

IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA.

CASE NO.: 15-CA-3326

DIVISION: CV-H

WALTER HAMMOND, an individual,

Plaintiff,

vs.

ALBERT J. RUSSELL LODGE NO. 126
FREE AND ACCEPTED MASONS OF FLORIDA,
a non-profit corporation, and THE
MOST WORSHIPFUL GRAND LODGE OF FREE
AND ACCEPTED MASONS OF FLORIDA,
a not-for-profit corporation,

Defendants.

DEPOSITION OF:
RICHARD E. LYNN

Taken on behalf of the Plaintiff

DATE TAKEN: Tuesday, February 9, 2016
TIME: 1:35 PM - 5:20 PM
PLACE: Law Office of Kevin S. Sanders
817 Willow Branch Avenue
Jacksonville, Florida 32205

Examination of the witness taken before:
Laurie J. Miller, Court Reporter and Notary Public in and
for the State of Florida at Large.

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A P P E A R A N C E S

KEVIN S. SANDERS, ESQUIRE,

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Appearing on behalf of the Plaintiff.

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Appearing on behalf of the Defendants.

ALSO PRESENT: Walter M. Hammond and
Terence Aud, Paralegal Intern.

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1 RICHARD E. LYNN,
2 having been produced and first duly sworn on behalf of the
3 Plaintiff, then testified as follows:

4 THE WITNESS: I do.

5 DIRECT EXAMINATION

6 BY MR. SANDERS:

7 Q I think we've already identified you; but, just
8 for the record, if you could state your full and complete
9 name, spelling your last name.

10 A Richard Edward Lynn, L-Y-N-N.

11 Q And where do you reside?

12 A 9843 Woodrose Lane --

13 Q Is that in Jacksonville?

14 A -- Jacksonville, 32257.

15 Q And how long have you resided there?

16 A Two months.

17 Q Where did you reside before that?

18 A 35- -- 3800 St. Johns Bluff Road, No. 47,
19 Jacksonville, 32224.

20 Q And that's, I guess, a trailer park, behind
21 the --

22 A The RV park, yes.

23 Q And again, that's behind the Shrine building out
24 there?

25 A Correct.

1 Q Is that Woodrose Lane a house?

2 A Yes.

3 Q Okay. Are you -- well, let's do some other
4 fundamental stuff.

5 What's your educational background?

6 A High school; aviation school, maintenance;
7 several extension courses for business.

8 Q You graduated from high school?

9 A Yes.

10 Q Which high school was that?

11 A Southwest Miami High.

12 George T. Baker Aviation School, Miami.

13 Q And then the business exchange courses?

14 A University of Miami; Hospitality/Miami Dade
15 Junior College.

16 Q Did you come out with any degrees in any of
17 those?

18 A No; just the aviation school.

19 Q Are you employed now?

20 A Yes.

21 Q And who are you employed by?

22 A The Most Worshipful Grand Lodge of Free and
23 Accepted Masons of the State of Florida.

24 Q And how long have you been employed by them?

25 A Seven and a half years.

1 Q And what's your current position, and has your
2 position changed in the last seven and a half years?

3 A Grand Secretary; and, no, it hasn't changed.

4 Q Could you give me a job description for the Grand
5 Secretary?

6 A Grand Secretary, according to the job description
7 in the Digest, is a record keeper and official librarian
8 for the Grand Lodge of Florida, together with the general
9 manager of the office staff, secretary to the corporate
10 board of directors, manager of the day-to-day operations.

11 Q Is that a 9:00-to-5:00 job, or --

12 A No.

13 Q -- does it go differently?

14 A It's pretty much when I need to be there. I do a
15 lot of traveling involved with it.

16 Q So it's not a 40-hour-a-week thing. It's --
17 what's the average hours that you put in weekly?

18 A Fifty-five to sixty.

19 Q Were you employed before that?

20 A Yes.

21 Q Where at?

22 A Miami, Mahi Shriners, recorder, and I think it
23 was four and a half years.

24 Q And just briefly, what was the job description
25 for being the recorder?

1 A Pretty much the same.

2 Q And when you say "the same," just because we're
3 on deposition, same as the Grand Lodge secretary?

4 A Yes.

5 Q Again, was that a 9:00-to-5:00 job, or what did
6 you put in per week on that?

7 A Probably 35 hours a week.

8 Q Were you employed before that?

9 A I owned my own business.

10 Q And what did you do?

11 A Catering, social catering; business consulting,
12 and Wendy's.

13 Q How long did you have your social catering?

14 A Thirty-two years.

15 Q Did it have a business name?

16 A Catering by David Lynn, Inc.

17 Q Does that corporation still exist?

18 A No.

19 Q And your business consultant --

20 A Was Masters International. I was half owner of
21 that company, with C. Edward Gonzalez.

22 Q Spell Gonzalez for me.

23 A G-O-N-Z-A-L-Z (sic).

24 Q And does that still exist?

25 A No.

1 Q Did that dissolve or --

2 A Yes.

3 Q What about the Catering by David? Did that
4 dissolve, or did --

5 A Yes.

6 Q -- somebody pick it up?

7 And then you said Wendy's?

8 A Uh-huh.

9 Q What did you do at Wendy's, and when was that?

10 A I was a 25 percent share owner of Wen Corp of
11 Florida, and we had four stores in Broward County.

12 Q Do you still have the four stores?

13 A No. They were sold.

14 Q Approximately from when to when did you do the
15 social catering, from what year to what year?

16 A 1970-1996 or '7.

17 Q And what about your business consulting with
18 Masters International?

19 A It was 1982 to 1990.

20 Q And when did you own 25 percent of the Wen Corp
21 of Florida's four stores in Miami?

22 A It was closed -- we sold them 13 years ago, and
23 we had them for about five years prior to that.

24 Q Any other jobs, business descriptions or
25 education, other than what you've described today?

1 A No, other than miscellaneous, when I was in
2 school.

3 Q And when you're talking school, you're talking
4 high school and back?

5 A Aviation school and high school.

6 Q Did you ever have a job in some form of aviation?

7 A Yes, I did.

8 Q What job was that, and --

9 A Precision Fabricators, Miami.

10 Q And --

11 A That was about a year and a half; ended in '69.

12 Q What was your official title with that?

13 A I was a sheet metal mechanic.

14 Q Going back to your job as secretary of the Grand
15 Lodge, do you make all the decisions for the Grand Lodge on
16 a day-to-day basis, or do you still have to get that
17 approved?

18 A It varies. The operation of the actual office
19 staff and the building maintenance, I make the decisions
20 on, up to a point, usually derived around dollar amounts of
21 repairs. Budgets are approved by committees and by the
22 corporate board.

23 Q Do you work for the corporation known as The Most
24 Worshipful Grand Lodge of Florida?

25 MR. DOUBERLEY: Object to the form.

1 THE WITNESS: I work for The Most Worshipful
2 Grand Lodge of Florida.

3 BY MR. SANDERS:

4 Q The corporation?

5 MR. DOUBERLEY: Same objection.

6 THE WITNESS: Grand Lodge of Florida.

7 BY MR. SANDERS:

8 Q The corporation?

9 A It's not incorporated.

10 Q Okay. Why do you say it's not incorporated?

11 A Well, it doesn't have I-N-C or "Corp" after its
12 name.

13 Q Isn't it correct it's listed as a Florida
14 not-for-profit corporation?

15 A Correct.

16 Q So is the Florida filing correct, in listing it a
17 Florida not-for-profit, or are you correct, because it
18 doesn't have "Inc." after its name?

19 A I believe I'm correct.

20 Q Just because it doesn't have "Inc." after its
21 name?

22 A I believe I'm correct.

23 Q You're not a lawyer, though, right?

24 A No, I'm not a lawyer.

25 Q What makes you believe that you're correct that

1 it's not a corporation?

2 A It's my perception that it's not.

3 Q And explain to me your perception, then.

4 A My perception is it's not a corporation.

5 Q Based on?

6 A Based on my perception.

7 Q Well, what are you perceiving that -- your
8 perception must be based on facts.

9 A Perceiving, by the legal name of it, by the names
10 that we use on our official documents, and by the makeup of
11 the corporation.

12 Q Who files the corporate return every year?

13 A For the Grand Lodge?

14 Q Yes.

15 A Sharon Edenfield, my director of accounting.

16 Q Could you spell that for me?

17 A S-H-A-R-O-N E-N-D-I-F-I-E-L-D (sic).

18 Q And what's her job description?

19 A Director of accounting.

20 Q Now, does she file the tax returns?

21 A No. We have a CPA/auditor. Howard & Company
22 files our tax returns.

23 Q And where is Howard & Company located at?

24 A Jacksonville.

25 Q Do you have an address for them?

1 A Not off the top of my head, no.

2 Q Who is your contact or phone number over there?

3 A Mr. Howard, and I don't know the phone number.

4 Q Does Mr. Howard have a full name?

5 A I forget his first name. John Howard; excuse me.

6 Q Is this the same John Howard out at the Shrine?

7 A Yes.

8 Q When he files taxes, does he file it under a tax
9 identification number for the Grand Lodge of Florida?

10 A Yes.

11 Q Are there any other tax identification numbers
12 for the Grand Lodge of Florida, other than the one that's
13 been assigned to the corporation?

14 MR. DOUBERLEY: Object to the form.

15 THE WITNESS: We have other tax numbers for other
16 501(c)(3)'s, which are charities, endowment funding,
17 museum and library, and Masonic Charities of Florida,
18 Inc.

19 BY MR. SANDERS:

20 Q And who owns those corporations?

21 A The Most Worshipful Grand Lodge of Free and
22 Accepted Masons of Florida.

23 Q You said the endowment fund, Masonic Charities,
24 and what was the other one?

25 A Museum and library.

1 Q And do all of those entities have tax ID numbers,
2 also?

3 A Yes, they do.

4 Q When the corporate by-laws indicate that Grand
5 Lodge is a body politic, what does that mean to you?

6 A I have to just refer to it as it's a fraternal
7 organization with a group of like-minded men participating
8 in the functions.

9 Q But what does "body politic" mean to you?

10 A I'm not sure. I'd have to look at what the --

11 Q I have a sheet here. It's Page 44a of -- in the
12 prior litigation of Mr. Hammond, it was presented as,
13 allegedly, corporate by-laws of a corporation known as The
14 Most Worshipful Grand Lodge of Free and Accepted Masons of
15 Florida, and it talks about a corporate entity, in Section
16 3, and it talks about a corporate board, in Section 4.

17 Are you familiar with those by-laws, or is that
18 not a part of your function?

19 A (Witness perusing document.)

20 Yeah, I'm familiar with it.

21 Q So, even being familiar with that, you don't
22 believe that The Most Worshipful Grand Lodge of Free and
23 Accepted Masons of Florida is a corporation?

24 A I don't believe that it's -- it's registered as a
25 corporation.

1 Q And what do you base that belief on?

2 A My perception.

3 Q And other than just saying it's your perception,
4 you don't have any basis for that perception?

5 A No, because our registered name and trademark do
6 not contain "Inc." or "Corp" or "LLC."

7 Q But the Grand Lodge does file taxes underneath
8 that Inc. and corporate tax ID number, right?

9 A The Charities.

10 Q Well, what does the Grand Lodge file its taxes
11 under?

12 A It files it under The Most Worshipful Grand Lodge
13 of Free and Accepted Masons of Florida.

14 Q With the tax identification number that's listed
15 for that corporation?

16 A Yes. It's a federal identification number.

17 MR. DOUBERLEY: Can you tell me who you are,
18 please?

19 MR. AUD: Sure. I'm a paralegal intern.

20 BY MR. SANDERS:

21 Q How long has The Most Worshipful Grand Lodge of
22 Free and Accepted Masons been around?

23 A It was chartered as a Grand Lodge in 1830.

24 Q Any changes since 1830?

25 A Any changes in what?

1 Q To the Grand Lodge since 1830.

2 A Oh, there's been tons of changes to the Grand
3 Lodge since 1830.

4 Q Tell me what the changes are, to the best of your
5 knowledge.

6 A Be specific on what you're asking. That's so
7 broad, I don't know how I could answer.

8 Q Okay.

9 A We've changed addresses; we've changed Lodge
10 numbers; we've changed Lodges; we've changed the Digest of
11 Masonic Law. We've changed just about everything that
12 could be changed over the years.

13 Q Have you changed, since 1830, the organizational
14 part of the Grand Lodge?

15 A Certainly.

16 Q And what did you change?

17 A Well, the Grand Lodge, in those days, had only a
18 few Lodges. We're just under 300 Lodges now. Back then,
19 it was probably 30. I mean, I would have to go through
20 every proceedings that the Grand Lodge has, the annual
21 proceedings, like you have on the shelf up there, to bring
22 up everything that was brought up on the floor and
23 everything that was changed.

24 Q What about the business status of the Grand
25 Lodge? Did it change business entities or business

1 recognitions?

2 A Not that I'm aware of, other than, in the '90s,
3 when the State of Florida asked us to file corp- -- State
4 corporate filings for the Lodges. And we had a choice of
5 either -- we could do it as new corporations or we could
6 file them all as one, and they would need to be filed --
7 the directive from the Secretary of State was, the Grand
8 Lodge office would have to file them on behalf of all of
9 the Lodges, if that was done, and that's the way it's done
10 today.

11 Q Grand Lodge files corporate tax returns for all
12 the Lodges?

13 A Not corporate tax returns, no; Secretary of State
14 filings.

15 Q Okay.

16 A Grand Lodge does file some of the tax e-Postcards
17 for the Lodges, if they had less than 50,000 income, which
18 I do, personally.

19 Q So all the renewals for all the Grand Lodge
20 sub-corporations are all filed by you, for the Grand Lodge?

21 A By our office, yes.

22 Q Any particular reason why that's done?

23 A Because that's the way the State required it,
24 back in the '90s.

25 Q And you say the '90s. Again, I'm just assuming,

1 since we were back in 1830, is that 1990?

2 A 1990, yes. There wasn't even a State of Florida
3 in 1830.

4 Q Other than that change in the 1990s, any other
5 changes to the status or the organization of The Most
6 Worshipful Grand Lodge of Free and Accepted Masons?

7 A No, not that come to mind.

8 Q Does anything come to mind about a status change
9 in 1893?

10 A It just was the -- I guess it was filing with the
11 Secretary of State.

12 Q Was there any legislation that you know of that
13 changed the corporate status of The Most Worshipful Grand
14 Lodge of Free and Accepted Masons in 1893?

15 A I don't believe so. I wasn't around then.

16 Q In Section 3 of the paper, on the one page I
17 showed you, Page 44a, it says: Article I of the
18 Constitution, Style and Jurisdiction. It says: It is
19 further recognized that the Grand Lodge is a body politic
20 and corporate created and existing under and by virtue of
21 Chapter 4281, Laws of Florida, Acts of 1893.

22 You're not familiar with that, at all?

23 A I'm familiar with what's written in there. I
24 don't know what led up to it.

25 Q What's your familiarity with that statute, then?

1 A Just what it says in black and white.

2 The only other change I know was Hollis versus
3 Faircloth, in a friendly lawsuit, to establish the fact
4 that The Most Worshipful Grand Lodge -- if a Lodge should
5 lose its charter, dissolve or forfeit its charter, that the
6 property belonged to the Grand Lodge of Florida. That's on
7 Page 73 (sic) in the Digest.

8 Q And isn't that based on that statute?

9 A I'm not sure.

10 Q So, if a new Lodge -- I'm just doing a for
11 instance -- if a new Lodge was formed today, how would it
12 be formed?

13 A It would have to file as a corporation with the
14 Secretary of State.

15 Q Okay. So the 300 -- not quite 300; I think you
16 said close to 300 --

17 A 284; 284 Lodges.

18 Q All those are corporations?

19 A No. I think the last five Lodges formed were
20 incorporated.

21 Q Why did the last five have to be incorporated?

22 A A requirement of the Secretary of State for new
23 Lodges. And I don't remember what year it started. It
24 was -- pure guess, I would think it was around 1995.

25 MR. SANDERS: Excuse me one second. I've got to

1 grab something.

2 (Off the record.)

3 BY MR. SANDERS:

4 Q So you were saying that they have to be
5 incorporated since 1995.

6 A Right.

7 Q Do they have to be incorporated underneath and
8 owned by the Grand Lodge, or how does that work?

9 A It's just for the State filing. It still lists
10 the Grand Secretary as the registered agent.

11 Q And who owns the corporation; the officers of
12 that corporation or the Grand Lodge?

13 A Which corporation?

14 Q The corporation that you said would have to be
15 incorporated to start --

16 A The Lodges?

17 Q Yeah.

18 A Well, the Lodges, if they own a building, it has
19 to be titled in the name of the Lodge. If they don't own a
20 building, their accounts are titled in the name of the
21 Lodge. And under the agreement with the Grand Lodge of
22 Florida and our corporate charter, if they dissolve or
23 don't merge or consolidate with another Lodge, then the
24 property and/or the assets go to Grand Lodge for five
25 years, in escrow, in case they get their charter back, then

1 they can get the money or the facility, if it hasn't been
2 sold back. So the property belongs to the membership, and
3 not just the membership, but the Lodge.

4 Q And I appreciate that information. I'm more
5 interested about the entity, itself. You've got a
6 corporation. Corporations are owned by either another
7 entity or individuals or persons. These wouldn't be the
8 type that would issue shares of stock; but, in some
9 instances, it would be shareholders or stockholders.

10 Who owns these corporations that are formed?

11 A In order for them to achieve their corporate
12 Masonic name, they have to be chartered by the Grand Lodge
13 of Florida. They have to submit, under a UD Lodge, to the
14 Grand Lodge of Florida or a consolidation or merger of one
15 or more Lodges. That charter requires them to be
16 subordinate to the Grand Lodge of Florida. Schedule -- I
17 think it's R or O -- if they own enough property, if they
18 have to do a long form IRS return, even points out the fact
19 that they are subordinate.

20 Every Lodge's federal ID number in the State of
21 Florida is listed on the IRS filing for the Grand Lodge of
22 Florida as a subordinate organization, not-for-profit.

23 Q But they all have separate tax ID numbers?

24 A Yes, they do, but they're all -- they're all
25 listed under our tax number.

1 Q Okay. So does the Grand Lodge own all those?

2 A I think that's nomenclature. The Grand Lodge
3 owns it, as long -- once they no longer become a Lodge.
4 While they're a Lodge, it's under control of the Master and
5 the office -- the elected officers of the Lodge. As far as
6 the function, the legal function of the Lodges, the Masonic
7 function still falls under the Grand Lodge of Florida.

8 Q What are the requirements of becoming a Mason?

9 A Becoming a Mason?

10 Q Yes.

11 A A belief in a supreme being; 18 years or older,
12 and not convicted of a felony and lose your civil rights,
13 unless you get your full civil rights restored, which
14 includes the right to bear arms.

15 Q Can a woman become a Mason?

16 A No.

17 CQ1 Now, the chartered law of 1893, Chapter 4281,
18 says that these body politics and corporates that are
19 created underneath that statute can only be composed of
20 individuals or Masons of the white race.

21 What does that mean?

22 A Counsel, I'm not going into that with you. It's
23 in a different court. There's a different lawsuit
24 involving that. That has nothing to do with the Albert J.
25 Russell case, in my opinion.

1 Q Are you refusing to answer that?

2 A Yes.

3 MR. SANDERS: Then certify that question.

4 (Thereupon, the question last-above referred to
5 was certified by the reporter.)

6 BY MR. SANDERS:

7 Q Do you deny that that's what it says, that it is
8 for Masons of the white race only?

9 A This piece of paper, no, it does not say that.

10 Q Talking about Chapter 4281, Laws of Florida, Acts
11 of 1893?

12 A I think that acts -- that piece of paper said:
13 For the benefit of the white male race.

14 CQ2 And that hasn't been amended or changed or
15 anything, has it?

16 A I just told you, that's another lawsuit in the
17 federal court, not a civil court, and we'll see what that
18 says.

19 Q So you're not answering that question, either?

20 A No, sir, I'm not.

21 MR. SANDERS: Certify that question, also.

22 (Thereupon, the question last-above referred to
23 was certified by the reporter.)

24 BY MR. SANDERS:

25 Q How many different types of membership are there

1 in the Grand Lodge?

2 A There's emeritus, 50-year exempt, 50-year
3 non-exempt, other multiple years of time and service;
4 there's honorary memberships, regular memberships,
5 perpetual memberships, plural memberships and dual
6 memberships.

7 Q How many different types of affiliation or
8 affiliated memberships are there?

9 A You can affiliate by transfer or dimit, either
10 interjurisdictional or external jurisdictional. That's the
11 affiliations.

12 Q What's the difference between a transfer or a
13 dimit?

14 A A dimit actually leaves you without a Lodge. A
15 transfer means you're transferring an active membership
16 from one Lodge to another active Lodge, external or
17 internal jurisdictional.

18 Q And that's called an affiliation?

19 A What would be transfer by affiliation or dimit;
20 correct.

21 Q I see you have documents with you today.
22 Are those in response to my request --

23 A Yes.

24 Q -- attached to your deposition?

25 A Yes, they are.

1 Q Okay. My first request was: Any and all
2 documents in your possession, as Grand Secretary of the
3 Defendant Grand Lodge, regarding Albert J. Russell Lodge
4 and Walter Hammond's membership therein.

5 A (Witness tendering documents to Mr. Sanders.)
6 You ask me specifically what you're looking for,
7 and I can probably tell you about what clip it is.

8 Q Did you put these together, or did somebody else
9 put them together for you?

10 A They were actually put together for the -- for
11 the request of evidence that you asked for before, and
12 that's all the records that we had that were left either by
13 Albert J. Russell Lodge or were developed from within our
14 system of record keeping.

15 Q So when you say that this was from before, you're
16 saying these were the same ones that were produced at the
17 Freddie Velasco deposition?

18 A Correct; that were not picked up.

19 Q To your knowledge, was Walter Hammond ever tried
20 and sentenced by Albert J. Russell Lodge?

21 A No.

22 Q And that is -- just for clarification, that's no,
23 you don't know, or no, he wasn't?

24 A To my knowledge, he wasn't.

25 Q Okay. To your knowledge, did Albert J. Russell

1 Lodge request jurisdiction over Walter Hammond's trial?

2 A Yes.

3 Q Now, did you keep these records in the ordinary
4 course of business? How did they come into your
5 possession?

6 A Some of those records were kept under my normal
7 course of business.

8 Q Which records are those?

9 A I'd have to go through them one by one.

10 The majority of them were brought by the
11 secretary of Albert J. Russell Lodge, where we assisted him
12 in making copies, since the Lodge doesn't have a copier, in
13 order to produce them for the -- for his deposition. They
14 were in my possession because they were not retrieved.

15 Q They were not retrieved by Mr. Velasco?

16 A By you.

17 Q Was I ever told to come and retrieve them?

18 A Yes, and you said it was too much money for the
19 copies. You wanted them electronically, and I did not at
20 that time, and our scanner wasn't working.

21 Actually, I think it was your secretary that said
22 it was too much.

23 MR. SANDERS: I'm just going to make the one-page
24 Article I, Constitution, Style and Jurisdiction, which
25 has Sections 1, 2, 3 and 4, labeled as Page 44a, as

1 No. 1.

2 (Plaintiff's Exhibit No. 1 was marked for
3 identification.)

4 BY MR. SANDERS:

5 Q Well, the stack of material you gave me seems to
6 be, at least, numbered by stack. This says No. 1.

7 Was that something that you kept in the ordinary
8 course of business or something brought by Mr. Velasco?

9 A These were kept by Mr. Velasco. It was the
10 minutes. I had copies of them, because they were sent to
11 us when the request for jurisdiction was sent over, to
12 determine whether the request for jurisdiction was voted on
13 by the Lodge or not; and, according to the minutes, it
14 wasn't.

15 Q So you're saying these are minutes with regards
16 to Albert J. Russell's request for jurisdiction to take
17 over the trial of --

18 A I believe they were. It's part of their minutes.

19 Q What I see is a stated communication here that
20 says it was on April 7th of 2015.

21 Do you recall when Walter Hammond was brought up
22 on charges and tried? Was it just a year ago?

23 A No. That was on the -- let me look at those
24 again, please.

25 Q Sure.

1 A I just looked to see that they were minutes.

2 Q (Mr. Sanders tendering documents to witness.)

3 A No. I think these were given to you because you
4 deposed (sic) all the minutes through a spread of a
5 certain -- time certain.

6 Q Do you know why Albert J. Russell was refused
7 jurisdiction? Was it because they didn't vote on it in
8 Lodge to accept jurisdiction?

9 A No, I don't believe that was determined at that
10 time.

11 Q Then why were they refused jurisdiction over
12 their own Masonic Brother?

13 A Because the offense was against the Grand Lodge
14 officers. The written correspondence and Chapter 44 states
15 that at any -- at any time during the process of penal
16 files, that the Grand Master could enter into pleas or take
17 jurisdiction over.

18 Q That's in Chapter 44?

19 A Uh-huh; Powers of the Grand Master.

20 Q Here. I've got my Masonic -- unless you -- do
21 you know the actual chapter number?

22 A No, I'd have to look. It says: Notwithstanding
23 all the timelines and -- et cetera, et cetera -- considered
24 to be guidelines.

25 Q (Mr. Sanders tendering document to witness.)

1 A 44.23 -- you have it marked: Notwithstanding any
2 other provisions of this Penal Code, the Grand Master may,
3 upon receipt of copies of charges or at any other time or
4 state of the proceedings, take such action in regard to the
5 proceedings as he may be -- as he may be advised,
6 including, not limited to, directing the Lodge as to
7 further proceedings, abatement of the proceedings pending
8 investigations, appointment of a Trial Commission -- which
9 would be referred to as a Grand Lodge Trial Commission --
10 and refer the matter to the Penal Affairs Committee or the
11 Chairman thereof, who acts just like the prosecutor.

12 Q Go ahead and keep that.

13 Isn't that one section giving the Grand Master
14 charge over charges being brought in that lower Lodge? It
15 doesn't grant the Grand Lodge penal jurisdiction summarily
16 over people or --

17 A It says: The Grand Master, in the exercise of
18 his direction (sic), may investigate or cause to be
19 investigated any matter coming to his attention and file
20 charges or order charges to be filed in an instance where
21 there's probable cause to believe there had been conduct
22 justifying the filing of charges.

23 Q And that's under an investigation of the lower
24 Lodge's charges, right?

25 A No, no. Exercise of his direction may

1 investigate or cause to be investigated any matter coming
2 to his attention.

3 Q In this particular instance, it was the Grand
4 Master who brought the charges, wasn't it?

5 A The Grand Master had the charges filed, yes. He
6 directed them to be filed and signed them.

7 Q So he filed the charges, and he directed them to
8 go to a Grand Tribunal, instead of going to Albert J.
9 Russell Lodge?

10 A A Grand Lodge Trial Commission, yes.

11 Q And just for the record, what Grand Master was
12 that?

13 A Robert P. Harry.

14 Q So it's your understanding that a Grand Master
15 can bring charges on any Mason and then file a Trial
16 Commission at any point in time, underneath those charges
17 that he's brought?

18 A Yes, he can. However, he did not appoint the
19 Trial Commission. Joe Fleites did, the following year.

20 Q And I'm just reading it -- because I study
21 words -- 44.23, which it says is the chapter that gives him
22 jurisdiction, that proceeds the previous chapter which
23 talks about Masonic charges being brought, jurisdiction of
24 the Grand Lodge, right?

25 A I believe so.

1 Q And then it says: Notwithstanding any other
2 provision of this Penal Code, the Grand Master may -- and
3 here's where there's a comma -- upon receipt of copy of
4 charges or at any other time or stage of the proceedings...

5 What charges are we talking about if the Grand
6 Master can bring the charges, or what proceedings are we
7 talking about if he can unilaterally do that?

8 A Specifically, it doesn't say. If you go down to
9 the other section we read, it says, if he has information,
10 that he can file the charges.

11 Q But this is in review of charges being brought
12 before a lower tribunal or in a lower Lodge?

13 A No, sir. No, it's a separate -- separate
14 section, altogether.

15 Q Okay. So, when it says "Notwithstanding any
16 other provisions of this penal code, the Grand Master may,
17 upon receipt of copies of charges..." what does "receipt of
18 copies of charges" mean?

19 A That would be from a lower tribunal, probably.

20 Q Okay. "...or at any other time or stage of the
21 proceeding..." what would that mean?

22 A That would mean, at any course of the
23 proceedings, he can take jurisdiction over it.

24 Q That would be taking jurisdiction over the lower
25 tribunals?

1 A Or any -- it could have been charges filed by the
2 Penal Affairs Chairman, who is clothed with the powers of
3 the Grand Master.

4 Q Well, again, if it was, still, it would be a
5 lower -- those proceedings would be below the Grand Master,
6 right? So he's reviewing proceedings that have already
7 taken place before he, as Grand Master, files charges,
8 right?

9 A Not necessarily.

10 Q Well, where does it say anything differently in
11 that?

12 A It doesn't say that. That's your assumption.

13 Q I'm just using the words that are written.

14 A No. You're phrasing the words the way you want
15 it to sound --

16 Q Well --

17 A -- and I'm not agreeing with you. I don't need
18 to agree with you.

19 Q I'm not saying that you have to. I'm just trying
20 to get you to point out anything in here -- I'll give you
21 your opportunity -- point out anything in that paragraph
22 that says something other than it says, when it says
23 "charges or proceedings."

24 Where does it say that he can bring original
25 charges where there are no charges or no proceedings?

1 A Okay. Third paragraph down: The Grand Master,
2 in the exercise of his direction, may investigate or cause
3 to be investigated any matter coming -- not from a lower
4 tribunal -- to his attention and file charges or order
5 charges to be filed in every instance where there is a
6 possible cause to believe there has been conduct justifying
7 filing of charges.

8 Counselor, I was Chairman of Jurisprudence for
9 six years. I've reviewed many, many sets of charges.

10 Q Okay. Third paragraph down: The Grand Master,
11 comma, in the exercise of his discretion, comma, may
12 investigate.

13 Did he investigate Walter Hammond's charges?

14 A To my knowledge -- no, he filed the charges,
15 because he investigated the justice -- the injustice.

16 Q That's not what it says.

17 "The Grand Master, in the exercise of his
18 discretion, may investigate..."

19 In Walter Hammond's case, what was --

20 A Keep going down.

21 Q I'm just taking it --

22 A I'm not going to let you take it out of context.

23 Q I'm not taking it out of context.

24 May investigate -- what does "may investigate"
25 mean to you?

1 A That he may investigate or cause an investigation
2 of anything that is considered to be un-Masonic.

3 Q Okay. What investigation did Most Worshipful
4 Harry cause to be investigated, then, in his discretion,
5 underneath this chapter that you've pointed out that he had
6 the authority to do that?

7 A From what I know and what I've read, he called up
8 Walter Hammond, when he received a copy of the Tall
9 Cedars -- Cedar Chips, I think it was called -- asked him,
10 and there was a long discussion over what happened. It
11 doesn't matter. He investigated and, from his
12 investigation and talking to Walter Hammond, filed charges,
13 which he has the authority, in my opinion, in the Digest to
14 do so. However, the Grand Master is the only one who can
15 interpret that Digest.

16 Q Or a court of law?

17 A Or a court of law, certainly, which they're not
18 likely to do.

19 Q Okay. Now, your letter of March 26, 2008 --
20 I assume that's your signature. It says it's
21 from you.

22 A (Witness perusing document.)

23 Yes, it is.

24 Q -- said that there was a mistake in the charges.

25 A The date in the charges. It was February,

1 instead of March.

2 Q So was there new charges filed?

3 A No, there was a mistake in the distributional
4 cover letter on the charges.

5 Q So the new charges were filed, with a corrected
6 date?

7 A No, sir. The cover letter on the charges had the
8 wrong date on it, and that was corrected, if memory serves
9 me right. It was a long time ago.

10 CQ3 Isn't that insufficient notice, if it's not
11 corrected and re-sent out?

12 MR. DOUBERLEY: We're not going to relitigate a
13 case that's been settled, so --

14 MR. SANDERS: It obviously hasn't been settled.
15 And I'm going to get into that, too.

16 MR. DOUBERLEY: No, we're not. This -- we're not
17 going to relitigate the other litigation that's on
18 appeal. It's a different judge. It's a different --
19 and you've already explored all of these issues, and
20 we're not going to sit here and rehash that case or
21 the federal litigation, which is before still another
22 judge. We're here on Albert J. Russell. It's been
23 established that they didn't bring the charges; they
24 didn't try him.

25 MR. SANDERS: You're entitled to proper notice,

1 though, right, Counsel? I'm allowed inquire about
2 notice.

3 MR. DOUBERLEY: That case is done.

4 MR. SANDERS: Are you instructing him not to
5 answer?

6 MR. DOUBERLEY: Yes.

7 Even if you --

8 MR. SANDERS: All right. Certify that question.

9 (Thereupon, the question last-above referred to
10 was certified by the reporter.)

11 MR. DOUBERLEY: Even if you win the appeal, we're
12 not coming back to that. It's just simply a question
13 of whether or not he gets his -- he becomes a member
14 again. You know, certainly, if we get this case back
15 to the original judge, this will be done.

16 MR. SANDERS: You weren't at the last hearing,
17 sir, so you probably don't know what you're getting
18 into.

19 BY MR. SANDERS:

20 Q So you're not going to answer any questions, sir,
21 with regards to the date and whether or not it should have
22 been corrected and sent out?

23 A I answered it. That was a correction to the
24 cover letter, not the charges.

25 Q And it was a whole month error; is that correct?

1 A The date was improper. It was not a month from
2 the time it was sent out to the time it was received.

3 Q Now, your letter here says that the date of March
4 25th, 2008, is incorrect; the date should have been
5 February 25th, 2008. That's what your letter says?

6 A That's correct.

7 Q And again, you've provided me with copies of
8 these documents. I'm looking at the charges and the dates
9 of signatures on the charges, and I note that they're on
10 March 11th, 2008.

11 A That has to do with a case that's been settled
12 already.

13 Q Well --

14 A What's germane is whether he's a member of the
15 Lodge or not.

16 Q But the charges, the dates and times of
17 notices --

18 A Charges have been decided and agreed to in a
19 court, so --

20 MR. SANDERS: Well, I don't believe they have
21 been agreed to in a court. They were agreed to at a
22 mediation which apparently didn't mean anything.

23 MR. DOUBERLEY: We're still not going to go back
24 and relitigate it in this proceeding.

25 MR. SANDERS: We shall see, sir. I feel very

1 confident otherwise.

2 MR. DOUBERLEY: Well, you know, when the appeal
3 is done, then whatever is left, we can come back. But
4 right now, the status of these cases is such that we
5 are not going to rehash the original suit which, on
6 the record, has been settled.

7 BY MR. SANDERS:

8 Q Now, your statement earlier -- and it speaks for
9 itself -- indicated that you asked for these documents, you
10 reviewed such and found that there was no request from the
11 Brothers of Albert J. Russell to take jurisdiction over
12 Walter's trial; is that correct?

13 A That's not what I said.

14 Q Oh, what did you say, then?

15 A I said there was no -- it was not in the minutes
16 that there was a vote taken to request that. Matter of
17 fact, it was told to me that Bennett walked up with a
18 letter and handed it to the Master and told him to sign it.

19 Q Well, I'm looking at Albert J. Russell Masonic
20 Temple, May 6 of 2008, a stated communication held at 7:22.
21 On the second page, it says the Worshipful Master was Joe
22 Cataulin, and the secretary was Francisco P. Velasco.

23 A Uh-huh.

24 Q It states in the minutes: A letter of March
25 19th, 2008, from Richard E. Lynn, Grand Secretary, a charge

1 of un-Masonic conduct to Right Worshipful Walter Hammond
2 was read to the Brethren; see attached. Also, a letter
3 from Grand Secretary, dated April 22nd, was received, and a
4 copy of the response to charges from Right Worshipful
5 Walter Hammond was also read; see attached 2. After
6 comments and a few decisions, the -- from the Brethren, the
7 Brethren voted according to the regulations, 42.12 -- I
8 mean; excuse me -- 44.12, 44.13, 44.24, 44.25 and 44.77,
9 that Albert J. Russell claims penal jurisdiction over
10 Walter Hammond and claims the right to consider the charges
11 at a stated communication of this Lodge.

12 That doesn't add up to a vote to you?

13 A No, I would dispute the minutes, because they're
14 a different font, different typeset, and they don't match
15 the other minutes, before or after.

16 Q So was it your decision? You made the decision
17 as to these don't look like valid minutes of Albert J.
18 Russell?

19 A That's my opinion. I didn't make a decision or
20 tell anybody that. I'm just telling you what I felt.

21 Q Okay. So, when you felt that, what did you say,
22 and who did you say it to as to why --

23 A Freddie Velasco.

24 Q You told Freddie Velasco --

25 A And he told me exactly what I just said, that

1 there was no vote taken.

2 Q Okay. But these minutes would say otherwise,
3 right?

4 A That's what the minutes say, what that piece of
5 paper says. I don't know that they were the actual minutes
6 for two reasons; number one, they're not signed by the
7 Master, and all the other minutes are.

8 Q So who made the decision, then, that this was not
9 a valid vote?

10 A There's no decision.

11 Q You?

12 A That's my opinion.

13 Q So it was your opinion, and you expressed that to
14 who, the Grand Master, and said --

15 A No.

16 Q All right. Well, eventually a letter was written
17 to Albert J. Russell Lodge, saying we refuse for you to
18 take jurisdiction, right?

19 A That had nothing to do with whether a vote was
20 taken or not. I was just giving you my opinion.

21 Q Okay.

22 A Which didn't happen till three years later, when
23 I saw the actual minutes -- four years, actually.

24 Q So, if you didn't actually see the minutes until
25 four years later, how could somebody have made a decision

1 that the request was not from the Brothers and wasn't voted
2 upon?

3 A Nobody made that decision. I told you that was
4 my opinion.

5 Q Okay. Well, why wasn't Albert J. Russell Lodge
6 given penal jurisdiction when they requested it?

7 A Because the Grand Master denied it.

8 Q And what right does he have to deny penal
9 jurisdiction of a Lodge that has it over it?

10 A We just read in the Digest what it had.

11 Q So you're going back to Section --

12 A Notwithstanding.

13 Q -- 44.23?

14 A Yes, sir.

15 Q But again, that's talking about reviewing penal
16 charges that are already in place.

17 A No. That was your sleight on it.

18 Q I notice that the July 7th, 2009, doesn't have
19 the Worshipful Master's signature on them, either, so those
20 would be unrecognized minutes of Albert J. Russell?

21 A In my opinion.

22 Q And then July 14th, 2009, the next Worshipful
23 Master, he didn't sign those?

24 A Uh-huh.

25 Q So any time a Worshipful Master doesn't sign the

1 minutes, those are declared invalid minutes, as if the
2 meeting never occurred?

3 A They're not declared. In my opinion.

4 Q Do you get to make that decision, or who gets to
5 make that decision?

6 A For what purpose? For my own -- for my own
7 decision-making process? Yes, absolutely.

8 Do I get to tell them those are invalid? No.

9 Q So do you tell this information to whoever the
10 sitting Grand Master is, and say, "Hey, look, these minutes
11 weren't signed..."

12 A No.

13 Q "...they need to be validated," or do you just
14 make that decision on your own?

15 A No, I do not. When I discovered them, the trial
16 was already over. The mediation had happened.

17 MR. SANDERS: This section, called Section 1,
18 will be Exhibit 2.

19 Would you count those for me, Mr. Lynn -- I mean,
20 Brother Lynn -- and tell me if there's not 17 pages in
21 that.

22 THE WITNESS: Seventeen.

23 MR. SANDERS: So that 17-page exhibit will be
24 No. 2.

25 (Plaintiff's Exhibit No. 2 was marked for

1 identification.)

2 BY MR. SANDERS:

3 Q Again, you've produced another section.

4 Is all this produced pursuant to No. 1, or -- on
5 the exhibit list, or is --

6 A It was a broad stroke. You asked me to bring
7 everything that was in my possession. Those were in my
8 possession because they were produced for you -- by Freddie
9 Velasco, at my office, to make copies and stuff -- and
10 never picked up, so they were in my possession. I did not
11 go through everything and look at them.

12 Q So did you bother to go and look through any
13 Grand Lodge files or anything like that for additional
14 documents?

15 A Yes, I did.

16 Q What else do you have?

17 A I gave you the perpetual membership payouts in
18 reference to his membership; copies of the letters that
19 were written in reference to him petitioning another Lodge;
20 copies of powers relating to Particular Lodges, on Page
21 101; Anderson's Constitution, Page 93, reference to the
22 general regulations annex, that a Mason must be a member of
23 a Lodge.

24 You asked about perpetual membership. I brought
25 what the perpetual membership says. I brought 15.01

1 through 15.03 of the Grand Lodge of Free and Accepted
2 Masons of the State of Florida, specifically referred to in
3 the by-laws: All matters herein...Constitution and regular
4 (sic) shall be in the control and govern this Lodge.

5 That's the by-laws of the Lodge, where the Grand
6 Lodge governs the Lodge.

7 You asked for documents between Jason Cowart
8 regarding Walter Hammond. There were none; everything was
9 verbal, on the phone, when he called me.

10 Copies of all sections of the Masonic Digest
11 declaring a member in good standing by the Grand Lodge of
12 Florida -- that was not done.

13 Corporate by-laws regarding Walter Hammond had no
14 privileges to attend business meetings -- there are none.

15 Copies of all sections of the Digest by-laws the
16 Grand Lodge of Florida used to determine to advise Albert
17 J. Russell and its officers that Walter Hammond should not
18 be received into the member -- should not receive his
19 membership/card.

20 And you put in there, a member in good standing
21 by the -- "declared a member in good standing by the Grand
22 Lodge." I don't agree with that. It doesn't finish the
23 whole sentence, so I didn't bring anything other than those
24 actual letters.

25 Regulations of Grand Lodge suspending a charter,

1 if necessary.

2 And since it's not in writing, I couldn't bring
3 the Masonic obligations of a Mason to adhere to the general
4 edict/rules and the by-laws of the Grand Lodge from which
5 it receives its authority.

6 And, of course, the public installation of
7 officers is in there. You served as a Master -- so has
8 Brother Hammond -- and you took an obligation then to
9 adhere to the civil magistrates, civil law and the Grand
10 Master and the Grand Lodge and the Grand Lodge Officer
11 Supreme and his successors when duly installed.

12 Q Does Grand Lodge law trump civil law?

13 A They're two different.

14 Q Different how?

15 A Masons are bound by a moral code and by their
16 obligations to obey the civil magistrates and civil law.
17 But Masons is -- is a fraternity that you choose to be a
18 member of, much like driving a car, in my opinion. You get
19 a license, it's a privilege; it's not a right due to you,
20 even though it's issued by the State of Florida.

21 Q So does the law of Florida trump the law of the
22 Grand Lodge?

23 A Specifically?

24 Q Anything set out in the Grand Lodge Digest or
25 corporate by-laws, which was declared in the previous

1 litigation, could those corporate by-laws trump Florida
2 statutes?

3 MR. DOUBERLEY: Objection; calls for a legal
4 conclusion.

5 THE WITNESS: You have to be more specific.

6 BY MR. SANDERS:

7 Q Well, which one controls more? I don't have to
8 be specific. If there was a law in the Digest that said
9 one thing and a Florida statute by the legislature,
10 approved by a court of law and case law and the governor
11 signing it into office, which one controls --

12 A Kevin, I'm not an attorney. I'm not going to
13 answer that.

14 Q That's good that you keyed off on that, since he
15 said that.

16 So you're just going to refuse to answer that?

17 A No, I'm not going to answer it. I answered it
18 the best could I.

19 Q So you don't know, if a State statute sets
20 something out and Masonic law sets something out, which one
21 would control?

22 A I guess that would be up to a Court to decide, if
23 questioned.

24 Q All right.

25 A You have all of that previous, by the way.

1 That's the perpetual payouts and stuff.

2 Q I'm going to kind of stay in order, since you
3 gave me this stuff.

4 There's a section here that says "2&3." You
5 didn't read any of this?

6 A No. I didn't pick and choose what I brought. I
7 brought everything I had.

8 Q In your Section 2, 3 that you brought, there's a
9 letter on The Most Worshipful Grand Lodge stationery
10 letterhead. It's dated March 3rd, 2015. It's made out to
11 the Honorable Walter M. Hammond. It says "Letter of Good
12 Standing." It's signed by -- well, you tell me.

13 Is that James Ford's signature --

14 A Yes, it is.

15 Q -- the Grand Master then?

16 And then it says: Richard Lynn, Grand Secretary.

17 Is that yours?

18 A Yes, it is.

19 Q Now, this says, "This letter shall serve as a
20 'Letter of Good Standing' for the express purpose of
21 petitioning a Particular Lodge for affiliation. This
22 'Letter of Good Standing' shall expire on December 27th,
23 2015."

24 Is that -- do you recognize that letter?

25 A Yes, I do.

1 Q What was that letter for?

2 A That was from the mediation.

3 Q Okay. Was that created at the mediation or after
4 the mediation?

5 A It was created after the mediation.

6 Q And what was it supposed to do?

7 A It was supposed to allow Walter to join a Lodge.

8 Q Why would Walter have to join a Lodge?

9 We were using definitions of affiliations at the
10 beginning of your deposition. I didn't hear where
11 affiliation meant that you had to join anything.

12 Why does affiliation mean you have to join --

13 A If you're not affiliated, you're unaffiliated,
14 which means you're not a member.

15 Q Well, where do we get from being a member in good
16 standing to, if you're affiliated (sic), you're not a
17 member?

18 A "For the purpose." You keep saying the first
19 part of that sentence. You have to complete it.

20 Q Okay. Educate me.

21 A Educate you what? Read it. It's right there.

22 Q "This letter shall serve as a 'Letter of Good
23 Standing' for the express purpose of petitioning a
24 Particular Lodge for affiliation."

25 A Or membership.

1 Q It doesn't say that.

2 A No, but you had the other one changed to say
3 "membership." Affiliation and membership is the same. If
4 you're affiliated with a Lodge, you're a member of a Lodge.

5 Q So what --

6 A I'm talking about Masonic terms.

7 Q What did you think the settlement was for, then,
8 at mediation; just so Walter could not recover his
9 membership in Albert J. Russell Lodge and just get a letter
10 of good standing? What does a letter of good standing mean
11 if you're not in good standing as a member of a Lodge?

12 A I think that was before a court and decided
13 already.

14 Q You tell me what it means.

15 A I told you what it means: For petition -- to
16 petition a Lodge.

17 Q So as if he's not a member?

18 A Correct.

19 Q So, and when can a non-member move for
20 affiliation? I didn't think they could do that.

21 A When he has a letter of good standing or a dimit.

22 Q And how did Walter lose his membership in Albert
23 J. Russell Lodge?

24 A By virtue of being indefinitely suspended at a
25 trial and then upheld by a committee at Grand Lodge, on an

1 appeal, and upheld by the voting delegates of all of the
2 Lodges at Grand Lodge, the representatives of all the
3 Lodges.

4 Q So what are you in good standing, if you're not a
5 member?

6 A You're taking it out of context: Good standing
7 for the purpose of petitioning a Lodge for affiliation or
8 membership, as in the second letter says.

9 Q So, if somebody brand-new -- say, like my intern
10 here -- wants to petition a Lodge for affiliation, he must
11 get a letter of good standing?

12 A He has to petition for membership. He's not a
13 Mason.

14 Q Okay. Well, that's my whole point: Walter
15 Hammond is a member of the Masonic Order, right?

16 A He's a suspended member of the Masonic Order.

17 Q He was not suspended after the mediation.

18 A That's your determination.

19 Q Okay. So you're saying, at mediation, when this
20 matter was settled, he was still suspended after the
21 mediation was over?

22 A I think the judge ruled on that.

23 Q I don't think the judge ruled like that, no, sir.

24 A Well, he said he had to --

25 Q In fact, he ruled that you were the Grand Master.

1 A Right. That's because you kept saying "Grand
2 Master" to me during the proceedings.

3 He ruled that he had to stand 100 percent ballot
4 in order to have membership.

5 Q That's because he thought you were the Grand
6 Master, interpreting the laws of --

7 A I can't say what he was thinking, and I don't
8 think you can, either.

9 Q Well, I think an appellate court will.

10 A Okay.

11 Q There's no record of the Grand Master being
12 present at that hearing, so -- only you, and you're just
13 the Grand Secretary. And when I say that, I don't mean it
14 demeaningly. You are not the Grand Master as a Grand
15 Secretary.

16 A No, I am not, although I still have the title,
17 Grand Master.

18 Q You're a past Grand Master?

19 A Correct.

20 Q So how can you be in good standing if you're not
21 a member? If we don't have to have him (indicating) to get
22 a good standing letter to petition, why does Walter need a
23 good standing to petition?

24 MR. DOUBERLEY: We don't need to go down this
25 road any further.

1 MR. SANDERS: Is that an objection?

2 MR. DOUBERLEY: Really, it's directed at the
3 witness.

4 MR. SANDERS: Well, are you coaching the witness
5 to say something?

6 Then I'm going to make a motion for contempt and
7 for sanctions, and I'm going to encourage Counsel to
8 just either make standard objections or to not say
9 anything at all.

10 MR. DOUBERLEY: And I think somebody earlier in
11 the day said, "You don't tell me what to say and what
12 to do."

13 Richard, this is res judicata until the appellate
14 court speaks. This issue is behind us. We do not
15 need to be creating more record on something that's
16 moot.

17 MR. SANDERS: It's not moot.

18 MR. DOUBERLEY: Well, he's not going to answer
19 any more questions.

20 MR. SANDERS: He brought me these documents, sir.
21 He brought me these documents.

22 MR. DOUBERLEY: I don't care.

23 MR. SANDERS: He said they were in his
24 possession. I'm asking questions on the documents
25 that he brought me.

1 MR. DOUBERLEY: You calm down.

2 MR. SANDERS: I am calm enough.

3 MR. DOUBERLEY: No, you're not.

4 MR. SANDERS: I am calm enough.

5 MR. DOUBERLEY: You either calm down or we're out
6 of here.

7 MR. SANDERS: Well, you can walk out, if you want
8 to, and I'll move even further to have you held in
9 contempt, sir.

10 MR. DOUBERLEY: Please, sanctions, too. How
11 about that?

12 MR. SANDERS: I would love to.

13 MR. DOUBERLEY: Okay.

14 MR. SANDERS: One of these days, you're going to
15 get them.

16 MR. DOUBERLEY: It's up to you. You're the one
17 having to --

18 THE WITNESS: I already answered the question.

19 MR. SANDERS: Well, I don't think you have.

20 THE WITNESS: Well, in my opinion, I answered the
21 question.

22 MR. SANDERS: Well, I don't think you have, so
23 I'm going to ask until I figure --

24 THE WITNESS: Until you get the answer you want?
25 That's not going to happen, Kevin.

1 BY MR. SANDERS:

2 Q All right. Well, I want an answer to the
3 question. I don't want a diffusion.

4 What is a letter --

5 A Well, before you ask it again, let me answer it.

6 Q Okay.

7 A He is not a Mason.

8 Q Okay.

9 A Okay. For him to join, he has to petition a
10 Lodge.

11 Q Correct.

12 A A suspended, expelled or nonpayment-of-dues Mason
13 needs some evidence to be able to join a new Lodge or
14 reinstate in his Lodge.

15 This is the evidence that he has the authority
16 from the Grand Lodge of Florida to petition a Lodge.
17 That's the evidence.

18 Q And so you -- you're arguing here today that, at
19 mediation, the only thing that was done was negotiate for a
20 letter of good standing, and the suspension was not over?

21 A I'm not going over all that.

22 Q Well, you are -- it's your deposition.

23 A I answered the question.

24 Q I can go ahead and set your deposition in front
25 of the judge, if you want.

1 A Well, I don't mind. I think I answered the
2 question.

3 Q Was he or was he not -- was he or was he not
4 restored to the status of a Mason in good standing at
5 mediation?

6 A No.

7 Q He wasn't?

8 A Not in my opinion.

9 Q Well, why do you get to make all these opinions
10 and decisions?

11 A You just asked me a question, and I gave you my
12 opinion. That's how I get to do it. If you don't want my
13 opinion, don't ask it.

14 Q Why is your opinion above what the settlement is?

15 A I don't agree with you.

16 Q Okay. You said he would have to petition -- this
17 says the same thing -- petition a Particular Lodge for
18 affiliation.

19 A For the purpose.

20 Q And affiliation is only open to people who are
21 members of the fraternity; isn't that correct?

22 A Or were members.

23 Q Okay. But he wasn't expelled, was he?

24 A No. He was suspended indefinitely, which has
25 requirements to be reinstated, in the Digest, and that went

1 above those requirements.

2 Q Where does it say that, sir?

3 A What's that?

4 Q Where does it say that there's a requirement that
5 he has to affiliate when you come back from a suspension
6 that's been handed down by Grand Lodge?

7 A That's not what it says.

8 Q What does it say?

9 A It says, after an indefinite suspension or
10 expulsion, that the Grand Master has to approve the request
11 to the Lodge to receive a petition. That's what it says.

12 Q Show that to me.

13 A I'm not going through all this. We went through
14 this at the hearing.

15 Q That's because it's not in there, right?

16 A It's in there.

17 Q Well, show it to me. Show it to me, where it's
18 at. That's why I brought this book out. It's your
19 deposition today. You're welcome to show it to me.

20 A (Witness perusing document.)

21 MR. SANDERS: While you're looking for that, I
22 need to find a page that you didn't copy when you
23 brought that in today.

24 (Off the record.)

25 THE WITNESS: There's two places. On Page 3320,

1 from a 1979 ruling and decision: When the Grand Lodge
2 assumes jurisdiction over a penal case, then any
3 appeal to reopen the case must be -- come before the
4 Grand Lodge.

5 BY MR. SANDERS:

6 Q That happened in this case?

7 A Chapter 44.76: When the Grand Lodge, either in
8 the exercise of its original jurisdiction or on appeal,
9 imposes or affirms a penalty of indefinite suspension or of
10 expulsion, no action with respect to reinstatement shall be
11 taken by the Particular Lodge without express written
12 permission or consent of the Grand Lodge or its authority.

13 The Grand Lodge is the members -- the delegates
14 convened at Grand Lodge or the Grand Master is their
15 authority. You had it highlighted, by the way.

16 Q So where does it -- where does it say that? I'm
17 looking at it. I highlighted it.

18 "When the Grand Lodge," comma --

19 A No action for reinstatement may be taken without
20 the permission of the Grand Lodge or its authority, express
21 permission.

22 Q Again, that has nothing to do with Albert J.
23 Russell Lodge. I keep reading it. I don't see where it
24 has anything to do with Albert J. Russell Lodge.

25 The action was brought by the Grand Lodge. It

1 was not brought by Albert J. Russell Lodge. The Grand
2 Lodge did not overturn a ruling by Albert J. Russell Lodge
3 that he was indefinitely suspended.

4 A That doesn't say "Albert J. Russell Lodge." It
5 says "a Lodge," period.

6 Q Well, and I'm using it in the context of Albert
7 J. Russell Lodge. Of course, it doesn't say that.

8 A Okay.

9 Q Where in this has Walter Hammond lost his
10 membership, that he has to petition the Lodge? Where does
11 it say reinstatement requires a petition? That's what I'm
12 trying to see. Reinstatement --

13 A It says: No -- the proper procedure for
14 reinstatement is a Petition for Reinstatement. That's a
15 separate and a signed-by Petition for Reinstatement, when
16 someone has lost their membership in a Particular Lodge, by
17 any means. It could be for nonpayment of dues.

18 Q Where does it say that?

19 A It doesn't say it here. I'm talking about the
20 Petition for Reinstatement.

21 Q Okay.

22 A If you are suspended, you have to reinstate to
23 regain your membership. And the only exception to that
24 rule is if you were suspended for a definite time; then you
25 are automatically reinstated at the end of that definite

1 time.

2 MR. HAMMOND: That's the point.

3 (Witness tendering document to Mr. Sanders.)

4 BY MR. SANDERS:

5 Q So was Walter or was not Walter's suspension
6 terminated at mediation?

7 A No.

8 Q Are you saying that it wasn't?

9 A No. It doesn't say anywhere the suspension is
10 terminated, that I remember.

11 Q I show you -- you brought this with you. You
12 brought this with you; you said you didn't read it, so --
13 there was a flip side to this one page. So, with your
14 permission -- and I'll show you this; I got this out of
15 Most Worshipful Boring's deposition. This is another copy
16 of that that I will change out for that, because it has the
17 second page in it.

18 A (Witness perusing document.)

19 Okay.

20 Q And, first off, I'm trying to establish, is that
21 a true and accurate copy of the two pages that you brought;
22 it just includes the in-between third page?

23 A I assume.

24 Q Well, I don't want you to assume. I'm going to
25 let you look.

1 A Well, it's a true copy of the first page and the
2 signature page. I don't know about the middle page. I'm
3 assuming it is.

4 Q All right. So, if you would look at that, that
5 was the authenticated copy on the front.

6 A Uh-huh.

7 Q If you look on the front --

8 A I see it.

9 Q -- that's the authenticated copy that was entered
10 into Most Worshipful Boring's deposition; is that correct?

11 A Sure.

12 Q Do you need a moment to read that?

13 A No. Go ahead.

14 Q It says "Settlement Agreement"; does it not?

15 A It does.

16 Q It says: The Plaintiff, Walter Hammond, and
17 Defendant, The Most Worshipful Grand Lodge of Free and
18 Accepted Masons of Florida and Robert P. Harry, Defendants,
19 for valuable consideration set forth herein, execute this
20 Settlement Agreement pursuant to mediation held on February
21 25th, 2015, and agree and stipulate as follows.

22 Is that what that first paragraph says?

23 A It does.

24 Q It says: By entering into this agreement, no
25 party admits any liability for the acts and events

1 described in the relevant Complaints.

2 Is that what the first paragraph says?

3 A Yes.

4 Q The paragraph labeled No. 1?

5 A (Witness indicating affirmatively.)

6 Q And then, in Paragraph No. 2, it says: Each
7 party recognizes the risk and expenses of pending
8 litigation and now desires to settle and compromise all
9 claims which are brought into this litigation, or which
10 could or should have been brought -- herein, claims -- as
11 in Case No. 16-2012-CA-008054.

12 Is that what Paragraph 2 says?

13 A Yes.

14 Q And then Paragraph 3 starts off and says:
15 Accordingly, the parties agree as follows, colon: The
16 indefinite suspension is immediately terminated effective
17 this date.

18 Isn't that what it says?

19 A "Walter Hammond may be considered to be a Mason
20 in good standing, with all rights of a Mason of the Grand
21 Lodge of Florida, and may petition a Particular Lodge for
22 membership."

23 Q And we've talked about the various memberships.
24 He could have membership for dual; he could have a transfer
25 of membership; he could have all kinds of memberships. It

1 doesn't define the type of membership that he can apply
2 for, does it?

3 A No, but the next paragraph does.

4 Q I think you listed five or six different
5 memberships at the beginning of your deposition; is that
6 correct?

7 A Uh-huh.

8 Q It says: The Defendant Grand Lodge will
9 immediately issue a letter of good standing, authorizing
10 any Masonic Lodge to accept a petition for membership for
11 affiliation, which letter will expire on December 27, 2015,
12 right?

13 A Correct.

14 Q Okay. So what is it that you're saying it
15 requires him to do in that paragraph?

16 A If he wants to be a member, he has to go join a
17 Lodge.

18 Q That's not what it says.
19 Did you read the paragraph above?

20 A That's what I interpret it to read.

21 Q Okay. Well, you're not a lawyer.

22 A No, I'm not.

23 Q Obviously, your interpretation has affected some
24 of this, what's going on in Grand Lodge.

25 Did you voice your opinion as to what that meant?

1 A In Grand Lodge, where?

2 Q In Grand Lodge, after the mediation.

3 A We discussed it when we wrote the letter, yes.

4 Q Okay. Get's go back to the front.

5 Look at 3a again. It says: The indefinite
6 suspension is immediately terminated, effective this date.
7 Walter Hammond is considered to be a Mason in good
8 standing, with all rights of a Mason of the Grand Lodge of
9 Florida...

10 Let's just stop right there.

11 A No, I'm not going to stop right there. Read the
12 whole paragraph.

13 Q All right. "And may petition a Particular Lodge
14 for membership."

15 A Correct. If he doesn't want to be a member, he
16 doesn't have to petition.

17 Q It does not say anywhere in that paragraph that
18 his membership was lost, does it? It does not say in that
19 paragraph any -- in any way that he lost his membership,
20 that it was taken away from him or that he forego --
21 forewent his membership.

22 Does it say that anywhere in 3a?

23 A No, it doesn't say that in 3a, but it would lead
24 you to believe that "b" gives him the right to petition a
25 Lodge to become a member by December 27th of 2015.

1 Q And we've talked about the different types of
2 memberships out there.

3 A Sure.

4 Q So you have to be a member in order to affiliate;
5 do you not? You have to be a member to request to join
6 another Lodge. You have to be a member to seek dual
7 membership; isn't that correct?

8 A In most instances, yes.

9 Q Okay. It doesn't say "shall petition" in
10 Paragraph 3a, does it? It doesn't say "and shall petition
11 a Particular Lodge for membership."

12 A No, it doesn't.

13 Q It just says "may."

14 And how can he be a Mason in good standing, with
15 all rights of a Mason of the Grand Lodge of Florida, if
16 he's not a member?

17 A For the purpose of petitioning a Lodge.

18 Q It doesn't say that. Where does it say that?
19 Read it. Read it to me, because you're --

20 A Well, the word "may," Counselor -- and again, I'm
21 not an attorney, but "may" means you have the option.
22 "Shall" means you will. We couldn't force him to go join a
23 Lodge. So "may," to me, in the settlement --

24 THE WITNESS: Can I talk about what was said by
25 the mediator, or is that --

1 MR. DOUBERLEY: No.

2 THE WITNESS: Okay. You have my opinion.

3 (Witness tendering document to Mr. Sanders.)

4 MR. HAMMOND: What's the date on that?

5 MR. SANDERS: February 25th, 2015.

6 BY MR. SANDERS:

7 Q So who interpreted, you or Most Worshipful Ford,
8 that that paragraph meant that he was no longer a member in
9 any Lodge?

10 A He wasn't a member before.

11 Q Why was he not a member? You have to be a member
12 to be suspended. How can you suspend somebody who's not a
13 member?

14 A He was a suspended member. He was not an active
15 member of a Lodge.

16 Q Okay. But you're still a member?

17 A You're a suspended member.

18 Q How can you be suspended if you're not a member?

19 A If your driver's license is suspended, you may
20 have a driver's license, but it's suspended.

21 Q Right.

22 A If you pay the fine, you get it back.

23 Q Right. And he paid the fine, and he settled
24 this, and you get back.

25 A I don't agree with your interpretation.

1 MR. SANDERS: Well, I think you just interpreted
2 it for me. That was perfect.

3 MR. DOUBERLEY: Are you going to sit and listen
4 to this argument?

5 THE WITNESS: No.

6 MR. SANDERS: His statement, not mine.

7 MR. DOUBERLEY: Your statement, completely
8 inappropriate; argumentative.

9 MR. SANDERS: If you want to make an objection,
10 Counsel, please make an objection and stop --

11 MR. DOUBERLEY: You're arguing --

12 MR. SANDERS: -- stop talking.

13 MR. DOUBERLEY: You quit yelling at me.

14 MR. SANDERS: I'm not yelling at you, and I --

15 MR. DOUBERLEY: Yes, you are.

16 MR. SANDERS: -- hate your efforts into the
17 record that I'm yelling at you.

18 MR. DOUBERLEY: Are you recording this?

19 (Reporter indicting affirmatively.)

20 I'm going to ask that you preserve the recording.

21 MR. SANDERS: Good deal. That will work for me.

22 Make an objection. Stop all the speaking.

23 Object or not.

24 Are you objecting? If so, state the grounds.

25 MR. DOUBERLEY: Objection; argumentative.

1 And I'm speaking to my client when I ask is he
2 going to continue to listen to this.

3 MR. SANDERS: Are you suggesting that he has a
4 choice?

5 MR. DOUBERLEY: Yes.

6 You had your day in court. You asked all these
7 questions.

8 MR. SANDERS: I'm not even going to answer that.

9 Either make objections or sit quietly, Mr. Cooper
10 (sic).

11 MR. DOUBERLEY: You don't tell me what to do.

12 MR. SANDERS: I can continue this deposition,
13 too, and take it in front of a judge.

14 Is that what you want me to do? Tell me.

15 MR. DOUBERLEY: Don't tell me what to do.

16 MR. SANDERS: You need to sit quiet and make
17 objections the way normal attorneys make objections.
18 There's all kinds of case law and sanctions on that.

19 BY MR. SANDERS:

20 Q Define for me what a Mason in good standing --

21 A I've already defined that.

22 Q Define it for me again, then, because I didn't
23 hear you give me a definition of that.

24 A You are taking something out of context.

25 Q I am --

1 A He's a Mason in good standing, for the purpose of
2 petitioning a Lodge or becoming a member of a Lodge.

3 Q It doesn't say "for the purpose" anywhere in that
4 paragraph, does is it?

5 A No, it doesn't.

6 Q It says "and may."

7 A I'm interpreting it the way I want to interpret
8 it; you interpret it the way you want to.

9 Q I'm interpreting the plain and simple language.
10 It doesn't say "for the purse of petitioning a Lodge."

11 A The judge already interpreted that he had to have
12 a dues card to a Lodge and stand 100 percent ballot.

13 Q Okay. That's --

14 A That's what I read.

15 Q That's because you interpreted that, and he
16 thought that you were the Grand Master.

17 A No. I gave it to him right out of the Digest.
18 If you remember, I had to tear the sheet out so he could go
19 make a copy. I'm not an attorney, but I do have a fairly
20 good recollection.

21 MR. SANDERS: I think I'm going to take this one
22 out of the composite. Well, actually, what I'll do is
23 I'll put in -- these two sheets back into the
24 composite, and I'll just make this one Exhibit No. 3.

25 And go ahead and leave the "Boring" on there, so

1 we know that that's where it came from.

2 (Plaintiff's Composite Exhibit No. 3 was marked
3 for identification.)

4 BY MR. SANDERS:

5 Q Again, in your Packet 2, 3, on October 20th,
6 2011, it shows Jim Harris, Most Worshipful Grand Master at
7 that time, indicating to Valeriano R. Doras, Worshipful
8 Master at Albert J. Russell Lodge, that he was denying his
9 request for consideration to take jurisdiction over the
10 matter.

11 A I recall the document.

12 Q Okay. This Section 2 & 3, composed of -- if you
13 would count --

14 A I counted with you. There's 20 sheets.

15 Q It should be 21.

16 A Twenty-one, plus the cover, right.

17 MR. SANDERS: This will be No. 4.

18 (Plaintiff's Exhibit No. 4 was marked for
19 identification.)

20 BY MR. SANDERS:

21 Q I show you a letter that's in Section 4. It has
22 a -- just a single letter in this one section. It looks
23 like -- well, I take that back. It looks like two letters.

24 (Mr. Sanders tendering documents to witness.)

25 A Okay.

1 Q What is an indefinite suspension?

2 A It means you're suspended indefinitely.

3 Q As a member?

4 A Your membership is suspended indefinitely.

5 Q But you have to be a member to be suspension
6 indefinitely, right?

7 A Sure. Hence, the term "suspended member."

8 Q So, when the membership is suspended
9 indefinitely, and you're a perpetual dues-paying member,
10 does that mean the dues are suspended?

11 A The perpetual membership continues to be paid to
12 the Lodge, the Home Lodge, unless the Brother is on a
13 payment plan and gets -- loses his membership. Then what
14 he's paid in is reimbursed to him.

15 Q So the money wasn't reimbursed to Walter because
16 he never lost his membership.

17 Is that what you're saying?

18 A No, that's not what I said. I said, a member
19 that gets suspended that's on the payment plan for
20 perpetual membership, according to our rules and
21 regulations, can request his money back. A perpetual
22 member, that money goes to the Lodge, the same as if he
23 passes away; it continues to pay the Lodge whatever portion
24 of the dues it is, which is usually 5 percent.

25 Q But that perpetual membership that keeps going to

1 the Lodge, it still keeps his membership dues current,
2 right?

3 A No.

4 Q It doesn't?

5 A No.

6 Q What does it do, then?

7 A It gives a portion of what his membership dues
8 would be.

9 Q Well, are you saying somebody that has a
10 perpetual membership could be suspended for failure to pay
11 dues?

12 A No; only if it's a Lodge assessment.

13 Q So, when you take out a perpetual membership, and
14 those -- that percentage, whatever it is, comes in, your
15 dues are current every year that it's collected by that
16 Lodge; is that correct?

17 A There's no further payment of dues necessary to
18 maintain your membership. There are other requirements to
19 maintain your membership.

20 MR. SANDERS: This two-page section will be
21 No. 5.

22 (Plaintiff's Exhibit No. 5 was marked for
23 identification.)

24 THE WITNESS: That's the payouts.

25 MR. SANDERS: This went with it?

1 THE WITNESS: No, it wasn't in that packet,
2 but --

3 MR. SANDERS: Yeah, I'm going to get to that.

4 BY MR. SANDERS:

5 Q I asked Mr. Velasco, in his deposition -- there
6 are pages in here that were just typed up and said "See
7 No. 5, See No. 3" -- who did that?

8 A I think Bebe, at my office.

9 Q And why did Bebe do that?

10 A Bebe was helping him put it together and just --
11 he brought all these papers in big stacks, and she was
12 trying to put it in proper form to respond to the actual
13 questions. That's why they're numbered.

14 Q Okay. Did you assist him with putting all this
15 together or did Bebe?

16 A Bebe did.

17 I answered questions when he asked me about
18 records that he may not have had, where we could get them.

19 Q Does Bebe have a real name, or is that her real
20 name?

21 A It's Bebe Bryant Hill, H-I-L-L.

22 Q And is it just B-E-B-E?

23 A B-E-B-E. That's her legal name.

24 Q Did you help Freddie with any of that?

25 A With any of what?

1 Q Any of -- putting together all of this.

2 A No. She did it according to the questions that
3 were asked. I assisted him in getting documents that he
4 didn't have, that we had in the file from the lawsuit.

5 Q So you provided some of the documents? Do you
6 know which one of these documents you provided?

7 A No, I have no recollection at this point. It was
8 a long time ago.

9 Q So where did the majority of the documents come
10 from; from Grand Lodge, or did they come from Freddie at
11 Albert J. Russell Lodge, or was there a mixture of the two?

12 A It's a mixture of the two.

13 Q So 50/50?

14 A I don't know. I don't want to speculate.

15 Q Well, Answers 5 and 6 were basically -- 5 was
16 "See Question No. 3." No. 6 was "Same as No. 5."

17 Is that what those say?

18 A That's what they say.

19 Q It's two pages; and, as far as you know, Bebe
20 typed that up?

21 A As far as I know, yes.

22 MR. SANDERS: We'll make this No. 6.

23 (Plaintiff's Exhibit No. 6 was marked for
24 identification.)

25

1 BY MR. SANDERS:

2 Q This says "List of Officers AJR Lodge No. 126."

3 Did you type that up, or did Bebe type that up?

4 A No. I believe that comes out of our membership
5 system. I'm not sure. I can't answer it, really.

6 MR. SANDERS: This will be Exhibit -- a two-page
7 exhibit for 7 will be No. 7.

8 (Plaintiff's Exhibit No. 7 was marked for
9 identification.)

10 BY MR. SANDERS:

11 Q I'll show you No. 8. Again, it's a -- I think
12 another version or another copy of the May 7th, 2008,
13 letter which was sent out by Freddie Velasco, saying that
14 Albert J. Russell was claiming jurisdiction over Walter
15 Hammond's charges.

16 A (Witness perusing document.)

17 Uh-huh.

18 Q You have to say "yes" or "no."

19 A What?

20 Q You said "uh-huh."

21 A What was the question?

22 Q I said, is this a letter from --

23 A Yes, yes.

24 Sorry. I didn't hear the "is this."

25 MR. SANDERS: This will be, I guess, No. 8.

1 (Plaintiff's Exhibit No. 8 was marked for
2 identification.)

3 BY MR. SANDERS:

4 Q Now, you've produced today -- as a part of our
5 request, again -- documents that you say that were at Grand
6 Lodge, I guess either produced partly by Grand Lodge and
7 partly by Freddie Velasco, Albert J. Russell Lodge. This
8 is -- it's got a yellow sticky with a number on it, saying
9 "9." I'll ask you if you know what that is.

10 A The Uniform Code of By-Laws.

11 Q And what is a Uniform Code of By-Laws?

12 A The Uniform Code of By-Laws is in the Digest,
13 that all the Lodges must subscribe to, unless otherwise
14 agreed to by a Grand Master. It's a fill-in document,
15 where they can put their meeting times, their dues, fees
16 for the degrees, et cetera, meeting place.

17 Q And have these been voted on by the Grand Lodge
18 to become the standard form, or --

19 A Yes, they were voted on and approved to be put
20 into the Digest at one point. I don't know how long ago.

21 Q Now, are these the Grand Lodge by-laws, or these
22 are the by-laws that have been approved for subordinate
23 Lodges?

24 A Those are the by-laws for the subordinate
25 Particular Lodges, as described in the Digest of Masonic

1 Law, that each Lodge must adopt, with optional provisions
2 they could put in. Those are reviewed by the Grand Master,
3 then by the Subcommittee on By-Laws of Jurisprudence, and
4 then recommended for approval or not to the Craft.

5 Q And are those the by-laws of Albert J. Russell
6 Lodge No. 126?

7 A Since there's not a signed page, I can't attest
8 to that. There should be a signature page that the -- a
9 Grand Master approved them the last time they were changed.

10 Q Okay. Up at the top, on the first page, it says
11 "Albert J. Russell."

12 A Yes, it does.

13 Q Now, these by-laws also define membership. One
14 form of membership is general; is that correct?

15 A Correct.

16 Q Another one is a dual membership; is that
17 correct?

18 A Correct.

19 Q Another one is a plural membership; is that
20 correct?

21 A Right.

22 Q Another one is life membership?

23 A Correct.

24 Q Another one is perpetual?

25 A Correct.

1 Q Do you know whether or not Walter Hammond is or
2 was a perpetual member at Albert J. Russell?

3 A Yes, he was.

4 Q According to Albert J. Russell's by-laws, under
5 Section 3.03.1, under Perpetual Dues, Subsection F, it
6 states: A perpetual member shall owe no further dues to
7 the Lodge of which he is a perpetual member. An annual
8 dues card shall be issued by the Lodge secretary, who shall
9 denote perpetual membership on it.

10 Isn't that what that says?

11 A I know what it says, yeah, but his membership was
12 suspended.

13 Q Well, Section L of that same section says: If a
14 perpetual member shall be suspended, expelled, or withdraws
15 and is subsequently restored to good standing -- which is
16 what the agreement said -- or re-affiliates from out of
17 state, his perpetual membership shall be deemed to be also
18 restored.

19 Isn't that what that says?

20 MR. DOUBERLEY: Object to the form.

21 THE WITNESS: Except I don't agree with you, what
22 you're saying the agreement says.

23 MR. SANDERS: Okay. This will be -- stack No. 9
24 is 17?

25 (Witness indicating affirmatively.)

1 You have to say "yes."

2 THE WITNESS: Yes.

3 MR. SANDERS: This will be No. 9.

4 (Plaintiff's Exhibit No. 9 was marked for
5 identification.)

6 BY MR. SANDERS:

7 Q What's Thompkins Masonic Insurance Program?

8 A Thompkins is an insurance agent -- I mean
9 insurance brokerage that issues fraternal organizations
10 insurance.

11 Q Is that underneath the Grand Lodge or separately
12 from them?

13 A Separately.

14 Q Is Thompkins an insurance program that the Grand
15 Lodge uses?

16 A For some of our insurance. It changes from time
17 to time. We use Brown & Brown, which is a broker, to book
18 our insurance -- place it, I think the terminology is.

19 Q Did you count ten?

20 A Uh-huh.

21 Q You have to say "yes."

22 A Yes.

23 MR. SANDERS: The Thompkins Masonic Insurance
24 Program that was produced today will be Exhibit
25 No. 10.

1 (Plaintiff's Exhibit No. 10 was marked for
2 identification.)

3 BY MR. SANDERS:

4 Q I'm going to break this No. 11 into sections a
5 little bit.

6 Is this the Form 990 Return of Organization
7 Exempt From Tax filed by Albert J. Russell Lodge for 2014?

8 A Yes.

9 Q Is Albert J. Russell Lodge a fraternal
10 organization or a corporation?

11 A It's a fraternal organization.

12 Q Can fraternal organizations be designated with a
13 501(c)(10) designation?

14 A That's a charitable organization. The return
15 specifically says "Return of Organization Exempt from
16 Income Tax."

17 Q Can you look down here and see the little "X" at
18 the box that designates what kind of business it is?

19 A Uh-huh.

20 Q What does it say?

21 A It says "corporation."

22 Q Corporation.

23 Here's the 2013. Can you check the little box
24 down here? What --

25 A But it also describes the organization as a

1 Fraternal Brotherhood.

2 Q And the Florida statute that formed the Grand
3 Lodge as a body politic also formed all of the subordinate
4 Lodges as a body politic; did it not?

5 A I would assume so. I don't know.

6 Q Clearly, it would be tax fraud if Albert J.
7 Russell wasn't a corporation and listed themselves as a
8 corporation; would it not?

9 A I don't know about that. I'm not an attorney.

10 MR. DOUBERLEY: Object to the form.

11 BY MR. SANDERS:

12 Q The 2012 tax return, does it also indicate that
13 Albert J. Russell is a corporation?

14 A Yes.

15 Q I'll just show you, while I'm finding it, 2011.
16 Does it also list Albert J. Russell Lodge as a
17 corporation?

18 A That's what's checked.

19 Q 2010 lists Albert J. Russell as a corporation?

20 A Yes.

21 Q Does 2009 list Albert J. Russell as a
22 corporation?

23 A Yes.

24 Q Does 2008 list Albert J. Russell Lodge as a
25 corporation?

1 A Yes.

2 Q And 2008 was the year that the charges were
3 brought against Walter Hammond; isn't that correct?

4 A I believe that to be true.

5 Q Okay. Are you familiar with the Florida statutes
6 that require that any not-for-profit corporation comply
7 with methods that are fair and reasonable to terminate
8 memberships?

9 MR. DOUBERLEY: Object to the form.

10 THE WITNESS: No.

11 Schedule R, Part II, also says: Name and
12 address, EI number of related organization: Grand
13 Lodge of Florida, with our federal ID number, our
14 address. Primarily activity: Lodge administration.
15 501(c)(10). Direct controlling entity: Yes.

16 Lost my paper clip. Did you take my paper clip?

17 (Discussion off the record.)

18 BY MR. SANDERS:

19 Q Just for further identification -- and we
20 clipped, or I clipped, or we jointly clipped, I guess,
21 these returns by year. In 2007 -- and I'll maybe stack
22 these to where you can look at it one section -- I'm going
23 to stack it so that maybe it will be helpful this way.

24 Just looking at the tax identification number for
25 Albert J. Russell Lodge, is it the same in 2007, 2008 and

1 2009?

2 A Yes, it is.

3 Q Is it the same in 2010?

4 A Yes, it is.

5 Q Is it the same in 2011?

6 A Yes, it is.

7 Q Is that tax ID number the same in 2012?

8 A Yes, it is.

9 Q Is it the same in 2013?

10 A Yes.

11 Q And is it the same in 2014?

12 A Yes.

13 MR. SANDERS: We'll make the tax returns, 2007 to
14 2014, a Composite Exhibit 11.

15 (Plaintiff's Composite Exhibit No. 11 was marked
16 for identification.)

17 BY MR. SANDERS:

18 Q Well, now, you brought some separate papers that
19 look like copies, and then I also noticed, once I sorted
20 through all that, I see another section that says "12."

21 Do you want to sort through that real quick and
22 see if those are the same?

23 A First page is the same. 13 says "None."

24 Q Okay. Keep that in order. So, apparently,
25 they're not the same.

1 A No, they're not.

2 Q Okay. Then we'll go through this separately,
3 then. I just saw that the same sheet was there.

4 A (Witness tendering document to Mr. Sanders.)

5 Q No. 12, it looks like --

6 A That's the same as that.

7 Q The same as this?

8 A Oh, it may have one more year on it. This ends
9 '14. No, that's correct, because we hadn't made the
10 payoffs yet.

11 Q All right. And this purports to be Walter
12 Hammond's perpetual dues?

13 A Payout to the Lodge.

14 Q Okay. When we say "to the Lodge," is that Albert
15 J. Russell?

16 A Correct.

17 Q And did Grand Lodge make those payments every
18 year, as listed here?

19 A Yes.

20 Q To your knowledge -- since this only goes through
21 12-31 of '14, I assume it wasn't due until 12-31 of '15 --
22 did that payment go to Albert J. Russell Lodge?

23 A I have to assume. I don't have a list of it. It
24 went out to the Lodges, so --

25 Q So there's no reason why Albert J. Russell Lodge

1 would have been exempted --

2 A No.

3 Q -- just for Walter Hammond?

4 A No.

5 MR. SANDERS: That will be No. 12.

6 (Plaintiff's Exhibit No. 12 was marked for
7 identification.)

8 BY MR. SANDERS:

9 Q 13 is "None"?

10 A (Witness indicating affirmatively.)

11 Q Do you even know what that means?

12 A I don't know what the list was. You'd have to
13 look the at the deposition list.

14 MR. SANDERS: We'll just make that No. 13.

15 (Plaintiff's Exhibit No. 13 was marked for
16 identification.)

17 BY MR. SANDERS:

18 Q Again, this is another copy that's got "14" on
19 it. It's May 27, 2008.

20 That's a letter where Freddie Velasco, Secretary
21 of Albert J. Russell Lodge, sent a letter, apparently, to
22 you, Honorable Richard E. Lynn, Grand Secretary, claiming
23 jurisdiction over Walter Hammond?

24 A It's the same letter.

25 MR. SANDERS: This will be 14.

1 (Plaintiff's Exhibit No. 14 was marked for
2 identification.)

3 BY MR. SANDERS:

4 Q 15 says "Repetitive"?

5 A Yes, it does.

6 Q Did you tell Bebe to type "repetitive" on that?

7 A No, I did not.

8 Q What guidance did she have on how to answer these
9 interrogatories and Request for Production for --

10 A I'm not sure. It was a long time ago.

11 Q Okay. Did one of the Grand Masters assist her,
12 or was she just doing it all on her own?

13 A No. It was done within the office -- and
14 Freddie. She may have used her judgment, thinking that was
15 the same thing she had just done.

16 MR. SANDERS: That will be No. 15 -- wait a
17 minute. I'm just going to see.

18 BY MR. SANDERS:

19 Q 16 says "See No. 14"?

20 A Correct.

21 Q A single sheet again.

22 A (Witness indicating affirmatively.)

23 Q 17 says "Same as 16"?

24 A Okay.

25 Q 18 says "None"?

1 A (Witness indicating affirmatively.)

2 Q 19 says "None"?

3 A (Witness indicating affirmatively.)

4 Q You have to say "yes."

5 A Yes. I'm sorry.

6 Q 20 says "None"?

7 A Yes.

8 Q And -- well, just take them out of -- 22 says

9 "None submitted"?

10 A Correct.

11 Q And 23 says "None on file"?

12 A Correct.

13 MR. SANDERS: We'll go ahead and make those a
14 composite exhibit, so we don't have to have -- that
15 will be Composite Exhibit 15.

16 (Plaintiff's Composite Exhibit No. 15 was marked
17 for identification.)

18 THE WITNESS: You've got two more minutes.

19 MR. SANDERS: What's two more minutes?

20 THE WITNESS: And I have to use the potty. Lasix
21 moment.

22 MR. SANDERS: Well, why don't you go ahead and do
23 that, because I'm looking at 21, and I'm trying to
24 figure out why this is here.

25 We'll take a short break.

1 (Brief recess.)

2 BY MR. SANDERS:

3 Q You had a two-page document. It was titled "21."
4 We had passed through it, just to get some of the single
5 pages out of it. But the only thing that I could see on
6 this -- it's a Stated Communication of April 7th of 2015,
7 and it seems to have listed Right Worshipful Walter
8 Hammond, Past District Deputy Grand Master, 12th Masonic
9 District, as attending the meeting. I can't really see any
10 other references to Walter Hammond in that, in any way.

11 A (Witness perusing document.)

12 Correct.

13 MR. SANDERS: Go ahead and make that Exhibit 16.

14 (Plaintiff's Exhibit No. 16 was marked for
15 identification.)

16 BY MR. SANDERS:

17 Q Now, you brought several pages here. They
18 look -- actually, they look like they've been torn or
19 something.

20 A No. I took them out of a book.

21 Q You took them out of a book?

22 A Copied them out of a book, and it copied crooked.

23 Q Oh, okay. Well, I'm just going to ask you -- I
24 know we put in, under --

25 A Excuse me. I'll correct that. I tore that off

1 the bottom (gesturing).

2 Q Oh, okay.

3 I notice we have a copy that's Exhibit No. 9 of
4 the Uniform Code of By-Laws for Particular Lodges, but what
5 was it on this page that you wanted to point out?

6 A The authority of the Grand Lodge.

7 Q And what paragraph, in particular, are you
8 looking to point out the authority of the Grand Lodge?

9 A I'm not looking to pull it out. You told me to
10 bring anything I had that had to do with it, so --

11 Q I'm just saying, where is the reference in there
12 of the authority? I'm just asking for a section, page, for
13 whatever we're --

14 A 15.01 of the by-laws states that these by-laws
15 are adopted under the authority of The Most Worshipful
16 Grand Lodge of Free and Accepted Masons of the State of
17 Florida, and nothing herein shall be construed in anywise
18 to conflict with the Constitution or Regulations of such
19 Grand Lodge, but shall be construed in harmony therewith
20 and to fully...the intent and the purpose of the
21 Constitution and the regulations.

22 It's just basically saying that Grand Lodge has
23 control in accordance with the Constitution and Regulations
24 of the Lodge.

25 Q And again, I'll just -- what is it that you're

1 trying to make the point of that Grand Lodge has control of
2 that?

3 A I think one of your questions was, where does the
4 Grand Lodge get its authority over the Particular Lodge, or
5 something like that. I've done so many of these for the
6 other cases, I don't remember which one was which.

7 Q Well, I asked you, in 1: Any and all documents
8 in your possession, as Grand Secretary of the Defendant,
9 Grand Lodge, regarding Albert J. Russell and Walter
10 Hammond's membership therein.

11 A Uh-huh.

12 Q Does that comply with that one?

13 A No.

14 Q No. 2 was: Any and all documents in your
15 possession, as Grand Secretary of the Defendant, Grand
16 Lodge, regarding Albert J. Russell and Walter Hammond's
17 privileges and benefits therein.

18 A Correct.

19 Q So that's the response to that one?

20 A I gave you my printout with the answers, I
21 thought.

22 Q Is that it?

23 (Mr. Sanders tendering document to witness.)

24 A Yeah, there you go.

25 Q Does that sheet refresh your recollection? Is

1 that what this note was being intended for?

2 A That's just a reference to the Grand Lodge
3 authority over the -- over Albert J. Russell.

4 Q And that authority is inherent within the Florida
5 Statute of 1893, which makes it a subordinate Lodge; isn't
6 that correct?

7 A I don't know.

8 Q You're not familiar with that statute at all?

9 A I'm familiar with the statute, but I'm not an
10 attorney, and I'm not going to draw analogies to it.

11 If you don't need it, throw it away.

12 MR. SANDERS: Well, it's your exhibit. I don't
13 want to throw out an exhibit that somebody brings, so
14 I'll just go ahead and indicate that we do have, under
15 Section 9, a better copy of this, but I will put it in
16 as No. 17.

17 (Plaintiff's Exhibit No. 17 was marked for
18 identification.)

19 BY MR. SANDERS:

20 Q Is this included with that?

21 A This is in regards to how the perpetual
22 membership is distributed.

23 Q And where did that come from?

24 A Somewhere, you asked about perpetual membership,
25 or his membership in the Lodge.

1 Q Well, but where was this pulled out of; the
2 Masonic Digest? Was it pulled out of the --

3 A No, it was out of the by-laws.

4 Q Out of the by-laws?

5 A That's why it was a full -- the by-laws, the old
6 by-laws, are a full eight-and-a-half-by-fourteen --
7 eight-and-a-half-by-eleven. I'm sorry.

8 Q Do you remember what subsection this one page is?

9 A Perpetual membership. It's also in the Digest,
10 the same paragraph.

11 What page number is it?

12 Q So that would be under Section 3.03.1, Perpetual
13 Membership?

14 A Correct; Chapter 41 of the Digest.

15 Q And it would be the second page?

16 A Yes.

17 Again, I didn't review this, so I didn't know
18 what was in it.

19 Q And we'll make that -- well, anything in
20 particular on here that you were trying to point out, as
21 far as a paragraph?

22 A No, no.

23 MR. SANDERS: We'll make that No. 18.

24 (Plaintiff's Exhibit No. 18 was marked for
25 identification.)

1 THE WITNESS: Those weren't a part of the packet.
2 They were my notes that I had. I just pulled them out
3 to give one of the documents to you.

4 BY MR. SANDERS:

5 Q Well, these look like e-mails between my office
6 and Mr. Gladstone's office.

7 Was there a -- just the fact that you were trying
8 to provide everything, including these e-mails?

9 A Yes.

10 Q No. 3 asks for any and all documents in your
11 possession regarding any conversations between you and
12 officers of Albert J. Russell Lodge regarding Walter
13 Hammond and his membership status and privileges.

14 Do you have anything?

15 A I have nothing in writing.

16 Q Did you talk with anybody over at Albert J.
17 Russell Lodge about Walter Hammond's membership?

18 A I've talked to Freddie many times.

19 Q Is he the only one?

20 A I think -- no, I talked to the Master, too, at a
21 social gathering.

22 Q All the Masters or just the most recent one?

23 A No, the last Master, at a social function.

24 Q What was the substance of those conversations?

25 A About the current lawsuit.

1 Q And what, if anything, did you discuss about
2 Walter Hammond's membership with Freddie?

3 A He was asking me questions in regards to this
4 information, his perpetual membership, how he gets the
5 printout of what was paid, without having to go back and
6 look through his entire accounting, to find out what came
7 in.

8 Q So it was just about the perpetual membership?

9 A Discovery; it was all about discovery.

10 Q What about with the last Past Master of Albert J.
11 Russell Lodge?

12 A Never discussed his membership, just what the
13 lawsuit was about, because he didn't understand it.

14 Q Anyone else at Albert J. Russell Lodge?

15 A Yes.

16 I had a meeting prior to -- I guess right after
17 the lawsuit was filed, with the majority of the officers
18 and several members. I was asked to come down and review
19 what was happening with the lawsuit; and, at that time,
20 I -- they -- I left the room, but they were talking to
21 Steve Gladstone on the phone.

22 Q And when you say you "went down," you went down
23 to Albert J. Russell Lodge?

24 A Yes; prior to a meeting.

25 Q So this was prior to a business meeting?

1 A I don't know if it was stated or called. I can't
2 recall.

3 Q And what did you tell them the status of the
4 lawsuit was?

5 MR. DOUBERLEY: That's all privileged. Don't
6 testify.

7 BY MR. SANDERS:

8 Q Most Worshipful Lynn, are you an attorney?

9 A No, but I am an elected representative of the
10 Lodges, by being a member of Grand Lodge.

11 Q Are you an attorney?

12 A No.

13 Q Are you representing Albert J. Russell Lodge?

14 A To the extent that I'm assisting them, yes.

15 Q Are you representing them as legal counsel?

16 A No.

17 Q I'll ask you again: What did you discuss with
18 Albert J. Russell Lodge?

19 A It was a private conversation, so --

20 Q Well, what was the private conversation about,
21 and what was the substance of it?

22 A It was about the current lawsuit --

23 Q And what did you say?

24 A -- with Albert J. Russell.

25 CQ4 What did you say, and who did you say it to?

1 MR. DOUBERLEY: I think I've made my position
2 clear.

3 MR. SANDERS: And he's not --

4 MR. DOUBERLEY: I don't care what you say. He's
5 going to -- not going to answer the question.

6 MR. SANDERS: Certify that question.

7 Motion for sanctions, for attorney's fees and
8 costs, motion to compel.

9 (Thereupon, the question last-above referred to
10 was certified by the reporter.)

11 BY MR. SANDERS:

12 Q Most Worshipful Lynn, you understand that you
13 could be held in contempt of court for not answering this
14 question?

15 MR. DOUBERLEY: Only by order of the Court, which
16 hasn't come yet.

17 BY MR. SANDERS:

18 Q Do you realize you could be sanctioned because
19 you failed to answer that question?

20 MR. DOUBERLEY: There are people to pay the
21 sanctions.

22 BY MR. SANDERS:

23 Q Are you refusing to answer the question, or are
24 you just following what your attorney is telling you to do?

25 A No, I have a -- a moral responsibility that, when

1 I have a discussion with a Brother, and it's about
2 something Masonic, that I do not have to divulge my
3 conversation.

4 Q So you're basing this on a moral responsibility,
5 rather than on the law?

6 A I'm not a lawyer, so I don't base anything on the
7 law.

8 MR. DOUBERLEY: You have my instructions.

9 THE WITNESS: Yes.

10 BY MR. SANDERS:

11 Q Who did you have these discussions with; names?
12 You don't have to give me the substance at this point in
13 time, but give me the names.

14 A I'd have to look it up. I don't even remember
15 the names. It was the current officers at the Lodge at the
16 time, plus several visitors.

17 Q Do you recall the visitors?

18 A No. I'd have to sit down and look it up.

19 Q So you have it written down somewhere, then, so
20 you could look it up?

21 A No, I don't have it written down.

22 Q How can you look it up, then?

23 A I can go look at the list of the membership and
24 pick out the people who were there, probably, but I don't
25 intend to do that.

1 Q How many were there?

2 A Approximately 12.

3 Q Do you recall what date this occurred on?

4 A No.

5 Q But you think it was prior to either a regular or
6 a called meeting?

7 A I believe so.

8 Q Was Freddie Velasco there?

9 A Yes.

10 Q And the current Master was there?

11 A I believe so.

12 Q So, if Freddie testified under oath that the only
13 time he met with you was in your office, that would have
14 been false?

15 A I can't say what he testified to.

16 Q How many times have you gotten together with
17 Freddie to discuss the lawsuit?

18 A Two or three.

19 Q And one of them was in your office, when you were
20 doing the discovery, right?

21 A Correct.

22 Q And one of them was at this meeting?

23 A Correct.

24 Q When was the other time, as best you recall?

25 A One other time, he came in and was asking me

1 about an e-mail.

2 Q What about an e-mail?

3 A About the discovery.

4 Q Was that before he brought everything in or at
5 the same time that he brought everything in?

6 A That was before.

7 Q You were requested to bring documents, any and
8 all documents in your possession regarding any
9 conversations between you and then Right Worshipful
10 District Deputy, Jason Cowart, on any matter concerning
11 Albert J. Russell Lodge.

12 A I have none.

13 Q Have you talked with Jason Cowart about this
14 situation?

15 A Yes.

16 Q On what occasions did you speak with Jason
17 Cowart?

18 A I called him when I got your e-mail requesting
19 depositions, to find out what dates he was available.

20 Q Is that the only time you've spoken to him about
21 this case?

22 A No. I talked to him about different forms of
23 applications and what they meant.

24 Q When did you do that?

25 A A month and a half ago. I don't know. I have a

1 thousand conversations a day.

2 Q Did you call him, or did he call you when you had
3 the conversation about applications?

4 A He called me.

5 Q Did he call you on your cell phone?

6 A Yes.

7 Q And what were the questions that he had about the
8 applications?

9 A He was asking me which -- which applications were
10 which, and he had some with him, and I explained to him
11 what they were developed for.

12 Q Okay. What was the reason for the questions he
13 was asking about which applications?

14 A He didn't specify why he was calling me.

15 Q And did you talk to him at any other time?

16 A In regards to?

17 Q Walter Hammond, post Walter Hammond --

18 A I talked to him one time at the Masonic Home. He
19 was there, and he came out of a corporate board meeting,
20 where we read some letters about the upcoming case, and he
21 asked what they were about.

22 Q And what did you tell him?

23 A I told him that we were being sued for --
24 basically, for discrimination.

25 Q Did you talk about anything with regards to the

1 offer to settle or resolve the matter that was contained in
2 the letter?

3 A No.

4 The letter was read. I didn't talk to him about
5 it -- or the e-mail, I should say.

6 Q Did you ever have a conversation with Jason, when
7 he called you when he took possession of a petition at
8 William B. Barnett Lodge?

9 A I'm not sure.

10 Q That would have been within the last two months
11 or so.

12 A I don't think so. I talked to Morgantine (sic),
13 the current Master, and he told me they were investigating
14 a petition for Walter Hammond and wanted to know if I had
15 any -- if I had a copy of the supplemental questions, which
16 I sent to him. That's one of the Grand Lodge forms.

17 Q Oh, you mean -- okay. I was confused then.

18 You mean Warkentine.

19 A Yes.

20 Q Okay. You said "Morgantine."

21 A I'm sorry.

22 Q I was trying to figure out who Morgantine was.
23 When did you speak with Worshipful Warkentine?

24 A When?

25 Q Yeah.

1 A Shortly after installation, so sometime in
2 January.

3 Q And what was the conversation about, as far as
4 Walter was concerned?

5 A He asked me if I -- he told me he was processing
6 Walter's application, and he wanted to know if there was a
7 list of questions for the investigating committee to ask;
8 which, to me, the only thing we have is our supplemental
9 form for petitioning, and I sent him a copy of it.

10 Q Is the investigation form not on-line at the
11 Grand Lodge's website?

12 A Not the supplemental.

13 Q Not the supplemental?

14 A No, because it has to be used by the committee.

15 Q So you sent that to Worshipful Warkentine?

16 A I did.

17 Q But you don't recall any conversations about any
18 of the petitions that Jason Cowart mentioned in his
19 deposition today?

20 A Yeah. I told you he called me to ask me -- he
21 had several petitions in front of him -- I guess blanks; I
22 assume that -- and he was asking me what each one was to be
23 used for.

24 Q Did he mention Walter Hammond's name?

25 A I don't recall.

1 Q Grand Lodge has applications for membership that
2 are on-line on the website; does it not?

3 A Yes.

4 Q I pulled off an application. It says it's an
5 Application for Perpetual Membership.

6 Is that the application form approved by Grand
7 Lodge for perpetual membership?

8 A Yeah. It's one of several copies. There's
9 duplicates that have to be filled out by the secretary and
10 submitted.

11 Q But this is, I guess, the original petition for
12 that, then?

13 A I don't know if it's the original. It's the one
14 that we use now for perpetual membership, one of five
15 different applications, I think.

16 MR. SANDERS: We'll make this No. 19.

17 (Plaintiff's Exhibit No. 19 was marked for
18 identification.)

19 BY MR. SANDERS:

20 Q I have another two-page document. It says
21 "Petition for the Degrees of Freemasonry."

22 Is that a standard form?

23 A This is the Grand Lodge form, but Lodges can use
24 their own, as long as they get it approved by me.

25 Q So it has to be approved by you, not by the Grand

1 Master? Even though you're a former Grand Master,
2 you're --

3 A No. It says the application can be personalized
4 by the Lodge, but it needs to be approved by the Grand
5 Secretary.

6 Q And this is a two-page document? Typically, this
7 is front and back, but we made it two pages.

8 A When we print it, it's front and back. Most
9 people print it as two pages.

10 MR. SANDERS: 20.

11 (Plaintiff's Exhibit No. 20 was marked for
12 identification.)

13 BY MR. SANDERS:

14 Q This says it's a Supplementary Information for
15 Petition for the Degrees of Freemasonry.

16 Is that the supplemental petition you were
17 talking about earlier?

18 A Yes, it is. I didn't think that was on-line, but
19 it asks the same questions that are in the petition,
20 basically.

21 Q So is that supplemental petition for the regular
22 degrees, or is that a supplemental petition for perpetual
23 membership, or what is that a supplemental petition for?

24 A This is to be used by the Petitions Committee,
25 for any petition that they're investigating.

1 MR. SANDERS: 21.

2 (Plaintiff's Exhibit No. 21 was marked for
3 identification.)

4 BY MR. SANDERS:

5 Q This is an application for a background waiver.
6 I'll just -- I don't know if it's separate, but there's a
7 Petition for Reinstatement that says "requires a background
8 check."

9 A That's correct.

10 So they would have to sign this waiver so the
11 Lodge can order a background check. I think that's the
12 membership one. We have one for a child ID, too. Let me
13 just look.

14 Yes, that's for the membership, and it states
15 what it's to be used for.

16 MR. SANDERS: Okay. So this would be 22, which
17 is the Applicant Background Waiver.

18 (Plaintiff's Exhibit No. 22 was marked for
19 identification.)

20 BY MR. SANDERS:

21 Q And what does a Petition for Reinstatement mean,
22 or what does it do?

23 A Petition for Reinstatement is normally used after
24 NPD, nonpayment of dues, and a member gets suspended, to
25 reinstate. It could be used for somebody that was

1 repetitioning a Lodge, after pulling a dimit, and the dimit
2 expired.

3 MR. SANDERS: And that's -- again, it's usually
4 front and back --

5 THE WITNESS: Yeah, for the committee reports.

6 MR. SANDERS: -- but for the purposes of today,
7 we're making it a two-pager, 23.

8 (Plaintiff's Exhibit No. 23 was marked for
9 identification.)

10 BY MR. SANDERS:

11 Q Petition for Affiliation, it says "dimit must be
12 attached."

13 That would be the same type of dimit --

14 A Correct.

15 Q -- as the one that we've already introduced into
16 evidence. And this is typically a two-pager.

17 I ask you what that petition is for.

18 A A Petition for Affiliation would be, if I was
19 leaving a Lodge, and I got a dimit, I would petition; or,
20 if I was issued a certificate by a Lodge, of membership,
21 and didn't want a dimit, I could be -- do it by
22 affiliation, by transfer or dimit. There's another form
23 for just a transfer.

24 MR. SANDERS: This is a two-pager, and that will
25 be 24.

1 (Plaintiff's Exhibit No. 24 was marked for
2 identification.)

3 BY MR. SANDERS:

4 Q And this is a Petition for Affiliation by
5 Transfer of Membership. It's a two-pager again.

6 What would you use a petition for transfer of
7 membership for?

8 A If I wanted to go to Lodge A from Lodge B, and
9 didn't want to ask for a dimit, which would make me an
10 unaffiliated Mason, I would do it by transfer, which this
11 transfer certificate becomes a dimit, once certified by the
12 Lodge and voted on for membership, so you're never left
13 without a Lodge.

14 Q And do you know if this is the petition that
15 Walter Hammond filled out?

16 A I have no idea.

17 Q You never even saw the petition that Walter --

18 A No, sir.

19 Q Why didn't you see the petition? Aren't you
20 required --

21 A I don't see petitions.

22 Q You don't see --

23 A Grand Lodge doesn't receive petitions.

24 Q Okay. They don't have to be approved or bounced
25 through Grand Lodge? It's all done on the local level, at

1 the local Lodge?

2 A Correct.

3 MR. SANDERS: 25.

4 (Plaintiff's Exhibit No. 25 was marked for
5 identification.)

6 BY MR. SANDERS:

7 Q I have something that's called -- it looks like
8 it's a two-pager -- Petition for Dual Membership. I guess
9 it says it's for members from other Grand Lodge
10 jurisdictions.

11 A Correct.

12 Q And then I have a Petition for Dual Membership
13 here.

14 A That's a part of that.

15 Q That's part of that, so that's a three-page
16 exhibit, then?

17 A That's listing the Grand Lodges that accept dual
18 members that are qualified to join.

19 Yes; correct, three pages.

20 MR. SANDERS: That will be 26.

21 (Plaintiff's Exhibit No. 26 was marked for
22 identification.)

23 BY MR. SANDERS:

24 Q And there's a Petition -- looks like it's two
25 pages -- for Plural Membership.

1 What is a Petition for Plural Membership?

2 A That's when you want to belong to more than one
3 Lodge within the State of Florida.

4 Q Is that the correct form?

5 A Yes; correct.

6 MR. SANDERS: This will be 27.

7 (Plaintiff's Exhibit No. 27 was marked for
8 identification.)

9 BY MR. SANDERS:

10 Q Now, the Settlement Agreement basically generally
11 stated that Walter Hammond could apply for membership or
12 affiliation, but it didn't restrict it, did it?

13 A The -- I'd have to reread it. The second letter
14 said "membership or affiliation."

15 Q The second letter did, but the first letter
16 didn't.

17 A Membership and affiliation are pretty much
18 synonymous terms. You affiliate with a Lodge, you become a
19 member.

20 Q But you have to be a member in good standing in
21 order to affiliate?

22 A Or have a letter.

23 Q And we had a letter and a Settlement Agreement
24 that said that Walter Hammond was a member in good
25 standing; is that correct?

1 A For the purpose of petitioning a Lodge.

2 Q For membership or affiliation?

3 A Correct.

4 Q And we've got a Petition for Plural Membership.

5 That's a petition for membership; is it not?

6 A For plural membership, when you're already a
7 member of a Lodge.

8 Q Okay. And he was a member of Albert J. Russell
9 Lodge?

10 A No, he was not.

11 Q Okay. And why do you say he was not a member of
12 Albert J. Russell Lodge?

13 A Because he was suspended.

14 Q Okay. He's still a member?

15 A He's not a member in good standing.

16 Q But he was a member in good standing when the
17 suspension was lifted by Grand Lodge, right?

18 A No, sir, not in Albert J. Russell.

19 Q Okay. Did Albert J. Russell Lodge do anything to
20 make him a member in bad standing during the suspension?

21 A This was all part of the first -- the first
22 hearing that we had.

23 Q Well, I don't think it was, but --

24 A I think it was.

25 Q So each one of these petitions represent a

1 membership application or an affiliation petition that
2 Walter Hammond could have filled out; isn't that correct?

3 A No.

4 Q And can you cite me specifically in the
5 settlement anywhere where it limited what he could file, as
6 far as all the numerous petitions for membership here, or
7 affiliation? What limited it in writing -- not your
8 interpretation -- what limited it in writing?

9 A You know, the judge's findings were that he had
10 to petition a Lodge and get 100 percent ballot, vote of the
11 membership. There's nothing in there that talks about what
12 petition to use.

13 The word "affiliation" would mean he needed to
14 affiliate with a Lodge.

15 Q Which you have to be a member to affiliate,
16 right?

17 A No, sir.

18 Q And he was considered a member in good standing,
19 based upon the settlement agreement and the letter of good
20 standing?

21 A For the purpose of petitioning a Lodge.

22 Q He may petition a Lodge; isn't that what it said?
23 It doesn't require him to, does it?

24 A No. But if he didn't petition a Lodge, then he
25 wouldn't be a member anywhere.

1 Q How can he be a member in good standing of the
2 Grand Lodge --

3 A For the purpose of petitioning a Lodge. I'm not
4 going to let you take it out of context, Kevin. I'm sorry.

5 Q Well, you're the one that keeps taking it out of
6 context, so that's fine. We'll look at it one more time.

7 A Okay.

8 Q "The indefinite suspension is immediately
9 terminated effective this date."

10 This was back on the date of this petition (sic).

11 A You've already reviewed that. I've already
12 answered it.

13 Q I'm just asking you, is that where you're saying
14 there's an exception, that he -- was he indefinitely
15 suspended from any --

16 A Kevin, you know what? If you want to file
17 charges against me -- whatever you want to do -- I'm not
18 going back and review everything we've already spent a half
19 hour going over. You're not going to get a different
20 answer. I'm sorry.

21 Q I haven't gotten an answer yet, with no
22 disrespect to you.

23 A I gave you my opinion of what I felt that meant,
24 and you asked me if I was a lawyer, and I said no. Okay?

25 CQ5 And I'm just trying to figure out where your

1 opinion is coming from.

2 Is your opinion that he was no longer a member
3 based on this, after it says: The indefinite suspension is
4 immediately terminated this effective date? Is that where
5 you get it from, 3a?

6 A The judge has already ruled on that. I'm not --
7 I'm not going to go over it all again.

8 Q Are you refusing to answer the question?

9 A Yes, I'm refusing to answer the question. It's
10 been answered.

11 MR. SANDERS: All right. Certify that question,
12 and certify that I need leeway to ask follow-up
13 questions on that, too.

14 (Thereupon, the question last-above referred to
15 was certified by the reporter.)

16 BY MR. SANDERS:

17 Q Is the Masonic Home underneath the umbrella of
18 The Most Worshipful Grand Lodge, or is it a separate
19 corporation?

20 A It's owned by The Most Worshipful Grand Lodge of
21 Florida.

22 Q You are the registered agent for that
23 organization?

24 A Yes.

25 Q And that's located down in Tampa, right?

1 A St. Pete; uh-huh.

2 Q Or St. Petersburg.

3 But the home office or principal office is at 220
4 Ocean Street, in Jacksonville, Florida?

5 A Correct.

6 Q And that's the same office where The Most
7 Worshipful Grand Lodge is; is that correct?

8 A Correct.

9 Q Is the Masonic Home of Florida, Inc., a
10 charitable organization?

11 A The Inc. is a 501(c)(3), an endowment fund.

12 Q And so, when the Grand Lodge of Florida files its
13 tax returns, it also files tax returns underneath the Grand
14 Lodge for the Masonic Home?

15 A Yes.

16 Q So the Grand Lodge, whether or not you agree with
17 it or not, was formed by the statute in 1893, and that
18 corporation formed and owns the Masonic Home?

19 MR. DOUBERLEY: Object to the form.

20 THE WITNESS: I don't know how the formation
21 originally, by Most Worshipful Gilchrist, was done at
22 the Masonic Home, but it's my understanding that the
23 Grand Lodge of Florida owns the Masonic Home.

24 BY MR. SANDERS:

25 Q And, likewise, I think you mentioned earlier, all

1 the property of all the other Lodges in Florida eventually
2 is owned by Grand Lodge; isn't that correct?

3 A Only if they lose their charter or surrender it
4 or it's taken.

5 Q What about if a Lodge just wanted to sell its
6 Lodge and needed a library? Could it do that?

7 A Yes, it can, as long as they get the facility
8 approved.

9 Q And who would approve the facility?

10 A The Grand Master, through the District Deputy,
11 that it could be properly tiled.

12 Q Are you familiar with the portion of the Grand
13 Lodge by-laws, otherwise known as the Masonic Digest, on
14 Pages 43 and 44, that talk about the corporate status of
15 the Grand Lodge?

16 A Yeah. We already reviewed that earlier.

17 Q Well, we did 44a. This is 43 and 44.

18 A (Witness perusing document.)

19 Okay; yes.

20 Q What does it say the corporate status is based on
21 in that section of the Digest?

22 A Well, if you read the whole thing, it says:
23 Hold, possess, convey properties of all kinds -- real
24 personal, mixed -- so long as their Masonic Charters shall
25 remain unrevoked by the Grand Lodge, and elect their said

1 corporate officers at such times and places as their own
2 rules, regulations and by-laws, not to conflict with the
3 rules, regulations, property -- properly laid down for them
4 by the Grand Lodge that may provide.

5 Q That's the subordinate Lodges, right?

6 A Correct.

7 Q Okay. But it, pretty much, states that the Grand
8 Lodge and the subordinate Lodges are corporations; does it
9 not?

10 A No, not in my opinion.

11 Q And you're not a lawyer?

12 A No, I'm not.

13 Q And this is a two-page exhibit.

14 Do you need look at the actual pages to verify
15 that those are true and accurate copies?

16 A No. They're true and accurate.

17 Q Except for, I guess --

18 A Yeah.

19 Q -- the "Exhibit A," down at the bottom.

20 A But the page number and the date that it was put
21 in the Digest is on the bottom.

22 MR. SANDERS: This will be 28.

23 (Plaintiff's Exhibit No. 28 was marked for
24 identification.)

25

1 BY MR. SANDERS:

2 Q Now, Freddie Velasco, when he came to his
3 deposition, he brought a big, thick stack, pretty much
4 exactly the same of what you've brought today. And he said
5 that -- in his deposition, I asked the question, "Okay. So
6 the Grand Secretary, Richard Lynn, held on to them for two
7 months and then, the day before your deposition, gave them
8 to you to bring to me?"

9 The answer was, "Yes."

10 Did you hold on to all those documents for two
11 months?

12 A I don't recall which ones you're talking about.

13 Q These documents here.

14 A Those same ones?

15 Q Yes.

16 A He had his copy, and I had a copy that your
17 office was notified they could pick up.

18 Q Okay. Why would he have said that you were
19 holding on to all those documents for two months before he
20 picked them up?

21 MR. DOUBERLEY: Object to the form.

22 THE WITNESS: I just answered it. I had a copy
23 of those documents for your -- your office to pick up.

24 BY MR. SANDERS:

25 Q Now, I asked Freddie, in his deposition, who was

1 copying it, and he had indicated he sat down with you most
2 of the time and that somebody else was copying it.

3 Is that what happened?

4 A Yes.

5 Q Okay. So he wasn't even present when all these
6 documents were being copied?

7 A I believe he was in the -- in the building, yes.

8 Q He was in the building, but he wasn't at the copy
9 machine?

10 A I don't recall. I don't recall.

11 Q He was -- was he sitting with you the whole,
12 entire time?

13 A No. He got up and walked around. I don't know
14 where he went.

15 Q And so Bebe is the one who, essentially, got most
16 of that together, organized it and everything?

17 A Yes.

18 Q So, when he brought it over, it wasn't even
19 organized?

20 A It was whole stacks of things that she put down
21 into answers, in accordance with the questions that were
22 asked.

23 Q So he didn't even respond or answer. It was Bebe
24 that did?

25 A No, I'm not -- I don't think that. She asked him

1 questions. I asked him questions, and he answered and gave
2 me documents.

3 Q All right. When you say you asked questions,
4 just tell me how that went that day.

5 A Well, you know, Freddie's -- English is his
6 second language, and sometimes he didn't understand what
7 was being asked for. He had the documents, but he didn't
8 know which -- which number they would fall under or where
9 they would go.

10 Q Did you or Bebe assist him with the interrogatory
11 questions and answers, also?

12 A Typed down what he said.

13 Q So everything that was typed into place was typed
14 down directly from what Freddie said was the answer to
15 those questions?

16 A Well, I can't say it was typed, you know,
17 verbatim what he said, but basically what the gist was.

18 Q Okay. Tell me how that went. First off, Freddie
19 comes over with a stack of documents.

20 What happens from that point forward?

21 A He started asking me what -- what certain things
22 meant on there. It was a long time ago. I don't remember
23 exactly.

24 Q Why did he come to you to help him sort that out?
25 Why didn't he do something with the Brothers of the Lodge

1 of Albert J. Russell Lodge?

2 A I can't answer that.

3 Q Why didn't you tell him that he needed to do
4 that?

5 A Why would I?

6 Q I don't know. Conflict of interest.

7 A Why is it a conflict of interest? It's a -- it's
8 a subordinate Lodge of the Grand Lodge of Florida. I'm the
9 Grand Secretary, the official record keeper, by description
10 in the Digest. If somebody asks me for help, I'm going to
11 help them.

12 Q Well, I don't want to say conflict of interest,
13 because Grand Lodge has been saying this is a problem
14 between Hammond and Albert J. Russell and that they're out
15 of it after the settlement.

16 A How did they say that?

17 Q And then -- well, you specifically said that.

18 A I specifically said that when?

19 Q Well, after hearings and other matters, you said:
20 This is no longer an issue for Grand Lodge, because we
21 settled the case.

22 A No, sir, I never said that.

23 Q Your attorney has said that, also.

24 A No, sir, I never said that.

25 Q He even said that today.

1 And then, Freddie, here, on at least five
2 occasions, has indicated that Albert J. Russell Lodge would
3 issue Walter his dues card, but Grand Lodge won't let him.

4 So which one is correct?

5 A Albert J. Russell doesn't have the authority to
6 issue a dues card to a suspended Brother.

7 Q But he's no longer suspended.

8 A He has not -- he has to join a Lodge. That was
9 the judge's ruling.

10 Q That was not the judge's ruling.

11 A Yes; that he had to petition and receive 100
12 percent vote to be reinstated.

13 Q That was not the judge's ruling.

14 A Well, then I read the wrong thing.

15 Q Well, why is it that Freddie would say that he
16 would issue Walter his dues card, but Grand Lodge won't let
17 him?

18 A Because that's out of compassion, probably. I
19 don't know. You'd have to ask him why he would say that.

20 Q Well, I did.

21 A Grand Lodge -- first of all, Grand Lodge prints
22 the dues cards and sends them to the Lodges. The only
23 exception is, they get a few blanks for new Master Masons
24 that they raise, so they can fill that dues card out and
25 present them the night of their raising.

1 If you turn the dues card over, my signature is
2 on there, verifying that the member is in good standing in
3 The Most Worshipful Grand Lodge of Free and Accepted Masons
4 of the State of Florida. Secretaries cannot issue a dues
5 card to suspended or expelled Brothers or Brothers seeking
6 reinstatement until they receive votes of the Lodge.

7 Q And who can do that?

8 A What do you mean, who can?

9 Q Well, who can issue a dues card?

10 A The Grand Lodge of Florida.

11 Q Grand Lodge of Florida?

12 Isn't it correct that, in recent months, a
13 Brother was suspended by his Lodge for failure to pay dues,
14 and you just whipped out a dues card and gave it to him,
15 didn't you?

16 A No, sir. He was not suspended for non-payment of
17 dues. The secretary made a mistake. He took a check that
18 the Brother assumed he was paying two years' dues. It was
19 a little short of the second year's dues, but paid the
20 current year's dues, regardless. He mailed the check back
21 to the Brother and told him to send a new check. He,
22 indeed, paid his dues. That was the Grand Master's ruling.
23 I was told to give him a dues card.

24 Q Did the Grand Master put that ruling in writing?

25 A No, he did not. And the Master --

1 Q Which Grand Master made that ruling?

2 A That was Jim Ford, in front of the current Grand
3 Master.

4 The Digest requires you, before you suspend a
5 Brother on the Lodge level for nonpayment of dues, that you
6 send him a reminder bill and then a first-class letter to
7 the last known address, informing him that he is going to
8 be suspended unless he appears before the Lodge to state
9 why he didn't pay his dues, and that process was not
10 followed.

11 Q And which Lodge was this that didn't follow it?

12 A I believe it was River -- Riverview -- I'm sorry;
13 Riverside. I'm sorry.

14 Q And Riverside was sanctioned for not doing this?

15 A They weren't sanctioned. They were told that
16 they -- the secretary wrote an e-mail and explained that he
17 had made a mistake and that he agreed that he should not
18 have done that, stated that he had done it to three other
19 Brothers, and they sent the check, so he thought it was
20 okay.

21 Q Well, don't you have to be suspended by a vote or
22 ballot at the Lodge?

23 A Yes, you do.

24 Q And was there a vote and ballot of the Lodge
25 suspending him?

1 A There was; there was.

2 Q And you and Most Worshipful Ford said no, and
3 just issued a dues card?

4 A No, we didn't just say no. It was done
5 improperly. They did not follow the Digest in order to be
6 able to suspend him.

7 Q So you sent this matter back to Riverside Lodge
8 and said, You did it wrong --

9 A And the secretary --

10 Q -- re-ballot and fix it?

11 A No, I did not.

12 Q Okay. So you didn't make them re-ballot, you
13 didn't do -- or anything?

14 A No, because the secretary said that he was wrong
15 in doing it.

16 Q And you have a letter to that effect?

17 A I have an e-mail somewhere. I'd have to find it.

18 Q And who was the secretary there?

19 A I would think it was Pace.

20 Q Does the Digest, anywhere, give the Grand Master
21 the right to just issue a dues card to anybody, without
22 taking it back to the Lodge?

23 A Since the Grand Master is supreme.

24 Q So the Grand Master could issue a dues card to
25 Walter?

1 A If the Lodge fails to follow proper procedure,
2 the Grand Master can overrule it and enter into a decision
3 to -- for the Brother's card to be issued. It should have
4 never been suspended. They had a check for his dues and
5 sent it back to him. If we didn't do that, a secretary
6 could take a check and put it in his drawer and say he
7 never got it and suspend the Brother; and, until the
8 Brother is properly notified, he doesn't know that the
9 check wasn't deposited or he has to check his bank -- bank
10 to see if it cleared. One has nothing to do with this.

11 Q Well, it was an exercise of authority of the
12 Grand Master to issue a dues card without action of the
13 Lodge, even though action of the Lodge is required
14 underneath the Digest, right?

15 A No. The action of the Lodge was improper. They
16 did not follow proper procedure.

17 Q And did the Grand Master issue some kind of
18 ruling or edict that they didn't follow procedure?

19 A No.

20 Q But the Brother did get his dues card?

21 A Yes, he did.

22 Q That's the same Grand Master Ford that signed off
23 on Walter Hammond's settlement?

24 A Yes.

25 Q Same Grand Master that issued the letter of good

1 standing?

2 A Yes; the first one, for the purpose of
3 petitioning a Lodge.

4 Q We're going to disagree that it says that,
5 because that's not what it says.

6 I guess I still have to come back to the main
7 question: Why does Freddie say that -- well, not only in
8 this case, but in the hearing that you keep referring to,
9 in front of the other judge -- why does he say that they'd
10 give Walter a dues card, but Grand Lodge won't let them?

11 A I'm not a psychic. I don't know what's in his
12 mind.

13 Q I asked Freddie a question -- Page 82, Line 18 of
14 his deposition: So you are saying it's the Grand Lodge
15 that's not giving him his dues card, not Albert J. Russell?

16 Answer: Correct.

17 Why would he say that?

18 A It's correct.

19 MR. SANDERS: Okay. I'm going to suspend any
20 further questions at this point in time, until we get
21 the multiple motions heard in front of the Court.
22 I'll need a copy of those certified questions to file
23 with the Court.

24 I don't know if you want to ask questions.

25 MR. DOUBERLEY: No.

1 MR. SANDERS: Then we will remain in recess,
2 then, not concluding the deposition.

3 Okay. We're definitely going to be coming --
4 coming back, so I don't even need to mention about
5 reading or waiving at this point in time, so --

6 MR. DOUBERLEY: There's no stipulation to
7 anything just stated.

8 (Witness excused.)

9 (Thereupon, the deposition was adjourned at
10 approximately 5:20 p.m.)

11 * * *

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February 21, 2016

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Sunrise, Florida 33323

In re: Hammond vs. Albert J. Russel Lodge, etc., et al.
Case No. 15-CA-3326 Division: CV-H

Dear Mr. Douberley:

Attached hereto is the E-Tran copy you requested of the transcript of the deposition of Richard E. Lynn, taken in the above-styled case.

Please have Mr. Lynn read his deposition transcript and complete and sign the corresponding errata sheet, then please forward the original executed errata to Mr. Sanders, as he is being provided with the original transcript.

If you have any questions or if I may be of further assistance to you, please don't hesitate to call.

Cordially yours,



Laurie J. Miller,
Court Reporter

cc: Kevin S. Sanders, Esquire