

1                   IN THE UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF GEORGIA

3                   ATLANTA DIVISION

4                   JEFFREY MICHAEL SELMAN,  
5                                   Plaintiff,

6                   vs.                                   CASE NO. 1:02-CV-2325-CC

7                   COBB COUNTY SCHOOL DISTRICT,  
8                   COBB COUNTY BOARD OF EDUCATION,  
9                   JOSEPH REDDEN, Superintendent,  
10                                   Defendants.

11                                   - - -

12                   Deposition of LINDSEY TIPPINS,  
13                                   Taken by the Plaintiff,  
14                   Before Michelle S. Schreadley,  
15                   Certified Court Reporter and Notary Public,

16                   At Brock, Clay, Calhoun, Wilson & Rogers,  
17                                   Marietta, Georgia,

18                   On June 25, 2003, at 2:10 p.m.

19                                   - - -

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1 APPEARANCES OF COUNSEL

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12 ALSO PRESENT:

13 Jeffrey Michael Selman

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1                   June 25, 2003

2                   2:10 p.m.

3                   (Whereupon the reporter provided a  
4 written disclosure to all counsel pursuant to  
5 OCGA 9-11-28.)

6                   MR. MANELY: This will be the  
7 deposition of Mr. Lindsey Tippins taken  
8 pursuant to the Federal Rules of Civil  
9 Procedure upon agreement of counsel. If it's  
10 acceptable, all objections shall be reserved  
11 except as to the form of the question or  
12 responsiveness of the answer --

13                   MR. GUNN: That's agreeable.

14                   MR. MANELY: -- until such use as  
15 be made of the deposition. I know y'all have  
16 discussed reading and signing. Have an opinion  
17 on that one way or the other, or do you want to  
18 wait until the end of the deposition to decide?

19                   THE WITNESS: An opinion on the  
20 deposition?

21                   MR. MANELY: Whether you want to  
22 have the opportunity to review the deposition  
23 after it's taken down or accept what --

24                   THE WITNESS: Mr. Gunn is the  
25 lawyer. I'll defer to him.

1                   MR. GUNN: What you want to do is  
2 fine. A lot of people will read it.

3                   THE WITNESS: I definitely want to  
4 read it.

5 LINDSEY TIPPINS,

6                   being first duly sworn, was deposed  
7 and testified as follows:

8 CROSS-EXAMINATION

9 BY MR. MANELY:

10            Q       Mr. Tippins, have you ever given a  
11 deposition before?

12            A       Yes.

13            Q       Have you ever given a deposition in  
14 the context of being on the school board?

15            A       I don't think so.

16            Q       Since you've given a deposition  
17 before, I'll forgo most of the usual  
18 formalities. If you need to take a break for  
19 any reason, just let us know. If I ask you a  
20 question inartfully or confoundedly, which I  
21 can do sometimes quite by accident, let me  
22 know, and I'll try to rephrase it.

23                    Would you please state your name  
24 for the record.

25            A       Lindsey Tippins.

1 Q And you are a member of the Cobb  
2 School Board?

3 A That's correct.

4 Q When were you first elected?

5 A Elected in 1996 and on the board in  
6 January of 1997.

7 Q How many terms have you served  
8 then?

9 A I'm in my second term.

10 Q Has your district been the same  
11 both times?

12 MR. GUNN: I'm sorry. You mean  
13 geographic area?

14 MR. MANELY: Yes, that he  
15 represents.

16 A At the time of the election, in  
17 both elections, the geographic district was the  
18 same. It has been changed by reapportionment  
19 since then.

20 Q What areas did you represent prior  
21 to reapportionment?

22 A That I don't currently represent?

23 Q No. What were the geographic  
24 boundaries? And then my next question is going  
25 to be: What changed?

1           A           Basically the Northwest Cobb, it  
2 wrapped around the North Cobb, around the north  
3 end of the city limits of Kennesaw, around over  
4 to Bells Ferry Road. A portion of it ran,  
5 Macland Road was the south boundary. The lines  
6 are so convoluted. Part of it went to Powder  
7 Springs Road, and I had one section that went  
8 to Austell Road from Milford Church to Hurt  
9 Road.

10           Q           Some diverse population from the  
11 affluent East Cobb to Powder Springs?

12           A           Well, diverse --

13           Q           Pretty significant, I guess,  
14 immigrant population over in the Powder Springs  
15 area?

16           A           You said in East Cobb?

17           Q           No, no. You've got some well-to-do  
18 folks in East Cobb. For example, you've got  
19 immigrant population over in around Powder  
20 Springs Road area to a great extent. Is that  
21 right?

22           A           Not in my district, because my  
23 district is not East Cobb.

24           Q           Okay, in North Cobb. Maybe I'd  
25 understand it better if you did it this way.

1 What high schools are in your district?

2 A Currently?

3 Q Yes.

4 A Kennesaw Mountain and Harrison.

5 I've got kids in my district, when you say high  
6 school, but I've got kids in my district that  
7 also go to McEachern and North Cobb.

8 Q So you've got the Acworth area  
9 then?

10 A That's correct.

11 Q Mars Hill, Stilesboro?

12 A (Nods head affirmatively.)

13 Q You were saying that it had been  
14 reapportioned. What is different about your  
15 district now?

16 A I went from having almost 120,000  
17 people in my district to less than 80,000.

18 Q You were talking about Powder  
19 Springs Road. What part of Powder Springs Road  
20 did you represent?

21 A I represent the north side of  
22 Powder Springs Road from Macedonia Road running  
23 east on Powder Springs Road to Cheatham Hill.  
24 And I represent the south side of Powder  
25 Springs Road from Hurt to Milford Church.

1 Q Was the school board the first  
2 political office that you sought?

3 A I beg your pardon?

4 Q Was the school board the first  
5 political office that you sought?

6 A No. I ran for legislature in 1990.

7 Q I take it that was an unsuccessful  
8 bid?

9 A Yes, sir.

10 Q What prompted you to run for school  
11 board?

12 A The makeup of the board at the time  
13 I ran, lack of people on it with bona fide  
14 business experience. And the size of the  
15 budget and the school board and the portion of  
16 taxes that it receives, I think, needs people  
17 that have some business acumen.

18 (Whereupon off-the-record discussions  
19 ensued.)

20 Q Who did you replace on the school  
21 board?

22 A Bill Connor.

23 Q Did Mr. Connor not run for  
24 reelection, or did you defeat him in the  
25 election?

1           A           I defeated him.

2           Q           Obviously we're here talking about  
3 today the evolution issue and the disclaimer in  
4 the textbooks and all that. What do you recall  
5 about the textbook adoption process specific to  
6 the textbooks that we're talking about today?

7           A           The school district administration  
8 had a group, if you will, that worked on that  
9 process for several months, knew very little  
10 about the textbook adoption per se until it  
11 came to us as an agenda item in a work session.

12          Q           Had you not had to deal with  
13 textbook adoption in the first session, the  
14 first term, that you ran?

15          A           Sure.

16          Q           You had?

17          A           We do a textbook adoption almost  
18 every year of different disciplines. We don't  
19 do an adoption across the board. We replace,  
20 we do a math adoption one year, language arts  
21 another year.

22          Q           The textbook adoption that we're  
23 talking about took place in 2002. Is that  
24 right?

25          A           That's right.

1 Q So was 2002 the science textbook  
2 adoption year?

3 A That's correct.

4 Q When will that come up for a new  
5 textbook adoption?

6 A If it stays on the current  
7 schedule, it will be 2009. We are on a  
8 seven-year replacement cycle.

9 Q What do you recall about the  
10 discussion of the adoption of the specific  
11 textbooks, first of all?

12 A You'll have to be more specific.

13 Q We're talking about how many  
14 science textbooks that there was an issue  
15 about?

16 MR. GUNN: You mean were being  
17 adopted?

18 MR. MANELY: Yes.

19 A I can't tell you how many it was.  
20 I think about 30, if I'm not mistaken.

21 Q 30 of the science --

22 A It was a whole box full. I'll put  
23 it that way. I mean, it may not have been 30,  
24 but it was probably in excess of 20. Between  
25 20 and 30, I'd say.

1 Q Are you referring to there were 20  
2 or 30 different texts that y'all were looking  
3 at and deciding which of them to adopt?

4 A Probably in excess. I think  
5 probably, I mean, you do an adoption for each  
6 grade level and high school classes. You've  
7 got different disciplines that have different  
8 texts that fall under the realm of science  
9 discussion.

10 Q Were there any textbooks that you  
11 recall, science textbooks that you recall,  
12 being not adopted because of material that they  
13 contained?

14 A You'll have to clarify that. Are  
15 you talking about not adopted by the board or  
16 not recommended by the administration?

17 Q Not adopted by the board.

18 A The textbooks that were adopted by  
19 the board were the textbooks that were  
20 recommended by the administration.

21 Q So you don't recall any textbooks  
22 that were recommended by the administration  
23 that were not adopted by the board?

24 A No.

25 Q Moving up to modern times, I

1 understand there are only a certain number of  
2 books that have the disclaimer in them; right?  
3 It's not every science textbook in Cobb County  
4 that has that disclaimer?

5 A That's correct.

6 Q Do you know offhand how many, not  
7 how many texts in terms of thousands of texts  
8 out there for the kids, but how many editions  
9 of text?

10 A No.

11 Q Okay. Do you recall any particular  
12 discussion about the adoption of those texts  
13 that subsequently got the disclaimers?

14 A Repeat the question.

15 Q Okay. When y'all were going  
16 through the adoption process, before you  
17 adopted the texts, do you recall any discussion  
18 about whether or not y'all were going to adopt  
19 the texts that wound up having the disclaimers  
20 in them?

21 MR. GUNN: Among the board members?  
22 Discussion among board members?

23 MR. MANELY: Yes. Thank you.

24 A Well, we discussed the adoption at  
25 our work session. That's what the work session

1 was all about. We asked some questions of  
2 administration. I can't tell you exactly what  
3 the questions really asked per se were. But I  
4 mean, we had some discussion about the texts,  
5 you know, in our board meeting.

6 Q Relevant to the texts that wound up  
7 with the disclaimer, do you remember generally  
8 what some of the questions were about that you  
9 had of the administration?

10 A I think some of the concerns that  
11 were raised were that in some of the texts as  
12 they dealt with the theory of origin, probably  
13 taught in a single point of view.

14 Q Do y'all do any audio or  
15 videotaping of the work session?

16 A You'll have to talk to  
17 administration about that. There's microphones  
18 out there, but it's anybody's guess whether  
19 they're working or not.

20 Q Do y'all do any minutes in the work  
21 session?

22 A We have, we do have minutes, yes,  
23 sir, because we approve minutes in the meetings  
24 of any meeting that we have.

25 Q What kind of discussion do you

1 recall concerning the particular viewpoint of  
2 the theories of origin that the textbooks  
3 addressed?

4 A As far as particulars right now, I  
5 mean, I can't tell you what the exact  
6 conversations were.

7 Q I appreciate you can't recall the  
8 exact conversation because it's been something  
9 like a year or more; right?

10 A Yeah. At my age you do good to  
11 remember what you talked about yesterday.

12 Q Sometimes our minds are fallible.  
13 Do you remember generally if y'all were talking  
14 about theories of origin? Do you remember  
15 generally what the discussion was about the  
16 theories of origin?

17 A I think generally the discussion  
18 was the concern that it was taught in a single  
19 viewpoint.

20 Q And that single viewpoint was?

21 A Evolution. Or let me clarify that,  
22 macroevolution.

23 Q What was the concern about teaching  
24 in a science textbook in the single viewpoint  
25 of macroevolution?

1           A           I think it's an accepted fact that  
2           there is a controversy in the field of science  
3           about macroevolution from an evidentiary  
4           standpoint.

5           Q           What is it you understand to be the  
6           controversy about that?

7           A           Pretty much lack of proof.

8           Q           Do I understand correctly that you  
9           don't hold a degree in science? Is that right?

10          A           That's correct.

11          Q           And certainly not in any of the  
12          evolutionary sciences. Is that right?

13          A           That's correct.

14          Q           Are you a policy maker on behalf of  
15          Cobb County School Board?

16          A           That's correct.

17          Q           And I trust that you rely upon  
18          information provided to you by others to gain  
19          the knowledge that you otherwise wouldn't have.  
20          Is that right?

21          A           We rely on the staff.

22          Q           Staff of the administration? Staff  
23          from the administration?

24          A           Yes. Administration by and large  
25          makes comments with most of the recommendations

1 that are made.

2 Q The evidentiary concern that you  
3 were expressing pertaining to macroevolution,  
4 was this a concern that you had as opposed to  
5 other board members?

6 A Oh, it is, I did have that concern,  
7 yes.

8 Q Do you still have that concern?

9 A Yes, sir.

10 Q Where do you get the information  
11 that gives you that concern?

12 A Because I think it's an accepted  
13 fact that there is a controversy in the field  
14 of science about macroevolution from an  
15 evidentiary standpoint.

16 Q Where I'm trying to go with this  
17 is, if you didn't get it from the classroom,  
18 you know, if you don't hold a degree on this  
19 subject, you got it from somewhere. This  
20 information you have, the information that  
21 causes this concern, where did you get this  
22 information?

23 A I think it's common knowledge in  
24 the marketplace. You read the Atlanta Journal.  
25 I think in some of the coverage they

1 acknowledge the fact that there is a  
2 controversy in the scientific community.

3 Q Are you aware of what the  
4 controversy is?

5 A I think I've already stated it's  
6 from an evidentiary standpoint.

7 Q Evidentiary is big and broad,  
8 broader than this table. Do you have --

9 A So is science.

10 Q Do you have any more specific idea  
11 about what the evidentiary problems are that  
12 you think exist with regard to macroevolution?

13 A Well, as you correctly stated, I'm  
14 not a scientist. I think there is enough  
15 controversy in the field of science and enough  
16 questions that are raised by different members  
17 of the scientific community. You know, the  
18 question always comes up, you know, there's no  
19 proof of macroevolution.

20 Q Okay. Where did you get this  
21 information from? Who are the members of the  
22 scientific community that you have read that  
23 are espousing these views?

24 A I think there are a group of  
25 scientists who have come together and expressed

1 their concern from a scientific standpoint.

2 Q Does the name Phillip Johnson ring  
3 a bell?

4 A No.

5 Q Michael Bahey?

6 A No.

7 Q As a policy-making member of the  
8 board of education, deciding the fate of Cobb  
9 County students' education, what have you  
10 studied to arrive at this judgment?

11 A I think you miss the point of the  
12 role of a school board member. We do not take  
13 it upon ourselves to be an expert in the field  
14 of science. As you correctly stated, we are a  
15 policy-making board.

16 And if there is a controversy or  
17 difference of opinion, then probably a good  
18 text will cover that both from one side and the  
19 other.

20 Q And your determination was that  
21 this science text did not adequately cover what  
22 you perceived to be a scientific controversy?

23 A I think the scientific texts taught  
24 one viewpoint solely in a disputed issue.

25 Q And are you of the opinion that it

1 is a scientific controversy about whether or  
2 not macroevolution exists?

3 A No question in my mind about it.

4 Q I think we're communicating on this  
5 issue. What I'm trying to find out now is, as  
6 a responsible and trusted member of this  
7 community and trusted with the fate of the Cobb  
8 County school children's educational future in  
9 your hands, what sources did you go to to  
10 verify, more than the Atlanta Journal  
11 Constitution --

12 A I don't go to sources.

13 Q Let me finish my question.  
14 Otherwise the transcript looks messy.

15 A I'm sorry. I thought you finished  
16 your question.

17 Q What sources did you go to other  
18 than the Atlanta Journal Constitution, which  
19 you mentioned, that gave you the information  
20 that there was some sort of valid scientific  
21 controversy?

22 MR. GUNN: I'm going to object just  
23 to the extent that I think it's a little  
24 unfair, you know, his bringing to the table I  
25 don't know how many years of personal

1 experience and to ask him to isolate sources  
2 from which he's learned it. I can't tell you  
3 where I've learned anything about evolution  
4 other than the most recent things. I think it  
5 might be, I'm going to object to that extent.

6 I think it might be more helpful if  
7 you want to ask him more recent sources that he  
8 can recall, that he consulted, rather than, I  
9 think, as broad as the question is, it's really  
10 unfair for him to try to answer it.

11 Q I appreciate it may be impossible  
12 to identify anywhere where you got any of this  
13 information from, and if that's your answer,  
14 that's your answer. If my question is unfair  
15 of where you determined that there was a  
16 scientific controversy over macroevolution, I  
17 still need to ask the question. Do you know  
18 anywhere that you've heard or have read that  
19 there is a scientific controversy about  
20 macroevolution?

21 A I read it, but I cannot tell you  
22 the publication.

23 Q What are the references that you're  
24 familiar with?

25 (Whereupon off-the-record discussions

1     ensued.)

2           A       I think the scientific community  
3     has controversy in different areas as it  
4     applies to their specific disciplines.  There  
5     again, I think it's a lack of evidence or a  
6     lack of proof.  Those are the areas that I've  
7     seen.  You've got a lack of proof.

8                   And the different disciplines,  
9     biologists have concerns from a biological  
10    standpoint.  The chemists have a concern from a  
11    chemical standpoint.  And I don't know what  
12    those concerns are.  The geneticists have  
13    concerns from a genetic standpoint.

14           Q       The Cobb School Board received a  
15    fair bit of public input about this issue,  
16    didn't it?

17           A       Public input, what do you mean by  
18    public input?

19           Q       There were a lot of people  
20    attending your meetings?

21           A       Talking about --

22                   MR. GUNN:  Meetings about this  
23    issue?

24                   MR. MANELY:  About this issue, yes.

25           A       Are you talking prior to it coming

1 to the work session?

2 Q I'm talking about now, during the  
3 past year or so that we've been addressing this  
4 issue, from the time y'all started talking  
5 about textbook adoption to the present.

6 A Input from the public, fair amount.

7 Q Some of that input has been  
8 written. Is that right?

9 A That's right.

10 Q There was a petition, I understand  
11 approximately 2,300 signatures, handed to you  
12 by Marjorie Rogers?

13 A I don't know.

14 Q Does that sound familiar?

15 A I know there were some petitions.

16 Q There were a number of letters sent  
17 to you by members of the scientific community  
18 as well. Is that right?

19 A That's correct.

20 Q Were any of the letters sent to you  
21 by the scientific community opposed to the  
22 teaching of evolution?

23 MR. GUNN: Opposed meaning they  
24 didn't want it taught at all or they had  
25 questions about it?

1 MR. MANELY: That they didn't want  
2 it taught at all.

3 A No. And that's never been the  
4 issue.

5 Q Were any of the letters from the  
6 scientific community expressing doubts about  
7 the theory of evolution, macroevolution?

8 A Had members of the scientific  
9 community who were from different disciplines  
10 tell us that we were on the right track to  
11 teach both sides of a disputed issue and look  
12 at all sides of an issue in instruction.

13 Q And the school board would have  
14 retained those letters from scientists of  
15 different disciplines?

16 A I didn't.

17 Q What would you have done with  
18 those?

19 A I threw them away. If I retained  
20 every letter that I got and every piece of  
21 information I had, I would have to build three  
22 warehouses out at my house.

23 Q Okay. Letters that you're talking  
24 about, any of those from members of the  
25 evolutionary discipline as opposed to say --

1           A           I think both of them from the  
2           evolutionary discipline, some pro  
3           macroevolution and some against macroevolution.  
4           But all of them had to do with evolution, so  
5           they all had to do with the evolution  
6           community. So which group are you talking  
7           about? I think any of the letters that came  
8           pertaining to evolution, people were concerned  
9           about evolution.

10          Q           Any letters that you recall  
11          pertaining to the issue of whether or not  
12          evolution was a fact and/or a theory?

13          A           I don't recall the specifics of the  
14          letters. I think the letters generally fell  
15          into a group, some who agreed that you ought to  
16          teach both sides of an issue and some who  
17          thought you ought to teach macroevolution  
18          alone.

19          Q           Have you heard the term intelligent  
20          design?

21          A           I have.

22          Q           In what context have you heard that  
23          term?

24          A           Just pretty much heard it. I  
25          certainly don't know what, I don't know the

1 specifics of intelligent design.

2 Q Did the subject of intelligent  
3 design come up in y'all's discussion about  
4 whether or not to adopt the textbooks?

5 A I think the term was used, yes,  
6 sir.

7 Q Who do you recall bringing that up?

8 A I think I did.

9 Q Why?

10 A Because I had heard that term used,  
11 as well as creation science. And it was  
12 brought up in a, it was brought up in the work  
13 session.

14 Q Are there any other theories,  
15 scientific theories, of origin that you're  
16 familiar with except for macroevolution?

17 A I don't know a whole lot about  
18 theories of origin. I don't know if you could  
19 call the big bang theory, is that a theory of  
20 origin?

21 Q Is that one of them?

22 A I don't know. I'm asking you. I  
23 mean, I've heard of the big bang theory.

24 Q Would you consider intelligent  
25 design one of the scientific theories of origin

1 other than macroevolution?

2 A I suppose as long as it utilizes a  
3 scientific method, it would be scientific.

4 Q From what you understand about  
5 intelligent design, do you understand it to  
6 utilize a scientific method?

7 MR. GUNN: I don't think you've  
8 established any foundation for, I mean, he said  
9 he heard the term. He pretty much disclaimed  
10 inside knowledge of particulars.

11 MR. MANELY: He can answer that if  
12 that's the answer.

13 MR. GUNN: Okay.

14 A I thought I said I didn't know the  
15 particulars. I had heard the term. But I  
16 mean, as far as doing extensive reading in any  
17 of these areas, I'm certainly not an authority  
18 on it.

19 Q So you wouldn't say that  
20 intelligent design is one of the scientific  
21 theories of origin?

22 A I don't have enough qualifications  
23 to make the determination of whether it is or  
24 not.

25 Q How about creation science? Is it

1 one of the scientific --

2 A There again, I don't know. I think  
3 it looks at creation. I mean, by the term, if  
4 you look at the possibility of creation from a  
5 scientific standpoint, I think there's pretty  
6 clear parameters of what is and is not  
7 scientific.

8 Q Do you recall creationism as a term  
9 coming up when y'all were discussing the  
10 adoption of the textbooks?

11 A I do.

12 Q Who do you recall brought that  
13 issue up?

14 A Well, I know I talked about it. I  
15 don't know that I brought it up. I think  
16 creationism was spoken of.

17 Q Why did you talk about creationism,  
18 best you recall, when you were discussing the  
19 adoption of the textbooks?

20 A As you have correctly stated, I  
21 represent a diverse district, and in that  
22 diversity, there are those who believe in  
23 creation, not creationism but creation.

24 Q Creation as taught by the Holy  
25 Bible?

1 A Pardon?

2 Q Creation as taught by the Holy  
3 Bible?

4 MR. GUNN: Are you asking him if  
5 that's one particular belief that his diverse  
6 community has?

7 MR. MANELY: If that's what you  
8 were referring to.

9 A That's not what I'm referring to.

10 Q Please tell me what you're  
11 referring to.

12 A What I'm referring to is the belief  
13 that the origin, or the theories of origin, had  
14 to do with creation by a supreme being, I  
15 guess, in that you would acknowledge the  
16 existence of a supreme being and that that  
17 supreme being had a hand in creation.

18 Q Is that one of the theories of  
19 origin that you were concerned about the  
20 science textbook not addressing?

21 A I think what I was concerned about  
22 more so is that the science textbooks only  
23 taught macroevolution and did not discuss the  
24 controversy that was in the scientific  
25 community. The fact that we're going to teach

1 macroevolution is a pretty well established  
2 fact.

3 Q Again, your concern about only  
4 teaching macroevolution comes from perhaps an  
5 article in the Atlanta Journal Constitution  
6 that you had read --

7 A No.

8 Q -- saying there was a scientific  
9 controversy about macroevolution?

10 A You mean the comments that I made  
11 at the work session?

12 Q The comments you're giving here,  
13 the testimony you're giving here today.

14 MR. GUNN: You're saying the only  
15 source he can identify now is the Atlanta  
16 Journal Constitution?

17 A I'm not --

18 MR. MANELY: Right.

19 A I'm not identifying the Atlanta  
20 Journal Constitution as a source. I'm saying  
21 that the Atlanta Constitution has acknowledged  
22 that there is a controversy in the scientific  
23 community. I'm not sure that you can say  
24 that's a source of knowledge as far as  
25 scientific evidence.

1           Q       And this article or series of  
2 articles that you have some recollection of  
3 reviewing is good enough reason to say there's  
4 a scientific controversy about macroevolution?

5           MR. GUNN: So your question, then,  
6 is that the only source he believes he had for  
7 his belief that there were --

8           MR. MANELY: Can we talk outside  
9 for a moment?

10          MR. GUNN: Yes.

11          (Whereupon off-the-record discussions  
12 ensued.)

13          Q       What Mr. Gunn and I were talking  
14 about, and I guess what I'm concerned about, is  
15 are there any other books that you remember  
16 reading, magazine articles that you remember  
17 reading, within the past three years that have  
18 to do with the subject of evolution?

19          A       I have read magazine articles in  
20 the last three years, but I can't tell you  
21 exactly which publications it was.

22          Q       What do you recall reading about in  
23 those magazines? What did they say generally?

24          A       The bottom line is there's a  
25 controversy, and the controversy in this

1 country, I mean, part of it has been from a  
2 legal standpoint, part of it being a scientific  
3 standpoint, and they intermesh and intertwine.

4 And part of the controversy has  
5 been about the litigation, and part of it has  
6 been about the scientific. Part of it has been  
7 about the philosophical ramifications of it.

8 I think everybody who reads it,  
9 keeps up with current events, understands that  
10 it is a controversial issue.

11 Q I guess what concerns me is I don't  
12 decide what the children get taught and you do.  
13 I would hope, and I'm sure it's somewhere in  
14 there, that you have a better basis for  
15 believing there is a legitimate scientific  
16 debate within the scientific community about  
17 evolution than some generalized knowledge.

18 A I'm not trying to get involved in  
19 that. I'm involved in the educational  
20 process.

21 Q Why did y'all adopt the disclaimer?

22 MR. GUNN: Why did he?

23 Q Why did the school board adopt the  
24 disclaimer?

25 MR. GUNN: I object. He can only

1 testify from personal knowledge.

2 Q Did y'all have a discussion about  
3 the disclaimer before y'all adopted it?

4 A Are you talking about the statement  
5 in the book?

6 Q Yes.

7 A Sure we discussed the statement.

8 Q What do you recall about that  
9 statement being discussed?

10 A I think the statement was an  
11 outgrowth of the fact that some of the text  
12 taught the theory of macroevolution as  
13 accomplished fact and the sole consideration  
14 with none of the questions that are in the  
15 scientific community about that theory even  
16 mentioned.

17 Q Here's the thing. Tell me where  
18 the debate is in the scientific community. You  
19 made a decision. You voted, I trust, for the  
20 disclaimer. Is that right?

21 A That's correct.

22 Q You made that decision to vote on  
23 the disclaimer being put in the textbook.  
24 Where is the debate in the scientific  
25 community?

1           A           In the scientific community. I  
2           made it clear that we heard from folks in the  
3           scientific community on both sides of the  
4           issue.

5           Q           Who?

6           A           I can't tell you who it was.

7           Q           Anybody pull you aside and talk to  
8           you about intelligent design before y'all made  
9           a vote on the disclaimer?

10          A           Not pulled me aside.

11          Q           Anybody talk to you about it?

12          A           No, not talked to me. We had tons  
13          of people send us e-mails, letters.

14          Q           Did they provide you information  
15          about intelligent design?

16          A           I think we had all kinds of  
17          information.

18          Q           Did you review it?

19          A           No.

20          Q           You didn't review the information  
21          about intelligent design?

22          A           No, sure didn't.

23          Q           So as a school board member who  
24          voted for this disclaimer, you cannot identify  
25          for me any specific scientist or scientific

1 controversy behind macroevolution?

2 A By name?

3 Q Yes.

4 A No. I can't identify for you  
5 scientists in favor of it.

6 Q I'll hand you what has been marked  
7 as Tippins 1. Do you remember this as being a  
8 press release that the school board issued  
9 August 22, '02?

10 A Yes, sir. I remember it being  
11 distributed. I can't testify to the date, but  
12 I remember the press release.

13 Q We have underlined the portion that  
14 I want to talk about, "a variety of testable  
15 theories and scenarios regarding the origin of  
16 the species." Do you see that?

17 A Uh-huh.

18 Q What is the variety? What variety  
19 is there?

20 MR. GUNN: I'm going to object to  
21 lack of foundation.

22 Q Is this your press release as a  
23 member of the school board?

24 A I didn't write it.

25 Q So you disavow, you disclaim, this

1 press release?

2 A I agree with the press release, but  
3 I didn't write the press release.

4 Q You agree with the press release,  
5 so why do you say a variety of testable  
6 theories and scenarios pertaining to the origin  
7 of the species?

8 MR. GUNN: I object to the form.

9 Q Do you know of any variety?

10 A That are testable?

11 Q All right. Do you know any variety  
12 that are testable?

13 A I know of none that are testable,  
14 and that's the controversy.

15 Q Including macroevolution?

16 A Absolutely.

17 Q What is not testable about  
18 macroevolution?

19 A What is testable?

20 Q How about radiocarbon dating? Do  
21 you believe in that?

22 A To a certain extent. It has also  
23 proven to be incorrect. I think there's  
24 instances that it can be correct. There's  
25 instances it cannot be correct.

1           Q       What have you read or otherwise  
2 heard about the inaccuracy of radiocarbon  
3 dating?

4           A       I did read a piece somewhere, I  
5 think, that there had been some residue from  
6 the Mount St. Helens explosion that was sent to  
7 a testing lab, and they said the specimen  
8 happened 50,000 years ago. I think we are all  
9 familiar with when Mount St. Helens erupted.

10          Q       Where did you read that or --

11          A       I don't know. You ask me about  
12 where you read everything. Do you read the  
13 newspaper every day?

14          Q       Do you read the National Enquirer  
15 every day?

16          A       No. For the record, I don't read  
17 the National Enquirer.

18          Q       Do you have the wherewithal to  
19 scrutinize if what you're reading is accurate  
20 or scientific?

21                   MR. GUNN: I object to the question  
22 as argumentative.

23          Q       You have no science background  
24 whatsoever?

25                   MR. GUNN: We've established that.

1 That was asked and answered.

2 Q You conducted no review of the  
3 science literature on the issue of evolution  
4 prior to bringing into discussion of the  
5 adoption of the science textbooks the idea of  
6 intelligent design or scientific creationism,  
7 did you?

8 A Repeat the question.

9 Q You conducted no review of  
10 scientific literature prior to bringing into  
11 the discussion of the adoption of the textbooks  
12 the idea of intelligent design or scientific  
13 creationism?

14 MR. GUNN: At any time or  
15 immediately before the adoption?

16 MR. MANELY: Let's say within a  
17 year before the adoption.

18 A The school board did not even know  
19 the science textbook adoption was going to be  
20 on the agenda until our agendas came out about  
21 three or four days before that time.

22 The purpose of our agenda is we  
23 have work sessions. We have a work session  
24 format. Then we have action sessions. The  
25 board had had no discussion about that.

1 I think it's common knowledge that  
2 there are terms out there, that I had read  
3 about the controversy from the litigation and  
4 from the disputes in the scientific community.  
5 Creation science and intelligent design had  
6 been figured into that.

7 I know some other school boards had  
8 looked at it, and I think it's at that juncture  
9 appropriately you raise those considerations.

10 Q Why do you raise those  
11 considerations about intelligent design and  
12 scientific creationism?

13 A Because it's in the context of a  
14 textbook adoption.

15 Q Science textbook adoption?

16 A Yes.

17 Q Why is that relevant to a science  
18 textbook adoption, intelligent design and  
19 creation science?

20 A Do you not see a nexus in that  
21 discussion?

22 Q No, sir, I do not. If you do, I  
23 wish you would explain it to me.

24 A Because it has been in the  
25 discussion of science textbook adoptions

1 throughout this nation.

2 Q Why did you raise the issue?

3 A Because I think it's in prudence  
4 that if you have a discussion of science  
5 textbook adoption, you raise any pertinent  
6 issues to it that you may deem to be fit.

7 Q Including scientific creationism  
8 which posits the existence of a supreme being?

9 A At the point of time I raised, put  
10 forth, the term of creation science and even to  
11 this day, I can't give you a manifest of all of  
12 the, of all of the statements of creation  
13 science.

14 Q So you don't understand creation  
15 science to posit the existence of a supreme  
16 being at all?

17 A I don't understand what --

18 Q You don't understand that creation  
19 science posits the existence of a supreme being  
20 at all? That's not part of what you understand  
21 about creation science?

22 A I think, my understanding of  
23 creation science acknowledges that there is an  
24 order in creation, that it's not random.

25 Q All right. And that there is some

1 designer?

2 A That there is an orderly design,  
3 and it's not random.

4 Q Designed by someone or some thing?

5 A It would lead you to that  
6 conclusion.

7 Q And you brought this up in the  
8 midst of a discussion about scientific  
9 textbooks. Why?

10 A Because I think it's pertinent to  
11 that discussion.

12 Q Is it because you understand there  
13 to be scientific support for those two concepts  
14 called intelligent design and scientific  
15 creationism?

16 MR. GUNN: This has been asked and  
17 answered.

18 MR. MANELY: It hasn't been  
19 answered yet.

20 MR. GUNN: He said there's a  
21 scientific controversy that he can't tell you  
22 particulars of. You're trying to get him to  
23 say, well, is intelligent design a part of the  
24 scientific controversy? I think he told you  
25 early on he can't tell you that, and you're

1 asking the same question again.

2 Q Is what your attorney saying  
3 correct? You can't tell me if intelligent  
4 design has any scientific relation to the  
5 scientific controversy at all?

6 A I've told you I'm not an authority  
7 on it.

8 Q That wasn't my question.

9 A Maybe you need to restate your  
10 question.

11 Q Does intelligent design have any  
12 rational basis in your opinion to a discussion  
13 about the adoption of a scientific textbook?

14 A If it's germane to that discussion,  
15 it does.

16 Q My question is: Is it germane to  
17 that discussion?

18 A That's the purpose of the work  
19 session.

20 Q Was it germane to the discussion in  
21 the work session in your opinion?

22 A I thought it was, yes. In my  
23 opinion, it was, and that's the reason I raised  
24 the term. But it's a work session, and it's a  
25 consideration.

1 Q And intelligent design has some  
2 connection to science, then, in your opinion?

3 A I'm not a scientist. I can't tell  
4 you.

5 Q But you raised it in the science  
6 textbook adoption setting; right?

7 A I'm a school board member. I raise  
8 a lot of questions that I don't always know the  
9 answers to. I realize that's not the practice  
10 of the legal field. But I think you ask  
11 questions a lot of times that you legitimately  
12 don't know the answers to, which you raise them  
13 in the course of carrying out your job in due  
14 diligence.

15 Q Due diligence, what did you do that  
16 was diligent to prepare for the discussion of  
17 adoption of the textbooks?

18 A That was the beginning of the  
19 discussion for the adoption of the textbooks.

20 Q During the entire course of time  
21 that y'all were discussing considering adopting  
22 these textbooks, what did you do that was  
23 diligent to determine the efficacy of the  
24 information in the textbooks?

25 A I read all the communications that

1 I received from the personal communications.

2 MR. MANELY: Make a note we would  
3 like to get a copy of all those, any  
4 communication that he received.

5 A I told you I don't have them.

6 Q You destroyed them?

7 A After the adoption was over, I  
8 destroyed them. It's old business.

9 Q How soon after the adoption?

10 A Pardon?

11 Q How soon after the adoption did you  
12 destroy them?

13 A Well, I'm not as orderly as some  
14 people. Sometimes I get tired of the clutter,  
15 and sometimes I go through the stuff on my  
16 desk.

17 Q How soon after?

18 A I don't know.

19 Q You were telling me what, as a Cobb  
20 County elected servant, you did diligently to  
21 determine the efficacy of the information cited  
22 in some of the science textbooks that you  
23 considered adopting.

24 A Sure.

25 Q You read things that people sent

1 you?

2 A Sure, read things that people sent  
3 me. I didn't read everything that people sent  
4 me because people sent me all kinds of books.  
5 I don't have time to read all kinds of books.

6 Q You can't tell me with specificity  
7 what any of those things were?

8 A Both sides of the controversy. You  
9 had pro points, both sides of the controversy  
10 from a proof standpoint of macroevolution.

11 Q And you didn't read any of the  
12 material on intelligent design?

13 A Not specifically, no.

14 Q So you read both sides of what  
15 controversy then? Let me ask this better.  
16 What are both sides of the controversy?

17 A Of the scientific controversy of  
18 evolution?

19 Q It's your position that it's  
20 scientific. That's news to me.

21 A I beg your pardon?

22 Q It's your position it's scientific.  
23 That's news to me. What are both sides of the  
24 controversy?

25 A Both sides of the controversy we

1 addressed were those who believed, who believe  
2 that there is a scientific basis for  
3 macroevolution, those who don't believe that  
4 there's a scientific basis for macroevolution.

5 Q Yet you can cite me no basis for  
6 this belief?

7 A Well, I think it turns on the  
8 concept of did the whole thing come about from  
9 a random series of events or is there order in  
10 the species.

11 Q Order in the species?

12 A Well, I don't know if it's order in  
13 the species. I don't know whether that's a  
14 good term or not. But I think it's more of a  
15 situation of, you know, was it random, or is  
16 there a discernible pattern in the theory of  
17 origin.

18 Q I don't understand. Can you  
19 explain yourself a little better?

20 A Sure.

21 Q Okay.

22 A There's some people that believe  
23 that you can start with a one-cell organism.  
24 It can evolve into a snake or bird if you live  
25 long enough. Who knows? It may turn out to be

1 a school board member.

2 There are others that believe that,  
3 my understanding, that the species are  
4 specific, and they don't mutate past the  
5 species. And I think the concern is the lack  
6 of evidence of a mutation.

7 But there again, I'm not a  
8 scientist. The concern that I had as a school  
9 board member is that macroevolution is taught  
10 as a fact, and you never discuss the  
11 controversy that surrounds it of those who are  
12 in the scientific community that say that it  
13 can't happen, those that say it cannot happen,  
14 and they cite scientific concerns.

15 Q Did you ever have a conversation  
16 with anyone proclaiming themselves to be a  
17 scientist about what you consider to be  
18 scientific disputes pertaining to  
19 macroevolution around the time of the textbook  
20 adoption?

21 A Repeat your question.

22 (Whereupon the court reporter read back  
23 the referred-to portion as follows:)

24 Q Did you ever have a conversation  
25 with anyone proclaiming themselves to be a

1 scientist about what you consider to be  
2 scientific disputes pertaining to  
3 macroevolution around the time of the textbook  
4 adoption?

5 (Whereupon the reading back was  
6 concluded.)

7 MR. GUNN: You asked this question  
8 before as it relates to written  
9 communications. You've asking him now about  
10 verbal communications?

11 MR. MANELY: Yes.

12 MR. GUNN: Okay.

13 A Are you talking about people that  
14 sought me out or people that I sought out?

15 Q Both.

16 A I did talk to a guy that's a  
17 professor at Kennesaw College.

18 Q Who is he?

19 A Leon Combs.

20 Q What is he a professor of at  
21 Kennesaw?

22 A I'm not sure. I think it's either  
23 chemistry or biology.

24 Q Did you seek him out, or did he  
25 seek you out?

1 A I asked him.

2 Q Why did you seek out Mr. Combs in  
3 particular, or Professor Combs?

4 A He's a personal acquaintance. I  
5 wanted to ask his opinion of it.

6 Q How do you know Mr. Combs?

7 A I know him socially.

8 Q Through some organization that  
9 you're involved in?

10 A We go to the same church.

11 Q What church is that?

12 A Midway Presbyterian.

13 Q What did Professor Combs tell you?

14 A He said there's a controversy in  
15 the scientific community of evolution,  
16 macroevolution, from a proof standpoint as well  
17 as, well, pretty much that's it.

18 Q Did you go to any of your science  
19 teachers or professors within the educational  
20 system of Cobb County?

21 A No.

22 Q Did you talk to any others who  
23 claim to be scientists, or let's broaden it to  
24 professors, about this subject?

25 MR. GUNN: You're talking about

1 immediately before?

2 MR. MANELY: Around the time of the  
3 adoption.

4 MR. GUNN: Okay.

5 A Talked to a medical doctor.

6 Q Do you remember who that was?

7 A Uh-huh.

8 Q Who is that?

9 A Harry Hill.

10 Q Where does he practice?

11 A He's retired.

12 Q Why did you talk to Dr. Hill?

13 A I've got a lot of respect for him  
14 both as a medical doctor, and he's very  
15 successful in his practice. And also, I think  
16 a lot of people that are in medicine, I think  
17 that's where a lot of science is coming from.

18 Q What education does he have in  
19 macroevolution?

20 A I don't know that he has any.

21 Q Where does Dr. Hill live? What  
22 city?

23 A West Cobb.

24 Q What did Dr. Hill tell you?

25 A Said that it was a controversy,

1 that they probably couldn't prove evolution one  
2 way or the other.

3 Q Did you seek out anybody else?

4 A No. I mean, I talked to a lot of  
5 folks. I don't remember seeking out anybody.

6 Q Did you seek out anybody that would  
7 disagree with Dr. Hill or Professor Combs?

8 A I'm not sure that Dr. Hill and  
9 Professor Combs agree.

10 Q Where do they disagree?

11 A They're from different  
12 perspectives. I think Dr. Hill, being a  
13 medical doctor, wouldn't say, he said, I think  
14 the controversy is there is no, from my  
15 recollection, he said the controversy is there  
16 was no proof.

17 Professor Combs said from a  
18 scientific standpoint, that macroevolution  
19 violates scientific principles to be able to be  
20 valid.

21 Q Did he tell you how it violates --

22 A No. If he had, I probably wouldn't  
23 have understood it.

24 Q Do I understand you correctly,  
25 then, that you didn't seek out anybody

1 practicing in the evolution field, scientists  
2 or professors, to support the theory and the  
3 fact of macroevolution?

4 A I wouldn't --

5 MR. GUNN: I'm sorry. The way you  
6 phrased the question seems to indicate that he  
7 testified that he sought them out as opponents  
8 of macroevolution. I object to the form of the  
9 question.

10 MR. MANELY: Okay.

11 A I didn't seek out proponents. I  
12 wasn't writing a textbook.

13 MR. GUNN: Can we take a  
14 five-minute break?

15 MR. MANELY: Sure, absolutely.

16 (Deposition in recess from 3:10 p.m. to  
17 3:15 p.m.)

18 Q When y'all were discussing  
19 adopting these particular science textbooks and  
20 brought up intelligent design, what do you  
21 remember saying about it?

22 A I remember, I think, intelligent  
23 design, creation science, was mentioned, and we  
24 asked Mr. Brock to make a review to determine  
25 what meets the court's scrutiny for inclusion

1 in textbooks.

2 Q For what?

3 A For what meets the court's scrutiny  
4 for inclusion in textbooks. I mean, I guess  
5 because I knew there was a legal controversy, I  
6 think you need to make the determination  
7 whether creation science or intelligent design,  
8 first, I mean, I think, I guess, in the  
9 information-gathering stage, you need to find  
10 out, number one, is it worthy for inclusion?  
11 Number two, is it legal for inclusion?

12 Q Did you ever come to a comfort  
13 level on whether it was worthy of inclusion,  
14 intelligent design or scientific creationism?

15 MR. GUNN: Those two theories of  
16 being included?

17 MR. MANELY: Whether they were  
18 worthy of inclusion.

19 Q Did you ever come to a comfort  
20 level yourself that intelligent design or  
21 scientific creationism were worthy of inclusion  
22 in a scientific text?

23 MR. GUNN: In the text itself?

24 MR. MANELY: Yes.

25 A I don't think that was our, that

1 wasn't in the purview of our oath to make a  
2 determination of what a text includes. I mean,  
3 we can't change what's in the text. What we  
4 look at is what is permissible to be taught.

5 Q Let me ask you it this way then.  
6 Did you ever arrive at a comfort level yourself  
7 that intelligent design or scientific  
8 creationism should be taught in the science  
9 classroom?

10 A I don't think scientific creation  
11 nor intelligent design is taught in the  
12 classroom.

13 Q That wasn't the question. Do you  
14 have a comfort level on whether it should be  
15 taught?

16 A I have because I voted for the  
17 notion that we will teach evolution.

18 Q So if I understand you correctly,  
19 you don't have a comfort level that scientific  
20 creationism or intelligent design should be  
21 taught in the classroom?

22 A I think science ought to be taught  
23 in the science classroom.

24 Q And intelligent design and  
25 scientific creation are not science?

1           A           I'm not competent to make that  
2           decision. But I think the decision that we  
3           made was that we would adopt the text as it was  
4           written. And we did encourage a full range of  
5           discussions of scientific issues and scientific  
6           information.

7           Q           Did you adopt the text that was  
8           written, or did you add a caveat of the  
9           teachings by a disclaimer?

10          A           We adopted the text.

11          Q           With no modifications?

12          A           We put a statement in the front of  
13          it, but we didn't change the text.

14          Q           So back to my question about  
15          whether you have a comfort level that  
16          intelligent design or scientific creation  
17          should be taught in the classroom, you do not  
18          have that comfort level. Is that right?

19          A           I didn't say that.

20          Q           No, you didn't. What is your  
21          position on that?

22          A           Well, I don't think that it's, my  
23          understanding of the way the legal process is  
24          involved --

25          Q           Understand, you gave me two

1 different criteria. One was legal. One was  
2 whether it ought to be. And I'm asking you now  
3 not what you understand to be legal but what  
4 you would like to see taught in the classroom.  
5 Do you have a comfort level that intelligent  
6 design or scientific creationism should be  
7 taught in the science classroom?

8 MR. GUNN: I don't understand your  
9 question then. You're asking him his  
10 preference? I mean, comfort level to me, I  
11 thought you were asking him his opinion of the  
12 legal consequences or asking, what do you mean  
13 by comfort level?

14 MR. MANELY: Can we go back to the  
15 place where he's talking about there's two  
16 aspects of it, one is legal and the other. The  
17 term of art, I want to make sure we stick  
18 with.

19 (Whereupon the court reporter read back  
20 the referred-to portion as follows:)

21 A I think you need to make the  
22 determination whether creation science or  
23 intelligent design, first, I mean, I think, I  
24 guess, in the information-gathering stage, you  
25 need to find out, number one, is it worthy for

1 inclusion? Number two, is it legal for  
2 inclusion?

3 (Whereupon the reading back was  
4 concluded.)

5 Q Okay. Now, she had to go way back  
6 to find what I was trying to find out. Do you  
7 think that intelligent design or creation  
8 science is worthy for inclusion?

9 A I think the determination was made,  
10 and I think it was a Kansas case where they  
11 struck it down.

12 Q Are you answering the question that  
13 I asked about?

14 A Yeah.

15 Q About whether you think it's  
16 worthy?

17 A I sure am.

18 Q Then please continue.

19 A I think a Kansas case made the  
20 determination that you cannot teach intelligent  
21 design. Is that not true?

22 MR. GUNN: Just answer the  
23 question. You don't have to give him a legal  
24 opinion.

25 A If you can't legally teach it,

1 whether it's worthy makes no difference in my  
2 mind. If you've got a legal preclusion, you  
3 can't teach it.

4 Q Is it worthy in your opinion? Yes  
5 or no?

6 A I'm not a scientist.

7 Q So you don't know whether it's  
8 worthy?

9 A I can't give you an informed  
10 decision as a scientist whether it's worthy for  
11 inclusion. If you're asking me do I personally  
12 believe that there's order in the universe?  
13 Yes, I believe there's order in the universe.

14 Q As a school board member of the  
15 Cobb County children, is that something you'd  
16 advocate, to teach that in the classroom?

17 A Not if it's not legal, no.

18 Q So is it safe for me to say you  
19 think it's not worthy, then, to teach it in a  
20 classroom?

21 A I didn't say that, but I didn't say  
22 that it was. I said, to me, you have got two  
23 tests. Either one will kick an issue out,  
24 worthiness or legality.

25 (Whereupon off-the-record discussions

1     ensued.)

2           Q       I understand your position that  
3     it's not legal teaching intelligent design and  
4     scientific creationism. The first prong of  
5     your approach, do you consider it worthy?

6           A       I'm not an expert on intelligent  
7     design. I can't tell you whether it's worthy  
8     or not. I think if you're precluded from a  
9     legal standpoint, you don't spend the time to  
10    study what intelligent design entails to say it  
11    needs to be in there.

12          Q       Do you feel yourself not qualified  
13    to render scientific decisions?

14                   MR. GUNN: I object to the form.  
15    You can answer it if you can.

16          A       I'm not a scientist.

17          Q       Do you feel that inability  
18    precludes you from being able to make diligent  
19    decisions about science curriculum?

20          A       I certainly hope that the decisions  
21    I would make would be, well, decent decisions.  
22    I think you can make intelligent decisions  
23    without knowing every issue that you touch on.

24          Q       So you don't think that your not  
25    being a scientist precluded you from being able

1 to make intelligent decisions about scientific  
2 curriculum or science curriculum?

3 A Not from a policy standpoint, when  
4 you bear in mind that the decision that we made  
5 was to have open discussions about  
6 controversial disputed issues in science.

7 Now, I'm not teaching the class.  
8 You know, all I'm saying is, if there is a  
9 disputed issue in the class, you can talk about  
10 it as long as it's in the realm of science.  
11 But, now, don't ask me to teach the class. I'm  
12 not a scientist.

13 Q Nor can you cite for me one  
14 particular dispute in macroevolution?

15 A Talking about from firsthand  
16 knowledge?

17 Q No, from anything that you've read,  
18 studied, any of the due diligence that you  
19 talked about that you did to prepare for this  
20 vote.

21 A I don't understand the relevance.  
22 We're not talking about putting intelligent  
23 design in the classroom. It came up in the  
24 discussion, but when you look at the  
25 accomplished fact of what the school board did,

1 all we said is we're going to discuss the  
2 controversy that's obviously in the scientific  
3 community.

4 Q You can't identify the controversy  
5 for me?

6 A Sure. I already have.

7 Q Specifics?

8 A I told you it's the lack of  
9 evidence of macroevolution.

10 Q How old do you believe the earth to  
11 be?

12 A I don't have an opinion on how old  
13 it is, but it is disputed in the scientific  
14 community about how old it is.

15 Q So if they just discovered a  
16 seven-million-year-old hominid in --

17 A Seven-million-year-old what?

18 Q Hominid.

19 A I don't know what that is.

20 Q A precursor to homosapien. You  
21 don't dispute that then?

22 A Don't have enough firsthand  
23 knowledge of the dispute.

24 Q You haven't read anything about  
25 that?

1 A No.

2 Q How old is the earth do you  
3 believe?

4 A I have no idea how old it is.

5 Q Haven't studied on that?

6 A Well, I've read on it, but that  
7 doesn't mean I know how old it is.

8 Q Do you have a belief on it?

9 A Not specifically.

10 Q How about generally?

11 A It was here when I got here.

12 Q What was the purpose of the  
13 disclaimer?

14 A To pursue and facilitate open  
15 discussion in the classroom about controversial  
16 issues of a scientific nature.

17 Q What do you understand the  
18 scientific method to be?

19 MR. GUNN: Michael, are you going  
20 to give him a multiple choice quiz?

21 MR. MANELY: Linwood, we can have  
22 a federal deposition here that is going to have  
23 an effect of whether Cobb County schools are  
24 being subjected to fundamentalist Christian  
25 teaching, or we can have a colloquy which we

1 can do --

2 MR. GUNN: I don't think that's  
3 what the case is about. This is not about the  
4 scientific method or subjecting the students to  
5 fundamental Christian belief. It's about a  
6 statement which speaks for itself, and he just  
7 told you his view of how it got there. I mean,  
8 you can --

9 Q Do you know what the scientific  
10 method is?

11 A I think generally it's a test to  
12 prove and to replicate.

13 Q How does science use the word  
14 theory?

15 A I don't know. I'm not a scientist.

16 Q Why don't we have a disclaimer  
17 about Copernicus' rotation of the planets  
18 theory?

19 A I think you can witness the  
20 rotation of the planets.

21 Q I'm sure you're aware that when  
22 Copernicus had the theory, the fundamental  
23 Christians in that day and age insisted that  
24 the earth rotated around the sun. Are you  
25 aware of that?

1 A Not necessarily.

2 Q You're not necessarily aware of  
3 that?

4 A No. But I don't think as of today  
5 there's a dispute about whether the planets  
6 rotate. We're not talking about a textbook  
7 adoption in the time of Copernicus. We're  
8 talking about a textbook adoption today.

9 Q Yes. I don't think there's a  
10 scientific dispute about the theory of  
11 evolution, but I'm not in charge of whether our  
12 students get misinformation. You are.

13 A I guess you and I differ on that  
14 opinion.

15 Q How does science use the term  
16 theory?

17 A I don't know.

18 Q Why don't we have a disclaimer  
19 about the theory of gravity?

20 A I don't think there's a dispute  
21 about it. If you have a question about whether  
22 gravity works, you can get on that roof and  
23 jump off and prove it immediately.

24 Q You don't --

25 A Because it can be proved. Gravity

1 can be proved.

2 Q You didn't answer my question. Can  
3 you cite --

4 A Rotation of the planets can be  
5 proved.

6 Q You can't cite for me disproof,  
7 scientific disproof, of evolution; yet you made  
8 a vote precisely along those lines --

9 MR. GUNN: Asked and answered.

10 Q -- didn't you?

11 A You have to ask the question again.

12 (Whereupon off-the-record discussions  
13 ensued.)

14 Q Tell me what your scientific basis  
15 is for your dispute with macroevolution.

16 MR. GUNN: I object. The question  
17 was asked and answered, and I don't know how  
18 many times you want him to answer it.

19 MR. MANELY: I want him to answer  
20 it again.

21 MR. GUNN: Well, I'll give you  
22 about one or two more times. Then we can ask  
23 Judge Cooper whether he needs to answer the  
24 same question over and over again.

25 MR. MANELY: We can have the judge

1 read this ridiculous colloquy which he --

2 MR. GUNN: Your questions are  
3 unfair, and they have very little relevance to  
4 the case.

5 MR. MANELY: We can let Judge  
6 Cooper decide that, particularly in light of  
7 what we already have in terms of what happened  
8 in those board meetings. Reread the question.

9 (Whereupon the court reporter read back  
10 the referred-to portion as follows:)

11 Q Tell me what your scientific basis  
12 is for your dispute with macroevolution.

13 (Whereupon the reading back was  
14 concluded.)

15 A As an expert witness?

16 Q As a Cobb school board member.

17 A I think it is a known fact that  
18 there is dispute in the scientific community of  
19 evolution from the evidence standpoint.

20 Q That is your conclusion. What are  
21 your facts to back that up?

22 A You want a bibliography?

23 Q Sure, if you've got one.

24 A You give me enough time, I can have  
25 somebody bring it together.

1 Q How much time do you need?

2 A How much time do you want?

3 Q How about the end of next week?

4 A How about I'm going to be out of  
5 town next week?

6 Q How about the end of the week  
7 following?

8 A How about two months?

9 Q We don't have that long.

10 MR. MANELY: How long did we agree  
11 on extension of discovery? Was it the 15th?

12 MR. GUNN: Discovery?

13 MR. MANELY: Yes.

14 MR. GUNN: We didn't agree to the  
15 discovery. We agreed to dispositive motions.

16 (Whereupon off-the-record discussions  
17 ensued.)

18 MR. MANELY: Well, if I understand  
19 Mr. Tippins, if we suspend this deposition, we  
20 can come back at some point, and he can provide  
21 us with a bibliography.

22 A I don't intend to supply you with a  
23 bibliography because I don't think that's what  
24 the discussion is about. It's not my job as a  
25 school board member to prove or disprove a

1 scientific issue. It's my job as a school  
2 board member to facilitate discussion in  
3 classrooms that are open on disputed views.

4 Now, if no disputed views come up, there will  
5 be no discussion.

6 Q You want to facilitate a discussion  
7 in the classroom on disputed views pertaining  
8 to macroevolution?

9 A Yes, that's correct.

10 Q But you can't provide for me or  
11 will not provide for me any scientific basis  
12 for your perception that there is a scientific  
13 dispute about macroevolution?

14 A I don't think that's my role as a  
15 school board member.

16 Q What constitutes due diligence in  
17 this particular instance? What did you do to  
18 know that you had the slightest idea what you  
19 were voting on?

20 A It was obvious it was a  
21 controversial issue. If not, you wouldn't  
22 receive publications, or not publications, but  
23 communication on both sides of the issue.

24 Q Again, we're talking about science;  
25 right?

1           A        I am.  Are you?

2           Q        Let's say you put a rabbit right  
3 here in the middle of the table, and all of us  
4 take a vote on the sex of that rabbit.  And  
5 half of us vote it was male, and half of us  
6 vote that it's female.  You understand my  
7 hypothesis so far?

8           A        I hear what you're saying.

9           Q        Does that now make the sex of the  
10 rabbit a controversial issue?

11          A        It means half of them are wrong.

12          Q        Yes.  And there is a scientific way  
13 of resolving the sex of the rabbit, is there  
14 not?

15          A        Should be.

16          Q        Okay.  So that there is some  
17 controversy over evolution, macroevolution,  
18 does not make it a scientific controversy, does  
19 it?

20          A        If it's not scientific in nature,  
21 it's not scientific.

22          Q        You are contending that it is a  
23 scientific controversy?

24          A        There is a scientific controversy.

25          Q        I'm asking you:  How do you know

1 it's scientific controversy as opposed to a  
2 religious controversy?

3 MR. GUNN: He's already testified  
4 to the fact that he's read things and he talked  
5 to two people that told him they thought there  
6 was an issue.

7 Q And that's the extent of your due  
8 diligence. Is that what you're telling me?

9 MR. GUNN: He wants you to --

10 MR. MANELY: It's my deposition.

11 MR. GUNN: It was your deposition.

12 But I mean, we're in the second half of the  
13 same question. He wants you to tell him if you  
14 recall any particular publication, can you give  
15 him other information that you read. I guess  
16 now we're talking about the one year prior to  
17 the vote on the textbook adoption, right, or  
18 are we talking his whole life?

19 MR. MANELY: I'm talking about what  
20 in the world did he do to constitute due  
21 diligence prior to this vote.

22 MR. GUNN: He already testified he  
23 didn't do due diligence because he didn't know  
24 it was on the agenda. You're talking about the  
25 time of the work session?

1 MR. MANELY: It's my recollection  
2 he did some due diligence before the vote.

3 Q What was that?

4 A Read publications. But I can't  
5 tell you exactly what they were.

6 Q Evolution is a part of the required  
7 curriculum that Georgia insists that you teach;  
8 right?

9 A That's correct.

10 Q Is there someplace in the state's  
11 curriculum that requires you to question the  
12 efficacy of macroevolution to your knowledge?

13 A Not to my knowledge.

14 Q It's up to the school board to  
15 decide how to go about teaching the state's  
16 required curriculum. Is that right?

17 A From a methodology, it always  
18 remains with the school board, how issues will  
19 be taught.

20 Q Do you have a position on whether  
21 or not intelligent design is a religious  
22 expression as opposed to a scientific  
23 expression?

24 A Not as an expert witness.

25 Q How about as yourself?

1           A        I think intelligent design  
2 acknowledges the existence of a creator.

3           Q        Do you understand the  
4 acknowledgment of the existence of a creator as  
5 a religious expression?

6           A        I think you can believe in a  
7 creator without it being religious.

8           Q        Pray tell how.

9           A        Are you talking in terms of  
10 denominations or belief systems?

11          Q        No. As much as we're talking about  
12 religion, that would be a good way to start.

13          A        I think people can believe in a  
14 supreme being and not be specifically religious  
15 people.

16          Q        Would you say the Buddhists say  
17 that their belief system doesn't have a  
18 creator?

19          A        Don't know much about the  
20 Buddhists.

21          Q        When you were elected, you were  
22 elected as a representative of all the people,  
23 weren't you?

24          A        That's correct.

25          Q        Be they Baptists, Methodists,

1     Presbyterian; yes?

2             A       Buddhists, Muslim.

3             Q       Catholic?

4             A       Catholic.

5             Q       Jewish?

6             A       Agnostics.

7             Q       Atheists?

8             A       Atheists.

9             Q       All of the above; right?

10            A       All of the above. I represent all  
11 of them.

12            Q       So if the Buddhists do not posit a  
13 creator, as Atheists would not posit a creator,  
14 then you can see how positing the existence of  
15 a creator might be a violation of somebody's  
16 religious belief?

17            A       I think that's what the courts have  
18 said.

19            Q       You can see how that works?

20            A       Yeah.

21            Q       You can see how, then, teaching  
22 intelligent design would be teaching a  
23 religious viewpoint?

24            A       Does the belief in a creator make  
25 someone religious if there's no specificity to

1 the creator?

2 Q I'll take that as a rhetorical  
3 question because I have a question on the table  
4 to you that I'm waiting for an answer.

5 A I'm asking for clarification.

6 MR. GUNN: Ask him if you don't  
7 understand his question.

8 A I don't understand your question  
9 because you're asking me my understanding if  
10 someone believes in the creator, are they a  
11 religious person? Or are you talking about  
12 teaching religion? Is that right?

13 Q No. I'm asking, if you are  
14 teaching a doctrine that says there is a  
15 creator, are you teaching a religious  
16 viewpoint?

17 A I don't necessarily see it that  
18 way.

19 Q Well, how do you see it then? How  
20 can you teach there is a creator without  
21 teaching a religious viewpoint?

22 A Because I think there are people  
23 who believe in a supreme being or creator who  
24 aren't religious people typically by their  
25 profession.

1           Q       How do you accommodate the  
2   Atheists' view, then, there isn't a creator if  
3   your classroom instruction posits that there  
4   is?

5                   MR. GUNN:  These are all  
6   hypothetical questions; right?  I mean, we're  
7   going far from a hypothetical about teaching  
8   intelligent design.

9           A       We're not teaching intelligent  
10  design, so I don't think it's an issue.

11          Q       You understood the question?

12          A       I understood it fully.

13          Q       Can you answer it?

14          A       It's not an issue.  I can't answer  
15  how we teach it in Cobb County because we don't  
16  teach intelligent design.

17                   MR. MANELY:  Are you instructing  
18  him not to answer?

19                   MR. GUNN:  No, I'm not instructing  
20  him not to answer.  But I object to this whole  
21  line as to form.  But you can answer the  
22  question if you can.

23          A       Can you repeat the question?

24                   (Whereupon the court reporter read back  
25  the referred-to portion as follows:)

1           Q       How do you accommodate the  
2   Atheists' view, then, there isn't a creator if  
3   your classroom instruction posits that there  
4   is?

5           (Whereupon the reading back was  
6   concluded.)

7           A       Our classroom doesn't instruct  
8   that there is.

9           Q       That wasn't the question.

10          A       You said, how do you accommodate  
11   it? We don't have to accommodate them because  
12   we don't instruct them.

13          Q       As your attorney pointed out, in  
14   hypothetical circumstances --

15          A       I have no answer for that question.

16          Q       You have no opinion on that?

17          A       I have no opinion because we don't  
18   do it.

19          Q       And wouldn't do it?

20          A       You can't do it, wouldn't do it.

21          Q       What was the pass rate last year  
22   for Cobb students on the end-of-the-year exams  
23   in biology?

24          A       I couldn't tell you. I can get you  
25   an answer.

1 Q You don't know?

2 A No.

3 Q How about for 2002?

4 A Beg your pardon?

5 Q How about for 2002?

6 A Couldn't tell you for any year what  
7 the pass rate on exams are. I mean, that  
8 information is available. I can get it, but  
9 again, I certainly don't memorize it.

10 Q It's not something you're on top  
11 of?

12 A Well, you look at the statistics  
13 when the statistics come through, but I don't  
14 commit them to memory.

15 Q Back to the adoption of the  
16 textbooks, do you recall the vote on the  
17 adoption of the textbooks?

18 A Do I recall the vote?

19 Q Yes.

20 A Yes.

21 Q Did y'all just vote to adopt these  
22 textbooks that you subsequently put the  
23 disclaimer in?

24 A We voted to adopt those textbooks  
25 with the inclusion of that disclaimer, I think

1 in three texts, if I'm not mistaken.

2 Q So the adoption, if I understand  
3 what you just said, the adoption of those three  
4 textbooks were subject to the inclusion of the  
5 disclaimer?

6 A Inclusion of the statement, that's  
7 correct.

8 Q Who came up with the language of  
9 the disclaimer?

10 A I believe our attorney drafted that  
11 statement.

12 Q Was including the disclaimer in the  
13 textbooks a compromise arrived at so that the  
14 textbooks would be adopted?

15 A That wasn't in my mind for me, but  
16 I can't speak for the rest of the board.

17 Q The disclaimer language that your  
18 attorney came up with, did you agree with that  
19 language, or did you want it stronger or weaker  
20 or other language than that?

21 MR. GUNN: You mean him  
22 personally; right?

23 MR. MANELY: Yes.

24 A I was okay with the language  
25 generally.

1 Q Do you recall any discussion about  
2 the actual language of the disclaimer?

3 A Not specifically.

4 Q What do you recall generally?

5 A Pretty much that that's what the  
6 attorney recommended.

7 Q So as best you recall, one of the  
8 attorneys said, here's what we recommend, and  
9 y'all said, okay? There wasn't any further  
10 discussion than generally that?

11 A I was willing to vote for the  
12 attorney's statement.

13 Q What there anyone else that had a  
14 different statement?

15 A I think administration had a  
16 different statement.

17 Q What do you recall about  
18 administration's statement?

19 A I thought it was weak.

20 Q Do you recall anything more  
21 specific than --

22 A Not specific.

23 Q Is it your view that evolution,  
24 macroevolution, is not a fact?

25 A My view personally?

1 Q Yes.

2 A Yes, sir.

3 Q Is it your view that evolution,  
4 macroevolution, should not be taught as a fact?

5 A It is.

6 Q Are you familiar with the Fordham  
7 Report?

8 A I'm not.

9 Q It's not something you recall  
10 reviewing?

11 A I don't recall it.

12 Q That Cobb County students are  
13 failing in science because of poor instruction?

14 A Don't recall it.

15 Q Do you recall Jay Dillon saying  
16 that teachers should teach all sides of an  
17 issue instead of just evolution?

18 A I don't recall him saying  
19 specifically that.

20 Q What do you recall him saying, as  
21 best you recall?

22 MR. GUNN: I object to the  
23 foundation. I'm just trying to, I think you  
24 can clarify the form a little bit. I don't  
25 want to speak.

1           Q       Have you heard Jay Dillon make any  
2       statement about this subject, the teaching of  
3       evolution?

4           A       I don't recall it.

5           Q       Not one way or the other?

6           A       Jay Dillon generally puts out for  
7       the press the actions of the school board and  
8       the positions of the school board. I'm not  
9       sure that Jay Dillon speaks for the school  
10      board.

11          Q       How could a student avoid the  
12      disclaimer?

13          A       How could they avoid it?

14          Q       Yes. If they didn't want to be  
15      exposed to the viewpoint it expresses, how can  
16      they avoid it?

17                   MR. GUNN: I object to the form.

18          A       They can object.

19                   MR. MANELY: Help me out why you're  
20      objecting to the form.

21                   MR. GUNN: It doesn't express a  
22      viewpoint. You said the viewpoint it  
23      expresses.

24          Q       Is it your position that the  
25      disclaimer does not express a viewpoint?

1           A        I don't think it expresses a  
2    viewpoint, no.

3           Q        So what would you call a statement  
4    that evolution is a theory, not a fact, if not  
5    a viewpoint?

6           A        Well, it's, I think it's a  
7    viewpoint of that evolution is a theory.  
8    That's why it's called the theory of evolution.

9           Q        So how could a student avoid being  
10   exposed to that viewpoint if they didn't want  
11   to be exposed to it?

12          A        I guess they could prove it as a  
13   fact.

14          Q        Are there any other subjects that  
15   the school board disclaims in Cobb County  
16   education besides evolution?

17          A        I don't recall any.

18          Q        Are you contending that you have  
19   not advocated teaching scientific creationism  
20   in the classroom?

21                 MR. GUNN: Can you tell him what  
22   you mean by advocate.

23          Q        Speak in favor of.

24          A        I said I thought we ought to look  
25   at it and see if it had merit both

1 educationally and legally for inclusion. And I  
2 think that's what I said at the work session.  
3 And there again, you get to the two-prong  
4 viewpoint.

5 Q So do I understand you correctly  
6 that there's never come a point where you said,  
7 I think we should teach scientific creationism  
8 in the classroom?

9 A Don't recall it.

10 Q Do you contend that scientific  
11 creationism is the idea that life has evolved  
12 not through happenstance but in a purposeful  
13 way?

14 A I don't contend what creation  
15 science says. I brought it forth as a concept  
16 that I thought the board and administration  
17 should pay attention to and ought to look at in  
18 the process of the textbook adoption.

19 Q Have you ever said words to the  
20 effect that scientific creationism is the idea  
21 that life has evolved not through happenstance  
22 but in a purposeful way?

23 A I think that touches on that, yes,  
24 and that's my personal belief.

25 Q And have you said something like

1 that before?

2 A Yeah.

3 Q And have you said that from your  
4 understanding there is no difference between  
5 scientific creationism and creationism?

6 A I think I may have been misquoted  
7 on that.

8 Q I apologize if I have already asked  
9 this question, but I certainly was supposed  
10 to. Do you have an understanding of what  
11 science means by the term theory?

12 A I think I've told you already that  
13 I cannot give you the scientific definition of  
14 theory.

15 Q Within the context of the  
16 disclaimer that evolution is a theory, not a  
17 fact then, what do you mean theory to mean?

18 A I mean theory to mean a statement  
19 that is a belief that has not been proven with  
20 empirical evidence.

21 MR. MANELY: Let's take a brief  
22 break.

23 (Deposition in recess from 3:58 p.m. to  
24 4:06 p.m.)

25 Q Are you familiar with the

1 Christian Coalition?

2 A I've heard of it.

3 Q Ever taken any of their seminars?

4 A No.

5 Q Ever attend any seminars on the  
6 subject of evolution?

7 A No.

8 Q Have you attended any seminars on  
9 prayer in public schools?

10 A No.

11 Q Ever attend any religious function  
12 while on county time?

13 A Nope.

14 Q Ever attended a religious function  
15 using any county money?

16 A Nope.

17 Q Never ridden on a school bus to go  
18 to a religious function?

19 A No.

20 Q Or in any county cars to attend a  
21 religious function?

22 A Never ridden in a county car.

23 Q No one from the Christian Coalition  
24 has ever helped you in any of your campaigns?

25 A Not to my knowledge. I mean, they

1 didn't come to me and say, I'm with the  
2 Christian Coalition, and I'm helping this  
3 campaign. If an individual happened to be in  
4 the Christian Coalition and helped me with my  
5 campaign, they may have done that. But them  
6 coming to me and saying that, no.

7 Q Simply, the Christian Coalition has  
8 never contributed to any of your campaigns?

9 A Not to my knowledge.

10 Q If there is no empirical evidence  
11 for evolution, why did you vote for a text that  
12 included it?

13 A Because I thought the discussion  
14 that was enabled by the statement of that as a  
15 disputed view was sufficient because I don't  
16 think we have the wherewithal to rewrite  
17 textbooks.

18 Q Are there no textbooks that don't  
19 have evolution in them at all?

20 A Not to my knowledge. I mean, there  
21 are some, but I'm not sure they were considered  
22 in our textbook adoption, plus, the fact that  
23 the State of Georgia says you can teach  
24 evolution, and it's in the QCC's.

25 Q You take issue with the

1 unadulterated education on evolution?

2 A I don't have any problem with  
3 teaching evolution.

4 Q So long as other viewpoints are  
5 taught as well?

6 A You can discuss the controversies  
7 surrounding it. That's fine. I don't have a  
8 problem with them teaching it, us teaching what  
9 the theory of evolution is, and text on it as a  
10 theory of evolution.

11 Q Are you familiar with the science  
12 textbooks that you had prior to this adoption  
13 that had blank pages where textbooks talked  
14 about evolution?

15 A That's my understanding.

16 Q You guys adopted this text in 2002?

17 A That's correct.

18 Q You'd been a school board member  
19 for several years prior to that?

20 A That's correct.

21 Q So this text would have been around  
22 while you were a school member. Is that right?

23 A That's correct.

24 Q But you never looked at those  
25 texts?

1           A           (Shakes head negatively.)

2                       MR. MANELY: That's all I have.

3                       (Deposition adjourned at 4:10 p.m.)

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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 arrangement  
6 between Donovan Reporting, P.C., and the  
7 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  
16 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.

1 I, LINDSEY TIPPINS, Deponent, do hereby certify  
 2 that I have read the foregoing deposition, and  
 3 the same is a true and accurate transcript of  
 4 my testimony, except for the changes listed  
 5 below, if any.

6 PAGE/LINE/CHANGE	REASON
7 _____	
8 _____	
9 _____	
10 _____	
11 _____	
12 _____	
13 _____	
14 _____	
15 _____	
16 _____	
17 _____	

18 If additional space is needed, please attach  
 separate sheet(s) and indicate number of  
 19 additional pages(s) here: \_\_\_\_\_  
 20

21 LINDSEY TIPPINS, Deponent  
 22 \_\_\_\_\_ (Notary Public)

23 Date Notarized: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

24 Donovan Reporting, P.C. FAX: 770-428-5801  
 237 Roswell Street, Marietta, GA 30060

25 Date of Deposition: 6-25-03 CR: MSS

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

2 GEORGIA

3 COBB COUNTY

4 I hereby certify that the above and  
5 foregoing pages 1 through 90 are a true,  
6 complete, correct and exact transcript of  
7 my shorthand notes taken in the  
8 above-referenced matter;

9 That same constitutes a true,  
10 complete, correct and exact record of the  
11 above-referenced matter;

12 That same was transcribed through  
13 computer assisted transcription;

14 That I am not of kin or counsel to  
15 any of the attorneys or parties, nor am I  
16 in the regular employ of any of the  
17 attorneys or parties;

18 This \_\_\_\_\_ day of  
19 \_\_\_\_\_, 2003.

20  
21  
22  
23 \_\_\_\_\_  
24 MICHELLE S. SCHREADLEY, CCR B-1504  
25 Certified Court Reporter and  
Notary Public.