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Page 1
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           IN THE UNITED STATES DISTRICT COURT
              NORTHERN DISTRICT OF GEORGIA
 2
                     ATLANTA DIVISION
 3
     JEFFREY MICHAEL SELMAN,
                  Plaintiff,
 4
                        CASE NO. 1:02-CV-2325-CC
        VS.
 5
     COBB COUNTY SCHOOL DISTRICT,
     COBB COUNTY BOARD OF EDUCATION,
 6
     JOSEPH REDDEN, Superintendent,
                  Defendants.
 7
 8
 9
            Deposition of CURTIS L. JOHNSTON,
                  Taken by the Plaintiff,
10
11
                  Before Lori T. Donovan,
       Certified Court Reporter and Notary Public,
12
                   At the Law Offices of
         Brock, Clay, Calhoun, Wilson & Rogers,
13
                    Marietta, Georgia,
14
             On June 30, 2003, at 4:00 p.m.
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roi lhe Plaint.	iff:
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ALSO PRESENT:	
Je	ffrey Michael Selman
Il	NDEX TO PROCEEDINGS
CURTIS L. JOHN	STON
Cross-Ex	amination by Mr. Manely 4
	kamination by Mr. Gunn 23
	Examination by Mr. Manely 26
	HIBIT NO./PAGE/DESCRIPTION
	ob County School Board Policy
The	eories of Origin
	ob County School Board Regulation
The	eories of Origin

Page 3 June 30, 2003 1 2. 4:00 p.m. 3 (Whereupon the reporter provided a 4 written disclosure to all counsel 5 pursuant to OCGA 9-11-28.) 6 This will be the MR. MANELY: 7 deposition of Curtis Johnston taken pursuant to the Federal Rules of Civil Procedure pursuant 8 to agreement of counsel. Have y'all had an opportunity to discuss reading and signing? 10 11 MR. GUNN: I don't know if we did 12 or not. You have the option of reviewing the 13 transcript before it goes in the record and make any minor changes, or you can waive that 14 right and let the transcript go in as is. So 15 16 we need to tell her at some point before she 17 leaves what you want to do. THE WITNESS: I think I'd like to 18 19 read it. 2.0 MR. GUNN: Okay. 21 If it's acceptable, we MR. MANELY: 22 will reserve all objections except as to the 23 form of the question, responsiveness of the answer, as we have done in prior depositions on 24 25 this matter. Is that okay?

- 1 MR. GUNN: Fine.
- 2 CURTIS L. JOHNSTON,
- 3 being first duly sworn, was examined and
- 4 testified as follows:
- 5 CROSS-EXAMINATION
- 6 BY MR. MANELY:
- 7 Q Would you please state your name
- 8 for the record?
- 9 A Curtis L. Johnston.
- 10 Q Are you a member of the Cobb County
- 11 School Board?
- 12 A Yes, I am.
- 13 Q How long have you been serving as a
- 14 member of the Board?
- 15 A Started in March 1997.
- 16 Q So you are in your second term?
- 17 A Actually I filled an unexpired
- 18 term, so third term, I quess, third election.
- 19 Q When do you come up for
- 20 re-election?
- 21 A This term runs out 2006, December
- 22 31, so November of 2006.
- 23 Q So you just went through an
- 24 election back in November of '02?
- 25 A That's correct.

- 1 Q Roughly what region of the county
- 2 do you represent?
- 3 A The southern portion of the county
- 4 usually referred to as Cumberland, Oakdale,
- 5 Vinings, and Smyrna.
- 6 Q What used to be Oakdale anyway.
- 7 A What's left of it.
- 8 Q I can't find it driving through
- 9 there anymore. All right. You know we are
- 10 here to talk about evolution and the disclaimer
- 11 and creationism today. You are familiar with
- 12 what the suit is about?
- 13 A Yes.
- 14 Q Have you ever given a deposition on
- 15 behalf of Cobb School Board before?
- 16 A Not that I recall.
- 17 Q Have you ever given a deposition
- 18 before?
- 19 A Don't think so.
- 20 Q Well, this is not designed to be a
- 21 burdensome process by any means. If for any
- 22 reason you need to stop, whether it's to visit
- 23 the restroom, get something to drink which we
- 24 talked about, confer with counsel, let me know,
- and we will stop.

- 1 It's supposed to be an
- 2 informational process. For that reason,
- 3 communication is very important. I can tend to
- 4 get wordy, so if some of my questions don't
- 5 make any sense to you, let me know, and I'll
- 6 try to rephrase it so it makes sense.
- 7 A All right.
- 8 Q Who decides the curriculum taught
- 9 in Cobb County classrooms?
- 10 A There's a process there. There's a
- 11 curriculum established by the state Board of
- 12 Education, and we are required to teach that
- 13 curriculum. Within Cobb County Schools we have
- 14 curriculum supervisors that may add to that
- 15 curriculum. They can't subtract from it. And
- 16 the curriculum is approved by the School Board.
- 17 Q Is evolution a part of the state's
- 18 required curriculum?
- 19 A I assume that it is. I have never
- 20 read the state curriculum, so I don't know, but
- 21 I assume that it is.
- 23 when the issue of the disclaimer or the
- 24 textbook adoption was being addressed as to
- 25 whether or not it was mandatory to teach

- 1 evolution?
- 2 A I don't remember that, no.
- 3 Q As I understand it, the issue came
- 4 up when y'all were considering adopting some
- 5 new textbooks; is that right?
- 6 A Which issue is that now?
- 7 Q The issue of evolution,
- 8 creationism, the controversy that we're here
- 9 talking about today.
- 10 A Yes.
- 11 Q When approximately do you recall
- 12 this beginning?
- 13 A I couldn't give you a date really.
- 14 We do textbook adoptions on about a seven-year
- 15 cycle, and some parents came in and complained
- 16 about the textbook adoption that we were
- 17 planning on using this time, but I don't
- 18 remember when exactly that was.
- 19 Q What do you recall about the nature
- 20 of their complaints?
- 21 A The complaint that was presented to
- 22 us was that the textbook taught only evolution
- 23 and did not allow for any alternative versions
- 24 of how life began.
- 25 Q What do you recall the Board did in

- 1 regard to those parents' concerns?
- 2 A Well, we listened to what they had
- 3 to say, and we discussed whether there was
- 4 anything that we could do to address their
- 5 issues.
- 6 Q Did y'all decide as a Board that
- 7 there was anything you could do to address
- 8 their issues?
- 9 A We consulted our attorney and asked
- 10 him if he felt there was any language that
- 11 would help to address their issues but stay
- 12 within the confines of the law.
- 13 Q And as a result of that discussion,
- 14 was the disclaimer created?
- 15 A I believe that's correct. We got
- 16 some information from the attorney's office
- 17 that they recommended some language that they
- 18 thought would be okay.
- 19 Q And that is the verbiage that's on
- 20 the stickers that are now in the textbooks?
- 21 A Yes.
- 22 Q The parents that came in and had
- 23 their concerns, you were telling me generally
- 24 their concern that only evolution was being
- 25 taught. Did they discuss other issues they

- 1 wanted to be taught, other theories on the
- 2 origin of life?
- 3 A I don't remember specifically any
- 4 theories. They just said they felt like that
- 5 was a very one-sided view and that they didn't
- 6 think that was -- how can I say that? They
- 7 didn't think that was a fair presentation of
- 8 the theories of origin.
- 9 Q Did y'all explore the possibility
- 10 of teaching other theories of origin?
- 11 A Not in the sense of what I
- 12 understand teaching to be, no.
- 13 Q I didn't follow you there. What do
- 14 you mean by that?
- 15 A Well, there's a difference between
- 16 teaching and discussion. We did not discuss
- 17 teaching other theories of origin in the
- 18 science curriculum that I'm aware of.
- 19 Q Did y'all discuss teachers
- 20 discussing other theories of origin?
- 21 A Yes.
- 22 Q One aspect of the new policy as I
- 23 understand is that teachers are permitted to
- 24 discuss some of the controversies. Is that
- 25 what we mean, is that what you mean about

- 1 discussing other theories of origin?
- 2 MR. GUNN: Excuse me. Do you mean
- 3 the policy that was enacted after the statement
- 4 was put in?
- 5 MR. MANELY: Yes.
- 6 MR. GUNN: Okay.
- 7 A Ask the question again. I'm not
- 8 sure I follow.
- 9 (Whereupon the court reporter read back
- the referred-to portion as follows:)
- 11 Q One aspect of the new policy as I
- 12 understand is that teachers are permitted to
- 13 discuss some of the controversies. Is that
- 14 what we mean, is that what you mean about
- 15 discussing other theories of origin?
- 16 (Whereupon the reading back was
- 17 concluded.)
- 18 A Yes.
- 19 Q One of the alternative, as I
- 20 understand it, theories of origin is creation
- 21 science. Are you familiar with that term?
- 22 A I know the term. I'm not sure I
- 23 could give you a definition of it.
- Q Do you recall any discussion about
- 25 that being one of the areas the teachers were

- 1 permitted to discuss?
- 2 MR. GUNN: I'm sorry. Are you
- 3 talking about the policy again?
- 4 MR. MANELY: Yes.
- 5 MR. GUNN: He's asking you: In the
- 6 discussions about the policy, did you have that
- 7 discussion?
- 8 A Yes.
- 9 Q Another one is, I think,
- 10 intelligent design. Have you heard that term
- 11 before?
- 12 A Yes, sir. I'm aware of it.
- 13 Q Was that another alternative theory
- 14 to evolution that teachers were going to be
- 15 permitted to discuss?
- 16 A Yes.
- 17 O I understand there are three
- 18 textbooks that have the disclaimer in them; is
- 19 that right?
- 20 A That's what I've heard. I haven't
- 21 seen the three textbooks.
- 22 Q In adopting these three texts, was
- 23 it a condition of the Board's vote that the
- 24 disclaimer be placed in the text?
- 25 A Now you confused me a little bit

- 1 because we didn't adopt the three texts. We
- 2 only adopted one, so try that again.
- 3 O The textbooks that have the
- 4 disclaimer in them, when the Board voted to go
- 5 ahead and accept those textbooks, to adopt
- 6 them, was it part of the Board's vote also that
- 7 we will also have those disclaimers in the
- 8 textbooks?
- 9 A I'm not really sure which came
- 10 first. I'm not sure if we adopted the book
- 11 first and then we approved the sticker or if we
- 12 approved the sticker first. I don't know which
- 13 came first.
- 14 Q In your vote, did you understand
- 15 that adopting the sticker was -- let me reverse
- 16 that, that adopting the text was conditioned on
- 17 adopting the sticker?
- 18 A No, not in my vote.
- 19 Q So it would have been possible to
- 20 adopt the text and not the sticker?
- 21 A Yes.
- 22 Q I have here a printout of the
- 23 statement I think that you had read. If you
- 24 remember, you read this during a Board meeting
- 25 on the theories of origin. And if I get it

- 1 wrong, I apologize. But I just wanted to ask
- 2 you some questions about it.
- 3 You said, "Our intention is to
- 4 promote a broad-based science curriculum which
- 5 will acknowledge that there are differences of
- 6 opinion about the origin of life." And again,
- 7 are those differences, some of which include
- 8 evolution, creation science, intelligent
- 9 design?
- 10 A Uh-huh (affirmative).
- 11 Q It goes on a little further on.
- 12 "This sticker was not intended to interject
- 13 religion into science instruction but simply to
- 14 make students aware that a scientific dispute
- 15 exists." And again, is the scientific dispute
- 16 based upon the differences of opinion as
- 17 expressed between evolution, creation science,
- 18 or intelligent design?
- 19 MR. GUNN: Are you asking him if
- 20 that's the only scientific dispute as he
- 21 understands it?
- 22 Q There may be -- I don't mean to
- 23 confine you to just those three. There may be
- 24 other than those three. But at least do they
- 25 include those three?

- 1 A Yes.
- 2 Q Are there any other, since the
- 3 issue has been raised, are there any other
- 4 scientific disputes that you are familiar with
- 5 besides those three competing theories?
- 6 MR. GUNN: I object to the form
- 7 because I think he said he wasn't really
- 8 familiar with those three.
- 9 Q I guess what I'm trying to get to,
- 10 you are aware that there are these three
- 11 competing theories?
- 12 A I'm aware that there are those and
- 13 others, yes. I'm aware of it. I'm not a
- 14 student of any of them.
- 15 Q Can you put a name to any others,
- if you are aware of any others?
- 17 A I don't know the name of it, but I
- 18 know there's another theory that life came from
- 19 outer space on meteors or things that fell to
- 20 earth, but I don't know what that is.
- 21 Q Actually I can put a name to it.
- 22 Raelian.
- THE PLAINTIFF: Raelian.
- 24 A Okay.
- 25 Q Your statement goes on, "The new

- 1 policy requires that we acknowledge a diversity
- 2 of opinion without watering down discussion of
- 3 factual evidence supporting different
- 4 scientific theories."
- 5 My question here has to do with
- 6 what are the different scientific theories.
- 7 Would that include at least in part evolution,
- 8 creation science, and intelligent design?
- 9 A Let's try that one again and make
- 10 sure I understand you.
- 11 Q Okay. Another part of your
- 12 statement goes on, "The new policy requires
- 13 that we acknowledge a diversity of opinion
- 14 without watering down discussion of factual
- 15 evidence supporting different scientific
- 16 theories."
- 17 And my question is: Your statement
- 18 "different scientific theories," would that
- 19 include at least the three that we've talked
- 20 about, evolution, scientific creationism, and
- 21 intelligent design?
- 22 A Yes.
- Q What is your understanding of what
- 24 intelligent design is all about?
- 25 A From what's been sent to me, it

- 1 seems to be a mathematical attempt to say that
- 2 where we are today, we could not have gotten
- 3 here without some outside influence beyond just
- 4 evolution.
- 5 Q Would you agree that intelligent
- 6 design requires a designer?
- 7 A I don't know. I guess, I mean --
- 8 Q And would you agree with me that a
- 9 designer would be another name for a creator?
- 10 A Seems reasonable.
- 11 Q But you agree with me that positing
- 12 the existence of a creator would violate some
- 13 people's religious beliefs.
- MR. GUNN: I object to the form.
- MR. MANELY: Okay. How so?
- MR. GUNN: I mean, you are asking
- 17 him what other people's religious beliefs are
- 18 for one thing.
- 19 Q Okay. I appreciate that. Your
- 20 attorney's objection is noted. Would you agree
- 21 with me that positing the existence of a
- 22 creator would violate some people's religious
- 23 beliefs and what you know of the diversity of
- 24 religious beliefs out there?
- 25 A It's possible, I suppose. There

- 1 are lots of different religions.
- 3 education or experience in evolution science?
- 4 A No, other than just biology. I
- 5 guess everybody takes that.
- 6 Q In your role as sitting on the
- 7 Board, Cobb School Board, what do you do to
- 8 determine -- well, let me go to this vote in
- 9 particular. What did you do toward determining
- 10 that you wanted to vote for the disclaimer in
- 11 the textbooks as it relates to evolution?
- 12 A What did I do to determine that I
- 13 wanted to vote for it?
- 14 Q Yes. Did you research anything,
- 15 review anything, talk to anybody in particular?
- 16 A I don't remember any research or
- 17 discussions outside of just, you know, the
- 18 Board situation, nothing different from that.
- 19 Q Who do you remember first raising
- 20 the issue about putting a disclaimer in the
- 21 textbooks?
- 22 A I'm not sure who brought it up
- 23 first. It was a reaction to parents coming in
- 24 and complaining, but I don't remember whose
- 25 idea it was originally.

- 1 Q Do you recall anyone on the Board
- 2 suggesting that creation science be taught in
- 3 the classroom?
- 4 A No.
- 5 Q Do you recall anyone on the Board
- 6 suggesting that intelligent design be taught in
- 7 the classroom?
- 8 A No.
- 9 Q Are you aware of whether or not the
- 10 Cobb School Board requires a disclaimer for any
- 11 other subject matter that's taught in the Cobb
- 12 County classrooms?
- 13 A I'm not aware of it if there's
- 14 another one.
- 15 Q The disclaimer says in part that
- 16 evolution is a theory, not a fact. What use,
- 17 what is meant by the word "theory" in that
- 18 context?
- 19 A My interpretation of that is
- 20 something that cannot be absolutely proved.
- 21 For instance, mathematics can be absolutely
- 22 proved, but a theory is something that can't be
- 23 absolutely proved. It probably is the best
- 24 understanding we have at present.
- 25 Q Is it your opinion that evolution

- 1 is not a fact?
- 2 A In the sense of being able to be
- 3 absolutely proved, I would say it's not a fact.
- 4 Q What is it that you want the
- 5 students to think about the disclaimer when
- 6 they read it?
- 7 A That they should consider whatever
- 8 information that is given to them under
- 9 whatever context as something they should not
- 10 just take at face value but should seriously
- 11 consider and try to understand where it came
- 12 from and how valid it is.
- 13 Q And specifically with regard to the
- 14 issue of evolution; is that right?
- 15 A Uh-huh (affirmative).
- O She takes down yes's and no's.
- 17 A I'm sorry. Yes.
- 18 Q It's all right. Okay. If a
- 19 student did not want to encounter the
- 20 disclaimer, how could they go about avoiding
- 21 it?
- 22 A Students can be pretty creative. I
- 23 don't know. I mean, if you are asking me if I
- 24 was a student what would I do if I didn't like
- 25 it? Probably take a black magic marker and

- 1 mark it out.
- 2 Q The text is still Cobb County
- 3 school property though, isn't it?
- 4 A That's true. Probably get you in
- 5 trouble.
- 6 Q Can you think of any other way that
- 7 a student could avoid reading a text with this
- 8 in it?
- 9 A No.
- 10 Q Are there any -- I'm not really
- 11 sure how to go about using the right language.
- 12 You have the individual textbooks, and then you
- 13 have the book, the edition. Are there any
- 14 individual textbooks of the edition that have
- 15 the disclaimer in them in which the disclaimer
- 16 was not placed in the book?
- 17 A I don't know.
- 18 Q That's what I'm asking. Could a
- 19 student say, I want a text without the
- 20 disclaimer in it, please?
- 21 A I don't know.
- 22 Q So it certainly wasn't that the
- 23 School Board voted to have five, ten percent or
- 24 some percentage of the text left disclaimer
- 25 free?

- 1 A Not that I'm aware of, no, and I
- 2 don't think I missed a vote.
- 3 Q Are you serving as chair right now?
- 4 A No.
- 5 O That's the other --
- 6 A Johnny Johnson.
- 7 MR. MANELY: If we can take a break
- 8 right quick.
- 9 (Deposition in Recess, 4:28 p.m. to
- 10 4:37 p.m.)
- 11 Q I want to go back and clear up an
- 12 area they were talking about. You were saying
- 13 parents were complaining about the potential
- 14 textbooks that you wound up adopting, and I
- 15 wanted to see if I could clarify a little more
- 16 about what they were complaining about.
- 17 Do you recall a petition being
- 18 given to y'all early on in this process?
- 19 A Not specifically. I mean, we got
- 20 reams and reams and reams of paper from people,
- 21 so --
- 22 Q A lady named Marjorie Rogers? Does
- 23 that sound familiar?
- 24 A The name sounds familiar, yeah.
- 25 Q I understand what they were

- 1 complaining about was like I think you had
- 2 said, correct me if I'm wrong, please, the one
- 3 side, their position that the textbooks were
- 4 one-sided in teaching only evolution and that
- 5 they wanted included in the teaching
- 6 intelligent design or maybe creation science.
- 7 I don't remember what verbiage they used. Does
- 8 that sound familiar?
- 9 MR. GUNN: Is that -- I'm sorry.
- 10 Are you asking whether that was what the
- 11 parents were saying?
- MR. MANELY: Yes, saying to the
- 13 School Board.
- MR. GUNN: If you remember.
- 15 A I remember they were unhappy we
- 16 were teaching only evolution in that textbook.
- 17 Now, what they suggested beyond that, I don't
- 18 know. I just remember that they didn't like
- 19 the fact that it presented nothing but
- 20 evolution and nothing else.
- 21 Q I quess what I'm trying to get at
- 22 is: Do you recall what the other things were
- 23 that they were wanting taught along with
- 24 evolution?
- 25 A No.

- 1 Q And do I understand correctly you
- 2 don't recall one way or the other there being a
- 3 petition served upon the School Board at about
- 4 the same time, actually prior to the adoption
- 5 of the textbooks?
- 6 A I don't specifically remember that,
- 7 no.
- 8 MR. MANELY: All right. That's all
- 9 we have.
- 10 THE WITNESS: Okay.
- 11 MR. GUNN: I'm going to ask him a
- 12 couple of questions, if we can break for just
- 13 two minutes.
- MR. MANELY: Okay.
- 15 (Deposition in Recess, 4:39 p.m.
- 16 to 4:40 p.m.)
- 17 DIRECT EXAMINATION
- 18 BY MR. GUNN:
- 19 Q I wanted to just clarify a point
- 20 that you made. Mr. Manely was asking you about
- 21 what would be taught in the classroom, and you
- 22 distinguished between what would be taught and
- 23 what would be discussed. Can you explain what
- 24 you meant by that?
- 25 A Sure. I consider teaching whatever

- 1 the curriculum is. Anything beyond that is
- 2 discussion. I would not expect a teacher to
- 3 teach anything except evolution. I would,
- 4 however, expect a teacher to respond to a
- 5 question from the class, from a student, about
- 6 why do I believe differently or why does he
- 7 believe differently, or that's what I meant by
- 8 discussion.
- 9 MR. GUNN: I apologize. I only
- 10 have one copy. Those are the policy and
- 11 regulation.
- 12 (Whereupon documents were identified
- as Defendant's Exhibits 1 and 2.)
- 14 Q Can you identify Defendant's
- 15 Exhibit 1?
- 16 A Unless it's a trick question, it
- 17 appears to be our policy.
- MR. MANELY: Coming from your
- 19 attorney, we certainly hope it won't be a trick
- 20 question.
- 21 A Well, it would be easy to change a
- 22 few words. But it appears to say what I
- 23 remember.
- Q Did you vote to adopt that policy,
- 25 you personally?

- 1 A Yes, I did.
- 2 Q Okay. Is there anything in there
- 3 that's inconsistent with your purpose in voting
- 4 for the statement that was placed in the
- 5 textbooks?
- A No, there's not.
- 7 Q Would you identify Exhibit 2?
- 8 A It's actually exactly what I meant
- 9 by discussion.
- 10 Q Okay. But what is that document?
- 11 A It's the regulation that's written
- 12 as a subset of the policy. The policy is voted
- on by the Board. The regulation is written by
- 14 administration as a means of executing the
- 15 policy.
- 16 Q Okay. And the regulation, correct
- 17 me if I'm wrong, you don't vote on that, but
- 18 you have an opportunity to object to it --
- 19 A That's correct.
- 20 Q -- if you disagree with it?
- 21 A That's correct. It's presented to
- 22 us with a period of time for review, and if we
- 23 disagree with anything in there, we are
- 24 expected to object to it.
- 25 Q Did you object to the regulation?

- 1 A No.
- 2 Q Is there anything in the regulation
- 3 that's inconsistent with your intent in passing
- 4 the voting to put the statement in the
- 5 textbook?
- 6 A No.
- 7 MR. GUNN: That's all.
- 8 MR. MANELY: Okay. Let me follow
- 9 up on a couple of things.
- 10 RECROSS-EXAMINATION
- 11 BY MR. MANELY:
- 12 Q You had said it would present a
- 13 wonderful teachable moment. I was wondering if
- 14 you could expound upon that.
- 15 A Well, there are things that science
- 16 can prove and things that science can't, and
- 17 this is a perfect opportunity to talk about why
- 18 religion believes this way, but we can't prove
- 19 it. Therefore it does not fit within the
- 20 confines of science. So it's a good
- 21 opportunity to explain to children what we
- 22 think we can prove and what we think we can't
- 23 prove.
- 24 O The vote on the sticker that was
- 25 placed in the textbook, do you recall, did you

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Page 27
 1
     vote in favor of it?
 2
                  Did I vote in favor of putting the
 3
     sticker in the textbook?
 4
           0
                  Yes.
 5
           Α
                  Yes.
 6
                  Do you recall how many people voted
           0
     for it versus how many people voted against it?
 8
                  No.
           Α
 9
                  Do you understand intelligent
     design to be a scientific theory?
10
                  I don't know that I have the
11
12
     expertise to answer that question. I mean,
     it's an attempt to come at it from a scientific
13
14
     direction, but whether it's actually a valid
     scientific theory, I have no idea.
15
16
                  MR. MANELY: All right. That's all
17
     I've got.
18
           (Deposition Adjourned, 4:45 p.m.)
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2.0
21
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23
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25
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I, CURTIS L. JOHNSTON, Deponent, do	hereby
certify that I have read the foregoing	ing
deposition, and the same is a true a	and accurate
transcript of my testimony, except f	for the
changes listed below, if any.	
PAGE/LINE/CHANGE	REASON
If additional space is needed, pleas	se attach
separate sheet(s) and indicate number	
additional page(s) here:	
CURTIS L. JOHNSTON, Deponent	
(Notar	ry Public)
Date Notarized:	
My Commission Expires:	
Donovan Reporting, P.C. FAX: 770-428	3-5801
1,	
237 Roswell Street, Marietta, GA 30	0060

- 1 Pursuant to OCGA 9-11-28, I hereby disclose
- 2 that I am an employee of Donovan Reporting,
- 3 P.C., and have been hired by the deposing
- 4 attorney to provide reporting services for this
- 5 deposition. There is no special fee
- 6 arrangement between Donovan Reporting, P.C. and
- 7 the parties and/or attorneys in this deposition
- 8 aside from our regular and customary fee
- 9 schedule; further, I have not entered into any
- 10 contractual arrangement other than for the
- 11 taking of this deposition, financial or
- 12 otherwise, with any person or entity in this
- 13 matter and am taking this deposition in full
- 14 compliance with OCGA 15-14-37. Fees are
- 15 charged for originals and copies of depositions
- depending upon the circumstances of each
- 17 deposition, including but not limited to
- 18 location of deposition, length of deposition,
- 19 expedited requirements, medical experts, video,
- 20 exhibits, waiting time, travel, realtime, etc.
- 21 A complete detailed fee schedule is available
- 22 upon request. This disclosure was provided to
- 23 all counsel at the commencement of the
- 24 deposition and is hereby incorporated into and
- 25 made a part of the transcript.

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Page 30
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                  CERTIFICATE
     GEORGIA
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     COBB COUNTY
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                 I hereby certify that the above and
 5
           foregoing pages 1 through 30 are a true,
           complete, correct and exact transcript of
 6
 7
           my shorthand notes taken in the
 8
           above-referenced matter;
 9
                 That same constitutes a true,
           complete, correct and exact record of the
10
           above-referenced matter;
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                 That same was transcribed through
13
           computer assisted transcription;
                 That I am not of kin or counsel to
14
15
           any of the attorneys or parties, nor am I
           in the regular employ of any of the
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           attorneys or parties;
                 This _____ day of
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19
                  _____, 2003.
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23
     LORI T. DONOVAN, A-427
24
     Certified Court Reporter
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