Exhibit 10

1 IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
2
TAMMY J. KITZMILLER; BRYAN REHM *
3 CHRISTY REHM; DEBORAH F. FENIMORE;*
JOEL A. LIEB; STEVEN STOUGH; BETH *
4 A. EVELAND; CYNTHIA SNEATH; JULIE*
SMITH; ARALENE D. CALLAHAN *
5 ("BARRIE"); FREDERICK B. CALLAHAN,* CIVIL ACTION
Plaintiffs, *
6 * NO. 4:04-CV-2688
V. *
7 *
DOVER AREA SCHOOL DISTRICT; *
8 DOVER AREA SCHOOL DISTRICT BOARD OF*
DIRECTORS, *
9 Defendants. *
10
11 COPY
12 **********
13 VIDEO DEPOSITION OF JON BUELL
14 VOLUME 1
15 **********
16
17
18 ANSWERS AND DEPOSITION OF JON BUELL, produced as a witness at
19 the instance of the Plaintiff, taken in the above-styled and
20 -numbered cause on the 8th day of July, 2005, A.D., beginning at
21 8:51 a.m., before Brandy Cooper, a Certified Shorthand Reporter in
22 and for the State of Texas, in the offices of Mateer & Shaffer,
23 located at 325 N. St. Paul, Suite 1300, Dallas, Texas, in
24 accordance with the Federal Rules of Civil Procedure and the
25 agreement hereinafter set forth.

Q. Do you have regular phone calls with Mr. Dembski?
A. We often have phone calls. They're not regular.
Q. When you say "often," would that mean a couple times a week, a couple times a month? I don't know what you mean by often.
A. Yeah. It would mean probably on the -- on the large scale, maybe weekly, close to weekly.
Q. Okay.
MR. WILCOX: Thank you. I have no other questions.
MR. MATEER: Dick, do you have some questions?
MR. THOMPSON: Are you -- is the -- the direct -- or cross-examination finished?
MR. MATEER: Yes. He's passed the witness.
MR. THOMPSON: Okay. Yes, I do have some questions.

EXAMINATION

BY MR. THOMPSON:
Q. Mr. Buell, as you already know, I represent the Dover Area School District and the Dover Area School District Board of Directors. Are you familiar with that relationship?
A. Yes.
Q. Okay. When is the first time that you had the opportunity to review the complaint against my clients that were filed in the District Court for the Middle District of Pennsylvania?
A. I don't remember the first time.

Q. Can you tell me whether it was in the year 2005?
A. Yes, uh-huh.
Q. Okay. Can you tell me whether it was in the early part of 2005, or is it -- has it been more recent?
A. Well, it's been more recent. It was sometime after you and I spoke by phone the first time.
Q. Okay. Have you ever read the biology curriculum press release that was dated November 19, 2004 and then reposted on the website of the Dover School Area District on December 14, 2004?
A. Not to my knowledge.
Q. Are you aware of any of the members of the Dover Area School District Board of Education?
A. Aware of them?
Q. Yes, know them by name?
A. No.
Q. Let me read to you the names of the Dover Area School District Board, and then I'm going to ask you whether you've had any communication with them. Alan Bonsel, that's B-O-N-S-E-L, did you have any communication with him at all?
A. No.
Q. William Buckingham, have you ever had any communication with Mr. Buckingham?
A. Not to my knowledge. Certainly, not in recent years.
Q. Ms. Heather Geesey, G-E-E-S-E-Y, have you had any -- have you ever had any communication with her?

A. No.

Q. Ms. Sheila Harkins, have you ever had any communication with her?

A. No, I haven't.

Q. Ms. Sherry Leber, L-E-B-E-R, have you ever had any communication with her?

A. No, I haven't.

Q. Mr. Eric Riddle, R-I-D-D-L-E, have you ever had any communication with him at all?

A. Not to my knowledge.

Q. Okay. Reverend Edward Rowand, R-O-W-A-N-D, have you ever had any communication with him?

A. Not to my knowledge.

Q. Mr. Ronald Short, S-H-O-R-T, have you ever had any communication with him?

A. Not to my knowledge.

Q. Ms. Angie Yingling, Y-I-N-G-L-I-N-G, have you ever had any communication with her?

A. No.

Q. Okay. And a more recent board member of the Dover Area School District, his name is James Cashman, C-A-S-H-M-A-N, have you ever had any communication with him?

A. Not to my knowledge.

Q. Okay. Those are the board members. Now, I'm going to ask you if you've had any communication with the superintendent of

1 the Dover Area School District, and his name is Dr. Richard Nelson?
2 A. No.
3 Q. Have you ever had any communication with the assistant
4 superintendent of the Dover Area School District, and his name is
5 Mr. Michael Baksa, B-A-K-S-A?
6 A. No, I haven't.
7 Q. Have you -- to the best of your knowledge, have you had
8 any communication with any employee of the Dover Area School
9 District?
10 A. No.
11 Q. Now, were you ever consulted by anyone connected with the
12 Dover Area School District regarding the policy, which is the
13 subject matter of this lawsuit? And I'm referring to the policy
14 that's connected with the biology curriculum dated 11-19-04 and
15 reposted on 12-14-04, which is the subject matter of this lawsuit.
16 A. Not to my knowledge.
17 Q. Did you at any time recommend to anyone connected with
18 the Dover Area School Board, whether it was board members or a part
19 of the administration, of the purchase of the book, Of Pandas and
20 People?
21 A. The school board or persons connected with the Dover
22 School District, is that --
23 Q. Correct.
24 A. Yeah. No. Well, let me say not to my knowledge.
25 Q. Right. Well, did you ever recommend the purchase of

1 the -- Of Pandas and People to any of the board members that I have
2 named?
3 A. I don't believe so.
4 Q. Okay. And what about the assistant superintendent and
5 the superintendent of the Dover Area School Boards and their names
6 were -- or are Dr. Richard Nelson and Mr. Michael Baksa -- Baksa,
7 did you ever recommend purchase of Of Pandas and People to those
8 individuals?
9 A. No. I don't ever remember communicating with them or any
10 of the people that you've named.
11 Q. Were you involved in any way with the drafting of the
12 resolution dealing with the theory of intelligent design, which
13 resolution was drafted -- or excuse me, adopted on October 18th,
14 2004?
15 A. By the Dover School Board?
16 Q. Correct.
17 A. No.
18 Q. Okay. Did you have any kind of input regarding the
19 theory of intelligent design that was contained in the press
20 release entitled, Board Press Release for Biology Curriculum, dated
21 11-19-04 and then reposted an 12-14-04?
22 A. No.
23 Q. To the best of your knowledge, has there been any kind of
24 nexus between yourself and any member of the Dover Area School
25 District Board of Education or administration?

A. No.

Q. To the best of your knowledge, has there been any kind of nexus between the Foundation for Thought and Ethics and the Dover Area School District or the board of education or the administration of that school district?

A. To the best of my knowledge, there has not. No one in my office remembers speaking with anyone from the district --

Q. And how are you --

A. -- or corresponding.

Q. -- able to make that statement?

A. Because very recently we -- we talked about it and we were just wondering, you know, how the school board obtained our books.

Q. And how many employees do you have?

A. Four.

Q. And you talked to all four employees?

A. No. Dembski is not in Dallas. We talked in our little staff coordination meeting, so that was three of us.

Q. Okay. And all -- and you talked to all three of them, and none of them had any awareness of communication between them and the Dover Area School District regarding the purchase of Pandas and People?

A. That's right.

Q. Okay.

MR. THOMPSON: All right. No further questions.