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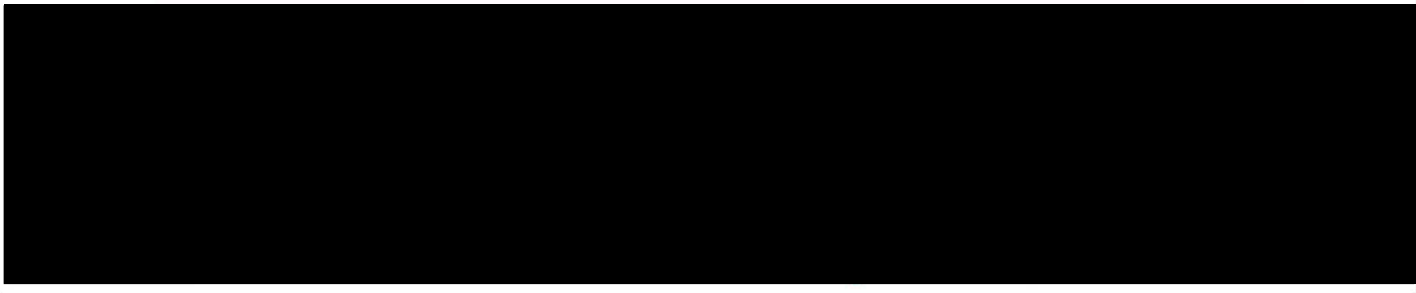


Civil [redacted]-00



**MATTHEW RICHARDS**




March 15, 2018







A P P E A R A N C E S

For the Plaintiff:

  LAW, PLC  


For the Defendants   and 


For the Defendants Kent and Richards:

   
 , P.C.

Also Present:  and  and  
Randall Kent

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I N D E X



WITNESS

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MATTHEW RICHARDS

Examination by Mr. [REDACTED] . . . . . 5

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1 March 15, 2018

11:37 a.m.

2 P R O C E E D I N G S

3 MATTHEW RICHARDS,

4 called as a witness herein, having been first duly  
5 sworn by the Certified Court Reporter to tell the  
6 truth, was examined and testified as follows:

7 EXAMINATION

8 BY MR. [REDACTED]

9 Q. Would you please state your name for the  
10 record, please, sir.

11 A. Matthew Kent Richards.

12 Q. Mr. Richards, how are you employed?

13 A. I'm an attorney.

14 Q. With Kirton McConkie; right?

15 A. Correct.

16 Q. Have you been employed by any other law  
17 firm during the course of your career as an attorney?

18 A. No.

19 Q. And you've been employed by Kirton McConkie  
20 since approximately what year?

21 A. 1998.

22 Q. And what is the nature of your practice as  
23 of today? What kind of law do you practice?

24 A. It's an outside general counsel role. My  
25 client is the Church of Jesus Christ of Latter-Day



1 Saints and its affiliated legal entities.

2 Q. Do you have any clients other than the  
3 Church and its affiliated legal entities?

4 A. I occasionally work on other matters.

5 Q. And then would I be correct to conclude  
6 that as general counsel, you provide advice to your  
7 clients on a number of different types of matters?

8 A. Yes.

9 Q. However, does that advice tend to focus on  
10 certain matters other than others, like tax versus  
11 constitutional issues versus real estate and that sort  
12 of thing?

13 A. I have a geographic boundary of the United  
14 States and Canada. And then other than that, I have  
15 certain areas where I am a point of contact for, but I  
16 can be called upon to render any number of services.

17 Q. Does that include tax matters?

18 A. I do get tax questions and refer them to  
19 experts.

20 Q. Okay.

21 So you wouldn't be the person to render  
22 that advice directly, in other words?

23 A. I sometimes am involved in the advice.

24 Q. And I'm trying to get a good sense of what  
25 type of matters you generally would be the person to



1 provide advice to the Church.

2           Can you illuminate me on that in any more  
3 specifics or do I need to just start listing different  
4 types of areas of the law?

5           A.     I enlist experts in any area that I'm asked  
6 to, because I'm in some ways -- that's the nature of a  
7 general counsel kind of role, right? You get lots of  
8 questions. They may be covering a range of topics. My  
9 job is to make sure that the client gets useful  
10 information back.

11          Q.     As a general practice, when calls are made  
12 to the helpline, are you a person that routinely is  
13 involved in responding to those calls?

14          A.     No.

15          Q.     Are you a lifelong resident of the Salt  
16 Lake City area?

17          A.     No.

18          Q.     Then just give me a brief background of  
19 what you would consider perhaps where you grew up,  
20 where you went to college, law school, that sort of  
21 thing, just so I can get a little background.

22          A.     I was born here and have lived in Utah most  
23 of my life, but I had two years abroad, in another  
24 country.

25          Q.     Was that as part of a missionary service



1 for the Church?

2 A. It was.

3 Q. What country was that?

4 A. The Dominican Republic.

5 Q. Any other times you've lived outside of  
6 Utah?

7 A. I lived for four months in [REDACTED]

8 Q. Where in [REDACTED]

9 A. Alexandria.

10 Q. And how did that come about? What caused  
11 you to be living in [REDACTED] for four months?

12 A. I was doing an internship in the District  
13 of Columbia.

14 Q. What type of internship?

15 A. It was before I went to law school, and I  
16 was working with the District of Columbia's corporation  
17 counsel.

18 Q. So part of the Church?

19 A. No.

20 Q. So it was in the District of Columbia  
21 government?

22 A. Correct.

23 Q. And what year would that have been, those  
24 four months that you spent in [REDACTED]

25 A. If I recall, it was early 1994.

[REDACTED]

1 Q. Now, you mentioned that for most of your  
2 life, you lived in Utah. Has that been the Salt Lake  
3 or greater Salt Lake area or other parts of the state  
4 that you would not consider part of the Salt Lake area?

5 A. It also included some time in Provo, Utah.

6 Q. And are you a lifelong member of Church of  
7 Latter-Day Saints?

8 A. The Church of Jesus Christ of Latter-Day  
9 Saints? Yes.

10 Q. Thank you. And I'm sorry if I misspoke. I  
11 don't mean to be offensive by that.

12 Do you currently hold any leadership  
13 positions within the Church?

14 A. No.

15 Q. Have you in the past?

16 A. Yes.

17 Q. What roles have you had?

18 A. I have served as a bishop.

19 Q. Over what ward was that?

20 A. In my local neighborhood.

21 Q. Is there a name for that ward?

22 A. The [REDACTED] Ward.

23 Q. What year was that, or years?

24 A. 2013 to 2018.

25 Q. Are you still a bishop?

[REDACTED]

1 A. No.

2 Q. So when were you released from that  
3 position?

4 A. Two weeks ago.

5 Q. Any other leadership roles that you haven't  
6 mentioned yet?

7 A. There are -- maybe clarify what you mean by  
8 a "leadership role."

9 Q. Roles to which you would be called.

10 A. Every position in the Church is the result  
11 of a calling.

12 Q. Then I guess I'm asking a pretty broad  
13 question.

14 A. You are.

15 Q. And I'm not a member of the Church so I'm  
16 not aware of all of the roles to which you might be  
17 called in the Church, but I'm asking you, to what roles  
18 have you been called in the Church?

19 A. I'm not sure that I can remember them all.

20 Q. Well, the ones that you can remember,  
21 please share.

22 A. So I've served as a Sunday school teacher  
23 in various ways. I've served as an assistant  
24 scoutmaster.

25 Q. That would be Boy Scouts of America?



1           A.     Correct.  I have served in -- as an advisor  
2 in the young men's organization.  I have served as a  
3 high councilor.  I have served in -- in elders quorum.

4           Q.     Elders quorum?

5           A.     Yes.

6           Q.     Would you help me understand what that is.

7           A.     It's the -- it's one of the men's

8 [REDACTED]  
9           Q.     What does that ministry do?  What purpose  
10 does it serve?

11          A.     Men who hold the [REDACTED] are in one of  
12 two quorums, the elders quorum or high [REDACTED] quorum.

13          Q.     In the Church of Jesus Christ of Latter-Day  
14 Saints, the men who hold the title of [REDACTED] how would  
15 a man come to have that title?

16          A.     [REDACTED] is conferred upon someone.  A  
17 [REDACTED] typically receives that conferral or that  
18 ordination at the -- around the age of 16.  And it  
19 comes about after an interview with the bishop, and the  
20 bishop authorizes that ordinance.

21          Q.     So then the elders quorum that you're a  
22 part of would oversee [REDACTED] being these young men of  
23 around the age of 16 and perhaps older?

24          A.     No.

25          Q.     Am I understanding the responsibility of

1 the quorum?

2 A. No.

3 Q. Help me understand what role you would  
4 serve in the elders quorum.

5 A. The elders quorum is a different  
6 organization than the young men's.

7 Q. How so?

8 A. The elders quorum is for people who have  
9 been ordained an elder.

10 Q. And how does that come about?

11 A. Also by an interview, by a member of the  
12 stake presidency. And then the person is ordained in  
13 an ordinance.

14 Q. As an elder?

15 A. Correct.

16 Q. And is there an age at which that typically  
17 occurred?

18 A. After the age of 18.

19 Q. So would I understand correct, there's a  
20 progression, so to speak, that at 16, a young man may  
21 become a [REDACTED] and then at 18, if they satisfy the  
22 right requirements, could then become an elder?

23 A. I don't think I would characterize it as a  
24 progression, but it is true that upon the age of 18,  
25 they may become an elder.

1 Q. And then back to my -- help me understand,  
2 as part of the elders quorum, what was your role or  
3 function?

4 A. I oversaw the teaching -- as part of the  
5 leadership of the elders quorum, I oversaw the teaching  
6 and the instruction in Sunday meetings. Elders are  
7 invited to visit each other on a periodic basis, and I  
8 was -- helped to coordinate those assignments and  
9 follow up to see how those -- the members of the quorum  
10 and their families were doing.

11 Q. You also mentioned that you served as a  
12 high councilor; right?

13 A. Correct.

14 Q. High councilor to whom?

15 A. To a stake president.

16 Q. And as a high councilor to a stake  
17 president, what was your function? What did you do?

18 A. I had different assignments that varied  
19 from time to time.

20 Q. During what years did you serve as a high  
21 councilor?

22 A. I don't recall.

23 Q. Has it been within the last five years?

24 A. No.

25 Q. And what were some of the assignments that





1 you were given as high councilor?

2 A. I helped support the Sunday school teachers  
3 and leaders in the stake. I was -- my particular  
4 assignment for part of my time was to help support a  
5 branch of the Church at a hospital for children. And  
6 so I helped that very small branch minister to patients  
7 and their families in the hospital.

8 Q. Are there any other callings in which you  
9 serve in the Church that you can recall as we sit here  
10 now?

11 A. I don't recall any others.

12 Q. When did you first become aware that there  
13 had been a call made to the helpline concerning [REDACTED]

14 [REDACTED]

15 A. In August of 2015.

16 Q. And how was it you became aware of that?

17 A. I was informed by Randall Kent.

18 Q. And what was the means of that  
19 communication? Email? Telephone call? How did that  
20 happen?

21 A. I know that there was an email. I don't  
22 recall whether there was also a phone call.

23 Q. And did you respond to him, offer some  
24 help, guidance or advice in response to his  
25 communication to you?

1 A. I did.

2 Q. I take it you would refrain from telling me  
3 what that was due to attorney-client privilege?

4 A. Correct.

5 Q. Do you know what action, if any, Mr. Kent  
6 took after receiving the communication from you that  
7 you gave to him in response to his initial email about

8

9 A. One of us, and I can't recall who, enlisted  
10 the Church security department.

11 Q. So you don't recall which of the two of you  
12 actually would have contacted the Church security  
13 department?

14 A. I don't.

15 Q. Do you know how that contact to the Church  
16 security department would have been initiated? Again,  
17 email, telephone call.

18 A. Either email or phone call.

19 Q. And do you recall to whom in the Church  
20 security department that initial communication was  
21 made?

22 A. John Hodson.

23 Q. And once that contact was made with John  
24 Hodson, do you know what the Church security department  
25 did once it received that information?

1           A.     Yes.

2           Q.     Without getting into attorney-client  
3 privilege again, what action did they take in response  
4 to that communication from you or Mr. Kent?

5           MR. [REDACTED] I object to the extent that you  
6 would have to reveal attorney-client communications and  
7 information. I don't know if you can answer otherwise.

8           THE WITNESS: I am -- all I know about the  
9 actions they took were what they told me.

10 BY MR. [REDACTED]

11          Q.     Would you -- can you confirm for me at  
12 least that it was your understanding they undertook  
13 some sort of investigation?

14          MR. [REDACTED] I have the same request, that  
15 you not disclose anything that would be protected by  
16 attorney-client privilege.

17          THE WITNESS: I think I need to follow my  
18 counsel's direction. Everything I know about what they  
19 did was as a result of their communications to me. I'm  
20 happy to talk about the general process if that's where  
21 you want to go.

22 BY MR. [REDACTED]

23          Q.     Then, yes, please, generally. And when you  
24 say the general process, give me if I -- when you say  
25 the general process, the general process as regarding

1 what? Response to helpline [REDACTED]

2 A. Response to helpline [REDACTED] that might  
3 involve the Church security department.

4 Q. What is, then, the general process, once  
5 you communicate to the Church security department  
6 whatever the issue or problem might be?

7 A. That they would undertake an investigation.

8 Q. And then once they conduct their  
9 investigation, the Church security department would  
10 report back to you or to someone in the law firm?

11 A. Yes.

12 Q. Do you know whether they would also report  
13 the findings of their investigation to any other person  
14 or entity?

15 A. Yes, I know.

16 Q. To whom would they report that, other than  
17 you or someone in the Kirton McConkie law firm?

18 A. That would be reported to me or someone in  
19 my firm.

20 Q. No one else, however, you're saying?

21 A. I'm not aware of every circumstance. I  
22 don't know.

23 Q. As a general practice, once the Church  
24 security department conducts an investigation, other  
25 than reporting back to your law firm, you don't know

1 who else they would, in a matter of course, also report  
2 the findings of that investigation to?

3 A. I don't know.

4 Q. In the normal course, at what point, if at  
5 all, does general counsel, the Office of General  
6 Counsel for the Church, become involved?

7 A. If the Church security department and the  
8 general -- and the practice, if they determine, based  
9 on their investigation, that further action is  
10 recommended, that they recommend taking further action,  
11 then they report that to my firm. And then I or  
12 someone would inform the Office of General Counsel of  
13 the recommendation.

14 Q. In your role as providing general counsel  
15 services to the Church, are you considered part of the  
16 Office of General Counsel?

17 A. No.

18 Q. So they actually have lawyers that are  
19 full-time employees of the Church that serve in the  
20 Office of General Counsel?

21 A. Yes.

22 Q. If the Church security department  
23 determines that further action may need to be taken, as  
24 you've described it, which then general counsel would  
25 become involved, who initiates that contact with the



1 Office of General Counsel?

2 A. As a general matter?

3 Q. Yes.

4 A. Or in this specific case?

5 Q. As a general matter.

6 A. As I just answered, it would be myself or  
7 someone in my firm.

8 Q. So the Church security department normally  
9 wouldn't go to the Office of General Counsel  
10 themselves, that would come through your firm?

11 A. Correct.

12 Q. Are you willing to state in this particular  
13 circumstance involving [REDACTED] who initiated  
14 contact with the Office of General Counsel?

15 MR. [REDACTED] Same objection regarding  
16 privilege. If you can answer without revealing  
17 privilege --

18 THE WITNESS: I think I probably ought to  
19 ask you that question. Should we visit outside?

20 MR. [REDACTED] Let's take a break.

21 Mr. [REDACTED] and Mr. [REDACTED] and the deponent and  
22 Mr. Kent are stepping outside.

23 (Recess taken.)

24 MR. [REDACTED] He's prepared to answer.

25 BY MR. [REDACTED]

1 Q. Do you need to restate the question?

2 A. That would be great. Thank you.

3 MR. [REDACTED] Rockie, you're up.

4 (Whereupon the record was read by the  
5 reporter as follows:

6 QUESTION: Are you willing to state in this  
7 particular circumstance involving [REDACTED] who  
8 initiated contact with the Office of General Counsel?)

9 THE WITNESS: I did.

10 BY MR. [REDACTED]

11 Q. And who is the specific person in the  
12 Office of General Counsel that you initiated contact  
13 with concerning [REDACTED]

14 A. Boyd Black.

15 Q. And Boyd Black I take it, then, is an  
16 attorney?

17 A. He is.

18 Q. Is Boyd Black an attorney in the Office of  
19 General Counsel that routinely handles matters that  
20 lead to PNG letters?

21 A. Can you give me the timeframe?

22 Q. June through December 2015.

23 A. At the time, he often was involved in those  
24 decisions.

25 Q. So from your statement, I take it not the

1 only attorney in the office that might be involved in  
2 those but one of them?

3 A. Correct.

4 Q. As a general matter, once these sorts of  
5 situations are referred to the Office of General  
6 Counsel, what role do you play after that?

7 A. We follow the instructions of the Church.

8 Q. And that would be instructions that you  
9 would receive back from the Office of General Counsel?

10 A. Yes.

11 Q. Do you know what action, if any, the Office  
12 of General Counsel took in response to you referring  
13 the [REDACTED] matter to them?

14 A. Yes.

15 Q. Are you able to tell me that, or would that  
16 be something covered by attorney-client privilege as we  
17 sit here today?

18 MR. [REDACTED] I would object and tell you not  
19 to answer to the extent it reveals attorney-client  
20 communications. I would assume that would, but you  
21 would know.

22 THE WITNESS: I cannot answer that without  
23 revealing privilege.

24 BY MR. [REDACTED]

25 Q. Do you know what action they took?



1 A. Yes.

2 Q. And right now, dealing just with the  
3 August 2015 contact from Bishop [REDACTED] was there any  
4 action taken by the Church at that time regarding

5 [REDACTED]

6 MR. [REDACTED] Same privilege objection.

7 THE WITNESS: No.

8 BY MR. [REDACTED]

9 Q. So your answer to the question is there was  
10 no action taken? I just want to make sure I understand  
11 what you're answering.

12 A. That's my answer.

13 Q. Okay.

14 Did you, at any time, communicate directly,  
15 in that August 2015 timeframe, with Bishop [REDACTED]

16 A. No.

17 Q. Not by email or telephone, or any other  
18 manner for that matter?

19 A. I did not communicate with him.

20 Q. Do you know if Bishop [REDACTED] was told of  
21 what investigation or other action had been taken by  
22 the Church in response to his helpline inquiry?

23 A. No.

24 Q. So if anyone communicated with Bishop [REDACTED]  
25 about his complaint, you don't know if anybody did or

1 what he was told; is that right?

2 A. My answer to your question was that I do  
3 not know what he was told.

4 Q. Do you know whether he was communicated  
5 with at all in response to his helpline inquiry once  
6 the Church security department became involved and it  
7 was referred to the Office of General Counsel?

8 A. Yes.

9 Q. Do you know who communicated with him?

10 A. I don't recall.

11 Q. Was it someone with the Kirton McConkie law  
12 firm?

13 A. I don't recall.

14 Q. Do you know if anyone from the Church  
15 security department communicated with him once the  
16 Office of General Counsel reviewed the matter?

17 A. I don't believe the Office of General  
18 Counsel -- I take issue with your question, because it  
19 assumes that the Office of General Counsel was involved  
20 at that time period.

21 MR. [REDACTED] I think he asked you about  
22 Church security.

23 Wasn't your question Church security?

24 MR. [REDACTED] I think I asked that first  
25 and then I asked about Office of General Counsel, I

1 believe.

2 BY MR. [REDACTED]

3 Q. In August of 2015, you conferred or  
4 communicated with the Office of General Counsel about  
5 [REDACTED] right?

6 A. No.

7 Q. So when was the first time, to your  
8 knowledge, that the Office of General Counsel was  
9 involved with anything having to do with [REDACTED]

10 A. October.

11 Q. Thank you. I was mistaken, then.

12 But in August of 2015, the matter was  
13 referred to Church security department?

14 A. Yes.

15 Q. After August of 2015, when was the next  
16 time you became aware that there was anything that had  
17 come about regarding [REDACTED]

18 A. After August?

19 Q. Correct.

20 A. The next time I became aware was in  
21 October.

22 Q. And how did you become aware at that time?

23 MR. [REDACTED] I object to the extent it would  
24 require you to reveal communications that are  
25 privileged with your client.

1 BY MR. [REDACTED]

2 Q. So you're not able to answer that question  
3 without revealing attorney-client privileged  
4 information?

5 A. I believe so.

6 Q. When the matter, I'll say resurfaced in  
7 October with [REDACTED] were you involved in any  
8 communications about how to address the matter at that  
9 time?

10 A. Yes.

11 Q. Did you and Mr. Kent again confer about  
12 [REDACTED] in that timeframe, October 2015?

13 A. Yes.

14 Q. Did you have any direct communication with  
15 Bishop [REDACTED] at that time?

16 A. No.

17 Q. So no email or telephone calls or anything  
18 else of that nature?

19 A. I don't recall any direct communications  
20 with Bishop [REDACTED] at that time period.

21 Q. With who else did you have communication at  
22 that time concerning [REDACTED]

23 A. With the Church security department and  
24 with the Office of General Counsel.

25 Q. And again, in the Church security

1 department, would that have been John Hodson?

2 I'm sorry, I'm not sure if I'm saying his  
3 name right or not.

4 A. John Hodson and Tracy Fox.

5 Q. So is it your recollection that Tracy Fox  
6 was not involved in the August timeframe, but became  
7 involved then in October?

8 A. That's not my testimony.

9 Q. Okay.

10 So Mr. Fox was also involved as part of the  
11 Church security department's attention to [REDACTED]  
12 in the August timeframe?

13 A. I believe so.

14 Q. The nature of your communication with  
15 Mr. Hodson and Mr. Fox at that time, was that via email  
16 or telephone or both?

17 A. Primarily email. I don't recall whether  
18 there was a phone call as well.

19 Q. Was there anyone else in the Church  
20 security department with whom you communicated  
21 concerning [REDACTED] at any time?

22 A. I don't recall.

23 Q. You were here for the testimony of  
24 Mr. Kent; right?

25 A. I was.

1 Q. And he referred to a third party in the  
2 Church security department whom he believed may have  
3 actually conducted the investigation concerning [REDACTED]

4 [REDACTED]  
5 Do you remember that testimony?

6 A. I heard that.

7 Q. Do you know who that third person was or  
8 may have been?

9 A. I don't know whether there was a third  
10 person involved.

11 Q. Did the October communication from Bishop  
12 [REDACTED] result in the same process being followed that  
13 you described generally when we were talking about the  
14 August process?

15 MR. [REDACTED] Well, now you're into the  
16 specifics of the process in this matter, which I object  
17 to on the grounds of privilege. I think the general  
18 process is fair, but the specific process is  
19 privileged.

20 BY MR. [REDACTED]

21 Q. Do you know, in the October timeframe, when  
22 Bishop [REDACTED] contacted the Kirton McConkie law firm  
23 again, whether he also communicated with the Church  
24 security department at that timeframe?

25 A. The Church security department conducted an

1 investigation. I don't believe I can comment further.

2 Q. So in terms of the --

3 MR. [REDACTED] Hold on a second.

4 (Discussion off the record.)

5 BY MR. [REDACTED]

6 Q. In terms of actions that the Church  
7 security department undertook in the course of its  
8 investigation, you're not willing to disclose what  
9 action they undertook in their investigation because of  
10 attorney-client privilege?

11 A. That's correct.

12 Q. Are you aware of what action they undertook  
13 in the course of their investigation?

14 A. I'm aware of at least part of what they  
15 did.

16 Q. And once they completed their  
17 investigations, did they report back to you?

18 A. Yes.

19 Q. How long did it take them to conduct their  
20 investigation once contact was received from Bishop  
21 [REDACTED] in October?

22 A. I don't recall.

23 Q. What about the August timeframe, how long  
24 did it take them to conduct their investigation at that  
25 time?

1           A.     I don't recall.

2           Q.     Once the Church security department  
3 reported back to you in October, what action, if any,  
4 did you take in response to their report back about the  
5 investigation?

6                   MR. [REDACTED] I object on the grounds of -- I  
7 object to the extent it would call for you to reveal  
8 attorney-client privileged communications. So for  
9 example, if you -- whatever communications you had, if  
10 they were with the Church, would be -- you could not  
11 reveal those.

12                   THE WITNESS: I can't comment then.

13 BY MR. [REDACTED]

14           Q.     So you're asserting attorney-client  
15 privilege to answer that question?

16           A.     Yes.

17           Q.     Did Office of General Counsel become  
18 involved at the point at which you received back the  
19 findings of the Church security department's  
20 investigation?

21           A.     Yes.

22           Q.     And that was Boyd Black that became  
23 involved at that point?

24           A.     Yes.

25           Q.     Do you know at that point what action the



1 Office of General Counsel took in response to being  
2 made aware of what was going on with [REDACTED]

3 A. Yes.

4 Q. What action did they take at that point?

5 MR. [REDACTED] Objection, to the extent that  
6 you have to reveal attorney-client communications.

7 THE WITNESS: All I know about their action  
8 is what they told me.

9 BY MR. [REDACTED]

10 Q. Which you assert is subject to  
11 attorney-client privilege?

12 A. Correct.

13 Q. You are aware that at some point, a  
14 decision was made to send a persona non grata letter to  
15 [REDACTED] right?

16 A. Yes.

17 Q. Do you know who made that decision?

18 A. Yes.

19 Q. Who?

20 MR. [REDACTED] Same objection.

21 BY MR. [REDACTED]

22 Q. Did you make that decision?

23 A. No.

24 THE WITNESS: Sorry, I beat you to the  
25 punch.

1 MR. [REDACTED] That's all right.

2 BY MR. [REDACTED]

3 Q. Were you involved in a discussion of  
4 whether to issue a persona non grata letter to [REDACTED]

5 [REDACTED]

6 MR. [REDACTED] That calls for a privileged  
7 communication, unless you had the discussion with  
8 somebody that's not your client, which I don't think  
9 you did.

10 THE WITNESS: I did not have a discussion  
11 with someone other than my client.

12 BY MR. [REDACTED]

13 Q. You're asserting attorney-client privilege  
14 as to answering that question?

15 A. Yes.

16 Q. What involvement did you have in the actual  
17 drafting or sending of the letter to [REDACTED]

18 A. I instructed my staff to prepare the  
19 letter.

20 Q. And then who would that staff person or  
21 persons have been?

22 A. Erin Carlyle.

23 Q. And once that letter was prepared, did you  
24 review it?

25 A. I don't recall. Our process was that an

1 attorney would review it before it was sent.

2 Q. If not you, do you know what attorney did  
3 review this letter?

4 A. Randall Kent.

5 Q. And is it accurate to say that one of you  
6 did review it, but you don't recall which one?

7 A. I believe that's true.

8 Q. Is it possible that both of you reviewed  
9 it?

10 A. Yes.

11 Q. And then what role, if any, did you play in  
12 deciding where or to whom that letter was distributed?

13 MR. [REDACTED] Can I suggest asking him did he  
14 play a role in deciding whether the letter was  
15 distributed, and let's see what we get.

16 BY MR. [REDACTED]

17 Q. Okay. Answer that question, then, please.

18 MR. [REDACTED] That's a yes or no.

19 THE WITNESS: Yes.

20 BY MR. [REDACTED]

21 Q. So you did play a role then, which then  
22 leads to the next question. What role did you play in  
23 deciding how or to whom the letter would be  
24 distributed?

25 (Discussion off the record between the

1 witness and his counsel.)

2 MR. [REDACTED] Mr. [REDACTED] is conferring with  
3 the deponent.

4 MR. [REDACTED] Okay.

5 THE WITNESS: I instructed my staff to send  
6 a certified -- send the letter by certified mail to  
7 Ms. [REDACTED]

8 BY MR. [REDACTED]

9 Q. And I understand from Mr. Kent's testimony,  
10 and based on written discovery answers, that that  
11 letter was returned to your law firm. It was not  
12 delivered to Ms. [REDACTED] as far as you know; is that  
13 right?

14 A. That's what I understand.

15 Q. Do you know if that returned letter is  
16 still in existence?

17 A. I would have to look.

18 Q. Was the letter also disseminated to your  
19 client?

20 A. I believe a copy of the letter was sent to  
21 Church security department.

22 Q. Do you know if it was sent to a specific  
23 person in Church security, Mr. Hodson or Mr. Fox?

24 A. I don't recall.

25 Q. Do you know whether that letter -- a copy

1 of the letter was sent to them with an email?

2 A. I don't recall.

3 Q. Do you know what the Church security  
4 department did with the copy of the letter that they  
5 received?

6 A. I only know what they told me.

7 Q. So, therefore, it would be attorney-client  
8 privileged and you won't tell me what that is right  
9 now?

10 A. Unless my counsel tells me I should do  
11 otherwise.

12 MR. [REDACTED] No.

13 BY MR. [REDACTED]

14 Q. So you're asserting attorney-client  
15 privilege as to answering that question?

16 A. Yes.

17 Q. Do you know how the letter came to be in  
18 the possession of Bishop [REDACTED] President [REDACTED] or  
19 Mr. [REDACTED]

20 A. Did I know at the time or do I know now?

21 Q. At the time.

22 A. No.

23 Q. Do you know now?

24 A. Yes.

25 Q. How did they come to be in possession of

1 it, that you know now?

2 A. That's privileged.

3 Q. Okay.

4 Do you know who instructed them to sign the  
5 portion of the letter that is the second page? If you  
6 need to get the exhibit out, I could do that if you'd  
7 like to review it.

8 A. I would like to see what we're referring  
9 to.

10 Q. Exhibit 1.

11 A. (Witness reviews document.)

12 Q. So we've handed you what's been marked as  
13 Exhibit 1 for Mr. Kent's deposition. Take as much time  
14 as you'd like to review that.

15 A. (Witness reviews document.) Can you  
16 reframe your question now?

17 MR. ██████████ Would you refresh our  
18 memory, Rockie, please.

19 (Whereupon the record was read by the  
20 reporter as follows:

21 QUESTION: Do you know who instructed them  
22 to sign the portion of the letter that is the second  
23 page?)

24 THE WITNESS: You're referring to page 2  
25 here?

1 BY MR. [REDACTED]

2 Q. Correct.

3 A. I know nothing about this.

4 Q. Do you have any knowledge, then, about the  
5 third page that lists addresses?

6 A. No.

7 Q. Do you even know what those addresses would  
8 pertain to?

9 A. Not sitting here today, I don't.

10 Q. So your involvement and knowledge of the  
11 persona non grata letter at the time would have been  
12 only as to page 1 of Exhibit 1; is that correct?

13 A. That's correct.

14 Q. Do you know if anyone directed Bishop [REDACTED]  
15 or President [REDACTED] or Mr. [REDACTED] to deliver a copy of  
16 the letter to local law enforcement authorities?

17 A. What do you mean by "anyone"?

18 Q. Anyone.

19 A. I'm not aware of anyone providing  
20 direction.

21 Q. Do you know why they chose to deliver a  
22 copy to local law enforcement?

23 A. That would be privileged.

24 Q. Speaking generally now, are there  
25 circumstances in which the Church directs local

1 leadership to deliver persona non grata letters to  
2 local law enforcement?

3 A. No, not that I recall.

4 Q. Is there a written policy on issuance of  
5 the persona non grata letters with the Church?

6 A. I don't know.

7 Q. You don't know if there is any policy on  
8 it?

9 A. I don't know what you mean by "policy."

10 Q. Well, guidance to the Church about when  
11 these letters would be sent. Is there any policy that  
12 describes those circumstances and sets forth when that  
13 would occur?

14 A. I'm not aware of a formal policy. I'm  
15 aware of attorney-client privileged communications in  
16 which the process is discussed.

17 Q. So nothing in writing, but you're aware of  
18 circumstances under which those things occur?

19 A. It's not my testimony.

20 Q. Then help me understand how my description  
21 of it differs from your testimony.

22 A. Some of the attorney-client privileged  
23 communications may have been in writing.

24 Q. Would that be as to specific instances of  
25 issuance of these letters or generally speaking about





1 issuance of persona non grata letters?

2 A. I don't recall.

3 Q. When was the last time you were involved in  
4 issuance of a persona non grata letter, or any  
5 circumstance that led to issuance of a persona non  
6 grata letter?

7 A. I don't recall.

8 Q. Has it been this year?

9 A. No.

10 Q. Has it been within the last year, last  
11 twelve months?

12 A. I don't recall.

13 Q. Once the persona non grata letter was  
14 issued to Mrs. [REDACTED] when is the last time -- the  
15 next time that you became aware of anything having to  
16 do with her?

17 A. When her prior counsel sent a letter.

18 Q. And was that -- do you recall to whom that  
19 letter was directed?

20 A. I don't.

21 Q. Do you recall ever receiving a letter that  
22 Mrs. [REDACTED] drafted directed to your law firm?

23 A. I don't recall.

24 Q. But you do recall a letter from a prior  
25 attorney who represented Ms. [REDACTED]

1 A. Yes.

2 Q. And were you involved in retaining a law  
3 firm in [REDACTED] [REDACTED] to respond to the  
4 letter from an attorney at that time?

5 MR. [REDACTED] That's a yes or no.

6 THE WITNESS: Yes.

7 BY MR. [REDACTED]

8 Q. Did you communicate directly with that law  
9 firm?

10 A. Yes.

11 Q. After that, when was the next time that you  
12 were involved in anything concerning [REDACTED]

13 A. I don't recall.

14 Q. Was it prior to the initiation of  
15 litigation in August 2016?

16 A. Yes, I believe so.

17 Q. Would your source of information about  
18 anything having to do with [REDACTED] have been from  
19 anyone other than Mr. Kent or the Church security  
20 department?

21 A. Yes.

22 MR. [REDACTED] Are we talking ever, or before  
23 the PNG letter?

24 MR. [REDACTED] First let's limit it to  
25 before the PNG letter.

1 THE WITNESS: No.

2 BY MR. [REDACTED]

3 Q. Between issuance of the PNG letter and up  
4 to the institution of litigation, would it involve  
5 persons other than Church security department and  
6 Mr. Kent?

7 A. Yes.

8 Q. Would attorney-client privilege permit you  
9 to disclose who those persons were?

10 MR. [REDACTED] I would -- objection to the  
11 extent it would require you to reveal attorney-client  
12 privileged information, which I'm guessing is the case,  
13 but I don't know.

14 MR. [REDACTED] Let me ask the question a  
15 different way.

16 BY MR. [REDACTED]

17 Q. To the extent not protected by  
18 attorney-client privilege, what other sources of  
19 information did you have concerning [REDACTED] from  
20 issuance of the PNG letter up until the institution of  
21 litigation?

22 A. None.

23 Q. Did you have contacts before issuance of  
24 the PNG letter with persons located in [REDACTED]

25 A. I did not.

1 Q. After issuance of the PNG letter, did  
2 you -- and up to the institution of the litigation, did  
3 you have contact with persons in [REDACTED] concerning

4 [REDACTED]

5 A. Yes.

6 Q. And who are those persons?

7 A. I spoke to Bishop [REDACTED] and President

8 [REDACTED]

9 Q. Anyone else in [REDACTED]

10 A. Local counsel.

11 MR. [REDACTED] He cut it off at the filing of  
12 the lawsuit, I think.

13 MR. [REDACTED] Yeah, up to the institution  
14 of litigation.

15 BY MR. [REDACTED]

16 Q. Was there local counsel involved prior to  
17 the institution of litigation?

18 A. Mr. Garner from [REDACTED]

19 Q. Okay.

20 Anyone else in [REDACTED]

21 A. Not that I recall.

22 Q. You were advised of the findings of the  
23 Church security department's investigation via what  
24 mode of communication? Email? Telephone?

25 A. Email. There may have also been a phone

1 call.

2 Q. Would that apply to both the August and the  
3 October investigations they conducted?

4 A. Yes.

5 Q. Do you know if any other written report  
6 exists of the investigation that the Church security  
7 department conducted for August or October?

8 A. I don't know. I do not believe so.

9 Q. The email communication that you received  
10 from the Church security department, from their August  
11 investigation and their October investigation, has that  
12 been provided to your counsel, Mr. [REDACTED]

13 A. Can you restate the question? I'm sorry.  
14 I was distracted for a moment.

15 Q. Sure.

16 The email communication from the Church  
17 security department, that you received in October,  
18 telling you about the findings of the investigation,  
19 and the email that you received about the findings of  
20 their October investigation, have those emails been  
21 provided to Mr. [REDACTED]

22 A. I believe so.

23 Q. Let's look at a couple of exhibits now.  
24 This is Exhibit 2 from Mr. Kent's deposition, and just  
25 ask if you recognize that document.

1 A. I don't recall seeing this before.

2 Q. Okay.

3 So certainly, then, not before issuance of  
4 the PNG letter had you seen that letter?

5 A. I don't recall.

6 Q. Exhibit 3 is a handwritten page.

7 Do you recall ever having seen that letter  
8 prior to today?

9 A. I do recall seeing this prior to today.

10 Q. Was it prior to the institution of  
11 litigation?

12 A. I don't know.

13 Q. Were you involved in any -- providing any  
14 assistance to Bishop [REDACTED] in drafting a Church rules  
15 agreement for him to present to the [REDACTED] family?

16 A. No.

17 MR. [REDACTED] Well --

18 MR. [REDACTED] He already answered it.

19 BY MR. [REDACTED]

20 Q. So then as to Exhibit 4, which is a typed  
21 Church rules agreement, I take it you had no  
22 involvement in drafting that agreement either?

23 THE WITNESS: I better listen to you.

24 MR. [REDACTED] Go ahead.

25 THE WITNESS: No.

1 BY MR. [REDACTED]

2 Q. Exhibit 5 is an email from a lady named  
3 [REDACTED] to Bishop [REDACTED] And my  
4 question is, prior to the issuance of the PNG letter,  
5 do you recall having seen that email?

6 A. Prior to the issuance of the PNG letter?

7 Q. Correct.

8 A. No.

9 Q. Then same question with regard to after  
10 issuance of the letter and prior to the institution of  
11 litigation, do you recall seeing that email?

12 A. I don't recall.

13 Q. Exhibit 6 I'll represent to you is a  
14 journal entry from Merrill Hales, the missionary, who  
15 recounts in that journal entry an incident involving  
16 Mrs. [REDACTED]

17 And I'll first ask, do you recognize that  
18 document?

19 A. No.

20 Q. So does that mean that prior to today, and  
21 having it in front of you right now, do you recall ever  
22 having seen that document before?

23 A. I don't recall ever having seen this  
24 before.

25 Q. After issuance of the PNG letter to

1 Mrs. [REDACTED] in October, were you involved in any  
2 discussions about whether or under what circumstances  
3 Mrs. [REDACTED] would be permitted to once again come onto  
4 Church property or, in essence, have the PNG letter  
5 withdrawn?

6 MR. [REDACTED] That's a yes or no.

7 THE WITNESS: Yes.

8 BY MR. [REDACTED]

9 Q. With whom did you have those discussions?

10 A. My clients.

11 Q. Does that include local clergy in [REDACTED]  
12 associated with the [REDACTED] Ward?

13 A. No.

14 Q. Did it involve the stake president,  
15 President [REDACTED]

16 A. No. You're asking during the time period  
17 prior to issuance of the PNG letter?

18 Q. No. No -- well, obviously, there couldn't  
19 be discussion about letting her return to the Church  
20 until after the letter was issued.

21 So my questions are going to, once the  
22 letter was issued, with whom did you have discussions,  
23 if at all, about under what circumstance would  
24 Mrs. [REDACTED] be permitted to return to Church property  
25 or have the letter withdrawn?



1           A.     Thank you for clarifying that. I need to  
2 change my answers to the prior questions.

3           Q.     Okay. Thank you. Do you need me to ask  
4 them again?

5           A.     Yes.

6           Q.     Okay.

7                     After issuance of the letter, to what  
8 extent did you have communications with anyone about  
9 whether and under what circumstances the letter would  
10 be withdrawn and Ms. [REDACTED] would then be permitted to  
11 come on Church property?

12           MR. [REDACTED] So maybe we can go at it the  
13 same way you did previously. Did you have discussions?  
14 Which I think your answer was yes. Was that the one  
15 you wanted to change?

16           THE WITNESS: I did have discussions.

17           MR. [REDACTED] Then the next question was, with  
18 whom?

19           THE WITNESS: Correct.

20           MR. [REDACTED] You said your clients. Do you  
21 need to change that answer?

22           THE WITNESS: No, I don't to need to change  
23 that answer.

24 BY MR. [REDACTED]

25           Q.     Let me make sure I'm on the same page.

1           In terms of discussions about whether and  
2 under what circumstances the letter would be withdrawn  
3 and she could return to the property, you did have  
4 discussions with persons who you're saying would  
5 include your clients?

6           A.     Representatives of my client.

7           Q.     Does that include local clergy in [REDACTED]

8           A.     Yes.

9           Q.     Specifically, Bishop [REDACTED]

10          A.     Yes.

11          Q.     President [REDACTED]

12          A.     Yes.

13          Q.     [REDACTED]

14          A.     No.

15          Q.     Anyone else local, local being [REDACTED]  
16 [REDACTED] or that area, that you communicated with  
17 about Ms. [REDACTED] returning and having the letter  
18 withdrawn, those sorts of matters?

19          A.     I don't believe so.

20          Q.     Do you recall even a general timeframe when  
21 those communications occurred?

22          A.     I just really don't.

23          Q.     How did those communications come about?  
24 Were they initiated by you, by one of the local clergy?

25          A.     I don't recall.

1 Q. Were those communications via telephone,  
2 email? Both?

3 A. Perhaps both. I recall phone  
4 conversations.

5 Q. Would that be telephone conversations with  
6 Mr. [REDACTED] and Mr. [REDACTED] at different times?

7 A. I don't recall.

8 Q. Who ultimately had the authority to  
9 withdraw the letter and let Ms. [REDACTED] return to Church  
10 property?

11 THE WITNESS: Should we step out?

12 MR. [REDACTED] Would you repeat the question  
13 for my benefit.

14 BY MR. [REDACTED]

15 Q. I said, who ultimately had the authority to  
16 determine whether Ms. [REDACTED] could return to Church  
17 property and have the letter withdrawn? I'm using that  
18 interchangeably.

19 MR. [REDACTED] Objection to the extent it would  
20 call for the witness to disclose communications with  
21 his client. I might suggest you might ask the  
22 general question.

23 MR. [REDACTED] How the practice is normally  
24 undertaken.

25 BY MR. [REDACTED]

1 Q. So generally, who would have the authority  
2 to decide to withdraw a persona non grata letter and  
3 then the person would be permitted to return to Church  
4 property?

5 A. Generally speaking, withdrawing the persona  
6 non grata letter follows a similar pattern as issuing  
7 the persona non grata letter.

8 So the local clergy can make a  
9 recommendation. It's reviewed and investigated by the  
10 Church security department. And then the Office of  
11 General Counsel makes the decision.

12 Q. Okay.

13 And then as it pertains to [REDACTED]  
14 did her situation ever progress to a degree where that  
15 process was undertaken, being involving the local  
16 clergy contacting Salt Lake City, just generally, and  
17 the Church security department being involved and  
18 Office of General Counsel?

19 MR. [REDACTED] Same privilege objection.  
20 Perhaps you might ask him, does he know so we can even  
21 see if he knows.

22 MR. [REDACTED] Sure.

23 BY MR. [REDACTED]

24 Q. Do you know whether that process came about  
25 at any time with regard to Mrs. [REDACTED]

1 A. Yes.

2 Q. How far did that process progress with  
3 regard to her?

4 MR. [REDACTED] Same privilege objection, to the  
5 extent that would call for you to reveal privileged  
6 communication.

7 THE WITNESS: I don't think I can answer  
8 the question.

9 BY MR. [REDACTED]

10 Q. Am I correct in understanding that even to  
11 this day, the letter has not been withdrawn, as far as  
12 you know?

13 A. As far as I know, it has not been  
14 withdrawn.

15 Q. What is your understanding of the Church's  
16 policy on possession of a firearm on Church property?

17 A. Weapons are not allowed on Church property.

18 Q. Define what you mean by "weapons" in this  
19 context.

20 A. A firearm would be included as a weapon.

21 Q. What other weapons would be included?

22 A. I don't recall.

23 Q. Would it include pepper spray or Mace, as  
24 we might commonly call it?

25 A. I don't recall.

1 Q. Does it include knives?

2 A. I think that the policy would speak for  
3 itself.

4 Q. And where would we find that policy?

5 A. I think it's been disclosed in discovery.

6 Q. Where in the Church's written materials is  
7 that policy included? In what document is it  
8 contained?

9 A. I can't recall all of the places where it's  
10 contained.

11 Q. So there are several places where that  
12 policy is set forth?

13 A. I don't know.

14 Q. Does the policy distinguish between a  
15 firearm on Church property versus having a firearm in a  
16 Church-owned building?

17 A. The policy would speak for itself.

18 Q. What is your understanding of the policy  
19 with regard to possession of a firearm on Church  
20 property versus in a building?

21 A. I think the policy extends to all Church  
22 property.

23 Q. Has that policy been changed or modified  
24 since October 2015, to your knowledge?

25 A. Not to my knowledge.



1 Q. Do you know the last time that the policy  
2 regarding weapons on Church property was amended or  
3 modified in any way?

4 A. I don't recall.

5 Q. Is that something in your provision of  
6 legal services to the Church that you would be involved  
7 in?

8 A. It may be.

9 Q. Have you ever been involved in modifying  
10 the Church's policy with regard to weapons on Church  
11 property?

12 A. I don't recall.

13 Q. How would Church members be made aware of  
14 the Church's policy regarding weapons on Church  
15 property?

16 A. There are multiple avenues where policy is  
17 communicated to leaders and members of the Church.

18 Q. What are those avenues?

19 A. They could be on-line. It could be  
20 included in the handbooks that are provided to Church  
21 leaders, or it could be a correspondence that's sent to  
22 leaders.

23 Q. In terms of Church members, those not in a  
24 leadership position, but that attend church, how would  
25 they be apprised of the Church's policy regarding



1 weapons on Church property?

2 A. Some of those avenues are available to  
3 members.

4 Q. Meaning on-line or specific written  
5 materials being provided to them?

6 A. They may.

7 Q. Would there be a handbook that would be  
8 provided for members that would contain the weapons  
9 policy of the Church?

10 A. I believe the -- one of the handbooks is  
11 generally available to anyone who would like to see it.

12 Q. And does that handbook have a title other  
13 than just "handbook"?

14 A. I don't recall.

15 Q. So there are handbooks that exist that  
16 would pertain to individual members in addition to, as  
17 Mr. Kent talked about, handbooks that would pertain to  
18 specific offices within the Church; right?

19 A. So please restate the question.

20 Q. There are handbooks that exist for the  
21 Church that would pertain to individual members, that  
22 would help provide guidance to individual members, as  
23 well as, like Mr. Kent talked about, handbooks that  
24 would apply to specific positions within the Church?

25 A. The handbooks are directed to leaders.





1 There is one handbook that's specific to bishops and  
2 stake presidents, and then there's another handbook  
3 that's more generally available to leaders, but that's  
4 available to any member to see.

5 Q. So the handbook for bishops any member  
6 would have the right to review?

7 A. That was not my testimony.

8 Q. Sorry. Then I was distracted and  
9 misunderstood. Please -- you said there would be a  
10 handbook that would be available to individual members.

11 A. I said one of the handbooks is publicly  
12 available.

13 Q. And which handbook is that?

14 A. The general handbook.

15 Q. And that's different from a bishop's  
16 handbook?

17 A. Yes.

18 Q. Different from a stake president's  
19 handbook?

20 A. Which is one and the same.

21 Q. I see. I'm sorry.

22 The general handbook, is that available to  
23 any person, Church members or not, on the internet?

24 A. Yes.

25 Q. And does it contain the Church's policy on



1 weapons on Church property?

2 A. I believe it does.

3 Q. And are you speaking from your knowledge,  
4 not just as an attorney representing the Church, but  
5 also from your involvement in the Church, including  
6 serving as a bishop, about how members are made  
7 apprised of Church policies?

8 A. I don't know how it acquired all of that  
9 information.

10 Q. Okay. Fair enough.

11 You've heard today, in listening to  
12 Mr. Kent, and then in your testimony with me, we  
13 mentioned a lot of different people involved, a lot of  
14 names have come up. So I want to come to the question  
15 that I asked him near the end of his deposition, do you  
16 know of any persons who would have information  
17 pertaining to the substance of these lawsuits that  
18 hasn't been disclosed?

19 A. No.

20 Q. What year did you obtain your degree from  
21 law school?

22 A. 1997.

23 Q. And from what school?

24 A. Brigham Young University, the J. Reuben  
25 Clark Law School.



1 Q. And your undergraduate degree, what year  
2 and from where?

3 A. 1994, from Brigham Young University.

4 Q. Do you have any other degrees or education?

5 A. No.

6 Q. I hand you what's been marked as Exhibit 7.  
7 It's a "Response of Defendants Kent and Richards to  
8 Plaintiff's First Set of Requests Admission,  
9 [REDACTED] and Request for Production of  
10 Documents."

11 Take a moment, please, and review that if  
12 you need to.

13 A. (Witness reviews document.) Go ahead.

14 Q. Anything about the answers in this  
15 Exhibit 7 that you would need to modify, amplify or  
16 change, other than as has been supplemented in  
17 discovery answers?

18 A. You previously asked me questions about how  
19 the persona non grata letter was prepared and so we've  
20 already discussed that point.

21 Q. To the extent that your answers would  
22 modify those answers in Exhibit 7, we've already  
23 discussed those things, is that what you're saying?

24 A. Yes.

25 (Exhibit 1 marked.)

1 BY MR. [REDACTED]

2 Q. Mr. Richards, we've handed you what's been  
3 marked as Exhibit 1 for Richards, "Defendant Matthew K.  
4 Richards' Answers and Objections to Plaintiff's Second  
5 Set of [REDACTED] and Requests for Production of  
6 Documents."

7 Take a moment if you need to and please  
8 review that.

9 A. (Witness reviews document.)

10 Q. Have you had an opportunity to review these  
11 answers?

12 A. I did briefly.

13 Q. Anything about those answers that you  
14 believe now need to be altered, modified, enhanced or  
15 amplified in any way?

16 A. I believe there was a subsequent  
17 supplementation.

18 Q. So only to the extent that that  
19 supplementation would modify those answers?

20 A. That's right.

21 Q. You indicate on page 4, in response to  
22 Interrogatory No. 7, looking maybe half to two-thirds  
23 down the page, the line beginning with "Defendant's law  
24 firm," and end of sentence.

25 Do you see that?

1 A. Yes.

2 Q. And then the next sentence begins, "The  
3 attorney who spoke with Bishop [REDACTED]

4 Who was the attorney that spoke to Bishop  
5 [REDACTED] to whom you're referring in that answer?

6 A. Mr. Kent.

7 Q. Do you agree with Mr. Kent's testimony,  
8 that the Corporation of the Presiding Bishop of the  
9 Church owns the property of the individual churches,  
10 including this location involving [REDACTED] where  
11 the [REDACTED] Ward meets?

12 A. I believe that the property is owned by the  
13 Corporation of the Presiding Bishop of the Church of  
14 Jesus Christ of Latter-Day Saints.

15 Q. And do the local clergy serve as agents of  
16 that entity?

17 A. Local clergy are representatives of the  
18 Church of Jesus Christ of Latter-Day Saints.

19 Q. Is there any distinction in your mind  
20 between the Church of Jesus Christ of Latter-Day Saints  
21 and the Corporation of the Presidency?

22 A. Yes.

23 Q. Please explain the distinction for me.

24 MR. [REDACTED] You mean Presiding Bishop?

25 MR. [REDACTED] Correct. Yes.

1 BY MR. [REDACTED]

2 Q. Please explain the distinction between the  
3 Church versus the Corporation of the Presiding Bishop.

4 A. The Church of Jesus Christ of Latter-Day  
5 Saints, as a worldwide ecclesiastical denomination, is  
6 not a legal entity. It functions through various legal  
7 entities, one of which is the Corporation of the  
8 Presiding Bishop of the Church of Jesus Christ of  
9 Latter-Day Saints.

10 Q. And that corporation is who owns the real  
11 estate on which meetinghouses are located?

12 A. Correct.

13 Q. Are then local clergy, such as bishops,  
14 agents of that corporation?

15 A. They're responsible for the use and care of  
16 the meetinghouse.

17 Q. You heard Mr. Kent's testimony about the  
18 authority of a local bishop to control access to Church  
19 property; right?

20 A. I don't know that I recall that part of his  
21 testimony.

22 Q. Then let me ask you generally.

23 What would you understand the authority of  
24 a local bishop to be to restrict persons from coming on  
25 Church property, specifically a local meetinghouse

1 where a ward meets?

2 A. Local clergy have the ability to -- they  
3 have a charge to maintain the atmosphere and the  
4 decorum and what goes on on the property. But if they  
5 want to do something in a formal way, such as a persona  
6 non grata letter, then it needs to be done through the  
7 process that we've discussed previously.

8 Q. In a particular incidence, would a local  
9 clergyman have the right to order a person to leave  
10 property without receiving permission or approval from  
11 someone above him to do that?

12 A. Yes, especially in an emergency.

13 Q. So you've had an opportunity, Mr. Richards,  
14 to examine Exhibit 2, which is "Defendant Matthew K.  
15 Richards' Supplemental Answers to Plaintiff's  
16 Discovery"?

17 A. That's not what I was handed.

18 Q. I'm sorry. What were you handed?

19 A. I was handed Defendant Randall Kent's  
20 supplemental answers.

21 Q. Oh. My apologies. Thank you.

22 (Exhibit 2 marked.)

23 BY MR. XXXXXXXXXX

24 Q. So now you have before you Exhibit 2,  
25 "Defendant Matthew K. Richards' Supplemental Answers to

1 Plaintiff's Discovery"; right?

2 A. Yes.

3 Q. Please take a moment to review those if you  
4 need to.

5 MR. [REDACTED] just a point of  
6 clarification, it just now dawned on me, there also was  
7 a letter that I sent to you that Judge [REDACTED] asked me  
8 if I would deem that to be a discovery response, and I  
9 think he wanted me to, so I did. It's no issue, other  
10 than just so that the record is clear, there is yet  
11 another piece of paper out there, which is my letter,  
12 that has some additional discovery responses in it.

13 MR. [REDACTED] Right. Right.

14 BY MR. [REDACTED]

15 Q. Have you had a chance to review that,  
16 Mr. Richards?

17 A. Yes.

18 Q. Anything about your answers here in these  
19 supplemental answers that are Exhibit 2 that you  
20 believe needs to be enhanced, modified or changed in  
21 any way?

22 A. Maybe just a point of clarification. My  
23 answer to No. 2, we disclosed contacts with [REDACTED] I  
24 had that were not related to this case. I did not  
25 understand the question to pertain to contacts with



1 [REDACTED] that I had in connection with this case, which  
2 are separately discussed.

3 Q. Thank you.

4 And looking at the chart that you provided  
5 of contacts with [REDACTED] please correct me if I'm  
6 wrong, but it appears that none of your contacts with  
7 [REDACTED] involved consideration or issuance of a  
8 persona non grata letter. Is that accurate?

9 A. That's correct.

10 Q. Each of the contacts listed here, did it  
11 consist of only telephone calls or were there -- or to  
12 the extent that the nature of the contacts was other  
13 than telephone calls, can you distinguish as to each  
14 contact which type of contact it was?

15 A. I cannot distinguish which type of contact  
16 it was.

17 Q. But I believe from your answer, in the  
18 narrative above, it was telephone calls or emails, but  
19 nothing else; is that accurate?

20 A. That's what I recall, except for the one  
21 instance where I made a visit to the office.

22 Q. Right.

23 The Arlington, [REDACTED] 7/16 entry?

24 A. That's right.

25 Q. Other than attorney-client privilege, do

[REDACTED]

1 you know of any basis to assert any other type of  
2 privilege that would preclude you from sharing  
3 information pertaining to the substance of these  
4 lawsuits?

5 A. Yes.

6 Q. What privilege would that be?

7 A. The attorney work product privilege.

8 Q. Anything else?

9 A. I do not believe so.

10 MR. [REDACTED] Let me take a minute to  
11 confer with my clients.

12 MR. [REDACTED] Sure.

13 (Recess taken.)

14 MR. [REDACTED] Back on the record. A few  
15 more questions, Mr. Richards.

16 MR. [REDACTED] Hearing a lawyer say that just  
17 makes my blood run cold.

18 MR. [REDACTED] Famous last words; right?

19 BY MR. [REDACTED]

20 Q. Have you ever, as a general matter,  
21 discussed with local clergy the extent to which the  
22 content of a particular PNG letter should be discussed  
23 among members of local congregations?

24 A. Yes.

25 Q. With regard to [REDACTED] was that ever

1 discussed?

2 MR. [REDACTED] You're asking him if he  
3 discussed with whom?

4 MR. [REDACTED] If he was involved in  
5 discussion with local clergy, the extent to which the  
6 contents of the PNG letter about [REDACTED] would be  
7 discussed in a local congregation.

8 MR. [REDACTED] I think the way you phrased that  
9 question, you're calling for him to reveal whether he  
10 had communications with the clergy.

11 THE WITNESS: On a particular --

12 MR. [REDACTED] On the particular topic.

13 MR. [REDACTED] Sure.

14 MR. [REDACTED] So objection on privileged  
15 grounds.

16 BY MR. [REDACTED]

17 Q. With whom did you have discussion about  
18 that topic among the local clergy?

19 MR. [REDACTED] Bishop [REDACTED] President  
20 [REDACTED] Who were the persons he had that discussion  
21 with?

22 MR. [REDACTED] Well, the first -- if you're  
23 relating it back to the first question, that was a  
24 general.

25 MR. [REDACTED] Right, right. Now I'm

1 asking specifically about [REDACTED]

2 MR. [REDACTED] That's where I objected.

3 MR. [REDACTED] Right. So you're objecting  
4 not only to what the discussion was, but who he had it  
5 with?

6 THE WITNESS: You assumed that I had a  
7 discussion.

8 MR. [REDACTED] That's right.

9 MR. [REDACTED] Your question includes what the  
10 discussion was.

11 MR. [REDACTED] I can back off of that. I  
12 thought I clarified that when I asked who the persons  
13 were. Let me go to the first question.

14 BY MR. [REDACTED]

15 Q. Did you have discussion with any local  
16 clergy about whether or to what extent to share with  
17 the local congregation the PNG letter that was issued  
18 to [REDACTED]

19 A. My counsel has instructed me not to answer  
20 that question.

21 MR. [REDACTED] I think your question calls for  
22 the disclosure of privileged communication.

23 MR. [REDACTED] Sure.

24 BY MR. [REDACTED]

25 Q. And to the extent there was any such

1 discussion, with whom did you have those discussions?

2 A. Same objection, or claim privilege.

3 Q. You're following your attorney's advice not  
4 to answer that question?

5 A. Yes.

6 MR. [REDACTED] And your question defined who,  
7 because it asked clergy, I think.

8 BY MR. [REDACTED]

9 Q. Did you speak with Bishop [REDACTED] about to  
10 what extent he could share information about the PNG  
11 letter to Ms. [REDACTED] with local congregation members?

12 MR. [REDACTED] Same objection. You're asking  
13 for conversation between him and Bishop [REDACTED]

14 BY MR. [REDACTED]

15 Q. Then same question with regard to President  
16 [REDACTED]

17 MR. [REDACTED] Same objection.

18 BY MR. [REDACTED]

19 Q. Okay.

20 Generally speaking, when these matters are  
21 referred -- these types of matters are referred to the  
22 Church security department, what is the extent of the  
23 investigation undertaken?

24 A. It [REDACTED] depending on the circumstances of  
25 the case.

1 Q. Do you know if they gather documents at  
2 times?

3 A. They may.

4 Q. Do you know if they speak to persons who  
5 would be privy to information, witnesses involved in a  
6 particular situation?

7 A. They may.

8 Q. Do you know if they conduct recorded  
9 interviews?

10 A. I don't know.

11 Q. Do you know if they ever have opportunity  
12 or occasion to gather surveillance video that might  
13 have recorded a particular incident at issue?

14 A. Are you asking whether they tape  
15 surveillance video?

16 Q. Whether they would obtain it from wherever  
17 that surveillance video might exist.

18 A. They may.

19 Q. So would it be a fair characterization to  
20 say that the members of the Church security department,  
21 who are involved in an investigation, have the ability  
22 to undertake an investigation to whatever extent they  
23 believe is necessary?

24 A. I think that overstates it.

25 Q. Help me understand, then, how to properly



1 state it versus how I overstate it.

2 A. They conduct their investigation under the  
3 direction of legal counsel. And so there may be a  
4 conversation or a discussion about the scope of the  
5 investigation based on the facts of the case.

6 Q. And who is the legal counsel that directs  
7 them?

8 A. My office or the Office of General Counsel.

9 Q. So it could be one or the other or both?

10 A. Correct.

11 Q. The persona non grata letter to [REDACTED]  
12 [REDACTED] was not signed. And I've seen other examples,  
13 and it appears that none of these letters are ever  
14 signed.

15 I know from your discovery answers, you've  
16 said that was for concerns, I'll say generally, for the  
17 security of the attorneys who would issue those  
18 letters.

19 Is that an accurate statement?

20 A. Security is a factor in that decision, not  
21 just for the attorneys.

22 Q. Are there any other factors that play into  
23 why these letters are not signed by a particular  
24 attorney?

25 A. Yes.

1 Q. What are those considerations?

2 A. Are you talking about a general rule?

3 Q. Yes, general rule.

4 A. One other factor is that the letter gives  
5 the name of a clergyman to whom the person can turn and  
6 have discussions about being -- regaining their ability  
7 to access the property. There is a desire to encourage  
8 them to have that conversation with that responsible  
9 clergyman.

10 Q. The letter also says -- at least the one to  
11 [REDACTED] says, "If a change in those restrictions  
12 is approved, you will receive a letter from an  
13 attorney's office informing you of any changes."

14 So the office, the attorney's office, that  
15 would be involved in that, would it be any office other  
16 than Kirton McConkie?

17 A. It could be.

18 Q. Have you ever known it to involve an  
19 attorney's office other than Kirton McConkie in terms  
20 of these persona non grata letters?

21 A. Yes.

22 Q. Any law firms in [REDACTED] other than  
23 [REDACTED]

24 A. No.

25 Q. And [REDACTED] is not involved with



1 the letter to [REDACTED] and any changes to the  
2 restrictions placed upon her; right?

3 A. No.

4 Q. Any other considerations into why these  
5 letters aren't signed by an attorney from Kirton  
6 McConkie?

7 A. Not that I can recall at this moment.

8 Q. Are you aware of any Kirton McConkie  
9 lawyers in the firm that are not members of the Church  
10 of Jesus Christ of Latter-Day Saints?

11 A. Yes.

12 MR. [REDACTED] I believe that's all my  
13 questions.

14 MR. [REDACTED] He will read.

15 (Concluded at 1:04 p.m.)  
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STATE OF UTAH                    )  
  )  ss.  
COUNTY OF SALT LAKE )

I, [REDACTED], Certified  
Shorthand Reporter for the State of Utah, certify:

That the foregoing deposition of  
MATTHEW RICHARDS was taken before me pursuant to Notice  
at the time and place therein set forth, at which time  
the witness was put under oath by me;

That the testimony of the witness and  
all objections made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed under my direction;

I FURTHER CERTIFY that I am neither  
counsel for nor related to any party to said action nor  
in anywise interested in the outcome thereof.

Certified and dated this 23rd day of  
March, 2018.

[REDACTED]

[REDACTED], CCR, RPR  
Certified Court Reporter  
for the State of Utah

[REDACTED]

1 WITNESS SIGNATURE CERTIFICATION

2  
3 STATE OF \_\_\_\_\_ )  
4 ) ss.  
5 COUNTY OF \_\_\_\_\_ )  
6  
7

8 MATTHEW RICHARDS deposes and says that he  
9 is the witness referred to in the foregoing deposition;  
10 that he has read the same and knows the contents  
11 thereof; that the same are true of his own knowledge.

12 \_\_\_\_\_  
13 MATTHEW RICHARDS  
14

15 SUBSCRIBED and SWORN to before me this  
16 \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

17 \_\_\_\_\_  
18 Notary Public  
19 Residing at  
20

21 My Commission Expires:

22 \_\_\_\_\_  
23  
24  
25



C O R R E C T I O N S

Deposition of: MATTHEW RICHARDS

Taken: March 15, 2018

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