

0001
1 IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
FOURTH DIVISION
2
3
4 ROSEY PERKINS and RHONDA COPPAK,
Individually and as Co-Administratrixes
5 and Personal Representatives of the
Estate of Martha Bull, deceased
6 PLAINTIFFS
7
8 vs. CASE NO. 23-CV-2014-862
9
10 MICHAEL MORTON; GILBERT BAKER;
and JOHN DOES 1-5
11 DEFENDANTS

12
13 VIDEOTAPED DEPOSITION
OF
14 MICHAEL MORTON
15 (Taken June 10, 2015, at 10:03 a.m.)
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0002
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7 ALSO PRESENT: FRANS SCHIMPER, THE VIDEOGRAPHER
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8 ROSEY PERKINS
RHONDA COPPAK
GILBERT BAKER
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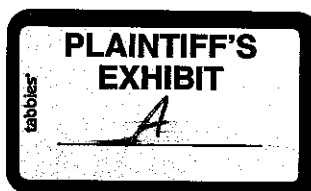
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0006
1 CAPTION
2 ANSWERS AND ORAL DEPOSITION OF MICHAEL
3 MORTON, a witness produced at the request of the
4 PLAINTIFFS, taken in the above-styled and numbered
5 cause on the 10th of June, 2015, before Jennifer L.
6 Weber, Arkansas Certified Court Reporter, at 10:03
7 a.m., at Hardin, Jesson & Terry, PLLC, 500 Rogers

8 Avenue, Suite 500, Fort Smith, Arkansas.
9 * * *

0007
1 THE VIDEOGRAPHER: This is the
2 videotaped deposition of Michael Morton
3 taken on behalf of the plaintiff in the
4 matter of Rosie Perkins and Rhonda
5 Coppak, individually and as
6 co-administratrixes and personal
7 representatives of the estate of Martha
8 Bull, deceased, versus Michael Morton,
9 Gilbert Baker, and John Doe 1 through 5
10 in the Circuit Court of Faulkner County,
11 Arkansas, Fourth Division, Case
12 No. 23-CV-2014-862.
13 Today's date is June 10th, 2015.
14 The time is three minutes past 10, and we
15 are on the record. This videotaped
16 deposition is being held at Hardin,
17 Jesson & Terry, 5000 Rogers Avenue, Suite
18 500 in Fort Smith, Arkansas. The
19 videographer is Frans Schimper and the
20 court reporter is Jennifer Weber.
21 Would counselors please introduce
22 themselves and state who they are
23 representing beginning with the
24 plaintiff?
25 MR. BUCHANAN: Tom Buchanan for the
0008
1 plaintiff.
2 MR. SLOAN: Brannon Sloan for the
3 plaintiff.
4 MR. WATTS: Richard Watts for
5 Gilbert Baker.
6 MS. RANDALL: Stephanie Randall for
7 Michael Morton.
8 MR. EVERETT: John Everett for
9 Michael Morton.



10 THE VIDEOGRAPHER: Thank you very
11 much.
12 Would the court reporter please
13 swear in the witness.
14 P R O C E E D I N G S
15 THEREUPON,
16 MICHAEL MORTON,
17 THE WITNESS HEREINBEFORE NAMED,
18 having been duly cautioned and sworn by me to
19 testify to the truth, the whole truth, and nothing
20 but the truth, testified on their oath as follows,
21 to-wit:
22 E X A M I N A T I O N
23 BY MR. BUCHANAN:
24 Q Good morning. Would you tell us your name,
25 please?
0009
1 A Michael Morton.
2 Q And what do you do for a living, Mr. Morton?
3 A I'm in the long-term care business.
4 Q Okay. We met once before. Do you recall that?
5 A Yes.
6 Q Okay. And do you recall that was when I took
7 your deposition in the Martha Bull versus Greenbrier
8 Nursing & Rehab Center case that was pending in
9 Faulkner County? Do you recall that?
10 A Yes.
11 Q Have you looked at any documents in preparation
12 for your deposition?
13 A This deposition?
14 Q Yes.
15 A No.
16 Q So you haven't looked at any statements you
17 might have given or any plea agreement or any -- any
18 kind of documents at all?
19 A I've looked at -- I read that Judge Maggio's
20 plea agreement.
21 Q Okay. Other than Judge Maggio's plea
22 agreement, did you look at anything else in terms of
23 what -- of what you might have read through in
24 preparation for this deposition?
25 A No. I read some of the discovery items, I
0010
1 think they call them, that you sent up. But my
2 lawyers went through all of that.
3 Q Sure. Discovery responses where we asked you
4 some questions on paper?
5 A Yes.
6 Q All right.
7 A Yes.
8 Q Any -- anything else that you recall that
9 you've looked at before your deposition here today
10 about this case?
11 A No.

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14 Q Now, you -- you carry a cell phone, or you did?
15 A I do.
16 Q Okay. And the cell phone that you had in May
17 and June and July of 2013, where is it?
18 A I think I've upgraded to a different phone, but
19 I -- I don't know what I did with the old phone,
20 but, I mean, I've just transferred all the
21 information.
22 Q Sure.
23 Have you -- have you supplied any -- any
24 records, any of your cell phone records for that
25 time period? And -- and we'll just say January 1,
0013
1 2013, to August 31, 2013. Have you supplied those
2 records to anybody?
3 A No.
4 Q Okay. Do you -- who was your carrier during
5 that time period?
6 A AT&T.
7 Q All right. What was your cell phone number at
8 that time period?
9 A The same as it is now.
10 Q Okay. Which is what?
11 A (479)414-3949.
12 Q Is there a reason that -- that -- that we don't
13 have the cell phone records here with us today that
14 you know of, Mr. Morton?
15 A My attorneys had all of the information. I
16 depended upon them to gather whatever they thought
17 they needed to gather.
18 Q You could get these records, couldn't you, if
19 -- if you -- if somebody --
20 A You know, I don't know if you can or not. But
21 I know I took it that the FBI had everything they
22 wanted.
23 Q Okay. Would you have a problem if we presented
24 you with an authorization asking you to allow us to
25 get those cell phone records for that time period?
0014
1 A I'd have a problem with you asking me anything,
2 but you can ask my attorney.
3 Q Okay. All right.
4 MR. EVERETT: Tommy, I will
5 cooperate with you. I believe that the
6 only way you can get them is by subpoena.
7 MR. BUCHANAN: Uh-huh.
8 MR. EVERETT: That's the only way
9 you can get them.
10 MR. BUCHANAN: Uh-huh.
11 MR. EVERETT: And the reason we
12 don't have them is because we don't have
13 any.
14 MR. BUCHANAN: I gotcha.
15 MR. EVERETT: But if you -- but I'll

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12 Q Except for your lawyers that are here with you
13 today and Mr. Dougherty, who is not here today, have
14 you -- have you visited with anybody about your
15 deposition here today?
16 A No.
17 Q I'm going to hand you what we've marked as
18 Exhibit 1 to your deposition.
19 (WHEREUPON, Exhibit 1 was marked for
20 identification and attached hereto.)
21 MR. EVERETT: I've got it.
22 BY MR. BUCHANAN:
23 Q And do you at least recognize this as a notice
24 to take your deposition here this morning?
25 A Yes.
0011
1 Q All right. Have you -- if you flip to the very
2 last page, there is an Exhibit A attached to the
3 deposition notice, and there are 11 requests that --
4 that we have listed. And these are requests for
5 documents that we asked you to bring with you here
6 today except for those that you've already given
7 us. Have you seen this list here before today?
8 A Not in -- not in this context, but...
9 Q Okay. All right. Have you -- do you have
10 anything responsive to Request No. 2?
11 A Any responses I might have for this, my
12 attorneys will have.
13 Q Okay.
14 A But if there's any responses, they have them.
15 Q Okay. Well, I tell you what, I'm going to ask
16 you this. Do you have in your possession anything
17 that you -- not here with you here today, but
18 somewhere where you can get to it, do you have any
19 documents that you've -- you've given or received
20 from the FBI?
21 A No.
22 Q Okay.
23 MR. EVERETT: Tom, I gave you one
24 paper before this started that was given
25 to the FBI.
0012
1 MR. BUCHANAN: Okay. All right.
2 BY MR. BUCHANAN:
3 Q And we'll -- we'll talk about it, and I think
4 that was a FedEx receipt. Other than that FedEx
5 receipt, was there -- has there been any documents
6 provided to the FBI that you know of?
7 A No.
8 Q Okay. Have you received any documents from the
9 FBI?
10 A No.
11 Q The same question about the United States
12 Attorney's Office.
13 A No.

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16 cooperate with you if you want to
17 subpoena those records or if you think an
18 authorization will work, either way.
19 BY MR. BUCHANAN:
20 Q In terms of -- of any landlines that you used
21 between January the 1st, 2013, and August 31st,
22 2013, and specifically this is Request No. 5,
23 what -- what -- what's your -- what was your office
24 number at that time?
25 A It's (479)783-4672.
0015
1 Q And is that a direct line to -- to -- to you?
2 A No. That -- that's the line that most normally
3 people that call into my office would call. I have
4 a direct line that's (479)783-6694 at my office,
5 yes.
6 Q For those two telephone numbers, who is the --
7 the carrier for that?
8 A AT&T.
9 Q Do you have a -- a landline that you use other
10 than those two telephone numbers that -- that you
11 just told us about?
12 A Well, I have a landline at my house.
13 Q Okay.
14 A As cell phones become more and more popular,
15 you know, landlines at your house are -- the only
16 thing they're good for is to have incoming
17 telemarketers call you. But, you know, I can't tell
18 you how often I use it, but...
19 Q Sure. Is -- the two numbers that you gave me
20 with respect to your office --
21 A Uh-huh.
22 Q -- have those changed at all since
23 January 2013?
24 A No, no, no. They have been the same.
25 Q The number at your -- at your house --
0016
1 A Yes.
2 Q -- the landline, has it changed since 2013?
3 A No.
4 Q All right. Who was your carrier at your house?
5 A AT&T.
6 Q All right. What's the -- the telephone number
7 at your house?
8 A (479)478-1999.
9 MR. BUCHANAN: Rather than belabor
10 each one of these, John, with respect to
11 Items 6 through 11, I assume either we've
12 already got it or you don't have it.
13 MR. EVERETT: Well, on Item 6, I
14 have talked with you about that.
15 MR. BUCHANAN: Okay.
16 MR. EVERETT: And you told me that
17 was limited to -- to documents about this

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18 case, and we don't have it.
19 MR. BUCHANAN: That's right.
20 MR. EVERETT: The other requests
21 involved requests of documents provided
22 to the FBI or the United States attorney,
23 one way or the other, and there were no
24 such documents.
25 MR. BUCHANAN: Except for the FedEx
0017 receipt?
1 MR. EVERETT: Except for the one I
2 gave you.
3 MR. BUCHANAN: Okay.
4 BY MR. BUCHANAN:
5 Q Do you use e-mail?
6 A Yeah, occasionally. Not a lot.
7 Q Okay. Which -- do you have an e-mail address?
8 A Yes, I do.
9 Q Okay. What is it?
10 A It's Mmorton501@aol.com.
11 Q Is there any other e-mail address that you've
12 used since 2013?
13 A No. I have another e-mail address I never use.
14 It's C-a-n-c-i-n-c, but I never use it.
15 Q Okay. What's the -- what -- what's the
16 address?
17 A I think it's Mmorton@cancinc.com.
18 Q That sounds like a corporate domain.
19 A Yeah. A lot of the people that work for me use
20 that, C-a-n-c-i-n-c.
21 Q Okay. But -- but you do not use this AOL
22 address?
23 A I use the AOL.
24 Q All right. Mmorton501@AOL.com?
0018 A Yes.
2 Q All right. How many nursing homes do you own
3 an interest in?
4 A In the operating companies, operational-wise,
5 it's 34.
6 Q Okay. Are there some other nursing homes?
7 A I lease some of them.
8 Q Okay.
9 A And when you say own, I don't know what you're
10 talking about.
11 Q All right. In addition to operating some
12 nursing homes, it sounds like you operate 34; is
13 that correct?
14 A Yes.
15 Q All right. It sounds like you at least own the
16 real estate and perhaps lease the operations to
17 another company?
18 A No. I lease some facilities.
19 MR. EVERETT: Tom, we interpret --

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22 you mean?
23 A Yes.
24 Q And that's where you have your office?
25 A Yes.
0021 Q Now, you've given several depositions in the
2 past; isn't that true?
3 A Yes.
4 Q Do you know roughly how many times you've --
5 you've been deposed?
6 A No.
7 Q Can you give me an estimate?
8 A Ten to 15.
9 Q All right. Have all of those depositions
10 related to some litigation with regard to a nursing
11 home that you own interest in?
12 A That I'm a stockholder in, yes.
13 Q Sure. They don't deal with any subject matter
14 like we are dealing with here today?
15 A No.
16 Q All right. You owned Greenbrier Nursing &
17 Rehab in 2013, correct?
18 A As a stockholder, yes.
19 Q Sure. And you were the only stockholder,
20 right?
21 A Yes.
22 Q Okay. Is it okay if I just say Greenbrier
23 instead of --
24 A That's fine.
25 Q -- saying the entire name?
0022 Q So you owned Greenbrier while Martha Bull was a
2 patient there, right?
3 A Yes.
4 Q And you owned Greenbrier when the trial of the
5 Martha Bull case occurred, right?
6 A Yes.
7 Q How long have you been in the nursing home
8 business?
9 A As -- I was in for a while without any
10 ownership. I didn't -- I did not have any -- I
11 became a stockholder in the nursing home in 1976.
12 Q 1976 is when you acquired an ownership
13 interest?
14 A Yes.
15 Q All right. And assume, since that time, you've
16 acquired what sounds like around 34 nursing homes,
17 whether you own or lease them?
18 A Yes.
19 Q And besides Greenbrier, you've -- you've owned
20 other nursing homes that have gone to trial in the
21 past, correct?
22 A Yes.
23 Q Do you know how many times one of your nursing

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20 you know he owns the corporation, which,
21 in turn, owns these. We're interpreting
22 your question as being his ownership of
23 those corporations. He does not own any
24 nursing homes, I don't think, himself
25 except through the corporate structure
0019 that you know about.
1 MR. BUCHANAN: Oh, sure.
2 BY MR. BUCHANAN:
3 Q And you understood my question to mean that
4 these are companies that you own interest in that --
5 A I'm a stockholder in these companies.
6 Q Sure.
7 A But what I was referring to was, when you say
8 own, there are five facilities that I lease.
9 Q Uh-huh.
10 A I don't own -- I guess I look at it, when
11 people say, Do you own it? you own the bricks and
12 mortar, and I don't own five of them.
13 Q I gotcha. Five of the 34?
14 A Yes.
15 Q All right. So you or one of your companies
16 that you own interest in owns 29 nursing homes and
17 operate another five?
18 A Yes.
19 Q All right. And I assume these are in Arkansas
20 and Oklahoma, Missouri -- in Missouri?
21 A Yes.
22 Q Any other states?
23 A No.
24 Q All of the nursing homes that you or your
25 0020 companies operate, do they have a home office?
1 A Say that -- repeat the question, please.
2 Q Sure. Do your nursing homes have a home
3 office?
4 A They have a -- an agreement with CANC to
5 provide administrative services, and we provide
6 payroll services and -- and accounting services. We
7 pay bills; AR -- AP, AR, and Medicare billing.
8 Q All right. And -- and that's for all the
9 nursing homes that -- that you or one of your
10 companies operates?
11 A Yes.
12 Q All right. And so is it fair to say that would
13 be the headquarters, so to speak?
14 A It would be the headquarters for that.
15 Q All right.
16 A What I just described.
17 Q And the -- the -- the name on the door, I think
18 it says Central Arkansas Nursing Centers, correct?
19 A Yes.
20 Q All right. So when you say CANC, is that what

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24 homes has been in a trial?
25 A No.
0023 Q Okay. Well, can you give me -- can you give me
1 an estimate?
2 A Are you talking about one home?
3 Q The number of trials. Any home that you've
4 owned.
5 A No, No, I --
6 Q I'm not talking about cases.
7 A No, Well, I --
8 MR. EVERETT: Say your question.
9 MR. BUCHANAN: Sure.
10 MR. EVERETT: How many trials?
11 MR. BUCHANAN: How many -- right.
12 BY MR. BUCHANAN:
13 Q How many trials -- how many -- how many -- how
14 many times have -- has a home that you own interest
15 in been through a trial, a jury trial, and reached a
16 verdict?
17 A I don't know. But -- my lawyers would probably
18 know better than I, but I -- I don't know. I've had
19 the Hardin Jesson firm for a long time, but before
20 them, I used Mitchell Williams totally, so...
21 Q Okay.
22 A I would say -- if you want an estimate or do
23 you want --
24 Q Sure.
0024 A I don't know, but I can estimate around maybe
1 -- maybe 10 times for that, or less.
2 THE WITNESS: You think?
3 BY MR. BUCHANAN:
4 Q Well, that's fair enough. I'm not after a
5 precise answer. I just want to somehow to get me in
6 the ballpark.
7 A You know, I really feel uncomfortable when you
8 say that about you're not wanting precise because
9 this is a very precise situation here.
10 Q Okay. Well, I appreciate that. And you --
11 A Because it's me.
12 Q Yeah. I understand.
13 A And -- and --
14 Q Well, before -- let me -- you do understand
15 this is a question-and-answer session.
16 A Yes.
17 Q All right.
18 A Yes.
19 Q All right. So you estimate around 10 times; is
20 that true?
21 A I guess.
22 Q Okay. All right. Do you ever recall losing a
23 jury trial or one of your nursing homes losing a
24 jury trial?
25

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0025

1 A No.
2 Q Okay. Martha Bull, that case was the first
3 case that one of your homes ever lost, true?
4 A Yes.
5 Q All right. Can we agree that the Martha Bull
6 case was a big case?
7 A Yes.
8 Q Significant case?
9 A Yes.
10 Q It was an important case, wasn't it?
11 A They're all important.
12 Q Sure.
13 Do you recall that the Martha Bull trial
14 started on May the 7th of 2013?
15 A No.
16 Q Okay.
17 A I know it started in '13.
18 Q All right. Do you recall roughly how long it
19 lasted?
20 A They normally -- I don't recall it
21 specifically, but they normally last around two
22 weeks.
23 Q Okay. And you didn't attend any part of that
24 trial?
25 A No.

0026

1 Q All right. Is there a reason why not?
2 A My lawyers just told me that I didn't need to
3 show up.
4 Q All right. Do you recall how many lawyers
5 represented Greenbrier during the trial of that
6 case?
7 A No. I know that Stephanie did and -- and Kirk
8 and Lyn Pruitt.
9 Q Okay. What about Jeff Hatfield, he was there
10 too, right?
11 A I don't know. I'm -- he...
12 Q Did Greenbrier have insurance coverage to cover
13 the defense of that Bull case?
14 A They had \$100,000 -- their policy is \$100,000
15 with a \$200,000 aggregate.
16 Q All right. All right. And by -- that case
17 went on for years before it went to trial, correct?
18 A Yes.
19 Q And leading up to that trial, had all of the
20 money on that policy been spent in defending the
21 case?
22 A In the policy, yes.
23 Q All right.
24 A For that -- it went on for five years --
25 Q Sure.
0027
1 A -- prior to the trial. So every year they'd

2 have another 200,000 -- or a 200,000 aggregate --
3 \$100,000 policy, \$200,000 aggregate a year.
4 Q All right.
5 A The way I kind of looked at it, but it could
6 have been restricted just to one event. I'm not
7 sure how the insurance works.
8 Q Okay. Well, let me ask it this way. Do you
9 know if there was insurance money that was paying
10 the defense during the trial of that case?
11 A No, there was not.
12 Q Okay. It was all gone?
13 A Yes.
14 Q All right. And so, in order to satisfy a
15 verdict, a plaintiff's verdict in that case, where
16 would the money come from?
17 A The nursing home.
18 Q All right. Which --
19 A The corporation that was sued.
20 Q And -- and did the -- did the corporation have
21 a million dollars at that time, liquid?
22 A No.
23 Q All right. Did it have access to where it
24 could liquidate to get to a million dollars?
25 A No.

0028

1 Q All right. The nursing home paid a million
2 dollars, correct?
3 A The -- the corporation that you successfully
4 sued paid the million, yes.
5 Q Okay. Where did they get the money that --
6 A I gave it to them.
7 Q All right. All right. So you knew that, if
8 there was a plaintiff's verdict, either the company
9 was going to have to -- to satisfy the verdict or
10 you would have to loan the company money out of your
11 pocket?
12 A Yes.
13 Q All right. Do you know how much -- certainly,
14 there wasn't enough insurance to satisfy a \$5.2
15 million verdict, correct?
16 A Yes.
17 Q Certainly, the -- Greenbrier didn't have
18 5.2 million in -- in liquid assets, correct?
19 A Yes.
20 Q And so if -- if Greenbrier was going to satisfy
21 a \$5.2 million judgment, you would have had to have
22 loaned it that, true?
23 A Yes.
24 Q Do you recall that the jury returned a verdict
25 for the plaintiffs in the Bull case on May the 16th
0029
1 of 2013?
2 A I'm -- if you say that's the date, I will
3 agree.

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4 Q I assume you recall the amount of the verdict.
5 A Yes.
6 Q And I assume that you recall that it was for
7 the plaintiff.
8 A Yes.
9 Q All right. Were you informed that day of the
10 verdict?
11 A Yes, immediately after.
12 Q All right. Were you informed of the amount of
13 the verdict?
14 A Yes.
15 Q Okay. And so if the records in this case
16 indicate that the jury came back at 5:50 p.m. on
17 May the 16th, 2013, your recollection is, you recall
18 basically -- you recall basically immediately after
19 that time?
20 A Yes.
21 Q All right. So sometime around the -- the
22 six o'clock hour, probably?
23 A I would not be able to answer that truthfully.
24 Q That's fair.
25 A Because I do not know.

0030

1 Q That's fair. Who informed you of the verdict?
2 A The administrator.
3 Q What -- who -- who was that?
4 A Stacy Usery.
5 Q Now, Ms. Usery, she was the administrator of
6 Greenbrier at the time of the trial, correct?
7 A Yes.
8 Q She was not the administrator when Mrs. Bull
9 died at Greenbrier, true?
10 A Yes.
11 Q Okay. There had been some -- some changeover
12 in the administrator position?
13 A Yes.
14 Q All right. And she -- she informed you of the
15 verdict?
16 A Yes.
17 Q All right. What did she say?
18 A That it was \$5.2 million.
19 Q Did she say anything else?
20 A That we were held innocent on wrongful death
21 and a \$5.2 million verdict for pain and suffering.
22 Q Okay. And innocent meaning not liable or --
23 for Ms. Bull's --
24 A Innocent, that's what she said.
25 Q Okay. She said innocent?

0031

1 A Yeah.
2 Q All right. And did she call you on your cell
3 phone?
4 A I can't remember. Probably so. They mostly do
5 now.

6 Q Okay. Do you know where --
7 A I'm not sure, though.
8 Q Where were you when you received this phone
9 call?
10 A I was at home.
11 Q All right. Was anybody with you at home at
12 that time?
13 A No.
14 Q Had -- how long did this conversation with
15 Ms. Usery last?
16 A I have no idea.
17 Q What was your reaction to the conversation?
18 A Just shock and awe. You know, just...
19 Q What did you do, if anything, when you got off
20 the phone with Ms. Usery?
21 A Well, I had talked to different people.
22 Q Okay. Who else did you talk to?
23 A Wincy Hirsch, my director of operations.
24 Q Okay. Ms. Hirsch?
25 A Yeah.

0032

1 Q Okay. Who was the first person that you called
2 after you got off the phone with Ms. Usery?
3 A I don't know who all I talked to. I know that
4 I -- I'm almost positive I talked to Wincy.
5 Q All right. Did you call Wincy or did Wincy
6 call you?
7 A I can't remember that. And that's what I was
8 going to say. I can't remember if I called her or
9 she called me because Stacy probably called her too.
10 Q All right. Now, Wincy, she works for one of
11 your companies, correct?
12 A Yes.
13 Q And she wasn't at the trial either, was she?
14 A I don't think she was there, no.
15 Q All right. Why were you talking to Wincy about
16 the verdict?
17 A Well, she's the director of operations. I
18 think Stacy had called her too. And -- so maybe she
19 called me. I can't remember exactly how that went.
20 Q Okay. Do you recall what you and Wincy talked
21 about?
22 A Just the trial and the -- you know, what the
23 verdict was.
24 Q Well -- go ahead. What was Wincy's reaction,
25 if any, to the verdict?

0033

1 A We just -- the same as mine. It's -- you know,
2 it's kind of disbelief it would be that high.
3 Q Were you mad?
4 A I don't -- I don't think mad is -- you know, I
5 guess it's upsetting.
6 Q Other than speak with Wincy and you spoke with
7 Ms. Usery, who else did you visit with that night?

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8 A I called Gilbert Baker.
9 Q Okay. Now, why did you call Gilbert Baker?
10 A Because I had been working with him and forming
11 an organization called Arkansans for Lawsuit Reform,
12 and I wanted to let him know that this is exactly
13 what happens without reform, tort reform, and having
14 limits on noneconomic damages, that it bankrupts
15 companies. And this had bankrupt the nursing home.
16 The \$5.2 million was a judgment that was worth more
17 than the nursing home.
18 Q Sure. And you had set up your company to where
19 it didn't have any assets, correct?
20 A Yes.
21 Q All right. Now, let me ask you this. So you
22 had already started this group, Arkansans for
23 Lawsuit Reform, before the trial of the case, true?
24 A Yes.
25 Q And at that point, you had lost zero jury
0034
1 trials, correct?
2 A Yes.
3 Q All right. So you call Gilbert Baker. Now,
4 why was it that you called him?
5 A Because he was the one that I had talked to
6 about heading up this organization.
7 Q Okay. And how long was your telephone call
8 with Mr. Baker?
9 A I don't know. A few minutes. I don't recall,
10 but I just know that I just wanted to -- for him to
11 understand this is exactly what I had been talking
12 to him about.
13 Q Well, Mr. Baker supported tort reform for
14 years, hasn't he?
15 A I would -- I think so.
16 Q Sure.
17 A I'm not positive.
18 Q Sure.
19 So this -- this, in your mind, was an example
20 of that?
21 A This was an example of -- of why I felt like,
22 you know, we needed tort reform.
23 Q All right. So what was Mr. Baker's reaction?
24 A He didn't have necessarily -- I -- I don't
25 know what his reaction was, other than he listened.
0035
1 I talked a lot.
2 Q Okay.
3 A You know, and -- and --
4 Q Were you frustrated?
5 A Huh?
6 Q Were you frustrated?
7 A I might have been frustrated about Arkansans
8 for Lawsuit Reform not -- you know, maybe being
9 further down the line. But when you talk about

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12 Q What did you do the -- oh, did -- did Mr. Baker
13 tell you that he had sent a text to Judge Maggio
14 that day before you all talked?
15 A Not that I recall.
16 Q Okay. Did Mr. Baker --
17 MR. EVERETT: I think that question
18 is so ambiguous. I'm not sure the answer
19 makes any sense.
20 MR. BUCHANAN: All right.
21 MR. EVERETT: Is your question did
22 he tell Mr. Morton that he had sent a
23 text prior to Mr. Morton and Mr. Baker
24 talking? Is that your question?
25 MR. BUCHANAN: Yeah. And -- and
0038
1 I'll try to see if I can do better, John.
2 MR. EVERETT: Okay. Okay.
3 BY MR. BUCHANAN:
4 Q Did -- when you were on the phone with -- with
5 Mr. Baker that night, the night of the verdict --
6 A Yes.
7 Q -- did he indicate to you that he had been in
8 contact with Judge Maggio via text?
9 A Not -- not that I recall.
10 Q Okay. Okay. We covered May the 16th of 2013,
11 which would have been the night of the verdict, or I
12 think we have. Is there anybody else you can think
13 of you -- you talked with or -- or texted or
14 communicated with at all?
15 A No, not that I can recall.
16 Q Sure. I understand -- or somebody has -- has
17 informed me that you don't text, is that correct?
18 A I do a little, but it's certainly not one of my
19 strong points.
20 Q Okay.
21 A A lot of people like that, but I just...
22 Q Are there -- is there a reason that -- that --
23 that -- at least with respect to the records we've
24 looked at so far, that you and Mr. Baker never
25 texted?
0039
1 A I don't ever recall texting him.
2 Q Okay. Is there any reason that you don't text
3 him?
4 A No. I don't text anybody, hardly.
5 Q All right.
6 A I just don't -- I mean, I know that I do text
7 people, but it's just not very much. It's -- a lot
8 of people, that's the only way they communicate now.
9 Q With respect to any contact with anyone about
10 the verdict the night before, did you have any
11 contact the next day, which would have been the --
12 May the 17th, or conversations with anybody about
13 the verdict in the Bull case?

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10 frustration, I -- you know, we had done all we
11 could, you know, as far as trying to defend the
12 case, I think.
13 Q Okay. But you weren't frustrated about the
14 verdict for the plaintiff's favor or the size of it?
15 A I didn't agree with it.
16 Q Okay. You denied liability in your deposition
17 in that case, true?
18 A Yes.
19 Q And you --
20 A When you were talking about liability, no.
21 Q Let me ask it -- let me phrase it this way.
22 A Okay.
23 Q Do you recall a question at the very end of
24 your deposition in the Bull case where I said,
25 Mr. Morton, on behalf of Greenbrier Nursing &
0036
1 Rehabilitation Center, do you deny any and all
2 wrongdoing in this case? Do you recall that
3 question?
4 A I personally denied any wrongdoing in it, yes.
5 Q Sure. And you personally deny any wrongdoing
6 in this case, true?
7 A Yes.
8 Q All right. Other than Gilbert Baker, Wincy
9 Hirsch, and Ms. Ussery, who else did you visit with
10 that night?
11 A That's all I can remember. If -- if those
12 three. When you get to talking about it, I could
13 have just talked to Wincy. Stacy could have talked
14 to her. But anyway, that's all I know.
15 Q Okay. So now are you saying that you didn't
16 visit with Stacy?
17 A No, I'm not saying that I didn't. I'm just --
18 I know that I talked to either Wincy or Stacy, and I
19 might have talked to them both, but it was just
20 about the case, about the results, the verdict.
21 Q So what can we look at to determine exactly who
22 you talked to that night?
23 A Well, the -- I probably talked to both of them,
24 but -- and -- and it probably went the way I said.
25 But that's to the best of my recollection.
0037
1 Q Okay. Well, what -- is there -- are there some
2 documents you could look at to determine who exactly
3 you talked to that night?
4 A No.
5 Q You couldn't --
6 A Other than, I guess, phone records.
7 Q Okay. When you talked to Mr. Baker, was there
8 any discussion about the Maggio campaign?
9 A That night?
10 Q Yes.
11 A No.

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14 A I'm sure I had conversations with a lot of
15 people, but I most certainly can't remember them
16 all.
17 Q Okay.
18 A Lawyers, mainly.
19 Q And I'm not talking about any -- any -- I'm
20 excluding, throughout this deposition, any contact
21 or -- that you've had with lawyers.
22 Do you recall visiting with Mr. Baker the next
23 day?
24 A Yes. I called -- I think I called him the next
25 day.
0040
1 Q All right. So if the verdict was May the 16th,
2 this would be May the 17th?
3 A Yes.
4 Q All right. What was the purpose of the call?
5 A The night before, when we were talking, he had
6 told me that one of his assistants was on the jury
7 that had worked for him or had worked at the college
8 or something that he knew, and he had never said a
9 word about that. And I said, Well, you ought to ask
10 her, or if you can, find out why they made it so
11 high, the -- the verdict. And he had never said a
12 word about anybody being on the jury to me before.
13 I mean, that's the first I had ever known that. And
14 I took that to mean -- he didn't ever say anything
15 because he didn't want me to know. And -- but I did
16 want to know. And then the next day, unbeknownst to
17 me, I guess by that time, Judge Maggio had already
18 gotten the -- had gotten an e-mail from a juror
19 saying they thought that the whole thing was wrong.
20 Q This person who was an assistant that Mr. Baker
21 knew, was it Jamie Duval?
22 A I have no idea.
23 Q Okay. Was it the juror who sent the e-mail?
24 A No. I know that for a fact it's not.
25 Q Okay. All right. So what, if anything, do you
0041
1 know about any conversation that Mr. Baker had with
2 this assistant that was on the jury?
3 A None at all except the next day he did talk to
4 her some after the verdict to -- and -- and the best
5 I recall, she talked about, I think, perhaps
6 insurance, thinking there was a big insurance policy
7 behind the whole thing. And that's about it. You
8 know, he -- he -- he didn't -- there was not a lot
9 of information, you know, that -- that he knew, it
10 seemed to me like, from talking to her, but...
11 Q So had he already talked to her by the time you
12 visited with -- with Mr. Baker?
13 A The next day?
14 Q Yes.
15 A I think so.

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16 Q Did you have any contact with Mr. Baker during
17 the trial?
18 MR. EVERETT: Let me make -- at my
19 age, I don't hear as well as I should.
20 My recollection of the testimony is that
21 he had talked to her son. Did I get that
22 wrong? Maybe I heard the word "son" that
23 was not mentioned.
24 THE WITNESS: To whose son?
25 MR. EVERETT: Gilbert Baker had
0042
1 talked to this unknown lady's son.
2 THE WITNESS: Oh, I -- I -- I don't
3 think so.
4 MR. EVERETT: Then I heard it wrong.
5 I'm sorry. Go ahead.
6 BY MR. BUCHANAN:
7 Q The -- during the course of the trial in the
8 Martha Bull case, did you and -- and Mr. Baker have
9 any contact or conversation?
10 A No. Are you talking about the trial itself?
11 Q During the trial. Not after the verdict, but
12 during the actual jury trial itself when the jury
13 was sitting in the box or deliberating.
14 A The only thing that -- that I remember having a
15 conversation with him was the famous lunch at Brave
16 New Restaurant. And -- and -- and I think -- I -- I
17 mentioned to him then that, The trial is going on in
18 -- in Conway right now. But he had asked me if I
19 would support Judge Maggio for appeals court judge.
20 Q Okay. All right. And we'll talk about that --
21 that conversation later. I appreciate your answer.
22 But --
23 A That -- that was during the trial.
24 Q Sure. Sure. And I understand.
25 A Yeah.
0043
1 Q We're talking now -- right now about the day
2 after the verdict came back.
3 A Yeah.
4 Q And you told us that you visited with Mr. Baker
5 and Mr. Baker told you about his conversation with
6 one of his assistants, right, who was on the jury?
7 A Yes.
8 Q All right. Did -- who else did you visit with
9 that day that you recall?
10 A Like I said, I'm -- I'm sure I visited with my
11 lawyers a lot. Started, you know, Kirk and
12 Stephanie.
13 Q Sure. And I don't want to --
14 A Yeah. You know, probably people in the
15 industry, you know -- you know, wanting to know.
16 Q Okay. People in -- in -- in what industry?
17 A The nursing home industry.

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20 know that -- I don't even know if that's true.
21 Q All right.
22 A I'm talking about what I was reading.
23 Q All right. Where did you read that I called
24 Max?
25 A I didn't.
0046
1 Q Okay. All right.
2 MR. EVERETT: I don't think he
3 testified that he did.
4 THE WITNESS: I did -- I didn't say
5 that, did I?
6 MR. EVERETT: No.
7 THE WITNESS: I didn't think so.
8 BY MR. BUCHANAN:
9 Q What's the next time that you recall having any
10 discussion, any particular discussion about the
11 case, what you feel that it was too high, or the
12 verdict? I mean...
13 A Well, Mr. Buchanan, irregardless of what I
14 felt, okay, the verdict was 5.2 million.
15 Q Sir, my question is, when is the next time?
16 A Okay. Well, you're asking me what I felt or
17 what I discussed about it being too high. I didn't
18 sit around and discuss forever about anything being
19 too high. It was what it was.
20 Q Well, okay. When is the next time that you had
21 a discussion with anybody about the verdict?
22 A The next time I could get in here and talk to
23 my attorneys.
24 Q Okay. Other than your attorneys, when is the
25 next time you talked to anybody else?
0047
1 A I have no idea what -- I'm -- I mean, I can't
2 remember discussions I had with everybody in 2013.
3 Q Okay. On May the 16th, I've been informed that
4 there -- there was a meeting between Mr. Baker and
5 the nursing home folks. Do you know anything about
6 that?
7 A May the 16th?
8 Q Yes, the day of the verdict.
9 MR. EVERETT: What nursing home
10 folks?
11 BY MR. BUCHANAN:
12 Q I'll mark as Exhibit 2 to your deposition a
13 copy of the plea agreement. Mr. Morton, I think you
14 told us you reviewed that prior to your deposition;
15 is that right?
16 (WHEREUPON, Exhibit 2 was marked for
17 identification and attached hereto.)
18 A I have glanced over it. I've not memorized
19 this.
20 Q Do you at least recognize this to be the plea
21 agreement that Judge Maggio -- well, he wasn't a

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18 Q Okay. Are -- are you saying you know for a
19 fact you visited with people in the nursing home
20 industry?
21 A I can't remember. I'm -- I'm almost certain
22 that I would have, but I -- you know, that's just
23 conjecture. I don't know.
24 Q Sure.
25 A I can't -- I can't give you a definite answer
0044
1 to that.
2 Q Who in the industry would you have visited
3 with?
4 A Well, most of the people that I would -- would
5 have been the people that I'm closest to. For
6 example, like Jim Cooper. I might have talked with
7 him. I'm not sure.
8 Q Jim Cooper, does he live around Melbourne?
9 A Yes.
10 Q All right. And who else do you think you would
11 have talked to that day or talked with?
12 A People that I would just normally talk to every
13 day, people that work for me.
14 Q Okay. Ms. Hirsch?
15 A I'm sure.
16 Q Do you recall any conversation that you had
17 with -- with Jim Cooper?
18 A No.
19 Q When is the next time that you recall visiting
20 with anybody about the Bull verdict or what you
21 believe, that it was too high, other than your
22 lawyers?
23 A Are you -- I would suspect it would have been
24 constant, but I -- I don't -- the people that worked
25 for me would want to talk about it, you know.
0045
1 Q Okay.
2 A You know, it was a big matter of discussion all
3 over the place. There was, you know -- you had gone
4 down and talked to -- Max Brantley had an article,
5 and they wanted to talk about it. You have all
6 kinds of people wanting to talk to you about things.
7 Q Sure.
8 A And I can't remember them all.
9 Q Sure.
10 A But I know that I had several discussions with
11 my attorneys. That was the main ones I remember.
12 Q Sure.
13 A What a -- what a -- what a discussion would be
14 about would be the ones with my attorneys.
15 Q All right. Do you know if Max called me or if
16 I called Max?
17 A I have no idea.
18 Q Okay.
19 A All I know is what he wrote. And whether I

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22 judge at that time, but Mr. Maggio signed where he
23 pleaded guilty of bribery?
24 A Yes.
25 Q All right. And if you will turn to page 6, and
0048
1 if you look towards the bottom of the page, the last
2 few lines, just let me know when you're there.
3 A I'm on 6.
4 Q All right. If you look towards the bottom of
5 the page, it says, "On or about May 16, 2013, at
6 approximately 10:33 a.m., Individual B sent Maggio a
7 text stating, 'I have a Little Rock lunch today with
8 the nursing home folks. The topic will be judicial
9 races. You are at the top of the list.'"
10 Do you see that?
11 A Yes.
12 Q Were you at that meeting?
13 A If this is the meeting at the Brave New
14 Restaurant, I was there.
15 Q Okay. Well, at the meeting with the Brave New
16 Restaurant, who all was there?
17 A Myself, Jim Cooper, David Norsworthy, Ernest
18 Cunningham, Gilbert Baker, our -- Rachel Davis. I
19 think Rachel went, and might be -- it might have --
20 it might have been Donna -- our director -- or
21 executive director of the association was Donna -- I
22 forgot her last name. But the one now is Rachel
23 Davis. She could have been -- both of them could
24 have been there. I'm not sure. And -- and the
25 Flanagan -- Linda Lee Flanagan and then Eddie Joe
0049
1 Williams.
2 Q Now, is this the -- is this the meeting where
3 you referenced that you just bumped into Linda Lee
4 Flanagan at Brave New?
5 A We had -- we had lunch in there in the back
6 room and discussed different things about, as I
7 recall, tort reform and the different aspects of
8 trying to, you know, accomplish the goal of having
9 tort reform.
10 Q Okay. I want to make sure that -- that I have
11 all of the names down. I have Jim Cooper, David
12 Norsworthy, Ernest Cunningham, Gilbert Baker, Rachel
13 Davis, Linda Lee Flanagan, Eddie Joe Williams.
14 Anybody else?
15 A I just said Donna.
16 Q I'm sorry.
17 A I think, at the time, our executive director
18 was a different girl. And -- but Rachel Davis was
19 her assistant. So Rachel -- Rachel is the one now.
20 So Rachel could have been there. I'm not sure about
21 that.
22 Q But you don't recall Donna's last name?
23 A No. I should recall it, but...

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24 Q When you say the association, what association
25 are you talking about?
0050
1 A The Arkansas Healthcare Association.
2 Q Okay. That's the -- the trade organization for
3 the nursing homes?
4 A Yeah. Yes.
5 Q All right.
6 A Yes.
7 Q And Ernest Cunningham, he's a lobbyist, right?
8 A Yes.
9 Q Was he a lobbyist -- is he a lobbyist for the
10 healthcare association?
11 A Yes.
12 Q Eddie Joe Williams, he is a -- he was a state
13 senator or a state representative?
14 A He is a state senator.
15 Q Okay. At the time, was the session still going
16 on?
17 A No.
18 Q The session was over?
19 A Yes.
20 Q So why were y'all talking about tort reform if
21 the session was over?
22 A Well, I think what we were talking about was
23 the dismal failure that we had, perhaps, but I'm not
24 sure, you know, why the...
25 Q Okay. Jim Cooper, he's your friend that you
0051
1 had already visited with about -- about -- well,
2 he's your friend, right?
3 A Yeah. And I hadn't already visited with him
4 about anything because the verdict wasn't --
5 Q Sure.
6 A I didn't know anything about a --
7 Q The verdict came down that night.
8 A I guess. I know that -- well, keep going and
9 -- because you're talking about me bumping into
10 Gilbert, and we'll...
11 Q Okay. David Norsworthy, you and him are
12 partners on some nursing homes, right?
13 A Yes.
14 Q Ernest Cunningham, does he have a role other
15 than being a lobbyist for the healthcare
16 association?
17 A No, not that I know of. He could be a lobbyist
18 for other people.
19 Q Okay. Mr. Baker, at that time, he worked for
20 UCA, right?
21 A I can't speak for that. I don't know if he was
22 working for UCA or -- then or who all he worked for.
23 Q Well, you -- you weren't aware that he had a
24 full-time job as executive assistant to the
25 president of UCA?

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2 Maggio.
3 Q Okay.
4 A And then some different folks. And I can't
5 remember if -- if it was just Maggio and -- and --
6 I -- I think that they mentioned Rhonda Wood at the
7 time, which I would -- you know, I was going to
8 support her anyway. But -- but -- and I don't know
9 who all else. I can't remember. I mean, Gilbert
10 was always raising money for candidates.
11 Q Okay.
12 A He was recruiting -- he recruited and he -- and
13 he raised money for candidates.
14 Q Do you know if he recruited Maggio to run?
15 A I have no idea.
16 Q Did he ever tell you that he had recruited
17 Maggio to run?
18 A No.
19 Q Was he -- did you understand him to mean that
20 he was looking to raise money for Maggio?
21 A He wanted to know if -- anytime anybody asked
22 me if I would support someone, they were asking me
23 if I would support them with money.
24 Q Okay. And so other --
25 A That's what I would take that to mean.
0055
1 Q Okay. So you -- at that time, on that day,
2 May the 16th lunch at Brave New --
3 A Uh-huh.
4 Q -- Gilbert and -- and Linda Lee Flanagan left,
5 and you somehow bumped into --
6 A Well, I didn't know where they had gone.
7 Q Uh-huh.
8 A I didn't -- I didn't even think anything else
9 about it. So when I was leaving, I was surprised
10 that I -- you know, when I say bump into them, I'm
11 leaving and there they are.
12 Q Okay.
13 A And said, Hey, we need to talk to you.
14 Q All right.
15 MR. BUCHANAN: Well, I think we need
16 to change the tape because we're about
17 out of tape.
18 THE WITNESS: Okay. I'm going to
19 run to the restroom.
20 THE VIDEOGRAPHER: The time is
21 11 a.m. This is the end of Tape No. 1 to
22 the deposition of Michael Morton. We're
23 now off the record.
24 (WHEREUPON, after a break was taken,
25 the proceedings resumed as follows.)
0056
1 THE VIDEOGRAPHER: The time is 10
2 minutes past 11. This is the start of
3 Tape No. 2 to the deposition of Michael

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0052
1 A I might not have been aware of that at the
2 time, so...
3 Q And then Rachel Davis, you said she was -- was
4 the incoming --
5 A She works for our association.
6 Q All right. And then Linda Lee Flanagan?
7 A Donna Childress. Childress is her last name,
8 C-h-i-l-d-r-e-s-s.
9 Q Thank you.
10 A Yeah.
11 Q Linda Lee Flanagan, what was her role?
12 A I didn't know at the time, but she was the
13 assistant to -- to Gilbert.
14 Q At UCA?
15 A I don't know.
16 Q Okay. Eddie Joe Williams, we've already
17 discussed he was a state senator?
18 A Yeah. You've already...
19 Q He was also -- he had just been chairman of the
20 judiciary committee, right?
21 A I'm not sure.
22 Q For state agencies?
23 A I don't know which one he was.
24 Q All right. And so I want to make sure I
25 understand. This -- this meeting, do you know who
0053
1 arranged it?
2 A No, I do not.
3 Q All right. And do you know how long it lasted?
4 A We had lunch. Probably -- I'd say maybe an
5 hour.
6 Q Do you know who paid for it?
7 A Yeah. Ernest Cunningham did, or the
8 association did, I guess.
9 Q Other than tort reform, was there any other
10 discussion?
11 A I'm sure -- I don't -- you know, there's always
12 a menagerie of things to talk about, I guess, but
13 that was the main purpose of it, I'm sure.
14 Q Was this the -- was this the meeting where you
15 bumped into -- to Ms. Flanagan?
16 A Well, what happened is, Gilbert and her left
17 before, and we were -- we stayed there. And -- I
18 mean, they left. And so when I left, I went out the
19 front. And I don't know why I did. I -- but
20 anyway, Gilbert was sitting at a table against the
21 wall with -- and they hollered at me to come over
22 there. And that's when I was asked about supporting
23 different people.
24 Q Okay. Who all -- which people were you asked
25 about?
0054
1 A Well, the first one was if I would support

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4 Morton. We're back on the record.
5 Counselor.
6 BY MR. BUCHANAN:
7 Q Mr. Morton, we've had a chance to change the
8 tape. I notice -- did you -- did you and Gilbert --
9 Mr. Baker shake hands --
10 A Yes.
11 Q -- during the break?
12 Let's go back to the -- this meeting at Brave
13 New Restaurant because I want to understand exactly
14 where you were when you were having this
15 conversation. Were you -- you were -- were you at a
16 table with Mr. Baker and -- and Ms. Flanagan?
17 A They were sitting at a table. I just stood up.
18 It was a very short -- all it was was, Would you
19 support?
20 Q All right. Do you -- do you know where in the
21 restaurant the table was located?
22 A Have you ever been to Brave New?
23 Q I have.
24 A When you go in and they -- you know, where the
25 deal is that seats you? It's in that big room
0057
1 there, and they were kind of behind it.
2 Q All right.
3 A Okay. Where we had had lunch -- have you ever
4 been in the back room back there where --
5 Q I have not, but I know where it is.
6 A Okay. Well, there's a room back there behind
7 -- through some doors. That's where we had had
8 lunch. So she and him had left, and I'm -- you
9 know, we were still talking and stuff. I don't know
10 what about. You know, I have a lot of things I talk
11 to my friends about. But anyway, when I left, I
12 went out the way by where they seat you. And I was
13 walking through, and they hollered at me. And David
14 Norsworthy was with me. He heard this whole
15 conversation. And I didn't even sit down. They
16 were sitting there, and I don't know why they stayed
17 there. I guess to talk to other people. I do not
18 know. But when I walked by, they hollered at me. I
19 went over, and they started talking to me about --
20 the one that I remember the most because of all of
21 this is because -- about Maggio.
22 Q All right.
23 A If I would support Maggio.
24 Q And -- and then you also mentioned Rhonda Wood
25 as well, correct?
0058
1 A I think that day he asked me about Rhonda
2 because, you know, we knew that she was going to run
3 for Supreme Court. I was already going to support
4 her anyway, but I told him yes because, you know, he
5 had -- he had worked on her stuff before.

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6 Q Sure.
7 Any other judge that you can recall any
8 discussion about, other -- during that conversation,
9 other than Maggio and Wood?
10 A No.
11 Q All right. And so did you leave the
12 restaurant?
13 A Yes.
14 Q Okay. Did you leave with Mr. Norsworthy?
15 A Yes.
16 Q All right. Where did you go after that?
17 A I have no idea.
18 Q All right. Where does Mr. Norsworthy live?
19 A He has a place that's right in -- past Rogers,
20 right -- I think it's in Missouri. It's right
21 inside the -- on the line up there.
22 Q Okay. So --
23 A Northwest Arkansas. I would -- I just would
24 categorize it as that.
25 Q All right. At some point, did you come home
0059
1 that day?
2 A I don't know. I could have spent the night,
3 but normally, I go down there and come home.
4 Q Sure.
5 Well, we know that you said you were at home
6 when you heard about the verdict.
7 A Okay. Then I did.
8 Q All right. Did you and Mr. Norsworthy travel
9 together?
10 A No.
11 Q When you -- how did you get home? Did you
12 drive?
13 A I don't know if I did or not.
14 Q All right.
15 A I could have flown, but, you know, don't know.
16 Q Did you and Mr. Baker have any discussion about
17 the trial that was going on?
18 A No, other than I told him that the trial was
19 going on at that time. And -- but when he -- well,
20 he just asked me if I would support Maggio, and I
21 said, Well, yeah. You know, that trial is going on
22 right now. I have a trial going on up there now.
23 Q Any -- anything other than mentioning the
24 trial?
25 A No. And, you know, I guess Gilbert didn't know
0060
1 that, you know, because when I told him, you know,
2 he didn't know it, you know. And I just mentioned
3 it, I've got a trial going on up there right now.
4 Q All right. And so as of at least around noon,
5 he -- he -- he knew about it then, correct?
6 A Yes.
7 Q All right. Did you have any concerns about

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10 Q Okay.
11 A -- I'll agree with them if -- if that's -- I do
12 remember that Gilbert paid for it.
13 Q All right. Well, let's attach your discovery
14 responses as Exhibit 3 to your deposition so we know
15 what we're -- we'll have an easy way to reference
16 them.
17 (WHEREUPON, Exhibit 3 was marked for
18 identification and attached hereto.)
19 MR. BUCHANAN: John, would you like
20 a copy?
21 MR. EVERETT: I've got them. I
22 don't know if I have them here, but I'll
23 get to them.
24 BY MR. BUCHANAN:
25 Q Is what I've marked as Exhibit 3, does this
0063
1 appear to be your -- your discovery responses?
2 A I have no idea, but what page do you want me to
3 go to?
4 Q Well, let's -- let's just look at the very
5 first page. Does it say, "Separate Defendant
6 Michael Morton's Objections and Responses to
7 Plaintiff's First Set of Interrogatories and Request
8 for Production of Documents"?
9 A Yes.
10 Q Okay. All right. Let's go to page 6,
11 Interrogatory No. 10. And the question that -- that
12 my clients asked you was, explain -- "Please explain
13 in detail any communications you have had with
14 defendant, Gilbert Baker, regarding any of the
15 following," and there's a list of subjects there.
16 A Yes.
17 Q Do you see that?
18 A Yes.
19 Q All right. Now, if you turn to the back page,
20 page 12, you'll see there's a date that your lawyer
21 sent them over to us. The very last page, it looks
22 like -- does it appear to be January the 5th?
23 A Let me see yours.
24 Q Page 12?
25 A Okay. Yes.
0064
1 Q Okay. So -- so these were the discovery
2 responses that you -- you -- I think you said you
3 looked over before your deposition?
4 A My lawyers looked over them.
5 Q All right.
6 A Yes.
7 Q All right. And they were sent to --
8 A And they were -- they were -- yes.
9 Q And they were sent to us January the 5th,
10 right?
11 A Yes.

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8 supporting Maggio while the trial was going on?
9 A No.
10 Q The -- we know you -- you found out about the
11 verdict that night, and we've talked about that.
12 A Yes.
13 Q Anything that you can recall that you can add
14 about that day now that we've talked about some
15 other things?
16 A The day -- no, not the day of.
17 Q All right. When you -- when you bumped into
18 Mr. Baker and Mrs. Flanagan, was that the very first
19 time that you felt like anyone was asking you to
20 support the Maggio campaign?
21 A That was the very first time I had ever heard
22 of it.
23 Q All right. When was your next contact with
24 Mr. Baker?
25 A I don't know how much long -- what time period
0061
1 it was after that, but he called me and wanted to --
2 and we met at Ruby Tuesday's in Russellville, and he
3 wanted to talk specifically about different
4 campaigns and then -- and different things that he
5 wanted me to contribute to.
6 Q So he called you, right?
7 A Yes. I had -- when we were at the Brave New, I
8 told him, Just call me, you know, and get in touch
9 with me. You know, when he -- I mean, I didn't talk
10 to him anything about any specifics or anything,
11 what he wanted me to do or anything else. He just
12 asked me if I would support -- if -- if -- if he
13 could count on my support. And I said, Yes. And so
14 I told him, I said, Call me and we'll get together
15 or something, and so he did.
16 Q So how -- how much lead time was there between
17 when he called you and when y'all met in
18 Russellville?
19 A I do not recall.
20 Q I mean, was it, Let's meet next Tuesday, or,
21 Let's meet tomorrow, or, Let's meet today? I mean,
22 can you give me a feel for that?
23 A No, because I cannot remember. It -- it -- you
24 know, it certainly wasn't the next day because I had
25 just been told I was going to have to pay
0062
1 5.2 million, and my nursing home was, I felt like,
2 bankrupt, but...
3 Q All right. And so you had this meeting with --
4 with Mr. Baker, and -- and I think, at least
5 according to your discovery responses, and we can
6 dig them out if we need to, I think this meeting is
7 June the 8th. Does that ring a bell?
8 A No, but if -- if that's what my discovery
9 responses said --

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12 Q Okay. Let's look at -- at page 6. We're
13 asking you about any communications you had with
14 Gilbert Baker. And then, if you turn to page 7,
15 you'll see some -- some conversations.
16 A It says, "Defendant recalls a subsequent
17 in-person conversation with Mr. Baker in
18 Russellville, Arkansas."
19 Q "Approximately one month prior to the issuance
20 of the checks produced."
21 A Produced, yes.
22 Q "In which Mr. Baker discussed specific
23 contribution amounts for these judicial candidates,
24 including Judge Maggio."
25 Does that sound right?
0065
1 A Yes.
2 Q Okay. So if the checks were issued on July the
3 8th, this would be around early June sometime?
4 A I guess so.
5 Q Okay.
6 A It says, "Approximately one month prior."
7 Q All right. How do you -- how do you know it
8 was approximately one month prior, this meeting?
9 A Because you've kind of talked me into agreeing
10 with you on that. So you want me to change that?
11 Q No.
12 A Okay.
13 Q I mean, I just want to make sure -- make sure
14 that we're -- we're -- we're communicating.
15 A Well, I can't tell you the exact date is what
16 I'm trying to tell you, but I know it was after the
17 Brave New Restaurant. I know the discussion was to
18 get together and -- and discuss specific amounts and
19 things --
20 Q Okay.
21 A -- and different people.
22 Q All right. So who all was present at this
23 meeting?
24 A Myself and Gilbert.
25 Q And who else?
0066
1 A Nobody.
2 Q All right. And -- and you discussed specific
3 contribution amounts for judicial candidates; is
4 that correct?
5 A Yes.
6 Q All right. Which judicial candidates?
7 A Judge Maggio and Rhonda Wood.
8 Q Any others?
9 A There could have been others, but I don't think
10 so at the time. I don't -- I don't think so that
11 day.
12 Q All right. And what -- what specific
13 contribution amounts did you discuss?

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14 A You mean for the -- the two candidates?
15 Q Yes.
16 A He had talked about wanting different amounts
17 of money, and he wanted to put the Judge Maggio
18 money in PACs and started telling me the names of
19 these PACs. And I -- and then the specific amount
20 for Rhonda Wood, he started telling it, so I said,
21 Listen, what I need is for you to fax me a list of
22 all of these PACs and the amounts and stuff because
23 I can't remember all of this. And you need to fax
24 it to me sometime, and -- and, you know, I'll go
25 from there.
0067
1 Q Did -- what was the specific -- I mean, was
2 there -- was the Maggio money supposed to add up to
3 a particular sum?
4 A Yes.
5 Q Okay.
6 A I took it to -- to -- to mean that, yeah.
7 Q Okay. And what was that -- the sum that you
8 all discussed?
9 A You know, as I recall -- I know what I got in
10 the fax, and so I can't -- I can't recall the
11 specific conversation at the Ruby Tuesday's here.
12 But when I got the fax, I remember it because it was
13 30,000.
14 Q Okay. It was \$30,000?
15 A And then I think 50,000 for Rhonda Wood.
16 Q All right. Did Mr. Baker -- well, you've been
17 giving to judicial campaigns for many years,
18 correct?
19 A Yes.
20 Q How long have you been giving to judicial
21 campaigns in Arkansas?
22 A You know, I can't remember when I have given --
23 the one that -- where -- where I distinctly remember
24 and remember getting, you know, what I feel like is
25 involved -- for me, really involved, was with the --
0068
1 at the time, her name was Courtney Henry.
2 Q Well, I guess my question --
3 A Courtney Goodson now.
4 Q My question to you is, how long have you been
5 giving -- regardless of -- of whether it's
6 significant involvement in your view or not, how
7 long have you been contributing to judicial races?
8 A A long time.
9 Q Over 10 years?
10 A Yes.
11 Q Do you know roughly how many judicial
12 candidates you've given to over the years?
13 A No.
14 Q Lots?
15 A Yes.

16 Q More than 20?
17 A Probably not that, but...
18 Q Close to that?
19 A Maybe.
20 Q Do you know how much money you've given over
21 the years to judicial candidates?
22 A No, not off the top of my head.
23 Q Would it be in excess of \$100,000?
24 A Yes.
25 Q Would it be in excess of \$200,000?
0069
1 A I don't know.
2 Q Are you aware that there was -- there's a
3 180-day window period where basically a candidate
4 for judicial office cannot solicit or receive
5 campaign funds more than 180 days before the
6 judicial election? Were you aware of that?
7 A What's the question?
8 Q Were you aware of that?
9 A When?
10 Q At the time that you were meeting with Gilbert
11 Baker.
12 A No.
13 Q Okay. Do you know if he was aware of that?
14 A No.
15 Q Would you expect him to be aware of that?
16 A I would expect a person -- I mean, I think any
17 prudent person would think that, if someone was --
18 was collecting money for a candidate, that they
19 would know that, yes.
20 Q Okay. And would you expect somebody who has
21 given over \$100,000 to question why the money is
22 being raised so early?
23 A Well, at the time, everybody and their dog was
24 up at my office wanting money early.
25 Q Judicial races, not -- not --
0070
1 A It didn't matter what it was. People were
2 talking to me about wanting money all the time,
3 and -- and I'm not sure -- you know, when you --
4 when you get to giving money -- and I know that,
5 during the legislative session, like 30 days before
6 and I think 30 days after, you can't solicit money.
7 But as soon as they can, they -- everybody wants to
8 get show money. And it's the same thing with
9 judges.
10 Q And just -- maybe we can cut this off. I'm not
11 interested in legislative donations because they're
12 a different set of rules, correct?
13 A Yes.
14 Q All right. You know that now?
15 A Yes.
16 Q All right. You didn't know that then?
17 A Yes.

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18 Q You did?
19 A I did not know that there was a 180-day. I've
20 already said that.
21 Q All right.
22 A I didn't know the 180-day rule. But what I'm
23 trying to tell you is, there are times that I was
24 solicited, I guess, about -- for example, when
25 Courtney Henry wanted to meet with me, you know,
0071
1 about running for Supreme Court, I don't know if it
2 was the 180 days or not. You know, I -- I wasn't
3 aware of it then, but I do know that she was like --
4 it was like a political race. They are like
5 political races, whether you want to call them that
6 or not. And -- and they want their money early so
7 anyone that's thinking about running against them
8 know that they're going to be well-funded.
9 Q Okay. So --
10 A I didn't see this as any other way.
11 Q All right. Well, let me -- let me ask you
12 something. Did Courtney Henry personally solicit
13 funds from you for her campaign?
14 A Courtney Henry personally talked to me about
15 her running for Supreme Court.
16 Q No. My question is --
17 A She did not -- she did not say anything about
18 money to me.
19 Q Okay.
20 A She -- she -- but when I did give money to her,
21 no one said anything about 180 days. So I didn't
22 ever know about it.
23 Q Okay. You --
24 A It could have been with -- do you see what I'm
25 saying? It could have been within the time period
0072
1 and no one had to say it.
2 Q Well, you would expect someone running for
3 judicial office and folks in their campaign to know
4 when they can take money and when they can't, true?
5 A Yes.
6 Q All right. And you're not saying -- give me
7 one person, the name of one person. You've given me
8 Rhonda Wood. The name of one person running for
9 judicial office that the campaign outside of the
10 180-day period came to you and wanted money, not
11 wanting to meet with you, but wanted money.
12 MR. WATTS: I'm going to object to
13 the form.
14 THE WITNESS: Okay.
15 MR. BUCHANAN: Let me see if I can
16 do better.
17 BY MR. BUCHANAN:
18 Q Other than the Maggio campaign, who else has
19 solicited money from you outside the 180-day window

20 for judicial campaigns?
21 A I would have --
22 MR. WATTS: Which -- and I'm not --
23 really not trying to do speaking. When
24 you say Maggio campaign, are you saying
25 that he was with that campaign?
0073
1 MR. BUCHANAN: I'm saying -- yes,
2 I'm saying that -- that Gilbert was an
3 agent of the campaign.
4 MR. WATTS: Okay. Then I have to
5 object to the form of the question.
6 MR. BUCHANAN: Okay.
7 BY MR. BUCHANAN:
8 Q Let me -- let me ask you this way. Did you --
9 did you believe Gilbert Baker to be affiliated with
10 the Maggio campaign?
11 A I believed him to be raising money for
12 Judge Maggio, that he was going to be -- but he
13 didn't say that in words. He just asked if I had
14 any support. And then later on, after the meeting
15 at Ruby Tuesday's, you know, he -- he did express,
16 you know, money.
17 Q Okay. Let's talk about the meeting at Ruby
18 Tuesday's. When you were at that meeting, did you
19 believe Mr. Baker to be affiliated with the Maggio
20 campaign?
21 A Well, when you talk about affiliated, I -- you
22 know, I -- I just -- there are people coming to me
23 all the time wanting me to support people and -- and
24 saying, Can you give them money?
25 Q Okay.
0074
1 A And they are not necessarily affiliated with
2 the campaign. But, you know, I did know that
3 Gilbert, in the past, has recruited candidates.
4 He's tried to help raise money for candidates, you
5 know. I didn't see this any other way.
6 Q Okay. Did you believe -- during the -- the
7 meeting in Russellville, did you believe that
8 Mr. Baker was trying to solicit money from you for
9 Maggio to run for Court of Appeals?
10 A Yes.
11 Q Okay. And did you believe Mr. Baker was
12 soliciting money for Rhonda Wood to run for Supreme
13 Court?
14 A Yes.
15 Q All right. Has anybody, other than Mr. Baker,
16 solicited money from you for a judicial candidate
17 prior to the 180-day period?
18 A I have no idea if they ever have.
19 Q Okay. So as you sit here right now, you can't
20 give me the name of -- of one person who has run for
21 office, judicial office, that has solicited from you

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22 outside the 180-day period?
23 A I do not know.
24 Q Okay. But you can't give me any names?
25 A No.
0075
1 Q All right. Have you ever had a judicial
2 candidate or anyone who has come to you on behalf of
3 a judicial candidate asking you to put money in PACs
4 rather than contribute directly?
5 A No.
6 Q So the way that the Maggio money would be
7 structured would be different than you've done in
8 the past?
9 A Yes.
10 Q All right. Did you ask why, why is --
11 A No.
12 Q Did -- did he -- did he explain why?
13 A No, not -- not -- I didn't ask.
14 Q Okay. Well, did -- did Mr. Baker volunteer,
15 This is why we're going to put the Maggio money in
16 PACs?
17 A No.
18 Q Okay. And you didn't ask, Why are we putting
19 the Maggio money in PACs?
20 A No.
21 Q And -- and -- this covers not only the last
22 judicial election, but at any time that you can
23 recall, or a judicial campaign, has anybody asked
24 you to, Do not give directly to the candidate or the
25 campaign, put the money in PACs?
0076
1 A In a judicial campaign?
2 Q Yes.
3 A No.
4 Q All right. Did you think it was odd for the --
5 Maggio -- the money for Maggio to be -- being put in
6 PACs?
7 A Not necessarily.
8 Q Okay. Why didn't you think it was odd?
9 A Because I had put money in PACs before that
10 Gilbert had solicited for different organizations
11 that were PACs.
12 Q But none for judicial --
13 A No.
14 Q -- candidates?
15 A Not that I -- no. No, not that I know of.
16 Q Okay. You're just talking about PACs in
17 general?
18 A Yes.
19 Q Did you find it odd that the money you intended
20 to send to Maggio was being put into PACs?
21 A Not necessarily. I said I had been requested.
22 I -- I was familiar with PACs. You know, it
23 wasn't -- it wasn't unusual for me to be asked to

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0079
1 A When he sent me the fax.
2 Q Okay.
3 A And he had put amounts on there, the amounts of
4 money, and I went ahead and -- and wrote the full
5 fifty for Arkansans for Lawsuit Reform.
6 Q Okay. All right. You also mentioned that --
7 if you would consider a donation to the UCA
8 Foundation?
9 A Yes.
10 Q All right. Do you have any connection to UCA?
11 A Yes.
12 Q Okay. What's your connection?
13 A My connection is, I realized -- when he sent me
14 the fax, he put a question mark. He didn't put any
15 specific amount of money, but he put a question
16 mark. And I got to thinking about UCA, and -- and
17 my connection with UCA, you asked me that.
18 Q Thank you. Yes.
19 A My connection is is that over half -- or
20 50 percent of all the therapists that work in my
21 nursing homes have graduated from UCA. If UCA
22 didn't graduate those therapists to work in my
23 nursing homes, I wouldn't have any nursing homes.
24 Q Sure.
25 Let me ask you. Other than -- did you -- have
0080
1 you ever had any family attend UCA?
2 A Not that I know of.
3 Q Do you have any family that are on the faculty?
4 A Not that I know of.
5 Q Do you know anyone on the faculty at UCA?
6 A No.
7 Q Do you know anybody in administration of UCA?
8 A No.
9 Q Have you ever had a relative who's been an
10 employee of UCA at any capacity?
11 A No.
12 Q Have you had any relatives whatsoever attend
13 UCA?
14 A No.
15 Q Have you been to UCA functions?
16 A No.
17 Q Have -- when's the last time you were on campus
18 at UCA?
19 A Never, that I know of.
20 Q All right. So --
21 A Other than picking someone up.
22 Q All right. So -- and who were you picking up?
23 A A friend of mine that works for me in -- or did
24 work for me in Conway.
25 Q All right. And so you're going to make this --
0081
1 you -- I think you told us, when you get the fax,

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24 put money in a PAC because I have given lots of
25 money to PACs.
0077
1 Q Okay. Did you find it unusual that, prior to
2 this time and every time you've contributed to a
3 judicial campaign, the money has gone directly to
4 the campaign, but this time we're using PACs?
5 A Are you talking about judicial?
6 Q Yes.
7 A No, I -- I didn't think any of that. I just
8 thought that that's how they wanted it.
9 Q And at that time, obviously Mr. Baker was aware
10 of the \$5.2 million verdict that was -- was in
11 place?
12 A Yes.
13 Q Did you have any discussion with Mr. Baker in
14 Russellville at that meeting about the Bull case?
15 A Not that I recall.
16 Q Did you have any discussion with Mr. Baker
17 about anything else, other than the specific amount
18 for Maggio and the specific amount for Wood?
19 A Yes.
20 Q Okay. What -- what else?
21 A He discussed money for Arkansans for Lawsuit
22 Reform.
23 Q All right.
24 A And then he asked me if I would consider a
25 donation to the UCA Foundation.
0078
1 Q All right. The money for Arkansans for Lawsuit
2 Reform, that -- that's a PAC?
3 A Arkansans for Lawsuit Reform.
4 Q I'm sorry. That's a PAC, correct?
5 A I'm not sure if it's a PAC or not. I think
6 it's a -- I don't know what it is.
7 Q All right.
8 A But it's -- it's -- I refer to it as that,
9 so...
10 Q All right. Did he discuss a specific amount?
11 A Yes.
12 Q Okay. What was the amount?
13 A 50,000.
14 Q All right. Did he discuss how he wanted the
15 money?
16 A No -- no, no.
17 Q What was your response to -- to his -- his
18 request?
19 A I would consider it.
20 Q You didn't agree or disagree with giving them
21 money during that meeting?
22 A Not then, no.
23 Q Later on, you made a decision?
24 A Yes.
25 Q What was your decision?

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2 that -- and we're not quite to that fax yet, but on
3 the fax, I assume Mr. Baker listed out the PACs for
4 the Maggio money?
5 A Yes. Yes.
6 Q Did he list the Rhonda Wood campaign?
7 A Yes.
8 Q Okay. Did he list the money for Arkansans for
9 Lawsuit Reform?
10 A Yes.
11 Q And did he list UCA Foundation on that fax?
12 A No, he put -- he put -- yes, but he put a
13 question mark --
14 Q Okay.
15 A -- at the end of that. He didn't put any
16 money.
17 Q All right. So on the PACs, do you recall how
18 many PACs there were and the size of the donation to
19 each PAC?
20 A Yes.
21 Q Okay. What was it?
22 A There were 10 PACs and 3,000 each.
23 Q Okay. And then for the Wood campaign?
24 A 50,000.
25 Q All right. And then Arkansans for Lawsuit
0082
1 Reform?
2 A 50,000.
3 Q And then you've already mentioned that with UCA
4 Foundation had a question mark.
5 A Yes.
6 Q And -- and you don't have that fax anymore?
7 A No.
8 Q Did you write all of those checks at the same
9 time?
10 A Yes.
11 Q Okay.
12 A I -- I -- I think -- I say yes. I think so.
13 Q All right. And so I believe you wrote the
14 checks on July the 8th of 2013. Does that sound
15 right?
16 A Yes.
17 Q All right. That was the same day there was a
18 hearing in Conway, right?
19 A I don't know, but I know that that's the date
20 I've seen on the checks.
21 Q Sure.
22 Do you know if there was a hearing on a motion
23 to -- whether or not to remit the verdict that same
24 day when you wrote these checks?
25 A I -- I think that that's what I've read.
0083
1 Q Okay.
2 A Yeah.
3 Q You weren't aware of -- of when the hearing was

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4 going on?
5 A No.
6 Q That was a pretty important hearing, wasn't it?
7 A Well, to me, yes. Yes. It was -- I guess I
8 need to ask a question.
9 THE WITNESS: John, is this okay?
10 MR. EVERETT: Tell me what the
11 question is.
12 THE WITNESS: (Conversed with
13 counsel.)
14 MR. EVERETT: The question is -- I
15 think the question is, do you know that
16 there was a hearing held in Faulkner
17 County on July 8th? Is that your
18 question?
19 MR. BUCHANAN: Yes.
20 MR. EVERETT: And I gather you
21 meant, at the time you wrote the checks,
22 did you know the hearing was going on as
23 opposed to when --
24 MR. BUCHANAN: Okay. Let me see if
25 I can clarify.
0084
1 BY MR. BUCHANAN:
2 Q Did you know that there was a hearing that was
3 going to go on on July the 8th on the motion to --
4 for a new trial or to remit the verdict?
5 A No.
6 Q Okay. All right. And so on -- when you were
7 making out those checks, you were unaware that that
8 was the same day that the hearing was going on on
9 the motion for new trial or motion to remit the
10 verdict?
11 A Exactly.
12 Q All right. So you made out 10 checks for the
13 PACs for Maggio, right?
14 A Yes.
15 Q One check for Wood, right?
16 A No.
17 Q You didn't make that out that day?
18 A I made out several checks to Wood that day.
19 Q Okay. How many did you make out for Wood?
20 A You know, I don't think that I gave her the
21 full fifty, but I can't remember. I think it was
22 around forty-eight. So I'd make out -- I made out
23 24 checks.
24 Q In what amounts?
25 A 2,000 apiece, I think.
0085
1 Q Were those going to be put in PACs, or were
2 they all made out to the Rhonda Wood Campaign?
3 A They were made out to Rhonda Wood.
4 Q Okay. Do you know, did -- did -- did Mr. Baker
5 ask you to make out 24 separate checks for 2,000

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8 checks?
9 A And I don't think that 100,000 probably -- into
10 someone's university's foundation -- I mean, people
11 give millions and millions to them, you know.
12 Q Okay. And I think you -- you answered a
13 question that I didn't ask, but I want to go ahead
14 and ask it. You -- you had never given to UCA in
15 the past, true?
16 A No.
17 Q And have you given --
18 MR. EVERETT: It means yes, that is
19 true?
20 MR. BUCHANAN: Oh, I'm sorry.
21 MR. EVERETT: The question was
22 poorly phrased.
23 A I've -- I've never -- I've never given to them
24 before because I was never asked.
25 BY MR. BUCHANAN:
0088
1 Q Okay. And have you given -- now, eventually,
2 UCA gave that money back, right?
3 A Yes, they did.
4 Q All right. Have you given to them since that
5 time?
6 A No.
7 Q All right. Can you name all of the schools
8 that you've given money to and the amounts that
9 you've given?
10 A No.
11 Q Okay. Can you just -- can you name one?
12 A Yes.
13 Q Okay. What -- which one?
14 A I can -- Arkansas Tech, I've -- I gave them a
15 million-dollar building behind the hospital at
16 St. Mary's --
17 Q Okay.
18 A -- that they've turned into a nursing school
19 and EMT school and therapy school -- or assistant.
20 They -- they do COTAs and stuff there.
21 Q All right. What else besides -- any other
22 gifts to Arkansas Tech?
23 A Well, they run Ozark now, or they -- Ozark is
24 an affiliate of Arkansas Tech. I gave them money
25 for their reflection pool and their walking trail
0089
1 around the campus.
2 Q Okay. How much did you give?
3 A I don't know how much -- I can't remember how
4 much that was. I've given -- some were close to
5 probably a half a million to the Kipp School over in
6 Helena.
7 Q What is the Kipp School?
8 A It's a school for underprivileged children in
9 the Helena, Batesville -- they've got two of them,

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6 apiece?
7 A No, but he didn't put any kind of PAC or
8 anything beside it, so I just made them out that
9 way.
10 Q You -- these were from different companies, I
11 assume?
12 A Yes.
13 Q Okay. So each -- you had 24 companies give
14 2,000 apiece, right?
15 A Yes.
16 Q All right. The Arkansans for Lawsuit Reform,
17 how many checks were made out?
18 A Two.
19 Q Okay. Was -- what was the reason for that?
20 A To have Arkansans for Lawsuit Reform to
21 continue operating.
22 Q No. I guess my question is, why not just one
23 check instead of two?
24 A Because I hesitated in writing the fifty. I
25 wanted to only write twenty-five. And then I got to
0086
1 thinking about it, and so I just wrote another
2 twenty-five before it went out.
3 Q Okay. Were those from you personally?
4 A I think so.
5 Q All right. When you've -- and then the UCA
6 check, that was one check right?
7 A Yes.
8 Q How did you arrive at \$100,000?
9 A Because even though I don't have any relatives
10 or faculty members or anybody else at Arkansas Tech
11 or University of Arkansas or any other place I've
12 given money to, I have given substantial amounts of
13 assets and money to different organizations. And
14 what I had given them that, you know -- I got some
15 nurses out of Arkansas Tech and their school over
16 here at Ozark. I help them. So I thought, you
17 know, if it was not for UCA and their therapy
18 school -- this was just, in my own mind, thinking
19 that -- that, you know, I would not have a -- I -- I
20 would not be profitable. That's all there is to it.
21 And so I thought, I need to make a substantial
22 contribution to this.
23 Q Okay.
24 A And the reason I had never made it before --
25 well, that wasn't a question, but -- but that's --
0087
1 that's how I come up with 100,000. I thought it
2 needed to be substantial.
3 Q Okay. But there was no math to it like --
4 A Oh, no.
5 Q -- these other -- these other checks --
6 A No, no.
7 Q -- where we split it up into 24 different

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10 one in Batesville now, I think, and one in Helena.
11 Q Anywhere else that you can think of?
12 A I've given buildings in Hope, Arkansas to the
13 Rainbow Coalition that helps mentally retarded
14 children. I think it was somewhere in the
15 neighborhood of 500,000.
16 Q Anywhere else?
17 A I gave another building in Hope to the
18 University of Arkansas.
19 Q Anywhere else?
20 A I've given money to the University of Arkansas
21 Fort Smith for their -- they call it the Arts
22 Program for after-school underprivileged children
23 that don't have the money to be able to learn how to
24 play the piano or different things like that, the
25 arts.
0090
1 Q How -- how much money did you give the --
2 A I give them 25,000 a year.
3 Q Anything else that you can recall, any schools
4 that -- that you give money or buildings or any kind
5 of property to?
6 A I have given lots of other property to --
7 Q To schools?
8 A No -- well, most -- it's kind of a school, but
9 I've given a building away in Dardanelle, and they
10 use it for a battered women's shelter and for Bost
11 Schools and some other stuff. I've given a building
12 away in Eufaula, Oklahoma for the same thing. I
13 think they even got a police -- a substation, a
14 police station in it.
15 Q Did you say Bost?
16 A Bost.
17 Q Uh-huh.
18 A Bost Schools in Fort Smith.
19 Q What is that?
20 A It's a -- it's a deal for mentally challenged
21 adolescents, I think, or -- well, it's not
22 adolescents. They -- I guess maybe adults. But
23 they -- they're young adults, and they give them a
24 place to stay, and then they have them working at --
25 at different jobs.
0091
1 Q With -- was there a reason that you wanted to
2 be anonymous on the UCA donation?
3 A Well, I like to be anonymous on all of these
4 donations, but sometimes you just can't be. But the
5 reason is -- are you wanting to know why I want to
6 be anonymous?
7 Q Yes, on that particular donation.
8 A Just -- I try to be the same way on all of
9 them.
10 Q Okay. All of these other donations have been
11 anonymous donations?

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12 A Yeah. I tried -- I mean, you can't keep them
13 from doing what they want to do. They named the
14 building in Russellville Morton Hall, you know,
15 but -- and the reason -- and I hate to be -- if you
16 -- when stuff like that happens, everybody starts
17 asking you for money, you know, and I already give a
18 -- you know, quite a bit. But it's just, you
19 know -- it would, you know, open up things to -- I'd
20 just rather be anonymous.
21 Q All right. We've talked about the Russellville
22 meeting. Leading up to the fax -- well, first of
23 all, when did you get the fax? When did you get the
24 fax?
25 A I don't know the date. I probably got the fax
0092
1 the very same day I wrote the checks, though. I can
2 tell you that, probably.
3 Q Do you recall having any contact with Mr. Baker
4 leading up to the time that you wrote the checks?
5 A No. He could have called me and told me he was
6 sending the fax, for all I know, be aware it's
7 coming. I'm not sure about that. It wouldn't
8 surprise me if he had.
9 THE WITNESS: Can we take a break so
10 I can --
11 MR. BUCHANAN: Sure.
12 MR. EVERETT: Wait a minute. When
13 you get to a good place.
14 MR. BUCHANAN: No, that's fine.
15 THE VIDEOGRAPHER: Do you want to
16 change the tapes too? I've got about 10
17 minutes left.
18 MR. BUCHANAN: No. That's good.
19 THE VIDEOGRAPHER: The time is 56
20 minutes past 11. This is the end of Tape
21 No. 2 to the deposition of Michael
22 Morton. We're now off the record.
23 (WHEREUPON, after a break was taken,
24 the proceedings resumed as follows.)
25 THE VIDEOGRAPHER: The time is four
0093
1 minutes past 12. This is the start of
2 Tape No. 3 to the deposition of Michael
3 Morton. We're back on the record.
4 Counselor.
5 BY MR. BUCHANAN:
6 Q When you made out all of those checks to the
7 Wood campaign, were -- were they dated July the 8th?
8 A Yes.
9 Q Okay. And -- never mind.
10 I want to go back to the Plea Agreement, which
11 is Exhibit 2. And if you could turn to page 9.
12 MR. EVERETT: Do you have an extra
13 copy of that?

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16 A No.
17 Q Okay. Do you know if this would be -- I mean,
18 we -- we settled on the fact that your meeting in
19 Russellville was roughly a month before the checks
20 were written. Do you -- do you -- do you recall
21 having any telephone conversations with Mr. Baker
22 after that meeting in Russellville?
23 A We could have been -- he could have been
24 talking to me about having -- we had another meeting
25 at a later date, and we could have been talking
0096
1 about it.
2 Q Okay. But you don't recall if that's what it
3 is?
4 A I don't recall a specific conversation on
5 June 17th at 6:23 p.m.
6 Q All right. The -- the lawyers in your case, in
7 the Bull case, filed a motion for a new trial that
8 morning --
9 A Which morning?
10 Q -- according to the documents. June the 17th.
11 A Oh.
12 Q You wouldn't be calling him to talk about that,
13 would you?
14 A I didn't even know they had done that, so no, I
15 wouldn't.
16 Q Now, I understand there was another in-person
17 meeting with Mr. Baker?
18 A Yes.
19 Q All right. Where was it at?
20 A Sonny Williams Steakhouse.
21 Q All right. And according to -- to your
22 discovery responses, it looks like it was around
23 June the 18th, so the day after that phone call we
24 talked about.
25 A Yeah.
0097
1 Q Was the meeting around --
2 A I -- if -- if they said that, I -- if my
3 lawyers said it, I'll -- I'll agree.
4 Q You'll go with it?
5 A Yes.
6 Q All right.
7 MR. EVERETT: Does it date -- give
8 that date specifically, or does it say
9 "about"?
10 MR. BUCHANAN: It does. Or I think
11 it -- it says "around June 18th."
12 BY MR. BUCHANAN:
13 Q What was the purpose of this meeting?
14 A We had a long conversation with people about
15 tort reform.
16 Q Who was present?
17 A Jim Cooper, myself, David Norsworthy, Gilbert,

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14 MR. BUCHANAN: I do.
15 MS. RANDALL: (Hands document.)
16 MR. EVERETT: Thanks.
17 BY MR. BUCHANAN:
18 Q And if you could look to June 17, 2013.
19 A Page 9?
20 Q Of the Plea Agreement, Exhibit 2, right over
21 here.
22 A Oh. Is this -- on the Plea Agreement, page 9?
23 Q Yes, sir.
24 A Okay.
25 Q If you -- if you look to June 17, it looks like
0094
1 you called -- at 10:29, it says, "Individual A
2 called Individual B, five seconds."
3 Do you see where I'm -- I'm talking about?
4 A Yes.
5 Q All right. And that would be you making a call
6 to Mr. Baker, right?
7 A If you believe that Individual A is me.
8 Q Okay. Do you deny Individual A is you?
9 A I don't -- I don't confirm nor deny that. I --
10 I -- I don't like anything about this whole plea, so
11 I -- I guess my lawyer could advise me what to say
12 on that, but, you know, it just says Individual A.
13 Q Okay. Well --
14 A I'd feel better if it said Michael Morton.
15 Q Okay. Do you -- do you -- I know you don't
16 like it, but do you believe that you are Individual
17 A?
18 A I believe this document was put together with
19 me in mind as being Individual A.
20 Q And do you believe that this document was put
21 together with Mr. Baker in mind, with Mr. Baker
22 being Individual B?
23 A Yes.
24 Q Okay. If you look at June 17, 2013, you will
25 see that a phone call, Individual A to Individual B,
0095
1 and it just says, "Five seconds." So I assume -- do
2 you -- I assume that that basically goes to voice
3 mail or no answer?
4 A I guess. I don't know.
5 Q I mean, five seconds is not a long time, is it?
6 A No.
7 Q If you go down to 5:51 p.m., Individual A to
8 Individual B. So if you believe that the parties
9 are Individual A and B would be you making another
10 phone call to Mr. Baker, correct?
11 A Yes.
12 Q And then it looks like, at 6:23, Individual B
13 calls you, so that would be Baker calls you, and
14 there's a four minutes and 39 second phone call. Do
15 you know what that telephone call was about?

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18 Linda Lee Flanagan, and John Goodson.
19 Q Where did this -- was it in a private room
20 or...
21 A Just sitting out in the middle of Sonny
22 Williams.
23 Q All right.
24 A They don't have a private room, I don't think.
25 Q And -- okay. Did -- was there any mention
0098
1 about judicial candidates?
2 A No.
3 Q Okay. Was there any mention of the Martha Bull
4 case?
5 A No.
6 Q What -- tell me what you recall about the
7 discussion.
8 A The main thing I -- John Goodson wanted to meet
9 me, Gilbert told me, and he did. And we talked, and
10 I think he had had, at the time, Jeremy Hutchison
11 doing some work for him and how Jeremy was afraid
12 that I was going to try to support Ann Claremore
13 enough to beat him. And that -- the most specific
14 thing I remember is that John Goodson explained to
15 us -- I'm talking about Cooper and myself and David
16 -- how he felt like that the strategy that we should
17 take and implement to try to have some tort reform.
18 Q And what was that strategy?
19 A To have an initiated act and get signatures and
20 put them before a vote of the people.
21 Q And -- all right. Because, again, the session
22 was over, correct?
23 A Yes. Yes, it's -- yes.
24 Q The -- was Hal Honeycutt there?
25 A I don't know Hal Honeycutt.
0099
1 Q Okay.
2 A So who is that?
3 MR. EVERETT: Who is he?
4 MR. BUCHANAN: I don't know.
5 BY MR. BUCHANAN:
6 Q Do you know him?
7 A No.
8 Q Okay.
9 A That's why I'm asking you.
10 Q I've just got -- I've just got a name down.
11 That's it?
12 A Okay. No, I don't know a Hal Honeycutt.
13 Q How long did that meeting last at Sonny
14 Williams?
15 A Long enough to meet and take an order,
16 chitchat, talk about things, and, you know, just
17 eat. I'd say an hour to an hour and a half.
18 Q Do you recall going to a fundraiser for Tim
19 Griffin?

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20 A No.
21 Q Do you recall one of your nursing homes hosting
22 a fundraiser for Tim Griffin?
23 A I certainly do.
24 Q Okay. Tell me what you recall.
25 A That I called the nursing home up and said that
0100
1 Tim Griffin wanted a long-term care purview to have
2 a -- I think that's the word -- to have a
3 fundraiser. And it was going to be there, so
4 someone would be in touch with them about getting
5 everything -- whatever they needed.
6 Q Okay. Were you there?
7 A No.
8 Q Did you contribute around that time of the
9 Griffin campaign?
10 A I'm sure I did.
11 Q Was -- okay. So they had the -- the fundraiser
12 at Salem Place?
13 A Yes.
14 Q But you didn't go?
15 A I did not go.
16 Q All right. Do you know if Mr. Baker was there?
17 A I was told he was there for a little bit.
18 Q Who told you he was there?
19 A My administrator.
20 Q Which one?
21 A Vicki Kirkemeier, the administrator of the
22 nursing home.
23 MR. EVERETT: Say the name again.
24 THE WITNESS: Kirkemeier, Vicki
25 Kirkemeier.
0101
1 BY MR. BUCHANAN:
2 Q And she told you that -- that Mr. Baker was at
3 the fundraiser there at Salem Place?
4 A Yes.
5 Q Did she tell you anybody else was there?
6 A Mr. Griffin and that he wanted to be out in the
7 courtyard playing with the chickens and ducks or
8 whatever we had out there at the time.
9 Q Any -- anybody else who told you he was there?
10 A I -- there was not, no.
11 Q Do you recall any other meetings with Mr. Baker
12 prior to you making out the checks?
13 A No.
14 Q Do you recall any other telephone calls with
15 Mr. Baker prior to making out the checks?
16 A No.
17 Q If you'll turn to page 7 on the Plea Agreement.
18 If you look at the -- at the first paragraph. It
19 says that, basically, Maggio announces -- formally
20 announces his candidacy on June the 27th of -- of
21 2013 for an election to be held May the 20th of

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24 that.
25 BY MR. BUCHANAN:
0104
1 Q Do you have any information as to why there
2 would be communication where Baker would tell
3 Maggio, Win, lose, or draw, you have Individual A's
4 support on the motion for new trial or remittitur?
5 A I -- I don't know why -- are you asking me why
6 he would --
7 Q Yes.
8 A He would --
9 Q Would say that in any fashion; text, call,
10 whatever.
11 A The only explanation that I would think is that
12 -- I had never indicated anything I ever wanted, so
13 I never did demand any quid pro quo or anything
14 about anything and -- to Gilbert or anybody else.
15 So I guess Gilbert felt like that he had my support
16 irregardless -- or regardless of whatever happened
17 because he never talked to me about it.
18 Q You're not saying that you didn't want
19 Judge Maggio to reduce the verdict, are you?
20 A Do what?
21 Q I mean, you wanted Judge Maggio to reduce the
22 verdict, didn't you?
23 A I never thought about it.
24 Q You never thought about it?
25 A Huh-uh.
0105
1 Q So win, lose, or draw, it was all okay with
2 you?
3 A My attorneys informed me that that was one of
4 the options that you're talking about, the
5 remittitur.
6 Q Yes.
7 A But that it very seldom happened in lower case
8 or the lower -- whatever. So that was -- I just
9 felt like that was not -- I didn't think about it.
10 Q Okay. So when -- at the time that the hearing
11 was going on and -- and meanwhile, this
12 communication -- well, we'll just move on.
13 We pick back up here at where -- on the
14 sentence that says, "At another time."
15 A Yes.
16 Q Let me know when you --
17 A Yes.
18 Q Okay.
19 A Yes.
20 Q "At another time, Individual B reminded Maggio
21 that he would receive campaign financial support if
22 he made the, quote, tough calls, unquote, while on
23 the bench. Maggio understood that Individual B was
24 advising Maggio that, in exchange for Maggio's
25 ruling in favor of Individual A and Company A,

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22 2014.
23 "On or about June 29, 2013, at approximately
24 8:15 a.m., Individual B sent Maggio a text message
25 stating, in part, "Well, your first 50K is on the
0102
1 way." Maggio understood that this 50K included
2 financial support from Individual A."
3 Do you know why Mr. Baker would be sending
4 Mr. Maggio a text saying, "Your first 50K is on the
5 way, on June 29th?"
6 A No.
7 Q Do you have any explanation for why Mr. Baker
8 would send Mr. Maggio that kind of a text at -- on
9 June 29th?
10 A No.
11 Q Do you have any explanation as to why
12 Judge Maggio understood that this 50,000 included
13 financial support from you?
14 A No.
15 Q Okay. And on -- if you'll turn -- excuse me.
16 We'll -- we'll stay on the same page, the -- the
17 middle paragraph, so just below where we were
18 talking about, page 7 of the Plea Agreement.
19 "Between on or about June 29, 2013, and/or about
20 July 11" -- or excuse me, "July 8, 2013,
21 Individual B communicated to Maggio stating, in
22 essence, "Win, lose, or draw, you have Individual
23 A's support," referring to Maggio's decision on the
24 motion for remittitur -- for new trial or
25 remittitur. Maggio understood that the purpose of
0103
1 this message was not to reassure Maggio that he had
2 Individual A's support regardless of any decision on
3 the remittitur, but rather Individual B was
4 reminding Maggio to make a favorable ruling to
5 Individual A and Company A because of Individual A's
6 financial support of Maggio's campaign."
7 Do you know why -- or do you have any
8 explanation for why Gilbert Baker would send a text
9 saying, "Win, lose, or draw, you have Individual A's
10 support?"
11 MR. EVERETT: Object to the form of
12 the question.
13 MR. WATTS: Join in the objection.
14 MR. EVERETT: There is nothing in
15 the language you read that says it's a
16 text.
17 MR. BUCHANAN: Okay.
18 MR. EVERETT: I don't think.
19 MR. BUCHANAN: I'm sorry.
20 MR. EVERETT: Unless you have some
21 information we don't have.
22 MR. BUCHANAN: No. No. I'm sorry.
23 And -- and thank -- thanks for clarifying

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0106
1 Individual A would provide campaign donations to
2 Maggio."
3 Do you have any information as to why Mr. Baker
4 would somehow communicate to Maggio that he would
5 receive this campaign money if he made the tough
6 calls while on the bench?
7 A No.
8 Q When we move to page 8 of the Plea Agreement
9 towards the bottom of the page where it says,
10 "Maggio stipulates that the United States would
11 show" -- the last paragraph, the start of the last
12 paragraph. At least this -- this exhibit says,
13 "Maggio stipulates that the United States would show
14 that on or about July 8, 2013, Individual A wrote
15 \$3,000 checks to eight PACs for a total of \$24,000
16 intending that the money would go to Maggio's
17 campaign."
18 We know that's not necessarily true, right?
19 A Perhaps, like the rest of the document, it
20 could not necessarily be true.
21 Q In fact, you wrote 10 checks, right?
22 A Yes, I did.
23 Q And you intended for those 10 checks to go to
24 Maggio, the money to go to Maggio?
25 A That's what I told the FBI.
0107
1 Q And that's what you're telling us, right?
2 A Yes.
3 Q And so the total would be 30,000.
4 "Maggio further stipulates that the United
5 States would show that Individual B used seven of
6 these checks to fund PACs that contributed to
7 Maggio's campaign."
8 Do you know how many of the PACs of the -- the
9 10 checks, how many ended up or how much money ended
10 up in the Maggio campaign?
11 A Mr. Buchanan, I know this for certain. When
12 you write a check to a PAC, you lose all control.
13 And I knew that when I wrote those checks. But
14 whatever my intentions were or anything else, I know
15 that putting money into a PAC, I didn't know where
16 it was going or what they would do with it.
17 Q My question to you was not that.
18 A You asked me if I knew.
19 Q My question to you is, do you know how much
20 went to the Maggio campaign?
21 A Not any more than what has been written in the
22 newspaper.
23 Q Okay. All right. When did you tell the FBI
24 that you wrote 10 checks for \$3,000?
25 A I don't know if I told them that.
0108
1 Q When did you meet with the FBI?

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2 A A long time ago.
3 Q Well, I mean, do you recall?
4 A I recall them asking me about the PAC checks.
5 Q Okay.
6 A And I don't know if they questioned me about
7 the number or anything else. I just know that I had
8 written checks to PACs, and I knew what I intended
9 for them to do.
10 Q Okay.
11 A I told them that.
12 Q All right. Was there anything that you
13 wouldn't answer to the FBI?
14 A Oh, no.
15 Q Okay. You answered all of their questions?
16 A Oh, yes.
17 Q All right. And do you remember what month it
18 was when you met with the FBI?
19 A I don't know the exact month.
20 THE WITNESS: Do you -- do you
21 remember?
22 MR. EVERETT: Here's the source of
23 some of the confusion. There were
24 actually two FBI involvements once they
25 came to his office. I'm not sure if he
0109
1 talked to them or not.
2 THE WITNESS: I didn't that time.
3 MR. EVERETT: I talked with them.
4 And then he goes to the United States
5 Attorney's Office, and he's probably --
6 he's probably not connecting that that's
7 with the FBI. Rather, he thinks he's
8 talking -- the FBI was there. But -- but
9 he might be hearing you say FBI and --
10 THE WITNESS: Well, see, I can't
11 even --
12 MR. EVERETT: Wait. Wait a minute.
13 And not counting US Attorneys.
14 THE WITNESS: Okay.
15 MR. EVERETT: So -- and -- and I
16 don't know when that was, but if it's
17 important to you, I can find it out and
18 I'll let you know.
19 MR. BUCHANAN: Okay.
20 BY MR. BUCHANAN:
21 Q The -- the -- the time when the agent showed up
22 at your office --
23 A Yes.
24 Q -- were you there?
25 A Yes.
0110
1 Q Okay. When was that?
2 A I don't remember the exact date. I'd say six
3 months or --

4 MR. EVERETT: Longer than that.
5 A Last summer, I guess maybe.
6 BY MR. BUCHANAN:
7 Q Okay. Do you --
8 THE WITNESS: July or August, you
9 think?
10 MR. EVERETT: I'll -- I'll let you
11 know if it's important.
12 A If it's -- I can get an exact date if you need
13 one somehow.
14 BY MR. BUCHANAN:
15 Q All right. What were they after, if you know?
16 A They asked about checks. They were confirming
17 stuff that I guess they already knew, but mainly,
18 according to my attorney, they talked to him and --
19 MR. EVERETT: Don't tell him what I
20 told you.
21 THE WITNESS: Okay.
22 BY MR. BUCHANAN:
23 Q But -- but -- did you -- did you have a -- do
24 you remember the names of the agents that you
25 visited with?
0111
1 A No. I didn't visit with them.
2 Q Okay. You did not visit with them?
3 A My attorney did.
4 Q All right. Do you -- do you know what
5 documents they were after?
6 A They wanted to look at PAC checks.
7 Q Anything else that you recall?
8 A No.
9 Q All right. And as I understand, and your
10 attorney has helped me with this, there was a
11 meeting, it sounds like in Little Rock, where you
12 went to the United States Attorney's Office.
13 A Yes.
14 Q And -- and -- and you visited with some folks
15 there?
16 A Yes.
17 Q Do you recall who you visited with?
18 A I don't remember the exact names.
19 Q Okay. Was one of them Julie Peters?
20 A Yes.
21 Q Was Ward Seal there?
22 A I don't know.
23 Q All right. And during this meeting, this is
24 when you say you met with the FBI, this meeting with
25 Julie Peters. Was anybody else present besides
0112
1 Julie Peters?
2 A Three other people.
3 Q Okay. On their side?
4 A Yes.
5 Q And I assume Mr. Everett was with you?

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6 A Yes.
7 Q Okay. Were there questions that they've asked
8 you that I have asked you about?
9 MR. EVERETT: Say the question
10 again.
11 MR. BUCHANAN: Sure.
12 BY MR. BUCHANAN:
13 Q Were there -- were there -- were there topics
14 that they asked you that I haven't asked you about?
15 MR. EVERETT: That you have not
16 asked him about?
17 MR. BUCHANAN: Yes.
18 A I don't -- I don't think so.
19 BY MR. BUCHANAN:
20 Q Okay. Were there any people or individuals
21 that they asked you about that we haven't discussed
22 yet?
23 A No.
24 Q Do you recall about how long the meeting
25 lasted?
0113
1 A A couple of hours.
2 Q Was Mr. Baker there that day, or do you know?
3 A No. He wasn't with me. Could have been
4 somewhere else. I don't know.
5 Q I assume you have copies of these checks or you
6 could get copies of these checks that you wrote on
7 July the 8th. I know you've provided some of them
8 to us. So, I mean, for example, the Wood checks, I
9 mean, I assume you could get copies of those if you
10 needed to?
11 A Yes.
12 Q All right. Were you aware on July the 8th that
13 none of these PACs had registered yet?
14 A No.
15 Q Have you had an opportunity to look at the
16 documents to see the donors to these PACs, who
17 donated to these PACs?
18 A No.
19 Q Okay. Is there -- I mean, can you explain why
20 you and your companies are the only donors to those
21 PACs in July of 2013?
22 A No.
23 Q Can you explain why, if Gilbert Baker is trying
24 to raise money in July of 2013, why he would only
25 approach you?
0114
1 A No.
2 Q Do you have any information that Mr. Baker
3 solicited on behalf of the Maggio or Wood campaigns
4 to anybody else besides you or your companies?
5 A No, I do not know who all he solicited.
6 Q Can you explain why -- with one exception, why
7 you and your companies are the only donors to these

8 PACs?
9 A No.
10 Q Were you asked to testify before the grand
11 jury?
12 A No.
13 Q Have you been asked to testify at all?
14 A No.
15 Q Okay. Have you received a target letter from
16 the US Attorney's Office?
17 A No.
18 Q If you go to -- back to the Plea Agreement,
19 there's a call that is --
20 A What page?
21 Q Page 9.
22 A Okay.
23 Q There's a -- it looks like there's a call -- or
24 actually, there are -- there are some calls to --
25 from B to Maggio, and then there is a call from what
0115
1 appears to be you to what appears to be -- appears
2 to be Mr. Baker to you at 4:05.
3 A Uh-huh.
4 Q Do you see where I'm talking about?
5 A Yes.
6 Q Okay. And it's eight minutes and -- basically,
7 8 1/2 minutes long. Do you recall what that call
8 was about?
9 A No.
10 Q Okay. At that point, Mr. Baker should have
11 received all of those checks, right?
12 A If I shipped them on the 8th and I did it
13 FedEx, he would have had them, I guess. I don't
14 know. It could have set around for a while.
15 Q Sure.
16 A I just don't know. I am unsure of that.
17 Q All right.
18 A He certainly could have.
19 Q I'll mark as Exhibit 4 a document that you
20 brought with you here today.
21 A Uh-huh.
22 Q And this is a document, I believe, that you
23 said that -- that you provided to either the FBI or
24 the US Attorney's Office, one.
25 (WHEREUPON, Exhibit 4 was marked for
0116
1 identification and attached hereto.)
2 A One or the other, yes.
3 Q All right.
4 A I don't know which, but...
5 Q And is this the -- the FedEx, I guess, receipt
6 for -- for the -- the package that had the checks in
7 it?
8 A Yes.
9 Q All right. And the sender was Pat Cherry. Is

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10 that your secretary?
11 A Yes.
12 Q And it's from Central Arkansas Nursing Centers
13 to Mr. Baker at 17 Cooper Lane in Conway, Arkansas,
14 is that right?
15 A Yes.
16 Q And if you look at how the -- what the service
17 type was, it says, "FedEx standard overnight." Do
18 you know what that means?
19 A They're supposed to get it the next day.
20 Q Okay. And it -- it appears that there is a
21 time that it was delivered, and it looks like it was
22 delivered somewhere -- 10:31. Don't know if that's
23 a.m. or p.m., but 10:31 the next day?
24 A Uh-huh. Where --
25 Q Is that fair to say?
0117
1 A Is it on there?
2 Q It's kind of the left-hand side over towards
3 the bottom.
4 A Okay. Yes.
5 Q Okay. All right.
6 A And I would assume that's morning.
7 Q Yeah. So at -- at least -- just based on
8 looking at -- at Exhibit 4 to your deposition, it
9 appears that the package arrived sometime around
10 10:31 in the morning on July the 9th, correct?
11 A Yes.
12 Q All right. And it looks like there are a few
13 calls here. It looks like Mr. Baker called Maggio
14 at 3:30 and then at 3:31, and then he called you at
15 4:05. Is this -- does this -- does this FedEx
16 receipt help refresh your recollection at all as to
17 whether or not y'all were talking about the checks
18 or the Maggio campaign or anything like that?
19 A Well, we never talked about any campaign --
20 Q Okay.
21 A -- about anybody. But I don't know what the
22 phone call -- he could have been calling me up
23 thanking me for sending it so quick, for all I know,
24 but, you know, I -- I don't know. I don't have any
25 specific conversation that I remember that day.
0118
1 Q Okay. And now, this phone call appears to be
2 longer than the other phone calls on here, right?
3 A Yes. Yes.
4 Q And you don't know why?
5 A No. The only thing that I would suspect --
6 Q Uh-huh.
7 A -- is that -- Gilbert liked talking to me about
8 candidates that was running for office and getting
9 money, so he could have been starting on a whole new
10 bunch, for all I know. That's what Gilbert does.
11 Q Yeah.

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14 Q I'm going to mark a couple of exhibits and ask
15 you about them. We'll mark as Exhibit 5 a check
16 from Mr. Morton to the UCA Foundation. Does that at
17 least appear to be a copy of the check that you sent
18 Mr. Baker?
19 (WHEREUPON, Exhibit 5 was marked for
20 identification and attached hereto.)
21 A Yes.
22 Q All right. And I'll mark as Exhibit 6 a copy
23 of some checks. You can flip through them, but I
24 think there are eight of them. Do those all at
25 least appear to be checks -- or copies of checks
0121
1 that you sent to Mr. Baker's house?
2 (WHEREUPON, Exhibit 6 was marked for
3 identification and attached hereto.)
4 A Yes.
5 Q All right. And in particular, they're all
6 for \$3,000 and made out to different PACs, correct?
7 A Yes.
8 Q And it appears that each one of them was from a
9 different company that you own, right?
10 A Yes, or me personally. I'll have to see how
11 many personal checks there are.
12 MR. EVERETT: Yeah.
13 THE WITNESS: That one is personal,
14 isn't it?
15 BY MR. BUCHANAN:
16 Q But again, they're either from you or a company
17 that you own, correct?
18 A Yes.
19 Q And I think you've told us here today that, in
20 addition to these eight, there are two others out
21 there?
22 A Yes.
23 Q And they are also made out to PACs?
24 A Yes.
25 MR. EVERETT: Give me just a second.
0122
1 Did you get these from our stuff?
2 MR. BUCHANAN: I got them from
3 Richard because I think y'all turned over
4 like six. Those were attached to Chris
5 Stewart's affidavit.
6 MR. EVERETT: Chris Stewart's
7 affidavit in connection with what?
8 MR. BUCHANAN: He provided an
9 affidavit --
10 MR. EVERETT: To the ethics people?
11 MR. BUCHANAN: -- to the ethics
12 people -- maybe I got them and not
13 Richard.
14 MR. WATTS: I was going to say I
15 think you got them from them.

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12 A That's what I was used to from Gilbert.
13 Q Right.
14 A So he -- you know, he got that money that day,
15 and he could start on a whole new batch.
16 Q But you don't know what he was talking about?
17 A No.
18 Q Okay.
19 A I'm just telling you what my -- the norm was.
20 Q And you figured -- you do things by the norm,
21 right?
22 A Well, it's -- it seems like that people that
23 raise money for politicians --
24 Q Well --
25 A -- they -- they -- it's -- that's their
0119
1 standard operation.
2 Q Sure.
3 And -- and so you -- you assume that you --
4 that you were talking to Gilbert because he likes
5 talking about candidates because that was the norm
6 for him, right?
7 A Yes.
8 Q Okay. But what wasn't norm was for you to put
9 money for judicial candidates in PACs of which
10 you're the only donor that are sent on the same day
11 as a hearing to reduce a \$5 million verdict. That's
12 not the norm, is it?
13 A I had never done that before.
14 Q All right. Is it -- is it a coincidence -- is
15 it just a coincidence to you that you're sending
16 these checks to the Maggio campaign on the same day
17 when he's making a decision or is hearing arguments
18 about a decision on whether to reduce or remit a
19 \$5.2 million verdict?
20 A Is that a question?
21 Q Yeah. Is it -- is it a coincidence to you?
22 A That's exactly what it was.
23 Q Okay. And -- and can you at least see how some
24 people might think that the check to UCA was
25 Gilbert's payoff for doing this -- for being the
0120
1 intermediary to -- between you and Maggio?
2 A No, but I guess, if that's what a person wants
3 to perceive that to be, they -- they don't have to
4 believe anything I say.
5 Q All right. So do you recall receiving the -- a
6 letter from -- from Tom Courtway -- or not Tom
7 Courtway -- a letter from UCA Foundation returning
8 the money to you?
9 A Well, I remember the first of -- the first --
10 the letter from Courtway --
11 Q Right.
12 A -- thanking me for the donation. I don't know
13 if I got a letter. He just sent the check back.

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16 It's not one of these.
17 MR. EVERETT: Are these exhibits?
18 MR. BUCHANAN: They are. They're
19 Exhibit 6.
20 MR. EVERETT: Oh, one of them is
21 probably marked.
22 MR. BUCHANAN: I don't think it is,
23 but...
24 MR. EVERETT: I bet it is.
25 MR. BUCHANAN: I think so. I think
0123
1 --
2 MR. EVERETT: I bet it is.
3 THE WITNESS: Well, this check here
4 is -- that was marked.
5 MR. EVERETT: Here we go. This is
6 marked 6.
7 THE WITNESS: Okay.
8 MR. EVERETT: Here we go. Thank
9 you.
10 THE WITNESS: Have you got a
11 paperclip?
12 MR. BUCHANAN: I do.
13 BY MR. BUCHANAN:
14 Q And all of these checks that we've -- that
15 we've talked about are dated on that July the 8th
16 date, correct?
17 A Yes.
18 MR. WATTS: Tom, I'm sorry. Were
19 those the six checks that you --
20 MR. BUCHANAN: Those were eight
21 checks.
22 MR. WATTS: Okay. Can I see those?
23 BY MR. BUCHANAN:
24 Q I'm going to mark as Exhibit 7 a document from
25 -- an internal memo from UCA -- or -- with regard to
0124
1 the UCA Foundation and see if I can ask you some
2 questions about it. The -- it says, "In July 2013,
3 Gilbert Baker brought me a \$100,000 check to the
4 Academic Facilities Fund. Mr. Baker said that the
5 donor wished this gift to be anonymous."
6 Did you -- is that what you told Mr. Baker?
7 (WHEREUPON, Exhibit 7 was marked for
8 identification and attached hereto.)
9 A Yes.
10 Q And then the UCA Foundation properly receipted
11 this gift on July the 15th of 2013, correct? And
12 then let's go to the second page. "After discussing
13 the unfolding situation with Gary Aday and LaVaughn
14 Morton, I am instructing you to issue a check to
15 return this gift to the anonymous donor. I will
16 provide a short cover letter for you to include.
17 Please remind our staff that this gift was anonymous

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18 and we are not to discuss it outside of work."
19 Is that at least what this Exhibit 7 says?
20 A That's what this document says, yes.
21 Q Okay. And it's dated March the 24th of 2014;
22 is that right?
23 A Yes.
24 Q Okay. And the -- the newspapers broke this
25 story in March of 2014. Does that at least sound
0125
1 right to you?
2 A I thought it was earlier, but -- you know, it
3 went on and on. But that's probably -- that's
4 probably about right.
5 Q Sure. And so would -- this memo would be --
6 would be -- it looks like late March, I'd say. Do
7 you at least agree with that?
8 A Yes.
9 Q I'll mark as Exhibit 8 the -- a letter to you
10 from the UCA Foundation enclosing a check. Does
11 this at least appear to be a letter that's addressed
12 to you?
13 (WHEREUPON, Exhibit 8 was marked for
14 identification and attached hereto.)
15 A Yes.
16 Q And -- and, again, it's dated March the 24th of
17 2014?
18 A Yes.
19 Q And it encloses a \$100,000 check from the UCA
20 Foundation to you; is that true?
21 A Yes.
22 Q I notice in the letter it says, "While we are
23 -- we appreciate such private support, given recent
24 developments, we feel it is in everyone's best
25 interest to return this gift."
0126
1 Do you know what recent developments this lady
2 is talking about?
3 A No. No.
4 Q It says, "Since this was a tax-deductible gift
5 in 2013, we recommend contacting your tax advisor on
6 how best to handle the return of this gift."
7 Did -- did you do that, contact your tax folks?
8 A I'm sure that -- I have a CFO that is
9 responsible for that.
10 Q And all of these gifts, are they all
11 tax-deductible?
12 A Yes. Yes.
13 MR. EVERETT: What gifts are you
14 talking about, to the institutions?
15 BY MR. BUCHANAN:
16 Q Well, all the gifts that you've been talking
17 about to these institutions?
18 A Yes.
19 Q Between the night of the verdict and when

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22 for the healthcare association?
23 A She doesn't now.
24 Q Has she in the past?
25 A Yes.
0129
1 Q All right. Did you have any conversations with
2 her about the amount of the verdict or the
3 remittitur issue?
4 A I don't think so. I might have had a
5 discussion about the case after the -- it was
6 announced. Shortly after -- or all of this was
7 going on, she was transitioning over to work in a
8 campaign for a candidate for Congress.
9 Q Whose -- was that Mr. Griffin's campaign?
10 A No, James Lee Witt.
11 Q But you don't recall any particular discussions
12 with her?
13 A No. No.
14 Q All right. Do you -- have you -- did you have
15 any particular discussions with Judge Wood?
16 A No.
17 Q Okay. You've talked about you -- I think
18 you've mentioned to us that you visited about the
19 verdict with -- with Jim Cooper, so I'll scratch
20 that off my list. Do you -- did you know Linda Lee
21 Flanagan before you ran into her and Mr. Baker at
22 the Brave New Restaurant?
23 A No.
24 Q Have you talked to her since the Brave New
25 Restaurant?
0130
1 A At Sonny Williams. She was at that deal. I
2 don't know what -- I might have said hello, you
3 know, but she was there.
4 Q Since the Sonny Williams meeting, have you
5 talked to her?
6 A No.
7 Q Do you and Mr. Baker -- do you all still
8 communicate?
9 A My attorney told me not to.
10 Q Okay. Well, regardless of whether he told you
11 not to, do you all communicate?
12 A I always do what my attorney says.
13 Q Has anybody lived with you from, say, since the
14 night of the verdict until the present?
15 A No.
16 Q And you're not married, right?
17 A I'm not.
18 Q Okay.
19 MR. BUCHANAN: I think this is
20 probably a good -- good time to change
21 the tape.
22 THE VIDEOGRAPHER: The time is 58
23 minutes past 12. This is the end of Tape

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20 Maggio entered the order remitting the verdict, can
21 you think of anybody that you've had contact with
22 about the -- Maggio running for Court of Appeals,
23 the verdict, or the remittitur that we haven't
24 already discussed?
25 A Mr. Buchanan, I can't even begin to tell you
0127
1 probably how many people wanted to talk to me about
2 this at different times. And, you know...
3 Q And I appreciate that. Any specific people in
4 mind that you talked about that -- that -- I'm just
5 worried that maybe I'm leaving somebody out.
6 A I -- I understand. It would be people that --
7 you know, and I've tried to explain to you. You
8 know, people in the industry, they're going to want
9 to talk about it, you know, especially -- especially
10 after -- given the circumstances and -- and what you
11 classified a while ago as coincidences. There's
12 been a lot of talk. But when you're talking about
13 between the time -- say that again. Between the
14 time of what?
15 Q Well, between the time of the verdict --
16 A Yeah. And then --
17 Q -- and the time it was -- it was -- I'm not
18 talking until now.
19 A Yeah.
20 Q I'm saying from the time of the verdict until
21 the time the order was entered.
22 A Yeah.
23 Q Have you -- did you talk to anybody else about
24 the Maggio campaign, the verdict, or the remittitur
25 that we haven't already talked about?
0128
1 A No.
2 THE WITNESS: Been an hour?
3 THE VIDEOGRAPHER: We've got 10
4 minutes left.
5 BY MR. BUCHANAN:
6 Q Do you know Ruth Whitney?
7 A Yes.
8 Q Have you ever visited with her about this
9 situation, meaning this case?
10 A I don't know that I ever visited with her after
11 the verdict, but she was part of the legal --
12 THE WITNESS: Did she work for y'all
13 or for Mitchell Williams?
14 MS. RANDALL: I don't remember.
15 BY MR. BUCHANAN:
16 Q Well, anyway, Ruth Whitney was there as a jury
17 consultant, right?
18 A Yes.
19 Q Okay. And --
20 A Hired by somebody.
21 Q Yes. Have -- do you know if she does any work

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24 No. 3 to the deposition of Michael
25 Morton. We're now off the record.
0131
1 (WHEREUPON, after a break was taken,
2 the proceedings resumed as follows:)
3 (Gilbert Baker is no longer
4 present.)
5 THE VIDEOGRAPHER: The time is 10
6 minutes past one. This is the start of
7 Tape No. 4 to the deposition of Michael
8 Morton. We're back on the record.
9 Counselor.
10 BY MR. BUCHANAN:
11 Q Mr. Morton, the PAC checks that we marked as
12 Exhibit 6, I think there were eight of them, how do
13 you decide which company gives what?
14 A There's no formula or anything. It's just --
15 prior to this new law, you can't give any from
16 corporations like that, but I would just -- the ones
17 that had money in them, I would use those, you know.
18 Q But there's no method to that?
19 A No, no, no. There's no method, right.
20 Q We'll mark as Exhibit 9, an article. Is what I
21 have marked as Exhibit 9, does that -- at least to
22 be an article from the Arkansas Democrat-Gazette?
23 (WHEREUPON, Exhibit 9 was marked for
24 identification and attached hereto.)
25 A Yes.
0132
1 Q And it appears that -- what's the date -- well,
2 it appears -- it's kind of small, but it looks like
3 it's March 14th --
4 A Yes.
5 Q -- 2014. And I want to focus on the bottom few
6 paragraphs of the -- the first page to start off
7 with. And the first paragraph is where it says,
8 "Michael Morton, the nursing home owner, linked to
9 all of the PACS."
10 It looks like it's --
11 A I see it.
12 Q -- six -- okay. The last sentence in that
13 paragraph says, "Morton called the timing
14 coincidental, but acknowledged a problem with the
15 appearance of the transactions."
16 Did you tell a newspaper reporter that --
17 that -- that -- in your words, that the timing of --
18 of this was all coincidental?
19 A Yes.
20 Q Was that Ms. Shelton from the Democrat-Gazette?
21 A Yes.
22 Q You -- you -- do you still acknowledge a
23 problem with the appearance of these transactions?
24 A Oh, yes.
25 Q And when you move to the second paragraph, you

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0133

1 say, "I have broken no law. If I had done that,
2 that would be against the law. I would never do it."
3 I was asked by people that were handling Judge
4 Maggio's race if I would support him for the appeals
5 court judge, and I said yes because I believe
6 Arkansas needs a more conservative bench."
7 And did you, in fact, tell Ms. Shelton that?
8 A Yes.
9 Q All right. And do you still believe that, if
10 you were trying to influence the judge, that it
11 would be against the law?
12 A Yes.
13 Q Sure. And then it looks like, when you get
14 down to the next paragraph, "Morton said he was
15 asked for his support either right before or right
16 after or during the trial in the lawsuit that led to
17 the big jury judgment in Maggio's Faulkner County
18 courtroom in May 2013."
19 At least in -- in -- in 2014, March '14, you
20 couldn't remember when you were asked for any of the
21 support?
22 A When she called me about this --
23 Q Okay.
24 A -- you know, I didn't have --
25 Q You didn't --
0134
1 A -- have things in front of me. I knew that it
2 was in the proximity.
3 Q You didn't recall that it was actually the day
4 of the verdict?
5 A Not at the time, you know.
6 Q And the next sentence says, "But Morton said he
7 wasn't sure if the request came at the trial time or
8 in July when the follow-up actions led to the
9 reduction of the award in that case."
10 So at least at that time, it could have been in
11 May, it could have been in July; you just didn't
12 recall?
13 A Yes.
14 Q But you recall now, right?
15 A Yes.
16 Q If you turn the page to the very first
17 paragraph, it says, "Asked about the appearance of
18 the actions, Morton said," and I quote, "Looking
19 back at it now, with all of the uproar about it,
20 obviously the appearance is absolutely horrible."
21 Do you still believe that the appearance is
22 absolutely horrible?
23 A Yes.
24 Q Skip to the third paragraph on that page.
25 "Asked why his donations to Maggio weren't made
0135
1 directly from him or his businesses as he has done

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4 Flanagan. I did not tell her to do that or
5 instruct her to do that," Baker said Wednesday. He
6 said he had no discussions with Flanagan or Morton
7 about giving to Maggio's campaign."
8 Is that -- is that true?
9 A I cannot -- I cannot speak as to what Gilbert
10 Baker says --
11 Q Okay.
12 A -- you know.
13 Q Well, did -- he's telling -- at least the paper
14 is attributing him as saying that -- that he had no
15 discussions with Flanagan or Morgan -- Morton about
16 giving to Maggio's campaign. You know that's not
17 true, don't you?
18 A Right. He -- I guess he didn't want this
19 reporter to keep asking him questions. I don't
20 know.
21 Q Sure.
22 A I can't speak for him.
23 Q Sure. You don't know why he --
24 A I know who I talked to.
25 Q All right.
0138
1 A And I know what the discussion was.
2 Q Sure.
3 A If I would support Maggio.
4 Q And then you know --
5 A But the mentioning of -- of all of this other
6 you've talked about was not mentioned that day.
7 Q Well, here's -- here's -- what you do know is
8 that you had an in-person meeting with Gilbert Baker
9 where Gilbert Baker asked for specific candidates
10 about specific amounts, true?
11 A Not this day, not here.
12 Q Well, no, it had already been -- this is a year
13 later, right?
14 A Oh.
15 MR. WATTS: I have to object to the
16 form of that question.
17 MR. EVERETT: And I join that
18 objection.
19 MR. BUCHANAN: All right. That's
20 fine.
21 BY MR. BUCHANAN:
22 Q Mr. Morton?
23 A Yes.
24 Q Your meeting with Gilbert Baker was -- was in
25 2013, was it not?
0139
1 A Yes. The original one, the very first being
2 asked whether I would support Maggio?
3 Q That was in 2013, right?
4 A Yes. Yes.
5 Q May 16, 2013?

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2 with other judicial candidates, Morton said, "The
3 people who were running his campaign wanted me to
4 put them in PACs. I don't know why, and I didn't
5 ask."
6 Are those people Mr. Baker and -- is that
7 person Mr. Baker?
8 A Yes.
9 Q Is there anybody else who wanted you to put it
10 in PACs?
11 A No one that I talked to. There could have been
12 someone that Mr. Baker was consulting with or
13 talking to. I don't know.
14 Q Right. But -- but at least the people that you
15 had -- the only person you had conversation with
16 about putting money in PACs was Gilbert Baker,
17 correct?
18 A Yes. Yes.
19 Q All right. We'll mark as Exhibit 10 another
20 article. The -- does what I've marked as Exhibit 10
21 at least to be -- appear to be another article from
22 the Democrat-Gazette?
23 (WHEREUPON, Exhibit 10 was marked
24 for identification and attached hereto.)
25 A Yes.
0136
1 Q Okay. And -- and it appears that this one is
2 March the 20th, so about six days -- or six days
3 after the last article, true?
4 A Yes.
5 Q And if you look at the very first paragraph, it
6 says, "Nursing home tycoon, Michael Morton, said a
7 woman who worked with former State Senator Gilbert
8 Baker was the one who asked him last year to support
9 Circuit Judge Mike Maggio since-halted campaign for
10 the Arkansas Court of Appeals while Maggio, at the
11 time, was presiding over a lawsuit against one of
12 Morton's nursing homes."
13 Is -- is there -- did you tell her that a woman
14 who worked for -- who worked with Senator -- or
15 former Senator Baker had asked you to support Judge
16 Maggio?
17 A Yes.
18 Q All right. Is there a reason -- did you also
19 tell her that it wasn't just a woman, but it was, in
20 fact, Gilbert Baker that was there?
21 A I told her that I think that sometime Baker was
22 there, but -- I think that she was the one that
23 said, "Hey, Michael," when I was walking by, and I
24 went over.
25 Q All right. And when you go down to the fourth
0137
1 paragraph, and it's just one sentence -- well, the
2 third and then the fourth, "Baker said he had not
3 known about the conversation between Morton and

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6 A Yes. Yes.
7 Q Your next meeting with Mr. Baker was in
8 Russellville, right?
9 A Yes.
10 Q That was in June of 2013, right?
11 A Yes.
12 Q Where he -- Mr. Baker specifically asked you
13 about specific amounts for Judge Wood and Judge
14 Maggio?
15 A Yes.
16 Q True?
17 A Yes.
18 Q This article is March 2014, so almost a year
19 later?
20 A Yes.
21 Q So if Gilbert Baker told the paper that he had
22 no discussions with Flanagan or Morton about giving
23 to Maggio's campaign, that is false, true?
24 MR. WATTS: Objection to form.
25 MR. EVERETT: Object to the form of
0140
1 the question.
2 BY MR. BUCHANAN:
3 Q You can answer.
4 A I know that he had asked me about them. I
5 thought this article was about that day at the Brave
6 New Restaurant, but he had asked me about -- by this
7 date, March 20th, 2014.
8 Q Okay. Well, let's move on to the paragraph
9 towards the bottom that says, "Baker said he was
10 sure that Flanagan." And when you see it, just let
11 me know.
12 A Yes, I see it. I'm sorry.
13 Q Okay. "Baker said he was sure that Flanagan
14 would have been very clear in distinguishing between
15 seeking support and seeking campaign funds because
16 judicial candidates in Arkansas are prohibited from
17 seeking or accepting such money until 180 days
18 before an election. The judicial elections are May
19 the 20th."
20 At least with respect to what your impression
21 was at Brave New Restaurant, your impression was,
22 they were after more than your vote; they were after
23 your money, right?
24 A Well, I just assumed that, but they didn't --
25 at Brave New, on the first meeting --
0141
1 Q Uh-huh.
2 A -- no one asked for money; they just asked for
3 support, would -- could they count on my support.
4 Q Right.
5 If you turn the page, the second paragraph
6 towards the top is a quote from you, I believe, that
7 says, "People are making these wild accusations."

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8 Do you see that?
9 A Yes.
10 Q Okay. It says, "People are making these wild
11 accusations. I didn't try to bribe a judge."
12 Did you tell that reporter that?
13 A Yes.
14 Q And that's still your position today?
15 A That's the exact truth.
16 Q And would -- can we agree that -- that, at
17 least with regard to the timing, you could see why
18 people would make these accusations?
19 A Totally.
20 Q Sure.
21 And when you -- if you will go more towards the
22 bottom of the page, there's a paragraph that says,
23 "Morton, who owns 32 nursing homes in four states."
24 Do you see where I'm -- where I'm at?
25 A Yes. Yes. Yes. I'm sorry. I see it.
0142
1 Q "Morton, who owns 32 nursing homes in four
2 states, said he didn't know whether Baker was at the
3 restaurant with Flanagan. Baker said he was not."
4 Did you tell this reporter that you didn't know
5 if Gilbert Baker was at Brave New Restaurant with
6 Linda Lee Flanagan?
7 A I don't know if I told her that or not, but I
8 know that he was at -- at the Brave New
9 restaurant.
10 Q Well, certainly if -- if -- if -- if this
11 report is an accurate -- or this article is an
12 accurate rendition of the conversation that you had
13 with her, what you would have been telling her would
14 have been untrue, true?
15 A Yes.
16 Q I mean, did -- were you trying to mislead her?
17 A No. I mean, I don't know why I would tell her
18 that I actually was asked by support -- about my
19 support.
20 Q Okay. And, in fact, you've told us today that
21 you knew Gilbert Baker was at Brave New Restaurant,
22 true?
23 A Yes. He -- yes.
24 Q But you told the reporter you didn't know if he
25 was there, right?
0143
1 A No. I don't think I said that.
2 Q Okay. So you don't know -- you question
3 whether or not this is believable?
4 A Yes. I -- you know...
5 Q What we do know is, if Mr. Baker told her that
6 he was not at the restaurant, that's completely
7 false, true? Am I correct?
8 A Yes.
9 Q I'm going to mark as Exhibit 11 to your

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12 Q All right.
13 A They asked me if I donated to eight.
14 Q All right. But you didn't set the record
15 straight and say, Well, actually, I donated to 10?
16 MR. EVERETT: Object to the form of
17 the question. You don't know that unless
18 you see the transcript.
19 MR. BUCHANAN: No, I understand.
20 BY MR. BUCHANAN:
21 Q What did you tell her? Did you tell her eight
22 or 10?
23 A I have no idea, but I -- I -- you know, I
24 wasn't trying to mislead anybody.
25 Q I understand.
0146
1 Do you know of any reason that this lady would
2 -- would write eight if you said 10?
3 A No. No.
4 Q If you recall donating to 10, would you have
5 told her, Actually, I donated to 10 instead of
6 eight?
7 A I perhaps would have, but since -- I mean, my
8 whole point about, I guess, is that I've had the
9 opportunity to check everything, and there were 10.
10 Q Okay. All right. Had you given to Judge
11 Maggio in the past?
12 A No.
13 Q Would you turn to page 30?
14 A Okay.
15 Q And it looks like there's a sworn statement
16 by -- or a summary of one from Gilbert Baker to
17 the -- the staff there at the Ethics Commission.
18 And if you flip to page 32, Mr. Baker, at least
19 reportedly, and according to this lady, says -- it's
20 towards the bottom of the page. I'm starting where
21 it says, "Again, he discussed."
22 A Yes.
23 Q "Again, he discussed many candidates with
24 Michael Morton. He would have asked him in general
25 for Maggio's support, but would not have solicited
0147
1 specific amounts from Morton until the judicial
2 window opened."
3 If he said that, that's not true, is it?
4 A Well, it's -- I thought the money that I was
5 giving would go to Maggio.
6 Q I understand. If Gilbert Baker told this Mr.
7 Barthem that he would not have solicited specific
8 amounts from Morton until the judicial window
9 opened, that's not correct, according to you, is
10 that true?
11 A That might be why he wanted it in PACs. I
12 don't know. That would make that -- if he had it in
13 PACs, we could sit there and wait until the judicial

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10 deposition a report from the Ethics Commission, a
11 report of where we complained about Judge Maggio.
12 Do you remember speaking with a young lady by the
13 name of Jill Barthem from the Ethics Commission here
14 at this office?
15 (WHEREUPON, Exhibit 11 was marked
16 for identification and attached hereto.)
17 A I remember speaking with a young lady here,
18 yes.
19 Q Okay. And at that point now -- all of these --
20 these statements you made in March, the March 14 and
21 March 20, you -- you didn't have a lawyer at that
22 time, did you, that represented you?
23 A You mean while I was talking to a newspaper
24 reporter?
25 Q Yes.
0144
1 A No.
2 Q Okay. When you -- when you visited with --
3 with Ms. Barthem --
4 A Yes.
5 Q -- here from the Ethics Commission --
6 A Yes.
7 Q -- did you bring your lawyers?
8 A Yes.
9 Q Were you sworn?
10 A Yes.
11 Q Okay. If you will turn to page 10. And in --
12 in fairness to you, this -- this appears to be a
13 rendition from the -- the commission, the Ethics
14 Commission of -- of -- of your conversation -- or
15 the conversation that y'all had.
16 A Yes.
17 Q And if you look, it says, "He recalls donating
18 money to eight PACs."
19 Do you see where I am?
20 A Yes.
21 Q All right. "He recalls donating money to eight
22 PACs in July of 2013."
23 All right?
24 A Yes.
25 Q "He was first contacted in May of 2013."
0145
1 All right. Let's -- let's take the first
2 sentence. "He recalls donating money to eight PACs
3 in July of 2013."
4 Well, that's -- we know now that's not
5 accurate.
6 A Yeah, it is.
7 Q Well, you -- isn't it true that you donated
8 money to 10 PACs?
9 A Yes, but I donated to eight.
10 Q Okay.
11 A They kept talking about eight.

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14 window opened. So maybe he felt like that that's
15 why it is true, and in my mind, I was giving it
16 then.
17 Q To Maggio, right?
18 A Yes. Yes.
19 Q I'll mark as Exhibit 12 another article.
20 What's the date on this article?
21 (WHEREUPON, Exhibit 12 was marked
22 for identification and attached hereto.)
23 A March 25th.
24 Q Of?
25 A 2015.
0148
1 Q Of this year?
2 A Yes.
3 Q All right. And so -- well, let's see. At that
4 point, had you already met with the US attorney --
5 met at the US Attorney's Office?
6 A March 15th -- or March 25th?
7 Q Right.
8 A Yes.
9 Q Okay. Was that -- was that right around the
10 time you had met with the US Attorney's Office?
11 A No. It was long before that. Before March
12 25th of '15?
13 Q Yes.
14 A Yes, way before.
15 THE WITNESS: I think -- wasn't it
16 in '14? It had to -- it was last year.
17 MR. EVERETT: Hell, I don't know.
18 THE WITNESS: Hell, it was last --
19 MR. EVERETT: I'm thinking it was
20 last fall, but I honestly don't know.
21 THE WITNESS: Yeah.
22 BY MR. BUCHANAN:
23 Q At this point, you hired a spokesperson,
24 correct?
25 A Now I have, yes.
0149
1 Q Right.
2 A To talk to her.
3 Q To talk to Deborah Shelton?
4 A Yes.
5 Q And he essentially tells her about a second
6 meeting with Mr. Baker; is that correct?
7 A Yes.
8 Q All right. And -- and prior to that time, had
9 you been asked about any other meetings by her --
10 had Ms. Shelton asked you about any other meetings?
11 A I don't know because I don't talk to her.
12 Q Okay. Well, when you were talking to her?
13 A She didn't -- as far as I know -- I don't know
14 what she asked me, and -- and I wouldn't testify to
15 what she said --

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16 Q Uh-huh.
17 A -- what I thought or anything else about her.
18 Q All right. At least up until this time, in the
19 media, there was no mention of a second meeting with
20 Mr. Baker?
21 A I have no idea.
22 Q Okay. Did the Ethics Commission ask you
23 whether you had met with -- with Gilbert Baker
24 again?
25 A I have no -- I've not even read this stuff you
0150
1 gave me.
2 Q All right. I'll go back and ask you about some
3 of these discovery responses, Exhibit 3.
4 A Here it is. Okay. What page?
5 Q Page 5 and 6. There's an Interrogatory No. 8?
6 A Yes.
7 Q It says, "Please explain your personal
8 relationship with defendant, Gilbert Baker."
9 And then it says, "Defendant does not have a
10 personal relationship with defendant, Baker."
11 Is that -- do you still take that position?
12 A What are you talking about, now?
13 Q Well, that -- that you do not have a personal
14 relationship with Gilbert Baker.
15 A I don't think I had much of a personal
16 relationship. It's more professional than anything.
17 Q All right.
18 A It has been.
19 Q If you go to pages 6 and 7 about halfway down
20 the page, your response to Interrogatory 7B and C.
21 A Page 6?
22 Q Well, page 6 has the question, which is --
23 A Okay. Okay. Okay.
24 Q -- "Explain your communications with
25 Mr. Baker."
0151
1 A Okay.
2 Q And I think page 7 --
3 A Okay.
4 Q -- and 8 has your response.
5 A Yes.
6 Q All right. If you look at B and C, it says --
7 A Page 7?
8 Q Yes.
9 A Okay.
10 Q Middle of the page.
11 A Yes.
12 Q "In Little Rock, Arkansas, in approximately
13 April of 2013, defendant recalls an in-person
14 conversation with Mr. Baker or a female colleague of
15 Mr. Baker in which defendant was asked if he would
16 support various judicial candidates, including Judge
17 Maggio if Judge Maggio ran for a position on the

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20 Q Okay.
21 A -- and four grandchildren and a son-in-law that
22 live there.
23 Q All right. And so you -- as you sit here now,
24 you -- you really can't recall how you -- you
25 learned that he pleaded guilty to bribery?
0154
1 A Right. I...
2 Q I assume -- are -- are you aware that he --
3 Judge Maggio faces a sentence of up to 10 years in
4 federal prison for the crime that he had -- he
5 pleaded guilty to?
6 A I just -- what I've read in the paper and stuff
7 is what I've -- all I know.
8 Q Do you have any explanation at all for why he
9 would plead guilty to bribery?
10 A No.
11 Q Can we at least agree that, in order for there
12 to be a bribe, there's got to be a briber and a
13 bribee?
14 MR. WATTS: Objection to form.
15 BY MR. BUCHANAN:
16 Q Can we agree to that?
17 A I don't much want to agree with you about
18 stuff, but I will tell you that myself and my lawyer
19 have had lots of talks about a bribee and a briber.
20 Q Well, and if what Judge Maggio stipulated to as
21 -- is -- as true, can we at least agree on the fact
22 that you stood -- you stood to gain by his version
23 of the facts?
24 MR. WATTS: Objection to form.
25 MR. EVERETT: Do you understand his
0155
1 question?
2 THE WITNESS: Yeah.
3 MR. EVERETT: Answer it if you can.
4 A I don't feel like I stood to gain.
5 BY MR. BUCHANAN:
6 Q If what Judge Maggio stipulated to as true in
7 court in front of a federal judge, if all of that's
8 true, can we agree that Mr. Baker was the middleman?
9 MR. WATTS: Objection to form.
10 A I -- I don't -- I don't -- I'm not answering --
11 I don't know anything about Mr. Baker and his -- I
12 wouldn't speculate or anything else.
13 BY MR. BUCHANAN:
14 Q You have read the Plea Agreement, correct?
15 A Yes. I don't have it memorized.
16 Q Okay. Can we agree that judges should not be
17 influenced by money?
18 A We can agree to that.
19 Q Why do you agree to that?
20 A I don't think that the public trust should be
21 thrown out there for a judge to take money and make

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18 Arkansas Court of Appeals, and defendant said he
19 would."
20 Is that what that says?
21 A Yes.
22 Q All right. In -- what you told us today is,
23 that conversation did not occur in April of 2013; it
24 occurred in May of -- May the 16th of 2013?
25 A Yes.
0152
1 Q Correct?
2 A Yes.
3 Q And these were -- these were dated this year,
4 January of this year, correct?
5 A Yes.
6 Q At least in January of this year, were you
7 confused as to whether your meeting was in April or
8 May?
9 A No.
10 Q You knew it was in May?
11 A Yes.
12 Q Okay. At least in January of this year, you
13 knew that it was -- you ran into Mr. Baker and Linda
14 Lee Flanagan, right?
15 A Yes.
16 Q Okay. You wouldn't be confused about whether
17 you ran into Mr. Baker or Linda Lee Flanagan, would
18 you?
19 A Yes.
20 Q You would be?
21 A Or no, no, I wouldn't. No. Well, the way
22 you -- no, I would not be confused of that.
23 Q I mean, surely, by January of this year, you
24 knew that, right?
25 A Yes. Yes.
0153
1 Q What was your reaction when you learned that
2 Judge Maggio had pleaded guilty to bribery?
3 A I was surprised.
4 Q Where were you when you learned of this, that
5 he had done that?
6 A I guess at home.
7 Q Well, do you remember where you were when you
8 --
9 A No. No. I -- I think it was on a Friday or
10 something. I'm usually at home.
11 Q Okay. How did you learn?
12 A I forgot. I can't remember how I learned. It
13 was so -- I might have learned it on Twitter. They
14 have it first. But I know that I had to be home
15 because I went to Tulsa.
16 Q All right. Was anybody with you there at home?
17 A No.
18 Q Do you -- what were you going to do in Tulsa?
19 A I have a daughter --

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22 a case go however they want to.
23 Q Can we agree that it's wrong for folks to
24 attempt to influence a judge with money?
25 A Yes. Are -- are you talking about for a quid
0156
1 pro quo-type giving money?
2 Q Right.
3 A I'll give you money if you will do certain
4 things for me?
5 Q Sure.
6 A That is wrong.
7 Q And you wouldn't do that, would you?
8 A I haven't.
9 Q And you would expect that anybody who has done
10 that should be punished?
11 A Yes.
12 Q Why?
13 A Because it is objectionable to the --
14 MR. EVERETT: Object to the form of
15 the question. I mean, ask questions
16 about the facts in this case.
17 MR. BUCHANAN: All right. All
18 right. Well, that's...
19 BY MR. BUCHANAN:
20 Q Can -- can -- can we at least agree that --
21 A Did you get that from Melanie Piazza, that "can
22 we at least agree?" or do all lawyers do that? You
23 know, because I don't like saying I agree a lot of
24 times. So then I'd have to say I don't agree. Is
25 there some other way you can phrase the question
0157
1 without asking me if I agree with you?
2 Q Do you deny -- or you don't deny that justice
3 shouldn't be sold to the highest bidder, do you?
4 A I do not think it should be sold to the highest
5 bidder, no.
6 Q Is public trust important? Is it important to
7 have trust in the judiciary?
8 A Yes.
9 Q Why?
10 A I think that -- when you're talking about
11 judiciary, you're talking about judges?
12 Q Yes, sir.
13 A Well, from what I've observed in cases, that,
14 you know, judiciary, you know, they -- and why I
15 think that I've given money to judiciaries, the ones
16 who follow the law, the laws of Arkansas, and I
17 appreciate that because I've had judges before that
18 I didn't feel like followed the law. They just do
19 whatever they want, make whatever rulings they want
20 without any regard to the law at all.
21 Q Well, my question is, why is it important to
22 have public trust in the judiciary?
23 A Just what I told you. So people will have fair

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24 trials.
 25 Q Okay. Is there anything that -- that you can
 0158
 1 think of in terms of people or events that were
 2 significant that we haven't talked about already in
 3 this case here today?
 4 A No.
 5 Q All right. Is there anything that, as you sit
 6 here right now, you want to correct, meaning you --
 7 you think back and think, Gosh, I should have
 8 answered this way, that was not correct, or, I
 9 should have answered that way, that wasn't correct?
 10 A No. They'll probably be something, but I'm
 11 sure I'll get an opportunity to do that.
 12 Q Sure. But you can't think of anything right
 13 now?
 14 A No.
 15 Q All right.
 16 MR. BUCHANAN: I will pass the
 17 witness.
 18 MR. EVERETT: I have no questions
 19 for Mr. Morton.
 20 MR. WATTS: No questions.
 21 MR. EVERETT: We'll read and sign.
 22 We'll read and sign.
 23 THE VIDEOGRAPHER: No one has
 24 questions? Okay. The time is 55 minutes
 25 past one. This is the end of Tape No. 4
 0159
 1 as well as the conclusion to the
 2 deposition of Michael Morton. We're now
 3 off the record.
 4 (WHEREUPON, the proceedings
 5 concluded in the matter at 1:55 p.m.)
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0160
 1 CERTIFICATE
 2 STATE OF ARKANSAS)
)ss
 3 COUNTY OF WASHINGTON)
 4
 5 I, Jennifer L. Weber, Certified Court
 6 Reporter #653, do hereby certify that the facts
 7 stated by me in the caption on the foregoing
 8 proceedings are true; and that the foregoing
 9 proceedings were reported verbatim through the use
 10 of the voice-writing method and thereafter
 11 transcribed by me or under my direct supervision to
 12 the best of my ability, taken at the time and place
 13 set out on the caption hereto.
 14 I FURTHER CERTIFY, that I am not a relative or
 15 employee of any attorney or employed by the parties
 16 hereto, nor financially interested or otherwise, in
 17 the outcome of this action, and that I have no
 18 contract with the parties, attorney, or persons with
 19 an interest in the action that affects or has a
 20 substantial tendency to affect impartiality, that
 21 requires me to relinquish control of an original
 22 deposition transcript or copies of the transcript
 23 before it is certified and delivered to the
 24 custodial attorney, or that requires me to provide
 25 any service not made available to all parties to the
 0161
 1 action.
 2 I FURTHER CERTIFY, that in accordance with Rule
 3 30(3) of the Rules of Civil Procedure, review of the
 4 transcript was requested.
 5 WITNESS MY HAND AND SEAL this 25th day of June,
 6 2015.
 7
 8
 9
 10 _____
 11 JENNIFER L. WEBER
 12 Arkansas State Supreme Court
 13 Certified Court Reporter #653
 14 My Commission Expires
 15 March 19, 2017
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 0162
 1 SIGNATURE OF DEPONENT CERTIFICATE
 2 I, _____, do hereby certify that I
 3 have read the foregoing deposition and that, to the
 4 best of my knowledge and belief, said deposition is
 5 true and accurate with the exception of the
 6 following corrections listed below:
 7 PAGE LINE CORRECTION
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 Date Signature of Witness
 17
 18 STATE OF _____)
)SS
 19 COUNTY OF _____)
 20 SUBSCRIBED AND SWORN TO before me this
 21 _____ day of _____, 2015.
 22 My commission expires:
 23 _____
 24 NOTARY PUBLIC
 25