

(vol 1) 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 I
Pages 1 through 200

□

2

1 APPEARANCES:

2 RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.
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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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22
23
24
25

□

3

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2		
3	THE WITNESS	PAGE
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16

(All Exhibits Are Attached:)

17

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4

1 Thereupon:

2

PHILIP M. MARTIN

3

was called as a witness, and being first

4

duly sworn, was examined and testified on his oath

5

as follows:

6

DIRECT EXAMINATION

7

BY MS. POWERS:

8

Q would you please state your full name for the
Page 3

9 record, sir.

10 A Philip Michael Martin.

11 Q Mr. Martin, my name is Denise Powers, and I'm
12 going to be taking your deposition today in the case of
13 Martin versus Teague. If at any time you don't
14 understand my question, please let me know, and I'll
15 repeat or rephrase it.

16 I'm going to ask that you answer out loud and
17 audibly, not shrug your shoulders or nod or shake your
18 head, and please also allow me to finish my question
19 before you answer, and sometimes I may be pausing and
20 may cause you to believe my question is finished, but
21 let me finish before you answer. Do you understand
22 that?

23 A Yes.

24 Q Have you ever had your deposition taken
25 before?

□

5

1 A Yes.

2 Q How many times?

3 A Once.

4 Q In what type of matter?

5 A It was with a home that I had bought that they
6 didn't disclose some damage.

7 Q In what year did that occur?

8 A 2002.

9 Q And where was that lawsuit pending?

10 A Charleston, South Carolina.

11 Q Were you represented by an attorney in that
Page 4

12 matter?

13 A Yes.

14 Q What was the name of that attorney?

15 A Brush was the last name. I can't remember the
16 first name. I'm not sure of the first name.

17 Q Any other lawsuits that you have been involved
18 in besides that?

19 A No.

20 Q What is your address?

21 A 1433 Banks Mills Road, Aiken, South Carolina,
22 29803.

23 Q How long have you lived there?

24 A A month.

25 Q Are you owning or renting there?

□

6

1 A I own.

2 Q And where did you live previous to that?

3 A I lived here, and I rented a house in Aiken,
4 South Carolina.

5 Q What was your previous address to the one on
6 Banks Mill?

7 A Put 130 Ashwood Drive, Aiken, 29803.

8 Q And how long did you reside there?

9 A Six months.

10 Q That's where you were renting?

11 A Yes.

12 Q And before that where did you reside?

13 A Northeast 10th Terrace.

14 Q What was the number?

15 A I don't remember the number.
16 Q Where is that, Northeast 10th?
17 A Northeast 10th Terrace in Wilton Manors, Fort
18 Lauderdale, Florida.
19 Q How long did you reside there?
20 A Four months.
21 Q Did you own or rent there?
22 A I owned.
23 Q Do you still own that property?
24 A No.
25 Q When did you sell it?

□

7

1 A In November, November or December, 2006.
2 Q Are you now a resident of South Carolina?
3 A Yes.
4 Q Do you have a driver's license in South
5 Carolina?
6 A Yes.
7 Q Registered to vote in South Carolina?
8 A Not registered to vote, but I have a driver's
9 license there.
10 Q Are you registered to vote in Florida?
11 A Yes.
12 Q Florida driver's license?
13 A No.
14 Q Where did you reside prior to the Wilton
15 Manors address?
16 A It was on 16th. I think it was 1648, I'm not
17 sure about the exact address. 16th Street, Northeast

18 16th, and that was Fort Lauderdale, Florida.

19 Q How long did you reside there?

20 A Two years, 2004 June to 2006 June.

21 Q Did you own or rent there?

22 A Owned.

23 Q What is your date of birth?

24 A 6/29/60.

25 Q Where did you reside prior to June of 2004?

□

8

1 A Charleston, South Carolina.

2 Q How long did you live in Charleston?

3 A 2002 to 2004, May of 2002 to May 2004.

4 Q Why did you leave Charleston?

5 A I sold my business.

6 Q What kind of business did you have?

7 A It was a dog boarding kennel.

8 Q What was the name of it?

9 A The Home Place Bed and Biscuit.

10 Q From May 2004 to the present, what business or
11 businesses have you been involved in?

12 A Real estate and dog boarding kennel.

13 Q In regards to real estate, what is your
14 business involvement in real estate?

15 A Buying and selling.

16 Q Where were you buying and selling?

17 A My own -- I owned a couple properties in
18 Blowing Rock, North Carolina, which were sold, and I own
19 still a place here, plus the two that I had. I still
20 have another place here that's rented.

21 Q Excuse me, I didn't hear you.
22 A I own another place here also.
23 Q Do you have -- Are these -- Your real estate
24 venture, do you have a real estate license?
25 A No.

□

9

1 Q Are you buying and selling real estate that
2 you personally own?
3 A Yes.
4 Q Do you represent -- Strike that.
5 Do you assist other people in buying or
6 selling properties --
7 A No.
8 Q -- either here - either here in Florida or in
9 South Carolina?
10 A No.
11 Q You did a good guess on what my question was
12 going to be, but I ask that you let me finish because I
13 was asking both about Florida and South Carolina.
14 Mr. Martin, I had a client last week that did
15 the same thing so - and Mr. McCormick, I'm sure he's
16 smiling, and we just ask, for the court reporter, we
17 can't both talk at the same time because she can't take
18 us down.
19 A Okay.
20 Q Any other thing you're doing than in real
21 estate - other than buying and selling your own personal
22 properties?
23 A I own a dog kennel.

24 Q Yeah, but I was talking about real estate.
25 A No.

□

10

1 Q Now, let's talk about the dog kennel business.
2 what do you presently own in the dog kennel
3 business?

4 A A dog boarding kennel, Powder House Pet
5 Resort.

6 Q Do you own that individually or through a
7 corporation or through a company?

8 A It's an LLC.

9 Q Is there any other managers in the LLC other
10 than yourself?

11 A No.

12 Q How long have you had Powder House Pet Resort?

13 A December, 2006.

14 Q And it's still in existence?

15 A Yes.

16 Q Going back in time, did you own, between May
17 of 2004 and December of 2006, any other dog kennel
18 facilities?

19 A No.

20 Q Did you have any other business ventures in
21 the dog world other than the dog kennel?

22 A Judging.

23 Q Other than judging, do you own and breed dogs
24 also?

25 A Yes.

□

11

- 1 Q Do you have a company, corporation, LLC, that
2 owns or breeds dogs?
- 3 A No.
- 4 Q You do it in your individual name?
- 5 A Yes.
- 6 Q And you're still involved currently in owning
7 and breeding Dobermans?
- 8 A Yes.
- 9 Q Do you currently own or breed any other dog
10 breed other than Dobermans?
- 11 A Yes.
- 12 Q what else do you breed currently or own?
- 13 A Own. An Affen Pinscher.
- 14 Q How long have you owned an Affen Pinscher?
- 15 A Four, five months.
- 16 Q Any other breeds that you currently own?
- 17 A Afghan Hound.
- 18 Q How long have you owned the Afghan Hound?
- 19 A About a year.
- 20 Q Any other breeds that you own?
- 21 A No.
- 22 Q Any other breeds that you - dog breeds that
23 you breed other than Dobermans?
- 24 A No.
- 25 Q we discussed, I guess, in the last - that

□

12

1 would be -- In 2006 you owned the Affen Pinscher and the
2 Afghan Hound, correct? I'm going back in time now,
3 correct?

4 A No. I got the Affen Pinscher in 2007.

5 Q For the years 2006 and 2007, the only dogs,
6 and I'm excluding Dobermans for now, were the Affen
7 Pinscher and the Afghan Hound, correct?

8 A That I'm aware of.

9 Q Okay. Would you own other dogs that you're
10 not aware of?

11 A Most likely not.

12 Q How would you own a dog that you didn't know
13 about?

14 MR. MCCORMICK: Object to form.

15 A I don't know.

16 BY MS. POWERS:

17 Q Let's go back to the year now 2000 - calendar
18 year 2005. Did you own any other dogs other than
19 Doberman Pinschers?

20 A Yes.

21 Q What type of dog?

22 A Cavaliers, Cavalier King Charles spaniels.

23 Q Did you breed Cavaliers or just own?

24 A I bred two litters, I believe. I believe.

25 Q Any other dogs that you owned or bred in 2005,

□

13

1 and all my questions now are excluding Dobermans, other
2 than Cavaliers in 2005?

3 A No.

4 Q Let's go to the year 2004. Any dogs that you
5 owned or bred other than Dobermans in 2004?
6 A No.
7 Q Go to the year 2003. Any other dogs that you
8 owned or bred other than Dobermans in 2003?
9 A 2004 could have been Cavaliers too.
10 Q We were in 2003. Any other dogs --
11 A No.
12 Q -- in 2000 -- Let me finish my question.
13 Any other dogs in 2003 that you owned or bred
14 other than Dobermans?
15 A No.
16 Q 2002, any other dogs that you owned or bred
17 other than Dobermans?
18 A No.
19 Q 2001, any other dogs that you owned and bred
20 other than Dobermans?
21 A No.
22 Q 2000, any other dogs that you owned or bred
23 other than Dobermans?
24 A No.
25 Q what year would I have to go back to to have a

□

14

1 year that you owned or bred any dog breed other than
2 Dobermans?
3 A '85, '86.
4 Q Let's go to the year 1986. What breed did you
5 own or breed other than Dobermans?
6 A Dachshund.

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7 Q How long did you do that for?

8 A Approximately three years.

9 Q What three-year period of time?

10 A I'm not exactly sure.

11 Q In other words, is it three years from '83 to

12 '86 or '86 to '89?

13 A '83 to '86.

14 Q Other than Dobermans and Dachshunds, are there

15 any other breed of dog that you owned or bred between

16 '83 and '86?

17 A No.

18 Q Prior to 1983 -- I'm going back

19 chronologically, Mr. Martin. Excluding now the

20 Dachshunds that we just discussed, what years would I

21 have to go back to have a year where you either owned or

22 bred a breed other than Dobermans?

23 A '73.

24 Q What breed did you own or breed in 1973?

25 A German Shepherds.

□

15

1 Q How many German Shepherds did you have in

2 1973?

3 A One.

4 Q What was the name of that --

5 A Tighter Montar (phonetic).

6 Q When did you get Tighter Montar?

7 A When I was 13.

8 Q So that would have been?

9 A '73.

10 Q would that be approximately June of 1973?
11 That's your -- You told me your birthday was June --
12 A I couldn't tell you the exact date on that.
13 Q would it have been within a short period of
14 time, weeks between your birthday in 1973?
15 A I couldn't tell you that.
16 Q would it have been in months of --
17 A Yes.
18 Q -- your birthday?
19 Prior to 1973, did you own or breed any other
20 kind of dog?
21 A No.
22 Q who were the owners of Tigher Montar? Can I
23 refer to him as the German Shepherd?
24 A Yes.
25 Q who were the owners of that dog?

□

16

1 A Philip Martin.
2 Q which is you?
3 A Yes. And Jerold Martin.
4 Q Spell Jerold.
5 A J-E-R-O-L-D.
6 Q who is Jerold Martin?
7 A My father.
8 Q Is he still living?
9 A Yes.
10 Q where does he reside?
11 A Charleston, South Carolina.
12 Q Is he also known as Jerry, J-E-R-R-Y?

13 A Yes.

14 Q In regards to the German Shepherd, Tigher
15 Montar, that we've just discussed, that is the dog you
16 referred to on the chart you added to your answers to
17 interrogatories; is that correct?

18 A Yes.

19 Q Your answers to interrogatories indicate that
20 you got that dog in 1972. Which year is correct,
21 Mr. Martin, '72 or '73?

22 A I couldn't be for sure. I got her for my - my
23 bar mitzvah and I could not tell you the exact date of
24 that.

25 Q A bar mitzvah is a rather momentous occasion

□

17

1 in the life of a Jewish young man, correct?

2 A Right.

3 Q And that usually occurs around his thirteenth
4 birthday, correct?

5 A Yes.

6 Q Do you remember in relationship to your
7 thirteenth - your actual thirteenth birthday when your
8 bar mitzvah was?

9 A No.

10 Q You don't recall if it was before or after?

11 MR. MCCORMICK: Object to form.

12 A I don't recall.

13 BY MS. POWERS:

14 Q How old was the German Shepherd when you got
15 her?

16 A Six weeks.
17 Q Had arrangements been made, to your knowledge,
18 for the German Shepherd before she was born?
19 MR. MCCORMICK: Object to form.
20 A Yes.
21 BY MS. POWERS:
22 Q Had you and your father visited the breeders
23 of the German Shepherds prior to you receiving the dog?
24 A Yes.
25 Q Tell me how it came about that you selected

□

18

1 the German Shepherd in approximately either '72 or '73.
2 A It was a friend of my father's dog and bitch,
3 and they did the breeding, and I had asked for one of
4 the puppies.
5 Q For your birthday or bar mitzvah?
6 A Not necessarily.
7 Q When you say not necessarily, did you - was
8 the German Shepherd dog a gift for your bar mitzvah?
9 A Yes.
10 Q Was it also a birthday present?
11 A No.
12 Q Where were you living in 1972, '73?
13 A Richmond, Virginia.
14 Q Is that where you grew up?
15 A Somewhat.
16 Q What's your educational background?
17 A Two years of a community college, high school
18 education, diploma. High school diploma, and I went to

(vol 1) martin v.txt
19 cosmetology school.
20 Q Two years of community college. Where did you
21 receive -- Did you receive a degree?
22 A No.
23 Q Where did you go to community college?
24 A I went to Hillsboro Community College.
25 Q In Tampa?

□

19

1 A Yes. I went to Broward Community College,
2 Fort Lauderdale.
3 Q And the total of those two community colleges
4 was for a total of two years?
5 A On and off.
6 Q Where did you graduate from high school?
7 A Greensboro, North Carolina.
8 Q What year did you graduate from high school?
9 A '79.
10 Q On all the addresses that you were giving me
11 before, did you ever live at 6840 Northwest 26th Street
12 in Margate?
13 A No.
14 Q Have you ever used that address as your
15 permanent address?
16 A I've used that address.
17 Q How have you used that address?
18 A When I was in transition, because of being
19 transitioned, living in so many places, to be sure of
20 getting the mail that I needed.
21 Q Is that the address you used from 2004 to the

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22 present for the AKC?
23 A No.
24 Q For what period of time have you used that
25 address as your address for when you were in transition?

□

20

1 MR. MCCORMICK: Object to form.
2 A 2006 to present.
3 BY MS. POWERS:
4 Q That address was Mr. McCormick's, your
5 attorney's address?
6 A Yes.
7 Q You have never lived there, correct?
8 A No.
9 Q How long have you known Mr. McCormick?
10 A Probably two years, approximately two years.
11 Q Does Mr. McCormick own or breed Dobermans?
12 A Yes.
13 Q what does he own?
14 A Owned.
15 Q Does he breed?
16 A No.
17 Q I'm sorry, that's going to sound terrible.
18 MR. MCCORMICK: It's all right.
19 (Thereupon, a brief off-the-record discussion
20 was held, after which the following proceedings
21 were had:)
22 BY MS. POWERS:
23 Q How did you meet -- Let me ask you, did you
24 meet Mr. McCormick as a result of the dog world or as a

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25 result of a legal matter, for the first time you met

□

21

1 him?

2 A Dog world.

3 Q I do not want to know any conversations
4 between you and Mr. McCormick regarding this - you know,
5 this lawsuit or legal matter. I just want to make that
6 clear.

7 At the time, was Mr. McCormick showing the dog
8 he owned at the time?

9 A Preparing to.

10 Q And that was approximately -- was that 2005,
11 you said, or two years ago? We're now in August of
12 2007.

13 A Approximately.

14 Q Where did you meet?

15 A Fort Lauderdale.

16 Q At a dog show?

17 A My house.

18 Q What was the reason for his visit to your
19 house?

20 A He was referred to me for ear taping.

21 MR. MCCORMICK: That's for the dog, by the
22 way, not for myself.

23 BY MS. POWERS:

24 Q Is that something that you do for owners of
25 other dogs, tape their ears so they'll --

□

22

1 A Stand.

2 Q -- they'll stand up?

3 A Yes.

4 Q Okay. Did you continue to socialize with

5 Mr. -- Did you ever socialize with Mr. McCormick from

6 that first time in your house until January of 2007?

7 A Yes.

8 Q Have you and Mr. McCormick ever attended the

9 same dog shows at the same time, in other words, same

10 location, both of you there at the same time?

11 A Yes.

12 Q How many times?

13 A I couldn't tell you.

14 Q Is it more than once?

15 A Yes.

16 Q In the last ten years - excuse me, in the last

17 two years, is it more than ten times?

18 A Maybe.

19 Q The dog shows that you both attended, can you

20 recall any of the locations where they were held?

21 A Florida.

22 Q Where in Florida?

23 A Fort Lauderdale, West Palm. I can't really

24 tell you. I mean in Florida, shows.

25 Q Any out of state?

□

23

1 A I can't recall.

2 Q At any of these shows in the last two years

Page 20

3 that both you and Mr. McCormick attended, were you a
4 judge at any of those shows?

5 A Where we both attended?

6 Q You were both there at the same place at the
7 same time.

8 A Right.

9 Q That's my first criteria.

10 A Right.

11 Q At any of those occasions, were you there as a
12 judge, an AKC judge?

13 A Yes.

14 Q How many times has that occurred?

15 A Maybe twice.

16 Q Can you tell me when it would have occurred?

17 A West Palm. I don't know about West Palm.
18 Vero Beach. I don't know about West Palm. West Palm,
19 yeah.

20 Q Do you recall when the West Palm Beach show
21 would have been, and I'm asking approximately, what
22 year?

23 A May 2007.

24 Q What about Vero Beach?

25 A Sometime in 2006.

□

24

1 Q At either of those two shows that you can
2 recall, did you judge any dog owned by Mr. McCormick?

3 A No.

4 Q Did he have dogs entered in either of those
5 shows that you recall?

6 A Yes.
7 Q which show did he have a dog entered in?
8 A West Palm.
9 Q Mr. McCormick has Dobermans, correct?
10 A Yes.
11 Q And you only judge Dobermans?
12 A Yes.
13 Q How was it that Mr. McCormick had a dog in
14 West Palm and you were a Doberman judge and you didn't
15 judge the dog or dogs?
16 A He didn't show it.
17 Q why didn't he show it?
18 MR. MCCORMICK: Object to form.
19 A You'll have to ask him.
20 BY MS. POWERS:
21 Q Did you ever discuss with Mr. McCormick on a
22 social basis why he brought his dogs and didn't show
23 them?
24 A No.
25 Q You never discussed that with him at all?

□

25

1 A No.
2 Q In your estimate, in your opinion, Mr. Martin,
3 if Mr. McCormick had showed his dog in a ring where you
4 were the judge, would you have gone ahead and acted as a
5 judge for that dog --
6 A Yes.
7 Q -- knowing that - let me finish my question -
8 knowing that the dog was owned by Mr. McCormick?

9 A Yes.
10 Q You wouldn't have seen any impropriety in
11 doing that --
12 A No.
13 Q -- judging a dog owned by Mr. McCormick?
14 A No.
15 Q Has anyone ever discussed with you that it
16 might not be appropriate to judge a dog owned by your
17 attorney?
18 A No.
19 Q Have you ever discussed judging
20 Mr. McCormick's dog with Mr. McCormick?
21 A No.
22 Q Did you and Mr. McCormick know that you were
23 both going to the West Palm Beach show in May of 2007?
24 A Yes.
25 Q You had discussed that in advance?

□

26

1 A I was judging. It was our club show.
2 Q My question was, had you and Mr. McCormick
3 discussed in advance that you were both going to be
4 attending the West Palm Beach show?
5 A No.
6 Q Were you surprised to see him at the West Palm
7 Beach show?
8 A No.
9 Q Did you know he was coming?
10 A Most likely.
11 Q The Vero Beach in 2006, were you judging at

12 that show?
13 A Yes.
14 Q Did Mr. McCormick have any dogs too that he
15 owned to show at that show in Vero Beach?
16 MR. MCCORMICK: Object to form.
17 A Entered?
18 BY MS. POWERS:
19 Q Yes.
20 A Yes.
21 Q what do you mean by entered?
22 A It was entered, the dog was entered to show,
23 could show.
24 Q Meaning they were listed in the catalog?
25 A Right.

□

27

1 Q That would have been the same for the west
2 Palm Beach show?
3 A Yes.
4 Q Did Mr. McCormick -- strike that.
5 The dog that was entered in the Vero Beach
6 show owned by Mr. McCormick, did it actually show at
7 Vero Beach?
8 A No.
9 Q Do you know why?
10 A No.
11 Q Did you ever discuss with anyone, and I don't
12 mean to limit this to Mr. McCormick, why the dog was not
13 shown at Vero Beach?
14 A No, not that I recall.

15 Q In the lawsuit that you have brought against
16 Mrs. Teague, are you making any claim for lost wages?

17 MR. MCCORMICK: Are you asking me or him? You
18 keep looking at me.

19 MS. POWERS: Well, I'll take a clarification
20 from counsel, but I'm asking the witness.

21 A Well, I haven't gotten any more judging
22 assignments since the post.

23 MS. POWERS: Well, that wasn't my question,
24 sir.

25 MR. MCCORMICK: He's not going to be seeking

□

28

1 any -- well, his only jobs, as you know, have been
2 real estate and his kennel.

3 We're not going to claim that his kennel has
4 lost any business absent finding - any income from
5 his business absent finding any judging
6 assignments, nor are we going to claim it effected
7 any real estate business.

8 MS. POWERS: Can we go off the record a
9 minute.

10 MR. MCCORMICK: Sure.

11 (Thereupon, a brief off-the-record discussion
12 was held, after which the following proceedings
13 were had:)

14 MR. MCCORMICK: They haven't filed.

15 (Thereupon, a brief off-the-record discussion
16 was held, after which the following proceedings
17 were had:)

18 MR. MCCORMICK: You can go on the record with
19 this. He'll answer today any questions you want
20 about judging assignments that he has had, where
21 they've been, what income he's gotten from them,
22 his expenses. We've already provided you some of
23 that information in discovery.

24 MS. POWERS: But not all of it. You haven't
25 provided all of the expenses.

□

29

1 MR. MCCORMICK: That's fine. But as to any
2 income from his dog kennel or real estate business,
3 it's not relevant to any damages we're seeking, and
4 he's not going to produce any of that.

5 MS. POWERS: And for the record, you have not
6 provided any tax returns that were even any
7 redacted ones from 2004, 2005 or 2006.

8 MR. MCCORMICK: As I've told you, 2006 hasn't
9 been filed yet, and Mr. Martin hasn't been judging
10 that long and the only damage we're seeking is
11 related to potential loss of income from judging.
12 So to the extent those are relevant, those will be
13 provided. He'll answer any questions you have on
14 any of that today.

15 BY MS. POWERS:

16 Q Mr. Martin --

17 MR. MCCORMICK: Excuse me one second.

18 (Thereupon, a brief off-the-record discussion
19 was held, after which the following proceedings
20 were had:)

21 BY MS. POWERS:

22 Q Mr. Martin, is there - and we'll start --
23 There was a period of time where you were a provisional
24 judge?

25 A Yes.

□

30

1 Q when you were a provisional judge, how many
2 judging assignments per year does a provisional judge in
3 the Doberman breed category expect to get in a
4 calendar - a twelve-month period?

5 MR. MCCORMICK: Object to form.

6 A Five.

7 BY MS. POWERS:

8 Q And what is the average number of breeding
9 assignments per year that a regular judge of the
10 Doberman breed would expect to get in a calendar year?

11 MR. MCCORMICK: Object to form.

12 A I have no idea.

13 BY MS. POWERS:

14 Q So you have no idea how many judging
15 assignments you would get once you're no longer a
16 provisional judge?

17 MR. MCCORMICK: Object to form.

18 A No.

19 BY MS. POWERS:

20 Q Have you spoken to any other Doberman judges
21 as to how many judging assignments per year they
22 receive?

23 A No.

24 Q Do you know if regular judges get more
25 assignments per year than provisional judges?

□

31

1 MR. MCCORMICK: Object to form.

2 MS. POWERS: What's the problem with the form?

3 MR. MCCORMICK: Reread it back.

4 (Thereupon, the previous question was read
5 back by the court reporter.)

6 MR. MCCORMICK: Calls for speculation.

7 A Not necessarily.

8 BY MS. POWERS:

9 Q What do you base your answer on?

10 A They usually don't pay provisionals as much,
11 and they have to have a certain amount of provisionals
12 at the different shows.

13 Q I'm sorry, could I ask you to repeat your
14 answer?

15 A They have to ask --

16 MR. MCCORMICK: She can read it back.

17 Just read his answer back, please.

18 MS. POWERS: I interrupted too.

19 (Thereupon, the previous answer was read back
20 by the court reporter.)

21 BY MS. POWERS:

22 Q When you use the word they, who are you
23 referring to?

24 A The show committee.

25 Q If I understand your answer correctly,

□

1 provisional judges get paid less than regular judges?
2 A Usually.
3 Q Do provisional judges get paid?
4 A Yes.
5 Q How much do they get paid, is it on a per-show
6 basis?
7 A It varies.
8 Q Is there any standard that you - let's go back
9 to the period when you were a provisional judge - that
10 you would expect to make as a provisional judge going to
11 a show?
12 MR. MCCORMICK: Object to form.
13 A No.
14 BY MS. POWERS:
15 Q Are your expenses -- Strike that.
16 when you were a provisional judge, did the
17 show committee pay for your travel expenses?
18 A No travel. Usually not travel.
19 Q Did they pay any expenses?
20 A Yes.
21 Q What expenses did they pay?
22 A Hotel.
23 Q Meals?
24 A Usually fed you.
25 Q I'm sorry, I can't --

□

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1 A Usually fed you.

2 Q I'm sorry, Mr. Martin, there's like a little
3 work going on and it's -- If you could just speak up.

4 A Okay.

5 Q Other than hotel and meals, were there any
6 other expenses that provisional judges are paid when
7 they judge a show?

8 A They usually are paid 3 to \$5 a dog.

9 MR. MCCORMICK: Let's take a break.

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

12 BY MS. POWERS:

13 Q You indicated, Mr. Martin, that there was a
14 payment for provisional judges of 3 to \$4 per dog?

15 MR. MCCORMICK: Object to form.

16 A Three to five.

17 BY MS. POWERS:

18 Q I'm sorry, 3 to - 3 to \$5 per dog. Is that
19 based on the number of dogs that have entered for you to
20 actually judge?

21 A Yes.

22 Q Is it based -- Is there any difference
23 sometimes between the number entered and the number that
24 actually show in any particular dog show?

25 A No.

□

34

1 Q You explained to me earlier that Mr. McCormick
2 had entered but not shown?

3 A Right.

4 Q Your 3 to \$5 a day, is that based on the
5 number of dogs entered which -- And I understand entered
6 means they have the ability to be shown in that show,
7 correct?

8 A Correct.

9 MR. MCCORMICK: Stop. Object to form. Go
10 ahead.

11 BY MS. POWERS:

12 Q Is the three -- Is the payment per dog based
13 upon the number entered that could be potentially shown
14 to you as a provisional judge?

15 A Yes.

16 Q It is not based on the number of dogs that
17 actually show up in the ring for you to actually judge,
18 correct?

19 A Correct.

20 Q And is it the individual show committees that
21 decide whether it's 3, 4 or \$5 per dog?

22 A Yes.

23 Q Is the number -- Is the amount of dollars per
24 dog that a provisional judge receives based in any way
25 on the number of dogs entered in that particular show?

□

35

1 A Once again.

2 Q Let me rephrase. If a lot of dogs are entered
3 in the Doberman breed for you to judge --

4 A Right.

5 Q -- do you get more or less at that particular
6 show, or is that just set in advance without knowing how

7 many dogs may be entered for you to judge?
8 A Set in advance.
9 Q Excuse me?
10 A Set in advance.
11 Q Is there any other compensation other than
12 hotels and meals that a provisional judge receives and
13 the per-dog fee that a provisional judge gets?
14 A No.
15 Q Let's talk about a regular judge. How are
16 regular judges compensated?
17 A Transportation.
18 Q By transportation, do you mean if you travel
19 by car; is it a mileage?
20 A Sometimes they give you mileage, gas. Usually
21 they just pay your gas or pay your gas, your air fare,
22 hotel and food.
23 Q If you travel by plane -- strike that.
24 Have you ever traveled by plane to a show?
25 A Yes.

□

36

1 Q Do they recompense your air travel?
2 A Not provisional.
3 Q We're now talking about regular judges.
4 A Yes, they do.
5 Q You told me that provisional judges don't get
6 their transportation paid, correct?
7 A Correct.
8 Q Regular judges do --
9 A Right.

10 Q -- get their transportation paid?
11 A Correct.
12 Q If you travel to a show by plane, are you
13 recompensed as a regular judge for the airfare?
14 A Yes.
15 Q What other compensation does a regular judge
16 get other than travel expenses, hotel?
17 A None that I'm aware of.
18 Q Are there any per-dog payments for regular
19 judges?
20 A Sometimes.
21 Q How much are regular judges paid per dog; is
22 there a range?
23 A It could be the same thing.
24 Q And by the same thing, you mean 3 to \$5 per
25 dog?

□

37

1 A Yes.
2 Q I'm now talking only about regular AKC judges.
3 You told me about the transportation, hotel --
4 A Uh-huh.
5 Q -- meals --
6 A Uh-huh.
7 Q -- and sometimes a per-dog fee, correct?
8 A Correct.
9 Q Is there any other remuneration that a regular
10 AKC judge gets that we haven't discussed?
11 A Not that I'm aware of.
12 Q Is it correct that sometimes there is no

13 per-dog payment to regular judges?

14 A If they get a salary. It's one or the other.
15 It's not both.

16 Q Is there any cap on the payment per dog at a
17 dog show?

18 A I have no idea.

19 Q You talked about a salary. Can you explain
20 what salary a regular AKC judge would make?

21 A I have no idea.

22 Q who pays the salary of a regular AKC judge?

23 A The show committee, the show club.

24 Q In all the years you have been involved with
25 dogs, do you have any idea what the salary per show is

□

38

1 for a regular AKC judge who would judge Dobermans?

2 MR. MCCORMICK: Object to form.

3 A Usually judges that aren't provisional, they
4 could get a certain amount for their Dobermans, but they
5 could get a flat fee for the whole day for what all they
6 did.

7 BY MS. POWERS:

8 Q Now, tell me about what remuneration that is.
9 what is -- You told me that it's a salary that is paid
10 by the specific club putting on the specific show,
11 correct?

12 A Correct.

13 Q Okay. What flat fee would a regular AKC judge
14 judging Dobermans expect to get?

15 A \$300.

16 Q Per day or per show?
17 A Day.
18 Q How many days does a show usually last?
19 A It ranges, from one to three, five, four.
20 They're all different.
21 Q Does it depend on how many days the specific
22 breed that the judge is involved with would have
23 activities going on?
24 A I don't understand what you're saying.
25 Q Let's take a three-day show as an example. In

□

39

1 a three-day show would there be events involving
2 Dobermans all three days?
3 A Yes.
4 Q would there be occasions when there would be a
5 three-day show when there were days when there were no
6 events involving Dobermans?
7 A Yes.
8 Q would the non-provisional judge receive the
9 flat fee for all the days of the show or only the days
10 on which there was a Doberman activity?
11 A They wouldn't get paid unless they judged, you
12 know. They would not get paid unless they judged.
13 Q That's what I'm trying to find out.
14 A Yeah.
15 Q How many times in a three-day show can a judge
16 judge?
17 A All three days.
18 Q Every show a judge can judge all three days?

19 A Yes.

20 Q Would it also depend upon the number of
21 entries?

22 A They're known to judge the show before the
23 show comes up.

24 Q In other words, before the -- Are you telling
25 me before the show begins, they know in advance how many

□

40

1 dogs they're going to have?

2 A Uh-huh.

3 Q And in a three-day show, it's your testimony
4 that you could judge three different times on day one,
5 day two and day three?

6 A Yes.

7 Q Are you aware -- You also own dogs, correct?

8 A Yes.

9 Q Is that your experience on the shows that you
10 have attended as an owner and breeder?

11 A Yes.

12 Q Do you have friends who are judges in the
13 Doberman breed?

14 A Yes.

15 Q Have you ever discussed with them how many
16 times a year they judge?

17 A Never.

18 Q You have listed, in your answers to
19 interrogatories, numerous people who have mentored you
20 in the breed. Do you recall that question?

21 A Uh-huh.

22 Q Is that a yes?
23 A Yes.
24 Q Did any of the people that you mentioned in
25 your answers to interrogatories mentor you on the

□

41

1 judging of Dobermans?
2 A Yes.
3 Q who would that be?
4 A All -- Everyone I listed.
5 Q Are there any active Doberman judges who
6 mentored you in judging?
7 A Yes.
8 Q who?
9 A Irene Biven.
10 Q How long have you known Ms. or Mrs. Biven?
11 A Just 2002.
12 Q And how did she mentor you -- Strike that.
13 She is an AKC judge for the Doberman breed?
14 A Yes, yes.
15 Q How has she mentored you in being a judge?
16 A Just discussing the breed and the standard.
17 Q Have you ever bred any of your dogs to any of
18 Mr. or Mrs. Biven's dogs?
19 A Yes.
20 Q How many?
21 A One.
22 Q which one is that?
23 A which dog?
24 Q Yes.

25 A (vol 1) martin v.txt
of theirs or mine?

□

42

1 Q Of yours.

2 A Thunderella.

3 Q I'm sorry?

4 A Thunderella.

5 Q Which produced what dog, Thunderella produced
6 whom, what dog?

7 A She produced a lot.

8 Q I mean for - that the Bivens' -- Your dog,
9 Thunderella, bred with one of the Bivens' dogs, correct?

10 A Correct.

11 Q Did you own any of the offspring of your dog,
12 Thunderella, and the Bivens' sire?

13 A Yes.

14 Q How many?

15 A I believe one - two.

16 Q And which dogs would those have been?

17 A Phillmar Cavarella and Phillmar It's All About
18 Me Doberman.

19 Q Have either Cavarella and It's All About Me -
20 have you ever shown either of those dogs as an owner
21 where Mrs. Bivens has been the judge?

22 A No.

23 Q Has she ever been a judge at which those two
24 dogs were present?

25 A I don't believe so.

□

43

1 Q But you're not certain?
2 A No.
3 Q When were the two dogs whelped? The two dogs
4 from Thunderella --
5 A Yes.
6 Q -- when were they whelped, what year?
7 A 2004, I believe. I believe 2004.
8 Q Going back now to -- Has Mrs. Bivens ever
9 discussed with you any issue of conflict of interest or
10 potential conflict of interest?
11 A Not necessarily.
12 Q Has there been any discussion at all on the
13 topic of conflict of interest with Mrs. Bivens?
14 A Well, she said I could show them to Ed but
15 don't show them to her.
16 Q Who's Ed?
17 A Her husband.
18 Q Did she say why you could show the dogs to Ed
19 and not show the dogs to her?
20 A He didn't mind judging them, she did.
21 Q Did she ever discuss with you why she minds?
22 A No.
23 Q Do you have a close relation with Miss Irene
24 Bivens versus her husband, Ed Bivens?
25 A Not necessarily.

□

44

1 Q But it's your testimony that Irene Bivens told
2 you she didn't want to judge your dogs but it was okay

3 with her husband?

4 A Right.

5 Q And she felt that that was based on a conflict
6 of interest?

7 MR. MCCORMICK: Object to form.

8 A No, not necessarily.

9 BY MS. POWERS:

10 Q why do you think that she would decline to
11 judge your dogs?

12 MR. MCCORMICK: Object to form.

13 A The only reason it came up is because she was
14 going to be at a show that she was judging and I thought
15 I was going to go to it.

16 BY MS. POWERS:

17 Q And what was the discussion?

18 A Just you can show them to Ed, don't show them
19 to me.

20 Q Did you go to that show?

21 A No.

22 Q Was your impression of your conversation with
23 Mrs. Biven that it just would be seemly?

24 MR. MCCORMICK: Object to form.

25 A No, because they judged plenty of dogs by

□

45

1 their dogs before.

2 BY MS. POWERS:

3 Q But specifically she didn't want to judge any
4 of yours?

5 MR. MCCORMICK: Object to form.

6 BY MS. POWERS:

7 Q Is that what she told you?

8 A Yeah.

9 Q That's a yes?

10 A Yes.

11 Q Going back to the German Shepherd dog, did you
12 ever show that dog in any AKC events?

13 A I did her in obedience matches.

14 Q Were those AKC-sanctioned events?

15 A No, that I'm aware of.

16 Q Do you have any records of any of the
17 obedience events that you entered the German Shepherd
18 dog?

19 A AKC records I don't believe go back that far.

20 Q That wasn't my question. Do you have any
21 records --

22 A No.

23 Q Have you ever tried to get records for the
24 German Shepherd dog?

25 A Yes.

□

46

1 Q When did you try and do that?

2 A From AKC. I don't know when.

3 Q Was it in regards to this lawsuit?

4 A Yes.

5 Q Prior to coming here today, did you review any
6 records at all -- Strike that.

7 Prior to coming -- Prior to coming here today,
8 did you review any documents in preparation for your

9 testimony?
10 A No.
11 Q Did you review your answers to
12 interrogatories?
13 A No.
14 Q Are you under any medications today?
15 A No.
16 Q Have you ever taken any medications for any
17 mental health issues?
18 A No.
19 Q Have you ever sought treatment for any issues
20 of mental health in the last fifteen years for which you
21 have sought professional help? And I don't want to
22 limit that to M.D.s but any type of professional help in
23 mental health.
24 A No.
25 Q Has anyone ever recommended, any health care

□

47

1 provider ever recommend that you get help in any mental
2 health area?
3 A No.
4 Q Do you suffer from any physical or other
5 disabilities that would limit or affect your ability to
6 testify truthfully today?
7 A No.
8 Q You flew into town for this deposition?
9 A Yes.
10 Q Did you bring any of your dogs with you?
11 A No.

12 Q Going to the period of time from September
13 2005 -- strike that.

14 Did you keep -- In the year 2005, did you keep
15 separate records for your income from your provisional
16 judging assignments?

17 A Yes.

18 Q what form did you keep those records?

19 A well, my - the records - the records or the
20 money. I have the records.

21 Q I want to know what form the records take.

22 A I don't understand what you mean form. what
23 form?

24 Q Do you copy them on your computer, do you have
25 a little book?

□

48

1 A I have it all at home in a file.

2 Q It's a paper file?

3 A Right.

4 Q what is that paper file called?

5 A It just has stuff in it pertaining to the
6 shows that I've judged, catalog, stuff like that, pink
7 sheets.

8 Q when I'm talking now, I want to focus in on
9 any financial remuneration, and I want to be as broad as
10 possible because from what you told me not every show is
11 the same, correct?

12 A Correct.

13 Q So whether it's -- Let's talk about meals.
14 when they said they would feed you, did they give you

15 money for food, reimburse you if you ate, or literally
16 feed you, sit down, here's a plate of food, enjoy it;
17 how did that work?

18 A Sometimes they have a dinner, sometimes they
19 have a lunch, you know, just for where the judges can
20 eat.

21 Q So they actually do feed you, they give you
22 food?

23 A Right.

24 Q Okay. So you don't get money to then go and
25 eat at a restaurant?

□

49

1 A Sometimes they do that too.

2 Q On the instances, did you keep track of all
3 the meals that they provided to you?

4 A That they gave me?

5 Q Yes.

6 A No.

7 Q Did you keep track of the money they gave you
8 to eat on your own?

9 A They usually didn't do that unless they didn't
10 give you a dinner, which usually they always did, or a
11 lunch.

12 Q Were there ever occasions when you were given
13 money or compensation --

14 A No.

15 Q -- to eat?

16 MR. MCCORMICK: Let her finish the question.

17 BY MS. POWERS:

18 Q I understood that sometimes they would give
19 you money to have your meals off premises, not at the
20 show. Was that incorrect?

21 A Yes.

22 Q From the year September 2005 to September
23 2006, how many shows did you judge?

24 A I can't tell you. I don't know. Eight, nine.

25 Q How many shows did you judge in South Carolina

□

50

1 in that period of time, September 5th, 2005 to September
2 2006?

3 A I don't know that I judged any shows in South
4 Carolina.

5 Q During the period of September 2005 to 2006,
6 how many shows did you judge in the State of Florida?

7 A I can't tell you. I would have to look. I
8 don't remember that kind of stuff.

9 Q During the same calendar year, the same period
10 of time, September 2005 to September 2006, did you judge
11 shows in states - in any state other than Florida?

12 A Yes.

13 Q What other states?

14 A I believe Massachusetts. I don't know the
15 dates. Massachusetts, California, Arizona. I can't
16 think.

17 Q Massachusetts you flew to?

18 A Yes.

19 Q California you flew?

20 A Yes.

21 Q Arizona you flew?
22 A Yes.
23 Q You receive no remuneration for your airfare
24 for any of those shows?
25 A Correct.

□

51

1 Q Is it fair to say that judging can be a
2 financial hardship?
3 A Yes.
4 Q Do you have any judging assignments set for
5 the future?
6 A I have one left in August that was pre
7 September '06.
8 Q What assignment is that?
9 A North Carolina.
10 Q That would be the Kerry Kennel Club?
11 A Yes.
12 Q When did you sign that contract?
13 A I can't tell you. I can't remember.
14 Q You said it was pre September '06; is that
15 correct?
16 A Yes.
17 Q That would be almost your same -- You're
18 saying that came up more than a year ago?
19 A I believe so.
20 Q Do you have that contract?
21 A Possibly.
22 Q Is there any reason why you would have thrown
23 it out yet?

24 A No.
25 Q When were you first contacted to judge that

□

52

1 show?
2 A Awhile back.
3 Q Give me a time frame.
4 A I can't. I can't. I have no idea.
5 Q 2005?
6 A Possibly.
7 Q 2006?
8 A Possibly.
9 Q 2007?
10 A No.
11 Q What compensation do you expect to receive
12 from the dog show in North Carolina?
13 MR. MCCORMICK: Object to form.
14 A I believe it's \$3 a dog and a place to stay.
15 BY MS. POWERS:
16 Q By a place to stay, do you mean they're
17 putting you up someplace?
18 A They usually pay for the hotel.
19 Q What about transportation?
20 A No.
21 Q You're no longer a provisional judge?
22 A Right.
23 Q Is there any reason why they're not paying for
24 your airfare?
25 A I signed the contract beforehand.

□

1 Q who's Robert Slay?
2 A He's a judge.
3 Q what breed?
4 A All breed.
5 Q Has he ever judged any dogs that you have
6 owned?
7 A Yes.
8 Q Do you know how many?
9 A No.
10 Q How long have you known Mr. Slay?
11 A Couple years.
12 Q By a couple of years, are we talking about one
13 or two or more?
14 A Two.
15 Q How did you meet Mr. Slay?
16 A I don't remember.
17 Q Is it fair to say it would have to do with the
18 dog world?
19 A Yes.
20 Q Fair to say that the -- I'm using the word dog
21 world to refer to the breeding, owning, handling and
22 showing of purebred dogs. Is that your understanding of
23 what the dog world is?
24 A Yes.
25 Q Is it fair to say that's a relatively small

□

1 community?

2 A I don't know what you consider. I guess it's
3 all relevant.

4 Q From your experience in the dog world of
5 showing, breeding and handling purebred dogs, are most
6 of the people that you run into very active in the dog
7 world community?

8 MR. MCCORMICK: Object to form.

9 A The people that I run into? I don't
10 understand what that means.

11 BY MS. POWERS:

12 Q The people that you have contact with -- Let
13 me phrase it another way, Mr. Martin.

14 Is it your experience that the people involved
15 in the showing and breeding and handling of purebred
16 dogs are fairly disinterested in dogs?

17 MR. MCCORMICK: Object to form.

18 A I don't understand what you're saying.
19 They're not interested in dogs, why would they be in
20 dogs?

21 BY MS. POWERS:

22 Q They're interested in dogs, correct?

23 MR. MCCORMICK: Object to form.

24 A The people in dogs are interested in dogs.

25

□

55

1 BY MS. POWERS:

2 Q The people who are involved in the dog
3 community, they are interested in dogs, correct? They

4 have an interest, correct?

5 MR. MCCORMICK: Object to form.

6 A Yes, I would assume so. That's why they would
7 do it. I don't understand what you're saying.

8 BY MS. POWERS:

9 Q And some of these people in the - that is
10 their life? some of the people involved in the dog
11 community, that is their life, they breed, show, handle
12 dogs?

13 A Yes.

14 Q And there are some of us maybe outside of the
15 dog community that might say they're a little obsessed
16 with their hobby or their profession?

17 MR. MCCORMICK: Object to form.

18 BY MS. POWERS:

19 Q Correct?

20 MR. MCCORMICK: Object to form.

21 A Yes.

22 BY MS. POWERS:

23 Q And there are many people in the dog
24 profession that believe that active involvement is very,
25 very important for the betterment of each of the breeds,

□

56

1 correct?

2 MR. MCCORMICK: Object to form.

3 A Yes.

4 BY MS. POWERS:

5 Q As a breeder and owner of dogs, and let's just
6 concentrate on Dobermans, you don't want to sell your

7 dogs to people who aren't really seriously interested in
8 owning dogs, correct?

9 MR. MCCORMICK: Object to form.

10 A To owning dogs?

11 BY MS. POWERS:

12 Q Yes.

13 A well, I don't think anybody would want to sell
14 their dog to somebody that wasn't interested in owning a
15 dog.

16 Q Or showing a dog. Let's put it this way. Do
17 you take any active involvement in where your - the
18 puppies that you breed go to?

19 A Yes.

20 Q what kind of involvement do you have?

21 A I screen them. I talk to them to see who is
22 fine, who they are before they buy them.

23 Q Are you screening just to make sure that the
24 puppy is going to go to a happy home, or are you looking
25 for people who are also going to be active in showing

□

57

1 the dog also?

2 A Both.

3 Q Both.

4 In other words, you don't want to sell a male
5 puppy to a family that's going to bring him home and
6 have him neutered and lay on the couch, correct?

7 A Sure, I do. There's puppies that I have that
8 do that.

9 Q Because those puppies -- Have you determined

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10 that those puppies may not be good for breeding or
11 showing in the future?

12 A Possibly, not always.

13 Q The first dog of the Doberman breed that you
14 owned, that was Nina, correct?

15 A Right.

16 Q And when did you get Nina?

17 A In 1996.

18 Q And you're rather proud - you were rather
19 proud of Nina, correct?

20 A Correct.

21 Q Nina is no longer with us?

22 A Right.

23 MR. MCCORMICK: You're starting down a new
24 avenue. I'd like to take a comfort break if you
25 don't mind.

□

58

1 MS. POWERS: Okay.

2 MR. MCCORMICK: I don't want to interrupt you
3 and I don't know how long you're going to go.

4 MS. POWERS: That's okay. Okay.

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

7 BY MS. POWERS:

8 Q Mr. Martin, I have a question about what I was
9 asking before. Let's say about - on a three-day show,
10 you can only judge Dobermans, correct?

11 A Right.

12 Q How many times in a three-day show can you

13 judge?
14 A Dobermans?
15 Q Yes.
16 A One.
17 Q And that's the only thing you are --
18 A Right.
19 Q -- approved to judge, correct?
20 A Right.
21 Q So you can never make more than one per diem
22 payment on a three-day show, correct?
23 A Correct.
24 Q Okay. And are there limitations on the number
25 of shows that you can judge during a period of time?

□

59

1 Can you judge, for example, every week? Can you judge
2 as a Doberman judge every week?
3 A I think so.
4 Q Is there -- Can you -- Let's say -- Let's talk
5 about when you were in Florida. Can you judge, and
6 assuming there are shows, one weekend in Fort
7 Lauderdale, one weekend in Palm Beach and the next
8 weekend in Miami?
9 A No.
10 Q why not?
11 A They have to be a certain amount of distance
12 from each other.
13 Q what's the distance?
14 A I believe it's 250.
15 Q 250 miles?

16 A I believe. I'm not sure.
17 Q But it's your testimony that there's no time
18 frame separating when you, as a Doberman judge, can
19 judge; in other words, there's no limitation on time
20 periods, time frame?
21 MR. MCCORMICK: Object to form.
22 A I believe only in miles.
23 BY MS. POWERS:
24 Q Only a mile limitation?
25 A I believe so.

□

60

1 Q Before we -- Did you discuss any testimony
2 that you have given thus far, when we were on break,
3 with your attorney?
4 MR. MCCORMICK: He's not going to talk about
5 anything we discussed.
6 A No.
7 MS. POWERS: I didn't ask him what he
8 discussed. I asked if you - if counsel and the
9 witness are using the bathroom breaks to discuss
10 testimony.
11 MR. MCCORMICK: well, he just answered your
12 question. He said no.
13 BY MS. POWERS:
14 Q Okay. well, that's -- Nina was your first
15 Doberman, correct?
16 A Correct.
17 Q And that is something that you have proudly
18 advertised in your website, correct?

19 A Yes.
20 Q What is the name of your website?
21 A Phillmar Dobermans.
22 Q And is that just a d/b/a, the name of the
23 business you use but it's not a corporation, Phillmar?
24 A It's not a business. It's not a livelihood,
25 it's a hobby.

□

61

1 Q And is it fair to say that -- How long have
2 you had the Phillmar website?
3 A I couldn't tell you.
4 Q More than a year?
5 A Yes.
6 Q More than ten years?
7 A No.
8 Q And your website is a website that is
9 available to anyone looking to get access on the
10 Internet, correct?
11 MR. MCCORMICK: Object to form.
12 A Yes.
13 MS. POWERS: I'm going to have this marked as
14 Defendant's Exhibit 1.
15 (Thereupon, the referred-to document was
16 marked Defendant's Exhibit Number 1 for
17 identification by the court reporter.)
18 MS. POWERS: Let me show it to counsel first.
19 BY MS. POWERS:
20 Q I'm going to ask you to look at what I had
21 marked as Defendant's Exhibit 1, and tell me if you can

22 identify it.

23 MR. MCCORMICK: Look through the whole thing,
24 every page.

25 A If I can identify it, if I recognize it?

□

62

1 BY MS. POWERS:

2 Q Yes, sir.

3 A Yes.

4 Q what is it?

5 A well, I don't know what this is.

6 Q The bottom on the lower right, the documents
7 have numbers. Could you tell me what page you're
8 looking at?

9 A 28.

10 Q You don't recognize Page 28; is that your
11 testimony?

12 A Yes.

13 Q Do you recognize the other pages?

14 A Yes.

15 Q What are they?

16 A They're a story on Phillmar Dobermans.

17 Q Was that a story that was published and
18 featured you and your Dobermans?

19 A Yes.

20 Q Excluding what you have identified as Page 28,
21 were these pages published in the Doberman Digest?

22 A Yes.

23 Q That is - the first page is a picture of you,
24 correct?

25 A (vol 1) martin v.txt
Uh-huh, yes.

63

1 Q With which dog?

2 A Thunderella.

3 Q And it talks about your previous occupation
4 for the Elite Modeling Agency, correct?

5 A Yes.

6 Q And as a hairdresser in Atlanta, correct?

7 A Yes.

8 Q And that you picked the first Doberman you
9 wanted, Nina, in 19 - July of 1996, correct?

10 A Yes.

11 Q Are the facts that are contained in this
12 article correct?

13 MR. MCCORMICK: Why don't you give it back to
14 him, let him read the article over.

15 BY MS. POWERS:

16 Q Let me ask you a question first. You've read
17 that article previously, correct?

18 A Yes.

19 Q In fact, you're well familiar with it,
20 correct?

21 A Yes.

22 Q At the time it was published, do you have any
23 recollection of any inaccuracies that you brought to the
24 attention of the author or publisher of that article in
25 Doberman Digest?

64

1 A Not that I'm aware of.

2 Q You want to see, as you sit here now, in
3 August of 2007, if that article contains any
4 inaccuracies?

5 MR. MCCORMICK: I want you to look at the
6 whole thing, make sure the whole article is there,
7 make sure the whole thing is accurate.

8 A I believe so.

9 MR. MCCORMICK: You haven't looked. Look at
10 the whole thing.

11 MS. POWERS: Counsel, you're coaching the
12 witness.

13 MR. MCCORMICK: Yes, I am. I'm telling him to
14 look at the whole thing before he answers it.

15 MS. POWERS: You may not coach the witness.

16 MR. MCCORMICK: Well, he's going to look at
17 the whole exhibit before he answers.

18 A I believe it all to be correct.

19 MS. POWERS: Thank you.

20 I'm going to have this marked as the
21 defendant's second exhibit.

22 (Thereupon, the referred-to document was
23 marked Defendant's Exhibit Number 2 for
24 identification by the court reporter.)

25

□

1 BY MS. POWERS:

2 Q Mr. Martin, is it correct you are looking -
Page 58

3 excuse me, I forget the name, pardon me - the AKC
4 Gazette for September of 2005, with Page 90 in front of
5 you, correct?

6 A Correct.

7 Q Prior to today, did you ever see the AKC
8 Gazette for that date and that page, Page 90, with your
9 name on it?

10 A Yes.

11 Q Is it fair to say that the purpose of having
12 your name on Page 90 of the AKC Gazette in September of
13 2005 was to solicit comments from the public in regards
14 to your application as a new breeding judge applicant?

15 MR. MCCORMICK: Object to form.

16 A Yes.

17 BY MS. POWERS:

18 Q And isn't it a fact that prior to the public -
19 strike that.

20 You understand -- Strike that.

21 You understood in September of 2005 that your
22 name would be placed, at some point in time, in the AKC
23 Gazette as a potential applicant as a new breed judge,
24 correct?

25 A Yes.

□

66

1 Q The AKC so advised you in advance before
2 publishing your name in the AKC Gazette, correct?

3 A Correct.

4 Q In fact, that was a positive step forward in
5 your application process, correct?

6 A Yes.

7 Q Have you ever responded to any listing of
8 names as people - as potential applicants for AKC
9 judges?

10 A No.

11 Q You were aware, were you not, in September of
12 2005 that the publishing of your name in the AKC Gazette
13 could bring favorable comments to people seeing your
14 name, correct?

15 A Correct.

16 Q Were you also aware in September of 2005 that
17 the publishing of your name in the AKC Gazette as a
18 potential judge applicant could bring unfavorable
19 comments, correct?

20 A Correct.

21 Q Have you ever seen the documents that the AKC
22 produced in regards to a subpoena that we sent to your
23 counsel?

24 A Yes.

25 Q When did you see them?

□

67

1 A I can't remember when I first saw them.

2 Q Did you ever -- strike that.

3 Are you aware if - whether or not you, either
4 individually or acting through your counsel, ever
5 requested the AKC - your AKC file prior to filing this
6 lawsuit?

7 A No.

8 Q Do you know whether or not, at any time up

9 until today, after the filing of the lawsuit until
10 today, you or your counsel ever requested your file from
11 the AKC other than from the subpoena that I sent to the
12 AKC?

13 A I don't believe so.

14 Q When you first saw the documents that were
15 produced by the AKC pursuant to the subpoena that was
16 sent to them, were there documents in there that you had
17 previously seen?

18 A No.

19 Q Your application was there, correct?

20 A Yes.

21 Q You had previously seen all the documents that
22 were in that file?

23 A All the documents?

24 Q Yes.

25 A I hadn't - I didn't see everything that they

□

68

1 sent.

2 Q Let me maybe -- Let me rephrase the question.

3 When you saw and reviewed with your attorney
4 the documents produced by the AKC pursuant to a
5 subpoena, were there documents in that package that you
6 had never seen prior to the day that you reviewed them?

7 A Are you speaking about the letters?

8 Q Well, I'm asking about anything.

9 A Is that part of the documents?

10 Q Yes, sir, the letters are part of the
11 documents.

12 A Yes, then there is things that I hadn't seen.

13 Q Okay. I'm going to show you - let's do them
14 one at a time - a series of documents. I'm going to
15 have the court reporter mark them first as Defendant's
16 Exhibit 2, 3 - no, 3, 4, 5, 6, 7, 8 and 9.

17 (Thereupon, the referred-to documents were
18 marked Defendant's Exhibit Numbers 3 through 9 for
19 identification by the court reporter.)

20 MS. POWERS: For the record, each packet
21 contains two letters.

22 BY MS. POWERS:

23 Q Mr. Martin, I'm going to ask, after your
24 counsel has looked at them, for you to look at what's
25 been marked as Defendant's Exhibit 3 through 9.

□

69

1 I'm going to first direct your attention to, I
2 think it's Number 9, the letter dated - the cover - the
3 letter on the top, which is dated September 8th, 2005,
4 to Jeffrey Brucker from Peter Gaeta. Do you have that
5 exhibit?

6 A Yes.

7 Q And underneath that letter is a letter dated
8 September 7th from Mr. Brucker to Mr. Gaeta; is that
9 correct?

10 A Yes.

11 Q Is it your testimony that the first time that
12 you saw that was at the time you reviewed it with your
13 attorney?

14 A Yes.

15 Q And if you will notice, did you have a
16 discussion with Mr. Brucker on June 18th at the Lakeland
17 winter Haven show?

18 A What part are you --

19 Q I'm just asking you a question.

20 A I didn't have a discussion with him.

21 Q Excuse me?

22 A I didn't have a discussion with him.

23 Q You don't know Mr. Brucker?

24 A Yes, I do.

25 Q How do you know Mr. Brucker?

□

70

1 A Just from doing shows.

2 Q Did Mr. Brucker express the opinion, and I
3 quote, I do not believe that Mr. Martin should be
4 allowed to judge Dobermans at this time. If he somehow
5 could direct his passion towards education, he may be at
6 a later date qualified to judge.

7 MR. MCCORMICK: Object to form.

8 A Did he what? To me or in the letter?

9 BY MS. POWERS:

10 Q In the letter.

11 A I see where he wrote that, right.

12 Q Do you take -- Do you have any reason to
13 believe that Mr. Brucker did not write that to the AKC?

14 A No.

15 Q Did you know that Mr. Brucker did not think
16 positively of your judging potential of Dobermans?

17 A Yes.

18 Q Did you know that prior to September 7th of
19 2005?

20 A Yes.

21 Q How did you know that?

22 A Just towards his reaction to me.

23 Q What do you mean his reaction to you?

24 A Bad-mouthing my dogs.

25 Q How did he bad-mouth your dogs?

□

71

1 A went in the ring, always told the judges they
2 were incorrect.

3 Q By incorrect, do you mean he thought your dogs
4 were too big?

5 A Yes.

6 Q Is that an opinion that is shared by other
7 people who own or breed or handle Dobermans?

8 MR. MCCORMICK: Object to form.

9 A Possibly.

10 BY MS. POWERS:

11 Q Is that a yes or a no?

12 A Possibly.

13 MR. MCCORMICK: Object to form.

14 BY MS. POWERS:

15 Q Have any other people in the - who own, breed
16 or handle Dobermans told you that your dogs are --

17 A Yes.

18 Q -- too big?

19 MR. MCCORMICK: Let her finish the question.

20 BY MS. POWERS:

21 Q Is that a yes?
22 A Yes.
23 Q So Mr. Brucker was not the first one to say
24 that, correct?
25 A Correct.

□

72

1 Q Any other interaction between you and
2 Mr. Brucker that led you to believe that he didn't think
3 positively of you being a Doberman judge candidate?
4 MR. MCCORMICK: Object to form.
5 A No.
6 BY MS. POWERS:
7 Q For the record, you will notice that on the
8 bottom of all the pages, there's numbers.
9 A Uh-huh.
10 Q That's a yes.
11 You'll see Exhibit Number 1 was actually
12 attached to the documents produced by the AKC?
13 A Right.
14 Q Does Mr. Brucker opine that you don't have
15 enough experience to breed - excuse me, that you have
16 enough experience to be a judge of the Doberman breed?
17 A Yes.
18 MR. MCCORMICK: Object to form.
19 BY MS. POWERS:
20 Q Did you ever accept judging assignments in
21 October and November of 2005?
22 A When?
23 Q October and November of 2005.

24 A No.
25 Q Did you ever consider judging assignments to

□

73

1 accept -- Strike that.

2 In September of 2005, had you considered
3 accepting any judging assignments for October and
4 November of 2005?

5 A No.

6 Q Is it Mr. Brucker's opinion in his letter to
7 the AKC that you have little respect for the rules --

8 A Yes.

9 Q -- or you have little respect for the people
10 who have dedicated their life to the support of purebred
11 dogs?

12 MR. MCCORMICK: Object to form.

13 A Is that his opinion?

14 BY MS. POWERS:

15 Q Yes.

16 MR. MCCORMICK: Object to form.

17 A Yes.

18 BY MS. POWERS:

19 Q Did Mr. Brucker opine that his efforts had
20 been based on who you know, not what you know?

21 MR. MCCORMICK: Object to form.

22 A Did he what?

23 BY MS. POWERS:

24 Q Did Mr. Brucker state his efforts have been
25 based on who you know and not what you know?

1 A That my efforts or his?

2 Q His, and I'll quote: That Mr. Brucker stated
3 that his efforts, meaning Mr. Martin's efforts, have
4 been based on who you know and not what you know.

5 A Did he write that; is that what you're asking?

6 Q Yes, sir.

7 A Well, yes, in here he has.

8 Q And he sent that letter to the AKC?

9 A Right.

10 MR. MCCORMICK: Object to form.

11 BY MS. POWERS:

12 Q Do you have any reason to believe that that
13 letter was not sent to the AKC?

14 A No.

15 MR. MCCORMICK: Object to form.

16 BY MS. POWERS:

17 Q Do you have any reason to believe that that
18 letter was not received by the AKC?

19 MR. MCCORMICK: Object to form.

20 A No.

21 BY MS. POWERS:

22 Q Do you have any reason to believe that the
23 two-page letter of Mr. Brucker is not a true and correct
24 copy of that letter?

25 MR. MCCORMICK: Object to form.

1 A No.

2 BY MS. POWERS:

3 Q Have you ever sent any letter -- Strike that.

4 Have either you or any attorney ever sent a

5 letter to Mr. Brucker because of his letter of

6 September 7th, 2005?

7 A No.

8 Q Looking at the top page of Exhibit 8, that

9 appears to be a letter dated September 8th, 2005 from

10 Peter Gaeta of - director of judging operations to

11 Mr. Brucker?

12 A Yes.

13 Q Did you ever receive a copy of either of these

14 two letters prior to receiving them in discovery in this

15 case?

16 MR. MCCORMICK: Hold on one second.

17 THE WITNESS: which one are you looking at?

18 She said 8, I thought.

19 BY MS. POWERS:

20 Q Yes, 8.

21 A 8. That's what I have.

22 Q what?

23 MR. MCCORMICK: You asked if that's a letter

24 written to Mr. Brucker. It's a letter written to

25 Miss Teague.

□

76

1 MS. POWERS: I'm sorry, did I have the wrong

2 number? 9, I'm sorry. Forgive me.

3 BY MS. POWERS:

4 Q Had you ever received a copy of the
5 September 8th, 2005 letter written by Peter Gaeta to
6 Mr. Brucker?

7 A No.

8 Q On September 8th, 2005 was -- You know Peter
9 Gaeta, correct?

10 A Yes.

11 Q He is the director of judging operations for
12 the AKC?

13 A Yes.

14 Q And was he one of the people in charge of
15 processing your application to be an AKC judge?

16 MR. MCCORMICK: Object to form.

17 A He was one of them. He was new in the
18 position.

19 BY MS. POWERS:

20 Q Let's look -- Forgive me. Referring you to
21 Defendant's Exhibit Number 3, will you agree that the
22 top letter is a letter dated September 2nd, 2005,
23 directed to a Mrs. Doris-Jean Molin?

24 A Yes.

25 Q And underneath is there a letter dated

□

77

1 August 29th, 2005, from Mrs. Molin to Peter Gaeta of the
2 AKC?

3 A Yes.

4 Q Prior to reviewing this with your attorney,
5 had you ever seen that, either of those two letters in
6 Exhibit 3 before?

7 MR. MCCORMICK: Object to form.
8 A No.
9 MS. POWERS: What's wrong with the form?
10 MR. MCCORMICK: It assumes that we reviewed
11 that letter together. I don't know that we have.
12 MS. POWERS: He told me. That was one of my
13 preliminaries.
14 MR. MCCORMICK: Okay. Well, if I'm wrong,
15 that will be reflected in the record so --
16 BY MS. POWERS:
17 Q In her letter of August 29th, 2005, does
18 Mrs. Molin advise the AKC that, quote, Mr. Martin has
19 displayed irrational and unsportsmanlike behavior on
20 several occasions that I have personally witnessed?
21 MR. MCCORMICK: Object to form.
22 A Yes.
23 BY MS. POWERS:
24 Q Have you ever personally spoken to Doris-Jean
25 Molin?

□

78

1 A No.
2 Q Do you know whether your attorney has ever
3 spoken to Mrs. Molin?
4 A No.
5 Q In June, June 18th of 2005, were you at a show
6 in Lakeland, Florida?
7 A Yes.
8 Q Was a Mrs. Sharon Pflueger present?
9 A Yes.

10 Q You know Mrs. Pflueger?
11 A Yes.
12 Q Who is she?
13 A She's a handler.
14 Q Of Dobermans?
15 A Uh-huh.
16 Q Is that a yes?
17 A Yes.
18 Q Did you ever use profanity in talking to
19 Miss Pflueger?
20 A Never.
21 Q Did you ever raise your voice when talking to
22 Sharon Pflueger on June 18th, 2005?
23 A Never.
24 Q The next day did you ever scream at
25 Miss Pflueger from a distance?

□

79

1 A I was a far distance from her so I didn't
2 scream. I may have spoke loudly, I did not scream.
3 Q Do you know what you said to her?
4 A Yes.
5 Q What did you say to her?
6 A I said: Go in the ring and tell the judge
7 that the dog is too big.
8 Q Did you mean that -- Did you say that in a
9 quiet, calm voice?
10 A I was quite a bit of distance from her.
11 Q Did you mean that as an insult to
12 Miss Pflueger?

13 A No.
14 Q You wanted -- That was a very calm way of
15 saying.
16 Did you have any interaction with Sharon
17 Pflueger on June 18th?
18 A Yes.
19 Q what was your interaction on the 18th?
20 A She had come up to me and told me she was
21 showing her dog by one of my dogs.
22 Q And what did you say to her, what did she say?
23 A I said I guess I need to put in the stud dog
24 contract that you can't show the dogs.
25 Q why did you say that?

□

80

1 A Because she always bad-mouths my breeding, the
2 dogs of my breeding.
3 Q Is she expressing her opinions --
4 MR. MCCORMICK: Object to form.
5 BY MS. POWERS:
6 Q -- about your breeding?
7 A I guess.
8 Q I'm not asking you to guess. Miss Pflueger
9 has an opinion about your breeding --
10 MR. MCCORMICK: Object to form.
11 A Possibly.
12 BY MS. POWERS:
13 Q -- of Dobermans?
14 MR. MCCORMICK: Object to form.
15 A Possibly.

16 BY MS. POWERS:

17 Q Do you have an opinion about your breeding of
18 Dobermans?

19 A Yes.

20 Q You like your Dobermans on the larger side?

21 A No.

22 Q You like your Dobermans on the smaller side?

23 A No.

24 Q Are there people in the Doberman breeding
25 community who believe your Dobermans are too large?

□

81

1 MR. MCCORMICK: Object to form.

2 A Possibly.

3 BY MS. POWERS:

4 Q You can't answer that question yes or no?

5 A No.

6 Q You've never heard anyone say that your
7 Dobermans are too large?

8 A Yes, I have.

9 Q Okay. And that's their opinion, correct?

10 MR. MCCORMICK: Object to form.

11 A Correct.

12 BY MS. POWERS:

13 Q Is there an exact size based on the AKC
14 standards based on inches, feet, on the size of a
15 Doberman?

16 A They give you an ideal height.

17 Q what's the ideal height?

18 A Bitches, 24 to 26. Dogs, 26 to 28.

(vol 1) martin v.txt
19 Q what range are your dogs?
20 A They're larger size.
21 Q And Miss Pflueger prefers the smaller range of
22 the size?
23 MR. MCCORMICK: Objection.
24 A Not that I'm aware of.
25 MR. MCCORMICK: Object to form.

□

82

1 A She's shown larger ones also.
2 BY MS. POWERS:
3 Q You don't like Miss Pflueger, do you?
4 A I don't like her or dislike her.
5 Q But you just told us you would never want her
6 to show one of your dogs?
7 A Of course not. Why would you want somebody to
8 show your dog that doesn't like your breeding?
9 Q And what she doesn't like about your breeding
10 is the size of the dog, correct?
11 MR. MCCORMICK: Object to form.
12 A Not necessarily.
13 BY MS. POWERS:
14 Q Well, what doesn't she like about your
15 breeding of your dogs?
16 MR. MCCORMICK: Object to form.
17 A I couldn't tell you. You'll have to ask her.
18 BY MS. POWERS:
19 Q Well, you just told me that you don't want
20 Mrs. Sharon Pflueger --
21 A Right.

22 Q -- showing your dogs; is that correct?
23 A Correct.
24 Q Okay. And you don't want her showing your
25 dogs because of what?

□

83

1 A In the past, she's bad-mouthed all of my dogs.
2 Q How did she bad-mouth your dogs?
3 A She bad-mouthed size, for one.
4 Q Did she bad-mouth anything else other --
5 A Not --
6 Q -- other than size?
7 A Not that I'm aware of.
8 Q Have you ever sent a letter to Miss Pflueger
9 to say that she's defaming you because she's making
10 comments on the size of your dogs?
11 A No.
12 Q And you've considered that she's bad-mouthing,
13 correct?
14 A Correct.
15 Q And you will agree that the opinion that
16 Miss Pflueger has that your dogs are too large is held
17 by other people besides herself, correct?
18 A Possibly.
19 Q Is that a yes or a no?
20 A Possibly.
21 MR. MCCORMICK: Object to form.
22 BY MS. POWERS:
23 Q Do you know if anyone else at all in the
24 Doberman breeding community thinks your dogs are too

25 large?

□

84

1 A Well, that's a different question. You're
2 asking me if anyone else, yes.

3 Q Yes.

4 So there are other people that agree with
5 Miss Pflueger on the size of your dogs, correct?

6 A Correct.

7 Q Did you ever send any letter to Miss Molin or
8 threaten to sue her for defamation or liable because she
9 said you had displayed irrational and unsportsmanlike
10 behavior?

11 A No.

12 Q Mrs. Molin expressed her opinion that you have
13 not gained the knowledge or maturity to be an AKC judge,
14 correct? That was her opinion?

15 MR. MCCORMICK: Object to form.

16 A Right. That's her opinion.

17 BY MS. POWERS:

18 Q Some people agree with that opinion and some
19 people disagree, correct?

20 MR. MCCORMICK: Object to form.

21 A I don't know.

22 BY MS. POWERS:

23 Q Does anybody agree with Miss Molin in the
24 Doberman community that you --

25 A I have no idea.

□

85

1 MR. MCCORMICK: Object to form.

2 BY MS. POWERS:

3 Q Okay. I think -- Do you know Mrs. Molin?

4 A I know who she is.

5 Q Have you ever had any conversations with
6 Mrs. Molin?

7 A I said hello to her, maybe small talk, but not
8 conversed with her or anything in length.

9 Q Were you surprised to know of the opinion she
10 expressed in her August 29th letter of 2005?

11 MR. MCCORMICK: Object to form.

12 A Not really.

13 BY MS. POWERS:

14 Q And Mr. Gaeta responded on behalf of the AKC
15 in a letter of September 2nd, 2005, correct?

16 MR. MCCORMICK: Object to form.

17 A Yes.

18 BY MS. POWERS:

19 Q You are aware that as an AKC judging
20 applicant, you had the right to request any and all
21 letters sent for or against you to the AKC at the time
22 you were making your application, correct?

23 A Correct.

24 Q At any time that you were in the application
25 process before you were made a provisional judge, did

□

1 you ever speak with anyone about the contents of your
2 file - strike that - speak with anyone at the AKC

3 regarding the contents of your file?

4 A Not really. Not that I remember.

5 Q Looking at Defendant's Exhibit - excuse me,
6 Number 4, do you know Mrs. Linda Whitney?

7 A Yes.

8 Q How do you know her?

9 A Through the dog shows.

10 Q Mrs. Whitney makes reference to an incident
11 that occurred at a show between the two of you --

12 A Uh-huh.

13 MR. MCCORMICK: Object to form.

14 BY MS. POWERS:

15 Q -- is that correct?

16 MR. MCCORMICK: Object to form.

17 A She makes -- Yes, I see where she does.

18 BY MS. POWERS:

19 Q Do you have any recollection of any
20 interaction between you and Mrs. Whitney at the Eukanuba
21 Classic in 2002?

22 A Yes.

23 Q What is your recollection?

24 A After the showing of the breed, I went up to
25 her and told her that her bitch could have very easily

□

1 have won and that her husband was the judge and, you
2 know, he should help her some.

3 Q You were inferring that her husband, as an AKC
4 judge, could help her win?

5 A No, not that show necessarily, just, you know,
Page 78

6 be supportive, you know, because he owned the one that
7 won.

8 Q Did you tell Mrs. Whitney that with money -
9 with politics and money, anyone can win best in show?

10 A No.

11 Q Did you have -- Do you recollect your entire
12 conversation with Mrs. Whitney in 2002?

13 A Possibly, not all of it.

14 Q Do you recall one way or the other whether or
15 not you stated to Mrs. Whitney that money and politics -
16 with money and politics, anyone can have the best in
17 show?

18 MR. MCCORMICK: Object to form.

19 A No, I don't believe I said that.

20 BY MS. POWERS:

21 Q But you're telling us now your memory from
22 five years ago may not be as clear?

23 A But I did not say that.

24 Q You're adamant you didn't say that?

25 A Right.

□

88

1 Q So Mrs. Whitney is incorrect?

2 A Correct.

3 MR. MCCORMICK: Object to form.

4 BY MS. POWERS:

5 Q Did you ever tell Mrs. Whitney that you knew
6 how to play the game and you were going to do it?

7 A I said, you know the game. I said, you know
8 the game, it's a game. I don't think that's exactly how

9 I worded it. I said, you know how it's a game, you just
10 have to play it, you know.

11 Q Did Mrs. Whitney, in her letter of
12 August 29th, also comment on your attitude and ethics?

13 MR. MCCORMICK: Object to form.

14 A Yes.

15 BY MS. POWERS:

16 Q Did you -- Do you think that Mrs. Whitney had
17 an obligation to advise the AKC of her opinion of you as
18 a potential judging applicant?

19 A Do I think she had an obligation?

20 Q Yes.

21 A No.

22 Q Do you think there was anything improper with
23 Mrs. Whitney advising the AKC of her opinion of you as a
24 potential judging applicant?

25 MR. MCCORMICK: Objection to form.

□

89

1 A When there's non truth to it, yes.

2 BY MS. POWERS:

3 Q So she was incorrect in sending this letter?

4 A Yes.

5 MR. MCCORMICK: Object to form.

6 BY MS. POWERS:

7 Q Was Mr. Brucker improper in sending his letter
8 to the AKC?

9 A Yes.

10 Q And did you ever send any letters to Mr. -
11 Mrs. Whitney to - threatening liable or defamation

12 because of her letter of August 29th, 2005?

13 A No.

14 Q Let's look at the next. So it's your opinion
15 that Mrs. Molin's letter of August 29th of 2005, that is
16 a lie?

17 MR. MCCORMICK: Object to form.

18 A Incorrect information.

19 BY MS. POWERS:

20 Q It's certainly her opinion, correct?

21 MR. MCCORMICK: Object to form.

22 BY MS. POWERS:

23 Q You already told me that the AKC was
24 soliciting people's opinion regarding your potential
25 candidacy as an AKC judge, correct?

□

90

1 A Correct.

2 Q Do you believe that Mrs. Molin was
3 privileged - had a privilege to send this letter to the
4 AKC?

5 MR. MCCORMICK: Object to form.

6 A Sure.

7 BY MS. POWERS:

8 Q Do you think that Mr. Brucker had a privilege
9 to send his letter to the AKC?

10 MR. MCCORMICK: Object to form.

11 A No.

12 BY MS. POWERS:

13 Q Why not?

14 A Because I don't think that you send untrue

15 statements and have a privilege to do that. I don't
16 think it's an opinion. I think they're stating facts -
17 they're trying to state facts that aren't facts.

18 Q You disagree with the facts in these letters?

19 A Exactly.

20 MR. MCCORMICK: Object to form.

21 BY MS. POWERS:

22 Q And you disagree with the facts in
23 Mrs. Whitney's letter, correct?

24 MR. MCCORMICK: Object to form.

25 A Yes.

□

91

1 BY MS. POWERS:

2 Q I direct your attention now to Defendant's
3 Exhibit 5. That is a letter by Sharon Pflueger?

4 A Uh-huh.

5 Q Yes?

6 A Yes.

7 MR. MCCORMICK: Object to form. No question.

8 BY MS. POWERS:

9 Q Can you tell me what the number is on the
10 bottom far right?

11 A 39.

12 Q Thank you.

13 Mrs. Pflueger relates the events of June 18th,
14 2005, at the Lakeland Winter Haven show in Paragraph 3
15 of her letter, correct?

16 MR. MCCORMICK: Object to form.

17 A Yes.

18 BY MS. POWERS:

19 Q Now, you did tell Mrs. Pflueger you told me
20 that you told her at that show that you would have put
21 in your contract that you never wanted her to touch one
22 of his dogs, correct?

23 A I said show.

24 Q Show.

25 Did you ever tell Mrs. Pflueger that I would

□

92

1 hate to know that I'd have to make a living at your age
2 running around the ring making a living?

3 A Yes.

4 Q Did you tell her she should have been a used
5 car salesman?

6 A Yes.

7 Q Did you say there are sleazy people and lie
8 like you do?

9 A No. That was never said.

10 Q Did you use any profanities whatsoever?

11 A Never.

12 Q Did you say the comments that you made to
13 Miss Pflueger in a soft voice?

14 A Yes.

15 Q Did you do them so that no one could overhear
16 them?

17 A Yes.

18 Q Were you aware whether or not anyone overheard
19 them?

20 A Absolutely.

21 Q what do you know about anybody overhearing
22 them?

23 A There was nobody. There wasn't three people
24 even around in the vicinity.

25 Q Was Mrs. Molin in the vicinity?

□

93

1 A No.

2 Q Was Charles Coomes?

3 A Yes.

4 Q Did anyone at the Lakeland Winter Haven show
5 from the show committee or from the AKC discuss with you
6 anything that happened on the - on June 18th in your
7 conversations with Miss Pflueger?

8 A Never.

9 Q No one ever came up to you to discuss it?

10 A No.

11 Q Do you know who Carmen Bataglia is?

12 A Yes.

13 Q Who is she?

14 A It's a he.

15 Q He, sorry.

16 A He's a judge.

17 Q In what breed?

18 A Different breeds.

19 Q Does he judge Dobermans?

20 A Yes.

21 Q Did Miss Pflueger express the opinion that you
22 needed to improve your ringside demeanor, erratic
23 behavior and unsportsmanlike conduct in her letter of

24 August 30th, 2005?

25 MR. MCCORMICK: Object to form.

□

94

1 A Yes.

2 BY MS. POWERS:

3 Q Do you understand that Mrs. Pflueger had a
4 right to express her opinions to the AKC?

5 MR. MCCORMICK: Object to form.

6 A If they were true.

7 BY MS. POWERS:

8 Q And her letter is a lie?

9 A Yes.

10 MR. MCCORMICK: Object to form.

11 BY MS. POWERS:

12 Q Did you ever send Miss Pflueger any letter
13 saying that her letter was libelous or defamation?

14 MR. MCCORMICK: Object to form.

15 A No.

16 BY MS. POWERS:

17 Q Looking at the next exhibit number, which
18 would be 6, that is a letter from Tamara Rabold to
19 Mr. Gaeta, director of judging operations of the AKC?

20 A Yes.

21 MR. MCCORMICK: Object to form.

22 You need to give me a chance to object to
23 form.

24 BY MS. POWERS:

25 Q Do you know Miss Rabold?

1 A Yes.
2 Q How do you know her?
3 A Through dog shows.
4 Q Have you ever had any interaction with
5 Miss Rabold?
6 A Yes.
7 Q Do you -- Did you ever call Miss Rabold and
8 tell her that she should tell Sharon Pflueger to keep
9 her F'ing mouth shut?
10 A No.
11 Q Did you ever receive calls that Miss Pflueger
12 was complaining to the judge that one of your dogs that
13 won shouldn't have?
14 A Yes.
15 Q Is Miss Rabold somebody you consider a friend?
16 A No.
17 Q In September - by September 1st of 2005, had
18 you sent out any letters to accept assignments for your
19 provisional approval?
20 A Absolutely not.
21 Q So that statement in Miss Rabold's letter is a
22 lie?
23 MR. MCCORMICK: Object to form.
24 A Yes.
25

1 BY MS. POWERS:

2 Q Did you have a heated -- And I'll use the word
3 heated instead of angry or raging phone call. Did you
4 have a heated phone call with Miss Rabold in April of
5 2005?

6 A No. I thought it was very nice.

7 Q Were you in this very quiet, calm voice?

8 A Absolutely.

9 Q You never used the F-word?

10 A Never.

11 Q Okay. Did you ever threaten Miss Rabold that
12 she should tell Sharon to keep her mouth shut?

13 A Absolutely not.

14 Q Did you ever tell her that you applied for a
15 license and that you were going to get it?

16 A I may have -- I could have told her I applied
17 for it.

18 Q Did you tell her you were going to get it?

19 A No, not that I remember that. I wouldn't know
20 until I received it.

21 Q Did Miss Rabold express her opinion that your
22 unsportsmanlike conduct would be considered prejudicial
23 to the sport of purebred dogs?

24 MR. MCCORMICK: Object to form.

25 A Did she --

□

97

1 BY MS. POWERS:

2 Q Did she state that in her letter?

3 MR. MCCORMICK: Object to form.

4 A Yes.

5 BY MS. POWERS:

6 Q Did Miss Rabold comment that she felt you did
7 not have sufficient experience in Dobermans?

8 MR. MCCORMICK: Object to form.

9 A Yes.

10 BY MS. POWERS:

11 Q Did you or your attorney ever send Miss Rabold
12 a letter because of her letter of September 1st of 2005?

13 MR. MCCORMICK: Object to form.

14 A No.

15 BY MS. POWERS:

16 Q You consider Miss Rabold's letter to be - to
17 contain misstatements?

18 A Yes.

19 MR. MCCORMICK: Object to form.

20 BY MS. POWERS:

21 Q And lies?

22 A Yes.

23 Q Can you look at Exhibit Number 7 and tell me
24 the number on the lower right?

25 A 33.

□

1 Q Do you know Mr. Whitney?

2 A Yes.

3 Q Have you ever had -- How do you know
4 Mr. Whitney?

5 A Just from seeing him at dog shows.

6 Q Do you know whether or not Mr. Whitney has an

7 opinion in regard to the size of your Dobermans?
8 A Yes.
9 Q What is his opinion as you understand them?
10 MR. MCCORMICK: Object to form.
11 A They're too big.
12 BY MS. POWERS:
13 Q Has he expressed that opinion to you?
14 A Yes.
15 Q Has he expressed any other -- what other
16 interactions have you had with Mr. Whitney?
17 A None.
18 Q Excuse me?
19 A None that I know of.
20 Q And looking at Exhibit Number 9 --
21 A I don't have his letter. There's just one
22 from the AKC.
23 Q That's all they produced, and they may have
24 lost it, for the record. That's one of the documents
25 that they're looking for.

□

99

1 And the number on the lower right-hand portion
2 of Exhibit Number 9? No, 9, Exhibit 9.
3 A It's right here.
4 Q That's what I mean, what's the number?
5 A 24.
6 Q Okay. Eight. Prior to reviewing the
7 documents that were produced in litigation, had you ever
8 seen my client's letter of August 27th, 2005?
9 A No.

10 Q Did you ever have any contact with Mrs. Teague
11 either directly or through your attorney in regards to
12 her letter of August 27th, 2005?

13 A No.

14 Q Did Mrs. Teague opine that she had seen you on
15 several occasions screaming at people including
16 obscenities?

17 A Yes.

18 Q Is it fair to say that was something that was
19 being expressed by more than one person, that they had
20 seen you at dog shows screaming obscenities?

21 A Yes.

22 Q And all the people who expressed that are
23 lying?

24 A Yes.

25 Q would it be appropriate for an owner or

□

100

1 breeder of a purebred dog attending an AKC event to
2 scream obscenities at another owner, breeder or handler?

3 A Would it be appropriate?

4 Q Yes.

5 A No.

6 Q You would agree it would be inappropriate?

7 A Right.

8 Q It wouldn't be good for the - it wouldn't be
9 good for the sport, would it?

10 A No.

11 Q The AKC's -- Part of the AKC's job is for the
12 improvement and betterment of the sport of purebred dog

13 breeding and owning, correct?

14 A Correct.

15 Q Was Mrs. Teague present on October 18th, 2005,
16 when you were interacting with Sharon Pflueger?

17 A No.

18 Q Is it fair to say that you don't have any
19 witnesses that can testify that Mrs. Teague was not
20 present on October 18th, 2005?

21 MR. MCCORMICK: Object to form.

22 A Is it fair to say that --

23 BY MS. POWERS:

24 Q Am I correct -- I'll ask it another way.

25 Do you have any witnesses that can contradict

□

101

1 Mrs. Teague's statement that she heard you yelling the
2 F-word at Sharon Pflueger?

3 A No.

4 Q You --

5 A I don't cuss. My friends know that, you know.

6 Q Do you have any reason to believe that the
7 people who commented on your application in late August
8 and September of 2005 got together to determine that you
9 used the F-word on multiple occasions?

10 MR. MCCORMICK: Object to form.

11 A Yes.

12 BY MS. POWERS:

13 Q This is a conspiracy against you?

14 MR. MCCORMICK: Object to form.

15 A Yes.

16 BY MS. POWERS:

17 Q Have you sued anyone besides Mrs. Teague?

18 A No.

19 Q Is there one reason why you singled out
20 Mrs. Teague?

21 A These letters, first of all, were sent to the
22 AKC.

23 Q Did Mrs. Teague opine, in her letter of August
24 of 2005, that she was concerned about your capabilities
25 to judge the Doberman standard?

□

102

1 A Yes.

2 Q And Mrs. Teague is one of the people who
3 disagree on the size of your dogs, correct?

4 A Yes.

5 Q Did Mrs. Teague opine that you needed social
6 skills like good sportsmanship?

7 A Yes.

8 Q That you also needed professionalism?

9 A Yes.

10 Q And to learn how to control your temper in
11 public --

12 A Yes.

13 Q -- before the AKC should allow you to judge
14 any breed of dog?

15 A Yes.

16 Q Was she expressing her opinion to Mr. Gaeta of
17 the AKC when she wrote that letter?

18 MR. MCCORMICK: Object to form.

19 A I guess she was expressing her opinion.

20 BY MS. POWERS:

21 Q And Mr. Gaeta responded to each of the letters
22 that we just discussed, correct?

23 A Correct.

24 Q And you have not seen any of those letters
25 prior to the documents that were received in discovery

□

103

1 in this case, correct?

2 A Correct.

3 Q This is 10.

4 (Thereupon, the referred-to document was
5 marked Defendant's Exhibit Number 10 for
6 identification by the court reporter.)

7 MR. MCCORMICK: I don't want to interrupt your
8 flow. When you get to a good flow, let me know.

9 BY MS. POWERS:

10 Q Did you show your attorney that letter?
11 You received a copy of the letter dated
12 September 1st, 2005, from Peter Gaeta of the AKC,
13 correct?

14 A I never received this letter.

15 Q At the time, were you at 1624 Northeast
16 18th Street?

17 A Yes.

18 Q Any reason why you would have not received
19 this letter?

20 MR. MCCORMICK: Object to form.

21 A No.

22 BY MS. POWERS:

23 Q Did you know of the existence of this letter
24 prior to receiving it in discovery in this case?

25 A He had called me on September 1st.

□

104

1 Q what did he say -- By he, you mean Mr. Gaeta?

2 A Yes.

3 Q what was your conversation?

4 A He told me that I did not have enough years in
5 the sport of purebred dogs.

6 Q And what did you say to him?

7 A I said that I had been involved, which they
8 had written thirty something years, that before the
9 seminars I had gone over it with reps and people with
10 the AKC, and that they had even looked back upon the
11 certain amount of years.

12 Q And what did Mr. Gaeta say to you?

13 A Sometimes they make a mistake.

14 Q who makes a mistake?

15 A He didn't really explain. He just said
16 sometimes mistakes are made, and I said, what are you
17 wanting me to do.

18 Q And what did he say?

19 A He said just wait.

20 Q Just wait for what?

21 A Just wait a couple years or wait some time.

22 Q what reps -- who had you spoken to -- Strike
23 that.

24 There are two ways by which someone can become

25 an AKC judge, two different types of systems, correct?

□

105

1 A Correct.

2 Q One is the sixty point system?

3 A Correct.

4 Q And you didn't apply under that system,
5 correct?

6 A Correct.

7 Q You applied under the 12 - what's known as the
8 12-5-4, correct?

9 A Correct.

10 Q And based on your application, you did not
11 have twelve years in Dobermans, correct?

12 A Twelve years in Dobermans, yes.

13 Q I'm sorry, could you repeat your answer?

14 A I had not had twelve years in Dobermans.

15 Q And that is what you discussed with Mr. Gaeta
16 on your phone call of September 1st, 2005, correct?

17 MR. MCCORMICK: Object to form.

18 A It wasn't 2000 - oh. No, he had told me that
19 I didn't have enough years in the sport.

20 BY MS. POWERS:

21 Q And by the sport, what did you understand the
22 sport?

23 A The sport of purebred dog, breeding, showing.

24 Q So you -- Did Mr -- Strike that.

25 This conversation took place on September 1st,

□

106

1 2005, correct?

2 A Correct.

3 Q You were only applying to be a Doberman judge,
4 correct?

5 A Correct.

6 Q Were you -- You considered your experience
7 with the German Shepherd dog as part of your experience
8 in the sport?

9 A The sport of purebred dogs, yes.

10 Q who told you that, that you could consider
11 that as part of your experience?

12 A I had numerous people tell me before I even
13 did a seminar. In the year before, I did an AKC judge's
14 seminar also, and before I even went to it I was told
15 that.

16 Q who told you?

17 A There was Marianne Alstead.

18 Q who else?

19 A Jimmy Mitchell. There was several people at
20 the seminar, Mary Beth O'Neal.

21 Q I'm sorry, could you say that?

22 A Mary Beth O'Neal. She was in judges stuff
23 also putting the seminar on.

24 Q What seminar was that that you attended?

25 A It was an AKC judging seminar. You have, I

□

107

1 believe, a form on it.

2 Q Is it the one that the AKC produced the
Page 96

3 certificate?

4 A Yes.

5 Q Okay. What is Marianne Alstead's position, if
6 any, with the AKC?

7 A She was in Peter Gaeta's position.

8 Q Previously?

9 A Right, two weeks prior to him coming in.

10 Q At the time you were -- In September of 2005,
11 did she have a position with the AKC?

12 A No.

13 Q She was out?

14 A Yes.

15 Q Do you know why she left the AKC?

16 A She retired.

17 Q And Jimmy Mitchell, does he have any position
18 with the AKC?

19 A He's an AKC rep.

20 Q What's an AKC rep?

21 A They go to the shows and oversee and make sure
22 that the rules are followed and that type of thing.

23 Q And Mary Beth O'Neal?

24 A She works in AKC also. I'm not sure exactly
25 what her position was. It used to be in the judge's

□

108

1 department.

2 MS. POWERS: I'm going to show you what's
3 going to be marked as Exhibit 11.

4 (Thereupon, the referred-to document was
5 marked Defendant's Exhibit Number 11 for

6 identification by the court reporter.)

7 BY MS. POWERS:

8 Q Can you tell me what that exhibit is? Do you
9 recognize it?

10 A Yes.

11 Q What is it?

12 A The approval policy.

13 Q The approval policy for the AKC, approval
14 policy for judges?

15 A Yes.

16 Q Is it fair to say that you had not had twelve
17 or more years experience in Dobermans in 2000 and in -
18 September of 2005?

19 A Yes.

20 Q And we already established that was the only
21 breed you were applying for, correct?

22 If you would turn to the -- Directing your
23 attention to Page 2, Level 1. Did you discuss the
24 provisions under Level 1 with Marianne Alstead?

25 A Yes.

□

109

1 Q Did you discuss with her whether or not you
2 needed to have twelve years experience in your initial
3 breed, Dobermans, for your application to be a judge?

4 A I don't remember discussing specifically. She
5 just said you have twelve years in the sport.

6 Q My question was, did you discuss with Marianne
7 Alstead whether or not you needed twelve years
8 experience --

9 A No.
10 Q You didn't let me finish - twelve years
11 experience in your breed of Dobermans?
12 MR. MCCORMICK: Object to form.
13 A No.
14 BY MS. POWERS:
15 Q Did you ever discuss with Jimmy Mitchell
16 whether or not you needed twelve years experience in the
17 breed?
18 A No.
19 Q Did you ever discuss with Mary Beth O'Neal
20 whether or not you needed twelve years experience in the
21 breed under Level 1?
22 A Possibly before the seminar, before I signed
23 up. She was in charge of the seminar. Possibly. I
24 don't remember.
25 Q The seminar, did it have written materials?

□

110

1 A Yes.
2 Q Do you still have those written materials?
3 A Possibly.
4 Q What type of written materials did the seminar
5 provide?
6 A Just documents on the standards and just the
7 judging procedure and those type of things.
8 Q In other words, judging procedure for the
9 standard of the individual breeds?
10 A Policies and judging policies.
11 Q Did it have any - in any of the written

12 materials, was there any discussion on the criteria to
13 become a judge in any specific breed?

14 A No.

15 Q You said Mary Beth O'Neal -- Strike that.

16 Did Mary Beth O'Neal discuss at the seminar
17 how to be a new breed applicant?

18 A Not that I remember.

19 Q Did she discuss with you individually the
20 criteria for a Level 1 new breed applicant?

21 A Before I signed up, she knew what my
22 credentials were because I had told her.

23 Q What did you tell her?

24 A I told her that I had shepherds, Dachshunds,
25 Dobermans since '96 and, you know, the litters and the

□

111

1 champions.

2 Q Is it fair to say without the German Shepherd
3 dog, you wouldn't qualify - you wouldn't have qualified
4 under the 12-5-4 procedure?

5 A No.

6 Q You were using also the Dachshunds --

7 A Yes.

8 Q -- from '85 and '86?

9 A Yes.

10 Q The conversation that took place between you
11 and Mary Beth O'Neal prior to the seminar, did she come
12 to you or did you go to her, how did it happen?

13 A I had to send a check in, so I said before I
14 send a check, let me tell you what I have, and she said

15 you're fine.

16 Q Had you looked at the criteria before sending
17 in the check?

18 A Yes.

19 Q Did you have concerns that you might have to
20 have twelve years in your Dobermans in order to qualify
21 under the 12-5-4?

22 A No.

23 Q Then why did you ask her?

24 A Just making sure that I had everything that I
25 had written down on my application that I had filled

□

112

1 out.

2 Q What I'm trying to understand, Mr. Martin, is
3 why would you bother having a conversation with her if
4 you already felt you have more than twelve years in the
5 general sport of purebred dogs?

6 A Just -- I don't know, I just told her what I
7 had.

8 Q Did you need her to help with the counting,
9 the years? I'm trying to figure out what led -- why
10 would you be concerned?

11 A I can't tell you, you know, probably just
12 because before I flew and paid for everything, this is
13 what I have, I just mentioned it, you know.

14 Q Had anybody ever told you that this rule is
15 interpreted as requiring twelve years in the specific
16 initial breed being applied for?

17 A No.

18 Q You never heard that from anyone in the dog
19 community?

20 A Not really since -- I mean, I heard mention
21 since this but not before.

22 Q Have you heard it mentioned by anyone except
23 Mrs. Teague?

24 A I don't remember.

25 Q Looking at the exhibits we just did, isn't it

□

113

1 a fair statement that some of the other letters that we
2 discussed --

3 A Yes.

4 Q -- that were sent to the AKC in response to
5 the publication as you as a potential applicant
6 commented on your lack of years experience in Dobermans?

7 A Yeah.

8 MR. MCCORMICK: Give me an objection, form, on
9 that question.

10 MS. POWERS: You wanted to take a break?

11 MR. MCCORMICK: Whenever you're ready.

12 MS. POWERS: Okay. Let me just see.

13 BY MS. POWERS:

14 Q Did you ever receive any letter from the AKC
15 that told you you had been approved as a provisional
16 judge?

17 A Yes.

18 Q Did you produce a copy of that letter in
19 discovery -- Did you give that letter to your attorney
20 to produce in discovery?

21 A Yes, I believe I did.
22 MR. MCCORMICK: I don't know, I gave you what
23 I have. If you have it, I have it.
24 BY MS. POWERS:
25 Q when would that letter have been sent?

□

114

1 A After, you know, September 1st.
2 Q So it's your testimony you got a letter on or
3 after September 1st saying that you had been approved as
4 a provisional judge?
5 A Yes.
6 Q And you still have a copy of that letter?
7 A Yes.
8 Q Okay.
9 MR. MCCORMICK: I'll take another look. I
10 gave you what we have.
11 MS. POWERS: Okay.
12 BY MS. POWERS:
13 Q when you looked at the records that the AKC
14 produced, did you see a copy of that letter?
15 A I don't recall.
16 MS. POWERS: You want to take a quick --
17 MR. MCCORMICK: Sure.
18 (Thereupon, a brief recess was taken, after
19 which the following proceedings were had:)
20 BY MS. POWERS:
21 Q Focusing in on the time period of
22 September 1st, 2005, other than Mr. Gaeta, did you have
23 conversations with anyone else at the AKC in regards to
Page 103

24 your application?

25 A No.

□

115

1 wait. Say that one more time.

2 MS. POWERS: Repeat it.

3 (Thereupon, the previous question was read
4 back by the court reporter.)

5 A A couple days later.

6 BY MS. POWERS:

7 Q who did you speak to?

8 A They called me.

9 Q who called?

10 A Darrel Hayes.

11 Q who is Darrel Hayes?

12 A He's the head of the judges' department.

13 Q what did he say to you?

14 A He said, we're approving your judging license,
15 make us proud.

16 Q Your conversation with Mr. Gaeta on the 1st --
17 strike that.

18 After your phone call with Mr. Gaeta on
19 September 1st, was it your impression that your
20 application had been approved?

21 A I was under the impression they made a
22 mistake.

23 Q That wasn't my question. My question was, was
24 it your impression on September 1st, which you testified
25 you spoke to Mr. Gaeta, was it your impression that you

□

116

1 had been approved or disapproved as a judge?

2 A I don't really know, you know. I mean, he had
3 told me and I told him that it had gone before all the
4 boards and stuff. He said well -- Just, you know, kind
5 of left it at that.

6 Q It's your recollection he called you?

7 A Yes.

8 Q You didn't call him?

9 A Peter or Darrel?

10 Q Peter.

11 A Neither one did I call.

12 Q Okay. So Peter called you on September 1st.
13 Did he tell you he was sending you a letter or had sent
14 you a letter?

15 A No.

16 Q Are you surprised to see that letter there,
17 the one dated September 1st from Mr. Gaeta to you?

18 A Today?

19 Q Not today but when you first saw it.

20 A Yes.

21 Q Are you aware from your review of the AKC file
22 that there's no letter in the file that they produced
23 nor in the documents that you produced, a letter saying
24 that you were approved as a provisional judge in
25 approximately September of 2005; are you aware of that?

□

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1 A I believe I have a letter.
2 Q Is that something that you would - you thought
3 you had turned over to your attorney?
4 A Yes.
5 Q When was your first judging assignment as a
6 provisional judge?
7 A I don't remember.
8 Q Do you remember where it was?
9 A No.
10 Q weren't you excited about it?
11 A Not necessarily.
12 Q How long did it take for you to get an
13 assignment?
14 A Pretty much immediately I started getting
15 assignments.
16 Q How does a judge get an assignment?
17 A Just from people knowing them probably, or
18 knowing that they're provisional and you have to hire a
19 certain amount of provisionals. They get a list of who
20 are provisional judges.
21 Q Do provisional judges seek jobs? In other
22 words, do you call --
23 A No.
24 Q Let me finish. Do you call up a club that may
25 or may not be having - let's say that's having an event

□

118

1 in six months and say I would like to get on your list
2 of judges for this event?
3 A No.

4 Q Is there any reason -- Is there any
5 prohibition against trying to seek out judging
6 positions?

7 A Yes.

8 Q What's that prohibition?

9 A You're not allowed to solicit judging jobs.

10 Q So you're not supposed to tell anybody I'm
11 able; you can't advertise, correct?

12 A Yes.

13 MR. MCCORMICK: Object to the form of the
14 question.

15 BY MS. POWERS:

16 Q You can't advertise your availability as a
17 judge, correct?

18 A Yes.

19 Q Can you contact members of a club who may be
20 not on a committee to remind people?

21 A Can you?

22 Q Yes.

23 A I guess you can. Are you allowed to, no.

24 Q Can you estimate for me how many judges of
25 Dobermans the AKC has in the United States?

□

119

1 MR. MCCORMICK: Object to form.

2 A I have no idea.

3 BY MS. POWERS:

4 Q Do you limit yourself in any geographical
5 range when you accept judging assignments?

6 A No.

7 Q Have you accepted a judging assignment in
8 Argentina?
9 A Yes.
10 Q When is that coming up?
11 A In October.
12 Q of 2007?
13 A 2007.
14 Q When did you accept that judging assignment?
15 A Couple months ago.
16 Q Did you get a contract?
17 A No.
18 Q Do you have any paperwork confirming that you
19 are going to be a judge at that event?
20 A No.
21 Q why's that, you haven't gotten any paperwork
22 at all?
23 MR. MCCORMICK: Object to form.
24 A Can't tell you.
25

□

120

1 BY MS. POWERS:
2 Q Has it all been over the phone?
3 A Kind of through someone.
4 Q who has it been through?
5 A Esteban Farious.
6 Q Who is Esteban Farious?
7 A My handler.
8 Q And he knows people in Argentina that need a
9 judge or a show that needs a judge?

10 A Yes.
11 Q So there's -- Did he come to you or did you go
12 to him about the Argentine show?
13 A You can't solicit judging jobs.
14 Q That wasn't my question.
15 A He came to me.
16 Q How often do you interact with Esteban
17 Farious?
18 A Often.
19 Q How often is often?
20 A He shows my dogs.
21 Q How often are your dogs shown?
22 A All the time.
23 Q Every week?
24 A It just depends.
25 Q More than once a month?

□

121

1 A Sometimes none a month.
2 Q I'm sorry?
3 A Sometimes none a month.
4 Q Sometimes more than once a month?
5 A Sure.
6 Q How many times -- Is Mr. Farious compensated
7 for showing the dogs?
8 A Every time he shows them.
9 Q So how often does he get paid to show your
10 dogs?
11 A Every time he shows them.
12 Q In a year, how many times does he show --

13 A I don't know.
14 Q Has Mr. Farious put you in contact with any
15 other people for shows?
16 A No.
17 Q Will any of your dogs be in the show in
18 Argentina?
19 A No.
20 Q You would agree it wouldn't be proper for you
21 to have your dogs in the show in Argentina, correct,
22 exhibit your own dogs where you're going to be a judge
23 in the event?
24 A It would be proper, is that what you're
25 saying?

□

122

1 Q It would be improper.
2 A Oh, right, right, right. Sure.
3 Q You're agreeing it would be improper?
4 A Yes.
5 Q Okay. Do you know how much you're going to be
6 compensated for the Argentina show?
7 A No.
8 Q Do you know when it is?
9 A Yes.
10 Q When?
11 A The 24th and the 26th.
12 Q Is the committee paying for your air fare?
13 A Yes.
14 Q Have all those arrangements been done by
15 Esteban Farious?

16 A No.
17 Q Who's done those arrangements?
18 A Nobody because they haven't been done.
19 Q So you haven't done your air fare
20 arrangements?
21 A No.
22 Q How long has Esteban Farious been your
23 handler?
24 A Since he's been in this country.
25 Q How long has that been?

□

123

1 A I can't tell you. I don't remember.
2 Q More than a year?
3 A Yes.
4 Q More than two years?
5 A Yes.
6 Q More than five years?
7 A Possibly.
8 Q Is he from Argentina?
9 A Yes.
10 Q You have used other -- strike that.
11 At present, do you use other handlers to show
12 your dogs?
13 A Yes.
14 Q who else do you use?
15 A who else have I used, or do?
16 Q No, currently, present tense. Who do you
17 currently use besides Mr. Farious to show your dogs?
18 A Diego Garcia, Theresa Nail.

19 Q Theresa what?
20 A Nail.
21 Q Spell it.
22 A N-A-I-L.
23 It just depends who I'm showing. That's
24 basically it right now.
25 Q Have you used Jorge Oliveras?

□

124

1 A Recently, just recently.
2 Q Just recently?
3 A Yes.
4 Q When did you use him?
5 A In May of '07.
6 Q Has José Oliveras ever handled Stat?
7 A Yes.
8 Q When did he handle Stat?
9 A 2004 to 2005.
10 Q Any reason why there's - you didn't use
11 Mr. Oliveras in 2006?
12 MR. MCCORMICK: Object to form.
13 A It was a different dog, it was an Affen
14 Pinscher in 2007. In 2004 he wasn't my handler.
15 BY MS. POWERS:
16 Q What do you mean he wasn't your handler?
17 A He was not paid by me. The dog was leased.
18 Q Which dog are we talking about, Stat?
19 A Yes.
20 Q Were you one of the registered owners of Stat
21 in 2004?

22 A Not on the contract paper that I had with

23 Myrna Callow, I was not.

24 Q That wasn't my question, sir. Were you one of

25 the registered owners --

□

125

1 A Yes.

2 Q -- with the -- Please let me finish.

3 Were you one of the registered owners with the

4 AKC in 2004 for Stat, yes or no?

5 A Yes.

6 Q In 2005 were you one of the registered owners

7 with the AKC for the dog known as Stat?

8 A Yes.

9 Q And you will agree that those types of records

10 of ownership, they're available to the general public

11 from the Internet, correct?

12 A Yes.

13 Q I mean, that information is also available

14 from the AKC, but in this modern world anybody can get

15 it with a click, a few clicks of a mouse, correct?

16 A Correct.

17 Q Who is Kim Tome, T-O-M-E?

18 A She's an obedience handler.

19 Q Have you ever worked with her?

20 A Yes.

21 Q When have you worked with her?

22 A This year.

23 Q With what dogs or dog?

24 A Thunderella and Stat.

25 Q Are you going to be putting those dogs in

□

126

1 obedience class?

2 A No.

3 Q Why were you working with Kim for obedience?

4 A Because I did put them in obedience trials.

5 Q Do you know Allison McDonald?

6 A Yes.

7 Q Who is she?

8 A She works for a vet.

9 Q How do you know her?

10 A Through the dogs.

11 Q Is she into Dobermans?

12 A Yes.

13 Q Does she own Dobermans?

14 A Yes.

15 Q When was the Santa Barbara show?

16 A I believe it was in August 2006.

17 Q Cayenne, the dog that was shown at the Santa
18 Barbara show, was sired by Stat, correct, through
19 artificial insemination?

20 A No.

21 Q Who was he sired by?

22 A Stat. It wasn't artificial.

23 Q Not artificial insemination?

24 A No.

25 Q In dogs you can use artificial insemination?

□

127

1 A Yes.

2 Q Okay. The reason I ask, I now know in horses
3 you can.

4 A Right.

5 Q Okay.

6 (Thereupon, a brief off-the-record discussion
7 was held, after which the following proceedings
8 were had:)

9 BY MS. POWERS:

10 Q You told me earlier about your - you have a
11 website, a web page, correct?

12 A Correct.

13 Q And you don't recall when that went up,
14 correct?

15 A Correct.

16 Q Who updates your web page?

17 A A web master in New York.

18 Q Somebody does it?

19 A Yes.

20 Q Do they do it at your direction? In other
21 words, when there's new info to be added, new pictures,
22 new statistics, who makes sure that they're added to the
23 web page?

24 A Sometimes me and sometimes the other people.
25 If you send him a picture of one of my get and give him

□

1 the information, he will put it on there.

2 Q Have you ever disapproved anything that was
Page 115

3 posted on your website by the web master?

4 A No.

5 Q Does the web master need your permission to
6 post pictures or other info on your website?

7 A No. He's asked me where to put something
8 before that he didn't know, but he doesn't know -- If
9 they send the stuff and tell them where to put it, he
10 puts it.

11 Q Have you ever asked your web master to take
12 something down because it shouldn't be there?

13 A No.

14 Q You know that pictures of Cayenne were on your
15 Phillmar website, correct?

16 A Picture.

17 Q Picture?

18 A Right.

19 Q Do you know when that picture was added to
20 your website?

21 A When he was a baby and probably got his first
22 points or something.

23 Q When you say baby, tell me how old you mean.

24 A They start showing at six months, so when
25 they - sometimes people call me and say I have a puppy

□

129

1 by this one or that one, and I say send a picture and
2 the information to the website guide.

3 Q Do you have any recollection how the picture
4 of Cayenne got on your website, meaning was - did
5 somebody call you or did it go directly to the web

6 master; do you have any recollection one way or another?

7 A I don't remember.

8 Q Prior to the Santa Barbara show, was Cayenne's
9 picture on the website of Phillmar?

10 A Yes.

11 Q Prior to attending - prior to arriving to
12 judge the Santa Barbara show, did you know that Cayenne
13 was going to be one of the dogs entered in the show?

14 A No.

15 Q When did you first find out that Cayenne was
16 going to be one of the dogs that you were going to be
17 judging?

18 A A couple months before, I got an e-mail asking
19 if he could be shown.

20 Q Who did you get the e-mail from?

21 A The owner.

22 Q Who was the owner?

23 A Judy Walter.

24 Q And what did that e-mail say?

25 A Can we show Cayenne to you.

□

130

1 Q And do you still have that e-mail?

2 A No.

3 Q Why not?

4 A I don't e-mail people. I delete as soon as I
5 get them and I don't e-mail. Very rarely do I e-mail.

6 Q Did you respond to Miss Walter's e-mail?

7 A Yes.

8 Q What did you -- How did you respond?

9 A Talk to your handler and do what you see best.
10 Q who was her handler?
11 A At the time, it was Jorge.
12 Q Oliveras?
13 A Yes.
14 Q And you say this was a couple months before.
15 Was it earlier in 2006?
16 A It was probably a couple months before.
17 Q And did you receive any other contact from her
18 on that issue, or is that the only --
19 A That's it.
20 Q Did you respond -- How did you respond, what
21 form did you respond to her e-mail?
22 A I believe I just said - e-mailed and said talk
23 to your handler and do what's best.
24 Q At the time you e-mailed her, did you know who
25 her handler was?

□

131

1 A Yes.
2 Q Okay. Did you consider whether or not there
3 was any impropriety in your judging Cayenne being shown
4 by Mr. Oliveras at the Santa Barbara show?
5 A No.
6 Q Why didn't you e-mail Miss Walter back then
7 and say no problem?
8 A Because it could be a gray line.
9 Q When you were responding to Miss Walter's
10 e-mail, which was several months before, did you
11 consider at that time that there was a gray line where

12 it could not be mandatory that you disqual -- Let's
13 start that.

14 Going to the time frame when you were
15 responding to Miss Walter's e-mail, did you consider at
16 the time there was a gray area as to whether or not
17 there was a conflict of interest?

18 A Let me rephrase this. I wouldn't say it's a
19 gray line, I wouldn't say it isn't. I say it's not up
20 to me to decide if you can show to me. It's up to you
21 to find out if you can show to me.

22 Q In your mind, at the time of the e-mail did
23 you have a definitive position as to whether or not you
24 as a judge could judge Cayenne?

25 A Not at all. I thought it was perfectly fine.

□

132

1 Q But you didn't say that to Mrs. Walter,
2 correct?

3 A Well, I just wanted them to be comfortable
4 with it.

5 Q You used the term that there was a gray area,
6 that you weren't - let me finish - that you weren't a
7 hundred percent certain way before the event, correct?
8 You weren't --

9 A No.

10 Q You were a hundred percent certain before the
11 event?

12 A Absolutely, that it was correct that he could
13 show it to me.

14 Q But you didn't say that to Miss Walter?

15 A No.

16 Q Will you agree that if it wasn't improper,
17 that it could - that other people might, in reviewing
18 the same AKC provision, find that it fell into a gray
19 area?

20 MR. MCCORMICK: Object to form.

21 A Maybe a novice.

22 BY MS. POWERS:

23 Q You're familiar, as an AKC judge, with the
24 judging standards, correct?

25 A Correct.

□

133

1 Q Are you aware that there is consideration of
2 the appearance of impropriety in the judging - not
3 judging a dog?

4 A No.

5 Q So your decision was there was nothing wrong
6 with you judging a dog that was listed - whose picture
7 was listed on your website at the time you were judging
8 the dog in August of 2006?

9 A Exactly.

10 Q Now, you had no direct financial interest in
11 Cayenne, correct?

12 A Correct.

13 Q Isn't it fair to say, though, that Stat's
14 status will improve if his get do well?

15 A No.

16 Q So that -- Are you telling me there's no
17 indirect benefit to the sire of a dog who does well?

18 A Not Stat, no.
19 Q Not Stat. why not Stat?
20 A Because I don't breed Stat. I've bred him
21 seven times. I don't choose to breed him.
22 Q Anymore?
23 A No.
24 Q You no longer breed Stat?
25 A No, never. I've bred him to seven - total

□

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1 seven outside bitches in his lifetime. If I was
2 concentrating on his status, I would breed the dog. He
3 benefits by what he accomplishes in the ring.
4 Q Stat, though, is the sire of Cayenne, correct?
5 A Yes.
6 Q Do you -- Strike that.
7 Do you publish on your website the success of
8 the offspring of your champions?
9 A Yes.
10 Q Is that a yes?
11 A Yes.
12 Q So that you would be publishing the success of
13 Cayenne and those statistics, correct?
14 A Correct.
15 Q Does that enhance the overall status of your -
16 of the dogs that you own, that you are a successful
17 breeder and that your dogs breed successful dogs?
18 A Possibly.
19 Q So that's an indirect benefit to you, correct?
20 A I guess.

21 Q Is it fair to say that Stat -- Strike that.
22 Is it fair to say that Cayenne doing well in
23 shows indirectly benefits you and your dog breeding
24 operation?
25 A No.

□

135

1 Q It doesn't benefit you at all?
2 A Maybe me somewhat. Not my dogs.
3 Q I meant your breeding business, I didn't mean
4 the dogs. I meant you as the owner of the business.
5 A No.
6 Q It doesn't benefit you indirectly at all?
7 A No.
8 Q Does it benefit you personally?
9 A No.
10 (Thereupon, a brief off-the-record discussion
11 was held, after which the following proceedings
12 were had:)
13 MS. POWERS: What was the last question?
14 (Thereupon, the previous question was read
15 back by the court reporter.)
16 BY MS. POWERS:
17 Q Do you get any benefits at all by the success
18 of the offspring of your dogs?
19 A No.
20 Q None at all?
21 A No.
22 Q You wouldn't agree that somebody interested in
23 purchasing a show dog is going to consider the success

24 of the breeding operation of a certain breeder in
25 purchasing a dog?

□

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1 MR. MCCORMICK: Object to form.

2 A If you're in it for that reason, I mean.

3 BY MS. POWERS:

4 Q If I'm buying a dog that I want - purebred
5 Doberman that I want to - that I want to show, isn't it
6 fair to say that a consideration is how the --

7 (Thereupon, a brief off-the-record discussion
8 was held, after which the following proceedings
9 were had:)

10 MS. POWERS: Let me start all over again.

11 (Thereupon, the previous question was read
12 back by the court reporter.)

13 BY MS. POWERS:

14 Q Isn't it fair to say, Mr. Martin, that the
15 purchaser of a purebred Doberman who wants to show that
16 dog will be interested in researching how the dogs bred
17 by a certain breeder have done?

18 MR. MCCORMICK: Object to form.

19 A I didn't breed that dog.

20 BY MS. POWERS:

21 Q That wasn't the question, sir. My question --

22 A Right. I don't understand. No, not
23 necessarily.

24 Q So a buyer of a purebred dog should not be
25 concerned whether or not the dog - the -- strike that.

1 You said you didn't breed the dog. You're
2 talking about Cayenne, correct?
3 A Right.
4 Q But Cayenne is the offspring of Stat, correct?
5 A Correct.
6 Q And you do list Cayenne's achievements as part
7 of the statistics on your website, correct?
8 A Correct.
9 Q Because that gives the public a favorable
10 impression of your Dobermans, correct?
11 A Not necessarily. I wouldn't say that.
12 Q Give the public a negative opinion of your
13 Dobermans?
14 A No.
15 Q Isn't it fair to say it's more positive to say
16 that their offsprings had won champions and ribbons than
17 to say nothing about them?
18 A It's just an opinion what's important to you.
19 Q It's something that's important to you,
20 correct?
21 A Correct.
22 Q And you're proud of that, aren't you?
23 A Sure.
24 Q I asked you earlier, and you had used the
25 word - in talking about conflicts, you had used the word

1 gray, and then changed your mind on it. I'm going to
2 reference you to the guidelines for confirmation for dog
3 show judges, and will you agree that there is a - what
4 they call a handy rule of thumb?

5 MR. MCCORMICK: Object to form.

6 BY MS. POWERS:

7 Q Is that correct?

8 A If that's what it says.

9 Q Are you familiar with the provision? Please
10 look at it and tell me if you're familiar with it or
11 not.

12 A I am familiar with it after seeing this. I
13 hadn't necessarily seen it before. I saw it after this
14 had started, you know, that somebody brought this up,
15 you know.

16 Q But this provision was in existence prior to
17 the time you became a provisional judge, correct?

18 A Correct.

19 MR. MCCORMICK: Object to form.

20 BY MS. POWERS:

21 Q You will agree that as a judge -- I'm sorry to
22 be on top of you.

23 As a judge applicant or a provisional judge,
24 one of your responsibilities was to be familiar with the
25 guidelines for dog show judges, correct?

1 A Correct.

2 Q So whether you had a specific recollection or
3 had reviewed it specifically or not, you were governed

4 by these guidelines from the time you became a
5 provisional judge, correct?

6 MR. MCCORMICK: Object to form.

7 A Correct.

8 BY MS. POWERS:

9 Q And what is the handy rule of thumb that the
10 guidelines provide?

11 MR. MCCORMICK: Object to form.

12 A There will always be this gray area that
13 perhaps judges, when faced with such a dilemma, ask
14 yourself whether the situation maintains an outward
15 appearance of impropriety. A good rule of thumb, if you
16 have concerns whether something is appropriate, you
17 probably should avoid the situation.

18 BY MS. POWERS:

19 Q That's from the AKC, correct?

20 MR. MCCORMICK: Object to form.

21 A Right.

22 BY MS. POWERS:

23 Q In fact, some of the provisions for the
24 guidelines required you to use some common sense,
25 correct?

□

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1 MR. MCCORMICK: Object to form.

2 A Correct.

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

4 MR. MCCORMICK: You're assuming these
5 guidelines are the guidelines that are from the AKC
6 that were in existence when he was judging. We

7 don't have any proof that's where they're from,
8 that's where they are.

9 BY MS. POWERS:

10 Q Well, Mr. Martin, are you - part of your
11 responsibility to judge is to be familiar with these
12 provisions for the guidelines for judges, correct?

13 A Correct.

14 Q Okay. And you made yourself familiar with
15 them -- You told me earlier that you may not have been
16 aware of all these provisions before this lawsuit, but
17 you've become familiar with them since, correct?

18 A Yes.

19 Q Okay.

20 A I was familiar with that before whether I
21 could or couldn't do it, and it is totally allowed to
22 judge dogs by your stud dog. It has been done for years
23 and years, and judges have put dogs up by their breed
24 and everything pertaining to it.

25 Q Well, that's not --

□

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1 A It doesn't say it's a gray area pertaining to
2 dogs.

3 Q The example you just gave me isn't a clear
4 example. It's not one of the AKC examples on what is
5 black and white, correct?

6 A What isn't correct -- what isn't black and
7 white?

8 Q That you can't judge a dog that is the get of
9 a dog that you own?

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10 A That's black and white.

11 Q Oh, is that in the rules?

12 A That you can't judge a dog that you own.

13 Q That wasn't my question, sir. My question

14 is -- And please listen to it carefully. Nowhere in the

15 rules am I going to find written down in black and white

16 a rule that says you can affirmatively judge the

17 offspring of a dog you own? Am I going to find that

18 anywhere black and white in the guidelines?

19 A I believe so.

20 Q And it's going to say you can do it?

21 A It's going to say you can't do it.

22 Q Okay. The guidelines gives some examples,

23 correct?

24 A Right.

25 Q But the guidelines also tell you you need to

□

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1 avoid the impression of impropriety; that's something

2 you're familiar with, correct, the impression of

3 impropriety?

4 A Correct.

5 Q How frequently do you review the AKC

6 guidelines for judging dogs?

7 A I don't review it frequently. I know

8 basically it doesn't say -- It says what you can and

9 can't do. I'm aware of what I can and can't do. I

10 don't think you could be a top breeder of a breed and

11 never have anything in your ring by or related to your

12 stud.

13 Q Let's go now to Santa Barbara. You were aware
14 on the day of the show that Cayenne was the offspring of
15 Stat, correct?

16 A I was aware that Cayenne was the offspring?

17 Q Yeah.

18 A Yeah, I was aware.

19 Q I'm trying to get us back, no trick question.
20 And you knew Mr. Oliveras because you've known
21 him for many years?

22 A Right.

23 Q Prior to judging the Dobermans that day in
24 Santa Barbara, did any of the people present, any
25 entrants, any other people with - who had entered dogs,

□

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1 or anyone come up to you and comment that they didn't
2 think that you should judge Cayenne in the ring?

3 A No.

4 Q When was the first time that you heard anyone
5 comment unfavorably about the fact that you had judged
6 Cayenne that day in Santa Barbara?

7 A When I talked to - when I got -- when I got my
8 write-up from the rep.

9 Q Who was the rep that day?

10 A I don't remember.

11 Q What was your write-up from the rep?

12 A Excellent.

13 Q What did -- How did you find it? What did the
14 rep say?

15 A He said people have complained because the

16 winner's dog was by your stud dog, but you put the right
17 dog up.

18 Q The rep was confirming he thought the right
19 dog won, correct?

20 A Correct.

21 Q But people were complaining that it didn't
22 look right? was that the gist of this conversation?

23 A I guess.

24 Q well, I wasn't there.

25 A He just said they were complaining because the

□

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1 dog was by your dog.

2 Q And what did you say?

3 A I didn't say anything.

4 Q Did he ask you if you knew that the dog was by
5 your dog?

6 A No.

7 Q Did you tell him you knew?

8 A No.

9 Q He didn't ask you?

10 A No.

11 Q was the impression that more than one person
12 complained that day?

13 A Yeah, he said people.

14 Q Are reps allowed to tell you what you can put
15 up is correct or not?

16 A They can have their opinion. They're
17 evaluating you on a provisional. They do.

18 Q I mean, were you concerned that people had

19 complained?

20 A No.

21 Q Did the rep indicate at all whether or not
22 people had complimented you on your judging that day?

23 A It didn't matter. He was doing the write-up.

24 Q That wasn't my question, Mr. Martin. My
25 question was, the rep had told you some people have

□

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1 complained. Okay. That's a negative comment, correct?

2 A Uh-huh.

3 Q Yes?

4 A Yes.

5 Q Could you move your hand from your mouth?

6 That makes it easier for the court reporter.

7 Did he give you any indication that people had
8 commented favorably on your judging skills that day?

9 A Only themselves.

10 Q And you weren't concerned at all that people
11 had complained about you as a provisional judge?

12 A No.

13 Q Did you know at that time who had complained
14 about your judging Cayenne?

15 A No.

16 Q Did anyone ever tell you who had complained?

17 A No.

18 Q What is Cyber Dogs?

19 MS. TEAGUE: Cyber Dobes.

20 BY MS. POWERS:

21 Q Cyber Dobes.

(vol 1) martin v.txt
22 A It's a chat line.
23 Q Do you belong to Cyber Dobes?
24 A No.
25 Q Did you ever belong to Cyber Dobes?

□

146

1 A Yes.
2 Q When did you belong?
3 A Probably five years ago.
4 Q For what period of time did you belong?
5 A I don't remember.
6 Q A short period of time, a long period of time?
7 A I don't remember.
8 Q Why did you join Cyber Dobes?
9 A Because they started it and they said get on
10 it.
11 Q Who started it?
12 A Cheri McNealey.
13 Q Why did you stop using Cyber Dobes?
14 A Because it was all negative, backstabbing,
15 nasty.
16 Q Did you ever see any positive things there?
17 A No.
18 Q You didn't like Cyber Dobe?
19 A No.
20 Q Is this a private chat line?
21 A Yes.
22 Q How do you get on it?
23 A You ask, I believe, to get on it or they ask
24 you.

(vol 1) martin v.txt
25 Q So this isn't for the general public, correct?

147

1 A I mean, I don't think they turn anyone down.

2 Q Do you know one way or another?

3 A No.

4 Q By the name Cyber Dobes, is this chat line for
5 people interested in the Doberman breed?

6 A Yes.

7 Q So if I were interested in German Shepherds,
8 Cyber Dobes probably would not be for me, correct?

9 A Correct.

10 Q But if I was just looking to find out what
11 people were chatting about, Cyber Dobes would be one of
12 those places, correct?

13 A Possibly.

14 Q Are there other chat lines for Doberman people
15 interested in Dobermans?

16 A Yes.

17 Q What are those sites?

18 A I don't know.

19 Q Have you ever belonged to any other chat line
20 other than Cyber Dobes?

21 A I think I was for a very short time, like a
22 month, several years ago back at the same time.

23 Q And what site was that?

24 A I can't remember.

25 Q Did you ever do any postings?

148

1 A Maybe once or twice. Very rarely would I ever
2 post.
3 Q what would you post about?
4 A Probably a win, you know, a win. I don't
5 know.
6 Q Tell people what, one of your dogs had won a
7 show.
8 A Not necessary -- Just whatever. I don't know,
9 you know. I don't remember anything specifically that I
10 ever posted. It's frowned upon.
11 Q what's frowned upon?
12 A To be on them.
13 Q who frowns upon it?
14 A The other judges.
15 Q You're saying that judges frown on chat lines?
16 A Right.
17 Q How did you learn that?
18 A Several judges have said to me if I find out
19 you're on it or you post, we'll be very disappointed.
20 Q who told you that?
21 A Several judges.
22 Q who?
23 A I don't remember.
24 Q Is that gossip among judges then?
25 A No.

□

1 Q who told you?
2 A I can't recall.

3 MR. MCCORMICK: Object to form.
4 A I can't remember.
5 BY MS. POWERS:
6 Q Okay. Was this something that was told to you
7 recently or something that was told to you five or more
8 years ago?
9 A A while, a while ago.
10 Q Before 2000 - before September of 2005 or
11 after?
12 A Probably 2005, around there. A year or two
13 ago.
14 Q How many judges told you that?
15 A I don't remember.
16 Q More than one?
17 A I don't remember.
18 Q How did you become aware that on the Cyber
19 Dog - Cyber Dobe site there had been posts about your
20 judging in Santa Barbara?
21 A People sent them to me.
22 Q Who sent them to you?
23 A I don't remember. All different people.
24 Q Would it be people from the website --
25 A Possibly, yeah.

□

150

1 Q -- who were actually doing postings?
2 A Right.
3 Q Allison McDonald send you?
4 A Yes, she could have.
5 Q Did she?

6 A Yes, possibly.
7 Q Anyone else?
8 A I don't know.
9 Q Did they just forward you the - whoever, did
10 they just forward you the post?
11 A Yeah, they do occasionally. You know, I
12 really don't pay that much attention to who is or what
13 it is.
14 Q Was the posting from the Santa Barbara show
15 the only time you're aware that anyone has posted
16 comments about your judging?
17 A No.
18 Q What other times have there been postings
19 about your judging?
20 A I don't know. It just seems like there had
21 been.
22 Q Are you guessing, Mr. Martin? I need --
23 A I'm guessing.
24 Q You're guessing?
25 A Uh-huh.

□

151

1 Q Is that a yes?
2 A I'm guessing, yes.
3 Q Okay. Do you have people that you regularly
4 e-mail and chat about dogs with?
5 A No.
6 Q You have seen all the posts from Cyber Dogs -
7 Cyber Dobes about your judging of the Santa Barbara
8 show, correct?

9 A Correct.

10 Q Can you tell me when in time in reference to
11 September 18th you saw the first posting? Was it close
12 in time to the show which was in August or closer in
13 time to September?

14 A I don't understand what you're asking me.

15 Q I'm trying to find out when you found out that
16 there had been comments posted about your judging of the
17 Santa Barbara show on Cyber Dobes. Was it closer in
18 time to the time of the show or in September or after?

19 A But the posts were about the show.

20 Q No, but after the show -- We can agree that
21 the posting started after the show?

22 A Correct.

23 Q I'm trying to find out when you learned about
24 the postings.

25 A I have no idea.

□

152

1 Q Did you learn about all the postings at once?

2 A I don't know. They just kind of sporadically
3 come in.

4 Q And somebody was sending them to you?

5 A Different people send me stuff.

6 Q You have now read all of them, correct?

7 A Correct.

8 Q Is there -- The only person you've chosen to
9 sue is my client, correct?

10 A Correct.

11 Q Was she the only one who made negative comment

12 on these Cyber Dobes post after the Santa Barbara show?

13 A No.

14 Q The postings were from all over the country,
15 correct?

16 A Correct.

17 Q I'm going to show you marked as the next
18 number -- Is Cayenne's picture still on your web page?

19 A Of course.

20 Q I'm going to show you what's Bate stamped as
21 document 302214. And it's of poor quality. Show it to
22 your lawyer first. She's got to mark it.

23 (Thereupon, the referred-to document was
24 marked Defendant's Exhibit Number 12 for
25 identification by the court reporter.)

□

153

1 BY MS. POWERS:

2 Q Looking at that exhibit -- I know the quality
3 because it's a black and white of the photo -- Can
4 you -- Is that the picture of Cayenne on your website?

5 A Yes, I believe so.

6 Q Is that the same picture that's on there now?

7 A I don't know.

8 Q You don't know whether you updated it or not?

9 A No.

10 Q Do you know a Mr. Herr with the AKC?

11 A Hair?

12 MS. TEAGUE: Herr.

13 BY MS. POWERS:

14 Q Herr. H-E-R-R.

15 A Not that I'm aware of.

16 MS. POWERS: I'm going to have this marked as
17 the next numbered exhibit.

18 (Thereupon, the referred-to document was
19 marked Defendant's Exhibit Number 13 for
20 identification by the court reporter.)

21 BY MS. POWERS:

22 Q You seen that e-mail before from Thea
23 Charrette to Mr. Herr, H-E-R-R?

24 A Not that I remember.

25 Q Is it fair to say that Miss Charrette is

□

154

1 making a direct complaint to Mr. Herr of the AKC
2 regarding the judging - your judging of the Santa
3 Barbara show?

4 MR. MCCORMICK: Object to form.

5 BY MS. POWERS:

6 Q Excuse me?

7 A Yes.

8 Q And it's your testimony you have never seen
9 that before today?

10 A Not that I remember.

11 Q Are you under any disability that impacts at
12 all on your memory?

13 A Not at all.

14 Q You're not taking any medication or anything
15 that would affect your memory, correct?

16 A No.

17 This stuff isn't that important. Judges get
Page 139

18 this.

19 Q Judges get complaints. They happen all the
20 time?

21 A Uh-huh.

22 Q Is that a yes?

23 A Yes.

24 Q Has it happened since the Santa Barbara show?

25 A No.

□

155

1 Q Excuse me?

2 A No.

3 Q I thought you said it happens all the time.

4 A well, judges get complaints all the time.

5 Q That's -- You're kind of - you're kind of the
6 target if somebody's dog doesn't win, correct?

7 A Correct.

8 Q It's easier to blame the judge than the dog
9 and the handler, correct?

10 A Correct.

11 Q And you're fairly out there in the public and
12 easy to shoot at, as a pun, you know, you're an easy
13 target for people who want to take their frustrations or
14 complaints out on somebody, correct?

15 A No.

16 Q You're not? It's not easier --

17 A No. AKC frowns upon it. They would suspend
18 people and set them down for this.

19 Q For what, for complaining?

20 A Bad-mouthing about judges on websites and
Page 140

21 stuff.

22 Q We've already gone over the letter sent to the
23 AKC. Did Mr. Gaeta ever tell any of the people who
24 wrote --

25 A That was sent to Mr. Gaeta.

□

156

1 Q You didn't let me finish, Mr. Martin.
2 Did Mr. Gaeta at any time comment to any of
3 these people that they should not be sending such
4 letters to the AKC about you and your conduct?

5 MR. MCCORMICK: Object to form.

6 A No.

7 BY MS. POWERS:

8 Q Mrs. Teague's e-mail was the only one you've
9 objected to, correct?

10 A Correct.

11 Q Did you send any letters or have any contact
12 with any other people who made unfavorable comments on
13 Cyber Dobes about your conduct at the Santa Barbara
14 show?

15 A No.

16 Q Why did you single out Mrs. Teague?

17 A They made their opinion about my judging. She
18 attacked me personally.

19 Q Prior to this lawsuit, did you know
20 Mrs. Teague?

21 A No.

22 Q Didn't know her at all?

23 A No.

24 Q Never seen her before?

25 A No.

□

157

1 Q Before today, you've never seen her?

2 A Yes, I've seen her at the shows. Not until
3 March 2006 when I asked somebody who she was.

4 Q So you have never - you have no recollection
5 of ever being - let me finish the question - ever being
6 introduced to her at any time prior to March of 2006?

7 A Never.

8 Q You didn't even recognize her prior to March
9 of 2006 as somebody who attended the dog shows and owned
10 or bred Dobermans?

11 A No, not to my recollection.

12 Q When your dogs are being shown, you do not
13 show them, correct?

14 A Sometimes.

15 Q Sometimes you actually handle the dog?

16 A Yes.

17 Q Which is more common, that you'll have a
18 handler or you will show the dog yourself?

19 A That I'll have a handler.

20 Q When was the first time, and that's the
21 question, I'm asking for a date, that you contacted
22 Mr. McCormick about Mrs. Teague's posting on Cyber
23 Dobes?

24 A I can't give you a date.

25 Q You will agree that other people on the Cyber

1 Dobes chat express the opinion that you should not have
2 judged a dog that was sired by your dog, correct?

3 A Correct.

4 Q Will you agree from having looked at the -
5 you've seen these Cyber Dobe postings but not everybody
6 who posted knew that you were aware that Cayenne was
7 Stat's offspring, correct?

8 MR. MCCORMICK: Object to form.

9 A I don't know what you mean.

10 BY MS. POWERS:

11 Q Okay. You have told me today that you knew
12 that Cayenne was Stat's offspring, correct?

13 A Before he showed in the ring?

14 Q Yes, yes, before the show. You told me
15 earlier you knew before.

16 A I knew before the show, but I had never seen
17 the dog or anything like that.

18 Q I'm just saying you knew before the show.
19 Some of the people who made comments about your judging
20 were not aware that you knew at the time of the judging
21 that Cayenne was Stat's offspring; is that a correct
22 statement?

23 MR. MCCORMICK: Object to form.

24 A I don't know exactly what you're saying. Did
25 some people - that some people didn't know that I knew?

1 BY MS. POWERS:

2 Q Yeah.

3 A I didn't necessarily know when he came in my
4 ring.

5 Q But you knew who Cayenne was?

6 A From a picture? I'd never seen him.

7 Q You have already told me that you spoke to
8 Marianne Alstead before you made your application,
9 correct?

10 A Yes.

11 Q Did you speak to her -- But you did not speak
12 to her about your application after September 1st?

13 A No.

14 Q The same with Darrel Hayes?

15 A I spoke to him after September 1st.

16 Q I'm sorry. He is the one that you spoke to
17 who said you were going to be approved?

18 A Yes.

19 Q Did you have an attorney or anyone contact the
20 AKC between September 1st and your conversation with
21 Darrel Hayes telling you you're going to be approved?

22 A No.

23 Q Have you spoken to Cheri McNealey about this
24 lawsuit?

25 A No.

□

160

1 Q Do you know what knowledge she has regarding
2 this lawsuit other than that the post was on Cyber Dobe?

3 A No.

4 Q what does Mr. Mitchell know about the April
5 2006 dog show in Perry, Georgia?

6 A what do you mean, what does he know?

7 Q You have answered, in your answers to
8 interrogatories, Mr. Mitchell is an AKC representative
9 and is believed to possess information concerning
10 Mr. Martin's qualifications and performances as an AKC
11 judge.

12 Mr. Mitchell is also believed to possess
13 information concerning the events the defendant alleges
14 in her answers to plaintiff's first set of
15 interrogatories to have occurred at an April 6th, 2006
16 show in Perry, Georgia.

17 A She says that Mr. Mitchell reprimanded me. I
18 was never reprimanded.

19 Q Is that his knowledge? Have you spoken to
20 Mr. --

21 A He was the rep at the show.

22 Q And he never discussed your conduct?

23 A Never.

24 Q And what does Mr. Farious know about the
25 incident in April 2006 at the Perry, Georgia show?

□

161

1 MR. MCCORMICK: Object to form.

2 A I don't know what you mean what he knows.

3 BY MS. POWERS:

4 Q You have said he has some knowledge, and I'm
5 trying to find out, Mr. Martin, what knowledge you think
6 Mr. Farious has.

7 A He just was there for the - what you all were
8 talking about, there was an incident where they tried to
9 call a bench show.

10 Q Will you agree with me -- who was it that
11 tried to call a bench show?

12 MS. TEAGUE: Linda Crewcore (phonetic).

13 BY MS. POWERS:

14 Q Linda Crewcore tried to call a bench show in
15 the Perry, Georgia show?

16 A Yes.

17 Q What's a bench --

18 A It's a hearing after the show on something
19 that somebody brings up.

20 MS. TEAGUE: At the end of the show.

21 MS. POWERS: Please.

22 BY MS. POWERS:

23 Q And you knew that Linda Crewcore had
24 complaints against you that she wanted to bring formally
25 at that show, correct?

□

162

1 MR. MCCORMICK: Object to form.

2 A Correct.

3 BY MS. POWERS:

4 Q How did you find that out?

5 A Well, she came out of the ring, and Sandy and
6 another heavysset woman marched right up to her and
7 looked over at me and then looked at each other and then
8 started discussing. It was obvious that they were going
9 to do something.

10 Q what did Miss Crewcore complain had occurred
11 at the show that she wanted a bench?

12 MR. MCCORMICK: Object to form.

13 A That I told her to move her dog up in the
14 ring.

15 BY MS. POWERS:

16 Q Did you tell her to move her dog up in the
17 ring?

18 A Yes.

19 Q Is it appropriate for you -- At that show, one
20 of your dogs was being shown, correct?

21 A Yes.

22 Q You weren't a judge there, correct?

23 A Correct.

24 Q You weren't judging the dogs in the ring,
25 correct?

□

163

1 A Correct.

2 Q would you agree was it inappropriate for you
3 outside the ring to tell her what to do with her dog
4 inside the ring?

5 A I don't know, I didn't think she understood or
6 could hear him.

7 Q My question was, is it appropriate for people
8 outside the ring to speak to the competitors and tell
9 them what to do with their dog?

10 MR. MCCORMICK: Object to form.

11 A They do it.

12 BY MS. POWERS:

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13 Q That wasn't my question. Is it appropriate?
14 MR. MCCORMICK: Object to form.
15 A I don't know.
16 BY MS. POWERS:
17 Q Mr. Martin, isn't it true that it's
18 inappropriate, and that you know as an AKC judge now,
19 that it's inappropriate for people outside the ring to
20 give instructions to handlers inside the ring? That's
21 inappropriate, correct?
22 MR. MCCORMICK: Object to form.
23 A Could be.
24 BY MS. POWERS:
25 Q As a judge, do you think it's appropriate --

□

164

1 when you're in the ring as a judge, do you think it is
2 appropriate for people outside the ring to give
3 instructions to the competitors inside the ring?
4 A I don't know.
5 Q You don't have enough knowledge?
6 A No.
7 Q Don't have enough experience?
8 A No. I mean, it would be okay. I mean, people
9 do it. I didn't give it any thought. I don't think
10 about it.
11 Q So there are no instructions on this subject,
12 you have no knowledge one way or the other?
13 A Maybe not, you know. I mean, they do it but I
14 mean --
15 Q You think --

(vol 1) martin v.txt
16 A -- it's best not to.
17 Q I'm sorry.
18 You think it was okay for that day for you in
19 Perry, Georgia to shout out for Miss Crewcore to move
20 her dog up?
21 MR. MCCORMICK: Object to form.
22 BY MS. POWERS:
23 Q Yes or no?
24 A Not necessarily.
25 Q Was your conduct appropriate, yes or no?

□

165

1 A Not necessarily.
2 Q Not necessarily what, I mean?
3 A You know, to say --
4 Q Was it right or wrong?
5 A I don't know if it was.
6 Q It was gray?
7 A Yeah, it was gray, you know, whether I should
8 have told her or not, whether she heard him tell her.
9 Q I'm not asking what she heard, I'm asking
10 about your conduct. Okay. The question is --
11 MR. MCCORMICK: The question's been asked and
12 answered a bunch of times.
13 MS. POWERS: If I could get a yes or no.
14 MR. MCCORMICK: You got his answer. You don't
15 like his answer. You got his answer.
16 MS. POWERS: No comments, Mr. McCormick, no
17 speaking objection.
18 MR. MCCORMICK: I know the rule. The rule is

19 I'm not going to sit here and have you ask him the
20 same question over and over again just because you
21 don't like his answer.

22 MS. POWERS: Another speaking objection and
23 we'll take a recess.

24 MR. MCCORMICK: Fine.

25

□

166

1 BY MS. POWERS:

2 Q Mr. McCormick -- I'm sorry, excuse me,
3 Mr. Martin, based on all your years of experience as a
4 breeder/handler in the sport and as an AKC judge, was it
5 inappropriate for you to shout out to Miss Crewcore to
6 move up her dog at the Perry, Georgia show, yes or no?

7 MR. MCCORMICK: Object to form.

8 A Possibly.

9 BY MS. POWERS:

10 Q Yes or no?

11 MR. MCCORMICK: Object to form.

12 A Was it inappropriate or appropriate?

13 BY MS. POWERS:

14 Q Yes. Was your behavior appropriate or
15 inappropriate on that day?

16 A It was fine, you know.

17 MR. MCCORMICK: Object to form.

18 BY MS. POWERS:

19 Q It was appropriate?

20 A It was fine, yes.

21 Q So it's appropriate.

22 And is it your position that other AKC judges
23 that you know believe that that's appropriate behavior?
24 And I'm referring to the judges who have mentored - the
25 AKC judges who have mentored you would say that your

□

167

1 behavior, already being a provisional judge and an owner
2 of a dog in the ring, it was appropriate for you to
3 shout out to a contestant in the ring on that day?

4 MR. MCCORMICK: Object to form.

5 A Well, she wouldn't move up. I'd have to ask
6 him. I don't know. I don't know in this situation.

7 BY MS. POWERS:

8 Q You don't know?

9 A In this situation we were in, in the situation
10 we were in, I'd have to ask him.

11 Q Were you proud of what you did that day?

12 A Was I proud?

13 Q Yeah.

14 A I don't know if I was proud or not proud. I
15 didn't think about if I was proud or not.

16 Q Who is Cheryl Green?

17 A A lady I breed with.

18 Q And was she at the Perry dog show?

19 A Yes.

20 Q What knowledge does she have about what you
21 did at the Perry dog show?

22 A She was standing with me.

23 Q Did she ever tell you she was glad that you
24 said what you said?

25 A No.

168

1 Q what does she know about what happened, just
2 that it happened?

3 A Yes.

4 Q Chuck whitney, what knowledge does he have of
5 the June '05 dog show in Lakeland?

6 A About what?

7 Q You have listed Chuck whitney as a witness in
8 your answers to interrogatories, and you have said, and
9 I'll quote, Mr. whitney --

10 MR. MCCORMICK: Let her finish.

11 BY MS. POWERS:

12 Q -- is believed to have knowledge of the event
13 defendant alleges in her answers to interrogatories to
14 have occurred on June - at a June 2005 dog show in
15 Lakeland.

16 A Read me hers and then I can tell you what his
17 is.

18 Q Sir, this is what you prepared and signed
19 under oath.

20 A Right, but I responded to something.
21 Obviously, I didn't just say Chuck whitney out of the
22 clear blue.

23 Q I'll read the question. Did you prepare your
24 answers to these interrogatories yourself?

25 A Yeah.

1 Q Okay. The question is, Number 2, identify
2 each person, other than a person intended to be called
3 as an expert witness at trial, having discoverable
4 information that tends to support a position you have
5 taken or intend to take in this matter, including any
6 claim for damages, and state the subject matter of the
7 information possessed by that person.

8 A Okay. I got it.

9 Q Among your many -- You have listed many
10 people, and among them is Mr. Whitney.

11 A Gotcha.

12 Q Okay.

13 A She had said - Sandy had said that I yelled
14 across the room to Chuck Whitney, "See, Chuck, big dogs
15 do win, okay?" That is not what happened. That's why I
16 listed him.

17 Q So Mr. Whitney is going to support your
18 version of what happened that day?

19 A Well, if he doesn't, there are witnesses that
20 will.

21 Q And all these other --

22 A It's not that situation.

23 Q Okay. There are other situations that have
24 occurred --

25 A No.

□

170

1 Q You have to let me finish the question.

2 There are other situations that occurred other
Page 153

3 than the ones that are the subject of the complaints
4 made to the AKC on your application, correct? We're now
5 talking about something else, correct?

6 A No, it wasn't anything.

7 Q It wasn't anything?

8 A No. I was having a conversation -- The
9 defendant says in her interrogatories that I yelled
10 across the room at Chuck Whitney, see, Chuck, big dogs
11 do win.

12 There was three of us standing there speaking
13 very quietly, okay. Nobody could have heard anything,
14 okay. Yes, I said to Chuck, see, Chuck, big dogs can
15 win.

16 Q And you said it in a very soft, sweet voice?

17 A Very soft, okay. So for anybody to know
18 besides the three people that were standing there, they
19 had to have been told.

20 Q My question is, is Mr. Whitney going to say --

21 A You'll have to ask --

22 Q My question, sir, is you say he has knowledge.
23 Is his knowledge going to support your version of what
24 happened or Mrs. Teague's version?

25 MR. MCCORMICK: Object to form.

□

171

1 A You'll have to ask him. You'll have to ask
2 Mr. Whitney.

3 BY MS. POWERS:

4 Q But you're supposed to tell me what he knew,
5 and you're telling me you do not know what he knows?

6 A I know what he knows.
7 Q what does he know?
8 A I just told you.
9 Q That's what you believe, correct?
10 A No, that's what happened.
11 Q Have you ever spoken to Mr. Whitney about
12 this?
13 A No.
14 Q Has your attorney ever spoken to Mr. Whitney?
15 A Not that I'm aware of.
16 Q who was the chairperson of the Augusta kennel
17 show in April of 2006?
18 A I can't remember.
19 Q Fair to say you don't know what he or she then
20 knows about any incidents, you don't know who it is?
21 A No.
22 Q Then what does that person who you don't know
23 it is know about the April 2006 dog show?
24 A That there were no grounds for a bench show.
25 Q That's your belief, correct?

□

172

1 A That's what I was told.
2 Q who told you that?
3 A The Chair.
4 Q who was the Chair?
5 A I don't remember his name. There's only one
6 Chair.
7 Q Okay.
8 A why do I need to know his name? I don't

9 understand.

10 Q Because if you're going to call somebody as a
11 witness, sir, in the lawsuit, I need to be able to take
12 their deposition and find out what they know, and that's
13 why I'm trying to find out, and you've just said a show
14 person. I don't even know if it's a man or a woman.

15 Now, do you recall now it is a man?

16 A Yes.

17 THE WITNESS: Can we take a break so you can
18 get me these names of all these people that I don't
19 know names and dates?

20 MR. MCCORMICK: You're here to tell her what
21 you know.

22 THE WITNESS: If you'll give me a break, we
23 will go and get this man's name because I don't
24 know it.

25

□

173

1 BY MS. POWERS:

2 Q Okay. How many conversations did you have
3 with this man about what happened at the show in Perry,
4 Georgia?

5 A Two days -- Two times.

6 Q When were they, what two days were those?

7 A Two times.

8 Q Two times, I'm sorry. When were those two
9 times?

10 A He walked up to me and said they were trying
11 to file a bench show and not to leave the show grounds,

12 and I said okay. And then I walked back over and I
13 said, is it okay to leave.

14 Q And what did he say then?

15 A And he said yes, there were no grounds found,
16 have a good evening. I'm sorry.

17 Q Did he say that a bench had been called and
18 the bench show had found no grounds, or there had been
19 no bench?

20 A There had been no grounds to call a bench
21 show.

22 Q Okay. The calling of a bench show, would you
23 agree that would have been detrimental on your career as
24 a judge?

25 A I would believe it would be the outcome of the

□

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1 bench show.

2 Q You don't think that the allegations of the
3 word getting out that a bench had been called on you
4 would be harmful to your judging career?

5 A No.

6 Q Okay. And the person making those
7 acquisitions was Linda Crewcore?

8 A Yes.

9 Q Have you ever spoken to Linda Crewcore?

10 A No. Hello, you know.

11 Q But you never spoke to her about what occurred
12 at the Perry show?

13 A No.

14 Q we've already spoken about Marianne Alstead.

15 Does she have any other knowledge about your
16 application, qualifications or licensing that you have
17 not already told me?

18 A No, not that I'm aware of.

19 Q Mr. Martin, I don't get multiple times to do
20 this so I need to know what you know so that I can
21 defend this lawsuit.

22 A I understand.

23 Q Who is Michelle Lewis?

24 A She runs the Doberman magazine.

25 Q And what does she know about this lawsuit?

□

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1 A Nothing that I'm aware of.

2 Q Did you ever judge a show in Arizona?

3 A Yes.

4 Q Was Michelle Lewis involved in the setting up
5 the committee for that show?

6 A Not that I'm aware of.

7 Q Did Miss Lewis convey to you that she had
8 gotten some complaints about you as a judge?

9 A As a judge?

10 Q Yes, sir.

11 A Not that I'm aware of.

12 Q Okay. In Paragraph 37 of your complaint, your
13 lawyer stated: Recently Martin learned that a club
14 which has hired him to judge his Doberman Pinscher Best
15 of Breed's Competition March of 2007 has been contacted
16 by numerous potential exhibitors who, based on the
17 false, misleading statements in the online post

18 threatened to withhold their entry unless Martin is
19 replaced by a different judge.

20 A Okay. I thought you meant after I judged, did
21 she say that they complained. You mean were they
22 complaining that I was hired as the judge?

23 Q Yes.

24 A Yes.

25 Q Did you judge?

□

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1 A Yes.

2 Q And do you know the name of any of the
3 numerous potential exhibitors who complained about you?

4 A They complained to Mimi Brown. That came
5 through Mimi Brown.

6 Q Okay. Do you know who contacted Mimi Brown?

7 A No. I didn't ask.

8 Q Did any of the information you got either from
9 Michelle Lewis or Mimi Brown in regards to the judging
10 of the Arizona - your hiring as a judge of the Arizona
11 show, did any of them specifically mention Ms. Teague's
12 post specifically?

13 A I believe so.

14 Q who?

15 A I don't know who. I didn't ask who.

16 Q Do you have any specific knowledge to support
17 the fact, any specific knowledge as to who made the
18 complaints and who referenced Mrs. Teague's name?

19 MR. MCCORMICK: Object to form.

20 A I'll have to ask them.

21 BY MS. POWERS:

22 Q That would be Mrs. Lewis?

23 A Mimi Brown.

24 Q It's fair to say numerous people on the Cyber
25 Dobes complained about your judging, correct?

□

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1 A Correct.

2 Q Who is Theresa Molin? Have we already
3 discussed her?

4 A No.

5 Q What knowledge does she have about a dog show
6 in Brownsville, Florida in January of 2006?
7 Brooksville.

8 A Oh. I was selling pins, and the defendant
9 said that I walked over and asked if they wanted to buy
10 a pin and said that Theresa Molin was with them.

11 Q Did you --

12 A Who I know Theresa Molin.

13 Q Did you offer to give Mrs. Teague a pin?

14 A Not that I'm aware of. I wouldn't have known
15 it other than the fact she said she was sitting with
16 Doris Molin, who I don't speak to, so I can't imagine
17 that I walked over while she was sitting with Doris
18 Molin.

19 Q Fair to say you don't remember the incident
20 one way or the other?

21 A No, I don't. I do not remember doing that. I
22 don't imagine that I would do it.

23 Q You're not saying that Mrs. Teague has lied
Page 160

24 about the incident, you just don't recall it, correct?

25 A No, I'm saying she lied.

□

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1 Q Okay. You don't remember the incident
2 specifically, but you know for certain that she's lying?

3 A I --

4 Q Is that correct? Have I just made a correct
5 statement, yes or no?

6 A No.

7 Q So it's not a correct statement.

8 Do you have a specific recollection that you
9 never spoke to Mrs. Teague and offered her a pin in
10 January of 2006?

11 A I know for sure that if she was sitting with
12 Doris Molin like she said --

13 Q That wasn't my question, sir.

14 My question is, do you have a specific
15 recollection right now in August of 2007 that in January
16 of 2006 you did not approach Mrs. Sandra Teague and
17 offer her a pin on Take The Lead? Do you have a
18 recollection of that specific act, yes or no?

19 A No.

20 Q How do you know Ginny Rojas?

21 A She showed dogs.

22 Q And how did you first become familiar with
23 Mrs. Rojas?

24 A Through her husband, Carlos.

25 Q Do you ever remember being introduced by

□

1 Mrs. Rojas to Mrs. Teague?
2 A Never.
3 Q You don't have a recollection?
4 A I wasn't.
5 Q You're positive on that?
6 A Yes.
7 Q Have you spoken to Ginny Rojas about that?
8 A Yes.
9 Q And what did she say to you?
10 A She never introduced me to anybody basically.
11 Q When did you speak to her?
12 A After I saw that.
13 (Thereupon, a brief recess was taken, after
14 which the following proceedings were had:)
15 BY MS. POWERS:
16 Q Do you know Carlos Rojas, Ginny's husband?
17 A Yes.
18 Q I notice you didn't list him in your answer to
19 interrogatory as people with knowledge? That's correct,
20 you didn't list his name?
21 A With what? People of knowledge of what?
22 Q Of your introduction to Mrs. Teague. Does he
23 have any knowledge -- Did you speak to her -- Let me --
24 strike that.
25 Did you speak to Carlos Rojas about

□

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1 introducing you to Sandy Teague?
2 MR. MCCORMICK: Object to form.
3 A No.
4 BY MS. POWERS:
5 Q Do you know whether he introduced you to her?
6 A No.
7 Q And you only spoke to Mrs. Rojas?
8 A Yes.
9 Q You judged in Scottsdale in April of 2007?
10 A Yes.
11 Q In Utah in May of 2007?
12 A Yes.
13 Q West Palm Beach, May of 2007?
14 A Right.
15 Q And you're scheduled to go to Raleigh,
16 correct?
17 A Correct.
18 Q The comments that Michelle Lewis and Mimi
19 Brown made to you regarding your judging at their club
20 event, you were - had no impact on your invitation to
21 judge that show, correct?
22 A No. Yes.
23 Q Yes or no?
24 A I don't know what you mean by impact.
25 Q You were invited to -- Strike that.

□

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1 They did not rescind your invitation to judge
2 at their show, correct?
3 A Correct.

4 Q So that the comments that they told you about
5 did not impact on their selection of you for judge in
6 the Doberman breed for that show in Arizona, correct?

7 A I don't know about the impact. Yes, they did
8 have me judge. As far as the entry, I don't know that
9 it didn't make an impact.

10 Q You don't know one way or another, correct?

11 A Right.

12 Q That would just be absolute guesswork by you?

13 A Yes.

14 Q It's incorrect that you received your first
15 purebred German Shepherd bitch in 1972, correct?

16 A You're asking me it's incorrect?

17 Q Yes.

18 A I don't know if it's incorrect. I said '72,
19 '73.

20 Q But you've looked at the AKC records, have you
21 not?

22 A Not in a while. That was what, 34 years ago.
23 I know it was around '72, '73. Hold on, let's get a
24 break and let's get the record and let me look at them.

25 Q When you answered your interrogatories --

□

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1 A Yes.

2 Q -- did you just guess at the answers?

3 A No. I looked on the paperwork and I put them
4 down.

5 Q Okay.

6 A Do you want --

7 Q My question is, what paperwork did you look at
8 when you prepared the answers to interrogatories?
9 A The date that I got ownership of her.
10 Q And that --
11 A Do you want me to remember it?
12 Q I'm trying to find out, Mr. Martin -- Your
13 answers to interrogatories say 1972. I'm trying to find
14 out before you put down that day and that time --
15 And you remember you signed the answers to
16 interrogatories under oath?
17 A Uh-huh.
18 Q That's a yes, correct?
19 A Yes.
20 Q -- did you research and do your best efforts
21 to make sure those answers were true and correct?
22 A Absolutely. I thought I told you '72 or '73.
23 Is that incorrect?
24 Q There's no question pending.
25 A Okay. Can we take a break so I can look and

□

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1 see when I bought her?

2 Q No, no.

3 MR. MCCORMICK: No, that's fine.

4 BY MS. POWERS:

5 Q Have you ever threatened to sue the AKC?

6 A Never.

7 Q Have you ever sent any correspondence directly
8 or indirectly to the AKC in matters of litigation, yes
9 or no?

10 A Never.
11 Q Have you ever threatened to sue the Doberman
12 Pinscher Club of America?
13 A No.
14 Q Do you know who Sam Burke is?
15 A Yes.
16 Q who is he?
17 A President.
18 Q of?
19 A DPCA.
20 Q And have you ever complained to the DPCA?
21 A Yes.
22 Q About what?
23 A Jeff Brucker.
24 Q what did you complain about Jeff Brucker?
25 A That he was on judge's education and conflict

□

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1 of interest, and going into the ring and telling the
2 judges that the dogs they put up were incorrect.
3 Q And did you put that in writing?
4 A Yes.
5 Q when did you do that letter?
6 A I can't tell you the date.
7 Q what year?
8 A I couldn't tell you.
9 Q Did you do it yourself or with the assistance
10 of an attorney?
11 A with the assistance of an attorney.
12 Q what attorney?

13 A Bill McCormick.
14 Q In reference to this litigation, when was the
15 letter sent?
16 MR. MCCORMICK: Object to form.
17 BY MS. POWERS:
18 Q Excuse me?
19 A Probably a year.
20 Q One year?
21 A Uh-huh.
22 Q Is that a yes?
23 A Yes.
24 Q What was the results of your complaint?
25 A That he wasn't going to do it anymore.

□

185

1 Q What exactly was your complaint about
2 Mr. Brucker? I'm sorry, could you explain what he was
3 doing that you thought was inappropriate?
4 A I thought I just did.
5 Q Could you explain - explain it again to me.
6 MR. MCCORMICK: Object to form.
7 A When my dog would win, he would go in the ring
8 and tell the judge that the dog was inappropriate to
9 win.
10 BY MS. POWERS:
11 Q Too big?
12 A Yeah.
13 Q Is that a yes?
14 A Yes.
15 Q So Mr. Brucker was publicly expressing the

16 complaint to the judge that your dog was too big?
17 A Yes.
18 Q Did you complain to the AKC?
19 A No.
20 Q Who was the judge involved in the incident?
21 A Many judges.
22 Q This happened many, many times?
23 A Yes.
24 Q How many times?
25 A I couldn't tell you.

□

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1 Q Was it only happening when your dog won?
2 A Yes.
3 Q Did he complain when your dog lost?
4 A No.
5 Q Did your letter regarding Mr. Brucker occur
6 after he made the complaint to the - strike that - after
7 he wrote the letter to Mr. Gaeta?
8 A No, it was before.
9 Q It was before he wrote the letter?
10 A Yes.
11 Q So that would mean that letter, your
12 complaints were in 2000 - before September of 2005?
13 A Yes, I believe so.
14 Q How many letters did you write?
15 A Just one that I remember.
16 Q Did you get a written response to your letter?
17 A I don't remember.
18 Q Was the letter signed by you or by

19 Mr. McCormick?

20 A Mr. McCormick.

21 Q What was the nature of the letter? Other than
22 complaining about Mr. Brucker, what did you want the
23 DPCA to do?

24 A It was a conflict of interest if you're on the
25 judge's education committee and you're showing the dog,

□

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1 to go in and say that dog wasn't correct but the one I'm
2 showing is correct.

3 Q And is that in the AKC guidelines for judging?

4 A Is what in there?

5 Q The fact that you can't --

6 A It's a parent club.

7 Q Excuse me?

8 A AKC doesn't - it doesn't handle the parent
9 club. It's in a parent - it's a parent club, the DPCA
10 saying not AKC. I mean, you could make it maybe AKC
11 but --

12 Q Does the DPCA have written guidelines for
13 conflict of interest for judges?

14 A I don't know.

15 Q The DPCA doesn't -- Does the DPCA have judges
16 for its breed separate and apart for those approved by
17 the AKC for the Doberman breed?

18 A No.

19 Q Would it be fair to say then the AKC
20 guidelines are part of the guidelines which the
21 individual breed clubs must follow?

22 A Right.
23 Q As an AKC judge, are you aware of any specific
24 written black and white guideline that says that
25 Mr. Brucker could not do what he was doing?

□

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1 A No.
2 Q But you still thought it was wrong?
3 A Absolutely.
4 Q Was that your opinion?
5 A I don't know. I think -- well, it's my
6 opinion too, but, you know, everything is not written in
7 the guidelines.
8 Q That's correct. The guidelines have gray
9 areas, and you're supposed to use common sense too,
10 correct?
11 A Right, right.
12 Q Or as the guideline say, quote, these are only
13 examples. The key is to avoid situations that are
14 likely to give the impression of impropriety. You must
15 do everything possible to keep your reputation above
16 reproach?
17 MR. MCCORMICK: Objection.
18 BY MS. POWERS:
19 Q That's what the guidelines state?
20 A I understand.
21 MR. MCCORMICK: Object to form.
22 BY MS. POWERS:
23 Q That was your complaint about Mr. Brucker?
24 MR. MCCORMICK: Object to form.

25 A Right.

189

1 BY MS. POWERS:

2 Q Did you ever discuss this with Mr. Brucker
3 personally?

4 A Not really other than just saying, you know,
5 one time when I saw him go in the ring, did you talk to
6 the judge, did you tell him, you know.

7 Q Did you tell him my dog's too big?

8 A Yeah.

9 Q That's a yes?

10 A Yes.

11 Q Did you feel that Mr. Brucker was saying it in
12 a taunting manner or inappropriate manner?

13 A Yes.

14 Q Did you keep a copy of all the documents that
15 you sent for your AKC application to the American Kennel
16 Club?

17 A I believe so.

18 Q And those are the documents you produced - you
19 gave to your attorney then to produce to me upon the
20 defendant's request?

21 A Yes.

22 Q You made only one application, correct?

23 A That I'm aware of, yes.

24 Q Are you aware of any other application you
25 made? Did you make any prior applications that were

1 denied or make any application from any other years?

2 A No.

3 MS. POWERS: whatever the next number is.

4 (Thereupon, the referred-to document was
5 marked Defendant's Exhibit Number 14 for
6 identification by the court reporter.)

7 BY MS. POWERS:

8 Q Looking at Number 14, is that a true and
9 correct copy of a page of your application of the new
10 breed synopsis page?

11 A Yes.

12 Q what date did you date this?

13 A March 14th, '05.

14 Q Did you start doing it on another date,
15 because it looks like there's something under the three
16 of the March and there's something under the five for
17 the year?

18 A I have no idea what that is. Maybe I started
19 it at another time and I just finished it at another
20 time so I changed it.

21 Q I'm asking you, Mr. Martin, if you
22 recollect --

23 A No.

24 Q -- because I don't know.

25 A No.

□

1 Q Okay. Can you read to me what the numbers are
2 across next to the word Doberman?

3 A Uh-huh.

4 Q The numbers, just read me the numbers across.

5 A Eight.

6 Q What's the next number?

7 A Nine. Nine. Six. Thirteen. Fourteen. And
8 then there's a four in there.

9 Q Do you know what the - what's been scratched
10 out?

11 A I couldn't tell you. No idea.

12 Q You did that though, didn't you?

13 A I have no idea.

14 MS. POWERS: I'm going to show you the next
15 number, which is what, 15.

16 (Thereupon, the referred-to document was
17 marked Defendant's Exhibit Number 15 for
18 identification by the court reporter.)

19 BY MS. POWERS:

20 Q Looking at Exhibit 14 and 15. 15 is the one
21 you produced in this litigation, and 14 is the one
22 produced by the AKC. Do you recall making any changes
23 to your application?

24 A Well, no, but one I could have started, and
25 then by the time I sent it in, is the only thing I could

□

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1 think of, and then I sent it in and I said let me change
2 this to this. I don't know.

3 Q Well, which one would you have not produced,
4 the one you sent -- wouldn't the last one have been the
5 one you sent to the AKC?

6 A I don't understand what you're saying.

7 Q You'll agree there's changes between the two
8 documents, correct?

9 A Sure, I see. Yes.

10 Q Did you make any of those changes on the two
11 documents?

12 A After AKC or after --

13 Q I'm sorry, yeah, after you sent it in.

14 A No, no, no, no, no. No. This is what was
15 sent in. If this is what we had, this is what was sent
16 in. It wasn't like a personal thing that I did and gave
17 you something different.

18 Q So you can't explain to me the difference
19 between the document produced by the AKC and the one you
20 produced, correct?

21 A Right. There's another one that AKC has that
22 has 32 years down. There's another document, the other
23 one that says 32 years.

24 MR. MCCORMICK: Which one did you say was the
25 one from the AKC?

□

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1 MS. POWERS: The one that says from AKC.

2 MR. MCCORMICK: So 14.

3 MS. POWERS: Yes, 14 is from the AKC, and 15
4 is the one produced in discovery by Mr. Martin.

5 A Maybe I had done a 96 and then they told me
6 that it was 1972, so I put '72 because that's what they
7 went from.

8 BY MS. POWERS:

9 Q But the answer is you don't know as you sit
10 here today?
11 A No, no.
12 Q Okay. You have told me that you -- when you
13 exhibit your dogs, do you go with them?
14 A Usually.
15 Q Usually. If it's not local, do you fly?
16 A Yes.
17 Q Excuse me?
18 A Yes.
19 Q I know that there's some people who don't take
20 their dogs on planes.
21 Have you ever flown with Stat in the cabin
22 with you on a plane?
23 A Yes.
24 Q Yes?
25 A Yes.

□

194

1 Q when did you do that?
2 A Different times.
3 Q Is Stat a therapy dog?
4 A He's a service dog.
5 Q He's a what?
6 A Service dog.
7 Q By what entity is he certified as a service
8 dog?
9 A Well, I have him as a service dog because I
10 depend on him, like in anxiety if I fly without him, you
11 know, for him to be underneath the - in the cabin.

12 Q Are you disabled in any way, Mr. Martin?
13 A No.
14 Q Are you trying to tell me that Stat is your
15 service dog?
16 A Uh-huh.
17 Q Yes?
18 A He can be, yes.
19 Q Has he been certified as a service dog by any
20 organization?
21 A Just where you get the paperwork from --
22 Q No. My question --
23 A -- online.
24 Q My question --
25 A You get it online. That's where I got it.

□

195

1
2 Q You got the little jacket online --
3 A Right.
4 Q -- to put on the dog, correct?
5 A Right.
6 Q But no organization -- Strike that.
7 You're aware that organizations certify dogs as
8 service dogs, correct?
9 A Right.
10 Q Stat is not a service dog certified by any
11 organization, correct?
12 A Yes.
13 Q Are you aware that it's illegal to travel with
14 stat in the cabin of a commercial airliner with -

15 designating him as a service dog?

16 A Yes. I talked to them about it and I told
17 them that - you know, that I get anxiety without him or
18 whatever, and that's how I was flying him like that.
19 They didn't say anything that I couldn't.

20 Q So you lied and said you needed --

21 MR. MCCORMICK: Object to form.

22 BY MS. POWERS:

23 Q So you lied --

24 A Well, I do.

25 MR. MCCORMICK: Object to form.

□

196

1 BY MS. POWERS:

2 Q Did you tell any airline that Stat was a
3 service dog?

4 A Yes. I say he's a service dog, flying as a
5 service dog.

6 Q And that is a lie because he is not a
7 certified service dog, correct?

8 MR. MCCORMICK: Object to form.

9 A Okay.

10 BY MS. POWERS:

11 Q Is that a yes?

12 A Yes.

13 Q Okay. Are you aware that you are violating
14 AKC regulations by flying Stat as a service dog?

15 A Yes.

16 Q Do you realize that that fact can endanger
17 your approval as an AKC judge?

18 A Uh-huh.
19 Q Yes?
20 A Yes.
21 Q How many times have you flown with Stat on a
22 plane claiming that he is a service dog?
23 A I don't know.
24 Q More than once?
25 A Probably.

□

197

1 Q More than five times?
2 A Probably not.
3 Q And you are aware each time you did that that
4 was a violation of Federal regulation?
5 (Thereupon, the proceedings were continued in
6 Volume II:)
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C E R T I F I C A T E

STATE OF FLORIDA,)
COUNTY OF BROWARD.)

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

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

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

Signed this 27thday of August 2007.

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

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□

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 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,

Maria Bartlett, Shorthand Reporter.

□

