

General Conference Corp. of Seventh-Day Adventists et al. v Walter McGill et al.

11/09/2015

Walter Chick McGill

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

GENERAL CONFERENCE
CORPORATION OF SEVENTH-DAY
ADVENTISTS, et al.,

Plaintiffs,

vs.

No. 1:06-CV-01207-JDB-egb

WALTER MCGILL d/b/a
CREATION SEVENTH DAY
ADVENTIST CHURCH, et al.,

Defendants.

DEPOSITION OF

WALTER "CHICK" MCGILL

Taken on Behalf of the Plaintiffs

November 9, 2015

VOWELL, JENNINGS & HUSEBY, INC.
Court Reporting Services
207 Washington Square Building
214 Second Avenue North
Nashville, Tennessee 37201
(615) 256-1935

EXHIBIT 1

1 MR. KIRKPATRICK: Let's move on.

2 (Exhibit 7 was marked.)

3 BY MR. KIRKPATRICK:

4 Q. Once you were served with a copy of this
5 motion that we have now marked as Exhibit 7, did
6 you talk to anybody about it?

7 A. (Pause.)

8 Q. Or tell anybody about it?

9 A. Yes.

10 Q. Okay. I'd like to know with whom you
11 spoke and the substance of those conversations and
12 if you sent it to anyone else.

13 A. I sent it to everybody I know, probably.

14 Q. Did you send it to Mr. Aguilar?

15 A. He's on my mailing list.

16 Q. Is that a yes?

17 A. He's on my mailing list.

18 Q. I need to establish -- is everybody on
19 your mailing list -- did you send it out to
20 everybody on your mailing list?

21 A. Yes. I would think so.

22 Q. All right. So that would include
23 Mr. Aguilar?

24 A. Yes.

25 Q. Why would you have sent it to him?

1 A. I would think any of my friends would be
2 interested in what's going on with my lawsuit
3 situation.

4 Q. And how many people are on that mailing
5 list that you've just testified about?

6 A. I don't -- I don't know, sir. I don't
7 keep a count of that.

8 Q. And that's a written list that you have?

9 A. I don't know if we have a written list or
10 if it's an electronically stored list. All I do
11 is hit the send button.

12 Q. And when you said "we" who are you talking
13 about, "we have a written list"?

14 A. My wife and I.

15 Q. So that mailing list is maintained in your
16 computer?

17 A. No.

18 Q. Where is it maintained?

19 A. I would say it would be web-based.

20 Q. Okay. Can I find it on the web by putting
21 in a website?

22 A. I don't think so.

23 Q. Okay. All right. And are there five or
24 ten or more like a dozen or more like two dozen or
25 more like a hundred names on this mailing list?

1 A. There would be a large number.

2 Q. When you say that --

3 A. I don't know.

4 Q. -- give me an idea.

5 A. A hundred, two hundred, three hundred, I
6 don't know.

7 Q. Somewhere between 100 and 300?

8 A. Perhaps.

9 Q. Okay. And did you send this motion to all
10 of the people on that 100- to 300-person mailing
11 list?

12 A. I'd have to speculate.

13 Q. Well, it sounds like you did, from
14 earlier. You said Mr. Aguilar's on your mailing
15 list, and I think you said -- I may have
16 misunderstood you, but I think you said you did
17 send it to everybody on the mailing list; is that
18 right?

19 A. I probably did.

20 Q. Okay. And what was the purpose of doing
21 that?

22 A. To inform everybody that knows me that the
23 General Conference of Seventh-Day Adventists have
24 begun persecuting me again.

25 Q. And how do you know these 100 to 300

1 people on this mailing list? What affiliation
2 have you had with them in the past for them to be
3 on a mailing list of yours?

4 A. Friends.

5 Q. Any other affiliation? Any religious
6 affiliation? Any church affiliation?

7 A. Seventh-Day Adventist members.

8 Q. And when you say that, are you talking
9 about the church of the plaintiffs or some other
10 church?

11 A. The church of the plaintiffs.

12 Q. Do some of these 100 to 300 people operate
13 websites?

14 A. I don't know.

15 Q. Do any of them operate websites that
16 contain the name "Creation Seventh-Day Adventist
17 Church" in any of the content?

18 A. From your filing it has come to the
19 surface that Dr. David Aguilar has a website of
20 that nature.

21 Q. And did you speak to Dr. Aguilar about
22 this motion?

23 A. Speak? What do you mean by speak?

24 Q. Talk.

25 A. No.

1 Q. No verbal conversation?

2 A. No.

3 Q. Emails?

4 A. Email was the notification.

5 Q. Any followup emails other than your
6 notifying him of this filing?

7 A. Yes.

8 Q. And tell me what followup email
9 communications you've had with Dr. Aguilar with
10 regard to this motion and these proceedings.

11 A. I don't recall details.

12 Q. Okay. How many emails did you and he
13 exchange back and forth?

14 A. I don't recall.

15 Q. Do you have copies of them?

16 A. I don't know. I would assume. It's
17 possible.

18 Q. I would like to ask for a copy of the
19 mailing list of this 100 to 300 people to whom you
20 distributed the motion and ask you if you will
21 agree to provide me with a copy of that. Will you
22 do that, sir?

23 A. I would have to pray about that one.

24 MR. KIRKPATRICK: All right. I'm
25 going to request that that be provided as

1 Creation Seventh-Day Adventist religion?

2 A. There would be very few that I know.

3 Q. And who would they be, please, sir?

4 A. I don't feel comfortable giving you names
5 of people that are my friends and that may adhere
6 to the Creation Seventh-Day Adventist religion.

7 Q. What's the difference in the Creation
8 Day -- excuse me -- Creation Seventh-Day Adventist
9 Church and the Creation Seventh-Day Adventist
10 religion to you?

11 A. To me? The Creation Seventh-Day Adventist
12 Church is owned and operated by God. It is not an
13 earthly organization. The Creation Seventh-Day
14 Adventist religion is the belief system that God
15 has inspired in the hearts of various people
16 around the world.

17 Q. And are there groups, associations,
18 churches, other than your Creation Seventh-Day
19 Adventist Church, that are organized and
20 practicing in connection with this religion in the
21 United States or elsewhere as you've just
22 described the religion? Does it have other
23 churches?

24 A. There is no -- what do you mean by
25 "church," please?

General Conference Corp. of Seventh-Day Adventists et al. v Walter McGill et al.
11/09/2015 Walter Chick McGill

1 A. You are correct.

2 Q. Are there any of the 100 to 300 people on
3 your mailing list who operate websites to your
4 knowledge other than Dr. Aguilar? You've already
5 told me about him.

6 A. I would not know any.

7 Q. On the mailing list does it contain the
8 email addresses of these 100 to 300 people that
9 you've mentioned?

10 A. Please repeat.

11 Q. Does the mailing list contain the email
12 addresses of the people on it?

13 A. I think so.

14 Q. I take it, in sending out copies of the
15 motion to those folks, that's the way you sent it,
16 was by scanning it in and emailing it to them; is
17 that right?

18 A. Actually, those email addresses are
19 available on the plaintiffs' website.

20 Q. Your 100 to 300 people that are on your
21 list are included in some other list on the
22 plaintiffs' website? Is that what you're telling
23 me?

24 A. Yes.

25 Q. And is the plaintiffs' list limited to

1 I'm going to ask that that become late-filed
2 Exhibit 22, and for you to let me know if you're
3 willing to provide those or not.

4 (Late-filed Exhibit 22 was marked.)

5 MR. KIRKPATRICK: Also, with regard
6 to the other late-filed exhibit of the mailing
7 list with email addresses and other information
8 contained on it, what else is on that mailing
9 list, Mr. McGill, other than names and email
10 addresses? Do you recall?

11 A. No, I don't. I don't recall.

12 Q. All right. As you sit here are you
13 willing to provide that to me as the late-filed
14 exhibit I requested earlier?

15 A. I would have to pray about it.

16 Q. Okay. All right.

17 MR. KIRKPATRICK: Let's take a break
18 and go off the record.

19 (Recess observed.)

20 BY MR. KIRKPATRICK:

21 Q. Mr. McGill, does your wife continue to be
22 involved with Internet activity with any website
23 at this time?

24 A. Not that I'm aware of.

25 Q. And I asked you early on in the deposition

1 what email addresses you use, and you felt like
2 that was -- you objected or sort of semi-objected
3 to that, so I want to revisit that for just a
4 minute and just ask you if you would state for the
5 record all of the email addresses that you and
6 your wife currently use.

7 A. (Pause.)

8 Q. I just need to get an answer, whether
9 you're willing provide that or not.

10 A. I'm not willing at this time.

11 Q. Okay. So you refuse to answer that
12 question, correct? So that the judge can see the
13 transcript.

14 A. Okay. I feel like it's violating my
15 privacy and I strongly prefer not to answer.

16 Q. Okay. And what I need to know, and I'm
17 not fussing at you, is do you refuse to answer at
18 this time and provide that information?

19 A. Yes.

20 MR. KIRKPATRICK: Okay. And what I
21 want to ask for in a late-filed exhibit, 23, I
22 want to ask for a list of the email addresses that
23 you and your wife currently use, as well as the
24 email addresses that you have used in the past, to
25 be late-filed Exhibit 23.

1 Q. You are the sole person who authored that
2 objection?

3 A. I had help from Lucan Chartier.

4 Q. And does Mr. Chartier have any legal
5 training to your knowledge?

6 A. No.

7 Q. Anybody else who assisted you?

8 A. No.

9 Q. Mr. Aguilar had nothing to do with it?

10 A. No.

11 Q. But you and he have collaborated over the
12 fact that he was going to file a response to the
13 motion, have you not?

14 A. Yes.

15 Q. And your communications, your email
16 communications with Mr. Aguilar, those
17 communications comprise another late-filed exhibit
18 that I've requested and that we would want to know
19 what your response is as to that.

20 And also, if there are followup
21 communications with the people on the mailing list
22 after you sent the motion to them, I'm going to
23 request that those communications and emails be
24 provided to us as late-filed Exhibit No. 24.

25 (Late-filed Exhibit 24 was marked.)