

In The Matter Of:

Sworn Statement

Pastor Danny Johnson

August 3, 2000

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- [1] APPEARANCES
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- [4] Mr. Thomas E. Clay
- [5] Mr. Jay Carter
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- [1] information, as you know, is subject to inquiry about a
- [2] person's financial and other circumstances that may enter
- [3] into a fire situation. They may have information; they may
- [4] not have information.
- [5] MR. CLAY: Okay.
- [6] THE WITNESS: Do you want me to
- [7] answer that question?
- [8] MR. CLAY: Yes.
- [9] Q: Please.
- [10] A: Jerry J. Johnson is my father,
- [11] and Charlene Blocker Johnson is my mother.
- [12] Q: Are they still alive?
- [13] A: Yes, they are.
- [14] Q: And their present address?
- [15] A: Is McCrieght Street, Bastrap,
- [16] Louisiana.
- [17] Q: How do you spell that street?
- [18] A: I'm not real sure. I believe
- [19] it's M-c, capital C, r-i-e-g-h-t, I think.
- [20] Q: Do you have brothers and
- [21] sisters?
- [22] A: I have two sisters.
- [23] Q: Give us their full names, if you
- [24] would, please.
- [25] A: All right. My older sister is

- [1] DANNY JOHNSON, having been first duly sworn,
- [2] gave the following answers to questioned asked of him:
- [3]
- [4]

**EXAMINATION
BY MR. LEACHMAN:**

- [5] Q: For the record, would you please
- [6] tell us your full name?
- [7] A: Danny Ray Johnson.
- [8] Q: Your age?
- [9] A: Thirty-nine.
- [10] Q: Your date of birth?
- [11] A: 10-18-60.
- [12] Q: Your present home address?
- [13] A: 275 Beechwood Circle, Mt.
- [14] Washington, Kentucky.
- [15] Q: And where were you born?
- [16] A: Bastrap, Louisiana.
- [17] Q: How do you spell that?
- [18] A: B-a-s-t-r-a-p.
- [19] Q: And what's the names of your
- [20] parents?
- [21] MR. CLAY: Just a second. What
- [22] does the names of his parents have to do with the
- [23] circumstances of this fire?
- [24] MR. LEACHMAN: Any background
- [25]

- [1] Teresa Johnson Barrett, and my younger sister is Rita
- [2] Johnson Stuckey.
- [3] Q: Are these ladies married?
- [4] A: Yes, they are.
- [5] Q: Can you give us the name of the
- [6] spouse of each one, please?
- [7] A: The older one is James Barrett;
- [8] the older sister, and the younger sister is Jerry Stuckey.
- [9] Q: And are they Louisiana
- [10] residents?
- [11] A: Yes, they are.
- [12] Q: Do you remember their addresses?
- [13] A: I know that the Stuckeys live on
- [14] McThiene (phonetic), and the Barretts live off of Cherry
- [15] Ridge Road.
- [16] Q: In what town?
- [17] A: Bastrap.
- [18] Q: At what age, approximately, did
- [19] you leave Louisiana?
- [20] A: About seventeen years old.
- [21] Q: Have your parents ever had a
- [22] fire at a place where they've lived?
- [23] A: No.
- [24] Q: Has Teresa or Rita ever had a
- [25] fire at a place where they've lived?

[1] A: No.
 [2] Q: How did you happen to leave
 [3] Louisiana?
 [4] A: Working in missions and
 [5] ministries.
 [6] Q: For whom?
 [7] A: I was working for a group called
 [8] the McKeithens.
 [9] Q: How do you spell that?
 [10] A: M-c-K-e-i-t-h-e-n.
 [11] Q: And where are they out of?
 [12] A: They're out of Nashville,
 [13] Tennessee.
 [14] Q: Who was your superior at that
 [15] time?
 [16] A: Would be Tim McKeithen.
 [17] Q: Is he still around?
 [18] A: Yes, he is.
 [19] Q: How is he contacted?
 [20] A: I'm sure he's listed in
 [21] Nashville.
 [22] Q: And for how long were you with
 [23] the McKeithens?
 [24] A: Probably about two years.
 [25] Q: During the time that you were

[1] with the McKeithens, did they sustain any fires, vandalism,
 [2] theft, water damage, anything like that?
 [3] A: None that I know of.
 [4] Q: Where were you living during
 [5] this time, or were you on the road?
 [6] A: We traveled a lot, and I also
 [7] lived with Joel Hemphill, who is my pastor I grew up under.
 [8] Q: And how do you spell his first
 [9] name?
 [10] A: Joel, J-o-e-l.
 [11] Q: Hemphill?
 [12] A: Uh-huh.
 [13] Q: H-e-m-p-h-i-l-l?
 [14] A: Yes.
 [15] Q: Your pastor you grew up with?
 [16] A: Yes.
 [17] Q: And where is he from?
 [18] A: He's from — well, he's from my
 [19] home town; Bastrap, Louisiana.
 [20] Q: Yes.
 [21] A: And then they had — he had done
 [22] quite well as a song writer and a minister, and he moved to
 [23] Nashville. So, they're there in Nashville still.
 [24] Q: Do you know his address in
 [25] Nashville?

[1] A: I know he's on Dickerson Pike.
 [2] Q: What is the name or other
 [3] denomination in which he's engaged there at that location?
 [4] A: He is independent.
 [5] Q: Independent what now?
 [6] A: Charismatic.
 [7] Q: Does he have a church?
 [8] A: He has pastored churches, and
 [9] they've started up churches, but he ministers all over the
 [10] world.
 [11] Q: Radio, or tapes, or videos, or
 [12] what?
 [13] A: He's about a, I think, six-time
 [14] Grammy winner with songs.
 [15] Q: Such as?
 [16] A: What —
 [17] MR. CLAY: (Interrupting) Don't
 [18] answer that. That doesn't have anything to do with the
 [19] fire.
 [20] MR. LEACHMAN: Let me just say
 [21] that the sworn statement is much more far ranging than a
 [22] deposition. Unless the question involves some outrageously
 [23] insulting material, generally, they should go ahead and
 [24] answer it.
 [25] MR. CLAY: I understand that,

[1] but the policy specifies the limit of the examination, and
 [2] I've read the provision. That's what I was looking for
 [3] here. I wanted to be sure I had it available. And it says
 [4] it relates to — the statement relates to the circumstances
 [5] of the fire, and whether this minister received Grammy
 [6] awards for songs certainly doesn't have anything to do with
 [7] the circumstances of this fire.
 [8] MR. LEACHMAN: Well, he's the
 [9] one that mentioned it. I didn't.
 [10] MR. CLAY: Well, you don't have
 [11] to run down every road that he leads you from the begin-
 [12] ning
 [13] of, I don't think.
 [14] CONTINUED EXAMINATION
 [15] BY MR. LEACHMAN:
 [16] Q: Well, how long did you say you
 [17] were with the McKeithens - two years?
 [18] A: Yes. That's correct.
 [19] Q: And how did you happen to leave
 [20] them?
 [21] A: I went back to Louisiana to be
 [22] around my family.
 [23] Q: Were you married or single at
 [24] that time?
 [25] A: Single.
 Q: How much education have you had;

[1] schooling?
[2] A: I have a school diploma, and
[3] then I have a Doctorate of Divinity from Kingsley Bible
[4] College.
[5] Q: High school diploma from where?
[6] A: Bastrap High School.
[7] Q: Have you ever served in the
[8] military?
[9] A: No, I have not.
[10] Q: During the time that you were in
[11] Louisiana living at home before you left with the
[12] McKeithens, did you hold any employment?
[13] A: I worked there for International
[14] Paper Company.
[15] Q: In Bastrap?
[16] A: Yes.
[17] Q: In what capacity?
[18] A: Laborer. I guess really more
[19] properly pronounced, it would be a paper finisher.
[20] Q: When you returned to Bastrap
[21] from the McKeithens, did you hold employment?
[22] A: Yes, I did.
[23] Q: Who were you with?
[24] A: I worked there with
[25] International Paper.

[1] Q: How many times have you been
[2] with International Paper?
[3] A: Just that one time.
[4] Q: Well, what I mean is, you were
[5] with them, and then went on the road, and then came back.
[6] Have you been back and forth
[7] more than two times?
[8] A: No; just the one time.
[9] Q: How long were you with
[10] International Paper?
[11] A: Probably two years.
[12] Q: And did you have the same job,
[13] or did you advance?
[14] MR. CLAY: Don't answer that.
[15] That doesn't have anything to do with this fire.
[16] Q: When you left, what was your
[17] position?
[18] A: Everyone starts as a laborer,
[19] and I moved up to a paper finisher.
[20] Q: When you left International
[21] Paper, what did you do?
[22] A: I had — I was working at the
[23] time even with our church there, at Trinity Assembly of God
[24] Church, and also at Swartz Assembly of God Church.
[25] Q: How do you spell the Swartz?

[1] A: S-w-a-r-t-z.
[2] Q: When you say working with, what
[3] would that indicate?
[4] A: I was a youth pastor and
[5] assistant — assistant pastor.
[6] Q: Where is Kingsley Bible College?
[7] A: Demoinis, Iowa.
[8] Q: Is that a correspondence school?
[9] A: It's both; both correspondence
[10] and on campus.
[11] Q: Did you do both, or just
[12] correspondence, or just campus?
[13] A: Correspondence.
[14] Q: Only?
[15] A: I went to the campus a couple of
[16] times, but mainly correspondence.
[17] Q: Okay.
[18] A: And there's also another one
[19] that's part of that. It's Borean Bible College. It's
[20] Trinity Assembly of God. They have their own
[21] correspondence college.
[22] Q: So, how were you connected with
[23] Borean?
[24] A: Same thing; correspondence and
[25] through the denomination itself.

[1] Q: How were you connected to the
[2] denomination?
[3] MR. CLAY: Don't answer that.
[4] Q: Well, were you a pastor, or were
[5] you —
[6] A: (Interrupting) Yes.
[7] Q: (Continuing) — assistant
[8] pastor?
[9] A: Assistant pastor.
[10] Q: Where?
[11] A: At Swartz Assembly of God
[12] Church, and pastor at Trinity Assembly of God.
[13] Q: So, the Trinity and the Swartz
[14] are both Assembly of God?
[15] A: Yes, they are.
[16] Q: And were they connected with the
[17] Borean Bible College?
[18] A: All of the Assembly of God
[19] churches use that correspondence.
[20] Q: What denomination is the
[21] Kingsley?
[22] MR. CLAY: Don't answer that.
[23] MR. LEACHMAN: I think he does
[24] need to answer these questions.
[25] MR. CLAY: Well, we have a

[1] difference of opinion, and I would respect that.

[2] **CONTINUED EXAMINATION**
[3] **BY MR. LEACHMAN:**

[4] **Q:** Is the Kingsley Bible College
[5] connected with any denomination?

[6] **MR. CLAY:** Don't answer that.

[7] **Q:** Are you currently connected with
[8] the Kingsley Bible College?

[9] **A:** No, sir.

[10] **Q:** That is the one that you told me
[11] you have your degree from?

[12] **A:** Yes, it is.

[13] **Q:** And does that degree
[14] automatically connect you with some denomination?

[15] **A:** No, it does not.

[16] **Q:** But if you had a degree from
[17] Borean, would that connect you with the Assembly of God
[18] church?

[19] **MR. CLAY:** Don't answer that.

[20] **A:** No.

[21] **MR. CLAY:** I said don't answer
[22] it.

[23] **Q:** Well, are you presently
[24] connected with any Bible college?

[25] **A:** No, sir.

[1] **Q:** Do you hold employment in
[2] addition to your work at the Heart of Fire Ministries?

[3] **A:** No, I do not.

[4] **Q:** Did you hold regular employment
[5] after leaving International Paper Company?

[6] **A:** Yes. I had invested in some
[7] real estate, in some just rental houses, some
[8] buy-and-fixer-up homes.

[9] **Q:** And where were they located?

[10] **A:** They would be in Monroe,
[11] Louisiana, and also Ruston, Louisiana.

[12] **Q:** How long did you engage in that
[13] activity?

[14] **A:** For about two to three years.

[15] **Q:** And when you moved out of that
[16] activity, did you go into other employment?

[17] **A:** I also invested in some
[18] restaurants, one in Ruston, Louisiana and one in Monroe,
[19] Louisiana.

[20] **Q:** For how long were you in those
[21] businesses?

[22] **A:** That was all about the same
[23] period of time; probably two to three years.

[24] **Q:** So, you had the rental houses
[25] and the restaurants at about the same period of time?

[1] **A:** While I was also in the
[2] ministry. That's correct.

[3] **Q:** Did you have during this period
[4] of time any fires, vandalism, theft, anything else, at any
[5] of your rental houses?

[6] **A:** No, sir.

[7] **Q:** Any fires, vandalism, theft, or
[8] other claims, related to your restaurants?

[9] **A:** No, sir.

[10] **Q:** Now, as I understand it, the
[11] restaurant business or you went into bankruptcy at some
[12] point.

[13] **When was that?**

[14] **A:** That was all about that period
[15] of time. It would have been - I can't remember exactly -
[16] around '81, I think. It could have been later than that.
[17] I would have to look. I can't remember just offhand.

[18] **Q:** Did you have other employment at
[19] the time of the bankruptcy, besides the restaurants and the
[20] rental houses?

[21] **A:** Yes. I was working there with
[22] the church, as well, and traveling some in the ministry,
[23] too.

[24] **Q:** With the church. And by that —

[25] **A:** (Interrupting) That would have

[1] been with Swartz Assembly of God at that time.

[2] **Q:** And how was that income
[3] producing?

[4] **A:** Very well.

[5] **Q:** Well, I mean, how did you make
[6] your income in those areas of endeavor?

[7] **A:** Well, the rentals was just
[8] monthly rent.

[9] **Q:** No. I'm talking about with
[10] traveling on the road and working in the ministry.

[11] **A:** Love offerings.

[12] **Q:** Were you married at this time?

[13] **A:** Yes, I was.

[14] **Q:** When you went into bankruptcy?

[15] **A:** Yes, I was.

[16] **Q:** And who were you married to?

[17] **A:** To Tylia, T-y-l-i-a, Harris.

[18] **Q:** T-y-l-i-a?

[19] **A:** That's correct.

[20] **Q:** Harris. And where is she?

[21] **A:** She's in Dallas, Texas.

[22] **Q:** Do you know where in Dallas,
[23] Texas?

[24] **A:** No, sir, not right offhand. She
[25] just moved recently.

[1] Q: And do you have children by
 [2] Tylia?
 [3] A: Yes.
 [4] MR. CLAY: Don't answer that.
 [5] Q: Do you have a child support
 [6] obligation to those children?
 [7] MR. CLAY: Don't answer that.
 [8] MR. LEACHMAN: I think he's
 [9] obliged to answer that.
 [10] MR. CLAY: I disagree, Bernie.
 [11] I'm sorry. It doesn't have anything to do with the fire.
 [12] MR. LEACHMAN: Any financial
 [13] aspects that affect his circumstances may bear upon —
 [14] MR. CLAY: (Interrupting) Well,
 [15] first of all, he is the named insured on this policy.
 [16] There is another insured on the policy, which is Alanar,
 [17] and I believe Alanar has a claim that supercedes any claim
 [18] and amount that he might have on the proceeds of this
 [19] policy. So, really it's kind of a moot exercise. His
 [20] financial circumstances at this juncture really don't
 [21] amount to a hill of beans.
 [22] But I understand the scope of
 [23] your inquiry, and I believe that we've been patient up to
 [24] this point about going into things that happened twenty and
 [25] thirty years ago, which don't have any possible relevance,

[1] except insofar as they bear upon his history of claims of
 [2] casualty losses, but all this other stuff has absolutely
 [3] nothing to do with the circumstances of this fire and the
 [4] fact that the policy limits the scope of this statement.
 [5] MR. LEACHMAN: Well, I think
 [6] you're limiting the scope of this statement much more so
 [7] than the terms of the policy or the case law interpreting
 [8] the terms of the policy, and I do not think that is
 [9] warranted.
 [10] As you know, or perhaps don't
 [11] know, Mr. Johnson has presented a personal claim for
 [12] personal belongings under his personal homeowners,
 [13] which is
 [14] being addressed today, as well. So, these things bear upon
 [15] his personal financial situation at the time of the fire.
 [16] And as I understand it, Alanar
 [17] is not on that policy.
 [18] MR. CLAY: But there's so many
 [19] creditors and there's things going on in court, as you
 [20] know. I'm sure you've got all of that information there.
 [21] MR. LEACHMAN: I don't know what
 [22] I have in comparison to what actually exists. That's why
 [23] I'm questioning about this.
 [24] MR. CLAY: All right.
 [25]

CONTINUED EXAMINATION

BY MR. LEACHMAN:

[1] Q: Do you have a child support
 [2] obligation to the children you had with Tylia?
 [3] MR. CLAY: I told him not to
 [4] answer that one.
 [5] Q: Well, how much is that child
 [6] support obligation?
 [7] MR. CLAY: Don't answer that.
 [8] Q: And are you refusing to answer
 [9] on the basis of advice of counsel?
 [10] A: Yes, I am.
 [11] Q: Did Tylia ever travel with you?
 [12] MR. CLAY: Don't answer that.
 [13] Q: And where was your divorce with
 [14] Tylia Harris; where did that take place?
 [15] A: Louisiana.
 [16] Q: Where in Louisiana?
 [17] A: West Monroe. I'm sorry.
 [18] Monroe. There is a difference.
 [19] Q: How many children do you have?
 [20] MR. CLAY: Don't answer that.
 [21] Q: Do you have any copies of your
 [22] divorce documents that would identify the divorce case in
 [23] Monroe, Louisiana?
 [24]
 [25]

[1] A: I think that all of that was
 [2] lost.
 [3] Q: Where was it lost?
 [4] A: I think it was in the — well,
 [5] it may be available. I think it was in my office. I don't
 [6] have it.
 [7] Q: What today do you say that's
 [8] germane to the fire, that was lost in your office?
 [9] A: I'm sorry. Could you
 [10] repronounce that question?
 [11] Q: Yes. So far as this claim is
 [12] concerned, what today do you claim was in your office and
 [13] is germane to the fire?
 [14] A: Are you speaking of personal or
 [15] church things?
 [16] Q: Anything that's germane to the
 [17] claim.
 [18] A: I think there's a sheet that's
 [19] already been presented.
 [20] MR. CLAY: I don't know if
 [21] they've gotten this or not. We just got this faxed to us
 [22] today. Have you seen that?
 [23] MR. LEACHMAN: I might have.
 [24] Yes, I have seen that. Yes. That was, I think, faxed over
 [25] to you by the insurance company.

CONTINUED EXAMINATION

BY MR. LEACHMAN:

[1] **Q:** But I'm talking about
[2] information; not objects. What information do you claim
[3] that is germane to this insurance situation with
[4] Brotherhood Mutual, that was lost in the fire, in your
[5] office?
[6]

[7] **A:** I don't think there was anything
[8] that was lost, as far as I know. There's some things that
[9] we don't have, because they've been taken under
[10] investigation. So, I don't know of anything that was lost
[11] or not lost.
[12]

[13] **Q:** Well, what was taken under
[14] investigation by the ATF?

[15] **A:** There's a list they presented,
[16] and I don't know all those things right off.

[17] **Q:** Where is the list?

[18] **A:** I think it's in the file.

[19] **MR. LEACHMAN:** Can we have the
[20] list?

[21] **MR. CLAY:** Sure.

[22] **MR. LEACHMAN:** Can you find it?

[23] **MR. CLAY:** I have not been
[24] through all of that stuff.

[25] **MR. LEACHMAN:** Well, where is

[1] that boy? Is he out front here waiting?

[2] **MR. CLAY:** He hasn't been
[3] through it, either. Whitney went through it.

[4] **MR. LEACHMAN:** So, we want a
[5] copy of the list from ATF.

CONTINUED EXAMINATION

BY MR. LEACHMAN:

[7] **Q:** Are you still in touch with
[8] Tylia Harris?

[9] **A:** Yes.

[10] **Q:** What is her address currently?

[11] **MR. CLAY:** He said he doesn't
[12] know.

[13] **A:** They have just built a new home
[14] and moved somewhere.

[15] **Q:** Well, how do you get her child
[16] support to her?

[17] **MR. CLAY:** Objection, and don't
[18] answer that. I don't guess I need to object. I can just
[19] tell him not to answer.
[20]

[21] **Q:** Where do you pay your child
[22] support to?

[23] **MR. CLAY:** Don't answer that.

[24] **Q:** Are you current in your child
[25] support?

[1] **MR. CLAY:** Don't answer that.

[2] **Q:** Well, were you current in your
[3] child support at the time of this fire at the Heart of Fire
[4] Church?

[5] **MR. CLAY:** Don't answer that.

[6] **Q:** Have you been asked about your
[7] child support obligation before?

[8] **MR. CLAY:** Don't answer that.

[9] **Q:** Where are you holding your
[10] church services now?

[11] **A:** At Ryan's Family Restaurant on
[12] Bardstown Road.

[13] **Q:** And what is the reason that
[14] you're holding them there?

[15] **A:** They have a meeting hall or room
[16] that was available. It's the closest place to the site of
[17] our church; for the least inconvenience, I think, on our
[18] people.

[19] **Q:** So, are you saying or not - I
[20] don't know whether you're saying - that you're holding
[21] them there because the church building was burned?

[22] **A:** Yes. We're holding them there
[23] because we have no building to have a service in.

[24] **Q:** You know the Corporation
[25] Department in Frankfort shows Danny Johnson, Heart of
Fire

[1] Ministries, Inc., 9103 Wendell Court, Louisville, Kentucky
[2] 40299.

[3] Is that a church building?

[4] **A:** No, sir. That was our home
[5] residence. You had to have an address for that at the
[6] time, so we were leasing a location, I think, at the time
[7] whenever that was written in. And no, I wasn't aware that
[8] was still on there. I think that must be old
[9] documentation.

[10] **Q:** So, you no longer have that
[11] building?

[12] **A:** That's correct.

[13] **Q:** When did you no longer have that
[14] building?

[15] **A:** That was four and a half, five
[16] years ago.

[17] **Q:** Do you have any objection to our
[18] looking at your prior claims with Preferred Risk Mutual
[19] Insurance Company?

[20] **A:** No, sir.

[21] **MR. CLAY:** Go ahead and sign it.

[22] **THE WITNESS:** (Complying with
[23] counsel's request).

[24] **MR. CLAY:** August the 3rd. You
[25] need to print your name there (indicating).

(1) THE WITNESS: Okay. (Complying
(2) with counsel's request).
(3) MR. CLAY: You all already have
(4) his social security number; don't you?
(5) MR. LEACHMAN: No.
(6) All right. The court reporter
(7) saw you freely sign that, so we'll get her to notarize it.
(8) And we'll file a copy along with
(9) the transcript.
(10) Here is a copy of a nonwaiver
(11) agreement. Do you have this?
(12) MR. CLAY: (Shaking head).
(13) MR. LEACHMAN: Here's a copy for
(14) you, and a copy for Mr. Johnson. Take a look at that.
(15) And if that's what you've
(16) signed, then we'll make a copy of it and attach it to the
(17) transcript.
(18) MR. CLAY: Are you going to give
(19) me a copy of that?
(20) MR. LEACHMAN: Yes. I'm going
(21) to make copies.
(22) (Whereupon, Exhibit 1 was received, marked for
(23) identification, and made a part of the record.)
(24)
(25)

(1) CONTINUED EXAMINATION
(2) BY MR. LEACHMAN:
(3) Q: Back to where we were before.
(4) Have you ever been convicted of a felony?
(5) A: I was given a diversion program
(6) concerning a situation that happened.
(7) Q: Did you plead guilty to a
(8) felony?
(9) MR. CLAY: (Shaking head).
(10) A: No.
(11) Q: Well, then, why were you given a
(12) diversion?
(13) A: Because the counsel that I had
(14) thought it was a better thing to do than to go before a
(15) jury; or he said, in a jury trial, anything could happen.
(16) Q: So, do you know what sort of
(17) plea you entered in that situation?
(18) A: Yes, sir, I believe I do.
(19) Q: And when was this?
(20) A: The date would have been —
(21) MR. CLAY: (Interrupting) We've
(22) got the records over here.
(23) MR. LEACHMAN: Oh, do you?
(24)
(25)

(1) CONTINUED EXAMINATION
(2) BY MR. LEACHMAN:
(3) Q: How did that arise?
(4) A: There was a car that I had, that
(5) I had purchased, that was a car that was not running
(6) correctly, and I took it back to the dealership and let
(7) them know that there was problems with the car, and they
(8) refused to fix the car.
(9) And so I was at that time
(10) working in a church, and some of the people in the church
(11) was aware that I was having difficult times with this car,
(12) so there was a person who said to me I ought to take it
(13) back and park it on the lot where I had gotten the car
(14) from, which I did do.
(15) And they were going to fix the
(16) car, and they never did, and they finally called and said
(17) they were going to charge me to park the car there, if I
(18) didn't come and get it, so I did.
(19) And this particular person who
(20) knew that I was going through the problems with the car
(21) said to me, why don't you get rid of it? And I said, well,
(22) I tried to take it back, and they wouldn't take the car
(23) back. And she made a statement to me at this time, which
(24) is what implicated me as an involvement, is, I can get rid
(25) of the car.

(1) And she actually did not get rid
(2) of the car. She had told someone else of the trouble that
(3) was going on with the car, and the car came up missing;
(4) totally missing, and that's exactly what the court records
(5) showed, and that's exactly what happened.
(6) Q: After it was missing, what
(7) happened to it?
(8) A: Well, actually, when the car
(9) came up missing, I didn't know what happened to the car.
(10) It was vandalized. It was stripped down, and I think then
(11) everything was put back on the car following that, and the
(12) individual that took the car had attempted to burn the —
(13) well, actually he had set the car to be burned, and then he
(14) did not burn the car.
(15) And then I received the car
(16) back, fixed the car, the damages, and that was it.
(17) Q: But what were you charged with?
(18) A: I think the charge was attempted
(19) arson, I think, or a diversion program.
(20) Q: Was that car insured?
(21) A: Yes, it was.
(22) Q: Who was it insured with?
(23) A: I'm not sure who it was insured
(24) with. But there was no —
(25) MR. CLAY: (Interrupting)

[1] There's no question on the floor.
 [2] Q: Was the car insured for fire?
 [3] A: I'm not even sure.
 [4] Q: And were you married at that
 [5] time?
 [6] A: No, I was not.
 [7] Q: How many marriages have you had?
 [8] A: I'm married now, and this is the
 [9] only marriage I've had.
 [10] Q: Well, I thought you said you
 [11] were married to Tylia.
 [12] A: Yes. I mean, this is the only
 [13] marriage — you said any other marriages, and I said no,
 [14] sir.
 [15] Q: No. I said, how many marriages
 [16] have you had? So, you've had two marriages?
 [17] A: Yes.
 [18] Q: Is it true that the church
 [19] received a bequest recently from some deceased person, or
 [20] you did, that is very large, somewhere around a million
 [21] dollars?
 [22] A: That we received what?
 [23] Q: A bequest, a gift, a donation.
 [24] A: No, sir.
 [25] Q: There's a rumor out that there

[1] was a very large bequest from a deceased person either to
 [2] you or to the church.
 [3] Is that rumor true, or false?
 [4] A: That would be false.
 [5] Q: When did you marry Rebecca?
 [6] A: 1997, 2-14.
 [7] Q: Where?
 [8] A: Here in Jefferson County.
 [9] Q: And at that time, did you hold
 [10] regular employment, other than the ministry?
 [11] A: That is my regular employment.
 [12] Q: What's Rebecca's date of birth?
 [13] A: August the 17th, 1961.
 [14] Q: And where is she originally
 [15] from?
 [16] MR. CLAY: Don't answer that.
 [17] Q: Was she residing in Kentucky
 [18] when you married her?
 [19] A: Yes.
 [20] Q: Did you know Rebecca back home
 [21] in Louisiana?
 [22] A: No.
 [23] Q: Are you claiming property
 [24] belonging to Rebecca under the homeowners policy?
 [25] A: I'm claiming that it belongs to

[1] me.
 [2] Q: Every piece?
 [3] A: Yes, sir.
 [4] Q: At the time you married, was
 [5] Rebecca employed?
 [6] A: Yes.
 [7] Q: Where was she working?
 [8] A: She works with the church.
 [9] Q: She was working at the church or
 [10] for the church or with the church at the time of your
 [11] marriage?
 [12] A: Yes. She was — whenever we
 [13] married?
 [14] MR. CLAY: Yes. When you were
 [15] married, where was she working?
 [16] A: She was working at Butler
 [17] Aviation.
 [18] Q: In what capacity?
 [19] A: She was over ground handling for
 [20] the airplanes at the airport.
 [21] Q: Did you meet her through her
 [22] job?
 [23] A: I met her at church.
 [24] Q: Did you have anything to do with
 [25] aviation?

[1] A: No, sir.
 [2] Q: Are you a pilot?
 [3] A: No. My father's a pilot.
 [4] MR. CLAY: That wasn't the
 [5] question.
 [6] A: I'm sorry. No.
 [7] Q: How long did Rebecca remain
 [8] employed at Butler Aviation after your marriage 2-14 of
 [9] '97?
 [10] A: Approximately two months.
 [11] Q: And when she left that
 [12] employment, where did she go?
 [13] A: She began to work with the
 [14] ministry.
 [15] Q: At what rate of pay?
 [16] A: Mostly volunteer work at the
 [17] time.
 [18] Q: Did she become an employee at
 [19] some point of Heart of Fire Church or Heart of Fire
 [20] Ministries, Incorporated?
 [21] A: Approximately five years ago,
 [22] she did.
 [23] Q: Now you have me confused. Let
 [24] me start over again.
 [25] She was at Butler Aviation when

[1] you married her; is that right?
 [2] A: That's correct.
 [3] Q: On February 14 of '97?
 [4] A: Yes.
 [5] Q: But she also became an employee
 [6] of the church in about 1995?
 [7] A: She began to work with the
 [8] ministry immediately when we married mostly as volunteer
 [9] work, but about five years ago, she became salaried.
 [10] Q: So, she was salaried before you
 [11] married?
 [12] A: No, sir. She was — I'm
 [13] missing, I guess, the question. That's why I'm confusing
 [14] your answer.
 [15] Q: Okay. Let's take the date of
 [16] the marriage. February 14, '97; right?
 [17] A: Yes, sir.
 [18] Q: Was Rebecca a salaried employee
 [19] three years ago, at the time of your marriage, working for
 [20] Heart of Fire Ministries, Inc.?
 [21] A: I'm sorry. I can tell you what
 [22] happened. I'm not understanding your question. It may be
 [23] my fault, but I'm still not understanding your question.
 [24] Q: Well, a salaried employee has a
 [25] W-2. You know, they receive a W-2 each year that they're a

[1] salaried employee.
 [2] A: (Nodding head).
 [3] Q: Did Rebecca receive a W-2 for
 [4] 1997 from Heart of Fire Ministries, Incorporated?
 [5] A: Yes, she did.
 [6] Q: Did she receive one for 1996?
 [7] A: Yes, she did.
 [8] Q: And for 1995?
 [9] A: Yes, she did.
 [10] Q: So, she was employed at Butler
 [11] and at the church at the same time?
 [12] A: No, sir. We were married on
 [13] 2-14-87.
 [14] Q: All right. That's what got me
 [15] confused. You said '97 originally.
 [16] MR. CLAY: (Nodding head).
 [17] That's why you had everybody confused, Pastor Dan.
 [18] THE WITNESS: I'm sorry.
 [19] MR. CLAY: You forgot that ten
 [20] years there.
 [21] THE WITNESS: No, I don't think
 [22] that's the problem.
 [23] CONTINUED EXAMINATION
 [24] BY MR. LEACHMAN:
 [25] Q: At the time of the fire in this

[1] particular case, what was Rebecca's regular salary weekly,
 [2] every two weeks, whatever, there at the church for what
 [3] she
 [4] did?
 [5] A: Probably a couple hundred
 [6] dollars.
 [7] MR. CLAY: We've got those
 [8] records.
 [9] Q: A couple hundred dollars
 [10] take-home, or gross?
 [11] A: No. That would be take-home.
 [12] Q: All right.
 [13] A: And that's approximate. I'm not
 [14] sure. I didn't do our payroll.
 [15] Q: Who did your payroll?
 [16] A: Paychecks. KHBS, I think.
 [17] Q: Were you a salaried employee, or
 [18] were you on an independent contract or written agreement,
 [19] or what was your status with the church?
 [20] A: I'm salaried.
 [21] Q: Salaried regular employee?
 [22] A: Yes.
 [23] Q: You receive a W-2?
 [24] A: Yes.
 [25] Q: And what was your salary rate?
 A: It figured out to be around

[1] twenty thousand a year.
 [2] Q: Does the church provide you with
 [3] a motor vehicle?
 [4] A: Yes, they do.
 [5] Q: And what kind was that?
 [6] A: We have two vehicles. One is a
 [7] 1995 Cadillac, and the other is a 1995 Suburban.
 [8] Q: And which one does your wife
 [9] regularly use, and which one do you regularly use?
 [10] A: Normally, she drives the car,
 [11] and I drive the truck.
 [12] Q: And what color is the Suburban?
 [13] A: It's green.
 [14] Q: And what color is the car?
 [15] A: White.
 [16] Q: Does the church purchase your
 [17] automobile insurance on those two vehicles?
 [18] A: Yes, they do.
 [19] Q: How does the church gain
 [20] income - is that through tithing or —
 [21] A: (Interrupting) Tithing
 [22] offerings, and outside donations, as well.
 [23] Q: What does the tithing offerings
 [24] amount to as of calendar 1999?
 [25] MR. CLAY: We've got those

(1) statements in there, Bernie.
(2) **MR. LEACHMAN:** Well, he probably
(3) has the figure immediately available to him in his head.

(4) **MR. CLAY:** I doubt it. Just
(5) test him, if you want to.

(6) **CONTINUED EXAMINATION**
(7) **BY MR. LEACHMAN:**

(8) **Q:** Go ahead.

(9) **A:** I'm guessing, but probably
(10) twenty thousand a month. And then also we have a child
(11) care that also funds it. Well, I didn't mention it. Child
(12) and school tuitions.

(13) **Q:** And would that be added to the
(14) twenty thousand?

(15) **A:** Yes, it would.

(16) **Q:** How many children did you have
(17) in there?

(18) **A:** It was eighty-five, I think,
(19) or — about eight-five in the child care, and about fifteen
(20) or so in the school at the time.

(21) **Q:** And what grade levels?

(22) **A:** We graduated our first senior
(23) this year, and it starts at Kindergarten.

(24) **Q:** Was that off-premises, or on the
(25) same premises?

(1) **A:** All on the same premises.

(2) **Q:** Who maintained the property?

(3) **A:** The workers with the child care,
(4) and also we had a janitor.

(5) **Q:** Who was that?

(6) **A:** Paul Johnson.

(7) **Q:** Okay.

(8) **A:** And we had volunteers in our
(9) church, as well.

(10) **Q:** Where does Paul Johnson live?

(11) **A:** Here in Louisville. I'm not
(12) sure of his exact address.

(13) **Q:** Do you have his phone number?

(14) **A:** I can get it. I don't have it.

(15) It would be on our church records.

(16) **Q:** Is it part of these materials
(17) you have here today?

(18) **A:** I think it is. I'm not
(19) positive, though.

(20) **MR. CLAY:** I'll look.

(21) **Q:** Was Paul Johnson doing this
(22) janitor work in his off time from regular employment, or
(23) was he retired, or —

(24) **A:** (Interrupting) This was his
(25) employment.

(1) **Q:** Well, what were his hours?

(2) **A:** I'm not sure of that. Our child
(3) care manager did the scheduling, so I'm not sure of his
(4) hours.

(5) **Q:** Do I understand that you suspect
(6) that some hostile group participated in the destruction of
(7) the church?

(8) **A:** That is my feeling at this time.

(9) **Q:** That's what you've stated to the
(10) press; isn't it?

(11) **A:** Yes.

(12) **Q:** And they quoted you correctly?

(13) **A:** I haven't checked word for word,
(14) but I read the article, so yes, I would think so.

(15) **Q:** And when did you first encounter
(16) some sort of threat from a hostile organization?

(17) **A:** We have had threats over the
(18) past, off and on, probably five years.

(19) **Q:** What types of threats?

(20) **A:** Probably the worst situation
(21) prior to this was, we had our windows shot out one time,
(22) and that was about four years ago.

(23) **Q:** Did that come after a threat, or
(24) did somebody call up and announce that they had done
(25) that?

A: We had calls prior to, and we

(1) had calls afterwards.

(2) **Q:** Who or what organization was
(3) identified in those calls?

(4) **A:** We have had the Clan identified
(5) in some of the threats; not in every one, but they have
(6) identified themselves in some of the threats.

(7) **Q:** Who are the witnesses in the
(8) threats?

(9) **A:** Well, I would say probably a few
(10) people. There was a police report made on the shooting.
(11) And a lot of people witnessed that, I think, after the
(12) fact. There were some threats that came. Just the few
(13) people that would answer the telephone, or people that
(14) would have been around when certain things were said.

(15) There was more recently, I
(16) guess, some of the contractors that we personally feel —
(17) and I haven't stated that we feel they are racists - that
(18) have made threats both on shutting our building down and
(19) killing me.

(20) **Q:** Well, my question was: Who are
(21) your witnesses to these threats?

(22) **A:** Okay. That would be my wife;
(23) myself; probably our manager, one of our ministers there,
(24) Ryan Meredith; Michael Constantine; Paula Johnson; Don
(25) and Linda Dickson. We had attended a rally —

[1] MR. CLAY: (Interrupting) The
 [2] names.
 [3] THE WITNESS: Okay. I'm sorry.
 [4] CONTINUED EXAMINATION
 [5] BY MR. LEACHMAN:
 [6] Q: D-i-c-k, D-i —
 [7] A: (Interrupting) D-i-c-k-s-o-n.
 [8] I'm trying to think of some
 [9] more. Jody Pointer.
 [10] Q: P-o-y?
 [11] A: P-o-i.
 [12] Q: P-o-i?
 [13] A: Yes, P-o-i. My children.
 [14] Q: Names?
 [15] A: Boaz Johnson and Danielle.
 [16] Q: Johnson?
 [17] A: Yes.
 [18] Q: Ages?
 [19] A: One is — the boy is ten, and
 [20] Danielle is nine.
 [21] Q: And who is Paula?
 [22] A: She's a lady in our church.
 [23] Q: Do you have addresses for any of
 [24] these people; Meredith, Constantine?
 [25] A: Yes.

[1] Q: Are they in this material over
 [2] here?
 [3] A: I'm not sure if they are.
 [4] Q: Do you have those compiled
 [5] somewhere?
 [6] A: Yes.
 [7] Q: On a computer disc?
 [8] A: We have no disc.
 [9] Q: Just a written list?
 [10] A: Yes.
 [11] Q: Will you produce that to your
 [12] lawyer so he can give it to us?
 [13] A: Yes.
 [14] Q: Including addresses?
 [15] A: Yes. I'm not sure I can get a
 [16] couple of the names and addresses, but I'll do my best.
 [17] MR. CLAY: You're going to give
 [18] us a letter about everything you want produced; aren't you?
 [19] MR. LEACHMAN: Probably.
 [20] MR. CLAY: That would make it so
 [21] much easier.
 [22] CONTINUED EXAMINATION
 [23] BY MR. LEACHMAN:
 [24] Q: So, over what period of time are
 [25] we talking about these threats to you and your wife, that

[1] were articulated to these other persons that you've listed,
 [2] took place?
 [3] A: About five years.
 [4] Q: So, were these threats
 [5] outstanding as of June 12, 2000; that is, you considered
 [6] them hanging over your head at that time?
 [7] A: Yes.
 [8] Q: Did you think they were real?
 [9] A: Yes.
 [10] Q: Were you concerned about them?
 [11] A: Yes.
 [12] Q: And what was the nature of your
 [13] concern?
 [14] A: Well, I believe things were
 [15] possible, and we took precautions at times to just try to
 [16] be a little more careful and safe.
 [17] Q: Tell me what precautions, if
 [18] any, were in place as of June 12, 2000.
 [19] A: Well, as far as my wife and I,
 [20] we tried to always ride together as much as we could. If
 [21] not, we tried to follow each other. We always watched —
 [22] tried to watch people going to the parking lot as much as
 [23] we could. We installed a lot of extra lighting around the
 [24] church to try to make things as visible as we could; those
 [25] sort of things.

[1] Q: Did you have any subscription to
 [2] an alarm or a security service?
 [3] A: We did have an alarm which was
 [4] there on the premises at the church.
 [5] Q: That wasn't my question.
 [6] A: Okay.
 [7] Q: My question was: Did you have
 [8] any subscription?
 [9] A: No, sir. I don't think that I
 [10] understand exactly what subscription means, but —
 [11] Q: (Interrupting) Where you pay a
 [12] monthly fee, and there is an alarm on the premises, and if
 [13] anything happens, then its agency is alerted, and they
 [14] immediately call the police or the fire department.
 [15] A: We did not have that.
 [16] Q: Did you have any volunteer
 [17] watchmen who would stand watch at the church overnight
 [18] on a rotating basis?
 [19] A: No, sir.
 [20] Q: Did you have anybody who
 [21] carefully checked to be sure all doors were locked at the
 [22] church —
 [23] A: (Interrupting) Yes.
 [24] Q: (Continuing) — before —
 [25] MR. CLAY: (Interrupting) Let

[1] him finish the question.
 [2] THE WITNESS: Okay. I'm sorry.
 [3] CONTINUED EXAMINATION
 [4] BY MR. LEACHMAN:
 [5] Q: Before the last person left of
 [6] an evening?
 [7] A: Yes, sir.
 [8] Q: Who was the individual charged
 [9] with the duty of making sure all doors were locked?
 [10] A: The child care manager.
 [11] Q: Who was that?
 [12] A: Tina. I don't remember her name
 [13] right now. I'm trying to think of it. Carr, C-a-r-r.
 [14] Q: And where does she live, and
 [15] what's her phone number?
 [16] A: She lives here in Louisville,
 [17] and I would have to add that, I guess, also, and get it
 [18] later.
 [19] Q: What instructions were given to
 [20] her?
 [21] A: That all windows and doors
 [22] needed to be locked.
 [23] Q: Who was the last person in the
 [24] building?
 [25] A: Every night?

[1] Q: Before this fire of June 12,
 [2] 2000.
 [3] A: It would be either Tina Carr, or
 [4] the workers that were working the late shift that night.
 [5] Q: What kind of a late shift?
 [6] A: 12:30, 1:00 o'clock.
 [7] Q: Late shift where?
 [8] A: There in the child care and
 [9] school.
 [10] Q: Who would they have been?
 [11] A: The other workers. I have no
 [12] idea.
 [13] Q: How do we find out?
 [14] A: Tina will know. She makes the
 [15] schedules.
 [16] Q: Well, I want to be sure where we
 [17] are.
 [18] Tina Carr then, according to
 [19] your sworn testimony under oath, will be able to tell us
 [20] who was the last person in the building from Heart of Fire
 [21] Church that night —
 [22] A: (Interrupting) That is correct.
 [23] Q: (Continuing) — before the fire
 [24] took place. Is that your testimony?
 [25] A: Yes, sir.

[1] Q: Do you know her phone number?
 [2] A: I will have to get that to you.
 [3] Q: So, do you have any explanation
 [4] for the two unlocked doors at the back of the church that
 [5] were found by the firemen?
 [6] A: I've never even heard of that.
 [7] Q: So, is your answer that you have
 [8] no explanation?
 [9] A: I have none.
 [10] Q: Who has the keys to the church?
 [11] A: There are several of our church
 [12] members that have keys to the church, and I think that's
 [13] it.
 [14] Q: Do you?
 [15] A: Yes.
 [16] Q: Does your wife?
 [17] A: Yes.
 [18] Q: Who else besides the two of you?
 [19] A: I don't know the list of all of
 [20] the names. I know that my wife and I have them. Tina
 [21] would have them. Ryan Meredith would have them. Michael
 [22] Constantine would have them.
 [23] Q: Who is Michael Constantine?
 [24] A: He's one of our ministers in our
 [25] church.

[1] Q: Is he an acquaintance of yours
 [2] from Louisiana?
 [3] A: He's an acquaintance of mine
 [4] through Louisiana, I guess is a good way to put it.
 [5] Q: How do you know him; where do
 [6] you know him from?
 [7] A: I know him from a minister
 [8] friend of mine in Louisiana, that had kind of gotten us
 [9] together some years back.
 [10] Q: Who is the minister friend?
 [11] A: Clarice and George Fluitt in
 [12] West Monroe.
 [13] Q: F-l, P-h-l?
 [14] A: F-l-u-i-t-t.
 [15] Q: Michael Constantine, Ryan
 [16] Meredith, you, and your wife, and who else has keys?
 [17] A: I think Tina Carr.
 [18] Q: Anybody else?
 [19] A: There are some people that have
 [20] them. Myself or Ryan Meredith would probably be the one
 [21] issuing the keys. I think — I know there's other keys. I
 [22] think there's about fifteen sets total.
 [23] Q: So, now — go ahead. What else
 [24] were you going to say?
 [25] A: That was it.

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[1] Q: You had these dire threats
 [2] hanging over your head on June 12, and you're telling us
 [3] under oath that you had about fifteen sets of keys to this
 [4] church floating around, and you even give us a list today
 [5] of who all has the keys?
 [6] MR. CLAY: Now, is that
 [7] argumentative, or is that an effort to get information?
 [8] MR. LEACHMAN: That's a
 [9] question.
 [10] MR. CLAY: Because he's already
 [11] answered the question once. He doesn't know anymore.
 [12] And
 [13] I don't think you need to remind this man he's under oath,
 [14] as you've done twice already.
 [15] MR. LEACHMAN: The oath is
 [16] pretty solid.
 [17] MR. CLAY: I think he recognizes
 [18] that, and I'm sure he doesn't — do you need to be reminded
 [19] that you're under oath?
 [20] THE WITNESS: No, sir.
 [21] **CONTINUED EXAMINATION**
 [22] **BY MR. LEACHMAN:**
 [23] Q: So, is it true that you cannot
 [24] give us a list today, from your own memory, of the people
 [25] that had these fifteen or so sets of keys to this church as
 of June 12, 2000?

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[1] A: I can finish trying to list them
 [2] the best I can. Don and Linda Dickson. That would be one
 [3] to add to the list. And I'm not counting, so if you'll
 [4] help me count each individual I've listed that has them.
 [5] Louie Wilson; Lou Wilson. Wes. I would have to get his
 [6] last name. I can't think of it right now.
 [7] How many is that?
 [8] Q: Do you count you and your wife
 [9] as one?
 [10] A: No. We have two sets.
 [11] Q: Three with Meredith, four with
 [12] Constantine, five with Tina Carr, six with the Dicksons,
 [13] seven —
 [14] A: (Interrupting) That would be
 [15] double —
 [16] Q: (Continuing) — with Wilson,
 [17] eight with Wes.
 [18] A: Double on the Dicksons.
 [19] Q: That's nine.
 [20] A: And then Paul Johnson.
 [21] Q: I thought you said Paula Johnson
 [22] earlier.
 [23] A: There is a Paul. That's the
 [24] janitor. And the Paula is the lady that was just getting
 [25] married, so I'm not real sure of her last name at this

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[1] point.
 [2] Carol Sweitzer.
 [3] Q: S-w, S-c-h?
 [4] A: S-w.
 [5] And Cordia.
 [6] Q: I didn't hear that one.
 [7] A: Cordia. I would have to get her
 [8] last name for you, as well.
 [9] Q: Is there some explanation of why
 [10] there were so many sets of keys floating around at that
 [11] time?
 [12] A: Yes, there is an explanation.
 [13] This is their church, and most of these people had either
 [14] opened for prayer meetings or opened for services,
 [15] volunteered with cleaning. They're part of the ministry
 [16] team, so every one of those people had a reason.
 [17] Q: Are any of your members in law
 [18] enforcement?
 [19] A: Yes.
 [20] Q: Who is in law enforcement?
 [21] A: Carol Sweitzer, her husband.
 [22] Q: Does her husband attend the
 [23] church?
 [24] A: Yes, occasionally. She's real
 [25] regular. He's occasional. She never misses a service.

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[1] Q: Speaking of the services, it has
 [2] been said that you're a faith healer. Is that an accurate
 [3] statement?
 [4] MR. CLAY: A faith healer; is
 [5] that what it was?
 [6] A: I believe in praying for the
 [7] sick, yes, I do.
 [8] Q: As a part of the services, do
 [9] you regularly lay your hands on people and attempt to heal
 [10] them?
 [11] A: Yes, I do, according to the word
 [12] of God. I believe in laying hands on people and praying
 [13] for them.
 [14] Q: Is that a part of the
 [15] charismatic services that you conducted?
 [16] A: That is a part of, from what I
 [17] understand, all charismatic services, yes.
 [18] Q: Now, would you for the purpose
 [19] of this statement, define charismatic?
 [20] MR. CLAY: What's that got to do
 [21] with the fire? Does that have anything to do with the
 [22] fire? Don't answer it if we don't get some clarification
 [23] on how that relates to the fire.
 [24] MR. LEACHMAN: I don't think I
 [25] have to explain my question, but —

[1] MR. CLAY: (Interrupting) Okay.
 [2] MR. LEACHMAN: (Continuing) —
 [3] if he doesn't want to define the type of ministry he's
 [4] engaged in, that's your business and his.
 [5] MR. CLAY: Don't answer it.
 [6] CONTINUED EXAMINATION
 [7] BY MR. LEACHMAN:
 [8] Q: Have you ever used any other
 [9] name?
 [10] A: For myself?
 [11] Q: Yes, sir.
 [12] A: I've always been called — my
 [13] name is Danny Johnson, Danny Ray Johnson, and people
 [14] have
 [14] shortened that to Dan Johnson, so yes.
 [15] Q: Any others?
 [16] A: No, sir.
 [17] Q: During the time that you were
 [18] married to Tylia, did you have any insurance claims, fires,
 [19] thefts, vandalisms, of any kind or nature?
 [20] A: I'm sorry. Ask that again.
 [21] MR. LEACHMAN: Read that back,
 [22] please.
 [23] (Whereupon, the last question was read aloud by the
 [24] reporter.)
 [25] A: No, I didn't.

[1] Q: So, can Tylia verify that
 [2] statement on your part?
 [3] A: I suppose she could.
 [4] Q: During the time you were
 [5] residing in Louisiana, did you personally experience any
 [6] injurious incidents, fires, thefts, vandalism, or other
 [7] claims, for which you sought any kind of recovery or money
 [8] from some other party?
 [9] A: No, sir.
 [10] Q: And while you were living
 [11] anywhere else besides Kentucky, did you ever have any
 [12] such
 [12] claims against any other person, firm, or corporation?
 [13] A: No, sir.
 [14] Q: Tell me the month, date, and
 [15] year, if you would, when you came to Kentucky to become
 [16] a
 [16] resident.
 [17] A: I think it was in 1985, the
 [18] latter part of the year.
 [19] Q: What were the circumstances?
 [20] A: I came here to minister at a
 [21] church here in town, and that's what moved me here.
 [22] Q: What church was that?
 [23] A: Calvary Cathedral.
 [24] Q: Who was the pastor over there?
 [25] A: David Pitts.

[1] Q: Where is David? I haven't heard
 [2] him on the radio.
 [3] A: I don't know. You know, someone
 [4] said he's no longer — I don't know if the — I know the
 [5] church changed its name. I'm not sure if he's still there
 [6] or not.
 [7] Q: So, what was your association
 [8] with David Pitts at Calvary Cathedral?
 [9] A: I just came to preach a meeting
 [10] for him or hold a revival.
 [11] Q: Is David Pitts also a faith
 [12] healer?
 [13] A: He believes in the charasmatic
 [14] belief, yes.
 [15] Q: He puts his hands on people
 [16] and —
 [17] MR. CLAY: (Interrupting) Don't
 [18] answer that.
 [19] Q: (Continuing) — makes an attempt
 [20] to heal them during the service.
 [21] MR. CLAY: Don't answer that.
 [22] Q: Is that a true statement?
 [23] MR. CLAY: Don't answer that.
 [24] Q: Did you become employed at
 [25] Calvary Cathedral?

[1] A: Yes.
 [2] Q: What space of time between your
 [3] revival you preached for David Pitts was there before you
 [4] became employed at Calvary?
 [5] A: I was there for an interim
 [6] really; short intern. He was traveling quite a bit, and I
 [7] was still traveling.
 [8] MR. CLAY: What was the length
 [9] of time?
 [10] A: Four months.
 [11] Q: Is that the term of your
 [12] employment there at Calvary, or is that the time between
 [13] your revival and your going to work at Calvary?
 [14] A: That's all inclusive.
 [15] Q: All right. So, when you came to
 [16] Calvary and preached the revival, did you stay in Kentucky
 [17] at that time?
 [18] A: Yes, sir.
 [19] Q: Where did you live?
 [20] A: I lived in Kentucky Towers.
 [21] Q: And in '85, were you single or
 [22] married to Tylia?
 [23] A: Single.
 [24] Q: Were you acquainted with Rebecca
 [25] at that time?

[1] A: No.
[2] Q: So, having been there at Calvary
[3] Cathedral for four months, when you departed, was it on
[4] good terms?
[5] A: (No response).
[6] Q: Well, let me put it in the
[7] vernacular. Did you quit, or were you run off?
[8] A: I quit.
[9] Q: Okay.
[10] A: And to go back to your other
[11] question —
[12] MR. CLAY: (Interrupting) Don't
[13] go back to the other question.
[14] THE WITNESS: Okay.
[15] MR. CLAY: Just answer the
[16] question.
[17] A: I quit.
[18] Q: Did you actually become a
[19] salaried W-2 employee at Calvary Cathedral?
[20] A: No.
[21] Q: Were you on any kind of an
[22] earning basis there?
[23] A: Yes. It would have been —
[24] MR. CLAY: (Interrupting) Yes.
[25] Q: Some kind of outside

[1] contract-type thing?
[2] A: Yes.
[3] Q: Do you have, as of June 12,
[4] 2000, a contract agreement in writing for employment by
[5] Heart of Fire Church Ministries?
[6] A: I'm not sure of that question,
[7] how you're asking it.
[8] Q: Well, a lot of preachers sign
[9] some kind of contract or agreement, so that they're not
[10] considered actually an inside employee.
[11] Did you have any kind of written
[12] contract of employment with Heart of Fire Ministries, as an
[13] employee of Heart of Fire?
[14] A: I'm the pastor, so —
[15] Q: (Interrupting) You didn't have
[16] any separate — they said here's a contract, and you signed
[17] it —
[18] A: (Interrupting) No, sir.
[19] Q: (Continuing) — and it stated
[20] the terms of your employment?
[21] A: No, sir.
[22] Q: All right. When did you
[23] incorporate your corporation?
[24] A: Possibly 1995.
[25] Q: Who were the incorporators?

[1] A: Myself, Mary Hodge, and Joel
[2] Hemphill, and my father.
[3] Q: And his name again is?
[4] A: Jerry Johnson. And I have to go
[5] back to the original corporation, so I'm trying to
[6] remember. I think also Bob Rogers.
[7] Q: Is he connected with Evangel
[8] Tabernacle?
[9] A: Yes, sir.
[10] Q: Is that the older man, or the
[11] younger fellow?
[12] A: The younger fellow.
[13] Q: Did you ever work or preach at
[14] Evangel?
[15] A: Yes.
[16] Q: Well, I guess I really ought to
[17] run down — I'm diverting into — or diverging into your
[18] corporation.
[19] Who were the stockholders at
[20] that time? Who got the stock?
[21] A: It's a nonprofit organization.
[22] Q: Well, you have to have stock to
[23] vote.
[24] A: I was the primary. I don't know
[25] of anybody else but myself at that time.

[1] Q: As of June 12, 2000, were there
[2] any stockholders besides Danny Johnson on this coopera-
[3] tion?
[4] A: No, sir.
[5] Q: Did Rebecca hold any stock or
[6] voting authority?
[7] A: No, sir.
[8] Q: So, you were the sole
[9] stockholder, and did you have an office, as an officer, in
[10] the corporation?
[11] A: Yes, president.
[12] Q: And did Rebecca hold an office
[13] in the corporation?
[14] A: Secretary.
[15] Q: Who was the treasurer?
[16] A: My son, Boaz.
[17] Q: So, the corporation — the name
[18] of the corporation was Danny Johnson and —
[19] A: Heart of Fire Ministries, Inc.
[20] Q: Right. And Danny Johnson was
[21] the president, and Danny Johnson was the stockholder?
[22] A: Correct.
[23] Q: So, essentially, you were the
[24] corporation and it was you?
[25] A: Yes, sir.
[26] Q: Let me back up, and — oh, I'm

(1) sorry. And when I made that statement, you were the
 (2) corporation and it was you, and you answered yes, sir, we
 (3) were both talking about June 12, 2000?
 (4) A: Yes, sir.
 (5) Q: Let's go back to David Pitts and
 (6) Calvary Cathedral, and you left there on good terms.
 (7) A: Yes.
 (8) Q: What did you do after that?
 (9) A: I was already traveling in the
 (10) ministry at the time, so that's what I continued doing.
 (11) MR. LEACHMAN: Let's stop a
 (12) minute.
 (13) (Whereupon, a brief recess was had, after which the
 (14) following
 (15) was heard:)

CONTINUED EXAMINATION
BY MR. LEACHMAN:

(17) Q: From Calvary, what was your next
 (18) more or less fixed place where you were operating,
 (19) employed, or otherwise?
 (20) A: I maintained right here in
 (21) Louisville, and I would travel out.
 (22) Q: Did you have a specific
 (23) church-type location that you worked from?
 (24) A: I had a — no. I answered that
 (25) before you asked it. No, sir.

(1) Q: What did you have?
 (2) A: Okay. I had offices in Kentucky
 (3) Towers.
 (4) Q: And what did you call yourself?
 (5) A: Heart of Fire Ministries, Inc;
 (6) Danny Johnson/Heart of Fire Ministries, Inc.
 (7) Q: So, what prompted you to
 (8) incorporate - David?
 (9) A: No, sir. I had just always been
 (10) told that that was the best thing to do if you were
 (11) traveling. The ministries I had all worked with before
 (12) were incorporated.
 (13) Q: Who were you working with at
 (14) that time?
 (15) A: After Cavalry?
 (16) Q: No. When you were traveling
 (17) after Calvary.
 (18) A: Preaching with like independent
 (19) churches, and Assembly of God churches, Baptist churches.
 (20) Q: East the Mississippi?
 (21) A: All over the country.
 (22) Q: How long did you work at that
 (23) endeavor?
 (24) A: I still do that.
 (25) Q: But how long did you work at

(1) that endeavor without having a fixed congregation that you
 (2) were actually affiliated with here?
 (3) A: Probably about a year and a
 (4) half; until the time that my wife and I married.
 (5) Q: Then what happened?
 (6) A: We spent another year probably
 (7) traveling, and then we moved to California to work out of
 (8) a
 (9) church that I had been working with quite a bit there in
 (10) that area.
 (11) Q: What was the church in
 (12) California?
 (13) A: It's Living Waters Church in
 (14) Pasadena, California.
 (15) Q: What is Pasadena Ward?
 (16) A: What is Pasadena Ward?
 (17) Q: Yes.
 (18) A: I am not sure.
 (19) Q: You've never heard the name or
 (20) the term?
 (21) A: Pasadena Ward?
 (22) Q: I had that wrong. Pasadena
 (23) Heart. What is that; who is that?
 (24) A: We were Heart of — we moved to
 (25) that location, so I don't know.
 (26) Q: Were you incorporated in

(1) California?
 (2) A: Yes, we were.
 (3) Q: Did you call yourself Pasadena
 (4) Heart of Fire?
 (5) A: Danny Johnson/Heart of Fire
 (6) Ministries, Inc.
 (7) Q: So, you don't know anything
 (8) about Pasadena Heart?
 (9) A: No. I know that on some of the
 (10) records sometimes they make abbreviations because the
 (11) names
 (12) are long.
 (13) Q: How long were you in Pasadena?
 (14) A: Approximately five years.
 (15) Q: Did you have a fixed location?
 (16) A: Yes.
 (17) Q: Where was it; the street number
 (18) and ZIP code?
 (19) A: East Mountain Street, Pasadena,
 (20) and I don't remember the address, the exact. It was right
 (21) beside the church.
 (22) Q: What is?
 (23) A: The residence that I had was by
 (24) the church; about five houses down.
 (25) Q: I meant to ask you. Does Heart
 of Fire Church provide you with your home in Mt.

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[1] Washington?
 [2] A: Yes, it does.
 [3] Q: Do you know the tax assessment
 [4] on the property?
 [5] A: No, I do not.
 [6] Q: Do you know the amount the
 [7] church paid for the property?
 [8] A: Yes, I do.
 [9] Q: How much was that?
 [10] A: A hundred and twenty thousand.
 [11] Q: Is there a mortgage on the
 [12] property?
 [13] A: It's included with our church
 [14] mortgage.
 [15] Q: So, that would be Liberty, and
 [16] then Alanar?
 [17] A: Yes.
 [18] Q: I want to break my sequence
 [19] here. You and your wife were living in Pasadena,
 [20] California?
 [21] A: Yes, sir.
 [22] Q: Did you have babies while you
 [23] were there?
 [24] A: Yes, sir, we did.
 [25] Q: One, two, both?

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[1] A: We had in Pasadena a boy and a
 [2] girl. Excuse me. Let's get that right. A girl and a boy.
 [3] Q: In that order?
 [4] A: Yes. We have boy, girl, boy,
 [5] girl.
 [6] Q: When you were in Pasadena, did
 [7] you have a congregation?
 [8] A: Yes, I did.
 [9] Q: Did you have employees at your
 [10] congregation, W-2 employees?
 [11] A: No, sir, I did not.
 [12] Q: How did you work that when you
 [13] needed help?
 [14] A: I was a minister within a church
 [15] where we were working, and I also traveled out, so Living
 [16] Waters had employees that worked with our ministry.
 [17] Q: So, were you a W-2 employee of
 [18] Living Waters?
 [19] A: No, sir.
 [20] Q: Was your wife?
 [21] A: No, sir.
 [22] Q: At that time, was your wife a
 [23] salaried employee of Heart of Fire for tax purposes?
 [24] A: No, sir, she was not.
 [25] Q: You're in California for about

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[1] five years. What happens that prompts you to leave?
 [2] A: My — my wife's — several
 [3] things. Home sick, for one, but the other, the major, was
 [4] her grandfather got deathly ill.
 [5] Q: Where is he?
 [6] A: He passed.
 [7] Q: I mean, where was he at the
 [8] time?
 [9] A: Here in Louisville.
 [10] Q: Home sick. Does that mean
 [11] you're home sick for Louisiana?
 [12] A: My wife was.
 [13] Q: Your wife was home sick for
 [14] Kentucky?
 [15] A: Yes.
 [16] Q: So, the Heart of Fire Ministries
 [17] departed from the Living Waters Church; correct?
 [18] A: That's correct.
 [19] Q: Were you there at the Living
 [20] Waters the whole five years?
 [21] A: Approximately five years, and
 [22] then we moved north to Seattle, Washington, to our pastor
 [23] there, or a pastor that's been a pastor to us for several
 [24] years.
 [25] Q: Who is that?

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[1] A: Mel Bailey.
 [2] Q: What's his address?
 [3] A: Seattle, Washington, and I'm not
 [4] sure — he did live in —
 [5] Q: (Interrupting) The street?
 [6] A: I'm not sure. He lived in
 [7] Mukiteo for quite sometime, out of Seattle, and just —
 [8] MR. CLAY: (Interrupting) Do you
 [9] know his address?
 [10] THE WITNESS: No.
 [11] MR. CLAY: Thank you.
 [12] A: No, sir.
 [13] Q: Do you get mail from him?
 [14] A: Yes.
 [15] Q: Can you provide his address?
 [16] A: Yes.
 [17] Q: Backing up to the time that you
 [18] were at Living Waters Church. Did you personally at your
 [19] place or did Living Waters Church during that period of
 [20] time or Heart of Fire Ministries, sustain any losses,
 [21] claims, injuries, damages, in the nature of fire, theft,
 [22] vandalism, or bodily injuries, for which claims were made
 [23] to third parties for recovery?
 [24] A: No, sir.
 [25] Q: You went to Seattle?

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- (1) A: Yes, sir.
 (2) Q: Did you part company with Living
 (3) Waters on good terms?
 (4) A: Yes, sir.
 (5) Q: And did you tell us the name of
 (6) the pastor there?
 (7) A: Willard and Ione Glasier.
 (8) Q: I-o —
 (9) A: (Interrupting) I-o-n — it's
 (10) I-o-n-e, I think. And they've passed. They're both
 (11) deceased.
 (12) Q: Glasier —
 (13) MR. CLAY: (Interrupting) Did he
 (14) ask how they were living now?
 (15) THE WITNESS: No, sir.
 (16) CONTINUED EXAMINATION
 (17) BY MR. LEACHMAN:
 (18) Q: Glasier, is that spelled —
 (19) A: (Interrupting) G-l-a-s-i-e-r.
 (20) Q: And did they have any survivors
 (21) or children or anybody that came in and took over after
 (22) them?
 (23) A: Yes.
 (24) Q: What's the name of the survivor?
 (25) A: David Fisher.

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- (1) Q: Is he still there?
 (2) A: Yes.
 (3) Q: Is he acquainted with you?
 (4) A: Yes.
 (5) Q: Do you ever preach there?
 (6) A: Not since we moved back.
 (7) Q: Going to Seattle. The question
 (8) I asked about any events of fire, theft, vandalism, bodily
 (9) injuries, and claims resulting from those things, did you
 (10) have any of those while you were in Seattle?
 (11) A: No, sir.
 (12) Q: Or in or around Seattle?
 (13) A: No, sir.
 (14) Q: So, how long were you in
 (15) Seattle?
 (16) A: About ten months.
 (17) Q: And where were you located?
 (18) A: Millcreek, Washington.
 (19) Q: By that I mean, were you in a
 (20) house, or were you at a church parsonage, or —
 (21) A: (Interrupting) At a house, a
 (22) home.
 (23) Q: How was that provided? Was that
 (24) owned by the church, or owned by —
 (25) MR. CLAY: (Interrupting) Don't

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- (1) answer that. Don't answer that.
 (2) Q: Did you rent, buy?
 (3) MR. CLAY: Don't answer that.
 (4) Q: How did you come by your
 (5) lodgings?
 (6) MR. CLAY: Don't answer that.
 (7) Q: During the ten months that you
 (8) were there, did you have gainful employment of any kind?
 (9) A: Yes.
 (10) Q: Whom did you work for?
 (11) A: I had our ministry.
 (12) Q: And were you preaching at some
 (13) church locally?
 (14) A: Yes.
 (15) Q: What was the name of the church?
 (16) A: Emanuel — Emanuel Harvester
 (17) Christian Center.
 (18) Q: Who operated that?
 (19) A: Melvin Bailey; Mel Bailey.
 (20) Q: And do you know the address of
 (21) the Christian Center?
 (22) A: No, sir, I do not.
 (23) Q: Is it in Seattle?
 (24) A: Yes, sir.
 (25) Q: Is it still in operation?

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- (1) A: It is a — yes, sir.
 (2) Q: Do you ever preach there?
 (3) A: I haven't been back that way, so
 (4) no, I do not.
 (5) Q: Not since you left?
 (6) A: That's correct.
 (7) Q: Did you leave on good terms?
 (8) A: Excellent.
 (9) Q: During the time that you were
 (10) there, did Mr. Bailey or did the Christian Center
 (11) experience any fires, thefts, vandalism, or present any
 (12) claims for any other types of losses, such as water damage,
 (13) or anything else?
 (14) A: No, sir.
 (15) MR. CLAY: How do you know that?
 (16) THE WITNESS: I don't know that.
 (17) MR. CLAY: Well, you can't
 (18) answer that.
 (19) MR. LEACHMAN: Well, he's
 (20) answering from his own knowledge, okay?
 (21) THE WITNESS: I'm sorry. I've
 (22) done that on all of these.
 (23) MR. LEACHMAN: Right.
 (24) A: I mean, I wouldn't know, but to
 (25) my knowledge, no.

[1] Q: And then I asked the same
[2] question about you and your family; didn't I, while you
[3] were there?
[4] A: Yes, sir.
[5] Q: And your answer was no, you did
[6] not?
[7] A: Yes, sir.
[8] Q: From Seattle, where did you go?
[9] A: To here.
[10] Q: Well, not to my office.
[11] A: Wendell Court.
[12] Q: Wendell Court is in —
[13] A: (Interrupting) Here.
[14] Q: (Continuing) — J-town?
[15] A: Yes; the address you listed
[16] earlier.
[17] Q: What type of physical plant
[18] setup is there at that location? I mean, is it an
[19] industrial building that was converted; is it a church
[20] building?
[21] A: It's a home.
[22] Q: A home?
[23] A: A residence.
[24] Q: Is it attached to any type of
[25] church structure?

[1] A: No, sir.
[2] Q: Or it's just a one-family
[3] residence?
[4] A: That's correct.
[5] Q: All right. And from there, as I
[6] understand it, you operated your Heart of Fire Ministry;
[7] correct?
[8] A: That's correct.
[9] Q: Did you hold any other gainful
[10] employment?
[11] A: I preached out of — you know,
[12] out in the area some, and I had work that I did, like
[13] tree-trimming, general —
[14] Q: (Interrupting) Odd jobs?
[15] A: Odd jobs, yes, sir.
[16] Q: Did you have a pickup truck?
[17] A: Yes, sir, I did.
[18] Q: That fits in with odd jobs. Did
[19] your wife hold gainful employment?
[20] A: She worked with the ministry.
[21] No, sir.
[22] MR. LEACHMAN: All right. It's
[23] seven minutes or so to noon, and we're going to adjourn
[24] until after the lunch hour.
[25]

[1] (Whereupon, a lunch recess was had, after which the
[2] following
[3] was heard:)
[4] CONTINUED EXAMINATION
[5] BY MR. LEACHMAN:
[6] Q: You have mentioned a day care,
[7] child care, school. Is that a creature of the corporation,
[8] Danny Johnson/Heart of Fire, or is that a stand-alone
[9] contract outfit?
[10] A: It's part of Heart of Fire
[11] Church.
[12] Q: So, you don't contract that out
[13] to anybody?
[14] A: No, sir.
[15] Q: Here is an application for
[16] insurance, which was the application submitted to
[17] Brotherhood Mutual Insurance Company on behalf of Heart
[18] of
[19] Fire, according to their file. Take a look at that, if you
[20] would, please, and then I'll ask you about it.
[21] A: (Studying document).
[22] Q: Have you had a chance to look
[23] this over?
[24] A: Yes, sir.
[25] MR. LEACHMAN: Give him that
copy while I use the original, please.
COURT REPORTER: (Complying with

[1] counsel's request).
[2] MR. LEACHMAN: Thank you.
[3] CONTINUED EXAMINATION
[4] BY MR. LEACHMAN:
[5] Q: Let me start from the top down.
[6] Do you recollect - and by that, I don't mean do you
[7] remember the date, hour, and minute - but do you recollect
[8] when your church was changing insurance companies and
[9] insurance policies and was applying to Brotherhood Mutual
[10] for a policy?
[11] A: (No response).
[12] Q: I mean, do you remember that
[13] that occurred?
[14] A: Yeah. I remember that that
[15] occurred, yes.
[16] Q: I presume you can't tell us the
[17] approximate date; although, it shows policy initiation
[18] 9-15-98 on here.
[19] Does that sound about right?
[20] A: Yes, sir.
[21] Q: And then they show effective
[22] date up here 8-5-98.
[23] Does that sound about right?
[24] A: Yes, sir.
[25] Q: Was your agent's name Harvey

[1] Wendelgast at the Reynolds Insurance Agency?
 [2] A: Yes, sir.
 [3] Q: Did you ask for a quotation of a
 [4] premium from Brotherhood Mutual Insurance Company?
 [5] A: A quotation of a premium?
 [6] Q: An estimate of what the premium
 [7] would be.
 [8] A: Monthly or —
 [9] Q: (Interrupting) Well, no; just
 [10] how much would it cost us to have insurance with
 [11] Brotherhood versus where we are now.
 [12] A: I don't know. I would say so,
 [13] but I don't know.
 [14] Q: Who was in charge of the change
 [15] of insurance business?
 [16] A: Myself and my wife, we would
 [17] attend to that, and we had probably a couple other church
 [18] members that may call us.
 [19] Q: Well, did you or your wife talk
 [20] to Harvey Wendelgast and sit down with him to complete
 [21] the application?
 [22] A: Yes.
 [23] Q: Which one?
 [24] A: Myself.
 [25] Q: And was that done at your

[1] Q: And was it also told by you to
 [2] Mr. Wendelgast that this was a corporation that would be
 [3] insured?
 [4] A: Yes.
 [5] Q: Then under Risk Type, when you
 [6] went to this area with Mr. Wendelgast, was it your
 [7] understanding that the primary risk to be insured was the
 [8] church?
 [9] A: Yes.
 [10] Q: Now, was the school day care in
 [11] an integrated area of the same building?
 [12] A: Yes.
 [13] Q: But is there some reason why the
 [14] school day care was not mentioned to Mr. Wendelgast at that
 [15] time?
 [16] A: It was mentioned.
 [17] Q: Tell me about that.
 [18] A: Okay. The church is all one
 [19] building, and so it both houses our church, the Sunday
 [20] school classes, offices for the church, as well as —
 [21] because our church, Sunday school, and all the offices for
 [22] the Sunday school is used on Sunday, and this child care
 [23] during the week when there's no child care on Sunday, so
 [24] it was all integrated as one part.
 [25] Q: What discussion did you have

[1] office?
 [2] A: Yes, it was.
 [3] Q: So, on the first page here at
 [4] the left margin, you see Partnership Group,
 [5] Denomination/association affiliation, and was it
 [6] information from you that this was a nondenominational
 [7] congregation?
 [8] A: Yes.
 [9] Q: And was it information from you
 [10] immediately above there that no smoking was permitted in
 [11] the building?
 [12] A: Yes.
 [13] Q: Then it shows account
 [14] information, account names. Was it information from you
 [15] that Heart of Fire Church, P.O. Box 91587, Louisville, Ky.
 [16] 40291, was to be the insured?
 [17] A: Yes.
 [18] Q: And that the billing mode was to
 [19] be quarterly?
 [20] A: Yes.
 [21] Q: Was that what you agreed on?
 [22] A: Yes.
 [23] Q: And was it also agreed that
 [24] there would be an attached application for a vehicle?
 [25] A: Yes.

[1] with Mr. Wendelgast about the school day care and whether
 [2] it would be marked on here or not marked?
 [3] A: I think it was his — I think it
 [4] was description to leave it as church, since it was all one
 [5] building.
 [6] Q: Then Number of Employees, Total
 [7] number of full and part-time employees for primary risks, I
 [8] think you've mentioned more than four.
 [9] Who were the four that you had
 [10] in mind when you told him four back there at the time of
 [11] this application?
 [12] A: It would have been my wife,
 [13] myself, the secretary, and the lady over the child care.
 [14] Q: Who was the secretary?
 [15] A: She worked both the child care
 [16] and as secretary, and that would have been Jody Pointer.
 [17] Q: So, that's your wife, yourself,
 [18] Jody Pointer, and —
 [19] A: (Interrupting) Tina Carr.
 [20] Q: Tina Clark?
 [21] A: Carr.
 [22] Q: Carr. So, those would have been
 [23] the four that you had in mind when you gave that number
 [24] and when you and Mr. Wendelgast talked about that number;
 [25] correct?

[1] A: Correct.
[2] Q: Now we go to Page 2, Insurance
[3] and History. It shows policy term, 8-5-97 to 8-5-98, State
[4] Auto Insurance Company, and then it shows a policy num-
[5] ber;
[6] correct?
[7] A: Correct.
[8] Q: Was that the insurer for the
[9] church at the time that you were wanting to switch to
[10] Brotherhood Mutual, or exploring that?
[11] A: I believe so.
[12] Q: Were you the one that gave that
[13] information to Mr. Wendelgast?
[14] A: Yes.
[15] Q: Then it says Current CMP
[16] premium, thirty-one sixty-one.
[17] Does that sound about right?
[18] A: Yes.
[19] Q: CMP premium desired from
[20] Brotherhood Mutual, nineteen hundred and seventy-eight
[21] dollars.
[22] Does that sound right?
[23] A: Yes.
[24] Q: And then do you have any other
[25] policies with Brotherhood Mutual? Answer, yes. And it
indicates auto and renters policy for pastor.

[1] What does that mean, and what
[2] does that summarize actually in your discussion?
[3] A: Okay. Which paragraph were you
[4] on now?
[5] Q: All right. I'm right in this
[6] little insert (indicating).
[7] A: Okay. This premium was for two
[8] hundred and eighty-seven thousand more coverage. They
[9] had
[10] another building that's been sold.
[11] Q: Well, no. My question was: It
[12] says you had auto and renters policy for the pastor. Do
[13] you have any other policies with Brotherhood Mutual? And
[14] that was the answer to that.
[15] A: Okay.
[16] Q: So, had you done insurance
[17] business with Brotherhood Mutual before on another
[18] policy?
[19] A: No, sir.
[20] Q: Well, do you know why this auto
[21] and renters policy for the pastor for two eighty-seven five
[22] hundred more coverage is listed under that area there, and
[23] also the word yes is marked, that you did have other
[24] policies with Brotherhood? Did you have something on the
[25] other building covering you and —
A: (Interrupting) We may have at
that time with Brotherhood. I'm not sure who our coverager

[1] was at that time. So, I guess my best answer there is, I
[2] don't know.
[3] Q: Where was the other building?
[4] A: It was an adjacent building that
[5] we had to our church at the time. Probably at that time,
[6] it was rebuilt. That building had been removed, torn down
[7] and removed, and we had built the new building.
[8] Q: So, are you able to fully
[9] explain this yes answer, auto and renters policy for
[10] pastor; this premium was for two hundred and eighty
[11] thousand more coverage; they had another building that's
[12] been sold? Can you explain what that means really?
[13] A: No, I really can't. I can't
[14] understand — I don't really understand the word sold.
[15] Q: The next question is, has any
[16] insurance company canceled or refused to renew any CMP,
[17] auto, worker's comp, policy for you in the last five years?
[18] If yes, attach explanation. You've got the word no there.
[19] Is that the answer you gave?
[20] A: I think that would be correct.
[21] Q: Well, had Preferred Risk Mutual
[22] indicated that they weren't going to renew your policy
[23] after you had those losses with them?
[24] A: My understanding with that
[25] company, and I'm stating something I'm not absolutely

[1] positive on, but it was something to the nature of they
[2] were changing their coverages for churches; they weren't
[3] going to be doing coverages on churches anymore.
[4] Q: So, they declined to renew you?
[5] A: They simply told us they were
[6] not going to be insuring churches, so I guess that would be
[7] correct. They didn't decline to renew us. They weren't
[8] going to carry coverage for churches anymore.
[9] Q: They just weren't going to issue
[10] you a another policy; correct?
[11] A: We didn't stay, I don't think,
[12] through the duration of when they quit issuing to churches.
[13] We were looking for another company when we got that
[14] news.
[15] Q: So, did they offer you or issue
[16] another policy to you?
[17] A: We didn't ask, I think, and they
[18] didn't offer.
[19] Q: Okay. So, none was offered or
[20] renewed in Preferred Risk; either one?
[21] A: That's correct.
[22] Q: And when would you think that
[23] took place - the year before you had coverage with State
[24] Auto?
[25] A: About that time, I think, if I
remember correctly - again, this is my thought - as far as

[1] my memory serves, it was more in regards to us insuring our
 [2] home than it was our church. Our home is part of our
 [3] church policy, and there was some kind of a letter that was
 [4] mailed out concerning fire hydrants and all different
 [5] things that our neighborhood did not offer, and so they had
 [6] sent a letter of some sort - I'm sure that's on file
 [7] somewhere - stating they were not going to insure except
 [8] for the neighborhood that had different easements,
 [9] different — all kind of speculations, which our
 [10] neighborhood did not have, and then it had a little thing,
 [11] I think, where you could argue the point or write a letter
 [12] or —
 [13] **Q:** (Interrupting) Appeal it?
 [14] **A:** Appeal it. And we didn't — we
 [15] chose not to appeal. We chose not to do anything. We just
 [16] simply looked for another agency.
 [17] **Q:** And do you think you have an
 [18] insurance file someplace?
 [19] **A:** No, sir, I don't have, as far as
 [20] I know, but I would just say that probably their company
 [21] would probably have a — it looked like a form letter that
 [22] came out anyway, so I'm sure they would probably have a
 [23] copy.
 [24] **MR. LEACHMAN:** Let me see that
 [25] authorization and see if it covers underwriting files. No,

[1] it does not. I think I'm going to get that reworded a
 [2] little bit to say all insurance, underwriting, and claim
 [3] file information.
 [4] **MR. CLAY:** Okay. Why don't you
 [5] just get it amended, and we'll release that to Bernie
 [6] Leachman, too? I don't care about your representative
 [7] getting access to that.
 [8] **MR. LEACHMAN:** Well, they might
 [9] say somebody's got to come pick it up, and I'd have to send
 [10] somebody to pick it up. That's the only reason I do that.
 [11] **MR. CLAY:** Can you identify
 [12] who's going to pick it up?
 [13] **MR. LEACHMAN:** Well, no; whoever
 [14] is available. My wife might do it. My son might do it.
 [15] **MR. CLAY:** I might be available.
 [16] **MR. LEACHMAN:** You can go get
 [17] it. I don't care.
 [18] **MR. CLAY:** All right. Bernie
 [19] Leachman or Thomas Clay.
 [20] **MR. LEACHMAN:** Well, we probably
 [21] wouldn't want to impose on you.
 [22] **MR. CLAY:** It won't be an
 [23] imposition. I'll be happy to do it.
 [24] **MR. LEACHMAN:** You'll probably
 [25] have your wife do it anyway.

[1] **MR. CLAY:** No. I'll do it. My
 [2] name is on there.
 [3] **MR. LEACHMAN:** Let's go off the
 [4] record.
 [5] (Whereupon, an off-the-record discussion was had, after
 [6] which
 [7] the following was heard:)
 [8] (Whereupon, Exhibits 2 and 3 were received, marked for
 [9] identification, and made a part of the record.)
 [10] **CONTINUED EXAMINATION**
 [11] **BY MR. LEACHMAN:**
 [12] **Q:** We're both looking at Loss
 [13] History on Page 2 of the application. Is that information
 [14] that you gave to Mr. Wendelgast when asked within the past
 [15] five years, please describe any loss paid by an insurance
 [16] company, any loss pending that has not been paid, or any
 [17] loss greater than a thousand dollars that was not covered
 [18] by insurance? And then Description, one loss about three
 [19] years ago - roof and siding hail damage, ten thousand
 [20] dollars. Was that your answer?
 [21] **A:** Yes, it was.
 [22] **Q:** Did you relay any additional
 [23] losses, other than that one, to Mr. Wendelgast?
 [24] **A:** No, sir. I don't think I did.
 [25] **MR. LEACHMAN:** Testimony by Mr.

[1] Clay, that is.
 [2] **MR. CLAY:** I'm just citing what
 [3] Bishop Danny Johnson said, because I was close enough to
 [4] hear him.
 [5] **CONTINUED EXAMINATION**
 [6] **BY MR. LEACHMAN:**
 [7] **Q:** The next sentence down is, has
 [8] your organization or its leaders in connection with your
 [9] organization been parties to any lawsuit during the past
 [10] five years? If yes, please attach explanation.
 [11] So, as of 8-5-98, when this is
 [12] dated at the bottom, was the no answer the information that
 [13] you gave to Mr. Wendelgast on that day?
 [14] **A:** The no answer was the answer I
 [15] gave him.
 [16] **Q:** And the next is, are you aware
 [17] of any past or present situation or dispute that could
 [18] result in a claim or lawsuit being made against your
 [19] organization or its leaders? If yes, attach explanation.
 [20] And was the no answer the
 [21] information that you gave Mr. Wendelgast that day?
 [22] **A:** The no answer was the answer.
 [23] **MR. CLAY:** You're going to have
 [24] to speak up.
 [25] **A:** Yes, that's correct.

[1] Q: Okay. Onto the third page. Oh,
 [2] well, let me ask you. Were you aware of the little
 [3] statement at the bottom of the application called the fraud
 [4] statement?
 [5] A: Yes, I am right now.
 [6] Q: No. I mean, were you aware of
 [7] that on the day of the application?
 [8] A: Yes, sir.
 [9] Q: Page 3, at the top, you're
 [10] talking about coverage format. It says Scheduled values.
 [11] Did you submit a schedule of
 [12] values of any objects, belongings, or personal property;
 [13] that is, a list, at any time?
 [14] A: I'm not sure. I would think so,
 [15] but I'm not sure.
 [16] Q: Would you have a copy of it, if
 [17] you had?
 [18] A: No, sir, I would not.
 [19] Q: Policy deductible, five hundred
 [20] dollars.
 [21] Does that square with your
 [22] recollection of what you and Mr. Wendelgast agreed on that
 [23] day?
 [24] A: Yes, sir.
 [25] Q: Glass deductible, the same as

[1] policy deductible.
 [2] Does that square with your
 [3] recollection of your discussion with Mr. Wendelgast on
 [4] August 5, 1998?
 [5] A: Yes, sir.
 [6] Q: Systems Equipment Breakdown. Do
 [7] any buildings contain objects, such as boilers, requiring
 [8] state inspection?
 [9] And was the no answer the answer
 [10] you gave to Mr. Wendelgast that day?
 [11] A: Yes, sir.
 [12] Q: Then moving on down, Bond
 [13] Coverage. There's an X over there, Other, twenty-five
 [14] thousand dollars.
 [15] Do you have any idea what that
 [16] means?
 [17] A: (No response).
 [18] Q: Was somebody bonded for
 [19] something? Does the child care lady have a bond?
 [20] A: I'm not sure. I'm not sure at
 [21] this point.
 [22] Q: And down here, Property
 [23] Protector Endorsement, yes, with limited ordinance and
 [24] law.
 [25] Did you and Mr. Wendelgast
 discuss that on August 5 of '98?

[1] A: I don't remember.
 [2] MR. LEACHMAN: Okay. Well,
 [3] we've given you a copy of this application; haven't we?
 [4] Right there (indicating).
 [5] There were other parts to the
 [6] application that I didn't talk about with you, additional
 [7] pages, and the reason I didn't do that was just to conserve
 [8] time, but I want to let you look at the entire application
 [9] and all of the information that was submitted with it.
 [10] And if you want to talk about
 [11] any of the other pages or anything that's on any of the
 [12] other pages, in addition to what we've talked about, feel
 [13] free to do so.
 [14] There's an additional - one,
 [15] two, three, four, five, six - seven pages. So, we'll go
 [16] off the record while you and your lawyer look through that,
 [17] and if you want to say anything, either one of you, just
 [18] put your hand up in the air, and we'll go back on.
 [19] (Whereupon, a brief recess was had, after which the
 [20] following
 [21] was heard.)
 [22] CONTINUED EXAMINATION
 [23] BY MR. LEACHMAN:
 [24] Q: Have you had a chance to review
 [25] the remaining seven pages of the application?
 A: Yes.

[1] Q: And can you describe the place,
 [2] time, and circumstances of your meeting with Mr. Wendel-
 [3] gast
 [4] for this application?
 [5] A: No, sir, I can't.
 [6] Q: But you do remember meeting with
 [7] him?
 [8] A: I do remember meeting with him.
 [9] Q: And you remember he sat down and
 [10] he was writing these things in here as you went?
 [11] A: I don't remember him doing any
 [12] writing at that particular time.
 [13] Q: But do you remember that he did
 [14] not write these things at that time?
 [15] A: It seems as though, the memory I
 [16] have of him coming in, I was in a meeting when he came
 [17] in,
 [18] in my office, and he was going to wait around until I could
 [19] get with him, and some way or another, I don't think we
 [20] really ever got to sit down. I remember passing him in the
 [21] hallway, but I don't remember any sitting down and writing
 [22] with him. I don't remember that.
 [23] Q: Well, do you remember sitting
 [24] down and just talking with him about what the application
 [25] would consist of?
 A: I think there was a conversation
 on the telephone prior to his coming, and —

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- (1) Q: (Interrupting) Now, when you say
(2) conversation, was that between you and Mr. Wendelgast?
(3) A: Yes, it was, sir.
(4) Q: Okay.
(5) A: And it seems as though — my
(6) memory is that he was there, he came in, and I don't think
(7) I ever got to sit down with him actually that day to do
(8) anything, and he came by the office after I had passed him
(9) in the hall, and he said, you know, he was done; he was
(10) finished, and he kind of waved so long, and he said he
(11) would call me back.
(12) Q: And did he call you back?
(13) A: I think he — yeah, he did call
(14) me back, and I think he spoke to my wife at that time, just
(15) telling her that he had filed for coverage or whatever.
(16) Q: Did Mr. Wendelgast ask for a
(17) check at that time to bind the coverage?
(18) A: I'm not sure.
(19) Q: Would your wife have been the
(20) party to issue the check?
(21) A: Sometimes she writes the checks.
(22) Usually I issue them when it's dealing with things like
(23) that, unless it's being mailed, and then she does it.
(24) Q: So, do you know if Mr.
(25) Wendelgast picked up a check the night that he was there?

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- (1) A: I don't remember if he did that
(2) night or not. It was actually sometime during the day, and
(3) I couldn't even say when.
(4) Q: What time during the day do you
(5) think it was when he was there?
(6) A: I don't have — I really don't
(7) know.
(8) Q: Just a typical busy day?
(9) A: Yes.
(10) Q: All right. Well, I assume that,
(11) by what you're telling me, you don't mean to change any of
(12) the testimony you had previously given about this under
(13) oath; do you?
(14) A: No, sir, I'm not into changing
(15) anything. I think probably, from your word, a better
(16) recollection — the recollection would be that I really
(17) don't recall all of the questions or information at all.
(18) Q: All right.
(19) A: They appear to be correct.
(20) Q: And that appears to be the
(21) information you gave at the time?
(22) A: I don't remember that.
(23) Q: Well, let's take care of this
(24) item of business. There are multiple sets of pictures, and
(25) they're everywhere. The ATF has pictures. The adjuster

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- (1) took pictures. The police took multiple rolls of pictures.
(2) But I want to give you the
(3) pictures that we have, and you can use these to familiarize
(4) yourself with the photographs that we'll be asking about
(5) the next time.
(6) MR. CLAY: Are these take-with
(7) photographs?
(8) MR. LEACHMAN: Take-with.
(9) MR. CLAY: Okay.
(10) MR. LEACHMAN: What we'll do is
(11) put those three pages in, and then we'll make copies of the
(12) additional seven pages that weren't questioned about
(13) intensively, and attach those as a separate exhibit on the
(14) application.
(15) (Whereupon, Exhibit 4 was received, marked for
(16) identification, and made a part of the record.)
(17)
(18) CONTINUED EXAMINATION
(19) BY MR. LEACHMAN:
(20) Q: During the course of your
(21) ministry or any other contact you've had with the public,
(22) have you made the acquaintance of anyone who does fires
(23) for
(24) money?
(25) A: No, sir.
Q: Have you ever had anybody to ask

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- (1) you to counsel them because they compulsively set fires?
(2) A: No, sir.
(3) Q: Do you, of your own knowledge,
(4) know of anybody who sets fires for a profit, gain, money,
(5) or insurance?
(6) A: No, sir.
(7) MR. CLAY: May I correct that
(8) just ever so slightly? He's met someone who allegedly did
(9) that, a fellow named Dennis Atkinson, who happened to be
(10) in
(11) my office the same day the bishop was one time. He
(12) probably forgot that.
(13) THE WITNESS: True.
(14) MR. LEACHMAN: We'd better not
(15) talk about Dennis.
(16) MR. CLAY: You can talk about
(17) him all you want to.
(18) CONTINUED EXAMINATION
(19) BY MR. LEACHMAN:
(20) Q: Did you - and this is a question
(21) that we always have to ask - did you have any advance
(22) knowledge that this fire was going to take place?
(23) A: Absolutely not.
(24) Q: Did you have any reason to know
(25) or suspect that it would happen?
A: No.

[1] Q: But you have said you had these
 [2] threats?
 [3] A: That's correct.
 [4] Q: And one of the threats was to
 [5] burn the place down; right?
 [6] A: No, sir, I didn't say that. The
 [7] threat was we're going to shut you down.
 [8] Q: But didn't one of those threats
 [9] say something about burning?
 [10] A: I've heard some of that from
 [11] some of our parishioners and some of the people that
 [12] answer
 [13] the phone, but no, sir, I have not.
 [14] Q: Have you ever done any prison
 [15] ministry?
 [16] A: Yes, sir, I have.
 [17] Q: Did you meet any arsonists in
 [18] prison?
 [19] A: If I did, no one ever specified
 [20] that they were involved in arson, so I'm not sure.
 [21] Q: Now, we didn't go into the
 [22] bankruptcy to amount to much, but was that a personal
 [23] bankruptcy for you, or was that a corporate bankruptcy?
 [24] A: It involved both corporate and
 [25] personal.
 Q: And were you married to Tylia at

[1] that time?
 [2] A: Yes, I was.
 [3] Q: Did she also take bankruptcy?
 [4] A: No, sir, she did not.
 [5] Q: So, that would have been a
 [6] corporate bankruptcy for your enterprises at that time and
 [7] a personal bankruptcy for you.
 [8] And do you remember what year
 [9] that would have been?
 [10] A: No, sir, but there is a record
 [11] on that.
 [12] Q: The Bankruptcy Court records?
 [13] A: I don't think so.
 [14] Q: Well, about when do you think it
 [15] was?
 [16] A: '84, I'm thinking; '83 or '84.
 [17] Q: What was the name or names of
 [18] the corporation or corporations that took bankruptcy?
 [19] A: It would have been called
 [20] Amigo's; Amigo's Corporation.
 [21] Q: Any others?
 [22] A: No. My personal name. That
 [23] would be it.
 [24] Q: Have you had any other
 [25] bankruptcies or insolvencies in any enterprise, including a

[1] church, which you know churches do take bankruptcy, like
 [2] the Bethaven Church did here in town?
 [3] A: Yes, sir.
 [4] Q: At any time anywhere?
 [5] A: No, I have not.
 [6] Q: You mentioned that you thought
 [7] the last person in the building before the fire would have
 [8] been Ms. Clark; is that right?
 [9] A: It would have been someone under
 [10] the supervision of Tina Carr.
 [11] Q: Tina Carr. But you don't know
 [12] who?
 [13] A: No, sir, I do not.
 [14] Q: Is that information that you're
 [15] able to find out?
 [16] A: Yes, sir.
 [17] Q: Can you communicate that
 [18] information to your attorney?
 [19] MR. CLAY: You all already know
 [20] that, Bernie.
 [21] MR. LEACHMAN: I don't know who
 [22] was the last one in the building.
 [23] MR. CLAY: You mean between ATF
 [24] and the Jefferson County Police Department and your all's
 [25] investigator, you don't have the answer to that question?

[1] MR. LEACHMAN: They tell us
 [2] nothing. They gather information from us. They tell us
 [3] nothing.
 [4] MR. CLAY: We'll try to find
 [5] that out.
 [6] CONTINUED EXAMINATION
 [7] BY MR. LEACHMAN:
 [8] Q: At the time of this fire, where
 [9] were you, and where was your wife?
 [10] A: We were both in Mt. Washington,
 [11] at our home.
 [12] Q: And how do you know that?
 [13] A: Because the phone rang and woke
 [14] us up in the night and informed us that our church was on
 [15] fire.
 [16] Q: Who was the person that conveyed
 [17] that information?
 [18] A: I'm close friends with the fire
 [19] chief there, and —
 [20] Q: (Interrupting) Which department?
 [21] A: That's the Fern Creek Fire
 [22] Department.
 [23] Q: Did you speak with the fire
 [24] chief?
 [25] A: Yes, I did.

[1] Q: From your home?
 [2] A: Yes, I did.
 [3] Q: And what were you told?
 [4] A: That our church was on fire.
 [5] (Whereupon, an off-the-record discussion was had, after
 [6] which
 [7] the following was heard:)
 [8] CONTINUED EXAMINATION
 [9] BY MR. LEACHMAN:
 [10] Q: A little bit off the subject
 [11] there, but have you had any other charges of a criminal
 [12] nature against you, besides that one arson or complicity to
 [13] arson or whatever it was?
 [14] A: There was a charge for
 [15] trespassing one time.
 [16] Q: What do you think the time frame
 [17] was for that?
 [18] A: I'm not sure if that's a charge.
 [19] I was asked to leave the property. That's what had
 [20] happened. I don't know if it was a charge.
 [21] Q: Where was that?
 [22] A: That was in Louisiana.
 [23] Q: What property?
 [24] A: It would have been Allen Harris'
 [25] home.
 Q: Did the police come?

[1] employees did your child care have?
 [2] A: About twenty-five.
 [3] Q: How many did the church have
 [4] itself, aside from the child care?
 [5] A: Myself and my wife.
 [6] Q: Two, you think?
 [7] A: (Nodding head).
 [8] Q: Two official employees?
 [9] A: Yes.
 [10] Q: You mentioned a janitor.
 [11] A: Most of the employees were dual.
 [12] They worked with the church and child care alike.
 [13] Q: Was the janitor a W-2 employee?
 [14] A: Yes.
 [15] Q: And did the school have separate
 [16] employees, too?
 [17] A: No, it did not. It was termed
 [18] Heart of Fire Church, Child Care, and Christian Academy.
 [19] Q: Are there any appraisals — I
 [20] know your lawyer gave us an answer in a letter from his
 [21] office, Attorney Heather.
 [22] Are there any appraisals, that
 [23] you know of, of this property before the fire, aside from
 [24] the Property Valuation Administrator here in Jefferson
 [25] County?

[1] A: Yes, they did.
 [2] Q: Did they escort you away?
 [3] A: Yes, they did.
 [4] Q: And when do you think that would
 [5] have taken place?
 [6] A: About the time of the divorce.
 [7] It would have been about - I'm guessing - '83, '84,
 [8] whatever.
 [9] Q: Do you think then that that was
 [10] a domestic dispute-related event, or did it have anything
 [11] to do with your domestic situation at that time?
 [12] A: It was domestic. I guess. I
 [13] don't know what the interpretation of that is exactly on —
 [14] Q: (Interrupting) Did it relate to
 [15] the divorce or some ill will about the divorce?
 [16] A: Yes, it did.
 [17] Q: Nobody got shot, stabbed, or
 [18] beaten?
 [19] A: No, sir.
 [20] Q: When you decided to divorce
 [21] Tylia, was there any repercussions, or people sent from
 [22] Louisiana after you, or any of those things?
 [23] A: (Shaking head).
 [24] MR. CLAY: Don't answer that.
 [25] Q: We didn't ask you. How many

[1] A: Yes. There was one done for a
 [2] bank, Republic Bank, and that appraisal was done by
 [3] Galloway.
 [4] MR. LEACHMAN: Is there a copy
 [5] of it over here?
 [6] MR. CLAY: I suspect that there
 [7] is, but I can't tell you. That big long letter that —
 [8] MR. LEACHMAN: (Interrupting)
 [9] Heather or somebody sent.
 [10] MR. CLAY: Whitney; Whitney
 [11] Thacker. If she put it on an inventory, I'm sure it's in
 [12] those documents.
 [13] MR. LEACHMAN: She said
 [14] something about no appraisals.
 [15] A: I think there is, and I might be
 [16] wrong here, but I believe it's not — that we don't have a
 [17] copy, but Republic Bank should have a copy of that, or
 [18] either Galloway would have a copy of that.
 [19] Q: And that's in answer to Number
 [20] 6, to which she said —
 [21] A: (Interrupting) We didn't —
 [22] Q: (Continuing) — there was an
 [23] appraisal done by Ron Galloway. We are not in possession
 [24] of the appraisal and cannot obtain a copy since Heart of
 [25] Fire was not the entity which requested the appraisal.

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[1] Well, it's on your account. I
[2] guess it was for some kind of loan or something; wasn't it?
[3] **A:** Yes, sir. It was when we were
[4] doing a — it was when we were doing our building, and we
[5] looked at Republic Bank, as well as Alanar, and Republic
[6] Bank is the one that owns the appraisal. It was their
[7] appraisal.
[8] **MR. LEACHMAN:** Well, why don't
[9] we just do an authorization to obtain a copy of the —
[10] **MR. CLAY:** (Interrupting) He
[11] can't authorize it. It's not his.
[12] **MR. CARTER:** Get the police to
[13] do it. He's right here.
[14] **MR. RICHARDSON:** No comment.
[15] **MR. CARTER:** Let's work together
[16] here.
[17] **MR. LEACHMAN:** He's just a
[18] silent spectator. Well, we have no Subpoena power, of
[19] course, and I would think if he authorized it, they would
[20] probably release it.
[21] **MR. CLAY:** If you want an
[22] authorization, we'll give you one.
[23] **MR. LEACHMAN:** That's all I
[24] needed you to say.
[25] **MR. CLAY:** All right.

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[1] **MR. LEACHMAN:** Or if you want to
[2] do an authorization and send it out there and get it —
[3] **MR. CLAY:** (Interrupting) I
[4] don't.
[5] **MR. LEACHMAN:** I didn't think
[6] you did.
[7] **MR. CLAY:** You're getting paid
[8] by the hour, Bernie, and I'm getting paid by the decade.
[9] **CONTINUED EXAMINATION**
[10] **BY MR. LEACHMAN:**
[11] **Q:** What's the amount of your lawyer
[12] fees to date concerning all of these lawsuits with Heart of
[13] Fire?
[14] **MR. CLAY:** Don't answer that.
[15] **MR. LEACHMAN:** You said you're
[16] getting paid.
[17] **MR. CLAY:** I am, but it's none
[18] of your business.
[19] (Whereupon, an off-the-record discussion was had, after
[20] which
[21] the following was heard:)
[22] **CONTINUED EXAMINATION**
[23] **BY MR. LEACHMAN:**
[24] **Q:** So, what did you do when you
[25] found out that the church was on fire and talked to the
fire chief by telephone?

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[1] **A:** I dressed as fast as I could,
[2] and ran and jumped in my vehicle, and took off.
[3] **Q:** Where did you go?
[4] **A:** Straight to the church.
[5] **Q:** What did you find?
[6] **A:** Our church was totally on fire.
[7] **Q:** Who was there?
[8] **A:** There was a lot of people there.
[9] There's no way I could tell you who all was there. There
[10] was a lot of people there. I wasn't even really concerned
[11] with who was there.
[12] **Q:** Do you remember the identity of
[13] any person who was there?
[14] **A:** My wife's father.
[15] **Q:** What's his name?
[16] **A:** I'm not sure if he was there at
[17] the time. I don't really know who was there when I first
[18] got there. I couldn't really even answer that. I remember
[19] folks gathering around me afterwards, after, you know, a
[20] while, but it was a long time before I started even really
[21] knowing what was going on.
[22] **Q:** What's your father-in-law's
[23] name?
[24] **A:** Lou Wilson.
[25] **Q:** Where does he live?

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[1] **A:** He lives in Mt. Washington.
[2] **Q:** Do you have a road or a street
[3] address?
[4] **A:** Frank Lane.
[5] **Q:** Do you know the phone number?
[6] **A:** Yes, sir, I do. 538 - I think
[7] it's - 2096.
[8] **Q:** You're not going to get away
[9] with saying you don't know your mother-in-law's phone
[10] number.
[11] **A:** Oh, is that right?
[12] **Q:** Did your wife go to the church
[13] with you?
[14] **A:** She came afterwards with our
[15] children; my four children.
[16] **Q:** You have four children with this
[17] lady. How many did you have with the other lady?
[18] **MR. CLAY:** Don't answer that.
[19] Nice try, Bernie. We've been there before.
[20] **MR. LEACHMAN:** Is there some
[21] reason why you don't want that information revealed?
[22] **MR. CLAY:** It doesn't have
[23] anything to do with the fire.
[24] **MR. LEACHMAN:** That's a
[25] conclusion on your part?

[1] A: Three thousand dollars, maybe.
[2] Q: That's a good start.
[3] A: Yes, sir.
[4] Q: Have you brought records, you
[5] and your lawyer, of any and all outstanding and unpaid
[6] liens, claims, and civil judgments, as of June 12, 2000?
[7] MR. CLAY: I would have to say
[8] no without going through those documents, which I have
[9] not
[10] done. I've gone through the insurance policy and some of
[11] the tax returns.
[12] But as you know, I'm sure,
[13] there's litigation going on in Jefferson Circuit Court,
[14] Third Division, right now, among other places. There's
[15] other litigation in other divisions of Circuit Court and
[16] District Court.
[17] MR. LEACHMAN: I didn't know
[18] that.
[19] MR. CLAY: You didn't?
[20] MR. LEACHMAN: No. I just found
[21] it out from Heather yesterday.
[22] MR. CLAY: There's a lot of
[23] litigation going on. It's quite voluminous.
[24] MR. LEACHMAN: Well, as I
[25] understand it, it was all joined into one action. Is that
right or wrong?

[1] MR. CLAY: Wrong.
[2] MR. LEACHMAN: So, you've
[3] brought us copies of all of the Complaints and Pleadings
[4] and what-have-you?
[5] MR. CLAY: No. I say we didn't.
[6] I have not been through those documents, but I believe
[7] what
[8] we've produced here are records that the church and the
[9] Johnsons maintained. I don't think there's anything from
[10] court in there, as far as I know.
[11] MR. LEACHMAN: Well, Heather
[12] told me she was producing some stuff from court.
[13] MR. CLAY: Okay. Well, there
[14] may be. I just don't know. I haven't been through it. I
[15] can tell you this; there's a lot of stuff.
[16] MR. LEACHMAN: Well, how many
[17] lawsuits are there?
[18] MR. CLAY: I know of at least
[19] three. There was one in Judge Ken Connell's court
[20] involving a contracting firm that provided concrete work,
[21] and that was a judgment that got — a judgment which has
[22] been satisfied. There was another case — there is another
[23] case, I believe, pending in District Court. And one case
[24] in Division 3 has got probably, what, ten or twelve?
[25] MR. LEACHMAN: She said the
District Court has been paid a thousand dollars, and it's

[1] gone.
[2] MR. CLAY: Was that the only
[3] one, Dan?
[4] THE WITNESS: That was the only
[5] one. That's the two that's been to court, I think, as far
[6] as I know.
[7] MR. CLAY: Well, I think there
[8] might be another one pending in District Court. I'm not
[9] certain about that.
[10] MR. LEACHMAN: Off the record.
[11] (Whereupon, an off-the-record discussion was had, after
[12] which
[13] the following was heard:)
[14] CONTINUED EXAMINATION
[15] BY MR. LEACHMAN:
[16] Q: So, to the best of your
[17] knowledge, have you revealed to your attorney or to his
[18] office staff attorneys all unpaid accounts, liens, claims,
[19] civil judgments, civil actions, that were pending against
[20] you?
[21] A: Yes, sir.
[22] Q: Were all of these matters
[23] outstanding as of June 12, 2000?
[24] A: Yes, sir. I think so.
[25] Q: We've talked about Alanar, but
we haven't mentioned Liberty Group.

[1] So, tell me, from the outset,
[2] please, what developed to allow you to derive funds from
[3] Liberty Group and, to your knowledge and understanding,
[4] how
[5] did that then reach Alanar?
[6] A: We were looking for financing
[7] for our church.
[8] Q: Now, was that for the expansion?
[9] A: Actually, we began with Alanar
[10] when we first purchased our church. We had looked at
[11] several different church funders and banks in the area, and
[12] they offered us a — what we thought, a competitive
[13] financing agreement, and so that's how we started with
[14] them.
[15] And as far as Liberty Group and
[16] Alanar, to my understanding, they're really just one
[17] entity. I don't know how to separate them. I know there's
[18] two, but it wasn't a separate deal.
[19] Q: Is one of them in one town and
[20] another one in another town?
[21] A: I think they're both in the same
[22] office.
[23] Q: Are they both run by the same
[24] person?
[25] A: Yes.
Q: What's his name?

[1] MR. CLAY: Yes, sir.
 [2] CONTINUED EXAMINATION
 [3] BY MR. LEACHMAN:
 [4] Q: I guess you're aware, aren't
 [5] you, that it has been deduced that there were flammable
 [6] substances in the building?
 [7] A: Yes, sir.
 [8] Q: Were any flammable substances
 [9] stored in the building, to your knowledge?
 [10] A: Not that I know of.
 [11] Q: Anything to light a grill,
 [12] gasoline for a lawn mower, lawn mower itself with gasoline
 [13] in the tank, anything like that, that would be a liquid?
 [14] A: I'm not sure that it's
 [15] flammable, but I know there was some paint stored in the
 [16] building.
 [17] Q: Were you using oil paint, or a
 [18] latex base?
 [19] A: Latex.
 [20] Q: Did you have any paint thinner
 [21] there?
 [22] A: Not that I know of.
 [23] Q: Or turpentine?
 [24] A: Not that I know of.
 [25] Q: Or mineral spirits?

[1] employer other than Heart of Fire Ministries?
 [2] A: No, sir. I don't think so.
 [3] (Whereupon, Exhibit 5 was received, marked for
 [4] identification, and made a part of the record.)
 [5] (Whereupon, a brief recess was
 [6] had, after which the following was heard:)
 [7]
 [8] CONTINUED EXAMINATION
 [9] BY MR. LEACHMAN:
 [10] Q: We're back to the employment
 [11] question, and I had asked about other employment besides
 [12] the ministry, and as I recollect, you had said none.
 [13] A: Correct.
 [14] Q: Now, you were asked about
 [15] producing income tax returns. Did you do that?
 [16] A: No, sir, but it's available.
 [17] Q: Are these joint returns with
 [18] your wife?
 [19] A: Yes, they are.
 [20] Q: Since this fire, have you had,
 [21] personally, any fires, thefts, break-ins, losses,
 [22] casualties, or claims of any kind or nature, anywhere?
 [23] A: You said claims?
 [24] Q: Yes.
 [25] A: We've had no claims.

[1] A: Not that I know of.
 [2] Q: Any kind of volatile fuels or
 [3] anything of that nature, that you're aware of?
 [4] A: No, sir.
 [5] Q: After the fire, did you have
 [6] anybody call and say, well, I guess we showed you, or
 [7] anything to that effect?
 [8] A: No, sir. I did receive a letter
 [9] from one of the contractors that had said we're going to
 [10] shut you down. I did get a letter from him with just some
 [11] sarcasm written in it.
 [12] Q: Did you keep it?
 [13] A: Yes, sir, I did.
 [14] Q: Did you give it to your lawyer?
 [15] A: No, sir, I have not. I made him
 [16] aware of it, but I haven't given it to him.
 [17] Q: Do you connect that with the
 [18] fire?
 [19] A: I don't really know what to
 [20] connect to the fire.
 [21] Q: You know, there's another
 [22] question I meant to ask you a ways back, and that is, after
 [23] you started your ministry in Louisville, Kentucky, and you
 [24] did the odd jobs and the hauling with the pickup truck, did
 [25] you have any other gainful employment for any other

[1] Q: Have you had any fires, thefts,
 [2] break-ins, losses of property, or other casualties, of any
 [3] kind?
 [4] A: Yes, sir, we have.
 [5] Q: And what is that?
 [6] A: There's been all of the — for
 [7] instance, there was just furnishings, outdoor furniture,
 [8] signs, playground equipment, things of that nature, and
 [9] it's been destroyed or walked away since the time they were
 [10] installed, and then on one occasion, we did file a police
 [11] report.
 [12] Q: Well, you claimed for a total
 [13] loss anyway?
 [14] A: Yes, sir.
 [15] Q: And this is at the church you're
 [16] talking about?
 [17] A: Yes, sir.
 [18] Q: Or where the church was?
 [19] A: (No response).
 [20] Q: Have you realized any
 [21] substantial contributions from your sign out in front of
 [22] the church?
 [23] A: No, sir. A lot of goodwill and
 [24] prayer.
 [25] Q: But any money?

[1] A: Vaughn Reeves.
 [2] Q: What do you personally know and
 [3] what contacts have you had with and about Vaughn Reeves?
 [4] A: I had heard of him through
 [5] another minister, and maybe someone at the church gave
 [6] me a card and asked me to call him, and that was my — that was
 [7] my acquaintance with him. He was just one of the financial
 [8] institutions that we were looking at.
 [9] Q: When was this?
 [10] A: That would have been
 [11] approximately five years back.
 [12] Q: '95?
 [13] A: (Nodding head).
 [14] MR. CLAY: Yes?
 [15] A: Yes, sir.
 [16] Q: What did you want the money for?
 [17] A: We were purchasing the property
 [18] and buildings at 5017 Bardstown Road.
 [19] Q: Now, that's the place that is
 [20] now the subject of this claim; isn't it?
 [21] A: Yes, it is.
 [22] Q: At that time, what was present
 [23] on the property?
 [24] A: There was an old building,
 [25] believed to be an old toll building, and then there was a

[1] church auditory.
 [2] Q: And did you purchase those?
 [3] A: Yes, we did.
 [4] Q: What did you give for them?
 [5] A: Two hundred and ten thousand
 [6] dollars.
 [7] Q: And how much of that was cash
 [8] and how much of it was financed?
 [9] A: All of it was financed, I think,
 [10] at the time.
 [11] Q: Who financed it?
 [12] A: I take that back. I think there
 [13] was — two hundred thousand was financed. It was — ten
 [14] thousand, I think, was part of our down pavement.
 [15] Who financed it? Alanar,
 [16] Incorporated.
 [17] Q: Is there a mortgage from Alanar,
 [18] or is the mortgage in the name of Liberty?
 [19] A: I think it's in the name of
 [20] Alanar.
 [21] Q: Well, that was supposed to be
 [22] produced, too. We haven't had a chance to look at that.
 [23] A: It is in the record. I'm just
 [24] not clear on how they worded it.
 [25] Q: Well, as I understand it, there

[1] was some fine print that allowed Alanar to reduce any
 [2] pay-outs that you needed to draw on this account from.
 [3] A: That's correct.
 [4] Q: Tell me about that.
 [5] A: There was — there is a lot of
 [6] fees in their lending, and some way or another in the midst
 [7] of the building or the last part of the building, they
 [8] stopped paying contractors, and I don't know how that
 [9] works. I'm not well-versed on that. I don't know how they
 [10] do that.
 [11] Q: Did you pay any more than three
 [12] payments in 1999?
 [13] A: No, sir, we did not.
 [14] Q: And was that a conscious
 [15] decision, even though the money was available, or was that
 [16] unpaid because there was a shortage of funds, or how did
 [17] that come about?
 [18] A: It was a conscious decision
 [19] based upon my counsel and my decision.
 [20] Q: And your counsel at that time
 [21] was?
 [22] A: Mr. Thomas Clay.
 [23] Q: All right. So, it was the
 [24] church's decision to stop paying Alanar?
 [25] A: Correct.

[1] Q: Although the church did have the
 [2] money to do so, you say?
 [3] A: Yes, sir.
 [4] Q: What was the balance in the
 [5] Heart of Fire Church general account at the time that this
 [6] fire took place?
 [7] A: I would be guessing, but
 [8] probably somewhere around thirty, forty thousand dollars.
 [9] Q: Did Heart of Fire Church provide
 [10] you with a credit card for gasoline?
 [11] A: They had at times — yes, they
 [12] had.
 [13] Q: Was that in effect as of the
 [14] time of the fire?
 [15] A: Yes, it was. It's actually a
 [16] debit card.
 [17] Q: Did that debit the checking
 [18] account?
 [19] A: Yes, it did.
 [20] Q: And that's the checking account
 [21] that you and I have just talked about?
 [22] A: Yes, sir, it is.
 [23] Q: Was that debit card also good
 [24] for your wife?
 [25] A: Yes, it is.

[1] Q: And was that house you lived in
[2] considered the parsonage?
[3] A: Yes, it is.
[4] Q: Did the church pay for any
[5] maintenance on the house, or the lawn, or anything like
[6] that?
[7] A: Yes, it did.
[8] Q: So, you didn't have to mow or
[9] take care of the —
[10] A: (Interrupting) No.
[11] Q: (Continuing) — condition of the
[12] property?
[13] A: I usually do the mowing.
[14] Q: If something needed repairing on
[15] the house, was that an item the church took care of?
[16] A: Yes, sir.
[17] Q: Other than changing light bulbs,
[18] say, for instance?
[19] A: Yes, sir.
[20] Q: And did the church give you a
[21] living allowance per month for food and clothing?
[22] A: Yes, it did.
[23] Q: And how much was that?
[24] A: Roughly, about a thousand
[25] dollars a month.

[1] Q: Did you report that living
[2] allowance as income?
[3] A: I don't think I did. I'm not
[4] sure.
[5] Q: Did you report the gasoline on
[6] the debit card as income?
[7] A: That was all part of the salary,
[8] yes, it was.
[9] Q: So, whenever you used the debit
[10] card, you marked that down as income, and you would
[11] report that on your tax return?
[12] A: No, sir, I would not.
[13] Q: Were there any other perks there
[14] for the job, in addition to those that we've talked about?
[15] A: I think that's pretty much all
[16] of it.
[17] Q: Did you for remuneration,
[18] financial remuneration, travel to other churches or do
[19] revivals elsewhere for laying on of hands and healings and
[20] so forth?
[21] A: Yes, I did.
[22] Q: Tell us where you went in the
[23] last year preceding the fire.
[24] A: St. Louis; Collinsville,
[25] Illinois; and probably Merrouge, Louisiana.

[1] Q: Spell that.
[2] A: M-e-r-r-o-u-g-e.
[3] Q: And what sort of financial
[4] remuneration would these places give you for coming to
[5] these revivals?
[6] A: Love offerings and expenses.
[7] Q: Amounting to?
[8] A: It could be fifteen hundred
[9] dollars. It could be six thousand dollars.
[10] Q: Just depending on whatever was
[11] raised at the time?
[12] A: Yes.
[13] Q: And how long would the revivals
[14] last, normally?
[15] A: Anywhere from one day to three
[16] days, maybe.
[17] Q: And they did provide you with
[18] lodgings, food, and what-have-you?
[19] A: That would be correct.
[20] Q: Would that be at a private home,
[21] or at a motel or hotel?
[22] A: Usually at a motel. It could be
[23] either.
[24] Q: When you were in Louisiana, did
[25] you visit at home?

[1] A: Yes.
[2] Q: Eat some home cooking?
[3] A: Oh, yeah.
[4] Q: Was the family with you?
[5] A: Always.
[6] Q: Okay. Coming back to current
[7] topics. Following along with this letter that I talked to
[8] Heather at Mr. Clay's office about, we asked about bank
[9] statements and deposit slips, and that's listed on there,
[10] but I'm confused about how this operated.
[11] Did the Heart of Fire Church
[12] operate in one bank account, or one bank account for the
[13] church and another one for the child care, school, and so
[14] forth?
[15] A: Well, the second — or the
[16] latter would be correct. There's one account for the
[17] church, and an account for the academy and child care.
[18] Q: So, as of June 12, 2000, there
[19] would be two accounts?
[20] A: That is correct.
[21] Q: Did Alanar or Liberty raise any
[22] funds by selling bonds?
[23] A: Yes, they did.
[24] Q: Tell me about that.
[25] A: My understanding of that is that

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[1] in order to generate or raise their funds, they sell church
[2] bonds to individuals off of a mailing list, or even through
[3] the Internet, or just bond brokerage companies.

[4] Q: Did you participate with them or
[5] sit down with any of these people and talk about the
[6] denominations of the bonds or when they would be issued

[7] A: (Interrupting) Yes, sir, I did.

[8] Q: (Continuing) — how this would
[9] operate, how much the face value of each bond would be,
[10] how
[11] much the church would realize from the sale of the bonds,
[12] and when they would be due, and at what interest rate, and
[13] all of those things?

[13] A: Yes, sir, we did.

[14] Q: Whom did you sit down with, and
[15] where?

[16] A: It would have been with the
[17] president of the company, Vaughn Reeves, and it would have
[18] been at our church. He came to our church.

[19] Q: About when did this happen?

[20] A: About the time probably — our
[21] first conversation would have been by telephone, I guess,
[22] and then we had a meeting at a restaurant prior to the
[23] purchase of the building in '85.

[24] Q: '85 or '95?

[25] A: '95. I'm sorry. '95. Thank

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[1] you for helping me. That's better than the thing on my
[2] marriage a while ago.

[3] Q: Changing back and forth on those
[4] dates.

[5] A: Yes.

[6] Q: All right. So, Vaughn Reeves
[7] comes to town. I guess you're talking about a meeting here
[8] in Louisville.

[9] A: Yes, it was.

[10] Q: How much was he going to sell in
[11] bonds to raise cash for the church?

[12] A: The whole amount, which would
[13] have been two hundred thousand dollars, or something of
[14] that nature, initially.

[15] Q: Were those bonds sold?

[16] A: As far as I know, they were.

[17] Q: Are there bondholders somewhere?

[18] A: Yes, there would be.

[19] Q: Are any of the members of your
[20] congregation bondholders?

[21] A: Yes, they are.

[22] Q: What's the term of the bond?

[23] A: They have different — different
[24] maturity dates and levels, and, you know, really and truly,
[25] I mean, there's so many different things in the bond

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[1] itself, I'm not well-versed on it.

[2] Q: Do you own any of the bonds?

[3] A: I have owned bonds, yes.

[4] Q: But do you own them now?

[5] A: No, sir, I do not.

[6] Q: When did you sell your bonds?

[7] A: At a — on the first portion, I
[8] had a bond probably within the year from the time we first
[9] opened the bond; probably '85.

[10] Q: Or '95?

[11] A: '95. Thank you.

[12] Q: All right. Then, after that,
[13] did you own any other of those bonds?

[14] A: No, sir, I did not.

[15] Q: How many bonds did you own that
[16] you sold in '95 or shortly thereafter?

[17] A: Not any; none.

[18] Q: I thought you said you sold one.

[19] A: Oh, we had. I thought you were
[20] talking about in addition to.

[21] Q: No. How many did you own?

[22] A: One.

[23] Q: You owned one?

[24] A: Yes, sir.

[25] Q: What was the face value?

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[1] A: Five thousand dollars.

[2] Q: And do you remember what you
[3] sold it for?

[4] A: About five thousand dollars.

[5] Q: Are the bonds in default
[6] currently?

[7] A: I'm not sure. I don't think so.

[8] Q: Do you know what the source is
[9] of the funds that's paying the bonds?

[10] A: My understanding is, the — the
[11] amount of money that was left over, that they did not pay
[12] the contractors, they paid the bondholders. That's my
[13] understanding.

[14] Q: Well, but that's a fine item
[15] out, you know. Are they paying coupons on the bonds? Do
[16] the bonds have coupons, or do they just draw a rate of
[17] interest, or —

[18] A: (Interrupting) I think they draw
[19] a rate of interest. I'm not absolutely positive, but I
[20] think just a rate of interest would be correct.

[21] Q: Payable annually, semi-annually,
[22] quarterly?

[23] A: Probably quarterly.

[24] Q: Do you know anybody that's got a
[25] bond?

[1] A: My Aunt Jenny has a bond.
[2] Q: Can you find out if they're in
[3] default or if they're paying their payments?
[4] A: Yes, sir, I can.
[5] Q: Will you let your lawyer know?
[6] A: Sure, I will.
[7] Q: Who would be paying those
[8] installments on those bonds?
[9] A: My guess would be Alanar.
[10] Q: So, have your dealings been
[11] principally with the understanding that you were doing
[12] business with Alanar?
[13] A: Yes, sir. That's correct.
[14] Q: Did you at any time believe or
[15] were you told that the church was doing business with
[16] Liberty Group?
[17] A: It was always grouped together
[18] as one — one entity. I don't know if there was any
[19] separation in there.
[20] Q: Well, had any of the bondholders
[21] contacted you before this fire about the default of the
[22] loan, the problems with the contractors, and lack of
[23] payment of bond interest?
[24] A: I was handed a letter or one
[25] reporter produced a letter after the fire.

[1] Q: Do you have it?
[2] A: No, sir, I do not.
[3] Q: What did it say?
[4] A: Something to do in the nature
[5] that my attorney and myself was not cooperating with
[6] Alanar
[7] and Liberty Group. That's pretty much all I remember was
[8] in there. It was a short notation; a paragraph or so.
[9] Q: Was it from Alanar, or from a
[10] bondholder?
[11] A: That was from Alanar/Liberty
[12] Group to the bondholders.
[13] Q: Well, was that true?
[14] A: I'm not sure exactly what that
[15] letter stated entirely. I didn't — they didn't give me a
[16] copy, so I'm not sure, to say if that's true or not.
[17] Q: Well, we asked copies for all
[18] correspondence sent by the church to Liberty or Alanar, and
[19] all correspondence received by the church from Liberty
[20] and
[21] Alanar.
[22] A: Well, anything that we've
[23] received, I think we do have copies of that.
[24] Q: As of the date of the fire, what
[25] remained unfinished on the church?
A: Some concrete work.
Q: Now, was this the guy that was

[1] fussing?
[2] A: (Nodding head).
[3] MR. CLAY: Yes?
[4] A: Yes.
[5] Q: And what's his name?
[6] A: E&L Concrete?
[7] Q: E&L?
[8] A: E&L, and his name is E.
[9] Q: E?
[10] A: Something E. I'm not sure.
[11] Q: Okay.
[12] A: I'm not sure what it is.
[13] Q: Well, if the church had a
[14] positive balance in the checking account, is there some
[15] reason that you can give us for the fact that people like
[16] the concrete contractor had not been paid?
[17] A: We were — yes, there is. We
[18] were waiting on Alanar to pay off the contractors, as they
[19] had committed to do, and then us to resume payment with
[20] Alanar.
[21] Q: Well, you had stopped paying
[22] Alanar in 1999, on advice of counsel; right?
[23] A: That is correct.
[24] Q: And you knew that guys were not
[25] being paid on their contract status?

[1] A: Right.
[2] Q: And that they were filing liens
[3] against the property?
[4] A: Right.
[5] Q: But you chose not to issue any
[6] checks to any of them?
[7] A: That's true. Correction.
[8] That's not true. We had paid off several contractors
[9] personally out of our own account, and was still waiting
[10] for Alanar to pay off whoever they were going to end up
[11] paying off. It looked like no one. But we had — we
[12] started out with about twenty-two contractors, and we
[13] have — that needed to be paid, and I think we're down to
[14] less than - I don't know - ten, twelve.
[15] MR. CLAY: Do you want an
[16] explanation on that, or —
[17] MR. LEACHMAN: (Interrupting)
[18] Sure. We'll take all of the information we can get.
[19] MR. CLAY: Kim Brown at Wyatt,
[20] Tarrant & Combs represents Alanar, and he and I had
[21] discussions, and it was basically one of those situations
[22] of which comes first, the chicken or the egg; who pays the
[23] premiums and who pays the contractors, and from my
[24] perspective, what we were getting was a good old-
[25] fashioned
run-a-around.

[1] What I was hearing from Alanar
[2] was, if you pay us X amount of dollars, then we're going to
[3] bring current the payments to these contractors. We would
[4] pay X amount of dollars, and they wouldn't pay it. So, we
[5] got into a contest like that, to the extent that I thought
[6] Alanar was not being - how shall I put this - not
[7] defamatory —
[8] **MR. LEACHMAN:** (Interrupting)
[9] Not dealing in good faith.
[10] **MR. CLAY:** Thank you. And I
[11] believe there were at least a couple of occasions where we
[12] were told if he pays X, then we're going to pay out Y.
[13] Well, we did that on a couple of occasions, and Y was not
[14] forthcoming.
[15] **MR. LEACHMAN:** Is any of that in
[16] writing?
[17] **MR. CLAY:** It may be, and it may
[18] be included in what we've got in there.
[19] But we were — I was under the
[20] impression that when he paid those premiums, Alanar was
[21] obligated to pay the contractors. And Alanar said, well,
[22] you haven't paid the premiums, so pay the premiums. So,
[23] he
[24] would do that, and then nothing would happen.
[25] And I don't know if you were
attuned to what was going on back then - this was about a

[1] year ago - but the Health Department was hounding the
[2] church to death because of disposal problems out there.
[3] They had a sewer problem.
[4] And additionally, a lot of the
[5] work that was done by these contractors - he didn't mention
[6] this - but a lot of the work that was done by the
[7] contractors was substandard, particularly this concrete
[8] work, because they hired these people to come out here
[9] and
[10] put concrete work in, and when they did it — they had
[11] never had a flood before inside this church. As soon as
[12] the concrete work got laid down, they started having
[13] flooding problems, and the reason was when they put in
[14] the
[15] drainage system, the drains were about that big, and they
[16] were totally to handle the runoff of any kind of rain they
[17] had, and they had some big ones right after this concrete
[18] work was finished.
[19] Boland Maloney is a big
[20] creditor, and I think some of these things, these people
[21] ought to be paid. It's just a question of who should pay
[22] them. And our position right now is that while the finger
[23] may be pointing at the Heart of Fire Ministries directly
[24] and most acutely, Alanar needs to step up to the plate and
[25] defend its lack of payment, as well, and that's what we're
trying to get them to do. But there was also some question
about materials that Boland Maloney had supplied. The

[1] status of that litigation right now is that —
[2] **MR. LEACHMAN:** (Interrupting)
[3] It's gone to the Commissioner?
[4] **MR. CLAY:** Exactly. And I don't
[5] envy the position of the Commissioner in trying to sort out
[6] all of these claims and the priorities. It's going to be a
[7] big mess, and I just don't know what's going to happen
[8] there.
[9] But I can tell you this, our
[10] objective right now is to get those contractors paid off.
[11] **MR. LEACHMAN:** Were we provided
[12] with copies of all the contractors who claimed and were
[13] paid before the fire, as well as those —
[14] **MR. CLAY:** (Interrupting) I'm
[15] not sure.
[16] **MR. LEACHMAN:** (Continuing) —
[17] still open and outstanding?
[18] **MR. CLAY:** If those records — I
[19] believe we were, because what I think has happened here,
[20] all of the records that Heart of Fire had, they turned them
[21] all over to us, because they've all been requested through
[22] discovery. So, I believe that anything that we have - and
[23] this is one of those little ironic twists, I guess - most
[24] of the records that were requested through discovery were
[25] produced prior to the fire; the financial records, all of

[1] these records about the contractors. I believe they're all
[2] in there. Pastor Dan could have probably explained all of
[3] that to you, but then again, maybe he couldn't have. I
[4] don't know.
[5] **CONTINUED EXAMINATION**
[6] **BY MR. LEACHMAN:**
[7] **Q:** Was the statement just made by
[8] your lawyer correct and accurate?
[9] **A:** Yes, it was.
[10] **Q:** Now, we asked the question about
[11] why people weren't paid if you had a positive bank balance,
[12] and your answer was first that they weren't, and then that
[13] they were.
[14] So, do you have a personal
[15] recollection today and can you tell us any that were paid
[16] from your positive bank balances?
[17] **A:** On a few maybe; Midwest Cabinet,
[18] E&L Concrete.
[19] **Q:** Are these paid in full, you
[20] mean, or —
[21] **A:** (Interrupting) Yes. There are
[22] more. I can't recall them right off. Sewage Treatment.
[23] **Q:** Now, this fire didn't burn that
[24] sewage treatment plant; did it?
[25] **A:** No, sir, it did not.

[1] Q: Have you brought all papers and
[2] documents or a list of any and all lawsuits filed against
[3] you or the church in the four years preceding the fire?
[4] A: To the best of my knowledge,
[5] sir.
[6] Q: But do you remember more than
[7] three? -
[8] A: That have been paid?
[9] Q: That have been filed against
[10] you; lawsuits.
[11] A: Oh, no, sir, I do not.
[12] Q: Well, who did you go to yourself
[13] when the pressure got to mounting, to talk to and ventilate
[14] all of these problems that were pressing on you from these
[15] creditors; did you have somebody that counseled you on
[16] these matters?
[17] A: Thomas Clay.
[18] Q: I don't mean legally. I mean
[19] somebody that you would go to to ventilate it, in the
[20] surroundings where you are; some other minister or
[21] counselor or somebody.
[22] A: Yes. Not really in regards to
[23] pressure mounting, but I — there's quite a group of
[24] pastors that I speak to on a regular basis. I guess all of
[25] us do the same thing. We talk over other matters that

[1] we're involved with.
[2] Q: Does that include problems that
[3] arise, such as financial problems, or accusations, or
[4] failed attempts at getting somebody out of trouble, or
[5] what-have-you?
[6] A: I suppose, yes.
[7] Q: You tried to tell the woman this
[8] was going to happen, but she went back with him anyway,
[9] and
[10] then he shot and killed her, that kind of thing?
[11] A: Yes, sir.
[12] Q: Is there any one person in
[13] particular of that group that you kind of tend to talk your
[14] problems over with and hash them out, and he or she does
[15] the same thing with you?
[16] A: First God, my wife following
[17] that, and probably Mel Bailey.
[18] Q: Mel Bailey on the West Coast?
[19] A: Yes.
[20] Q: That brings up another subject.
[21] Does the church provide you with your telephone service?
[22] A: Yes, it does.
[23] Q: What about the other utilities
[24] on your house?
[25] A: Yes, it does.
Q: How do they do that? Are the

[1] checks written out of the church account, or would this be
[2] to a debit card, or a debit it on the church account, or
[3] what?
[4] A: Checks out of the church
[5] account.
[6] Q: Does the church provide life
[7] insurance on you?
[8] A: No, it does not.
[9] Q: Have any of those financial
[10] considerations changed since the date of the fire?
[11] A: No, sir, they haven't.
[12] Q: Your meetings at Ryan's, about
[13] how many people meet there?
[14] A: Wednesday night could be thirty;
[15] could be fifty. Sunday could be fifty; could be a hundred,
[16] a hundred and ten.
[17] Q: Other than the Health
[18] Department, were there any other proceedings against the
[19] church, as a place of public accommodation, besides the
[20] Health Department?
[21] A: I can't think of any.
[22] Q: Do you have photographs that
[23] were taken of the church that burned, or negatives of them,
[24] that would have been made since January 1 of '96?
[25] A: Possibly. I'm not sure.

[1] Q: Do you know of photographs or
[2] somebody that photographed the church from the begin-
[3] ning of
[4] the project to the end?
[5] A: Yes, sir. And you probably do
[6] have those pictures, and that would be ATF would have
[7] those. They have a lot of pictures.
[8] Q: Did you deal with anybody at all
[9] at Liberty Mortgage, other than Vaughn Reeves?
[10] A: Different secretaries and people
[11] like that, but mainly Vaughn Reeves.
[12] Q: Because of your default on that
[13] Alanar mortgage, was there any mention by Alanar or
[14] anybody
[15] else of forcing the church into bankruptcy?
[16] A: No, sir, not to my knowledge.
[17] Q: Did you ever consider it?
[18] A: No, sir.
[19] Q: Did anybody ever suggest it to
[20] you?
[21] A: No, sir.
[22] Q: Were there any other fire
[23] insurance policies outstanding on the church as of the date
[24] of this fire?
[25] A: No, sir.
Q: Let me put that in a different
vein. Did the church have any other insurance with anybody

[1] for anything, other than Brotherhood Mutual Insurance
 [2] Company?
 [3] A: No, sir.
 [4] Q: Other than your lawyer has
 [5] happened to mention Dennis Atkinson, have you met or do
 [6] you
 [7] remember being acquainted with anyone else who has had
 [8] experience in fires?
 [9] A: Not to my knowledge.
 [10] Q: Do you know of any arsonists?
 [11] A: No, sir.
 [12] Q: Do you know of any members of
 [13] your congregation who had a fire at their business or their
 [14] home?
 [15] A: You know, I don't think — I
 [16] don't — I never even thought of that.
 [17] Q: Do you know, of your own
 [18] knowledge, anything about the cause or start or ignition of
 [19] the fire there at the church, Heart of Fire Church, on
 [20] Bardstown Road?
 [21] A: No, sir, I don't.
 [22] Q: Do you have any witnesses
 [23] pertaining to this fire?
 [24] A: No, sir, I don't.
 [25] Q: Do you know of anybody who has
 said or suggested that they may have information about this

[1] fire?
 [2] A: No, sir.
 [3] Q: With all of these threats
 [4] outstanding, that you've mentioned, before this fire, did
 [5] you give any thought to restricting access by gathering up
 [6] some of the keys?
 [7] A: No, sir.
 [8] Q: Did anybody suggest that to you,
 [9] because of these threats that you've mentioned?
 [10] A: No, sir. We routinely did
 [11] change the locks, which was — it wasn't on a calendar date
 [12] or anything, but I would say usually never probably a year
 [13] passed that we didn't do that.
 [14] Q: So, your security measure was
 [15] changing the locks?
 [16] A: That would be correct.
 [17] Q: When were the locks last changed
 [18] before this fire?
 [19] A: It would be a guess, but it was
 [20] probably three months, three months to four months,
 [21] before.
 [22] Q: Do you have any records to
 [23] authenticate your statement?
 [24] A: No, sir.
 [25] Q: Receipt, canceled check?
 A: We wouldn't have that on the

[1] check.
 [2] Q: Who would have done the work?
 [3] A: I would — I'll have to look and
 [4] go through the — I'm sure the records are there. It will
 [5] be there who it was. We used just different key people
 [6] that usually could make the first appointment. So, we
 [7] called out of the Yellow Pages.
 [8] Q: Did you have any open, overdue,
 [9] unpaid, accounts for any medical, dental, or credit cards,
 [10] of your own before this fire?
 [11] A: Not to my knowledge.
 [12] Q: Did you have a credit card
 [13] account of your own?
 [14] A: We use debit cards.
 [15] Q: When you say we use debit cards,
 [16] does that mean debit cards on the church account?
 [17] A: On personal and on the church
 [18] account.
 [19] Q: Well, on the personal is what
 [20] I'm talking about.
 [21] A: Personal debit cards.
 [22] Q: So, did you have any outstanding
 [23] bills or accounts that were unpaid and overdue because you
 [24] had not been able to run them through the debit card?
 [25] A: We use the debit card. And to

[1] answer, I guess, more directly the question you asked last,
 [2] possibly there are some credit cards that are canceled,
 [3] that we canceled, but nothing — nothing major; low —
 [4] low — low bills.
 [5] Q: Have you turned those records
 [6] over to your lawyer?
 [7] A: Yes, sir.
 [8] Q: Your personal accounts —
 [9] A: (Interrupting) Yes, we have.
 [10] Q: (Continuing) — charges, and
 [11] what-have-you?
 [12] A: Yes, sir.
 [13] Q: Do you remember any of them
 [14] specifically today; anybody that was calling up and trying
 [15] to collect a bill, harassing, what-have-you?
 [16] A: We had none.
 [17] (Whereupon, a brief recess was had, after which the
 [18] following
 [19] was heard.)
 [20] **CONTINUED EXAMINATION**
 [21] **BY MR. LEACHMAN:**
 [22] Q: There are some records and
 [23] information that indicate that as of February 28th, '97,
 [24] there was a water damage claim at 275 Beechwood Circle,
 [25] Mt.
 Washington, Kentucky, against Preferred Risk Insurance
 Company, that amounted to thirty-one hundred and fifty-
 one

[1] dollars.
[2] Is that true?
[3] A: Yes, sir, it is true.
[4] Q: Now, what was damaged by water,
[5] and under what circumstances?
[6] A: We have a — and I forget what
[7] that — we have a whirlpool-like tub, and when the plum-
[8] bers
[9] installed it, either through their error or whatever
[10] happened, there was — underneath the tub, in between the
[11] ceiling, there was a soldered joint that came undone, which
[12] is above our dining room table.
[13] Q: So, did the tub stay in place?
[14] A: Yes. The ceiling had to be
[15] removed to get to it.
[16] (Whereupon, an off-the-record discussion was had, after
[17] which
[18] the following was heard:)
[19] **CONTINUED EXAMINATION**
[20] **BY MR. LEACHMAN:**
[21] Q: So, this was ceiling damage from
[22] a bad water joint?
[23] A: Correct.
[24] Q: Now, there's also a record of a
[25] claim, January 26th, 1998, for water damage to 275
Beechwood Circle, and again under the Preferred Risk
policy, only this time they call themselves Guideone

[1] Insurance. That shows the amount of eighty-nine hundred
[2] and forty-two dollars.
[3] What was that about?
[4] A: I'm trying to remember exactly,
[5] but I know that we were caught in two different hail storms
[6] that pretty much canvassed the whole area. I'm thinking
[7] that's what that is.
[8] Q: Well, there's a wind down here
[9] below there, but you think the water intruded into the
[10] house from the storm?
[11] A: Yes, it did.
[12] Q: And what did it damage?
[13] A: I think it was the walls and an
[14] area ceiling and a carpet area.
[15] Q: What area of the house?
[16] A: The kitchen and living room
[17] area.
[18] Q: So, does eighty-nine forty-two
[19] sound right for the repairs necessitated by that water
[20] leakage?
[21] A: Yes, sir.
[22] Q: And you're saying that that was
[23] wind-driven water?
[24] A: Yes. I think that's it. And
[25] I'm not sure exactly on the dates, but I do know that two

[1] of those were rather large hail storms, and one of those
[2] affected the whole entire area.
[3] Q: Then it shows was another loss
[4] of May 20th, 1998. It says it was wind damage, and again
[5] paid by Guideone Insurance Group, in the amount of eleven
[6] hundred and eighty-eight dollars.
[7] What was that?
[8] A: Probably the same thing. Our
[9] house is on a hill, and it was a storm home that came
[10] through the tornadoes. It's one of the homes that sets
[11] right on a hill and a bluff, and the wind, if it ever picks
[12] up, will do a number on the roof.
[13] Q: Do you remember what part of the
[14] house was damaged by wind in May of '98?
[15] A: It would be the backside.
[16] Q: And is that siding that you're
[17] talking about on the backside?
[18] A: Shingles. It's a French-style
[19] roof, so the shingles come down, and when the wind comes
[20] up
[21] the hill, it rakes them off. They're off right now again.
[22] I just quit turning it in. I went and bought shingles and
[23] did it myself.
[24] Q: How many times have you done it
[25] yourself?
A: About five. Someone told me to

[1] reskin it with steel.
[2] Q: Do you hire out as a roofer?
[3] A: No. I have people in my church
[4] that are very good at that.
[5] Q: And then there's a record of
[6] another claim apparently for uninsured motorists for a car
[7] accident, and I don't have the date on it, but there's a
[8] report that Rebecca claimed an injury.
[9] A: Yes. That's correct.
[10] Q: Do you remember the date on it?
[11] A: I had just preached a wedding
[12] that night. I do remember that. And we were following the
[13] procession to go eat. It was actually, I think, the
[14] rehearsal, and I don't remember the date, but I know she
[15] got rear-ended by a drunk driver, and his girlfriend, who
[16] was drunk, as well, and that's all I — the date exactly, I
[17] don't know.
[18] Q: Now, when you say she was
[19] rear-ended, you were not in the car?
[20] A: No, sir. I was in my — it was
[21] my wife and my smallest son. He was a baby at the time.
[22] Q: And where were you at that time?
[23] A: I was about three cars ahead of
[24] her.
[25] Q: Did she claim against the

[1] rear-end party?
 [2] A: She did.
 [3] Q: Well, there was one where a
 [4] claim was made for a hit-and-run. What was that?
 [5] A: I don't know anything about a
 [6] hit-and-run. I don't know.
 [7] Q: Was the rear-ender somebody that
 [8] drove away and left?
 [9] A: No, he did not. He stayed
 [10] there. He was uninsured, but he stayed right there. They
 [11] ended up putting him in jail. I think it was his fifth DUI
 [12] after the fact. He had no license.
 [13] (Whereupon, an off-the-record discussion was had, after
 [14] which
 [15] the following was heard:)
 [16] **CONTINUED EXAMINATION**
 [17] **BY MR. LEACHMAN:**
 [18] Q: And was a claim presented for
 [19] injuries for Rebecca from that incident?
 [20] A: Yes, there was.
 [21] Q: Now, was that incident about in
 [22] '96, '97, '98; when do you think that was - '95?
 [23] A: I'm going to stay out of the
 [24] '80s this time. It was '96, I think, around that time.
 [25] Q: And was that car insured with
 Preferred Risk or Guideone Insurance?

[1] A: Yes, it was.
 [2] Q: And because the man was
 [3] uninsured, is it true that the claim was against Guideone?
 [4] A: Yes, it was.
 [5] Q: And did you also make a claim
 [6] for loss of services?
 [7] A: I don't think I did.
 [8] Q: Did you have an attorney or file
 [9] a lawsuit?
 [10] A: No, I did not.
 [11] Q: What was the amount that was
 [12] paid on that loss or claim?
 [13] A: Only enough to cover the car
 [14] repair and the hospital bills only.
 [15] Q: So, that would have been payment
 [16] of no-fault, plus damages to the car?
 [17] A: That would have been my wife's
 [18] and child's medical bills for the — they took her in an
 [19] ambulance, and the car, to repair the car. That was it.
 [20] Q: Well, I'm not trying to catch
 [21] you in any falsehoods, but are you sure that that's all
 [22] that was paid and that that's all that was paid for?
 [23] A: I believe that's correct.
 [24] Q: At the time of the fire, did you
 [25] have a past due debt referred for collection at Sears?

[1] A: That is possible, yes, sir.
 [2] Q: And at the time of the fire, did
 [3] you have an overdue bad debt account at Target?
 [4] A: That could be possible, as well.
 [5] Q: Do you remember the amount was
 [6] around eleven hundred and sixty-two dollars?
 [7] A: No, sir, I do not.
 [8] Q: As of the time of the fire, did
 [9] you have a past due, overdue account that had been closed
 [10] out on you for bad debt at J.C. Penney, six hundred and
 [11] fifty-two dollars?
 [12] A: Possibly.
 [13] Q: Did you have a late payment
 [14] status on some kind of account at Bank America?
 [15] A: I don't think so. I think
 [16] that's current.
 [17] Q: Three hundred and seventy-seven
 [18] dollars?
 [19] A: I'm sure that's current.
 [20] Q: Is it current now, or was it
 [21] current in June?
 [22] A: I would say it was current then.
 [23] Q: As of the time of the fire, did
 [24] you have an overdue account, a charge off, for bad debt at
 [25] Public Finance around four hundred and thirty-eight

[1] dollars?
 [2] A: I think that was paid.
 [3] Q: As of the time of the fire, did
 [4] you have a second account at Public Finance on which you
 [5] were making payments, that the balance was eleven
 [6] hundred
 [7] and eighty-three dollars?
 [8] A: I think that was paid, as well.
 [9] Q: Would evidence of those payments
 [10] be with your personal financial records —
 [11] A: (Interrupting) Yes, sir, it
 [12] would.
 [13] Q: (Continuing) — produced —
 [14] A: (Interrupting) Yes. I think we
 [15] have that.
 [16] Q: (Continuing) — from your
 [17] attorney?
 [18] So, if they show it's paid, it's
 [19] paid; if they don't show it's paid, then it's not paid?
 [20] A: That's correct.
 [21] Q: Did your wife have any account
 [22] or accounts of her own that were separately overdue and
 [23] unpaid?
 [24] A: I don't think so. Most of our
 [25] cards were combined. It is possible that she could have
 one. She readily does accounting over our debts. We got

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[1] out of the credit card business altogether a while back for
[2] all of the right reasons, and we're trying to pay all of
[3] those off.
[4] To my knowledge, it would all be
[5] in the same — put together. If it is separate, then it's
[6] just because I'm not aware of it. I would have considered
[7] it to be together.
[8] Q: Did you all have an overdue
[9] balance at Williams & Wagner for twelve hundred and
[10] forty-eight dollars as of June 12 of 2000?
[11] A: No, sir.
[12] Q: Did you have an outstanding
[13] balance overdue at the Clinic of Pathology as of June 12,
[14] 2000, of fifty dollars?
[15] A: I'm not sure. I'm not sure.
[16] Some of those have to do with pregnancy and stuff. They
[17] send out so much stuff, and they bill out separately. I'm
[18] not sure of some of the medical bills.
[19] Q: Did you have an overdue account
[20] June 12, 2000, a balance of twenty-one hundred and three
[21] dollars, that had been sent to a collection agency from
[22] Women's First PSC?
[23] A: Could be. I'm not sure.
[24] Q: The same question for a bill
[25] from Louisville Emergency, a hundred and twenty-five

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[1] dollars, sent to collections?
[2] A: I don't know. If these are —
[3] can I ask a question on that?
[4] Q: Sure.
[5] A: If these are spring-boarded off
[6] of Baptist East Hospital where we used for child delivery,
[7] I'm not sure of all of the little agencies out. If they
[8] didn't bill in that package, I'm not sure.
[9] Q: Well, does the church provide
[10] you with health insurance?
[11] A: No, they do not.
[12] Q: Did you have an outstanding
[13] balance overdue unpaid sent to collectors from X-Ray
[14] associates in the amount of a hundred and thirty dollars as
[15] of June 12, 2000?
[16] A: I don't know. Sir, we had a
[17] bill on — we have four children, and we paid all of it
[18] outside of insurance, and I'm not sure how that falls into
[19] play. I know that there was a major bill with Baptist
[20] East, and that's been paid, and I'm not sure about the
[21] smaller ones.
[22] Q: I don't think I asked you about
[23] Baptist East.
[24] A: Well, I didn't know if it was in
[25] there as one of those bills.

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[1] Q: No. Baptist East is not in
[2] there.
[3] A: Okay.
[4] Q: I'm just asking you about the
[5] ones that showed up on the credit run.
[6] A: Okay.
[7] MR. CLAY: You all did a credit
[8] run on him?
[9] MR. LEACHMAN: We're now down to
[10] the —
[11] MR. CLAY: (Interrupting) We
[12] didn't get a answer on that, Pastor Dan.
[13] MR. LEACHMAN: (Continuing) —
[14] list of personal belongings that have been reported as
[15] present in the church building at the time of the fire,
[16] which is going to necessitate our getting into the
[17] photographs, so I'm going to have to get the photographs
[18] back out here.
[19] Do you have yours handy?
[20] MR. CLAY: I could.
[21] MR. LEACHMAN: Why don't you
[22] hand the pastor your flat set, which generally have two to
[23] a page, and they're A, B, C, and so forth?
[24] MR. CLAY: (Complying with
[25] counsel's request.)

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CONTINUED EXAMINATION
BY MR. LEACHMAN:

[1] Q: Have you had a chance to look
[2] through these photographs?
[3] A: No, sir, I haven't.
[4] Q: So, you do not know what's
[5] depicted here?
[6] A: No, sir.
[7] Q: Well, it's going to be
[8] necessary, and I'm going to ask you as a part of this
[9] questioning about things such as miscellaneous books in
[10] library, whether in this group of photographs or in that
[11] group of photographs any of the books or the location of
[12] the books is depicted, so I assume you're going to have to
[13] go through all of these pictures to answer those questions.
[14] A: Okay. Are we going to do that
[15] with you as you go through them, or are we going to —
[16] Q: (Interrupting) Well, you're
[17] really going to have to go through the photographs first.
[18] A: (Studying photographs).
[19] Q: Now, of course, in this process,
[20] I'll be asking you what is depicted in these various
[21] photographs as we come to them, and then when we finish
[22] going through the list, any photographs that are left over,
[23] we'll ask you for the — your understanding of the subject
[24]
[25]

[1] matter of that photograph.
[2] Miscellaneous books in library
[3] is the first item on your list, and I gave you a copy of
[4] the list, didn't I? Or you showed me a copy of it.

[5] MR. LEACHMAN: Did you bring it
[6] with you today?

[7] MR. CLAY: I left it in the car.

[8] CONTINUED EXAMINATION

[9] BY MR. LEACHMAN:

[10] Q: Miscellaneous books in library.
[11] What does this mean, miscellaneous books in library?

[12] A: That's a compilation of about
[13] twenty-two years of books that we had purchased from
[14] ministries, libraries, and ones that were donated to us.

[15] Q: Well, you know, if it were six
[16] hundred or eight hundred dollars for miscellaneous books,
[17] it would be different, but really, with this figure, where
[18] it is, we're going to need you to sit down and give us a
[19] list of titles and authors.

[20] A: I'm sorry. I probably cannot do
[21] that for every one of these books, but —

[22] Q: (Interrupting) Well, we don't
[23] need it for every one, but at least a representative group,
[24] because this is a very substantial figure; twenty thousand
[25] dollars, I mean, even if you figure ten dollars a book.

[1] A: Yes.

[2] Q: All right.

[3] A: Just figuring anywhere close to
[4] the number of books we had, which would have been a
[5] thousand books, that would probably do that.

[6] Q: Now, when it says miscellaneous
[7] books in library, why does it say library?

[8] A: Some of that's in the study
[9] library. There's different types of just pastoral studies,
[10] commentaries, commentaries, commentaries; just books
[11] that
[12] are centered around the Bible, or Bibles themselves.

[13] Q: Well, we've got to have some
[14] kind of description of what's there, and the percentage,
[15] that you and your office had thirty books, and the rest of
[16] the books were in the library area of the church or
[17] something?

[18] A: We had quite a few books in our
[19] offices. We'd trample over those as we was cleaning up,
[20] because they were water-logged. But my primary library
[21] was
[22] above my office, which I had a library there actually, and
[23] we had books in the front, and we had books in a couple
[24] other offices, as well.

[25] So, I realize that's a lot of
[26] money, and I also realize that refers to a lot of books,
[27] but we were asked to fill out a personal loss sheet.

[1] That's part of it. I don't know what can be even done to
[2] award that. I'll do all I can do to put names and numbers.

[3] Q: Yes. I think some descriptive
[4] information about the kinds of books, whether they were
[5] children's books for teaching, or Bible commentary, or
[6] Bible analysis, or various different editions of the Bible.

[7] A: I'll do my best.

[8] Q: Some descriptive matter, and
[9] then where you're placing these books; my office had
[10] approximately the following books in it; somebody else's
[11] office had approximately the following books in it, so we
[12] can get a picture of what this group of books amounted to,
[13] and whether they were bound volumes, or paperbacks.

[14] MR. CLAY: Bernie, he'll do all
[15] of that, but he's not going to remember these instructions.
[16] If you want him to be more specific, just tell him what you
[17] want, and we'll try to comply with it.

[18] MR. LEACHMAN: Well, that's what
[19] I was going through here.

[20] MR. CLAY: He's not going to
[21] remember all of that. I mean, he's been doing this for
[22] five hours now, and he's probably getting a little bit, you
[23] know, tired.

[24] MR. LEACHMAN: All right. Put a
[25] request list in front of the transcript.

[1] MR. CLAY: Are you going to
[2] provide us with a copy?

[3] MR. LEACHMAN: We'll send you a
[4] copy of the request list.

[5] MR. CLAY: Are you going to give
[6] us a copy of the statement?

[7] MR. LEACHMAN: No. You can buy
[8] it from her. She'll be glad to sell you a copy. The
[9] church may consider it a good investment, or the church
[10] may
[11] feel like they don't want to invest in that.

[12] CONTINUED EXAMINATION

[13] BY MR. LEACHMAN:

[14] Q: Now, you've got twenty each
[15] children's videos, fifteen tapes, ten. Tell me what that
[16] means.

[17] A: Is it okay if I say something on
[18] this? That is such an underestimate all the way down. I'd
[19] say the books are pretty much on line, but there's no way
[20] in the world, you know, that we could — we could even
[21] consider getting that, from what we've been told. So,
[22] we — everything on there is going to be way under.

[23] You know, we had — with the
[24] number of kids we had, you know, and with our children,
[25] we
[26] purchased stuff for kids on a weekly basis. I mean, that
[27] never stops.

[1] And maybe I shouldn't say this
[2] on the record - my attorney may get me - but, you know, I
[3] don't expect to get one thing out of this. I don't expect
[4] our church to get one thing out of this. This has been a
[5] horrible loss.
[6] Q: Well, let me just ask you.
[7] You've got videos on here. Now, just the surface, what
[8] does twenty each children's videos, fifteen tapes, ten
[9] mean?
[10] A: Let me see if I can figure out
[11] my wife's —.
[12] Q: Is she the one that wrote this
[13] up?
[14] A: She sorted this out, I think, at
[15] the time we had our agent, Harvey Wendelgast, on the
[16] phone,
[17] and I'm no more sure how they came to these numbers or
[18] what
[19] it was. Twenty each children's video tapes.
[20] Q: So, would it be better to have
[21] her come in here and tell us about the list?
[22] A: I can pretty much find out.
[23] It's not a big issue. It's considered twenty videos.
[24] Q: It says twenty each children's
[25] videos, fifteen tapes, ten, and I'm trying to figure out
whether that's twenty times fifteen and twenty times ten.
A: I think that's what it's saying.

[1] Twenty times fifteen videos, twenty times ten tapes, and
[2] the total is five hundred dollars. That's what she means
[3] by that. I can decipher my wife's writing. I'm pretty
[4] good at that usually.
[5] Q: Well, Mr. Clay has this list,
[6] and if you don't have a copy of it, can you sit down with
[7] her and ask her what she means by each of those?
[8] A: I'm sure about that one. I just
[9] had to look at it.
[10] Q: Children backpack, Wal-Mart, two
[11] thousand nineteen dollars. Children's laptop computer,
[12] Wal-Mart, eighty-six dollars.
[13] A: Christmas present for my little
[14] girl.
[15] Q: And your little girl had her
[16] computer there?
[17] A: Yes.
[18] Q: And how old is she?
[19] A: Nine.
[20] Q: Nine?
[21] A: Yes.
[22] Q: Games, miscellaneous,
[23] educational, Wal-Mart, ninety-nine to two thousand.
[24] Well, that's kind of
[25] undescriptive; isn't it?

[1] A: (No response).
[2] Q: Probably we're going to need
[3] some type of description of what she means by games.
[4] A: That would be easy enough.
[5] Q: Lounge couch, wingback chair,
[6] Sears, white cream; desk, cherry, and cherry chair, Sears,
[7] four thousand dollars, no dates.
[8] MR. CLAY: Bernie, if you all
[9] want a more detailed breakdown of these items here, we
[10] don't need to waste the time of two lawyers, a guy from Ft.
[11] Wayne, and a police officer. Just tell us what you want,
[12] and we'll do the best we can to get it to you.
[13] Q: We would ask that this lady go
[14] down through this list, and for each item on the list give
[15] us, please, some more information. Games, miscellaneous,
[16] educational. Well, you know, it's not a huge item, but she
[17] would be able to —
[18] A: (Interrupting) Can I be fair
[19] with that?
[20] Q: Yes.
[21] A: I can do that, and if the
[22] insurance company just prefers not to pay that, then they
[23] just need to tell me they don't want to, and that will be
[24] fine with us totally. We've done lost so much. This is
[25] kind of small potatoes here.

[1] Q: Well, we're not here to talk
[2] about claim denial or honoring the claim; either one. What
[3] we're here to do is just to talk about what has been
[4] submitted as a claim for payment, and all we're asking for
[5] is just a clearer explanation.
[6] MR. CLAY: We'll give you that.
[7] MR. LEACHMAN: Okay. Let me
[8] have my copy back. I need to hang onto a couple of those.
[9] Okay. So, suppose for the day,
[10] we adjourn, and when we come back, we will be asking
[11] about
[12] where these things were located on these pictures, number
[13] one.
[14] Once we finish that, number two,
[15] we will be asking about what these pictures are actually a
[16] view of, what is shown in the picture, what part of the
[17] building, what things, what objects, and we'll go through
[18] one set of these and one set of the rubber-banded ones, and
[19] then we will go through the items that need to be asked
[20] about from the copies we'll make when we sort through
[21] the
[22] materials that have been produced to us, and ask about
[23] those.
[24] So, there's no mystery about
[25] what we're going to do.
MR. CLAY: Oh, there's a mystery
any time you pull a file out and do one of these things.

(1) All right. Let me ask you about this. Okay. And then I'm
 (2) going to go back and ask you about that.
 (3) **MR. LEACHMAN:** Isn't that what
 (4) you do when you go to trial for the defense?
 (5) **MR. CLAY:** I try to ambush
 (6) anybody I can.
 (7) As long as we're on the record,
 (8) just for a minute here, you know, I've represented some
 (9) pretty nepharious people in my time, and I've sat here all
 (10) day today and I've listened to this, and I've listened to
 (11) other interviews that this man has had, and I have not seen
 (12) anything yet that would be a basis for the denial of this
 (13) claim, and there may be or there may not be.
 (14) **MR. LEACHMAN:** Like I say, we're
 (15) not here to even consider that today.
 (16) **MR. CLAY:** Well, you're
 (17) defending under the Reservation of Rights, and the claim
 (18) hasn't been paid, and I'm just trying to get an idea — if
 (19) things go as they have continued to go here today, I would
 (20) like some indication of when we're going to resolve the
 (21) claim.
 (22) **MR. LEACHMAN:** That is not a
 (23) subject that has even entered into discussion yet.
 (24) **MR. CLAY:** But it's entering it
 (25) right now, Bernie. That's why I'm putting it on the

(1) STATE OF KENTUCKY :
 : SS
 (2) COUNTY OF JEFFERSON :
 (3) I, BRIGITTE BENEDETTI, Professional
 (4) Shorthand Reporter and Notary Public within and for the
 (5) State of Kentucky at Large, do hereby certify that the
 (6) foregoing sworn statement of
 (7) PASTOR DANNY JOHNSON
 (8) was taken before me at the time and place and for the
 (9) purpose in the caption stated; that the said witness was
 (10) first duly sworn to tell the truth, the whole truth, and
 (11) nothing but the truth; that the sworn statement was
 (12) transcribed by me in shorthand in the presence of the
 (13) witness; that the foregoing is a full, true and correct
 (14) transcript of the sworn statement as given; that there was
 (15) not a request that the witness read and sign the
 (16) transcript; that the appearances were as stated heretofore.
 (17) WITNESS MY SIGNATURE this 8th day of August,
 (18) 2000.
 (19) My Commission expires January 14, 2003.
 (20)
 (21)
 (22) BRIGITTE BENEDETTI, NOTARY PUBLIC
 (23) State at Large
 (24)
 (25)

(1) record, because I want it on the record, and I want that
 (2) matter surfaced with the people who make the decision
 (3) about
 (4) it, and I realize that's not you.
 (5) **MR. LEACHMAN:** I don't think
 (6) that has been round-tabled yet to even —
 (7) **MR. CLAY:** (Interrupting) Well,
 (8) usually a decision like that, the buck stops with somebody.
 (9) **MR. LEACHMAN:** Well, I'm sure it
 (10) will after we have the second installment and they have the
 (11) opportunity to read the information provided and analyze
 (12) it
 (13) from the their standpoint; not from my standpoint.
 (14) **MR. CLAY:** Well, as far as I've
 (15) heard here today, there's nothing to analyze as far as
 (16) whether this claim ought to be paid, and if I'm wrong, I'm
 (17) sure you can correct me.
 (18) **MR. LEACHMAN:** Well, I don't
 (19) want to provide any legal analyses today. I think that
 (20) would be premature.
 (21) **MR. CLAY:** So, when do you want
 (22) to get back together?
 (23) **MR. LEACHMAN:** It's really
 (24) outside the scope of what we're doing today.
 (25) **MR. CLAY:** Settling claims is
 (Statement adjourned)