Objection. Form.

14 A I'm saying that I did that on my
15 own time when I was off when I sent those
16 e-mails.

17 Q All right. So were you on vacation
18 on that --

19 A I don't remember.

20 Q What was the nature of your time
21 off?

22 A I don't remember.

23 Q Are you familiar with this issue or
24 matter involving certificate of Universal Life
25 Church and Saint Marchelletta handbill? Does

0266

1 any of that mean anything to you?

2 A I heard about it.

3 Q All right. What did you hear about

4 that?

5 A I had heard that Jimmy sent a thing
6 to one of the Marchelletta's house about, I
7 don't know, registering him as a saint or
8 something like that.

9 Q All right. Who told you about it?

10 A Jimmy, I think.

11 Q All right. Did you hear about it
12 from anybody else?

13 A I don't think so.

14 Q Did he tell you how widely he
15 disseminated that matter, how widely he
16 published it?

17 MR. QUINN: Objection. Form.

18 A I believe he told me he sent that
19 to Mr. Marchelletta's house.

20 Q All right. He never told you he
21 sent it to others outside the house?

22 A I don't think so.

23 Q Well, let me ask you this. Do you
24 consider what you heard about it an
25 appropriate Atlanta Area Standards Campaign

0267

1 tactic?

2 MR. QUINN: Objection. Form.

3 A I don't think it's -- I never
4 considered it illegal.

5 Q Did you consider it appropriate?

6 MR. QUINN: Objection to form.

7 A I would think legal is
8 appropriate.

9 Q Okay. So --

10 A It's between him and his attorney
11 and he and his supervisor.

12 Q All right. Well, let me ask you
13 this. Do you have any authority in your
14 capacity with The International to overrule an
15 obviously illegal, unethical act on the part
16 of the council?

17 MR. QUINN: Objection. Form.

18 A No, I don't.

19 Q So you're saying that Jimmy Gibbs
20 or the council could embark on a program that
21 was totally illegal and unethical and, in your
22 job with The International, you have no
23 control over that?

24 MR. QUINN: Objection. Form.

25 A I do not run the council.

0268

1 Q Okay. You don't have any
2 authority?

3 MR. QUINN: Objection.

4 A They are autonomous.

5 Q Do you have any obligation to make
6 reports to anybody about a council that's
7 carrying out illegal, unethical activities?

8 MR. QUINN: Objection. Form.

9 A I believe I would for illegal
10 activities.

11 Q Did you make any reports to anybody
12 about the activities of the council,
13 Southeastern Council, concerning their Atlanta
14 Area Standards Campaign at any time?

15 A I don't know.

16 Q Don't know?

17 A Just about anything?

18 Q No. Council activities that were
19 illegal or unethical so you felt compelled to
20 report them?

21 MR. QUINN: Objection. Form.

22 A I don't remember reporting illegal
23 activity or unethical. I don't know what --

24 Q All right. Does The International
25 have any policy if an International rep

0269

1 observed a council doing something illegal or
2 unethical or otherwise inappropriate what to
3 do about it?

4 A I think if I observed someone doing
5 something illegal, I would report back.

6 Q To who?

7 A Either to Danny --

8 MR. QUINN: Objection. Please
9 answer the question. There's a couple
10 questions floating out there.

11 Q All right. Here's what my question
12 is. You're familiar that many companies have
13 hotline processes or harassment processes?
14 They see something wrong, they report it.
15 You're familiar with that, aren't you?

16 A I suppose, yes.

17 Q I want to know if International has

18 any such procedures.

19 A I don't know of a hotline or
20 anything like that.

21 Q So you're not aware of any
22 procedure in The International, a regular
23 procedure for reporting unethical or illegal
24 behavior by constituent councils?

25 MR. QUINN: Objection. Asked and
0270

1 answered.

2 A I don't know that there's, you
3 know, a procedure or hotline or something like
4 that. It seems common sense.

5 Q Do you have any information that
6 The Circle Group, as a company, has committed
7 an unlawful act?

8 A Yes.

9 Q What's that?

10 A Well, you say, do I have? I don't
11 think I do have. But I've seen press releases
12 and things like that where they were convicted
13 of unlawful activity.

14 Q The Circle Group was?

15 A Well, no. The owner.

16 Q Let me repeat my question. Are you
17 aware of The Circle Group committing any
18 unlawful act to your knowledge --

19 MR. QUINN: Objection.

20 Q -- as a company, as an entity?

21 MR. QUINN: Objection. Form.

22 A I don't think so.

23 MR. WIMBERLY: Off the record a
24 minute. Let's take a break.

25 (Deposition in recess, 5:23 p.m. to
0271

1 5:27 p.m.)

2 MR. WIMBERLY: Back on the record.

3 Q There's been testimony that you
4 haven't heard that I'll represent to you from
5 Mr. Gibbs that he personally went on a website
6 and spent a small amount of union money, I
7 believe it was \$5, to purchase this universal
8 life certificate in the name of a member of
9 the Marchelletta family without any approval.
10 Is that a legitimate union function in your
11 mind?

12 MR. QUINN: Objection. Form.

13 A If he's spent council funds, that's
14 up to the council as long as it was done
15 properly, reported, and approved by the
16 delegates.

17 Q All right. And that's nothing you
18 would feel compelled to report to anyone at
19 The International?

20 A No.

21 MR. QUINN: Objection. Form.

22 Q You discussed this issue with Jimmy
23 Gibbs, I think you said; correct?

24 MR. QUINN: Objection. Form.

25 A I believe he told me about it.

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1 Q Yes. I mean, he told you about the
2 -- okay. Did you have any discussion with
3 Larry Phillips about it?

4 A I don't remember talking to Larry
5 Phillips about it.

6 Q Did you have any discussion with
7 Danny Maples about it?

8 A I don't remember talking to Danny
9 about it.

10 Q Okay. Did you discuss it or
11 mention it to anyone with The International?

12 A I don't remember telling anybody
13 about it.

14 Q Did you at any time make any
15 reports to The International about what you
16 did at Berry College?

17 A I don't believe so.

18 Q Yes. Have you carried on an
19 activity like this, like you did at Berry
20 College, mentioning that you were with the
21 union and referencing certain union issues in
22 other situations as International
23 representative other than that at Berry
24 College?

25 MR. QUINN: Objection to the form.

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1 A I don't know what you mean as
2 International representative.

3 Q All right. As International
4 representative, in that job, you say you had a
5 personal dispute or a dispute with Berry

6 College. And to that end, you referenced the
7 Circle Group, you referenced strip clubs, you
8 referenced that you were a carpenter union
9 member, you referenced that there were unsafe
10 working conditions, all in writing to people
11 at Berry College.

12 I want to know if you've ever done
13 this, anything like that towards other
14 organizations other than Berry College?

15 MR. QUINN: Objection to the form.

16 A I disagree with your
17 characterization of what I've done.

18 Q All right. Well, let me let you
19 characterize it any way you want, and I'll
20 just ask you if you carried out any disputes
21 with other organizations, other employers,
22 like you have at Berry College under
23 circumstances you contend this was your
24 dispute rather than The International's
25 dispute?

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1 MR. QUINN: Objection to the form.

2 A I have. I'm trying to think of
3 specific examples, but that's not out of -- if
4 I see something wrong, yes, I contact people
5 and let them know --

6 Q All right. Let me ask this
7 question.

8 A -- sometimes.

9 Q Concerning the activities of the
10 council, the Southeastern Council, running the
11 Atlanta Area Standards Campaign, other than
12 the selection of the target contractors, are
13 the steps you go through, the modus operandi,
14 similar for all the different target
15 contractors?

16 MR. QUINN: Objection. Form.

17 A What's the question again?

18 Q All right. I'm talking about the
19 Atlanta Area Standards Campaign.

20 A Okay.

21 Q My question was: To your
22 knowledge, other than the selection of the
23 contractors, the target contractors --

24 A Yeah.

25 Q -- are the steps taken and the

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1 modus operandi similar for each of the target
2 contractors?

3 MR. QUINN: Objection. Form.

4 A I still don't understand what you're
5 asking.

6 Q I want to know if there are any
7 differences in the steps you take depending on
8 who the target contractor is, or are they all
9 similar?

10 MR. QUINN: Objection. When are we
11 talking? Are we talking about when he was
12 director of special projects?

13 MR. WIMBERLY: I said to his
14 knowledge, whenever that would be. I didn't
15 put a time limit on it.

16 Q All right. We'll start, we'll say
17 while you were director of special projects.
18 Were your modus operandi pretty much the same
19 no matter who the target contractor was?

20 A Define modus operandi.

21 Q Steps that you take: you know,
22 first sending out a labor dispute notice, then
23 talking with third parties, trying to get them
24 to exercise their managerial discretion,
25 sending them a warning letter, conducting

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1 demonstration-type activities, those type
2 steps. Were they similar steps you took among
3 each target contractor?

4 A Those steps, yeah, basically.

5 Q And to your knowledge, have those
6 steps changed since you left the council?

7 A Not to my knowledge.

8 MR. WIMBERLY: All right. I don't
9 think I have anything else.

10 MR. QUINN: No questions.

11 MR. WIMBERLY: Okay. Thank you.

12 (Deposition adjourned, 5:33 p.m.)

13 (Whereupon it was agreed among counsel and
14 the witness that the witness's right to
15 read and sign the deposition would be
16 reserved.)

17

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1 I, STEVEN SHELTON, Deponent,
2 do hereby certify that I have read the
3 foregoing deposition, and the same is a true
4 and accurate transcript of my testimony, except
5 for the changes listed below, if any.

6 PAGE/LINE/CHANGE	REASON
7 _____	
8 _____	
9 _____	
10 _____	
11 _____	
12 _____	
13 _____	
14 _____	
15 _____	
16 _____	
17 _____	

18 If additional space is needed, please attach
19 separate sheet(s) and indicate number of
20 additional page(s) here:_____

21 _____
22 STEVEN SHELTON, Deponent

(Notary Public)

23 Date Notarized:_____
My Commission Expires:_____
24 Donovan Reporting, P.C. FAX: 770-428-5801
237 Roswell Street, Marietta, GA 30060
25 Date of Deposition: 11-05-2010 CR: JM

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1 Pursuant to Article 10.B of the Rules and
2 Regulations of the Board of Court Reporting of
3 the Judicial Council of Georgia, I make the
4 following disclosure:
5 I am a Georgia Certified Court Reporter here as
6 a representative of Donovan Reporting, PC. I
7 am not disqualified for a relationship of
8 interest under the provisions of OCGA

9 9-11-28(c). Donovan Reporting, PC, was hired
10 to provide court reporting services for this
11 deposition. Donovan Reporting, PC, will not be
12 taking this deposition under any contract
13 prohibited by OCGA 15-14-37 (a) and (b).
14 Donovan Reporting, PC, has no exclusive
15 contract to provide reporting services with any
16 party to the case, any counsel in this case, or
17 any reporter or reporting agency for whom a
18 referral might have been made to cover this
19 deposition. Donovan Reporting, PC, will charge
20 its usual and customary rates to all parties in
21 the case, except as may be otherwise agreed to
22 on a case-by-case basis.

23

24

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1 C E R T I F I C A T E

2 GEORGIA

3 COBB COUNTY

4 I hereby certify that the above and
5 foregoing pages 1 through 279
6 are a true, complete, correct, and exact
7 transcript of my shorthand notes taken in
8 the above-referenced matter;

9 That same constitutes a true,
10 complete, correct, and exact record of the
11 above-referenced matter;

12 That same was transcribed through
13 computer-assisted transcription;

14 That I am not of kin or counsel to
15 any of the attorneys or parties, nor am I
16 in the regular employ of any of the
17 attorneys or parties;

18 This 16th day of November, 2010.

19

20

21

22

23

JOEL P. MOYER, 2745
Certified Court Reporter

24

25