

(vol 2) martin v.txt

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT, IN AND
FOR BROWARD COUNTY, FLORIDA

CASE NO. 06-016864 CACE 09

PHILIP M. MARTIN,
Plaintiff,

VS.

SANDRA A. TEAGUE,
Defendant.

_____ /

Fort Lauderdale, Florida
August 14, 2007
11:10 a.m.

DEPOSITION
OF
PHILIP M. MARTIN
VOLUME II
Pages 201 through 251

□

202

- 1 APPEARANCES:
- 2 RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.
Page 1

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200 East Broward Boulevard, Fifteenth Floor
3 Fort Lauderdale, FL 33301
BY: WILLIAM G. MCCORMICK, ESQUIRE,
4 Appearing on behalf of the Plaintiff.

5
DENISE V. POWERS, P.A.
6 2600 Douglas Road, Suite 501
Coral Gables, FL 33134
7 BY: DENISE V. POWERS, ESQUIRE,
Appearing on behalf of the Defendant.
8

9 ALSO PRESENT: Sandra A. Teague.

10 - - - - -

11
12 Deposition of PHILIP M. MARTIN, a witness
13 of lawful age, taken by the Defendant, for purposes
14 of discovery and for use as evidence in the
15 above-entitled cause, pursuant to notice heretofore
16 filed, before MARIA BARTLETT, Shorthand Reporter and
17 Notary Public, in and for the State of Florida at
18 Large, at 200 East Broward Boulevard, Fifteenth
19 Floor, Fort Lauderdale, Florida.

20 ---

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□

1 I-N-D-E-X
2
3 THE WITNESS
4 PHILIP M. MARTIN
5 Direct examination continued by Ms. Powers
Page 2

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□

204

1 (Thereupon, the following proceedings were continued:)

2 MR. MCCORMICK: You're not going to answer any
3 more questions on this.

4 If you want to get an order, go ahead. He's
5 done answering questions on this.

6 BY MS. POWERS:

7 Q Each time that you flew did you realize you
8 could be --

9 MR. MCCORMICK: I just told you, he's done
10 answering questions.

11 MS. POWERS: Mr. McCormick, I'm going to
12 have -- You're going to have to instruct him not to
13 answer.

14 MR. MCCORMICK: I just did.

15 MS. POWERS: I haven't -- You need to let me,
16 for the record, state my questions, then instruct
17 him not to answer so that I can have a record to go
18 in front of the judge.

19 MR. MCCORMICK: Put all your questions on the
20 record. He's not answering any questions on it.

21 BY MS. POWERS:

22 Q Mr. Martin, are you aware that you could be
23 endangering your status as an AKC judge each time you
24 flew with Stat claiming that he was a service dog when
25 he was not?

□

205

1 A No.

2 MR. MCCORMICK: You're not answering any more
3 questions.

4 THE WITNESS: Okay.

5 BY MS. POWERS:

6 Q Were other members of AKC aware that you were
7 flying Stat as a service dog?

8 MR. MCCORMICK: He's not answering any more
9 questions.

10 BY MS. POWERS:

11 Q Were any other AKC judges aware that you were
Page 4

12 flying Stat as a service dog when he was not a service
13 dog?

14 MR. MCCORMICK: Next question.

15 MS. POWERS: You have instructed him not to
16 answer?

17 MR. MCCORMICK: That's the obvious intent,
18 yeah.

19 MS. POWERS: Mr. Martin - McCormick, if you'll
20 just say not to answer.

21 MR. MCCORMICK: Ask your next question.

22 BY MS. POWERS:

23 Q Mr. Martin, with how many people have you
24 discussed the fact that you fly Stat as a service dog
25 when he is not a service dog?

□

206

1 MR. MCCORMICK: He's not answering any more
2 questions so keep putting your questions on the
3 record.

4 BY MS. POWERS:

5 Q Mr. Martin, will you agree that there's a
6 substantial damage to your reputation in the dog world
7 for flying Stat as a service dog when he is not a
8 service dog?

9 MR. MCCORMICK: Next question.

10 BY MS. POWERS:

11 Q Mr. Martin, are you aware that committing a
12 felony will damage your reputation as an AKC judge, if
13 not your reputation in the community?

14 MR. MCCORMICK: Next question.

15 BY MS. POWERS:

16 Q Did you receive any legal advice as to whether
17 or not you could fly Stat as a service dog when he was
18 not a service dog?

19 MR. MCCORMICK: Next question.

20 MS. POWERS: The question was, did he receive
21 advice.

22 MR. MCCORMICK: Next question.

23 BY MS. POWERS:

24 Q Okay. Were your handlers aware that you were
25 flying Stat as a service dog when he was not a certified

□

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1 service dog?

2 MR. MCCORMICK: Next question.

3 BY MS. POWERS:

4 Q You told me earlier that you do not suffer
5 from any mental or emotional disabilities. Was that
6 statement incorrect?

7 MR. MCCORMICK: You can answer that.

8 A That was correct.

9 BY MS. POWERS:

10 Q So that you lie to airline personnel when you
11 say that you need him - you need Stat as a service dog
12 when you fly?

13 MR. MCCORMICK: He's not answering any
14 questions on that.

15 BY MS. POWERS:

16 Q Powderhouse Pet Resort is a boarding facility,
17 correct?

18 A Correct.
19 Q How many employees do you have there?
20 A Around twenty.
21 Q And how large are your facilities, facilities
22 for how many dogs do you have?
23 A It just depends, any given day.
24 Q Well, how large is the facility? I mean, a
25 facility for ten dogs, a hundred dogs?

□

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1 A We've never -- we can board -- You mean what
2 do we have?
3 Q What is the capability of the facility?
4 A It just depends. If you have 300 dogs and
5 have 76 runs and each person has two dogs, then you can
6 do more. It depends who's there.
7 Q Okay. How many runs do you have?
8 A 76.
9 Q Okay. So there are times you can board more
10 than one dog in each run?
11 A Absolutely. We have more than just runs also.
12 Q How many hours a week do you spend at
13 Powderhouse Pet Resort?
14 A When?
15 Q On an average week.
16 A I couldn't tell you.
17 Q How many hours on a month do you average at
18 Powderhouse Pet Resort?
19 A Probably sixty, you know.
20 Q Sixty?

21 A A week.
22 Q Sixty hours a week?
23 A I mean, I'm there all day every day that I'm
24 in town. Unless I'm out of town, I'm there every day
25 all day.

□

209

1 Q What is your position, what do you do at
2 Powderhouse Pet Resort?
3 A I'm the owner.
4 Q As the owner, what do you do?
5 A Everything.
6 Q I mean, I'm not trying to be facetious,
7 Mr. Martin. What I'm trying to find out is, do you do
8 everything from feed the dogs, wash the dogs, care for
9 the dogs, do the clerical, administrative, everything,
10 you know, cook and bottle washers, that's what I'm
11 trying to find out.
12 A Everything. At any given time, I can do
13 anything.
14 Q So you're hands-on?
15 A Right.
16 Q Okay. There might be some owners who have the
17 corporation, have the business and come in and say hello
18 to their employees once a month to give them their
19 paychecks. You're telling me you're not that kind of
20 guy?
21 A No.
22 Q Do you get a salary from Powderhouse Pet
23 Resort?

24 A No.
25 Q Do you support yourself from your revenues

□

210

1 from your real estate and from Powderhouse Pet Resort?

2 A Yes.

3 Q How much money did you make in 2006 from your
4 judging assignments?

5 A I don't know.

6 Q We would need to look at the accounting
7 records?

8 A Yes.

9 Q Okay. Have you ever turned down a judging
10 assignment?

11 A No, not that I can recall.

12 Q Did you ever tell Allison McDonald that you
13 had so many judging assignments that you weren't
14 accepting any more?

15 A No, not that I can recall.

16 Q So Allison McDonald would be lying when she
17 posted that on Cyberdobs?

18 MR. MCCORMICK: Object to form.

19 A Well, I think she just knew I had a lot of
20 assignments and she was probably defending me.

21 BY MS. POWERS:

22 Q Well, my question is, wasn't it true you
23 weren't accepting any more assignments when Allison --

24 A No.

25 Q Let me finish.

□

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1 -- when she made the post on Cyberdobes?
2 A No.
3 Q That was incorrect?
4 A Yes.
5 Q You never told her that?
6 A I may have said it joking, but not
7 necessarily.
8 Q My question was, did you tell her, I have
9 eleven judging assignments --
10 A No.
11 Q -- and I'm not accepting any more?
12 A No.
13 Q So Miss McDonald, if she wrote that and posted
14 that on Cyberdobes, was incorrect and that's a lie?
15 MR. MCCORMICK: Object to form.
16 A Right.
17 BY MS. POWERS:
18 Q Was she exaggerating?
19 A Possibly.
20 Q Did you ever correct her for her mistake?
21 A Not that I remember.
22 Q Did you ever discuss it with Allison McDonald
23 about the post she made?
24 A No.
25 Q When was the last contract that you signed for

□

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1 a judging assignment?

2 A I don't remember.

3 Q Was it in 2007?

4 A Probably 2006.

5 Q The one you have coming up in Argentina, you
6 told me there's no contract. Do you have any other
7 events for which you have no contracts but are planning
8 to judge or hoping to judge?

9 A No. Yes. There's one in 2009 they've asked
10 me about, but I don't have a contract or have done
11 anything yet.

12 Q What's in 2009?

13 A It's in Australia.

14 Q Is it prestigious to be asked to judge in
15 Australia, to have an American judge go there?

16 A I don't know.

17 Q You don't have any opinion whether that's a
18 good thing or a bad thing for your judging career to be
19 asked to judge?

20 A It's probably good.

21 Q The experience that you're going to be judging
22 in Argentina, is that also very prestigious to be asked
23 as a U.S. judge to go to Argentina?

24 A Could be.

25 Q If you thought it was bad for your judging

□

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1 career, would you accept the assignment?

2 A No, probably not.

3 Q Have you personally spoken to Ron Menniker

4 about any of the issues in this lawsuit?
5 A No.
6 Q Have you personally spoken to James Mitchell
7 about any of the issues in this lawsuit?
8 A No.
9 Q who is Nancy Sadell?
10 A She's a breeder.
11 Q Was Nancy Sadell at the Perry, Georgia show?
12 A Yes.
13 Q Did you and her ever discuss what occurred at
14 that show?
15 A No.
16 Q At any time at the Georgia show, did you ever
17 speak to Mary Dukes?
18 A Not really. She just walked by, and she said,
19 you should say you're sorry.
20 Q why did she say you should --
21 A Because she knew they were trying to call a
22 bench show.
23 Q Did you follow Mary Duke's advice?
24 A I attempted to.
25 Q what did you attempt?

□

214

1 A To go over to Linda.
2 Q what effort did you make?
3 A I just walked over to her to talk to her and
4 tell her I'm sorry.
5 Q And what happened?
6 A She walked off.

7 Q Did you call out and say Linda, I'm sorry?
8 A No. I said Linda -- I think I did say Linda,
9 I'm sorry, and she was walking off so --
10 Q Did you mean it when you said you were sorry?
11 A Sure.
12 Q What were you apologizing for?
13 A Just, I don't know, telling her to move up.
14 Q Did Mary Dukes make you feel that an apology
15 was in order?
16 A She just suggested it, you know, so I could
17 say it's not a big deal.
18 Q Michelle Billings is a judge?
19 A Yes.
20 Q You have known her for a long time?
21 A A few years.
22 Q What's a few years?
23 A Four.
24 Q Have you ever done Michelle Billings' hair?
25 A Yes.

□

215

1 Q Does she pay you to do it?
2 A No.
3 Q Do you and Michelle Billings socialize?
4 A Sometimes.
5 Q Have you ever had dogs that you have owned
6 entered where Michelle Billings was the judge?
7 A Yes.
8 Q Did you ever attend a dog show in Florida
9 wearing a Superman T-shirt?

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10 A Possibly. I mean, I have every single
11 character, comic character T-shirt, so possibly, yeah.

12 Q Do you have a Superman T-shirt?

13 A Uh-huh.

14 Q Is that a yes?

15 A Yes.

16 Q In the first year of your judge, you can't
17 tell me today whether or not you made any money being a
18 judge, correct, in the first year you were an AKC judge?

19 A You mean like a profit?

20 Q Correct.

21 A Probably not.

22 Q And you earn even less when you're an actual
23 judge, correct, or no longer a provisional judge,
24 correct?

25 A Right.

□

216

1 Q How many assignments a year would you expect
2 as an AKC judge?

3 A I don't know.

4 Q With your other business ventures, how many
5 assignments a year would you have the time to handle?

6 A I don't know.

7 Q Is it fair to say you're more involved at
8 present in the dog boarding than you were previously
9 before you moved permanently to South Carolina?

10 A Well, I didn't have dog boarding before I
11 moved back to South Carolina.

12 Q That's what I mean, you now spend more time.

13 strike that.

14 You do less traveling now than - now that you
15 have the business, correct?

16 A Not necessarily.

17 Q Do you consider yourself a smart man?

18 A Yes.

19 Q What does the word smoozed mean,

20 S-M-O-O-Z-E-D?

21 MR. MCCORMICK: Object to form.

22 A I don't know.

23 BY MS. POWERS:

24 Q What do you think -- Miss Teague wrote: He
25 has smoozed his way to the top of obtaining a judging

□

217

1 license without having all the requirements needed.

2 what do you think she meant there?

3 MR. MCCORMICK: Object to form.

4 A I don't know what she meant. Nothing good.

5 BY MS. POWERS:

6 Q But if you don't know what - you don't know
7 what it means, how do you know it wasn't anything good?

8 A I don't know.

9 Q Will you agree that Mrs. Teague was not the
10 only one that thought that you should not have judged
11 Cayenne at the Santa Barbara show?

12 A Yes.

13 Q And you did know who the dog was, correct?

14 MR. MCCORMICK: Object to form.

15 A No.

16 BY MS. POWERS:

17 Q You did not know who Cayenne was?

18 A I wasn't thinking about that.

19 Q You already told me you knew Cayenne was going
20 to be at that show, correct?

21 MR. MCCORMICK: Object to form.

22 A She asked me if she could show to me.

23 BY MS. POWERS:

24 Q Okay. Cayenne is not exactly a common name
25 for a dog?

□

218

1 A Right.

2 Q You're not aware of any other Cayennes,
3 Dobermans by the name of Cayenne that you have judged,
4 correct?

5 A Well, you don't know the dog's name. You
6 don't know the dog's name when you judge it, because you
7 just have the dogs come in the ring.

8 Q But you had already posted a picture of the
9 dog, correct, on your website?

10 A It's a red dog. You judge lots of red dogs.

11 Q They all look alike?

12 A Well, you can't tell them from a picture.

13 Q But you pride yourself as - non professional
14 such as myself?

15 A Right.

16 Q You know it's a brown dog, it's a black dog,
17 it's a red dog, but you have received training so how to
18 distinguish very precisely between Dog A, B, C and D as

19 they're in your ring, correct?
20 A Correct.
21 Q In fact, that's a very important feature of
22 being a judge, correct?
23 A Correct.
24 Q Now, the handler that showed that day, that
25 was -- You knew the handler, correct?

□

219

1 A Correct.
2 Q Okay. And who was the handler that day in
3 Santa Barbara?
4 A Jorge.
5 Q And did you not put two and two together that
6 Jorge was there with a Doberman that the owner had told
7 you was going to be at that show?
8 A Well, I wasn't thinking about that. And
9 sometimes he shows other Dobermans too.
10 Q But you have - you have the book too, didn't
11 you?
12 A You can't look in the book.
13 Q Did you have the book, yes or no?
14 A The catalog?
15 Q Yes, sir.
16 A No.
17 Q Mrs. Teague commented that she knew that you'd
18 recover from this. Have you gone through other traumas
19 in your life?
20 A No.
21 Q This is the worst thing that's ever happened

22 to you?

23 A I don't know what she was talking about there.

24 Q So you don't know one way --

25 A I don't know what other things she's talking

□

220

1 about.

2 Q So is that a good comment or a bad comment,
3 saying that you will recover from people's comments that
4 it was a mistake to judge Cayenne at that show?

5 A I don't know. I don't think you read the
6 letter. I think it's a bad letter, so why would you
7 think that was good.

8 Q Well, you read it -- well, you have read it.
9 You say it's not a good letter, correct?

10 A Do you not?

11 Q My question is, you don't think it's a good
12 letter?

13 A No, I don't.

14 Q Because it's - it's expressing opinions about
15 what happened in Santa Barbara, correct?

16 A And on.

17 Q And Mrs. Teague also comments about your non
18 standard dog size, correct?

19 A Correct.

20 Q That's her opinion, correct?

21 A Correct.

22 Q And we've already discussed there are other
23 people in the Doberman breed that have that opinion,
24 correct?

25 A (vol 2) martin v.txt
Uh-huh, correct.

221

1 Q In fact, she even says that they're lovely
2 animals, correct?

3 A Correct.

4 Q She says that you have a good personality and
5 can be funny. Do you have a good personality?

6 A I don't know, it's a matter of opinion.

7 Q Okay. Can you be funny at times?

8 A Can't everybody?

9 Q Do you think you have a good personality and
10 can be funny at times, yes or no?

11 A Doesn't everybody?

12 Q My question is, do you think that you have a
13 good personality?

14 A Sure, sure.

15 Q It's her opinion you have a mean streak too.
16 Do you have a mean streak?

17 A No.

18 Q Do you consider that an insult to have a mean
19 streak?

20 A Yes.

21 Q Can you tell me how having a mean streak,
22 saying somebody has a mean streak, impacts in any way on
23 your ability to judge?

24 A I don't know.

25 Q Are you a good loser?

222

1 A Is anyone a good loser? I'm a good loser
2 though.
3 Q You like to lose?
4 A All the situations you told me about, I win.
5 Q But do you ever lose?
6 A Yeah, everybody loses. I'm a good loser.
7 Q Can you also be a sore loser?
8 A No.
9 Q Never be a sore loser?
10 A Never.
11 Q Of course, being a good loser and sore loser,
12 that is a matter of opinion, one person's a good loser,
13 one is a --
14 A It doesn't matter, I win plenty. I don't get
15 upset if I lose.
16 Q Now, do you have any knowledge that
17 Mrs. Teague has not personally witnessed several attacks
18 by you?
19 A Do I have any knowledge?
20 Q Yes.
21 A My own knowledge of seeing and knowing in what
22 situation she was there, that every single time any
23 situation seemed to arouse, she was a fly on a wall and
24 knows every single situation.
25 Q Do you know whether or not she was actually

□

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1 there at any of the incidents?
2 A Yes.

3 Q And your position is she wasn't there?

4 A Right.

5 Q Right. And all the witnesses that say
6 Mrs. Teague was there, they're all lying too, correct?

7 A Correct.

8 Q And you're the only one, and your witnesses
9 are telling the truth, correct?

10 A Correct.

11 Q Okay. And do you know of any reason why the
12 people who have testified that they saw you make
13 personal attacks on other people, what motive they would
14 have to lie?

15 A Possibly.

16 Q What - what motive, jealousy?

17 A Possibly.

18 Q Do any - and you already told me that all the
19 people that wrote to the AKC before the Santa Barbara
20 incident, that they were all lying, correct, about the
21 incident?

22 MR. MCCORMICK: Object to form.

23 BY MS. POWERS:

24 Q The incident that happened before you were
25 made a judge.

□

224

1 MR. MCCORMICK: Object to the form.

2 A Yes.

3 BY MS. POWERS:

4 Q Do you think screaming across a room is
5 professional?

6 A No.

7 Q And then you would agree that that's
8 Mrs. Teague's opinion that she's voiced, screaming
9 across the room and having a tantrum is not very
10 professional in my opinion. She was expressing her
11 opinion, correct?

12 A If I was screaming, if I was screaming?

13 Q No, her opinion that screaming is not --

14 A It's her opinion that I was screaming, or her
15 opinion that screaming isn't whatever?

16 Q Her opinion that screaming is not
17 professional; you would agree?

18 A Yeah.

19 Q You would agree that all judges should act
20 professional at a dog show? You would agree with that
21 statement, correct?

22 A Yes.

23 Q Did you ever tell a handler earlier in 2005
24 that he couldn't show to you within a certain time
25 frame?

□

225

1 A If a handler asked me, I would tell them the
2 rule. There's a four-month rule.

3 Q But my question is, did a handler ask you?

4 A Did a handler?

5 Q Yes.

6 A Yes, they ask me all the time.

7 Q Mrs. Teague says: I know Philip knows the
8 rule. I heard him tell a handler earlier this week

9 before a show that he couldn't show to him as the
10 handler had shown one of the Phillmar dogs within a
11 certain time frame. That's a correct statement of fact,
12 correct?

13 MR. MCCORMICK: Object to form.

14 A Right.

15 BY MS. POWERS:

16 Q Is it your testimony now that you didn't know
17 that when you selected Cayenne in the ring, that you
18 didn't know who Cayenne was?

19 A Correct.

20 Q When was the first time that you knew who
21 Cayenne was?

22 A When the lady walked up to me.

23 Q Which lady?

24 A The lady that --

25 Q You mean --

□

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1 A The lady who owned him.

2 Q You mean Judy walker?

3 A Yes.

4 Q Was she outside the ring?

5 A Yes.

6 Q Had you seen her before you went into the ring
7 to judge?

8 A I didn't know her.

9 Q Mrs. Teague doesn't think that you should have
10 judged the dog that day, correct?

11 A Correct.

12 Q And that was an opinion expressed by a lot of
13 other people, correct?

14 A Yes.

15 Q And she didn't think that this is going to
16 hurt you, judging that dog; is that her opinion?

17 MR. MCCORMICK: Object to form.

18 A Yes.

19 BY MS. POWERS:

20 Q She says she thinks you're like Superman,
21 bullets bounce off. Is that sarcasm?

22 MR. MCCORMICK: Object to form.

23 A Yes.

24 BY MS. POWERS:

25 Q Do you think maybe she was recollecting the

□

227

1 Superman T-shirt?

2 A I have no idea.

3 MR. MCCORMICK: Object to form.

4 BY MS. POWERS:

5 Q The opinion that Mrs. Teague expressed that
6 you didn't have all the requirements would be consistent
7 with Philip - Mr. Gaeta's letter of September 1st, 2005,
8 correct?

9 MR. MCCORMICK: Object to form.

10 A No.

11 BY MS. POWERS:

12 Q No?

13 A No. I thought -- No.

14 Q You want to look at Mr. Gaeta's letter of

15 2000 - September 1st, 2005. That's the letter where
16 Mr. Gaeta says you do not have the necessary
17 requirements.

18 A I see the letter. Why would she have any
19 reason to think that or agree with that? I don't
20 understand what you're saying.

21 Q My question is, is Mrs. Teague's comment that
22 you didn't have all the requirements consistent with
23 Mr. Gaeta's letter of September 1st, 2005?

24 MR. MCCORMICK: Object to form.

25

□

228

1 BY MS. POWERS:

2 Q Yes or no?

3 MR. MCCORMICK: Object to form.

4 A I don't know what they are.

5 BY MS. POWERS:

6 Q We've gone through several other letters from
7 Mr. Whitney, Mrs. Molin. Did other people express the
8 opinion that you didn't have sufficient time in breed
9 for - to be approved as an AKC judge?

10 MR. MCCORMICK: Object to form.

11 BY MS. POWERS:

12 Q Yes or no?

13 A They stated it.

14 MR. MCCORMICK: Object to form.

15 BY MS. POWERS:

16 Q Was their opinion correct?

17 MR. MCCORMICK: Object to form.

18 BY MS. POWERS:

19 Q You think that opinion is incorrect?

20 A Yes.

21 Q You have told me you don't know what the word
22 smooze means, correct?

23 A Correct.

24 Q So it doesn't mean anything bad, does it?

25 MR. MCCORMICK: Object to form.

□

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1 A I think it does.

2 BY MS. POWERS:

3 Q Well, if it means something bad, what does it
4 mean?

5 A I don't know.

6 Q You don't know what it means, but you think
7 it's something bad?

8 A Yeah, I think it's not a good -- You know, I
9 don't think it's a positive thing.

10 Q Does it in any way -- Strike that.

11 You can't tell me, though, specifically what
12 you think the word smooze means and why you think it's
13 not a positive word?

14 A No.

15 Q Do you know what Mrs. Teague meant by using
16 the word smooze?

17 MR. MCCORMICK: Object to form.

18 A No.

19 BY MS. POWERS:

20 Q None of this would occur if Mrs. Walter and
Page 26

21 her handler had decided not to show Cayenne to you that
22 day, correct?

23 A No.

24 MR. MCCORMICK: Object to form.

25 A Not necessarily.

□

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1 BY MS. POWERS:

2 Q Why do you say that?

3 A Because there's been more.

4 Q There's been more what?

5 A Of just negative in this way towards me.

6 Q By Mrs. Teague?

7 A Yes.

8 Q What other negative?

9 A I don't have recollection of all of them now.

10 several years.

11 Q Over the past several years?

12 A Uh-huh.

13 Q Is that a yes?

14 A Yes.

15 Q Are you suing Mrs. Teague for other than this

16 post - this one posting?

17 A No.

18 Q Okay. You have bragged that Stat's in the
19 top - championship producer in the top twenty, correct?

20 A The what?

21 MR. MCCORMICK: Object to form.

22 BY MS. POWERS:

23 Q That he's a top championship producer in the

24 top twenty.

25 A He's a top producer in the top twenty.

□

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1 MR. MCCORMICK: Object to form.

2 A Top championship producer in the top twenty.

3 BY MS. POWERS:

4 Q Right. That's something you have advertised?

5 A Sure.

6 Q That's something you're proud to brag about?

7 A Sure.

8 Q Like bragging my kid's on the honor roll,
9 correct?

10 A Right.

11 MR. MCCORMICK: Object to form.

12 BY MS. POWERS:

13 Q Were you a resident of Broward County in
14 October of 2006?

15 A Yes.

16 Q But you're not anymore, correct?

17 A Correct.

18 Q By the way, you don't actually have a
19 certificate making you a judge, do you?

20 A No.

21 Q Or a license like something - you know, a
22 piece of paper that says this is my license?

23 A No.

24 Q You're just approved as a judge, correct?

25 A I think so.

1 Q You already told me that Phillmar Doberman is
2 just a name you use, correct?

3 A Right.

4 Q It's not any kind of corporate entity?

5 A No.

6 Q We can agree that you didn't violate any black
7 and white AKC judging rules by judging Cayenne in Santa
8 Barbara, correct?

9 A Correct.

10 Q And we can agree that we're going to start
11 going into the gray area, correct?

12 MR. MCCORMICK: Object to the form.

13 A No.

14 BY MS. POWERS:

15 Q Not -- No gray area?

16 A No.

17 Q So anybody who has an opinion that it was a
18 gray area is just wrong, correct?

19 A I didn't say that.

20 Q So you are aware there are people in the AKC
21 community, in the Doberman community, who believe that
22 your judging that event fell into the gray area?

23 A Yes.

24 Q And some of them are well-recognized AKC
25 judges, correct?

1 MR. MCCORMICK: Object to form.

2 A No.

3 BY MS. POWERS:

4 Q You read all the -- Strike that.

5 And Mrs. Teague was one of many who criticized
6 you for judging Cayenne in that show, correct?

7 A Correct.

8 Q Mrs. Teague never challenged your fitness to
9 be a judge, did she?

10 A My fitness?

11 Q Yes, your fitness.

12 A I don't know what you mean fitness.

13 Q well, I'm reading from your complaint.

14 A Yes, sounds like she did.

15 Q what did she do to challenge your fitness to
16 be a judge?

17 A I don't know. I don't understand what you're
18 talking about.

19 Q well, Mr. Martin, did Mrs. Teague -- well,
20 strike that.

21 Mrs. Teague specifically said, quote: what he
22 did was not breaking any rules. She said that, correct,
23 yes or no?

24 A Yes.

25 Q Okay. But your complaint says that there was

□

234

1 no rule prohibiting. She agrees with you that there was
2 no rule prohibiting you from judging Cayenne, correct?
3 she specifically said you didn't break any AKC rule.

4 She said that, right?

5 A Uh-huh.

6 Q Yes?

7 A Yes.

8 Q But she just didn't think you should have done
9 it, correct?

10 A Yes.

11 Q She was one of those people that thought it
12 fell in the gray area and you shouldn't. It's not that
13 you couldn't but that you shouldn't, correct?

14 A Yes.

15 Q And that was an opinion held by many other
16 people, correct?

17 MR. MCCORMICK: Object to form.

18 BY MS. POWERS:

19 Q Yes?

20 A Yes.

21 Q And you haven't sued any of those people,
22 correct?

23 A Correct.

24 Q Do you know what Mrs. Teague meant when she
25 said that Philip will recover from this just like he

□

235

1 recovers from everything else he's gotten away with?

2 A No.

3 Q What is -- You don't know what she means,
4 correct?

5 A Correct.

6 Q But you think it's negative?

7 A Correct.

8 Q Does it in any way directly reflect on your
9 ability to be an AKC judge?

10 MR. MCCORMICK: Object to form.

11 A I don't know.

12 BY MS. POWERS:

13 Q Now, we've already discussed the fact that
14 Mrs. Teague, not like - unlike other people, believed
15 you didn't have all the judging requirements, correct?

16 A Correct.

17 MR. MCCORMICK: Object to form.

18 BY MS. POWERS:

19 Q And that was her opinion, correct?

20 A Not necessarily.

21 MR. MCCORMICK: Object to form.

22 BY MS. POWERS:

23 Q That wasn't her opinion?

24 MR. MCCORMICK: Object to form.

25 A I don't know.

□

236

1 BY MS. POWERS:

2 Q Had Mrs. Teague expressed that same opinion in
3 writing before you were approved as a judge?

4 A I don't know.

5 Q If we go back to Exhibit Number 8 or 9, do you
6 remember the letter?

7 A Uh-huh.

8 Q Had Mrs. Teague expressed that opinion
9 previously?

10 A That I hadn't been in it long enough?
11 Q Yes.
12 A I don't know, I'd have to read it. I don't
13 see where it says that. Can you point it out to me?
14 Q Okay. I'll stand corrected. Mrs. Teague
15 didn't express that opinion before you were made a
16 provisional judge, but other people did, correct?
17 A Yes.
18 MR. MCCORMICK: Object to form.
19 BY MS. POWERS:
20 Q Including Mr. Brucker?
21 MR. MCCORMICK: Object to form.
22 A Yes.
23 BY MS. POWERS:
24 Q Mr. Brucker expressed that opinion?
25 MR. MCCORMICK: Object to form.

□

237

1 BY MS. POWERS:
2 Q Yes or no?
3 A Yes.
4 Q In fact, Mr. Gaeta expressed it in writing in
5 a letter you said you did not receive, correct?
6 MR. MCCORMICK: Object to form.
7 A Correct.
8 BY MS. POWERS:
9 Q Can you tell me where in Mrs. Teague's e-mail
10 on Cyberdobes she makes any comment about Cayenne's
11 points for championship?
12 A Where she makes comments about points?

13 Q Excuse me?
14 A I don't know what you're talking about.
15 Q Referring you to Paragraph 30 of your
16 complaint, you state that Teague directly and falsely
17 stated that Cayenne received companionship as a result
18 of the one point afforded to Cayenne as winner's dog of
19 the California show. Can you show me where in her
20 posting --
21 A She didn't say it in this one.
22 Q -- where she says --
23 A She said it in another post. She said --
24 Isn't this the one --
25 MR. MCCORMICK: Just look at the post.

□

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1 BY MS. POWERS:
2 Q Is it anywhere in the post?
3 A No, not at all.
4 MR. MCCORMICK: Look at the post. Did you
5 even look at it?
6 THE WITNESS: Can you look at this, Bill?
7 MS. POWERS: No, he cannot help you.
8 THE WITNESS: Okay. I need reading glasses to
9 read this.
10 MS. POWERS: Okay.
11 Mr. McCormick, I can't see it. If you can see
12 it, I'll --
13 MR. MCCORMICK: Let me just look.
14 THE WITNESS: I know I seen it.
15 MS. TEAGUE: It has four question marks after

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16 it. I can't believe you can't spot it.
17 MR. MCCORMICK: It's right there. The two of
18 you looked at it, if I remember correctly.
19 MS. POWERS: Oh, okay. Thank you,
20 Mr. McCormick. I couldn't --
21 MR. MCCORMICK: No problem. I thought one of
22 you would stumble across it.
23 BY MS. POWERS:
24 Q Now, in referring to that comment, Mrs. Teague
25 actually puts a bunch of question marks, correct, yes or

□

239

1 no?
2 A Yes.
3 Q In fact, four question marks. She's not sure,
4 the way she says it if I remember correctly, and she's
5 wrong about that. But she states she's not sure when
6 she writes the post, correct?
7 A Yeah.
8 Q And what, she is making a question out to
9 another group of Doberman owners and handlers and breeders,
10 correct?
11 A Correct.
12 MR. MCCORMICK: Object to form.
13 BY MS. POWERS:
14 Q what is false about her trying to remember if
15 something is correct or not?
16 A what is what?
17 Q You said that's false, her - her statement, if
18 I correct - if I remember correctly. And it's got four

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19 question marks. That's not a statement, is it?
20 MR. MCCORMICK: Object to form.
21 A Could be.
22 BY MS. POWERS:
23 Q Statements usually have four question marks
24 after it?
25 A I don't know.

□

240

1 MR. MCCORMICK: Object to form.
2 BY MS. POWERS:
3 Q Well, you told us --
4 A I don't read handwriting.
5 Q That's not handwriting.
6 A I know, but I don't go through every single
7 thing like you're doing. I read a letter and I take it
8 for face value. I don't try to find something else in
9 it like you're trying to do.
10 Q Well, the question is, Mr. Martin, you just
11 didn't like Mrs. Teague's overall e-mail, correct?
12 A Correct.
13 Q Is it your testimony that your overall
14 impression of Mrs. Teague's posting on Cyberdobes is
15 what led you to file the lawsuit against her?
16 MR. MCCORMICK: Object to form.
17 A Possibly.
18 BY MS. POWERS:
19 Q Yes or no, sir?
20 A Possibly.
21 Q I need to know your basis.

22 A Possibly.
23 Q Sir, is it your overall impression, or is it
24 anything very specific? I need to know.
25 A Overall, specific. It's both, you know.

□

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1 Q Okay.
2 A It's all of it.
3 Q Did you like all the rest of the e-mails - of
4 postings on Cyberdobs?
5 A I didn't really pay any attention to them.
6 Q And you didn't pay attention once you saw all
7 these letters from all these other people who said some
8 rather unpleasant things about you either, correct?
9 A Correct.
10 Q Now, the handler that handled Cayenne at the
11 California show had previously worked for you, correct?
12 A No.
13 Q He hadn't worked for you, he hadn't shown
14 Stat?
15 A He didn't work for me, he worked for Myrna
16 Callow.
17 Q But he worked and showed a dog that you owned;
18 we went through this, correct?
19 A No.
20 Q He showed a dog that you were the legal owner,
21 yes or no?
22 A No. We had a lease, a legal lease written up.
23 The only reason that was done was for - and the AKC.
24 The other thing was all -- She was the owner of that

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25 dog. when you work for somebody, usually they pay you.

□

242

1 Q Mr. Martin --
2 A She paid him. I never paid him any money.
3 Q Okay.
4 A He never worked for me.
5 Q Mr. Martin, it's important -- Is it not a fair
6 statement if somebody like Mrs. Martin --
7 A Mrs. Teague.
8 Q Mrs. Teague. Smack me silly, Mrs. Teague,
9 looked up who the owner of Stat was at the - at that
10 period of time, what was the AKC records going to show,
11 you, correct?
12 MR. MCCORMICK: Object to form.
13 A No, not -- If she looked it up or if she saw
14 the catalogues?
15 BY MS. POWERS:
16 Q No. Sir, I'm making the questions -- what did
17 the public records of the AKC show as to who the owner
18 of Stat was when shown by Mr. Oliveras?
19 MR. MCCORMICK: Object to form.
20 A Who was the owner?
21 BY MS. POWERS:
22 Q Yes.
23 A Myrna Callow was the owner, I was a co-owner.
24 Q You were a co-owner, correct?
25 A Correct.

□

243

1 Q Okay. Did Mrs. Pflueger believe that you had
2 verbally attacked her?

3 MR. MCCORMICK: Object to form.

4 A I don't know what she did. Ask her.

5 BY MS. POWERS:

6 Q Did Mrs. Crewcore think that you had behaved
7 inappropriately?

8 MR. MCCORMICK: Object to form.

9 BY MS. POWERS:

10 Q Yes or no?

11 A Yes, she did.

12 Q Did those people believe that you needed anger
13 management?

14 A I don't know. You have to ask them.

15 MR. MCCORMICK: Object to form.

16 BY MS. POWERS:

17 Q Prior to becoming an AKC judge, did other
18 people express to the AKC, Mr. Gaeta specifically, that
19 you had problems with anger and behavior at AKC shows
20 that they had personally observed?

21 MR. MCCORMICK: Object to form.

22 A Just these people.

23 BY MS. POWERS:

24 Q Is that a yes?

25 A These people.

□

1 MR. MCCORMICK: Object to form.

2 BY MS. POWERS:

3 Q What knowledge do you have that Mrs. Teague
4 was trying to damage you?

5 A I don't know.

6 Q You're aware that Mrs. Teague has in the past
7 shown dogs, Dobermans?

8 A I am now.

9 Q Would you agree that Mrs. Teague, as someone
10 in the Doberman community, has an interest in the judges
11 that judge the breed?

12 MR. MCCORMICK: Object to form.

13 A I don't know.

14 BY MS. POWERS:

15 Q She would have no interest?

16 A I have no idea if she does or not.

17 Q Do you have an interest in advancing the
18 Doberman breed as an owner breeder?

19 A Advancing it?

20 Q Yes, making it better.

21 A Sure.

22 Q Okay. You know that Mrs. Martin - Mrs. Teague
23 claims that she met you, Mr. Martin, previously on other
24 occasions, correct?

25 A I understand that now.

□

245

1 Q You don't remember the occasions, correct?

2 A Correct.

3 Q Do you have any knowledge that Mrs. Teague
4 specifically intended to injure you when she made her
5 post on Cyberdobes?

6 A I don't know.
7 Q Do you have any knowledge that Mrs. Teague
8 intended to subject you to hatred, distrust, ridicule,
9 contempt or disgrace?
10 A Yes.
11 Q What knowledge did you have that that was her
12 intent?
13 A The letters, the posts.
14 Q Because it wasn't nice?
15 A Yeah.
16 Q Are AKC -- Does Mrs. Teague have a right to
17 criticize an AKC judge?
18 A No.
19 Q Not at all?
20 A No.
21 Q She cannot do that on a private chat line?
22 A No.
23 Q That's your opinion?
24 A They fine you - they fine you and suspend you
25 for that.

□

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1 Q who fines and suspends?
2 A AKC.
3 Q Are you saying that the AKC should fine and
4 suspend Mrs. Teague?
5 A They do.
6 Q No, my question is, do you believe the AKC
7 should fine --
8 A Yes.

9 Q She believes you shouldn't be a judge,
10 correct?

11 A Right.

12 Q Do you think that the AKC should fine and
13 suspend everyone who has criticized you and your
14 behavior, including all the people that wrote letters
15 and all the people who made comments on Cyberdobes?

16 MR. MCCORMICK: Objection.

17 A Possibly.

18 BY MS. POWERS:

19 Q Okay. Do you believe that the people who -
20 including Mrs. Molin, Mr. Brucker and all the other
21 people who wrote letters late August 2005 and September
22 2005 were acting inappropriately when they wrote their
23 letters to the AKC?

24 A Yes.

25 Q You do recognize that the AKC solicits such

□

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1 input from members of the dog community for a judge,
2 correct?

3 A Yes.

4 Q And you believe the AKC should sanction these
5 people for expressing their opinion?

6 A Not these.

7 Q Not those?

8 A No. They wrote it to the AKC and that's their
9 opinion.

10 Q So they're allowed to give their opinion to
11 the AKC?

12 A Yes.

13 Q But you're not allowed to express your opinion
14 to other people in a chat room?

15 A Yes.

16 Q Okay. Let me look and see.

17 Subject to having discovery on the issue of
18 wages, receipts and documentation, and any related
19 economic loss issues that I've not been able to go into,
20 and the questions for which the witness was not allowed
21 to answer - quick break, but I think we're going to be
22 done.

23 (Thereupon, a brief recess was taken, after
24 which the following proceedings were had:)

25 MS. POWERS: With the exceptions of what I

□

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1 previously stated on the record, we're ending the
2 deposition, the questioning of Mr. Martin for now,
3 and Mr. McCormick has advised that the witness will
4 read, and I'm ordering the deposition.

5 MR. MCCORMICK: We'll take a copy.

6 (Deposition concluded at 5:00 p.m.)

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□

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

2 STATE OF FLORIDA,)

3 COUNTY OF BROWARD.)

4

5 I, MARIA BARTLETT, a Shorthand Reporter and
6 Notary Public in and for the State of Florida at Large,
7 do hereby certify that the foregoing testimony was
8 taken before me; that the witness was duly sworn by
9 me; and that the foregoing pages constitute a true
10 record of the testimony given by said witness.

11 I further certify that I am not a relative or
12 employee or attorney or counsel of any of the
13 parties, or a relative or employee of such attorney
14 or counsel, nor financially interested in the action.

15 Under penalties of perjury, I declare that I
16 have read the foregoing certificate and that the
17 facts stated herein are true.

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signed this 27th day of August 2007.

19

20

21

22 MARIA BARTLETT, Shorthand Reporter
23 Notary Public, State of Florida at Large
Commission No.: DD433454
My commission expires: May 29th, 2009.

24

25

□

KLEIN, BURY, REIF, APPLEBAUM & ASSOCIATES
888 Southeast Third Avenue
Suite 201
Fort Lauderdale, Florida 33316
(954) 463-2933

August 27, 2007

TO: Philip Martin
c/o William G. McCormick, ESQUIRE
RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.
200 E. Broward Blvd., 15th Floor
Fort Lauderdale, Florida 33301

Re: Martin vs. Teague

Dear Mr. Martin,

This letter is to advise you that your transcript taken in the above-styled case has been completed and is awaiting your reading and signing.

Please make arrangements to come to our office at 888 Southeast Third Avenue, Suite 201, Fort Lauderdale, Florida to read and sign this transcript.

If the reading and signing has not yet been completed within 30 days from the date of this letter, we shall conclude that you have waived the reading and signing of the transcript. Your prompt attention to this matter is appreciated.

Sincerely,

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□