

Transcript of the Testimony of:

Paula Deen

Date: May 17, 2013

Case: Lisa T. Jackson v. Paula Deen, et al.
4:12-CV-0139

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

LISA T. JACKSON,)	
)	
Plaintiff,)	CIVIL ACTION NO:
)	4:12-CV-0139
vs.)	
)	
PAULA DEEN, PAULA DEAN)	
ENTERPRISES, LLC, THE LADY)	
& SONS, LLC, THE LADY)	
ENTERPRISES, INC., BUBBA HIERS,)	
and UNCLE BUBBA'S SEAFOOD)	
AND OYSTER HOUSE, INC.,)	
)	
Defendant.)	

Deposition of PAULA DEEN, taken by counsel for the Plaintiff, pursuant to notice and agreement of counsel, under the Federal Rules of Civil Procedure, before Celeste Mack, CCR, RPR, at Oliver Maner, 218 West State Street, Savannah, Georgia, on Friday, May 17, 2013, commencing at 9:40 a.m.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

2

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18 DEEN ENTERPRISES, LLC, THE LADY & SONS, LLC

19 and THE LADY ENTERPRISES, INC.:

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Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

3

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3 FOR BUBBA HIERS and UNCLE BUBBA'S SEAFOOD
4 AND OYSTER HOUSE, INC.:

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9

10

11 ALSO PRESENT: Shawn Screen, Videographer
12 Bubba Hiers, Melissa McCurry

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Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

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I N D E X

PAGE

OPENING REMARKS AND STIPULATIONS	- - - - -	6
EXAMINATION:		
By Mr. Billips	- - - - -	7
ATTESTATION	- - - - -	146
ERRATA SHEET	- - - - -	147
CERTIFICATE	- - - - -	148

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

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THE VIDEOGRAPHER: This is the videotape deposition of Paula Deen taken by counsel for the plaintiff in the matter of Lisa T. Jackson vs. Paula Deen, et. al., held in the offices of Oliver Maner located at 218 West State Street on May 17, 2013 at the time indicated on the video screen.

Celeste Mack from Tom Crites and Associates International is the court reporter. My name is Shawn Screen, and I am the videotape specialist also in association with Tom Crites & Associates.

If counsel would now please introduce themselves and the parties they represent, starting with the party noticing this deposition.

MR. BILLIPS: Matthew C. Billips, representing the plaintiff.

MR. WOOLF: Wesley Woolf, representing the plaintiff.

MR. FRANKLIN: Bill Franklin

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

7

1 BILLIPS - DEEN

2 representing Paula Dean, Paul Deen
3 Enterprises, Lady & Sons. Maybe
4 somebody else in there.

5 MR. WITHERS: Tom Withers,
6 representing Bubba Hiers and Uncle
7 Bubba's Seafood & Oyster House, Inc.

8 MR. FRANKLIN: And there's my son
9 Bubba Hiers sitting down at the end of
10 the table.

11 THE VIDEOGRAPHER: Please swear
12 in the witness, please.

13 PAULA DEEN,
14 having been produced and first duly sworn as a
15 witness, testified as follows:

16 EXAMINATION

17 BY MR. BILLIPS:

18 Q Please state your full legal name.

19 A Paula Hiers Deen.

20 Q And, Miss Deen, what is your present
21 home address?

22 A 818 Wilmington Island Road, Savannah,
23 Georgia.

24 Q How long have you lived there?

25 A Three and a half years.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

8

1 BILLIPS - DEEN

2 Q Who resides there with you?

3 A My husband and his son.

4 Q And what are their names?

5 A Michael Anthony Groover, Sr. and Jr.

6 Q Where did you live prior to 818

7 Wilmington Island?

8 A 121 Dogwood.

9 Q These are both in Savannah?

10 A Yes.

11 Q And did you say 121 Dogwood?

12 A Yes.

13 Q And who -- how long have you lived at
14 that address?

15 A I think maybe five years.

16 Q Who lived there with you?

17 A My husband and our son, his son.

18 Q All right. That's Mr. Groover?

19 A Yes.

20 Q Okay. Where did you reside prior to
21 that?

22 A Turners Cove, 73. Gosh, I can't
23 remember the name of my little street.

24 Q 73 Turners Cove?

25 A Yes, number 73 Turners Cove.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

9

1 BILLIPS - DEEN

2 Q And how long were you there?

3 A Probably three years.

4 Q Is that a house or an apartment?

5 A It's a row house.

6 Q Okay. And who lived there with you?

7 A Just myself.

8 Q Where were you prior to that?

9 A I lived on Abercorn Street. I don't --
10 I can't remember the street number.

11 Q Okay. For how long did you live on
12 Abercorn?

13 A I think I was there probably around
14 three years.

15 Q And who lived there with you?

16 A Just me and my animals.

17 Q Where did you live prior to that?

18 A 622 East 60th Street.

19 Q For how long?

20 A Oh, my gosh. Probably five or six
21 years.

22 Q And who lived there with you?

23 A When the house was first bought, it was
24 my first husband and our children.

25 Q Okay. And what was your first husband's

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

10

1 BILLIPS - DEEN

2 name?

3 A Jimmy.

4 Q And his last name?

5 A Deen.

6 Q No relation to the sausage?

7 A No.

8 Q Okay. And did anyone -- you said when
9 it was -- you first moved in that's who lived there
10 with you. Did anyone else live there during the
11 time period that you lived at that house?

12 A Yes. Yes, my sons' girlfriends chose to
13 move to Savannah and they lived there with us. My
14 nephew Jay Hiers lived there with me for a while
15 when he needed a place to stay. And this was during
16 my divorce, so.

17 Q Okay. Anyone else?

18 A No.

19 Q Okay. Do you know if those girlfriends
20 are still in the Savannah area?

21 A No, they're not.

22 Q Okay. What are their names, if you
23 remember?

24 A Sheri Bottenfield and Jennifer McCook.

25 Q Where did you live prior to 60th Street?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

11

1 BILLIPS - DEEN

2 A Albany, Georgia.

3 Q Okay. Was there an address?

4 A It was North Davis Street. I can't
5 remember the house number.

6 Q That's fine. Who lived there with you?

7 A My family, my husband and children.

8 Q How long were you there?

9 A I don't remember.

10 Q Was it more or less than five years?

11 A I would say less.

12 Q Okay. Did anyone live there other than
13 your husband and children?

14 A No.

15 Q Okay. Prior to that where did you live?

16 A My husband moved us around a good bit.
17 I think in 27 years of marriage he probably moved us
18 23 times, so it's hard for me to remember.

19 Q Okay. Were you still -- of those 23
20 times, how many of them were in Albany?

21 A Oh, my gosh.

22 Q In other words, did you move to other
23 places besides Albany and Savannah?

24 A He moved us to Columbus, Georgia one
25 time.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

12

1 BILLIPS - DEEN

2 Q Okay.

3 A He moved us to Dawson, Georgia one time.
4 He moved us to Werner Robbins one time.

5 Q And what was the purpose of these moves,
6 if you know?

7 A Job.

8 Q Okay.

9 A They were job related for him.

10 Q Okay. And did anyone live with you at
11 any of these places other than you, your husband and
12 your children?

13 A No.

14 Q Did your brother come and live with you
15 at one point?

16 A Yes, he did.

17 Q All right. And where were you living
18 then?

19 A I was living at 1500 Edgerly at the time
20 of our mother's death. My brother was 16 at the
21 time, and he was my responsibility to complete the
22 job that mama and daddy started.

23 Q Okay. Now, do you still feel that
24 responsibility?

25 A No.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

13

1 BILLIPS - DEEN

2 Q Okay.

3 A No, I -- no, I don't.

4 Q Okay. Where -- what town was 1500
5 Edgerly?

6 A Albany.

7 Q Okay. Were you married at the time?

8 A Yes.

9 Q And that was to Mr. Deen?

10 A Yes.

11 Q For how long did Mr. Hiers live with you
12 at the Edgerly address?

13 A He lived with me from the age of 16 to
14 21.

15 Q Okay. And was -- was the entire time at
16 the Edgerly address in Albany?

17 A No.

18 Q So he moved around with y'all?

19 A (Witness nods head.)

20 Q Okay. During the period of time that
21 Mr. Hiers was living with you, was your ex-husband,
22 did he have a drinking problem?

23 A Yes.

24 Q Was he physically abusive?

25 A No.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

14

1 BILLIPS - DEEN

2 Q Okay. Was he abusive to Mr. Hiers?

3 A No, he loved him like a brother.

4 Q Okay. What led to your divorce from
5 Mr. Deen?

6 MR. FRANKLIN: Objection, but you
7 can answer.

8 (Interruption in proceedings.)

9 BY MR. BILLIPS:

10 Q Did either of your parents suffer from a
11 drinking problem?

12 A No.

13 Q Okay. Now, your brother has -- are you
14 aware that your brother has been in rehabilitation
15 for alcohol and cocaine addiction?

16 MR. FRANKLIN: Objection, you can
17 answer.

18 THE WITNESS: Absolutely.

19 BY MR. BILLIPS:

20 Q And do you recall when that occurred?

21 A Oh, my gosh, it was before I moved to
22 Savannah; and to this day I'm convinced it was not
23 his problem, but his wife's problem. But because
24 Bubba was involved in it, I think he felt the right
25 thing to do was to go with her.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

15

1 BILLIPS - DEEN

2 Q Okay. And are you aware that he's
3 currently drinking? I don't mean like right here at
4 this second.

5 MR. FRANKLIN: He doesn't have a
6 styrofoam cup.

7 THE WITNESS: Well, my brother is
8 like every other man in my life, they
9 drink socially.

10 BY MR. BILLIPS:

11 Q Okay.

12 A But my brother does not have a drinking
13 problem.

14 Q Have you ever heard -- reported to you
15 that your brother was showing up at work at Uncle
16 Bubba's Seafood while intoxicated?

17 A No.

18 Q No one ever told you that --

19 A No.

20 Q -- was occurring?

21 Did Karl Schumacher have a meeting with
22 you in which he told you that your brother had
23 showed up at a function intoxicated?

24 A Not that I recall.

25 Q Okay. Did Mr. Schumacher ever tell you

1 BILLIPS - DEEN

2 that he believed Bubba had a drinking problem?

3 A Possibly. Possibly.

4 Q Okay.

5 A Karl had a lot to say.

6 Q Karl had a lot to say?

7 A Yes, he always does.

8 Q Okay. On how many occasions did he
9 communicate to you problems that he had heard or was
10 aware of relating to Mr. Hiers?

11 MR. FRANKLIN: Related to
12 drinking, or just problems in general?
13 What are you --

14 MR. BILLIPS: Problems in
15 general, anything.

16 MR. FRANKLIN: Objection, overly
17 broad, but go ahead.

18 THE WITNESS: A couple of times
19 maybe. He came to me one time to say
20 he felt like the business would be
21 better without Bubba, and my reply was
22 well, that's not an option, it's my
23 brother's business. It was funded by
24 Deen money and the business belonged
25 to him.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

17

1 BILLIPS - DEEN

2 BY MR. BILLIPS:

3 Q Was there anything in your mind that
4 your brother could do that would cause you to remove
5 him?

6 MR. FRANKLIN: Objection to the
7 form.

8 MR. WITHERS: Object to the form.

9 THE WITNESS: Repeat that
10 question.

11 BY MR. BILLIPS:

12 Q Well, let me ask you, did you feel that
13 you have the authority to remove your brother from
14 his position of the business?

15 A That authority went both ways.

16 Q Okay. In terms of practical control,
17 isn't it true that your brother's business owed
18 Paula Deen Enterprises hundreds of thousands of
19 dollars?

20 A That could be true.

21 Q Okay.

22 A Like I said, this was funded by Deen
23 money.

24 Q Okay. Did -- when was it, if you
25 recall, that Mr. Schumacher told you he thought the

1 BILLIPS - DEEN

2 business would be better off without Mr. Hiers?

3 A Oh, I don't recall.

4 Q Was it while Lisa Jackson was still
5 working there?

6 A Oh, without a doubt, yes.

7 Q Okay. And did he give you reasons why
8 he thought Mr. Hiers should not be in charge of the
9 business?

10 A I'm sure he did because his ear was
11 being filled by someone that wanted Bubba out of his
12 business.

13 Q Okay. And did those reasons include
14 allegations of sexual harassment?

15 A No.

16 Q Or racist conduct?

17 A No.

18 Q Are you aware of the -- or how much do
19 you know about the evidence that has been obtained
20 in this lawsuit about your brother's conduct?

21 A I don't know. What is the evidence?

22 Q Well, the deposition testimony of
23 various employees.

24 MR. FRANKLIN: I'll object and
25 instruct her not to answer anything

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

19

1 BILLIPS - DEEN

2 that I have told her --

3 MR. BILLINGS: Yes, I'm not --

4 MR. FRANKLIN: -- about what's
5 going on in the litigation.

6 THE WITNESS: I was not here for
7 those, so I wouldn't know.

8 BY MR. BILLIPS:

9 Q Okay. Have you reviewed any of the
10 depositions that have been taken in this case, read
11 over any of them?

12 A If I have it's been a while.

13 Q Okay.

14 MR. FRANKLIN: I'll represent
15 they have not been presented to her.

16 BY MR. BILLIPS:

17 Q Okay. Are you aware -- you were here
18 during your brother's deposition, right?

19 A Yes.

20 Q So you are aware of the things that he
21 admitted to?

22 A Absolutely.

23 Q Okay. Did any of those things cause you
24 any concern with regard to him continuing to operate
25 the business?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

20

1 BILLIPS - DEEN

2 MR. WITHERS: Objection.

3 MR. FRANKLIN: Objection. You
4 can answer. That's just lawyers
5 talking, you can answer.

6 THE WITNESS: One more time --

7 BY MR. BILLIPS:

8 Q Did any of the --

9 A -- ask that question.

10 Q Did any of the things that your brother
11 admitted to doing, including reviewing -- reviewing
12 pornography in the workplace, using the N word in
13 the workplace, did any of that conduct cause you to
14 have any concerns about him continuing to operate
15 the business?

16 A No. My brother and I, 25 years ago,
17 quite by accident, each started a business and we
18 each had \$200 to start that business. My brother
19 built the most successful long-service business in
20 Albany, Georgia with his \$200. My brother is
21 completely capable unless he's being sabotaged.

22 He sold his business the first day it
23 came up for sale in Albany to move over here and
24 help me with a business that was growing so fast I
25 could not do it alone. He sold his home, his rental

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

21

1 BILLIPS - DEEN

2 property and his business the first day.

3 My brother had almost every commercial
4 account in Albany, Georgia, because these people
5 knew he would -- he had integrity. And just because
6 he's got a sense of humor does not make him a bad
7 person or incapable --

8 Q Okay.

9 A -- of running a business.

10 Q Now, does his sense of humor include
11 telling jokes about matters of a sexual nature?

12 MR. FRANKLIN: Ever, or what are
13 you --

14 BY MR. BILLIPS:

15 Q Sure.

16 A We have all told off-colored jokes.

17 Q Okay. Does his sense of humor include
18 telling jokes of a racial nature?

19 A I'm sure those kind of jokes have been
20 told. Every man I've ever come in contact with has
21 one.

22 Q Okay. Miss Deen, have you told racial
23 jokes?

24 A No, not racial.

25 Q Okay. Have you ever used the N word

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

22

1 BILLIPS - DEEN

2 yourself?

3 A Yes, of course.

4 Q Okay. In what context?

5 A Well, it was probably when a black man
6 burst into the bank that I was working at and put a
7 gun to my head.

8 Q Okay. And what did you say?

9 A Well, I don't remember, but the gun was
10 dancing all around my temple.

11 Q Okay.

12 A I didn't -- I didn't feel real favorable
13 towards him.

14 Q Okay. Well, did you use the N word to
15 him as he pointed a gun in your head at your face?

16 A Absolutely not.

17 Q Well, then, when did you use it?

18 A Probably in telling my husband.

19 Q Okay. Have you used it since then?

20 A I'm sure I have, but it's been a very
21 long time.

22 Q Can you remember the context in which
23 you have used the N word?

24 A No.

25 Q Has it occurred with sufficient

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

23

1 BILLIPS - DEEN

2 frequency that you cannot recall all of the various
3 context in which you've used it?

4 A No, no.

5 Q Well, then tell me the other context in
6 which you've used the N word?

7 A I don't know, maybe in repeating
8 something that was said to me.

9 Q Like a joke?

10 A No, probably a conversation between
11 blacks. I don't -- I don't know.

12 Q Okay.

13 A But that's just not a word that we use
14 as time has gone on. Things have changed since the
15 '60s in the south. And my children and my brother
16 object to that word being used in any cruel or mean
17 behavior.

18 Q Okay.

19 A As well as I do.

20 Q Are you aware that your brother has
21 admitted to using that word at work?

22 A I don't know about that.

23 Q All right.

24 A I'm not sure about that.

25 Q Are you aware of employees, or former

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

24

1 BILLIPS - DEEN

2 employees, of Uncle Bubba's who have testified that
3 he frequently used the N word to refer to staff?

4 MR. WITHERS: Objection.

5 MR. FRANKLIN: Objection, that
6 mischaracterizes the testimony, the
7 word frequently.

8 (Interruption in proceedings.)

9 THE VIDEOGRAPHER: Time is 10:06
10 a.m. We're off the record.

11 (Recess.)

12 THE VIDEOGRAPHER: The time is
13 10:15 a.m. This is the beginning of
14 DV tape two. We're back on the
15 record.

16 BY MR. BILLIPS:

17 Q Miss Deen, you made reference to someone
18 -- that your brother was perfectly capable of
19 operating a restaurant as long as someone wasn't
20 sabotaging him.

21 A Yes.

22 Q Do you have any reason to believe that
23 Sara Copeland would want to sabotage your brother?

24 A I don't know who that is.

25 Q Okay. What about Lindsay McCoy, do you

1 BILLIPS - DEEN

2 know her?

3 A No.

4 Q Do you have any reason to believe that
5 she would want to sabotage your brother's operation
6 of the restaurant?

7 A I have no idea. Since I don't know her,
8 I wouldn't have a clue.

9 Q Okay. What about Laura Campbell, do you
10 know who she is?

11 A Yeah, she's a painter here in town.

12 Q Okay. And do you know of any reason she
13 would have to want to sabotage your brother or any
14 of the businesses that are -- that are -- which
15 you're associated?

16 MR. FRANKLIN: Objection to the
17 extent I don't know how she's going to
18 know what somebody else is thinking.

19 BY MR. BILLIPS:

20 Q Do you have any reason to believe, any
21 basis on which to suspect that these people might
22 want to sabotage you or sabotage your brother?

23 A Not to my knowledge, but as -- as my
24 success grew, I realized that people can experience
25 an emotion called jealousy.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

26

1 BILLIPS - DEEN

2 Q Okay. Do you think jealousy would cause
3 Sara Copeland to testify that your brother used the
4 N word?

5 A I don't know Sara, so I can't -- I can't
6 predict what she's thinking.

7 Q Okay.

8 (Interruption in proceedings.)

9 BY MR. BILLIPS:

10 Q Miss Deen, among the things that
11 Mr. Schumacher told you about, did he include any
12 mention of Mr. Hiers displaying pornography to or
13 including the female subordinate employees?

14 A No, I was not aware.

15 Q Okay. Did he ever tell you about
16 Mr. Hiers coming in and putting some pornographic
17 pictures down on the table at the beginning of the
18 manager's meeting for everyone's --

19 A I heard -- I heard that Lisa Jackson had
20 made a copy of some kind of pornographic picture for
21 the meeting as a joke.

22 Q Okay. You heard that it was Lisa
23 Jackson?

24 A Yes.

25 Q And that Miss Jackson brought those

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

27

1 BILLIPS - DEEN

2 pictures in?

3 A Yes.

4 Q Okay. Are you aware Mr. Schumacher
5 testified yesterday that it was Mr. Hiers --

6 A No.

7 Q -- who brought those pictures in?

8 A I wasn't here yesterday.

9 Q Okay. And from whom did you hear that
10 it was Miss Jackson?

11 A I don't remember.

12 MR. FRANKLIN: And objection,
13 don't talk about anything you got
14 confused in listening to me about it.

15 BY MR. BILLIPS:

16 Q Now, Mr. Schumacher told you about
17 Mr. Hiers taking money from the restaurant without
18 recording or telling anyone what he was doing,
19 correct?

20 A Yes.

21 Q And Mr. Schumacher actually used the
22 word stealing?

23 A Yes.

24 Q Now, the corporation that actually
25 operates Uncle Bubba's is a -- there is a corporate

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

28

1 BILLIPS - DEEN

2 entity that operates that restaurant; is that
3 correct?

4 MR. FRANKLIN: If you know.

5 BY MR. BILLIPS:

6 Q Do you know?

7 A I don't know.

8 Q Are -- are you a 50% owner of the
9 corporation?

10 A Yes.

11 Q Okay. Does the corporation have
12 meetings, board meetings? Have you ever had a meet
13 -- a board meeting of a corporation?

14 A No.

15 Q Okay. Is that true of all of the
16 corporations that which you were involved that y'all
17 don't have board meetings?

18 A No, no.

19 Q Did there -- have you ever seen any
20 board minutes of any of the -- of anything that the
21 corporations have decided to do?

22 A Not that I recall.

23 Q Okay. And to your knowledge, there's
24 never been a single official board meeting for Paula
25 Deen Enterprises, or --

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

29

1 BILLIPS - DEEN

2 A Oh, yes, for Paula Deen Enterprises.

3 Q You have official board meetings?

4 A Yes.

5 Q Okay. What about for Uncle Bubba's
6 Seafood and Oyster House, Incorporated?

7 A No. They have -- I think they have a
8 weekly meeting on Thursdays, but my job is no longer
9 -- is no longer in the restaurant.

10 Q Okay.

11 A You know, I -- I've hired capable people
12 to do their job and I don't micromanage, I allow
13 them to do their job. I know that they're human and
14 not every decision they make will be good, but
15 that's the risk of doing business.

16 Q Other than yourself, is there anyone on
17 the board of directors of Paula Deen Enterprises?

18 A Yes.

19 Q Who?

20 A Both of my sons.

21 Q Okay. And do they have any ownership
22 interest in Paula Deen Enterprises?

23 A No.

24 Q Was it ever brought to your attention
25 that Lisa Jackson had complained to anyone about

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

30

1 BILLIPS - DEEN

2 racial harassment or racist comments by Mr. Hiers?

3 A No.

4 Q Okay. Did Miss Jackson ever complain to
5 you about Mr. Hiers on -- with regard to anything?

6 A Not -- not that I recall. I -- I didn't
7 have much contact with her.

8 Q Okay.

9 A But no.

10 Q Was there any formal mechanism for
11 people to complain to you if your brother acted
12 inappropriately?

13 A I knew Karl would come to me. He was --
14 he was -- would have been my earpiece.

15 Q Okay.

16 A Or Bubba.

17 Q Did Mr. Hiers report to you that he had
18 engaged in racially or sexually inappropriate
19 behavior?

20 A No.

21 Q Okay. Now, if you had learned of
22 Mr. Hiers engaging in racially or sexually
23 inappropriate behavior in the workplace, what, if
24 any, actions would you have taken?

25 MR. WITHERS: Objection, vague.

1 BILLIPS - DEEN

2 MR. FRANKLIN: Objection. I

3 think you have to describe what you

4 consider sexually inappropriate.

5 There's a whole gambit of things from

6 mild to over the top. It's overly

7 broad, the question.

8 BY MR. BILLIPS:

9 Q You can answer.

10 A I certainly would have addressed it.

11 Q Have you ever addressed Mr. Hiers'

12 racially or sexually inappropriate conduct?

13 MR. FRANKLIN: Objection, because

14 there's been no testimony that she was

15 ever made aware of any.

16 MR. BILLIPS: Is your objection

17 as to the form?

18 MR. FRANKLIN: I think you heard

19 my objection.

20 BY MR. BILLIPS:

21 Q You can answer.

22 A No.

23 Q And you are aware of his -- him

24 admitting to engaging in racially and sexually

25 inappropriate behavior in the workplace in his

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

32

1 BILLIPS - DEEN

2 deposition in this case, correct?

3 MR. WITHERS: Object to form.

4 MR. FRANKLIN: Object.

5 BY MR. BILLIPS:

6 Q Do you think it's inappropriate to --

7 MR. FRANKLIN: Let her answer the
8 question you asked.

9 THE WITNESS: Ask that question
10 one more time, please.

11 BY MR. BILLIPS:

12 Q Are you aware of Mr. Hiers admitting
13 that he engaged in racially and sexually
14 inappropriate behavior in the workplace?

15 MR. FRANKLIN: Objection, she's
16 aware of what?

17 MR. BILLIPS: Let her answer.

18 THE WITNESS: Just what -- what's
19 being said, that's --

20 BY MR. BILLIPS:

21 Q Okay. What he said during his
22 deposition?

23 A I guess.

24 Q Okay.

25 A If I was sitting here I would have heard

1 BILLIPS - DEEN

2 it.

3 Q Okay. Well, have you done anything
4 about what you heard him admit to doing?

5 A My brother and I have had conversations.
6 My brother is not a bad person. Do humans behave
7 inappropriately? At times, yes. I don't know one
8 person that has not. My brother is a good man.

9 Have we told jokes? Have we said things
10 that we should not have said, that -- yes, we all
11 have. We all have done that, every one of us.

12 Q Have you had any conversations with your
13 brother about his conduct in the workplace and that
14 he should not engage in such conduct in the future?

15 A Yes.

16 Q Okay. When -- when you first -- when
17 did you first -- strike.

18 You said you have had such conversations
19 with him. When did you do so?

20 A Oh, my goodness, Mr. Billips.

21 Q Over the years, or recently, or what?

22 A When Karl told me he was stealing, I
23 addressed that with Bubba.

24 Q And as a result of Mr. Hiers stealing,
25 he received a pay increase and the money he had

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

34

1 BILLIPS - DEEN

2 taken was recharacterized as wages; is that correct?

3 A I -- I don't know how it was settled. I
4 know that Karl was paying Lisa Jackson more than my
5 brother was being paid; so if there was a salary
6 increase, it would have been long overdue.

7 Q Okay. Did Karl set Lisa Jackson's
8 salary?

9 A I would say yes.

10 Q Okay. And Mr. Hiers did not have any
11 involvement in setting that salary?

12 A I would not know.

13 Q Okay.

14 A I would not know that.

15 Q Did Karl generally set salaries for
16 managerial employees at the restaurants?

17 A Yes.

18 Q Okay.

19 A My -- my answer would be yes on that.
20 Whether he collaborated with Bubba or either of my
21 children, I -- I wouldn't know the answer to that.

22 Q Okay. But it was within his ballywig to
23 actually set the salary?

24 A Yes, yes.

25 Q Did you ever feel like -- did you ever

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

35

1 BILLIPS - DEEN

2 feel that Karl Schumacher was trying to sabotage
3 Mr. Hiers?

4 MR. FRANKLIN: At what point in
5 time? Any point in time?

6 BY MR. BILLIPS:

7 Q Ever.

8 A You know, hindsight is 20/20. When
9 Bubba and I opened Uncle Bubba's Oyster House, he
10 and I debated about giving Karl Schumacher a
11 percentage of the business, just to have a third
12 party, and Karl was aware of this.

13 And Bubba and I continued to have
14 conversation about it, and Bubba and I decided that
15 there was -- we would not need a third party, that
16 he and I could come to terms with anything that we
17 disagreed on, so we opted not to give Mr. Schumacher
18 any percentage, and I think Karl always resented
19 that. And like I said, this is me looking back.

20 Q When did you first come to that
21 conclusion?

22 MR. WITHERS: Objection.

23 MR. FRANKLIN: Objection.

24 MR. WITHERS: I don't think she
25 was finished.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

36

1 BILLIPS - DEEN

2 BY MR. BILLIPS:

3 Q Oh, I'm sorry, I thought she was.

4 A Karl is the most judgmental person I
5 know. And out of every team member on our team, he
6 is certainly the most prejudice.

7 Q Prejudice against who?

8 A You name it.

9 Q African-Americans?

10 A Gays, you name it. If you drink, you're
11 a bad person. If you use four letter words, you're
12 a bad person. If you don't think like he thinks,
13 you're a bad person.

14 Q Is he --

15 A He is a one-man jury.

16 Q Is he prejudice against
17 African-Americans?

18 A I -- no, I don't -- no. I would say the
19 answer to that one would be no.

20 Q What about women, does he feel like
21 women should not be in the workplace?

22 A No, I don't think he feels that way.

23 Q So --

24 A Morally he's very judgmental.

25 Q Okay.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

37

1 BILLIPS - DEEN

2 A And who's without sin cast that first
3 stone.

4 Q Did you ever talk to Mr. Hiers about
5 inappropriate behavior other than stealing?

6 A No.

7 Q Okay.

8 A Because I was not aware of it.

9 Q All right. Now -- and if -- and it's
10 your testimony that Mr. Schumacher never brought to
11 your attention Mr. Hiers displaying pornography in
12 the workplace?

13 MR. FRANKLIN: Asked and
14 answered.

15 BY MR. BILLIPS:

16 Q Is that correct?

17 A I don't recall him ever.

18 Q Okay. Were you ever aware from any
19 other -- other source prior to -- or excuse me, or
20 during Miss Jackson's employment that Mr. Hiers was
21 viewing pornography in the workplace?

22 A No. I know that men are really, really
23 guilty of sending inappropriate jokes to each other.
24 My husband would be under the jail if that were a
25 sin right now.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

38

1 BILLIPS - DEEN

2 Q Do you understand that there is some
3 conduct that one can engage in outside the workplace
4 that is not appropriate to inflict on your
5 subordinate employees in the workplace?

6 A One more time, please.

7 Q Are you aware that there is some conduct
8 that is allowed under the law outside the workplace
9 that supervisors and managers cannot inflict on
10 their subordinates employees inside the workplace?

11 A Yes. I think I understand what you're
12 asking, and yes.

13 Q Okay. And are you aware that Mr. Hiers,
14 in addition to receiving these pornographic images
15 and sexual jokes, would display them to his
16 subordinate employees?

17 MR. WITHERS: Object to form.

18 MR. FRANKLIN: Objection. You
19 can answer, Paula.

20 THE WITNESS: I know that that
21 computer's in the office and anybody
22 can come in and snoop. What I know
23 about a computer, Mr. Billips, you
24 could slip through an eye of a needle
25 because I think when people sit at

1 BILLIPS - DEEN

2 that keyboard they become rich, brave
3 and invisible, and it's just a
4 situation that I never wanted to put
5 myself in.

6 BY MR. BILLIPS:

7 Q Did -- now, did you hear of an incident
8 involving an employee referred to as Big Will?

9 A Oh, yes.

10 Q And as you -- the incident was first
11 described to you, it involved a -- essentially an
12 attack on Mr. Frazier?

13 MR. FRANKLIN: Objection.

14 MR. WITHERS: Objection.

15 MR. BILLIPS: I'm sorry?

16 MR. WITHERS: Objection.

17 BY MR. BILLIPS:

18 Q Did it, as first described to you,
19 involve what was described as an attack on
20 Mr. Frazier by Mr. Hiers?

21 A No. The first time I heard about the
22 story Bubba relayed it to me.

23 Q Okay.

24 A And he said, you know, you're not going
25 to believe this.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

40

1 BILLIPS - DEEN

2 Q Okay.

3 A And he relayed it to me.

4 Q And what did he relay to you?

5 A He relayed to me that Miss Jackson told
6 Karl that Karl -- that Bubba went into the kitchen
7 and put his hands on Big Will and shook him and said
8 vile things to Big Will. And Karl was walking into
9 Bubba's office that morning, and Bubba could tell by
10 the look on Karl's face that he had a problem. And
11 Bubba said, Karl, are you all right? And he said,
12 no, I'm not all right. Lisa just told me what your
13 brother did. And Bubba was shocked.

14 Q Lisa just told me what your brother did?

15 A Yes.

16 Q Who did he say Karl said that to?

17 A To Bubba. No, Bubba asked Karl what was
18 the matter. Karl said Lisa just told me what you
19 did to Big Will. And Bubba said, what are you
20 talking about? Karl relayed everything Lisa had
21 said to Bubba, and Bubba said, well, Karl, that's
22 not true. Come to the kitchen with me right now and
23 let's go see Big Will.

24 Q Okay.

25 A And Big Will confirmed Bubba's telling

1 BILLIPS - DEEN

2 of what happened.

3 Q Okay.

4 A It was nothing like Miss Jackson said it
5 was; but one more time she had his ear, and Karl was
6 perfectly willing to eat up every word she said
7 without checking.

8 Q Okay. So Mr. Schumacher -- this is
9 according to what Mr. Hiers has told you at the
10 time, Mr. Schumacher --

11 A Yes.

12 Q -- showed up at the restaurant, came up
13 to Mr. Hiers, and said I heard -- Lisa Jackson told
14 me what you did; and did he say to Big Will, what
15 you did to Big Will?

16 A Yes.

17 Q Okay. And he then -- Mr. Schumacher
18 then explained to Mr. Hiers exactly what he had
19 heard.

20 A Yes.

21 Q And told him he had heard it from Lisa
22 Jackson.

23 A Yes.

24 Q And that then Mr. Hiers denied it and
25 took Mr. Schumacher with him to go and talk to

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

42

1 BILLIPS - DEEN

2 Mr. Frazier.

3 A Yes.

4 Q Okay. So the two of them went and
5 talked to Mr. Frazier together, and Mr. Hiers told
6 you what he had heard Big Will say to
7 Mr. Schumacher, correct?

8 They went -- they went to Big Will
9 together, right?

10 A Yes.

11 Q Mr. Schumacher asked Big Will what had
12 happened.

13 A Big Will confirmed Bubba's description
14 of what happened.

15 Q Okay. And --

16 A And Bubba put his hand on his shoulder
17 and he said, please, Big Will --

18 Q Okay.

19 A -- I need to know if this young man
20 indeed insulted a young woman in that way. And --

21 Q And my question is --

22 MR. WITHERS: Well, let her
23 finish.

24 MR. FRANKLIN: Yeah, she's still
25 talking.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

43

1 BILLIPS - DEEN

2 BY MR. BILLIPS:

3 Q Go ahead.

4 A So what Lisa described as Bubba hitting
5 and pushing Big Will, was actually a hand on Big
6 Will's shoulder saying, Big Will, please, please,
7 tell me the truth, this is important. And Bubba had
8 to get to the bottom, if indeed there was verbal
9 abuse in the kitchen.

10 Q Okay. So if I'm understanding
11 correctly, Mr. Schumacher and Mr. Hiers went
12 together to talk to Mr. Frazier?

13 A Ah-ha.

14 Q And Mr. Hiers asked Mr. Frazier to
15 confirm what he had just said to Mr. Schumacher.

16 A He asked Big Will to tell Karl what
17 happened.

18 Q Okay.

19 A And he did, and his story matched up
20 with Bubba's.

21 Q Okay.

22 A It did not match up with Lisa Jackson's.

23 Q Okay. So when Mr. Schumacher talked to
24 Mr. Frazier, Mr. Hiers was present, correct?

25 A Yes, the two of them went to the kitchen

1 BILLIPS - DEEN

2 because Bubba wanted to -- for Karl to hear what
3 really happened.

4 Q Okay. Mr. Schumacher did not go and
5 interview Mr. Frazier outside of Mr. Hiers presence?

6 A I don't think so, but again, I was not
7 there.

8 Q Right. But according to what Mr. Hiers
9 told you, they interviewed Mr. Frazier together,
10 correct?

11 A To my knowledge.

12 Q Okay. Now, are you aware that there are
13 cameras in the restaurant?

14 A Yes.

15 Q And the cameras would have picked up
16 what actually happened --

17 MR. WITHERS: Object to form.

18 MR. FRANKLIN: Object to form.

19 BY MR. BILLIPS:

20 Q -- on this occasion?

21 MR. WITHERS: Same objection.

22 BY MR. BILLIPS:

23 Q You can answer.

24 A I don't know where the cameras are
25 located in the kitchen. I know that we do have

1 BILLIPS - DEEN

2 cameras, but I don't know where they're located.

3 And I don't know where the conversation took place,
4 so.

5 Q Okay. Now, you were -- you're aware
6 that Miss Jackson had claimed to have witnessed this
7 incident, right?

8 A Yes, apparently, because that's how the
9 story she told --

10 Q Right.

11 A -- apparently came about.

12 Q And did you consider confronting Miss
13 Jackson with the videotape evidence to see -- to ask
14 her, you know --

15 A No.

16 Q -- if it -- if it was contrary to the
17 videotape evidence, why she would tell such a story?

18 A I never saw Lisa Jackson again after
19 that point. I remember one day coming by the
20 restaurant to see how Lisa was doing. She was out
21 with some kind of sickness. And seems like she had
22 been out for a while, so I dropped in to find out
23 how she was feeling, how she was doing, and I never
24 -- I never saw her -- she never came back to work,
25 so I never, never saw her again.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

46

1 BILLIPS - DEEN

2 Q Okay. Now, were you aware that there
3 was another witness to the incident between
4 Mr. Hiers and Mr. Frazier?

5 A No. No, I wasn't. I was not worried
6 about witnesses after Big Will relaying the story.
7 You know, there was -- there was no need to doubt
8 his word and rely on anyone besides himself.

9 Q Because, of course, there's no
10 possibility he could fear for his job?

11 A Oh, no, no. He's -- he's been with us.
12 In fact, I call him handsome. He -- he is -- he's
13 secure in his job. He does a good job.

14 Q He -- are you aware of a videotape of a
15 witness to the event describing it?

16 A Seems like I heard something.

17 MR. FRANKLIN: Yeah, don't talk
18 about anything I told you about.

19 That's attorney/client privilege.

20 BY MR. BILLIPS:

21 Q Have you seen the videotape?

22 A No.

23 Q Okay. Now, so let me ask you something,
24 the first you heard about this incident involving
25 Big Will was from your brother.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

47

1 BILLIPS - DEEN

2 A Yes.

3 Q So prior to your brother coming and
4 talking to you about it, wasn't there a meeting
5 between you and Karl Schumacher and Barry -- it's
6 Weiner or Wiener?

7 A Weiner.

8 Q -- Barry Weiner and Jim Gerard at which
9 you all went over what was alleged to have happened
10 during the Big Will incident?

11 A Oh, my gosh, Mr. Billips, I don't
12 recall. I stay extremely busy and I'm probably in
13 town half a year.

14 Q Well, if somebody reported --

15 A And --

16 MR. FRANKLIN: Let her finish the
17 answer.

18 BY MR. BILLIPS:

19 Q I'm sorry, go ahead. I thought she was
20 done.

21 A And I have a lot on my plate, and --

22 Q Okay. If somebody reported to you that
23 this valued employee, Will Frazier, had been
24 physically shaken by your brother and that he's
25 afraid of your brother because he thinks he'll get

1 BILLIPS - DEEN

2 fired, that's -- that's just not something you
3 remember hearing?

4 A No.

5 MR. WITHERS: Object to --

6 MR. FRANKLIN: Objection.

7 MR. WITHERS: -- that
8 characterization.

9 MR. FRANKLIN: Yeah.

10 BY MR. BILLIPS:

11 Q Okay. So -- now, we have had testimony
12 from Mr. Schumacher and Mr. Gerard both of a meeting
13 at which you were present, and which Mr. Weiner was
14 present.

15 A Can you tell me where the meeting was
16 held?

17 Q Ma'am, I don't -- I don't know that it
18 was -- anybody said, I think at your house, at which
19 the Big Will incident was described to you?

20 A I don't know, Mr. Billips, because by
21 the time I heard about it there was no problem.

22 Q Okay.

23 A I heard about this after the fact.

24 Q Did Karl Schumacher ever talk to you
25 about the Big Will incident?

1 BILLIPS - DEEN

2 A I just -- I don't recall. I don't ever
3 recall it being a topic of conversation, but that
4 doesn't mean that it didn't happen just because I
5 can't remember.

6 Q Okay. Well, you remember when Karl came
7 and talked to you about your brother stealing,
8 right?

9 A Yes.

10 Q Okay. And was it -- where was that
11 meeting?

12 A It was probably in my bathroom.

13 Q Okay. Was anyone else -- was anyone
14 else present?

15 A No, just --

16 MR. FRANKLIN: Perhaps on the
17 record she ought to explain, her
18 bathroom is a little different than
19 bathrooms in most of our houses.

20 BY MR. BILLIPS:

21 Q She can if she'd like.

22 A Well, my bathroom is off of my bedroom
23 and there's a sofa and two chairs, and it's a
24 bathroom/den combination.

25 Q Okay. Let me show you what has

1 BILLIPS - DEEN

2 previously been marked as Exhibit 57. It's an
3 August 16, 2010 memo from Karl Schumacher, and ask
4 you to read this over and tell me if you've seen it
5 before.

6 A No, I have not seen this.

7 Q Have you seen it in preparation for your
8 testimony?

9 A No.

10 Q Okay. So you've never seen it before at
11 all?

12 A No.

13 Q Okay.

14 A No, never seen it.

15 Q And did -- when Mr. Hiers came and told
16 you about the incident where he was confronted by
17 Mr. Schumacher about allegedly assaulting Big Will,
18 it's your testimony that it was a complete surprise
19 to you that that allegation had been made, correct?

20 A Yes. That would -- that would surprise
21 me --

22 Q Right.

23 A -- if someone said my brother physically
24 assaulted someone, yes.

25 Q Okay. And you had never heard that

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

51

1 BILLIPS - DEEN

2 allegation prior to your brother coming to you.

3 A No.

4 Q Okay.

5 A No. I've never known -- I'm 66 years
6 old, I'm seven years older than my little brother,
7 and to my knowledge he has never been in a physical
8 fight in his life.

9 Q Okay. Have you -- on how many
10 occasions, if at all, have you met with Jim Gerard,
11 Karl Schumacher and Barry Weiner to discuss problems
12 relating to your brother's conduct or alleged
13 conduct?

14 A None that I know of.

15 Q Okay. Now, did you ever suggest having
16 Big Will out to your house, or did he ever -- has
17 Big Will ever come out to your house?

18 MR. FRANKLIN: Objection,
19 compound question.

20 BY MR. BILLIPS:

21 Q Has Will Frazier ever come to your
22 house?

23 A Not while I was there.

24 Q Okay. Has he ever come there, to your
25 knowledge, when you weren't there?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

52

1 BILLIPS - DEEN

2 A Not to my knowledge, no.

3 Q Okay. Have you ever invited him?

4 A No.

5 Q Okay. Now, do you recall the incident
6 involving Dustin Walls and Ray Parrish?

7 A Yes.

8 Q Okay. And did you --

9 A I'm aware of that.

10 Q All right. And Mr. Walls was found to
11 have called Mr. --

12 A Allegedly.

13 Q -- Parrish --

14 A I was not there, so.

15 Q Right.

16 A Mine is through hearsay.

17 Q And the investigation that was conducted
18 by Mr. Schumacher of that incident, he found that
19 Mr. Walls had, in fact, called Mr. Parrish a monkey,
20 you're aware of that?

21 A I'm aware of that accusation. I was
22 never given a tape or any proof of what exactly was
23 said, but when Karl called that to my attention, my
24 words to Karl was we're not going to tolerate name
25 calling, and so to handle it. Write him up, do

1 BILLIPS - DEEN

2 something.

3 Q Did you suggest bringing Mr. Parrish out
4 to your house to massage him or make him feel
5 better?

6 A Absolutely not, no.

7 Q Okay. And I don't mean physically
8 massage.

9 A I wouldn't physically or mentally do
10 either.

11 Q Have you ever used that term as a way of
12 describing making someone feel better, to massage
13 them?

14 A No, I massage my meat and I massage my
15 husband sometimes, but that's about the only time I
16 use that word.

17 Q Okay. Now, did you ever have a
18 discussion with Theresa Feuger about Miss Jackson or
19 Miss Jackson's truthfulness?

20 A I would say yes.

21 Q When was that, while she was still
22 employed or afterwards?

23 A It was probably afterwards.

24 Q Okay. And --

25 A Yeah, Theresa -- Theresa told me that

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

54

1 BILLIPS - DEEN

2 she found, in trying to work with Lisa, that she
3 always blew things up, and when Theresa would go out
4 there, it was -- would be like nothing.

5 Q Did she give any examples?

6 A No. I just remember Lisa (sic) telling
7 that she'd take a little grain of the truth and then
8 she would write her own story --

9 Q Okay.

10 A -- to it --

11 Q Okay.

12 A -- is what I was told.

13 Q And you can't recall any specific
14 incident to which she was referring?

15 A No, I just remember Theresa saying that.

16 Q Okay. Did you talk to any of the other
17 employees at Uncle Bubba's about Miss Jackson,
18 either during her employment or afterwards?

19 A No. I would not do that, but I have had
20 a lot come up to me. I met a young woman Friday
21 night at dinner, and she introduced herself and she
22 said she used to work at Uncle Bubba's. And she
23 said I was actually a manager, but Lisa fired me.
24 She said there was just no getting along with her.

25 Q What was her name?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

55

1 BILLIPS - DEEN

2 A You know, I don't remember. I could
3 find out through my daughter.

4 MR. FRANKLIN: We are trying to
5 locate her.

6 THE WITNESS: I just said, well,
7 I'm sorry, we're finding that out a
8 lot now, but she's gone so you can
9 come back and apply.

10 BY MR. BILLIPS:

11 Q Okay.

12 MR. FRANKLIN: Do you want to
13 take a break for a second?

14 THE VIDEOGRAPHER: The time is
15 11:04 a.m. We're off the record.

16 (Recess.)

17 THE VIDEOGRAPHER: The time is
18 11:16 a.m. This is beginning of DV
19 tape 3. We're back on the record.

20 BY MR. BILLIPS:

21 Q Miss Deen, I'd like to show you what has
22 previously been marked Exhibits 54 and 55.

23 A Okay.

24 Q And ask you, first of all, where were
25 those pictures taken?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

56

1 BILLIPS - DEEN

2 A This was at South Beach Food and Wine.
3 Robert Irvine is a good friend of mine, and I was on
4 stage and he -- he usually comes out.

5 Q Okay. And was it in front of a live
6 audience?

7 A Yes.

8 Q All right.

9 A Eighteen and older, no children allowed.

10 Q Why is that?

11 A Because it's a food and wine.

12 Q Okay.

13 A It's alcohol --

14 Q All right.

15 A -- involved, and it's for charity.

16 Q Have you made appearances in front of
17 live audiences that were not 18 and older?

18 A On occasion.

19 Q Okay. Have you ever had any -- received
20 any complaints about your conduct being
21 inappropriate?

22 A I haven't, but I'm sure that some have
23 been made because I found out that I am not capable
24 of pleasing everyone all the time.

25 Q Okay. Well, I'm -- I'm talking more

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

57

1 BILLIPS - DEEN

2 about allegations or complaints that your use of
3 obscenities and off-color jokes were considered
4 inappropriate for the children who were in the
5 audience?

6 A No. I wouldn't -- I wouldn't do that
7 around children. I wouldn't -- I wouldn't tell some
8 jokes around children.

9 Q Okay. Would complaints about your
10 appearances come directly to you, or would they go
11 to someone else?

12 A They would probably -- excuse me, they
13 would probably go to my corporate office.

14 Q Okay. And who -- to whom would they be
15 directed once they arrived at your corporate office?
16 Karl?

17 A Probably.

18 Q Okay. Now, you indicated a moment ago
19 that you have come to the conclusion that Karl, I
20 forget exactly how you phrased it, but that he was
21 jealous or resentful of the fact that he was not a
22 part owner of Uncle Bubba's.

23 A Like I said, that's -- that's my
24 conclusion in hindsight, Mr. Billips. I had never
25 thought that up until recently in -- in looking back

1 BILLIPS - DEEN

2 and trying to figure out why he was so resentful of
3 Bubba on every turn.

4 Q Okay. And what made you draw that
5 conclusion recently?

6 A Well, it's the only thing that makes
7 sense to me.

8 Q No. I mean, what -- did some new
9 information come to you that caused you to draw that
10 conclusion?

11 A No. No, not new information, just --
12 just --

13 Q Did he do something different?

14 MR. FRANKLIN: Let her --

15 MR. WITHERS: I object to you
16 continuing to cut her off when she
17 stops with an interjection.

18 BY MR. BILLIPS:

19 Q Go ahead.

20 A It -- it's just the only conclusion I
21 can come to that makes any kind of sense.

22 Q Okay.

23 A You know, I just -- it's the only thing
24 that makes sense. It's the only thing that I can
25 come up with that can make any semblance of sense in

1 BILLIPS - DEEN

2 my mind as to why he would --

3 Q Why he would what?

4 A Why he would be so quick to believe
5 things.

6 Q What things?

7 A That was reported to him about Bubba.

8 Q Like what?

9 A Well, like, didn't he say Bubba was a
10 drunk? Didn't he say he was a thief? Didn't he say
11 he didn't have sense enough to run a business? Why
12 would he say those things? Why would he be so
13 willing to fall for somebody's lies only because
14 that's what he wanted to believe.

15 Q Whose lies?

16 A Lisa's.

17 Q Okay. Are you -- now, y'all hired a
18 consulting firm to come in and evaluate the --

19 A Oh, yes, we did.

20 Q Okay. And do you think they did a good
21 job?

22 A No, I do not.

23 Q Do you think they were jealous or
24 resentful?

25 A No, I do not. I know for a fact that

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

60

1 BILLIPS - DEEN

2 Lisa and Karl had their ear.

3 Q Okay.

4 A Every information they got was from Karl
5 and Lisa, the two people that wanted to see my
6 brother out of his very own business.

7 Q Okay. So --

8 A Do I believe a word they said? No, I do
9 not.

10 Q Okay. So they were conspiring with Karl
11 and Lisa?

12 A Listen, they -- they -- they fell for
13 everything Lisa and Karl told them.

14 Q Okay.

15 A Spent very little time with my brother
16 and almost none with me.

17 Q Okay. Well, were you available to spend
18 time with them?

19 A For something that important, I make
20 time.

21 Q Okay. Well, what do you mean for
22 something that important?

23 A Well, we were spending a lot of money
24 hiring this company.

25 Q Okay. So did you make time to come out

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

61

1 BILLIPS - DEEN

2 and meet with them?

3 A I met with them at the very, very end.

4 Q Okay. And did you hear their report
5 when they made their report?

6 A I don't know that I read it,
7 Mr. Billips. I knew that they had been massaged
8 into what Lisa and Bubba wanted them to -- I mean,
9 Lisa and Karl wanted them to think.

10 Q Ma'am, how much time had you spent at
11 your brother's restaurant in the year preceding the
12 conclusion of the MackWorks first consultant?

13 A I don't know. I felt real bad because I
14 was there the first six weeks of the opening of our
15 business in the kitchen, and then I had to start
16 filming or it was book tours, I don't remember, but
17 I had to leave -- I had to leave and I felt so
18 guilty and so bad about having to -- to leave my
19 brother in this new business.

20 And it's funny how people think if they
21 can cook, they can be in the restaurant business,
22 and that's as far from the truth as you can get.
23 It's one of the hardest ways that a person could
24 choose to make a living because of people that are
25 available to work.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

62

1 BILLIPS - DEEN

2 Q Do you remember my question?

3 A No. Did I not answer it?

4 Q No, ma'am.

5 MR. FRANKLIN: You had a
6 question?

7 THE WITNESS: Okay.

8 BY MR. BILLIPS:

9 Q In the year prior --

10 A Oh, oh yes, so I will finish trying to
11 answer your question.

12 Q Okay.

13 A So I have not worked in Uncle Bubba's
14 since the first six weeks of opening the business.

15 Q Okay. So were you even present in Uncle
16 Bubba's throughout the time period that MackWorks
17 was performing --

18 A No.

19 Q -- the consulting work?

20 A No, sir.

21 Q Okay. And you were present for
22 MackWorks, kind of the wrap up where they gave their
23 report?

24 A Right. I remember Tonya coming out to
25 my house and meeting with me, yes, sir.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

63

1 BILLIPS - DEEN

2 Q Okay. And you recall that in that
3 report one of the things they said was that Miss
4 Jackson probably had foddered for her own EEOC
5 charge, do you recall that?

6 A You know, I didn't find out that until
7 way after the fact, but I could certainly understand
8 how they would come to that opinion because it was
9 Lisa's mouth that was doing the talking, so I'm sure
10 that they would come to that conclusion.

11 Q Okay. You were given a copy of the
12 report by Miss Mack, correct?

13 A Probably.

14 Q Okay. And in order to determine that it
15 was the opinion of these high-priced consultants
16 that Miss Jackson had been the victim of
17 discrimination sufficient to give her cause to file
18 an EEOC, all you would have had to do was read that
19 report, correct?

20 MR. FRANKLIN: Objection. You
21 can answer.

22 THE WITNESS: I knew she had --
23 by this time I knew that -- I didn't
24 read the report.

25 BY MR. BILLIPS:

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

64

1 BILLIPS - DEEN

2 Q By this time what, you knew that she had
3 been complaining about sexual harassment?

4 A No, I didn't know about that.

5 Q What did you know?

6 A I'm embarrassed to say, but not a lot.

7 Q Okay. The report was put in front of
8 you, Miss Mack came to your house and she verbally
9 gave you a report, correct?

10 A We spent about 15 minutes together.

11 Q Okay. And during that time, did she
12 tell you about the issues that Miss Jackson was
13 alleging that she was suffering from --

14 A No.

15 Q -- at the restaurant?

16 A No, no, I don't recall that.

17 Q And she -- but she handed you your own
18 copy of the report.

19 A I can't -- I can't say she did that day.
20 It may have been left at corporate.

21 Q Okay.

22 A So I would be guessing.

23 Q You certainly had every opportunity to
24 read it if you so desired, correct?

25 A Yes. In my spare time, yes.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

65

1 BILLIPS - DEEN

2 Q Okay. And what, if any, investigation
3 have you done to determine if it is your brother who
4 is lying, as opposed to Miss Jackson and
5 Mr. Schumacher and the people at MackWorks?

6 A I've never said Mr. Schumacher was a
7 liar.

8 Q Okay.

9 A What I'm saying is he has been very
10 gullible.

11 Q He's been gullible, okay.

12 A Yes.

13 Q What, if any, investigation --

14 A I'm --

15 MR. FRANKLIN: Let her answer.

16 BY MR. BILLIPS:

17 Q I'm sorry, I thought she was done.

18 A I'm sorry, I'm getting old, I'm slow.

19 I know my brother. I know his
20 character. If I ask him something, he would not lie
21 to me, nor would I to him. There was nothing to
22 investigate.

23 Is he perfect? No. Am I perfect? No.
24 Could somebody out there run my business better than
25 myself? Absolutely, but it's my business.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

66

1 BILLIPS - DEEN

2 Q Prior to Mr. Hiers' deposition, had you
3 ever asked him if he had engaged in the use of
4 racial slurs in the workplace?

5 A No.

6 MR. FRANKLIN: Objection.

7 MR. WITHERS: I'm going to
8 object, by the way, to the
9 characterization that you have
10 represented to the witness that she
11 was present for his deposition. You
12 know, I don't have that deposition in
13 front of me, but I do not recall the
14 deponent being present for Mr. Hiers's
15 deposition.

16 MR. BILLIPS: I believe she was
17 present for part of it. I think she
18 came in late. But whether she was or
19 not, I was putting a time frame on
20 whether she had asked him a question
21 prior to the deposition. I was not
22 implying that she was present by my
23 question.

24 BY MR. BILLIPS:

25 Q Prior to his deposition, did you ever

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

67

1 BILLIPS - DEEN

2 ask him if he had engaged in sexually harassing
3 conduct in the workplace?

4 A No, because he -- he -- he's not that
5 kind of person. He may kid and joke and --

6 Q Okay.

7 A But no.

8 Q And the kidding and joking, do you know
9 whether the kidding and joking included sexually
10 explicit jokes?

11 A I wouldn't know --

12 Q Do you know if --

13 A -- having not been there.

14 Q Do you know if it included showing
15 pornographic videos on the computer and asking women
16 to come in and watch them?

17 MR. WITHERS: Objection.

18 MR. FRANKLIN: Objection.

19 MR. WITHERS: You can answer.

20 THE WITNESS: I would not know

21 because I was not there.

22 BY MR. BILLIPS:

23 Q Okay. Well, did you ever ask him if he
24 had engaged in any of that kind of conduct?

25 MR. FRANKLIN: Asked and answered

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

68

1 BILLIPS - DEEN

2 several times.

3 BY MR. BILLIPS:

4 Q You can answer.

5 A No, that -- no, it just --

6 Q Would you see anything wrong with him
7 doing that? I mean, since it's his business?

8 A You know, each situation can -- can be
9 different. It's not black and white. There's a lot
10 of gray in that.

11 Q So if Mr. Hiers was showing pornographic
12 videos to his subordinate staff, would you consider
13 that to be appropriate workplace conduct?

14 A I would not --

15 MR. FRANKLIN: Objection.

16 MR. WITHERS: Objection to form.

17 BY MR. BILLIPS:

18 Q Go ahead.

19 A I would not recommend that.

20 Q Okay. Is that something that you would
21 consider consistent with the Bubba Hiers that you
22 know?

23 MR. FRANKLIN: Is what
24 consistent?

25 BY MR. BILLIPS:

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

69

1 BILLIPS - DEEN

2 Q Showing pornographic videos in the
3 workplace?

4 A No.

5 Q Okay.

6 A No.

7 Q And you've never asked him if he's done
8 that?

9 MR. FRANKLIN: Asked and
10 answered. You can answer.

11 BY MR. BILLIPS:

12 Q Right.

13 A No, no. I -- I know all the men in my
14 family at one time or another they'll tell each
15 other, look what so and so sent me on my phone, you
16 know. It's just men being men.

17 Q When you and Mr. Hiers started Uncle
18 Bubba's Seafood, was a decision made to hire only
19 whites to work in the front of the restaurant?

20 A No.

21 Q Okay.

22 A Bubba and I, neither one of us, care
23 what the color of your skin is or what is between
24 your legs, it's what's in your heart and in your
25 head that matters to us.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

70

1 BILLIPS - DEEN

2 Q Okay. And do you have any reason, and
3 if you don't, that's fine, but do you know of any
4 reason why an employ -- a former employee named
5 Lindsay McCoy would falsely testify that Bubba told
6 Lisa Jackson in her presence to keep the front light
7 when hiring --

8 MR. FRANKLIN: Objection.

9 BY MR. BILLIPS:

10 Q -- and looked at her and told her she
11 didn't hear that?

12 MR. FRANKLIN: Objection.

13 MR. WITHERS: Object to form. By
14 the way, I'm just going to go ahead
15 and object to this continuous line of
16 questioning about what one witness
17 thinks about what another witness may
18 say as an improper form of question
19 and format of question.

20 BY MR. BILLIPS:

21 Q Do you have any facts, any knowledge,
22 any reason at all to -- that would indicate a reason
23 for Miss McCoy to lie?

24 A I don't know who that is.

25 Q Okay. Now, I was asking you earlier

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

71

1 BILLIPS - DEEN

2 about why you believe that Karl Schumacher, and I
3 forget exactly how you said it, is jealous or
4 resentful of the fact that he's -- he was not given
5 a part ownership in Bubba's, and you indicated that
6 is something that -- that's an opinion you've come
7 to recently, did I understand you correctly?

8 A I've tried to make sense of it in my
9 head, Mr. Billips.

10 Q Okay.

11 A And that's the only thing I can come up
12 with. It's --

13 Q Is there -- what, if anything, has
14 caused you to re-examine Mr. Schumacher's attitude
15 toward Mr. Hiers or toward you that caused you to
16 come to that conclusion?

17 MR. FRANKLIN: And I would object
18 to the extent that it may call for her
19 to divulge attorney/client -- matters
20 protected by the attorney/client
21 privilege.

22 MR. BILLIPS: Okay.

23 BY MR. BILLIPS:

24 Q You can answer.

25 MR. FRANKLIN: In other words,

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

72

1 BILLIPS - DEEN

2 you can't talk -- say anything that
3 you and I talked about. Outside of
4 that, if there's anything, I think
5 that's what he's entitled to.

6 THE WITNESS: Well, just it's
7 things that have come to light that
8 Karl has said about my brother.

9 BY MR. BILLIPS:

10 Q You mean like some of the emails?

11 A Yes.

12 Q Okay.

13 A I know he's very judgmental, but --

14 Q How did --

15 A Karl is very loyal to me, to me. He had
16 incredible value to my business.

17 Q And do you feel that Karl was attempting
18 to protect you from your brother -- to protect your
19 business from your brother?

20 A I don't know, possibly.

21 Q Okay.

22 A I don't know, but I -- I don't -- in
23 looking back I don't think Karl's ever really liked
24 Bubba. And the only thing that makes sense to me is
25 maybe because we -- we had talked about giving him a

1 BILLIPS - DEEN

2 percentage and did not. I don't -- I don't know
3 what he -- what he feels.

4 Everything would be speculation on my
5 part, but like I said, when people behave in certain
6 ways, I try to look at it from their side, what
7 would make them think and say. I try to make it
8 make reason --

9 Q Okay.

10 A -- in my head, and I -- I just -- I
11 don't know.

12 Q You said Karl was very judgmental.

13 A Yes.

14 Q In what ways has he shown judgmental
15 behavior in your presence?

16 A Well, his body language.

17 Q Okay.

18 MR. FRANKLIN: Let her finish.

19 THE WITNESS: You know, you can
20 look at someone when they're judging
21 somebody.

22 BY MR. BILLIPS:

23 Q Okay. Well --

24 A And he's made it clear how he feels
25 about gays and pornography. You know, he's just

1 BILLIPS - DEEN

2 made it clear.

3 Q Okay. And in -- in what context was he
4 exhibiting this body language that made you feel he
5 was judgmental? What was happening when he would do
6 this?

7 A Well, gosh, I have been affiliated with
8 Karl for 22 years.

9 Q Okay.

10 A So after that many years, you -- you
11 about know what a person is thinking.

12 Q Right. Is this -- are you talking about
13 behavior, for example, when somebody would tell an
14 off-color joke, or when someone --

15 A Yes, it could be that, or a comment
16 made.

17 Q What kind of comment?

18 A He had some things to say about my
19 personal assistant, who I love like he's my child,
20 and he's gay.

21 Q And what did Karl say about that?

22 A I -- I don't -- I don't know. I'm not
23 sure, but.

24 Q Did he say it to you?

25 A No.

1 BILLIPS - DEEN

2 Q Okay. Who did he say it to?

3 A I don't know. I think it was in an
4 email, I don't -- I don't know.

5 Q Okay.

6 A I don't know, but --

7 Q Has Karl ever expressed to you --

8 A -- in my eyes it's not acceptable.

9 Q Has Karl ever expressed to you this kind
10 of bigotry? I mean, like actually said it to you
11 personally that he is --

12 A Like I said, after 22 years of being
13 with someone, if you had paid any attention at all
14 to that person, you know.

15 Q Okay. I'm not questioning that, but I
16 am asking whether he has ever made a statement
17 directly indicating bigotry against gays?

18 A I'm sure he has.

19 Q Okay.

20 A I'm sure he has at some point. Karl
21 does most of his conversing on that thing.

22 Q Via email?

23 A Yes.

24 Q Okay. Does Karl email to you?

25 A No, I don't know how to get an email.

1 BILLIPS - DEEN

2 Q Okay.

3 A I would never answer him.

4 Q Other than being judgmental against
5 gays, is there any other way in which -- and
6 pornography, is there any other way in which Karl
7 has displayed this judgmental conduct?

8 A Yes. Like I said, if you drink, if you
9 curse. You know, he's the judge and jury in his --
10 in his mind. Is Karl a good man? Yes, he's a good
11 man. But we -- it's my opinion that we have to be
12 very tolerant of the fellow men that we live with
13 because none of us are perfect.

14 Q Okay.

15 A And as fine a Christian man as he is, he
16 -- he is not perfect either.

17 Q Okay. He -- Mr. Schumacher has
18 criticized you for gambling.

19 A Oh, he's criticized everybody for
20 everything. It's his job. He's the judge, he's the
21 jury.

22 MR. BILLIPS: I'll tell you what,
23 this is a good time to take a break.
24 Why don't we go ahead and take a lunch
25 break?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

77

1 BILLIPS - DEEN

2 THE VIDEOGRAPHER: The time is

3 11:47 a.m. we're off the record.

4 (Recess.)

5 (Attorney Kelin Murphy enters

6 room.)

7 THE VIDEOGRAPHER: The time is

8 12:57 p.m. This is the beginning of

9 DV tape four. We're back on the

10 record.

11 BY MR. BILLIPS:

12 Q Miss Deen, earlier in your testimony you
13 indicated that one of the things that you had tried
14 to -- that you and your husband tried to teach your
15 children was not to use the N word in a mean way, do
16 you recall that testimony?

17 A Yes.

18 Q Okay. And could you give me an example
19 of how you have demonstrated for them a nice way to
20 use the N word?

21 MR. FRANKLIN: Objection.

22 BY MR. BILLIPS:

23 Q Or a non-mean way?

24 MR. FRANKLIN: Objection.

25 THE WITNESS: We hear a lot of

1 BILLIPS - DEEN

2 things in the kitchen. Things that
3 they -- that black people will say to
4 each other. If we are relaying
5 something that was said, a problem
6 that we're discussing, that's not said
7 in a mean way.

8 BY MR. BILLIPS:

9 Q What about jokes, if somebody is telling
10 a joke that's got --

11 A It's just what they are, they're jokes.

12 Q Okay. Would you consider those to be
13 using the N word in a mean way?

14 MR. FRANKLIN: Objection.

15 Depends on how it's used in a joke.

16 MR. WITHERS: Object to form,
17 vague.

18 BY MR. BILLIPS:

19 Q You can answer.

20 A That -- that's -- that's -- pardon?

21 Q He was talking to me, go ahead.

22 A That's -- that's kind of hard. Most --
23 most jokes are about Jewish people, rednecks, black
24 folks. Most jokes target -- I don't know. I didn't
25 make up the jokes, I don't know. I can't -- I don't

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

79

1 BILLIPS - DEEN

2 know.

3 Q Okay.

4 A They usually target, though, a group.
5 Gays or straights, black, redneck, you know, I just
6 don't know -- I just don't know what to say. I
7 can't, myself, determine what offends another
8 person.

9 Q Okay. Well --

10 A I can feel out that person pretty good
11 on what would offend them, but I'm not sure,
12 Mr. Billips, what -- what the question even means.

13 Q Well, if you were sitting around at home
14 just with you and your family, would you feel any
15 hesitation in telling a joke that you thought was
16 funny if it had the N word in it?

17 A I don't tell jokes, not at my house.
18 That's --

19 Q Do the other members of your family tell
20 jokes at home?

21 A Yes.

22 Q Okay.

23 A Yes.

24 Q And they told jokes using the N word?

25 A I'm sure they have. My husband is

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

80

1 BILLIPS - DEEN

2 constantly telling me jokes.

3 Q Okay. And have -- are you offended at
4 all by those jokes?

5 A No, because it's my husband.

6 Q Okay. What about your brother, does he
7 tell those jokes?

8 A I'm sure he has. Bubba's not good at
9 joke telling, but I'm sure he's tried to repeat
10 some.

11 Q Okay. He just does it badly?

12 A Yeah, he don't -- he doesn't tell 'em
13 good.

14 Q Okay.

15 A Barry Weiner will ruin a funny joke.
16 You know, some people can tell jokes in a funny way
17 and some can't.

18 Q Okay. And would you consider telling
19 jokes, racial jokes, to be an example of using the N
20 word in a way that's not mean?

21 A Not for me personally. It would not --

22 Q It wouldn't be mean for you personally?

23 A No, it wouldn't -- I wouldn't tell it.

24 Q Okay.

25 A I mean, that's -- that's not my style of

1 BILLIPS - DEEN

2 joke.

3 Q Okay. Your style of joke generally has
4 some sexual component to it; is that fair?

5 A Yeah, lots of times.

6 Q Okay.

7 A I poke fun at myself and other women.

8 Q Now, do you have, in your own mind, any
9 kind of a working definition of what sexual
10 harassment in the workplace would mean?

11 A I think I do.

12 Q Okay. Tell me what your definition of
13 sexual harassment would be.

14 A I would think coming on to a person. I
15 would think holding one back because of their sex.

16 Q You mean holding them back in their job?

17 A Yeah.

18 Q Okay.

19 A Oh, no, that -- that would be
20 discrimination. But I would think just coming on to
21 someone or -- I don't know.

22 Q Okay.

23 A I've never experienced it in my
24 business. I've never been the recipient or the
25 giver of it, so I just think I know in my head.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

82

1 BILLIPS - DEEN

2 Q Okay.

3 A I think I would recognize it if I saw
4 it.

5 Q What about racial harassment?

6 A We don't tolerate that.

7 Q Okay. Well, what is it in your mind?

8 A I would think that -- racial
9 discrimination, was that the question?

10 Q Harassment.

11 A Harassment. I would think that that
12 would be picking out a certain race and never
13 cutting them any slack. I don't know, verbally
14 abusing them maybe, I'm not sure.

15 Q Okay. Using racial slurs in a
16 workplace, would you --

17 A To them. If you were doing it against a
18 Jewish person and constantly talking about -- bad
19 mouthing Jews or lesbians or homosexuals or Mexicans
20 or blacks, if you continually beat up on a certain
21 group, I would think that that would be some kind of
22 harassment.

23 Q Okay.

24 A I don't know. We don't -- we don't do
25 that, I don't know.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

83

1 BILLIPS - DEEN

2 Q Did you consider what Dustin Walls was
3 accused of doing to constitute racial harassment?

4 A I understand -- I understand the
5 pressure that goes along with the restaurant
6 business. When that dinner bell rings at 11:00,
7 it's like you and your team go to war. You're
8 fighting a war to get everybody fed, every customer
9 happy, and I know in the heat of the moment you can
10 say things that would ordinarily not be said. The
11 restaurant business is just so stressful, so
12 stressful.

13 Q Okay. Do you recall my question?

14 A Yes.

15 Q Okay.

16 A No. Maybe.

17 MR. FRANKLIN: All of the above.

18 BY MR. BILLIPS:

19 Q My question was, would you consider what
20 Dustin Walls was accused of to constitute racial
21 harassment?

22 A Yes.

23 Q Okay. Earlier you had indicated that
24 you felt that the -- that the MackWorks people had
25 not -- that they had been misled by Lisa Jackson and

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

84

1 BILLIPS - DEEN

2 Karl Schumacher. When did you first come to that
3 conclusion?

4 A I felt like that while they were there.

5 Q During their audit you felt that way?

6 A Ah-ha.

7 Q Before they had any results whatsoever?

8 A Ah-ha. I knew that --

9 Q What made you feel that way?

10 A Well, I knew that the voices that they
11 were -- that they were hearing every day was the
12 voices of two people.

13 Q Well --

14 A Mainly two people.

15 Q What makes you believe that?

16 A Because those were the two leaders in
17 the business at Uncle Bubba's.

18 Q Well, they're also at Lady & Sons,
19 right?

20 A Yes, yes.

21 Q Okay.

22 A And they would have probably spent a lot
23 of time with Dus -- no, they didn't spend much time
24 with Dustin. Who did they spend most of the time?
25 Could have been Cookie Espinoza.

1 BILLIPS - DEEN

2 Q They did spend some time with Dustin.

3 A Not long.

4 Q Okay.

5 A Not long, but I think a little.

6 Q How do you know?

7 A Because I was told.

8 Q By Dustin?

9 A No.

10 Q By who?

11 A I think Tonya.

12 Q Okay. That she didn't spend much time
13 with Dustin?

14 A No, they felt like the source of our
15 problems were at Uncle Bubba's.

16 Q Okay.

17 A So that's what they were -- I think they
18 were mainly hired to concentrate on Uncle Bubba's.

19 Q Okay.

20 A The best memory serves me.

21 Q All right. And what were the problems
22 that they felt y'all had at Uncle Bubba's that
23 needed to be fixed?

24 A I don't know. This is -- I think Karl
25 made arrangements. Like I said --

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

86

1 BILLIPS - DEEN

2 Q Was one of the problems that they felt
3 needed to be fixed the fact that Mr. Hiers had
4 operational influence at the restaurant?

5 MR. FRANKLIN: Had what kind of
6 influence?

7 BY MR. BILLIPS:

8 Q Operational. That he actually had
9 decision making authority at the restaurant?

10 A Yeah, I think they had a problem with
11 that. They both had a hard time understanding that
12 the sign said Uncle Bubba's Oyster House, it didn't
13 say Karl Schumacher's House or Lisa Jackson's House.
14 And like I said, those two were --

15 Q Did -- did they also, as you understand
16 it, speak to the employees at the restaurants?

17 A Lisa gave strict instructions that no
18 one at Uncle Bubba's was allowed to talk with Karl,
19 Bubba or me.

20 Q My question was about Tonya Mack and
21 David Beronet. Tonya Mack and David Beronet spoke
22 to the employees at Uncle Bubba's.

23 A Yes, I know that they interviewed
24 people.

25 Q Okay. And they interviewed them about

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

87

1 BILLIPS - DEEN

2 whatever problems they felt might exist, correct?

3 Is that your understanding?

4 A That would be my understanding.

5 Q Okay. And did Miss Mack tell you what
6 those employees told her first about Lisa Jackson?

7 A I don't remember.

8 Q Okay.

9 A I don't remember.

10 Q Miss Mack has testified that the
11 employees, that the primary complaint about Miss
12 Jackson was that she worked very hard and expected
13 everyone else to work at the same level. Does that
14 refresh your recollection?

15 A Yes, you know, I understand, because
16 I've -- that was my original thought as well.

17 Q Okay. And that's what Miss Mack told
18 you she had heard from the employees at the
19 restaurant; is that correct?

20 A You know, I just can't say, Mr. Billips,
21 because I don't remember.

22 Q Well, who was it during the course of
23 their -- of their visit, when they're doing their
24 audit, for want of a better word, who was it that
25 was coming to you and telling you what was going on?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

88

1 BILLIPS - DEEN

2 A You know, I don't -- I don't -- I don't
3 remember. I'm not involved on a daily basis in
4 either restaurants.

5 Q Well, my question is you indicated that
6 you felt during their -- the time they were working
7 there, before they issued their report, that they
8 were -- seemed to have some kind of bias.

9 A I know that there was two people feeding
10 them information on a daily basis --

11 Q Okay.

12 A -- while they were here.

13 Q And at the time they were here, you felt
14 that Lisa Jackson was an excellent employee, right,
15 at that time period?

16 A I thought -- I thought she had good
17 intentions.

18 Q Okay.

19 A I thought she had good intentions.

20 Q Okay. So the fact that they were
21 getting their information from Lisa Jackson, would
22 not have given you any concerns about their
23 reliability, would it? Not at that time?

24 A You know, I just -- it was not my idea
25 to call these people in and I didn't -- I'm so busy

1 BILLIPS - DEEN

2 working outside those restaurants that --

3 Q Well --

4 A -- you know, I just wasn't sure about
5 anything. But --

6 Q I'm still trying to get to what it was
7 that made you feel that they were unreliable during
8 the time they were doing the audit, and from what
9 source you were getting information that led you to
10 come to that conclusion?

11 A Apparently it was -- excuse me for
12 interrupting. Apparently it was something that Karl
13 had relayed to me.

14 Q Okay.

15 A That they had said.

16 Q Okay. And do you recall what that was?

17 A That all the problems were -- was Bubba.

18 Q Okay. And that's something they relayed
19 to you after they had -- or excuse me, relayed to
20 Karl --

21 A Yes.

22 Q -- while they were doing their audit?

23 A Yes, I think so.

24 Q Okay.

25 A I think that's the way it happened.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

90

1 BILLIPS - DEEN

2 Q And this is, as you understand it, after
3 they had interviewed the employees at Uncle Bubba's
4 and spoken to Lisa and Karl?

5 A I'm -- I'm assuming so.

6 Q Okay. So everybody on the scene who
7 would have information about what the problems were
8 at Uncle Bubba's had been interviewed by the
9 MackWorks people, so far as you know?

10 A I would not know who they interviewed.

11 Q Okay. You do know they were
12 interviewing employees other than Lisa Jackson and
13 Karl Schumacher?

14 A Oh, of course, yes.

15 Q And they came to the conclusion that the
16 problem at the restaurant was Mr. Hiers, correct?

17 MR. FRANKLIN: Object to the
18 form.

19 MR. WITHERS: Object to the form.

20 MR. FRANKLIN: The report speaks
21 for itself.

22 BY MR. BILLIPS:

23 Q I'm talking about what Karl told you.
24 Karl told you that they -- the MackWorks people had
25 come to the conclusion that the problem was Bubba.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

91

1 BILLIPS - DEEN

2 A Yes.

3 Q Okay.

4 A Yes, I think -- I think that would be
5 fair.

6 Q Okay. And that's before the report came
7 out? Before Tonya Mack had her meeting with you out
8 at your house?

9 A Yes, I would say it would be. She came
10 to my house right before she was flying out.

11 Q Okay. And the reason that -- strike.

12 Did you ever consider the possibility
13 that they were correct?

14 MR. WITHERS: Well --

15 MR. FRANKLIN: Objection.

16 MR. WITHERS: -- I object to the
17 form because that's based upon an
18 improper premise.

19 BY MR. BILLIPS:

20 Q Did you ever consider the possibility
21 that what the MackWorks people had told Karl, that
22 the problem at the restaurant was Bubba Hiers, that
23 they were correct in that assessment?

24 MR. WITHERS: Same objection.

25 MR. FRANKLIN: Same objection.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

92

1 BILLIPS - DEEN

2 THE WITNESS: Am I supposed to
3 respond?

4 MR. FRANKLIN: Yeah. No, you can
5 respond, I'm sorry.

6 THE WITNESS: Okay. And let me
7 see if I got your question correctly
8 in my mind. Did I ever think that
9 maybe they were right?

10 BY MR. BILLIPS:

11 Q Yes.

12 A No. Did I think Bubba was doing
13 everything spot on? No. No, I didn't think that.
14 But was he as bad as what they were trying to make
15 out? No, I know my brother better than that.

16 Q You hadn't been in that restaurant in
17 nearly five years?

18 A I know it, but I've known my brother for
19 66 years.

20 Q Right. And during --

21 A That goes a lot deeper.

22 Q During the time you've known your
23 brother, he spent time in rehab for alcohol and
24 cocaine addiction?

25 A Absolutely.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

93

1 BILLIPS - DEEN

2 MR. WITHERS: Objection.

3 MR. FRANKLIN: Objection, asked
4 and answered.

5 BY MR. BILLIPS:

6 Q Correct?

7 A You know, absolutely.

8 Q Did you know he was using cocaine before
9 he went into rehab?

10 A No, I did not.

11 MR. FRANKLIN: Objection.

12 BY MR. BILLIPS:

13 Q Okay. So that's one thing you didn't
14 know about your brother that he was doing.

15 A No. I knew something was wrong, but I
16 didn't know what it was.

17 Q Okay. And over the past five years or
18 so, you've been a lot busier --

19 A Yes.

20 Q -- than back in those days, right?

21 A Ah-ha.

22 Q And your business has expanded greatly.

23 A Yes.

24 Q And it has taken you into where you
25 film --

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

94

1 BILLIPS - DEEN

2 A Other arenas, yes.

3 Q Okay.

4 A I film here in Savannah.

5 Q And you travel a lot, right?

6 A Ah-ha.

7 Q You need to say yes, rather than --

8 A Louder?

9 MR. FRANKLIN: Yes or no?

10 BY MR. BILLIPS:

11 Q You have to say yes or no, rather than

12 --

13 A Yes, I travel a lot.

14 Q Okay. Rather than ah-ha or huh-uh.

15 A Oh, sorry.

16 Q Everybody does it, don't worry about it.

17 If I point to my mouth, that will remind you.

18 A Okay.

19 Q The -- so you have had less -- you've

20 been around your brother less over the last five

21 years than you had before then; is that true?

22 A Well, I was with him every day the first

23 six weeks that we opened --

24 Q Right.

25 A -- but no. My family gets together

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

95

1 BILLIPS - DEEN

2 every -- every weekend. We are a very close knit
3 family.

4 Q Okay.

5 A But I was not in the restaurant working.

6 Q Right. And he wasn't in your restaurant
7 working?

8 A No.

9 Q Okay. Now, did he ever come on the road
10 with you or come with you to -- to various events?

11 A Yes.

12 Q Okay. Did any of the employees at Uncle
13 Bubba's ever come and watch you when you were
14 filming?

15 A No, it's -- my -- it's a closed set.

16 Q Okay.

17 A Just --

18 Q Did Karl Schumacher come ever?

19 A He might have popped in if he had papers
20 for me to sign or something like that; but no, it's
21 just me and the production company.

22 Q Okay. Did Mr. Schumacher ever speak
23 critically of your use of colorful or sexual
24 innuendo -- colorful language or sexual innuendos to
25 Barry Weiner?

1 BILLIPS - DEEN

2 A I don't know.

3 Q Okay.

4 A If he would have said it to Barry
5 Weiner, Barry would have been the one privy to that.
6 Karl's never said anything to me directly, but I
7 have heard that he has said to others through
8 emails.

9 Q Okay. And to whom has he said those
10 kind of things?

11 A I -- I don't know. I guess whoever
12 would pick up and read it.

13 Q Okay.

14 A I don't know who he was talking to.

15 Q Okay. Have you ever spoken to Karl
16 about that?

17 A I don't remember.

18 Q Okay.

19 A I remember it shocking me.

20 Q Well, you knew he was judgmental.

21 A Yeah.

22 MR. WITHERS: Objection --

23 MR. FRANKLIN: Objection.

24 MR. WITHERS: -- Mr. Billips to
25 continuously interrupting her. I know

1 BILLIPS - DEEN

2 that she, like some of us, talks
3 slower.

4 BY MR. BILLIPS:

5 Q I'm sorry, Miss Deen, I did not intend
6 to interrupt you.

7 A That is all right, Mr. Billips.

8 MR. FRANKLIN: It's not all
9 right.

10 BY MR. BILLIPS:

11 Q You knew he was judgmental.

12 A Yes.

13 Q So it wasn't that much of a shock to
14 find out that he was --

15 A I was -- sorry, now I'm interrupting
16 you.

17 MR. FRANKLIN: It's asked and
18 answered anyway.

19 BY MR. BILLIPS:

20 Q It wasn't that much of a shock to find
21 out that he disapproved?

22 A No, that was not a shock. What I find a
23 shock is that you would discuss something like that
24 outside of our team. That shocks me.

25 Q Okay. And who -- who was it outside the

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

98

1 BILLIPS - DEEN

2 team that he was discussing it with?

3 A I don't know.

4 Q Okay. Tell me who the team is and maybe
5 I can figure it out that way.

6 A The team is PDE, Uncle Bubba's Oyster
7 House and The Lady & Sons.

8 Q Okay. Does that include all the
9 employees thereof?

10 A Well, we're -- we're supposed to all be
11 on the same team, so yes, I refer to anybody that
12 gets paid by PDE, Uncle Bubba's Oyster House, or The
13 Lady & Sons to be a team member.

14 Q Okay. Well, was it -- did he discuss it
15 with MackWorks?

16 A I don't know.

17 Q Okay. I'm just trying to figure out who
18 it was that -- because you indicated he sent emails
19 to somebody.

20 A I heard he sent an email out.

21 Q Okay. Who did you hear that from?

22 A I don't know because it's been years.

23 Q Okay. Do you -- sitting here today, do
24 you think that it was a mistake to hire MackWorks?

25 A I think it was unnecessary.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

99

1 BILLIPS - DEEN

2 Q Okay. Do you think that it was a
3 mistake to bring in a human resources director?

4 A No.

5 Q Okay.

6 A No.

7 Q Why do you feel that a human resources
8 director was necess -- or is necessary?

9 A We realized that we had so many
10 employees and they needed a place to take a grief
11 to, because there is just no way that I can listen
12 to all of the problems, or Bubba, or Rance Jackson,
13 who is the GM at The Lady & Sons. There's no way,
14 we're not qualified to give them the proper ear that
15 they need.

16 Q Okay. Especially if somebody had a
17 grievance about Bubba, for example, at Uncle
18 Bubba's, they would need somebody they could go
19 to --

20 A Right.

21 Q -- other than him?

22 A Right.

23 Q And the only other person would be
24 either Karl Schumacher, who doesn't have any
25 authority over Mr. Hiers, or yourself; is that

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

100

1 BILLIPS - DEEN

2 correct?

3 A Ah-ha. Yes.

4 Q Now, there -- did you feel that both
5 Tonya Mack and David Beronet had a bias against your
6 brother?

7 A I think they got a -- I think they
8 formed their opinion on the information that was
9 given to them.

10 Q Okay. And did you ever seek to find out
11 exactly what information was given to them? What
12 they were told by, for example, the employees at the
13 restaurant?

14 A Repeat, please.

15 Q Did you ever try to find out what they
16 were told by the employees other than Lisa Jackson?

17 A We discussed that maybe a little bit.

18 Q Okay.

19 A But I can't remember --

20 Q Okay.

21 A -- you know, exactly what was said.

22 Q All right. And you're talking about in
23 this meeting with Tonya Mack --

24 A Yes.

25 Q -- you discussed it? Okay.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

101

1 BILLIPS - DEEN

2 A Like I said, I knew that different
3 people had different opinions. There was some
4 complaints about Lisa, there was some complaints
5 about Bubba. I don't know if there was complaints
6 about Karl or not, I don't remember that, but I
7 think these people were allowed to speak
8 anonymously, so.

9 Q Were you aware that when Miss Jackson
10 met with Miss Mack and was given an opportunity to
11 discuss what was going on at Uncle Bubba's, that she
12 broke down in tears?

13 A Yes, but that was not unusual.

14 Q It was not unusual for Miss Jackson to
15 break down in tears?

16 A Yeah. I think she --

17 Q Why do you say that?

18 A Well, because we realized over time that
19 that was the way she operated.

20 Q When -- did you realize that before or
21 after she left?

22 A I was coming to realize that she blew
23 everything way out of proportion while she was still
24 there.

25 Q Okay.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

102

1 BILLIPS - DEEN

2 A I didn't realize though just how
3 extremely good she was at it until after she left.

4 Q Okay. Can you give me any examples of
5 anything that Miss Jackson blew out of proportion?

6 A No, I can't give you exact examples. I
7 think I testified earlier that Theresa Feuger had
8 told me that, you know, she would go out there, and
9 come to find out it was, like, very, very minute.
10 I know when I would go to Uncle Bubba's,
11 I would always go look for Lisa and speak to her and
12 see how she was doing and thank her. I thanked her
13 for everything she was doing. I thanked her. How
14 absurd --

15 Q How often --

16 A -- on my part.

17 Q How often did you go out to Uncle
18 Bubba's?

19 A I -- I don't know. There's no set time.
20 When I'd have a minute I would pop in. I know I
21 popped in one day just to check on Bubba and the
22 restaurant and Lisa, because Bubba told me that she
23 was out sick. And I knew this was becoming well
24 over a period of time.

25 And I stopped by to see about 'em, and

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

103

1 BILLIPS - DEEN

2 Bubba said she's still out, Paula, she's still out.

3 And he said I don't -- I don't know when she's

4 coming back. So, like I said, I saw her no more. I

5 don't -- I don't know.

6 Q Okay. And this is at the end of Miss

7 Jackson's employment?

8 A Yes.

9 Q Okay.

10 A After -- after that day I stopped by to

11 check on everybody, she never did come back.

12 Q Okay.

13 A I think she finally called Bubba and
14 told him over the phone that she wasn't coming back.

15 Q All right. Can you give me a number of

16 times after that six weeks that you popped in and

17 said hello to Lisa? Five? Ten? Fifteen? After

18 the first six weeks that you worked at the

19 restaurant, after she was hired, became general

20 manager.

21 A Oh, I don't know. Probably a dozen

22 times --

23 Q Okay.

24 A -- I would just stop by if I was --

25 Q Okay.

1 BILLIPS - DEEN

2 A -- in the area.

3 Q Did she ever relate to you during any of
4 those occasions that she was in -- having any
5 problems with Mr. Hiers?

6 A No.

7 Q Did she ever hint at there being any
8 problems she needed to talk to you about?

9 A No.

10 Q Okay. Do you feel or did you feel that
11 Miss Jackson was doing a good job in running the
12 restaurant?

13 A You know, I really, Mr. Billips, thought
14 that she was. I knew that she had Bubba's trust and
15 she eased pressure off of him, which was important
16 to me. If I'd only been able to be there every day
17 and work there, things would be different.

18 Q In what way?

19 A Hopefully I would have been able to see
20 things very clear. Sometimes it takes a third party
21 to come in and step back. When you're so close to a
22 situation, sometimes it's the hardest to see.

23 Q And what do you think you would have
24 seen if you had been there?

25 MR. FRANKLIN: Objection. I'm

1 BILLIPS - DEEN

2 not sure how you can answer something

3 like that.

4 BY MR. BILLIPS:

5 Q Go ahead.

6 A I think it would have been more
7 difficult for her to say the things that she has
8 said and behave the way she's behaved. I think I
9 would have caught on to her --

10 Q Okay.

11 A -- if I had been there with her on a
12 daily basis.

13 Q If you had been there on a daily basis,
14 it's unlikely your brother would have been looking
15 at pornography on the work computers too, would you
16 agree?

17 A No, not necessarily.

18 Q Would you have a problem with it if he's
19 sitting there at work looking at pornography?

20 A If somebody sent him something and he
21 pulled it up and looked at it, no, I would not
22 persecute him for that.

23 Q What if there were other employees in
24 the office at the time that he pulled it up and
25 looked at it?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

106

1 BILLIPS - DEEN

2 A You know, that's not black or white.
3 It's -- that's -- it's not a black and white answer.

4 Q So it's okay sometimes to look at
5 pornography in a workplace in the presence of other
6 employees?

7 A No.

8 MR. FRANKLIN: Objection to form.

9 THE WITNESS: Now you are -- you
10 are --

11 BY MR. BILLIPS:

12 Q Is that what you're saying?

13 A No, you are misinterpreting my words.

14 Q Well, then, please explain.

15 A Bubba, I don't think, would ever do that
16 if he thought there was somebody in the room that he
17 -- it would insult.

18 Q Okay. What would it take to convince
19 you otherwise?

20 MR. FRANKLIN: Object to the form
21 of that.

22 THE WITNESS: Bubba would never
23 force somebody to read the crap that
24 comes up on that computer.

25 BY MR. BILLIPS:

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

107

1 BILLIPS - DEEN

2 Q Are you aware there's testimony from
3 third party witnesses that he would regularly read
4 the sexual jokes that were offensive to them?

5 MR. WITHERS: Objection.

6 MR. FRANKLIN: Objection.

7 MR. WITHERS: Object to form.

8 BY MR. BILLIPS:

9 Q You can answer. You're not aware of
10 that?

11 Would it matter to you if somebody not
12 seeking anything from your company came in under
13 oath and swore that he read sexually offensive jokes
14 to them when they didn't want him to on a regular
15 basis?

16 MR. WITHERS: Object to form.

17 MR. FRANKLIN: Objection.

18 MR. WITHERS: Complete
19 mischaracterization, but you can
20 answer.

21 THE WITNESS: I can't imagine
22 Bubba forcing anybody to participate
23 in something. I just -- I just can't
24 imagine.

25 BY MR. BILLIPS:

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

108

1 BILLIPS - DEEN

2 Q Okay.

3 MR. FRANKLIN: Let's take just a
4 five minute break.

5 THE VIDEOGRAPHER: The time is
6 1:40 p.m. We're off the record.

7 (Recess.)

8 THE VIDEOGRAPHER: The time is
9 1:52 p.m. This is the beginning of DV
10 tape five. We're back on the record.

11 BY MR. BILLIPS:

12 Q Miss Deen, when you first opened your
13 business it was called The Bag Lady; is that right?

14 A Ah-ha.

15 Q And it was just you and your sons that
16 were working there?

17 A It was actually -- yes. It was actually
18 myself and my oldest son. And we went in operation
19 a few months before Bobby decided that he -- he
20 would come help us.

21 Q Okay. And then the next business was
22 called what?

23 A We operated The Bag Lady exclusively for
24 a year and a half, and then I had the opportunity to
25 move into a space in the Best Western on Eisenhower.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

109

1 BILLIPS - DEEN

2 It was a turn key operation, all I had to do was
3 bring in my groceries and pay my first and last
4 month's rent. And thank goodness I had saved up
5 enough money to do that.

6 And so in order for people to make the
7 connection between The Bag Lady and the restaurant,
8 I decided to call it The Lady.

9 Q Okay.

10 A The Lady worked the front door, The Bag
11 Lady worked the back door.

12 Q Okay. And how long was that business in
13 operation?

14 A I was there five years.

15 Q Okay. And then what was your next?

16 A My next move was to 311 West Congress.

17 Q Okay. And that was the Lady & Sons?

18 A The Lady & Sons. I put my sons name up
19 there, and --

20 Q Okay. And how did you go from there to
21 being on television, having a TV show?

22 A Well, I could -- I could talk to you all
23 afternoon about that.

24 MR. FRANKLIN: Please don't.

25 THE WITNESS: But I do have

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

110

1 BILLIPS - DEEN

2 dinner guests.

3 A lot of things that I can only
4 attribute it to being miracles. The
5 day that I took responsibility for my
6 own self, which was June the 19th,
7 1989, I made a commitment to work, and
8 work very hard to do whatever it took.

9 And God has not missed a day
10 blessing me since that day. And
11 they're only short of being a miracle
12 as to how I came and to where I am
13 today.

14 I can give you one example.
15 There was teams of Random House here
16 in town. Clint Eastwood was here in
17 town filming Midnight and the Garden
18 of Good and Evil. And like I said, a
19 lot of people from the publishing
20 house.

21 And I had saved up enough money,
22 once we got opened downtown, to write
23 a cookbook. I really, really wanted
24 to have people able to take my
25 recipes, if they enjoyed their visit

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

111

1 BILLIPS - DEEN

2 there, and go home and repeat it. So
3 I saved up my \$20,000, I went right
4 down to the next block and had the
5 printing company turn it into a book
6 for me.

7 It had been out two weeks and
8 this woman and her boyfriend was
9 walking down Congress Street, and all
10 of a sudden the bottom fell out, so
11 she ducked in my place to get out of
12 the rain. And she said that I came
13 and served them hoecakes and biscuits.
14 I was the hoe girl that day.

15 And she didn't tell me who she
16 was. And a few days later I got a
17 call from her, and she said this is
18 Pamela Cannon, I'm an editor with
19 Random House in New York City. I was
20 in your place last week and she said
21 the food was just wonderful. Did I
22 notice -- was I correct, did I notice
23 a cookbook on your side board?

24 And I said, honey, yes, you did.
25 It's been out two weeks and it's been

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

112

1 BILLIPS - DEEN

2 doing so good. I probably sold 25
3 copies, and it was good. And she
4 said, well, would you send me two
5 copies?

6 And I didn't know who Random
7 House was or what they was, what they
8 were. And I went and found my oldest
9 son and asked him if he was familiar
10 with somebody called Random House.
11 And I saw the color drain out of his
12 face, and he said, yes, mama, they're
13 one of the three big publishing houses
14 in America. And I said, well, son,
15 they want copies of our cookbook.

16 And within 20 minutes he had
17 those books charged to the credit card
18 that she had given him -- or given me
19 and had those cookbooks in the mail.
20 And three days later my son and I were
21 sitting there, we were closed for a
22 private group, and we was sitting
23 there and the candlelights were lit.
24 And I was the cook, and he was the
25 server, there was just the two of us

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

113

1 BILLIPS - DEEN

2 there.

3 And the phone rang and I answered
4 it, and she said, hello, Paula, this
5 is Pamela Cannon. And I said, well,
6 hey. By then I knew who she was. And
7 she said I just wanted to call and say
8 congratulations. Random House feels
9 like your cookbook has merit and we'd
10 like to buy it.

11 And I remember Jamie and I
12 getting up and dancing. We danced all
13 over the restaurant, and hugged and
14 cried. That's just one of the little
15 miracles. Just one of the little
16 miracles.

17 BY MR. BILLIPS:

18 Q How long -- how long after that was it
19 before Uncle Bubba's was opened?

20 A Oh, my gosh, that was probably in -- we
21 opened January the 8th, 1996, at 3:11. Bubba's been
22 here probably 12 years. It was probably three years
23 after that when Bubba moved to Savannah, and I'm not
24 sure what year we opened Uncle Bubba's.

25 Q And Bubba was in Albany at the time?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

114

1 BILLIPS - DEEN

2 A Yes.

3 Q Okay. That's when he had the --

4 A Yes.

5 Q The --

6 A Yes.

7 Q -- landscaping?

8 A Yes, yes.

9 Q Had Mr. Hiers ever worked in a
10 restaurant, to your knowledge?

11 A No, he was just like me, he had never
12 worked in a restaurant. I had never been inside a
13 professional kitchen until I moved into the Best
14 Western, only in my grandmother's restaurant as a
15 little girl.

16 Q Okay.

17 A And that's the closest we ever came.

18 Q Your grandmother had a restaurant?

19 A Ah-ha.

20 Q Where was that?

21 A Well, the first one was in Hapeville,
22 Georgia, out by the airport, in the '40's. It was
23 called Hapeville Sandwich Shop.

24 Q Okay.

25 A And they sold that and they moved to

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

115

1 BILLIPS - DEEN

2 Albany and opened a restaurant called the White
3 House that sat next to the Black Cat. And my father
4 came in for a meal and my mother was his waitress.

5 Q Is that restaurant still there?

6 A Oh, no. No, neither the White House or
7 the Black Cat. And then they went on to build River
8 Bend.

9 Q What is River Bend?

10 A It was a motel, cabin, skating rink,
11 swimming pool and restaurant.

12 Q Okay.

13 A And the whole family lived there in the
14 business.

15 Q Okay, all right. When you moved -- when
16 did you first hire employees other than family
17 members?

18 A I was probably in business two years.

19 Q Okay.

20 A Because I -- I didn't have money for
21 employees in order for me to save up money to give
22 myself choices. I, you know -- I was the only
23 person I knew that would work for free, so I did it.

24 Q Okay. And that was still at The Bag
25 Lady, or --

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

116

1 BILLIPS - DEEN

2 A The Best Western.

3 Q The Best Western, okay.

4 Now, are you -- over the last five years
5 or so, have you been any more active with The Lady &
6 Sons than you have been with Uncle Bubba's?

7 A No.

8 Q Okay. For the most part, has your time
9 been spent with the TV shows and personal
10 appearances and --

11 A Books.

12 Q -- cookbooks and that kind of thing?

13 A I'm out a lot on book signings.

14 Q Okay.

15 A I go to New York and L.A. to appear on
16 morning shows and talk shows a good bit. And my
17 business takes me out of town a good bit, just --
18 just on business.

19 Q Has your business continued to grow?

20 MR. FRANKLIN: Which business?

21 THE WITNESS: Yeah, which one?

22 BY MR. BILLIPS:

23 Q Well, your -- your business as a whole,
24 taken all -- taken together?

25 A Absolutely. That's why we have the

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Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

117

1 BILLIPS - DEEN

2 problems that we do because of growing pains.

3 Q Okay. Do you know approximately how
4 much Paula Deen Enterprises was able to net last
5 year?

6 A I wouldn't have a clue.

7 Q Okay.

8 A I would not have a clue. I have not
9 taken -- drawn a penny out of The Lady & Sons in
10 probably eight years because we pay our people very,
11 very, very well. And if I drain that business, we
12 wouldn't be able to pay them what we pay them.

13 So I have no income from that, and
14 naturally I have no income from Uncle Bubba's. As
15 long as I can get out and scratch me out a living in
16 other areas, I will not deplete the monies.

17 Q And Paula Deen Enterprises has brought
18 in millions of dollars a year?

19 A I would say that's fair.

20 Q Okay.

21 A Fair.

22 Q Now, when you were working at The Lady &
23 Sons, what -- was there anything that was your --
24 that you considered to be your primary job?

25 A Everything. Everything. If the toilets

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

118

1 BILLIPS - DEEN

2 needed working on, I did that. If the chicken
3 needed frying, I would wash my hands and do that.

4 Q Okay. And did -- I mean, obviously you
5 knew how to cook, so you could --

6 MR. FRANKLIN: That's the only
7 thing we've agreed on in this
8 litigation, apparently.

9 BY MR. BILLIPS:

10 Q You could cook at the restaurant.

11 A Yes.

12 Q Were you essentially the general manager
13 or did you have a general manager working for you?

14 A No. I was basically where the buck
15 stopped.

16 Q Okay.

17 A We did hire or we -- we all -- we always
18 hire from within, and we would -- we finally, I
19 think, took two servers, and we may have rotated it,
20 I can't remember, but made them day leaders, day
21 shift leaders, so that there would be somebody
22 besides me or my children to bring their problems
23 to.

24 Q Okay. Now, when Uncle Bubba's was first
25 started, was it -- did it initially have a general

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

119

1 BILLIPS - DEEN

2 manager?

3 A No, I don't recall, or maybe we did. I
4 don't recall.

5 Q And was there a general manager who was
6 -- in the early days who was fired from Uncle
7 Bubba's because he was having a relationship with --

8 A Yes --

9 Q -- a server?

10 A An underage server.

11 Q An underage server?

12 A Yes.

13 Q Okay. And there's a quote attributed to
14 you in the Complaint about that.

15 A Yes.

16 Q Is that quote accurate?

17 A That is, absolutely. Out of all of the
18 accusations I can say that's the only one --

19 MR. FRANKLIN: Well, which quote?

20 There are about three in that
21 paragraph. I know the one you're
22 talking about, but let's make sure the
23 record is clear.

24 THE WITNESS: There is one
25 sentence.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

120

1 BILLIPS - DEEN

2 BY MR. BILLIPS:

3 Q Okay, what sentence is that?

4 A You don't have that in front of you?

5 Q I'm looking for it.

6 MR. FRANKLIN: I do. Do you want
7 me to show it to her?

8 MR. BILLIPS: Sure.

9 THE WITNESS: I said that first
10 sentence that's in quotes. I
11 certainly did. I said it that day and
12 I would say it again today if it
13 applied.

14 BY MR. BILLIPS:

15 Q Okay. Would you -- could you read --

16 A That other nonsense I did not say.

17 Q Could you read for me the part that you
18 did say?

19 A Yes.

20 MR. WITHERS: What paragraph is
21 that, just for the record?

22 THE WITNESS: 17. If you think I
23 have --

24 MR. FRANKLIN: It depends which
25 Complaint we're looking at. It's -- I

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

121

1 BILLIPS - DEEN

2 think that might be the first
3 Complaint, and on the amended
4 Complaint it's the 20th paragraph.

5 THE WITNESS: "If you think I've
6 worked this hard to lose everything
7 because of a piece of pussy, you
8 better think again."

9 That young man's sexual control
10 was out of control, and no way was I
11 putting our business in that kind of
12 jeopardy.

13 BY MR. BILLIPS:

14 Q Okay. Who was the young man?

15 A His name was -- oh, gosh. Can somebody
16 help me?

17 MR. WITHERS: No.

18 THE WITNESS: No?

19 MR. FRANKLIN: I would but I
20 can't remember.

21 THE WITNESS: Join the club. I
22 don't remember. But when you've
23 worked 16 and 20 hours daily, seven
24 days a week for 15 years, and because
25 a young man couldn't keep his zipper

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

122

1 BILLIPS - DEEN

2 up, no way.

3 BY MR. BILLIPS:

4 Q And the girl in question was underage
5 you said?

6 A That's what I was told.

7 Q Okay.

8 A But the rest of that nonsense I did not
9 say.

10 Q Okay. Who was present during that
11 meeting?

12 A I don't -- I don't recall.

13 Q And who did you replace him with?

14 A I think having said that, I probably
15 walked out and left.

16 Q Okay. Who replaced him as general
17 manager?

18 A I don't remember.

19 Q Was it Miss Jackson?

20 A I don't think so. I -- I don't -- I
21 just don't remember, Mr. Billips, I'm sorry.

22 Q Okay. Was there anything else that was
23 in the -- in the Complaint that you did actually
24 say?

25 A No.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

123

1 BILLIPS - DEEN

2 Q Well --

3 A Not that I see here.

4 Q There's a reference in some notes from
5 Mr. Schumacher that you had told him that you had
6 made the statement that the Paula Deen family of
7 companies was, quote, one in the same business, and
8 that I owe just as much on this fucking restaurant
9 as I do --

10 A Yes.

11 Q -- on that fucking restaurant?

12 A Absolutely, I said that.

13 Q Okay.

14 A The money was coming from the same pot
15 of both restaurants.

16 Q Okay. And the money has continued to
17 support Uncle Bubba's -- there have continued to be
18 loans from other companies of which you were a part
19 owner; is that correct?

20 A I'm sorry, I didn't hear you.

21 Q There have -- you have continued to make
22 loans to Uncle Bubba's Seafood and Oyster House in
23 order to keep it afloat?

24 A I'm sure Karl has lent money from one
25 business to another.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

124

1 BILLIPS - DEEN

2 Q Okay.

3 A As they need it.

4 Q Now, did Lisa Jackson have any role in
5 either the planning or execution of your brother's
6 wedding?

7 A Well, my assistant Brandon Branch --
8 Brandon is a very, very talented young man, and he
9 -- Brandon has been in charge of all of the weddings
10 that's taken place in our family, and I think -- I
11 think Brandon worked with Lisa on the food.

12 Q Okay. So was Lisa ever present when you
13 discussed with Brandon what kind of wedding you'd
14 like to have?

15 A I don't recall that. I recall -- I do
16 recall, once again, in my bathroom at that house,
17 and why we would have been in the bathroom, I was
18 probably filming and changing clothes, that's the
19 only reason why we would have been in that bathroom,
20 they must have run out during my lunch break or
21 something from filming, and I remember us talking
22 about the meal.

23 And I remember telling them about a
24 restaurant that my husband and I had recently
25 visited. And I'm wanting to think it was in

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

125

1 BILLIPS - DEEN

2 Tennessee or North Carolina or somewhere, and it was
3 so impressive. The whole entire wait staff was
4 middle-aged black men, and they had on beautiful
5 white jackets with a black bow tie. I mean, it was
6 really impressive.

7 And I remember saying I would love to
8 have servers like that, I said, but I would be
9 afraid that somebody would misinterpret.

10 Q The media might misinterpret it?

11 A Yes, or whomever --

12 Q Okay.

13 A -- is so shallow that they would read
14 something to it.

15 Q Were they dressed in white shorts and
16 bow ties?

17 A No, they were dressed in white jackets.

18 Q White jackets?

19 A Dinner jackets.

20 Q And a bow tie?

21 A And a bow tie and black trousers, and
22 they were incredible.

23 Q Okay. And you said something --

24 A These were men that had made their
25 living off of service and people in a restaurant.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

126

1 BILLIPS - DEEN

2 Q Right.

3 A It was -- I was so impressed.

4 Q Okay. And they were all black men?

5 A Yes. Professional servers and waiters.

6 Q And when you described it to Miss

7 Jackson, did you mention the race of -- well, you

8 had to have mentioned the race of the servers --

9 A Of course I would --

10 Q -- because that's the part that --

11 A -- because that's what we just

12 experienced.

13 Q Right. Do you know what word you used

14 to identify their race?

15 A I would have used just what I just told

16 you.

17 Q Black or African-American?

18 A Black. I would use the word black.

19 Q Okay.

20 A I don't usually use African-Americans.

21 Q Okay.

22 A I try to go with whatever the black race

23 is wanting to call themselves at each given time. I

24 try to go along with that and remember that.

25 Q Okay. So is there any reason that you

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

127

1 BILLIPS - DEEN

2 could not have done something just like that but

3 have people of different races?

4 A Well, that's what made it.

5 MR. FRANKLIN: Objection.

6 MR. WITHERS: Object to form.

7 BY MR. BILLIPS:

8 Q You can answer.

9 A That's what made it so impressive.

10 These were professional. I'm not talking about

11 somebody that's been a waiter for two weeks. I'm

12 talking about these were professional middle-aged

13 men, that probably made a very, very good living --

14 Q Okay.

15 A -- at this restaurant. They were

16 trained. The -- it -- it was the whole picture, the

17 setting of the restaurant, the servers, their

18 professionalism.

19 Q Is there any reason you couldn't have

20 found middle-aged professional servers who were of

21 different races?

22 MR. FRANKLIN: Objection,

23 relevance.

24 THE WITNESS: Listen, it was not

25 important enough to me to even fight,

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

128

1 BILLIPS - DEEN

2 to reproduce what that restaurant had.

3 I was just simply expressing an

4 experience that my husband and I had,

5 and I was so impressed.

6 BY MR. BILLIPS:

7 Q Did you describe it as a -- that that

8 would be a true southern wedding, words to that

9 effect?

10 A I don't know.

11 Q Do you recall using the words "really

12 southern plantation wedding"?

13 A Yes, I did say I would love for Bubba to

14 experience a very southern style wedding, and we did

15 that. We did that.

16 Q Okay. You would love for him to

17 experience a southern style plantation wedding?

18 A Yes.

19 Q That's what you said?

20 A Well, something like that, yes. And --

21 Q Okay. And is that when you went on to

22 describe the experience you had had at the

23 restaurant in question?

24 A Well, I don't know. We were probably

25 talking about the food or -- we would have been

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

129

1 BILLIPS - DEEN

2 talking about something to do with service at the
3 wedding, and --

4 Q Okay. And it was just you and Brandon
5 and Lisa Jackson?

6 A I couldn't -- I couldn't tell you who
7 all was in there because the only reason I would
8 have -- they would have come to speak to me in my
9 dressing room is because I was in between takes.

10 Q Okay.

11 A Changing clothes and getting hair and
12 makeup --

13 Q Okay.

14 A -- prepped.

15 Q Is there any possibility, in your mind,
16 that you slipped and used the word "nigger"?

17 A No, because that's not what these men
18 were. They were professional black men doing a
19 fabulous job.

20 Q Why did that make it a -- if you would
21 have had servers like that, why would that have made
22 it a really southern plantation wedding?

23 MR. FRANKLIN: Objection.

24 Relevance.

25 BY MR. BILLIPS:

1 BILLIPS - DEEN

2 Q You can answer.

3 A Well, it -- to me, of course I'm old but
4 I ain't that old, I didn't live back in those days
5 but I've seen pictures, and the pictures that I've
6 seen, that restaurant represented a certain era in
7 America.

8 Q Okay.

9 A And I was in the south when I went to
10 this restaurant. It was located in the south.

11 Q Okay. What era in America are you
12 referring to?

13 A Well, I don't know. After the Civil
14 War, during the Civil War, before the Civil War.

15 Q Right. Back in an era where there were
16 middle-aged black men waiting on white people.

17 A Well, it was not only black men, it was
18 black women.

19 Q Sure. And before the Civil War --
20 before the Civil War, those black men and women who
21 were waiting on white people were slaves, right?

22 A Yes, I would say that they were slaves.

23 Q Okay.

24 A But I did not mean anything derogatory
25 by saying I loved their look and their

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

131

1 BILLIPS - DEEN

2 professionalism.

3 Q But you knew that if you did something
4 like that, the media would pick up on it and have
5 something to say?

6 A I didn't -- no, not necess --

7 MR. FRANKLIN: Objection. Asked
8 and answered.

9 BY MR. BILLIPS:

10 Q Correct?

11 A Not necessarily the media.

12 Q Okay.

13 A But people around us.

14 Q Okay.

15 A No, I knew the media was not covering
16 Bubba's wedding.

17 Q Okay.

18 A But just people around. It just wasn't
19 worth -- it just wasn't worth it.

20 Q Okay.

21 A If I could have brought the restaurant
22 there I would have done that, but I could not afford
23 to do that.

24 Q What did you -- what do you mean, if you
25 could have brought the restaurant there?

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

132

1 BILLIPS - DEEN

2 A If I could have hired that restaurant to
3 come here --

4 Q Oh, that restaurant --

5 A -- to cater it.

6 Q -- I see.

7 A Yes, I would have, but I couldn't
8 afford.

9 Q Okay. I thought you were talking about
10 your own restaurant --

11 A No.

12 Q -- bring it out --

13 A No.

14 Q -- and it was like -- it just totally
15 confused me.

16 A No.

17 MR. BILLIPS: Give us just a few
18 minutes. I need to talk to co-counsel
19 about something.

20 THE VIDEOGRAPHER: The time is
21 2:29 p.m. We're off the record.

22 (Recess.)

23 THE VIDEOGRAPHER: The time is
24 2:38 p.m. We're back on the record.

25 BY MR. BILLIPS:

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

133

1 BILLIPS - DEEN

2 Q Miss Deen --

3 A Yes, sir.

4 Q -- other than with respect to lining up
5 your public appearances and shows and photo
6 opportunities, things like that, which I understand
7 Barry Weiner is in charge of.

8 A Barry is my agent.

9 Q Okay.

10 A Sarah Meghan does all my scheduling.

11 Q Okay. Other than those items, with
12 regard to the remainder of the operation of your --
13 of the various corporations of which you are an
14 owner or part owner, would Karl Schumacher have
15 day-to-day control of those corporations?

16 A Yes.

17 Q Okay.

18 A Pretty much, yes.

19 Q Okay. And prior to hiring a human
20 resources director, he would have been the person
21 who had the day-to-day personnel management control?

22 A Yes.

23 Q Okay.

24 A Yes.

25 Q All right. And for all of those

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

134

1 BILLIPS - DEEN

2 companies, he is the person who would have made
3 decisions regarding employee pay for the employees
4 of the companies?

5 A Yes. He -- he sets -- he sets, like,
6 raises and I -- I review them and say yea or nay.

7 Q Okay. And then with regard to -- okay.

8 So for the -- for example, for raises at
9 the restaurants for the general managers, he would
10 set a proposed raise and you would either approve it
11 or disapprove it, or reduce it or increase it.

12 A Yes, but that was more at The Lady &
13 Sons. I really didn't get involved with Uncle
14 Bubba's.

15 Q Okay. The -- what was Theresa Feuger's
16 job with regard to the restaurants?

17 A Well, we've all worn so many hats. My
18 core team from PDE. At one time I think she was the
19 liaison between corporate and Uncle Bubba's.

20 Q Okay. Did she have any operational --
21 was she -- was she Lisa Jackson's supervisor at one
22 point?

23 A I don't know that she would be her
24 supervisor. I think she might, would call Theresa,
25 if, you know, she needed help with something.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

135

1 BILLIPS - DEEN

2 Q Okay. And did you consider these
3 various components of the operation, I believe you
4 described them previously as being one in the same
5 business.

6 A When I said that, I meant there's one
7 pot funding both of those restaurants. I owe, I
8 owe, it's off to work I go. I go to work for The
9 Lady & Sons and I go to work for Uncle Bubba's to
10 bring business into this town for both restaurants,
11 I owe.

12 Q So you expected them to work together
13 to --

14 A If --

15 Q -- help each other to bring in money?

16 A If one place was booked for a banquet,
17 or they needed help for a special event, yes, I told
18 them to call on each other. If you couldn't do it
19 here, don't forget we have Uncle Bubba's sitting out
20 here with a lot of space. You send the business to
21 Uncle Bubba's before you just turn them out on the
22 street to anybody. Both restaurants are to do
23 whatever they can to service groups.

24 Q Okay. If one restaurant needed -- say
25 they were -- they were slammed and didn't have

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

136

1 BILLIPS - DEEN

2 enough employees, would you expect the other
3 restaurant to send somebody to help?

4 A I think we did that maybe on one
5 occasion for Uncle Bubba's at the very start when we
6 were just shorthanded.

7 Q Okay.

8 A Yes, I'm sure I would have called
9 somebody from the restaurant and say "help".

10 Q Okay. Now, I have asked you previously
11 about some things that's been alleged that your
12 brother has done, and you've indicated that you
13 could not imagine him doing them. I want to ask you
14 about another one.

15 Can you imagine your brother speaking to
16 a female employee who had just gotten dentures, that
17 I'll bet your husband is going to like that?

18 A I can imagine several men in my life
19 that would have said something similar.

20 Q Okay. Is that something that you think
21 is funny?

22 A It depends on the person. If you're
23 comfortable enough with that person, it depends on
24 that relationship.

25 Q Okay.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

137

1 BILLIPS - DEEN

2 A I certainly wouldn't go out or recommend
3 any of y'all go out to some lady on the street and
4 say that, but it just -- sorry, Bill, I know that
5 shocks you. But it just depends on what kind of
6 friendship.

7 Q Okay. And is that something that you
8 would think would be appropriate for an owner of a
9 company to say to a female employee?

10 A There again, it goes back to what kind
11 of comfort zone that -- that friendship or
12 relationship is in.

13 Q Okay. Is -- you're also running the
14 risk of offending anyone else who may hear it who's
15 not that comfortable with it, would you agree?

16 A Could be. It depends on, you know, who
17 is there.

18 Q Okay.

19 MR. BILLIPS: Do we have any
20 progress on those --

21 MR. FRANKLIN: You're not going
22 to get them today. Bill's not here
23 and we'll just --

24 MR. BILLIPS: Is there -- is
25 there no one else capable of reading

1 BILLIPS - DEEN

2 the court's order and--

3 MR. FRANKLIN: Well, there's
4 several people capable but you're not
5 going to get them today.

6 MR. BILLIPS: The court's order
7 required that those documents be
8 produced. Are you --

9 MR. FRANKLIN: Well, I think that
10 what we have there is privileged.

11 MR. BILLIPS: I think that what
12 you have there is an email --

13 MR. FRANKLIN: Well, look, I'm
14 not going to argue with you.

15 MR. BILLIPS: -- that is squarely
16 within the scope of the court's order.

17 MR. FRANKLIN: I'm not going to
18 argue with you.

19 MR. BILLIPS: I showed you on a
20 privilege log where it shows --

21 MR. FRANKLIN: I'm not going to
22 argue with you.

23 MR. BILLIPS: -- the email
24 was copied to David Beraset.

25 MR. FRANKLIN: You know, I'm not

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

139

1 BILLIPS - DEEN

2 going to argue with you.

3 MR. BILLIPS: You're just going
4 to disobey the court's order --

5 MR. FRANKLIN: We're not
6 disobeying the court's order. I think
7 it's privileged. Bill Hunter is
8 working on it. He's not here. He's
9 in transit and that's what it is. I'm
10 not going to sit here and debate it
11 with you. I know what your position
12 is.

13 MR. BILLIPS: May I ask the basis
14 for your --

15 MR. FRANKLIN: You can ask
16 whatever you want.

17 MR. BILLIPS: -- opinion that
18 it's privileged?

19 MR. FRANKLIN: I'm not being
20 deposed. I'm not going to discuss it
21 with you during this deposition.

22 MR. BILLIPS: Well, we believe
23 that those documents would have
24 information that would be useful for
25 the purpose of this deposition.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

140

1 BILLIPS - DEEN

2 MR. FRANKLIN: With all due
3 respect, you can believe whatever you
4 want, I'm not going to give them to
5 you right now. I'm not trying to be
6 difficult, I'm not going to give them
7 to you.

8 BY MR. BILLIPS:

9 Q Miss Deen, in, I think it was May or
10 June of 2010, did Miss Jackson approach you about
11 having a different opportunity or creating a
12 different opportunity for herself within your
13 company?

14 A Seems like she drew up some kind of
15 proposal about closing Uncle Bubba's down and
16 turning it into a banquet hall, or I don't know. I
17 don't know.

18 Q Okay.

19 A I didn't -- I didn't agree with her.

20 Q Why did you not agree?

21 A Because it would have been a bad
22 business move.

23 Q Well, what would have been bad about it?

24 A All of our daily money would have been
25 gone.

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

141

1 BILLIPS - DEEN

2 Q Okay.

3 A You don't close a business and make
4 money.

5 Q Well, has Uncle Bubba's made money?

6 A Well, it's done all right. It's managed
7 to keep its doors open.

8 Q Well, how much money does it owe Paula
9 Deen Enterprises right now?

10 A I don't know. I don't know.

11 Q Would it surprise you that it, according
12 to Mr. Schumacher, it's about \$300,000?

13 A No, that wouldn't surprise me.

14 Q Okay. Would Uncle Bubba's have been
15 able to remain open if you had not been infusing
16 cash into it from Paula Deen Enterprises?

17 MR. WITHERS: Objection. During
18 what period of time are we talking
19 about?

20 BY MR. BILLIPS:

21 Q Throughout its --

22 A That's why I work. I work for those
23 restaurants.

24 Q Okay. Now, when you were actively
25 involved in the restaurants, was there a rule about

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

142

1 BILLIPS - DEEN

2 one group of employees using one entrance and
3 another group of employees using the back entrance?

4 A No.

5 Q Okay.

6 A I always came through the kitchen door.

7 Q Okay. What about the restrooms, were
8 they --

9 A We -- I used the restroom that was off
10 of our little gift shop and cash register. We had
11 an employee's bathroom. We had two bathrooms back
12 there for the employees and that's the ones that we
13 all used.

14 Q At Uncle Bubba's, do you know whether
15 the front of the house employees were allowed to use
16 the customer restroom?

17 A I don't know. I don't know why they
18 would when it -- when our bathrooms were right
19 there. But I'll tell you, there's nothing more
20 distasteful than being in a restroom and seeing a
21 cook come out covered in flour and buttermilk and
22 all of that. I mean, you just -- that -- those
23 bathrooms are reserved for your paying guest, not
24 for us working in the kitchen.

25 Q Now, do you recall or were you involved

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

143

1 BILLIPS - DEEN

2 sufficiently at this point to know that Miss Jackson
3 was asked to draft an employee handbook for the
4 companies to use?

5 A I don't know. The Lady & Sons had a
6 handbook. I don't know how they handle that at
7 Uncle Bubba's.

8 Q Okay. Were you aware that she was --
9 that she was working on a draft that was, at least
10 during her employment, never put into place?

11 A No. Like I said, I -- I know nothing
12 concerning that.

13 Q Okay. Now, was there a rule that
14 prohibited management from -- or managers from
15 having relationships with the servers?

16 A Is there any rules?

17 Q Yes, was there a rule at Lady & Sons or
18 Uncle Bubba's?

19 A No, there were -- there were no written
20 rules --

21 Q Okay. Was --

22 A -- to my knowledge.

23 Q Okay. Do you recall an occasion when a
24 manager, I think his name was Brandon, had a
25 relationship with a server, and I believe Mr. Walls

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

144

1 BILLIPS - DEEN

2 called you and asked what to do?

3 A I don't recall that.

4 Q Okay.

5 A Brandon, would he have been in the front
6 of the house, the kitchen, where?

7 Q Ma'am, I don't know.

8 A I don't -- I don't know either.

9 Q Okay.

10 A You know, it's -- people spend so many
11 -- so much of their lives on jobs, especially in a
12 restaurant, oftentimes that's who their closest
13 friends become.

14 MR. BILLIPS: Give us five
15 minutes. We may be getting ready to
16 wrap up.

17 THE VIDEOGRAPHER: The time is
18 2:59 p.m. We're off the record.

19 (Recess.)

20 THE VIDEOGRAPHER: The time is
21 3:15 p.m. We're back on the record.

22 BY MR. BILLIPS:

23 Q Miss Deen, do you have personal
24 knowledge of any of the orders or requirements or
25 any of the things the court has done in this case,

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

145

1 BILLIPS - DEEN

2 or are you simply relying on your lawyers to handle
3 all that?

4 A Yeah, pretty much.

5 MR. BILLIPS: Then what we're
6 going to do at this point is suspend
7 the deposition subject to subsequent
8 production of the additional court
9 ordered documents, and reserve the
10 right to resume if there's anything in
11 those documents that we feel would
12 prompt additional questions for Miss
13 Deen.

14 THE WITNESS: Okay.

15 MR. FRANKLIN: I'm not going to
16 agree to that.

17 MR. BILLIPS: I'm not asking you
18 to agree to it, I'm simply stating my
19 position.

20 MR. FRANKLIN: Gotcha.

21 THE VIDEOGRAPHER: The time is
22 3:16 p.m. This deposition is
23 suspended. We're off the record.

24 (The deposition adjourned at 3:16
25 p.m.)

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

146

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A T T E S T A T I O N

I, the undersigned, have read the foregoing transcript, and, with the exception of any corrections specified on the attached correction sheet, attest it constitutes a true and correct transcription of my testimony given at the time and place specified therein.

(Signed): _____
Paula Deen

WITNESS: _____

DATE: _____

CM

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

1 ERRATA SHEET

2 STATE OF GEORGIA)
) SS.
3 COUNTY OF CHATHAM)

4 I wish to make the following
5 changes for the following reasons:

6 PAGE LINE

7 _____ CHANGE: _____

8 REASON: _____

9 _____ CHANGE: _____

10 REASON: _____

11 _____ CHANGE: _____

12 REASON: _____

13 _____ CHANGE: _____

14 REASON: _____

15 _____ CHANGE: _____

16 REASON: _____

17 _____ CHANGE: _____

18 REASON: _____

19 _____ CHANGE: _____

20 REASON: _____

21

22

23 (Signed) _____

Paula Deen

24

25 CM

Paula Deen
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

148

1 C E R T I F I C A T E

2 G E O R G I A :

3 CHATHAM COUNTY :

4 I hereby certify that the
5 foregoing transcript was taken down,
6 as stated in the caption, and the
7 questions and answers thereto were
8 reduced to typewriting under my
9 direction; that the foregoing Pages 1
10 through 148 represent a true and
11 correct transcript of the evidence
12 given upon said hearing, and I further
13 certify that I am not of kin or
14 counsel to the parties in the case; am
15 not in the regular employ of counsel
16 for any of said parties; nor am I in
17 anywise interested in the result of
18 said case.

19 This, the 29th day of May, 2013.

20

21

Celeste Mack, CCR, RPR, 2738

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23

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