Exhibit 11

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CASE NO. 4:04-CV-2688

TAMMY J. KITZMILLER; BRYAN REHM; CHRISTY REHM; DEBORAH F. FENIMORE; JOEL A. LIEB; STEVEN STOUGH; BETH A. EVELAND; CYNTHIA SNEATH; JULIE SMITH; ARALENE D. CALLAHAN ("BARRIE"); and FREDERICK B. CALLAHAN,
Plaintiffs,
vs.
DOVER AREA SCHOOL DISTRICT; and DOVER AREA SCHOOL DISTRICT BOARD OF DIRECTORS,
Defendants.
_____/

COPY

DEPOSITION OF CHARLES THAXTON, Ph.D.

Tuesday, July 19, 2005
8:50 a.m. - 11:30 a.m.

999 Peachtree Street
Atlanta, Georgia

REPORTED BY:
Carolyn M. Carboni, RPR, RMR
Esquire Deposition Services
Atlanta Office Job # 418540
Phone - 800.787.5302
404.872.7890

1 second edition?
2 A Was no longer involved with the project,
3 so they moved on with developing. I mean, their
4 organization was to develop other books, and when
5 they had a chance to, I guess, revise that one, they
6 had to get somebody else to do it. I was actively
7 involved traveling all over eastern Europe. I was a
8 little out of pocket.
9 MR. WILCOX: Okay. Any other questions?
10 MR. WHITE: Yes.
11 EXAMINATION
12 BY MR. WHITE:
13 Q Hi, Dr. Thaxton, again, my name is Ed
14 White. I represent the Defendants in this case.
15 Early in your deposition, you had stated
16 that you were somewhat familiar with this case?
17 A Well, I had heard about it. No one had
18 ever really explained it to me.
19 Q Have you ever looked at the complaint by
20 the Plaintiffs in this case?
21 A No, I've never seen that.
22 Q Are you familiar with any member of the
23 Dover area school board of education?
24 A Well, not to my knowledge. I don't
25 know, I mean, if I know any of them, I don't know now

1 that I know them. I may have known them and they
2 moved there. I'm not aware that I know anybody.
3 Q Are you familiar with any of the members
4 of the administration for the Dover area school
5 district?
6 A No.
7 Q I'll give you some names of people who
8 are former and current members of the Dover area
9 school board of education, and if you can let me know
10 if you know them and whether you've communicated with
11 them, okay?
12 A Okay.
13 Q Do you know a William Buckingham?
14 A No.
15 Q Heather Geesey?
16 A No.
17 Q Sheila Harkins?
18 A No.
19 Q Allen Bonsell?
20 A No.
21 Q Angela Zigler-Yingling?
22 A No.
23 Q Jane Kleaver?
24 A No.
25 Q Jeffrey Brown?

A No.

Q Carol or Casey Brown?

A No.

Q Noel Wenrich?

A No.

Q Sherry Liber?

A No.

Q Eric Riddle?

A There was a graduate student by that name when I was in graduate school, but I don't know that that's him. At least, I haven't seen him since 1970 if it is him.

Q Do you know if this Eric Riddle that you knew back in the '70s was even from Pennsylvania?

A No. I think he was from Iowa.

Q Edward Rowand?

A No.

Q Ronald Short?

A No.

Q And a James Cashman?

A No.

Q So as far as you know, you've never communicated with anyone --

A As far as I know, yes.

Q -- that was involved with the Dover area

1 school board? Okay.
2 Do you know whether you've communicated
3 with the superintendent of the Dover area school
4 district?
5 A No. I have not had any communication
6 except one phone call from maybe your office back in
7 April before --
8 MR. BOYLE: And by "your", you're --
9 Q (By Mr. White) You're talking to Mr.
10 Wilcox?
11 A Right.
12 MR. WILCOX: On the subject of your
13 deposition?
14 THE WITNESS: Well, yes. But otherwise,
15 no. That was when I first learned about it.
16 Q (By Mr. White) Okay. So you've never
17 spoken with Dr. Richard Neilson who is the
18 superintendent of the school district?
19 A No, no.
20 Q How about Mr. Michael Baksa, B-a-k-s-o,
21 who is the assistant superintendent for Dover?
22 MR. WILCOX: I think it's B-a-k-s-a.
23 MR. WHITE: What did I say?
24 MR. WILCOX: You said "o".
25 MR. WHITE: Oh, I'm sorry.

1 THE WITNESS: No.
2 Q (By Mr. White) Do you know, to the best
3 of your knowledge, whether you've communicated with
4 any of the teachers or any employees of the Dover
5 area school district?
6 A No.
7 Q I didn't hear you.
8 A No.
9 Q Are you familiar with the Dover area
10 school district's biology curriculum policy as it
11 relates to high school biology curriculum?
12 A No.
13 Q Are you familiar with the biology
14 curriculum press release from the Dover school
15 district dated November 19th, 2004, and then
16 re-posted on their website on December 14th, 2004?
17 A No. I have not read anything that I
18 remember.
19 MR. WHITE: If we can mark this as
20 whatever is the next exhibit.
21 (Marked for identification purposes,
22 Thaxton Exhibit No. 3.)
23 Q (By Mr. White) I'm showing you a copy of
24 the board of education's press release for biology
25 curriculum. Have you ever seen that document before?

A No.

Q Have you ever consulted with anyone connected with the Dover area school district regarding their biology curriculum as indicated in Exhibit Number 3?

A Have I ever, no.

Q Okay. Did you have a role in drafting the biology curriculum for the Dover school district or --

A No.

Q -- that press release number three?

A Huh-uh.

Q Is that a no?

A No.

Q Okay. Did you have any input regarding the theory of intelligent design as contained in Exhibit 3 before you?

MR. WILCOX: Objection.

THE WITNESS: You mean the Pandas book?

Q (By Mr. White) Just what's stated in Exhibit 3.

A No. The book of Pandas and People, I did.

Q But beyond that, did you have any role in --

A In this document?

Q Right.

A No, no.

Q Were you involved in the drafting of the resolution of the Dover area school district --

A No.

Q -- dealing with Darwin's theory or intelligent design as adopted by the school board --

A No.

Q -- on or about October 18, 2004?

A No.

Q Did you recommend to anyone connected with the Dover area school district, including the administration, the purchase of the book of Pandas and People?

A No.

Q So then to the best of your knowledge, is there any connection or communication between you and any member of the school district or administration or employee of the Dover area school district?

A No, not at all.

Q How about with your organization KONOS?

A No.

MR. WHITE: Nothing further.

MR. WILCOX: I have nothing. Dr. Thaxton, thank you very much.

(Whereupon, a discussion ensued off the record.)

THE COURT REPORTER: Mr. Boyle, did you want anything besides the copy; did you want an ASCII, condensed or --

MR. BOYLE: An ASCII would be good.

THE COURT REPORTER: Okay. And copies of the exhibits?

MR. BOYLE: Yes, please.

THE COURT REPORTER: Mr. White, did you want copies of the exhibits?

MR. WHITE: Sure, and a condensed with my copy.

(Deposition concluded at 11:35.)