

# Exhibit 40

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

MICHAEL DAVID SILLS and )	
MARY SILLS, )	
)	
Plaintiffs, )	
)	Case No. 3:23-cv-00478
VS. )	Judge William L. Campbell, Jr.
)	Magistrate Judge
SOUTHERN BAPTIST )	Jeffery S. Frensley
CONVENTION, a non-profit)	
corporation, et al, )	
)	
Defendants. )	
_____X	

VIDEOTAPED DEPOSITION OF MICHAEL DAVID SILLS  
TAKEN ON OCTOBER 1-2, 2024

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1 student enrolled at the seminary?

2 A. In 2004, I would have understood that because  
3 the person who worked in that office would be a student.

4 Q. And was it a part-time position, if you know?

5 A. I do not know.

6 Q. Do you know what her rate of pay was in that  
7 position?

8 A. No, I had no -- I had nothing to do with  
9 that.

10 Q. Did you interact with Jennifer to get tasks  
11 or assignments done? Would you give her work to do in  
12 any capacity?

13 MS. McNULTY: Object to the form. Go ahead.

14 THE WITNESS: No, I didn't have anything to  
15 do with that. I simply was a colleague on campus who  
16 would help them promote things.

17 BY MS. CALLAS:

18 Q. So when did you first have Jennifer as a  
19 student in one of your classes?

20 A. I do not recall. I would say probably late  
21 2004, 2005. I don't recall.

22 Q. I'm going to hand you a couple of documents.  
23 I brought two copies.

24 MS. McNULTY: Is this all one exhibit?

25 MS. CALLAS: I'm going to say we'll do two

1 exhibits. The first page, which for the record is Bates  
2 No. SBTS 495, is a course list. We'll put that in front  
3 of -- so that's yours, Shannon.

4 MS. McNULTY: Thank you. I appreciate that.

5 MS. CALLAS: That will be marked as Exhibit  
6 1.

7 (Exhibit 1 was marked.)

8 BY MS. CALLAS:

9 Q. Dr. Sills, I've handed you a document. We've  
10 marked it as Exhibit 1. It was produced by the seminary  
11 in the discovery in this case. It's a list of courses.  
12 Do you see that?

13 A. I do see that.

14 Q. Is your name on that document anywhere?

15 A. It is.

16 Q. And are there courses associated with your  
17 name on that list?

18 A. Yes.

19 Q. Do you have an idea of the time frame that  
20 course description might pertain to?

21 A. No.

22 MS. CALLAS: I am going to hand you what  
23 we'll mark as Exhibit 2.

24 (Exhibit 2 was marked.)

25 BY MS. CALLAS:

1           Q.     Again, this is a document that was produced  
2     by the seminary. And I believe it is Jennifer Lyell's  
3     transcript. Do you understand that's what this document  
4     is?

5           A.     I do.

6           Q.     Now, can you see on this document, which  
7     lists her course work over time, any classes that you  
8     may have taught?

9           A.     You know, I'm not the only one who taught  
10    these courses, so without the professor's name, I don't  
11    know.

12          Q.     Could you reference Exhibit 1 and tell me if  
13    there's any way for you, by looking at Exhibit 1 --

14          A.     Um --

15                MS. McNULTY: There's an incomplete question.  
16    Let her finish the entire question.

17    BY MS. CALLAS:

18          Q.     Yeah, if you could look at Exhibit 1 and tell  
19    me if there are courses with your name next to them that  
20    -- let's use 405. It's Course Code 33477, topics of  
21    missions. Do you see that?

22                MS. McNULTY: Objection, form, incomplete  
23    question, and disregards the prior answer. He said  
24    already that he can't identify.

25                MS. CALLAS: I'm asking him just to be clear

1 if he can connect Exhibit 1 to any of the courses on  
2 Exhibit 2. If he cannot, he can answer that.

3 MS. McNULTY: Objection, form.

4 THE WITNESS: There are numbers of courses  
5 that correspond to the transcript, but, again, on the  
6 transcript it doesn't say who the professor was, and I  
7 wasn't the only one who thought these courses.

8 BY MS. CALLAS:

9 Q. So today, you cannot tell me, looking at  
10 Jennifer Lyell's transcript what, if any, courses you  
11 taught her; is that correct?

12 A. The only one on here that I would have taught  
13 that I don't think anyone else would have taught is the  
14 Spanish-related courses, the ones that say topics and  
15 missions, Spanish.

16 Q. And to be clear, that is on Exhibit 2, and it  
17 is the fall of 2004; is that correct?

18 A. Right.

19 Q. And what grade did Jennifer receive in that  
20 class?

21 A. According to the transcript, it says A.

22 Q. Now, you did not teach or you do not recall  
23 if you taught the intercultural communications class  
24 right above that?

25 A. I do not recall. I wasn't the only one who

1     taught that.

2           Q.     But you don't recall, sitting here today,  
3     whether you had Jennifer in two courses in the fall of  
4     2004?

5           A.     No, I do not recall.

6           Q.     What about the spring of 2004, would you have  
7     taught Jennifer in cultural anthropology?

8           A.     It's possible, but I wasn't the only one who  
9     taught that.

10          Q.     Yeah, that's right. So if you'll go back,  
11     look at Exhibit 1 for me. And see the first column, it  
12     says year code?

13          A.     Right.

14          Q.     If you go down the list, you'll see '03-'04,  
15     '03-'04. Do you see that?

16          A.     Yes.

17          Q.     Specifically, we're looking at '04-'05,  
18     which, if you look again at Jennifer's transcript, it  
19     says 2004-'05 fall. Do you see that?

20          A.     Right.

21          Q.     So your name does appear on both the topics  
22     in missions and intercultural communication for '04-'05.

23          A.     Okay.

24          Q.     Do you see that, sir?

25          A.     I do.

1 Q. Does that suggest to you that Exhibit 1 is  
2 indicating the professor, David Sills, who will be  
3 teaching those two courses in the '04-'05 term?

4 MS. McNULTY: Objection, form.

5 THE WITNESS: It appears to, but, again,  
6 there were -- there was at least one other professor who  
7 taught the intercultural communication class. So I'm  
8 not certain, but it appears to.

9 BY MS. CALLAS:

10 Q. But that person's name is not on this course  
11 catalogue document, correct?

12 A. No, but this --

13 MS. McNULTY: Object to form relative to the  
14 characterization of Exhibit 1.

15 THE WITNESS: This is not a complete list of  
16 courses that are offered by Southern Baptist Theological  
17 Seminary in these years.

18 BY MS. CALLAS:

19 Q. And how do you know that?

20 A. Because we had about seventy professors, and  
21 each one taught at least three classes, so there would  
22 be many more classes than this.

23 Q. So let's look at your name on the '04, so  
24 we're looking down the first column at the bottom. We  
25 see '04-'05, and you do have three classes here,



1 correct?

2 A. Right, yes.

3 Q. But are you suggesting you may have been  
4 teaching this missions course -- or let's use the  
5 intercultural communication course. You were teaching  
6 it in '04-'05?

7 A. Yes.

8 Q. But somebody else may have, as well?

9 A. That's my -- that's my concern.

10 Q. I understand t. Okay, you can put those  
11 documents aside.

12 A. All right.

13 Q. So is it correct, sir, that your allegation  
14 in this case is that when you and Jennifer Lyell began a  
15 sexual relationship, you were co-workers?

16 MS. McNULTY: Objection, misstates the  
17 pleadings.

18 THE WITNESS: I knew Jennifer as a colleague.  
19 We were co-workers, yes.

20 BY MS. CALLAS:

21 Q. And not as a student?

22 A. My relationship with Jennifer was a  
23 friendship, based on being a colleague.

24 Q. Well, I'm asking about the sexual aspect of  
25 your relationship with Jennifer. Did that relationship,

1 the sexual aspect of it, begin while you were co-workers  
2 or faculty/student?

3 MS. McNULTY: Objection, form. Go ahead.

4 THE WITNESS: I'm not sure that anything of a  
5 sexual nature occurred while she was a student.

6 BY MS. CALLAS:

7 Q. Well, let's talk about the timeline of those  
8 events, then.

9 A. Okay.

10 Q. We have asked you in discovery if you had  
11 physical contact with Jennifer Lyell of a sexual nature.  
12 Do you recall being asked those questions in discovery?

13 A. I do. I don't remember being defined what  
14 those were specifically referencing.

15 Q. Well, why don't you and I talk about how  
16 we're going to define those for this --

17 A. Okay.

18 Q. -- case today.

19 MS. McNULTY: Objection, form. Allow for the  
20 entire question to come out, okay?

21 THE WITNESS: Okay.

22 BY MS. CALLAS:

23 Q. So what do you consider to be sexual contact?

24 A. Well, sexual contact would be anything of a  
25 sexual nature. Not as being friends, or hugging, or

1 Jennifer Lyell in a way that you would consider a sexual  
2 nature?

3 A. Well, going back to my first answer, I'm not  
4 exactly sure. I mean, I didn't write down on a calendar  
5 when that day occurred. The relationship was a  
6 friendship, as colleagues. And it went on for -- we  
7 were friends for a number of years.

8 Q. So if I were to ask you the year that your  
9 friendship with Jennifer Lyell became sexual, could you  
10 tell me when that occurred?

11 A. The year?

12 Q. Yes.

13 A. I would say in 2005 it became inappropriate,  
14 sexually.

15 Q. And where was that first encounter?

16 A. The very first time, as I recall, I was  
17 driving around the corner to get my wife's car fixed,  
18 tire. Jennifer offered to ride with me. And driving  
19 out of the driveway, she reached over, and she put her  
20 hands down my pants. I was wearing running pants, and  
21 put her hand down my pants. And I reacted strongly. As  
22 far as of a sexual nature, I guess I would say that was  
23 the first time.

24 Q. So she actually had her hand through your  
25 waistband and down --

1           A.       Yes.

2           Q.       -- touching your skin?

3           A.       Skin to skin.

4           Q.       And this occurred in the car while you were  
5 driving?

6           A.       As I was pulling out of the driveway, yes.

7           Q.       So you were -- the car was moving, or the car  
8 was stopped?

9           A.       The car was moving.

10          Q.       And tell me what you did next. Did you --

11          A.       I asked her if she was -- I asked her if she  
12 was crazy. And she removed her hand and laughed. And  
13 -- I mean, nothing else happened. So I don't know --  
14 what do you want?

15          Q.       I'm just asking --

16          A.       I answered.

17                 MS. McNULTY: Yeah, if you are done with your  
18 answer, then you can just stop.

19 BY MS. CALLAS:

20          Q.       So you proceeded to drive to get the tires?

21          A.       The tire, yes.

22          Q.       So this was sometime in 2005?

23          A.       Uh-huh.

24          Q.       Is that correct?

25          A.       Yes.

1 Q. And you don't recall the date?

2 A. No.

3 Q. And when was the next encounter of that type  
4 or any type involving sexual contact with Jennifer  
5 Lyell?

6 A. Again, I'm not sure if you're defining actual  
7 success in sexual encounter, but in the fall of 2004,  
8 there was an attempt that was not successful.

9 Q. Why don't you describe to me what the attempt  
10 was.

11 A. The attempt was, I was with a team in  
12 Ecuador, and she was on that team. And I had the girls,  
13 including my daughter, in one hotel room. I was in the  
14 middle. The guys were in another hotel room on the  
15 other side. And about midnight, there was a knock on my  
16 door at my room. My heart stopped, thinking there may  
17 be something wrong with a team member.

18 I got up and opened the door. She rushed  
19 into the room into my arms and said, kiss me, I am not  
20 wearing a bra. And, again, I said, are you crazy? And  
21 I sent her back to her room. So whether that's of a  
22 sexual nature or not, I don't know, but that's what  
23 happened. And that was in 2004, in the fall.

24 Q. Did she kiss you on the lips?

25 A. Yes.

1 Q. Did she put her tongue in your mouth?

2 A. That, I don't recall.

3 Q. Did you kiss her back?

4 A. I wouldn't define it as that.

5 Q. Did you embrace her or put your arms around  
6 her?

7 A. I didn't embrace her. She rushed into my  
8 arms, and I mean, I'm sure that -- my arms are on the  
9 sides of my body. I'm sure that there was contact with  
10 her arms, or her back, or something like that as she  
11 did. But, again, I was in the middle of sleep halfway  
12 through the night.

13 Q. So you got up from your bed to answer the  
14 door, correct?

15 A. Yes.

16 Q. And she was at the door when you opened it?

17 A. She rushed in the door.

18 Q. She came into your room?

19 A. As it was opening, she came into the room.

20 Q. So my question was did you put your arms  
21 around her at that time?

22 A. Only to push her away.

23 Q. So you've described -- this was in the fall  
24 of 2004?

25 A. Yes.

1 Q. And at that point, did you know she was a  
2 student at the seminary?

3 A. At that point, I would have known she was a  
4 student at the seminary. It wasn't a seminary trip.  
5 This was a church trip with all kinds of people in it.

6 Q. Did you have any conversation with Jennifer  
7 Lyell at that time regarding this contact or conduct?

8 A. On the trip, no. When we got back, we -- I  
9 explained that this wasn't correct. She felt the same.  
10 It was just an awkward moment. And we moved on from  
11 there.

12 Q. And when did that conversation occur?

13 A. When we got back. I would say within a week  
14 or so after we got back.

15 Q. Was this at your office at the seminary?

16 A. Could have been, or it could have been when  
17 she -- or it could have been on the phone. It could  
18 have been when she came by the house. I suspect it  
19 would have been on the phone, though.

20 Q. So in 2004, was Jennifer Lyell visiting you  
21 at your home?

22 MS. McNULTY: Object to the form.

23 THE WITNESS: Jennifer and other students  
24 would come by our home. Sometimes we had pizza for  
25 discussion of mission things or whatever, but...

1 BY MS. CALLAS:

2 Q. In the fall of 2004, how frequently was  
3 Jennifer Lyell coming to your home?

4 A. I have no idea.

5 Q. So you've described two events or incidents  
6 involving sexual contact or comments. Does that sound  
7 right?

8 A. Yeah.

9 Q. Tell me, after the 2005 car incident, what  
10 was the next event of that type with Jennifer Lyell?

11 A. I was in my office in Norton Hall, second  
12 floor, in the afternoon, working at my desk, preparing  
13 classes. Knock on my door, and I opened the door, and  
14 it was Jennifer. And she reached in and grabbed me by  
15 my genitals, and was just standing there in the hallway,  
16 but reaching in through the doorway so that if anyone  
17 had happened to walk down the hallway, she could just  
18 withdraw. That happened more than once.

19 Q. So this was in your office?

20 A. Yes.

21 Q. Could you tell me the year again?

22 A. 2006, '5 or '6.

23 Q. Was she a student enrolled in classes at that  
24 time?

25 A. As far as I know -- I don't remember, but it



1 seems like she was graduated, but had not moved on and  
2 was trying to decide what she was wanted to do, either  
3 more graduate work or find a job. I don't remember, but  
4 she was working on campus.

5 Q. At this time, how would you describe Jennifer  
6 Lyell and your relationship? Was she a friend, a  
7 colleague, a student?

8 MS. McNULTY: Objection, form. Go ahead.

9 THE WITNESS: She was a friend, and  
10 increasingly so, with not just me, but with my whole  
11 family.

12 BY MS. CALLAS:

13 Q. So this was the third time that Jennifer had  
14 acted in a way that made you uncomfortable; is that  
15 fair?

16 A. That's fair. It's also fair that I didn't  
17 react by running to the dean and reporting her. In  
18 other words, I wasn't the one acting out, but I wasn't  
19 resisting.

20 Q. What about reporting to Mary, your wife?

21 A. No, I didn't report that to Mary at that  
22 time.

23 Q. What about distancing yourself from Jennifer,  
24 who was acting this way?

25 A. Sometimes there was that, yeah. It would be

1 Q. Did you speak to Jennifer after the fact  
2 about the behavior, or was that the end of it?

3 A. That was probably the end of it, which was  
4 indicative that, again, I wasn't running and reporting  
5 her.

6 Q. Was there a time where your reaction to this  
7 behavior changed?

8 A. I mean, eventually, yes.

9 Q. Tell me when eventually was.

10 A. There were numbers of times starting about  
11 2008 when I asked her specifically to not come to my  
12 office, meaning my office at home, because she was no  
13 longer at the seminary. She was my editor, and she  
14 would come to our home. And I would say, don't come  
15 down to where my office is. If you want to see the  
16 family, you stay upstairs, but we can't do anything like  
17 that anymore. That's got to stop.

18 Q. So in 2008, Jennifer would come to your home,  
19 correct?

20 A. Not starting in 2008. She never stopped  
21 coming to our home all along the way.

22 Q. So she started coming to your home on a  
23 regular basis in what year?

24 A. 2006, maybe, '5 or '6. She was regularly at  
25 our house.

1 BY MS. CALLAS:

2 Q. So before -- well, while Jennifer was living  
3 in Louisville that time frame, you've described three  
4 events that you do remember?

5 A. Uh-huh.

6 Q. Is that correct?

7 A. Yes.

8 Q. Were there other events or encounters with  
9 Jennifer Lyell of a sexual nature while she was living  
10 in Louisville?

11 A. Yes.

12 Q. And is it your testimony you don't remember  
13 when those occurred?

14 A. Yes.

15 Q. And can you tell me how many of those there  
16 were?

17 A. I cannot.

18 Q. So we know that Jennifer was visiting your  
19 home on a weekly basis while she was living in  
20 Louisville, correct?

21 A. Yes.

22 Q. Is it fair to say at some point you were  
23 having a sexual encounter with her on each of those  
24 visits?

25 A. No.

1 Q. How many, 50 percent of those visits?

2 A. Not that many.

3 Q. So before Jennifer left Louisville, can you  
4 give me an estimate of how many times the two of you had  
5 an encounter or contact of a sexual nature?

6 A. I -- I cannot. I would -- I cannot say how  
7 many.

8 Q. Well, let's talk about what types of  
9 encounters. You've described a couple to me already,  
10 both of them involving Jennifer touching your genitals;  
11 is that right?

12 A. Yes.

13 Q. Were there other encounters of that type  
14 where Jennifer touched your genital area?

15 A. Yes.

16 Q. And this is while she was living in  
17 Louisville?

18 A. Yes.

19 Q. And in those encounters, did you have your  
20 clothing on or off?

21 A. My clothing would have been on.

22 Q. So she would have touched you through your  
23 clothes?

24 A. Yes.

25 Q. Would she have touched you to a point that

1     you became aroused?

2           A.     Yes.

3           Q.     Would you have arousal to the point of  
4     ejaculation?

5           A.     Eventually, but I'm not sure -- I think those  
6     kind of events happened after she left Louisville.

7           Q.     So while she's still living in Louisville,  
8     she was touching you through your pants. She never  
9     removed your clothing?

10          A.     She never removed my clothing as far as  
11     taking all of my clothes off, but there were times when  
12     there was skin to skin. She would reach in and touch  
13     me.

14          Q.     So she would access your penis with her hand?

15          A.     Uh-huh.

16          Q.     Is that a yes, sir?

17          A.     Yes.

18          Q.     So you're telling me she didn't actually  
19     remove your pants. Would she unzip your fly or --

20          A.     Yes.

21          Q.     What about you, were you touching Jennifer  
22     Lyell's body?

23          A.     There was -- there were often occasions where  
24     -- there were much more than the occasions you just  
25     described. There were many more occasions where there

1 to your house?

2 A. For a number period of times, yes.

3 Q. When, specifically, if you remember?

4 A. Repeatedly for -- sometimes for a year there  
5 would be no contact, could not come down to my office,  
6 things like that.

7 Q. Do you have a year in particular you  
8 remember?

9 A. I don't have a year. You mean, as far as  
10 when there would be absolutely no contact whatsoever?

11 Q. Correct.

12 A. No, I don't know the years, but there were  
13 numerous times because we both realized that did not  
14 need to happen.

15 Q. So, again, while Jennifer was living in  
16 Louisville and visiting your home on a weekly basis, you  
17 were engaged in sexual contact with her; is that right?

18 A. There were some times when that happened.

19 Q. And where did that happen?

20 A. It would usually happen in the basement area,  
21 which is where our television room was.

22 Q. And where was your family at that time?

23 A. The family was -- my son was at college. My  
24 daughter, I guess she was still at home then. They  
25 would have been upstairs. Maybe we had watched a movie,

1 and everyone else had retired. And Jennifer would hang  
2 around.

3 Q. And why did you not, at that time, ask  
4 Jennifer to leave your home?

5 A. Well, as I said, because it was beginning to  
6 be a very close relationship. We weren't just  
7 colleagues anymore. We were friends. We were  
8 confidantes. We shared a lot of visioncasting about  
9 ministry, and about work together, and how eventually  
10 what kind of things I should be writing, and what she  
11 would like me to do, and things, you know,  
12 professionally, and that kind of thing.

13 So I didn't -- I didn't come down harder on  
14 her in that aspect of -- but it was sincere, this has  
15 got to stop. We can't do this anymore. But it wasn't  
16 unilaterally. She would agree.

17 Q. So when you were in the basement of your home  
18 with Jennifer and your family was upstairs, would you  
19 engage in sexual contact with Jennifer?

20 A. There was some times that that happened.

21 Q. And how many times did that happen?

22 A. I can't tell you.

23 Q. Did you consider these acts of sexual contact  
24 with Jennifer to be a sin?

25 A. Yes.

1 and everyone else had retired. And Jennifer would hang  
2 around.

3 Q. And why did you not, at that time, ask  
4 Jennifer to leave your home?

5 A. Well, as I said, because it was beginning to  
6 be a very close relationship. We weren't just  
7 colleagues anymore. We were friends. We were  
8 confidantes. We shared a lot of visioncasting about  
9 ministry, and about work together, and how eventually  
10 what kind of things I should be writing, and what she  
11 would like me to do, and things, you know,  
12 professionally, and that kind of thing.

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14 her in that aspect of -- but it was sincere, this has  
15 got to stop. We can't do this anymore. But it wasn't  
16 unilaterally. She would agree.

17 Q. So when you were in the basement of your home  
18 with Jennifer and your family was upstairs, would you  
19 engage in sexual contact with Jennifer?

20 A. There was some times that that happened.

21 Q. And how many times did that happen?

22 A. I can't tell you.

23 Q. Did you consider these acts of sexual contact  
24 with Jennifer to be a sin?

25 A. Yes.



1           A.       I'm sure that we kissed at some point.

2           Q.       Did you ever place your mouth on her breasts?

3           A.       I don't think so.

4           Q.       Did you ever place your mouth on her genital  
5 area?

6           A.       No, I don't think so.

7           Q.       Did you ever touch her breasts with your  
8 hands, the skin of her breasts with your hands?

9           A.       That's possible. I don't know.

10          Q.       Is it fair, sir, that this sexual contact  
11 with this woman who was not your wife is not memorable  
12 to you today?

13                   MS. McNULTY: Objection, form, misstates  
14 testimony.

15                   THE WITNESS: I am not sure I understand the  
16 testimony question.

17 BY MS. CALLAS:

18          Q.       You are having trouble remembering what  
19 sexual acts you engaged in with Jennifer Lyell; is that  
20 correct?

21                   MS. McNULTY: Objection, misstates. He never  
22 said that.

23                   THE WITNESS: No, I never said that. I  
24 didn't say I didn't under -- had trouble -- that I was  
25 having trouble remembering which. I'm trying to

1     remember when and exactly what happened on each  
2     occasion. I can't do that.

3             MS. McNULTY: And, Counsel, I will just say,  
4     the witness understands the seriousness of this matter.  
5     And if he requires time or seeks clarification, it's his  
6     effort to be earnest in being complete and truthful. He  
7     is not having any problems remembering.

8             MR. ELBERT: I'm going to objection to the  
9     coaching.

10            MS. McNULTY: I'm not coaching him. That was  
11     prejudicial.

12            MR. ELBERT: No, you are continuing to coach  
13     the witness, and I would ask that objections be to  
14     objection to form, or if privilege is raised and you  
15     want to make an instruction not to answer, and just stop  
16     coaching the witness.

17            MS. McNULTY: I'm not coaching the witness.

18            MR. ELBERT: You are coaching the witness.

19            MS. McNULTY: I am not going to have a record  
20     where he's being accused of not being able to remember.

21            MR. ELBERT: You're repeatedly coaching the  
22     witness, and the record speaks for itself. But go  
23     ahead.

24     BY MS. CALLAS:

25            Q.     Is it true, Dr. Sills, that you never had

1 sexual intercourse, that is penetration with your penis,  
2 with Jennifer Lyell?

3 A. That's true.

4 Q. And, in fact, in your complaint in this case,  
5 you -- and there are two of them. But in one of the  
6 complaints in this case, you use the word importantly.  
7 Importantly, you never engaged in intercourse with  
8 Jennifer Lyell. Do you recall making that allegation in  
9 this case?

10 A. I don't recall the use of the word  
11 importantly.

12 Q. Well, let me show you.

13 MS. CALLAS: So I'll hand you a document that  
14 we can mark as Exhibit 3.

15 (Exhibit 3 was marked.)

16 BY MS. CALLAS:

17 Q. This is a complaint. Have you seen that  
18 document before?

19 A. Yes.

20 Q. Now, this document was filed in the State of  
21 Alabama. Do you remember that?

22 A. Yes.

23 Q. The last -- it may be toward the end of the  
24 document, there are verifications. They are not on a  
25 numbered page, or I would direct you to that, but toward

1 the word importantly.

2 A. Uh-huh.

3 Q. So I'm just asking if you know why the word  
4 importantly was added?

5 MS. McNULTY: Objection, seeks to invade work  
6 product and attorney/client privilege. I am instructing  
7 him to not answer.

8 BY MS. CALLAS:

9 Q. Sir, is it important that you did not engage  
10 in sexual intercourse with Jennifer Lyell?

11 A. To me, yes.

12 Q. Tell me why.

13 A. To me, that is a line that, when she  
14 encouraged that, I said that would be a line I would  
15 never cross. And for me, I've wrestled with that,  
16 myself, why that was such a hard line. But that, to me,  
17 in my mind was a line I could not cross.

18 Q. Is there any difference in the sin committed?

19 A. No.

20 Q. Did you commit the sin of adultery in your  
21 acts with Jennifer Lyell?

22 A. I think so.

23 MS. McNULTY: Objection. Go ahead. He's  
24 answered. Go ahead.

25 THE WITNESS: I think so.

1 BY MS. CALLAS:

2 Q. And is that, whether or not it was a sin,  
3 important in your work at the time, 2008, 2009, was the  
4 fact that that was a sin significant in the work you  
5 were doing?

6 MS. McNULTY: Objection, form. Do you need  
7 the question repeated?

8 THE WITNESS: No, I -- was it important that  
9 it was a sin? Yes, it -- any sin is important.

10 BY MS. CALLAS:

11 Q. Did this particular sin -- is this -- would  
12 you characterize this particular sin a grave sin?

13 MS. McNULTY: Objection, relevance. This is  
14 not a church proceeding.

15 MS. CALLAS: I understand your objection.

16 BY MS. CALLAS:

17 Q. Can you answer the question?

18 A. I can answer the question that any, any sin  
19 is a grave sin.

20 Q. Is the sin of adultery something that your  
21 employer, the seminary, would have found to be in  
22 violation of their policies, their values, or beliefs,  
23 if you know?

24 MS. McNULTY: Objection form.

25 THE WITNESS: Yes, I think they would.

1 BY MS. CALLAS:

2 Q. And is that something that your employer, the  
3 seminary, would have wanted to know?

4 A. I -- I will say they would want to know, yes.

5 Q. And why would they want to know that their  
6 faculty member had engaged in the sin of adultery?

7 MS. McNULTY: Objection, calls for  
8 speculation. Go ahead.

9 THE WITNESS: The Christian ministry calls  
10 for ministers to live above reproach. And any failure  
11 to do so would be something that should be addressed.  
12 And the seminary is a zero-tolerance world.

13 BY MS. CALLAS:

14 Q. At any time did you disclose to the seminary  
15 that you had been involved in an adulterous relationship  
16 with Jennifer Lyell?

17 A. No.

18 Q. And why did you not do that?

19 A. I personally struggled with whether or not to  
20 reveal it and to walk away from everything. I shared  
21 the struggle with Jennifer. Jennifer felt that we  
22 didn't know what other professors, other people at the  
23 seminary, had in their own lives. And I always  
24 struggled with whether or not I should be there, even  
25 before anything happened.

1 Q. Can you expound on that? What do you mean  
2 even before?

3 A. I had a high view of that seminary and  
4 calling. And it was -- it's a -- was a high honor to do  
5 that. And I wonder about people who do think they're  
6 worthy to be there.

7 Q. So in the end, though, you did not, on your  
8 own, conclude that you would reveal to the seminary this  
9 ongoing sexual relationship, correct?

10 A. That's right.

11 Q. What about Reaching and Teaching? Tell me  
12 about Reaching and Teaching. Is that something that  
13 that organization would have found adultery to be  
14 against their policies, their beliefs, and teachings?

15 A. I would say yes, but there were no set  
16 policies that you could point to and say, here, this is  
17 a violation of that one. But in general, in the spirit  
18 of the organization, yes.

19 Q. In fact, when this relationship with Jennifer  
20 was disclosed, you resigned from Reaching and Teaching;  
21 is that correct?

22 A. I did.

23 Q. And why did you resign?

24 A. Because I did not want this to splash onto  
25 that organization.

1           Q.       Meaning you did not want your adulterous  
2       relationship to affect the organization's mission?

3                   MS. McNULTY:   Objection, form, argumentative.  
4       Go ahead.

5                   THE WITNESS:   I wouldn't say the mission, but  
6       just their reputation in the world.   Jennifer was a  
7       board member and an officer in the organization, and I  
8       was, as well.   Jennifer had basically formed the  
9       organization by filling out all of the paperwork,  
10      researching how to do it.   So I didn't want the agency,  
11      the 501(c)(3), to be negatively impacted.   So I  
12      preempted that by resigning on my way home.

13      BY MS. CALLAS:

14           Q.       So Reaching and Teaching was an organization  
15      Jennifer founded?

16           A.       She -- yeah, well, I did that with her.   I  
17      didn't think I had the time to do it.   I was -- I had my  
18      plate full.   She researched it, said we could do it.  
19      She would fill out all of the paperwork and get it  
20      started.   And that's how it got started.

21           Q.       Were you paid income from Reaching and  
22      Teaching?

23           A.       No, not until 2016.

24           Q.       So you were paid income from Reaching and  
25      Teaching in 2016?



1           A.     Or '17. I think it was passed in '16, but it  
2     started in '17.

3           Q.     When was the organization created?

4           A.     '10, 2010.

5           Q.     And what about Global Outreach, did you  
6     understand that Global Outreach would find your  
7     adulterous affair to be against its policies, beliefs,  
8     or mission?

9           A.     My relationship with Global Outreach was  
10    before I even came to seminary. After all of this  
11    happened, after 2018 -- of course, through the years, I  
12    was just a board member with them, but as a board  
13    member, it's a big board, 70-something people. So it's  
14    big, so it's not like a close board.

15                But after the revelation and all of the other  
16    is when I went to Global Outreach and suggested that I  
17    didn't want to be a missionary, and I didn't want to be  
18    a staff member, but that I could do consulting using  
19    cultural anthropology for governments and businesses.  
20    And that was the relationship I was going to have with  
21    Global Outreach. But that was -- that was after all of  
22    this happened. And I explained to them everything that  
23    had happened.

24           Q.     Did you resign your board seat in 2018?

25           A.     I resigned every board I was on.

1           A.       I had been listening to a series of sermons  
2   by a guy named Chuck Swindoll, Charles Swindoll, and as  
3   I -- on my commute. And I just genuinely felt convicted  
4   that while it had been repented of, and was over with,  
5   and it had been stopped, I needed to talk to with Mary  
6   about it, so I did.

7           Q.       So in 2016, the relationship with Jennifer  
8   was no more or had stopped?

9           A.       Yes, had stopped.

10          Q.       And when did that occur?

11          A.       That really happened in, as far as  
12   physically, about '14, as far as I remember. But there  
13   was a very significant date in -- or time in '16 when  
14   Jennifer finally acquiesced to be of the same mind that  
15   this absolutely had to stop. And it was over. And  
16   there were times that she would come to our home. We  
17   had moved in that year, so that's how I remember when it  
18   was. She would come to visit, and it was fine.

19          Q.       And that means she did not initiate sexual  
20   contact with you?

21          A.       Nor was there any of any kind.

22          Q.       When there was sexual contact between the two  
23   of you before 2016, is it your testimony that she  
24   initiated those events?

25                 MS. McNULTY: Objection, form. Misstates the

1 testimony with respect to time.

2 THE WITNESS: I would say yes, whether that  
3 was her intention or not.

4 BY MS. CALLAS:

5 Q. Explain what that means.

6 A. What that means is that she would come sit  
7 next to me on the couch when everyone got ready to go  
8 up. I don't know that she intended for things to  
9 develop from there.

10 Q. Would you be the first one to touch her?

11 A. No.

12 Q. She would always be the first one to touch  
13 you?

14 A. As -- yes, as I remember.

15 Q. You said you were called in 2016. Was that  
16 the conversation that you just discussed between the two  
17 of you, was it in 2016 that you and Jennifer had a  
18 conversation in which you agreed to end the sexual  
19 aspect of your relationship?

20 A. And virtually every other aspect of the  
21 relationship.

22 Q. So tell me again when was your last sexual  
23 contact with Jennifer Lyell.

24 A. I go back to not keeping a calendar. I don't  
25 know the specific date except that it was prior to then.

1 But in my mind, as far as any actual encounter between  
2 us, I'll -- in my mind, it's like 2014, around in there.

3 Q. In 2013, can you give us an estimate of how  
4 many times you and Jennifer were together alone and  
5 engaged in some sexual contact?

6 A. No.

7 Q. I assume, and should have asked you, that  
8 these would have only occurred when you were alone; is  
9 that right?

10 A. Yes.

11 Q. There weren't other people in the room?

12 A. No.

13 Q. Did you take steps to keep your intimate and  
14 sexual relationship with Jennifer Lyell a secret?

15 A. No.

16 Q. Did you ever lie to Mary or anyone else about  
17 whether you were spending time with Jennifer Lyell  
18 alone?

19 A. No, not about that, no.

20 Q. So there were not times where you might say,  
21 I'm going to run to the store --

22 A. Oh, no.

23 Q. -- but you were actually going to see  
24 Jennifer?

25 A. No.

1 Q. Were there ever times where you saw Jennifer  
2 and the two of you were alone together, but you did not  
3 report that to Mary, for example?

4 A. No.

5 Q. Other than your home, where else would you  
6 spend time with Jennifer Lyell alone?

7 A. At her -- alone at her home.

8 Q. And where was that?

9 A. In Nashville.

10 Q. So after Jennifer moved from Nashville, were  
11 your times together alone always at your home?

12 A. After she moved from Nashville?

13 Q. Yeah.

14 A. I don't know that she ever moved from  
15 Nashville.

16 Q. So let me -- you're right. I didn't ask a  
17 very good question. When she lived in Louisville, were  
18 you ever at her home?

19 A. No.

20 Q. And for a while she lived in Chicago; is that  
21 correct?

22 A. Right.

23 Q. So she moved from Louisville to Chicago; is  
24 that your memory?

25 A. Right.

1 Q. Were you ever with her alone in Chicago?

2 A. No.

3 Q. Other than your home and her home in  
4 Nashville, was there any other place, like a hotel or an  
5 office, where the two of you were alone together?

6 A. No, but there were times that she would come  
7 to -- with us for family visits to Jackson, Mississippi.  
8 And there were times there when it would be a similar  
9 situation.

10 Q. So there were times in Jackson, Mississippi  
11 that you and Jennifer were together alone?

12 A. Surely.

13 Q. And there may have been sexual contact  
14 between the two of you?

15 A. There may have been, but I don't really  
16 remember about Jackson. Those would have been just  
17 visits when we came to visit family.

18 MS. CALLAS: I'm going to hand you, sir, a  
19 document we'll mark as Exhibit 5.

20 (Exhibit 5 was marked.)

21 BY MS. CALLAS:

22 Q. I've handed you a document we've marked as  
23 Exhibit 5 that appears to be an e-mail between you and  
24 Jennifer Lyell dated Tuesday, September 7th, 2010. It's  
25 Sills 11547. Do you see that?

1           Q.     Did you ever tell Jennifer that she should  
2     not speak to Mary Sills, your wife, about her  
3     relationship -- Jennifer's relationship with you?

4           A.     No.

5           Q.     When did you first learn that your  
6     relationship with Jennifer had been disclosed to Dr.  
7     Mohler?

8           A.     On May 21st, 2018 -- May 23rd, 2018.

9           Q.     Where were you?

10          A.     I was in teaching a Ph.D. seminar at Southern  
11     Seminary and my dean had texted the night before and had  
12     said, are you back? I had been on a trip -- on a B trip  
13     to Thailand. I said, I'm back. And he said, well, we  
14     need to meet with Mohler. I said, okay. I said, I'm  
15     teaching a Ph.D. seminar, which is a week-long seminar,  
16     on campus all day every day. I'm teaching that starting  
17     tomorrow.

18                 And he said, well, we'll go at lunch. I  
19     said, okay. So I taught my class until lunch, met Adam  
20     Greenway. We walked over to Al Mohler's office. And  
21     that's when I found out she had made this allegation.

22                 MS. McNULTY: Before we start this line of  
23     questioning, can we take a break? We've been going  
24     about an hour.

25                 MS. CALLAS: Sure.

1 MS. McNULTY: Just like five minutes.

2 MS. CALLAS: Yeah, that's fine. Thank you.

3 THE VIDEOGRAPHER: Off the record at 10:32.

4 (Recess observed.)

5 THE VIDEOGRAPHER: We're back on the record  
6 at 10:42.

7 BY MS. CALLAS:

8 Q. Dr. Sills, I was beginning to ask you about  
9 the discussion with Dr. Mohler. Just so we're clear on  
10 the dates, you indicated you received a message on May  
11 23rd; is that your memory, from Adam Greenway?

12 A. I believe that that year, the Sunday night  
13 would have been the 21st. That's when I returned from  
14 Thailand. And I had an e-mail from him asking if I was  
15 back. And I said -- well, maybe it was the 22nd, but  
16 whatever it was, it was the night I got back. And I  
17 said, I am teaching a Ph.D. seminar starting tomorrow on  
18 campus, and that was May 23rd, 2018. And that's when we  
19 went to Mohler's office, and I heard about this for the  
20 first time.

21 Q. So you believe the meeting with Dr. Mohler  
22 was on the 23rd?

23 A. Yes.

24 Q. And I'm -- all right. So let's -- what gap  
25 of time between hearing from Adam Greenway that you



1 needed to have a meeting to the time there was a  
2 meeting? Do you know?

3 A. I mean, I taught the Ph.D. seminar that week.  
4 It could be that the seminar started on Tuesday, and he  
5 got in such with me Sunday night. But he was insistent,  
6 so I would -- I'm -- in my mind, it was the next day.  
7 But it would have been the night or so before.

8 Q. You received an e-mail. Did you call Adam  
9 Greenway to discuss the meeting beforehand?

10 A. No, I didn't get a call. He texted me and  
11 said, are you back? And I said, yes, I am back. Still  
12 catching up, or something like that. And he said we  
13 needed to meet with Mohler. And I said, okay, what  
14 about? And he said, it's something -- I think he said  
15 it's something about which we need to speak in person,  
16 or face to face, or something like that. So I had no  
17 idea what they were talking about.

18 Q. So as you entered the meeting with Dr.  
19 Mohler, you did not know what the topic would be?

20 A. No.

21 Q. You did not suspect it might be Jennifer  
22 Lyell?

23 A. I had no idea.

24 Q. So tell me, as you entered the meeting -- and  
25 just to be clear, you walked in with Adam Greenway, or

1 was he there already?

2 A. No, I walked in with Adam Greenway.

3 Q. And as you walked in with Adam Greenway, he  
4 didn't give you any further information about what the  
5 topic was?

6 A. No.

7 Q. So you --

8 A. I had no idea.

9 Q. This meeting was in Dr. Mohler's office?

10 A. Yes.

11 Q. Who else was there?

12 A. Well, if I'm at twelve o'clock on a clock, to  
13 the three o'clock position was Dr. Mohler. So I'm  
14 sitting on a couch, on this end of the couch. Dr.  
15 Mohler was sitting here in a chair. At the five o'clock  
16 position was Randy Stinson, who, at that time, was  
17 senior vice president of academic administration.

18 And then over at about the eight o'clock  
19 position was a guy named Craig Parker, who was something  
20 to do with development or something like that at that  
21 time. And then on the other end of the couch from me  
22 was Adam Greenway.

23 Q. So who spoke first at the meeting?

24 A. Mohler has several offices, layers of  
25 offices, so he was walking, I think, from his desk over

1 to where we were sitting. And as he sat in the chair,  
2 he said, do you know why you're here? And I said, no.  
3 And he said, well -- and I don't remember his exact  
4 wording here, but it was along the lines of Jennifer  
5 Lyell has accused you of nonconsensual, like a sexual  
6 relationship, something like that. It was something  
7 with very odd like that.

8 And he said, does that make any sense to you?  
9 And I said, no, of course not. And then he said, well,  
10 that's what she is alleging. Are you saying that there  
11 is nothing nonconsensual going on, anything like that?  
12 And I said, anything, any friendship, any kind of  
13 relationship, anything I ever had with Jennifer Lyell  
14 was completely consensual. Because that was the  
15 emphasis he was making that this was a nonconsensual  
16 thing. And I said, no, it would have been completely  
17 consensual.

18 So he looked around at the other guys, and he  
19 said, you know, we need to -- we need to resolve this.  
20 He said something like, we can either do a big  
21 investigation, third-party investigation, call in a  
22 bunch of people. If you are going to deny it, we can do  
23 that. Or you can just resign. And I said, well, Mary  
24 is on the way here to get me for lunch. I said, I need  
25 to pray with her about this. He said, no, no, you

1 cannot leave this office until you give me an answer.

2 And I said, I have worked for you for 15  
3 years. I said, I have fallen on my sword many times.  
4 You can give me an hour to make the most important  
5 decision I will ever make. He looked at the other guys,  
6 and they nodded. And he said, okay. And I said, I'll  
7 let you know my answer after lunch.

8 Q. So when confronted with Jennifer Lyell's  
9 allegations, did you admit that there was a sexual  
10 relationship with her?

11 A. No, I was never asked that. What I said was  
12 -- he said, has there ever been anything inappropriate?  
13 And I said, in all of the years that we have known her,  
14 there may have been something inappropriate. And he  
15 said she had not given him details, but that she was  
16 willing to give him details if I denied it.

17 Q. And you are saying today you did not deny  
18 that it was inappropriate. You admitted it was  
19 inappropriate?

20 A. I admitted it was an inappropriate  
21 relationship.

22 Q. And what did that mean?

23 A. I don't know what it -- what did it mean for  
24 me to say that?

25 Q. Yes.

1           A.     Oh, it meant that it was -- as I phrased it  
2     to him, I'm sure in the years that we've known her,  
3     things would have happened that I wouldn't want to  
4     happen on the platform of the chapel, is the way I put  
5     it. And I said there were probably some inappropriate  
6     things that have happened. That is all I said. And so  
7     what it meant, though, as for like what it meant, it  
8     meant that I would be either fighting or resigning.  
9     That was what it meant.

10          Q.     And when you say fighting it --

11          A.     Having the big investigation.

12          Q.     And the big investigation would be to  
13     determine what, if you know?

14          A.     I don't know.

15          Q.     So when you said it was inappropriate, was  
16     there a question in your mind as to whether your  
17     relationship and the sexual activity with Jennifer was  
18     appropriate?

19          A.     The question in my mind was the -- was the  
20     elephant in the room that was swirling around, was  
21     nonconsensual. I just -- honestly, I was just  
22     dumbfounded by that -- by that term, by that word. And  
23     that was the question that was in my mind.

24          Q.     But at no time, Dr. Sills, did you say, I  
25     engaged in consensual sexual activity with Jennifer

1     Lyell, correct?

2                   MS. McNULTY:   Object to the form.

3                   THE WITNESS:   That is correct.   I never said  
4     that.

5     BY MS. CALLAS:

6           Q.     So when you said it was inappropriate, you  
7     did not offer any detail about what it, in fact, was,  
8     which was sexual contact with Jennifer Lyell?

9                   MS. McNULTY:   Object to the form.

10                  THE WITNESS:   I did not offer any definition  
11     specifically of what had happened.

12     BY MS. CALLAS:

13           Q.     So you were offered either a third-party  
14     investigation by the seminary, or you could resign that  
15     day; is that right?

16                  MS. McNULTY:   Object to the form.

17                  THE WITNESS:   Yes, that is right, and that  
18     was what was on the table.

19     BY MS. CALLAS:

20           Q.     Was that, in your mind, an inappropriate  
21     position for the seminary to take?

22           A.     No.   I think that was -- in a zero tolerance  
23     world, that is a fair policy -- fair thing to take.

24           Q.     If you had said in that meeting, I had a  
25     sexual relationship with Jennifer Lyell over the course

1 of many years, was it appropriate for the seminary to  
2 say, then you should resign?

3 MS. McNULTY: Objection, form.

4 THE WITNESS: It depends on who you're  
5 talking to. They should say, you should resign, or  
6 you're fired. But in a zero-tolerance world, you don't  
7 continue employment after admitting something of that  
8 nature.

9 BY MS. CALLAS:

10 Q. Tell me what -- well, I guess so when you're  
11 making your decision, which you said you needed an hour  
12 to pray with Mary; is that correct?

13 A. I didn't need an hour. I needed a thousand  
14 years. I needed one second. But Mary was coming to  
15 spend and an hour with me, and I was telling him, you  
16 can give me the lunchtime with my wife to pray about  
17 this.

18 Q. So you left the room? Was that the end of  
19 the discussion when they said, yes, go ahead, David, you  
20 can --

21 A. That was it.

22 Q. You described your statements, I believe, as  
23 there may have been something inappropriate; is that  
24 correct?

25 A. Uh-huh.

1 Q. Can you say yes?

2 A. I'm sorry, yes. I said, there -- in the  
3 years that I've known her, yes, there may have been  
4 things that were inappropriate.

5 Q. It sounds as though you were saying may, but  
6 not that there were, in fact?

7 A. Again, I was still hung up on this word  
8 nonconsensual. And the reason the investigation was  
9 even an option in my mind is because of that word.

10 Q. Did you, at any point in that meeting with  
11 Dr. Mohler, say that you -- your interactions with  
12 Jennifer Lyell were to teach her how to be with a man?

13 A. No.

14 Q. So you left the meeting with Mohler, and  
15 Greenway, and Stinson, and you left the room; is that  
16 right?

17 A. Yes.

18 Q. And what did you do next?

19 A. I went downstairs. About that time, Mary was  
20 arriving. I got in the driver's seat. And as we drove  
21 down Lexington Avenue, I explained to her what the  
22 conversation I just had. Her mouth was hanging open.  
23 She could not believe it either. And we went. We had  
24 lunch. We prayed together. And we decided naively that  
25 rather than do the big investigation, I would just walk



1 away.

2 Q. Why do you say naively?

3 A. Because at the time I thought -- well, it was  
4 true, what I knew to be true, that this was an  
5 inappropriate relationship that resulted in me leaving  
6 the seminary. And that in a couple of years, I would be  
7 able to get a job of some sort and move on with my life.

8 Q. So I'm clear, did you return to the office to  
9 --

10 A. Yeah, I had to go back and give my answer.  
11 So I typed up a resignation statement, and I gave it to  
12 Adam Greenway.

13 Q. Did you go back to your office at the  
14 seminary to type that up?

15 A. Yes, because the Billy Graham School is in a  
16 separate building from where Mohler's office was. So I  
17 went to my office, typed it up. Greenway was in his  
18 office. I handed it to him. He asked me, can you redo  
19 this and make it to Mohler instead of to me? And I just  
20 stood there and held it. And he said, nevermind, this  
21 will be okay. And he took it.

22 Q. Did you push it at him?

23 A. No, I held it up, and he took it.

24 Q. Did you, at any time, either with Adam  
25 Greenway or in the meeting with Mohler, say, I did not

1 engage in nonconsensual sexual conduct with Jennifer  
2 Lyell?

3 A. I did say -- yeah, I did say that. I don't  
4 know if I said sexual contact, but I said I never had  
5 anything nonconsensual with Jennifer, ever.

6 Q. When did you disclose to your two children  
7 that you had had a sexual relationship with Jennifer  
8 Lyell?

9 A. I disclosed to them that day that I had been  
10 accused of nonconsensual stuff from Jennifer and that  
11 there had been some inappropriate interaction in the  
12 years that we had known her. And that I had left the  
13 seminary.

14 Q. What is stuff? Did you actually say stuff?

15 A. Yeah, I probably did. I didn't say -- I  
16 didn't describe to my kids the nature of any kind of  
17 physical contact.

18 Q. So you told your adult children, right?

19 A. Uh-huh.

20 Q. I am sorry, is that a yes?

21 A. Oh, I'm sorry, yes.

22 Q. That Jennifer had accused you of  
23 nonconsensual stuff and that you resigned from the  
24 seminary; is that right?

25 MS. McNULTY: Objection, misstates. Go

1 ahead.

2 THE WITNESS: I told the kids that there was  
3 an accusation of a nonconsensual nature. I am not sure  
4 whether I said stuff, or something else, or  
5 inappropriate relationship. But I did tell them that  
6 that accusation had come in, and that I had resigned,  
7 and everything else I had resigned from.

8 BY MS. CALLAS:

9 Q. In the context of this litigation, is it your  
10 contention that Dr. Mohler or the seminary encouraged  
11 Jennifer Lyell to accuse you of nonconsensual sexual  
12 activity?

13 A. I am not sure where the encouragement came  
14 from.

15 Q. Is it your contention in this lawsuit, sir,  
16 that the Executive Committee for the Southern Baptist  
17 Convention or the Southern Baptist Convention encouraged  
18 Jennifer Lyell to make allegations against you of  
19 nonconsensual sexual contact?

20 A. I am not sure where the encouragement came  
21 from.

22 Q. It is true, however, that on this date in May  
23 of 2018, you learned that Jennifer was making  
24 allegations against you of nonconsensual sexual contact,  
25 correct?

1           A.       For the first time.

2           Q.       But you understood that that's what she was  
3   saying, right?

4           A.       That's what I understood Mohler to say.

5           Q.       Did you speak to Jennifer Lyell?

6           A.       Never, not since then.

7           Q.       So when was the last time, if you remember,  
8   that you spoke --

9           A.       Um --

10          Q.       Well, let me finish. I'm sorry.

11          A.       I'm sorry. Go ahead.

12          Q.       Either on the phone, speaking with your  
13   voice, or through texting, or e-mailing?

14          A.       The last time I spoke to her was the evening  
15   I got back from Thailand. And I said, I am back in the  
16   country. Is anything going on that I need to know  
17   about? Because she basically ran the ministry while I  
18   was gone. She was on the board. She -- I just needed  
19   to know was there anything going on, and I never got a  
20   response. So that's the last time I talked to her.  
21   Last time she talked to me, I don't recall.

22          Q.       Was it before that?

23          A.       Clearly, it would be before that.

24          Q.       Well, she might have reached out to you at  
25   some point later?

1     you knew that she did tell Christopher it was an  
2     accident. Do you see where you say that here?

3             A.     Yes.

4             Q.     So you did have some understanding of the  
5     contents of the e-mail between Jennifer and Christopher;  
6     is that right?

7             A.     I did. But I have never seen the e-mail.  
8     Christopher explained to me when this all happened, that  
9     he reached out to her very frustrated. Not coming down  
10    on her for having done anything, but simply to say, why  
11    did you do it this way? Why did it have to be this  
12    blowup, 60 Minutes kind of thing when he goes to work?

13            And she said, I didn't mean to. I was  
14    talking with some friends at work, and it came out that  
15    I had a relationship or something had happened at  
16    Seminary. She said, the next thing you know, Eric had  
17    me in his office. And he grilled it out of me and told  
18    me I had to call Mohler. That it was a complete  
19    accident that it ever came out.

20            Q.     Did Christopher also inform you that Jennifer  
21    told him in that e-mail that the sexual contact with you  
22    was not consensual?

23            A.     No, he never told me anything beyond that,  
24    about how it came out.

25            Q.     Did he tell you that Jennifer disclosed to

1 him in that e-mail that she physically and verbally  
2 resisted you?

3 A. No, he never told me that.

4 Q. In this litigation, is it your contention or  
5 allegation that the defendants that you've sued  
6 encouraged Jennifer Lyell to make allegations of  
7 physical or verbal abuse by you?

8 A. I'm not sure where the influence came from  
9 for her to make the accusations in the form that she  
10 did.

11 Q. Do you dispute that Jennifer Lyell was  
12 accusing you of abusing her sexually in May of 2018?  
13 And if I need to rephrase that, but she was accusing you  
14 in May of 2018 of acts that had occurred before that?

15 MS. McNULTY: Objection, form. Go ahead, if  
16 you can.

17 THE WITNESS: I was aware that she was  
18 referencing things that had happened prior to 2018. I  
19 was not aware that she was categorizing it as abuse, no.

20 BY MS. CALLAS:

21 Q. What -- so when Dr. Mohler said it was not  
22 consensual, is that something different than abuse?

23 A. You know, at that time in my life, I never  
24 had sat down to think, okay, you know, what is abuse,  
25 what is nonconsensual. You know, you could have a

1 nonconsensual greeting in the elevator when somebody is  
2 not on speaking terms. You say hello. They don't say  
3 hello back. That's non -- so I mean, I wasn't -- again,  
4 that was the elephant in the room, the word  
5 nonconsensual. When he mentioned that, I couldn't get  
6 past that.

7 Q. Is there such a thing of nonconsensual sexual  
8 activity that is not abusive?

9 MS. McNULTY: Objection, form.

10 THE WITNESS: I've never had to sort through  
11 all of the arguments about that before, whether -- but  
12 no, if someone is being forced to receive a sexual  
13 interest or activity that they're not consensual for,  
14 then, yeah, that would be abuse.

15 BY MS. CALLAS:

16 Q. How did you view Jennifer Lyell in 2008? Was  
17 she a surrogate daughter?

18 A. Oh, no, she was -- she's always been a  
19 co-partner and a colleague, confidante, friend, helper.  
20 You know, she -- in 2008, she was my editor. She was  
21 the one telling me what to write, and what platforms I  
22 ought to speak in, different things like that.

23 Q. Was she a family member?

24 A. No, not a -- not family member. She was a  
25 close family friend. In fact, that's how we would

1     introduce her.

2           Q.     When you had your meeting with Dr. Mohler and  
3     Adam Greenway, did you tell them that Jennifer had  
4     initiated or cultivated a physical relationship with  
5     you?

6           A.     I don't recall saying that.

7           Q.     Do you recall having a voicemail from David  
8     Roach?

9           A.     I do.

10          Q.     Did you know David Roach before he left that  
11     voicemail?

12          A.     I knew of him. I think he did -- I think he  
13     -- I think he worked for one of the seminary  
14     publications at one point and had done an interview with  
15     me about something in the past, I think.

16          Q.     So when you heard the voicemail from David  
17     Roach, did you at that moment say, I know this person or  
18     --

19          A.     I recognized that he was a writer for some  
20     Baptist publication.

21          Q.     And you received a voicemail from him in  
22     March of 2019; is that correct?

23          A.     I think that's right.

24          Q.     And was it one phone call, or did he call you  
25     a second time?



1           A.       I remember getting one phone call voicemail.

2           Q.       And you recall that he did mention he was  
3 preparing an article for the Baptist Press?

4           A.       Yes.

5           Q.       And it was going to relate to Jennifer Lyell?

6           A.       That's right.

7           Q.       And did you call David Roach back?

8           A.       No.

9           Q.       Why did you not call him back?

10          A.       Because he said in the voicemail --  
11 partially, I was at my father-in-laws's house. But he  
12 said in the voicemail, I am preparing an article.  
13 Jennifer Lyell has come forward and said she had a  
14 relationship with you while you were at Seminary and --  
15 or while she was at Seminary, something like that. And  
16 I just wanted to know if you wanted to speak to that.

17                   And what he said on the voicemail was right.  
18 I had just resigned from everything in the whole world.  
19 Everybody knew that that was the case. And I thought,  
20 well, he's making the -- and then his article came out,  
21 and what he said was true. So I had no reason to stir  
22 the waters.

23          Q.       So as relates to your review of the Baptist  
24 Press article of March 2019, it is true?

25          A.       That he said we had an inappropriate

1 relationship, yeah, that would be true.

2 Q. But, again, in March of 2019, you were aware  
3 because of your communication with Dr. Mohler that  
4 Jennifer Lyell had asserted it was nonconsensual sexual  
5 contact, right?

6 A. I knew that was the accusation she had made.

7 Q. Did you also receive a call from Laura  
8 Erlanson of the Baptist Press?

9 A. I don't recall that, no.

10 Q. What about an e-mail, do you remember around  
11 March of 2019 receiving an e-mail from Laura Erlanson?

12 A. I don't recall that.

13 Q. Did you receive contact from a reporter at  
14 the Louisville Courier-Journal in the 2019 time frame?

15 A. I don't think so. I don't remember. Part --  
16 part of the problem is I didn't have any more e-mail  
17 access.

18 Q. In 2018, you e-mailed with Randy Smith. Who  
19 is Randy Smith?

20 A. 2018?

21 Q. Yes.

22 A. Randy Smith is a guy that, by that time, had  
23 been a professor at Boyce College, which is the  
24 undergraduate program of Southern Seminary. And he  
25 owned -- or led a ministry called Youth Ministry

1 International.

2 Q. And do you remember reaching out to Randy and  
3 six other men in 2018?

4 MS. McNULTY: Objection, form, vague.

5 THE WITNESS: Yeah, about what? I mean what  
6 other -- no, I don't recall.

7 MS. McNULTY: If you don't know, then --

8 BY MS. CALLAS:

9 Q. That's fine if you don't recall. How did you  
10 know Randy?

11 A. Again, Randy had been a professor at  
12 Seminary.

13 Q. So in November of 2018, you do not recall  
14 writing to six men you considered to be friends to see  
15 if they had opportunities?

16 MS. McNULTY: Well, objection to form.  
17 Misstates the prior testimony.

18 BY MS. CALLAS:

19 Q. Do you recall reaching out to six men you  
20 considered to be friends by e-mail in November of 2018?

21 A. I don't recall that e-mail. I am sure that I  
22 reached out to people I considered to be friends.

23 Q. And were you seeking employment  
24 opportunities?

25 A. I was, very likely. I don't remember that

1 e-mail, but I would imagine I was trying to feed my  
2 family.

3 Q. Do you recall Randy Smith responding to you  
4 in November of 2018, indicating that there were rumors  
5 flying around that you had an emotional affair with  
6 another woman?

7 MS. McNULTY: Objection, form. If there's a  
8 document you want to show him, I think that's helpful,  
9 based on his prior answers.

10 MS. CALLAS: I think I can ask him if he has  
11 a recollection of the communication with Randy Smith in  
12 2018.

13 THE WITNESS: I have -- a specific  
14 communication, I don't know. Randy was a friend.

15 BY MS. CALLAS:

16 Q. So were you aware in November of 2018 that  
17 there were rumors circulating among people that you  
18 knew?

19 A. In 2018, November?

20 Q. Yes, sir.

21 A. Of course there were. I had left the  
22 seminary.

23 Q. Okay. And what were the rumors?

24 A. Well, and the article had already gone out  
25 among people.

1 Q. What was the article, sir?

2 A. The article that -- the e-mails, and the  
3 Twitter world, and Twitterverse, whatever you call it.  
4 Everybody was talking about, Dr. Sills, tell me it's not  
5 true, and all these other kind -- rumors were going  
6 everywhere. Why does a professor leave a seminary?

7 Q. And what article? Was it an article about  
8 your resignation?

9 A. No, I mean, it wasn't an article, but  
10 whatever you call the things that go out on social  
11 media, the blurbs and all of that kind of stuff. People  
12 were saying all kinds of things. I mean, of course I  
13 was aware of rumors going around.

14 Q. So in November of 2018, there were rumors  
15 going around you had left the seminary because you had  
16 an extramarital affair; is that correct?

17 A. That was the rumor.

18 Q. And do you know who was the source of the  
19 rumor?

20 A. I would guess it would be the person who made  
21 the accusation to the seminary that that had happened.

22 Q. And that would be Jennifer Lyell?

23 A. I guess. I don't know who actually started  
24 the rumors, but very demonstrably. By the time I left  
25 the seminary, within the next day or two, the rumors

1     were everywhere.

2           Q.     And your understanding of the rumors were  
3     that you had engaged in an extramarital affair with a  
4     former student; is that right?

5           MS. McNULTY:   Objection, form.

6           THE WITNESS:   There were rumors, but who  
7     knows what people are saying in rumors.

8     BY MS. CALLAS:

9           Q.     Did those rumors impact your ability to find  
10    a position, a ministry position or missionary position?

11          A.     I don't -- I don't know the answer to that  
12    question.  People -- if that's all that had happened,  
13    people would have said, let's talk about that.

14          MS. CALLAS:   I'm going to try to find this  
15    e-mail.  I just need a moment, so why don't we go off  
16    the record for a moment and take a five-minute break.

17          THE VIDEOGRAPHER:  Off the record at 11:18.

18                 (Recess observed.)

19          THE VIDEOGRAPHER:  We're back on the record  
20    at 11:26.

21          MS. CALLAS:   Dr. Sills, I'll hand you what  
22    we'll mark as our next exhibit, No. 8.  It's Bates No.  
23    76527.

24          MS. McNULTY:   Just to be clear on the record,  
25    are you counting all of the pages as one exhibit or just

1     that page that you read off?

2                   MS. CALLAS: That document Bates number I'm  
3     using just to let people know where to go. But yes, I  
4     would like to count the entire document I've handed to  
5     you as an exhibit.

6                   MS. McNULTY: So it's through 076530?

7                   MS. CALLAS: Correct.

8                   (Exhibit 8 was marked.)

9                   THE WITNESS: Okay. Sorry.

10    BY MS. CALLAS:

11           Q.     That's all right. Dr. Sills, you've had an  
12    opportunity to review, and you did seem to be reading  
13    the entire document; is that correct?

14           A.     That's right.

15           Q.     It starts on Bates No. 76529 with an e-mail  
16    from you on November 9th, 2018. Do you see that?

17           A.     Yes.

18           Q.     So that's the start of this e-mail chain.  
19    Would you agree?

20           A.     I think so, yes.

21           Q.     It's, again, November 9th. You've addressed  
22    this to Randy and then Stewart. Were you sending this  
23    same e-mail to two different people, both Randy and  
24    Stewart?

25           A.     I was sending it to several different people.

1 I was copying and pasting what I had written to one  
2 person, to Randy, and the Stewart was inadvertently  
3 included in the e-mail.

4 Q. In this e-mail from you to Randy, were you  
5 indicating you were prepared for ministry to the  
6 hopeless, lost, and to the hurting, saved; is that  
7 correct?

8 A. No, in fact, I clarified later because I  
9 think he wondered that, as well, that I was not looking  
10 for a ministry position. I really wanted to use my  
11 skills, which is what I did with Global Outreach, as  
12 well.

13 Q. So you were not indicating to Randy that you  
14 were looking for opportunities in ministry; is that  
15 right?

16 A. Not as a minister or missionary, that's  
17 right.

18 Q. So Randy did respond to you some days later.  
19 It was November 13th. Do you see that response?

20 A. I do.

21 Q. And at the end, he does indicate that he  
22 hopes it works out, but with rumors flying around that  
23 you had an emotional affair with another woman, it makes  
24 it difficult to understand how to help without hearing  
25 from you directly. Do you see that?



1           A.     I do.

2           Q.     Did you speak to Randy directly after this  
3 e-mail?

4           A.     Only in the e-mail that follows.

5           Q.     In your e-mail that follows, and I'm looking,  
6 actually, just above Randy's, there is a paragraph at  
7 the top of Page 76528. And it says, however, the tone  
8 of your e-mail seems to indicate your feeling that if  
9 any of the rumors are true, then nothing like that would  
10 be possible anyway. Is that what you said?

11          A.     Right.

12          Q.     And tell me what you meant by that.

13          A.     Well, what I said in the sentence prior to  
14 that, if I have to get a basic job of some kind, I would  
15 love to -- for it to be in the area that is -- in the  
16 arena that is near to my heart, experience, education,  
17 calling, not as a leader, but as a servant. And what I  
18 had said, same thing I said to Global Outreach, is that  
19 I would love to do consulting, help people adjust to  
20 other cultures, that kind of thing, for businesses,  
21 governments, different organizations.

22                 But he seemed to make it clear in his e-mail  
23 that working with me or helping me in any way, if any of  
24 the rumors were true, would not be an option, as far as  
25 he was concerned.

1 Q. And, again, as Randy described the rumors,  
2 they were an emotional affair with another woman; is  
3 that what he said?

4 A. That's what he said.

5 Q. So you do end your e-mail to Randy in saying,  
6 I hope and pray that you never sin, brother. Do you see  
7 that paragraph?

8 A. On the first or the second e-mail?

9 Q. It's the --

10 A. The second. My response to his?

11 Q. Yes, sir.

12 A. Yes.

13 Q. And you say, and if you ever do sin or ever  
14 have sinned badly, and someone learns about it, that you  
15 don't make such a disaster of your life and ministry as  
16 that which surrounds and destroys mine now. Is that  
17 your -- are those your words?

18 A. Those are my words.

19 Q. In November of 2018, is it true that your  
20 life and your ministry you viewed as a disaster?

21 A. Totally destroyed, yes.

22 Q. And you were having difficulty even reaching  
23 out to individuals, the six men that you reference on  
24 the first page, in finding opportunities; is that  
25 correct?

1 MS. McNULTY: Objection, form.

2 THE WITNESS: And this is within six or eight  
3 months of this having happened. Yeah, and so in the  
4 initial year or so after something like this, it's very  
5 hard. People are still hurt.

6 BY MS. CALLAS:

7 Q. Well, when does it become easier?

8 A. It becomes easier when you've demonstrated  
9 repentance and restoration, which I believe we have  
10 shown. And we did go through -- that's when it gets not  
11 easier, but you begin to find employability.

12 Q. When did you go through restoration?

13 A. The exact dates you should have. I don't --  
14 I can't reference the dates. But they were with a team  
15 of pastors, including our pastor, and several pastors  
16 from the Houston area that I've worked with  
17 internationally. They reached out to me and asked if I  
18 would be willing to go through a restoration process.  
19 We agreed to that, Mary and I both.

20 About a nine-month process, which culminated  
21 in them coming to Jackson and declaring -- issuing a  
22 letter for us and for anybody that would be interested,  
23 that they considered us to have repented and moved past  
24 this. And in their minds, worked through this, not  
25 necessarily restoration to ministry, but restoration to

1 Christian fellowship.

2 Q. And this was a process you went through. How  
3 long did it take?

4 A. Nine months.

5 Q. It did not go through your church at the  
6 time?

7 A. It did in the sense that our pastor was the  
8 head of the restoration committee.

9 Q. And who was your pastor at that time?

10 A. Donnie South.

11 Q. And where was he?

12 A. Good Hope Baptist Church.

13 Q. But the specific dates of that restoration  
14 process are not known to you?

15 A. Off the top of my head, they are not.

16 Q. You have talked to Megan Basham. Who is  
17 Megan Basham?

18 A. Megan Basham, as I understand it, is a  
19 reporter for a news organization. I don't know, Daily  
20 Wire, I think.

21 Q. And when did you talk to her?

22 A. Again, I don't know the date off the top of  
23 my head. But she reached out and asked if she could ask  
24 background material. And I agreed to that only, and not  
25 to go on record about anything.

1 Q. Thank you. So you had retained counsel --  
2 you had retained an attorney by November of 2018; is  
3 that correct?

4 MS. McNULTY: Objection, form. Misstates,  
5 and he is not answering that.

6 MS. CALLAS: He is not telling me when he  
7 retained counsel?

8 MS. McNULTY: That's right.

9 BY MS. CALLAS:

10 Q. Okay. Let's move on. So you gave Megan  
11 Basham background information?

12 A. Uh-huh.

13 Q. What did that entail?

14 A. Just the background of the situation, who I  
15 was, the other parties involved. What had happened, is  
16 what was being -- it would have been, I think, after the  
17 big -- probably after Guidepost. I don't know. But it  
18 was -- she had all of this information. And she was  
19 saying, this is -- I just want to get more information  
20 about this. What is going on here? And so I said, I'm  
21 not going on record, but I agreed to give background  
22 information.

23 Q. Did you give her any of the details about  
24 your involvement, physical contact, with Jennifer Lyell?

25 A. No.

1     Kindle Direct Publishing of 2022. Is that a correct --  
2     getting us forward or updated on your books?

3             A.     That should be right.

4             Q.     So as far as articles, there were not any  
5     articles published after 2015, and the book, Hearts and  
6     Hands, when did you start working on that?

7             A.     Over a sabbatical a year or so before that.  
8     It took a year to write. And, in fact, it first came  
9     out in book form. And then at my editor's suggestion,  
10    which would be Jennifer Lyell, it was reissued in  
11    chapter booklets as separate books. But it was  
12    basically just the chapters, individual chapters.

13            Q.     Were some of your publications and books  
14    removed from sale by your publishers, or are they still  
15    available for sale?

16            A.     No, they were all removed from -- except the  
17    ones that I had self-published.

18            Q.     And why did that occur?

19                    MS. McNULTY: Objection, form.

20                    THE WITNESS: I have no idea.

21    BY MS. CALLAS:

22            Q.     Do you know when that occurred?

23            A.     Virtually immediately after I resigned.

24            Q.     In May of 2018?

25            A.     I would say within that year, they all began

1 to send me notices saying your books have been  
2 remaindered or whatever. And I think I contacted my  
3 agent that Jennifer had connected me with and told him  
4 that I had resigned, and so he immediately cancelled his  
5 contract as well.

6 Q. And who was that?

7 A. His name was Andrew Wolgemuth,  
8 W-o-l-g-e-m-u-t-h.

9 Q. In your time as faculty and a missionary,  
10 have you seen publications be removed from availability  
11 because of acts of adultery or infidelity?

12 MS. McNULTY: Objection, form. In  
13 particular, the notion of the ambiguous term, adultery,  
14 being referenced here, and also speculation. Go ahead.

15 THE WITNESS: I have never, personally, been  
16 aware of a book that has been pulled from a publisher  
17 and erased from a catalogue, taken out print, et cetera  
18 because of anything like that. I have known people who  
19 did things like that. I have never known a book to be  
20 completely pulled.

21 BY MS. CALLAS:

22 Q. So you have known authors who have engaged in  
23 emotional sexual affairs with people they are not  
24 married to and their books have remained available?

25 MS. McNULTY: Objection, form.

1 Q. Tell me what you told Steadman Harrison at  
2 that time.

3 A. Exactly what had happened. That there had  
4 been an inappropriate relationship. I had left the  
5 seminary, and we were on the coast spending some time in  
6 prayer, and Bible study, and personal time between me  
7 and Mary, seeking the Lord's direction about the future.  
8 And that I had kept coming back to, the Lord had put  
9 these things in my life, how could I still use them  
10 without having to be a minister of some kind.

11 Q. Did you tell them you had a moral failure?

12 A. Yes.

13 Q. Did you tell them that your time away from  
14 the seminary and your other boards was for a personal  
15 issue?

16 A. No. He understood what had happened. I  
17 explained to Steadman what happened. But for the kind  
18 of position, Steadman didn't think it was pertinent.

19 Q. Did Steadman change that view?

20 A. Steadman did not. Steadman -- Stan May -- I  
21 don't know if he changed his view, but was approached by  
22 someone outside of the Global Outreach organization and  
23 said, if you continue with this guy, we're going to go  
24 public and spread Global Outreach's name as not being  
25 concerned about these kind of issues. Stan May was



1 concerned about that. Steadman still said, if you want  
2 to fight this, we'll stand with you. And I said, no, I  
3 don't even work for Global. I don't want to embarrass  
4 y'all.

5 Q. So Stan May is the one who had the  
6 conversation with this person?

7 A. No, Steadman received a letter from someone  
8 outside of the organization that said -- or at least  
9 that's what he explained to me. It could have been a  
10 phone call, but he said, we got -- no, he said it was a  
11 letter. And he said, at that time, you should fight  
12 this because of the -- I don't even know what he meant  
13 by that, so don't ask me to speculate. But because of  
14 the return address on the envelope, you need to fight  
15 this, whatever that meant. Steadman stood with me, and  
16 he was head of the organization. I didn't want to put  
17 the organization through that.

18 Q. When was the last time you talked to  
19 Steadman?

20 A. During this time frame. He went back to the  
21 field, to Ethiopia.

22 Q. So did Steadman show you the letter?

23 A. No.

24 Q. Did he and Stan have a conversation? I'm  
25 trying to figure out who spoke to this person.

1     What is true is I did suffer an impairment because there  
2     had been an inappropriate relationship. Period.  
3     Subsequently -- and that kind of -- that kind of  
4     impairment, people can get jobs selling shoes, they can  
5     get jobs at insurance companies, et cetera, down the  
6     road. A person who has suffered the subsequent  
7     allegations that were untrue is a hard-core unemployable  
8     in any industry.

9           Q.     Did you make efforts to seek employment in  
10    2018 and 2019?

11           A.     You've already referenced some, yes.

12           Q.     And you were unable to secure employment in  
13    2018 and 2019, correct?

14           A.     I wasn't unable. They said we need to have  
15    another conversation.

16           Q.     And did you have another --

17           A.     And then the Global Outreach conversation.  
18    Apparently, this was already being made known because  
19    someone contacted Global Outreach and took it to the  
20    next step.

21           Q.     So in 2018 and 2019, were you able to secure  
22    employment of any kind?

23           A.     No.

24           Q.     Isn't it true you also experienced public and  
25    personal humiliation in 2018 because of your

1 extramarital relationship with a former student?

2 A. Sure.

3 MS. McNULTY: Objection, form.

4 THE WITNESS: With regard to suffering  
5 embarrassment and humiliation, of course.

6 BY MS. CALLAS:

7 Q. Did that cause you mental anguish in 2018?

8 A. It caused me great personal conviction of  
9 sin, knowing that what I had done against the Lord and  
10 the people, in addition to myself, who had been hurt.

11 Q. Did you suffer mental anguish while the  
12 extramarital relationship with Jennifer Lyell was  
13 ongoing?

14 A. Sure.

15 Q. And did you suffer anxiety and depression  
16 while that relationship with Jennifer Lyell was ongoing?

17 A. To some degree, to some degree.

18 Q. Did you report to Jennifer that you had  
19 anxiety, and depression, and deep sorrow in 2012?

20 A. I'm sure.

21 Q. Did you see a physician for issues of anxiety  
22 and insomnia in --

23 A. Not related to her, but I am sure that I must  
24 have during that time.

25 Q. Well, what would that have been related to?

1           A.       Having an international worldwide ministry,  
2       teaching a full-time load, starting another  
3       organization, speaking for other organizations, having a  
4       wife and kids, and trying to take care of a house,  
5       things like that.

6           Q.       So your life caused you anxiety and sorrow?

7                   MS. McNULTY:   Objection, form.

8                   THE WITNESS:   Yeah, I -- my life caused me  
9       anxiety and stress. I'll put it that way. The sorrow  
10      was as a result of a host of things in my life.

11      BY MS. CALLAS:

12           Q.       So was the ongoing sexual contact with  
13      Jennifer Lyell part of that or not?

14           A.       In retrospect, it must have been. There was  
15      not a cognizant awareness of, this is what is causing me  
16      difficulty right now.

17           Q.       So were you prescribed medication for anxiety  
18      and depression by a physician prior to 2018?

19           A.       I mean, I don't remember the years, but  
20      surely I think I have along the way. But not ongoing.

21           Q.       Currently, are you taking medications?

22           A.       Yes.

23           Q.       What are you currently taking?

24           A.       I take Ambien to get to sleep. I take -- I  
25      don't know what it's called, but it's Levapro

1 (phonetic). I take -- and that's for like depression  
2 stuff. I have Xanax for panic attacks kind of things.  
3 I am taking -- well, I'm taking -- what is it called?  
4 It's called Flomax. I think it's Tamsuloson or  
5 something like that, and that's for BPH, benign prostate  
6 hyperplasia or whatever that is, an enlarged prostate.

7 Q. Who do you currently treat with for any  
8 emotional or physical ailment?

9 A. My doctor is Jeffrey LeDuff.

10 Q. Do you see a psychiatrist or a counselor?

11 A. No, my pastors are my counselors.

12 Q. Your pastor at one point was Bill Cook; is  
13 that right?

14 A. That's right.

15 Q. And what church was he affiliated with?

16 A. He -- denomination or church?

17 Q. Both.

18 A. Well, the church was Ninth & O Baptist  
19 Church, and the denomination was the Southern Baptist  
20 Convention.

21 Q. Did Pastor Cook tell you not to return to  
22 that church?

23 A. Personally, yes.

24 Q. What does that mean, personally?

25 A. And I appreciate the question because it's a

1 little irregular. When this happened, I -- at Dr.  
2 Mohler's office, on the way home, after Mary and I had  
3 agreed, I gave my letter of resignation. On driving  
4 home, I called Dr. Cook, and I said -- told him what had  
5 happened. And he goes, oh, my goodness. He said, well,  
6 we're on the way over.

7 And so he and his wife came -- came to our  
8 house. And so Mary and I sat on the couch. And Bill  
9 and Jaylynn, his wife, sat there. And I told him. And  
10 he was, you know, devastated. And he said -- and I  
11 said, Bill, I said, if you want me to go under church  
12 discipline, brother, I said, I will do anything.  
13 Whatever you want me to do, I will do it.

14 And he said, well, he said, you said this was  
15 over before, and you had confessed it to Mary, and y'all  
16 worked through it, and this is not happening, ongoing?  
17 And I said, that's right. And he said, well, church  
18 discipline is for people who refuse to repent of their  
19 sin, they want to continue in it, and we have to  
20 discipline them, Matthew 18. So he said, we're not --  
21 we can't -- we wouldn't do that. He said, you know, but  
22 we're praying for you, everything else. And I said,  
23 great. So they left.

24 About a week later, Bill and the associate  
25 pastor, Jeff Elieff, came back to me and said -- in

1 fact, that would have been time for the Southern Baptist  
2 Convention, which is in the middle of June every year.  
3 So it was about a week later, they came back, and Bill  
4 said, look, I am going to be out of town this weekend.  
5 What I would like for you to do is go to the church and  
6 just -- there's a lot of questions going on at the  
7 church, what's happened, what's going on with Dr. Sills.

8 Let's just -- you just go in there and tell  
9 the church everything that happened. And I said, well,  
10 Bill, I can't really do that. And I have been informed  
11 -- been told that I am not to make any public statements  
12 about anything. I said, but I tell you what, as soon as  
13 this is over, I will come. I will make a full  
14 explanation. Ask forgiveness from the church,  
15 everything. But I just can't do that right now.

16 And he said, well, I will do that. Don't  
17 worry about it. I will do it. And I said, but, now, I  
18 later, I will be glad to. And he said, oh, no, after I  
19 do this, I don't expect -- ever expect to see you back  
20 at our church again. And Mary and I just looked at each  
21 other, and Bill. Because, I mean, that's not Biblical.  
22 You can't do that because if there is no church  
23 discipline, there is never hope for restoration. You  
24 are just kicking somebody out of your church. And  
25 Biblically, a pastor can't do that. The church is the

1     only one who can do that.

2                   And so he circumvented the entire Biblical  
3     guidelines for discipline of a person and just said,  
4     leave. And nine months later, when we did join another  
5     church after our time on the coast -- we moved back to  
6     Jackson. That church requested our membership  
7     information from Ninth & O. And it came in that we're  
8     still members in good standing at Ninth & O Baptist  
9     Church. So this was just his decision that he didn't  
10    expect me to come back.

11           Q.     So he offered you an opportunity to speak to  
12    the church; is that right?

13           A.     He did.

14           Q.     And why did you decline?

15           A.     Because I had had counsel not to make a  
16    public statement like that.

17           Q.     You think this was in June of 2018?

18           A.     It would have been probably the first Sunday  
19    in June.

20           Q.     And did, if you know, Pastor Cook make an  
21    announcement of some sort to the congregation?

22           A.     I don't know, personally. I heard through  
23    the grapevine that he did.

24           Q.     And you -- because you weren't there, you  
25    don't know what he said?



1           A.     All I remember is the word that came to me is  
2     that he had used the term or had said that what I had  
3     done was of an egregious nature.

4           Q.     When you spoke to Pastor Cook the first day,  
5     what did you tell him had happened?

6           A.     That there had been an inappropriate  
7     relationship between me and Jennifer.

8           Q.     You did not provide him any of the details of  
9     that relationship?

10          A.     No.

11          Q.     If you will go back to the e-mail to Randy,  
12     which I think is in front of you.

13          A.     Yes.

14          Q.     It's in the -- so this is exhibit -- can you  
15     tell me, sir?

16          A.     Oh, Exhibit 8.

17          Q.     So this is -- we talked about the statement  
18     about our counsel there in the second full paragraph on  
19     Document 76527. The sentence before that is, or two,  
20     earlier this year, in a series of coordinated moves  
21     against a number of leaders, someone who knew or found  
22     out about it was able to use it for harm. Tell me what  
23     you meant by that sentence.

24          A.     I have no idea except I believe that this is  
25     referencing a man named Eric Geiger, who -- perhaps at

1     about counsel being a pastor; is that right?

2           A.     I have sought counsel from a pastor.  When I  
3     -- if I say I was advised by counsel, I'm speaking of an  
4     attorney.

5           Q.     Okay.  So, again, when Pastor Cook asked you,  
6     in June of 2018, to speak to Ninth & O congregation, you  
7     declined, correct?

8           A.     That's right.

9           Q.     And it was based on advice of counsel, an  
10    attorney; is that right?

11          A.     That's right.

12                 MS. CALLAS:  I'm getting close to the end.  
13    We could take a lunch break now, and then I will come  
14    back for a little while, or how do you all feel?  Or we  
15    can keep going until your lunch comes.

16                 MS. RILEY:  We can do that.  It should be ten  
17    or fifteen minutes.

18                 MS. CALLAS:  I don't care.  Does anybody  
19    else?

20                 MR. ELBERT:  I think we should take this --  
21    12:20, just go off the record.

22                 MS. CALLAS:  We'll come -- yeah.

23                 MS. McNULTY:  What's the lunch break, because  
24    I want to -- I don't want to waste 15 or 20 minutes --

25                 MR. ELBERT:  Are we off the record?

1 schedule?

2 A. It would say how many?

3 Q. You said --

4 MS. McNULTY: Where is that at in the  
5 exhibit?

6 MS. CALLAS: It is the same exhibit we're  
7 looking at --

8 THE WITNESS: Oh, I see. On the second page.

9 MS. McNULTY: Which page, as a courtesy?  
10 Thank you.

11 THE WITNESS: Yeah.

12 MS. CALLAS: Yeah, the second paragraph of --

13 THE WITNESS: Yeah, that's true.

14 MS. CALLAS: -- 115577.

15 THE WITNESS: Yeah.

16 BY MS. CALLAS:

17 Q. So you were scheduled 360 days a year prior  
18 to 2019?

19 A. Yeah, either out of the city, out of the  
20 country, or in town.

21 Q. And if you know, what was your annual income?

22 A. My annual income for the seminary was around  
23 \$60,000 or so. Honoraria would normally average  
24 anywhere from 500 up to 5,000, depending on the kind of  
25 event.

1 the top three up here in 2019, Latin America coordinator  
2 of Samaritan's Purse, they indicated why. Missions  
3 director, North American Baptist, they indicated why.  
4 Intercultural consultant, Global Outreach International,  
5 they indicated why. These others down here, as I said,  
6 these were the ones you do online on a portal. And  
7 there is not a personal response back.

8 Q. So the first three at the top of Page 13 --

9 A. It's the second three. I mean, it starts  
10 with Latin American coordinator, 2019.

11 Q. Gotcha. So three that are from 2019,  
12 correct?

13 A. That's right.

14 Q. And you've just testified that those three  
15 organizations did tell you why they rejected your  
16 application; is that right?

17 A. That's right.

18 Q. And what did they tell you?

19 A. It was -- some would phrase it in a more  
20 polite way, but basically the fact that there were  
21 accusations of -- not just of inappropriate interaction,  
22 or an affair, or anything like that, but since there  
23 were accusations of abuse or nonconsensual forced sexual  
24 activity, that they could not get into that, that would  
25 expose their organization.

1 Q. And how did these three organizations, if you  
2 know, become aware of allegations of abuse in 2019?

3 A. The Latin American coordinator, Samaritan's  
4 Purse, I am not totally sure how they found out. I  
5 think -- it seems like they were asking some pointed  
6 questions, and so I just told them what was currently  
7 going on. Again, so nothing would splash on them bad.

8 The missions director at North American  
9 Baptist, which is a -- which is denomination, but it's  
10 not connected to Southern Baptist, and it's in  
11 California, about that same time, I thought, I will tell  
12 them as well, so I did. And, then, of course, you know  
13 the story from Global Outreach International.

14 Q. So the Latin America coordinator position,  
15 Samaritan's Purse, you said they were asking you some  
16 pointed questions, correct?

17 A. Right. Why did you leave the seminary? What  
18 is going on? And, of course, andy social media search  
19 these days, everything that's being said out there pops  
20 up.

21 Q. Let me ask you, what --

22 MS. McNULTY: Are you done? Sorry, you --

23 THE WITNESS: Yeah, everything -- everything  
24 pops up. It's all -- it's all out there.

25 BY MS. CALLAS:

1 Q. In 2019, though? We're talking --

2 A. Yes.

3 Q. Okay. Did these people at Samaritan's Purse  
4 do a social media search?

5 A. Everybody in PR, HR today does a social media  
6 search when you apply for any position of any  
7 responsibility.

8 Q. In 2019, did Samaritan's Purse do a social  
9 media search of you?

10 A. I don't know how they got the information  
11 that they were using to ask me pointed -- pointed  
12 questions. It had gotten to the second or third layer  
13 of interview when I told them what was going on.

14 Q. Do you know, again, was that in 2019? That's  
15 the date here?

16 A. Yeah.

17 Q. So in 2019, what was on social media at this  
18 time? Do you know?

19 A. Off the top of my head, no. Except that  
20 there were all of the rumors that were going around.

21 Q. What time of year, if you remember, was the  
22 Samaritan's Purse interview process? You said you went  
23 through three levels?

24 A. I don't know, but if everybody has access to  
25 my e-mails, that should be easy to find out.

1 Q. What did you tell them?

2 A. I told them that an unfair accusation had  
3 been made that went beyond an inappropriate interaction,  
4 and I did not know if they would like to press forward  
5 with this, given that. And they were very disappointed  
6 and said, I'll get back with you. And I got an e-mail  
7 that said, we won't be moving forward with this.

8 Q. So when you revealed to them that there were  
9 unfair accusations being made, did they indicate that  
10 they knew that already?

11 A. He didn't volunteer any information.

12 Q. What about the North American Baptists, how  
13 did they have information, if at all, about --

14 A. Same way. The days of the internet,  
15 everything is available to everybody that wants to ask.

16 Q. So how do you know, as you sit here today,  
17 what the North American Baptists knew in 2019?

18 A. I don't know, specifically, except that this  
19 had just been a very emotional situation with  
20 Samaritan's Purse. It had gone to the second or third  
21 interview. And it was about -- they were about to offer  
22 me the position. That's what the last call was about.  
23 And I said, in fairness, you guys, I need to let you  
24 know that this is going on. And they said, well, let us  
25 get back to you.

1 Q. And is that the statement or apology that you  
2 understand was made by the Executive Committee --

3 MS. McNULTY: Objection, form.

4 BY MS. CALLAS:

5 Q. -- that you have alleged in this case was  
6 defamatory?

7 A. Yes.

8 MS. McNULTY: Objection, form.

9 BY MS. CALLAS:

10 Q. Is your name in this statement, sir?

11 A. There is only one accuser of Jennifer Lyell  
12 in the public record that has been made known by the  
13 SBC.

14 Q. My question, sir, is your name in this  
15 statement that appears in your complaint at Paragraph  
16 52?

17 A. No, only in the sense of a seminary  
18 professor.

19 Q. So other than this statement from February of  
20 '22 and the endorsement of the Guidepost report, what  
21 other statements by the Executive Committee of the  
22 Southern Baptist Convention have been made against you  
23 that were defamatory?

24 MS. McNULTY: Objection, form.

25 THE WITNESS: The Baptist Press issued an



1 apology to Jennifer Lyell correcting a previous  
2 statement or article, I think, referencing David Roach's  
3 article that this had been an inappropriate  
4 relationship, when, in fact, it had now come to very  
5 much basically what this statement is. And that it was  
6 apologizing to her for the abuse that took place, that  
7 they misreported, et cetera.

8 Clearly tied right into this. So you may not  
9 see my name. There's nobody in the executive -- in the  
10 SBC or in evangelicalism at large that would not read  
11 that David Sills abused Jennifer Lyell in this  
12 statement. Everybody knows who this is talking about.

13 BY MS. CALLAS:

14 Q. Let's look at your Tennessee complaint.  
15 Paragraph 81. That's Page 24.

16 A. Okay.

17 Q. Do you see the list there of statements and  
18 publications, May 22nd, 2022, June 14th of 2022, June  
19 18th of 2022, and July 8th of 2022?

20 A. Yes.

21 Q. Do you know what those specific statements  
22 were?

23 A. I don't have them in front of me.

24 Q. Do you know if whether your lawsuit here  
25 relates to any statements, other than these listed in

1 I'm asking did --

2 MS. McNULTY: I --

3 MR. ELBERT: Let me get the question out.

4 BY MR. ELBERT:

5 Q. Did you form an opinion as to whether  
6 Jennifer was troubled dealing with issues out of her  
7 childhood?

8 MS. McNULTY: Wait. Objection, form. Calls  
9 for expertise not possessed, and privilege claimed.

10 MR. ELBERT: Just say object to the form.

11 THE WITNESS: My answer is that she was --  
12 and I told her -- one of the smartest people I had ever  
13 met. She was in charge. She was focused. And no, she  
14 seemed very gregarious, outgoing, laughed all of the  
15 time.

16 BY MR. ELBERT:

17 Q. You mentioned, though, to me just a couple of  
18 minutes ago that when you heard about her background,  
19 you thought, gosh, if that's true or even half true,  
20 she's been through a lot?

21 MS. McNULTY: Objection, form, misstates.

22 BY MR. ELBERT:

23 Q. Would you agree with that?

24 A. No, because I said the narrative that she  
25 began to weave in grew over the years. And we never

1           Q.     It looks like going and joining a rock and  
2     roll band, getting in bar fights, talking about using  
3     chains in bar fights.

4                   MS. McNULTY:  Objection, argumentative, and  
5     it really --

6                   MR. ELBERT:  That's not argumentative.

7                   MS. McNULTY:  It really is, and it's kind of  
8     --

9     BY MR. ELBERT:

10          Q.     Do you recall discussing those circumstances  
11     with Jennifer Lyell?

12          A.     Let me answer your question first.  No, I  
13     never rebelled against my parents, if that's how you are  
14     defining.  Number two, I've never been in a fight in my  
15     life of any kind, physically.  And what was the last  
16     thing, using chains?

17          Q.     Had you talked to Jennifer Lyell about your  
18     days when you played in a rock and roll band?

19          A.     No, all she knows is that I was in a rock and  
20     roll band.

21          Q.     How is your health, physically and  
22     emotionally, today?

23                   MS. McNULTY:  Objection, form.

24                   THE WITNESS:  I don't know completely how my  
25     health is.  Emotionally, I am struggling because I have

1    been labeled as an abuser, and I'm seen that way by  
2    anyone who has ever known me in the past, which were  
3    thousands of people, and anyone who wants to interact  
4    with me today.

5    BY MR. ELBERT:

6           Q.     Have you sought psychological counseling or  
7    psychiatric counseling for that?

8           A.     I have sought pastoral counsel, Biblical  
9    counseling, for that.

10          Q.     With whom?

11          A.     With my pastor and my elders.

12          Q.     Can you name those?

13          A.     Yeah. Donnie South, Wally Bumpas, Randy Ray,  
14    Phillip Palmertree.

15          Q.     But you never sought any kind of counsel with  
16    an actual licensed psychologist, or psychiatrist, or  
17    social work counselor?

18          A.     I have sought Biblical counseling.

19          Q.     My question is have you sought counseling  
20    with any licensed --

21          A.     Do you understand the difference between  
22    Biblical counseling and clinical counseling?

23          Q.     I'm asking you -- I am going to ask you the  
24    questions, sir.

25          A.     Yeah.

1 will point you back to what God says are the answers for  
2 issues that you are facing.

3 But your question also included how is my  
4 health. And that was what I was starting to say.  
5 Physically, I don't know, because there are things I am  
6 being tested for right now. And that also weighs into  
7 my emotional state right now.

8 Q. What are those things you are being tested  
9 for?

10 A. Things like a peak in my PSA doubled from  
11 last year, which means they have to follow up and see  
12 whether I have cancer for that or not.

13 Q. Any others?

14 A. Not that I know of right now.

15 Q. Did -- have you taken any medications,  
16 prescription medications or non-prescription  
17 medications, within the last 24 hours?

18 A. Yes, I have taken the Tamsulosin, which the  
19 market or brand is like Flomax, but it's Tamsulosin.  
20 I've taken that. I took Ambien last night. I took half  
21 of a Xanax this morning. I took two Vitamin C. I took  
22 one of those zinc lozenge things for when you're getting  
23 over a cold. They are not prescription, but just you  
24 everything I have taken. That's it.

25 Q. Have you had any alcohol to drink within the

1           Q.     Well, have you had discussions with your  
2     children or their spouses about whether they would be  
3     willing to testify on your behalf in this case?

4           A.     No, I have not.

5           Q.     When is the last time that you spoke to  
6     Molly?

7           A.     The last time I spoke to Molly was  
8     Thanksgiving -- it's been a couple of years ago now.  
9     When we filed this case, that was the last time I talked  
10    with her.

11          Q.     Tell me about that conversation.

12          A.     They are nervous about anything legal, any --  
13    Molly is -- I don't know if the word for it is high  
14    strung or tends to be anxious. She was at Union  
15    University in Jackson, Tennessee when the tornado hit,  
16    and anything stressful really taxes her a lot. Daniel,  
17    on the other hand, my son-in-law, worked for Russ Moore,  
18    and is -- I don't want to say an up-and-comer, because I  
19    don't have that kind of information anymore. But he was  
20    ambitious within the SBC ranks. I think this bothered  
21    him, as well.

22                 So they said if this is going to be ongoing,  
23    we can't have a conversation because anything that we  
24    could ever talk about, even personal things, they felt  
25    like could be called in for part of the record. And so

1     they said, while the case is going on, we're out.   And  
2     so that was the last time I talked with her.

3           Q.     Have you been able to visit with your  
4     grandchildren since then?

5           A.     No, not her kids.

6           Q.     How about Christopher's kids?

7           A.     Yeah, we were --

8           MS. McNULTY:   Objection.

9           THE WITNESS:   Oh, sorry.

10          MS. McNULTY:   Just objection to relevance  
11     with the minor grandchildren.   Go ahead.

12          THE WITNESS:   We were there in February.   I  
13     think it was February, in Ecuador, to visit them.

14     BY MR. ELBERT:

15          Q.     Did they allow you to be alone with their  
16     children?

17          A.     Sure.

18          Q.     Did -- when the tornado hit in Jackson at  
19     Union University, what year was that?

20          A.     I want to say it was '05, 2005.

21          Q.     And what was Molly's experience in that?

22          A.     I don't know how much you want, but she --  
23     they had tornado drills all of the time because Union  
24     had had a bad experience years before, so they were very  
25     careful.   The sirens went off.   Molly lived in a

1     seminary to attend seminary after that.

2           Q.     And it's your testimony that you had no  
3     encounter with Jennifer Lyell during that trip to  
4     Jackson, Tennessee to try to help out Molly in  
5     connection with the tornado?

6           A.     No, not only, but that Jennifer wasn't on  
7     that trip.    Because when Mary and I went the next  
8     morning to get Molly, we drove her back to Louisville.

9           Q.     Were you a member of Ninth & O Baptist  
10    Church?

11          A.     Yes.

12          Q.     Was Jennifer a member of that church?

13          A.     Eventually.   She came after we were there.

14          Q.     And did she follow you to that church?

15          A.     Yes.

16          Q.     Did she attend with you at that church or  
17    with Mary for a period of time before she officially  
18    joined the church?

19                 MS. McNULTY:   Objection, form.

20                 THE WITNESS:   I don't remember that.

21    BY MR. ELBERT:

22          Q.     Was she attending Ninth & O Baptist Church at  
23    the time of the Ecuador missions that you went on,  
24    including the two -- the first one and then the second  
25    one to -- I may not say it right -- Quito, where the



1 first sexual encounter occurred in Ecuador?

2 MS. McNULTY: Objection, form.

3 THE WITNESS: Yeah, number one, there was not  
4 a sexual encounter in Quito, and that wasn't the trip to  
5 Quito. It was a trip that was -- went to -- it went  
6 through Quito, but it was to a place called Mindo where  
7 Jennifer makes this allegation. But the -- that was the  
8 first mission -- or the first mission trip to Ecuador  
9 was not a church trip. It had nothing to do with Ninth  
10 & O. That was a Seminary. The opposite was true for  
11 the second one. It was a church trip that had nothing  
12 to do with the seminary.

13 BY MR. ELBERT:

14 Q. When was the first trip, and where did you  
15 go?

16 A. March, maybe. I can't remember. It was the  
17 first part of the year. And we were in Guayaquil,  
18 Ecuador.

19 Q. Do you know how long you stayed there?

20 A. Both trips would have been a week.

21 Q. And how many people were there?

22 A. On the first trip, about 15, 16 maybe.

23 Q. And were you the leader of that trip?

24 A. The leaders of the trips were the  
25 missionaries on the field. And I was the person that

1     took the team to get us there, but we worked under the  
2     auspices and the direction of a missionary there.

3           Q.     And the team that you took there, did they  
4     work under your guidance and direction?

5           A.     No, as I said, worked under the guidance of a  
6     missionary there.

7           Q.     Did you feel a responsibility when you took a  
8     team down there to -- out in the field to those young  
9     people?

10           MS. McNULTY:   Objection, form.

11           THE WITNESS:   To get them there and back, I  
12     guess, but on the field, it was under the missionary.

13     BY MR. ELBERT:

14           Q.     So your testimony here today, under oath, is  
15     that you've never stated that you have always felt  
16     tremendous responsibility to people that you take out on  
17     mission trips into the field?

18           MS. McNULTY:   Objection, form.   Misstates the  
19     testimony for which it's documented on the record what  
20     he said.

21           THE WITNESS:   Yeah, I don't remember ever  
22     saying that.   I said they weren't working under my  
23     supervision in the field.

24     BY MR. ELBERT:

25           Q.     My question is have you ever, to your

1 BY MR. ELBERT:

2 Q. During the time that she was staying there  
3 during that time, did you have any sexual contact with  
4 her?

5 A. I do not recall.

6 Q. One way or the other?

7 A. (No answer.)

8 Q. In other words, you can't say yes or you  
9 can't say no?

10 A. Yeah. Well, that's what I mean when I say I  
11 don't recall.

12 Q. So when you -- you told us, I think we got  
13 through yesterday, the plane ride back from Ecuador from  
14 Quito to Houston to Louisville. When is the next time  
15 after that that you recall having sexual contact with  
16 Jennifer Lyell?

17 A. I don't have a -- I don't have a date.

18 Q. Do you know what year it was?

19 A. The year that that mission trip took place.

20 Q. What year did the mission trip take place?

21 A. 2004.

22 Q. And what month in 2004?

23 A. The church trip in which the accusation was  
24 made, that was November or December, around in there.  
25 It was toward the end of the year.

1 Q. Leaving, or you requiring her to leave if you  
2 became displeased with her, would require her also to  
3 lose the relationship with Molly and Christopher?

4 MR. ELBERT: Objection, form. Misstates  
5 testimony. Go ahead.

6 THE WITNESS: No, at that time she had no  
7 relationship with Molly or Christopher.

8 BY MR. ELBERT:

9 Q. They had not become close?

10 A. No.

11 Q. When was it she and Molly became close?

12 A. Several years after Jennifer began to come  
13 around to our house while my daughter was away at  
14 college.

15 Q. Did -- do you recall an occasion the night  
16 before Molly's wedding where you put your penis in  
17 Jennifer's mouth?

18 A. No, I do not.

19 Q. Do you recall an occasion at -- in  
20 Mississippi at your sister-in-law's house where there  
21 was completion of oral sex in 2014?

22 A. I do not remember any dates.

23 Q. Do you remember that occurring at your  
24 sister-in-law's house?

25 A. I remember it having happened in Mississippi,

1     yes.

2           Q.     At your sister-in-law's house?

3           A.     That would be the only place it could have  
4     happened.

5           Q.     Can you tell me those circumstances as best  
6     you recall?

7           A.     No.

8           Q.     Can you recall how frequently after the  
9     initial oral penile contact that we've talked, about how  
10    frequently that would occur going forward?

11          A.     Episodically. Every once in a while.  
12    Sometimes a year or more in between. There was no  
13    frequent regular ongoing interaction.

14          Q.     So during most of the times Jennifer was  
15    frequently in your home and around you, correct?

16                   MS. McNULTY: Objection, form.

17                   THE WITNESS: Correct.

18    BY MR. ELBERT:

19          Q.     And she was with your family frequently too,  
20    your children, your wife?

21          A.     Increasingly.

22          Q.     And eat meals with you?

23          A.     Yes.

24          Q.     Go to church with you?

25          A.     Well, it was her church.

1 Q. But you went, too?

2 A. Right, but she didn't go with us. She would  
3 be at church.

4 Q. Sat with your family?

5 A. Sometimes.

6 Q. You preached there on Wednesday nights also,  
7 too?

8 A. No, they didn't have a Wednesday night  
9 service. I preached there Sunday nights, and only every  
10 once in a while.

11 Q. So as that relationship with the family  
12 deepened, most of the time the home would be a safe  
13 place where no sexual activity between you and Jennifer  
14 took place?

15 MS. McNULTY: Objection, Form. Misstates  
16 testimony. Go ahead.

17 THE WITNESS: You need to understand when you  
18 say home when most of the family was around, my son was  
19 away at college and then my daughter was away at  
20 college, and then my son was at seminary himself. And  
21 then he came -- when he got married, the last few months  
22 they were in the country, they lived in our home before  
23 they went to the mission field themselves. So there was  
24 no one big happy family kind of ever setting. It was  
25 largely an empty home, or empty nest, as they say.

1 BY MR. ELBERT:

2 Q. Would it be correct that the homeplace, your  
3 house where you lived with your wife, Mary, shared with  
4 your wife, Mary, most of the time when Jennifer would be  
5 there, and she was there frequently, and as that  
6 relationship deepened, there would be no sexual contact  
7 at all?

8 MS. McNULTY: Objection, form. Assumes facts  
9 not in evidence. Go ahead.

10 THE WITNESS: Considering the fact that any  
11 inappropriate activity was episodic, yes, most of the  
12 times there would not be any sexual activity at all.

13 BY MR. ELBERT:

14 Q. You talked about boundaries. Jennifer was  
15 setting boundaries?

16 A. She would sin or was sin?

17 Q. Setting boundaries.

18 MS. McNULTY: Objection, form.

19 THE WITNESS: No, absolutely not.

20 BY MR. ELBERT:

21 Q. So any time that you desired to have sexual  
22 contact you could have it with Jennifer?

23 MS. McNULTY: Objection, form.

24 Argumentative, misstates testimony.

25 THE WITNESS: I never approached her with the

1     **desire for sexual contact.**

2     **BY MR. ELBERT:**

3           **Q.**     **Did you think about sexual contact with her**  
4     **when she wasn't around?**

5                   **MS. McNULTY:**   **Objection, form.**

6                   **THE WITNESS:**   **Being a fallen person, I am**  
7     **sure my mind went there, but I did not pursue sexual**  
8     **contact. I did not initiate sexual contact. I**  
9     **didn't...**

10    **BY MR. ELBERT:**

11           **Q.**     **Do you deny, under oath here today, that you**  
12    **ever initiated sexual contact with Jennifer Lyell?**

13                   **MS. McNULTY:**   **Objection, form.**

14                   **THE WITNESS:**   **Of the oral nature that took**  
15    **place, yes.**

16    **BY MR. ELBERT:**

17           **Q.**     **Do you deny here, as you sit here under oath,**  
18    **that you ever initiated the type of cuddling, touching,**  
19    **that you described would precede the oral contact?**

20                   **MS. McNULTY:**   **Objection, form.**

21                   **THE WITNESS:**   **Again, in an environment where**  
22    **hugging was a normal expected thing, I do not deny that**  
23    **I ever initiated a hug.**

24    **BY MR. ELBERT:**

25           **Q.**     **Well, what you have described on this first**



1 have hugged her.

2 Q. And then did you touch her, progress from  
3 hugging --

4 A. And then she took the next step to something  
5 else.

6 Q. -- and touching her --

7 MS. McNULTY: Guys, the court reporter can  
8 only take down one person.

9 BY MR. ELBERT:

10 Q. So you deny that you ever did anything with  
11 your arms and hands other than a hug, you deny kissing,  
12 you deny moving your hands over her body or doing  
13 anything that might lead or reasonably potentially lead  
14 to further sexual contact?

15 MS. McNULTY: Objection, form. Conclusory.  
16 Go ahead.

17 THE WITNESS: The question was did I initiate  
18 that?

19 BY MR. ELBERT:

20 Q. Yes.

21 A. No, I never initiated something to lead it to  
22 that sexual contact.

23 MS. McNULTY: I need to take a break. So  
24 we're going to take a break with no question pending.  
25 Thank you.

1           A.       I don't recall. I'm sure that that is  
2   likely.

3           Q.       Were there times you had oral genital contact  
4   with Jennifer Lyell while your wife, Mary, was upstairs  
5   in the home?

6                   MS. McNULTY: Objection, form. Go ahead.

7           THE WITNESS: There were times, yes, when we  
8   would be in the T.V. room downstairs, and that is where  
9   it would happen.

10   BY MR. ELBERT:

11           Q.       Were those times when Mary was asleep and had  
12   taken Ambien?

13           A.       Mary doesn't take Ambien.

14           Q.       She's never taken Ambien?

15           A.       No, I didn't say that. She does not normally  
16   take Ambien. She did not take Ambien in those days.  
17   She started taking Ambien after all of this started.

18           Q.       There was no occasion you supplied her with  
19   Ambien?

20           A.       Never.

21           Q.       So --

22           A.       Referring to that time, since all of this has  
23   started, there have been times when her prescription had  
24   run out, I would supply her with some. But in those  
25   days Mary didn't take Ambien.

1           A.       That's right, or either we stayed in her  
2     room.

3           Q.       Do you recall having a sexual encounter with  
4     Jennifer Lyell on that trip?

5           A.       No, that's absolutely not true.

6           Q.       How many times did you have sexual contact  
7     with Jennifer Lyell on the couch in your basement?

8           A.       Define that.

9           Q.       Well, we've talked about the term sexual  
10    touching. How many times did you have sexual touching  
11    with Jennifer Lyell on the couch in your basement?

12                   MS. McNULTY: Objection, form.

13                   THE WITNESS: That's still broad. We've  
14    defined that several different ways. Do you mean oral  
15    sex?

16    BY MR. ELBERT:

17           Q.       I mean kissing mouth to mouth. I mean  
18    touching of breasts or in the area of the vagina or on  
19    the buttocks.

20           A.       Over the period of time that we have known  
21    her, I would say less than ten times.

22           Q.       How many times did you have oral sex in the  
23    basement with Jennifer Lyell?

24                   MS. McNULTY: Objection, form. Misstates the  
25    testimony. Go ahead.

1                   THE WITNESS:   Less than ten times.

2   BY MR. ELBERT:

3           Q.     When you did have sexual touching in the  
4   basement, you said -- you gave an estimate of ten times  
5   or less?

6           A.     (Nodding head.)

7           Q.     Would that ordinarily lead to oral sex, or  
8   were those two distinct situations?

9           A.     There were a number of times when there was  
10   an effort at oral sex and I would try to be strong and  
11   say no and I would succeed.  There were other times when  
12   I would try to be strong and say no and I did not  
13   succeed.  But I still say less than ten times.

14          Q.     Were there ever any times when cuddling or  
15   other touching or proximity was leading towards a sexual  
16   touching or sexual touching was initiated and Jennifer  
17   stayed strong and said no?

18          A.     No.

19          Q.     Never?

20          A.     Not in my experience.

21          Q.     Did you ever have any indication that  
22   Jennifer experienced organism during her sexual contact  
23   with you?

24          A.     I don't know how to judge that.

25          Q.     Did you ever do anything during sexual

1 MS. McNULTY: Objection, form. Misstates  
2 prior testimony. Go ahead.

3 THE WITNESS: I don't know the question.

4 BY MR. ELBERT:

5 Q. The question is, we've just talked about  
6 times when it was cuddling, caressing, comforting?

7 A. Uh-huh.

8 Q. And it did not lead to sexual contact?

9 A. That's one question. There were times when  
10 that is true.

11 Q. Right. And you have just told me that on  
12 those times you didn't want it to lead to sexual  
13 contact, correct?

14 A. That's right.

15 Q. Would you agree with me that on those times  
16 Jennifer didn't want it to lead to sexual contact  
17 either?

18 MS. McNULTY: Objection, form. Misstates  
19 prior testimony. Go ahead.

20 THE WITNESS: Clearly not on those same times  
21 or it never would have happened; but there were times.  
22 I'm sure, when she just wanted to cuddle, she wanted to  
23 be close.

24 BY MR. ELBERT:

25 Q. Did you ever get in a position where your

1 pelvis and penis were up against Jennifer's body?

2 A. There was a time when my penis was not up  
3 against her body, but that she had disrobed and --  
4 completely -- and wanted more than that. Wanted us to  
5 have sexual intercourse. And had positioned us to the  
6 place where that could have happened. But I told her  
7 that if I had ever crossed that line, that that would be  
8 the end of me. I could not go on. I couldn't breathe  
9 another day. I think she believed that, and she never  
10 pushed for it after that.

11 Q. Were there ever any times when you were on  
12 top of her, clothed or unclothed, with her clothed or  
13 unclothed, other than that one occasion where --

14 A. Clothed? Sure there were times that we would  
15 cuddle. And if she was laying on the couch or I was  
16 laying on the couch. Many times I would be laying on  
17 the couch watching T.V. or whatever, she would come and  
18 she would lay next to me when she didn't expect more  
19 than that or vice versa. There were many times like  
20 that.

21 Q. Were there occasions where you had an erect  
22 penis and were up against her vaginal area?

23 A. No.

24 MS. McNULTY: Objection, asked and answered.  
25 Just give me a minute to get the objections out.

1 THE WITNESS: I'm sorry.

2 BY MR. ELBERT:

3 Q. The occasions you've told me about where she,  
4 quote, got undressed, was that unusual for her to be  
5 undressed during your sexual encounters?

6 A. Yes.

7 Q. Was it unusual for you to have your pants  
8 unzipped or pulled down during your sexual encounters?

9 A. Again, going back to however you are defining  
10 sexual encounter, it would not be unusual for them to be  
11 unzipped if she was doing oral sex.

12 Q. How many times have you been -- you've been  
13 naked with Jennifer Lyell?

14 A. Completely naked?

15 Q. Let's go completely naked first.

16 A. Never.

17 Q. How about partially disrobed?

18 A. There have been times when I was partially  
19 disrobed.

20 Q. Describe what you are talking about.

21 A. It could be that my pants were pulled down.  
22 There was a time when I was in my basement working out  
23 during the day, a Saturday, and was doing curls with  
24 dumbbells. And she walked into my basement smiling.  
25 And I continued working out, not knowing if she was

1 THE WITNESS: When did it --

2 BY MR. ELBERT:

3 Q. When did it stop?

4 A. Again, '14, '15.

5 Q. Do you remember a month?

6 A. I do not remember a month. I do know that by  
7 the time we moved in 2016, nothing else ever happened  
8 again. Even though she was around us some more during  
9 that time, nothing else ever happened.

10 Q. Did she ever attempt to initiate anything  
11 even though she was around -- while she was around  
12 during that time?

13 A. The last thing she ever attempted, it would  
14 be unfair to even call it an attempt. But we were in  
15 our new house. I was walking up my stairs from my study  
16 up into the main part of the house. She was walking up  
17 behind me. We were showing her around the new house.  
18 She was walking up behind me and she reached up, pinched  
19 or touched, whatever, my bottom. I turned around and  
20 looked at her and she just kind of smiled. I don't  
21 think she was attempting anything, but if you would  
22 count that sexual touching, that was the last time  
23 anything ever happened.

24 Q. What did you say to her?

25 A. I didn't say anything. She just smiled. I



1 pulled it down into her bra.

2 Q. What did you do?

3 A. I didn't yank it right back out. I didn't  
4 know what to do. But it didn't go anywhere beyond that.

5 Q. When was that?

6 A. I could look back and see on the database,  
7 but that would have been 2005, 6, 7, around there. It  
8 was in the first office that I had at seminary. So I  
9 could look and see.

10 Q. Did you ever put one or both of your hands  
11 down her pants?

12 MS. McNULTY: Objection, asked and answered.

13 THE WITNESS: I don't remember putting my  
14 hands down her pants. If I ever touched her in that  
15 region, it would have been because she had facilitated  
16 that, opening her pants. In other words, I didn't while  
17 they were still all attached and everything, I didn't  
18 stick my hand down in her pants.

19 BY MR. ELBERT:

20 Q. The occasion you've testified about where you  
21 say Jennifer was naked, and according to you wanted  
22 vaginal intercourse?

23 A. Uh-huh.

24 Q. Or appeared to want vaginal intercourse,  
25 where was she, where were you?

1           A.       We were downstairs in the basement in the  
2   T.V. room that I've referred to. And she was asking for  
3   intercourse. And I explained -- in context of  
4   explaining no I said, besides, you wouldn't do that even  
5   if I did do that. You know better than that. You know  
6   you wouldn't do that. And she said, I would do that.  
7   And I said, no, you wouldn't. She said, watch. She ran  
8   upstairs. She was staying in my son's room at that time  
9   that night whenever it was. This was during the  
10   afternoon that this happened. She ran upstairs. She  
11   took off all of her clothes and got in the bed and was  
12   laying there naked and called me up there.

13                I went up there. She was completely naked.  
14   I did not get naked, but she pulled me over onto her and  
15   we hugged for a minute. And I got up and I left the  
16   room. Later on she said it's a good thing you didn't  
17   take your clothes off because we would have done it.

18        Q.       Did she have to get out of the bed to reach  
19   you to pull you over?

20        A.       No, I walked up to where she was on the bed.

21        Q.       And she was under the sheets?

22        A.       No.

23        Q.       Did you sit on the bed with her next to her?

24        A.       No.

25        Q.       Did she force you onto the bed?

1           A.       We were downstairs in the basement in the  
2   T.V. room that I've referred to. And she was asking for  
3   intercourse. And I explained -- in context of  
4   explaining no I said, besides, you wouldn't do that even  
5   if I did do that. You know better than that. You know  
6   you wouldn't do that. And she said, I would do that.  
7   And I said, no, you wouldn't. She said, watch. She ran  
8   upstairs. She was staying in my son's room at that time  
9   that night whenever it was. This was during the  
10   afternoon that this happened. She ran upstairs. She  
11   took off all of her clothes and got in the bed and was  
12   laying there naked and called me up there.

13                I went up there. She was completely naked.  
14   I did not get naked, but she pulled me over onto her and  
15   we hugged for a minute. And I got up and I left the  
16   room. Later on she said it's a good thing you didn't  
17   take your clothes off because we would have done it.

18       Q.       Did she have to get out of the bed to reach  
19   you to pull you over?

20       A.       No, I walked up to where she was on the bed.

21       Q.       And she was under the sheets?

22       A.       No.

23       Q.       Did you sit on the bed with her next to her?

24       A.       No.

25       Q.       Did she force you onto the bed?

1 Q. Did you and Mary undertake to try to give  
2 guidance and care to Jennifer in her life journey?

3 MS. McNULTY: Objection, form.

4 THE WITNESS: The counsel or guidance that I  
5 can remember giving Jennifer was that she should not --  
6 that she was gifted. She was intelligent. She did not  
7 need to settle for an administrative job as an assistant  
8 at the seminary. She could do much more. And when  
9 there was an opportunity for her to move on in -- go to  
10 work for a publisher, I told her this was a wonderful  
11 idea, she should do that.

12 BY MR. ELBERT:

13 Q. How about Mary, in terms of guidance that  
14 Mary attempted to give?

15 A. That would probably be the limit. Mary was  
16 not a counsel giver in that sense, but Mary would pray  
17 for her. Mary is a prayer. She would pray for her and  
18 she would -- she realized that Jennifer was being a help  
19 to us. And, you know, she's a gracious person, so she  
20 didn't want to be ugly.

21 Q. Did Jennifer frequently have meals at your  
22 home with you and Mary?

23 A. Yeah, we've said that a number of times. She  
24 would come and have meals with us at our house.

25 Q. Did she help with preparation, clean-up with

1 Q. Was there ever of any accusation or  
2 questioning of you about possible indiscretion on your  
3 part involving a young lady at Woodland Hills?

4 MS. McNULTY: Objection, form.

5 THE WITNESS: There was a rumor that went  
6 around about that during that time. That's not why I  
7 left the church, but there was a rumor that went around.

8 BY MR. ELBERT:

9 Q. What was the rumor?

10 A. Just that. What is going on in this  
11 friendship relationship that is going on between David  
12 and this person.

13 Q. Did you feel like it had reached the point of  
14 an inappropriate emotional entanglement?

15 A. It had, yeah.

16 Q. Was there ever any physical contact?

17 A. It had developed into physical contact.

18 Q. Was there sexual contact?

19 A. There was sexual contact.

20 Q. And do you have that person's name?

21 A. I don't. I have the person's name, what it  
22 was then. Her name was Brenda. Her last name May. But  
23 She has since moved on with her life.

24 Q. Do you know where she lives?

25 A. I have no idea.

1 Q. Did Mary become aware of that?

2 A. She did.

3 Q. Had Brenda May gotten close to the family  
4 where she was coming around the home, eating meals with  
5 you, that type of thing?

6 A. No.

7 Q. How many times did you have sexual contact  
8 with Brenda May?

9 A. I don't remember.

10 Q. How long did the inappropriate relationship  
11 persist?

12 A. A matter of months.

13 Q. What year would that have been?

14 A. That would have been 1997.

15 Q. Was Brenda May married at that time?

16 A. She was either divorced or it was still going  
17 on, the divorcing.

18 Q. Had you counseled with her, pastoral  
19 counseled with her or her ex-husband or soon-to-be  
20 ex-husband?

21 A. No. When I was pastoring I didn't offer  
22 that. I had a list of people that I would refer to  
23 people for counseling.

24 Q. And did you confess that relationship to any  
25 of the leadership or the pastor of Woodland Hills?

1 MS. McNULTY: Objection, form. Go ahead.

2 THE WITNESS: No, because that wasn't the  
3 reason why I left, and that was still -- the major  
4 issue, the big issues that were blowing up around all of  
5 that were the racial thing that I was trying to  
6 integrate the church, which I was, and the thing that I  
7 was trying to make it Presbyterian which I was not. But  
8 that was the reason.

9 BY MR. ELBERT:

10 Q. Where did sexual contact with Brenda May  
11 occur, in your home or in the church?

12 A. With her it would have been in the car.

13 Q. Your car or her car?

14 A. My car.

15 Q. Did anyone ever walk in on you and Brenda May  
16 when you were in what would appear to be a compromising  
17 position?

18 A. No.

19 Q. How old was Molly at the time?

20 A. Molly would have been 7th grade maybe.

21 Q. Did Molly ever walk in on you when you were  
22 in a situation with Brenda May that might be  
23 interpreted, correctly or incorrectly, by a small child  
24 as intimacy?

25 A. No.

1 Q. Did Molly ever walk in on you when you were  
2 in intimate contact with Jennifer Lyell?

3 A. No.

4 Q. Was there ever oral sex between Brenda May  
5 and you?

6 A. Yes.

7 Q. How many times?

8 A. No recollection. A few, more than once, but  
9 not...

10 Q. On those occasions who instigated?

11 A. Brenda instigated it.

12 Q. You never instigated it?

13 A. No.

14 Q. Did you ever have vaginal intercourse with  
15 Brenda?

16 A. No.

17 Q. Did you touch her breast?

18 A. Likely. I don't recall ever doing that.

19 Q. Did you ever take her hand and put it on your  
20 body?

21 A. Never.

22 Q. Did you tell Jennifer Lyell about the Brenda  
23 May story?

24 A. No.

25 Q. Did -- have you, since you've been married to



1 Mary, had sexual contact with anybody else besides  
2 Brenda May and Jennifer Lyell?

3 A. Yeah, when we were first married. And we  
4 were married when we were twenty. In the first couple  
5 years of the marriage we weren't believers yet. There  
6 were a couple of one-night stands when I played music in  
7 bars back in the day. There were a couple of those.

8 Q. Did you tell Mary about that?

9 A. Yes.

10 Q. And was there oral sex involved in those one-  
11 night stands?

12 MS. McNULTY: Objection, form, relevance.

13 THE WITNESS: I have no idea.

14 BY MR. ELBERT:

15 Q. Was there vaginal intercourse?

16 A. In the one-night stands, yes.

17 Q. Was there ever a pregnancy?

18 A. No.

19 Q. What did you do for birth control?

20 MS. McNULTY: Objection, form, relevance. I  
21 mean... Just if you understand -- go ahead. What did  
22 you do for birth control is the pending question?

23 THE WITNESS: I personally didn't do  
24 anything.

25 BY MR. ELBERT:

1 Q. Did you ask about it?

2 MS. McNULTY: Objection, relevance. I

3 mean...

4 BY MR. ELBERT:

5 Q. Were you concerned that if --

6 MS. McNULTY: There is a pending question.

7 MR. ELBERT: Well, let me strike that

8 question.

9 BY MR. ELBERT:

10 Q. Were you concerned when you had vaginal --

11 strike that question. Were you concerned in your

12 relationship with Jennifer Lyell that if you had vaginal

13 intercourse with her, she might become pregnant?

14 MS. McNULTY: Objection, form, hypothetical.

15 Go ahead.

16 THE WITNESS: No, I wasn't concerned about

17 that.

18 BY MR. ELBERT:

19 Q. When you applied to the job at Samaritan's

20 Purse in 2019, I think you testified yesterday that you

21 reached a second or third level of interviews and then

22 you had to answer some pointed questions. What were

23 those questions?

24 A. Why exactly did you leave the seminary.

25 Q. And what did you say?

1           A.     I said, well, there was an accusation --  
2     first, when it all first started, I told them that I  
3     left the seminary because of an inappropriate  
4     relationship. As we went on, they said, now, why  
5     exactly did you leave the seminary? What was there  
6     about that? And I said, well, there has been an  
7     accusation that it was not a mutual romantic  
8     relationship, inappropriate relationship, it was in fact  
9     non-consensual. And the guy said, I will get back in  
10    touch with you. And the next time he did, it was an  
11    e-mail saying we won't be moving forward.

12           Q.     Who was that guy?

13           A.     I don't know. It's a matter of record. I  
14    have submitted that.

15           Q.     Did you ever tell Global Outreach,  
16    Samaritan's Purse or any other potential employer that  
17    the only -- the reason that you had to leave the  
18    seminary was because of an old indiscretion from many  
19    years before, referencing the Woodland Church situation?

20           A.     I never said that. I am aware that that went  
21    around as a report when all of the allegations came up,  
22    but that is a mistaken conclusion. I never said that.

23           Q.     Did you ever tell anybody that it was some  
24    twenty or thirty years ago that you had been involved in  
25    a morally inappropriate relationship and that you had

1           Q.       And then there was a period after that where  
2       there were discussions taking place prior to a  
3       correction or an apology being published by the Baptist  
4       Press.   Would you agree with that?

5                   MS. McNULTY:   Objection, form.   Calls for  
6       speculation.   Go ahead.

7                   THE WITNESS:   No.   My recollection is that  
8       David Roach called me, left a voice mail.   What he  
9       referenced was accurate.   And what he wrote was  
10      accurate.   The next thing I knew, in chronological time  
11      was when -- I don't even know what his position is, a  
12      man named Jonathan Howell wrote some Baptist Press  
13      article saying that they were apologizing to Jennifer,  
14      that, in fact, it wasn't an inappropriate relationship,  
15      it was more than that, and whatever he wrote in that  
16      article.

17          Q.       When that article came out, authored by  
18      Jonathan Howell, whatever he wrote, was Mary aware of  
19      that at that time?

20          A.       Sure.

21          Q.       Did -- between the original David Roach  
22      article being published and the Jonathan Howell article  
23      being published -- well, let me back up.

24                   Before the original David Roach article was  
25      published in the Baptist Press, did you have any

1 relationship with me that was inappropriate while she  
2 was at seminary.

3 BY MR. ELBERT:

4 Q. So you made no attempt to reach him back to  
5 see exactly what she was saying had happened that was  
6 inappropriate that might appear in publication?

7 A. No. He asked me, based on what she said, did  
8 I -- asked me if I wanted to respond to that. I did not  
9 because what he said was accurate. It was an  
10 inappropriate relationship.

11 Q. But you didn't know at that point when you  
12 got that message what the details were going to be, if  
13 any, that would be published in the article?

14 MS. McNULTY: Objection, misstates testimony.  
15 Asked and answered. Form. Go ahead.

16 THE WITNESS: He did not -- I did not know  
17 and nor did he publish any details. What he said he  
18 would publish is exactly what he published.

19 BY MR. ELBERT:

20 Q. But he wasn't telling you in the voice mail  
21 what he was going to publish. He told you that there  
22 had been a report by Jennifer of an inappropriate  
23 relationship?

24 A. Uh-huh.

25 Q. And at that time and prior to publication,

1                   MR. ELBERT: That's for the witness. Maybe  
2 the court reporter should mark it first, next numbered  
3 exhibit.

4                   MS. McNULTY: Do you have copies for me and  
5 the witness?

6                   MR. ELBERT: For me and the witness, yes.

7                   MS. McNULTY: No, I said for me and the  
8 witness.

9                   MR. ELBERT: Oh, you have them on your  
10 computer.

11                  MS. McNULTY: No, I don't. I am in the  
12 middle of a deposition. So if we're going to do this,  
13 we can do it this way, but then we'll do it this way at  
14 all depositions.

15                  MR. ELBERT: That's okay. You can have my  
16 copy. So if we can mark this as the next be numbered  
17 exhibit.

18                   (Exhibit 14 was marked.)

19 BY MR. ELBERT:

20           Q.     Can you identify that document for me?

21           A.     Yes.

22           Q.     What is it?

23           A.     This is a picture of us on a visit through  
24 Union to Jackson, Tennessee to Union University where my  
25 daughter was in college.

1 Q. And what is the physical location where the  
2 photograph was taken?

3 A. In my daughter's dorm room.

4 Q. Can you identify the people in that  
5 photograph?

6 A. Clockwise it's Christopher, my son, my wife,  
7 Mary, Molly, me, and then Jennifer sitting on the floor.

8 Q. What was the occasion for the visit?

9 A. It's October 2006. Apparently, we were on  
10 the way to Jackson or maybe we were going to Ole Miss  
11 and we had gone to Jackson on the way to Ole Miss which  
12 is on the way. I don't know. October 2006.

13 Q. Why was Jennifer taken along on that trip?

14 A. She was always on our family trips.

15 MR. ELBERT: Let's mark -- this is Lyell  
16 79975 as the next numbered exhibit.

17 (Exhibit 15 was marked.)

18 BY MR. ELBERT:

19 Q. What exhibit number is that?

20 A. 15.

21 Q. Can you tell me what is Exhibit 15?

22 A. This is a picture of my daughter's home in  
23 Nashville.

24 Q. And who else is present?

25 A. The people present are my granddaughter,

1 REDACTED, Carol. She's holding REDACTED and REDACTED.  
2 Jennifer is behind them. Christopher is holding  
3 REDACTED. My daughter is next to him. And seated on  
4 the couch are Mary and me. We're each holding  
5 grandchildren. And Daniel, my son-in-law, and REDACTED.

6 Q. When was that photograph taken?

7 A. Yes, I have no idea.

8 Q. Do you remember the occasion?

9 A. Well, no. It's got to be winter. My  
10 daughter has on a heavy winter coat, the kids have on  
11 sweaters.

12 Q. Holiday time?

13 A. Who knows? Whenever we went to visit family,  
14 Jennifer would often go with us. It could be Jennifer  
15 was already living there then. I don't know.

16 Q. Jennifer generally joined the family for  
17 holiday meals?

18 A. Not always for meals, but she would travel  
19 with us if we went to Jackson for holidays.

20 Q. Would she come to your home for holidays?

21 A. Sometimes.

22 Q. Did you keep a stocking for her like you did  
23 for Christmas for Molly and Christopher?

24 A. That's possible. That goes back to my wife's  
25 hospitality and being gracious to everyone.



1 Q. With Mary being gracious, she would be  
2 included as having a stocking like your biological  
3 children did at Christmastime when she was there?

4 MS. McNULTY: Objection, form. Go ahead.

5 THE WITNESS: I think that's reading a little  
6 bit too much into it. If you know the southern culture,  
7 you don't want to be rude to anybody else who is going  
8 to be present. So it would be gracious in that sense.  
9 It doesn't automatically assume that she's become a  
10 family member. Nobody put her into their Wills or...

11 Q. No, I'm sure not.

12 A. Although --

13 MS. McNULTY: Objection. No question is  
14 pending.

15 BY MR. ELBERT:

16 Q. You started to say although.

17 A. No, I don't even remember what I was saying.

18 MR. ELBERT: Let me hand you Lyell 79976.

19 Let's mark that as the next numbered exhibit.

20 (Exhibit 16 was marked.)

21 BY MR. ELBERT:

22 Q. What is Exhibit 16?

23 A. That is -- that would be our home. And that  
24 is -- I'm not sure which home.

25 Q. In Louisville?

1           A.       This March 20th, 2008 exchange was Jennifer  
2       was the editor for -- she was at Moody in Chicago. She  
3       was my editor for The Missionary Call. She had arranged  
4       for the book to be translated and published in Spanish.  
5       And then she sent me out of the blue an e-mail said,  
6       hey, do you think you could translate the introduction  
7       and the first chapter of the book? Fred who was their  
8       -- I forget what they called him, but he was the guy  
9       that did other translations around the world at  
10      different places. Fred has Spanish language house that  
11      wants to see it in Spanish. If so, how fast do you  
12      think you could it. Don't hate me for asking.

13          Q.       Your response, if we go backwards in order,  
14      5367, you e-mailed her back. And in connection with  
15      that e-mail at 14:40 p.m. on March 20th, you said,  
16      Jennifer, I am, all caps, not happy, correct?

17          A.       No. I said, Jennifer, given my current load  
18      it would take me one to two weeks to translate the intro  
19      and Chapter 1, and even then it would still need to be  
20      smoothed out. Number two, Moody told me that a Spanish  
21      translation would be forthcoming, hot on the heels of  
22      the English one. I am very, all caps, very unhappy that  
23      this is still -- that this is up in the air and you guys  
24      are asking me to translate this. If you remember, Lisa  
25      asked me if I wanted to translate it a long time ago and

1           A.       Yes.

2           Q.       And as part of that employment, you signed a  
3 contract with the seminary on a periodic basis; is that  
4 correct?

5           A.       Initially, and then it became a tenured  
6 position for a long time. And then they took tenure  
7 away from everybody and I think it went back to a  
8 contractual basis, like every three years or something.

9                   MR. TRAVIS: I am going to hand you a  
10 document that we are going to mark as -- is it 45 now?

11                   (Exhibit 45 was marked.)

12 BY MR. TRAVIS:

13           Q.       Dr. Sills, on the top cover sheet of this  
14 document, this looks like it's a letter to you from Dr.  
15 Mohler dated November 10th, 2014; is that right?

16           A.       That's right.

17           Q.       And so the first sentence of this letter  
18 references -- it states that Dr. Mohler is enclosing a  
19 copy of your faculty appointment contract as a professor  
20 of Christian missions and cultural anthropology  
21 effective August 1st, 2014?

22                   MR. LOOFBOURROW: Is there a Bates Number?

23                   MR. TRAVIS: I think there is actually on the  
24 one I handed you, but not the one I'm looking at.

25                   THE WITNESS: Mine is cut off.

1 MS. McNULTY: It's SBTS and then I think it  
2 might be 001261 through 6. That's my best guess.

3 MR. TRAVIS: That sounds right, but I  
4 apologize if it cut off the bottom of the page.

5 BY MR. TRAVIS:

6 Q. Feel free to take a second to look at the  
7 remaining four pages. And I'll give you a second just  
8 to refresh your memory.

9 A. I haven't read all of the fine print, but I  
10 know the document.

11 Q. You're familiar with this?

12 A. I am.

13 Q. So if you'll turn to the second page of the  
14 contract, Item No 5, 5.1, do you see that?

15 A. Yes.

16 Q. Where it references a term?

17 A. Right.

18 Q. It says here the first sentence, the  
19 agreement term shall be for five years commencing on  
20 August 1st, 2014; is that right?

21 A. That's right.

22 Q. So would this have been the contract, your  
23 contract with seminary. Or I suppose your final  
24 contract with the seminary?

25 A. I would think so, yes.

1 exists as those elected messengers from those various  
2 churches meet wherever the meeting is going to be that  
3 year, usually over a couple-day period of time, and they  
4 make decisions based on whatever business is at hand or  
5 who should be the new officers or things like that.

6 Q. Would you consider a messenger resolution to  
7 be important?

8 A. Absolutely. Yeah.

9 Q. Correct me if I'm wrong, but I believe  
10 yesterday you testified that the Bible calls ministers  
11 to be above reproach morally; is that correct?

12 A. Yes, that's right.

13 Q. Does that statement come from a particular  
14 source of authority?

15 A. It comes from first Timothy 3:1 through 7 and  
16 also Titus I 5 to 9.

17 Q. Is this something that may have also been  
18 commemorated by a messenger resolution?

19 A. I don't know. I haven't been in conventions  
20 for all of these years.

21 Q. I'll ask you about it. So are you aware of a  
22 2002 annual meeting resolution on the integrity --  
23 sexual integrity of ministers?

24 A. 2002?

25 Q. Correct.

1     construe this to mean there's more than one way sexual  
2     abuse can occur?

3                 MS. McNULTY:   Objection, form.   Lacks  
4     foundation as to this witness.

5                 THE WITNESS:   I don't understand all, and  
6     don't want to understand all, of the different ways  
7     legally that abuse takes place today.

8     BY MR. TRAVIS:

9                 Q.     Well, this isn't asking about legal sexual.  
10    This is asking about in the eyes of God.

11                MS. McNULTY:   Objection, form, lacks  
12    foundation.

13                THE WITNESS:   I would defy anyone to find in  
14    the eyes of God in the Bible a passage that speaks --  
15    that differentiates between sexual sin and sexual abuse  
16    and then tells us this is why this is sexual abuse and  
17    not just sexual sin.

18    BY MR. TRAVIS:

19                Q.     I guess I'll just return to the basic premise  
20    of my question, and that this would indicate there are  
21    multiple forms of sexual abuse?

22                A.     It seems that this document says there must  
23    be other forms because it says all forms of sexual  
24    abuse.   So whether this would be an elder brother of a  
25    younger neighbor, or a friend of a younger sibling, or

1     confessed to defendants, Eric Geiger, Lifeway, SBC, the  
2     executive committee seminary, and Mohler about her  
3     affair with plaintiff, Sills. Do you see that?

4             A.     I see that.

5             Q.     Of course we know that she didn't just  
6     confess the existence of an affair; is that right?

7             A.     She did confess an affair. She just said it  
8     was non-consensual.

9             Q.     So I guess my question. Strike that, excuse  
10    me.

11                    What basis do you have to allege that Lyell  
12    called this an affair when she disclosed her testimony  
13    or her story to Dr. Mohler?

14                   MS. McNULTY: Objection to the extent it  
15    seeks work product or attorney/client privileged  
16    information. So go ahead.

17                   THE WITNESS: There's not a definition here  
18    about what an affair is nor was one offered in Dr.  
19    Mohler's office. It was -- I mean this could easily say  
20    about the interaction between her and plaintiff, Sills.

21    BY MR. ELBERT:

22             Q.     Well, turn to Paragraph 38 of the complaint,  
23    please.

24             A.     Okay.

25             Q.     The third sentence of that paragraph states:

1     that it was an inappropriate relationship, no one at  
2     that time expected the fire storm that would come her  
3     way when people began to wonder why she still had her  
4     job. It wasn't from me. I assure you. But even her  
5     own authors were concerned with that.

6           Q.     Yes, but you knew that when this was  
7     disclosed and when you were confronted, her allegations  
8     were that your relationship was non-consensual; is that  
9     right?

10          A.     But it was my understanding that those  
11     allegations or the way it was phrased by Dr. Mohler to  
12     me as he had received it from her were dismissed while I  
13     was in his office that day. Because he said this has  
14     come to me. Does this make any sense to you? I said  
15     no. And I categorically denied there had ever been  
16     anything non-consensual in any form whatsoever. We  
17     moved on from there. We talked about other things.  
18     Then he said, well, what are we going to do with this?  
19     Are we going to have a big investigation or... He said,  
20     I don't have any details, but she said she would give  
21     details. So we need to do something. You can either  
22     resign or we'll have to have this big investigation. I  
23     asked for time to pray with Mary. I came back. I said,  
24     I'll just resign.

25                 This aspect, I thought was over with. If it



1 That's what I said in the office. And he said, well --  
2 again, I still thought that the non-consensual aspect  
3 was either a misspeaking or it had been dealt with by my  
4 saying no.

5 Q. And with the discussion we've just had about  
6 your contract and the SBC denominational doctrines, it's  
7 fair to say even your account of what happened between  
8 you and Jennifer would not allow you to continue on as a  
9 tenured member of the seminary?

10 A. That is true, but the 2019 resolution about  
11 sexual abuse and all of the different forms of sexual  
12 abuse and all of that is after the fact, after I had  
13 left.

14 Q. Yes, I'll give you that was adopted by the  
15 messengers the following year.

16 A. But I agree. That's why --

17 MS. McNULTY: Wait, wait.

18 THE WITNESS: I'm sorry.

19 BY MR. TRAVIS:

20 Q. My question to you, though, you would have  
21 understood based on your concessions the last two days  
22 with respect to the various extramarital sexual contact  
23 that you've talked about, you would have been in  
24 violation of your employment agreement?

25 A. I agree with that.

1 Q. And that you would have been terminated had  
2 you not resigned?

3 A. That is true.

4 Q. I believe in your complaint you refer -- you  
5 state that you rightly resigned; is that correct?

6 A. That's right.

7 Q. And, accordingly, you could not have  
8 anticipated to continue receiving a salary from the  
9 Southern Baptist Theological Seminary?

10 A. That is right.

11 Q. Okay. After this meeting with Dr. Mohler,  
12 did you ever have any sort of follow-up conversations  
13 with anyone at the seminary?

14 A. Never. Well, informally.

15 Q. What does that mean?

16 A. Means not as official, this is a seminary  
17 conversation.

18 Q. What about Craig Parker, did you have any  
19 contact with Craig Parker?

20 A. Craig Parker came to me afterwards and he  
21 said, hey, look, if you'll sign this nondisclosure or  
22 some sort of don't talk bad about the seminary kind of  
23 thing, we'll pay your insurance for six months;  
24 otherwise, you're on your own. And I had no intention  
25 of saying anything bad about the seminary. According to

1     what you just said, I admitted to the inappropriate  
2     aspect of our relationship. I realized somebody who  
3     confesses to that should not continue as a professor. I  
4     resigned.

5                 Based on that, an article went out in the  
6     Baptist Press saying he resigned because of an  
7     inappropriate relationship. All of that was fine. We  
8     were thankful for six months of insurance. It was all  
9     done as far as we were concerned. When the backlash  
10    happened and it was republished as now it was actual  
11    abuse that had taken place and all of these other  
12    aspects of it, at that point it was a different ball  
13    game.

14            Q.     In connection with those insurance benefits,  
15    do you remember ever expressing to Craig Parker your  
16    love for the seminary and Dr. Mohler or apologizing for  
17    any difficulty you caused?

18            A.     Yes, I do remember that. I still hold to  
19    that.

20            Q.     Did you ever tell Craig Parker that you were  
21    in counseling at that time?

22            A.     I was.

23            Q.     Have you ever spoken to Dr. Mohler since that  
24    meeting in his office?

25            A.     No.

1                   And then when that is all over the internet  
2   and the Twitter-verse at that time, Dr. Mohler released  
3   this because people were beginning to question that,  
4   saying wait a minute, did he confess to sexual abuse?  
5   What's going on? And he came out with this statement.  
6   Jennifer responded to this statement saying, thank you,  
7   Dr. Mohler, for going on record for that.

8           Q.     Did Dr. Mohler directly call you a criminal  
9   in that statement?

10          A.     No, but I must not be the only one who thinks  
11   accusing someone of sexual abuse makes them a criminal  
12   because it says that in the...

13          Q.     Are there any other defamatory public  
14   statements made by Dr. Mohler or the seminary that you  
15   are aware of sitting here today other than the two we've  
16   talked about?

17          A.     I am not.

18          Q.     Do you have any basis for believing Dr.  
19   Mohler acted with malice?

20          A.     Toward me?

21          Q.     Correct.

22          A.     No.

23          Q.     Do you have any basis for claiming Dr. Mohler  
24   made statements with reckless disregard for the truth?

25               MS. McNULTY: I just want to make an

1 objection. Calls for a legal conclusion and seeks  
2 testimony that will invade the attorney/client and work  
3 product privilege. So these answers are reflecting his  
4 answers independent of his counsel.

5 MR. TRAVIS: Understood.

6 THE WITNESS: Do I have any basis, is that  
7 the premise of the question? I don't have any proof or  
8 any basis for that.

9 BY MR. TRAVIS:

10 Q. Did you ever tell Dr. Mohler your story of  
11 this relationship or contact with Jennifer Lyell other  
12 than just a general denial of non-consensual?

13 A. Yeah, in the meeting that day. He asked  
14 about the -- then what is it, what is going on? And we  
15 discussed the relationship we had with Jennifer. And  
16 then I admitted that there had been inappropriate  
17 interaction.

18 Q. And then you resigned, right?

19 A. Well, after I met with Mary, explained to her  
20 what was going on, we both agreed I would just resign.

21 Q. The last question I think I have for you, Dr.  
22 Sills, just to backtrack, going to Paragraph 40 of your  
23 complaint.

24 A. Same one?

25 Q. Same one. That one states that defendants

1 MR. TRAVIS: I pass the witness.

2 MS. McNULTY: Can we take five minutes?

3 THE VIDEOGRAPHER: Off the record at 3:51.

4 (Recess observed.)

5 THE VIDEOGRAPHER: Back on the record at  
6 4:01.

7 EXAMINATION BY MR. OTCHY:

8 Q. Hi, Mr. Sills. My name is Alex Otchy. I am  
9 an attorney at Mintz and Gold and I represent Guidepost  
10 Solutions. Thank you for being here today and  
11 yesterday. I know it's been a long two days and I  
12 appreciate it.

13 Can you please identify any defamatory  
14 statements that Guidepost has made about you to any  
15 third parties?

16 A. Guidepost report.

17 Q. And what third parties did Guidepost send  
18 that report to?

19 A. Everyone it was published to.

20 Q. Do you have any evidence that Guidepost  
21 published that report?

22 A. I have the evidence in the Southern Baptist  
23 website and Southern Baptist Convention entities that  
24 shared the Guidepost report, and it was a report that  
25 they supposedly paid millions of dollars for and were

1 readily sharing among themselves the fruit of their  
2 investment. And the Guidepost report included the list  
3 of alleged abusers. And it was the culmination of a  
4 long-anticipated, long-awaited investigation.

5 Q. So you said the SBC website. What else did  
6 you mention?

7 A. Well, the SBC website, but people obtained  
8 access to it from there. So Baptist Accountability was  
9 another site that got it. Mission agencies that were  
10 interested in who they might have as a part of their  
11 ongoing activities, mission trips, or anything like  
12 that. The Guidepost report is -- the sharing of it has  
13 been prolific. It's everywhere.

14 Q. You have no evidence that Guidepost actually  
15 shared the report, though, do you?

16 A. I have --

17 MS. McNULTY: Wait. Objection, form.  
18 Invades the attorney/client privilege and work product  
19 privilege. Go ahead.

20 THE WITNESS: The contention is that  
21 Guidepost produced a report that I believe was  
22 irresponsible.

23 BY MR. OTCHY:

24 Q. Who did Guidepost produce the report to?

25 A. The report produced it as a result of their

1 request by the Southern Baptist Convention to  
2 investigate this matter for us.

3 Q. Who did Guidepost send the report to?

4 A. Initially, I assume the executive committee  
5 of the Southern Baptist Convention.

6 Q. You have no evidence that Guidepost, itself,  
7 personally published the report, do you?

8 MS. McNULTY: Objection, form. Misstates  
9 testimony. Go ahead.

10 THE WITNESS: The source of the report is  
11 Guidepost.

12 BY MR. OTCHY:

13 Q. I am not talking about the source. Do you  
14 understand that?

15 A. I am not sure I understand the distinction.

16 Q. You don't understand the distinction between  
17 a source and a publication and you, yourself, are an  
18 author?

19 A. You are asking me if I have seen a copy of  
20 the Guidepost report in a book store?

21 Q. That's not what I am asking you. I am asking  
22 you for your personal --

23 A. As an author -- I'm sorry, go ahead.

24 Q. I am asking for your personal evidence, your  
25 personal knowledge --



1           A.       Right.

2           Q.       -- that Guidepost published the report? Not  
3       somebody else, not the other, SBC website, Baptist  
4       Accountability, mission agencies. What evidence do you  
5       have that Guidepost personally published the report?

6                   MS. McNULTY: Objection, form, asked and  
7       answered, argumentative. Go ahead.

8                   THE WITNESS: I believe that the Guidepost --  
9       if you want to count it publishing, published by  
10      submitting it to the Southern Baptist Convention.

11     BY MR. OTCHY:

12          Q.       So your only evidence is that Guidepost  
13      published by providing it to the SBC?

14                  MS. McNULTY: Objection, form. Misstates  
15      testimony and evidence. Go ahead.

16                  THE WITNESS: I think the fact that it was  
17      made available from Guidepost, whatever you want to call  
18      publishing, it was conducted by, compiled by, and  
19      provided by Guidepost. If you want to call that  
20      publishing, I do. It was published by submitting that  
21      to the Southern Baptist Convention as the fruit, as the  
22      result of an exhaustive investigation.

23     BY MR. OTCHY:

24          Q.       You said it was made available by Guidepost?

25          A.       Yes, sir.

1 Q. What evidence do you have that it was, quote,  
2 unquote, made available by Guidepost?

3 MS. McNULTY: Objection. Invades the work  
4 product and attorney/client privilege. Go ahead.

5 A. There were two answers or ways that I would  
6 answer that. One was that the Southern Baptist  
7 Convention made available to all of their churches, this  
8 is finally, we have the report, here is the report. And  
9 there was a link on the Southern Baptist Convention  
10 website that made -- that linked to the report.

11 If you go to Guidepost, when it initially  
12 came out there was a link that listed the report.  
13 Whether they're still there or not, I don't know, but I  
14 did look at them at one time.

15 Q. Both of those links --

16 A. Sources.

17 Q. -- that you just mentioned? Those sources?

18 A. Yes.

19 Q. And on Guidepost's website did you click on  
20 the link that you just mentioned?

21 A. I think the link that I clicked on it  
22 mentioned -- it listed the title that that was the  
23 report. When I clicked on it, it linked back to the  
24 Southern Baptist Convention's website of it.

25 Q. So it hyperlinked back to the SBC's website

1 to find the actual full report?

2 A. Right. So Guidepost would have published it  
3 on their web page that you find the actual report housed  
4 at SBC website, Southern Baptist Convention's website.

5 Q. Are you alleging that Guidepost made any  
6 defamatory statements that are not otherwise contained  
7 in the report?

8 MS. McNULTY: Objection, form.

9 THE WITNESS: I am contending that the report  
10 itself was defamatory.

11 BY MR. OTCHY:

12 Q. Nothing outside of the report that Guidepost  
13 said was defamatory?

14 A. The compilation of alleged abusers was  
15 defamatory.

16 Q. And that's the database that you were  
17 referring to earlier --

18 A. That was the database that --

19 Q. -- with the mug shots?

20 A. That's right.

21 Q. I'm sorry, I didn't mean to interrupt you.

22 A. No, no, I'm sorry. That's right.

23 Q. And is it your allegation that the database  
24 is actually in the Guidepost report?

25 A. It is my -- I haven't made it a habit to look

1 at it ever since it first came out. When it first came  
2 out, I did check and it was either a part of it or it  
3 was hyperlinked. Both of those hyperlinks together,  
4 here's the report, the Guide Stone [sic] report, here is  
5 the list of alleged abusers. I didn't look to see who  
6 exactly, but they were clearly tied together, same color  
7 hyperlink.

8 Q. And this is the SBC website?

9 A. It was when it first came out. I don't look  
10 at it regularly.

11 Q. So based on what you're saying, Guidepost did  
12 not publish this mug-shot-style list that you are  
13 stating?

14 MS. McNULTY: Objection to form. Misstates  
15 testimony and evidence. Go ahead.

16 THE WITNESS: Again, I reiterate, Guidepost  
17 was the source of the information. No one else would  
18 have just ex nihilo just come up with a bunch of names  
19 to put on a list. It came from the Guidepost  
20 investigation.

21 Q. Guidepost was the source of all of that  
22 information?

23 A. That's right.

24 Q. Where do you think Guidepost got that  
25 information from?

1 MS. McNULTY: Objection, form. Calls for  
2 speculation by the witness.

3 THE WITNESS: It would be pure speculation.  
4 I don't know where they got all of their information.  
5 They didn't get it from investigating the situation.

6 BY MR. OTCHY:

7 Q. And, again, you have no evidence that  
8 Guidepost published that -- we'll call it a database?

9 MS. McNULTY: Objection, form. Misstates.  
10 BY MR. OTCHY:

11 Q. I don't know what else to call it.

12 A. Yeah, I didn't come with evidence to show  
13 where the actual publication originated.

14 Q. I will look at a few of your responses to  
15 supplemental interrogatories. I don't know what exhibit  
16 we're at.

17 (Exhibit 49 was marked.)

18 BY MR. OTCHY:

19 Q. When you are ready, please look at your  
20 response to No. 2.

21 A. On the first page, No. 2?

22 Q. Actually Page 4 of the document.

23 A. Okay. Okay, I've read No. 2.

24 MS. McNULTY: Did you read your answer to  
25 yourself? Take a look at all of it and let counsel know

1 your dep. You go ahead and ask him about the final  
2 report, and you're welcome to put the laptop in front of  
3 him.

4 MR. OTCHY: I think he can answer the  
5 questions. It's his complaint. He doesn't have to do  
6 that anymore.

7 THE WITNESS: Well, then if you go to  
8 Guidepost Solutions and you go to the SBC report  
9 investigation, SBC investigation and report on Guidepost  
10 solutions dot com. SBC investigation and report, and  
11 then you click -- it says in the very first paragraph in  
12 response to requests, the SBC executive committee has  
13 released a list of the pastors, which of course is  
14 published on your website. You click on the little  
15 hyperlink and it goes to the database.

16 BY MR. OTCHY:

17 Q. And what database is that?

18 A. The database that your website references.

19 Q. On Guidepost website?

20 A. If you click the link on Guidepost website,  
21 it goes to this list. I mean you can do it with my  
22 phone if you want.

23 Q. I'd prefer not to.

24 MS. McNULTY: No, he doesn't need to. You're  
25 doing yours and he's doing his.

1     **settle the case.**

2     **BY MR. OTCHY:**

3           **Q.**     How did you learn that defendant, Lyell, had  
4     allegedly may or may not have been engaged in settlement  
5     discussions?

6                   **MS. McNULTY:**   Objection, form.   Seeks  
7     attorney/client privileged information and work product  
8     privilege.   Go ahead.   You can answer only to the extent  
9     it doesn't reveal work product or things we have  
10    discussed.

11                   **THE WITNESS:**   Okay.   Defendant, Lyell's,  
12    testimony in social media and interactions with others  
13    about her situation.

14    **BY MR. OTCHY:**

15           **Q.**     Go to Paragraph 57, please.

16           **A.**     Okay.

17           **Q.**     The opening statement says on May 22nd, 2022,  
18    defendants, SBI and Guidepost, published a report  
19    stating, colon.   I ask you again what evidence do you  
20    have that defendants, SBI or Guidepost, published the  
21    report?

22                   **MS. McNULTY:**   Objection, form, asked and  
23    answered.

24                   **THE WITNESS:**   I would refer to my earlier  
25    answer.

1 phone down, I just pulled up on Guidepost and it still  
2 lists click on this hyperlink to go to the list or click  
3 on this for the abuse reform investigation report.

4 Q. Go to Paragraph 62, please. Can you explain  
5 what you meant when you said the report, published in  
6 May of 2022, redirected, and then you finished the  
7 sentence. What did you mean by redirect?

8 MS. McNULTY: Objection, form, to the extent  
9 it seeks work product or attorney/client privileged  
10 information. Go ahead.

11 THE WITNESS: The report directed, included a  
12 link -- you can't have a report that lists hundreds and  
13 hundreds of people on there. So it clicks, you go to  
14 this link, and there is all of that information. That's  
15 what I mean by redirect.

16 BY MR. OTCHY:

17 Q. So a link redirected you to somewhere else;  
18 is that what you're saying?

19 A. I don't know where it went.

20 Q. I am just asking for clarity. That's it.

21 A. And I'm answering, I don't know where it  
22 went. When you look at that and you click go here and  
23 you click on it, who knows where it is physically  
24 housed. In someone's closet somewhere, I don't know.  
25 But that's where it goes. It goes to that information.