

EXHIBIT B

In The Matter Of:

**ROBERT RUSSELL v.
GOLDEN SKY SYSTEMS, INC.**

**ROBERT RICHARD RUSSELL
March 15, 2004**

**Tom Crites & Associates International, Inc.
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**Original File ROBERT~1.TXT, 150 Pages
Min-U-Script® File ID: 0307548634**

Word Index included with this Min-U-Script®

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA
ROBERT RUSSELL)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 030141G
GOLDEN SKY SYSTEMS, INC.,)
Defendant.)

Deposition of ROBERT RICHARD RUSSELL, taken by
counsel for Defendant, pursuant to notice and
agreement of counsel, for all purposes allowed under
the Civil Practice Act, before Marie H. Bauer,
Certified Court Reporter, Registered Professional
Reporter, and Certified Realtime Reporter, at
200 East St. Julian Street, Savannah, Georgia, March
15, 2004, commencing at 10:45 a.m.

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2 (THE REPORTER: I'm appearing here today
 3 on behalf of my employer, Tom Crites &
 4 Associates. My office was requested by
 5 Mr. McRae's office to provide a court reporter
 6 today at 10:00 a.m. at this address. Pursuant
 7 to the laws of Georgia, as well as at the
 8 instructions of my employer, I wish to disclose
 9 that, other than accepting to serve as your
 10 reporter, we have not entered into any other
 11 contractual agreement with any party involved
 12 in this case.)
 13 MFL MCRAE: This is the deposition of
 14 Robert Russell in the case of Robert Russell v.
 15 Golden Sky Systems. It's being taken pursuant
 16 to notice and agreement, and it's being taken
 17 for all purposes allowed under the Civil
 18 Practice Act.
 19 Mr. Russell has also brought documents
 20 pursuant to our notice to produce which was
 21 previously filed in I believe June of 2003. We
 22 received no documents in response to it, and
 23 we'll ask Mr. Russell about that later.
 24 We also served the same request again in
 25 connection with the notice of deposition, and

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2 he has produced documents here today from a
3 stack of documents that he brought. Again,
4 we'll get into this a little bit later when we
5 get him to identify the documents. But I
6 requested that Mr. Russell produce to us those
7 documents that he feels, in his opinion,
8 without my input, but from his opinion, are
9 relevant to this case, and he has gleaned out
10 those documents that he believes are relevant,
11 and they're currently being copied so that we
12 can admit them as exhibits to this deposition.
13 Before we get started, you understand what
14 the deposition process is. It's our
15 opportunity to get your statement under oath.
16 She'll administer the oath in a minute. And
17 I'll ask you a series of questions. She will
18 take down all your responses. She is a
19 licensed court reporter who takes down your
20 statement, puts it into a written form, which
21 is called your deposition transcript. All
22 those answers are under oath, and it's the same
23 as if you were testifying at trial in the
24 courtroom, and all those answers, by the giving
25 of your oath, you verify are true and correct.

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2 I'll ask the court reporter to go ahead
3 and swear you in.
4 ROBERT RICHARD RUSSELL,
5 having been produced and first duly sworn as a
6 witness, testified as follows:
7 EXAMINATION
8 BY MR. MCRAE:
9 Q Mr. Russell, my name is Colin McRae. I
10 represent Golden Sky Systems, the defendant that you
11 named in this complaint. I'm going to ask some
12 questions about your allegations, about the
13 documents, and about your version of the events that
14 led up to this complaint.
15 You have indicated prior to the deposition
16 that — when discussing whether or not you want to
17 read the transcript or whether you waive reading of
18 the transcript, you indicated that you would waive
19 reading the transcript and go with what she
20 transcribes. Is that correct?
21 A That's right.
22 Q Just to make things go smoothly, I will
23 ask you a question. If you could just wait for me
24 to complete my entire question before you give your
25 answer, it'll make it a lot easier for her to be

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MCRAE - RUSSELL

(1) able to say who said what at what time. If you
(2) could make sure that all of your responses are oral,
(3) so instead of, you know, shaking your head no, if
(4) you could make sure to voice the no, so that she can
(5) give an accurate representation of your answers.
(6) A: Yes.
(7) Q: And I'll, of course, give you the same
(8) courtesy. If you're giving an answer, I'll wait
(9) until you're finished with your answer before I
(10) start my next question. And, of course, if there
(11) are any questions that you don't understand, please
(12) let me know, ask me to rephrase it, and I'll be
(13) happy to do so, but if you answer a question, I'll
(14) assume that you understood it.
(15) A: Yes, sir.
(16) Q: Well, let's go ahead and get started. If
(17) you could give your full name for the record.
(18) A: Robert Richard Russell.
(19) Q: And what is your current address,
(20) Mr. Russell?
(21) A: 208 Green Oak Drive.
(22) Q: 208 what?
(23) A: Green Oak Drive.
(24) Q: And if you could try to enunciate so that

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MCRAE - RUSSELL

(1) she can understand everything that you're saying.
(2) A: Okay.
(3) Q: And that's in Savannah?
(4) A: Yeah, southwest Savannah.
(5) Q: What's the ZIP?
(6) A: 31419.
(7) Q: Obviously in Chatham County?
(8) A: Correct.
(9) Q: What's your current telephone number?
(10) A: 920-1200.
(11) Q: That's your home phone?
(12) A: Yes.
(13) Q: Do you have a cell phone?
(14) A: No, I don't, sir.
(15) Q: Do you have an office phone?
(16) A: Well, I don't have a personal office, so
(17) my work number would be 966-7130. That should go
(18) through.
(19) Q: 7130?
(20) A: Correct.
(21) Q: That's where you could be reached at your
(22) office?
(23) A: Well, I don't have an office. I can be
(24) reached at —

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MCRAE - RUSSELL

(1) Q: Well, at work?
 (2) A: Yes.
 (3) Q: What is your date of birth?
 (4) A: March 29, '53.
 (5) Q: Where were you born?
 (6) A: Savannah.
 (7) Q: What's your Social Security number?
 (8) A: 253-88-8657.
 (9) Q: Have you ever gone under any other names,
 (10) aliases, anything?
 (11) A: No, sir.
 (12) Q: So you've never had a name change?
 (13) A: No, sir.
 (14) Q: Do you have any family that currently
 (15) resides in Chatham County?
 (16) A: No, sir.
 (17) Q: How about cousins?
 (18) A: No, sir.
 (19) Q: No cousins? Aunts? Uncles?
 (20) Grandparents? Grandchildren?
 (21) A: No, sir, no, sir.
 (22) Q: Do you have any children?
 (23) A: No, sir.
 (24) Q: Do you reside with anyone at 208 Green Oak

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MCRAE - RUSSELL

(1) veterans. Is that correct?
 (2) A: Correct, Paralyzed Veterans.
 (3) Q: Where would that telemarketing operation
 (4) have began?
 (5) A: Paulsen, near 66th, I think.
 (6) Q: And when you say it was a telemarketing
 (7) operation, was it a telemarketing operation for
 (8) satellite service?
 (9) A: Oh, no, this is Paralyzed Veterans.
 (10) Q: When you say a telemarketing operation,
 (11) what does that mean?
 (12) A: That means you call people up on the phone
 (13) and ask them to help the paralyzed veterans, and
 (14) it's just like telemarketing.
 (15) Q: Kind of like a fund drive or —
 (16) A: Exactly, you got it.
 (17) Q: Have you ever worked with Ms. Gilray?
 (18) A: In that capacity, yes. She worked there,
 (19) too, and —
 (20) Q: Was Ms. Gilray an employee of Golden Sky?
 (21) A: She was a sales rep, an independent
 (22) contractor in Chatham County. She was not an
 (23) employee, but an independent contractor.
 (24) Q: So she was an independent contractor —

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MCRAE - RUSSELL

(1) Drive?
 (2) A: Yes. At the present time I'm using a room
 (3) at Ms. Gilray's residence.
 (4) Q: Who?
 (5) A: Ms. Gilray.
 (6) Q: Ms. Gilray. Who is Ms. Gilray?
 (7) A: She's a friend.
 (8) Q: What's her name?
 (9) A: Wendy Gilray.
 (10) Q: Are you related to Ms. Gilray?
 (11) A: No, sir.
 (12) Q: What is your relationship with Ms. Gilray?
 (13) A: Friend.
 (14) Q: How long have you known Ms. Gilray?
 (15) A: It's probably been ten years or more.
 (16) Q: How did you first meet Ms. Gilray?
 (17) A: Probably at a telemarketing operation or
 (18) the Paralyzed Veterans.
 (19) Q: Marketing?
 (20) A: Telemarketing.
 (21) (Off-record discussion.)
 (22) BY MR. MCRAE:
 (23) Q: You were talking about how you first met
 (24) Ms. Gilray was at a telemarketing for handicapped

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MCRAE - RUSSELL

(1) she had an independent contractor relationship with
 (2) Golden Sky?
 (3) A: Correct.
 (4) Q: What would the time frame of her
 (5) independent contractor relationship with Golden Sky
 (6) have been?
 (7) A: '98, from about June and July and August.
 (8) Q: June, July, and August of '98?
 (9) A: Correct.
 (10) Q: While we're on the subject, do you know
 (11) what the cause of the end of the relationship
 (12) between Golden Sky and Ms. Gilray was?
 (13) A: There was a dramatic cutback in commission
 (14) for the sale of the satellite dish systems and the
 (15) starting up of service. Then, too, she was angry
 (16) because several of her sales, some of them got
 (17) credited to Mr. Patterson instead of to her. One of
 (18) these involved a deputy sheriff with the Effingham
 (19) County Sheriff's Department.
 (20) Q: This involved a deputy sheriff?
 (21) A: We sold a system — or I'd say she sold a
 (22) system to a deputy sheriff of the Effingham County
 (23) Sheriff's Department, and I was the one who
 (24) installed it. And subsequently, she was supposed to

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[1] get paid on it, and it ended up not being paid to
[2] her, but ended up being paid apparently to the
[3] manager of the office. There was several instances
[4] like that.

[5] Q: So did she quit?

[6] A: Yes. She just terminated her arrangement
[7] with them since she felt she could not be treated
[8] fairly.

[9] Q: But she herself terminated the
[10] relationship?

[11] A: Yes.

[12] Q: I remember seeing her name in your
[13] interrogatory responses as somebody who would have
[14] relevant information.

[15] A: Correct, as well as others.

[16] Q: Right. While we're on the subject of her,
[17] and this is a little out of chronological order, but
[18] let's go ahead — I'll go ahead and ask. What other
[19] information does Ms. Gilray have about the
[20] allegations of this case?

[21] A: Well, I have to make reference to some of
[22] the documents that I gave you — that would be
[23] okay? — or I could just tell you.

[24] Q: Just tell me. Just tell me. We'll get to

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[1] here. This person you charged, and this person was
[2] in Guyton, and then this other person, you charged
[3] them this, and they were in Rincon." And I said,
[4] "Wait a minute, Jim. You're running too fast. Let
[5] me go get my book." He said, "What do you mean you
[6] can't remember these customers. They live right
[7] next door to each other." Now, when he said they
[8] live right next door to each other, how could they
[9] live right next door to each other and yet they live
[10] in two separate towns.

[11] Q: Okay. I want to stop right there. What
[12] does this have to do with Ms. Gilray? I'm asking
[13] you what information she has about this case.

[14] A: Well, yes, yes. Well, you see, she had
[15] direct contact with these customers. In other
[16] words, she can testify as to the physical location
[17] of these customers.

[18] Q: She can testify as to the physical
[19] location?

[20] A: Of these customers and as to the
[21] arrangement that they had with her and as to me in
[22] respect to being Chatham County customers. Let me
[23] reiterate clearly that when you sell in Chatham
[24] County, you are an independent contractor, and as

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[1] those documents later.

[2] A: When Mr. Patterson made his assertions
[3] alleging I was unscrupulous, I had overcharged
[4] customers, and so forth, and he made references to
[5] several customers, several of these customers, in
[6] fact, had been sold by Ms. Gilray.

[7] MR. MCRAE: Can we go off the record one
[8] second?

[9] (Off-record discussion.)

[10] BY MR. MCRAE:

[11] Q: She's going to come back in a minute, so
[12] let's go ahead and get what you were saying about
[13] Mr. Patterson making some assertions.

[14] A: Yes. When he brought me in on the day
[15] which he terminated me from my affiliation with
[16] Golden Sky, he started throwing out names of
[17] customers who I supposedly had overcharged and so
[18] forth. I said, "Well, Jim, let me go out to the
[19] truck and get the book." He says, "I have no time
[20] for that. The fact is you're out of here." So I
[21] said, "Well, just tell me the names." And he
[22] started reading off names.

[23] And he would make mention of one
[24] individual, for example, and says, "Here's one right

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[1] such, you do not get paid by Golden Sky anything to
[2] sell or to install in Chatham County. What Golden
[3] Sky is entitled to is the equipment costs and the
[4] activation fee, nothing more.

[5] Q: Again, this is getting far afield of what
[6] Ms. Gilray — I'm only asking what Ms. Gilray knows
[7] about this case, and you say that it's because she
[8] can testify as to the physical address of those
[9] customers. Is that correct?

[10] A: Yes, and also as to the attitude of these
[11] customers. In other words, Mr. Patterson alleged
[12] that some of these customers had complained, and in
[13] fact, these customers were contacted. They were not
[14] at all angry, but they did have some things to tell
[15] me and Ms. Gilray concerning Mr. Patterson trying to
[16] bait them into making accusations or inflammatory
[17] statements towards me.

[18] MR. MCRAE: Let's go off the record for a
[19] second.

[20] (Off-record discussion.)

[21] BY MR. MCRAE:

[22] Q: Let's move away from Ms. Gilray. If need
[23] be, we can talk more about her later, but I think
[24] that we've adequately covered what she knows about

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(1) the case.
 (2) Tell me about your employment history in
 (3) the last, say, ten years.
 (4) A: Okay. Well, let's see, '92, I was doing
 (5) telemarketing for several different companies
 (6) involving — one was Paralyzed Veterans, another one
 (7) was Magic Springs Circus, the Optimists, Southside
 (8) Optimists, one was the Chatham County Police
 (9) Department campaign.
 (10) Q: So you were doing telemarketing?
 (11) A: Yes. I would usually work usually two at
 (12) a time, because most all of it is part time, so you
 (13) usually work about two at a time and go from one to
 (14) another.
 (15) Q: What was the time frame for that, '92
 (16) through what?
 (17) A: I would say '92 up till '93. In '93,
 (18) through a connection that I met at RP Marketing,
 (19) which handled the Chatham County Sheriff — police
 (20) drive, I heard about Golden Sky Systems, and I went
 (21) to work for them as an installer.
 (22) Q: In '93?
 (23) A: Correct.
 (24) Q: As an installer. Did you have any

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(1) the weekend," something like that, you know.
 (2) Q: And these were — Golden Sky Systems
 (3) changed into these later companies?
 (4) A: No. That was — did I say Golden Sky
 (5) earlier?
 (6) Q: Yeah.
 (7) A: I meant Sky Cable. It's confusing because
 (8) of the names. Sky Cable is the name of the company.
 (9) Q: That was new to me.
 (10) A: I'm sorry. That was my —
 (11) Q: So Sky Cable was the person —
 (12) A: Sky Cable.
 (13) Q: Or the company that you worked for
 (14) beginning in '93?
 (15) A: Exactly.
 (16) Q: Got it.
 (17) A: They're based out of St. Augustine. They
 (18) have their offices in the South mostly.
 (19) Q: So you worked there up through '97?
 (20) A: Yes.
 (21) Q: Where did you work beginning — after you
 (22) were terminated or you terminated your relationship
 (23) with Sky Cable?
 (24) A: Well, they essentially folded up in

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(1) previous experience as an installer?
 (2) A: No, sir. I should clarify initially as a
 (3) helper, but I graduated to an installer within a
 (4) very short time.
 (5) Q: When would you say you graduated on to the
 (6) position of —
 (7) A: About six months.
 (8) Q: So still in '93, maybe?
 (9) A: Yes. Well, early '94.
 (10) Q: So you were an employee of Golden Sky
 (11) Systems?
 (12) A: Correct.
 (13) Q: When did your relationship with Golden Sky
 (14) Systems terminate?
 (15) A: Well, ~~it was terminated~~ I
 (16) should point out that Golden Sky Systems went
 (17) through several name changes while I was there. It
 (18) changed to Satellite Innovations, then to All-Star
 (19) Communications.
 (20) Q: To what, All-Star —
 (21) A: All-Star Communications. That's the same
 (22) company. We'd walk in one day, and they'd say, "Oh,
 (23) by the way, your check is going to be in a different
 (24) name now because we changed our incorporation over

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(1) Savannah and left town because they had legal debts
 (2) to everyone, you know.
 (3) Q: What was the name of the company at the
 (4) time that they folded operations?
 (5) A: All-Star Communications.
 (6) Q: All-Star Communications.
 (7) A: And they were operating out of some farm
 (8) house up in Effingham someplace, because the sheriff
 (9) had served notice in Chatham and so forth, so they
 (10) were — they finally folded up. Around that time I
 (11) then went to work for the previous manager and
 (12) assistant manager of the company in a venture
 (13) located in Hardeeville called Discount Satellite.
 (14) Q: So that was in '97?
 (15) A: Yeah.
 (16) Q: Discount —
 (17) A: Satellite.
 (18) Q: — Satellite. What position did you have
 (19) at —
 (20) A: Installer and salesperson.
 (21) Q: What were your job responsibilities as an
 (22) installer and salesperson?
 (23) A: To sell and market satellite systems and
 (24) to install them and to answer any service

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(1) requirements of the system.
 (2) Q: How long did you work at Discount
 (3) Satellite?
 (4) A: Probably about five months.
 (5) Q: And what was the cause of the termination
 (6) of your relationship with Discount Satellite?
 (7) A: Bad checks.
 (8) Q: Explain to me what you mean by "bad
 (9) checks."
 (10) A: I got three payroll checks all bounce one
 (11) after another.
 (12) Q: You got three payroll checks —
 (13) A: That bounced.
 (14) Q: — from Discount —
 (15) A: That's right.
 (16) Q: — that all bounced?
 (17) A: Correct.
 (18) Q: Did you ever get your money from them?
 (19) A: No, sir. I tried very hard.
 (20) Q: So that would have been in '97 that your
 (21) relationship terminated?
 (22) A: Yeah.
 (23) Q: Where did you work after Discount
 (24) Satellite?
 (25)

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(1) A: I did that for the PVA for a while, too,
 (2) as far as the telemarketing.
 (3) Q: PVA?
 (4) A: That was the telemarketing. We had to
 (5) deliver stuff to —
 (6) Q: What is PVA?
 (7) A: Paralyzed Veterans, I'm sorry. But
 (8) sometimes you had to deliver stuff. You would sell
 (9) people trash bags or, you know, some little item or
 (10) something that would need to be delivered.
 (11) Q: So your delivery would be in connection
 (12) with your telemarketing position?
 (13) A: Exactly, because off and on I went back to
 (14) PVA, and we sold American flags and POW — and, you
 (15) know, Vietnam remembrance flags and things of that
 (16) nature, and that was done off and on with respect to
 (17) work for these satellite companies.
 (18) Q: Are you yourself a paralyzed veteran?
 (19) A: No, sir.
 (20) Q: So '97, you're working for Advance
 (21) Electronics. You worked there for less than a year?
 (22) A: Yes.
 (23) Q: Approximately when was the date of the
 (24) termination of your relationship with —
 (25)

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(1) A: Well, for a while with a company called —
 (2) up here in Springfield, Advance Electronics.
 (3) Q: Advance —
 (4) A: Electronics.
 (5) Q: — Electronics. What was your position
 (6) there?
 (7) A: Installer.
 (8) Q: So they were a satellite —
 (9) A: Satellite dishes, correct.
 (10) Q: How long did you work at Springfield — or
 (11) at Advance Electronics?
 (12) A: I'd say for approximately about — well,
 (13) less than a year.
 (14) Q: Let me ask you this: Were you ever
 (15) working for two companies at any one time? Was
 (16) there ever a point where there's an overlap?
 (17) A: Never two satellite companies. Now,
 (18) obviously, I would sometimes boost my income by
 (19) working in something else like telemarketing or
 (20) being a delivery driver. Sometimes I would be doing
 (21) that, at the same time be working for a satellite
 (22) company, but I would never work for two satellite
 (23) companies at one time.
 (24) Q: Who did you work as a delivery driver for?
 (25)

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MCRAE - RUSSELL

(1) A: Probably early '98.
 (2) Q: What was the reason behind the termination
 (3) of that relationship?
 (4) A: Basically, the financing was failing. In
 (5) other words, these satellite dishes were being
 (6) financed through various financial agents. And when
 (7) we were doing it initially, GE Capital was providing
 (8) very, very liberal qualification standards, and we
 (9) were able to get these systems financed pretty
 (10) easily. People with poor credit could easily get a
 (11) system.
 (12) At that time the systems were selling for
 (13) around \$1,500. It's not like it is today where they
 (14) just give them to you, you know. But at that time
 (15) they were selling for \$1,500 for a complete system.
 (16) And when the financing started to fail, we could not
 (17) market them successfully. And what was happening
 (18) was that Wal-Mart was taking over; they started
 (19) selling them. Lowe's was selling them. That was
 (20) killing us.
 (21) Q: So the termination of your relationship
 (22) with Advance was due to problems that Advance had
 (23) with its financing?
 (24) A: Exactly.
 (25)

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(1) Q: Did you quit from —
 (2) A: No. We simply had amiable parting, you
 (3) might say. It wasn't anything here, and, you know,
 (4) I got to look elsewhere because I got, you know —
 (5) Q: But you weren't terminated?
 (6) A: Oh, no, no.
 (7) Q: And you think that it was around early '98
 (8) that this breakup happened?
 (9) A: Exactly, yeah.
 (10) Q: Where did you work after Advance
 (11) Electronics?
 (12) A: About that time, that's about when I got
 (13) on board with Golden Sky Systems, a response to — I
 (14) saw an ad in the paper. And I'd say in June of '98,
 (15) I met Mr. Rick McGee, who was the regional or
 (16) national sales director of Golden Sky Systems, as
 (17) they were opening up their brand-new office in
 (18) Rincon, which is not far from where Advance
 (19) Electronics was. Advance Electronics was in
 (20) Springfield, and Golden Sky was opening up an office
 (21) in Rincon.
 (22) Q: Rincon's in Effingham County as well?
 (23) A: Exactly. Their office is located across
 (24) from Springfield Ford, down there — you know the

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(1) A: You mean who came up with the idea?
 (2) Q: Or who would have signed off on it? Who
 (3) would have approved it?
 (4) A: Oh, it was Rick McGee, because, see, when
 (5) I did the interview with Rick McGee, I explained to
 (6) him my background with C-band systems, the fact that
 (7) there were a lot of C-band systems out there that
 (8) needed switching over to a smaller dish.
 (9) To explain a simple point, you get a
 (10) C-band dish, you got to move the dish around to
 (11) different satellite positions to get different
 (12) channels. Now, you got a small dish, you have
 (13) multiple receivers hooked up to one dish, and
 (14) different family members can watch different
 (15) channels. That's the primary advantage. We
 (16) discussed that.
 (17) Now, what Rick McGee explained to me was
 (18) that they were limited, according to the schedule in
 (19) the documents, as to which ZIP Coded areas they are
 (20) allowed to sell. Those right in there in Effingham
 (21) and Bryan County was all that Golden Sky could sell
 (22) and market a system in and provide a service
 (23) provider agreement with the customer. In other
 (24) words, just like a phone company. In other words,

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(1) shopping center over there where Goshen Road crosses
 (2) 21?
 (3) Q: I'm not too familiar with it.
 (4) A: Well, that's where Golden Sky Systems
 (5) opened up an office.
 (6) Q: So were you hired in June of '98? Is that
 (7) the date you were given as your date of your hire?
 (8) A: Yeah.
 (9) Q: June of '98, okay. And your ~~working~~ with
 (10) Golden Sky Systems was what?
 (11) A: Installation, and I did have an option to
 (12) sell as well.
 (13) Q: You had an option to sell, but was that a
 (14) job responsibility?
 (15) A: No.
 (16) Q: At any point in your career or in your
 (17) time at Golden Sky Systems, were you a salesperson?
 (18) A: In respect to Golden Sky itself as an
 (19) employee, no. In respect as an independent
 (20) contractor in Chatham County, yes, I did.
 (21) Q: And that independent contractor
 (22) relationship, who would have initiated that from
 (23) Golden Sky? Who would have initiated that
 (24) relationship?

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(1) they can sell the equipment to the customer and they
 (2) can say, "Yes, we can provide you with service,"
 (3) because they, in turn, were affiliated with DirecTV,
 (4) but only in those counties, or those ZIP Coded
 (5) areas.
 (6) Now, in Chatham County, as well as any
 (7) other county, other than in Bryan and Effingham, he
 (8) stated that we cannot do it, that we cannot cross
 (9) over into Chatham County or any other county and
 (10) sell a system or we'll get busted by the Feds big
 (11) time.
 (12) Q: So how could you have worked as an
 (13) independent contractor with Golden Sky if they were
 (14) not allowed to sell —
 (15) A: Because as an independent contractor, I
 (16) can sell and can install in Chatham County for — as
 (17) myself.
 (18) Q: As yourself.
 (19) A: ~~At that time, the only management I had with Golden~~
 (20) ~~Sky is that I would agree to use them as the~~
 (21) ~~exclusive source for vendor equipment, the system~~
 (22) ~~itself. In other words, the system itself was \$99,~~
 (23) ~~the activation fee was \$25, so they were entitled to~~
 (24) ~~\$125.~~

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(1) Now, what they would do is that they would
(2) then go and activate the system in Chatham County to
(3) its proper service provider for that area, which
(4) would be DirecTV directly, but they would pick up a
(5) one-time vendor commission of \$360, so that's how it
(6) was done.

(7) It's just like a phone. Like you can buy
(8) a phone from a phone manufacturer or phone store,
(9) but where you hook it up can determine whether or
(10) not — who's going to be the service provider. It's
(11) the same way here.

(12) Q: So your sales in Chatham County of the
(13) service itself —

(14) A: Yes.

(15) Q: — would not have been through Golden Sky?

(16) A: Golden Sky, no.

(17) Q: So the customers you had in Chatham County
(18) were — let me rephrase that. Any sales you would
(19) have had in Chatham County would not have been
(20) through Golden Sky Systems?

(21) A: Correct.

(22) Q: So in June of '98, you're hired on at a
(23) Golden Sky Systems. What was the date of the
(24) termination of your relationship with Golden Sky?

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(1) At that time, on October 1st, 1998, I was to
(2) check. Let me see...
(3) mother passed away.

(4) Q: Of '98?

(5) A: Yes.

(6) Q: So you were there about four months?

(7) A: Yes.

(8) Q: What was the reason given for your
(9) termination?

(10) A: He stated I had overcharged —

(11) Q: Who's "he"?

(12) A: Mr. Patterson. He called me in. Now,
(13) this is the reason he gave. I can provide — I can
(14) provide my own —

(15) Q: What was the reason he gave?

(16) A: He called me in, and he wanted to know had
(17) I successfully trained the new assistant that had
(18) been hired in hooking up the phone lines. He was
(19) concerned about that. And I said, "Yes, he now
(20) understands how to hook up the phone lines." Then
(21) he went on to say, "Okay. Well, I'm afraid I've got
(22) bad news for you. I'm going to have to let you go,
(23) because we have numerous indications that you have
(24) defrauded customers, that you have overcharged

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(1) customers, and that that is — personally, I don't
(2) believe any of this" — that's him saying this —
(3) "but I think it's the work of other people higher up
(4) in the company." This was Jim Patterson's comments;
(5) thus, he attempted to avoid personally claiming he
(6) was doing this.

(7) But nevertheless, though, he went on and
(8) stated that I was overcharging customers for
(9) installations and so forth, and also, I was
(10) supposedly not charging other customers enough. And
(11) I asked to know the names of the customers, and he
(12) started rattling off some names right quickly. I
(13) said, "Jim, let me go out to the truck and get my
(14) book, because I can't — because you're going back
(15) now months, I mean, because I can't remember names
(16) now off the top of my head. I'm sure I've got
(17) receipts." He said, "There's no time for that.
(18) Buddy, you're out of here. I mean, I'm just telling
(19) you you're out of here." He gave me a Pepsi-Cola,
(20) and I hit the road.

(21) But he did make a comment I thought was
(22) kind of strange. When he mentioned two of these
(23) customers, one of them was in Guyton, and one of
(24) them was in Rincon, and then he turned around and

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(1) said — and I said, "Well, I can't remember off the
(2) top of my head who these people are." "Why can't
(3) you remember? They live right next door to each
(4) other." Now, when he said that, that was something
(5) strange there, two customers living in two different
(6) towns, yet they live next door to each other.

(7) That's when he kept — after I left that
(8) day, I went and talked to some of the customers and
(9) found out he'd been calling them up and physically
(10) contacting them. They were Chatham County
(11) customers, and yet he was giving them Bryan
(12) County — Effingham County residences.

(13) What I later found out was that when they
(14) were activating these customers, instead of
(15) activating them as DirecTV customers in Chatham
(16) County, they were using bogus physical addresses in
(17) Rincon and Guyton and places like that and using an
(18) alternate mailing address to get the bill to the
(19) customer, and thus they were defrauding DirecTV
(20) proper of its revenue and at the same time doing
(21) something that's unethical.

(22) Q: Were any of these your customers?

(23) A: Yes.

(24) Q: They were your customers?

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(1) A: Some of them were and some of them were
(2) Ms. Gilray's customers and some Mr. Haysman's
(3) customers.
(4) Q: So these customers whose physical
(5) addresses you claim were defrauded, they were your
(6) customers?
(7) A: Some were, yes.
(8) Q: Some of them were your customers?
(9) A: Yes.
(10) Q: So this scheme that you allege was being
(11) perpetrated was being done in connection with
(12) customers that you went out and sold to?
(13) A: That's correct.
(14) Q: And were they Chatham County customers?
(15) A: Correct.
(16) Q: How would they have received their billing
(17) if there was a false address being attributed to it?
(18) A: Well, on the bill itself, what they had
(19) was they would have like the physical address, but
(20) then they would also have an alternate mailing
(21) address, and the alternate mailing address was the
(22) actual physical address.
(23) For example, say you got a customer living
(24) at let's say 34th Street in Savannah, you would put
(25)

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(1) that on there, mailing address, 34th Street,
(2) Savannah, but you would put the physical address as
(3) 10 First Street in Rincon, so it would — on the
(4) computer it would list as a ZIP Coded Effingham
(5) County area, but in actuality, the mailing address
(6) would be the correct physical address that would be
(7) going to the customer.
(8) Q: Now, on those customers that this scheme
(9) was supposedly being devised, would you receive any
(10) benefit by way of commissions from those customers?
(11) A: In the sense that if they are DirecTV
(12) customers in my area, at some time in the future,
(13) DirecTV could very well call me up and do a service
(14) call on them.
(15) Q: I'm asking you a yes or no question. Did
(16) you receive commissions from those customers whose
(17) addresses were supposedly falsified?
(18) A: No.
(19) Q: You never received any commissions on the
(20) sales to those customers that you say now had
(21) falsified addresses?
(22) A: No. In other words, those customers in
(23) Chatham County, any commission, or what you want to
(24) call profit, is generated from what I installed of
(25)

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(1) their equipment. In other words, no commission
(2) would be due me from Golden Sky Systems at all
(3) because they were supposed to be Chatham County
(4) customers. I didn't know they were altering the
(5) addresses.
(6) Q: Did you receive a commission —
(7) A: No, sir.
(8) Q: — by signing up any of the — you never
(9) received any commission from signing up those
(10) Chatham County customers?
(11) A: No. In other words, what Golden Sky
(12) Systems provided me in regard to any customer in
(13) Chatham County was vendored equipment. In other
(14) words, I bought the equipment for \$99 plus
(15) \$25 activation be carried out, and any profit I
(16) made, or commission, some people might call it, is
(17) what I was able to sell it or install it for.
(18) In other words, as Rick McGee says, "I
(19) don't care what you do, how much you sell it for, or
(20) what you charge to install it, the only thing we're
(21) concerned about is that you don't connect Golden Sky
(22) with us in any capacity, because that's your
(23) operation." In fact, so I had no — I was not
(24) supposed to get no commission from Golden Sky at all
(25)

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(1) for anything I sold in Chatham County.
(2) Q: I'm not asking about commission from
(3) Golden Sky. I'm talking about a commission, any
(4) commission, not from Golden Sky, but from DirecTV or
(5) whoever you signed them up —
(6) A: No commission, no commission.
(7) Q: You didn't receive anything from those
(8) Chatham — why would you do it, then? Why would you
(9) sign these people up?
(10) A: Your profit was in installing the system,
(11) and basically, that's it. In other words, if you
(12) get the system for a hundred — the \$99 plus
(13) \$25 activation, the system's \$125, I'd say,
(14) "Ma'am/sir, hey, I can put you in a satellite dish.
(15) The system's going to cost \$125, including
(16) activation. I can get it for you. Now, I can
(17) install it for you for \$50. If you want me to hook
(18) up an additional TV, I'll charge you \$35 more." In
(19) other words, my installation charge was going to be
(20) my profit.
(21) Q: So you did receive money —
(22) A: Oh, yes.
(23) Q: — from the sales to those Chatham County
(24) residents that were —
(25)

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(1) A: Oh, that's correct, when they'd buy it,
 (2) yeah.
 (3) Q: That's all I wanted to hear from you.
 (4) A: Yeah.
 (5) Q: That was a very long response to what was
 (6) essentially a simple question, which was the reason
 (7) given for your termination, which — and tell me if
 (8) this is a fair characterization — was that there
 (9) were some problems that had been expressed to Golden
 (10) Sky about your handling of some of the customers.
 (11) Is that a fair characterization?
 (12) A: No, sir. That's the accusation provided
 (13) by Mr. Patterson.
 (14) Q: That was the reason that was given?
 (15) A: That was the reason given by
 (16) Mr. Patterson, true.
 (17) Q: Let's move on. Where did you work after
 (18) the October 7 or 8, 1998, termination from Golden
 (19) Sky Systems?
 (20) A: Let's see. I went to work doing day labor
 (21) right away, and I eventually ended up going to work
 (22) for Conbulk Industries, over here at East Coast, and
 (23) this was out of my working for Labor Finders.
 (24) Q: Now, you know, being an attorney that does

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(1) maritime law, I know about East Coast and Conbulk.
 (2) Why don't you explain what East Coast is.
 (3) A: All right. East Coast Industries is a —
 (4) Q: East Coast Terminals?
 (5) A: Terminals, yes, is a nonunion operation.
 (6) Q: What type of operation?
 (7) A: They load —
 (8) Q: It's a marine terminal?
 (9) A: It's a marine terminal. They load and
 (10) discharge bulk items and materials and everything
 (11) imaginable.
 (12) Q: From ships?
 (13) A: Exactly.
 (14) Q: And Conbulk, what operations do they
 (15) provide at East Coast Terminals?
 (16) A: It's confusing to me, but all I can
 (17) understand is that Conbulk and East Coast is all
 (18) pretty much the same thing. You get different
 (19) checks sometimes, different names on them, but
 (20) basically, it's all the same operation. They
 (21) basically just have a tax reason. But Conbulk
 (22) Industries and East Coast to me is pretty much the
 (23) same.
 (24) Q: Is Conbulk a stevedoring company?

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(1) A: Oh, yeah. They are affiliated with
 (2) Southern Bulk as well.
 (3) Q: Yeah, okay. That's what I wanted to
 (4) clarify.
 (5) When did you sign on with Conbulk? When
 (6) did you start doing work with Conbulk?
 (7) A: Well, probably in 2000, because I'd been
 (8) working for them previous through Labor Finders.
 (9) For a while I tried to sell alarm systems and did a
 (10) few other things as well, water softeners and things
 (11) of that nature, you know, sales positions, but I
 (12) found them not to be profitable, so I eventually
 (13) went to work for Conbulk, ended up receiving \$9 an
 (14) hour.
 (15) Q: Is that what you currently receive?
 (16) A: I'm not with Conbulk.
 (17) Q: You're not with Conbulk anymore?
 (18) A: Because the last time I worked for them
 (19) was five or six weeks ago. I mean, technically, I'm
 (20) still with them. If they call me up tomorrow, I
 (21) come work for them, you know, but conditions have
 (22) changed abruptly there. I'm working for Hertz Car
 (23) Rental right now.
 (24) Q: How long have you been working for Hertz?

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(1) A: Since August.
 (2) Q: August of 2003?
 (3) A: Yes.
 (4) Q: In what capacity?
 (5) A: Transporter.
 (6) Q: Transport?
 (7) A: Yes.
 (8) Q: What does that mean?
 (9) A: I remove cars. We drive them up to the
 (10) lot, get them clean, take dirty ones back.
 (11) Sometimes we take them out of town, you know,
 (12) auction, whatever.
 (13) Q: So at any point were you working for both
 (14) Conbulk and Hertz at the same time?
 (15) A: Oh, yes, oh, yes. In other words, I went
 (16) to Hertz basically as a part-time job. Conbulk has
 (17) been dropping off substantially with their call for
 (18) labor, and so basically, if, like I said, they call
 (19) me tomorrow, I go work for them, but so far we've
 (20) gotten little or no work for most of my friends and
 (21) I for the past three or four months.
 (22) Q: Are you currently employed by Hertz?
 (23) A: Yes, sir.
 (24) Q: Are you currently employed in any other

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(1) capacity?
(2) A: Let's see. I recently started with
(3) Sizemore Security recently, the last week.
(4) Q: Sizemore Security, what do they do?
(5) A: They provide security and janitorial
(6) services to customers, as well as clerical services.
(7) Q: And which capacity do you work in?
(8) A: Security.
(9) Q: So does that mean like on-site security?
(10) A: Exactly.
(11) Q: Serve as a security guard?
(12) A: Yes, sir.
(13) Q: How long have you been at Sizemore
(14) Security?
(15) A: Just one week, one week.
(16) Q: Let's talk about the — any other
(17) employment?
(18) A: That's it.
(19) Q: Did I miss any gaps there in between —
(20) A: Not — like I said — like I say, I tried
(21) different — several different things, everything
(22) from security alarms to water softeners and a few
(23) other little things, but nothing that was ever
(24) profitable, but did a lot of day labor in between.
(25)

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(1) My attempts at trying to reestablish employment with
(2) selling satellite dishes was futile. I've never
(3) worked for —
(4) Q: They were what?
(5) A: Futile. I was never able to establish —
(6) Q: Futile?
(7) A: Futile, yes. I was never able to
(8) establish work with any other satellite dish company
(9) since.
(10) Q: Who did you put in with? Who did you
(11) apply with?
(12) A: Dow Electronics. I put in —
(13) Q: Wait, slow down. Who?
(14) A: Dow.
(15) Q: Dow?
(16) A: Dow Electronics.
(17) Q: Dow Electronics?
(18) A: Yes.
(19) Q: Did you put in an application with them?
(20) A: Oh, yes, sir.
(21) Q: Who took your application?
(22) A: It was done over the computer. It was
(23) Internet.
(24) Q: Internet?
(25)

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(1) A: Internet.
(2) Q: Did you get a response?
(3) A: Said, "We don't need you right now," just
(4) words to so many effects. Also —
(5) Q: Who else?
(6) A: There was — there's about three or four
(7) in the newspaper I responded to.
(8) Q: Who were they?
(9) A: I cannot remember all the different
(10) variable names. One was Digital Satellite. They've
(11) all got variable names. I can't specifically tell
(12) you which ones. If they don't hire me, then I
(13) obviously don't bother to remember them too well.
(14) But here again, in putting in applications with them
(15) and also for a DirecTV provider over there on
(16) Louisville Road, they said they're not —
(17) Q: On Louisville Road?
(18) A: Yes. They just said, "We're not hiring
(19) right now, but we'll keep you in mind." It was
(20) always — no one ever says, "We're not going to hire
(21) you." They say, "We got your application. If we
(22) need you, we'll call you. We keep them so long,"
(23) and so forth, you know. But I've been never
(24) successful in establishing employment in that
(25)

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(1) capacity again.
(2) Q: Have you ever been told by any of these
(3) other satellite providers that, "The reason we are
(4) not hiring you is because of your time at Golden Sky
(5) Systems"?
(6) A: No, sir.
(7) Q: Do you continue to this day to try to put
(8) in applications?
(9) A: Yes, sir, yes, sir. I filed another one
(10) now.
(11) Q: Who was that one with?
(12) A: I got a phone number from a friend at
(13) work. I don't even know the name of the company.
(14) He says he's a Christian man up there in Effingham
(15) that needs someone to help him, so I'm going to
(16) follow up on it. I don't know the name of the
(17) company. I just got a name and number written on a
(18) piece of paper the other day.
(19) MR. MCRAE: Let's go off the record.
(20) (Off-record discussion.)
(21) MR. MCRAE: Let's go back on the record.
(22) BY MR. MCRAE:
(23) Q: I want to ask you about this unemployment
(24) case that you brought. And I think we have some
(25)

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(1) documents on it, but why don't you tell me in your
 (2) words what the basis of your unemployment claim was.
 (3) A: That I was dismissed without justification
 (4) to any sort of impropriety on my part which would
 (5) entitle me to benefits. When it was done, Golden
 (6) Sky challenged it, and subsequently —
 (7) Q: Well, let's not leave out all the steps.
 (8) So you initially filed your unemployment claim?
 (9) A: Yes.
 (10) Q: Were benefits denied initially?
 (11) A: Yes, they were.
 (12) Q: And eventually, you had to appeal to
 (13) superior court. Is that correct?
 (14) A: Correct, correct.
 (15) Q: Once it got to superior court — and as I
 (16) understand, and correct me if I'm wrong, that case
 (17) was Robert Russell versus Herbert Green?
 (18) A: Correct.
 (19) Q: And the employer listed was Golden Sky?
 (20) A: Correct.
 (21) Q: So it was appealed up to superior court?
 (22) A: Correct.
 (23) Q: Presumably, you would have filed it
 (24) sometime soon after having been terminated in

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(1) A: Correct.
 (2) Q: And I'm looking at a document that was
 (3) produced here today by Mr. Russell that is —
 (4) appears to be the appeal from the Department of
 (5) Labor Office of the Board of Review, and we'll go —
 (6) MR. MCRAE: Let's go off the record a
 (7) second.
 (8) (Off-record discussion.)
 (9) (Whereupon, Appeal from the
 (10) Department of Labor Office
 (11) of the Board of Review was
 (12) marked as Deposition
 (13) Exhibit No. 1 for
 (14) identification.)
 (15) BY MR. MCRAE:
 (16) Q: We'll call this Exhibit 1. I'm showing
 (17) you what we will mark as Exhibit 1. Is that the
 (18) documents from your appeal to the superior court of
 (19) the denial of your benefits?
 (20) A: Yes, sir.
 (21) Q: And in referring to the top left corner,
 (22) where it says, "Date filed," can you read that date
 (23) for me?
 (24) A: April 24th, 1999.

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(1) October of '98?
 (2) A: Oh, I filed it right away, same day,
 (3) almost, the original, you know, claim for benefits.
 (4) Of course, I pursued that every step of the way. It
 (5) took four years before it ever got to superior
 (6) court.
 (7) Q: So you filed it soon after you were
 (8) terminated, probably in October?
 (9) A: Within two days. Within one or two days,
 (10) I filed the initial request for benefits.
 (11) Q: That initial claim was denied, correct?
 (12) A: Correct.
 (13) Q: We don't have documentation of this, but
 (14) knowing about the unemployment compensation system,
 (15) obviously there was an initial claim that was
 (16) denied, then you would have appealed to some kind of
 (17) review board?
 (18) A: Yes, and it was —
 (19) Q: And that was denied, it was denied again?
 (20) A: Right.
 (21) Q: Then eventually, and I don't know if there
 (22) was an intermediary step, but eventually, you
 (23) appealed, after those denials, up to the superior
 (24) court?

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(1) Q: So you would have appealed the denial of
 (2) benefits in April of 1999. Is that correct?
 (3) A: Yes, sir. One has to go through the steps
 (4) of going through the Board of Review before you can
 (5) file the appeal.
 (6) Q: And when did the final order determining
 (7) the case come down from the superior court?
 (8) A: That came down in —
 (9) Q: When would it have been signed by the
 (10) judge?
 (11) A: When did I file — this was filed in —
 (12) '98 is where I filed this.
 (13) Q: The case we're dealing with today —
 (14) A: Yeah.
 (15) Q: — was filed in October of 2002, if I'm
 (16) not mistaken.
 (17) A: It was in June, around June of 2002, the
 (18) decision finally came down, yeah.
 (19) Q: Yeah. Your claim was filed in the
 (20) magistrate court on October 4th, 2002.
 (21) A: Yeah, because I —
 (22) Q: So your order on the benefits would have
 (23) come down when?
 (24) A: 2002, around June.

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(1) Q: June of 2002?
(2) A: And I told them I had to give them so many
(3) days in case there was a appeal. It did not come —
(4) no appeal was filed, thus then I was issued
(5) benefits. After dealing — I had a time dealing
(6) with that. That's another story in itself. They
(7) had lost my records.
(8) Q: Who's "they"?
(9) A: Department of Labor.
(10) Q: So you did eventually receive benefits?
(11) A: Yes, sir.
(12) Q: Are you still receiving benefits?
(13) A: Oh, no. I received it in one lump sum,
(14) because the delay was so long, just for so many
(15) weeks is all it is, just for 13 weeks, whatever it
(16) was.
(17) Q: But clearly, by the time that the order
(18) came down, you had already gotten subsequent
(19) employment. Is that correct?
(20) A: Yes, sir.
(21) Q: Somewhere in your interrogatory responses
(22) or maybe in your previous responses today, you
(23) indicated that Golden Sky did not appear for some
(24) hearing on the telephone?
(25)

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(1) A: Yeah. In other words, yeah, he just
(2) stated I had demonstrated that Golden Sky had failed
(3) to demonstrate why I should not receive benefits,
(4) so —
(5) Q: And as part of that, it was because they
(6) failed to appear at that telephonic hearing?
(7) A: Exactly.
(8) Q: Let me ask you something I should have
(9) asked earlier on, but we've been going all over the
(10) place. Tell me about the level of education that
(11) you attained. What's the highest level of education
(12) you attained?
(13) A: A four-year degree in political science.
(14) Q: From what college?
(15) A: Armstrong.
(16) Q: From Armstrong. When did you obtain that
(17) degree?
(18) A: Around 1979, 1980.
(19) Q: Do you have other skills that you have
(20) used in an employment context, other than your
(21) ability to install a satellite TV system?
(22) A: In regard to satellite dish installation
(23) or any —
(24) Q: No, other skills besides satellite
(25)

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(1) A: Well, you have like a telephonic hearing.
(2) Q: Telephonic hearing?
(3) A: Yeah, yeah, and what happens is like
(4) Mr. Jim Patterson had a bad habit of locking himself
(5) in his office and staying with the computer all day,
(6) and he would simply forward the phones. In fact,
(7) the only way I could reach him — he finally gave me
(8) a personal number to reach him, which was 1402,
(9) which bypassed and went straight to his own line.
(10) But normally, the number you use is 1400. That was
(11) the one that the Department of Labor had. So when
(12) you dial — I think it was 826-1400. Instead of
(13) getting someone there in Rincon, the phones would
(14) have automatically been forwarded to Kansas City.
(15) Q: I don't want to cut you short, but all I'm
(16) asking is did they appear for the telephonic
(17) hearing? Did Golden Sky —
(18) A: They failed to appear.
(19) Q: They failed to appear, okay. And
(20) subsequent to that failure to appear, the judge
(21) ruled in your favor?
(22) A: Yes, sir.
(23) Q: Based on the fact that they didn't appear
(24) at the telephonic hearing?
(25)

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(1) installation.
(2) A: Well, skills which I acquired at work, you
(3) know, just like a stevedore, you acquire certain
(4) skills, but I have not been professionally trained
(5) in any capacity, other than what you see there.
(6) Q: Did you ever use your poli sci degree at
(7) any of your places of employment since you graduated
(8) in '79 or '80?
(9) A: Well, from the standpoint of working with
(10) customers and understanding the political aspects in
(11) some instances has been valuable.
(12) Q: Other than your unemployment compensation
(13) lawsuit, tell me about the other lawsuits you've
(14) been involved in.
(15) A: Let's see. I was sued one time for an
(16) injury someone received at my home, and that was
(17) settled by the insurance company, so it didn't
(18) really even go to court or anything.
(19) Q: When was that?
(20) A: That was '96, I think. I'm trying to
(21) remember, but it was somewhere around that time.
(22) Q: Any lawsuits before '96 that you've been
(23) involved in?
(24) A: No, no.
(25)

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(1) Q: Have you ever given testimony as a witness
(2) in any lawsuits prior to '96?
(3) A: No, sir. I think the only time I've ever
(4) been a witness is like in traffic instances, and
(5) which recorders court is, but no —
(6) Q: Yeah. We're not interested in that.
(7) After the personal injury suit in '96, I
(8) believe there was a bankruptcy case?
(9) A: Oh, yes, sir. That was a Chapter 13
(10) bankruptcy. I filed for Chapter 13.
(11) Q: You filed for Chapter 13?
(12) A: Oh, yes.
(13) Q: That wasn't immediately clear from the
(14) interrogatory responses. So you filed Chapter 13?
(15) A: Yes, sir, and it was —
(16) Q: A personal reorganization?
(17) A: Yes. And it was eventually discharged.
(18) It was discharged, and I paid — in other words, I
(19) paid all obligations.
(20) Q: When was that Chapter 13 filed? You filed
(21) it voluntarily?
(22) A: Yes, sir, '98, I think.
(23) Q: Approximately when in 1998?
(24) A: Early '98.
(25)

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(1) Q: Early '98. Before June of '98?
(2) A: Yes, sir.
(3) Q: Who is Paul Schick, and how was he
(4) involved with that bankruptcy case?
(5) A: He was a neighbor and —
(6) Q: What was his involvement in the bankruptcy
(7) case?
(8) A: Well, what happened was is I was having a
(9) hard time making payments on my home, and eventually
(10) what happened was with the dismissal from Golden
(11) Sky, it kind of really sunk it for me. He came in
(12) and purchased out the home in an attempt to try to
(13) give me an opportunity to pay him on a lease-to-own
(14) agreement.
(15) Q: Was that done through the confines of the
(16) bankruptcy estate, or did you make payments to him
(17) outside of the estate?
(18) A: Well, the payments were made to him
(19) outside of the confines of the bankruptcy under the
(20) agreement. What happened was is —
(21) Q: Under whose agreement, your agreement with
(22) the bankruptcy trustee?
(23) A: Yes, yes. In other words, all payments
(24) initially were supposed to be made separate to the
(25)

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(1) mortgage company to begin with. In other words, my
(2) bankruptcy was for small bills and things that I —
(3) and incidentals. The house was still continuing —
(4) and back payments owed to the mortgage company, and
(5) my payments to the mortgage company and to
(6) Mr. Schick subsequently were to him direct, were not
(7) through the Chapter 13.
(8) Q: And was there a settlement reached with
(9) Mr. Schick?
(10) A: Yes. In other words, you're talking about
(11) a second filing of a bankruptcy which was
(12) subsequently dismissed. We reached a settlement,
(13) yes.
(14) Q: Back up, back up. You say that you had
(15) another bankruptcy filed?
(16) A: Yes, sir, that was a second one.
(17) Q: This was your second — the Chapter 13
(18) filed in early 1998, was that your first bankruptcy?
(19) A: First one.
(20) Q: And when was your second one?
(21) A: I filed one last year.
(22) Q: Last year?
(23) A: Yes.
(24) Q: In 2003?
(25)

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(1) A: Yes, and it was dismissed.
(2) Q: What was the cause for the dismissal?
(3) A: I finally reached an accommodation with
(4) the Schick estate, and eventually it led to the loss
(5) of my home, because I could not maintain a payment
(6) scenario because they wanted all their money up
(7) front suddenly, instead of just being paid on a
(8) monthly basis.
(9) Q: Was that subsequent bankruptcy, was that a
(10) Chapter 7 or a Chapter 13?
(11) A: Chapter 13.
(12) Q: But you say that it was dismissed?
(13) A: It was dismissed. There was no other —
(14) it was a voluntary dismissal, because, you know, I
(15) had to sell the house in order to pay them off in
(16) full the amount they wanted, so there was no need
(17) for the Chapter 13 to continue.
(18) Q: Have you had any other bankruptcies —
(19) A: No, sir.
(20) Q: — besides those two?
(21) A: No, sir.
(22) Q: Have you filed any other lawsuits —
(23) A: No.
(24) Q: — as a plaintiff?
(25)

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(1) A: No.
(2) Q: Never?
(3) A: This is the only one, ~~first~~ time.
(4) Q: Other than the unemployment compensation
(5) claim.
(6) A: Oh, yes, yes, exactly.
(7) Q: Well, are there others?
(8) A: No, sir.
(9) Q: You have to understand why I'm a little
(10) hesitant about this, because nowhere on your
(11) interrogatory responses — and we'll get to this
(12) later. We'll admit these as an exhibit, but you
(13) didn't list your bankruptcies here in your responses
(14) to the interrogatories, so I need to hear from you
(15) under oath that there were no other lawsuits that
(16) you initiated.
(17) A: No, sir. The only time — I didn't even
(18) think about the Department of Labor as being a
(19) lawsuit, but technically, yeah, I did that, and the
(20) only time is this case here. I've never been a
(21) plaintiff in any sort of action.
(22) Q: I want to ask you about your criminal
(23) history. Have you ever been charged with, arrested,
(24) or convicted of a crime, a misdemeanor or a felony?

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(1) A: No, sir.
(2) Q: That's dating back to —
(3) A: Birth.
(4) Q: — age 18, when you became —
(5) A: Exactly, exactly.
(6) Q: How about any traffic offenses, moving
(7) violations?
(8) A: How far back?
(9) Q: Let's say in the last 15 years.
(10) A: Let's see —
(11) Q: Because technically, those are criminal
(12) convictions.
(13) A: Okay. Well, I have no points on my
(14) record, but I do remember a speeding ticket, maybe
(15) one this year for being ten miles, 12 miles over the
(16) speed limit, and then there was a — as far back as
(17) I can remember, that was it, other than the fact I
(18) think one time I was stopped because I had one of
(19) those paper tags on a truck because I was using the
(20) company vehicle for Golden Sky, but I produced in
(21) court documentation that it was — I had insurance.
(22) Everything was okay.
(23) Q: Have you ever been charged with, arrested
(24) for, or convicted of a DUP

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(1) A: No, sir.
(2) Q: Have you ever received treatment for
(3) alcohol addiction or drug addiction?
(4) A: No, sir.
(5) Q: Have you ever received treatment from a
(6) mental health practitioner?
(7) A: From the best of my knowledge, I don't
(8) know, because back in 1966, I was detained at the
(9) Medical College of Georgia in April for about two
(10) weeks. The reason of my detention, I do not know,
(11) but that was — I was the age of 13, and that was at
(12) the direction of my parents, so I cannot honestly —
(13) Q: Because you were 13 at the time?
(14) A: Yes. I cannot honestly tell you what
(15) motives or what purpose, but —
(16) Q: And when you say you were detained at MCG,
(17) Medical College of Georgia, was it in their
(18) psychiatric unit or —
(19) A: I suspect it was something like that, by
(20) the nature of the interrogations and where I was
(21) taken.
(22) Q: What were the nature of the
(23) interrogations?
(24) A: Bizarre. There was an attempt to try to

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(1) have me attest to my relationship to siblings, which
(2) I did not have any, and subsequently, it was an
(3) attempt to make me say I had periods of time in
(4) which I do not remember, which did not occur. In
(5) other words, it was basically an interview for the
(6) purpose of having me make statements which I
(7) maintain were not true.
(8) Q: Initiated by your parents?
(9) A: Well —
(10) Q: This process was initiated by your
(11) parents?
(12) A: Oh, yes, yes.
(13) Q: Do you have any suspicions as to what
(14) their motivation was for initiating the process?
(15) A: That's speculative, but I suspect it was
(16) done either through mistaken identity or malicious
(17) intent to defraud the justice system of the actual
(18) identity of a person who did commit some sort of
(19) antisocial act.
(20) Q: So who would the malice have been against,
(21) against you or against some other person?
(22) A: Well, against — well, against — if
(23) someone was injured or something or property was
(24) damaged, then whoever was injured was deprived of

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[1] seeing justice done if the right individual was not
[2] being punished for it.
[3] Q: I see. Did you ever give any testimony?
[4] A: No. Like I said, I was detained there for
[5] about two weeks, and no information was ever given
[6] to me, I guess explanations given to me for the
[7] reason for my detention, and subsequently, I was
[8] released.
[9] Q: Have you ever inquired with MCG after the
[10] fact?
[11] A: Yes, yes, sir.
[12] Q: And did they ever disclose to you —
[13] A: No, sir.
[14] Q: They've never said anything to you about
[15] it?
[16] A: They claim they cannot find the records.
[17] Q: So to this day, you do not know why you
[18] were detained there —
[19] A: Exactly.
[20] Q: — for two weeks?
[21] A: Exactly.
[22] Q: Have you ever received any other form of
[23] mental health treatment —
[24] A: No, sir.

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[1] Q: — since that date?
[2] A: No, sir.
[3] Q: None? Have you compiled any statements,
[4] either written or oral, or given any oral statements
[5] to anybody in connection with this case?
[6] A: No, sir.
[7] Q: None? Have you discussed the case with
[8] friends, acquaintances?
[9] A: Well, primarily people who are friends who
[10] worked at Golden Sky. We all had problems with
[11] Mr. Patterson.
[12] Q: Who would some of those people have been?
[13] A: Neil Haysman.
[14] Q: Neil Haysman?
[15] A: The area sales manager.
[16] Q: Was he terminated from Golden Sky?
[17] A: No, he had — well, he had enough. I
[18] mean, I can — I'll just say his intention to me was
[19] that he could not work in that scenario there, that
[20] he was being defrauded of his commission for sales
[21] of systems.
[22] Q: This is what he told you?
[23] A: Exactly.
[24] Q: Have you discussed that with him since the

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[1] initiation of this lawsuit?
[2] A: Not really, because he's not in town. He
[3] moved to Miami, and I've not been able to reach him.
[4] But no, since this lawsuit was initiated, I don't
[5] think I discussed it with him.
[6] Q: Have you spoken with him at all?
[7] A: No.
[8] Q: Who else, besides Mr. Haysman, have you
[9] spoken to?
[10] A: Well, obviously, Ms. Gilray. She worked
[11] there and —
[12] Q: How long did she work there? She worked
[13] there three months. Is that correct?
[14] A: Yeah.
[15] Q: What did you discuss with her?
[16] A: The problems over commission and also the
[17] territorial problems, the fact of how these
[18] customers ended up being listed in a different area,
[19] you know. And generally, I had a problem with the
[20] fact that an original agreement I had with the
[21] company that I could, in fact, make optional sales
[22] in Effingham and Bryan County was — they went back
[23] on their word on that. Originally, I was told I
[24] would make 75 if I could sell a system. They cut it

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[1] down to 25, then they cut it down to 15. I said,
[2] well, \$15 is not worth it for me to get the fliers
[3] out here, so it ended my actual option to sell in
[4] Bryan and Effingham County.
[5] Q: Who else have you discussed this case with
[6] since you filed the lawsuit?
[7] A: That's it, basically. I can't think of
[8] anyone else, just the several people involved who
[9] worked there.
[10] Q: So you've spoken to the people — have you
[11] spoken to anybody who worked for Golden Sky
[12] Systems —
[13] A: Yeah.
[14] Q: — besides Mr. Haysman and Ms. Gilray?
[15] A: Well, I spoke to Bridget Murphy.
[16] Q: After the lawsuit was filed?
[17] A: Oh, no. This is back in '98, '99. I
[18] mean, this is not — I spoke to that guy up there in
[19] Pennsylvania, the one that was handling the —
[20] Q: Mark Eyer?
[21] A: Yeah. That's who was handling —
[22] Q: Would that have been before the filing of
[23] the lawsuit or after?
[24] A: Around that time just after filing it,

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[1] because that's — because I had sent all the
[2] documentation and stuff, again, I'm going to say, to
[3] Golden Sky, and never got no response, then I went
[4] and filed the case, and by that time, Eyer contacted
[5] me.
[6] And the last word he had with me was, "I'm
[7] going to get back in touch with you," because I was
[8] trying to go over and explain to him, you know, what
[9] we're basically doing now, what happened, and so
[10] forth, spent a lot of time on the phone, but I never
[11] heard back from him, no.
[12] Q: Did you ever speak with any other
[13] attorneys about the case? Let me start by saying do
[14] you currently have — are you represented by an
[15] attorney in this case?
[16] A: No, sir.
[17] Q: So did you speak with any attorneys about
[18] this case?
[19] A: Yes, sir.
[20] Q: And you understand that since they are not
[21] your attorney in this case, you can't claim the
[22] attorney-client privilege?
[23] A: Oh, I understand. I'm not being evasive.
[24] You can question him. I'm being straight with

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[1] Q: Just knowing that you had this deposition
[2] coming up.
[3] A: Basically, what I looked at was just as I
[4] came in here, maybe an hour before, went through,
[5] put documents I finally selected on top. That was
[6] basically it. I just wanted to bring these to a
[7] head, you know, this one here, and align some of the
[8] things I thought would be pertinent.
[9] Q: How about prior to the filing of the
[10] lawsuit, were there any other documents you
[11] considered or reviewed?
[12] A: No, sir. This is everything there is
[13] right here.
[14] Q: Let me go ahead at this time, and I should
[15] have done this from the outset, give you a copy of
[16] the notice for this deposition. This will be, I
[17] guess, Exhibit 2.
[18] (Whereupon, Notice of
[19] Taking Deposition and
[20] Notice to Produce Documents
[21] at Deposition was marked as
[22] Deposition Exhibit No. 2
[23] for identification.)
[24] BY MR. MCRAE:

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[1] everybody.
[2] Q: Who did you speak with?
[3] A: Don Ramsey.
[4] Q: Don Ramsey?
[5] A: Yes.
[6] Q: Where does he practice, in Savannah?
[7] A: Ashman, Lasky & Cooper.
[8] Q: Did Mr. Ramsey give you an indication as
[9] to his impression of the case?
[10] A: Yeah. He was distressed by the actions.
[11] He advised me I could file it in small claims.
[12] Q: But he didn't take the case?
[13] A: No, sir.
[14] Q: Any other attorneys that you spoke with?
[15] A: No, sir.
[16] Q: Any other people in general that you've
[17] spoken with?
[18] A: No, sir.
[19] Q: Well, I see you've got a big stack of
[20] documents, but I wanted to ask you which documents
[21] you reviewed first in preparation for this
[22] deposition. Can you tell me what documents you
[23] reviewed to prepare for today's deposition?
[24] A: Just this last couple of days or so?

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[1] Q: Mr. Russell, do you recognize this
[2] document as the Notice of Taking Deposition that I
[3] provided to you on February 17, 2004?
[4] A: Yes, sir.
[5] Q: And as Exhibit A, do you recognize
[6] Defendant's Request for Production of Documents to
[7] Plaintiff —
[8] A: Yes, sir.
[9] Q: — which had been served on you on or
[10] about May 27, 2003?
[11] A: Yes, sir.
[12] Q: And we discussed this earlier, but did you
[13] provide documents in response to that May 27, 2003,
[14] request?
[15] A: Well, yes, sir. I provided the entire
[16] interrogatory response, and also I brought my income
[17] tax records and some other papers at that time I
[18] brought here. Originally, if you remember, we met
[19] in the lobby.
[20] Q: I remember meeting you in the lobby.
[21] A: And I gave you the —
[22] Q: Interrogatory responses?
[23] A: And had the — and had the tax records
[24] still in the envelope, and I offered those. And I

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(1) had some other papers too at that time in the
 (2) envelope. I'd say, you know — but specifically, I
 (3) didn't know what — other than what I had with me, I
 (4) didn't know what more specific ones you want,
 (5) other — the only documentation I had is
 (6) basically what I — you see, it's basically just
 (7) information concerning our arrangement I had with
 (8) the company, because the way I see the case was
 (9) primarily one of territorial —

(10) Q: I understand what the case is about. We
 (11) don't have to keep going over and over what the case
 (12) is about. Right now what we're talking about is
 (13) this request for production of documents.

(14) I'm not deposing or giving testimony here
 (15) today, so I'm not going to say whether or not you
 (16) brought documents, but suffice it to say you brought
 (17) documents here today in response to the request for
 (18) production.

(19) A: Yes, sir. I would also note that two
 (20) prior occasions I sent, by certified delivery,
 (21) copies of these documents to Golden Sky.

(22) Q: But that was prior to the date of the
 (23) filing of the complaint?

(24) A: Well, just about 30 days before — I mean,

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(1) copies of everything. So, I mean, it's all I've
 (2) got. I can't give you nothing more than the
 (3) documentation I have.

(4) Q: Okay.

(5) A: Yeah, I think you got it there, yeah. One
 (6) of them — one of them should have 2003 on there.

(7) Q: We'll get into this later. Why don't we
 (8) do this the way that I've got it set up so we can
 (9) get through it quicker. We're going to go over the
 (10) allegations contained in your complaint, or
 (11) statement of claim, as it was originally filed in
 (12) the magistrate court.

(13) (Whereupon, Magistrate

(14) Court of Chatham County

(15) Statement of Claim was

(16) marked as Deposition

(17) Exhibit No. 3 for

(18) identification.)

BY MR. MCRAE:

(19) Q: Mr. Russell, I'm presenting to you a
 (20) document that we will mark as Exhibit 3, titled
 (21) "Magistrate Court of Chatham County Statement of
 (22) Claim." Do you recognize that as the statement of
 (23) claim you filed against Golden Sky Systems in the

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(1) I got a — I sent one just prior to filing the suit
 (2) in two thousand, you know —

(3) Q: 2002?

(4) A: Yeah, I got the little card here
 (5) somewhere. I can go dig it up. I've got that
 (6) little certified mail card, that little yellow card.

(7) Q: I think I've made a photocopy of those.

(8) A: But nevertheless, I sent it, got no
 (9) response.

(10) Q: But it was prior to the date of filing the
 (11) lawsuit?

(12) A: Yeah, in a last attempt to try to reach
 (13) some sort of accommodation before filing the suit.

(14) Q: And if I recall correctly, was that not
 (15) one of the reasons that you listed in your responses
 (16) to our discovery requests as a reason why you were
 (17) not producing the documents at that time, that you
 (18) had already produced them?

(19) A: Well, I might have mentioned the fact I
 (20) produced them earlier. I mean, I wasn't trying to
 (21) evade producing any documents, and I brought the
 (22) interrogatories here to the office. I brought my
 (23) other papers in the envelope and the tax returns.
 (24) Everything was there, and you were free to make

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(1) Magistrate Court of Chatham County?

(2) A: I do.

(3) Q: And there's an Attachment A to it that
 (4) voices, or puts into words, your allegations. Is
 (5) that correct?

(6) A: Correct.

(7) Q: And the first allegation is that the
 (8) defendant damaged your reputation as to honesty and
 (9) skill in your profession. Is that correct?

(10) A: Correct.

(11) Q: Tell me once again who it was that made
 (12) those statements.

(13) A: Jim Patterson, the general manager of the
 (14) Georgia operations of Golden Sky Systems.

(15) Q: And tell me again what statements were
 (16) allegedly made that damaged the reputation as to
 (17) honesty and skill of your profession.

(18) A: Well, Mr. Patterson stated I'd overcharged
 (19) customers or either I had undercharged customers,
 (20) that I had, in fact, installed equipment that wasn't
 (21) necessary in respect to a matrix system, that I was
 (22) supposed to be giving free installs to customers.
 (23) And basically, he stated that virtually all the fees
 (24) I had charged customers were either not accounted

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[1] for, they had not received payment, or else I should
 [2] not have charged them in the first place, and that
 [3] they should not look to me for any further dealings,
 [4] that they should contact him directly, that he was
 [5] going to handle their needs. And also, he solicited
 [6] referrals, which he told me that —

[7] Q: Before you move on, before you move on, I
 [8] want to talk about these statements that were made
 [9] to your customers.

[10] A: Yes.

[11] Q: Were you ever personally witness to these
 [12] statements being made by Jim Patterson?

[13] A: He told me his ownself.

[14] Q: Did you ever personally witness him saying
 [15] them to a third party?

[16] A: Him saying them to the actual customer?

[17] Q: Right.

[18] A: No, sir, I can't say that, but by his own
 [19] statement.

[20] Q: Let me ask you this: Have you ever heard
 [21] from a customer that he made these statements?

[22] A: Yes, sir.

[23] Q: And did you have any sworn testimony to
 [24] that effect?

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[1] A: Well, as you might guess, I attempted to
 [2] have these customers subpoenaed to court back when
 [3] the case was originally brought in —

[4] Q: Which customers would those have been?

[5] A: Well, look at that list for a moment here.
 [6] Here you go.

[7] Q: Let the record reflect that he's referring
 [8] to a document that he pulled out of the stack of
 [9] documents that have not been produced to us.

[10] A: Well, it should be in there. Check. It
 [11] should be in there. That's the one that says, "Jim
 [12] Patterson" on top, "Subject: Robert Russell, Entry
 [13] Type: Note," and says, "I explained" —

[14] MR. MCRAE: Just admit it as an exhibit.

[15] THE WITNESS: It says here, "I explained
 [16] to Robert Russell the reason for dismissal."

[17] "Robert was let go due to misappropriation
 [18] of GSS funds, doing installations while on
 [19] company time, and diverting equipment. Robert
 [20] Russell is fully aware of the reasons for
 [21] dismissal. I explained to Mr. Russell the
 [22] seriousness of his actions and the effects it
 [23] had upon GSS customers."

[24] "I have obtained documentation. I

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[1] informed Mr. Russell that as of today,
 [2] October 7th, '98, GSS would no longer be able
 [3] to continue his employment with the company. I
 [4] released his final check to him in the amount
 [5] of \$974."

[6] BY MR. MCRAE:

[7] Q: Let me just stop you right there. You
 [8] don't have to read the whole thing. I'm asking you
 [9] which people you have personal knowledge of
 [10] Mr. Patterson making these statements to.

[11] A: I got it, okay. The case with Melea
 [12] Nowell, account number —

[13] Q: Who?

[14] A: Melea Nowell. That's a — her name is
 [15] M-E-A — it's M-E-L-E-A, Melea Nowell, because this
 [16] is Joseph Nowell, her husband, but Melea Nowell was
 [17] the person I dealt with, you know. That's
 [18] account —

[19] Q: She was one of your customers?

[20] A: Yes, sir, yes. This is a serious issue.

[21] Let me tell you about this. Account No. 5247937.

[22] Mr. Jim Patterson alleged that I was cut a check for
 [23] \$249 to me and that they only collected \$125. Melea
 [24] Nowell was located in Pooler, Georgia. That's in

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[1] Chatham County. As I explained, as a Chatham County
 [2] customer, all that Golden Sky was entitled to was
 [3] \$125. It's \$99 for the system and \$25 for the
 [4] activation fee.

[5] Q: Are you reading right now?

[6] A: No, sir. I'm just talking, talking,
 [7] because I get like this. I just start telling you,
 [8] you know.

[9] I remember distinctly the situation
 [10] because Melea Nowell was one of the people — it was
 [11] a good customer located in a good neighborhood, and
 [12] he went and soured her and told her that — for
 [13] example, she had a situation she wanted three
 [14] receivers hooked up to her satellite dish. Now, I
 [15] explained to her the problem there. Now, you can do
 [16] two to one dish. If you want to do a third

[17] receiver, you got to introduce a matrix. Now —

[18] Q: Well, we don't have to get into the whole
 [19] transaction. All I want to know is —

[20] A: He told a customer —

[21] Q: — what he told her about you.

[22] A: He told her that, one, I overcharged her;
 [23] two, that she did not need a matrix to get three
 [24] receivers hooked up to one dish, which is not true;

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(1) and that I — that he — I don't even — she doesn't
 (2) even need to be doing business with me, that I need
 (3) to be — that she needs to be doing business with
 (4) Jim Patterson and Golden Sky Systems, not to have
 (5) any further dealings with me.
 (6) Q: Would this have all been prior to your
 (7) termination, these statements would have been made
 (8) prior to your termination?
 (9) A: Yeah. It occurred, apparently, prior
 (10) to — according to Mr. Patterson, according to
 (11) Ms. Nowell, yes, he started going around to these
 (12) customers about a weekend or two before I was
 (13) expelled — dismissed from the company.
 (14) Q: Let me ask you this, and I don't — we
 (15) don't — we'll be here all day if we go into the
 (16) circumstances of each one of these customers, I
 (17) just want to know which customers you have spoken
 (18) with —
 (19) A: The names of customers?
 (20) Q: The names of customers that you have
 (21) spoken with who have told you that Mr. Patterson
 (22) made these comments to them.
 (23) A: Martha Wright.
 (24) Q: Martha Wright?

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(1) Let's go ahead and admit into evidence —
 (2) it looks different from what you gave me, but —
 (3) A: Well, just take it again. It should be in
 (4) there, but —
 (5) MR. MCRAE: We will put this into evidence
 (6) as whatever the next exhibit is.
 (7) (Whereupon, Memorandum by
 (8) Jim Patterson dated 10/7/98
 (9) was marked as Deposition
 (10) Exhibit No. 4 for
 (11) identification.)
 (12) BY MR. MCRAE:
 (13) Q: And that document, Mr. Russell, are you
 (14) stating was an e-mail? Is that an e-mail from Jim
 (15) Patterson?
 (16) A: This document here?
 (17) Q: That you were just reading off of.
 (18) A: This was in the official Golden Sky files,
 (19) and it ended up in the Superior Court in Effingham.
 (20) In fact, I did not even see this document until the
 (21) case came up a couple of years ago in superior
 (22) court, and then — because I had already spoke to
 (23) these people, but I did not know that he had
 (24) actually did the convenience of actually putting it

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(1) A: Yes.
 (2) Q: Who else?
 (3) A: Gail Huggins, Lisa Hill, Nita Sutton, Ruby
 (4) Ridgely, Paul Schick. Paul Schick is deceased.
 (5) Q: So when were statements made to Paul
 (6) Schick?
 (7) A: Mr. Patterson called up Paul Schick and
 (8) started asking him questions about the service, and
 (9) basically just wanted to know that did I charge him
 (10) for a system because —
 (11) Q: When did he die? When did Mr. Schick die?
 (12) A: He died about two years ago.
 (13) Q: But this was at the same time frame as the
 (14) other customers?
 (15) A: Yes, same time, back in '98.
 (16) Q: A week or so before his death?
 (17) A: Yes.
 (18) Q: That's what I want to know. Were these
 (19) the people that you were going to subpoena to court?
 (20) A: Yes, sir.
 (21) Q: So you spoke with each one of them
 (22) individually?
 (23) A: Yes, sir.
 (24) Q: That's all I want to know.

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(1) in print, and it showed up in superior court.
 (2) Q: I'm asking what this document is, not the
 (3) contents of it, but —
 (4) A: This document is the explanation given by
 (5) Jim Patterson for the official record as to why I
 (6) was dismissed.
 (7) Q: Who was this document sent to? What are
 (8) the circumstances of this document?
 (9) A: It was a response to the Department of
 (10) Labor as to why GSS is saying not to pay me
 (11) benefits, and subsequently it was used in an attempt
 (12) to try to file a criminal warrant in Effingham —
 (13) the Effingham Sheriff's Department, which was not
 (14) successful, against me for malfeasance.
 (15) Q: So did he e-mail the Department of Labor?
 (16) Is that what you're alleging?
 (17) A: He might have. I don't know how he got to
 (18) the Department of Labor. I assume he probably
 (19) e-mailed it to them.
 (20) Q: Have you ever had Mr. Patterson confirm
 (21) that this document is what you say it is here today?
 (22) A: Yes, sir, because he was holding it in
 (23) front of himself at the time of my dismissal back on
 (24) October 7th. He called me in there, he started

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(1) running off names, and I said, "Jim, hold on a
(2) moment. I can't remember all these people." He
(3) goes — he started rattling off — and the names he
(4) started rattling off coincided — which I later
(5) found this list, because you see, for example, two
(6) of these people, like you have a Ruby Riddey here,
(7) and you have a Nitz Sutton, these two people, one of
(8) them is listed with Golden Sky as living in — both
(9) of them living in Effingham, one living in Rincon,
(10) one living in Guyton, in fact, both of them live
(11) right across the street from each other on Ogeechee
(12) Road.

(13) Q: We covered this numerous times. I'm only
(14) asking you about the document.

(15) A: Yes, sir.

(16) Q: You're saying that he had this document in
(17) his hand when he terminated you?

(18) A: Yes, sir.

(19) Q: This exact document?

(20) A: Yes, sir.

(21) Q: That's what I want to know. Let's move
(22) on.

(23) Have you ever seen anything in writing,
(24) authored by Jim Patterson, other than this document,

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(1) get it out, but I do have the original little —
(2) Q: I don't need the original. You've

(3) given — I think you gave something to me that
(4) looked like the original. Is it this right here?

(5) A: No. I meant the document — this was a
(6) question for — a little questionnaire from the
(7) Department of Labor. That's what you were inquiring
(8) about. I have the original little questionnaire.

(9) But you wanted to know what the question was or —

(10) Q: I want to know what that's attached to.

(11) That's one page out of — obviously one page out of
(12) many.

(13) A: To the Department of Labor inquiry, which
(14) I would have to go and — because I did not consider
(15) that to be important, but it's here, because I saw
(16) it. I can pull it up, but — here, you might be in
(17) luck here. Let's see. That's not it.

(18) Q: Well, let's just — let's deal with it
(19) later. We've wasted too much time on trying to find
(20) these documents.

(21) A: Okay. But can I comment as to the nature
(22) of what it states?

(23) Q: How about this: Let me ask you what proof
(24) do you have that that is a document penned by

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(1) in which he makes allegations or statements about
(2) your profession or your skill or honesty?

(3) A: Yes, sir.

(4) Q: Which document?

(5) A: This one here. You should have it, too.

(6) Q: I'll show him what we'll mark as whatever
(7) the next exhibit number is, which why don't you
(8) identify this document just by the title of the
(9) document.

(10) A: Attachment 2-A.

(11) Q: And what is that an attachment to?

(12) A: This was response to inquiry from the
(13) Department of Labor as to reasons for my dismissal.

(14) Q: What is it an attachment to? What
(15) document is it attached to?

(16) A: An inquiry sheet from the Department of
(17) Labor.

(18) Q: Do you have that entire document?

(19) A: I do have it here. I'll have to start
(20) digging into it, but it's here, but it's a simple
(21) little sheet, questionnaire, in which the question
(22) is, you know, explain how the effects were — you
(23) know, how this affected your operations of your
(24) office. If you want me to, I can dig through it and

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(1) Mr. Patterson?

(2) A: At the top of the page it has, "Georgia
(3) Department of Labor." It has the IBM fax router
(4) number, it has the date here, October 22nd, 1998,
(5) which is about the time for the hearing to come up,
(6) there's a date up here, so I think we can pretty
(7) much say this came from Golden Sky and was routed
(8) directly to the Department of Labor.

(9) Q: Where on that does it say it's from Golden
(10) Sky Systems or authored by Jim Patterson?

(11) A: Well, I'll tell you how it got there.

(12) Q: I don't — no, Mr. Russell, I'm asking you
(13) what about that document indicates that it was
(14) written by Mr. Patterson? Is there a signature on
(15) it from Mr. Patterson?

(16) A: No, sir. I tell you where I got it from.

(17) Q: I don't care where you got it from.

(18) You're going to find that out later, and, you know,
(19) frankly, I'm not going to spend more time to have
(20) you look through that stack of documents. But let
(21) me ask you: Is there a signature on that document
(22) from Mr. Patterson?

(23) A: No, sir. Can I —

(24) Q: You explain to me how it is that this