

[1] you could recall, I instructed her to talk to you  
[2] because of your ranting and raving about the letter  
[3] not being sent out. Do you not remember that?

[4] **A.** No, ma'am.

[5] **MR. WEAVER:** Let me object. This is  
[6] totally irrelevant to any issue --

[7] **MS. SPANN:** It's very relevant.

[8] **MR. WEAVER:** Let me finish my objection.  
[9] Okay? It's irrelevant to any issue in this  
[10] case. The issues in this case have only to do  
[11] with whether you were terminated intentionally  
[12] because of your race.

[13] And what happened with a murder defendant  
[14] on a previous occasion is totally irrelevant.  
[15] If you can't follow -- if you can't confine your  
[16] questions to the issues in the case, we'll have  
[17] to call the judge.

[18] **MS. SPANN:** Well, you can call the judge.  
[19] But the reason why I'm asking Judge Cox these  
[20] questions is because it points directly to the  
[21] harassment that Mattie Armbruster was under  
[22] which led her to go to EEOC. She is also a  
[23] minority.

[24] **MR. WEAVER:** That's not relevant to your  
[25] claim.

[1] your question?

[2] **Q.** Yes. Your testimony earlier was that you  
[3] didn't believe that you had to contact the Superior  
[4] Court judges because you assumed you didn't have to  
[5] because pretrial is basically under you, so to speak.

[6] **A.** Well, I contacted Judge Staley on this  
[7] occasion because of my learning that after meeting  
[8] with you on March the 5th and presenting you with the  
[9] memorandum and you asking for a week to digest it,  
[10] that you had immediately faxed the memorandum to  
[11] Judge Staley and asked her to take back supervision  
[12] of pretrial. So that's why I contacted Judge Staley.

[13] **Q.** The same memorandum where you had the  
[14] information services people to download; is that  
[15] correct?

[16] **A.** I guess I did have it at that time. I  
[17] didn't recall that. But apparently I did have it at  
[18] that time.

[19] **MR. WEAVER:** Is this going to be your next  
[20] exhibit?

[21] **MS. SPANN:** Yes.  
[22] (Plaintiff's Exhibit 22 was marked for  
[23] identification.)

[24] **Q.** (By Ms. Spann) Do you recognize this  
[25] document, Judge Cox?

[1] **MS. SPANN:** Well, it shows a pattern of  
[2] Judge Cox and how he treats minorities.

[3] **MR. WEAVER:** A pattern of --

[4] **MS. SPANN:** Of mistreatment towards  
[5] minorities.

[6] **MR. WEAVER:** Ms. Armbruster is Hispanic,  
[7] and you think that supports your claim?

[8] **MS. SPANN:** I believe it does. I believe  
[9] it does.

[10] **MR. WEAVER:** I don't think it does.

[11] **MS. SPANN:** That in addition to other  
[12] things that he's done.

[13] **Q.** (By Ms. Spann) It was your earlier  
[14] testimony, Judge Cox, that you didn't believe that  
[15] you had to contact the Superior Court judges for  
[16] permission to reorganize the pretrial services office  
[17] or to change my job responsibilities; is that  
[18] correct?

[19] **A.** Yes, that's correct.

[20] **Q.** So why did you contact Judge Staley on  
[21] March the 7th to discuss some alleged problems that  
[22] you were having in the pretrial division,  
[23] specifically relating to me, according to this  
[24] memorandum from Ms. Ely dated March the 10th, 2003?

[25] **A.** Why did I contact Judge Staley? Is that

[1] **A.** I'm not sure I've actually seen it before.  
[2] I'm familiar that it's prepared in connection with --  
[3] I guess I probably have seen it before.

[4] **Q.** Okay. Is it correct to say this  
[5] information was provided to my staff, the pretrial  
[6] staff, on March the 6th, 2003?

[7] **A.** I believe it was.

[8] **Q.** One day after you submitted the so-called  
[9] clarification of duties?

[10] **A.** I believe it was.

[11] **Q.** So you basically were telling my staff  
[12] that they reported to Ms. Ely at that point; is that  
[13] correct?

[14] **A.** I don't know that that's explicitly in  
[15] there. I'd have to look at it again. I don't think  
[16] it says that, but I'd have to look at it again.

[17] **Q.** Bullet No. 3, will you take a look at  
[18] that, please.

[19] **A.** No. 3?

[20] **Q.** Yes.

[21] **A.** "However, hiring, firing and disciplinary  
[22] decisions regarding this division, as with all other  
[23] divisions of the court, will fall under the authority  
[24] of the court administrator."

[25] **MR. WEAVER:** Why don't we take a short

[1] break. How much longer do you think you're  
[2] going to be?  
[3] **MS. SPANN:** What time is it?  
[4] **MR. WEAVER:** It's 1:45.  
[5] **MS. SPANN:** Probably about another hour.  
[6] (A recess was taken.)  
[7] **Q.** (By Ms. Spann) Judge Cox, you suspended  
[8] me from my office on March the 19th, 2003, allegedly  
[9] because I fired Janet Lindemann; is that correct?  
[10] **A.** I suspended you on that date. I'm not  
[11] sure what the specific reason or reasons that the  
[12] memo says.  
[13] **Q.** Did you attend a labor hearing regarding  
[14] me after my termination where Janet Lindemann's  
[15] firing was an issue?  
[16] **A.** I attended a Social Security -- an  
[17] unemployment claim. Is that what you're making  
[18] reference to?  
[19] **Q.** Yes, sir.  
[20] **A.** And I'm sure Janet Lindemann was discussed  
[21] and actually she also testified, but I don't remember  
[22] the specifics of what was discussed concerning her at  
[23] that point in time.  
[24] **Q.** You can't recall at this time whether or  
[25] not Janet Lindemann's firing the morning of March

[1] African-American pretrial relief officers of the  
[2] court who I placed in charge prior to my departure on  
[3] March the 19th?  
[4] **A.** I wasn't aware that you placed anybody in  
[5] charge.  
[6] **Q.** Were you aware of the fact that Janet  
[7] Lindemann only had about seven months of experience  
[8] in pretrial services in our office?  
[9] **A.** I don't know that I had any specific  
[10] knowledge of how long she had been there.  
[11] **Q.** Were you aware of the fact that she was  
[12] just a secretary and had no experience in releasing  
[13] criminal defendants from custody?  
[14] **A.** Again, not aware of what her exact  
[15] position was or how long she had been there.  
[16] **Q.** However you placed her in charge not  
[17] knowing anything about her?  
[18] **A.** I relied on Ms. Ely's judgment.  
[19] **Q.** Did Ms. Ely ever have contact with  
[20] Ms. Lindemann regarding her knowledge of pretrial  
[21] services, or has she ever talked to me to your  
[22] knowledge?  
[23] **A.** I couldn't tell you what Ms. Ely knew or  
[24] didn't know.  
[25] **Q.** But you chose to put Ms. Lindemann in

[1] 19th had anything to do with my suspension that  
[2] afternoon?  
[3] **A.** It definitely had something to do with it.  
[4] I don't know whether that was exclusively the reason  
[5] or not. I'd have to look at the memo again.  
[6] **Q.** Had you been communicating with Janet  
[7] Lindemann prior to March 19th while she was at home  
[8] sick for two days?  
[9] **A.** I think she did call me.  
[10] **Q.** Do you realize that I began having  
[11] problems with Janet Lindemann after you submitted the  
[12] memorandum to me on March the 5th?  
[13] **A.** No.  
[14] **Q.** When I terminated Janet Lindemann on March  
[15] the 19th, did you return her to work March the 20th  
[16] after suspending me?  
[17] **A.** It would have been either that day or the  
[18] next.  
[19] **Q.** What race is Janet Lindemann?  
[20] **A.** White.  
[21] **Q.** Did you place Janet Lindemann in charge of  
[22] the pretrial services office that following day?  
[23] **A.** I think she was temporarily placed in  
[24] charge, yes.  
[25] **Q.** Were you aware that there were two

[1] charge above other people who you knew held pretrial  
[2] officer positions?  
[3] **A.** Apparently, yes.  
[4] **Q.** Do you realize that Ms. Lindemann was  
[5] still on probation, employment probation, at the time  
[6] of her termination?  
[7] **A.** I probably was not aware of that.  
[8] **Q.** Do you recall that Ms. Lindemann was  
[9] terminated due to insubordination?  
[10] **A.** I do recall that.  
[11] **Q.** Did you ever discuss with me why I  
[12] terminated Ms. Lindemann?  
[13] **A.** No.  
[14] **Q.** Is this memorandum the memorandum that you  
[15] gave to me on March the 19th?  
[16] **A.** This was addressed to Martie Armbruster.  
[17] **Q.** I'm sorry. Let me give you mine.  
[18] **A.** Yes. Uh-huh.  
[19] **Q.** And is this second memorandum the  
[20] memorandum that you gave to Ms. Armbruster?  
[21] **A.** It is.  
[22] **Q.** On March the 19th?  
[23] **A.** Uh-huh.  
[24] **Q.** Let me have those back. These memorandums  
[25] state that she and I will be placed on administrative

[1] leave for ten days; is that correct?  
[2] **A.** I believe it does. I didn't read it. I  
[3] just identified it as something I recognized.  
[4] **Q.** Why did you place the two of us on  
[5] administrative leave for ten days?  
[6] **A.** I think the document speaks for itself.  
[7] If you want to let me look at it, I'll refresh my  
[8] memory.  
[9] Well, as it says, you're placed on  
[10] administrative leave pending an investigation  
[11] involving personnel matters relating to pretrial,  
[12] specifically including but not limited to turnover  
[13] and actions related to personnel occurring since our  
[14] meeting of February 28th, '03, and March 5th of '03.  
[15] **Q.** What were you meaning, "Actions related to  
[16] personnel occurring since our meeting of February  
[17] 28th"? What were you referring to?  
[18] **A.** The fact that I apprised you on the 5th of  
[19] March not to fire anybody else without prior  
[20] discussions with me.  
[21] **Q.** Did you apprise me on the 5th of March not  
[22] to fire anybody because you knew somebody would be  
[23] fired as a result of what you were doing behind my  
[24] back?  
[25] **A.** Did I fire anybody because of why?

[1] for firing an employee?  
[2] **MR. WEAVER:** Objection; assumes facts not  
[3] in evidence.  
[4] **THE WITNESS:** As the memo says, I fired  
[5] you because I directed you not to fire anyone  
[6] else and you did.  
[7] **Q.** (By Ms. Spann) You directed me not to  
[8] fire anyone else?  
[9] **A.** Yes, ma'am.  
[10] **Q.** Did you give that same directive to  
[11] Ms. Ely?  
[12] **A.** No.  
[13] **Q.** And you were aware at the time that  
[14] Ms. Ely, unlike myself, had been arbitrarily firing  
[15] employees.  
[16] **A.** No.  
[17] **Q.** Did Ms. Ely fire Ms. Dotson-Moore?  
[18] **A.** I think she offered her the opportunity to  
[19] resign or be fired, so I'm not sure which she did. I  
[20] think she resigned.  
[21] **Q.** Did she fire other employees?  
[22] **A.** I'm sure she did.  
[23] **Q.** Was she ever suspended for firing anyone?  
[24] **A.** No.  
[25] **Q.** Okay. Thank you. In your testimony,

[1] **Q.** Did you give me that directive on March  
[2] 5th because you knew that somebody would be fired as  
[3] a result of what you were doing behind my back in  
[4] terms of creating a hostile environment between  
[5] myself and my employees?  
[6] **MR. WEAVER:** Objection; compound,  
[7] argumentative.  
[8] **THE WITNESS:** To my knowledge I wasn't  
[9] creating a hostile environment. No, I didn't  
[10] expect you to fire anybody else. I assumed you  
[11] would accede to my directive and not fire  
[12] anybody else.  
[13] **Q.** (By Ms. Spann) You can allow Bobbie Ely  
[14] to fire someone because they're dating someone else,  
[15] but you can't allow me, which you had no authority  
[16] anyway to not tell me to fire someone, but you put me  
[17] on administrative leave for firing someone who jumped  
[18] me. Is that fair, Judge Cox?  
[19] **MR. WEAVER:** Objection; argumentative,  
[20] compound question. You need to break it down.  
[21] **THE WITNESS:** I don't know what the  
[22] question is.  
[23] **Q.** (By Ms. Spann) Why did you put me on  
[24] administrative leave for firing an employee who was  
[25] verbally abusive to me, which is a legitimate reason

[1] Judge Cox, you just stated that you presented me and  
[2] Mattie Armbruster with this administrative leave memo  
[3] dated March 19th on March 19th. Was that your  
[4] testimony?  
[5] **A.** That I presented that to you on March the  
[6] 19th?  
[7] **Q.** You presented this memorandum to us on  
[8] March the 19th?  
[9] **A.** Yes.  
[10] **Q.** Isn't it true that on March 19th you  
[11] didn't give us a memo dated March 19th. You gave us  
[12] a memo regarding administrative leave dated January  
[13] the 19th, 2003?  
[14] **A.** There was a typo in the first memorandum  
[15] you were presented, yes.  
[16] **Q.** So you realize on the computer when you're  
[17] typing a memorandum, the computer will present the  
[18] date that the memorandum is being typed?  
[19] **A.** I don't understand the question.  
[20] **Q.** If you were typing a correspondence or  
[21] memorandum on a computer, would the computer  
[22] automatically default to the current date?  
[23] **A.** I don't know.  
[24] **Q.** It appears that this memorandum was indeed  
[25] already in the computer on January the 19th, was it

[1] not?  
[2] **A.** To my knowledge, no.  
[3] **Q.** And already prepared.  
[4] **A.** Not to my knowledge.  
[5] **MS. SPANN:** Okay. This will be my next  
[6] exhibit.  
[7] (Plaintiff's Exhibits 23 through 26 were  
[8] marked for identification.)  
[9] **Q.** (By Ms. Spann) Is it correct to say that  
[10] Ms. Armbruster also received a memorandum on that  
[11] date dated January the 19th?  
[12] **A.** I believe she did.  
[13] **Q.** So the mistake would have been made on  
[14] both of our memorandums?  
[15] **A.** Correct.  
[16] **Q.** Is it true to say that on January the 19th  
[17] of 2003 you were already plotting my fate, Judge Cox?  
[18] **A.** If the question is was I planning to fire  
[19] you on January the 19th, no.  
[20] **Q.** And you placed us both under investigation  
[21] on that date; right?  
[22] **A.** Yes.  
[23] **MR. WEAVER:** On which date?  
[24] **MS. SPANN:** March the 19th.  
[25] **Q.** (By Ms. Spann) When you suspended me and

[1] **Q.** So you looked me out.  
[2] **A.** Yes, I did.  
[3] **Q.** Did the Superior Court judges give you  
[4] permission to lock me out of my office?  
[5] **A.** No, ma'am.  
[6] **Q.** So you changed the locks, put us out. Did  
[7] you go into my office at that time and talk to my  
[8] employees?  
[9] **MR. WEAVER:** At the same time he changed  
[10] the locks?  
[11] **MS. SPANN:** Right. During the time he  
[12] changed the locks, did you also meet with my  
[13] employees?  
[14] **THE WITNESS:** I may have gone in to  
[15] explain you had been suspended. I'm not  
[16] positive whether I did that or Ms. Ely did that.  
[17] **Q.** (By Ms. Spann) Did you tell the employees  
[18] that I had been suspended -- that I was under  
[19] investigation -- excuse me -- and had been under  
[20] investigation for a long time?  
[21] **A.** I didn't. I don't think anybody else did  
[22] either. I think they were just informed that you  
[23] were suspended.  
[24] **Q.** Did all the employees in my office who you  
[25] met with that day know who you were?

[1] Ms. Armbruster on March the 19th, did you call the  
[2] sheriff's deputies and have us escorted out?  
[3] **A.** I did not.  
[4] **Q.** Did you void my building access card?  
[5] **A.** I did not.  
[6] **Q.** Did you instruct anybody to void my  
[7] building access card?  
[8] **A.** I don't think I instructed anybody. I  
[9] think I was aware that that was going to be done. It  
[10] may have been discussed with me.  
[11] **Q.** Did you also, even though I was supposedly  
[12] only to be gone for ten days, did you also change the  
[13] exterior locks on my office door that leads to the  
[14] hallway?  
[15] **A.** I believe that was done, yes.  
[16] **Q.** Do you think that was fair to me, Judge  
[17] Cox?  
[18] **A.** I took appropriate steps to preserve the  
[19] integrity of the office and the records it contained.  
[20] **Q.** What were you looking for?  
[21] **A.** I wasn't looking for anything.  
[22] **Q.** What did you have to change the locks for?  
[23] What were you trying to maintain?  
[24] **A.** To keep you from having access to the  
[25] office while you were under suspension.

[1] **A.** What day are we talking about?  
[2] **Q.** When you met with my office staff on March  
[3] the 19th.  
[4] **A.** Did they all know who I was?  
[5] **Q.** Were the people in the office familiar  
[6] with you? Was everyone familiar with you?  
[7] **A.** No, I believe one person asked who I was,  
[8] yes.  
[9] **Q.** He had no clue as to who you were coming  
[10] in disrupting the office?  
[11] **A.** Apparently not. He had no clue as to who  
[12] I was, apparently not.  
[13] **Q.** I'm going to come back to this document.  
[14] I want to go ahead and enter this document. I want  
[15] you to take a look at it, Judge Cox. From Bobbie Ely  
[16] regarding the steps that you took on March 19th after  
[17] you expelled the two of us from the building, myself  
[18] and Ms. Armbruster.  
[19] **A.** All right.  
[20] **Q.** Have you ever treated an employee like  
[21] that in the past, Judge Cox?  
[22] **A.** I'm not sure -- I treated an employee how?  
[23] **Q.** Mistreated an employee by doing the things  
[24] you did.  
[25] **MR. WEAVER:** Objection; you're assuming

[1] facts not in evidence that he mistreated you.  
[2] **THE WITNESS:** I've never had to suspend  
[3] anybody before if that's the question.  
[4] (Plaintiff's Exhibit 27 was marked for  
[5] identification.)  
[6] **Q.** (By Ms. Spann) Do you think the actions  
[7] that you took on March the 19th were in the best  
[8] interest of everyone involved, including myself?  
[9] **A.** I don't know what you mean by everyone  
[10] involved.  
[11] **Q.** The employees, the citizens, the court  
[12] system itself.  
[13] **A.** Yes, I do.  
[14] **Q.** So you think having someone removed from  
[15] their office for no reason is a good thing?  
[16] **A.** Well, I don't agree that it was done for  
[17] no reason.  
[18] **Q.** The only thing that had happened on March  
[19] 19th was I had fired a white woman, Janet Lindemann;  
[20] is that correct?  
[21] **MR. WEAVER:** Objection; misstates his  
[22] testimony.  
[23] **THE WITNESS:** Well, that was the  
[24] precipitating event that caused you to be  
[25] immediately suspended.

[1] **Q.** Isn't it true, Judge Cox, that you had  
[2] never mentioned anything to me about my hiring and  
[3] firing practices prior to March 19th?  
[4] **A.** No, ma'am, that's not true. We had a  
[5] meeting, and I believe it was in February, that I  
[6] expressed concerns about the high turnover in your  
[7] department.  
[8] **Q.** I'm talking about hiring and firing. Did  
[9] you mention anything to me about hiring and firing?  
[10] **A.** That to me is the same as hiring and  
[11] firing.  
[12] **Q.** So, again, you have a double standard from  
[13] the way you see things in pretrial under an  
[14] African-American director as opposed to what you see  
[15] going on right under your nose in Magistrate Court  
[16] with Ms. Ely?  
[17] **A.** No, ma'am.  
[18] **Q.** You and I met around February the 27th.  
[19] This is the first I heard of employees making  
[20] complaints; is that correct, Judge Cox? Is that the  
[21] first time you ever mentioned that to me?  
[22] **A.** It probably is, yes.  
[23] **Q.** Did you give me any names at that time of  
[24] any employees who had expressed concerns?  
[25] **A.** No, I did not.

[1] **Q.** (By Ms. Spann) What had happened prior to  
[2] that?  
[3] **A.** Well, I had had concerns about your high  
[4] turnover, your treatment of your employees, and what  
[5] appeared to be, in my opinion, arbitrary, capricious  
[6] reasons for firing people, and your policy of  
[7] putting -- having a no-hire with the County so they  
[8] could not be hired by any other department in the  
[9] County.  
[10] **Q.** Have you ever spoken to me prior to March  
[11] 19th about any of those issues?  
[12] **A.** I had some concerns, yes, and I discussed  
[13] with you --  
[14] **Q.** When did you talk to me?  
[15] **A.** In February of '03 when we met.  
[16] **Q.** Was this after we had gone to the EEOC?  
[17] **A.** I don't know when you went to the EEOC,  
[18] ma'am.  
[19] **Q.** You suspend me, again, for so-called  
[20] arbitrary and capricious firing with no prior  
[21] disciplinary steps taken. That was the first I heard  
[22] of it; is that not correct? Had you ever given me  
[23] anything in writing stating that you had a problem  
[24] with my hiring or firing practices?  
[25] **A.** Probably not in writing.

[1] **Q.** Did you make any attempt to resolve a  
[2] problem by meeting with me and these employees who  
[3] were supposedly affected?  
[4] **A.** No, I did not.  
[5] **Q.** You're a judge; is that correct, Judge  
[6] Cox?  
[7] **A.** Yes.  
[8] **Q.** Do you believe in fundamental fairness?  
[9] **A.** Yes.  
[10] **Q.** Do you believe in due process?  
[11] **A.** Yes.  
[12] **Q.** Is there any particular reason why in this  
[13] particular case -- let me go back.  
[14] Do you believe that every person, every  
[15] human being, everybody who walks the face of this  
[16] earth has a right to face their accuser?  
[17] **MR. WEAVER:** Let me object; that calls for  
[18] a very broad legal conclusion.  
[19] **MS. SPANN:** It's a simple question. He's  
[20] a judge. He was elected. He was elected by the  
[21] people to do exactly what I'm asking him whether  
[22] or not he believes in.  
[23] **MR. WEAVER:** Well, my objection is as  
[24] stated. You can --  
[25] **MS. SPANN:** I want him to answer the

[1] question still. You can object.  
[2] **MR. WEAVER:** You're saying face accuser,  
[3] which brings to mind a criminal context. And  
[4] this is an employment dispute, not a criminal  
[5] context.  
[6] **MS. SPANN:** I was being accused of  
[7] something that I was not doing. And if Judge  
[8] Cox felt that there was something wrong between  
[9] myself and other employees, he should have sat  
[10] us down, like I told you last week, and talked  
[11] to us.  
[12] Now, I'm asking him does he think it was  
[13] the right thing to do in not allowing me to face  
[14] those people who were making these allegations.  
[15] **MR. WEAVER:** Objection; argumentative,  
[16] calls for a legal conclusion.  
[17] **Q.** (By Ms. Spann) Yes or no?  
[18] **A.** Well, in this particular case I was  
[19] concerned about retaliation against the employees who  
[20] had come to me if you -- if their identity was  
[21] revealed to you.  
[22] **Q.** Well, you just said that you told me that  
[23] I couldn't take any action against them, that  
[24] everything was given to Ms. Ely.  
[25] **A.** This conversation was in February. That's

[1] Well, I wasn't suspended until March the  
[2] 19th. And you said that's when the so-called  
[3] investigation commenced. However, there was a whole  
[4] lot going on prior to that time. You were even  
[5] talking to employees' husbands. On that second page,  
[6] statement of Jeff Brock dated -- I don't know what  
[7] month that is, 2003.  
[8] **A.** I didn't speak to any of these people  
[9] ma'am.  
[10] **Q.** Well, you had Ms. Ely doing it.  
[11] **A.** I'm not sure if Ms. Ely did it or Debra  
[12] Dance with the county attorney's office did it. I  
[13] couldn't tell you.  
[14] **Q.** But, again, this was prior to the March  
[15] 19th date.  
[16] **A.** It would appear to be, yeah.  
[17] (Plaintiff's Exhibit 28 was marked for  
[18] identification.)  
[19] **MR. WEAVER:** Do you know who prepared  
[20] that?  
[21] **MS. SPANN:** This was provided in the  
[22] investigative packet I received after I was  
[23] terminated.  
[24] **Q.** (By Ms. Spann) Judge Cox, wouldn't you  
[25] agree that these allegations that were made by these

[1] why I didn't reveal the identify of these employees  
[2] to you.  
[3] **Q.** Did you ever reveal, even after the March  
[4] the 5th, did you reveal the identities?  
[5] **A.** I did not.  
[6] **Q.** No, you did not. Okay.  
[7] Were there any African-American employees  
[8] that were taking notes on me, Judge Cox?  
[9] **A.** I don't know.  
[10] **Q.** When did the so-called investigation that  
[11] you mentioned to my staff commence?  
[12] **A.** Immediately upon or shortly after your  
[13] suspension.  
[14] **Q.** After my suspension. Okay. If that's the  
[15] case, why is it that there are documents from  
[16] Ms. Debra Dance of the county attorney's office  
[17] reflecting where Ms. Ely was collecting memos, notes,  
[18] etcetera, from the white employees on my staff as of  
[19] March the 13th, 2003. Some of these are dated March  
[20] 6th, March 11th.  
[21] **A.** I don't know what these all make reference  
[22] to.  
[23] **Q.** It says the following documents were  
[24] attached to a letter to Ms. Dance of the county  
[25] attorney's office on March 13th, 2003.

[1] employees, particularly Janet Lindemann and Anita  
[2] Lingerfelt, just innuendo and anything that they  
[3] could sit down and write. Did you substantiate any  
[4] of this that they were saying?  
[5] **A.** I'd have to look at what you're talking  
[6] about.  
[7] **Q.** Here's -- I'm going to give you a series  
[8] of notes that they apparently composed. This one is  
[9] dated March 20th from Janet Lindemann. And it's just  
[10] office talk. Why would you take someone's job on  
[11] something like that?  
[12] **MR. WEAVER:** Objection; you've got  
[13] compound questions. You've got several  
[14] questions on the table here. And also it's  
[15] argumentative. Could you give him one question.  
[16] **Q.** (By Ms. Spann) Okay. This particular  
[17] document -- I'm going to give you a series of  
[18] documents. I know that we're pressed for time right  
[19] now. I'm going to try to get through it as fast as I  
[20] can. That were apparently composed by Ms. Lindemann  
[21] and Ms. Lingerfelt. There's no name on this one, so  
[22] I'm not sure who composed it, but it was marked  
[23] confidential. What was the purpose, Judge Cox?  
[24] **A.** What was the purpose of what?  
[25] **Q.** What was the purpose of these -- this one

[1] is dated March 20th. I wasn't even there. This one  
[2] has no date. These documents were used in my  
[3] termination. I want to know from you what was the  
[4] purpose of these.

[5] **A.** Well, I didn't prepare them, and I didn't  
[6] request they be prepared, so I can't answer that  
[7] question.

[8] **Q.** This is office gossip. How on this memo  
[9] dated March the 20th or note dated March the 20th  
[10] signed by Janet Lindemann, it reads, "Anita  
[11] approached me this morning said that she felt that we  
[12] shouldn't trust Leona. She suggested that maybe  
[13] Leona would give a new key to Ms. Spann or Mattie,  
[14] and I have to agree that she just might do that." Is  
[15] that not juvenile to you, Judge Cox?

[16] **A.** I don't know what this is in reference to,  
[17] ma'am. So I really can't comment.

[18] **Q.** It came from your investigation that you  
[19] used to release me from my job.

[20] **A.** Well, I don't know what the purpose of  
[21] this is supposed to be, so I can't respond to the  
[22] question.

[23] **Q.** What I'm trying to indicate to you is do  
[24] you think that this was even necessary? How is this  
[25] even relevant?

[1] office.

[2] **Q.** Was she the sole person to conduct the  
[3] investigation?

[4] **A.** To my knowledge.

[5] **Q.** What was she looking into?

[6] **A.** She's looking into the supervision and  
[7] management of your office and any conduct that you  
[8] may have been responsible for.

[9] **MS. SPANN:** I want to go ahead and enter  
[10] these two documents as well.

[11] **Q.** (By Ms. Spann) On March 19th you started  
[12] taking everything. You sent a memo to the payroll  
[13] department, Ms. Martha Payne stating that you were  
[14] taking over my payroll, March 19th, the day I was put  
[15] out.

[16] **A.** Yes, ma'am.

[17] **Q.** You also sent a memorandum to the human  
[18] resources director telling him that you were taking  
[19] over -- or having Ms. Ely to take over my personnel  
[20] matters.

[21] **A.** Yes, ma'am.

[22] **Q.** In addition to that, you sent another memo  
[23] to Paul Ruth, the director of information services,  
[24] stating that you wanted to gain access to all of my  
[25] computer files, everything located on the hard drive

[1] **A.** I didn't request that it be prepared,  
[2] ma'am, so I don't know what the purpose of it was.

[3] **Q.** Were you having employees just take down,  
[4] write down notes and create problems that didn't even  
[5] exist?

[6] **A.** I was not.

[7] **MS. SPANN:** Okay. I want to go ahead and  
[8] submit these into the record. How many do you  
[9] have, Mr. Weaver? Those three.

[10] (Plaintiff's Exhibit 29 was marked for  
[11] identification.)

[12] **Q.** (By Ms. Spann) Again, you stated that the  
[13] so-called investigation commenced on March the 19th,  
[14] but yet Bobbie Ely is busy at work on February 12th  
[15] taking notes from Jennifer Overton, another white  
[16] female in my office. Are you familiar with that  
[17] document?

[18] **A.** I don't know if I've seen that before or  
[19] not.

[20] **Q.** Do you believe, Judge Cox, that a fair and  
[21] unbiased investigation, inquiry, or whatever you want  
[22] to call it, was done?

[23] **A.** To the best of my knowledge, it was.

[24] **Q.** Who conducted the investigation?

[25] **A.** Debra Dance with the county attorney's

[1] as well as those stored by other methods, for two  
[2] employees of the pretrial division. I imagine you  
[3] were talking about myself and Ms. Armbruster. What  
[4] was the purpose?

[5] **A.** The purpose was to have access to your  
[6] records.

[7] **Q.** Were you trying to find, quote/unquote,  
[8] dirt on me?

[9] **A.** I was trying to find information regarding  
[10] your management, supervision of pretrial.

[11] **Q.** Why didn't you just ask me?

[12] **A.** You had been suspended at the time.

[13] **Q.** Prior to the suspension why didn't you ask  
[14] me?

[15] **A.** It wasn't relevant prior to your  
[16] suspension.

[17] **Q.** Do you think that's the proper way to  
[18] manage employees is to break into their computer as  
[19] opposed to sitting down at a table talking to them?

[20] **A.** Well, I had attempted to talk to you in  
[21] February and in March, and I found that it wasn't  
[22] beneficial.

[23] (Plaintiff's Exhibits 30 and 31 were  
[24] marked for identification.)

[25] **Q.** (By Ms. Spann) As early as January the

[1] 17th, 2003, it was still the same type of  
[2] disturbances that were being caused by Ms. Ely's  
[3] desire to take over my office; is that correct?

[4] **A.** I don't know what your question is.

[5] **Q.** January 17th, here's another write up from  
[6] someone that was part of the investigation. And I  
[7] believe it was Lindemann because she's the only  
[8] person that assisted with time sheets.

[9] "I gave Ms. Spann the time sheets for  
[10] review. She came into my office and said that Robert  
[11] had left early on sick leave and that his time sheet  
[12] didn't reflect it. She asked me to fix. And I then  
[13] asked her if she want me just to enter them then or  
[14] if she wanted them back. She told me to enter them?"

[15] "I started to enter them, and by the third  
[16] time sheet she came back to my office and said, 'What  
[17] are you doing?' in a very loud voice."

[18] I have absolutely no idea what this is  
[19] even about. Have you ever questioned me about this  
[20] incident on January the 17th, 2003, that was  
[21] supposedly --

[22] **A.** I don't even know that I was even aware of  
[23] this incident.

[24] **Q.** Do you understand that this document was  
[25] also part of the investigation as it's marked

[1] Ms. Walker's discovery on the common directory. I  
[2] believe that's how I became aware of it.

[3] **Q.** And you also had involvement in that in  
[4] that you contacted Dominick Druda from the  
[5] information services office per this document.

[6] **A.** And the question is what? That I directed  
[7] him to do this?

[8] **Q.** Yes.

[9] **A.** I guess indirectly I did through Ms. Ely.

[10] **Q.** And, again, that pertained to the memo  
[11] that I was writing to Judge Staley seeking  
[12] assistance?

[13] **A.** Yes.

[14] (Plaintiff's Exhibits 32 and 33 were  
[15] marked for identification.)

[16] **Q.** (By Ms. Spann) Again, you stated, Judge  
[17] Cox, that everything started after March the 19th.

[18] **A.** Apparently I'm not correct in that.

[19] Apparently some things were being done prior to the  
[20] 19th based on some documents you've shown me.

[21] **Q.** Isn't it true that even as far back as  
[22] December 2002 you and Ms. Ely were trying to drum up  
[23] information to take my job?

[24] **A.** No.

[25] **Q.** In our February 27th meeting, this was

[1] confidential by the county attorney's office?

[2] **A.** I don't know that I've ever seen it  
[3] before.

[4] **Q.** Are you aware that this document was  
[5] another document that was used to determine my  
[6] termination?

[7] **A.** I'm not aware of that, no.

[8] **Q.** Where did you get your information from to  
[9] terminate me if you're not aware of any of the  
[10] documents?

[11] **A.** I didn't say I was aware of any of the  
[12] documents. I said I wasn't aware of that document.

[13] **Q.** Well, thus far the documents I've shown  
[14] you, you don't seem to be familiar with them; is that  
[15] correct?

[16] **A.** Some I am. Some I am not.

[17] **Q.** Going back to the March 4th memo to Judge  
[18] Staley or March 3rd of whatever date it was. I get  
[19] confused on that because it says March the 4th. You  
[20] had stated earlier that you can't remember how you  
[21] found out about the memorandum.

[22] **A.** Which memorandum?

[23] **Q.** The memorandum that I composed to Judge  
[24] Staley.

[25] **A.** I believe I became aware of it because of

[1] after Jennifer Overton was no longer employed in my  
[2] office, that was one name that you did bring up in  
[3] the meeting, you said Jennifer Overton.

[4] **A.** I may have.

[5] **Q.** This information that I'm going to present  
[6] to you was apparently written by Jennifer Overton.  
[7] And if you would read -- I'm not going to have you  
[8] read it, but I'm going to direct your attention to  
[9] it.

[10] It would be the -- one, two -- it's about  
[11] the fourth line it says, "I explained that the bulk  
[12] of the stress that I had encountered occurred in the  
[13] first six months of my employment here while under  
[14] the supervision of M. Armbruster. And that I felt  
[15] having been placed under Mrs. Spann's supervision had  
[16] obliterated that stress." That was the statement that  
[17] Ms. Overton made.

[18] **A.** I have no personal knowledge of that.

[19] **Q.** However, the investigation -- are you  
[20] aware that the investigation Ms. Dance conducted had  
[21] turned this entire statement around --

[22] **A.** No.

[23] **Q.** -- to appear that Jennifer Overton's  
[24] statements against me were negative?

[25] **A.** No.



[1] **Q.** Again, these are more notes from Anita  
[2] Lingerfelt and Janet Lindemann. This one is the from  
[3] Anita Lingerfelt talking about a plaque that the  
[4] employees gave me back in 2001. This was also prior  
[5] to the investigation.

[6] It says, "There was a plaque given to Mrs.  
[7] Spann by the employees of pretrial court services  
[8] back December 2001. The only thing about this was  
[9] the employees had no say in the matter. Mattie  
[10] informed me that we were giving her a plaque for  
[11] appreciation from the employees and that it would be  
[12] given to Mrs. Spann during Belinda Brock's retirement  
[13] party, which I thought would be kind of rude since it  
[14] was Belinda's day.

[15] "I told Mattie that we should not give it  
[16] to her during the retirement party, that it would not  
[17] be appropriate. From what I remember Mattie gave it  
[18] to Mrs. Spann later that day in her office by  
[19] herself."

[20] What does that have to do with my  
[21] employment?

[22] **A.** I have no idea.

[23] **Q.** This document was also a part of the  
[24] investigation. Do you see that it's marked  
[25] confidential?

[1] **A.** I can't say that.

[2] **Q.** You have not seen her name on these  
[3] documents I have presented to you?

[4] **A.** You said does it appear that the majority  
[5] of them. I don't know about the majority. Some of  
[6] them obviously have her signature.

[7] **Q.** Would Bobbie Ely's intervention into this  
[8] matter, do you think that that was a fair  
[9] investigation considering she was the individual you  
[10] wanted to give my entire office to?

[11] **A.** I don't know how to answer that question  
[12] because I didn't want to give her office to you.

[13] **Q.** Did you place Bobbie Ely in charge of  
[14] pretrial services?

[15] **A.** Not in my mind I didn't.

[16] **Q.** Does the March 5th memo reflect any  
[17] authority that Bobbie Ely would have in pretrial  
[18] services?

[19] **A.** It reflects some.

[20] **Q.** Okay. The next document I'm going to  
[21] present to you is also from Bobbie Ely regarding  
[22] Anita Lingerfelt. Anita Lingerfelt states here --  
[23] I'm sorry. Bobbie Ely states here, "I received a  
[24] call from Anita Lingerfelt on March 11, 2003, between  
[25] 7:00 and 7:30 a.m. Anita asked if I knew when

[1] **A.** I see that it's marked confidential.  
[2] (Plaintiff's Exhibits 34 and 35 were  
[3] marked for identification.)

[4] **Q.** (By Ms. Spann) Okay. Are you aware of  
[5] the fact that Sarah Henderson and Anita Lingerfelt  
[6] are very good friends?

[7] **A.** No.

[8] **Q.** These documents also reflect a date prior  
[9] to March 19th. These are from Ms. Ely, apparently  
[10] documents she received from Anita Lingerfelt on March  
[11] the 6th. I don't expect you to read that. But if  
[12] you could just tell me whether or not that's  
[13] Ms. Ely's signature?

[14] **A.** It appears to be.

[15] **Q.** So Ms. Dance, the county attorney, was not  
[16] the only one involved in this so-called,  
[17] quote/unquote, investigation?

[18] **A.** I guess it depends on what investigation  
[19] you're talking about.

[20] **Q.** Does it appear to you, Judge Cox, from the  
[21] documents that I have presented to you thus far that  
[22] the majority of these documents have Bobbie Ely's  
[23] name on them?

[24] **A.** I can't say that.

[25] **Q.** As it pertained to the investigation.

[1] everything would be over and things would begin to  
[2] calm down," unquote.

[3] "I asked her if something happened within  
[4] the past few days that Judge Cox and I were not aware  
[5] of. She responded, 'If looks could kill, Janet  
[6] Lindemann and I would be dead.'

[7] "She indicated that things were extremely  
[8] stressful for the employees, although Leona was being  
[9] treated like a queen. I advised her that I was  
[10] unable to respond to her question at that moment. I  
[11] advised her further that should she need to meet with  
[12] Judge Cox and I again. She should let us know."

[13] So you were meeting with my employees  
[14] before March the 19th. Do you not think that that  
[15] would have created a hostile work environment for me,  
[16] Judge Cox?

[17] **A.** No.

[18] **Q.** How could I have effectively been a  
[19] supervisor with this kind of carrying on going on  
[20] behind my back?

[21] **A.** I don't know how to answer that question.

[22] **Q.** And I know you can't look into the mind of  
[23] Anita Lingerfelt, but one can't help but to think  
[24] that this statement that she makes, everything --  
[25] when will everything be over and things will begin to

[1] calm down, would lead one to believe that she's  
[2] talking about when I'm going to be fired. Would you  
[3] think?  
[4] **A.** I don't know what's in her mind, ma'am.  
[5] (Plaintiff's Exhibits 36 and 37 were  
[6] marked for identification.)  
[7] **Q.** (By Ms. Spann) Two days before I  
[8] terminated Janet Lindemann, you had testified earlier  
[9] that you were in communication with her from her home  
[10] residence because she was out sick for two days.  
[11] **A.** I wasn't sure of the time frame. I said I  
[12] was in touch with her at some time, but I'm not sure  
[13] of the time frame.  
[14] **Q.** Okay. Well, these might refresh your  
[15] memory. One document, this first one I'm giving you  
[16] dated March 17th from Janet Lindemann, "Dear Judge  
[17] Cox, here are my notes regarding what led up to  
[18] Mattie becoming assistant director. I'm sorry I  
[19] cannot bring them in person, but I have caught the  
[20] flu. If you have any questions, please give me a  
[21] call."  
[22] **A.** Okay.  
[23] **Q.** I was the director of pretrial. Here's an  
[24] employee, a subordinate employee who's out sick. Why  
[25] would you ask her about a manager's promotion instead

[1] you.  
[2] **A.** Well, I think she had the brother deliver  
[3] them.  
[4] **Q.** Right, her brother.  
[5] **A.** So I don't know who he actually delivered  
[6] it to.  
[7] **Q.** Here's another memorandum that was  
[8] composed by Ms. Ely regarding a conversation that she  
[9] had with Ms. Lindemann while Ms. Lindemann was out  
[10] sick on March the 17th regarding -- or it contained  
[11] an allegation that my husband and I were searching  
[12] her office. Are you familiar with this particular  
[13] document?  
[14] **A.** I don't know. I have to look at it. I  
[15] probably have seen this before. I don't recall  
[16] distinctly, but I probably have.  
[17] **Q.** Are you aware of the fact that my husband  
[18] is a detective with the Cobb County Police  
[19] Department?  
[20] **A.** I am aware he was -- the last I knew he  
[21] was with the police department, but I thought -- I  
[22] didn't recall he was a detective. I knew he was in  
[23] internal affairs, I believe. He may have been a  
[24] detective. I don't think I knew his rank.  
[25] **Q.** Are you familiar with an investigation

[1] of just walking down the hall and asking me?  
[2] **A.** I mean, I don't know that I asked her  
[3] anything specifically. But I was trying to get some  
[4] information independent of you, I presume, would be  
[5] why it was directed to her.  
[6] **Q.** You mean secretly without my knowledge.  
[7] **MR. WEAVER:** What's the date on that  
[8] again?  
[9] **MS. SPANN:** It's March the 17th.  
[10] **THE WITNESS:** I guess without your  
[11] knowledge would be accurate.  
[12] **Q.** (By Ms. Spann) In the labor hearing  
[13] Ms. Lindemann testified, if you can recall, that on  
[14] that particular date she was able to get those memos  
[15] to you from home through her brother. Do you  
[16] remember that?  
[17] **A.** I don't recall her saying that.  
[18] **Q.** Said her brother delivered them to you to  
[19] the courthouse.  
[20] **A.** I don't recall that actually taking place.  
[21] It may have, but I don't recall it.  
[22] **Q.** Okay. Also while she was --  
[23] **A.** It probably was delivered to Ms. Ely, but  
[24] I don't think --  
[25] **Q.** Her testimony was that she delivered to

[1] that the internal affairs office conducted on my  
[2] husband regarding this allegation made by  
[3] Ms. Lindemann regarding an alleged search of her  
[4] office?  
[5] **A.** Am I aware that there was -- I knew that  
[6] some action was being taken or discussed by his  
[7] superiors. I knew that.  
[8] **Q.** Are you aware that my husband was  
[9] completely exonerated on those allegations?  
[10] **A.** No, I'm not aware of that.  
[11] **Q.** Are you aware that his office, the police  
[12] department, was able to corroborate the information  
[13] that he had provided to them regarding what he was  
[14] doing in my office that particular day?  
[15] **A.** I don't know have any personal knowledge  
[16] of what he told them or what they found out.  
[17] (Plaintiff's Exhibits 38 through 40 were  
[18] marked for identification.)  
[19] **Q.** (By Ms. Spann) Prior to March the 5th --  
[20] think back very carefully, Judge Cox -- had you had  
[21] any communication with Janet Lindemann regarding my  
[22] management style or any problems she was having in  
[23] the office or any problems anyone else was having in  
[24] the office? Did you have any conversation, any type  
[25] of communication, with her prior to March the 5th?

[1] A. I may have.  
[2] Q. You put a lot of confidence in the word of  
[3] Janet Lindemann, didn't you?  
[4] A. I don't know how to answer that question.  
[5] I mean --  
[6] Q. She was a seven month --  
[7] MR. WEAVER: Let him finish his answer.  
[8] THE WITNESS: I don't think anything that  
[9] was done was based solely on anything Janet  
[10] Lindemann said or did. I think any action that  
[11] was taken was a result of a number of pieces of  
[12] different information from different persons and  
[13] different sources before any action was taken.  
[14] Q. (By Ms. Spann) A witch hunt.  
[15] A. No, ma'am.  
[16] Q. During the time of my suspension,  
[17] particularly shortly thereafter, did you ever confer  
[18] with any of the African-American officers in my  
[19] department to determine whether or not one of them  
[20] would be willing to supervise the department during  
[21] my absence?  
[22] A. I did not.  
[23] Q. Isn't it true, Judge Cox, that the  
[24] pretrial release officer would be more qualified to  
[25] run the office of pretrial services as opposed to a

[1] Q. Do you believe I acted outside of my  
[2] authority as a pretrial director in terminating  
[3] Ms. Lindemann?  
[4] A. Well, it's my belief that you arbitrarily  
[5] and capriciously fired her. I don't know that you  
[6] acted outside of your authority.  
[7] Q. Did you set her up to be fired, Judge Cox?  
[8] A. No, I did not.  
[9] Q. You don't believe that the communication  
[10] that you were doing with her made her feel that she  
[11] could come in and jump on her director?  
[12] A. No.  
[13] Q. Okay. This one is dated October 10th,  
[14] 2002, again from Bobbie Ely. And it contains  
[15] information that she received, again, from Janet  
[16] Lindemann on April 1st, 2003, pertaining to a  
[17] conference that Ms. Armbruster and I attended. And  
[18] it's making allegations pertaining to our time  
[19] sheets. Does that look familiar to you?  
[20] A. I may have seen it before. I don't  
[21] recall.  
[22] Q. Okay. This next document that I will  
[23] present to you dated March 18th, 2003, from Bobbie  
[24] Ely to Debra Dance, and it reads, "I am providing  
[25] you with additional documents related to pretrial

[1] secretary who had only been there seven months?  
[2] A. I think it depended on the individuals  
[3] involved.  
[4] Q. And you did agree during your testimony  
[5] earlier that you did allow her to come back to work  
[6] and you placed her in charge of the office.  
[7] A. I believe ultimately she was temporarily  
[8] placed in charge.  
[9] MS. SPANN: I'm going to go ahead and  
[10] enter this document here from Ms. Ely, again  
[11] another document from Ms. Ely pertaining to  
[12] Ms. Lindemann being told that she can return to  
[13] work and that she was fired by someone who was  
[14] not authorized to fire her.  
[15] (Plaintiff's Exhibit 41 was marked for  
[16] identification.)  
[17] Q. (By Ms. Spann) Do you know that it's in  
[18] my job description that one of my duties is to hire  
[19] employees?  
[20] A. I would assume it is. I haven't read it  
[21] specifically.  
[22] Q. And one of the other duties as assigned to  
[23] pretrial directors throughout Georgia is to also  
[24] discipline employees.  
[25] A. Yes.

[1] division inquiry. I'm sorry I missed you earlier.  
[2] Judge Cox wanted to see if it would be possible to  
[3] move tomorrow's meeting to sometime later today. We  
[4] look forward to hearing from you."  
[5] This is dated March the 18th. You said  
[6] the inquiry started after I fired Lindemann. You  
[7] were already planning to take my job; isn't that  
[8] correct, Judge Cox?  
[9] A. No, ma'am, I wasn't planning to take your  
[10] job.  
[11] Q. What meeting was Ms. Ely referring to that  
[12] was going to take place March 19th, the same day you  
[13] suspended me?  
[14] A. I assume it was in reference to your  
[15] suspension.  
[16] Q. I wasn't suspended until March the 19th.  
[17] A. I understand that. I assume it was in  
[18] reference to suspending you.  
[19] Q. What will you be suspending me for on  
[20] March the 18th?  
[21] A. As it stated, ma'am, you had not followed  
[22] my directive to not fire any other personnel and you  
[23] did fire someone.  
[24] Q. I didn't fire Janet Lindemann until March  
[25] the 19th. This memo is dated March the 18th.

[1] **A.** Well, again, I could be mistaken about the  
[2] sequence of events.  
[3] **Q.** This memorandum is dated March the 13th.  
[4] It's again from Bobbie Ely to Debra Dance. And it  
[5] pertains to one of my closest friend at the time who  
[6] had worked with me for over 20-plus years. That's  
[7] Belinda Brock. Who is Belinda Brock other than who I  
[8] thought at one time was my best friend and my closest  
[9] associate?  
[10] **A.** She was an employee of pretrial services.  
[11] **Q.** Is she also the mother of your secretary,  
[12] Tracie Grabarkewitz?  
[13] **A.** She is.  
[14] **Q.** This reads, "Belinda Brock is currently  
[15] working with her medical care providers to obtain  
[16] copies of her records. Her goal is to be able to  
[17] provide us with the copies next week. She indicated  
[18] earlier today that she will be meeting with you on  
[19] Monday morning. A copy of her rough draft affidavit  
[20] is included in the documentation provided."  
[21] You took my job, Judge Cox, by trying to  
[22] lay a foundation that I had somehow caused Belinda  
[23] harm as far as her mental condition; is that correct?  
[24] **A.** Your job was not taken for that reason.  
[25] **Q.** Why was it necessary to obtain Ms. Brock's

[1] March, so I guess --  
[2] **Q.** Are you sure?  
[3] **A.** I'm not sure, no. I'm not sure.  
[4] **Q.** Did Janet Lindemann receive a promotion  
[5] after my -- directly after my termination?  
[6] **A.** Not a promotion. To my knowledge she was  
[7] temporarily placed in charge of the office.  
[8] **Q.** Was she promoted to a position within  
[9] Magistrate Court after my departure?  
[10] **A.** Well, at some point in time she became the  
[11] mediator coordinator.  
[12] **Q.** Mediation coordinator, that was the  
[13] promotion she received after I was terminated.  
[14] **A.** At some point in time. I don't know when  
[15] in relation to when you were terminated it was.  
[16] **Q.** Was it the same year?  
[17] **A.** I don't recall. Probably, but I don't  
[18] recall.  
[19] **Q.** Did Anita Lingerfelt receive a promotion  
[20] after my termination to another position?  
[21] **A.** I don't know.  
[22] **Q.** You don't know if she received a  
[23] promotion? That's your testimony?  
[24] **A.** I don't know if she received a promotion  
[25] or not. She may have, but I don't know.

[1] medical records?  
[2] **A.** I don't know that it was necessary.  
[3] **Q.** The memo here states that you were needing  
[4] those records.  
[5] **A.** Could I see the memo?  
[6] **Q.** Sure.  
[7] **A.** Well, I didn't prepare the letter, No. 1.  
[8] **Q.** Were you aware that Mrs. Brock's medical  
[9] records were in the process of being obtained?  
[10] **A.** I'm sure at some point in time I was.  
[11] Whether it was on that date the letter was written, I  
[12] don't know.  
[13] **Q.** Isn't it true, Judge Cox, that you used  
[14] Ms. Brock, and she allowed herself to be used, to  
[15] advance her daughter?  
[16] **A.** No.  
[17] **Q.** Did Tracie Grabarkewitz, Belinda Brock's  
[18] daughter, your secretary, receive any type of  
[19] monetary increase after my termination? Within the  
[20] first six months of my termination, did she obtain  
[21] any type of monetary increase or promotion?  
[22] **A.** I don't know about a promotion. She may  
[23] have received a cost-of-living increase or a merit  
[24] increase. I don't know if it was in that time frame  
[25] or not. I think it's normally done in February or

[1] **Q.** I want to enter this document dated March  
[2] the 13th from Bobbie Ely.  
[3] So you were really planting a seed on  
[4] March 13th in an effort to show that somehow I had  
[5] caused Ms. Brock some type of mental anguish; is that  
[6] correct?  
[7] **A.** No, ma'am.  
[8] **Q.** Are you aware of the fact that Belinda  
[9] Brock was my closest friend?  
[10] **A.** No, ma'am.  
[11] **Q.** Are you aware of the fact that Belinda  
[12] Brock was someone who I loved dearly?  
[13] **A.** No.  
[14] **Q.** Are you aware of the fact that Belinda  
[15] Brock had serious problems dating years back,  
[16] personal problems, which she had received mental  
[17] health treatment?  
[18] **A.** I eventually became aware of that. I  
[19] don't know what time frame I became aware of it, but  
[20] I eventually became aware of it.  
[21] **Q.** Do you have knowledge of my consoling her  
[22] practically every morning of our career for 20-plus  
[23] years?  
[24] **A.** No.  
[25] **Q.** I want to direct your attention to a

[1] letter that Ms. Brock sent me. I know that you're  
[2] aware that she went on some type of medical leave in  
[3] September 2001 due to some type of mental breakdown,  
[4] which you-all have alleged that I caused.

[5] Well, here's a letter that she wrote to me  
[6] during that time period when she was out. And she  
[7] talks about how she misses talking to me.

[8] I'm going to read this into the record.  
[9] I'm not going to read the whole thing because I know  
[10] that we're pressed on time, so I'm going to try to  
[11] get some excerpts from it.

[12] Okay. Second paragraph, "I saw my  
[13] therapist this afternoon and I told her that I was  
[14] feeling very anxious about not talking to you right  
[15] now but that I just can't. I told her about how I  
[16] had always been able to tell you anything about what  
[17] is going on with me until now.

[18] "I really don't want to speak much to  
[19] anybody. She suggested that I write you, so I'm  
[20] giving it a shot.

[21] "I appreciate very much," this is Page 3,  
[22] "I appreciate very much the get-well card from  
[23] everyone. I miss you all. I feel terribly bad that  
[24] this has happened to me because I know you need me  
[25] there, but right now anything associated with work

[1] Q. This goes back to December 30th of 2002.  
[2] It's a memo from Wilma Robinson to Bobbie Ely where  
[3] Ms. Ely has made an inquiry as to pretrial  
[4] terminations in my office. Are you familiar with  
[5] that?

[6] A. I'm not sure I've seen this. I was aware  
[7] of the request being made.

[8] Q. Okay. When you held my performance  
[9] evaluation discussion with me in January, you made no  
[10] mention to me about any concerns about turnover or  
[11] terminations; is that correct?

[12] A. I don't believe I did.

[13] Q. But yet in December 2002 you were trying  
[14] to collect data to that effect; is that correct?

[15] A. Apparently.

[16] Q. When I was terminated from my position,  
[17] what did you do with the position?

[18] A. What did I do with the position?

[19] Q. Yes. What happened to the position of  
[20] pretrial court services director?

[21] A. I believe it was downgraded from whatever  
[22] grade you were to a lower grade.

[23] Q. Did you have the authority to do that?  
[24] Did you consult with the Superior Court Judges  
[25] Council?

[1] causes me to have panic attack symptoms.

[2] "The only places I have been to have been  
[3] a few places to eat close by the house and church  
[4] last Sunday and Wednesday night."

[5] The last line is, "Please tell everyone I  
[6] said hello and that I miss them. If you have a  
[7] minute or two to write me, I would love to hear from  
[8] you. God bless. Your friend, Belinda."

[9] This is an employee who worked under me.  
[10] She considered me to be her friend. I considered her  
[11] to be my friend. Do you believe, Judge Cox, that  
[12] you-all were just in making it appear that I had  
[13] somehow harmed my closest friend?

[14] A. I don't know that that was done, ma'am, so  
[15] I don't know.

[16] (Plaintiff's Exhibits 42 through 45 were  
[17] marked for identification.)

[18] Q. (By Ms. Spann) Do you know that I gave  
[19] Belinda one of the largest retirement parties that  
[20] Cobb County has ever seen?

[21] A. No.

[22] Q. Do you know that the night of her  
[23] retirement that she came to my house, she and her  
[24] husband, in fellowship with me and my husband?

[25] A. No.

[1] A. I did not.

[2] Q. Let me ask you. Do you know whether or  
[3] not the Superior Court judges at this time, two years  
[4] later, are on the same page regarding my termination?

[5] A. I don't know what you mean by being on the  
[6] same page.

[7] Q. Do you believe that they all agree that  
[8] the right thing was done in terms of my termination?

[9] A. I doubt all nine agree.

[10] Q. Do you know whether or not there are some  
[11] who support my return to my job?

[12] A. I don't know.

[13] Q. Do you know whether or not if the Superior  
[14] Court judges so choose, that I can be returned to my  
[15] job?

[16] A. I don't know.

[17] Q. Who did you hire into the pretrial  
[18] manager's position?

[19] A. Sarah Henderson.

[20] Q. Is that the same Sarah Henderson who quit  
[21] our office that previous year without notice?

[22] A. I believe it's the same one that quit. I  
[23] don't know what the circumstances of her quitting  
[24] were.

[25] Q. Is she the same Sarah Henderson who I

[1] recommended not be rehired because of the way she  
[2] also jumped me before she left the office?  
[3] **A.** Well, it's the same person that you had  
[4] said -- put in a no rehire status, yes.  
[5] **Q.** When you rehired Sarah Henderson, did you  
[6] consult with me prior to hiring her?  
[7] **A.** No.  
[8] **Q.** Did I ever tell you that I felt that you  
[9] had placed me in a hostile work environment because  
[10] of rehiring Sarah Henderson?  
[11] **A.** You did.  
[12] **Q.** Did you have any compassion or concern for  
[13] my safety when I voiced those concerns to you?  
[14] **A.** Yes, I did.  
[15] **Q.** How did you react to it? What action did  
[16] you take?  
[17] **A.** I contacted Debra Dance in the county  
[18] attorney's office to investigate whether there was  
[19] any legitimate threat to your safety or to your  
[20] wellbeing.  
[21] **Q.** And that was during the same time that  
[22] Ms. Armbruster and I had gone to EEOC to make a  
[23] complaint about the rehire of Sarah Henderson?  
[24] **A.** It may be. I didn't have any knowledge of  
[25] it at the time.

[1] the interviews and selection.  
[2] **Q.** Did Sybil Blackmon apply for the pretrial  
[3] manager position?  
[4] **A.** I believe she did.  
[5] **Q.** Are all three people who I just named  
[6] African Americans?  
[7] **A.** They are.  
[8] **Q.** Are those three employees highly qualified  
[9] for the position?  
[10] **A.** I don't know their personal  
[11] qualifications.  
[12] **Q.** Did those employees have any blemishes in  
[13] their record?  
[14] **A.** I don't know.  
[15] **Q.** If you hired Sarah Henderson and you  
[16] didn't check out the qualification of the other  
[17] employees, how did you know you were getting the best  
[18] candidate?  
[19] **A.** I didn't personally do any of the  
[20] investigation or interviewing. I relied on Ms. Ely's  
[21] judgment.  
[22] **Q.** You relied on Ms. Ely's judgment?  
[23] **A.** Uh-huh.  
[24] **Q.** Do you always rely on Ms. Ely's judgment?  
[25] **A.** I have ever since she's been in my office.

[1] **Q.** Were there any African-American officers  
[2] in my department who applied for that manager's  
[3] position?  
[4] Did Tavaris Waller apply for the position?  
[5] **A.** I really don't know.  
[6] **Q.** You're concerned about the hiring  
[7] practices of the department; is that not correct,  
[8] Judge Cox?  
[9] **A.** Under your supervision, yes.  
[10] **Q.** So what you're telling me now is that  
[11] you're not concerned about Ms. Ely's supervision or  
[12] Ms. Henderson's supervision. You were just only  
[13] concerned about my supervision; is that correct?  
[14] **A.** That would be correct.  
[15] **Q.** So in essence you're proving my case; is  
[16] that correct?  
[17] **MR. WEAVER:** Object; argumentative. I  
[18] don't think he needs to answer that.  
[19] **Q.** (By Ms. Spann) Did Robert Akomah apply  
[20] for the pretrial manager's position?  
[21] **A.** I don't know who applied. I may at one  
[22] time known, but I don't recall now.  
[23] **Q.** Who hired the manager into the pretrial  
[24] position?  
[25] **A.** I hired her, but Ms. Ely actually handled

[1] **Q.** Someone who's made the paper for  
[2] mismanagement, you rely on her expertise; is that  
[3] what you're saying?  
[4] **MR. WEAVER:** Objection; argumentative.  
[5] You're assuming what was stated in the paper is  
[6] true.  
[7] **MS. SPANN:** I'm going on what he said.  
[8] I'm going on what actually happened there.  
[9] **Q.** (By Ms. Spann) Mattie Armbruster, did she  
[10] receive any type of promotion?  
[11] **A.** She has a different job title. Whether  
[12] it's a promotion or not, I don't know.  
[13] **Q.** Did you demote Mattie Armbruster, Judge  
[14] Cox?  
[15] **A.** Initially when she returned to work.  
[16] **Q.** For what reason did you demote Mattie  
[17] Armbruster? She was able to return to work. Why did  
[18] you demote her?  
[19] **A.** I believe it was felt that her position in  
[20] supervision or management would be a potential  
[21] detriment to the harmony of the office. So we  
[22] removed her from any supervision post for her own  
[23] benefit and for the welfare of -- the harmony of the  
[24] office.  
[25] **Q.** And gave the position, again, to a white

[1] female, Sarah Henderson, who was not eligible for  
[2] rehire; is that correct?  
[3] **A.** Well, we hired Ms. Henderson and put her  
[4] in that position, yes.  
[5] **Q.** Do you realize that Ms. Armbruster at one  
[6] time was Mrs. Henderson's supervisor?  
[7] **A.** I don't know if I knew that or not.  
[8] Probably did know that. Probably did know that.  
[9] **Q.** Do you think that you put Ms. Armbruster  
[10] in a hostile environment by placing someone over her  
[11] who she had recommended not to be rehired?  
[12] **A.** No.  
[13] **Q.** Okay. I'm going to -- the investigation  
[14] that was supposedly neutral that we discussed  
[15] earlier, was there any particular reason why Bobbie  
[16] Ely was searching my office?  
[17] **A.** Well, I'm sure there was.  
[18] **Q.** Therefore would you agree that the  
[19] investigation was not neutral if it was supposedly  
[20] being conducted by the county attorney? Let me show  
[21] you this document.  
[22] **A.** Okay. I've looked at that. And your  
[23] question is what?  
[24] **Q.** Why was Bobbie Ely searching my office?  
[25] **A.** I can't give you specifics. It was in

[1] warrant.  
[2] "He stated that the warrant reflects Mrs.  
[3] Arinell signature as well as Tom Weathers'  
[4] signature." Tom Weathers is an assistant DA; is that  
[5] correct?  
[6] **A.** Yes.  
[7] **Q.** "The charge was reduced and referred to  
[8] State Court. He believes," this is you speaking, "he  
[9] believes that if a police officer's relative is  
[10] involved, then the DA's office should have recused  
[11] themselves from the matter."  
[12] **A.** I'm trying to see what you're looking at.  
[13] I'm not familiar with it.  
[14] **Q.** Let me show it to you.  
[15] **A.** It's from Debra Dance.  
[16] **Q.** And it states that you wanted her to check  
[17] into my stepson's arrest.  
[18] **A.** Okay.  
[19] **Q.** What does that have to do with my  
[20] personnel matters?  
[21] **A.** I don't know that it does.  
[22] **Q.** Again, the information that you have here  
[23] before you regarding my stepson, why was that part of  
[24] the investigation if you were investigating personnel  
[25] matters?

[1] reference to locating any records and documents that  
[2] were pertaining to personnel records and any other  
[3] records that she was assimilating to transfer to her  
[4] office.  
[5] **Q.** She stating here that she found the  
[6] Uniform Rules of Superior Court in my office. What  
[7] does that have to do with anything concerning my  
[8] employment?  
[9] **A.** I don't know. You'd have to ask her.  
[10] **Q.** You had people just trying to find  
[11] anything they could. It was a witch hunt. It was a  
[12] railroad; is that not correct, Judge Cox?  
[13] **MR. WEAVER:** Objection; argumentative.  
[14] **Q.** (By Ms. Spann) This memorandum dated  
[15] April 4th, 2003, while I was still out because I  
[16] never came back to the office; is that correct? I  
[17] was out for over two months before you terminated me;  
[18] is that correct?  
[19] **A.** I believe that's correct.  
[20] **Q.** This memorandum is dated April 4th, 2003,  
[21] relative to interview regarding Charles Spann, III,  
[22] who happens to be my stepson. It says, "In speaking  
[23] with Judge Cox he stated he would be interested in  
[24] knowing who contacted Victoria Arinell of the DA's  
[25] office regarding the reduction of the charges on the

[1] **A.** I couldn't recall now two years later what  
[2] prompted that memorandum.  
[3] **Q.** Do you believe -- it appears to be further  
[4] harassment; is that true?  
[5] **A.** No, ma'am.  
[6] **Q.** Do you realize that my stepson is almost  
[7] 30 years old and I have no contact with him, that he  
[8] didn't live at home?  
[9] **A.** No. Don't know anything about him.  
[10] **Q.** Do you think that your conduct was  
[11] becoming a judge?  
[12] **A.** Which conduct are we talking about?  
[13] **Q.** Your conduct in investigating my stepson,  
[14] who had absolutely nothing to do with this so-called  
[15] personnel investigation that you were conducting.  
[16] **A.** I don't recall what prompted that, as I  
[17] said earlier. But anything I would have done I  
[18] believe was appropriate.  
[19] **Q.** Why was it important for Bobbie Ely to be  
[20] looking for my job description in my office?  
[21] **A.** I couldn't answer that question. I don't  
[22] know that she was looking for it. She just said she  
[23] found it.  
[24] **Q.** Did she search also for my family  
[25] pictures?

[1] **A.** I wasn't with her, ma'am. I don't know  
 [2] what she did.  
 [3] **Q.** You would allow this type of conduct to  
 [4] carry on in your court, Judge Cox?  
 [5] This is another memo from Bobbie Ely dated  
 [6] March 27th where she says, "Debra Dance and I  
 [7] reviewed files on the C drive of the computer removed  
 [8] from the office of Wanda Spann on March 27th, 2003.  
 [9] The attached files were located on the said drive.  
 [10] The same were copied to a diskette."  
 [11] Why was she breaking into my computer?  
 [12] **A.** As I stated previously --  
 [13] **Q.** The county attorney is one thing, but why  
 [14] did you have Ms. Ely searching my computer?  
 [15] **A.** I don't know that I had Ms. Ely doing  
 [16] anything, ma'am. Ms. Ely was operating under the  
 [17] direction of the county attorney.  
 [18] **Q.** Do you think it's fair that Ms. Ely was  
 [19] involved in that investigation considering that she  
 [20] was one of the people that I complained on?  
 [21] **A.** I don't know how to answer that question.  
 [22] (Plaintiff's Exhibits 46 through 51 were  
 [23] marked for identification.)  
 [24] **Q.** (By Ms. Spann) You even allowed  
 [25] Ms. Lindemann, who I had terminated, to have access

[1] **Q.** Judge Cox, wouldn't you agree that there  
 [2] was a nonstop effort in derailing me from that  
 [3] position?  
 [4] **A.** No.  
 [5] **Q.** Particularly using e-mail and notes,  
 [6] etcetera, that I have just shown here today?  
 [7] **A.** No.  
 [8] **Q.** Judge Cox, are you in the habit of having  
 [9] employees to document managers and judges their every  
 [10] move?  
 [11] **A.** No.  
 [12] **Q.** Ms. Tracie Grabarkewitz, as I mentioned  
 [13] earlier, her mother and I were dear friends for  
 [14] years. We were confidants. Tracie was like a  
 [15] daughter to me. Is it true that you told Tracie that  
 [16] you wanted her to keep up with the goings and comings  
 [17] of Judge Joan V. Bloom?  
 [18] **A.** At one point in time I did do that.  
 [19] **Q.** Did you also tell Ms. Grabarkewitz that  
 [20] you did not want Judge William Brewer receiving any  
 [21] type of wedding engagements? In other words, isn't  
 [22] it true that your part-time judges under you go out  
 [23] and do private weddings?  
 [24] **A.** Yes.  
 [25] **Q.** And they are paid privately?

[1] to my voicemail and to my office -- is that  
 [2] correct -- pursuant to this memoranda?  
 [3] **A.** Well, it says that she was provided the  
 [4] password to retrieve one voicemail message, so  
 [5] apparently that was done.  
 [6] (Plaintiff's Exhibit 52 was marked for  
 [7] identification.)  
 [8] **Q.** (By Ms. Spann) Do you think it's right  
 [9] for a subordinate employee who's been severely  
 [10] disciplined to have access to the director's personal  
 [11] and professional mailbox?  
 [12] **A.** At the time you were suspended, ma'am.  
 [13] Everything that was done I feel was appropriate.  
 [14] **Q.** You also gave her access to  
 [15] Ms. Armbruster's voicemail; is that correct?  
 [16] **A.** Well, I don't know that I personally did,  
 [17] but apparently it was -- Ms. Ely did.  
 [18] (Plaintiff's Exhibit 53 was marked for  
 [19] identification.)  
 [20] **Q.** (By Ms. Spann) These next three documents  
 [21] can be one exhibit. Judge Cox, these are documents  
 [22] pertaining to my travel. It has absolutely nothing  
 [23] to do with personnel. What were they looking for on  
 [24] my travel report?  
 [25] **A.** I couldn't tell you, ma'am.

[1] **A.** Yes.  
 [2] **Q.** Did you ever tell Ms. Grabarkewitz that  
 [3] she should not assign any weddings to Judge Brewer?  
 [4] **A.** Yes.  
 [5] **Q.** So you are in the habit of talking with  
 [6] employees against judges and managers?  
 [7] **A.** Well, I said what I said. I don't agree  
 [8] that's talking against. If that's how you interpret  
 [9] it.  
 [10] **Q.** Okay. The next -- and I'm almost at the  
 [11] end. The next two documents are -- the first one  
 [12] comes from the investigation, and it's an interview  
 [13] of Paul Oghinan, who was a pretrial release officer  
 [14] currently working in pretrial. He was working at  
 [15] pretrial at the time when I was there.  
 [16] And everything he says in here is  
 [17] positive, yet his testimony is nowhere in Ms. Dance's  
 [18] investigative report. Do you know anything about  
 [19] that?  
 [20] **A.** No.  
 [21] **Q.** Are you aware that employees who made  
 [22] positive statements on my behalf were not included in  
 [23] the investigation?  
 [24] **A.** No, not aware of that.  
 [25] **Q.** Have you ever seen this letter from former



[1] secretary Leona Stevens?  
 [2] **A.** I don't think I have.  
 [3] **Q.** This is a letter that Ms. Stevens wrote  
 [4] while she was still employed in pretrial and was done  
 [5] a few months after my termination. And this letter  
 [6] talks about what was going on during the time and how  
 [7] you had solicited employees, according to her  
 [8] statement, to derail me from my employment. Would  
 [9] you agree or disagree?  
 [10] **A.** I haven't read the letter.  
 [11] **Q.** If you want me to let you read it, I'll  
 [12] let you read it. But I know we're all trying to get  
 [13] out of here.  
 [14] **A.** But what is the question?  
 [15] **Q.** Would you agree with the statements made  
 [16] by Ms. Stevens that you had created problems in the  
 [17] office by turning employees against me?  
 [18] **A.** I can't agree with anything without  
 [19] knowing what she said.  
 [20] **Q.** Well, I'm going to let you read it again.  
 [21] **A.** Are you asking me if I agree with what's  
 [22] in this letter?  
 [23] **Q.** Yes, I'm asking you.  
 [24] **A.** No, I don't.  
 [25] **Q.** Judge Cox, wouldn't you agree that certain

[1] people who were on the list, Mr. Weaver, that  
 [2] you presented to me during my deposition when  
 [3] you asked me who on that list I had conflicts  
 [4] with.  
 [5] I want to just present these. I'm going  
 [6] to make sure that they're both front and back  
 [7] before I enter them. They can all be entered as  
 [8] one exhibit.  
 [9] **MR. WEAVER:** Let me object to your  
 [10] previous statement. I mean, that's testimony by  
 [11] you -- it's not really a question -- that you've  
 [12] received hundreds of cards and so forth.  
 [13] **MS. SPANN:** Do y'all need to see these?  
 [14] **THE WITNESS:** I don't need to see them.  
 [15] **MR. WEAVER:** You don't really need to  
 [16] attach them. I mean, unless you have questions  
 [17] for Judge Cox about them, there's no reason to  
 [18] attach them to the deposition.  
 [19] **MS. SPANN:** I would like to because  
 [20] there's so much negative that has gone in, and I  
 [21] feel like to be -- for it to be balanced and  
 [22] fair, since I've not had an opportunity to  
 [23] defend myself against any of those allegations,  
 [24] not even to this date.  
 [25] I want to just read this one card from

[1] employees said some very mean, nasty things about me?  
 [2] **A.** Certain employees said negative things  
 [3] about you. I don't know about mean, nasty things.  
 [4] **Q.** Have you checked at any time to see  
 [5] whether any of those employees were disgruntled  
 [6] employees, employees who I've had to reprimand in the  
 [7] past or even terminate for some reason?  
 [8] **A.** I have not.  
 [9] **Q.** Do you know and understand that I had a  
 [10] very close relationship with all of my employees,  
 [11] including some of those who I may have disagreed with  
 [12] at times?  
 [13] **A.** I don't know what your relationship with  
 [14] them was, no.  
 [15] **MS. SPANN:** I'm going to enter -- I have  
 [16] received hundreds and hundreds of cards from  
 [17] employees for different kind deeds and just  
 [18] helping employees throughout the years just to  
 [19] advance their careers and also to help them on a  
 [20] personal level. I've given money to families.  
 [21] I've done everything that I could to assist  
 [22] employees in need and just to be a great person  
 [23] to the employees.  
 [24] I just want to just give y'all a few short  
 [25] samples. And a lot of these include some of the

[1] Tracie Grabarkewitz, Ms. Brock's daughter, who,  
 [2] as I said before, was like a daughter to me.  
 [3] And I pretty much helped raise her. And I'm  
 [4] really concerned about where our relationship  
 [5] has gone as a result of all this.  
 [6] And this is from Tracie. I believe it  
 [7] came to me sometime around 2000. There's no  
 [8] date on here, but it says on the front, "There  
 [9] are a lot of people who cross my path every day.  
 [10] There are so my things that go by unnoticed.  
 [11] But you are the type of person who always brings  
 [12] a special moment to my life just by taking time  
 [13] to show you care. These are the moments I won't  
 [14] forget.  
 [15] "Thank you for being who you are, for  
 [16] sharing yourself with others in a way that  
 [17] always makes the world a little brighter."  
 [18] Then she writes a note in here, "Thanks  
 [19] so much for your generous gift." I gave her a  
 [20] lot of money. She was going through a hardship.  
 [21] Her mom came to work and told me. I sent her a  
 [22] substantial amount of money to help her get out  
 [23] of debt.  
 [24] "Please don't feel that you offended me in  
 [25] any way. You have always been so special to me,

[1] and I feel honored to know that someone could  
[2] care so much about me. I think god did good  
[3] when he made you my guardian angel. You are a  
[4] blessing to my life. I love and thank you,  
[5] Tracie."

[6] **Q.** (By Ms. Spann) Judge Cox, the last thing  
[7] I'm going to present to you, in addition to my  
[8] performance evaluations, is your own website. And I  
[9] made a copy of this just the other day, so it should  
[10] have 6/1, 2005. The five is cut off on it.

[11] You stated numerous times during this  
[12] deposition that pretrial services is a division of  
[13] Magistrate Court. But even two years later pretrial  
[14] services is not even listed on your website as a  
[15] division of your court. The telephone number is not  
[16] even listed there. Is there any particular reason  
[17] why it isn't?

[18] **A.** It's never been updated from when it was  
[19] originally placed on the website.

[20] **Q.** Has pretrial services ever been part of  
[21] your website?

[22] **A.** No.  
[23] (Plaintiff's Exhibits 54 through 58 were  
[24] marked for identification.)

[25] **Q.** (By Ms. Spann) As I mentioned earlier, I

[1] **DIRECT EXAMINATION**

[2] **BY MR. WEAVER:**

[3] **Q.** Judge Cox, when Ms. Spann terminated Janet  
[4] Lindemann in March of 2003, is it correct to say that  
[5] she did not have the authority to do that because of  
[6] your memo of March the 5th of 2003?

[7] **A.** Correct.

[8] **MR. WEAVER:** Okay. That's all.  
[9] (Deposition concluded at 3:20 p.m.)  
[10] (Pursuant to Rule 30(e) of the Federal  
[11] Rules of Civil Procedure and/or O.C.G.A.  
[12] 9-11-30(e), the deponent and/or a party having  
[13] requested the right to review the deposition,  
[14] making corrections and/or changes and signing,  
[15] for that purpose the errata pages have been  
[16] annexed hereto.)

[1] do not have the evaluation from 2003 that reflected  
[2] my performance in 2002. However, I do have the  
[3] evaluation from 2002 that reflected my performance in  
[4] the year 2001. Is this your signature, Judge Cox?

[5] **A.** It is.

[6] **Q.** What is the rating that you gave me on  
[7] that performance evaluation?

[8] **A.** Exceeds.

[9] **Q.** Then I'd also like to enter these  
[10] evaluations from former magistrates. Have you had an  
[11] opportunity to look at my personnel file?

[12] **A.** No.

[13] **Q.** Before you terminated me from my job, did  
[14] you look into my personnel file to determine what  
[15] type of training I received and what my previous  
[16] evaluations have been?

[17] **A.** No.

[18] **Q.** So you've never reviewed any of these most  
[19] recent evaluations?

[20] **A.** No, I have not.  
[21] (Plaintiff's Exhibits 59 and 60 were  
[22] marked for identification.)

[23] **MS. SPANN:** That concludes the deposition.

[24] **MR. WEAVER:** Okay. I think I have just  
[25] one question.

[1] **INDEX TO EXAMINATIONS**

[3] Examination	[4] Page
[5] Cross-Examination by Ms. Spann	4
[6] Direct Examination by Mr. Weaver	171

[7] - - -

[1]	INDEX TO EXHIBITS		
[2]			
[3]	Plaintiff's Exhibit	Description	Page
[4]			
[5]	1	Order	13
[6]	2	Uniform Rules for the Georgia Superior Courts	17
[7]			
[8]	3	Superior Court Rules	17
[9]	4	Appendix A	27
[10]			
[11]	5	List of Approval Dates	28
[12]	6	Memo - 3/19/03	34
[13]	7	Letter 8/24/00	38
[14]	8	Authority Document	39
[15]	9	Letter - 1/16/03	43
[16]			
[17]	10	List of Employees Who Left Magistrate Court	62
[18]	11	Newspaper Article	71
[19]	12	Newspaper Article	71
[20]	13	Letter - 3/3/03	77
[21]	14	Memo - 3/6/03	77
[22]	15	E-Mail - 3/6/03	78
[23]	16	Memo - 3/6/03	78
[24]	17	Novell Printout	79
[25]	18	Memorandum - 3/5/03	91
	19	E-Mail - 3/4/03	94
	20	Organizational Chart	94

[1]	Plaintiff's Exhibit		
[2]		Description	Page
[3]	43	Letter - 3/18/03	150
[4]	44	Letter - 3/13/03	150
[5]	45	Handwritten Letter	150
[6]	46	E-Mail - 12/30/02	161
[7]	47	Letter - 3/13/03	161
[8]	48	Memo - 4/3/03	161
[9]	49	Memorandum - 4/4/03	161
[10]	50	Memo - 4/3/03	161
[11]	51	Memo - 3/27/03	161
[12]	52	Memo - 3/20/03	162
[13]	53	Memorandum - 3/20/03	162
[14]	54	Itinerary	169
[15]	55	Memorandum - 4/2/03	169
[16]	56	Letter - 10/20/03	169
[17]	57	Photocopies of Greeting Cards	169
[18]	58	Website	169
[19]	59	Letter - 1/11/02	170
[20]	60	Cobb County Performance Planning And Review Report	170

(Original Exhibits 1 through 60 have been attached to the original transcript.)

[1]	Plaintiff's Exhibit	Description	Page
[2]			
[3]	21	Facsimile Cover/Message Sheet	96
[4]	22	Memo - 3/10/03	103
[5]	23	Meeting with Pretrial Staff 3/4/03	113
[6]			
[7]	24	Memorandum - 3/19/03	113
[8]	25	Memorandum - 3/19/03	113
[9]	26	Memorandum - 1/19/03	113
[10]	27	Memo - 3/19/03	117
[11]	28	List of Documents	123
[12]	29	Memo - 3/20/03	126
[13]	30	Memo - 2/12/03	128
[14]	31	Memorandum - 3/19/03	128
[15]	32	Memo - 1/17/03	131
[16]	33	Letter	131
[17]	34	Memo - 12/31/02	134
[18]	35	Memo	134
[19]	36	Memo	137
[20]	37	Memo - 3/11/03	137
[21]	38	Letter - 3/17/03	140
[22]	39	Memo - 3/18/03	140
[23]	40	Memo - 3/20/03	140
[24]	41	Memo - 3/20/03	142
[25]	42	Memo - 4/1/03	150

C E R T I F I C A T E

STATE OF GEORGIA:  
COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 175 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 20th day of June, 2005.

Pamela L. Porter, CCR-B-2160  
My commission expires on the  
31st day of March, 2006.

[1] COURT REPORTER DISCLOSURE  
[2] [ORIGINAL ON FILE]

[3] DEPOSITION OF: FRANK ROGERS COX

[4] Pursuant to Article 8.B. of the Rules and  
[5] Regulations of the Board of Court Reporting of the  
[6] Judicial Council of Georgia which states: "Each court  
[7] reporter shall tender a disclosure form at the time  
[8] of the taking of the deposition stating the  
[9] arrangements made for the reporting services of the  
[10] certified court reporter, by the certified court  
[11] reporter, the court reporter's employer, or the  
[12] referral source for the deposition, with any party to  
[13] the litigation, counsel to the parties or other  
[14] entity. Such form shall be attached to the  
[15] deposition transcript." I make the following  
[16] disclosure:  
[17] I am a Georgia Certified Court Reporter. I am  
[18] here as a representative of Brown Reporting, Inc.  
[19] Brown Reporting was contacted by the offices of  
[20] Ms. Wanda Spann  
[21] to provide court reporting services for the  
[22] deposition. Brown Reporting will not be taking this  
[23] deposition under any contract that is prohibited by  
[24] O.C.G.A. 15-14-37(a) and (b).  
[25] Brown Reporting has no contract/agreement to  
provide reporting services with any party to the  
case, any counsel in the case, or any reporter or  
reporting agency from whom a referral might have been  
made to cover this deposition. Brown Reporting will  
charge its usual and customary rates to all parties  
in the case, and a financial discount will not be  
given to any party to this litigation.

[18] /s/ Pamela L. Porter, CCR-B-2160 6/9/05  
[19] Signature of attorneys present: Date:  
[20] /s/ George Weaver 6/9/05  
[21] /s/ Wanda Spann 6/9/05

[22] Return this form after review and/or signatures to  
[23] the court reporter for inclusion in the record.  
[24] Please use reverse side for additional signatures.  
[25]

[1] DEPOSITION OF FRANK ROGERS COX / PLP  
[2] Page No. Line No. should read:  
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[12] Page No. Line No. should read:  
[13]  
[14] If supplemental or additional pages are necessary,  
[15] please furnish same in typewriting annexed to this  
[16] deposition.  
[17] FRANK ROGERS COX  
[18] Sworn to and subscribed before me,  
[19] This the day of , 20 .  
[20] Notary Public  
[21] My commission expires:  
[22]  
[23]  
[24]  
[25]

[1] DEPOSITION OF FRANK ROGERS COX / PLP  
[2] I do hereby certify that I have read all  
[3] questions propounded to me and all answers given by  
[4] me on the 9th day of June, 2005, taken before Pamela  
[5] L. Porter, and that:

[6] 1) There are no changes noted.  
[7] 2) The following changes are noted:  
[8] Pursuant to Rule 30(e) of the Federal Rules of  
[9] Civil Procedure and/or the Official Code of Georgia  
[10] Annotated 9-11-30(e), both of which read in part:  
[11] Any changes in form or substance which you desire to  
[12] make shall be entered upon the deposition...with a  
[13] statement of the reasons given...for making them.  
[14] Accordingly, to assist you in effecting corrections,  
[15] please use the form below:

[16] Page No. Line No. should read:  
[17] Page No. Line No. should read:  
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[19] Page No. Line No. should read:  
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