



VS



Civil No. [REDACTED]-00



RANDALL KENT

March 15, 2018



A P P E A R A N C E S

For the Plaintiff:

[REDACTED] LAW, PLC
[REDACTED]
[REDACTED].com

For the Defendants [REDACTED] and [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED].net

For the Defendants Kent and Richards:

[REDACTED], P.C.
[REDACTED]
[REDACTED].com

Also Present: [REDACTED] and [REDACTED]
Matthew Richards

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I N D E X



WITNESS

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RANDALL KENT

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1 March 15, 2018

8:05 a.m.

2 P R O C E E D I N G S

3 RANDALL KENT,

4 called as a witness herein, having been first duly
5 sworn by the Certified Court Reporter to tell the
6 truth, was examined and testified as follows:

7 EXAMINATION

8 BY MR. [REDACTED]

9 Q. Good morning, sir.

10 A. Good morning.

11 Q. Would you please state your name for the
12 record.

13 A. Randall Kent.

14 Q. And, sir, how is it that you're employed?

15 A. Excuse me? I didn't hear the question.

16 Q. How is it that you're employed?

17 A. I'm employed by the law firm of Kirton
18 McConkie.

19 Q. How long have you been employed in that
20 capacity?

21 A. I've been employed since 2011, I believe.

22 Q. And have you practiced as a lawyer in
23 another firm or as a solo practitioner prior to that
24 date?

25 A. Yes.

1 Q. How many years altogether have you
2 practiced law?

3 A. Eight years, approximately.

4 Q. And are you admitted to practice law
5 anywhere other than the state of Utah?

6 A. No, not currently.

7 Q. Describe for me generally the type of
8 practice you have. Are you a litigator? Do you do
9 transactional law, that sort of thing?

10 A. I work in our firm's constitutional
11 section.

12 Q. So does that involve litigation? Is it
13 merely rendering advice to clients about constitutional
14 issues?

15 A. The majority is rendering advice to clients
16 about legal issues.

17 Q. Do you have clients other than the Church
18 of Jesus Christ of Latter-Day Saints?

19 A. Can you clarify the question as far as do I
20 personally have other clients or does my firm have
21 other clients?

22 Q. You personally is what I'm asking.

23 A. I personally handle work that my firm gives
24 me that may include other clients in addition to the
25 Church.



1 Q. But does it?

2 A. I have performed work on other matters, not
3 solely for the LDS Church.

4 Q. Given your pause and hesitation in
5 answering that question, would it be fair to say that
6 the majority of your work is for the Church?

7 A. Yes.

8 Q. Thank you.

9 I take it from where you work here in Salt
10 Lake City, you do live in this area?

11 A. Yes.

12 Q. How long have you lived in the Salt Lake
13 area?

14 A. I have lived in the Salt Lake area or
15 surrounding areas here in Utah for my entire life.

16 Q. Where did you do your undergraduate
17 studies?

18 A. At the University of Utah.

19 Q. And law school?

20 A. At the S.J. Quinney College of Law here in
21 Utah.

22 Q. I'm sorry, you said that pretty quickly.

23 A. S.J. Quinney College of Law here in Utah as
24 well.

25 Q. And your other employment as an attorney,



1 has that also been in Salt Lake City?

2 A. Yes.

3 Q. When is the last time you actually appeared
4 in court?

5 A. I can't recall.

6 Q. So have you ever appeared in court as an
7 attorney, in your capacity as an attorney?

8 A. Yes.

9 Q. Approximately how long has it been since
10 you last appeared in court as an attorney?

11 A. I can't recall.

12 Q. And are you a member of the Church of Jesus
13 Christ of Latter-Day Saints?

14 A. I am.

15 Q. Have you been your entire life?

16 A. I have.

17 Q. Would you describe for me, what is a temple
18 recommend?

19 A. I was going to ask my counsel if that's
20 relevant, if you'd like me to answer the question.

21 MR. [REDACTED] It's probably not but go ahead.
22 It's fine.

23 THE WITNESS: A temple recommend is a
24 document or card that the Church provides to members of
25 its congregation that allows them to enter the temple

1 to perform temple work.

2 BY MR. [REDACTED]

3 Q. You used the term "to perform temple work."
4 Would it also be required to enter the temple for
5 meetings or services?

6 A. Generally, services, as you used the term,
7 are not held in the temple, but weddings and other
8 things that you might consider services are held in the
9 temple. And yes, a recommend would be required in
10 those cases.

11 Q. Now, through some of the discovery answers
12 that you provided, it appears to me that the first time
13 that you had any contact with anyone concerning the
14 situation with [REDACTED] was in August of 2015.
15 Does that sound right, in terms of your recollection of
16 when that first occurred?

17 A. Yes, I believe that's correct.

18 Q. And I believe that that occurred through,
19 you said an 800 number that people can call, a hotline
20 so to speak. Is that accurate?

21 A. Yes.

22 Q. And have you served as a person who may
23 respond to those hotline calls in the past in other
24 situations?

25 A. Can you clarify the question?

1 Q. Just to lay a little foundation, my
2 understanding is that in this case, there was a call
3 made to the hotline number, I believe by Bishop [REDACTED]
4 And that you became involved in this matter based upon
5 that phone call.

6 Is that accurate?

7 A. I believe so, yes.

8 Q. Okay.

9 What I'm asking is: Have you performed
10 work as an attorney in answering or responding to other
11 hotline calls that come in in that same way?

12 A. Yes.

13 Q. And approximately how -- over what period
14 of time during your employment here at Kirton McConkie
15 have you served in that role, to answer those hotline
16 calls, not necessarily all of them, but that that's
17 been part of your job?

18 A. The bulk of my employment here.

19 Q. And then I also understand there's a -- I
20 think it's called a security department, that would
21 sometimes become involved in these hotline calls; is
22 that right?

23 A. If you're referring to the Church security
24 department, then they would assist the Church, but they
25 are not involved in those initial calls.

1 Q. Okay.

2 How is it that the Church security
3 department would become involved in those hotline
4 calls?

5 A. Well, to clarify, the Church generally
6 becomes aware of a legal issue or a potential risk in
7 one of two ways.

8 The first way is, as you mentioned, a
9 clergy leader, or Church officer, representative of the
10 Church, would call that hotline or helpline number.

11 The second way is occasionally the Church
12 security department contacts us directly with those
13 concerns.

14 Q. So when does -- when a call is made through
15 the hotline, and is it -- does it have a more formal
16 name than hotline?

17 A. We just refer to it as the helpline here.

18 Q. Okay, the helpline. Okay. That way we're
19 both on the same page.

20 A. Sure.

21 Q. When people call that helpline, where
22 literally does a phone ring for someone to pick up on
23 the other end?

24 A. Well, the phone line or the helpline,
25 rather, is operated by the Church. So when someone



1 calls the helpline, again a Church officer, clergy
2 leader, they are actually answered by generally a
3 representative from LDS Family Services. It's a social
4 work organization operated by the Church. And then
5 they speak to a counselor who talks to them about their
6 concerns and walks them through that process.

7 If, during that initial conversation, there
8 are concerns raised that may require the attention of
9 an attorney, then that call is directed to our office.

10 Q. And is that done through a forwarding or
11 transfer of the actual call or is it a call-back
12 process? How does the referral to Kirton McConkie
13 actually happen?

14 A. So what happens is the clergy leader who
15 calls the helpline speaks with that representative from
16 LDS Family Services. They stay on the line. That
17 representative from LDS Family Services would then
18 generally contact our office.

19 They do not call directly over to an
20 attorney. They call over to one of our support staff.
21 That support staff would then look and determine which
22 of the attorneys who handle the responsibilities for
23 the helpline are available and are able to take that
24 call.

25 The support staff would then contact that



1 attorney, not with the other people on the line, just
2 to say, "Hey, are you available? Can you take this
3 call?" And if the response is in the affirmative, then
4 the call is connected through. And then the attorney
5 speaks directly with the representative from LDS Family
6 Services. And then after a brief description of what
7 the call is concerning, they will generally bring on
8 the clergy leader.

9 Q. Are there other means to initially
10 facilitate help, other than calling the helpline? What
11 I'm getting at is, literally, could a leader send an
12 email, send a fax, send a letter and it would be routed
13 through the same course or process that you just
14 described?

15 A. The same course, again, I'm not clear
16 exactly what you mean on that. There are leaders who,
17 for whatever reason, are not one hundred percent
18 familiar with that process so they may contact the
19 wrong office or someone that they shouldn't be, and
20 then they're kind of looped into that chain. That
21 occasionally happens.

22 Q. Does the helpline have the ability for a
23 member of clergy or leadership to contact the helpline
24 via email?

25 A. There is an associated email address. It's



1 generally not used by clergy leaders, but can be used
2 directly by LDS Family Services.

3 Q. But it's not persons who actually work in
4 LDS Family Services, is that what you're saying --

5 A. Correct.

6 Q. -- who use that email?

7 Is that yes?

8 A. Yes.

9 Q. You shook your head and the court reporter
10 just needs it to be verbalized in some way, so I'm not
11 trying to be rude.

12 So in the normal course, generally means
13 that a person in local leadership, like a bishop, would
14 know to go about contacting the helpline, would be
15 through calling this hotline number; is that right?

16 A. Sorry, was your question the only way they
17 would know to call the helpline is by calling the
18 helpline?

19 Q. Yes. As strange as that sounds, I guess
20 that is exactly what I'm asking.

21 A. I guess I don't understand the question.
22 Can you rephrase?

23 Q. Would members of local clergy know of any
24 other means to contact the helpline but by making a
25 phone call versus, for example, sending a letter via



1 mail, sending an email, sending a fax to someone that
2 would get routed, then, to LDS Family Services?

3 A. Generally, the way the clergy would know to
4 contact the helpline is by the 800 numbers provided.

5 Q. And do you know what information -- what
6 documents would provide that information to the local
7 clergy so they would know what the 800 number was and
8 how to use it and access it?

9 A. Yes.

10 Q. Where would that be found by the local
11 clergy?

12 THE WITNESS: Is that something I can
13 answer, Counsel?

14 (Discussion off the record between the
15 witness and his counsel.)

16 MR. [REDACTED] Do we need to go off the
17 record?

18 MR. [REDACTED] If we can just take a moment.

19 MR. [REDACTED] Sure. That's fine, yes.
20 Absolutely.

21 MR. [REDACTED] There may be occasional
22 privileged discussions.

23 MR. [REDACTED] I understand.

24 (Discussion off the record.)

25 MR. [REDACTED] We're back on the record.

1 We've had a little break for Mr. Kent to confer with
2 counsel.

3 BY MR. [REDACTED]

4 Q. Are you prepared to go forward now,
5 Mr. Kent?

6 A. I am prepared.

7 Q. And prepared to answer the question that
8 was last posed?

9 A. Can you pose it again, please.

10 Q. I asked, I believe, how is it that a local
11 clergy member, like a bishop, would be informed of how
12 to call the helpline and what the helpline is for, what
13 the purpose is that you might call it?

14 A. Sure. The Church leaders receive
15 ecclesiastical training that would direct them to call
16 the helpline in the event of legal concerns.

17 Q. Ecclesiastical training. Now, does that
18 include written materials?

19 A. Yes.

20 Q. Might it also include training sessions,
21 conferences, that sort of thing as well?

22 A. Yes.

23 Q. Also involve -- mere verbal instruction
24 could be included in that training?

25 A. Yes.

1 Q. And do you know in this case how Bishop
2 [REDACTED] became aware of the helpline?

3 A. I do not.

4 Q. And the written materials that we're
5 talking about, what are those materials called or
6 what's their title?

7 A. The Church has handbooks, is what they're
8 referred to, and that information on the helpline would
9 be located in those handbooks for stake presidents and
10 bishops.

11 Q. And is it stake or state?

12 A. Stake, S-T-A-K-E.

13 Q. Thank you.

14 And you've used plural "handbooks," and
15 then referred to the handbook for stake presidents, and
16 who else?

17 A. Bishops.

18 Q. Bishops. Is there more than one handbook
19 for a stake president and bishop?

20 A. Not for stake presidents and bishops
21 specifically.

22 Q. But there are other handbooks that might
23 apply to other positions within the Church?

24 A. Yes.

25 Q. Thank you.

1 And drawing it back around then to my
2 initial question, information about the helpline would
3 be found in that handbook for stake presidents and
4 bishops?

5 A. Correct.

6 Q. Do you know, over the course of your
7 employment with Kirton McConkie, approximately how many
8 times you've been involved in responding to helpline

9 [REDACTED]

10 A. I do not.

11 Q. And for purposes of work that you perform
12 as an attorney for the Church, can you define in any
13 more particularity who exactly is your client?

14 A. My client is the Church of Jesus Christ of
15 Latter-Day Saints.

16 Q. In your discovery I believe you identified
17 the Corporation of the Presiding Bishop of the Church
18 of Jesus Christ of Latter-Day Saints. Do you recall
19 that?

20 A. I do.

21 Q. Help me distinguish, to the extent there is
22 any distinction, between the Church versus the
23 Corporation of the Presiding President of the Church.

24 A. To the expand on my previous answer, I
25 represent the Church of Jesus Christ of Latter-Day

1 Saints and its affiliated legal entities.

2 Q. And now I think I haven't seen in your
3 written discovery answers where you mentioned
4 affiliated legal entities, so who would those entities
5 be or what would those entities be?

6 A. I believe in our responses to discovery
7 that we do indicate "associated legal entities." One
8 of those entities that I believe we also indicate in
9 our discovery responses is the Corporation of the
10 Presiding Bishopric.

11 Q. And is that different than the -- the
12 Corporation of the Bishopric, is that different than
13 the Corporation of the Presiding Bishop?

14 A. I'm just hesitating because I don't believe
15 that there are two such entities. I think it's one or
16 the other, is my point.

17 Q. What is the Corporation of the Presiding
18 Bishopric of the Church?

19 A. They're an associated legal entity with the
20 Church of Jesus Christ of Latter-Day Saints. I am not
21 familiar with all of their responsibilities or actions
22 that they take. They are, for example, the landowner
23 generally of our meetinghouses. So they would be the
24 property owner.

25 Q. Who is the presiding bishop of this



1 corporation?

2 A. As far as the legal entity, I won't
3 speculate on that.

4 Q. So you don't know?

5 A. I cannot recall at this moment.

6 Q. Help me understand the hierarchy then of
7 the Church in terms of persons at the top and going
8 down. For example, who would be the highest person in
9 authority in the Church right now?

10 A. Can you restate the question as far as
11 legal authority or ecclesiastical authority?

12 Q. Let's start with ecclesiastical authority.

13 A. That would be the Prophet of the Church.

14 Q. And who is that right now?

15 A. We just recently had a change. Our former
16 prophet, President Monson, has passed away. The new
17 prophet is President Nelson.

18 Q. And you refer to him as "prophet," but you
19 also -- did you use the term "president" as well?

20 A. Correct. The Prophet is also the president
21 of the Church.

22 Q. And would be the highest ecclesiastical
23 authority in the Church?

24 A. Correct.

25 Q. Now for legal purposes, then, who would be



1 the highest authority in the Church?

2 A. I don't understand your question in the
3 sense that the Church has multiple associated legal
4 entities.

5 Q. Is there one parent entity, however?

6 A. I don't have -- I can't speculate on that.
7 I don't know that information.

8 Q. Well, you asked me to distinguish between
9 highest authority for purposes of ecclesiastical
10 matters or legal matters.

11 A. Correct.

12 Q. We talked about ecclesiastical matters.
13 Now I was just coming back to the distinction you made
14 about legal matters.

15 So who would be the highest authority in
16 legal matters?

17 A. Well, I don't think that there would be one
18 person, but each legal entity may have someone at the
19 top of that legal entity.

20 For example, the Corporation of the
21 Presiding Bishopric may have someone at the top of that
22 entity. There are other entities that would have
23 people on the top of those relative organizations.

24 Q. And are you saying you don't know who the
25 person in highest authority for legal matters over the



1 Corporation of the Presiding Bishopric is?

2 A. I can't recall at this time.

3 Q. Does the Corporation of the Presiding
4 Bishopric have general counsel?

5 A. The Church maintains an office of general
6 counsel.

7 Q. Okay.

8 By "the Church," who do you mean, given
9 that we've talked about affiliated entities and such?
10 Who are you meaning by "the Church"?

11 A. Can you restate the question?

12 Q. Well, I asked you, does the Corporation of
13 the Presiding Bishop have general counsel and you said
14 the Church does. So I'm trying to determine, instead
15 of in a general sense the Church, what part of the
16 Church are you saying has general counsel?

17 A. I don't have specific information on that.

18 Q. So you don't know if the Corporation of the
19 Presiding Bishop has general counsel?

20 A. Well, again, I hesitate to speculate on --
21 your question is a little bit confusing to me in the
22 sense that the Corporation of the Presiding Bishopric
23 does receive legal counsel, but I don't know on what
24 matter that -- you're questioning about, if that makes
25 sense.



1 Church, what part of the Church or its affiliated
2 entities is it general counsel to, and that sort of
3 background information?

4 Can you help me understand that?

5 A. I would be happy to if you have specific
6 questions. I'm happy to try to answer those.

7 Q. Okay.

8 When your discovery answers say that Office
9 of General Counsel was involved in the determining how
10 to respond to Bishop [REDACTED] inquiry to the helpline,
11 what person are we talking about with Office of General
12 Counsel?

13 A. I cannot answer any question on this
14 specific matter with Bishop [REDACTED] as I believe that's
15 protected by attorney-client privilege. If my counsel
16 would like, I'm happy to talk in general terms as far
17 as the persona non grata process, or the PNG or
18 trespass notice, process works with the Office of
19 General Counsel.

20 Q. So you're saying that you believe privilege
21 prohibits you from even disclosing to me the person in
22 the Office of General Counsel to whom you spoke about
23 this particular matter with [REDACTED]

24 MR. [REDACTED] Let me just object for a second
25 and maybe ask you to clarify. Perhaps the first

1 question ought to be, did he speak with somebody at the
2 Office of General Counsel?

3 MR. [REDACTED] Sure.

4 THE WITNESS: No.

5 BY MR. [REDACTED]

6 Q. So do you know any person in the Office of
7 General Counsel that was involved in the matter that
8 was reported by Bishop [REDACTED] concerning [REDACTED]

9 A. Again, I cannot speak specifically to this
10 matter as I believe that's protected by attorney-client
11 privilege.

12 Q. So you're saying you know who in the Office
13 of General Counsel was involved but you believe
14 disclosing that person's name is privileged?

15 MR. [REDACTED] Do you know? I think that's the
16 first question, because if you don't know, it doesn't
17 matter. You've already said you didn't communicate
18 with anybody. Do you know if anybody --

19 THE WITNESS: Yes, I do know the person who
20 was involved.

21 MR. [REDACTED] Okay.

22 BY MR. [REDACTED]

23 Q. Then of course the next question is: Who
24 is that person?

25 MR. [REDACTED] Let's take a break and let me

1 just address his concerns.

2 MR. [REDACTED] Okay.

3 (Discussion off the record.)

4 MR. [REDACTED] If you would ask him if he
5 knows -- I -- let's get that question out of the way.

6 MR. [REDACTED] Okay.

7 BY MR. [REDACTED]

8 Q. Do you know who the person in the Office of
9 General Counsel is that was involved in the matter
10 involving [REDACTED]

11 A. I don't recall specifically at this time.

12 Q. Okay, because I thought you said a few
13 minutes ago, in response to Mr. [REDACTED] question, that
14 you did know the person or who that person was.

15 A. Can we have record read back, please.

16 (Whereupon the record was read by the
17 reporter as follows:

18 MR. [REDACTED] Do you know if anybody --

19 THE WITNESS: Yes, I do know the person who
20 was involved.)

21 BY MR. [REDACTED]

22 Q. So do you or do you not know the identity
23 of the person in the Office of General Counsel who is
24 involved in this matter involving [REDACTED]

25 A. I do not recall the specific person who was

1 involved in this matter involving [REDACTED]

2 Q. Were there multiple matters involving
3 [REDACTED] that you're aware of?

4 A. No.

5 Q. So in the interim, we took a break and you
6 and Mr. [REDACTED] and Mr. [REDACTED] and Mr. Richards stepped out.
7 What happened to your memory in those couple of
8 minutes?

9 MR. [REDACTED] I object to the
10 characterization. I think -- go ahead. I object to
11 the characterization.

12 MR. [REDACTED] Well, he said he knew before
13 he took the break and now he doesn't recall. I'm just
14 trying to find out what happened that now he doesn't
15 recall.

16 THE WITNESS: I believe I was confused in
17 the sense that I know generally who that person would
18 have been at that time, speaking as to PNG matters
19 generally. If you're talking to the specific matter
20 involving [REDACTED] because I did not directly
21 communicate with anyone over at the Office of General
22 Counsel, I do not know as a fact who that person would
23 have been.

24 BY MR. [REDACTED]

25 Q. Okay.

1 And you used a term there, you said "PNG
2 letters." Just so we're clear on the record and using
3 the same terminology, what do you mean by a PNG letter?

4 A. PNG stands for a persona non grata letter.
5 It's basically just a trespass order.

6 Q. So a letter to someone saying don't come on
7 the property of the Church?

8 A. Correct.

9 Q. And who generally, in the Office of General
10 Counsel, back in October of 2015, would you have
11 expected or believed would have been involved in the
12 matter with [REDACTED]

13 MR. [REDACTED] Well, I object to the extent
14 it's been asked and answered. He doesn't know.

15 MR. [REDACTED] He said he knew generally
16 who was involved in PNG letters.

17 MR. [REDACTED] Well, that's a different
18 question.

19 MR. [REDACTED] Okay.

20 BY MR. [REDACTED]

21 Q. Then who generally would have been involved
22 with PNG letters in October of 2015?

23 A. Boyd Black I believe.

24 Q. Boyd Black, B-O-Y-D?

25 A. Correct.

1 Q. And Black, common spelling?
2 A. Correct.
3 Q. And is that male or female?
4 A. Male.
5 Q. And is that your understanding from your
6 prior involvement in PNG letters that might -- that the
7 Church might be considering sending out?
8 A. Yes.
9 Q. Now we've talked a little bit about the
10 Church security department prior to now; right?
11 A. Uh-huh (Affirmative).
12 Q. Is that yes?
13 A. Yes.
14 Q. Again, I'm not trying to be rude. Just
15 trying to make the record, okay?
16 A. Well, and I don't believe you were asking
17 for a question, which is why I didn't answer until you
18 asked for one.
19 Q. Okay.
20 Did you interact with a particular person
21 in the Church security department concerning the matter
22 that you became aware of concerning [REDACTED]
23 THE WITNESS: Counsel, can I answer in the
24 affirmative without revealing --
25 MR. [REDACTED] Yes. He asked you yes or no.

1 THE WITNESS: Yes.

2 BY MR. [REDACTED]

3 Q. And who is that person?

4 A. I sent --

5 THE WITNESS: I believe I can answer the
6 person without the context?

7 MR. [REDACTED] He asked you who the person was.

8 THE WITNESS: Okay.

9 There was more than one person.

10 BY MR. [REDACTED]

11 Q. Okay.

12 Who are those persons?

13 A. Tracy Fox and John Hodson.

14 Q. Would you spell those names for me just so
15 we're...

16 A. Tracy, T-R-A-C-Y, F-O-X. John Hodson,
17 J-O-H-N. Hodson, S-O-D-S -- sorry, H -- excuse me,
18 H-O-D-S-O-N.

19 Q. S-O-M, as in [REDACTED]

20 A. N as in Nancy.

21 Q. Okay.

22 And these two persons are employees of the
23 Church in the Church security department?

24 A. Correct.

25 Q. Tell me about your communication with them,

1 not the substance, but what was the vehicle of that
2 communication? Email? Telephone calls? What was the
3 vehicle that you used to communicate with them?

4 MR. [REDACTED] Just be careful because the
5 substance of those communications is privileged. So
6 what he's asking you is did you speak to them?

7 THE WITNESS: Can I speak to the form?

8 MR. [REDACTED] Did you speak to them? Did you
9 send them a letter? Whatever.

10 THE WITNESS: I sent them an email.

11 BY MR. [REDACTED]

12 Q. Just one? Several?

13 A. For which day or specific instance are you
14 talking about?

15 Q. That, then, seems to infer that there were
16 multiple. So I guess I'll probably want to get into
17 all dates, but is your initial answer that there would
18 have been multiple emails sent to one or both of these
19 individuals?

20 A. In connection with [REDACTED]

21 Q. Correct.

22 A. Yes.

23 Q. Was that the only form of communication you
24 had with those two individuals concerning [REDACTED]
25 [REDACTED] that being email?

1 A. Yes.

2 Q. And when was the first such email
3 communication to them about [REDACTED]

4 A. My recollection is August 25th.

5 Q. And how is it that you're able to determine
6 it was that date? Is it based upon some other event?
7 For example, when you first spoke with Bishop [REDACTED]

8 A. My understanding is based on our discovery
9 responses and reviewing that record, and it would have
10 been based on when I spoke with Bishop [REDACTED] I would
11 have sent the email following that conversation.

12 Q. So is that yes, that you sent the email
13 after talking to Bishop [REDACTED] and that's how you're
14 able to narrow down the date that you sent that email?

15 A. Yes.

16 Q. And would that have been a single email to
17 both of those individuals?

18 A. Yes.

19 Q. And do you recall whether they responded to
20 you in response to that first email?

21 MR. [REDACTED] That's a yes or no.

22 THE WITNESS: Yes.

23 BY MR. [REDACTED]

24 Q. Was it the same day?

25 A. I don't recall.

1 Q. And which person responded to you, or did
2 both of them respond to you separately?

3 A. I don't recall.

4 Q. You may not recall, but you did receive an
5 email response from one of them or both of them?

6 A. Yes.

7 Q. Was there subsequent email correspondence
8 with -- oh, and both of these individuals, are they
9 male?

10 A. Yes, they are.

11 Q. Okay.

12 Was there subsequent email communication
13 with them on or about those dates or that date of
14 August 25th, 2015?

15 A. No.

16 Q. When was the next time, if at all, that you
17 had email correspondence with one or both of those
18 individuals about [REDACTED]

19 MR. [REDACTED] Date.

20 THE WITNESS: I believe that was in October
21 of that same year.

22 BY MR. [REDACTED]

23 Q. Pardon me?

24 A. Of that same year.

25 Q. Thank you.

1 And what prompted that email
2 correspondence? And again, I'm not asking you to get
3 into substance, but what event occurred to prompt you
4 to communicate with them again?

5 A. I believe that response calls for
6 information protected under attorney-client privilege.

7 Q. So there was some event that occurred that
8 prompted you to reach out to Mr. Fox and Mr. Hodson
9 again in October of 2015; is that right?

10 A. I'll stand by my prior answer.

11 MR. [REDACTED] Did you say you reached out to
12 them?

13 THE WITNESS: I didn't say either.

14 BY MR. [REDACTED]

15 Q. Okay.

16 Then did you receive subsequent email
17 correspondence from one or both of those individuals in
18 October of 2015?

19 A. Yes.

20 Q. So then between August 25th or 26th of 2015
21 and October, when either Mr. Fox or Mr. Hodson reached
22 out to you, did you have any correspondence with either
23 of those two individuals about [REDACTED]

24 A. I do not believe so.

25 Q. So when the communication between those two

1 individuals and yourself was reinitiated in
2 October 2015, that was by their -- they initiated that
3 contact?

4 A. No.

5 Q. Okay.

6 How was that contacted initiated with you
7 by those two individuals, then, in October 2015?

8 THE WITNESS: Counsel, I believe I can
9 answer this with just saying the form, without getting
10 into privilege issues; is that correct?

11 MR. [REDACTED] I think that's what he's asking
12 you for.

13 THE WITNESS: I believe I received an email
14 from Bishop [REDACTED]

15 BY MR. [REDACTED]

16 Q. And was that email also sent to Mr. Fox and
17 Mr. Hodson?

18 A. I don't recall.

19 Q. I guess what I'm trying to determine is if
20 Bishop [REDACTED] sent an email to you, how would Fox or
21 Hodson know to send you an email about [REDACTED] in
22 October 2015?

23 A. I believe I can answer this without getting
24 into --

25 MR. [REDACTED] Let me -- I'm sensing something

1 has got him confused so let me just chat with him.

2 MR. [REDACTED] So take another break.

3 (Discussion off the record.)

4 MR. [REDACTED] Back on the record.

5 We've had a break where Mr. [REDACTED] and

6 Mr. [REDACTED] and Mr. Kent and Mr. Richards conferred

7 outside the room.

8 BY MR. [REDACTED]

9 Q. So are you prepared now to answer the last
10 question posed, Mr. Kent?

11 A. I am. Can you restate it?

12 MR. [REDACTED] Would the court reporter
13 please restate the question.

14 (Whereupon the record was read by the
15 reporter as follows:

16 QUESTION: I guess what I'm trying to
17 determine is if Bishop [REDACTED] sent an email to you, how
18 would Fox or Hodson know to send you an email about
19 [REDACTED] in October 2015?)

20 THE WITNESS: I contacted them. I sent
21 them an email.

22 BY MR. [REDACTED]

23 Q. Okay.

24 So your prior answer, that Fox and Hodson
25 initiated that contact in October, was inaccurate?

1 A. I don't believe that I ever answered it in
2 that manner.

3 Q. Okay.

4 So you received an email from Bishop [REDACTED]
5 and that prompted you to reach out to Fox and Hodson in
6 October 2015?

7 A. I don't recall the specific date in
8 October -- excuse me.

9 I do not recall the specific date in
10 October, but yes, I emailed Church security offices in
11 October.

12 Q. And by "Church security offices," are you
13 talking about Mr. Fox and Mr. Hodson in particular?

14 A. Yes.

15 Q. Was there anyone else with the Church
16 security department involved in this matter with [REDACTED]

17 [REDACTED]

18 A. Yes.

19 Q. Who else?

20 A. I don't recall specifically who it would
21 have been, but it would have been a Church security
22 officer investigator that was assigned to investigate
23 that matter.

24 Q. And you communicated with that person
25 directly?

1 A. No.

2 Q. You just know they were involved, he or
3 she?

4 A. Correct.

5 Q. Now, in the Church security department,
6 would there be only male employees or are there female
7 employees in the Church security department?

8 A. I don't have specific information.

9 Q. What's your understanding?

10 A. I believe that they are -- well, I don't
11 know.

12 Q. Mr. Fox and Mr. Hodson, are they located
13 here in Salt Lake City?

14 A. Yes.

15 Q. And the Church security department, do they
16 have an office, a physical office?

17 A. Yes.

18 Q. And where is that physical office?

19 A. It's located in the Church Office Building.

20 Q. Here in Salt Lake; right?

21 A. Correct.

22 Q. And Mr. Fox and Mr. Hodson, do you know
23 anything of their background, past employment, for
24 example, if they're prior law enforcement or that sort
25 of thing?



1 A. Generally, all officers of the Church
2 security department are former law enforcement
3 individuals.

4 Q. And that's what I mean specifically with
5 Fox and Hodson, do you know if they are?

6 A. Yes, I believe they are.

7 Q. Do you know with what agencies they were
8 previously employed in law enforcement?

9 A. I don't recall.

10 Q. And in your capacity as an attorney, have
11 you ever provided services to the Church security
12 department in the form of training?

13 A. No.

14 Q. When you first communicated with Bishop
15 [REDACTED] in August of 2015, did you have more than one
16 telephone call with him?

17 A. Yes.

18 Q. And were those multiple calls on the same
19 day or were there other calls on subsequent days after
20 the 25th of August?

21 A. I believe there were calls on the 26th, in
22 addition to the 25th.

23 Q. Any other dates around that time, being
24 within a few days or a week?

25 A. No, not that I recall.

1 Q. And then your next communication with
2 Bishop [REDACTED] would not have been until October of 2015,
3 when, as you testified a few minutes ago, you received
4 an email from him?

5 A. Correct.

6 Q. Do you know if, in the course of discovery
7 of this case, whether Bishop [REDACTED] email to you has
8 been produced to the plaintiffs?

9 A. I believe that it has not, as it is
10 privileged and attorney-client privilege.

11 Q. When you received Bishop [REDACTED] email,
12 you've already said that you then communicated with
13 Messrs. Fox and Hodson in Church security. What other
14 action, if any, did you take in response to that email
15 that you received from Bishop [REDACTED] in October?

16 MR. [REDACTED] I caution you not to reveal any
17 privileged communications. He's just asking for the
18 description of the event you recall, if any.

19 THE WITNESS: I'm sorry. I guess your
20 question seems open-ended. Can you be a little bit
21 more specific?

22 BY MR. [REDACTED]

23 Q. I'm not sure that I can. I just want to
24 know what else you did in response to receiving that
25 email from Bishop [REDACTED] in October.

1 A. Well, I contacted the Church security
2 department, as I've mentioned. And I would have also
3 conferred with my colleague by email, Matt Richards.

4 Q. Had you conferred with Mr. Richards prior
5 to receiving that email from Bishop [REDACTED] in October?

6 A. Yes.

7 Q. Was that conferring with Mr. Richards, did
8 that occur back in August, when you had your initial
9 communication with Bishop [REDACTED]

10 A. Yes.

11 Q. Beyond you conferring with Mr. Richards, at
12 any time, while addressing the reports you received
13 about [REDACTED] was Mr. Richards involved in this
14 matter otherwise?

15 A. I don't understand the question.

16 Q. You said that you conferred with
17 Mr. Richards about the matter involving [REDACTED]
18 My question is: Beyond you conferring to him, was he
19 involved in the [REDACTED] matter beyond that, to
20 your knowledge?

21 A. In August or October?

22 Q. Either occasion. Start with August.

23 A. In August, I do not believe so.

24 Q. So to the best of your understanding,
25 Mr. Richards's only involvement in the matter in

1 August 2015 was merely you talking to him about it?

2 A. And he would have received an email or
3 results of the Church security investigation.

4 Q. So that would have been an email that came
5 from Hodson or Fox or both?

6 A. I don't recall in this specific instance.
7 It may have come from the investigating officer, the
8 person who performed the investigation.

9 Q. The person whose identity you don't recall?

10 A. Correct.

11 Q. Would that have been a single email from a
12 whomever out of the Church security department it was,
13 that was sent to both of you?

14 A. Yes, I believe so.

15 Q. Did you have other communication with the
16 investigator about the [REDACTED] matter in
17 August 2015?

18 MR. [REDACTED] Yes or no?

19 THE WITNESS: No.

20 BY MR. [REDACTED]

21 Q. So other than receiving that one email from
22 that officer about the results of his investigation,
23 you don't recall any other communication with that
24 person who actually investigated the incident?

25 A. Yes.

1 Q. Do you know what investigation that officer
2 undertook in response to Bishop [REDACTED] complaint in
3 August of 2015?

4 A. I don't know.

5 Q. Now, circling back around, we were talking
6 about Mr. Richards's involvement, and I think we've
7 covered the extent of his involvement in August 2015;
8 is that right?

9 A. I believe so, yes.

10 Q. So then jumping forward then to October
11 2015, when Bishop [REDACTED] reached out to you via email,
12 how was it that Mr. Richards was involved at that point
13 concerning [REDACTED]

14 MR. [REDACTED] Again, I just caution you not to
15 reveal any privileged communications.

16 THE WITNESS: So as we've discussed, I
17 conferred with Mr. Richards.

18 BY MR. [REDACTED]

19 Q. Meaning you went and talked to him; is that
20 right?

21 A. No. I believe it was by email.

22 Q. Okay.

23 A. He would have received the information from
24 Church security, and I believe he conferred with the
25 Office of General Counsel.

1 Q. In October 2015, who in the Church security
2 department was involved in the matter involving [REDACTED]
3 [REDACTED] at that point? Still Messrs. Fox and Hodson?

4 A. Yes. They would have been involved.

5 Q. And was there also this third person who
6 actually did the investigation or was that person not
7 involved in October 2015?

8 A. I don't recall if that was that same
9 person. It may have been a separate investigator.

10 Q. And the nature of the communication with
11 Mr. Richards and the Church security department at that
12 time, was that email or was it -- did it also involve
13 telephone or in-person conversations, to your
14 knowledge?

15 A. I don't have knowledge on specifically what
16 Mr. Richards -- how he communicated with them, other
17 than the email.

18 Q. So you know it involved email. Whether it
19 involved any other form of communication, you're not
20 aware; is that right?

21 A. You'll have to ask him.

22 Q. Well, I'm asking you what you're aware of.

23 A. I am not aware of anything.

24 Q. Other than email communication?

25 A. Correct.

1 Q. As a result of any investigation by the
2 Church security department in August or October, do you
3 know of any material that the Church received from
4 anybody in [REDACTED] any letters, any sworn statements,
5 any recorded statements?

6 A. Sorry, between what dates?

7 Q. October -- between August and October 2015.

8 MR. [REDACTED] That's a yes or no.

9 THE WITNESS: Can you just restate the
10 question? I just want to make sure I understood it,
11 other than emails.

12 BY MR. [REDACTED]

13 Q. In that time period, do you know, as part
14 of the investigation by the Church security department,
15 whether there were any materials received by Church
16 security from persons in [REDACTED] such as letters,
17 affidavits, audio recordings, transcribed statements,
18 anything like that?

19 A. I do not know.

20 Q. So in October 2015, you received an email
21 from Bishop [REDACTED] and you referred that over to Church
22 security department; is that right?

23 A. Yes.

24 Q. And do you know what happened after that,
25 in terms of what action was taken by the Church or what

1 action Bishop [REDACTED] was directed to take in response to
2 his email to you?

3 MR. [REDACTED] That's yes or no.

4 THE WITNESS: It was a compound question.
5 That's why I hesitate to answer yes or no. Can you
6 break it down into separate questions?

7 BY MR. [REDACTED]

8 Q. I'll try.

9 What action was taken in response to Bishop
10 [REDACTED] email in October?

11 MR. [REDACTED] Let me object to the extent that
12 it would call for you to reveal privileged
13 communications. You can answer if it's -- if it does
14 not reveal anything privileged.

15 THE WITNESS: The Church security
16 department conducted a second investigation.

17 BY MR. [REDACTED]

18 Q. Do you know if that investigation involved
19 persons different from those who were involved in the
20 August initial report by Bishop [REDACTED]

21 A. As stated, I believe Tracy Fox and John
22 Hodson were involved. I do not recall if it was the
23 same person they had assigned to investigate the August
24 incident or if it was a different individual.

25 Q. Do you know if the person who actually

1 conducted the investigation with Church security
2 actually went to [REDACTED] traveled to [REDACTED] as
3 part of their investigation?

4 A. I don't believe so.

5 Q. So maybe that was probably a bad question.

6 You are aware of whether they went to
7 [REDACTED] and you don't believe they did; is that
8 accurate?

9 MR. [REDACTED] He asked you do you know, is
10 what he asked you.

11 THE WITNESS: I don't know on this specific
12 case, no.

13 BY MR. [REDACTED]

14 Q. After the second investigation was done in
15 October 2015, what action, if any, was taken by the
16 Church after that investigation was completed?

17 MR. [REDACTED] I object again to the extent it
18 would call for you to reveal privileged communications.
19 To the extent that you can answer without doing so, you
20 can answer.

21 THE WITNESS: Again, I'm not sure exactly
22 what you're looking for, but the end result was the PNG
23 letter or persona non grata letter was sent.

24 BY MR. [REDACTED]

25 Q. And that was what I was looking for.

1 A. Okay.

2 Q. It wasn't a trick question.

3 What my follow-up question is concerning
4 is, who all was involved in the decision to send the
5 PNG letter to Mrs. [REDACTED]

6 A. Well, again, I hesitate to speak to this
7 specific case, one, for just lack of specific
8 knowledge. But if you'd like, I can talk about the PNG
9 process in general.

10 MR. [REDACTED] I thought you were getting
11 ready to say something, [REDACTED]

12 MR. [REDACTED] I'll wait until you follow up
13 and I probably will.

14 BY MR. [REDACTED]

15 Q. That's fine to start.

16 What would be the general process?

17 A. So the general process would be, as we've
18 discussed, the Church would receive information about a
19 potential threat or disruption, either via the helpline
20 or via Church security offices directly. After
21 receiving that information, our office would generally
22 direct the Church security department to conduct an
23 investigation, under our law firm's direction.

24 When Church security department comes back
25 with that result of that investigation, we would then

1 confer with the Office of General Counsel. The Office
2 of General Counsel ultimately would make the decision
3 as to whether or not a PNG would be issued or sent out,
4 in any specific matter.

5 Ultimately, that is the Church's letter.
6 It is their trespass and we're just acting to serve the
7 client in their interest. The letter does not
8 represent the firm or the attorneys involved, as far as
9 our personal views. It's just for the client.

10 Q. Is the law firm of Kirton McConkie
11 generally in this process conferred with for its advice
12 on whether to issue a PNG letter?

13 MR. [REDACTED] If you know.

14 THE WITNESS: We provide legal counsel as
15 attorneys, but we do not make that decision.

16 BY MR. [REDACTED]

17 Q. But that would include legal advice in
18 whether to send a PNG letter in a particular
19 circumstance?

20 MR. [REDACTED] Again, I just object to the
21 extent it calls for you to review any privileged
22 communications.

23 THE WITNESS: Can you restate the question?

24 BY MR. [REDACTED]

25 Q. Kirton McConkie, as a law firm, does

1 provide advice to the Church about whether to send PNG
2 letters, understanding the ultimate decision is up to
3 the Church, but the law firm does advise the Church
4 about whether to send a PNG letter in a particular
5 circumstance?

6 MR. [REDACTED] Same objection.

7 THE WITNESS: Yes, but there's also a
8 recommendation from the Church security department. So
9 it's not just our recommendation on that.

10 BY MR. [REDACTED]

11 Q. I understand. Multiple parties involved in
12 the decision making?

13 A. Correct.

14 Q. The ultimate decision, however, rests with
15 the Office of General Counsel; is that right?

16 A. Correct.

17 Q. In the October investigation and decision
18 to send the PNG letter to Mrs. [REDACTED] who in the
19 Office of General Counsel was involved in that
20 decision?

21 A. I don't know.

22 Q. Generally speaking, in terms of PNG
23 letters, back in October 2015, would that have been
24 Boyd Black?

25 A. Again, I hesitate to speculate on this

1 specific matter, but generally speaking, Boyd Black was
2 involved in those decisions.

3 Q. Do you know what other types of Church
4 matters Boyd Black offers counsel to the Church?

5 A. It's an Office of General Counsel so in all
6 matters, I would imagine.

7 Q. So are you saying you don't know
8 specifically about which matters Mr. Black provides?

9 A. That's correct. I don't know specifically.

10 Q. Because I would guess Office of General
11 Counsel for the Church has several lawyers; right?

12 A. Yes.

13 Q. And those lawyers may have particular areas
14 of expertise and Mr. Black may be conferred in some
15 types of matters but not others, given his area of
16 expertise.

17 Would that be fair to say?

18 MR. [REDACTED] I object to the extent it calls
19 for speculation. I don't know if you know those things
20 or not. If you know, that's fine.

21 THE WITNESS: Again, you know, I can't
22 speak specifically, but yes, generally I understand
23 that to be true.

24 BY MR. [REDACTED]

25 Q. In terms of Church security department

1 investigations, is there written policy on how Church
2 security goes about conducting its investigations?

3 A. I don't know.

4 Q. Were you the attorney with Kirton McConkie
5 that was involved in the -- in providing advice to the
6 Church to issue the PNG letter to Mrs. [REDACTED] on 2015?

7 MR. [REDACTED] You're asking him if he rendered
8 advice to the Church?

9 BY MR. [REDACTED]

10 Q. Versus some other attorney.

11 A. I don't know if that would fall under the
12 privilege or not.

13 MR. [REDACTED] Let's confer for a moment.

14 (Recess taken.)

15 MR. [REDACTED] The question is whether he was
16 involved in providing legal advice to the Church?

17 MR. [REDACTED] Yes, whether it was the
18 attorney from Kirton McConkie that provided advice
19 about the PNG letter to [REDACTED] or some other
20 lawyer.

21 MR. [REDACTED] I think that's privileged. I
22 think that covers the subject matter of legal advice to
23 the Church. And so his answer to that I think gives
24 some privileged information, so maybe you can get at it
25 a different way, but I think the question calls for him

1 to reveal something that's privileged. I think he has
2 told you what his involvement was, so I think --

3 BY MR. [REDACTED]

4 Q. Then I must be missing it. What was your
5 involvement in the investigation in October 2015, that
6 led to the PNG letter being sent to Mrs. [REDACTED]

7 A. As my prior answers will show, I was not --
8 I did not -- let me restart over.

9 I was not involved in the investigative
10 portion of that. That was handled by Church security.
11 I conferred with Church security. I initially spoke
12 with Bishop [REDACTED] and then referred that matter to
13 Church security. I then received the results from
14 Church security investigation and conferred with Matt
15 Richards on that matter.

16 Q. Your communication, then, with Bishop [REDACTED]
17 was solely via a single email in October 2015?

18 A. That's my recollection. It may have been a
19 phone call.

20 Q. So it could have certainly involved at
21 least one email and may have involved a phone call as
22 well?

23 A. Correct.

24 Q. And then after your communication with
25 Bishop [REDACTED] whatever form that took, you then

1 referred that over or involved the Church security
2 department in that?

3 A. Correct.

4 Q. And that was Messrs. Fox and Hodson at that
5 point?

6 A. Correct.

7 Q. You also, at that time, conferred with
8 Mr. Richards?

9 A. Correct.

10 Q. And then once Church security conducted its
11 second investigation, you received the results of that
12 investigation?

13 A. Correct.

14 Q. The results of that investigation, who sent
15 that to you?

16 A. The Church security department.

17 Q. There has to be a person at some point. Is
18 that Mr. Messrs. Fox and Hodson, one or the other or
19 both of them?

20 A. I don't recall if it was them or if it was
21 the investigating officer who would have sent the
22 results of the investigation.

23 Q. After receiving those results -- well, let
24 me back up.

25 How did you receive communication of those



1 results? Via email? Telephone? How?

2 A. Via email.

3 Q. After you received an email with the
4 results, what, if any, other involvement did you have
5 in the matter after that?

6 A. I conferred with Matt Richards on the
7 results.

8 Q. Nothing else after that?

9 A. I may have reviewed the PNG letter before
10 it was sent out. That's something where typically
11 either I or Matt will review the letter, or both, just
12 depending on who's available before it's actually sent
13 out of our office.

14 Q. And speaking generally, would that be that
15 a draft of the proposed letter is sent to you via email
16 and you look it over and then respond, "It looks good
17 to me," or something to that effect?

18 A. Generally speaking, yes.

19 Q. And just because in this day and age,
20 rarely do paper copies circulate in office; right?

21 A. Yes.

22 Q. Do you remember specifically whether you
23 did review the letter that was drafted to go to [REDACTED]

24 [REDACTED]

25 A. I don't recall.

1 Q. You are aware, though, that one was sent?

2 A. Correct.

3 Q. From your discovery answers, I believe you
4 stated that outside of the law firm Kirton McConkie, at
5 least by the law firm, the PNG letter to [REDACTED]
6 was never distributed; is that right, to your
7 knowledge?

8 A. Correct.

9 Q. So while it may have been circulated
10 internally, never was it sent outside of law firm
11 personnel?

12 A. I believe we sent a copy to the Church
13 security department.

14 Q. And then do you know what the Church
15 security department did with that letter after it was
16 sent to them?

17 A. Typically, the Church security department
18 will provide --

19 MR. [REDACTED] He asked you do you know.

20 THE WITNESS: In this specific case, I do
21 not.

22 BY MR. [REDACTED]

23 Q. In the typical case, though, what would
24 happen?

25 A. Typically, the Church security department

1 would provide that letter to the local clergy leaders.

2 Q. And does the Church security department
3 also attempt, at least, delivery to the person to whom
4 the letter is directed?

5 A. No.

6 Q. Who generally is charged with that
7 responsibility?

8 A. So our office would send, I believe in this
9 case, a certified mail letter to [REDACTED] I
10 believe that letter was returned undelivered.

11 Q. So your answer prior was slightly
12 inaccurate, in that outside of the law firm, the letter
13 was sent to Church security and there was an attempt to
14 send it to [REDACTED] that was unsuccessful, at
15 least the certified letter was returned undelivered?

16 MR. [REDACTED] I think your question had
17 assumed that it was sent to [REDACTED]

18 BY MR. [REDACTED]

19 Q. Okay. Make it -- clarify to be sure.

20 A. I believe in our discovery answer we did
21 indicate that it was sent to [REDACTED] And I'm sorry if
22 I misunderstood your question there, but yes, it was
23 sent to [REDACTED] I believe via certified mail.

24 Q. And it wasn't meant to be a trick question.

25 A. Sure.

1 Q. But other than the attempt to send a letter
2 to [REDACTED] and sending the final version of the
3 letter to Church security, you knew of no one outside
4 the law firm that that letter would have been
5 distributed to?

6 A. Correct.

7 Q. Do you know what date that letter was sent
8 by the law firm to Church security?

9 A. I do not recall.

10 Q. Would it have been just within a day or two
11 or couple of days after you talked to Bishop [REDACTED] in
12 October 2015, or emailed and perhaps talked to him on
13 the phone?

14 A. Again, without speculating, I don't want to
15 speculate, but yes, that would be my understanding.

16 Q. After the PNG letter was sent, were you
17 involved in anything having to do with [REDACTED]
18 after that date?

19 A. Yes.

20 Q. And again, without disclosing
21 attorney-client privileged matters, describe to me,
22 what was the nature of your involvement?

23 A. Could you be a little bit more specific?
24 I'm just concerned without -- with trying not to
25 reveal --

1 Q. What I'm trying to get at, were there
2 emails with more people, specific people in [REDACTED]
3 Were there conversations with people, specifically
4 people in [REDACTED] Did you talk further with Church
5 security, Office of General Counsel, anybody else,
6 involving [REDACTED]

7 MR. [REDACTED] So he's not asking you to say
8 what the substance of the communications were. He's
9 wanting to know were there.

10 THE WITNESS: Yeah.

11 So after the PNG was sent, if we're going
12 from there to infinity, yes, I was involved in
13 conversations and emails after that point.

14 BY MR. [REDACTED]

15 Q. Okay.

16 Let's narrow it down to, are you aware when
17 the first lawsuit involving matters with [REDACTED]
18 and the Church was filed?

19 A. I can't recall the date.

20 Q. If we use a date of roughly August of 2016,
21 can we work within that parameter of October 2015 to
22 August 2016 in terms of your further involvement about
23 anything to do with [REDACTED]

24 A. Sure.

25 Q. So during that time period, what was the

1 extent of your involvement with anything having to do
2 with [REDACTED]

3 MR. [REDACTED] Again, without revealing any
4 privileged communications.

5 THE WITNESS: Without revealing the subject
6 of those communications, I did have conversations with
7 Bishop [REDACTED]

8 BY MR. [REDACTED]

9 Q. And were those via telephone, via email,
10 both?

11 A. I believe both. And at some point, I would
12 have had communications with President [REDACTED] but I
13 can't recall the date, if that would have been before
14 or subsequent to the filing of the lawsuits.

15 Q. And if I understand correctly, from your
16 written discovery answers, you've never spoken or
17 communicated with [REDACTED] [REDACTED] about anything to do
18 with [REDACTED] is that right?

19 A. Sorry, with who?

20 Q. [REDACTED] [REDACTED]

21 A. No.

22 Q. Let me ask it better.

23 Have you ever communicated with [REDACTED]
24 [REDACTED] concerning anything having to do with [REDACTED]
25 [REDACTED]

1 A. No.

2 Q. Do you even know who [REDACTED] [REDACTED] is?

3 A. Because of the discovery in the lawsuit,
4 I'm aware that he is a member of the stake presidency
5 with President [REDACTED] I have never spoken with him.

6 Q. The letter that was -- the PNG letter that
7 was sent by certified mail to [REDACTED] you said
8 it's your understanding that letter was returned
9 undeliverable; right?

10 A. Correct.

11 Q. How are you aware of that?

12 A. I believe I was informed by my office
13 staff.

14 Q. Have you seen the returned letter?

15 A. No.

16 Q. Do you know if it still exists?

17 A. I don't know.

18 Q. Would you have the ability to investigate
19 whether that letter still exists that was returned?

20 THE WITNESS: Counsel?

21 MR. [REDACTED] Are you asking us to look for
22 it?

23 MR. [REDACTED] Yes.

24 MR. [REDACTED] We'll address that with you.

25 MR. [REDACTED] I object to the characterization

1 of the letter as undeliverable rather than undelivered.

2 MR. [REDACTED] Okay. Thank you for
3 clarifying. But yes, the letter that was not delivered
4 to [REDACTED]

5 BY MR. [REDACTED]

6 Q. Can you give me an estimation of, in the
7 course of a normal year, how often PNG letters are
8 sent?

9 I'm just trying to get an idea of how
10 common this is, if it's a rare occasion, a frequent
11 occasion, if it's routine practice in how these matters
12 are handled.

13 MR. [REDACTED] Are we reserving all objections
14 to relevancy so I don't have to object?

15 MR. [REDACTED] Yes.

16 MR. [REDACTED] Okay.

17 THE WITNESS: I wouldn't want to speculate
18 on the number.

19 BY MR. [REDACTED]

20 Q. So --

21 MR. [REDACTED] Do you know I think is the first
22 question.

23 THE WITNESS: I do not know.

24 BY MR. [REDACTED]

25 Q. In the last six months, how many matters

1 have you been involved in that have involved ultimately
2 sending a PNG letter to someone?

3 A. I do not know.

4 Q. Have there been any in the last six months?

5 A. Yes.

6 Q. How about in the last month, have there
7 been any?

8 A. Yes.

9 Q. How many?

10 A. I don't know.

11 Q. How about in the last week, have there been
12 any?

13 A. No.

14 Q. In this calendar year, have there been any?

15 A. Yes.

16 Q. But so many that you can't recall how many?

17 MR. [REDACTED] I object to the form.

18 THE WITNESS: Yeah, again, I object to
19 saying so many.

20 BY MR. [REDACTED]

21 Q. I don't think you're able to object, but
22 answer the question if you can, I guess, would be what
23 I think your attorney would tell you.

24 MR. [REDACTED] Well --

25 THE WITNESS: Well, I guess I don't

1 understand the question. Are you saying the reason I
2 can't remember is because there are so many? I would
3 answer that question no.

4 BY MR. [REDACTED]

5 Q. Why is it you can't recall how many
6 letters, PNG letters, you have been involved in since
7 the beginning of the year, or how many matters that
8 have resulted in PNG letters being sent since the
9 beginning of the year? Why is it you can't recall how
10 many?

11 A. Because that is only a small matter of my
12 practice and I handle many different matters for the
13 Church. So there is just too much to remember every
14 single case.

15 Q. So the sending of a -- or a matter that
16 you're involved in that results in the sending of a PNG
17 letter doesn't rise to the level of an event that
18 stands out in your day-to-day practice; is that right?

19 MR. [REDACTED] I object to form.

20 THE WITNESS: No.

21 BY MR. [REDACTED]

22 Q. No, it doesn't stand out?

23 A. No, it doesn't stand out to the point that
24 I could remember a specific case or the amount of
25 numbers. Again, it would be dependent on the

1 particular case and the facts on that as to whether or
2 not that case stood out.

3 Q. You said that the entity that generally
4 owns Church property is the Corporation of the
5 Presiding Bishopric; is that right?

6 A. Correct.

7 Q. Would that include the real estate on which
8 local meetinghouses are located?

9 A. I believe so, generally speaking.

10 Q. And if I use the term "local meetinghouse"
11 to describe, for example this case, the building and
12 property where the [REDACTED] Ward met, are we talking
13 about the same type of building and property?

14 A. Yes, that would be my understanding.

15 Q. Okay. I just want to make sure you and I
16 are using the same language.

17 MR. [REDACTED] Is it [REDACTED] or [REDACTED]

18 MR. [REDACTED] I think it's changed now,
19 but I believe then, it was still [REDACTED]

20 BY MR. [REDACTED]

21 Q. So for purposes of a PNG letter, if you
22 were rendering advice about whether to send such a
23 letter, your client would be the Corporation of the
24 Presiding Bishopric; is that right?

25 A. Generally, I view my client as the Church

1 of Jesus Christ of Latter-Day Saints and its affiliated
2 entities. I don't always make a distinction between
3 which entity that is. That's not something that's
4 handled at my level.

5 Q. Does some entity, other than the entity
6 that owns the property, have the right to bar someone
7 from coming on the property?

8 MR. [REDACTED] I object to the extent it calls
9 for a legal conclusion.

10 MR. [REDACTED] Well, he's a lawyer, [REDACTED]

11 MR. [REDACTED] But he's not here as an expert.
12 He's just here to answer questions.

13 THE WITNESS: I'm not here to provide legal
14 counsel on that specific question. Can you restate it
15 in a different form?

16 BY MR. [REDACTED]

17 Q. Would any person, other than the owner of
18 the property, have the ability to bar someone from
19 coming on that property?

20 MR. [REDACTED] Same objection.

21 THE WITNESS: Do you want me to answer?

22 MR. [REDACTED] If you know.

23 THE WITNESS: I guess, again, I don't know
24 what you're really asking. If you're asking does
25 anyone other than a property owner have the ability to

1 bar someone from entering that property, then I would
2 generally assume that the property owner has that
3 right.

4 BY MR. [REDACTED]

5 Q. So in terms of your involvement in
6 providing advice to the Church about sending a PNG
7 letter to someone, a PNG letter that bans them from
8 coming on Church property, who else other than the
9 Corporation of the Presiding Bishopric would you be
10 providing advice to in those matters?

11 MR. [REDACTED] Objection to the extent it's
12 been asked and answered.

13 BY MR. [REDACTED]

14 Q. He didn't instruct you not to answer.

15 A. Can I state that I would just stand by my
16 prior answer in the record?

17 Q. Well, your prior answer just said you
18 believe that in general, you represent the Church. You
19 didn't narrow it down to what part of the Church or
20 what particular affiliated entity, which is what I'm
21 trying to find out.

22 MR. [REDACTED] Does it matter?

23 MR. [REDACTED] It may.

24 THE WITNESS: I guess I'm confused by the
25 question.

1 MR. [REDACTED] I'd just object. This is a
2 defamation case, so what difference does it make?
3 She's not suing because the wrong party barred her from
4 the property. It doesn't matter what --

5 MR. [REDACTED] But the persons involved in
6 a decision to bar her from the property, the
7 information that was provided and who it was provided
8 to, who all was involved --

9 THE WITNESS: I guess my --

10 MR. [REDACTED] Let him finish.

11 MR. [REDACTED] I would like to know if
12 there was somebody involved with one of these
13 affiliated entities and who those persons involved
14 were. It's a discovery deposition.

15 We've already revealed people with Church
16 security whose names have never been disclosed before,
17 names of people with the Office of General Counsel who
18 have never been disclosed before. So I'm trying to
19 find out who else may have been involved with the
20 Church or some affiliated entity and who those people
21 were. There are probably going to be more depositions
22 being taken.

23 MR. [REDACTED] Well, was anybody else involved?

24 THE WITNESS: No, no one else was involved.
25 Again, to answer the question, I would refer to my

1 previous answer which is I conferred with Matt
2 Richards, who then conferred with the Office of General
3 Counsel.

4 BY MR. [REDACTED]

5 Q. So even in terms of the October 2015
6 investigation, you never dealt directly with the Office
7 of General Counsel?

8 A. Correct.

9 (Exhibit 1 marked.)

10 BY MR. [REDACTED]

11 Q. Mr. Kent, we've handed you what's been
12 marked as Exhibit 1, and I'm asking you initially, do
13 you recognize this document?

14 MR. [REDACTED] You're asking about all the
15 pages; correct?

16 MR. [REDACTED] Yes, all three pages that
17 constitute the exhibit.

18 THE WITNESS: Yes, I recognize the exhibit.

19 BY MR. [REDACTED]

20 Q. Okay.

21 And as your attorney noted, it is three
22 pages. And you said that you may have reviewed the
23 proposed letter that was to be sent to [REDACTED]
24 back in October 2015.

25 Do you recognize whether these three pages

1 constitute the letter that you may have reviewed or
2 whether only the first page or one or two pages?

3 A. I recognize the first letter as being the
4 PNG letter that our office would have sent.

5 Q. The first page?

6 A. Right. The second two pages, I do not
7 believe I saw until after the commencement of the
8 lawsuit.

9 Q. Okay.

10 So if you reviewed a draft of a letter to
11 go to [REDACTED] it would have just constituted the
12 first page of Exhibit 1?

13 A. Correct.

14 Q. Do you know who came up with, created the
15 second and third pages, that have the Church of Jesus
16 Christ of Latter-Day Saints listed at the head of the
17 pages?

18 A. I don't know.

19 Q. Going through this letter, then, do you
20 have any knowledge of what disturbances [REDACTED]
21 created on Church property?

22 A. I believe that question calls for
23 information protected under attorney-client privilege.

24 Q. Not yet, it doesn't.

25 MR. [REDACTED] He asked yes or no.

1 THE WITNESS: Okay. Yes.

2 BY MR. [REDACTED]

3 Q. You have knowledge of it, of what
4 disturbances she created?

5 A. Yes.

6 Q. And your source of the disturbances she
7 created on Church property are what? What persons did
8 you learn of the disturbances she supposedly created on
9 Church property?

10 A. The language that are used is based upon
11 results of the investigation by the Church security
12 department.

13 Q. So your source of information about [REDACTED]
14 [REDACTED] creating disturbances on Church property is from
15 the Church security department?

16 THE WITNESS: I can answer that, Counsel, I
17 believe with a yes or no?

18 MR. [REDACTED] Yes.

19 THE WITNESS: Yes.

20 BY MR. [REDACTED]

21 Q. But you would refuse to disclose the
22 substance of any conversation with the Church security
23 department about those disturbances; is that right?

24 A. Correct.

25 Q. So you do not rely on any information

1 provided by Bishop [REDACTED] that [REDACTED] created
2 disturbances on Church property?

3 A. Well, just to clarify, I'm not the one that
4 made the decision to send this letter. I'm not the one
5 relying on the Church security investigation. That
6 decision ultimately would have been made by the Office
7 of General Counsel.

8 Q. Right, but you said that you may have
9 reviewed this letter and at least given your go ahead,
10 your okay on sending it; right?

11 A. Again, I don't recall if I specifically
12 reviewed this letter in question, but again, my
13 understanding is that the language is based upon the
14 results of the investigation by the Church security
15 department.

16 Q. Is your understanding, whether it's based
17 upon any other information, other than the results of
18 the Church security department's investigation?

19 A. I don't know.

20 Q. Would it be your same answer with regard to
21 the allegation that [REDACTED] violated Church
22 policies, that that information about that came only
23 through the Church security department's investigation?

24 A. Same answer.

25 Q. So that's a yes?

1 A. Well, you asked two separate questions.
2 You said was this based upon the information provided
3 by Church security, which I said yes.

4 You asked if there was additional
5 information and I said I don't know. So both of those
6 same answers would be applied in that second case.

7 Q. Thank you for clarifying.

8 And would there be the same answer with
9 regard to [REDACTED] causing members to fear for
10 their safety?

11 A. Correct, the same two answers.

12 Q. The last paragraph talks about what may be
13 done to have the restrictions lifted on Mrs. [REDACTED] is
14 that right?

15 A. Correct.

16 Q. Are you able to help me understand how
17 [REDACTED] would demonstrate to Bishop [REDACTED] that
18 she no longer posed a threat to others?

19 A. Sorry, can you clarify the question?

20 Q. Are you able to help me understand what
21 [REDACTED] would have to do to demonstrate to Bishop
22 [REDACTED] that she no longer posed a threat to others?

23 A. No.

24 Q. Are you able to help me understand what
25 [REDACTED] would have to do to demonstrate to Bishop

1 [REDACTED] that she would no longer cause disturbances?

2 A. No.

3 Q. Ms. [REDACTED] is directed that she must comply
4 with these restrictions for a sufficient time. Can you
5 help me understand what in this letter was meant by "a
6 sufficient time"?

7 A. No.

8 Q. Do you know what type of professional
9 counseling she would need to undergo to comply with the
10 directions of this letter?

11 A. I don't know.

12 Q. Do you know what kind of medications she
13 would be required to take as directed in this letter?

14 A. I don't know.

15 Q. Do you know anything about [REDACTED]
16 mental health or emotional health or anything of that
17 nature?

18 A. Again, that calls for, I believe, attorney-
19 client protected information.

20 MR. [REDACTED] Well, I think he asked first, do
21 you know anything about her mental health, or what was
22 the other part?

23 MR. [REDACTED] Or emotional health.

24 THE WITNESS: Yes.

25 BY MR. [REDACTED]

1 Q. And what is your source of that information
2 about her mental and/or emotional health?

3 THE WITNESS: Can I answer the source or is
4 that protected?

5 (Discussion off the record between the
6 witness and his counsel.)

7 MR. [REDACTED] Mr. Kent is conferring with
8 counsel.

9 THE WITNESS: Same answer as to the prior
10 question.

11 BY MR. [REDACTED]

12 Q. Meaning that your source of information
13 about her emotional or mental health would have been
14 the Church security department?

15 A. Correct. Same two answers. So based on
16 information from the Church security report, and I
17 don't know if there was additional information.

18 Q. And the last sentence of this letter, "If a
19 change in those restrictions is approved, you will
20 receive a letter from an attorney's office informing
21 you of any changes."

22 What attorney's office would send such a
23 letter?

24 A. Kirton McConkie.

25 Q. Now, I believe at some point, there was

1 another law firm involved in communicating with
2 Mrs. [REDACTED] or a prior attorney she had.

3 Are you aware of that?

4 A. I am.

5 Q. And do you know how that law firm came to
6 be involved?

7 A. I do not.

8 Q. Were you involved in communicating with
9 that law firm?

10 A. I was not.

11 Q. And I believe -- just so we're on the same
12 page, I think it was [REDACTED]. Is that your
13 recollection as well?

14 A. Yes.

15 Q. During the course of your involvement in
16 the matter dealing with [REDACTED] were you made
17 aware of problems or incidents that had occurred
18 between Mrs. [REDACTED] and her neighbors, the [REDACTED]

19 MR. [REDACTED] Let me talk to him.

20 MR. [REDACTED] We'll take another break for
21 Mr. Kent to confer with counsel and other counsel,

22 Mr. [REDACTED]

23 (Recess taken.)

24 MR. [REDACTED] Back on the record.

25 BY MR. [REDACTED]

1 Q. So, Mr. Kent, you and Messrs. [REDACTED] and [REDACTED]
2 and Roberts -- Roberts?

3 MR. [REDACTED] Richards.

4 BY MR. [REDACTED]

5 Q. Richardson, I'm sorry, had an opportunity
6 to confer.

7 MR. [REDACTED] Is there anything, [REDACTED]
8 you need to put on the record before we go back to the
9 last question?

10 MR. [REDACTED] No. I think we can read it back
11 or say it again if you want.

12 MR. [REDACTED] Would you mind, Rockie,
13 reading it back.

14 (Whereupon the record was read by the
15 reporter as follows:

16 QUESTION: During the course of your
17 involvement in the matter dealing with [REDACTED]
18 were you made aware of problems or incidents that had
19 occurred between Mrs. [REDACTED] and her neighbors, the

20 [REDACTED]

21 MR. [REDACTED] Can I just -- it might be
22 helpful to put a timeframe on that. Are you talking
23 about the -- up to the PNG letter?

24 MR. [REDACTED] Yes.

25 BY MR. [REDACTED]

1 Q. Up to the point that the PNG letter was
2 sent.

3 A. Okay.

4 So the question is: Was I made aware of
5 the issues with the neighbors prior to the PNG being
6 sent?

7 Q. Correct.

8 A. No.

9 Q. Were you involved in an incident involving
10 some LDS [REDACTED] prior to the PNG letter being
11 sent?

12 MR. [REDACTED] I object to the form.

13 MR. [REDACTED] Sorry, I'll restate it.

14 BY MR. [REDACTED]

15 Q. Were you made aware of an incident
16 involving Mrs. [REDACTED] and [REDACTED] with the Church
17 prior to --

18 A. Yes.

19 Q. -- prior to the PNG letter being sent?

20 A. Yes.

21 Q. You were aware of that incident, yes?

22 A. Yes.

23 Q. In a privilege log that has been provided,
24 there is a date listed on there of October 7, 2015.
25 The privilege listed is ACP, which I take to mean

1 attorney-client privilege, and says, "Email from [REDACTED]
2 [REDACTED] to attorney."

3 Is that the email that we discussed prior
4 to now, that Mr. [REDACTED] -- Bishop [REDACTED] sent to you in
5 October 2015?

6 A. Yes, I believe that's correct.

7 Q. Were you ever provided a copy of a letter
8 that [REDACTED] sent to Bishop [REDACTED] dated the next
9 day, October 8, 2015?

10 A. I believe that requires me to disclose
11 attorney-client protected information.

12 THE WITNESS: Counsel?

13 MR. [REDACTED] What -- do you have what you're
14 asking about?

15 MR. [REDACTED] I believe I do.

16 (Exhibit 2 marked.)

17 BY MR. [REDACTED]

18 Q. Mr. Kent, we've provided to you now what's
19 been marked as Exhibit 2. It's also Bates stamped BMR
20 378 through 385.

21 On the first page, at the top, it has a
22 heading of "[REDACTED] with an address and the date
23 of October 8, 2015.

24 And let me ask you first, have you seen
25 this letter prior to today?

1 A. Hang on. Give me a moment. I'm reading
2 the letter. (Witness reviews document.)

3 MR. [REDACTED] While you're reading that, I
4 just want to again interpose an objection, that you
5 should not reveal in your answer any attorney-client
6 privileged communications.

7 BY MR. [REDACTED]

8 Q. And trying to short circuit this, I don't
9 intend to ask you about the contents of the letter.
10 I'm just interested in knowing whether you received it,
11 and if so, when you first received it or had knowledge
12 of it.

13 A. I don't recall.

14 Q. You don't recall what?

15 A. You asked me when I first received it. I
16 do not recall when I first received it or if I received
17 it.

18 Q. Do you recall if you received a copy of
19 this letter prior to the PNG letter being sent to
20 Mrs. [REDACTED]

21 A. I don't recall.

22 Q. Were you involved in any decision -- strike
23 that.

24 Were you involved in any requests -- strike
25 that.

1 Did you have any involvement in any
2 requests for the [REDACTED] to sign an agreement as to
3 rules for conduct of Mrs. [REDACTED] and her family in
4 August of 2015?

5 A. No.

6 MR. [REDACTED] For clarity of the record, the
7 letter sent by [REDACTED] dated October 8, has that
8 been marked as an exhibit?

9 MR. [REDACTED] I believe it's Exhibit 2.

10 (Exhibit 3 marked.)

11 BY MR. [REDACTED]

12 Q. Mr. Kent, do you recognize the document
13 identified as Exhibit 3?

14 A. No.

15 Q. Prior to today, do you know if you had ever
16 seen it?

17 A. I don't believe so.

18 Q. Let's move on to Exhibit 4.

19 (Exhibit 4 marked.)

20 BY MR. [REDACTED]

21 Q. Do you recognize that document, which is
22 actually -- I believe it's four pages, which some
23 actually may be somewhat redundant, but do you know
24 whether you've ever seen these documents before that
25 comprise Exhibit 4?

1 A. I don't know.

2 Q. You don't know whether you've ever reviewed
3 them?

4 A. No. I don't know.

5 Q. Do you know whether you were ever involved
6 in any discussion concerning drafting a Church rules
7 agreement concerning [REDACTED]

8 A. No.

9 Q. Thank you. You can set that aside.

10 Prior to issuance of the PNG letter, were
11 you aware of any communications that [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] had with Bishop [REDACTED]

13 A. No.

14 (Exhibit 5 marked.)

15 BY MR. [REDACTED]

16 Q. Mr. Kent, we've handed you what's been
17 marked as Exhibit 5. It's also Bates stamped BMR 372
18 through 374. It purports to be an email on Wednesday,
19 October 7, 2015, at 2:47 p.m., Page [REDACTED] and an
20 email address "wrote," and then it begins with "Brother

21 [REDACTED]

22 Do you see that near the top of the first
23 page?

24 A. Yes.

25 Q. Do you know if prior to the issuance of the

1 PNG letter you had seen this document?

2 A. Prior to the issuance of the PNG letter, I
3 believe no.

4 Q. Thank you. You may set that aside.

5 I believe in prior questioning you
6 indicated that at some point, you talked to President
7 [redacted] concerning [redacted] is that correct?

8 A. Yes.

9 Q. I also believe your testimony was you don't
10 recall if any conversation you had with him was before
11 or after the PNG letter was sent; is that right?

12 A. No, that's not.

13 Q. Do you recall whether you did communicate
14 with President [redacted] prior to the PNG letter being
15 sent?

16 A. I do not believe I communicated with
17 President [redacted] at all prior to the PNG being sent.

18 Q. Do you recall when it was you first did
19 communicate with him concerning anything involving

20 [redacted]

21 A. I do not recall specific dates.

22 Q. Would I understand correctly that any
23 content or substance of any conversations you had with
24 President [redacted] you would refuse to testify to based
25 upon attorney-client privilege?

1 A. Yes.

2 Q. Matters concerning [REDACTED] before or
3 after the PNG letter was sent, you talked to President
4 [REDACTED] and Bishop [REDACTED] in terms of persons that were
5 located in the [REDACTED] area; is that right?

6 A. Both before and after you're saying?

7 Q. Well, at any time, concerning [REDACTED]

8 [REDACTED]

9 A. I did speak to President [REDACTED] and Bishop

10 [REDACTED]

11 Q. Was there anyone else who was located in
12 [REDACTED] that you spoke to about [REDACTED] at any
13 time prior to the institution of litigation?

14 A. No.

15 Q. I believe you said that you were aware of
16 an incident involving some LDS [REDACTED] that
17 involved [REDACTED] is that right?

18 A. Yes.

19 Q. Have you spoken to those [REDACTED] at
20 any time prior to the institution of litigation?

21 A. No.

22 Q. Have you spoken to them any time since?

23 A. No.

24 Q. Have you communicated with them in any
25 manner whatsoever?

1 A. No.

2 Q. Do you know if anyone with the law firm of
3 Kirton McConkie has communicated with them?

4 A. Yes.

5 Q. And would it be true that yes, persons of
6 Kirton McConkie have communicated with those

7 [REDACTED]

8 THE WITNESS: Counsel, I'll await your
9 instruction.

10 MR. [REDACTED] I'm just asking whether
11 there has been communication. I haven't asked anything
12 about the substance of that communication.

13 (Discussion held off the record between
14 counsel for defendants.)

15 MR. [REDACTED] Counsel, Mr. [REDACTED] and
16 Mr. [REDACTED] are conferring.

17 MR. [REDACTED] I think that might be
18 objectionable, but I don't think it makes any
19 difference.

20 MR. [REDACTED] Okay.

21 MR. [REDACTED] Without waiver of any other
22 objection.

23 THE WITNESS: Can you just restate the
24 question and make sure we're clear on the record.

25 MR. [REDACTED] Rockie, would you restate

1 the question, please.

2 (Whereupon the record was read by the
3 reporter as follows:

4 QUESTION: And would it be true that yes,
5 persons of Kirton McConkie have communicated with those

6 [REDACTED]

7 THE WITNESS: Yes.

8 BY MR. [REDACTED]

9 Q. Do you know who -- what persons within the
10 firm of Kirton McConkie would have communicated or have
11 communicated with them? Concerning [REDACTED] not
12 for any other communications.

13 A. Sorry, so just to clarify your question,
14 are we still talking about the [REDACTED] or just

15 [REDACTED]

16 Q. My question is: Who with the law firm of
17 Kirton McConkie has communicated with the [REDACTED]

18 about [REDACTED]

19 A. I don't know specifically.

20 (Exhibit 6 marked.)

21 BY MR. [REDACTED]

22 Q. Mr. Kent, do you recognize this document
23 that's been identified as Exhibit 6?

24 A. Please give me a moment to read it.

25 Q. Sure.

1 A. (Witness reviews document.)
2 Just to clarify, this letter doesn't have
3 an authorship. There's no indication of who wrote this
4 letter.

5 Q. No, it does not. I'll represent to you,
6 though, that it was provided to my office by Mr. [REDACTED]
7 as a journal entry made by, I believe his name is
8 [REDACTED], who was one of the LDS [REDACTED]
9 involved in the incident with Mrs. [REDACTED]

10 So again, let me come back to the question.
11 Do you recognize this document?

12 A. No.

13 Q. So to your knowledge, do you know if you've
14 ever seen it before today?

15 A. I don't believe so.

16 Q. You may set that aside. Thank you.

17 Do you know when Bishop [REDACTED] became the
18 bishop of the [REDACTED] Ward?

19 A. I believe it was in August or maybe the
20 month just before, shortly.

21 Q. Do you know who the bishop was prior to
22 Bishop [REDACTED] becoming the bishop?

23 A. Yes.

24 Q. Who to your knowledge was that?

25 A. I believe it was [REDACTED] [REDACTED]

1 Q. And you're aware that that is [REDACTED]
2 [REDACTED] father?

3 A. Yes.

4 Q. And [REDACTED] father-in-law?

5 A. Yes, I am.

6 Q. Were you involved in any way in the
7 decision to release Bishop [REDACTED] from his position as
8 bishop of the [REDACTED] Ward?

9 A. No.

10 Q. Were you involved in any way in the
11 decision to sustain Bishop [REDACTED] as the new bishop of
12 [REDACTED] Ward?

13 A. No.

14 Q. Are you aware generally that there was an
15 incident alleged to have occurred at a Kroeger
16 supermarket involving [REDACTED]

17 A. Sorry, I was just going to ask if you would
18 clarify, prior to the issuance of the PNG letter, or
19 post?

20 Q. Correct.

21 A. Prior to the issuance of the PNG letter,
22 no.

23 Q. But you became aware after the letter that
24 there had been some incident at a Kroeger supermarket
25 involving Mrs. [REDACTED]

1 A. Yes.

2 Q. How did you become aware of that incident,
3 or any information about it?

4 MR. [REDACTED] I'm going to just object to the
5 extent that that would call for you to reveal
6 attorney-client privileged communication.

7 THE WITNESS: I don't recall if it came
8 directly from Bishop [REDACTED] or if I learned that from
9 some other means.

10 BY MR. [REDACTED]

11 Q. Prior to issuance of the PNG letter, were
12 you aware of an incident that [REDACTED] was
13 involved in at a young women's summer camp?

14 A. No.

15 Q. Do you know what point after issuance of
16 the PNG letter you became aware of such an incident, if
17 you have or did?

18 A. I don't recall specifically when I would
19 have become aware of that.

20 Q. Do you recall if it was prior to the
21 institution of litigation? Again, using that
22 August 2016 date.

23 A. I don't recall.

24 Q. Were you aware, prior to issuance of the
25 PNG letter, of an instance of the -- I believe young

1 women's president, [REDACTED] an allegation that
2 she had taught or related false doctrine while teaching
3 the young women's class?

4 A. Yes.

5 Q. And how were you aware of that incident?

6 MR. [REDACTED] Note the same objection.

7 MR. [REDACTED] Again, I'm asking just the
8 source from whom that information came, whether it was
9 Bishop [REDACTED] the Church security department or some
10 other person.

11 MR. [REDACTED] I appreciate that, but I think
12 that still would call for him to reveal privileged
13 communication, if it came from a client, and I don't
14 know where it came from.

15 THE WITNESS: So are you instructing me not
16 to answer?

17 MR. [REDACTED] If it came from a privileged --
18 if it came from your client, it's privileged.

19 THE WITNESS: I can't answer that as based
20 on information from my client.

21 BY MR. [REDACTED]

22 Q. So you're refusing to reveal the source of
23 how you learned about the incident involving [REDACTED] A.
24 [REDACTED] and allegedly teaching false doctrine?

25 A. I am relying on the advice of my counsel

1 that that is privileged information that I cannot
2 disclose without opening that privilege.

3 Q. Okay.

4 You were aware of that incident prior to
5 issuance of the PNG letter; correct?

6 A. Yes.

7 Q. Were you aware of an allegation that [REDACTED]
8 [REDACTED] had possessed a handgun in the meetinghouse
9 prior to issuance of the PNG letter?

10 A. Yes.

11 Q. And how did you know about that matter?

12 MR. [REDACTED] Same objection.

13 THE WITNESS: Same objection.

14 BY MR. [REDACTED]

15 Q. So again, you'll refuse to reveal the
16 source of that information based on attorney-client
17 privilege?

18 A. Correct. As with my previous answer, I
19 rely on my counsel's instruction.

20 Q. Were you aware of an incident involving the
21 [REDACTED] daughter [REDACTED] and whether she would be
22 attending or participating in a trip to temple? Prior
23 to the issuance of the PNG letter, were you aware of
24 that?

25 A. Prior to the issuance of the PNG letter,

1 no.

2 Q. You did become aware of it at some point
3 after the letter was issued?

4 A. Yes.

5 Q. Do you know when?

6 A. I don't recall.

7 Q. And how did you come to know about that
8 incident?

9 MR. [REDACTED] Same objection.

10 THE WITNESS: Same objection as previously.

11 BY MR. [REDACTED]

12 Q. Asserting attorney-client privilege to
13 refuse to answer?

14 A. Correct.

15 Q. Did you become aware of an incident, again
16 involving [REDACTED] [REDACTED] about whether she or her
17 parents were aware of a daddy/daughter event that had
18 been planned by the young women's president?

19 A. Prior to the issuance of the PNG letter?

20 Q. Correct.

21 A. No.

22 Q. But you did at some point after the
23 issuance of the letter become aware of it?

24 A. I don't recall.

25 Q. You're aware of it as we sit here today,

1 though?

2 A. Post-litigation, I'm aware of it.

3 Q. Thank you for clarifying.

4 May I assume that you will assert the same
5 attorney-client privilege as to how you became aware of
6 that incident?

7 A. I don't recall specifically becoming aware
8 of that incident or when that happened.

9 Q. So in other words, you can't answer that
10 question, much less assert attorney-client privilege
11 for it?

12 A. Right.

13 Q. Okay.

14 There was an incident after issuance of the
15 PNG letter involving a -- I believe it was a
16 Trunk-or-Treat event at the Church.

17 Do you recall becoming aware of that
18 incident as it pertained to [REDACTED] [REDACTED]

19 A. Prior to the PNG letter or just in general?

20 Q. Well, the event didn't occur until after
21 the letter was issued.

22 A. That may answer the question.

23 Q. That's why I wasn't limiting it to prior to
24 the PNG letter. I was just asking if you were aware
25 that there had been an incident that occurred at a

1 Trunk-or-Treat event.

2 A. I don't recall specific information on
3 that.

4 Q. Were you aware of some controversy
5 concerning how the young women's group, or specifically
6 the young women's president, would choose to
7 acknowledge or celebrate [redacted] [redacted] birthday in
8 January of 2016?

9 A. Yes.

10 Q. And how did you become aware of that?

11 MR. [redacted] Same objection.

12 BY MR. [redacted]

13 Q. So you're asserting attorney-client
14 privilege to refuse to answer that question?

15 A. Correct.

16 Q. Did you become aware at any time about
17 allegations that [redacted] had created disturbances
18 at Chiropractor [redacted] chiropractic office?

19 A. Yes.

20 Q. And in terms of his involvement in the
21 Church, what is your knowledge of how [redacted] is
22 involved in the Church?

23 A. When you use the word "his," who are you
24 referring to?

25 Q. [redacted] [redacted] involvement in

1 the Church.

2 A. Can you repeat the question?

3 Q. What is your knowledge about [REDACTED]

4 involvement in the Church?

5 A. None.

6 Q. So do you know anything about him at all?

7 A. Yes.

8 Q. What do you know about [REDACTED]

9 A. I would think my information would be
10 received through a client, so it would be protected
11 under attorney-client privilege.

12 MR. [REDACTED] Okay. Well, anything that would
13 cause you to reveal attorney-client information is
14 protected.

15 BY MR. [REDACTED]

16 Q. Let me say it this way --

17 A. That would be the only way I know.

18 Q. If the only way you know anything about
19 [REDACTED] is through information that you believe is
20 attorney-client privilege, then I think you are
21 refusing to answer that question; right?

22 A. Correct.

23 Q. Okay.

24 Would you dispute that [REDACTED] was a
25 counselor to the bishop of the backward -- [REDACTED]

1 Ward?

2 A. I don't have information on that.

3 Q. Okay.

4 Did you know, before issuance of the PNG
5 letter, that it was alleged that [REDACTED] created
6 disturbances at Mr. [REDACTED] chiropractic office?

7 A. Prior to the issuance of the PNG, no.

8 Q. Do you know at what point after issuance of
9 the letter you became aware of allegations she had
10 created disturbances at his office?

11 A. I don't recall.

12 Q. And do you recall the nature of the
13 disturbances she allegedly caused at his office?

14 A. Yes.

15 Q. Would I be correct to conclude that you
16 will not tell me the substance of those alleged
17 disturbances due to attorney-client privilege?

18 A. Correct.

19 Q. And what was the source of how you came to
20 know of the alleged disturbances she had caused at
21 Dr. [REDACTED] office?

22 A. I believe the source would have been
23 through Bishop [REDACTED]

24 Q. Have you ever spoken to [REDACTED]

25 A. No, sir.

1 Q. Did you at any time, any time, become aware
2 of any alleged disturbances that [REDACTED] caused
3 at any [REDACTED] County government offices?

4 A. No.

5 Q. After issuance of the PNG letter, are you
6 aware of any instances in which it was alleged that
7 [REDACTED] violated the letter?

8 A. After the letter was issued.

9 Q. She couldn't have violated before but --
10 correct?

11 A. I'm just trying to get my [REDACTED] straight
12 in my mind. Give me just one moment.

13 MR. [REDACTED] You're essentially asking him is
14 he aware if she went on Church property?

15 MR. [REDACTED] Yes.

16 THE WITNESS: I don't know.

17 BY MR. [REDACTED]

18 Q. So you're not aware?

19 A. Correct.

20 Q. Do you know how [REDACTED] became aware
21 of the letter prohibiting her from coming on Church
22 property?

23 A. In the first instance?

24 Q. Correct. How she first became aware of it.

25 A. I don't know.

1 Q. Prior to anything having to do with [REDACTED]
2 [REDACTED] did you know who President [REDACTED] was?

3 A. No.

4 Q. Have you met him to date?

5 A. No.

6 Q. How about Bishop [REDACTED] did you know him
7 prior to anything to do with [REDACTED]

8 A. No.

9 Q. And have you met him today?

10 A. No.

11 Just to clarify my previous response, I
12 don't recall ever speaking with President [REDACTED] before,
13 as we've discussed. I handle a lot of calls from the
14 Church. Again, I don't have any recollection of ever
15 speaking with President [REDACTED] prior to the issue with
16 [REDACTED] but I may have just in the course of my
17 regular duties.

18 Q. Thank you for clarifying that.

19 Prior to issuance of the PNG letter, did
20 you have the opportunity to review any police reports
21 concerning [REDACTED]

22 A. No.

23 Q. Have you reviewed any police reports since
24 issuance of the PNG letter?

25 A. I don't recall.

1 Q. Do you know if prior to the institution of
2 litigation you reviewed any police reports having to do
3 with [REDACTED]

4 A. I don't recall.

5 Q. You've indicated that the Corporation of
6 the Presiding Bishopric owns property where the
7 meetinghouses are located to include the [REDACTED]
8 Ward; is that correct?

9 A. I've indicated that that's my
10 understanding.

11 Q. Do you know to what degree the Corporation
12 delegates control over that property to the local
13 presiding bishop?

14 A. I don't know the full extent of that, no.

15 Q. Does a presiding bishop in general, to your
16 knowledge, have the authority to ban persons from the
17 property without receiving approval from someone other
18 than him to do so?

19 A. A bishop or presiding Church officer at a
20 location absolutely has the ability to verbally
21 trespass someone, in a single instance. For example,
22 have them leave the property and call police, that sort
23 of thing.

24 As far as a long-term ban, that is a more
25 extensive process which requires the involvement of the

1 Office of General Counsel as we've discussed.

2 Q. And you mentioned not only bishop, but you
3 said local Church leadership. And if that's not the
4 exact words, I'm not trying to trick you.

5 But in general, other than the bishop, who
6 at the local level would have the authority to ban
7 someone from the property in a particular instance, as
8 opposed to a more long-term ban?

9 A. So in, again, a time limited circumstance
10 there, certainly a stake president, who is a Church
11 officer, he would have the ability. And to the extent
12 that the stake president's counselors or the bishopric
13 counselors believe that they have authority from the
14 bishop to perform those functions, they could do that
15 as well.

16 Q. And help me understand who counselors are
17 in relation to a bishop or a stake president. What
18 function do they serve and that sort of thing?

19 A. That question calls for sort of a long
20 answer. I'll give a shorter answer, and if you have
21 specifics, I'm happy to follow up.

22 Q. Certainly.

23 A. But generally, a bishop and a stake
24 president both have two counselors, a first and second
25 counselor. Those counselors have different areas of



1 responsibility.

2 So, for example, one counselor may be over
3 the young men's organization and one over the young
4 women's organization, and they report back to the
5 bishop or to the stake president. There's also
6 generally an executive secretary who's also involved in
7 that presidency or bishopric.

8 Q. And is there, with the stake president, a
9 stake president's council or executive committee of
10 some sort that is comprised of those counselors and
11 secretary and that sort of thing?

12 Maybe I'm using the wrong titles, but I
13 want to understand if there's a gist of some group that
14 they comprise.

15 A. Yes.

16 Q. And what title is given to that group, if
17 any?

18 A. So to clarify my previous answer, there may
19 be councils of bishops, but there is not necessarily,
20 to my understanding, other titles, you know. It's not
21 like there's an additional layer of organization where
22 there is separate callings. It's just loose
23 organizations that are councils depending on what
24 issues need to be addressed.

25 Q. And you refer to that as a council of



1 bishopric?

2 A. There may be a council of bishops.

3 Q. Is that a council of bishops comprised of
4 several bishops or is that a council that's comprised
5 of a bishop and his counselors and the secretary and
6 those sorts of people?

7 A. So there is actually a presiding bishopric
8 in the Church. They oversee certain functions, but as
9 far as the specific council, that's not something
10 that's necessarily regularly constituted.

11 But for example, if they're in charge in a
12 specific geographical area for -- it could be running,
13 you know, a fair or program or something like that,
14 then there may be a council established to deal with
15 those specific issues.

16 Q. And is that council of bishops -- who would
17 comprise a council of bishops in that circumstance?

18 A. Bishops were -- the responsibility for
19 those respective geographic areas.

20 Q. Bishops for several wards, in other words?

21 A. Correct.

22 Q. Now, at the stake president level, do his
23 counselors and other persons who assist him comprise
24 some sort of president's council?

25 A. So the stake presidency has the stake



1 president and his counselors. There are all high
2 councilmen, who again would just be called in the
3 congregation and they would assist the stake president
4 in his various duties. Those people are not bishops.
5 They don't hold those other roles. They just hold that
6 role during their period of service as a high
7 councilman.

8 Q. And those high councilmen, are they
9 generally charged with assisting the stake president in
10 a particular aspect of his Church oversight?

11 A. Correct.

12 Q. Back in 2015, as a concerned stake
13 president, [REDACTED] do you know who the members of his
14 council were at that point, his high --

15 A. His high council?

16 Q. Right.

17 A. No.

18 Q. Do you know who the counselors and other
19 persons assisting Bishop [REDACTED] were in 2015?

20 A. No.

21 Q. Is there a written Church policy regarding
22 the presence of firearms on Church property?

23 A. Yes.

24 Q. Does it distinguish between possessing a
25 firearm on the property versus inside a structure on

1 the property?

2 A. I don't recall specifically.

3 Q. And where would you find, or where would I
4 be able to find, or anyone be able to find, that
5 written policy?

6 A. Those policies would be located on the
7 internet, I believe.

8 Q. So available to the general public on the
9 internet?

10 A. I believe that's correct. I may be wrong
11 on that.

12 Q. Is it your understanding of that policy
13 that merely possessing a firearm on Church property, as
14 opposed to inside a structure on the property, still
15 violates the policy?

16 A. Again, I don't recall specifically what it
17 says so I don't want to be held to that. My
18 understanding is that it's the presence of a firearm on
19 all Church property whether located in the building or
20 outside a building.

21 Q. So even, for example, if someone drives on
22 to Church property and leaves a firearm in their
23 automobile while they're inside the meetinghouse, that
24 would still violate the policy, as far as you
25 understand it?



1 A. To my understanding, yes.

2 Q. I'm looking here at the privilege log
3 that's been provided. And I have only asked you so far
4 about an October 7th email from Bishop [REDACTED] but the
5 privilege log goes on up to a date of August 2nd, 2016.
6 In each instance, it indicates an email string between
7 [REDACTED] leaders and attorneys.

8 What I'm trying to cut to the chase on is,
9 when it references attorneys, as far as you know, these
10 asserted privileged communications, are you the
11 attorney involved or is it you and Mr. Richards, or are
12 there other attorneys that would be involved in these
13 privileged communications?

14 And if you'd like to see it, I don't want
15 to make this an exhibit because it's my only copy.

16 A. Sure.

17 Q. And it goes over to the first part of the
18 second page, before transitioning to another aspect of
19 the privilege log.

20 A. (Witness reviews document.) Well, without
21 answering as to the content of any of these
22 communications, I can certainly say that on some of
23 these communications, that I was involved directly. I
24 cannot say specifically that I was involved on all of
25 them.

1 My understanding is, looking at some of
2 these, is that on several of these, I would have
3 conferred with Matt Richards as to this. I don't
4 recall if any other attorneys at our firm were involved
5 in these specific communications, which again, I only
6 have dates here provided.

7 Q. In general, were there other attorneys with
8 the firm of Kirton McConkie involved in anything to do
9 with [REDACTED]

10 A. Prior to the --

11 Q. At any time, up to the institution of
12 litigation.

13 A. So prior to litigation?

14 Q. Yes. Correct.

15 A. So prior to litigation, I do not believe
16 that there were any other attorneys at the firm of
17 Kirton McConkie who were involved with [REDACTED]
18 matter.

19 Q. Other than you and Mr. Richards?

20 A. Correct.

21 Q. How about staff members of Kirton McConkie
22 prior to the institution of litigation, do you know if
23 any of them were involved?

24 A. Yes.

25 Q. And who were those staff people?

1 THE WITNESS: Is that something that I can
2 answer?

3 MR. [REDACTED] The question is who was
4 involved?

5 BY MR. [REDACTED]

6 Q. What staff members at the law firm would
7 have been involved with the [REDACTED] matter prior
8 to the institution of the lawsuit?

9 MR. [REDACTED] Can you clarify involved?

10 MR. [REDACTED] I'm not sure that I can.

11 MR. [REDACTED] Sent emails to people? Received
12 emails? Made telephone calls?

13 MR. [REDACTED] Yes.

14 MR. [REDACTED] All of those things?

15 MR. [REDACTED] Correct.

16 THE WITNESS: Counsel, are you directing me
17 to answer the question?

18 MR. [REDACTED] I think we should confer.

19 MR. [REDACTED] We will pause for counsel to
20 confer.

21 (Discussion off the record.)

22 (Recess taken.)

23 MR. [REDACTED] So you had a break with
24 Mr. [REDACTED] and Mr. [REDACTED] and Mr. Richards and Mr. Kent
25 conferring. Is there anything you need to put on the

1 record, [REDACTED] before we continue?

2 MR. [REDACTED] No, I think he's prepared to
3 answer the question of whether anybody else was
4 involved before the filing of the suit.

5 MR. [REDACTED] And that's staff members;
6 right?

7 MR. [REDACTED] Right.

8 THE WITNESS: So to my knowledge, no staff
9 member was involved prior to the suit, other than
10 routine clerical or secretarial duties.

11 BY MR. [REDACTED]

12 Q. So who would those persons have been
13 handling those routine clerical and secretarial
14 matters?

15 MR. [REDACTED] What does that have to do with
16 anything? What we're not going to do is have you
17 depose the file clerk or the secretary who typed the
18 PNG letter. I mean --

19 MR. [REDACTED] I didn't indicate I would.
20 It's discovery. I'm trying to find everybody who may
21 have knowledge about the case.

22 MR. [REDACTED] But they don't have knowledge
23 about the case.

24 MR. [REDACTED] I differ in that assessment.

25 MR. [REDACTED] They're clerical people.

1 MR. [REDACTED] Okay. Well, they would have
2 knowledge from their clerical work. Like for example,
3 the person who may have typed the letter would know the
4 contents of the letter.

5 MR. [REDACTED] How is that relevant?

6 MR. [REDACTED] I don't know that it is, but
7 that's certainly not the standard for discovery and
8 whether that question should be answered.

9 MR. [REDACTED] Well, isn't it, though? You're
10 entitled to discover relevant information.

11 MR. [REDACTED] No, I don't think discovery
12 is limited to only what's relevant.

13 MR. [REDACTED] To what extent would the
14 revelation of someone's name who typed a letter,
15 dictated by someone else, lead to discoverable
16 evidence?

17 MR. [REDACTED] At this point, I don't know.

18 MR. [REDACTED] Can you come up with a --

19 MR. [REDACTED] To the extent that those
20 persons are involved, perhaps those clerical staff have
21 connections to the local [REDACTED] Ward and
22 communicated with persons there, and that contributed
23 to what decisions were made about [REDACTED]
24 Obviously, I am speculating, but I don't know where
25 discovery might lead. That's why we have discovery.

1 MR. [REDACTED] I think you can ask him if any
2 of the staff members talked to anybody at the ward.

3 MR. [REDACTED] I'm just asking who they
4 were.

5 MR. [REDACTED] I don't know how that's --

6 MR. [REDACTED] Are you instructing him not
7 to answer?

8 MR. [REDACTED] What do you want me to do?

9 MR. RICHARDS: It's not my decision.

10 MR. [REDACTED] Go ahead. You beat it out of
11 us.

12 MR. [REDACTED] Okay.

13 THE WITNESS: Yeah.

14 MR. [REDACTED] Who were the staff/clerical
15 people?

16 THE WITNESS: Erin Carlyle would have been
17 involved. Erin, E-R-I-N. Carlyle I believe is
18 C-A-R-L-Y-L-E.

19 BY MR. [REDACTED]

20 Q. Was it a first initial C, Erin Carlyle?

21 A. No.

22 Q. Okay. I misunderstood. I take it that's a
23 woman?

24 A. It is.

25 Q. Any other staff, to your knowledge, that

1 were involved in the incident involving [REDACTED]

2 A. Prior to the PNG letter, no.

3 Q. Are you asserting that any privileged
4 communications that you may have had concerning [REDACTED]
5 [REDACTED] anything concerning [REDACTED] would be in
6 any way protected under a [REDACTED] penitent privilege?

7 A. Can you restate the question with respect
8 to who that privilege is applying to?

9 MR. [REDACTED] Can I clarify? You're asking
10 him if he is asserting?

11 MR. [REDACTED] If he would be asserting any
12 [REDACTED] penitent privilege as to any communications
13 involved in this litigation.

14 MR. [REDACTED] So I'm clear, you're asking if
15 Mr. Kent --

16 THE WITNESS: You're asking if I'm
17 asserting --

18 MR. [REDACTED] If he's asserting the [REDACTED]
19 penitent privilege?

20 MR. [REDACTED] Correct.

21 THE WITNESS: Do you want to confer? I
22 think I can answer that.

23 MR. [REDACTED] I think you can answer it, too,
24 but let me --

25 MR. [REDACTED] I was hoping it wasn't that

1 big of deal.

2 MR. [REDACTED] We'll confer. I don't think it
3 is.

4 (Discussion off the record.)

5 MR. [REDACTED] He's prepared to answer the
6 question. And we'll proceed in the temporary absence
7 of Mr. [REDACTED]

8 MR. [REDACTED] Okay.

9 MR. [REDACTED] Go ahead.

10 THE WITNESS: Can you restate the question,
11 read it back.

12 (Whereupon the record was read by the
13 reporter as follows:

14 QUESTION: Are you asserting that any
15 privileged communications that you may have had
16 concerning [REDACTED] anything concerning [REDACTED]
17 [REDACTED] would be in any way protected under a [REDACTED]
18 penitent privilege?)

19 THE WITNESS: I am not asserting a [REDACTED]
20 penitent privilege.

21 MR. [REDACTED] Now, this isn't a question
22 for you, but for the lawyers, there is a privilege
23 acronym of CPP. What does that stand for?

24 MR. [REDACTED] That privilege log, I believe,
25 is the privilege log of --

1 MR. [REDACTED] [REDACTED] [REDACTED] and [REDACTED]

2 MR. [REDACTED] Correct.

3 MR. [REDACTED] That's what I thought.

4 MR. [REDACTED] CPP? I'll have to figure it
5 out. Is that something that you need to know before
6 you can proceed?

7 MR. [REDACTED] I thought perhaps it meant
8 clergy penitent privilege, the best I can come up with,
9 which I think would be akin to [REDACTED] penitent
10 privilege, but I wanted to clarify and address that
11 with Mr. Kent, to see if there's some other privilege
12 he would be asserting other than attorney-client
13 privilege.

14 MR. [REDACTED] I'm not speaking for the
15 witness, but I don't believe he's asserting any
16 privilege for himself, other than his own client.

17 MR. [REDACTED] What does his lawyer say?

18 MR. [REDACTED] That's my understanding.

19 BY MR. [REDACTED]

20 Q. Okay.

21 Again, I'll allow you to view that
22 privilege log, Mr. Kent. And beginning on the second
23 page, there is a privilege log that has a privilege
24 listed as CPP.

25 Do you see those?

1 A. I do.

2 Q. Do you know what CPP means as to its use on
3 that document?

4 A. I do not know.

5 Q. Okay.

6 Then other than your assertion of attorney-
7 client privilege, as to several communications
8 involving [REDACTED] is there any other privilege
9 that you personally would be asserting in this matter?

10 A. Again, I am not asserting any privilege,
11 but just so we can clarify for the record, this
12 privilege log is not specific to me as an individual.
13 This privilege log, as I understand it, and I may be
14 mistaken here, is I don't believe this is from my case
15 or my matter. But I believe the email strings between
16 [REDACTED] leaders may just be communications from one
17 [REDACTED] leader to another [REDACTED] leader, and
18 those generally are protected under privilege issues in
19 the Church.

20 MR. [REDACTED] But that's not your --

21 BY MR. [REDACTED]

22 Q. That doesn't concern you?

23 A. Right.

24 Q. Is there any other privilege that you would
25 maintain or assert in this litigation to prevent you

1 from testifying to any other communications that we
2 haven't -- any other privilege we haven't mentioned
3 already?

4 MR. [REDACTED] I mean theoretically, the work
5 product privilege could kick in at some point. But I
6 think the questions you've asked so far would be
7 attorney-client privilege.

8 THE WITNESS: Right. And I was going to
9 mention, the work attorney work product privilege.
10 Other than that, I wouldn't want to speculate on our
11 legal strategy.

12 BY MR. [REDACTED]

13 Q. But at least as we sit here right now,
14 there's none other privilege that you need to mention
15 or assert at this time?

16 A. Not that I'm currently aware of.

17 (Exhibit 7 marked.)

18 BY MR. [REDACTED]

19 Q. Mr. Kent, we've handed you what's been
20 marked as Exhibit 7. It's entitled "Response of
21 Defendants Kent and Richards to Plaintiff's First Set
22 of Requests for Admission, [REDACTED] and Request
23 for Production of Documents."

24 If you would, just take a moment and review
25 that document, please.

1 A. (Witness reviews document.)

2 Q. So you've taken a few minutes to review
3 this four-page document?

4 A. Correct.

5 Q. And other than the extent to which any
6 answers in here may have been modified or supplemented
7 by additional discovery responses, is there anything
8 about your responses to these discovery requests that
9 need to be modified or amplified as we sit here today?

10 A. As you indicated, we, I do believe,
11 provided supplemental response. But other than that,
12 I'm not aware of anything that needs to be changed.

13 Q. In our deposition here today, I believe
14 your testimony has been that you're not even certain
15 whether you would have reviewed the actual PNG letter
16 that was sent to [REDACTED] before it was sent; is
17 that right?

18 A. That's correct. I don't recall which one
19 of us would have reviewed that before it went out.

20 Q. In your response to Request for Admission
21 No. 2, the response is, "Kent and Richards admit that
22 they prepared the October 8, 2015, letter at issue in
23 this action."

24 Can you clarify for me and help me
25 understand how your answers in deposition today will

1 comport with the answer in the request for admission as
2 to who prepared the letter, versus just maybe I
3 reviewed it and maybe I didn't, as you testified to
4 here today?

5 A. Well, I believe if you will look at the
6 question, it says, "Admit that Kent and Richards
7 prepared the letter." So I believe that that response
8 is consistent.

9 Q. So did Mr. Richards prepare the letter?

10 A. Again, I don't recall specifically which
11 one of us reviewed it. Could you please clarify what
12 you mean by the word "prepare."

13 Q. Draft it, write it.

14 A. That's just where I wanted to clarify a
15 little bit there.

16 Again, I want to just be on the record here
17 that any support by our staff was clerical or
18 secretarial in nature, but if our -- one of our
19 [REDACTED] -- if Erin Carlyle would have typed up that
20 letter, it was still prepared under the direction of
21 myself or Mr. Richards.

22 Q. But you wouldn't rely on support staff to
23 be responsible for the content of the letter; right?

24 A. No.

25 Q. An attorney would be responsible for the

1 content of the letter; right?

2 A. Which is what we've indicated.

3 Q. Okay.

4 Your answer to the request for admission
5 didn't object to use of the term "prepared"; correct?

6 A. Correct.

7 Q. Your answer, your response is, "Kent and
8 Richards admit that they prepared the letter"; correct?

9 A. I believe that to be true and consistent.

10 Q. But your testimony today is you don't even
11 remember if you reviewed a draft of it before it was
12 sent out; right?

13 A. Well, that's an incorrect rephrasing of my
14 statement, which is, I am sure that either myself or
15 Richards reviewed the document before it went out. So
16 if the question here is admit that Kent and Richards
17 prepared the letter, which we did, jointly.

18 Q. But your answer today, just now you said
19 Kent or Richards. Your answer here says "Kent and
20 Richards admit."

21 A. Well, again, that's due to your drafting of
22 the word "prepared." I was involved in the initial
23 consultation with the Church security department and I
24 conferred with Matt Richards. So in that sense, I was
25 involved in the preparation of that letter.



1 Q. You stand by your answer in the response to
2 Request For Admission No. 2?

3 A. I do.

4 Q. You're an attorney; right?

5 A. Yes.

6 Q. You've prepared answers to requests for
7 admission in your professional capacity for others in
8 the past?

9 A. No.

10 Q. You've never prepared responses to request
11 for admissions on behalf of a client?

12 A. No.

13 MR. [REDACTED] Do you want to argue with the
14 answer?

15 MR. [REDACTED] No.

16 MR. [REDACTED] It's not unhelpful to you.

17 MR. [REDACTED] I just believe that his
18 testimony is inconsistent, but I think we've made
19 enough of an issue of that already.

20 THE WITNESS: I reject that
21 characterization.

22 MR. [REDACTED] Thank you.

23 (Exhibit 8 marked.)

24 BY MR. [REDACTED]

25 Q. Did you have an opportunity now to review

1 Exhibit 8?

2 A. Yes.

3 Q. And Exhibit 8 are your answers and
4 objections to plaintiff's second set of [REDACTED]
5 and requests for product of documents; correct?

6 A. Yes.

7 Q. Now, other than to the extent that these
8 answers may have been supplemented in any further
9 discovery answers, is there anything about your answers
10 in Exhibit 8 that you need to modify, amplify or change
11 at this time?

12 A. As I indicated, I do believe that there
13 were supplemental answers. But other than that, I have
14 not seen anything that would need to be changed.

15 Q. We've discussed several people here today
16 during the course of your deposition. And, to your
17 recollection, other than the persons that we've
18 discussed here today in the deposition, and the parties
19 to these cases, is there anyone else that you are aware
20 of that has knowledge regarding this incident,
21 regarding [REDACTED] and the incident that led to
22 the PNG letter?

23 A. Prior to the issuance of the PNG letter?

24 Q. I think the way the question as phrased it
25 would have to necessitate that, yes.

1 A. Prior to the PNG letter, no, I'm not aware
2 of any other persons.

3 Q. After issuance of the letter, are you aware
4 of any person that then would have become aware of or
5 possessed knowledge concerning anything to do with
6 these lawsuits?

7 MR. [REDACTED] Can I just clarify? I'm not
8 sure you're on the same wavelength.

9 He was asking you, not what you knew about
10 [REDACTED] but do you know anybody else who knows
11 anything?

12 MR. [REDACTED] In the nature like a
13 Rule 26(a) disclosure, persons with knowledge, is what
14 I'm trying to identify.

15 THE WITNESS: I guess I'm a little bit
16 confused by the question.

17 Are you asking me if I know names of like
18 neighbors or things like that, that are located in the
19 [REDACTED] area?

20 BY MR. [REDACTED]

21 Q. Are you familiar with Rule 26(a) of the
22 Federal Rules of Civil Procedure?

23 A. Please restate it for me.

24 Q. I'm sure I can't state the whole thing.
25 And this is a state court case, so it doesn't totally

1 relate, but in Rule 26(a) initial disclosures, the
2 parties generally exchange information that includes
3 the identity of persons who would have information
4 about the nature of the litigation.

5 And that's what I'm trying to discover, is
6 any of the persons that you would be aware of that
7 might have information about the subject matter of this
8 litigation, that we haven't talked about today for the
9 parties, because I assume they have information about
10 it. I know that's a very broad question, but I don't
11 know how better to narrow it.

12 THE WITNESS: Are you concerned, Counsel?
13 Do you want to confer?

14 MR. [REDACTED] No.

15 So other than the parties, [REDACTED] [REDACTED]
16 and anybody else whose name has been mentioned, do you
17 know of anybody, yes or no, that has knowledge?

18 THE WITNESS: I believe I answered that to
19 my recollection, other than the parties, the people
20 that I've mentioned, that we've discussed here today
21 and that have been provided in the litigation, so that
22 would include other third parties that have been
23 mentioned in the litigation, I'm not aware, no.

24 BY MR. [REDACTED]

25 Q. We're to Interrogatory No. 7, I think

1 page 4 of the exhibit. You indicate that -- if you see
2 the sentence there, "The matter was then referred to
3 the Church Security Department for investigation," just
4 beyond halfway down the page.

5 A. (Witness reviews document.) Yes.

6 Q. The next sentence, "There were two
7 additional calls with Bishop [REDACTED] the following day."

8 I take it from the sentence above, the
9 following day would have been August 26, 2015; is that
10 accurate?

11 A. Yes, that's my understanding.

12 Q. And do you know if those were calls
13 initiated by you or by Bishop [REDACTED]

14 MR. [REDACTED] Do you know?

15 THE WITNESS: Yes.

16 BY MR. [REDACTED]

17 Q. Obviously, the next question, which was it?
18 Did you initiate the calls or did he initiate the calls
19 or one of each?

20 THE WITNESS: Is that protected under
21 attorney-client privilege, Counsel, or can I answer
22 that?

23 MR. [REDACTED] I think you can answer that.

24 THE WITNESS: I believe at least one of the
25 calls was initiated by Bishop [REDACTED] I do not recall

1 on the second call.

2 BY MR. [REDACTED]

3 Q. And I note that from our privilege log,
4 that those calls are not listed in the privilege log
5 provided by, I believe, the [REDACTED] [REDACTED] [REDACTED]
6 defendants. Would it be your assertion, however, that
7 those two calls with Bishop [REDACTED] would be protected by
8 attorney-client privilege?

9 A. Yes.

10 Q. In an assertion of attorney-client
11 privilege, would it be your understanding as an
12 attorney that the client has the right to assert that
13 privilege, versus the attorney?

14 MR. [REDACTED] I object to that. That's not an
15 accurate statement of the law.

16 BY MR. [REDACTED]

17 Q. What is your understanding of who, then,
18 may assert attorney-client privilege?

19 A. I would decline to answer just on the sense
20 that I don't want to make legal conclusions in this
21 forum.

22 MR. [REDACTED] I think it's the client's
23 privilege that the lawyer has to adhere to.

24 BY MR. [REDACTED]

25 Q. And it would be up to the client, then, to

1 waive that privilege as well; right?

2 MR. [REDACTED] I think only the client can
3 waive it. I agree.

4 BY MR. [REDACTED]

5 Q. I think I overlooked asking you about one
6 particular incident involving [REDACTED] a little
7 while ago, when I was asking questions, and that
8 involved an incident where it was alleged that
9 Ms. [REDACTED] -- don't hold me to the characterization,
10 but trespassed on a public school bus.

11 And I just want to ask, are you aware of
12 any incident where it was alleged that she trespassed
13 on a public school bus?

14 A. Prior to the issuance of the PNG letter?

15 Q. Yes.

16 A. Prior to the issuance of the PNG letter,
17 no.

18 Q. I take it, then, from your answer, you did
19 become aware of such an allegation after issuance of
20 the letter?

21 A. Yes.

22 Q. And what was the source of how you became
23 aware of that allegation?

24 MR. [REDACTED] Without revealing any
25 attorney-client communications.

1 THE WITNESS: I believe our prior answer to
2 that was that we couldn't, as a result of the
3 attorney-client privilege, when this came up.

4 BY MR. [REDACTED]

5 Q. Well, I hadn't asked you about the bus
6 incident, but if you're saying your answer is the same,
7 that the only way you knew about that is through
8 attorney-client communications, then you're refusing to
9 reveal that source based upon attorney-client
10 privilege?

11 A. Right.

12 Q. Were you involved in any discussion about
13 delivering a copy of the PNG letter to local law
14 enforcement?

15 A. No.

16 Q. In general, as it pertains to PNG letters,
17 is that a common practice, to deliver these PNG letters
18 to local law enforcement?

19 THE WITNESS: Do you want to confer,
20 Counsel?

21 MR. [REDACTED] No. I think he's -- you're
22 right on top of potentially privileged communications.
23 You can answer that without revealing the privileged
24 communications, if you know.

25 BY MR. [REDACTED]

1 Q. Let me ask it this way: In terms of
2 whether someone tells whether it's done or not, is it
3 common practice by the Church that when these letters
4 are issued, to also deliver them to local enforcement?

5 I'm not asking about it, information of the
6 substance, just what actually is done. Are the letters
7 delivered to local enforcement as a common practice?

8 MR. [REDACTED] By the Church? Is that what you
9 said?

10 MR. [REDACTED] Correct. Yes.

11 THE WITNESS: So as a common practice, no.

12 BY MR. [REDACTED]

13 Q. Do you know what circumstances dictate
14 whether a PNG letter is delivered to local law
15 enforcement?

16 A. I don't know.

17 Q. Do you know in this case who delivered a
18 copy of the PNG letter to [REDACTED] to local law
19 enforcement?

20 A. I do not.

21 Q. Who makes the decision whether to deliver a
22 PNG letter to local law enforcement, generally
23 speaking? The Church security department? Some other
24 person? General counsel? That's what I'm asking.

25 MR. [REDACTED] I'll object to the extent it

1 calls for you to reveal attorney-client communications.
2 I think the question presupposes if somebody makes --
3 is responsible for making such a decision.

4 THE WITNESS: Right. I mean I guess my
5 issue with the question is it presupposes a lot of
6 things about -- you know, anyone with a letter can
7 potentially deliver that to police, whether they're
8 authorized by the Church or our officer or anyone else
9 to do that or not. Can you be a little bit more
10 specific in your question?

11 BY MR. [REDACTED]

12 Q. Well, I'm obviously trying to find out,
13 under what circumstances does the Church take the step
14 of directing that a PNG letter be delivered to local
15 law enforcement, and in doing so, who was the person or
16 the department of the Church that makes that decision?

17 MR. [REDACTED] I object to the question. It's
18 improperly formed in the sense that it presupposes that
19 the Church does direct that.

20 BY MR. [REDACTED]

21 Q. Okay, Mr. Kent, if not the Church, who
22 would decide whether a PNG letter is delivered to local
23 law enforcement, to your knowledge?

24 MR. [REDACTED] Objection. It's speculation if
25 he doesn't know.

1 THE WITNESS: Again, this is not to answer
2 your question, as far as what happened in this matter
3 with [REDACTED]

4 BY MR. [REDACTED]

5 Q. Of course. I'm asking generally.

6 A. I'm just pointing out that the Church
7 generally sends PNG letters to the individual whose
8 name is in the PNG letter. Once that letter is out of
9 our control, that person can do whatever they like with
10 it. And in fact, several people have disseminated
11 their letters on the internet.

12 So hypothetically, anyone could be in
13 possession of a letter and deliver it to a police
14 department. If you're just asking, you know, who makes
15 that decision as a Church policy or a Church decision,
16 that is a different question.

17 Q. And that is the question I'm asking.

18 A. And I don't know.

19 Q. Do you know a person named Holly Fellows?

20 A. I do.

21 Q. Who is that person, as far as you know?

22 A. Holly is one of our support staff here at
23 Kirton McConkie.

24 Q. Does she work with you?

25 A. On occasion.

1 MR. [REDACTED] One more exhibit.

2 (Exhibit 9 marked.)

3 THE WITNESS: (Witness reviews document.)

4 BY MR. [REDACTED]

5 Q. Have you had an opportunity to review
6 Exhibit 9?

7 A. Yes.

8 Q. And as with other questions about specific
9 written discovery responses, other than the extent to
10 which these answers may have been supplemented in any
11 subsequent discovery answers, which I don't know of any
12 to date, are there any changes or modifications or
13 amplifications you believe you would need to make to
14 these answers as we sit here today?

15 A. Yes. I believe I would need to make one
16 change. On page 2, when it states that, "The Defendant
17 again spoke with Bishop [REDACTED] by telephone on October
18 7th," I believe our initial answer to this question was
19 that I communicated by Bishop [REDACTED] that may have been
20 by email. I'm not certain that I spoke with him by
21 telephone on that date.

22 Q. So you communicated with Bishop [REDACTED] on
23 the 7th, but you're not sure now whether it was by
24 telephone or via email?

25 A. Correct.

1 Q. Anything else about your answers to these
2 discovery that you need to modify or amplify or change?

3 A. Nothing that I'm seeing currently.

4 Q. Your answer to Interrogatory No. 2, I
5 count 42 listed contacts with the Commonwealth of
6 ██████████ from January 1, 2010, up to the date that you
7 answered this interrogatory, which your notarized
8 answer indicates February 23rd, 2018.

9 I won't hold you to the number, unless you
10 want to sit there and count them all, which is what I
11 just did. But the answer -- your answer appears to
12 indicate that the nature of those contacts has only
13 been telephone calls; is that right?

14 A. Well, again, I mean I believe that that's
15 generally true, that my contact would have been phone
16 calls, and this graph is listing number of calls. I
17 don't see that this graph is indicating emails or
18 anything like that.

19 Q. And I note that from July 11, 2015, until
20 March 24, 2016, there's nothing listed in here in terms
21 of your contact with persons in ██████████ regarding
22 ██████████ right?

23 A. I believe --

24 MR. ██████████ It says "in addition to the
25 contacts."

1 THE WITNESS: It says in addition to in the
2 letter, yes. That's what I was just looking for.

3 BY MR. [REDACTED]

4 Q. So your answer intentionally omits any
5 contact with persons in [REDACTED] referring to [REDACTED]

6 [REDACTED]

7 MR. [REDACTED] Objection. It doesn't
8 intentionally omit anything. It says it's in addition
9 to the contact referenced in No. 1.

10 BY MR. [REDACTED]

11 Q. Right, but the actual answer does not list
12 anything concerning your contact with [REDACTED] as it
13 pertains to [REDACTED] right?

14 A. I believe you have a privilege log sitting
15 there in front of you that lists those contacts
16 separately.

17 Q. Which wasn't provided by you, was it?

18 A. If you didn't ask for it separately, I
19 guess not.

20 Q. Do you know whether attorneys have to ask
21 for a privilege log?

22 A. Is that a question?

23 Q. It is.

24 MR. [REDACTED] You didn't ask him for documents
25 that are privileged.

1 MR. [REDACTED] No.

2 MR. [REDACTED] So there's no issue about a
3 privilege log.

4 MR. [REDACTED] But attorneys don't have to
5 request a privilege log in discovery. That's part of
6 discovery answers if things are privileged. I take
7 issue with how he answered the question.

8 MR. [REDACTED] If there was a privilege log
9 required, it would be produced.

10 BY MR. [REDACTED]

11 Q. Come back to the question. Your answer to
12 No. 2 omits any contact with [REDACTED] as it pertains to
13 [REDACTED] right?

14 MR. [REDACTED] I object to the form. Misstates
15 the answer.

16 THE WITNESS: The answer in No. 2
17 indicates, "In addition to contact referenced in No. 1
18 above."

19 No. 1 does include my contacts in the
20 [REDACTED] matter.

21 BY MR. [REDACTED]

22 Q. Other than that reference, in addition to
23 the contact reference No. 1, nothing in No. 2 lists
24 your contacts with [REDACTED] as it pertains to [REDACTED]

25 [REDACTED]

1 A. Yes.

2 Q. Have you had contacts with [REDACTED] by
3 communications other than telephone calls from January
4 1, 2010, to the present?

5 MR. [REDACTED] Other than the --

6 THE WITNESS: Sorry, can you restate the
7 question?

8 MR. [REDACTED] Other than the emails that are
9 already indicated?

10 MR. [REDACTED] Other than as it pertains to
11 [REDACTED] that there are no emails mentioned in
12 answer to No. 2.

13 MR. [REDACTED] He just said that perhaps the
14 October 7th could have been an email. He just
15 clarified that.

16 MR. [REDACTED] But that would have been
17 pertaining to [REDACTED] and I just said other than

18 [REDACTED]

19 MR. [REDACTED] Oh, okay, other than [REDACTED]

20 [REDACTED]

21 MR. [REDACTED] Right.

22 THE WITNESS: I'm sorry, could you restate
23 the question?

24 BY MR. [REDACTED]

25 Q. Your answer to Interrogatory No. 2 here

1 references only telephone calls you made to persons in
2 [REDACTED] right?

3 A. Correct.

4 Q. Are you saying that you never had email
5 communications with any person in [REDACTED] that would
6 be relevant in answer to Interrogatory No. 2, other
7 than emails concerning [REDACTED]

8 A. No.

9 Q. So you have had emails with persons in
10 [REDACTED] that properly should have been produced in
11 answer to Interrogatory No. 2?

12 A. I don't believe that they probably should
13 have been produced, in the sense that I think this is
14 even more extensive than what would be typically
15 required by that question.

16 I will say that there may have been emails.
17 I do not specifically recall any emails regarding any
18 of these calls.

19 Q. Your answer, however, doesn't except emails
20 from disclosure. More particularly, your answer
21 doesn't say whether there were emails, but I don't
22 remember them, in answer to No. 2; right?

23 A. Well, my understanding of the answer to No.
24 2, and you can correct me if this is not your
25 understanding, but that this is not an exhaustive list

1 of every possible call or email that I may have had
2 with the state of [REDACTED] but it's an intent to
3 recreate kind of the bulk of my calls or work that
4 would have been handled with [REDACTED] over this time
5 period.

6 Q. Would you agree that contacts with persons
7 in [REDACTED] may be made by means other than a telephone
8 call?

9 A. Yes.

10 Q. Your answer does not list any
11 communications you had with persons in [REDACTED] beyond
12 telephone calls; right?

13 A. Correct.

14 Q. And have there been contacts you've had
15 with [REDACTED] other than through telephone calls?

16 A. Other than the [REDACTED] matter, I
17 cannot recall.

18 Q. Through a search of your email, would you
19 be able to determine whether you've had email
20 communications with persons in [REDACTED] since January
21 1, 2010?

22 A. I would hesitate to speculate on that.

23 Q. So you don't know?

24 A. I don't know.

25 Q. Have you had contacts with persons in

1 [REDACTED] through any other means of communication?

2 A. No.

3 Q. So no written letters sent via U.S. mail,
4 FedEx, UPS, any sort of thing like that?

5 A. Not to my recollection.

6 Q. And now, to try to save from having to go
7 through every single call you've listed here, were
8 these calls that you've listed in answer to No. 2 calls
9 that you participated in that were initiated through
10 the helpline?

11 A. Yes. That would be correct.

12 Q. Okay.

13 Are there any here that didn't come about
14 from a call to the helpline, to your knowledge or
15 recollection?

16 A. Not to my knowledge.

17 MR. [REDACTED] Let's take break and I'll
18 confer with my clients but I'm pretty close.

19 (Recess taken.)

20 MR. [REDACTED] Back on the record.

21 BY MR. [REDACTED]

22 Q. Mr. Kent, in your personal capacity, do you
23 hold any leadership positions within the Church?

24 A. Define "leadership positions."

25 Q. I'm not sure what all of that would be, but

1 perhaps president of the young men's. Are you a
2 counselor to any bishops or stake presidents? Any sort
3 of thing of that nature?

4 A. So I'll try to give you as brief an answer
5 as possible.

6 Currently, I serve as the ward mission
7 leader in my ward. That, just to your understanding,
8 is not someone who's one of the bishop counselors. I'm
9 not in charge of an auxiliary organization. I do meet
10 with the ward council.

11 Q. Have you served in any other positions in
12 the past in your local church or ward?

13 A. Yes.

14 Q. What are those positions?

15 A. It's going to be a long list.

16 Q. Sure.

17 A. I have served as a primary teacher. I have
18 served as a nursery leader, repeatedly in different
19 ages and groups and wards, over different geographic
20 positions. That's the bulk of my experience. I am and
21 have been a gospel doctrine class teacher.

22 Q. Is that teaching to adults, gospel
23 doctrine?

24 A. Adults, yes, and gospel principles, which
25 is a separate class.



1 Q. But also for adults?

2 A. Also for adults. I already indicated I
3 have taught classes with the youth, both in primary and
4 general Sunday school. I have not had callings with
5 the young men or the young women organizations. I have
6 never been a bishop or a counselor in the bishopric.

7 Does that answer your question?

8 Q. I believe it does.

9 One follow-up, have you ever had any
10 positions at the stake level?

11 A. No.

12 Q. Anything at a level in the Church higher
13 than that?

14 A. No.

15 Q. And do you mind telling me your date of
16 birth?

17 A. December 22nd, 1982.

18 Q. Now, we went through some of your discovery
19 answers that listed telephone calls you've had with
20 persons in the Commonwealth of [REDACTED] since 2010.

21 Do you recall if any of those contacts
22 resulted in PNG letters being sent to persons in

23 [REDACTED]

24 A. I don't recall.

25 Q. Do you recall whether you've ever been

[REDACTED]

1 involved in a matter that resulted in a PNG letter
2 being sent to a person in [REDACTED] other than [REDACTED]
3 [REDACTED]

4 A. I don't recall.

5 MR. [REDACTED] I believe that's all my
6 questions. Thank you, sir.

7 MR. [REDACTED] He'll read.

8 (Concluded at 11:25 a.m.)

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STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, [REDACTED], Certified
Shorthand Reporter for the State of Utah, certify:

That the foregoing deposition of
RANDALL KENT was taken before me pursuant to Notice at
the time and place therein set forth, at which time the
witness was put under oath by me;

That the testimony of the witness and
all objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed under my direction;

I FURTHER CERTIFY that I am neither
counsel for nor related to any party to said action nor
in anywise interested in the outcome thereof.

Certified and dated this 23rd day of
March, 2018.

[REDACTED]

[REDACTED], CCR, RPR
Certified Court Reporter
for the State of Utah

[REDACTED]

1 WITNESS SIGNATURE CERTIFICATION

2
3 STATE OF _____)
4) ss.
5 COUNTY OF _____)
6
7

8 RANDALL KENT deposes and says that he
9 is the witness referred to in the foregoing deposition;
10 that he has read the same and knows the contents
11 thereof; that the same are true of his own knowledge.

12 _____
13 RANDALL KENT
14

15 SUBSCRIBED and SWORN to before me this
16 ____ day of _____, 20 ____ .

17 _____
18 Notary Public
19 Residing at
20

21 My Commission Expires:

22 _____
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C O R R E C T I O N S

Deposition of: RANDALL KENT

Taken: March 15, 2018

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