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P R O C E E D I N G S

PETER A. GAETA,  
having first been duly sworn,  
was examined and testified as follows:

EXAMINATION

BY MS. POWERS:

Q. Good morning, sir. My name is Denise Powers. I represent Sandra Teague in the case of Philip Martin versus Sandra Teague. I'm going to be asking you some questions today. You have counsel, Ms. McManus with you. If any time you do not understand my questions, I want you to let me know. I'd ask that you answer out loud verbally so that the court reporter can take your answer.

A. I will.

Q. Would you please state your name and business address, please?

A. My name is Peter Gaeta. And I work here at 5580 Centerview Drive, Raleigh, 27606.

Q. And by whom are you employed?

A. The American Kennel Club.

Q. What is your position The American Kennel Club?

3 A. I'm the Director of Judging Operations.  
4 Q. What does the Director of Judging Operations do?  
5 A. I oversee the processing of all the applications  
6 for judges, handle complaints, discipline, and I'm  
7 involved with judges' education.  
8 Q. How long have you been the Director of Judging  
9 Operations?  
10 A. Since July of 2005.  
11 Q. How long have you been with The American Kennel  
12 Club?  
13 A. Since August of '99.  
14 Q. What position did you hold in August of '99?  
15 A. I was an executive field representative. Can  
16 you all hear me okay? I'm just getting over a cold.  
17 Q. I can hear you. The most important person,  
18 though, is that lady there. If you can't hear him at  
19 any time, I ask the court reporter to speak up.  
20 What does a -- what did you do as an executive  
21 field director?  
22 A. The executive field representative.  
23 Q. Representative?  
24 A. Is the representative of The American Kennel  
25 Club in the fields and attends dog shows as a  
0006  
1 facilitator, if you will, to judges, clubs, and  
2 exhibitors. They observe and evaluate judges, among  
3 other duties.  
4 Q. When you say a facilitator, what do you mean by  
5 that?  
6 A. Well, they help people understand the rules and  
7 the policies of The American Kennel Club and help  
8 show-giving clubs implement them.  
9 Q. Where were you employed before August of '99?  
10 A. I was a professional dog handler.  
11 Q. How long were you a professional dog handler  
12 for?  
13 A. I guess I was originally licensed by The  
14 American Kennel Club in 1970 or '71.  
15 Q. What breed did you handle?  
16 A. All breeds.  
17 Q. Have you ever been an American Kennel Club  
18 judge?  
19 A. No.  
20 Q. Do you know Mr. Martin, Philip Martin the  
21 gentleman sitting --  
22 A. I've met him at dog shows.  
23 Q. When you say you've met him at dog shows, have  
24 you just exchanged pleasantries or have you had  
25 substantive conversations with him?  
0007  
1 A. I don't recall that I ever had substantive  
2 conversations. It was just exchange of pleasantries.  
3 Q. Do you know Mr. McCormick, Mr. Martin's  
4 attorney, sitting at the end of the table?  
5 A. Never met the gentleman.  
6 Q. And you and I have never met until today?  
7 A. That's correct.  
8 Q. We have never spoken before, correct?  
9 A. That's correct.  
10 Q. Do you know my client, Mrs. Sandra Teague?  
11 A. I don't recall ever having met her. And I have  
12 to put it that way because I meet and see a lot of  
13 people at dog shows that just, I don't remember. I'm

14 embarrassed to say.

15 Q. Well, you do a lot of -- in your career you've  
16 done a lot of traveling to various shows across the  
17 United States?

18 A. Yes, ma'am.

19 Q. And at those shows there can be hundreds, if not  
20 thousands, of people at those shows, correct?

21 A. That's correct.

22 Q. So you'd have a good reason for perhaps not  
23 recalling everybody you've met in the last 10, 15, 20  
24 years?

25 A. Yes, thank you.

0008

1 MR. MCCORMICK: Object to form.

2 BY MS. POWERS:

3 Q. Prior to today, other than with your attorney,  
4 Mrs. McManus, or anyone from The American Kennel Club  
5 counsel's office, did you speak to anyone before coming  
6 to testify today about the testimony you may give?

7 A. Not really about the testimony. Basically about  
8 pulling together the files. I've spoken to Darrell  
9 Hayes who's the Vice-president of Dog Show Judges to  
10 whom I report directly. And I have spoken to Inez  
11 Maldonado and one or two others in my staff simply to  
12 have them make copies and pull things together. In  
13 addition to that, I was approached by a gentleman Chuck  
14 Whitney who wrote one of the letters that's in the file  
15 and one page of his letter is missing. I was approached  
16 by him last fall at a dog show wanting to know why a  
17 page of his -- one page of his letter was missing. And  
18 I at that point I -- I still have no explanation for  
19 why. All these files are scanned and it could have been  
20 a hiccup in the scanner. And that page was lost, but I  
21 made that explanation to him. That's the only thing I  
22 can think of was that it was a scanning error.

23 Q. Or operator error?

24 A. Right. Part of the scanning process.

25 Q. Anyone else that you've spoken to in regards to

0009

1 the -- strike that. You are aware that Mr. Martin has  
2 brought a lawsuit against Mrs. Teague?

3 A. Yes.

4 Q. Anyone else that you have spoken to about that  
5 matter that we have not discussed?

6 A. Yes. Prior to you appearing in the case,  
7 Mr. Highman, who previously represented Ms. Teague, had  
8 called; and at that point I referred him to our legal  
9 department.

10 Q. Did you have any substantive discussions with  
11 Mr. Highman about the matter?

12 A. No.

13 Q. Anyone else that we haven't discussed?

14 A. No.

15 Q. Have you discussed this matter with Ron Maniker?

16 A. No. I mean, we're talking about this lawsuit?

17 Q. Yes.

18 A. Yes. No.

19 Q. I'm assuming in the course of your everyday  
20 dealings with AKC you have dealt with Mr. Maniker in New  
21 York?

22 A. On occasion.

23 Q. We're here in Raleigh, North Carolina. I  
24 understand this is the center of your judging

25 operations?

0010

1 A. Yes, ma'am.

2 Q. Is this also where the judging applicants and  
3 judges records are physically kept?

4 A. Yes, but they are all -- they are scanned but  
5 they are all -- which means that anybody who has access  
6 to our mainframe can get to them.

7 Q. Could you -- how long has the AKC to your  
8 knowledge used these scanning process to maintain its  
9 records?

10 A. I know that the effort to get everything scanned  
11 has been ongoing, in my department, ongoing over the  
12 past six plus years. And it's only been in the past  
13 year and a half or so that we've managed to get  
14 everything scanned in our department.

15 Q. This is part of your efforts to go paperless in  
16 essence?

17 A. Yes, ma'am.

18 Q. After the documents are scanned into your  
19 system, are they then destroyed?

20 A. They are shredded.

21 Q. Therefore, any document that, for example, the  
22 one page of Mr. Whitney's letter that you referred to,  
23 there is no way other, if it is not scanned into your  
24 system, to recoup that document?

25 A. It is shredded.

0011

1 Q. That would have been shredded in the normal  
2 course of the AKC's business, correct?

3 A. Yes, ma'am.

4 Q. What other operations are here in Raleigh, North  
5 Carolina of the AKC?

6 A. Gosh, we have a compliance department that  
7 handles discipline with respect to people that have  
8 committed other transgressions, lies or fraudulent  
9 registration of dogs. We have our whole registration  
10 department here, and then we have connected operations  
11 like a companion animal recovery is in the building but  
12 it is no longer under the -- I think it is under the  
13 veil but I am not sure it is part of The American Kennel  
14 Club any more.

15 Q. You mentioned --

16 A. I should if I can add to that. We have  
17 obedience which I consider part of the support.  
18 Obedience and performance and events as well which would  
19 be hunting trials and obedience trials.

20 Q. You indicated that earlier that complaints and  
21 discipline are also handled under your direction; is  
22 that correct?

23 A. Yes, ma'am.

24 Q. How many people in your department?

25 A. In house I have just in judging operations,

0012

1 Katie, Cathy, Judith -- five.

2 Q. You mentioned in house. Are there also outside  
3 members?

4 A. Yeah, 18 executive field reps.

5 Q. One thing I'm going to ask you, Mr. Gaeta, is  
6 that you allow me to finish my question. You're doing a  
7 good job of guessing what my question is. But at some  
8 time this may be read, and it is easier for everybody,  
9 including your attorney, that we have the whole question

10 and then your answer.

11 A. Yes, ma'am.

12 Q. You indicated you had in-house people. You also  
13 have outside people who assist AKC in the judging  
14 operations?

15 A. Outside employees. There are 18 executive field  
16 representatives, and they are spread out throughout the  
17 country.

18 Q. Is that one of the positions you held  
19 previously?

20 A. Yes.

21 Q. With the AKC?

22 A. Uh-hum.

23 Q. What position did you hold just prior to being  
24 Director of Judging Operations?

25 A. Executive Field Representative.

0013

1 Q. Did you replace somebody or how did you come to  
2 be promoted to your current position?

3 A. I replaced Maryann Alston.

4 Q. And was her title Director of Judging  
5 Operations?

6 A. Yes.

7 Q. Would she have left then in approximately -- was  
8 there overlap between the two of you on the position?

9 A. Yes.

10 Q. When did she leave the AKC as Director of  
11 Judging Operations?

12 A. She left the end of July of 2005.

13 Q. What role does the Director of Judging  
14 Operations play in the processing of any specific  
15 judge's application?

16 A. The final review or the close review of any,  
17 anything on the application that's confusing; or when an  
18 application, an applicant does not seem to meet the  
19 requirements, my staff will generally bring it to me  
20 during the process of initial screening of it so that we  
21 can catch as many applications that are lacking as we  
22 can as early as possible.

23 Q. If you could, could you please explain to us how  
24 a -- strike that. If you could please explain to us the  
25 process of applying to become an AKC judge.

0014

1 A. Well, the first step is to carry a completed  
2 application to a field rep at the dog show who reviews  
3 it to make sure it is filled out in its entirety and  
4 basically will counsel the applicant with respect to  
5 whether or not it appears -- and we admonish them that  
6 that's what they are talking about, whether or not the  
7 application appears to meet requirements, making sure  
8 the application is filled out completely and that they  
9 meet the components required. They submit that  
10 application along with a procedural test, and an anatomy  
11 test, and they are scheduled once the staff looks at it  
12 and agrees that it looks like they are meeting the  
13 requirements, they'll schedule an interview with a field  
14 rep who will interview them on these new breed  
15 applicants basically with respect to their knowledge of  
16 the sport, rules and procedure. And there's a pretty  
17 good assumption that coming in having met the  
18 requirements they know their breed. Want to make sure  
19 they know the sport and they know the process.

20 Then it goes to a committee. If they pass the

21 interview, it goes to a staff committee and a committee  
22 will look at the file and actually I will explain  
23 anything, the Director of Judging Operations explains  
24 anything that they need to know in the application in  
25 the file. And that committee will vote to decide

0015

1 whether or not the applicant's approved or not. If they  
2 approve it, it goes to publication. If it is approved  
3 by the committee, the committee sends a letter to the  
4 applicant advising them of that approval to that point  
5 and sends them breed tests and tells them that the  
6 application will be published in the AKC Gazette and  
7 that's the official publication and people in the sport  
8 have the opportunity to respond to the publication. And  
9 after 30 days after it's published, then the judge would  
10 get final approval for their provisional status as a  
11 judge, providing that nothing of substance came up in  
12 the response to publication.

13 Q. Who gets to vote on whether or not the applicant  
14 should be published and continued through the process?

15 A. We call that a staff committee. And now, it's  
16 composed of Darrell Hayes, Vice-president of Dog Show  
17 Judges; John Lyons who is our COO; Ron Rolla, who is the  
18 director of publications or something up in New York;  
19 and Jim Crowley, who is our executive secretary.

20 Q. You said -- I noticed you're not on that  
21 committee?

22 A. No. I don't vote.

23 Q. Can you tell me going back to July, August,  
24 September of 2005 who would have been on the committee  
25 that did vote?

0016

1 A. It would be those four gentlemen plus Dennis  
2 Sprung.

3 Q. Could you say that name again?

4 A. Dennis Sprung, S-P-R-U-N-G.

5 Q. And who is Mr. Sprung?

6 A. He is the President of The American Kennel Club.

7 Q. He no longer votes?

8 A. Correct.

9 Q. Is the voting of those committee members secret  
10 or public?

11 A. I'm sorry, I'm not sure I know what you mean.  
12 Is it a secret ballot? No. They vote out loud. Is the  
13 results published? Other than they are approved or not  
14 approved or fully or partially, that's public.

15 Q. But is anyone else present other than possibly a  
16 -- let me finish my question -- at the meeting where the  
17 voting takes place?

18 A. No. It would be those four gentlemen and now it  
19 is me. Prior to my promotion, it was Maryanne Alston.

20 Q. So if I understand you, it would have been,  
21 going back to, depending on the time frame in 2005, it  
22 would have been Darrell Hayes, Mr. Lyons, Mr. Crowley,  
23 and Mr. Sprung and Maryanne Alston?

24 A. And Ron Rella.

25 Q. And Ron Rella?

0017

1 A. Yes. And that's correct. I may have been in  
2 that meeting. If I was, it was my second or third day  
3 in the building. I don't recall being at the meeting  
4 actually.

5 Q. You're now referring to the vote that took place

6 on Mr. Martin's, on Mr. Martin's application, correct?

7 A. The July meeting, yes, ma'am.

8 Q. You have a recollection that you attended that  
9 meeting?

10 A. I'm sorry to say that I don't recall that I was  
11 at that meeting. That was when I -- during a period of  
12 time when I first came in the building. And I don't  
13 know if I was there or not. Don't recall.

14 Q. Does that vote take place physically in the  
15 building where we are in Raleigh?

16 A. It happens, two committee members are here, and  
17 two committee members are in New York.

18 Q. Is it done by teleconferencing or some other  
19 method?

20 A. Teleconferencing.

21 Q. Are there any records or minutes of the AKC who  
22 would indicate who was present at the meeting where  
23 Mr. Martin's application was voted on?

24 A. There would be no minutes but aside from -- I  
25 mean, I could probably go back on the calendar and

0018

1 figure out if I was there. If I was there, I would be  
2 the only change to the attendees that I've given you.

3 Q. You indicated that an executive field rep would  
4 receive the application. Would that be the same  
5 executive field rep that would continue to counsel the  
6 applicant throughout the process, or could there be  
7 different field reps involved in the counseling or  
8 advising the judge applicant?

9 A. It could be a combination of field reps.

10 Q. Did you have any interaction as an executive  
11 field rep with Mr. Martin in his application process to  
12 become an AKC judge?

13 A. No.

14 Q. Do you know who the executive field reps were  
15 that were involved with Mr. Martin in the judging  
16 application process?

17 A. I can look in the file and tell you, but I can't  
18 recall off the top of my head. Would you like me to do  
19 that?

20 Q. Yes. And while you're doing that, you have  
21 graciously made copies of --

22 A. The preapplication was done by our field rep,  
23 Jim Mitchell, who was residing in Tennessee, Memphis,  
24 Tennessee at the time. And Mr. Mitchell also did the  
25 interview.

0019

1 Q. And the way you've learned that is you're  
2 looking at a preapplication interview document that is  
3 stamped June 2, 2005; is that correct?

4 A. Correct.

5 MR. MCCORMICK: Object to form.

6 MS. POWERS: What's wrong with the form?

7 MR. MCCORMICK: Well, I understand we need to  
8 get through it but just take it easy on leading  
9 questions a little bit if you wouldn't mind.

10 MS. POWERS: Okay.

11 BY MS. POWERS:

12 Q. You've indicated to me that Mr. Mitchell -- I'm  
13 sorry, did you tell me that Mr. Mitchell was from  
14 Tennessee?

15 A. Yes.

16 Q. Did Mr. Mitchell, going back to June of 2005

17 have any -- strike that. Are the executive field reps,  
18 do they have a geographical or regional range?

19 A. They are generally assigned to cover dog shows  
20 within a radius of 2- or 300 miles of where they live  
21 unless there's nothing going on there and then they  
22 range farther out.

23 Q. Going back to June of 2005, would there have  
24 been an executive field rep for the state of Florida?

25 A. Yes.

0020

1 Q. Who would that have been?

2 A. Michael Sauve.

3 Q. Could you spell his last name, please?

4 A. S-A-U-V-E.

5 Q. Since Mr. Martin was residing in Florida in June  
6 of 2005 -- strike that. Are the judges assigned a  
7 regional or a field -- excuse me, an executive field  
8 representative in their geographic area?

9 A. No. They are not assigned. They have the  
10 opportunity to select whom they do this preapplication  
11 interview with. And it generally coincides with  
12 convenience for the prospective judge, where they are  
13 showing dogs.

14 Q. Does it have anything to do with -- can you tell  
15 me what correlation, if any, the executive field  
16 representative of the AKC chosen by the applicant might  
17 have in relationship to the breed that the judge was  
18 applying for?

19 A. Well, certainly on the preapplication level, I  
20 can't see where it would make a difference.

21 Q. Does Mr. Mitchell have, what relation -- strike  
22 that. Do you know if Mr. Mitchell has experience in  
23 Doberman Pinschers?

24 A. All of our field reps have extensive background  
25 in this sport. Mr. Mitchell's a judge and he judged a

0021

1 group or two before we hired him. And he was a, he  
2 judged a group and I'm sure he did. He was approved  
3 judge best in show and there's no doubt he saw a number  
4 of Doberman Pinschers in a best in show lineup. All on  
5 the one hand. On the other hand, during a  
6 preapplication interview, what he's looking at is the  
7 worthiness of the application.

8 Q. Do you know if Michael Sauve has any specific  
9 experience, if any, in Doberman Pinschers?

10 A. If you're asking if he lived with them, the  
11 answer would be, I mean, I don't think so. However,  
12 he's been on staff for probably close to 30 years and is  
13 one of our senior field reps.

14 Q. Do you know --

15 A. In fact, I can recall watching Doberman  
16 Pinschers with Michael Sauve at some Florida shows, and  
17 I found him quite knowledgeable about Doberman  
18 Pinschers.

19 Q. Do you know what role, if any, Mr. Sauve played  
20 in Mr. Martin's application process?

21 A. None.

22 Q. Is that what -- when in your experience with the  
23 AKC and as Director of Judging Operations, is that  
24 something you would expect to be the norm in this  
25 situation?

0022

1 A. Is which what I would expect to be the norm?

2 Q. In other words, that Mr. Sauve would not have  
3 any role at all in Mr. Martin's judging application  
4 process?

5 A. I don't find that extraordinary.

6 Q. Is Mr. Sauve still with the AKC?

7 A. Yes.

8 Q. Does his area still include the state of  
9 Florida?

10 A. Yes.

11 Q. I'd just like to take a minute to look at the  
12 documents.

13 (Off-the-record discussion.)

14 (Recess taken from 10:27 to 10:38 a.m.)

15 BY MS. POWERS:

16 Q. Mr. Gaeta, when the applicant's application  
17 comes in and is scanned into your system, are the  
18 accompanying or supporting documentation also scanned  
19 into the system?

20 A. Yes.

21 Q. Your Ms. McManus, The AKC counsel, has been kind  
22 enough to provide us with documents. You were the --  
23 were you the one primarily responsible for gathering  
24 these documents?

25 A. Actually, my department manager, Inez Maldonado.

0023

1 I just asked her to print them.

2 Q. Are you the -- Ms. Maldonado did that at your  
3 direction?

4 A. Yes, ma'am.

5 Q. And she works directly under you in your  
6 position as Director of Judging Operations for the AKC?

7 A. That's correct.

8 Q. Are these documents of the AKC which your  
9 attorney has provided documents which you in your  
10 position as Director of Judging Operations for the AKC  
11 maintain in the ordinary course of business?

12 A. That's correct.

13 Q. Are these true and correct copies of the  
14 documents maintained by the AKC Judging Operations  
15 Department of The American Kennel Club?

16 A. Yes.

17 Q. And the documents that have been provided by  
18 your counsel are the documents for Judge Philip Martin  
19 in his process of applying and becoming a judge for The  
20 American Kennel Club; is that correct?

21 A. Yes.

22 Q. I'd like to attach to this deposition the  
23 documents provided by Ms. McManus as Defendant's  
24 Exhibit 1.

25 MR. MCCORMICK: I'll put an objection on the

0024

1 record as to that.

2 MS. POWERS: And your objection, Mr. McCormick?

3 MR. MCCORMICK: There's clearly documents in  
4 here that weren't created or generated by the AKC. So  
5 they are clearly not business records of the AKC  
6 regardless of what he's testified to here today. So I  
7 don't think that your qualification as business record  
8 encompasses this entire set of documents.

9 MS. POWERS: Okay.

10 (Exhibit 1 marked for identification.)

11 MR. MCCORMICK: For clarification, hearsay would  
12 be the objection.

13 MS. POWERS: Okay.  
14 MS. MCMANUS: Just to be clear these are  
15 documents actually that Mr. Gaeta had pulled. Didn't  
16 come from me, came from Mr. Gaeta.  
17 MS. POWERS: I am sorry. I just meant that you  
18 had helped in the arrangements, Ms. McManus.  
19 MS. MCMANUS: All right. I just want to make  
20 that clear for clarification.  
21 BY MS. POWERS:  
22 Q. Looking at the documents we marked as  
23 Defendant's Exhibit 1 -- strike that.  
24 You've explained to us the general process and  
25 procedure for a judge to apply to become an American

0025  
1 Kennel Club judge. Was the process and procedure that  
2 you explained previously, was that the same process and  
3 procedure that was used in regards to the processing of  
4 the application of Mr. Martin?

5 MR. MCCORMICK: Object to form.

6 THE WITNESS: Yes.

7 BY MS. POWERS:

8 Q. What process or procedure was used in the  
9 processing of the application of Mr. Martin to become  
10 American Kennel Club judge?

11 MR. MCCORMICK: Object to form.

12 THE WITNESS: He presented a, his application to  
13 executive field rep for preapplication interview, which  
14 is done basically spontaneously. They don't have to  
15 have a prior appointment for that. Any field rep at any  
16 dog show they attend is fine. Afterwards, he submitted  
17 that application with his procedure and anatomy tests.  
18 Our office would have reviewed -- did review that  
19 application to ascertain whether or not he met the  
20 requirements. If so, they set up the interview with a  
21 field rep to make sure he understood all the procedures  
22 and the sport from a judging perspective, what was  
23 required from him, understood enough of the rules to be  
24 able to conduct a confirmation report properly, and then  
25 make a report of the field rep's findings and then the

0026  
1 application together with the two reports from the  
2 interviews would be taken to the staff committee. Staff  
3 committee would vote on it -- actually. Let me back up.

4 The whole application is not taken to staff  
5 committee. The interview reports together with the  
6 statement that, from the Director of Judging Operations,  
7 that the applicant meets the requirements is taken on  
8 the new breed application is taken to the staff  
9 committee. And the staff committee approves wholly,  
10 partially or denies the application. And then the  
11 applicant would take a breed test and that is published  
12 in the Gazette for 30 days to give members of the sport,  
13 members of the fancy the opportunity to respond to the  
14 application. And if there is no substantive objection  
15 raised by the fancy, the judges grant a provisional  
16 status.

17 BY MS. POWERS:

18 Q. Do you know who was the Director of Judging  
19 Operations who recommended Mr. Martin's application?

20 A. Maryanne Alston.

21 Q. Who do you know -- how are you aware of that?

22 A. Because Mr. Martin's application went to the  
23 July committee, and I didn't come into the office until

24 July. So his application was processed wholly before  
25 the end of June.

0027

1 Q. As I understand the method by which an applicant  
2 could seek to become an American Kennel Club judge that  
3 was in existence in June, July, August, September of  
4 2005, there was more than one method for the judge to  
5 seek approval, correct?

6 A. Yes.

7 Q. What were those methods?

8 A. There was a 12-5-4 method which required 12  
9 years of involvement in the sport of confirmation and  
10 having bred five litters that produced four champions.  
11 And then there were other requirements that were generic  
12 and common to both. They had to have ring stewarded six  
13 times, and they had to have judged six times at matches,  
14 sweepstakes, things like that.

15 Q. And what was one of the other methods by which a  
16 judge could seek?

17 A. It was called the 60-point method. And judges  
18 had to accumulate 60 points by doing various things that  
19 related to the sport that were less hands-on, so to  
20 speak, than breeding five litters that produced four  
21 champions.

22 Q. In the documents that you have produced, I have  
23 noticed that there are two applications for Mr. Martin.  
24 One is 12-5-4 New Breed Specific which bears a  
25 signature, a date next to Mr. Martin's signature of June

0028

1 2, 2005. It is closer to the top.

2 A. Okay.

3 Q. Immediately following that application there is  
4 a 60-point application that appears to bear  
5 Mr. Mitchell's stamp of 3 May 2005; is that correct?

6 A. Yes, ma'am.

7 Q. Can you -- can you tell me what date appears to  
8 be on that application on the final page?

9 A. On the final page? Looks like it is struck  
10 over. Looks like 3/15/05.

11 Q. Do you know?

12 A. Or could be 2/15/05. It is hard to read.

13 Q. And you no longer have the original one so we  
14 might see it better, correct?

15 A. No.

16 Q. Do you know under which application was  
17 processed for Mr. Martin, whether it was the 60-point or  
18 the 12-5-4?

19 A. Well, there's a note at the top of this  
20 application that says he meets the 12-5-4 requirements  
21 so I would assume that the 60-point addendum is just  
22 overkill.

23 Q. Where you're noting that -- what document are  
24 you looking at?

25 A. The document that's stamped May 3, '05.

0029

1 Q. Okay.

2 A. Did you see that?

3 Q. Yes. Now I see. You were referring to the  
4 handwritten note on the upper right-hand corner above  
5 the word Doberman, correct?

6 A. Yes, ma'am.

7 Q. Do you know whose handwriting that is that  
8 indicates "eligible on 12-5-4"?

9 A. I am not sure but I'm assuming it was somebody  
10 in house, because typically the field reps don't write  
11 on the application. We frustrate that.

12 Q. If I could direct your attention to the 12-5-4  
13 application, about halfway down the page there is some  
14 handwriting on the far right margin. Number one, do you  
15 recognize that handwriting?

16 A. I do not.

17 Q. Can you tell us what it says?

18 A. I see a 5/96. I cannot read what's above that.  
19 And I see one below. The rest of it is totally  
20 illegible to me.

21 Q. There are a series of documents in the package  
22 that you have provided that start off with, appears to  
23 be either, I would call it, articles of Fillmore  
24 Dobermans with the name Philip Martin. Is that  
25 contained in the documents which you've provided us?

0030

1 A. Yes.

2 Q. What relevance, if any, do these documents play  
3 in the or did they play in the application process of  
4 Mr. Martin to become a provisional judge?

5 MR. MCCORMICK: Object to form.

6 THE WITNESS: This was received during the  
7 response period following publication. And this is  
8 where the application came to my attention, because the  
9 articles refer to Mr. Martin's account of his history in  
10 dogs.

11 BY MS. POWERS:

12 Q. Did you personally review the article that I'm  
13 referring to that's titled "Phil-Mar Dobermans, Philip  
14 Martin"?

15 A. Yes.

16 Q. And what, if any, information did you gather  
17 from reading these, this article?

18 A. That he acquired his first Doberman Pinscher in  
19 July of 1996.

20 Q. Based on the information that you read in this  
21 article, did that give you any indication whether or not  
22 Mr. Martin met the 12 years in the sport under the  
23 12-5-4 application process?

24 A. In July of 1996 that was nine years prior to his  
25 application, which does not meet the 12-year

0031

1 requirement.

2 Q. Do you have any understanding, if any, what  
3 Phil-Mar Dobermans is?

4 A. Phil-Mar is a kennel name.

5 Q. By his, who are you referring to?

6 A. Mr. Martin's and that's my assumption.

7 Q. Is that something -- strike that. How have you  
8 gained that knowledge that Phil-Mar Dobermans is  
9 Mr. Martin's kennel?

10 A. Well, his reference in this magazine article,  
11 and it is a composite of his name, Phil and Mar. And  
12 this is common in the sport.

13 Q. Directing your attention to a letter dated  
14 September 1, 2005, it is about 10 pages or so from the  
15 end.

16 A. Yes.

17 MS. MCMANUS: Could you identify it more  
18 clearly?

19 BY MS. POWERS:

20 Q. Could you please identify what the letter of  
21 September 1, 2005 is? who is it to and who is it from?  
22 A. This is a letter to Mr. Martin advising him that  
23 it did not appear that he met the 12 years in the sport  
24 for approval to judge, and I think this letter was  
25 retrieved from the mail and never sent to him.

0032

1 Q. How do you know that it was retrieved from the  
2 mail and never sent to him?  
3 A. I was told that.  
4 Q. who told you that?  
5 A. I'm not sure. Because at this point there are a  
6 lot of people involved. It may have been one of my  
7 staff members was told to go down and pull it.  
8 Q. When were you told that this letter was not sent  
9 out?  
10 A. On the same day, on that same day. That it was  
11 not to be sent, yes.

12 Q. On September 1, 2005, did you sign an original  
13 of the letter which we are looking at a photocopy on  
14 American Kennel Club stationery, a letter directed to  
15 Mr. Philip N. Martin sent by you, Peter A. Gaeta,  
16 Director of Judging Operations?

17 A. Yes.

18 Q. And it is your understanding that that letter  
19 was retrieved?

20 A. Yes.

21 Q. When you've indicated -- strike that. When were  
22 you told that this letter was retrieved and not sent  
23 out?

24 A. On the same day.

25 Q. Do you recall who told you that the letter was

0033

1 retrieved and not sent?

2 A. It was or was to be John Lyons and maybe one of  
3 my staff members.

4 Q. What was John Lyons' position on September 1,  
5 2005?

6 A. John Lyons is the Chief Operating Officer.

7 Q. What, if anything, did Mr. Lyons tell you about  
8 your letter not going out on September 1?

9 A. That since Mr. Martin had already been advised  
10 that he had been approved and that there had to be  
11 other -- had to be other information in the file  
12 including somewhere it surfaced that he had experience  
13 as a youngster in obedience; and on the basis of those  
14 two matters, he was going to be approved.

15 Q. On September 1, 2005, based upon all the  
16 information that had been supplied to the American  
17 Kennel Club, was it your position as Director of Judging  
18 Operations at the time that you signed the letter dated  
19 September 1st that Mr. Martin did not meet the  
20 qualifications to be an American Kennel Club judge?

21 A. It was my opinion then that he did not have the  
22 12 years, the minimum 12 years required in the  
23 confirmation, yes.

24 Q. Do you know -- you've mentioned that Mr. Lyons  
25 told you that Mr. Martin had already been told that he

0034

1 had been approved. Did I understand your testimony  
2 correctly?

3 A. Yes.

4 Q. Who told Mr. Martin that he had been approved?

5 A. There's a letter in this file, signed by Darrell  
6 Hayes.

7 Q. Could you please tell us what letter you're  
8 referring to?

9 A. Letter of July 26.

10 Q. Directed to whom?

11 A. To Mr. Martin.

12 Q. And signed by whom?

13 A. Darrell Hayes.

14 Q. I notice that your letter of September 1 was  
15 scanned in on the American Kennel Club stationery,  
16 correct?

17 A. Yes.

18 Q. I notice that Mr. Hayes' letter doesn't have the  
19 American Kennel Club stationery. Can you explain that  
20 for us?

21 A. Because I'm lazy. I make two copies right off  
22 my printer when I write letters. And Darrell's letters  
23 are done by somebody else and they make his copy on a  
24 plain piece of blue paper. And, you know, I just send  
25 one to a file on white paper and one to whoever the

0035  
1 letter's addressed to.

2 Q. So it is a matter of different office procedure?

3 A. Uh-hum.

4 Q. I'm trying to understand.

5 A. Somebody else types Darrell's letters.

6 Q. You type your own?

7 A. I type my own letters. And I don't do a white  
8 one and then change the paper and do a blue one. I just  
9 do two white ones. And the white ones end up with the  
10 logo on it.

11 Q. Going back now to July of 2006, were you already  
12 physically in the building that were are in now, meaning  
13 you had already come here to Raleigh to work?

14 A. Yes. I was physically in the building.

15 Q. Is it your understanding that either on or  
16 before July 26, 2005 that Mr. Martin had been notified  
17 that his application had been approved?

18 A. Prior to or on? That's essentially what this  
19 letter does. This letter is a combination. It was  
20 aimed at doing two things. It was aimed at advising,  
21 advising the applicant that they passed the breed  
22 standard test -- and then -- and telling them that the  
23 website would be updated notice on September 1. That  
24 would have been following publication and getting the  
25 response to that publication. However, it is jumping

0036  
1 the gun because there's an assumption there that there's  
2 not going to be any adverse response to the publication.

3 Q. The AKC Gazette is your organization magazine,  
4 correct?

5 A. Yes, ma'am.

6 Q. Do you publish that in house?

7 A. I don't know where it is printed but it is our  
8 publication, yes.

9 Q. I was going to ask you. Is it published here in  
10 Raleigh, if you know?

11 A. I don't know.

12 Q. Do you know how much lead time you need to give  
13 whoever does the actual printing in order to have  
14 information inserted into the Gazette?

15 A. Yeah. I do know that this, an application that

16 was approved by the staff committee in July would be  
17 published in August, the August Gazette.

18 Q. This indicates that it was going to be -- Mr.  
19 Hayes indicates it is going to be published in the  
20 September Gazette?

21 A. Well, his application would be published in the  
22 August Gazette. And his final approval would be  
23 published in the September Gazette.

24 Q. I want to make sure I understand something you  
25 said Mr. Gaeta, and please correct me if I'm wrong.

0037

1 Were you indicating that Mr. Hayes' letter of July 26,  
2 2005 to Mr. Martin, in your opinion as Director of  
3 Judging Operations, quote, jumped the gun in the judging  
4 application process?

5 A. No. I don't think -- this was the way it was  
6 done then. They would send out one letter in response  
7 to having received the test, the breed standard test.  
8 And they were just cutting a corner. And when I saw  
9 this, I had just come into the office. When I signed  
10 this I stopped that. And now this letter is no longer  
11 is used. I use a similar letter, but the letter says:  
12 Thank you, congratulations, you just passed your test.  
13 And we will advise you at the end of 30 days we'll let  
14 you know your status.

15 Q. And what reason, if any, is for the 30 days in  
16 your letter?

17 A. To give the people, the fancy, the opportunity  
18 to respond.

19 Q. Do you need to take a break?

20 A. No, I'm fine. It won't get better.  
21 (Off-the-record discussion.)

22 Q. As I under -- the publication in the Gazette,  
23 what is the purpose of publicizing a judge's name or  
24 judge applicant's name in the AKC Gazette?

25 A. It is to give members of the fancy who know the

0038

1 judge or know of the judge to express their displeasure  
2 or their glee with the application.

3 Q. Is that -- what part, if any, does that play in  
4 the application process?

5 A. If something -- if information is developed from  
6 those letters that is of substance that would warrant  
7 investigation or that contradicts information on the  
8 application, it could hold up or result in a denial of  
9 the application.

10 Q. Does the American Kennel Club -- strike that. I  
11 would like to show you, after I've shown your counsel,  
12 what was previously marked as Defendant's Exhibit 2 of  
13 the deposition of Philip Martin on August 14, 2007.  
14 Ms. McManus, if you would show that also to  
15 Mr. McCormick.

16 MR. MCCORMICK: What was that number again,  
17 Denise?

18 MS. POWERS: This was Exhibit 2 to Mr. Martin's  
19 deposition, and I'll also have it marked as Exhibit 2 to  
20 this deposition, please.

21 (Defendant's Gaeta Exhibit 2 marked for  
22 identification.)

23 BY MS. POWERS:

24 Q. I'm going to show you what has been marked as  
25 Exhibit 2 to your deposition and ask you to look at it,

0039

1 please.  
2 (Off-the-record discussion.)  
3 BY MS. POWERS:  
4 Q. Have you had the opportunity to look at that  
5 exhibit, Mr. Gaeta?  
6 A. Yes, yes.  
7 Q. What is that exhibit?  
8 A. This is the publication of the acceptance, so to  
9 speak, of Mr. Martin's application. And this starts the  
10 period whereby concerned exhibitors can write.  
11 Q. Can write to do what?  
12 A. Write to support or express concern over the  
13 application.  
14 Q. And who receives -- who is on the AKC Gazette  
15 mailing list?  
16 A. Well, people subscribe to this magazine.  
17 Q. Do members of the organization, members of The  
18 American Kennel Club, receive this as part of their club  
19 membership?  
20 A. No. There are no individual members of The  
21 American Kennel Club, only clubs are members of The  
22 American Kennel Club. The Gazette would be sent to  
23 employees plus other folks who subscribe to the  
24 magazine.  
25 Q. I want to understand. Could I as an individual  
0040  
1 subscribe to the American Kennel Club Gazette?  
2 A. Yes.  
3 Q. And what is the person of publishing of the  
4 judge's name?  
5 A. To allow members of the fancy some input into  
6 the approval process.  
7 Q. And in the case of -- strike that. In regards  
8 to judges other than Mr. Martin, in your experience as  
9 Director of Judging Operations what is your experience  
10 in regards to response to the publication of a judge's  
11 name?  
12 A. Are you asking me do we get it? Do we get much?  
13 Q. I want to know what have you seen? Do you get  
14 any, do you get much? What have you seen?  
15 A. Yeah, we'll get maybe a half a dozen letters a  
16 month and most of them are -- most of the letters would  
17 be characterized by things that are really not relevant  
18 to the application or the process, the worthiness of the  
19 applicant to judge.  
20 Q. Do some judges get no response whatsoever?  
21 A. Yes. Probably the majority no response.  
22 Q. Have you, in your experience as Director of  
23 Judging Operations, have you seen any pattern where  
24 you're more likely to get favorable opinions versus  
25 unfavorable ones or have you seen any type of pattern  
0041  
1 whatsoever?  
2 A. No. That's probably 50/50.  
3 Q. And do the letters which are received by the  
4 American Kennel Club, do those form part of the judge's  
5 file?  
6 A. They are retained in the file, but unless they  
7 have anything -- letters that don't have anything to do  
8 with the judge's performance or qualification,  
9 qualifications to judge, never come into play.  
10 Q. But they are retained nonetheless?  
11 A. They are retained.

12 Q. Are the -- and going back now my reference is to  
13 the time period of July, August, September of 2005, are  
14 the letters that are received in response to the  
15 publication of the judge's name provided to the judge  
16 applicant?

17 A. Are those letters provided to them?

18 Q. Yes, sir.

19 A. No.

20 Q. Is a judge applicant entitled to a copy of those  
21 letters should he or she wish?

22 A. Anything that relates to their performance in  
23 the ring, any letters relating to their performance in  
24 the ring or their qualifications we'll make available to  
25 them.

0042

1 Q. At any time has Mr. Martin either directly or  
2 indirectly through his attorney or through someone else  
3 sought copies of the contents of his judging file?

4 A. He and I had two telephone conversations, and I  
5 cannot recall that he asked for copies. But I can  
6 assume so but not after my assumption. I mean, I assume  
7 he's requested copies. Some things would not be  
8 provided to him.

9 Q. What would not have been provided to him?

10 A. Letters that didn't like him, and that was  
11 simply the ground, essentially the grounds for the  
12 letter. We don't entertain that at all.

13 Q. Let me go back so I can understand. When were  
14 your telephone conversations with Mr. Martin?

15 A. Probably late August leading up to beginning of  
16 September.

17 Q. Of the year 2005?

18 A. Correct.

19 Q. Since August, September of 2005 have you had any  
20 telephone conversations with Mr. Martin?

21 A. No.

22 Q. Since August, September of 2005 have you had any  
23 telephone conversations with anyone on Mr. Martin's  
24 behalf including his attorney, Mr. McCormick?

25 A. No.

0043

1 Q. What was the substance of the two conversations  
2 that you recall?

3 A. I wanted to let Mr. Martin know what I had  
4 decided to do as a courtesy to him.

5 Q. When you say what you had decided to do?

6 A. That we were going to hold up the application.

7 Q. Did you call him or did he call you?

8 A. I'm sure I called him. He would have no reason  
9 to call me. He wouldn't know.

10 Q. And was that in your first or second or in both  
11 conversations with Mr. Martin?

12 A. First time I called him. I think the second  
13 time he called me. And we discussed it and, needless to  
14 say, he was disappointed.

15 Q. In any of these calls did he provide you with  
16 any further information?

17 A. He referenced prior experience as a young man in  
18 obedience.

19 Q. In August of 2005, in your opinion, did his  
20 experience in obedience qualify him under the 12-5-4  
21 application process to become an AKC judge?

22 A. You're asking me in my opinion?

23 Q. In your opinion in August of 2005?  
24 A. In my opinion it did not meet the requirements.  
25 Q. Did Mr. Martin -- strike that. What else, if

0044

1 anything, do you recall from your conversations with  
2 Mr. Martin?

3 A. Not much. I think he referenced taking it to  
4 his attorney and that was -- when he did that, I just  
5 said -- I referenced that I responded that he could have  
6 his attorney contact our attorney.

7 Q. It is your recollection that in the second  
8 conversation Mr. Martin indicated that he would be  
9 contacting an attorney to do something about disputing  
10 the fact that, in your opinion, he wasn't qualified?

11 MR. MCCORMICK: Object to form.

12 BY MS. POWERS:

13 Q. Is that -- have I correctly summarized that  
14 conversation?

15 MR. MCCORMICK: Object to form.

16 THE WITNESS: No, he simply said he would be  
17 talking to his attorney.

18 BY MS. POWERS:

19 Q. What, if anything, did you do after that  
20 conversation?

21 A. I let Darrell Hayes know what was going on, and  
22 I think Darrell and I or somewhere along the line that's  
23 about the time that I let John Lyons know where this was  
24 going.

25 Q. What do you mean by the term "where this was

0045

1 going"?

2 A. Oh, that Mr. Martin may be contesting this  
3 legally.

4 Q. Do you have any recollection as to exactly when  
5 this conversation took place?

6 A. It had to be in just days prior to my September  
7 1st letter.

8 Q. Do you recall whether it was before or after  
9 July 26, 2005?

10 A. Definitely it was after July. It had to be late  
11 in August.

12 Q. Mr. Gaeta, I'd like to ask you whether or not  
13 you -- I don't want to know the substance of any  
14 conversations you had with any attorneys representing  
15 the American Kennel Club. I just want to know, did you  
16 call any attorney in the American Kennel Club after your  
17 conversation with Mr. Martin?

18 A. No.

19 Q. I think I've asked you this already and I'm  
20 sorry if I have. From that period of time, late August,  
21 2005 to today, did you ever have any further  
22 conversations with Mr. Martin?

23 A. Yes.

24 Q. When were your conversations with Mr. Martin?

25 A. I saw him couple of months in a dog show, and he

0046

1 said, "Hi, how are you, Mr. Gaeta?" I said, "Fine, it  
2 is nice to see you."

3 Q. We talked earlier, the pleasantries?

4 A. Uh-hum.

5 Q. Other than the pleasantries, since then you  
6 never had any other further conversations?

7 A. No.

8 Q. With Mr. Martin, correct?  
9 A. No. That's correct.  
10 Q. Has Mr. -- going back now to the time frame of  
11 late August, September, 2005 did you have any further  
12 conversations -- or strike that. What conversations, if  
13 any, did you have with Mr. Hayes regarding Mr. Martin's  
14 application?  
15 A. This is during the time frame of?  
16 Q. This is before September 1st that we are  
17 talking, late August?  
18 A. I discussed the situation and told him what I  
19 planned on doing.  
20 Q. And what, if anything, did you say you were  
21 planning on doing?  
22 A. That I was going to write Mr. Martin and advise  
23 him that he didn't appear to meet the requirements, that  
24 he didn't meet the requirements and he wasn't going to  
25 get approved.

0047  
1 Q. And what response, if any, did Mr. Hayes give  
2 you?  
3 A. Darrell was supportive of me.  
4 Q. Was it your impression after speaking with Mr.  
5 Hayes in late August of 2005 -- is that the correct time  
6 frame are we talking about --  
7 A. Yes.  
8 Q. -- that Mr. Hayes, who was your supervisor,  
9 agreed with your opinion that Mr. Martin did not meet  
10 the 12-5-4 standard for a judge?  
11 MR. MCCORMICK: Object to form.  
12 THE WITNESS: Yes.  
13 BY MS. POWERS:  
14 Q. What opinion, if any, did Mr. Hayes express to  
15 you in regards to whether or not Mr. Martin met the  
16 12-5-4 standard in August of 2005?  
17 MR. MCCORMICK: Object to form.  
18 THE WITNESS: He agreed with me that he did not  
19 meet the 12 years in confirmation.

20 BY MS. POWERS:  
21 Q. Can you explain to us what "confirmation" means?  
22 A. By contrast, we have obedience events where dogs  
23 sit, stay, heel, go over jumps and things. We have  
24 performance events where dogs hunt in field. And we  
25 have confirmation whereby dogs are judged against their

0048  
1 individual breed standards, and it is what they look  
2 like and how they move and how they conform to the  
3 standard.  
4 Q. And is there a breakdown, if any, for judges in  
5 the different areas you just discussed: confirmation,  
6 obedience, field trials?  
7 A. Is there a breakdown? What are you asking?  
8 Q. Can you explain to me what the judging process  
9 in very, very general terms, how those events are  
10 judged? Who judges them?  
11 A. They are all judged by approved, by judges  
12 approved by the American Kennel Club. In confirmation,  
13 which is the venue we are talking about, we are  
14 concerned with how the dogs look and how they move. In  
15 obedience, it is how well they obey and do what they are  
16 trained to do.  
17 Q. Let me try phrasing it another way. I'm trying  
18 not to give you a leading question. Are they the same

19 judges in all the fields of obedience, performance and  
20 confirmation?

21 A. No, no.

22 Q. You talked about the venue we are here about  
23 today. What was Mr. Martin applying to be in 2005?

24 A. A confirmation judge.

25 Q. And going back to 2005, was it your opinion that

0049

1 Mr. Martin needed 12 years in confirmation in order to  
2 meet the AKC judging requirements under the 12-5-4 in  
3 order to be an approved confirmation judge?

4 A. Yes.

5 Q. Did I say that right?

6 A. I'm impressed.

7 (Off-the-record discussion.)

8 (Recess taken from 11:30 to 11:34 a.m.)

9 BY MS. POWERS:

10 Q. Mr. Gaeta, going back to late August of 2005  
11 after your conversations with Mr. Martin, what was the  
12 substance of any of your conversations with Mr. Lyons?

13 A. We talked about the assumption that experience  
14 in the sport had to be in confirmation, and I think  
15 Mr. Lyons called the director in obedience or his  
16 assistant and just out of the blue asked judges applying  
17 for approval to judge obedience, what were they looking  
18 for, what kind of experience was required? And they  
19 said obviously, you know, experience in obedience,  
20 exhibiting obedience. And it was just an assumption  
21 that was made. And we also talked about the fact that  
22 we had the -- this letter going out, the letter that  
23 went out over Darrell Hayes' signature was going out and  
24 doing double duty and jumping the gun, so to speak,  
25 going out too soon. Those were the two things we talked

0050

1 about.

2 Q. Did you get any indication if anything what  
3 Mr. Lyons -- strike that.

4 Did Mr. Lyons give you any indication what, if  
5 anything, he was going to do in regards to Mr. Martin's  
6 application?

7 MR. MCCORMICK: Object to form.

8 THE WITNESS: No, he told me that we were going  
9 to have to approve it.

10 BY MS. POWERS:

11 Q. Why did he tell you you were going to have to  
12 approve it?

13 A. For the two reasons I just mentioned that I told  
14 him in this July 26 letter; that he would be eligible to  
15 accept assignments after September 1, 2005, and because  
16 of the ambiguity in the requirement, that it didn't  
17 spell out explicitly experience in confirmation.

18 Q. Looking at Mr. Martin's application which has  
19 the 12-5-4 on it what, if anything, is indicated under  
20 the 12-5-4 in that application?

21 A. His name, the breed.

22 Q. No, under the letters, under the numbers 12-5-4?

23 A. New breed specific.

24 Q. Judges, as I understand judges, start off by  
25 applying to be judges in individual breeds; is that

0051

1 correct?

2 A. They do at every level, yes.

3 Q. And, for example, should a judge like Mr. Martin

4 or any other judge want to expand their judging, what  
5 process or procedure would they have used in July,  
6 August of 2005?

7 A. To get breeds after the first breed?

8 Q. Yes, sir.

9 A. The process would be practically the same, but  
10 the requirements would be different.

11 Q. And the application did indicate that it was a  
12 new breed specific application and that -- strike that.

13 In the documents that you have produced we don't  
14 have any of Mr. Martin's judging sheets when he actually  
15 was a judge; is that correct?

16 A. That's correct.

17 Q. Where are those physically maintained?

18 A. Those are maintained in events and event records  
19 which is a separate department.

20 Q. Where is that department physically?

21 A. It is on the second floor here in Raleigh. It  
22 is adjacent to my department.

23 Q. What department? What is that department  
24 called?

25 A. Event records.

0052

1 Q. Does event records -- strike that. What  
2 relation, if any, does event records have to judging  
3 operations?

4 A. Practically nothing.

5 Q. Who is in charge of event records?

6 A. Robin Stancill is the vice president and Maria  
7 Robinson oversees that department.

8 Q. What department handles complaints regarding  
9 judges?

10 A. Mine.

11 Q. In the documents that you have in front of you,  
12 Defendant's Exhibit 1 -- strike that. I have a  
13 question. Do you know why, if you could look at  
14 Mr. Martin's new breed questionnaire which bears a stamp  
15 of May 23, 2005?

16 A. Yes.

17 Q. I notice at the top of that it says care of  
18 Maryanne Alston?

19 A. Uh-hum.

20 Q. Is that a yes?

21 A. Yes.

22 Q. Do you know whose handwriting that is?

23 A. No.

24 Q. You as Director of Judging Operations receive --  
25 what, if anything, did you as Director of Judging

0053

1 Operations receive after the publication of Mr. Martin's  
2 name in the AKC Gazette?

3 A. Several letters regarding his publication.

4 Q. In the course of your -- in your position as  
5 Director of Judging Operations, what responsibilities,  
6 if any, do you have to respond to those letters?

7 A. I respond to most of them. I have someone else  
8 in there, Darrell Hayes, respond to some. My staff  
9 members respond to some. We respond to all of them one  
10 way or another.

11 Q. Do you know Mr. Jeffrey Brucker?

12 A. I know who he is, yes.

13 Q. Who is Mr. Brucker?

14 A. A professional handler.

15 Q. In your letter of September 8 -- strike that.  
16 Did you prepare the response to Mr. Brucker's letter?

17 A. Yes.

18 Q. By September 8, 2005 had the AKC already made a  
19 decision in regards to Mr. Martin's application?

20 A. I believe so.

21 Q. Did the consideration -- did Mr. Martin's  
22 consideration of reference legal counsel, consulting of  
23 legal counsel, play any part in the decision that the  
24 AKC made?

25 A. You mean to approve his application?

0054

1 Q. Yes, sir.

2 A. Not as far as I know.

3 Q. Who is Charles R. Whitney?

4 A. A former judge and exhibitor. He lives down in  
5 the Florida area. Doberman Pinscher exhibitor.

6 Q. We do not have the first page of or anything  
7 other than the signature page of Mr. Whitney's letter,  
8 correct?

9 A. Right.

10 Q. Do you have any recollection as you sit here now  
11 as to the substance of Mr. Whitney's letter?

12 MR. MCCORMICK: Object to form.

13 THE WITNESS: As I recall, I know Mr. Whitney  
14 and I know his wife and her letter is in here as well.

15 And his letter was very similar to hers. I was  
16 surprised they didn't both sign one. I recall that when  
17 I read the letter.

18 BY MS. POWERS:

19 Q. And you're referring to Mrs. Linda M. Whitney  
20 being Charles Whitney's wife?

21 A. Yes.

22 Q. What efforts, if any, did you make in order to  
23 find the prior pages to Mr. Whitney's letter?

24 A. We looked in his file to see if it was something  
25 that wasn't scanned in his file, see if it was a failure

0055

1 to print and it simply doesn't exist.

2 Q. Did you do anything else?

3 A. No.

4 Q. Do you know Ms. Tamara Reibhold?

5 A. Do I know her? No.

6 Q. What is a bench?

7 A. A bench?

8 Q. In the AKC judging world?

9 A. Well, we used to call these bench shows. All  
10 dog shows had benches built up where dogs were on  
11 display when they weren't in the ring. And they had to  
12 be there for the duration of the show. And the name  
13 stuck, bench shows. But they are no longer benched,  
14 with the exception of a few around the country.  
15 Exhibitors can come and go, take their dogs.

16 Q. The AKC has a field representative, a Mr. Herr,  
17 H-E-R-R?

18 A. Lee Herr, yes.

19 Q. Do you know what interaction, if any, Mr. Herr  
20 has had with Mr. Martin?

21 A. I have no idea. He may have observed him at one  
22 time or another here. Mr. Herr was not a field rep when  
23 Mr. Martin applied.

24 Q. What is Mr. Herr's current position?

25 A. Executive field rep and lives in Arizona.

0056

1 Q. What was his prior position to executive field  
2 rep?

3 A. I think he ran the family farm and he was a dog  
4 show judge.

5 Q. What is a bench hearing?

6 A. A corruption of the terminology we use now. It  
7 is now called an event hearing. It used to be called a  
8 bench show hearing. That's because dog shows used to be  
9 called bench shows. And so when you're as old as I am  
10 you call them -- you have a hard time relearning the  
11 terminology. There are bench show hearings. When  
12 someone is accused of misconduct, they call an event  
13 hearing and they are still mistakenly referred to as  
14 bench hearings, bench show hearings.

15 Q. What information, if any, did you as Director of  
16 Judging Operations receive in regards to Mr. Martin's  
17 temper or intemperate behavior in response to the  
18 publishing of his name in the AKC Gazette?

19 MR. MCCORMICK: Object to form.

20 THE WITNESS: Help me understand that.

21 BY MS. POWERS:

22 Q. You received various letters regarding  
23 Mr. Martin, correct?

24 A. Uh-hum.

25 Q. And those letters were sent in response to the

0057

1 publication of Mr. Martin's name as a potential judge in  
2 the Gazette, correct?

3 A. Right.

4 MR. MCCORMICK: Object to form.

5 BY MS. POWERS:

6 Q. Did you see -- what information, if any, did you  
7 receive about Mr. Martin's behavior at dog shows?

8 A. Well, I had complaints regarding his behavior  
9 and unsportsmanlike conduct.

10 Q. What relevance, if any, would Mr. Martin's  
11 behavior unsportsmanlike behavior have for the AKC?

12 MR. MCCORMICK: Object to the form.

13 THE WITNESS: You're asking two questions and I  
14 don't think you realize it. With respect to -- if  
15 you're asking about his with respect to his application  
16 to judge, none.

17 BY MS. POWERS:

18 Q. Would Mr. Martin's unsportsmanlike conduct play  
19 any role in his application, the application process to  
20 be approved as an AKC judge?

21 A. No.

22 Q. Why is that?

23 A. It is his conduct at dog shows is a matter to be  
24 considered on the day at an event hearing. If it is not  
25 done then, as far as we're concerned, it didn't exist.

0058

1 Q. The AKC has a published pamphlet on rules,  
2 policies and guidelines for confirmation dog show  
3 judges. Correct?

4 A. Correct.

5 Q. I'd like to show you what I'm going to have  
6 marked as Exhibit 3 to your deposition.

7 (Defendant's Gaeta Exhibit 3 marked for  
8 identification.)

9 MR. MCCORMICK: Did you make extra copies?

10 MS. POWERS: I don't have extra copies because.

11 MR. MCCORMICK: No, I got that one.  
12 (Off-the-record discussion.)  
13 BY MS. POWERS:  
14 Q. Looking at what's been marked as Exhibit 3, do  
15 you recognize that document, sir?  
16 A. Yeah. I recognize this document. I wrote it at  
17 the beginning of this year.  
18 Q. And was there -- if I could have that back, was  
19 there a prior document in existence?  
20 A. Yes.  
21 Q. For the American Kennel Club before the one that  
22 bears a date revised September of 2007?  
23 A. Yes.  
24 Q. The document has several parts, correct?  
25 A. Yes.

0059

1 Q. Did you revise the Code of Sportsmanship that is  
2 on the undated pages before the table of contents?  
3 A. No. This was a done by the Board of Directors  
4 sometime prior.  
5 Q. Was that Code of Sportsmanship in existence in  
6 2005?  
7 A. I don't remember when it came into existence.  
8 It may have been.  
9 Q. Do you agree that the Code of Sportsmanship is  
10 an affirmation of how registrants and participants  
11 should behave and violations will be handled pursuant to  
12 the Charter and Bylaws and the Dealing With Mixed  
13 Conduct At AKC Events Booklet?  
14 A. Yes.  
15 Q. Are judges given copies of Rules, Policies and  
16 Guidelines For Confirmation Dog Show Judges?  
17 A. Yes.  
18 Q. They would be given the one in existence at the  
19 time they are approved to be judges?  
20 A. Yes.  
21 Q. Are they sent -- what, if anything, happens when  
22 the booklet is updated?  
23 A. They are all sent a new copy.  
24 Q. Directing your attention to page 2 of the  
25 document, page that says, "Ethics, Honesty and Common

0060

1 Sense." Did you write or revise or make any -- what  
2 part, if any, did you have on page 2 of that document in  
3 that section?  
4 A. I rewrote a lot of it, but I think most of it  
5 was wordsmithing.  
6 Q. You put your personal touch on it?  
7 A. Yes.  
8 Q. Going back to 2005, 2006 and earlier 2007, can  
9 you tell me what change, if any, in "Ethics, Honesty and  
10 Common Sense" was made to those substantive sections?  
11 A. I don't think there are any substantive changes.  
12 I think maybe some specific no-no's were written out but  
13 the spirit of it was retained.  
14 Q. This booklet actually has a section on gray  
15 areas; is that correct?  
16 A. Yes.  
17 Q. Was this a new section in this pamphlet or  
18 booklet or was it there previous and prior editions?  
19 A. There was always a section on gray areas.  
20 Q. You indicated that previously that you added  
21 some examples to the ethics and common sense section?

22 A. No. Actually I indicated that we took some of  
23 them out.

24 Q. You took some of them out. What, if anything,  
25 after the examples, what is indicated in reference to

0061  
1 this section in the last paragraph above conflict of  
2 interest?

3 A. Where it says, "These are only examples. The  
4 key is to avoid all situations that are likely to give  
5 the impression of impropriety"? Is that what you're  
6 talking about?

7 Q. Yes.

8 A. And what are you asking me about that?

9 Q. What does that say? Could you read it please?

10 A. "The key is to avoid all situations that are  
11 likely to give the impression of impropriety. You must  
12 do everything possible to keep your reputation above  
13 reproach."

14 Q. Since you became Director of Judging Operations,  
15 what changes, if any, have been made in the approval  
16 process for new judges?

17 A. We have made some things more specific, made  
18 some requirements more specific. Actually I need to  
19 rephrase that. We have made -- we have more explicitly  
20 explained the requirements.

21 Q. Is it fair to say that the new process -- is it  
22 a clarification of the process and procedure for judging  
23 approval process?

24 MR. MCCORMICK: Object to form.

25 BY MS. POWERS:

0062  
1 Q. How would you describe the changes in the  
2 judging approval process?

3 A. We have been -- we've explained the requirements  
4 more specifically, and we completely eliminated that old  
5 60-point system and replaced it with another alternate  
6 system.

7 Q. What changes, if any, were made to the 12-5-4  
8 method of seeking approval to become an AKC judge?

9 A. We made it very specific that the 12 years had  
10 to be in exhibiting dogs in confirmation. We now  
11 require the rings experience to have been within the  
12 three years immediately prior to application, but that's  
13 common to both methods of application. And those are  
14 the two that I think are the most relevant to the  
15 12-5-4.

16 Q. I found what I was looking for and it's about  
17 sitting there. I'd like to have this marked as  
18 Exhibit 4.

19 (Defendant's Gaeta Exhibit 4 marked for  
20 identification.)

21 (Defendant's Gaeta Exhibit 5 marked for  
22 identification.)

23 MR. MCCORMICK: You didn't make extra copies of  
24 this either.

25 MS. POWERS: No. I think this is a duplicate.

0063  
1 My copier crashed on Friday.

2 MR. MCCORMICK: It makes it very difficult to  
3 follow along.

4 MS. POWERS: I understand.

5 MR. MCCORMICK: I assume you know where there's  
6 a Kinko's. I assume you can locate a Kinko's.

7 BY MS. POWERS:

8 Q. I'd like you to look at what is marked as  
9 Mr. Gaeta Defendant's Exhibit 4.

10 MR. MCCORMICK: Let me see it again.

11 MS. POWERS: And I'm also going to show you  
12 Defendant's Exhibit 5 but I'm going to show your  
13 counsel.

14 BY MS. POWERS:

15 Q. Could you please tell us, Mr. Gaeta, what  
16 Exhibit 4 is?

17 A. This is a revised judging approval policy as was  
18 dated May 18, 2006 effective January 1, 2007.

19 Q. Can you tell us, please, who the memorandum is  
20 to and who it is from?

21 A. To all judging applicants.

22 Q. Who is it from?

23 A. It is from me, Peter Gaeta.

24 Q. And did you prepare that as in your position of  
25 Director of Judging Operations?

0064

1 A. Yes.

2 Q. Could you please tell us what Exhibit 5 is?

3 A. Oh, it is actually the approval process, the  
4 approval policy.

5 Q. Is this a true and correct copy that is put out  
6 by the judging operations department which you are the  
7 head of?

8 A. This does look like the one that we are sending  
9 out now, yes.

10 Q. Could I direct your attention to page 5? Is  
11 page 5 part of that document?

12 A. Yes.

13 Q. What is the effective date of that document?

14 A. The whole document, January 1, 2007.

15 Q. Was there a different one in existence going  
16 back to the time period when Mr. Martin would have been  
17 applying?

18 A. There would be a similar document to this, yes.  
19 (Off-the-record discussion.)

20 BY MS. POWERS:

21 Q. Would the prior -- what role, if any, would the  
22 last page on sportsmanship had been in the prior edition  
23 of the judging approval process pamphlet?

24 A. This is not part of the judging approval policy.  
25 This is a Code of Sportsmanship that the Board of

0065

1 Directors adopted, and this is printed in dog show  
2 catalogues and all over the place. And we simply  
3 include it there. And it is not part of the approval  
4 policy and the enforcement of this is done by clubs on  
5 the day. These are actual things that are overseen by  
6 the actual show committees. We're concerned with  
7 sportsmanship but want to address things, anything that  
8 can be proven. By transgressions, violations of this  
9 are typically on the day of the dog show and handled by  
10 the show committee.

11 Q. In your position as Director of Judging  
12 Operations what role, if any, does your department play  
13 in the discipline of judges?

14 A. We do discipline judges with respect to their  
15 violations and transgressions in the ring while they are  
16 judging performances.

17 Q. Does -- what role, if any, does your department

18 play in the disciplining of judges for their conduct  
19 when they are not performing as judges?

20 A. None. Most of those complaints are referred  
21 to -- those complaints are referred to our compliance  
22 department, and those should be addressed on the day.  
23 People should take those complaints to the show  
24 committee and the show committee addresses them in the  
25 pamphlet that you've referenced dealing with misconduct.

0066

1 Q. And you're referring to that type of conduct?  
2 what are you referring to when you use that term in your  
3 answer?

4 A. Unsportsmanlike behavior and anything outside  
5 of, anything that happens at a dog show that's  
6 prejudicial to the sport, give the sport a bad image.

7 Q. And what role, if any, does your department play  
8 if nothing is done at the event for unsportsmanlike  
9 conduct?

10 A. We can refer it to our compliance department,  
11 but advise exhibitors that not much can be done because  
12 I think there's a five-day requirement that those  
13 complaints have to be lodged in writing within five  
14 days. And if people don't step up, make the complaints  
15 so that the committee can investigate it, two weeks  
16 later it's pretty tough to prove or disprove something  
17 that happened.

18 Q. Can you explain to me what your compliance  
19 department is and -- explain that department to us,  
20 please?

21 A. It is a department that oversees any violations  
22 with respect to registration fraud or two people get  
23 into a vulgar shouting match at a dog show and they have  
24 an event hearing, that it would go to our compliance  
25 department to oversee and review. They have a committee

0067

1 that would review the -- a report on the hearing to make  
2 sure it was conducted properly and decide what the  
3 penalty should be.

4 Q. What role, if any, does the AKC play in  
5 disciplining or investigating allegations of  
6 unsportsmanlike conduct that do not occur at an event or  
7 show?

8 A. You mean like at a horse show maybe?

9 Q. Let me give you an example. The AKC plays --  
10 has no department in regards to the certification of  
11 service dogs for the disabled or handicapped, correct?

12 A. That's correct.

13 Q. However, would I be correct that your website  
14 does provide some information to the public on the use  
15 of service dogs?

16 A. I don't know that.

17 Q. Do you know whether or not your organization  
18 awards any kind of awards or honors to service dogs for  
19 their extraordinary performance as service dogs?

20 A. I think they recognize them.

21 Q. And do you have an understanding in the dog  
22 world what I mean by a service dog?

23 A. Yes.

24 Q. What is your understanding what a service dog  
25 is?

0068

1 A. Well --  
2 MR. MCCORMICK: Object to form. Go ahead.

3 THE WITNESS: It could be a dog that lives with  
4 someone who is hearing impaired or site impaired and  
5 would help them, a dog that senses when somebody is in  
6 need of their medications or passes out, things like  
7 that.

8 BY MS. POWERS:

9 Q. Service dogs are able to travel by methods by  
10 which normal dogs may not travel, correct?

11 A. I understand that to be true.

12 Q. And in fact, that's information that's posted on  
13 your website, correct?

14 A. I've not seen it.

15 Q. Your website has information, for example, that  
16 Amtrak does not allow service dogs but does not allow  
17 the transportation of regular dogs. Were you aware of  
18 that?

19 A. Did you say they don't allow service dogs?

20 Q. No, no, they do allow service dogs. But if my  
21 dog and I wanted to travel by Amtrak, your website lets  
22 me know that I can't do that?

23 A. If we're doing that, I think it is great. I  
24 don't have the luxury of surfing the web.

25 Q. Even your website?

0069

1 A. There is some things. My concern is judging and  
2 judges. And judges, as human beings, that whatever they  
3 do outside of that realm does not concern me or my  
4 department.

5 Q. Mr. Martin is an AKC judge, correct?

6 A. Yes.

7 Q. And he is now in his regular status, correct?

8 A. Yes.

9 Q. Mr. Martin has testified at his deposition that  
10 he has traveled with at least one of his dogs wearing a  
11 service vest where Mr. Martin does not suffer from any  
12 disability.

13 MR. MCCORMICK: Object to form.

14 BY MS. POWERS:

15 Q. Would the AKC consider that conduct which would  
16 be referred to compliance or discipline of judges in any  
17 way?

18 A. I would probably take that to our legal  
19 department and our executive secretary and discuss it.  
20 But that has nothing to do -- first place, doesn't have  
21 anything to do with me because it is not something that  
22 he did in conjunction with judging. Doesn't affect his  
23 judging performance or his judging qualifications so I'm  
24 not a party to it.

25 Q. I'm not -- my question, though, is to your

0070

1 knowledge. My understanding -- are you telling me that  
2 your department would not play, would not have any  
3 interest in that alleged activity?

4 A. We would pass the information on. In fact, that  
5 kind of activity probably belongs in a whole other  
6 jurisdiction and not even the American Kennel Club.

7 MS. POWERS: Mr. McCormick, this is one of the  
8 documents you produced -- I have not made -- dealing  
9 with misconduct.

10 MR. MCCORMICK: See if I have it.  
11 (Defendant's Gaeta Exhibit 6 marked for  
12 identification.)

13 BY MS. POWERS:

14 Q. I'm going to show you Exhibit 6 after I show it  
15 to your attorney. Can you tell us, please, what Exhibit  
16 Number 6 is?

17 A. This is the pamphlet that we publish, "Dealing  
18 with Misconduct" at American Kennel Club events.

19 Q. To whom is that pamphlet made available?

20 A. It is available to the public via our website.  
21 But the field reps should be very familiar with it and  
22 the event committees at the dog shows are supposed to  
23 have these and be familiar with the contents.

24 Q. What familiarity, if any, should AKC judges have  
25 with the pamphlet "Dealing with Misconduct"?

0071

1 A. Well, judges are charged with a responsibility  
2 to be familiar with all the rules, policies and  
3 guidelines. And what's in this is the procedures,  
4 step-by-step procedure for handling misconduct at the  
5 dog show.

6 Q. Directing your attention to page 4, section 4.  
7 Can you tell us what that section is about?

8 A. It describes conduct that's prejudicial to the  
9 sport that may be actionable. Do you want me to read  
10 this?

11 Q. Yes, can you tell us what that section covers,  
12 please?

13 A. In general terms it describes conduct that's  
14 actionable that the event committee could entertain  
15 charges for. It says, "One test in connection with any  
16 altercation or event during which a family attending the  
17 event for the first time after witnessing such an  
18 incident that the sport is not for them."

19 Q. Do I understand in other words the AKC by that  
20 has a concern what mom and pop bringing their kids to a  
21 show might see? Am I paraphrasing that?

22 A. Absolutely.

23 Q. And the copy I've given you has a -- well, it  
24 has a copyright date of 2005 but it looks like it was  
25 printed in October of 2007; is that correct?

0072

1 A. Yes.

2 Q. Are you aware of any substantive changes to  
3 section 4, "Conduct Prejudicial to the Sport From 2005  
4 to the Present"?

5 A. No.

6 Q. What kind of -- did you breed dogs, Mr. Gaeta?

7 A. I did. I have bred dogs and I handled dogs  
8 professionally.

9 Q. What type of dogs did you breed?

10 A. I bred Great Danes, Bischon Fraise, Bedlington  
11 terriers, miniature Pinschers.

12 Q. How long did you do that for?

13 A. Not long. When I handled professionally I  
14 pretty much quit.

15 Q. How long did you do breeding of dogs?

16 A. About five or six years in the beginning. And  
17 toward the end of my career another five or six years.

18 Q. How long were you a professional handler?

19 A. Over 30 years.

20 Q. Lots of overlaps because you're a very young  
21 man.

22 A. Thank you.

23 Q. Would you, based on your experience in the  
24 breeding and handling of pure bred dogs, would you agree

25 with me that the winning of championship points by the  
0073

1 offspring of a dog improves the value of its sire or  
2 dam?

3 A. Yes.

4 Q. Do you have any knowledge of what occurred at  
5 the Santa Barbara show involving Mr. Martin?

6 A. No.

7 Q. In your position of Director of Judging  
8 Operations, do you have an opinion whether or not the  
9 judging of the offspring of a dog that you own is a  
10 situation covered by a conflict of interest of the AKC?

11 A. Depends. I need to make sure I understand the  
12 question. Does the AKC have any concern over whether  
13 the offspring of the judge are exhibited back to him?

14 Q. Yes, sir.

15 A. We do to the extent that a judge, if a judge has  
16 bred a litter, if they own the dam, and they bred a  
17 litter, the puppies out of that litter cannot be shown  
18 back to him for a year. If it is the sire, if they own  
19 the sire, we have no specific restriction. I mean, the  
20 object of this sport is breeding. If we take all the  
21 breeders out of the judging of it or take the dogs out  
22 of exhibiting to the breeder judges, it doesn't work too  
23 well.

24 Q. However, would you agree with me that there are  
25 gray areas in the -- on conflicts of interest under the  
0074

1 AKC rules and regulations governing judges?

2 A. Yes, ma'am. And there are very shades of gray.

3 Q. Which is why it is not black and white, correct,  
4 Mr. Gaeta?

5 A. That's why those gray areas do not fall -- they  
6 are not covered by rules or policies. They are more  
7 guidelines. And guidelines are not generally pursued  
8 with discipline.

9 Q. I'm not talking about a pursuit for discipline.  
10 In terms of your rules, policies and guidelines for  
11 confirmation judges, does --

12 (Interruption in the conference room.)

13 (Off-the-record discussion.)

14 BY MS. POWERS:

15 Q. Has in its code considerations which may not be  
16 black and white?

17 A. Uh-hum.

18 Q. Is that correct?

19 A. Yes.

20 Q. And would you agree with me in your experience  
21 as a breeder, handler and now Director of Judging  
22 Operations that some exhibitors may feel that the  
23 judging of the offspring of the sire owned by the judge  
24 can be a gray area for a conflict?

25 A. Other exhibitors might feel that way, but, you  
0075

1 know, typically they are so far removed that judge is  
2 not likely to even recognize him.

3 Q. In your experience as Director of Judging  
4 Operations, have you seen that as a gray area which has  
5 been raised by exhibitors regarding the actions of a  
6 judge?

7 A. You mean all gray areas?

8 Q. No. No, sir.

9 A. We're talking about in this case.

10 Q. Yes.  
11 A. We don't see that much.  
12 Q. Have you ever seen it?  
13 A. Occasionally we'll get allegations, but they are  
14 pretty rare.  
15 Q. By allegations you mean allegations of perceived  
16 favoritism for the offspring of the sire of a dog owned  
17 by a judge?  
18 MR. MCCORMICK: Objection.  
19 BY MS. POWERS:  
20 Q. Or could you explain to me how you were  
21 answering my question, what factual scenario you were  
22 talking about?  
23 A. That kind of situation gives rise to an  
24 occasional complaint.  
25 Q. What situation, sir?  
0076  
1 A. The situation where the judge is involved either  
2 with the sire or the dam.  
3 Q. That is something in your two plus years as  
4 Director of Judging Operation you have seen?  
5 A. Occasionally, yeah.  
6 Q. Directing your attention to the letter Mrs.  
7 Teague wrote to you in September of 2005, want to direct  
8 your attention to page 2 of the letter. Mrs. Teague.  
9 How did you interpret Mrs. Teague's letter to you  
10 regarding the size of Mr. Martin's Dobermans?  
11 A. She doesn't like big Doberman Pinschers. I  
12 mean, obviously she thinks they should be severely  
13 penalized.  
14 Q. What do you mean by severely penalized?  
15 A. Heavily penalized and perhaps she's suggesting  
16 that so severely as to take them out of the competition  
17 but that's her opinion. Only one that counts on the day  
18 is the judge's opinion.  
19 Q. And in the Doberman standard what is the --  
20 compared to other breeds, is there a wide or limited  
21 range of opinion in regards to the size issue?  
22 A. The standard identifies a range, and beyond that  
23 range in either direction is simply a fault. It is not  
24 a disqualification. Each judge gets to prioritize those  
25 characteristics according to their own opinions.  
0077  
1 Q. In the Doberman breed, compared to other breeds,  
2 is there a wider or lesser range of size to meet the  
3 breed standard?  
4 A. Well, when they refer to this 26 to 28 inches,  
5 that's a two-inch range. Now when the standards call  
6 for a range, that's about what it is. I mean, in a  
7 breed that size. We are not talking about small breeds.  
8 Won't get a range that great in a small breed, a toy  
9 breed.  
10 Q. For example, you've got in your Beagles, you  
11 have 13-inch Beagles, correct?  
12 A. Right.  
13 Q. You have 15-inch Beagles?  
14 A. Yeah. If it is a hair over 13, it can't  
15 compete. If it is a hair over, it can compete as  
16 13-inch Beagle. If it is hair over, 15 it is  
17 disqualified.  
18 Q. Doberman breed doesn't quite have that, has a  
19 wider interpretation of opinion for size coming in breed  
20 standard; is that correct?

21 A. Yes, ma'am. I mean, the best way I could  
22 respond is the way I wrote it in my response to her on  
23 last sentence of my third paragraph. "Thus a judge has  
24 latitude to use an excessively large exhibit if he or  
25 she feels it otherwise worthy." According to that

0078

1 standard.

2 Q. I notice that, for example, to Mrs. Whitney your  
3 letter to her is addressed, "Mrs. Whitney." Your letter  
4 to Sharon Fluglar is directed to Ms. Fluglar. Did you  
5 know Sandy Teague better than some of these other  
6 ladies?

7 A. No. I just -- however the spirit moved me I  
8 guess. It is interesting.

9 Q. Your letter to Mr. Whitney is "Dear Chuck"?

10 A. I've always known him as Chuck. I've known him  
11 for years and years and years.

12 Q. Did you know Mrs. Teague as Sandy back in  
13 September of 2005?

14 A. No. Don't know why I did it.

15 Q. Mrs. Teague has expressed her opinion that  
16 Mr. Martin's Dobermans are on the large, on the large  
17 size. Are you aware of that?

18 A. I think -- you know, I don't know if it is in  
19 this letter or not, but it is her prerogative. When she  
20 gets to judge then she gets to not use them.

21 Q. Mrs. Teague expressed that she believed that  
22 Mr. Martin did not meet the 12-5-4 requirements for  
23 judging. Is that an opinion that you agreed with in  
24 August and September of 2005?

25 MR. MCCORMICK: Object to form.

0079

1 THE WITNESS: Based on the application that I  
2 looked at, yes. He did not have 12 years of experience  
3 in the confirmation.

4 BY MS. POWERS:

5 Q. I have to rephrase the question, Mr. Gaeta. If  
6 Mrs. Teague expressed the opinion that Mr. Martin did  
7 not meet the 12-5-4 standard in July of 2005, what would  
8 be your reaction or opinion to that statement?

9 MR. MCCORMICK: Object to form.

10 MS. POWERS: What's wrong with that form?

11 MR. MCCORMICK: It is asking him to speculate  
12 what he would have thought about at something at a  
13 distant time. Who knows?

14 BY MS. POWERS:

15 Q. Would you have had a response -- okay, what  
16 would your opinion have been to Mrs. Teague's expressing  
17 her opinion that Mr. Martin did not meet the 12-5-4  
18 standard when he was applying to be a judge in July,  
19 August, September of 2005?

20 A. I wouldn't have shared it with her. But if I  
21 had looked at that application, I'd been the one  
22 reviewing it, I'd have called him up and told him that  
23 it did not, he didn't meet the 12-year requirement.

24 Q. So would you have agreed with Mrs. Teague's  
25 opinion or disagreed?

0080

1 A. Well, I just gave you my opinion. And my  
2 opinion was reading his application he didn't meet the  
3 12-year requirement.

4 Q. In your package of documents there is a letter  
5 from to Mr. Martin from the AKC from a Kathleen Karwana

6 dated September 6, 2006. Show it right here?  
7 A. Oh, okay.  
8 Q. Do you know what, if anything, was attached to  
9 that letter?  
10 A. My guess it was this -- 2006, no.  
11 Q. And I note that that letter, and perhaps I need  
12 clarification from you, I notice that letter has my fax  
13 info.  
14 A. This does?  
15 Q. On it, yes, on the top?  
16 A. Uh-hum.  
17 MS. MCMANUS: It was a letter you faxed to me.  
18 BY MS. POWERS:  
19 Q. Do you know whether that specific letter was  
20 retrieved from your archives or was provided by me to  
21 your counsel, Ms. McManus?  
22 A. This letter?  
23 Q. Yes, sir, the letter dated September 6, 2006?  
24 A. This copy obviously is a copy of something that  
25 you faxed to our legal department. The only thing I can  
0081  
1 think of in this case is this -- seems a little bit  
2 early, but it could well be the letter that we send out  
3 to update our judges, our hard copy of our judges  
4 directory every year.  
5 Q. You have no specific recollection though?  
6 A. No, because that's something that just goes out  
7 en mass. We have 3200 judges and we send a letter to  
8 every single one of them asking them to update contact  
9 information, and it sounds like that is what this is.  
10 It says, "please make any correction to the enclosed  
11 letter and return it in the envelope provided."  
12 Q. Is the 30-day publication the norm in the  
13 application process to allow 30 days for response back  
14 from the publication with judges name in the Gazette?  
15 A. You're asking me if it is 30 days.  
16 Q. Yes.  
17 A. Now it is, yes.  
18 Q. Would that have been the time frame that you  
19 would have expected in July, August, September of 2005?  
20 A. It was what the policy, the approval policy  
21 called for; but in terms of the procedure, the  
22 application of that policy, it wasn't happening. They  
23 weren't getting 30 days.  
24 Q. In regards to the application and the supporting  
25 documentation, what procedures, if any, does your  
0082  
1 department do in reviewing the confirming or reviewing  
2 supporting documentation?  
3 A. We confirm everything possible.  
4 Q. Do you have -- who does that?  
5 A. I have a staff down there and new breed  
6 applicants at the time was probably Judith Bright who's  
7 with us but no longer in that unique position.  
8 Q. Do you know whether or not the AKC received any  
9 documentation of the obedience trials that Mr. Martin  
10 claimed he had done as a youngster?  
11 A. I do not know that. As I recall, there was --  
12 there's lightly in back of the head, there was a no in  
13 pencil on one of these sheets written by Maryanne that  
14 referenced that experience that didn't survive the  
15 scanning.  
16 Q. Do you recall having seen that when you looked

17 at the application?

18 A. Yeah.

19 Q. Let me finish my question, Mr. Gaeta. Back in  
20 July of 2005?

21 A. When I reviewed it was not -- when I saw this  
22 was not in July. It was not until well into August.  
23 And I recall seeing her pencil notes.

24 Q. Which are no longer visible you indicated  
25 because of the scanning process. Is that a yes?

0083

1 A. Yes. Excuse me.

2 Q. It is okay. You're doing really good. Do you  
3 know whether or not the documentation that is in Exhibit  
4 Number 1 is the documentation that was attached to  
5 Mr. Martin's application? And I'm going to help you by  
6 referring what appears to start with an American Kennel  
7 Club judge's institute certificate?

8 MR. MCCORMICK: Object to the form.

9 THE WITNESS: Yeah. That would have been there.

10 BY MS. POWERS:

11 Q. My question is: Do you know whether or not  
12 Exhibit 1 contains all the attachments of documentation  
13 to Mr. Martin's application?

14 MR. MCCORMICK: Object to form.

15 THE WITNESS: To the best of my knowledge, it  
16 does, because this was done at a time -- his was scanned  
17 at a time when we were scanning all new breed  
18 applications and playing catch up with the old ones. So  
19 his entire application would have been scanned at the  
20 time. So all of this stuff would have been in there.

21 BY MS. POWERS:

22 Q. Do you have any knowledge of the allegations in  
23 the lawsuit that Mr. Martin has brought against Mrs.  
24 Teague?

25 A. I just know that there's a lawsuit going on

0084

1 here, and I think I've heard the word "defamation"  
2 bandied about because I talked with that other attorney  
3 that called me. But other than that, I know nothing.

4 Q. Earlier when we were talking about the offspring  
5 of a dam or sire, you made reference to a one-year time  
6 period. Could you explain that to me?

7 A. A dog cannot be -- a judge can't judge a dog  
8 he's owned within the prior 12 months.

9 Q. What limits, if any, are on judging the  
10 offspring if he didn't own the puppies, if he didn't own  
11 the offspring?

12 A. None really.

13 Q. Is it better to avoid judging the offspring of  
14 your sam -- dam or sire for the first year or two?

15 MR. MCCORMICK: Object to form.

16 THE WITNESS: This is an academic question. And  
17 for the first year or two of the dog's life or the  
18 judge's handling career?

19 BY MS. POWERS:

20 Q. No, let me rephrase the question. What do you  
21 think would be good judging practice by an AKC judge in  
22 regards to judging the offspring of a dam or sire that  
23 he owned in judging the offspring within the first year  
24 or two of the offspring's life?

25 MR. MCCORMICK: Object to form.

0085

1 THE WITNESS: Frankly, Scarlet -- you can figure

2 out what the rest is. This is supposed to be objective  
3 and I can look at a litter of my own puppies and which  
4 ones are deserving and are not. And if you're asking my  
5 personal opinion, you just got it. Shouldn't make any  
6 difference.

7 BY MS. POWERS:

8 Q. Now as Director of Judging Operations for the  
9 AKC and upholding the Code of Sportsmanship and also for  
10 the perception of mom and pop and the kids at an AKC  
11 event, do you have an opinion whether or not an AKC  
12 judge should judge the offspring of the dam or sire he  
13 owns within the first two years of the puppy's life if  
14 it is known in the dog community that the puppy is the  
15 offspring of the dam or sire owned by the judge?

16 MR. MCCORMICK: Object to form.

17 THE WITNESS: I'm the Director of Judging  
18 Operations. And as a Director of Judging Operations my  
19 only concern is that the judge not judge dogs that he's  
20 owned within the prior year. The rest of it, my  
21 opinion, I can't let my personal opinion cloud that. We  
22 have this limitation and enforce the limitation, and the  
23 rest of it I stay out of.

24 BY MS. POWERS:

25 Q. When you had your conversation with Mr. Martin

0086

1 back in August, was it August of 2005?

2 A. I believe so.

3 Q. Was he upset?

4 A. Sure.

5 Q. How did he express his displeasure?

6 A. Conversation was animated.

7 Q. Describe what you mean by animated?

8 A. I'm Italian. I come from a large family. We  
9 sit around the table and we talk loudly.

10 Q. Mr. Martin, what was his -- was he loud, was he  
11 quiet, was he -- describe his side.

12 A. He was adamant.

13 Q. Loudly so?

14 MR. MCCORMICK: Object to form.

15 BY MS. POWERS:

16 Q. I'm asking you to describe, please.

17 MR. MCCORMICK: He's describing it. You're  
18 putting words in his mouth.

19 THE WITNESS: He was upset, and it was clear  
20 that he was upset. And if he had really, really raised  
21 his voice I would have cut the conversation off or I  
22 would have warned him that I was going to cut the  
23 conversation off. Because I don't have to listen to it.  
24 We can do things like that in writing and that's the way  
25 I am. And so it couldn't have been anything in the

0087

1 extreme.

2 BY MS. POWERS:

3 Q. Did he use any language that might be  
4 appropriate between two gentlemen but not between ladies  
5 might not use in public?

6 A. In all honestly, I don't recall that he said any  
7 words that I would be offended to have him say in front  
8 of my seven- and ten-year-old granddaughters.

9 Q. Or as somebody once said, I used words you can't  
10 use in church. Was the -- what was his demeanor in the  
11 conversation on the second call, Mr. Martin's, on your  
12 second phone call with him in August of 2005?

13 A. Actually it was pretty much the same, and I  
14 think he was trying to make a case, and to me it was  
15 black and white. And I couldn't give him any  
16 satisfaction and didn't; and that may have been the  
17 conversation where he said that he was going to retain  
18 an attorney or call his attorney. And I'm sure that  
19 what I said was that's what you ought to do then.

20 (Recess from 1:01 to 1:32 p.m.)

21 MS. POWERS: I don't have anything else at this  
22 time.

23 MR. MCCORMICK: Take five more minutes while I  
24 sit here and get ready. I thought you had some more  
25 stuff.

0088

1 (Recess from 1:32 to 1:38 p.m.)

2 EXAMINATION

3 BY MR. MCCORMICK:

4 Q. Good afternoon, Mr. Gaeta.

5 A. Good afternoon.

6 Q. My name is Bill McCormick. I represent Philip  
7 Martin here today. We are here in a lawsuit that Philip  
8 Martin has filed against Ms. Teague which I guess you're  
9 aware of by now. I want to, just since we've had a long  
10 morning, I want to just clarify a few things, go back  
11 and just establish a few things before we get started.

12 You testified, and it is a fact that you were  
13 not a member of the judging operations department at any  
14 time during the submission or verification of the  
15 information that Mr. Martin's application to become a  
16 judge?

17 MS. POWERS: Object to the form of the question.

18 MR. MCCORMICK: What's the objection?

19 MS. POWERS: Because I think that misconstrues  
20 his prior testimony.

21 MR. MCCORMICK: Well, he'll tell me.

22 THE WITNESS: I was not in the capacity of  
23 Director of Judging Operations. However, as executive  
24 field rep I was within the Department of Judging  
25 Operations.

0089

1 BY MR. MCCORMICK:

2 Q. Okay. You weren't holding any position that had  
3 anything to do with processing or verifying any  
4 information in the application?

5 A. Yes, sir, that's correct.

6 Q. And the person who held your position prior to  
7 you was Maryanne Alston?

8 A. Yes, sir.

9 Q. And how long did Maryanne Alston hold that  
10 position prior to you, if you know?

11 A. Maybe two years.

12 Q. And is it possible it was three?

13 A. It might be.

14 Q. Do you know -- well, tell me about Maryanne  
15 Alston. What other experience has she had with the AKC?

16 A. Maryanne Alston was an approved judge of a  
17 couple of groups I think. She was hired as the director  
18 to oversee the registered handlers program and then  
19 moved into the directorship of judging operations.

20 Q. Have the duties of the Director of Judging  
21 Operations, as far as you know, changed from the time  
22 that Ms. Alston was the Director of Judging Operations  
23 until now?

24 A. Yes, they have.

25 Q. In what way?

0090

1 A. They've been significantly expanded.

2 Q. How?

3 A. I have been given all responsibility for judge's  
4 education and expected to travel more than Maryanne  
5 traveled.

6 Q. Anything else?

7 A. No.

8 Q. Let's talk about you for a moment. How did you  
9 come to get the position as Director of Judging  
10 Operations?

11 A. I was an executive field rep for five years.

12 Q. Okay. That doesn't tell me how you came to get  
13 this position. Did you apply for it? were you asked?

14 A. No. I didn't. I worked hard and did a good job  
15 and I was promoted into it.

16 Q. Who promoted you?

17 A. Darrell Hayes and John Lyons sat in on the  
18 interview day where the offer was tendered.

19 Q. And remind me who Darrell Hayes and John Lyons  
20 are.

21 A. Darrell Hayes, he was the Assistant  
22 Vice-president of Dog Show Judges and now he is the  
23 Vice-president and John Lyons is the COO.

24 Q. He held that position both now and at the time?

25 A. Correct.

0091

1 Q. When you say at the time, I mean at the time  
2 that you were offered the directorship?

3 A. Yes.

4 Q. You say that Darrell Hayes was Assistant  
5 Vice-president of what again?

6 A. Dog Show Judges.

7 Q. Who was the vice-president?

8 A. There was no vice-president. He reported  
9 through, sometimes through John but directly to the  
10 president, Dennis Sprung.

11 Q. So, tell me how your name got into the mix to  
12 become director.

13 A. I worked hard and did a good job.

14 Q. Okay, you said that.

15 MS. MCMANUS: That's his answer.

16 MS. POWERS: Object to the form of the question.

17 BY MR. MCCORMICK:

18 Q. Can you expand on that a little bit?

19 A. I brought to the position in the first place a  
20 good background in the sport, and I have a good  
21 understanding of the rules. I communicate tolerably  
22 well orally. I can write tolerably well.

23 Q. I guess what I'm getting at maybe is my fault  
24 for not being clear. Was there an application process?  
25 were you invited? were other people invited to apply

0092

1 for this position?

2 A. I did not apply. I have no idea if other people  
3 were invited. I just know I was offered the position  
4 and I accepted it.

5 Q. Tell me the circumstances under which you were  
6 offered the position. Was it a surprise to you? Did  
7 you know it was going to happen?

8 A. It was somewhat -- not really totally a

9 surprise. I felt that I performed at the top of the  
10 pack. There are 18 field reps, and I did as many shows  
11 as most of them did and a lot of assignments that would  
12 have normally been done by personnel in the office were  
13 pushed my way.

14 Q. How was it offered to you?

15 A. I think in the first -- in the beginning Darrell  
16 asked me on the phone if I would be willing to entertain  
17 taking the position.

18 Q. And how did you -- how long have you known  
19 Darrell Hayes?

20 A. I have -- since I've been with the company. I  
21 joined the company in August of '99. And so I've known  
22 Darrell since -- I think we interviewed first in March  
23 of '99. I did not know Darrell before I applied for the  
24 position.

25 Q. And when you say we interviewed, what do you

0093

1 mean by that?

2 A. Interviewed for this position. Not this  
3 position, the position as executive field rep.

4 Q. You both interviewed at the same time?

5 A. No, no, he interviewed me.

6 Q. I understand. Safe to say that since you met  
7 him in '99 you've become close friends?

8 A. We've become good friends and I have a great  
9 deal of professional regard for him as well.

10 Q. Okay. Who had the ultimate decision on your  
11 appointment as director?

12 A. I'm not sure. I know that I wouldn't be here  
13 without John Lyons' approval and Dennis Sprung's  
14 approval.

15 Q. And with respect to judging applications, not  
16 the other stuff that you do now, it's been a long time.  
17 If you could briefly remind me the scope of your duties?

18 A. I supervise the department that processes all of  
19 the applications, and I am a resource to all the field  
20 reps with the things that they do that have to do with  
21 judges.

22 Q. Again, more in the way of just verifying things  
23 that we talked about earlier, the committee meeting.  
24 What is the name of the committee that actually approves  
25 judge's application?

0094

1 A. It is called the staff committee.

2 Q. And I think you testified earlier that the  
3 members of the staff committee, as far as you know at  
4 the time that Mr. Martin's application was approved  
5 were -- well, why don't you tell me again?

6 A. Who they were?

7 Q. Yes, please.

8 A. Dennis Sprung who is the president. Jim Crowley  
9 who is the executive secretary. Ron Rella whose exact  
10 title I'm not sure. He's a director. He used to be  
11 under the executive secretary. John Lyons, our chief  
12 operating officer. And Darrell Hayes, the  
13 Vice-president of Dog Show Judges, and Darrell chairs  
14 that committee.

15 Q. Okay, and currently or at the time?

16 A. That was at the time. And the current  
17 composition is the same. Well, it's irrelevant.

18 Q. Okay. And I believe you testified as near as  
19 you can remember you don't recall being present at that

20 meeting?

21 A. I don't recall being. It was within a day or  
22 two of my coming into the office, and I was overwhelmed.

23 Q. Understand. And is that meeting held on the  
24 same day of the month every month?

25 A. No. It is generally held on the first Wednesday

0095

1 of each month, but it is subject to the availability of  
2 our audio-visual room and the board room in New York,  
3 and all the people that participate.

4 Q. So not having been present at that meeting,  
5 obviously you don't know what was discussed at that  
6 meeting?

7 A. No. In all candor I probably would not have  
8 remembered anyway having been my first meeting.

9 Q. You testified earlier, well, as to the materials  
10 that are presented for consideration by the members of  
11 this committee at the meeting. I don't know whether it  
12 was clear whether you were testifying as to what  
13 materials are provided to them now or whether you were  
14 testifying to what materials were provided back in July  
15 of 2005 when Mr. Martin's application was considered.  
16 Do you recall?

17 A. Which I answered?

18 Q. Yes.

19 A. No, I don't.

20 Q. Let let's start presently.

21 A. Okay.

22 Q. What documentation is provided to the members of  
23 that committee at that meeting?

24 A. A cover sheet and a copy of the preapplication  
25 interview report and a copy of the interview report.

0096

1 And then I go in and have the complete application and  
2 stand for the application, make any explanation, answer  
3 any questions.

4 Q. What's the cover sheet you're referring to?  
5 What does that have on it?

6 A. It is just a worksheet. It lists what's in  
7 there and synopsis of -- the results of the interview  
8 and then the results of the meeting.

9 Q. I'm going to show you what was marked this  
10 morning as Defendant's Exhibit 1. And flip to this page  
11 here which is entitled --

12 A. Worksheet.

13 Q. -- "Worksheet, New Breed Applicants."

14 A. That's it.

15 Q. That's the cover sheet you're referring to?

16 A. Yes.

17 Q. If you look at the top of that sheet, give me a  
18 second while I get my copy. I prefer if you look at the  
19 one that's actually marked as the exhibit.

20 The top portion of the page that we're looking  
21 at, which again is entitled "Worksheet - New Breed  
22 Applicant." It is four pages in has Mr. Martin's name,  
23 shows that he applied for Doberman Pinschers. Talks  
24 about preapplication interview, Mr. James Mitchell, and  
25 next to Mr. Mitchell's name it says "meets requirements"

0097

1 with a checkmark. Is that already filled out when it  
2 goes into the meeting?

3 A. Yes.

4 Q. And when it says "meets requirements," what

5 requirements?

6 A. The requirements to judge the breed, to be  
7 approved to judge the breed.

8 Q. So who makes that determination? Mr. Mitchell  
9 makes that determination or somebody else?

10 A. Actually, the final determination is made in the  
11 office, and the field rep is -- we tell them to write  
12 things like "appears to meet" or "seems to meet" because  
13 they don't have the opportunity. They don't look at it  
14 as carefully as it is scrutinized in the office and  
15 don't have access to all the verification that we do in  
16 the office. And we discourage building hope because  
17 they don't get to make that decision.

18 Q. Now, when you say it is approved in the office?

19 A. Correct.

20 Q. By whom?

21 A. By I have a staff of five down there and we look  
22 at it. I end up looking at every single application,  
23 looking at it very carefully before it ever goes to  
24 staff committee. I'm not sure what Maryanne's system  
25 was; but as the staff is reviewing the applications, if

0098

1 they have any questions about anything on a day-to-day  
2 basis, they bring the application to me. If I have  
3 questions I'll call the applicant and discuss them, the  
4 questions I have with the applicant, before it gets too  
5 far into the process. And then before we put together  
6 the staff committee book, which would contain this  
7 worksheet and the two interview reports, I go through  
8 every single page in every single application and for a  
9 last careful look. And I didn't start doing that until  
10 August -- well, for the August -- I didn't do it in  
11 July. I think Maryanne still did it in July. I watched  
12 over her shoulder, watched her do some of the things and  
13 I started doing it in late August.

14 Q. I'm sorry. I just didn't want to cut you off.

15 A. No, I was just clearing my throat.

16 Q. If Mr. Martin's application went to the staff  
17 committee in July, when would the committee book be put  
18 together?

19 A. The end of June.

20 Q. So Mr. Martin's case, all the final review and  
21 analysis would have been completed before you started?

22 A. Correct.

23 Q. And you say -- I believe you said that you're  
24 not sure what Ms. Alston's procedures were in this  
25 office at the time?

0099

1 A. That's correct.

2 Q. So there's no standard procedures that you're  
3 aware of?

4 A. Well, I have a standard procedure that I go  
5 through every month. I get pretty picky. I can't speak  
6 for her.

7 Q. There's a bit of an overlap period between your  
8 arriving and Ms. Alston leaving, correct?

9 A. Correct.

10 Q. What was the point of that?

11 A. I came in the first week in July because I had  
12 shows in early July, and she stayed in the office and  
13 worked through the month of July.

14 Q. And what was the purpose of that? Was it kind  
15 of getting you up to speed? What I'm getting at, kind

16 of, did you kind of shadow her for the month?  
17 A. She cleaned out her desk, and I kind of learned  
18 on-the-job training, on-the-job training.

19 Q. So she wasn't a help to you?

20 A. Yeah, I pretty much found my own way.

21 Q. Ask you to grab back Defendant's Exhibit 1 and  
22 turn to Mr. Darrell Hayes' letter of July 26 to Philip  
23 Martin. You got that one?

24 A. Yes.

25 Q. Do you remember looking at this earlier?

0100

1 A. Yes, I do.

2 Q. From the time this letter was sent, what  
3 additional review, if any, of Mr. Martin's file was  
4 required for him to obtain his provisional judging  
5 status?

6 A. Without any correspondence, without any  
7 responses publication, there would have been nothing.

8 Q. And you indicated that you do all of your own  
9 correspondence?

10 A. Well, anything that goes out over -- well, most  
11 of the stuff that goes out over my signature except for  
12 boilerplate stuff I write and I type. For example, this  
13 letter of the letter of July 26 that went out over  
14 Darrell Hayes' signature, that's pretty much a form  
15 letter.

16 Q. Okay.

17 A. And the letter is not used.

18 Q. And what about mail that comes into this office?  
19 When mail comes to you, for instance, does it go  
20 directly to you? Does it go to an assistant?

21 A. No. It goes into a mail bin, so to speak, and  
22 we get out and go through it and pull out mail that is  
23 addressed to us. And I answer a good part of what's  
24 addressed to me. We have a field rep that spends time  
25 in and out of the office and responds to some of the

0101

1 letters for me. And depending on the nature of it, I  
2 might have one of the other staff members write a  
3 letter.

4 Q. So it is delivered to one central occasion and  
5 everyone in the office has to find their own  
6 correspondence?

7 A. Right.

8 Q. And what time of day is that mail delivered?

9 A. I think it is about 10:30 or 11 in the morning.

10 Q. Now, in Mr. Martin's case, what prompted you --  
11 well, first of all, let me ask you this. You testified  
12 earlier that you remember having two conversations with  
13 Mr. Martin?

14 A. Right.

15 Q. First one being where you told him that you were  
16 going to withdraw his judging approval from further  
17 processing?

18 A. Uh-hum.

19 Q. And the second discussion you had with him, was  
20 that on the same day?

21 A. I don't recall that it was.

22 Q. You don't recall?

23 A. That it was.

24 Q. You don't recall one way or the other or you  
25 think it wasn't?

0102

1 A. I don't recall one way or the other.  
2 Q. What was it that -- well, let me ask you this.  
3 If it was Mr. Martin's recollection that both  
4 conversations took place on the same day, you wouldn't  
5 have any reason to believe that that's not accurate?  
6 MS. POWERS: Object to the form of the question.  
7 THE WITNESS: Wouldn't bother me at all.  
8 BY MR. MCCORMICK:  
9 Q. No reason for you to believe that's not  
10 accurate?  
11 A. That's correct.  
12 Q. Now you indicated that a phone call took place  
13 sometime around late August, early September but  
14 sometime, I guess, before September 1. Is that  
15 accurate?  
16 A. Yeah. I know I said this morning that it could  
17 have been -- that it was before September 1, but it  
18 could have been -- well, it had to be after. Had to be  
19 before. I believe it was before September 1. I'm using  
20 the date of this letter. Well, it was September 8, the  
21 letter I wrote to him that was never mailed.  
22 Q. Actually, I believe if you look -- let me see  
23 where it is. We'll take a look at it but my  
24 recollection is it is dated September 1.  
25 A. September 1, yeah.

0103

1 Q. Okay.  
2 A. I'm sure that I would have called him prior to  
3 writing that letter because I just, I think as  
4 unpleasant as it was as a matter of courtesy.  
5 Q. Is it possible that the conversation took place  
6 on September 1, the morning of September 1?  
7 A. It is.  
8 Q. Do you have any recollection what time of day  
9 you contacted Mr. Martin by telephone?  
10 A. No.  
11 Q. Let me ask you, on the morning of September 1,  
12 assuming that that's when it was but whatever day you  
13 called him, what precipitated the call? What caused you  
14 to go back to Mr. Martin's file?  
15 A. Letters that we received and namely the letters  
16 that -- the letter that contained the article that was  
17 published wherein he gave an account of his history in  
18 dogs.  
19 Q. How many letters did you receive prior to  
20 calling Mr. Martin?  
21 A. I want to say six or eight, but I can't be sure  
22 because we continued to get letters. I tried to keep  
23 them out of it and didn't -- I wasn't responding. I  
24 wasn't acting in response to anything other than this  
25 magazine interview.

0104

1 Q. And what letter was that magazine interview  
2 included with?  
3 A. Here is one dated September 8 from Mr. Brucker  
4 that referenced it.  
5 Q. And does that have a number in the bottom  
6 right-hand corner?  
7 A. 838.  
8 Q. So this couldn't have been the letter that you  
9 reviewed prior to?  
10 A. No. I did get several copies of this.  
11 Q. Let me just finish the question. This could not

12 have been the letter that you reviewed prior to calling  
13 Mr. Martin?

14 A. Correct.

15 Q. Just so we're clear, on Mr. Brucker's letter  
16 with the number 838 in the bottom corner, does that have  
17 a date stamp on it that shows when it was received by  
18 the AKC?

19 A. September 8.

20 Q. I notice that you're continuing to look through  
21 Defendant's Exhibit 1. What are you looking for?

22 A. I'm looking for reference to that article in  
23 another letter. Here is a letter from Doris Jean  
24 Mollin. In the third paragraph, fourth paragraph, it  
25 says, "see enclosed article." And her letter was dated

0105  
1 August 29 and received in our office on September 1.

2 Q. Is there an article attached to that letter?

3 A. It is out of place but she references the  
4 enclosed article.

5 Q. What's out of place?

6 A. That, this article is the article to which she  
7 is referring.

8 Q. How do you know that? I thought you just  
9 testified that that article was attached to  
10 Mr. Brucker's letter.

11 A. It was. But it was also attached to this  
12 letter.

13 Q. How do you know that?

14 A. Because I remember it. I also just testified to  
15 the fact that I received several copies of this article.

16 Q. So then I guess it is fair to say at the time  
17 that -- well, you're saying that's what caused you to go  
18 look at Mr. Martin's file?

19 A. Correct. Because the rest of the stuff was just  
20 stuff.

21 Q. So the letters that enclosed a copy of that  
22 article you deemed to have information significant to  
23 Mr. Martin's qualifications?

24 A. Not the letter, the article does.

25 Q. But the letter references the article, correct?

0106  
1 A. That's correct.

2 Q. Now, Mr. Martin requested during one of the  
3 telephone conversations you provide him with copies of  
4 any letters received, correct?

5 MS. POWERS: Object to the form of the question.

6 MR. MCCORMICK: What's wrong with it?

7 MS. POWERS: Number one, it is leading. Number  
8 two --

9 MR. MCCORMICK: This is cross-examination. I  
10 can lead in cross-examination.

11 MS. POWERS: The question is if you are going to  
12 read it, though. I stand by my objection.

13 MR. MCCORMICK: What was the question? Read it  
14 back.

15 (Question was read by the reporter.)

16 MS. POWERS: Same objection.

17 BY MR. MCCORMICK:

18 Q. Was any request immediate like that by  
19 Mr. Martin?

20 A. He may have. Our policy -- yeah, he may have.

21 Q. And what's your policy?

22 A. Our policy is that we don't provide copies of

23 letters unless it has to do with a -- directly with  
24 their qualifications or their performance in the ring.

25 Q. Well, I mean, you just testified you received  
0107

1 two letters that referenced his qualifications and  
2 included copies of that letter, correct?

3 A. Yes.

4 Q. And you've also testified that you viewed  
5 those -- well, those letters, and that specifically that  
6 enclosed article caused you to reevaluate Mr. Martin's  
7 application, correct?

8 A. This -- it wasn't a contradiction of his  
9 application, but it qualified his application. So, you  
10 know, I guess the short answer to your question would be  
11 yes.

12 Q. Well, that article and the letters that sent  
13 that article were the basis for your decision to  
14 withhold further processing of his application, correct?

15 A. Correct.

16 Q. And if Mr. Martin requested copies of those  
17 articles, they should have been provided to him,  
18 correct, or those letters? They should have been  
19 provided to him?

20 A. Yes.

21 Q. Do you recall him requesting copies of any  
22 relevant letters?

23 A. I think he did.

24 Q. And do you recall refusing to provide copies of  
25 those letters?

0108  
1 A. If he didn't get them, I refused.

2 Q. Now, explain to me exactly what the policy is  
3 with respect to what letters get turned over and what  
4 letters don't?

5 A. When letters are sent to us that says that a  
6 judge is a bad sport and stands outside the ring  
7 swearing and screaming and carrying on like that, we  
8 don't forward those. When letters are sent that have to  
9 do with a judge failing to examine a dog or two in the  
10 class, well, we'll forward those. Or letters that have  
11 some credible that had to do with reflecting the judge's  
12 procedure or capability as a judge, in other words, he  
13 didn't open the mouths of Doberman Pinschers to look  
14 inside for the disqualification. We'll share those with  
15 him.

16 Q. You said something a moment ago that I wanted to  
17 follow up on. You indicated that nothing in any of  
18 these letters contradicted anything in Mr. Martin's  
19 application?

20 A. Correct. Well, yeah. Yeah.

21 Q. Take a look at -- I think you still have 1 in  
22 front of you. Let me find the page.

23 A. I think you've gone past his application.

24 Q. You think so? Let me check.

25 A. It should start --  
0109

1 Q. Okay. What is it that you're looking at there  
2 in Defendant's Exhibit 1?

3 A. This is New Breed Synopsis.

4 Q. Tell me what that document is.

5 A. It is just briefest summary of dogs that the  
6 applicant has owned and information about their  
7 experience in the sport.

8 Q. Well, is it information about their experience  
9 in the sport or in a particular breed?

10 A. Well, within the breed. This sheet you can list  
11 several breeds, and so it would summarize each breed.

12 Q. So this -- and correct me if I'm wrong -- this  
13 form focuses more directly on involvement in breeds than  
14 involvement in the sport?

15 A. Correct.

16 Q. Now, well, to your knowledge is there anything  
17 inaccurate, any inaccurate information contained in this  
18 form?

19 A. Oh, no, there's not.

20 Q. Now when we talk about the sport, the sport  
21 we're talking about is sport of pure bred dogs, correct?

22 MS. POWERS: Object to the form of the question.

23 THE WITNESS: Correct.

24 BY MR. MCCORMICK:

25 Q. When we talk about the sport, what is the sport

0110

1 we are talking about?

2 A. Pure bred dogs and confirmation, in this case.

3 Q. Well, when the AKC refers to the sport, what is  
4 it referring to?

5 A. Everything that has to do with breeding and  
6 registering and exhibiting pure bred dogs.

7 Q. So the sport of pure bred dogs includes  
8 breeding?

9 A. In its broadest sense.

10 Q. Well, let's focus on confirmation. What's the  
11 point of confirmation?

12 A. The point of confirmation is breeding.

13 Q. Correct. The idea is -- and you'll correct me  
14 if I'm wrong -- the idea is to judge an entrant against  
15 the written standard for that breed. So far so good?

16 A. So far so good.

17 Q. And ultimately to choose the entrant on a  
18 particular day that most closely conforms to the written  
19 standard, correct?

20 A. Yes.

21 Q. Would you agree that confirmation is accurately  
22 described as the judging of breeding stock?

23 A. It is the judging of breeding stock, yes.

24 Q. The idea being to award entrants that most  
25 closely conform to the written standard. So far so

0111

1 good?

2 A. So far so good.

3 Q. With the goal of -- well, with the goal of --  
4 let me say this correctly -- breeding, recognizing dogs  
5 who should be bred for their conformity with the breed  
6 and not dogs that do not conform to the breed?

7 A. Correct.

8 Q. Basically to better the breed?

9 A. I can go along with that.

10 Q. Follow that. I know it was a little awkward but  
11 that's the best I can say it. So without -- I don't  
12 want to put words in your mouth, but the sport of pure  
13 bred dogs in its broadest sense to you includes  
14 breeding?

15 A. In its broadest sense.

16 Q. And let's see --

17 A. If I could qualify that. It is the breeding --  
18 we have breeding and then we have the sport of pure bred

19 dogs. And sport of pure bred dogs is breeding those  
20 dogs that are determined to be of good quality and  
21 worthy of being bred. And in a way, that's another  
22 paraphrase of what you said.

23 Q. Okay.

24 (Plaintiff's 1 marked for identification.)

25 Q. Ask you, if you please, take a look at the

0112

1 document that I provided to you and see if you can tell  
2 me what it is. And I'll represent to you that I printed  
3 this off the AKC website.

4 A. It looks like an introduction of upper  
5 management.

6 Q. Okay. One of the individuals identified on  
7 this -- in this document is chief operating officer John  
8 Lyons. Do you see that on the first page?

9 A. Yes.

10 Q. If you -- well, to your knowledge, does this  
11 appear to be a document put out by American Kennel Club?

12 A. It appears so.

13 Q. Now, reading from a portion of the -- portion of  
14 the biography about Mr. Lyons, about halfway down on the  
15 right-hand side, it says, "With over 30 years  
16 involvement in the sport of pure bred dogs, Lyons has  
17 been involved as a breeder, exhibitor, multi-group  
18 judge, national specialty chairman and AKC delegate."  
19 Do you see that?

20 A. Uh-hum. Yes.

21 Q. So this biography indicates, and this is put out  
22 by the AKC, that Mr. Lyons' involvement in the sport of  
23 pure bred dogs includes breeding. Do you see that?

24 A. Yes.

25 Q. Switch to the next page, right-hand column,

0113

1 start of the second paragraph. See where it talks about  
2 Ron Rella? It says, Rella has over 45 years experience  
3 or 45 years in the sport of pure bred dogs as exhibitor,  
4 breeder and multi-group judge?

5 A. Yes.

6 Q. Do you believe that to be accurate?

7 A. Yes.

8 Q. Again, it characterizes his participation in the  
9 sport of pure bred dogs by indicating his participation  
10 as a breeder. Do you see that?

11 A. Yes.

12 Q. Let me show you another document and have this  
13 marked as Plaintiff's 2.

14 (Plaintiff's 2 marked for identification.)

15 Q. Take a look at that. When you're satisfied that  
16 you are comfortable with it, let me know.

17 A. Yes.

18 Q. What is that document?

19 A. It is a synopsis of the new breed judging  
20 requirements that was revised in August of '04.

21 Q. Do you know if this synopsis of new breed  
22 judging requirements accurately detailed the  
23 requirements applicable to Mr. Martin's application was  
24 considered?

25 MS. POWERS: Object to the form of the question.

0114

1 BY MR. MCCORMICK:

2 Q. Let me ask you another question. Do you know  
3 when these criteria were in effect?

4 A. Well, it had to have been in effect when he --  
5 actually, it was revised again in '05. And I can't tell  
6 you what the date was.

7 Q. Hold on one second and we'll mark one more  
8 document here.

9 (Plaintiff's 3 marked for identification.)

10 Q. Hand you what I marked as Plaintiffs Exhibit 3.

11 A. Okay.

12 Q. Exhibit 3, is that the revision you're talking  
13 about?

14 A. I think it is.

15 Q. Does it indicate when that was revised?

16 A. On the last sheet it says updated in August of  
17 '05.

18 Q. As far as your recollection, would that have  
19 been before or after Mr. Martin's application?

20 A. That would be after. But the section you have  
21 highlighted is basically the same.

22 Q. Correct. Let's take a look at that section.  
23 The section, and it deals with the 12-5-4 method I guess  
24 under both; is that correct?

25 A. Yes.

0115

1 Q. One of the criterion, I believe this is the one  
2 that you say you believe Mr. Martin did not meet; is  
3 that correct? It says you have to have 12 years  
4 documented experience in the sport?

5 A. Correct.

6 Q. Now, when you testified earlier you said that  
7 you believed that Mr. Martin did not satisfy the judging  
8 requirements because he did not have 12 years documented  
9 experience in confirmation?

10 A. Correct.

11 Q. It doesn't say that here in these guidelines for  
12 applying, does it?

13 A. You're right.

14 Q. It says it now?

15 A. It says it now so we can make it explicit. But  
16 it is assumed that if you're going to apply to be a  
17 confirmation dog show judge, that your experience would  
18 be in confirmation and not in some other -- and this was  
19 across the board in the sport -- and not in some other  
20 aspect of the sport.

21 Q. Well, let's follow up on that. It says have 12  
22 years documented experience in the sport. Do you think  
23 the parenthetical next to it, it says "documentation may  
24 include date of litters, exhibiting and club  
25 membership"?

0116

1 A. Says "may include."

2 Q. Correct. So dates of litters, that means  
3 breeding, correct?

4 A. Yeah. But it is an ongoing action, an ongoing  
5 interest. Now you can't have shown dogs in 1987 and  
6 then gone away and bred an occasional litter and then  
7 come back and started showing dogs again in 2005 and  
8 expect to be approved for a dog show judge. That isn't  
9 going to work.

10 Q. Where does it say that? Is that a written rule  
11 somewhere?

12 A. No, but it is the way we've been doing it.

13 These are not -- it is not experience exhibiting dogs.

14 Q. Okay. Documentation of experience in the sport

15 doesn't require exhibiting dogs only, does it?  
16 A. That's correct.  
17 Q. Breeding dogs is also part of it?  
18 A. Yes, it is.  
19 Q. Okay. And under these guidelines, breeding dogs  
20 is one of the ways that you can satisfy all or part of  
21 the 12 years in the sport?  
22 A. And that's how Mr. Martin ultimately was  
23 approved to judge, because it wasn't explicit enough.  
24 Q. Well, what's not explicit about that?  
25 A. Because it didn't say you have to be involved in

0117

1 exhibiting dogs. That was the intent.  
2 Q. Did you draft these regulations?  
3 A. No, I didn't.  
4 Q. How do you know what the intent was?  
5 A. Because I was involved in interviewing judges  
6 and doing preapplication interviews, and then I know  
7 what we were directed to do.  
8 Q. By whom?  
9 A. By judging operations, the Director of Judging  
10 Operations and Assistant Vice-president of Judging  
11 Operations.  
12 Q. Well, the Director of Judging Operations when  
13 Mr. Martin's application was considered was Maryanne  
14 Alston. We established that?  
15 A. Right.  
16 Q. What did she direct you to do with respect to  
17 that requirement?  
18 A. Didn't direct me to do anything because I  
19 predated her significantly in this department, and I  
20 continued the way I was trained.  
21 Q. Who were you trained by?  
22 A. I was trained by Darrell Hayes and the rest of  
23 the field staff.  
24 Q. And Darrell Hayes was on the committee that  
25 approved Mr. Martin's application?

0118

1 A. Correct.  
2 Q. And who trained Maryanne Alston, do you know?  
3 A. It was probably Janet Ford and Darrell Hayes but  
4 mostly Janet Ford who was the prior Director of Judging  
5 Operations.  
6 Q. Now the preapplication interview for Mr. Martin  
7 was done by Mr. James Mitchell, correct?  
8 A. Correct.  
9 Q. And what was his position at the time?  
10 A. An executive field representative.  
11 Q. Same as yours at the time?  
12 A. At the time.  
13 Q. And are you saying that part of his  
14 responsibility would have been to verify this  
15 information as well?  
16 A. Well, to look at it and make sure all the boxes  
17 are filled in and checked out.  
18 Q. But not to look at the substance of any of those  
19 boxes?  
20 A. Well, as closely as he could in the field on the  
21 day. These are done without prior appointment, and the  
22 field rep has quite an agenda each day and they do it in  
23 between other tasks.  
24 Q. When you talk about reviewing boxes and  
25 reviewing applications, what documents does the field

0119

1 rep look at? Let's go back to your Exhibit 1 and you  
2 can show me.  
3 A. Right there. Start there.  
4 Q. Want me to start here?  
5 A. No, no.  
6 Q. Start here?  
7 A. Yes.  
8 Q. That will be for the --  
9 A. That will be in the packet.  
10 Q. For the clarity of the record?  
11 A. This is New Breed Synopsis.  
12 Q. And that's dated what date?  
13 A. 3/14/05.  
14 Q. What else?  
15 A. The next page is the 12-5-4 New Breed Specific  
16 Application.  
17 Q. So the new breed, so far the New Breed Synopsis  
18 and 12-5-4 New Breed Specific Application, those are  
19 both items reviewed by executive field rep?  
20 A. Correct.  
21 Q. And that's at the preapplication interview?  
22 A. Correct, and the next page, which is the back  
23 side of that 12-5-4 New Breed Specific Application.  
24 Q. Okay. Anything else?  
25 A. Typically one or the other, either the 12-5-4 or

0120

1 this old 60-point system would be in the application.  
2 And this was overkill because he filled out both of  
3 them.  
4 Q. So in Mr. Martin's case both 12-5-4 and 60-point  
5 system were in the packet?  
6 A. Correct.  
7 Q. And what's significant about the stamp of James  
8 Mitchell dated?  
9 A. It just means that he looked at it and it  
10 appeared to meet the requirements.  
11 Q. Okay. What else? Anything else?  
12 A. So the next page is the back side of that  
13 starting at the top. It just says "Breed Specific  
14 Breeding Only and Exhibiting Elements."  
15 Q. With the number 3 next to it?  
16 A. Yes.  
17 Q. Okay.  
18 A. And next page starting with number 5, "Club  
19 Related Or Educational Experiences." That is also part  
20 of it.  
21 Q. Okay, when you say part of it?  
22 A. Part of the application that the field rep would  
23 review.  
24 Q. Let me just finish. When you say part of it,  
25 you're saying as part of the 60-point application?

0121

1 A. Oh, yes, I am sorry.  
2 Q. And that is all something that would be reviewed  
3 by the field rep?  
4 A. Correct. Just to make sure it was properly  
5 filled out and things were in the right place and they  
6 didn't duplicate effort.  
7 Q. Now --  
8 A. Or didn't claim the same effort more than one  
9 place is what I mean.  
10 Q. Okay. Let's go to the first document that you

11 indicated would be part of the packet and that's the New  
12 Breed Synopsis?

13 A. Okay.

14 Q. The New Breed Synopsis, again, spoke about this  
15 earlier, as far as you know does not contain any  
16 inaccuracies?

17 A. That's correct.

18 Q. It indicates that Mr. Martin at the time had  
19 owned Dobermans and exhibited Dobermans for how long?

20 A. Nine years.

21 Q. Now as executive field representative, assuming  
22 that you were Mr. Mitchell at the time, would you have  
23 just looked to see that those boxes were filled in or  
24 would you have looked to the substance to make a  
25 determination?

0122

1 A. Are you asking what I would do? I would have  
2 told him that that wasn't enough.

3 Q. So you would have looked at the substance is  
4 what I'm saying?

5 A. I would have, yeah.

6 Q. And why would you do that? Is that how you were  
7 taught to do it?

8 A. Yeah.

9 Q. Do you have any knowledge whatsoever whether  
10 Mr. Mitchell actually reviewed the substance?

11 A. Well, he wrote on his preapplication agreement  
12 that he's an active Doberman breeder and exhibitor. And  
13 so the fact that he stamped this page suggests that he  
14 looked at the application.

15 Q. Would it be unusual to not review the substance  
16 of the New Breed Synopsis for executive field rep?

17 MS. POWERS: Object to the form of the question.  
18 Calls for speculation.

19 BY MR. MCCORMICK:

20 Q. How long were you an executive field rep?

21 A. Five years.

22 Q. You know a lot of other executive field reps?

23 A. Yeah.

24 Q. And speak with them a lot?

25 A. No, not a lot but I'm in touch with them fairly

0123

1 frequently.

2 Q. You receive training in your capacity as  
3 executive field rep?

4 A. Yes, training and direction.

5 Q. Did the other executive field reps receive  
6 training and direction from the AKC?

7 A. Yes.

8 Q. And specifically with respect to reviewing new  
9 applicant applications?

10 A. Yes.

11 Q. Based on the training you received, would you  
12 believe it to be unusual that a judge -- that an  
13 executive field rep would not review the substance of  
14 those boxes?

15 MS. POWERS: Object to the form of the question.

16 THE WITNESS: Usually they look at it and they  
17 would, as a rule they would pick this up.

18 BY MR. MCCORMICK:

19 Q. Looking at preapplication interview which is  
20 also contained in Defendant's Exhibit 1, I believe it is  
21 two pages before the last document we were looking at?

22 A. Yes, uh-hum.

23 Q. Who filled this, who fills this document out?

24 A. The field rep that conducts this preapplication  
25 interview. In this case it was Jimmy Mitchell.

0124

1 Q. And do you see a box where Mr. Mitchell  
2 indicates that the applicant meets the requirements?

3 A. Yes.

4 (Plaintiff's 4 marked for identification.)

5 Q. Go ahead and take an opportunity to look through  
6 every page that I handed you and let me know when you're  
7 done. You all done?

8 A. Yes.

9 Q. Could you tell me what Plaintiff's 4 is?

10 A. It is -- there are litter application copies of  
11 litter applications and copies of actually out of our  
12 database that indicate chain of title on some specific  
13 dogs.

14 Q. We're going to go through them one by one. So  
15 let's just start with the first page. Help me navigate  
16 through here.

17 What does the first page show and just for the  
18 purposes of our -- hang on one second. For the purposes  
19 of the record, each page is numbered in the bottom right  
20 corner and they are numbered 1 through 12. So I'll be  
21 referring to those page numbers as we go through. But  
22 they are all within Plaintiff's 4. Go ahead and tell me  
23 what page 1 is.

24 A. Page 1 is a printout that indicates that  
25 Mr. Martin has owned dog number HD154020 since June 2,

0125

1 1984.

2 Q. Go to next page, page 2 of Plaintiff's Exhibit  
3 4. What's that?

4 A. Dog number WC659825 from May 5, 1977.

5 Q. Okay. Does it indicate the dog's name?

6 A. Tie-down Moltar. This was the female German  
7 Shepard.

8 Q. What about the other one?

9 A. Female Dachshund. Neither one of them carry a  
10 title of any kind.

11 Q. Let's go to page 3 of Plaintiff's Exhibit 4.  
12 Tell me what this is?

13 A. This dog is Prince Romel Von Blitz with a  
14 utility degree, owned. It is a German Shepard.

15 Q. Well, first of all, tell me what this page  
16 represents? What does this page show us in a general  
17 sense?

18 A. Ownership of a dog. I don't even see what breed  
19 it is here. I can't read it. It is a German Shepard  
20 dog I see down below. Two puppies.

21 Q. Take a look at the top right corner of the  
22 information in that box there. Maybe that will help  
23 there.

24 A. Litter number is this?

25 Q. Yes. Is this actually a litter registration  
0126

1 screen?

2 A. It could be. I'm not familiar with -- I don't  
3 get into litter registration stuff. I know information  
4 about ownership of specific dogs.

5 Q. Who would have knowledge about these?

6 A. Somebody in registration.

7 Q. Give me a name.  
8 A. David Roberts.  
9 Q. David Roberts. What's David Roberts' position?  
10 A. I think he is Assistant Vice-president in  
11 registration.  
12 Q. Well, looking at page 3, do you see where -- and  
13 I'm looking starting right here where your finger is.  
14 First it lists the sire, WBH 60563.  
15 A. Yes.  
16 Q. Under that it lists dam, WC 659825. And see the  
17 name of that dam?  
18 A. Yes.  
19 Q. What is it?  
20 A. Ty Down Moltar.  
21 Q. And that's the bitch that we saw in the previous  
22 place, was owned by Mr. Martin at the time?  
23 A. Uh-hum, back in the '70s. This is 30 years ago.  
24 Right.  
25 Q. In fact, even if you go down two spots from  
0127  
1 there it says that the owner, one of the owners is  
2 Philip Martin. Do you see that?  
3 A. Yeah.  
4 Q. Above that do you see the other owner?  
5 A. Gerald Martin.  
6 Q. Does it list as breeders for this litter?  
7 A. Gerald Martin and Philip Martin.  
8 Q. And does it indicate -- what does it indicate as  
9 far as puppies from this?  
10 A. That there were three puppies that were  
11 registered.  
12 Q. And this screen shows Mr. Martin as breeder of  
13 that litter?  
14 A. Co-breeder, yes.  
15 Q. Let's go to the next page with the number 4 on  
16 it. Do you recognize what this document is?  
17 A. It looks like the registration form for a  
18 litter. Actually I'm guessing at that just from looking  
19 at what's on here.  
20 MS. POWERS: Move to strike the answer.  
21 BY MR. MCCORMICK:  
22 Q. That would be a question for Mr. Roberts?  
23 A. Yes.  
24 Q. Would you be guessing at the remainder of these  
25 as well, remainder of these pages as to what they mean?  
0128  
1 A. Yes. I mean, they don't typically fall into my  
2 domain.  
3 Q. If you had been aware in September of 2005  
4 around September 1 of 2005 that Mr. Martin had bred  
5 litters of puppies as far back as the '70s, would that  
6 have changed your mind with respect to his time in the  
7 sport?  
8 A. That by itself, no. He would have had to fill  
9 in the gaps.  
10 Q. What do you mean?  
11 A. He would have had to tell me, explain what he  
12 had been doing from 1977 until 1996.  
13 Q. If he had bred additional litters and other  
14 breeds in the meantime, would that have changed your  
15 mind?  
16 A. I would have probably wanted to see how active  
17 he was, if he was active exhibiting any of those dogs.

18 And the reason why is we have people that breed dogs all  
19 the time. They are not really part of the sport. They  
20 breed backyard litters, and these dogs never come into  
21 the sport. And they are not breeding necessarily  
22 quality dogs. And they are not breeding to produce  
23 quality dogs. They are breeding litters to show their  
24 12- or 13-year-old kids the reproduction cycle or  
25 they're breeding litters to be able to sell puppies for

0129

1 \$200 a piece. And they are not part of the sport. And  
2 we have commercial breeders out there that breed  
3 thousands of dogs every year essentially without regard  
4 to quality, and those dogs would never do well at the  
5 dog shows, would never come.

6 Q. Are those dogs registered with the AKC?

7 A. Some are.

8 Q. And again, I would ask you, trying to find where  
9 we put it here. Ask you to take a look at Plaintiff's 2  
10 and 3 again. That's these two documents.

11 MS. POWERS: I am ask asking the court reporter  
12 does she need a break?

13 (Off-the-record discussion.)

14 BY MR. MCCORMICK:

15 Q. Looking back at Plaintiff's Exhibit 2 and  
16 Plaintiff's Exhibit 3, the requirement under the first  
17 requirement of the 12-5-4 method is, again, to have 12  
18 years documented experience in the sport. We can agree  
19 on that?

20 A. Yes.

21 Q. And sport that's being referred to as sport of  
22 pure bred dogs?

23 A. That's correct.

24 Q. And we can agree that in parentheses it gives  
25 examples of how you can show your experience in the

0130

1 sport, how you can document it, correct?

2 A. Correct.

3 Q. It is not an exhaustive list?

4 A. That's correct.

5 Q. But it includes some ways?

6 A. Correct.

7 Q. And one of those is by showing dates of litters,  
8 just as a matter of what it says here?

9 A. Yeah, but it says it may include dates of  
10 litters, exhibiting and club membership.

11 Q. All right.

12 A. And not "or." Or. It says "and."

13 Q. That's significant to you why?

14 A. Because it doesn't mean that just because you  
15 joined a club that it shows that you're involved in the  
16 sport, any more than if you bred a litter it shows that  
17 you're involved in the sport, or three litters,  
18 especially if it was 30 years ago.

19 Q. That's what I wanted to talk to you about.  
20 where does it say in these requirements that this 12  
21 years has to have occurred within a certain period of  
22 time before your application?

23 A. It doesn't.

24 (Plaintiff's 5 marked for identification.)

25 Q. Take a look at what we just marked as

0131

1 Plaintiff's Exhibit 5. Let me know when you're done.

2 Okay, done?

3 A. Yeah.  
4 Q. What is Plaintiff's Exhibit 5?  
5 A. It is a the approval policy that was revised in  
6 August of 2004.  
7 Q. Do you know if this was the approval policy in  
8 place when Mr. Martin's application was reviewed?  
9 A. I think, based on our previous look at this, I  
10 think it was. It was revised again in August of '05  
11 which was after his application.  
12 Q. I'm sorry. Did you already mark this or did you  
13 do the new one?  
14 MS. POWERS: I'm trying to remember.  
15 MR. MCCORMICK: I apologize if I remarked an  
16 existing exhibit. Let's just stick with this one.  
17 BY MR. MCCORMICK:  
18 Q. What's the purpose of this, this document? why  
19 is this published?  
20 A. To help judges understand what the policy and  
21 procedure for approval is.  
22 Q. How is this different, this document different  
23 from the document we were just looking at, Plaintiff's  
24 Exhibit 3? And when I say different, why are the two  
25 published? Is there a different purpose?  
0132  
1 A. Same purpose. This is just apparently updated  
2 and reformatted some of the -- this looks like just a  
3 straightforward representation of the policy, and  
4 this --  
5 Q. Plaintiff's Exhibit 5 goes into more detail; is  
6 that fair statement?  
7 A. Yeah. Yeah, it does and I don't know that.  
8 There's some things may have been changed in Exhibit 3.  
9 Q. When you say some things may have been changed,  
10 what do you mean by that?  
11 A. Well, reworded, readjusted.  
12 Q. As compared with what?  
13 A. As compared with Exhibit 5.  
14 Q. Well --  
15 A. But, I mean, we're not talking about anything,  
16 from having worked with it, we are not talking about any  
17 major revisions to the requirements or the policy.  
18 Q. Okay.  
19 MS. POWERS: Excuse me, Mr. McCormick. I don't  
20 know what I marked.  
21 MR. MCCORMICK: You did not mark this one.  
22 MS. POWERS: But I do have a copy of the January  
23 2005 one. Maybe that's the one I used, which would have  
24 been the relevant one, January of 2005.  
25 MR. MCCORMICK: Let me see. You want this back?  
0133  
1 MS. POWERS: You can go ahead and use it.  
2 (Exhibit 6 marked for identification.)  
3 BY MR. MCCORMICK:  
4 Q. I'll ask you compare Plaintiff's 6 to  
5 Plaintiff's 5 and see if at least on the first two pages  
6 there's any significant deviations. You don't need to  
7 look at the whole thing.  
8 MS. McMANUS: Take as much time as you need to  
9 review it and answer the question.  
10 MR. MCCORMICK: I'm not rushing him.  
11 BY MR. MCCORMICK:  
12 Q. You don't need to go past the first column of  
13 page 2. I won't be asking you anything beyond the first

14 column.

15 A. Okay.

16 Q. All right. Well, taking a look then at, I  
17 guess, what we marked as Plaintiff's 6. Take a look at  
18 the first page and let me know what that is.

19 A. This is the judging approval policy as revised  
20 in January of '05.

21 Q. So does that change your opinion as to which one  
22 would have been, as between Plaintiff's 5 and  
23 Plaintiff's 6, which would have been applicable at the  
24 time of Mr. Martin's application?

25 A. This later one would be.

0134

1 Q. Was evaluated?

2 A. Yeah, Exhibit 6.

3 Q. Now, under "New Breed Applicants, Level 1"?

4 A. Uh-hum, yes.

5 Q. Again, the first bullet point indicates that an  
6 applicant first, new breed applicant must have 12 or  
7 more years experience in the sport, correct? Am I  
8 reading that right?

9 A. Correct.

10 Q. And again, the sport we are talking about is  
11 sport of pure bred dogs, right?

12 A. Correct.

13 Q. And that doesn't say that experience has to have  
14 been within a certain time frame before submission of  
15 the application?

16 A. That's correct.

17 Q. And in fact it doesn't even say it needs to be  
18 in the same breed as the breed being requested, does it?

19 A. That's correct.

20 Q. Okay. Does anything else in Plaintiff's Exhibit  
21 6 state that that 12 years must be within a certain time  
22 period prior to submission of the application? And take  
23 your time.

24 A. Actually, I can just answer that directly  
25 because I'm familiar enough with the policy. And the

0135

1 answer is: No.

2 Q. Okay. And is there any written policy anywhere  
3 in the AKC that says that that 12 years has to be within  
4 a certain period prior to submission of the application?

5 A. No.

6 Q. Take a look at -- grab Plaintiff's Exhibit 3 one  
7 more time. Again, we're going to look back at revision  
8 which states you must have 12 more years of documented  
9 experience in the sport of -- well, sport. Remember we  
10 were talking about that. Do you see that in there?

11 A. The one that's highlighted in yellow, yes.

12 Q. Absolutely. Now, when you testified this  
13 morning, you indicated that it was your opinion that  
14 Mr. Martin did not satisfy the time in the sport.  
15 Actually you didn't say that. You said he didn't  
16 satisfy, didn't have 12 years in confirmation. Do you  
17 remember testifying to that this morning?

18 A. Yes, I do.

19 Q. The guidelines in effect at the time did not  
20 specify confirmation, correct?

21 A. It is correct that they didn't specify it, but  
22 he was applying to be confirmation dog show judge.

23 Q. Well, had it been the intent of this document  
24 for it to be limited to the 12 or more years of

25 experience in confirmation, it would have been easy to

0136

1 say that, right?

2 MS. POWERS: Object to the form of the question.  
3 Argumentative.

4 THE WITNESS: Yeah, it would have been easy to  
5 say that but it is still easy to say he is applying to  
6 become a confirmation dog show judge, not an obedience  
7 judge, not a tennis referee.

8 BY MR. MCCORMICK:

9 Q. My question to you is, if the requirement for  
10 the 12 years was intended to be in exhibiting and  
11 confirmation, it would have been very easy to say that.

12 MS. McMANUS: He's already answered that  
13 question.

14 BY MR. MCCORMICK:

15 Q. I don't think he did. Go ahead.

16 A. Say it again.

17 Q. I said: Had it been the intent for paragraph 1  
18 that talks about 12 years' documented experience in the  
19 sport, if it had been the intent to limit that to  
20 exhibiting and confirmation, it would have been easy for  
21 it to say that?

22 MS. POWERS: Objection. Argumentative. Asked  
23 and answered.

24 BY MR. MCCORMICK:

25 Q. Go ahead and answer.

0137

1 A. It would have been easy to write that in, but it  
2 is also easy to be aware of what you're applying for and  
3 assume that the experience they are looking for is  
4 confirmation experience, not breeding experience.

5 Q. Well, is that true, when documentation can  
6 include dates of litters?

7 MS. POWERS: Objection, argumentative.

8 THE WITNESS: Yeah, I believe so.

9 BY MR. MCCORMICK:

10 Q. Earlier you also testified that when reviewed  
11 Mr. Martin's application, specifically with respect to  
12 the 12 years in the sport requirement, you said that it  
13 was black and white in your opinion?

14 A. Yes.

15 Q. Reading what's in -- tell me what part of this  
16 in black and white says that he needed to have 12 years  
17 in exhibiting confirmation?

18 MS. POWERS: Object to the form of the question.

19 THE WITNESS: I believe you're saying that in  
20 the literally black and literally white. And my  
21 decision was clear because he did not demonstrate and he  
22 still doesn't demonstrate that he was involved in  
23 confirmation for 12 years.

24 BY MR. MCCORMICK:

25 Q. And that's my question to you, sir. Where does

0138

1 it say he had to be in confirmation?

2 A. He's applying to be a confirmation dog show  
3 judge.

4 Q. Where does it say he had to be -- his experience  
5 had to be in confirmation?

6 MS. POWERS: Objection. Asked and answered.

7 This is about the fourth time you've asked the same  
8 question, Mr. McCormick.

9 BY MR. MCCORMICK:

10 Q. All right. Answer the question, please. Where  
11 does it say there that --

12 A. It doesn't say it there, but he is applying to  
13 be confirmation dog show judge.

14 Q. Not only does it not say it there, it doesn't  
15 say it anywhere in writing in the AKC guidelines?

16 MS. POWERS: Object to the form of the question.  
17 You can answer.

18 THE WITNESS: That's not a question. That's a  
19 statement.

20 BY MR. MCCORMICK:

21 Q. Is that correct?

22 A. I am not sure if it doesn't say that, doesn't  
23 say that anywhere.

24 Q. You're unaware of anywhere in the written AKC  
25 guidelines at the time that Mr. Martin's application

0139  
1 went through that it said his 12 years had to be in  
2 confirmation?

3 A. Oh, that the 12 years had to be in confirmation.  
4 I don't think it says anywhere, as you put it that way.  
5 I don't think it says it that way.

6 Q. Why don't we take a few minute break and go  
7 through some of these documents and maybe I can weed it  
8 down a little bit.

9 (Recess taken from 2:57 to 3:14 p.m.)

10 BY MR. MCCORMICK:

11 Q. Let's go back to -- I think you have it there --  
12 Defendant's Exhibit 1. Fortunately that has a lot of  
13 the documents I was going to put in as exhibits so we  
14 can stick with that one. And specifically I just want  
15 to try to clear up a few things. I just want to turn to  
16 your letter of September 1 that you wrote to Mr. Martin,  
17 the one that you say did not go out. You guys go fast.  
18 You knew right where it was.

19 A. Well, I think this copy is trained.

20 Q. Help me out. Where are you near the back?

21 A. Toward the back about two-thirds of the way  
22 back.

23 Q. I will be there in a second. Okay, I'm there.  
24 Now just to be clear, I'm reading the first letter of  
25 your paragraph of your letter I should say. And I read

0140  
1 it to say that other than this issue about 12 years in  
2 the sport, it was your position at the time that  
3 Mr. Martin's application satisfied all other  
4 requirements necessary?

5 A. Correct.

6 Q. In making that determination, what review, if  
7 any, did you do of his file prior to writing this  
8 letter?

9 A. Basically looked at his year first exhibited,  
10 the '96. That's on this new breed synopsis.

11 Q. Part of Defendant's Exhibit 1?

12 A. Part of this application. Years exhibited dogs  
13 on that same sheet, nine years. And his words in the,  
14 in this interview, published interview.

15 Q. Okay.

16 A. Directed me to that.

17 Q. I want to talk about that published interview  
18 for a quick second. Earlier I believe that you, when  
19 you were discussing your review of that article, you  
20 indicated that Mr. Martin discussed, and I wrote it

21 down, if you remember, great, but if not I wrote it  
22 down. I think the words you used, "his experience in  
23 dogs." Do you remember saying that, that it talked  
24 about his experience in getting his first dog in 1996?  
25 A. His Doberman is I think the word I used.

0141

1 Q. If you didn't use Doberman you meant to use  
2 Doberman?  
3 A. Uh-hum.  
4 Q. Because that article deals only with his  
5 experience with Dobermans?  
6 A. That's correct. And his synopsis indicates that  
7 he exhibited the breed, owned it for nine years and  
8 claims to have exhibited for nine years.  
9 Q. And information in the new breed synopsis is  
10 consistent with the information in that article?  
11 A. Yes.  
12 Q. Okay. And you testified that you reviewed  
13 Mr. Martin's article or application because of the  
14 letter you received from Doris G. Mullin?  
15 A. And the information in this article.  
16 Q. Which was?  
17 A. Where he gave the -- that he acquired his first  
18 one in '96.  
19 Q. And your statement was, I believe your testimony  
20 was, that you believed that article to have been  
21 included with the letter from Doris G. Mullin?  
22 A. Well, the article. Well, the article came with  
23 that letter and based on his interview and his statement  
24 that he started his search in '95, acquired his first  
25 Doberman in '96. And then I went back here and looked

0142

1 at this.  
2 Q. Right. I was just asking what precipitated the  
3 review. It was that letter?  
4 A. It was the article.  
5 Q. Which was transmitted to you in the letter?  
6 A. In the letter, that's correct.  
7 Q. From Doris G. Mullin?  
8 A. That's correct.  
9 Q. Not trying to trick you.  
10 A. No. I know you're not trying to trick me. But  
11 I'm not trying to evade the question either. It wasn't  
12 the letter. It was the article. It wasn't somebody's  
13 allegation. It was the way his history was represented  
14 in the article that was published in public domain.  
15 Q. It is my fault for asking the question poorly.  
16 The review was precipitated by the article which you  
17 received in the letter from Doris G. Mullin?  
18 A. Correct.  
19 Q. All right. My fault.  
20 A. I want you to understand that we don't have a  
21 knee-jerk reaction to the letters we get. We answer  
22 those letters, and the common response is we will  
23 address the situation, we'll investigate and address the  
24 situation appropriately. And then we don't go back and  
25 carry stories back about what we've done. There's an

0143

1 end to it with respect to the complaint.  
2 Q. When you say you don't carry stories back, what  
3 do you mean by that?  
4 A. We don't go back and call people up or write  
5 back to them and say, well, we did this, this and this.

6 Q. why don't you do that?  
7 A. Because it is over and done with when we respond  
8 to them, and there's no sense in escalating things  
9 outside of the office for the same reason that we  
10 wouldn't copy a judge on letters of complaint regarding  
11 that they are a poor loser outside the ring. There's no  
12 sense in escalating personal problems.  
13 Q. Okay. So what you're saying is once you provide  
14 the person who sent in the comment with your written  
15 response, you don't follow up with them to tell them  
16 what action was taken?  
17 A. Exactly.  
18 Q. Is that your policy, or whose policy is that?  
19 A. I just inherited that and I think it is just  
20 good sense, and --  
21 Q. Institutional policy?  
22 A. Yeah.  
23 Q. Does that policy generally apply to discussing a  
24 judge's application with people outside the judging  
25 operations department?  
0144  
1 A. We don't do that.  
2 Q. That would be improper?  
3 A. Yes.  
4 Q. Now we can agree that when you contacted  
5 Mr. Martin by telephone -- well, let's back up. When  
6 you wrote this letter to Mr. Martin, it was dated June  
7 1 -- I'm sorry. September 1, you're right. It was the  
8 letter dated September 1. When you wrote that letter,  
9 you wrote that letter on or before September 1?  
10 A. Correct.  
11 Q. After receiving the article that was included  
12 with Ms. Mullin's letter, tell me exactly what you did.  
13 I know what you looked at but give me a breakdown of  
14 your day. What happened? You got it. What was the  
15 next thing you did with respect to the letter, how soon  
16 after?  
17 A. I can't tell you how soon after it. I went in  
18 and reported to Darrell Hayes what I found and bounced  
19 off of him what I proposed to do.  
20 Q. Okay. Just give me the substance of that  
21 conversation.  
22 A. I just went in and say you said I have this  
23 article that outlines this applicant's experience in  
24 confirmation and he acquired his first Doberman in '95  
25 and exhibited his Doberman in '96, and all of that is  
0145  
1 clear on his application. He didn't try to hide any of  
2 it. The application was perfectly forthright. And I  
3 said, this does not meet the 12-year requirement.  
4 Q. What was Mr. Hayes' reaction?  
5 A. He said: You're right.  
6 Q. And you discussed what you would do about it?  
7 A. Yes.  
8 Q. And what did you tell him you proposed to do?  
9 A. That stop the processing of the approval of the  
10 application.  
11 Q. Well, in point of fact, hadn't the application  
12 already been approved?  
13 A. The application had been approved by staff  
14 committee, but the process, the 30-day publication  
15 period and the response time had not elapsed.  
16 Q. And in your letter of September 1 to Mr. Martin

17 you indicated that you had directed, and I don't have  
18 it, maybe I should get it in front of me, you indicated  
19 that you had directed staff to withdraw his application  
20 from further processing. Who was the staff you're  
21 referring to?

22 A. Probably told Inez Maldonado who pulled the  
23 application.

24 Q. Did you write the letter to Mr. Martin before or  
25 after you had your conversation with Mr. Hayes?

0146

1 A. After.

2 Q. Anybody else involved in that conversation?

3 A. With Mr. Hayes?

4 Q. Yes, I'm sorry.

5 A. No.

6 Q. Did you have your conversation with Mr. Hayes  
7 before or after you called Mr. Martin?

8 A. Before I'm pretty sure. I'm sure I would have  
9 talked to Darrell before. I was still relatively new on  
10 the block so I would have passed it by.

11 Q. At that point you had been on the job, what,  
12 about 60 days?

13 A. September 1. Well, July with Maryanne and so we  
14 are talking about 30 days on my own.

15 Q. And prior to her leaving, Ms. Alston been on  
16 anywhere from two to three years as director?

17 A. Something like that.

18 Q. Did you write the letter to Mr. Martin before or  
19 after you called Mr. Martin on the telephone?

20 A. Probably before. I can't remember the exact  
21 sequence, but if I had made my decision I probably write  
22 the letter and discuss it and call him.

23 Q. So write the letter and then discuss it with  
24 Darrell Hayes and then call Mr. Martin?

25 A. No. Discuss it with Darrell Hayes, write the

0147

1 letter and then talk to Mr. Martin.

2 Q. I am sorry. I misunderstood you.

3 A. I just don't like to send -- just have somebody  
4 blind sided by bad news. I'll call them up and discuss  
5 it with them.

6 Q. Do you remember what time of day you called  
7 Mr. Martin?

8 A. No. Could have been morning, could have been  
9 afternoon.

10 Q. You have no recollection one way or the other?

11 A. No.

12 Q. All right. Now you testified earlier this  
13 morning that at some point after you wrote the letter  
14 and I guess whatever your internal process is for  
15 sending it out, you put it in that, at least in the  
16 pipeline to go out?

17 A. Uh-hum.

18 Q. And at some point you were directed to retrieve  
19 that?

20 A. Uh-hum.

21 Q. And that direction came from whom?

22 A. John Lyons.

23 Q. And he was the chief operating officer at the  
24 time?

25 A. Correct.

0148

1 Q. still is?

2 A. Yes.  
3 Q. Tell me about that conversation. How did that  
4 start, who approached whom, what time of day was it,  
5 what was said, that type of thing?  
6 A. Actually I had two conversations with him. One,  
7 to let him know that this was developing, and --  
8 Q. Was that before or after you spoke with Mr.  
9 Hayes?  
10 A. After. I go to my boss first with everything.  
11 And one way or another we pulled John into the loop so  
12 that he would know what was going on.  
13 Q. Do you remember who reached out to him, whether  
14 it was you or Mr. Hayes?  
15 A. It could well have been something either Darrell  
16 and I discussed it and immediately called John. That's  
17 what typically happens and ask if we can have 15  
18 minutes. So it would have probably would have been  
19 Darrell that called him, but I was probably in the  
20 office when he did.  
21 Q. And Mr. Lyons is in this office?  
22 A. Right next door.  
23 Q. And he was in this office at that time?  
24 A. Yes.  
25 Q. Okay, what happened next?  
0149  
1 A. The first time we just let him know what was  
2 going on. And he did some research between that  
3 conversation and the next time we went up. And I don't  
4 know how the whole thing evolved, you know, your client  
5 can probably tell you who he called other than in this  
6 building.  
7 Q. What makes you think that he called somebody?  
8 A. Well, because that's why John Lyons called us in  
9 to talk to us.  
10 Q. Is that what he told you?  
11 A. That he had talked to other people, yes.  
12 Q. Did he say -- did Mr. Lyons say when he  
13 discussed speaking with other people, did Mr. Lyons  
14 indicate that those people had contacted him or  
15 Mr. Lyons had contacted those other people?  
16 A. Those other people contacted Mr. Lyons.  
17 Q. Did he tell you if who those other people were?  
18 A. If he did, I don't recall it. What I do recall  
19 explicitly was John saying that he had called Kirk  
20 Curtis who was the then director, and by then I mean  
21 since been promoted, the then director of companion  
22 events, which is an umbrella for all of our obedience  
23 events, and talked to either Kirk or his first  
24 assistant, woman by the name of Pam Matom and discussed  
25 obedience applications. And wanted to know with respect  
0150  
1 to specificity in the application when judges are  
2 applying for obedience, do you accept experience in any  
3 other venue of the sport? And they said no, because  
4 they are applying for obedience judging positions. So  
5 nothing else. All they care about is obedience  
6 experience.  
7 Q. Okay. Is the obedience application in process  
8 different from the confirmation process?  
9 A. Yes. And I can't answer a question about that.  
10 Q. I guess I'm just curious what relevance the  
11 obedience requirements would have to confirmation  
12 judging.

13 A. Well, the assumption when you're applying to  
14 become an obedience judge, it is the assumption is that  
15 you have obedience experience. When you apply to become  
16 a confirmation judge, the assumption is you have  
17 experience in confirmation, because that's what you're  
18 going to be doing; you're going to be in the ring  
19 following prescribed procedures and doing new things  
20 that only experience exhibiting dogs prepares you for.

21 Q. What would you call that, ring procedure?

22 A. Yes, ring procedure.

23 Q. Is ring procedure tested in any fashion for new  
24 applicant judges?

25 A. Well, there's a procedure test that we give all

0151

1 applicants. They have to send that test in with their  
2 first application that is, I think, a 25-question test  
3 that just weeds out people that obviously don't know  
4 anything about it. But it is not, I mean, it doesn't  
5 tell us a lot.

6 Q. What about are new judge applicants required to  
7 observe? They are not required to have any time  
8 observing ring procedure?

9 A. No. That's what the experience in exhibiting  
10 dogs in confirmation is all about.

11 Q. Is a new breed applicant required to have  
12 stewarded a certain number of events?

13 A. Six times.

14 Q. What does that mean, to steward an event?

15 A. To give out arm bands to exhibitors, mark a  
16 catalogue, keep a catalogue and line ribbons up for the  
17 judge to award.

18 Q. What other requirements, other than the time in  
19 the sport and number of litters and number of breeds are  
20 required as far as participating in confirmation events  
21 for a new breed applicant?

22 A. None. That's why the experience in exhibiting  
23 dogs is so important.

24 Q. Aren't they required to have judged a certain  
25 number of sweeps?

0152

1 A. I'm sorry. Matches or sweepstakes.

2 Q. What are those?

3 A. Those are a little different from shows.

4 Q. Go ahead and explain that.

5 A. Matches and sweepstakes you have several  
6 classes. You have no winners classes where dogs compete  
7 for points, and therefore you have no reserve class  
8 where you have the one that would win the points in the  
9 event the winner's dog or winner's bitch is

10 disqualified. You simply have classes, go immediately  
11 to best of breed and best of opposite sex and that's it.

12 Q. Examination procedure would be the same though?

13 A. Uh-hum.

14 MS. POWERS: Is that a yes?

15 THE WITNESS: Yes.

16 MR. MCCORMICK: Thank you. Get a little lazy  
17 myself sometime.

18 BY MR. MCCORMICK:

19 Q. Well, then what other procedure would there be  
20 that a judge who would judge the sweeps would not have  
21 that you think would be necessary?

22 A. It is extremely necessary. The judging, the  
23 assembling and judging of a winner's class and reserve

24 winner's class.

25 Q. Okay. Throw a hypothetical at you. I own a  
0153

1 confirmation dog. And I send it out on the road with my  
2 handler. And let's say over a period of 13 years, I  
3 have three or four that I send out on the road with my  
4 handler. And each one of these dogs attains their  
5 necessary points to become a champion. So I have number  
6 of champions which I've exhibited in confirmation over a  
7 period of 13 years. But I never attended a dog event.  
8 So the question would be, how would exhibiting a dog for  
9 12 years, if somebody else exhibited him for me, educate  
10 me on ring procedure?

11 A. It would be extraordinary if you didn't  
12 understand the system that you would write all those  
13 checks for 13 years and not understand how points are  
14 awarded, and you would still have to participate in ring  
15 stewarding and in judging. But you would clearly, if  
16 you did that, we would have pretty good idea that you  
17 understood the system.

18 Q. Right. So the ring stewarding and the judging  
19 of the sweeps is what really gives you the experience  
20 with the ring procedure?

21 A. No. That's not true. Because that's when a  
22 prospective judge is ring stewarding, they can become so  
23 overwhelmed with arranging ribbons and calling arm bands  
24 and calling numbers to get dogs lined up into the ring,  
25 and classes coming and going, that they don't get much

0154  
1 out of the actual procedure. So they need the  
2 experience exhibiting the dogs so that the whole process  
3 becomes second nature to the point where, I mean it is  
4 all perfunctory. They have all been Tom-Toms when they  
5 go in. They don't have to think about the procedure and  
6 it cuts down on the incidence of errors.

7 Q. And you believe that a person who has simply  
8 exhibited dogs, has never stepped in the ring, can pick  
9 up that ring's procedure just by observing?

10 A. Going to dog shows and watching, yeah, yeah,  
11 they can, if they are sitting there and watching.

12 Q. Let's get back to what we were talking about on  
13 the day that you had this conversation with Mr. Lyons.

14 How many conversations have you had with  
15 Mr. Lyons that day?

16 A. I don't know it was on the same day. I think it  
17 was over a period of days. We had, I think, two  
18 conversations here and one at a dog show.

19 Q. Okay. What were the substance of those  
20 conversations?

21 A. The next conversations were that the American  
22 Kennel Club was essentially going to eat its mistake and  
23 approve Mr. Martin for two reasons: One was that it was  
24 not explicit that he had to have the 12 years of  
25 experience exhibiting dogs. And as a matter of aside,

0155  
1 we've rectified that because the policy has always been  
2 that way. We now have it in writing. And the other was  
3 because there was a glitch in the notification system  
4 where applicants when they submitted their tests were  
5 prematurely told that they were going to be published in  
6 the subsequent Gazette and they would be able to accept  
7 assignments. And in as much as he already had that  
8 letter, we went ahead and approved it.

9 Q. You indicated that a statement was made that the  
10 AKC would eat its mistake. Who made that statement?

11 A. No, I just said -- that was a figure of speech.

12 Q. That's your characterization?

13 A. Yes.

14 Q. So Mr. Lyons never suggested that the AKC made a  
15 mistake in approving Mr. Martin?

16 A. I don't -- he would dance around it. He  
17 wouldn't say that.

18 Q. Did he ever say that?

19 A. He didn't say it to me. What he said was we are  
20 going to have to approve this applicant.

21 Q. And in fact, you indicated that the 12 years  
22 exhibiting confirmation had always been the rule and I  
23 don't want to go through all this again.

24 A. Good.

25 Q. Good. But we can agree that that's never been

0156

1 explicitly stated until these rules that went into  
2 effect on January 1 of 2007 which is marked as  
3 Defendant's 5?

4 A. That's when that terminology came in was added,  
5 that's correct. However, it is a policy that Darrell  
6 Hayes inherited when he came into this position. And it  
7 is what I was taught.

8 Q. What is that policy?

9 A. That you come into the sport for the purpose of  
10 qualifying to become a confirmation dog show judge when  
11 you go to your first dog show and exhibit your first  
12 dog. And the way I was taught was it's always been that  
13 way.

14 Q. Well, who was the director who suggested  
15 approval of this application?

16 A. Mr. Martin's application?

17 Q. Yes.

18 A. Maryanne Alston.

19 Q. And have you ever spoken with Maryanne Alston  
20 about why she recommended approval of this?

21 A. No, by the time this came up she was gone.

22 Q. What were the circumstances of her departure?

23 A. She retired.

24 Q. Did you ever tell anybody that somebody at the  
25 AKC was fired for approving Mr. Martin's application?

0157

1 A. Absolutely not.

2 Q. You never said that to Chuck Whitney?

3 A. No.

4 Q. If Mr. Whitney told somebody that you said that  
5 to him, would he be lying?

6 A. Yes, he would.

7 Q. Did you ever tell Mr. Whitney that if you had  
8 your way, Mr. Martin's application never would have been  
9 approved?

10 A. No.

11 Q. And if he told somebody you said that, he would  
12 be lying again?

13 A. Yes. I don't discuss these things outside of  
14 here. Mr. Whitney came to me on more than one occasion  
15 fishing for information, as he did, wanting to know. I  
16 don't know where he's getting his information. I don't  
17 know how he knew that a copy of one page of his letter  
18 was missing. I simply, when he brought that up, I  
19 simply told him that it was probably eaten somewhere in

20 the scanning process.

21 Q. And remind me again how long you've known  
22 Mr. Whitney?

23 A. Maybe 20 years.

24 Q. How did you first --

25 A. Have we ever eaten dinner together? No. He was

0158

1 a dog show judge.

2 Q. Who is Carol Grossman?

3 A. His ex-wife.

4 Q. Was she involved in dog shows?

5 A. Yes.

6 Q. How?

7 A. A handler.

8 Q. Any particular breeds?

9 A. Mostly Great Danes and Rotweillers.

10 Q. Was she also a breeder?

11 A. She was married to a guy that bred Rotweillers

12 after she divorced, after divorce with Chuck. They

13 lived back east. Carol moved west and married a guy out

14 there. And he continued to, I think, to breed some

15 Rotweillers, but that's it.

16 Q. So do you know yes or no whether she bred Great

17 Danes?

18 A. Oh, Great Danes? I don't think she bred Great

19 Danes.

20 Q. You bred Great Danes?

21 A. I bred a couple of litters back in the '60s.

22 Q. Did she ever handle any of those dogs for you?

23 A. Dogs? No. Never paid anybody to handle mine.

24 Q. Wish I could have gotten away with that. All

25 right. I guess we are at the point now where you've had

0159

1 conversations with Mr. Lyons over a period of several

2 days. And you indicated several conversations were

3 here. One or more was at a dog show?

4 A. Yeah.

5 Q. Who were involved in those conversations?

6 A. One at the dog show was just John and me. The

7 one here I think was just John and me as well.

8 Q. Okay. And any other, at some -- well -- I guess

9 I'm getting confused. John Lyons told you on September

10 1 to pull your letter out of the mail?

11 A. Yes.

12 Q. Why did you have the continuing discussions  
13 going on over several days?

14 A. Maybe it was the several days leading up to

15 that. I'm having a tough time pinpointing this whole

16 thing in time. I know I had two conversations with him

17 here, one at a dog show and last conversation in all

18 candor I was expressing extreme displeasure at having to

19 do that.

20 Q. Well, trying to help you out with the time frame

21 then. Your letter dated September 1 you wrote on

22 September 1. We've established that?

23 A. Right.

24 Q. And that was the same day that you were

25 instructed to --

0160

1 A. Pull the letter.

2 Q. -- pull the letter. And by the date stamp of

3 Ms. Mollin's letter we know that letter was also

4 received by AKC on September 1. Want to take a look

5 back at it?

6 A. Uh-hum. As I recall, that's what it was. I  
7 think she wrote it on the 28th or the 29th and we  
8 received it on the 1st. And I wrote to her on the 2nd.

9 Q. So how is it that --

10 A. Yeah, we received it from her on September 1.

11 Q. Okay. And you indicated that you spoke to  
12 Mr. Martin on the phone the same day that you wrote the  
13 letter to him, correct?

14 A. Uh-hum.

15 MS. POWERS: Is that a yes?

16 THE WITNESS: Yes.

17 MR. MCCORMICK: Because you're nodding your  
18 head, Mr. Gaeta.

19 THE WITNESS: I'm sorry. Pardon me for getting  
20 a little bit tired.

21 BY MR. MCCORMICK:

22 Q. Yeah, these things can get grueling. I  
23 apologize. So correct me if I'm wrong, it seems to me  
24 that you received Ms. Mullin's letter on the first,  
25 reviewed Mr. Martin's file, discussed it with Darrell

0161  
1 Hayes, called Mr. Martin, wrote Mr. Martin a letter and  
2 subsequently were directed to withdraw that letter from  
3 the mail by Mr. Lyons all on the same day; is that  
4 accurate?

5 A. Must be.

6 Q. Because at that time you had not received any of  
7 the other letters that are currently in your file?

8 A. Right.

9 Q. So, does that refresh your recollection at all  
10 as to how the events transpired that day from initially  
11 finding out or from initially receiving the article  
12 included in Ms. Mullins' letter to the decision being  
13 made to withdraw your letter from the mail? Have you  
14 left anything out?

15 A. You know, I can't tell you specific dates which  
16 is what you're looking for, and cram all this thing. I  
17 can remember sequence of things. And I can remember  
18 that they happened. Those things I can remember with a  
19 good deal of clarity. But to establish the kind of  
20 tight specific timeline that you're asking me to do, I  
21 can't do that.

22 Q. I'm not asking you to establish anything. I'm  
23 asking you if your recollection is different from what  
24 these documents say.

25 A. No.

0162  
1 Q. And after you were directed to remove the letter  
2 from the mail, how was Mr. -- well, was Mr. Martin  
3 advised that there had been a change in the position  
4 taken by the AKC?

5 A. I think as the letter went out.

6 Q. Which letter?

7 A. The letter granting him provisional status.

8 Q. Well, in fact, didn't that letter go out back in  
9 July of 2006 or, sorry, July 2005 from Mr. Hayes?

10 A. Yes, it did.

11 Q. So are you aware if or how Mr. Martin was  
12 advised that he was retaining his provisional status?

13 A. There's nothing in here. I would have expected  
14 if a letter went out, it would have been in here.

15 Q. That would be your policy or practice? Well,

16 instead of practice --

17 A. Well, this is a unique situation, and I've not  
18 had anything like this since, and obviously didn't have  
19 any experience with it before.

20 Q. You say it is a unique situation. Why is it a  
21 unique situation?

22 A. Because in the two and a half years I've been in  
23 the office, we've only had one other application and one  
24 other applicant reach a situation where we delayed and  
25 considered denying the application based on response

0163

1 from a fancy.

2 Q. Well, but I think you testified earlier your  
3 decision to delay or suspend was not based on response  
4 from the fancy, it was based on the information in that  
5 article?

6 A. That I got.

7 Q. See now you're coming around to my way of  
8 thinking.

9 A. Well, we can piss all day long about semantics.  
10 And I feel that's what we're doing here. It was not the  
11 letter, it was the way Mr. Martin represented his  
12 history with dogs in the article that that letter  
13 accompanied or sent in, sent in with. In all candor I  
14 cared less about what that lady said. I mean, I get  
15 allegations all day every day, and all I care about is  
16 what can you prove? And when they sent this article,  
17 that was something of substance. And that article sent  
18 me back to his application.

19 Q. Okay. I think where we were was if a letter --  
20 well, if a letter had gone out to Mr. Martin, who would  
21 have prepared that letter?

22 A. Typically those letters are boiler plate letters  
23 generated on format.

24 Q. Well, would it come from somebody, you, for  
25 instance?

0164

1 A. Probably from Inez Maldonado, my assistant, lady  
2 that runs the department for me.

3 Q. What was the significance, if any, of the July  
4 26, 2005 letter being sent out by Darrell Hayes?

5 A. Because until I came into the department,  
6 Darrell signed all the letters and was more hands on  
7 than he was when I took over.

8 Q. When you say signed all of the letters?

9 A. Well, the letters went out over his signature.  
10 I don't think he physically signed them. They probably  
11 had something that generated signature.

12 Q. But that procedure has changed since you came  
13 in?

14 A. Uh-hum.

15 Q. In what way?

16 A. Letters go out over my signature now.

17 Q. Are you aware -- you're aware that a letter was  
18 sent out on July 12 of 2005 by James Crowley to  
19 Mr. Martin advising him that he had been approved by the  
20 committee and forwarding his breed standard test,  
21 correct?

22 A. Right.

23 Q. Why was that letter not signed by Mr. Hayes?

24 A. That first -- see, that's a letter in response  
25 to the decision of the committee. That's the first

0165

1 letter. And then the second letter is in response to  
2 having passed the test, the breed specific test. And  
3 that comes out of our department.

4 Q. Oh, okay, and other letter comes out a different  
5 department?

6 A. Other letter, yeah, comes out of the executive  
7 secretary's department.

8 Q. Where is that, here or?

9 A. New York.

10 Q. That answers that. Did you have any discussions  
11 with Darrell Hayes in the days following September 1,  
12 2005 regarding Mr. Martin?

13 A. Once it was a done deal, I don't think I  
14 bothered with it. I think I just moved on. I mean, I  
15 have plenty to do. What's done is done.

16 Q. When do you believe it was a done deal as you  
17 say?

18 A. When I was told that he was to be approved.

19 Q. And that was the same time you were told to  
20 remove your letter from the mail?

21 A. Uh-hum.

22 Q. So we can assume since your letter is dated  
23 September 1 that it was on September 1 that you were  
24 told that?

25 A. Thereabouts, correct.

0166

1 Q. Well, was it September 1 or wasn't it?

2 A. Yeah, it was whenever I was told to pull that  
3 letter directive that he was going to be approved and it  
4 had to be the 1st. See that letter could well have been  
5 dated September 1 on a Friday and in the mail it  
6 wouldn't have gone out -- it would have still been  
7 sitting here Monday, because it wouldn't be by twelve or  
8 one o'clock the mail is picked up and gone for the day.

9 Q. Are you aware that September 1, 2005 was a  
10 Thursday?

11 A. No. But I could have written it on Thursday  
12 late in the day and could have sat there overnight, and  
13 could have been discussing it and could have gotten  
14 caught up in the mail later on Friday.

15 Q. So could have been as late as Friday?

16 A. That's right. You make my point.

17 Q. Are you aware, did you ever have any discussions  
18 with Mr. Hayes that he called Mr. Martin personally and  
19 told him that his judging application was being -- was  
20 continuing to be approved?

21 A. I didn't know if Mr. Martin called Darrell or if  
22 Darrell called Mr. Martin. But if that was the  
23 substance of the conversation, obviously Darrell called  
24 Mr. Martin. And that's probably how -- that's probably  
25 why there's no letter so advising him.

0167

1 MR. MCCORMICK: What's your time frame?

2 (Off-the-record discussion.)

3 MR. MCCORMICK: Due to travel arrangements both  
4 counsel -- and both counsel have travel arrangements --  
5 and we've agreed to adjourn the deposition and come back  
6 at mutually agreeable date and time. Correct?

7 MS. POWERS: Correct.

8 MR. MCCORMICK: At which time we'll finish up  
9 with Mr. Gaeta and then do Mr. Hayes.

10 (Deposition adjourned at 3:56 p.m.)

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E R R A T A S H E E T

Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or any applicable local jurisdiction, any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

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I, the undersigned, PETER A. GAETA, do hereby certify that I have read the foregoing deposition and that to the best of my knowledge said deposition is true and accurate (with the exception of the following changes listed below.)

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Sworn to and Subscribed before me \_\_\_\_\_, Notary Public.  
This \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
My Commission Expires: \_\_\_\_\_

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C E R T I F I C A T E  
STATE OF NORTH CAROLINA  
COUNTY OF WAKE  
I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 4 through 167 represent a true and correct transcript of the testimony given. I further certify that I am not employed by the parties to this cause nor financially interested in the outcome of said case.

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This, the \_\_\_\_\_day of \_\_\_\_\_, 2008.

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JANE WORTHEN EATON, RMR, CRR, CMRS  
Registered Professional Reporter  
and Notary Public No. 19972160089