

Exhibit 33

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL DAVID SILLS and MARY SILLS,

Plaintiffs,

vs.

Case No.: 3:23-cv-00478

SOUTHERN BAPTIST CONVENTION, a non-profit
corporation; et al.

Defendants.

VIDEOTAPED DEPOSITION OF

DR. R. ALBERT MOHLER, JR.

TAKEN ON

TUESDAY, OCTOBER 8, 2024

10:08 A.M.

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1 the Southern Baptist Convention and Rolland Slade.

2 MR. ELBERT: Phil Elbert and Mariam
3 Stockton for Defendant Jennifer Lyell.

4 MR. RIDDLE: Kris Riddle on behalf of
5 Plaintiffs.

6 MS. KLEIN: Kathy Klein on behalf of
7 Guidepost Solutions.

8 MR. PIETSCH: Matt Pietsch on behalf of
9 the Southern Baptist Convention, Ed Litton, and Bart
10 Barber.

11 MR. EAVES: Sterling Eaves on behalf of
12 Plaintiffs.

13 MR. WHITE: Ben White on behalf of
14 Plaintiffs.

15 MS. POOLE: Nicole Poole on behalf of
16 Defendant Willie McLaurin.

17 THE VIDEOGRAPHER: Anybody else on Zoom?

18 MS. MCNULTY: I think some of my staff
19 members are.

20 THE REPORTER: But they don't -- if
21 they're not attorneys, they don't need to --

22 MS. MCNULTY: Yeah.

23 THE VIDEOGRAPHER: All right. Our court
24 reporter will swear in the witness, and we may
25 continue.

1 THE REPORTER: All right. Dr. Mohler, if
2 you'll please raise your right hand. Do you affirm
3 under penalty of perjury that the testimony you are
4 about to give will be the truth, the whole truth,
5 and nothing but the truth?

6 THE DEPONENT: I do.

7 THE REPORTER: Perfect.

8 MS. MCNULTY: Allow the record to reflect
9 this is the deposition of Defendant, Dr. R. Albert
10 Mohler, taken pursuant to notice and by agreement of
11 the parties.

12 DR. R. ALBERT MOHLER, JR., having been first duly
13 affirmed to tell the truth, was examined, and
14 testified as follows:

15 EXAMINATION

16 BY MS. MCNULTY:

17 Q. Good morning, Dr. Mohler.

18 A. Good morning.

19 Q. Have you previously been deposed?

20 A. I don't think so.

21 Q. Okay. You understand that you are under
22 oath this morning.

23 A. Yes.

24 Q. And did I read that you have an honorary
25 law degree?

1 A. I do.

2 Q. Have you taken legal coursework?

3 A. No. Stress upon the honorary.

4 Q. Okay.

5 A. Yeah.

6 Q. Okay.

7 A. It's because of involvement with religious
8 liberty issues.

9 Q. Okay. You do understand the concept of
10 perjury and being under oath today.

11 A. Yes.

12 Q. Okay. I'm going to ask a series of
13 questions today, and, ideally, you'll provide
14 answers. Sometimes it may become that you
15 anticipate my question. There's nothing magical
16 about them. I'm very sure you'll know where I'm
17 going with a particular question.

18 A. Mm-hmm.

19 Q. But for the benefit of making a clean
20 record, allow me to state my full question on the
21 record before starting your answer.

22 A. Sure.

23 Q. And if you answer and you pause such that
24 I think you have finished an answer, but you
25 haven't, just tell me or motion so that I can --

1 far as I know now.

2 **Q. Where are we today?**

3 A. Louisville, Kentucky, Carver Building, the
4 Southern Baptist Theological Seminary.

5 **Q. Okay.**

6 A. Yeah.

7 **Q. And is -- we're in a conference room. Are**
8 **your offices in this building?**

9 A. No. They're in a building across the way.

10 **Q. Okay. But we're on the campus of**
11 **seminary.**

12 A. We're on the campus. Yeah.

13 **Q. And what's your current position?**

14 A. I am president.

15 **Q. Describe for me in lay terms your day-to-**
16 **day responsibilities as president.**

17 A. I am president, chief executive officer,
18 and chief academic officer of the institution. I
19 service chairman and the faculty. So it's -- I
20 guess the equivalent in a corporation, a CEO.

21 **Q. Is there anyone over you?**

22 A. Not anyone as an administrator. There is
23 a board of trustees, a governing board.

24 **Q. Okay. Who are the members of that board**
25 **currently?**

1 **Q. Have you ever undertaken any efforts to**
2 **distinguish fact from fiction?**

3 A. Well, certainly, in that conversation.

4 **Q. What conversation?**

5 A. The conversation in my office. Are you
6 thinking subsequent to that or --

7 **Q. At any time.**

8 A. Well, that, certainly, was a major reason
9 why the meeting was held.

10 **Q. Why?**

11 A. An allegation had been made. We had to
12 have a conversation in order to determine the
13 validity of the allegation.

14 **Q. Who was present for that conversation?**

15 A. As I recall, it was Dr. Adam Greenway,
16 Dean of the School -- of the Billy Graham School;
17 Dr. Randy Stinson, who was provost; Mr. Craig
18 Parker, who was Senior Vice-President.

19 By the way, Mr. -- Dr. Stinson is also a
20 Senior Vice-President. Craig Parker, Senior Vice-
21 President for Institutional Administration. I was
22 present and Dr. Sills was present.

23 **Q. Where is Adam Greenway now?**

24 A. To the best of my knowledge, he resides in
25 Florida.

1 A. Well, as soon as was practicable. I don't
2 remember timing. I remember, certainly, the phone
3 call, and then that invokes a process already
4 established. So that was not something that we had
5 to reinvent. It was a process that existed, and so
6 we sought to invoke that as quickly as possible.

7 That would involve conversations,
8 certainly, with the provost, Dr. Stinson. Dr.
9 Greenway, as Dean, was present. I probably also
10 contacted, I would think pretty soon, Jon Austin,
11 and I certainly made contact with board officers,
12 just with the board as a totality, but with the
13 board officers.

14 **Q. You say a process existed. Is it a**
15 **process that's written down anywhere?**

16 A. There are basically two processes; one is
17 --

18 **Q. Wait. Before you go there, just answer my**
19 **question. Is it --**

20 A. Okay.

21 **Q. -- a process that is written down**
22 **anywhere?**

23 A. One is.

24 **Q. Okay. Which one? Go ahead.**

25 A. There's a formal process which can be

1 invoked. That involves the equivalent of a faculty
2 trial or -- in accordance with all the provisions in
3 the faculty staff manual.

4 **Q. Okay. That process is written in the**
5 **faculty staff manual.**

6 A. It is.

7 **Q. Okay. And what's the second process**
8 **you're referring to?**

9 A. That is a process that leads to a
10 resignation by the employee, not invoking that
11 formal process which includes hearings with the
12 board of trustees.

13 **Q. Which process was invoked?**

14 A. The conversation made very clear that the
15 first process is where we would begin and -- but the
16 employee has the option of the other process.

17 **Q. Prior to making your call to Defendant**
18 **Lyell to receive her accusations, did you have a**
19 **meeting with anyone?**

20 MR. LEET: Objection to the form.

21 THE DEPONENT: About these matters, no.
22 Prior to the phone call from Jennifer Lyell?

23 BY MS. MCNULTY:

24 **Q. That's right.**

25 A. I called Dr. Greenway to come to my house

1 **it.**

2 A. I think I did. Yeah.

3 **Q. Yeah.**

4 A. Yeah.

5 **Q. The call lasted about 17-18 minutes.**

6 A. To the best of my knowledge.

7 **Q. Yeah. And did you start the call by**
8 **asking questions of Defendant Lyell?**

9 A. I don't believe so, but I have not
10 listened to it. I have not looked at anything.

11 **Q. When is the last time --**

12 A. I --

13 **Q. -- you listened to the call?**

14 A. I don't know that I ever have.

15 **Q. Do you remember that Jennifer Lyell read**
16 **to you a prepared statement she had made?**

17 A. I do now that you say that. Yes.

18 **Q. This was not spontaneous testimony from**
19 **her, true?**

20 A. I believe she read from a prepared
21 statement.

22 **Q. Did you find that unusual?**

23 A. No.

24 **Q. Okay. What about the topic she raised**
25 **with you about how she, unlike abuse victims, was**

1 able to leave this relationship and get out and go
2 on with her life?

3 Do you recall that?

4 A. I don't know how to construe that. It was
5 -- it was a lot to hear when you're a president of
6 an institution like this. I don't remember that
7 specific.

8 Q. I'd like you to assume what I say is true.
9 I have a transcript of the call. She refers to
10 herself as a girl. Certainly, she was a woman at
11 that time, yes?

12 MR. LEET: Objection to the form.

13 BY MS. MCNULTY:

14 Q. Go ahead.

15 A. I mean, certainly, I knew her as an adult.

16 Q. Yeah.

17 A. Yeah.

18 Q. In that call, did you ever ask Jennifer to
19 enumerate the instances of violence she alleged were
20 perpetrated upon her by David Sills?

21 A. I want to answer your question. Could you
22 repeat the first part of it again?

23 Q. Sure. In that call, did you ask Jennifer
24 to identify or enumerate the instances of violence
25 she alleged had been perpetrated upon her by David

1 **Sills?**

2 A. I do not remember if she voluntarily
3 provided that or if it came in any question from me
4 asking for detail. I had to know what I was being
5 confronted with as allegations against a staff
6 member.

7 **Q. As you sit here today, can you recount for**
8 **me any instance of violence perpetrated by David**
9 **Sills upon Jennifer Lyell as alleged by Jennifer**
10 **Lyell?**

11 A. I want to cooperate fully. I'm trying to
12 understand the first part of that question. I
13 apologize. Please, again.

14 **Q. Can you tell me any instance of violence**
15 **by David Sills on Jennifer Lyell --**

16 A. All I know --

17 **Q. -- what happened --**

18 A. -- is --

19 **Q. -- when it happened.**

20 A. -- what she said in --

21 THE REPORTER: I was just going to get her
22 to not talk while you were talking.

23 MS. MCNULTY: Go ahead.

24 THE DEPONENT: All I know is what Jennifer
25 Lyell told me in that call and in subsequent

1 conversations.

2 BY MS. MCNULTY:

3 Q. So what I'm asking you is, in that call or
4 any other subsequent conversation, did she ever
5 describe for you an instance in which David Sills
6 was violent? I'm talking specific facts about when
7 he was violent with her.

8 A. I do not -- I don't want to assume I know
9 what the word violent means here, if it's a
10 distinction between certain acts and certain other
11 acts. She made clear to me that there were acts
12 against her will.

13 Q. What were the acts?

14 A. Sexual acts.

15 Q. What were they?

16 A. I have been completely consistent in my
17 life in seeking to know what I need to know and not
18 wanting to know beyond what I need to know. In this
19 situation, I needed to know if there was sexual
20 contact. She made very clear there was sexual
21 contact.

22 She made very clear at the time some
23 against her will. And an incident on an airplane,
24 and I would not presume to remember exactly when I
25 heard this, but from the evidence that she gave was

1 an incident on an airplane, had to do with an
2 overture under a blanket or something similar.

3 Q. She did not discuss that in the call -- in
4 this --

5 A. Okay.

6 Q. -- first call. You wouldn't dispute that,
7 right?

8 A. I don't know. I -- I don't know when I
9 heard certain things.

10 Q. Yeah. Right. And that's why I'm just
11 clarifying, you're not suggesting you heard that in
12 the call. You just heard that at some point since
13 that call.

14 A. Right. And I am answering your question,
15 but I'm also stating just for the record that my
16 responsibility has to do with the moral code of the
17 institution which --

18 MS. MCNULTY: Well, I'm going to -- I'm
19 going to move to strike that answer as
20 nonresponsive, no pending question. So you don't
21 have the opportunity to just make your record. It's
22 -- I ask the question, and you give the answer, and
23 if we can't do it that way, then, you know, we have
24 to have a discussion off the record or engage the
25 court, but --

1 **doesn't describe the relationship with Lyell; you**
2 **agree?**

3 A. Yes.

4 **Q. Yeah. Are you paying for her lawyers?**

5 A. I'm not sure exactly how to answer that.

6 **Q. With a yes or a no.**

7 A. We are supporting her financially in that
8 situation with the lawyers.

9 **Q. You are supporting her.**

10 A. Well, we are supporting the cost of her
11 legal defense.

12 **Q. Okay. Why?**

13 A. We have sought to be responsive to her
14 needs and to the total legal context, and it was
15 requested.

16 **Q. Is it because you promised her in the**
17 **first instance of her making these allegations that**
18 **you would cover her legal fees?**

19 MR. LEET: Objection to form.

20 THE DEPONENT: To the to the best of my
21 ability. I said we would support her in every way.

22 BY MS. MCNULTY:

23 **Q. Will you support her in every way if her**
24 **statements and her allegations are proven false?**

25 A. In that event, we would have to rethink

1 the entire situation.

2 **Q. Do you pay her counsel directly?**

3 A. I do not know.

4 **Q. Does the seminary pay her counsel**
5 **directly?**

6 A. I do not know how exactly that takes
7 place.

8 **Q. Do your counsel coordinate with her**
9 **counsel?**

10 A. I know of no legal coordination. I do
11 know of the financial connection, financial support.

12 **Q. Without that financial support being**
13 **supplied by the seminary, she would be representing**
14 **herself.**

15 A. Well, that was presented as one of her
16 options. I don't know the total context, wouldn't
17 presume to.

18 **Q. Did she threaten you in any way for the**
19 **purpose of you paying her legal fees?**

20 A. She clearly construed the statement about
21 supporting her in every way as to include that.

22 **Q. When you made that statement, you didn't**
23 **necessarily mean that.**

24 A. I meant it in every way I knew at the
25 time. In other words, I meant it as a sincere

1 statement of support for her in this situation.

2 Q. Do you agree that at the time you made
3 that statement, you and her had discussed the
4 possibility of Sills suing her?

5 A. I honestly do not remember the sequence in
6 which any of these things may have been considered.
7 That was not on my mind -- on my mind at the time.

8 Q. Do you remember having a conversation with
9 her about the potential of Sills suing her?

10 A. At some point, yes.

11 Q. And it was in relation to her coming
12 forward with --

13 A. It was.

14 Q. -- her allegations.

15 A. It was.

16 Q. If you could look at page six,
17 interrogatory 13.

18 A. Yes.

19 Q. Okay. Just about the middle section, it's
20 referencing the 2000 Baptist Faith and Message,
21 relating to the family. Do you see that?

22 A. Yes. Yes.

23 Q. Okay. And it goes onto say, and as the
24 channel of sexual expression e according to biblical
25 standards, the Baptist Faith and Message (2000) is

1 A. Yes.

2 Q. Go ahead and read 14, the question to
3 yourself and like the first few sentences. You'll
4 be able to answer my question, I think. And it's
5 really the third -- I want to confirm your third
6 sentence in response to number 14, Dr. Mohler is not
7 aware of any rule or condition of employment
8 violated by Dr. Sills other than in connection with
9 Lyell's allegations; is that right?

10 A. All I can say is that at the time that
11 this happened, all I had to go on was Jennifer
12 Lyell's allegations.

13 Q. All I'm asking is that your response in
14 number 14 is accurate even as you sit here today,
15 correct?

16 A. I don't know how to construe the fact that
17 other allegations have been made subsequently, but
18 in the former actions -- in the form that required
19 no action or
20 further --

21 Q. Sir, you made these answers on June 3rd of
22 2024. Are you telling me that allegations have
23 surfaced since that time? That's 90 days ago.

24 A. I am not speaking of allegations --

25 Q. Okay. All I'm asking is, is your answer

1 --

2 A. -- but of information. I --

3 Q. And my only question is, is your response
4 to number 14 accurate as you sit here today?

5 A. It is accurate with my understanding that
6 this has to do with the term that Dr. Sills was an
7 employee at Southern Seminary.

8 Q. If you could turn to page eight, number
9 15.

10 A. Yes.

11 Q. And again, this relates to each and every
12 payment transmitted to Jennifer Lyell by you or any
13 defendant. And we talked about that seminary has
14 paid her legal fees, right?

15 A. Yes.

16 Q. Is the agreement to pay legal fees reduced
17 to writing anywhere?

18 A. Not to my knowledge.

19 Q. Okay. How much has been paid?

20 A. I will have ask my staff for that answer.

21 Q. They had been paid as of June 2024,
22 correct?

23 A. Yes.

24 Q. Jennifer Lyell estimates that you've paid
25 about \$300,000. Does that seem about right?

1 A. Seems reasonable.

2 Q. Look at number 16 and your response.

3 A. Yes.

4 Q. You did not make any investigation beyond
5 the recorded phone call with Jennifer Lyell and the
6 recorded meeting with David Sills.

7 MR. LEET: Objection to the form.

8 THE DEPONENT: I don't know that the
9 meeting was recorded.

10 BY MS. MCNULTY:

11 Q. Okay. Those are the two meetings,
12 correct?

13 A. Those are the two meetings.

14 Q. That constitutes the undertakings you've
15 made in relation to any --

16 A. It does.

17 Q. -- in relation to any investigation,
18 right?

19 A. Right.

20 Q. There was no investigation by you
21 concerning the allegations.

22 MR. LEET: Objection to the form.

23 THE DEPONENT: After that meeting.

24 BY MS. MCNULTY:

25 Q. Thank you. Okay. Look at number 18.

1 Q. Okay. Look at number 19 on page nine.

2 A. Mm-hmm.

3 Q. And in response, the second sentence, in
4 pertinent part, says, Dr. Mohler did not conduct any
5 investigation of the allegations made by Lyell in
6 2018, other than hearing Lyell's initial report and
7 meeting with Dr. Sills as referenced above. Do you
8 see that?

9 A. I do.

10 Q. That is still accurate as you sit here
11 today.

12 A. That is accurate.

13 Q. Do you think that contradicts your
14 statement made in your call with Jennifer Lyell, in
15 which you said I know what I have to do?

16 A. No. I think what she presented in
17 allegations was the basis for me knowing what I had
18 to do.

19 Q. And -- and the implication of you saying,
20 I know what I have to do.

21 A. Yes.

22 Q. I've consulted with others. I know what I
23 have to do. Really what you were saying is, I have
24 to meet with David Sills.

25 A. Yes. I assume you're referring to the

1 in her call that he was out of the country; is that
2 right?

3 A. That had to be told to me. I asked the
4 dean. The dean knew he was out of the country.

5 Q. Okay. What was your plan then?

6 A. To talk to him when he got back into the
7 country.

8 Q. Okay. So it was fine for him to return
9 from his -- his trip and you could wait to talk to
10 him when he returned to campus.

11 A. As I recall, it was well across the world
12 in the Pacific. I mean, I didn't see anything that
13 would have sped the process up.

14 Q. Okay. There was nothing that caused you
15 to think he had to come back right away.

16 A. I was told he was coming back within the
17 next couple of days or something. Yes.

18 Q. There was nothing that you needed to
19 accelerate in that regard, correct?

20 A. We did not talk about accelerating it.
21 I'm not sure how accelerated it could have been from
22 that point.

23 Q. Whether it could or couldn't have been --

24 A. We did not discuss it.

25 Q. Thank you. And how did you arrange the

1 **meeting with David Sills?**

2 **Did you phone him or did you ask him to**
3 **phone you?**

4 A. Yeah. The dean -- in our system, the dean
5 would have those communications.

6 **Q. Who was the dean?**

7 A. Adam Greenway.

8 **Q. So Greenway contacted Sills and said what?**

9 A. He would have said, to the best of my
10 knowledge, that we needed -- that we needed to have
11 a meeting.

12 **Q. Okay. Was there any disclosure as to what**
13 **the meeting was about?**

14 A. I do not believe so.

15 **Q. Okay. Why not?**

16 A. Because normally we would not.

17 **Q. In the call with Lyell, you said you**
18 **wanted to ambush him; isn't that right?**

19 A. That's -- typically, we do not let anyone
20 know that we're going to have that conversation and
21 it is a surprise in the context of the meeting.

22 **Q. Mm-hmm. And why is there need to ambush,**
23 **as you say?**

24 A. It is, at least my experience, that people
25 are more forthcoming in a conversation in which

1 they're presented with the evidence and have to
2 respond.

3 Q. What evidence had you collected that you
4 expected David Sills to respond to?

5 A. It was entirely Jennifer Lyell's
6 allegation.

7 Q. Did you have the call transcribed?

8 A. I do not believe so. I did not have it
9 transcribed. I know of no transcription on our end.

10 Q. And when I -- let me correct that
11 question. Did you have the call with Lyell
12 transcribed?

13 A. That's what I meant to answer.

14 Q. Yeah. Okay. I just wanted to make --

15 A. Yes.

16 Q. -- sure we were talking about the --

17 A. Yes.

18 Q. -- same call.

19 A. Yes.

20 Q. Yeah. Did you have a recording prepared
21 to share at the meeting with David Sills?

22 A. I don't remember imagining that in the
23 context. I don't remember that.

24 Q. Well, I don't want you to imagine it.

25 A. Okay.

1 **Q. I want you to know or answer. Did you**
2 **bring the recording?**

3 A. I don't believe so.

4 **Q. Okay.**

5 A. I don't believe so.

6 **Q. Why not?**

7 A. In any number of context, I have had to be
8 a part of this kind of conversation, and I've never
9 seen anything like that brought -- brought forward
10 at the time. Had this -- had this moved to another
11 level, such a thing would have been made necessary.

12 **Q. Did you suggest, even if through Adam**
13 **Greenway, that David Sills should bring an attorney**
14 **to the meeting?**

15 A. No.

16 **Q. Mm-hmm. You believe that an accuser and**
17 **the accused are entitled to due process, right?**

18 A. Right.

19 **Q. And you would want the accused to have an**
20 **opportunity to hear firsthand the allegations,**
21 **right?**

22 A. It is not my purpose or role to set up a
23 subsequent to -- if it -- if it went into a formal
24 process, that would have presumably taken place, but
25 I -- even then, I don't know that it would have been

1 THE REPORTER: What is that?

2 THE DEPONENT: That is the fire and
3 emergency alarm on the Crescent Hill Firehouse. It
4 blows every noon at certain times. They test it.
5 If it's at noon, it's not a problem.

6 UNIDENTIFIED FEMALE SPEAKER: We do it
7 every Saturday.

8 MS. MCNULTY: I do it every Tuesday at
9 9:00.

10 THE DEPONENT: Yeah.

11 MS. MCNULTY: So --

12 BY MS. MCNULTY:

13 Q. Okay. Who spoke first in the meeting with
14 David Sills?

15 A. I think I probably did, but I -- I do not
16 have the benefit of seeing that recording. I don't
17 know.

18 Q. Well, I'm going to ask you. What did you
19 say?

20 A. I -- it has been years, but I believe I
21 presented to him the sadness that we had to have
22 this meeting, but that an allegation had been made
23 about sexual misconduct in his role as a professor
24 at the institution.

25 Q. Did you say, "I don't want to know who did

1 what to who. I simply want to know whether anything
2 inappropriate ever happened between you and Jennifer
3 Lyell."

4 A. Sounds like what I would have said.

5 Q. Yeah. And did David Sills say, "In all
6 the years we have known Jennifer, I am sure that
7 some things have happened that I would not want
8 played out on the chapel platform?"

9 A. Sounds like what he would have said.

10 Q. You never pointblank asked him, "Did you
11 have sexual intercourse?" You never asked him that.

12 A. I did not --

13 Q. Okay.

14 A. -- to the best of my memory.

15 Q. What did you then tell David Sills?

16 Did you tell him he was fired?

17 A. No. There's more conversation, as I
18 recall. And so what I needed to know is if there
19 was any inappropriate sexual activity or contact,
20 and, at some point, he made clear to me that there
21 was.

22 Q. Any sexual contact would be inappropriate
23 based on him being married.

24 A. On our understanding. Yeah. Well, and
25 based -- frankly, if he were single in this

1 institution. In other words, a single man having
2 sexual contact with any woman not his wife, by
3 definition, it would be a huge problem.

4 Q. Mm-hmm. And the same is true for
5 pornography and homosexuality if those events
6 surface at the seminary.

7 A. Yes. And on the issue of -- I mean, I
8 want to be careful. On the issue of something like
9 homosexuality, there would be a question as to
10 whether this is an inclination or there's been, you
11 know, physical activity, and the same thing on
12 pornography would be a question of the extent and --

13 Q. And you've written blogs on your own
14 webpage --

15 A. Uh-huh.

16 Q. -- concerning adultery, pornography, and
17 homosexuality --

18 A. Yes.

19 Q. -- yes?

20 A. Yes.

21 Q. And if the blog is posted and still is
22 posted to your website, that still expresses your
23 views on those --

24 A. Yes.

25 Q. -- topics.

1 report to the seminary and to this day, Lyell has
2 reported that the actions were not consensual." Do
3 you see that?

4 A. I'm looking for it. Where is -- where is
5 --

6 Q. Top of page 12.

7 A. Thank you. Yes. Yes.

8 Q. And in actuality, she didn't quite say
9 that in the recorded call; did she?

10 A. To the best of my recollection, she said
11 that there were, as I remember, both consensual and
12 nonconsensual dimensions.

13 Q. Yeah. Setting aside the two calls --

14 A. Yes.

15 Q. -- which are the only formal inquiries you
16 made --

17 A. Right. Right.

18 Q. -- did you ever learn from any source
19 whatsoever that Jennifer Lyell had initiated sexual
20 contact with David Sills?

21 A. I did not.

22 Q. Am I the first person to tell you that?

23 A. You are.

24 Q. Does that surprise you?

25 A. Everything about this case has surprised

1 conversation is going to be taking place -- taking
2 place. And I do recall that after the meeting, I
3 had an immediate conversation with the officers of
4 the board of trustees.

5 **Q. All of them?**

6 A. I think so. I mean, I would have
7 attempted to have them all.

8 **Q. In the conversation, it's fair to say you**
9 **gave David Sills an option for formal investigation**

10 --

11 A. Right.

12 **Q. -- or you may resign; is that right?**

13 A. Right. Right.

14 **Q. What did David Sills say in response?**

15 A. I have not had any recording of that
16 meeting or transcript done to me that I can record
17 -- refresh my memory. All I can say is, I believed
18 he was given an opportunity to frame his response to
19 Dean Greenway, which is the process. So in other
20 words, we would seek to go to the dean of the school
21 to be the -- the main intersection point --

22 **Q. Yeah.**

23 A. -- and -- and it ratchets up. If there's
24 a formal process, I, in my role, have to initiate
25 that process.

1 **abuse?**

2 A. Defined within this context, it is
3 entirely the relationship, which included a
4 professor and a student.

5 **Q. She wasn't his student, right?**

6 A. You say she wasn't?

7 **Q. That's right.**

8 A. Well, in an academic institution like
9 this, a faculty and a student, regardless of the
10 classroom experience, we classify as a distinct --
11 there's still an authority structure, and it is also
12 a supervisor/supervisee context, although the
13 seminary's responsibility was the -- the
14 relationship defined here.

15 **Q. Defined here in this tweet.**

16 A. No. Defined here at Southern Seminary.

17 **Q. Oh, okay. She left in what year?**

18 A. I do not know.

19 **Q. Most of the relationship -- and I'm using**
20 **that term loosely. When I say relationship --**

21 A. Yeah.

22 **Q. -- I mean the fact of any interaction,**
23 **professional or otherwise, between the two of them**
24 **-- occurred when they didn't even live in the same**
25 **state. You agree with that, right?**

1 A. I agree that that's what you're telling
2 me. I don't know.

3 Q. Okay.

4 A. Yeah. I have no other knowledge. Yeah.

5 Q. Do you know that Jennifer Lyell spent most
6 of her time living in a state other than the state
7 in which David Sills lived?

8 A. I believe that to be true.

9 Q. Yeah. You've heard that before. You've
10 heard it around, right?

11 A. I know she worked in Nashville.

12 Q. Yeah.

13 A. Yeah.

14 Q. And he lived here, right?

15 A. Right.

16 Q. And you know she worked in Chicago.

17 A. I did not remember that until now --

18 Q. Yeah.

19 A. Publishing. Yes.

20 Q. Right. And just as --

21 A. Yeah.

22 Q. -- your testimony has --

23 A. Yes.

24 Q. -- allowed you to recall that fact.

25 A. Yeah.

1 legal and other resources he needed to proceed?

2 A. I reviewed the plan of action with legal
3 counsel before we went into action.

4 Q. What was the plan of action?

5 A. To confront David Sills and isolating
6 again what I was needing to have clarified.

**7 Q. When other people say you investigated,
8 are they mistaken or misunderstanding what you did?
9 I mean, your answers say you didn't. And we talked
10 about the call and the meeting.**

11 A. Yes. Transparently, I just want to say we
12 had to conduct some form of an investigation, which
13 included the conversation with Dr. Sills. We did
14 not launch a formal investigation. We would have
15 done had such -- had he elected route two, which
16 would then be very formal.

**17 Q. That would have involved going and talking
18 to witnesses or passersby, or anyone and everyone
19 that might have information.**

20 A. What -- we would have sought professional
21 counsel as to how to do it, but it certainly would
22 have involved conversations with both the accuser
23 and the accused and -- and some process -- due
24 process of the investigation.

25 MS. MCNULTY: This will be 8.

1 MR. ELBERT: Bates numbers?

2 MS. MCNULTY: Oh. Sorry about that.

3 LYELL_00349495.

4 THE REPORTER: Who was that?

5 MS. MCNULTY: That's Neal and Harwell.

6 THE REPORTER: Okay.

7 MS. MCNULTY: Phil, was that you?

8 MR. ELBERT: It was.

9 MS. MCNULTY: Okay. Just the court
10 reporter was wondering. Thank you.

11 BY MS. MCNULTY:

12 Q. Okay. "@albertmohler investigated &
13 corroborated what I reported as nonconsensual abuse.
14 It is finally public that there was never any
15 ambiguity." You never said that; did you?

16 A. I know of no such statement, and I don't
17 know the context for this.

18 Q. Yeah. And do you see how the tweeting has
19 now expanded to you both investigated and
20 corroborated?

21 Do you see that?

22 A. I see the words.

23 Q. Yeah. You never corroborated; did you?

24 MR. LEET: Objection to the form.

25 BY MS. MCNULTY:

1 **Q. Go ahead.**

2 A. There was no external corroboration.

3 MS. MCNULTY: Okay. Here's 9.

4 THE REPORTER: Mm-hmm.

5 MS. MCNULTY: 9 is going to be
6 LYELL_00343648.

7 (WHEREUPON, Exhibit 9 was marked for
8 identification.)

9 BY MS. MCNULTY:

10 **Q. Okay. Exhibit 9 is showing messages from**
11 **7/8/22. And let me know when I can ask you a**
12 **question.**

13 A. I think I'm ready.

14 **Q. Okay. In the first paragraph about midway**
15 **down it says, "then not only do I doubt I will be**
16 **able to continue to live, but I can assure you that**
17 **the narrative now established by your silence will**
18 **continue to be used to dismantle any progress on**
19 **abuse issues in the SBC." Do you see that?**

20 A. I do see it.

21 **Q. Yeah. How many times over the course of**
22 **the years has Jennifer Lyell threatened to take her**
23 **life?**

24 A. I cannot give you a number. I don't --

25 **Q. More than once?**

1 A. Implied or explicit.

2 Q. Yeah. Mm-hmm. I read this as a threat;
3 do you?

4 A. I read it with grave concern.

5 Q. She then goes on in the next paragraph to
6 say, "Adam, it would have been safe and convenient
7 for me to be silent when you needed my witness on
8 the record to your full trustee board. As you
9 recall, I didn't hesitate to tell the truth so the
10 seminary trustees would proceed with you." Do you
11 see that?

12 A. I do.

13 Q. Was Adam not going to make it onto the
14 trustees without the testimony of Jennifer Lyell?

15 A. That is not knowledge to which I was
16 privy.

17 Q. Okay. You go on to say -- state,
18 "Jennifer (I hope), we have steadfastly and
19 consistently affirmed that we found you to have
20 experienced sexual abuse by David Sills and that
21 your accusations were confirmed." Do you see that?

22 A. I see it.

23 Q. How were the accusations confirmed; in
24 what way?

25 A. By Dr. Sills saying there had been

1 inappropriate sexual contact.

2 **Q. Okay. All right. You can set that aside.**
3 **In your production, yours and seminary's, I do not**
4 **see corresponding text messages between you and**
5 **Jennifer Lyell. Tell me, do you have text messages**
6 **between you and Jennifer Lyell?**

7 A. I know of nothing that could be existing
8 that was not produced. I mean, you just read a
9 couple.

10 **Q. Yeah. Do you keep them?**

11 **Do you delete them?**

12 **Do you do nothing?**

13 A. I do not delete. And to be honest, I'm
14 not comfortable texting with a woman not my wife,
15 and she is privy to it all.

16 **Q. Yeah.**

17 A. Yeah.

18 **Q. Your wife is privy to it, meaning.**

19 A. I made certain of it.

20 MS. MCNULTY: Yeah. Okay. This will be

21 --

22 THE REPORTER: 10.

23 MS. MCNULTY: 10.

24 (WHEREUPON, Exhibit 10 was marked for
25 identification.)

1 **There "will be a few anecdotes of events from when I**
2 **was a student that I were inappropriate/unhealthy**
3 (just comments, not any actions and nothing criminal
4 by any means because not Sills)." Do you see that?

5 A. I see it.

6 **Q. Did you follow up with her about what**
7 **events she was talking about?**

8 A. I don't believe I ever received -- if I
9 did, I have no memory of receiving the document.

10 **Q. Okay. And she says, "The two things that**
11 **are the most inappropriate were comments by Dr.**
12 **Hatfield so it's nothing that will present a current**
13 problem for you (and also why I didn't tell you this
14 when I told about sills)." Did you have any
15 conversation with her about Dr. Hatfield having
16 inappropriate comments with her?

17 A. I strongly believe I had no such
18 conversation.

19 **Q. Okay. You can set that aside. Okay.**
20 **With relation to David Sills, did you personally or**
21 **through your staff send Guidepost anything that you**
22 **say was evidence?**

23 A. I do not remember any request or provision
24 related to Guidepost in this matter.

25 **Q. Who is Liz Lockwood?**

1 communication between yourself, Caleb Shaw, and Jon
2 Austin, and let me know when you've had a chance to
3 read it to yourself, and I'll ask a question. In
4 addition to Bates number, it's also -- the email of
5 interest is October 8th, 2019.

6 A. I think I've read it.

7 Q. Okay.

8 A. Yeah.

9 Q. What information were you supplied that
10 caused you to say, "It was abundantly clear that
11 what she described was by no means simply a matter
12 of a morally inappropriate relationship. It was
13 clear that sexual abuse was the awful reality?"

14 A. What did I mean by that?

15 Q. No. What evidence did she give you that
16 caused you to say that?

17 A. The evidence is simply the formal fact of
18 the employment of Dr. Sills and the student status
19 of Jennifer Lyell.

20 Q. You can set that aside.

21 A. Thank you.

22 Q. Did Defendant Lyell ever send to you
23 videos of herself, like a -- I don't know if you
24 know what Vimeo is, but a Vimeo video?

25 A. I do not believe so. I do not believe so.

1 **document?**

2 A. If -- if I have, I have no memory of it.
3 It would have back at the time.

4 **Q. Okay. Do you know your -- your -- your**
5 **assistant prepared this memo; is that right?**

6 A. Yes, he did.

7 **Q. Does it accurately reflect the sequence of**
8 **events from Monday, May 21st, 2018?**

9 A. I believe it does exactly. Yes.

10 MS. MCNULTY: You can set that aside.

11 Exhibit 22 is LYELL_00346827. And I only
12 have one copy of that.

13 MR. LEET: Thank you.

14 THE REPORTER: Mm-hmm.

15 (WHEREUPON, Exhibit 22 was marked for
16 identification.)

17 BY MS. MCNULTY:

18 **Q. I'm going to ask you about your second**
19 **full paragraph, "Your courage," that -- that one**
20 **that starts at.**

21 A. Yes.

22 **Q. Okay. So this is from Jennifer Lyell to**
23 **Jennifer Lyell, and it's her forwarding an email**
24 **from you to her dated May 23rd, 2018, at 3:09 p.m.**
25 **Do you see that?**

1 the -- the once would have been a problem, but it's
2 a different issue than -- and quite honestly, to our
3 -- just our responsibility of understanding things.
4 That's the best I know.

5 **Q. Now, did Dr. Sills at anytime deny that**
6 **Jennifer was a student at the seminary when this**
7 **relationship --**

8 A. I don't believe we discussed it in those
9 terms. I just don't think that was a part of the
10 discussion. It was -- I mean, the entire context
11 was. I was talking to him because he's a professor
12 at the seminary and this had germane relation to his
13 employment with the seminary. But we -- we did not,
14 to the best of my knowledge, discuss any detail that
15 way.

16 **Q. Dr. Sills was deposed last week --**

17 A. Okay.

18 **Q. -- and testified under oath, and he**
19 **revealed at that time having a earlier inappropriate**
20 **sexual relationship while he was a pastor at a**
21 **church in Mississippi. Were you aware of that, sir?**

22 MS. MCNULTY: Objection, form, misstates
23 the testimony. Go ahead.

24 THE DEPONENT: I had no knowledge
25 whatsoever of anything related to that until

1 considerably after the separation with Dr. Sills.

2 BY MS. CALLAS:

3 Q. And -- and upon learning and -- and, of
4 course, now he has offered testimony, sworn
5 testimony about those events, if that had been known
6 to the seminary in 2003, when he was hired, would it
7 have disqualified him from work here?

8 MS. MCNULTY: Objection, incomplete
9 hypothetical. Go ahead.

10 THE DEPONENT: Let me just say, we would
11 not hire someone with a -- with that in the
12 background, period. Yeah. We would not have
13 continued the conversation.

14 BY MS. CALLAS:

15 Q. Is it fair to say Dr. Sills did not reveal
16 that prior relationship to you or anyone at the
17 seminary?

18 A. That is fair to say.

19 MS. MCNULTY: Objection, form.

20 MS. CALLAS: I think that's all the
21 questions I have.

22 THE DEPONENT: Okay.

23 MR. LEET: Gretchen, do you understand
24 anybody else has questions?

25 MS. CALLAS: I don't think so, but we