

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
ORPHAN'S COURT

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IN RE: GRAND BOULE OF :
SIGMA PI PHI FRATERNITY : NO. 600 NP of 2025

- - -

Courtroom 432, City Hall
Philadelphia, Pennsylvania

- - -

July 3, 2025

- - -

PRELIMINARY INJUNCTION HEARING

Volume II

- - -

B E F O R E: THE HONORABLE STELLA W. TSAI, J.

1 APPEARANCES:

2 JEFFREY SCOTT, ESQUIRE
3 Counsel for Petitioner

4 KERRI CHEWNING, ESQUIRE
5 Counsel for Petitioner

6 LLOYD JORDAN, ESQUIRE
7 Counsel for Respondent

8 A. SCOTT BOLDEN, ESQUIRE
9 Counsel for Respondent

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DIRECT EXAMINATION BY ATTORNEY

CROSS EXAMINATION BY ATTORNEY

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(None marked.)

1 THE COURT: All right. We are in the
2 middle of testimony. I think the petitioners are
3 resuming their case at this point.

4 Is that right?

5 MR. SCOTT: Yes.

6 THE COURT: Okay. Who are you going to
7 call?

8 MR. SCOTT: Mr. Tyson.

9 THE COURT: Okay. As of on cross?

10 MR. SCOTT: As of on cross.

11 ...JESSE TYSON, after having been first
12 duly sworn, was examined and testified as follows:

13 - - -

14 COURT CRIER: State your name for the
15 record and spell your last name.

16 THE WITNESS: Jesse Tyson, J-E-S-S-E,
17 T-Y-S-O-N.

18 THE COURT: Thank you. You may be
19 seated.

20 Let's see whether we can hear. Can you
21 speak into the microphone?

22 THE WITNESS: Yes.

23 THE COURT: All right. You have a good
24 voice. Thank you.

25

AS OF CROSS - EXAMINATION

BY MR. SCOTT:

Q. Good morning, Mr. Tyson.

A. Good morning.

Q. Mr. Tyson, how long have you been a member of the Boule?

A. Since 2004.

Q. And how did you become President-elect or Grand Sire?
How does that process work?

A. I was the candidate who was selected at a Grand Boule in San Diego the last year to become the Grand Sire-elect. And that position sits in an elect-position until they become the actual Grand Sire two years later.

Q. And how long does the Grand Sire serve his position?

A. Two years.

Q. And then is there a confirmation for the Grand Sire-elect to ascend to the role of Grand Sire?

A. No. It's automatic. Once you become the Grand Sire-elect, then the next position is two years later you being the Grand Sire.

Q. And does the Grand Sire, who was previous Grand Sire, does he get to sit on any committees or other boards as a matter of right?

1 A. In Grand Sire?

2 Q. When he becomes the immediate past Grand Sire?

3 A. Oh, the immediate past. That's very different.

4 Q. Okay.

5 A. The immediate past Grand Sire is a member of the Board.

6 Q. Is there any other role that the immediate Grand Sire
7 has in the Boule?

8 A. The immediate past Grand Sire?

9 Q. Yes.

10 A. Nothing other than just the courtesy of supporting the
11 organization.

12 Q. And does that immediate past Grand Sire have voting
13 privileges and rights?

14 A. Beyond the two years that he is on the Board, no.

15 Q. So is it an honorary position?

16 A. It's an informal, honorary position.

17 Q. All right. Are you retired now?

18 A. From?

19 Q. From regular employment?

20 A. Yes; I am.

21 Q. Okay. Why don't you -- can you give us a little
22 background about yourself? Where you worked previously and
23 what your roles were?

24 A. I am a 35-year retiree from Exxon Mobile. I spent half
25 of my career in the U.S., second half was all international.

1 The U.S. part was mostly operational. I oversaw the fleet
2 operations, that you would see trucks rolling up and down the
3 road carrying gasoline, for probably a quarter of my career.
4 Another quarter was in charge of the distribution and the
5 storage of petroleum products across various states in the
6 U.S.

7 And the second half was all international. I ran
8 Latin American for awhile. My last position was in Brussels,
9 Belgium as I was an aviation director.

10 Q. And when did you retire from Exxon?

11 A. 2011; Exxon Mobile.

12 Q. And have you served on any other boards since that time
13 other than the Boule?

14 A. Yes.

15 Q. Could you give us an example of a couple of boards that
16 you're currently serving on?

17 A. When you say boards, are you referring to for profit or
18 not for profit.

19 Q. Either or?

20 A. I was the former president and CEO of an organization
21 called the National Black MBA Association. As a result of
22 that position, I sat on that board. I am currently on the
23 Williams Company's board. And I've been on various local
24 boards but nothing significant other than those two.

25 Q. And does each of those non-profits or for profit

1 companies have governance rules and standards?

2 A. Yes.

3 Q. And does the -- we've learned this.

4 So the Boule has a constitution; correct?

5 A. Correct.

6 Q. And bylaws. I'm just going to hand them up to you.

7 MR. SCOTT: May I approach?

8 THE COURT: Yes; you may.

9 BY MR. SCOTT:

10 Q. What I handed you is a full set of the September 6th,
11 2024, bylaws?

12 A. Yes.

13 Q. Did there come a time, Mr. Tyson, where there was an
14 investigative committee formed sometime in February of 2025,
15 related to Grand Sire Archon Douglass?

16 A. That was in the past.

17 Q. I was talking the past.

18 A. Yes.

19 Q. At that time there was a board investigative committee
20 formed; right?

21 A. That is correct.

22 Q. And you chaired that committee?

23 A. I chaired the committee at the request of the Board;
24 yes.

25 Q. Can you refresh our memory again who was on that

1 committee?

2 A. Archons Ahmad, Heard, Bradley, and Roman.

3 Q. And as chair, what was your role?

4 A. Just overseeing overall activities associated with the
5 collection of data, analytics, as well as the recommendation
6 that ultimately was made to go forward.

7 Q. And, approximately, how long did that committee, I'll
8 call it, investigate the allegations?

9 A. About a month-and-a-half.

10 Q. Did that start around February, the investigation work?

11 A. It would have started at the end of February because
12 the commission -- the team was commissioned, I think, after
13 the board meeting on February 21st and they made a final
14 recommendation on April the 9th. So in that window of time.

15 Q. At some time was the investigation still pending in the
16 month of March?

17 A. Yes.

18 Q. So your final recommendation was made when?

19 A. April the 9th.

20 Q. At no time before April 9th? That was it? That was
21 the date?

22 A. I'm not sure if I follow that question.

23 Q. There was an investigation happening that was supplied
24 to the board members on April 9th?

25 A. Right.

1 Q. I guess my question is: When was that packet finalized
2 before it was submitted to the Board?

3 A. Yes; it was finalized before it was submitted to the
4 Board.

5 Q. That was my question.

6 A. Okay.

7 Q. Do you know the time period when that was completed?

8 A. Give me your definition of time period.

9 Q. All right. So we know that it was submitted -- it was
10 supplied to the Board on April 9th?

11 A. Correct.

12 Q. Prior to that date, when was the report with the
13 recommendations finalized?

14 A. The finalization of the report was April the 8th.

15 Q. Okay. And that was the first meeting in Orlando;
16 right?

17 A. What do you mean first meeting?

18 Q. You had a board meeting on April 8th?

19 A. Correct.

20 Q. So it was fair to say at no time was that investigative
21 report provided to Mr. Douglass?

22 MR. JORDAN: I object to the leading
23 nature of the question. This is direct examination
24 by Mr. Tyson who he called as his witness.

25 THE COURT: Well, I'll allow some

1 latitude.

2 Overruled.

3 THE WITNESS: Could you repeat your
4 question?

5 BY MR. SCOTT:

6 Q. So is it fair to say that at no time before April 8th
7 was Mr. Douglass provided with a copy of the investigative
8 committee report?

9 A. Mr. Douglass was provided with what the issues were
10 prior to the actual filing of the report. He was provided at
11 the same time the court order was provided.

12 Q. So I'm to going ask you one more time.

13 Was the packet that was given to the Board on April
14 9th given to Mr. Douglass before April 8th?

15 A. The actual packet was not.

16 Q. Were you part of -- I'm sorry.

17 Before the recommendation was made, did the
18 committee discuss the allegations and evidence you gathered?

19 A. Yes.

20 Q. Were you part of that discussion?

21 A. Yes.

22 Q. And at some point the investigative committee came up
23 with final recommendations that you make to the Board;
24 correct?

25 A. That is correct.

1 Q. And was there a vote among the members of the
2 investigative committee?

3 A. Yes.

4 Q. Were you part of that vote?

5 A. What's your definition of part of the vote?

6 Q. Did you say yes or no to each and every recommendation?

7 A. I did not. I recused myself.

8 Q. Why did you recuse yourself?

9 A. Because I didn't need to vote because I knew what
10 the -- when the committee voted, my vote was not necessary.

11 Nor was it -- the committee's charge was not
12 necessarily to come back to the Board with a vote that
13 provided them with how any of the individuals on that
14 committee actually voted. Our charge was to actually do the
15 investigation and make a recommendation as to --

16 Q. But you did not issue an opinion one way or the other
17 with regard to that recommendation?

18 A. I did issue my thoughts and opinions as we developed
19 the document.

20 Q. But you recused yourself from that particular part of
21 the recommendation; correct?

22 A. Yes.

23 Q. Why was your vote at the investigative committee level
24 unnecessary?

25 A. Why was it unnecessary?

1 Q. Yes. You testified that your vote was unnecessary.

2 Why was it unnecessary?

3 A. There was no requirement for me to vote and I chose not
4 to.

5 Q. Did you choose to vote on the motion to remove on April
6 9th?

7 MR. SCOTT: It's dead.

8 THE COURT: Okay.

9 MR. SCOTT: I can shout.

10 THE COURT: Let's just fix it.

11 (Pause.)

12 THE COURT: Okay. All right.

13 BY MR. SCOTT:

14 Q. I just want to step back one second on why you believed
15 it was unnecessary for you not to be part of the investigative
16 committee's recommendation to the Board.

17 A. Would you rephrase that question?

18 Q. You said it was unnecessary for you to vote on the
19 recommendations.

20 Why was it unnecessary for you not to vote on the
21 recommendations at the committee level?

22 A. Because the committee's charge was to investigate and
23 to bring forward their recommendation to the full board. The
24 charge was not to specifically come back to the Board with a
25 we recommend the Board does X or Y.

1 It was charged with investigating and kind of
2 investigating the findings and making a recommendation to the
3 full board. It did not require every member of the committee
4 to vote yay or nay on the recommendation being brought
5 forward.

6 Q. So let me understand that process.

7 So let's say there's Charge A. How many
8 investigative committee members must vote to sustain the
9 charge in order to bring it to the Board?

10 A. Can you rephrase?

11 Q. I'm not sure I can.

12 What part of the question don't you understand?

13 A. The question.

14 Q. Let's say there's a charge that somebody went through a
15 red light and that's a violation of the bylaws. Okay. And
16 there's five committee members and the chair.

17 How many of those committee members have to vote yes
18 to bring that before the Board for a recommendation of
19 sanctions?

20 A. Logic would say three.

21 THE COURT: What did you say?

22 THE WITNESS: Logic would say three

23 because that provides the majority.

24 BY MR. SCOTT:

25 Q. Because that's the majority. Okay.

1 As the chair of that committee, was it an odd number
2 of committee members?

3 A. Five.

4 Q. Five.

5 Excluding yourself; right?

6 A. Including myself.

7 Q. Including yourself.

8 If there was two to two, would you vote?

9 A. It was not two to two.

10 Q. That's not my question. If the committee came --

11 A. I don't know what I would have done in that situation.
12 In reality I would tell you what I did.

13 Q. In the normal course of the proceeding where you're
14 sitting as a chair and there's a total of five people and it's
15 two to two and it's a tie, does the chair break the vote?

16 A. In that hypothetical, any vote would have broken the
17 two to two tie.

18 Q. So you would have voted in that sense?

19 A. I don't know what I would have done. I can tell you
20 what I did. I can't tell hypothetically what I would have
21 done.

22 Q. I'm actually asking you about general procedures
23 because you've been on committees before, you've been on
24 boards before.

25 When you sit as the chair, does the chair of a

1 committee or board normally vote?

2 A. Yes and no. It depends.

3 Q. Under what circumstance would it be a no?

4 MR. JORDAN: Your Honor, I'm objecting to
5 the relevancy of this question here. We're not
6 other organizations.

7 THE COURT: I think it's important to
8 focus on what happened.

9 So sustained.

10 BY MR. SCOTT:

11 Q. If a recommendation in this case came back two to two,
12 a tie --

13 MR. JORDAN: Objection. Asked and
14 answered.

15 THE COURT: I asked for clarity.

16 Overruled. Go ahead.

17 BY MR. SCOTT:

18 Q. Came back two to two in the normal course, would that
19 recommendation fail or would you break the tie as the chair?

20 A. I can't tell you what I would have done.

21 THE COURT: Can I just ask you a
22 question? Is it you can't tell us what you would
23 have done because it's confidential or is it because
24 you don't --

25 THE WITNESS: It's not confidential.

1 It's hypothetical.

2 THE COURT: Hypothetical. It didn't
3 happen.

4 THE WITNESS: Didn't happen. So we can
5 come up with several scenarios, but it didn't
6 happen.

7 BY MR. SCOTT:

8 Q. During the motion to remove, were you the chair of that
9 portion of the board meeting?

10 A. May I ask are you talking about my committee?

11 Q. No.

12 A. Okay. You're not talking about that.

13 The full board meeting?

14 Q. At the April -- that's fine. I apologize, Mr. Tyson.

15 At the April 9th board meeting, Mr. Douglass was
16 not -- at the time he was not at the board meeting, were you
17 running the board meeting as the chair of that board meeting?

18 A. The only portion of that meeting that I was running was
19 when we actually was going through the process of going
20 through the findings and the ultimate vote.

21 Q. The ultimate vote being the motion to remove; correct?

22 A. Being the motion to remove or not to remove or to
23 sanction.

24 Q. And we saw some documents that you voted yes on the
25 motion to remove; correct?

1 A. I don't know what you saw; but I did vote. Yes.

2 Q. And if you did not vote, there would have been seven
3 yeses; correct?

4 A. I don't know because I -- you could ask everybody who
5 voted if they hadn't voted --

6 Q. I can ask you.

7 If you hadn't voted, if you stayed away from voting,
8 there only would have been seven yeses; correct?

9 A. Mathematically; yes. That's correct.

10 Q. And so your last vote is what caused the motion to
11 pass; correct?

12 A. My last vote?

13 Q. You were the last vote?

14 MR. JORDAN: Your Honor, I'm going to
15 object to the characterization of the vote caused
16 the motion to pass.

17 THE COURT: I think he can answer that
18 question.

19 Overruled but --

20 THE WITNESS: Everybody who was in the
21 meeting voted. The order in which the vote took
22 place is -- should not be relevant.

23 BY MR. SCOTT:

24 Q. Before the motion to remove -- before the actual vote
25 took place, was Mr. Bradley present at the meeting via Zoom?

1 A. There was a point in the meeting time when Mr. Bradley
2 was present; yes.

3 Q. At any time during that meeting, at any time during the
4 meeting before the vote, did you become aware that Mr. Bradley
5 had to leave the meeting?

6 A. No.

7 Q. Did Mr. Bradley ever send you a text message that he
8 had to leave the meeting?

9 A. I don't recall receiving a text message from
10 Mr. Bradley. I only recall receiving a text message from
11 Mr. Turner.

12 Q. All right. And did you happen to go back and look at
13 your phone after the vote was made to see whether or not you
14 did receive a text message from Mr. Bradley?

15 A. No.

16 Q. Since yesterday have you done that?

17 A. Since yesterday?

18 Q. Yeah.

19 A. I don't know what you mean.

20 Q. So you've not gone back in your text messages to April
21 8th, to April 9th to see if Mr. Bradley at any time sent you a
22 text message?

23 A. No; I did not.

24 Q. Do you have those text messages going back to April
25 8th, April 9th?

1 A. I have no idea.

2 Q. Were you aware that Mr. Bradley was going to return to
3 the meeting at the time when -- right before he left?

4 A. I had no idea Mr. Bradley left the meeting.

5 Q. When someone leaves the meeting via Zoom, there's no
6 sign out? There's no indication that he has left the meeting?

7 A. I was not the secretary who was monitoring the Zoom.
8 So it was not an expectation that I would monitor whether or
9 not Mr. Bradley, or anyone else on the Board, had left the
10 meeting.

11 Q. So who was responsible for that?

12 A. For what?

13 Q. For determining who was present and who was not
14 present?

15 A. The secretary.

16 Q. Who is that?

17 A. Archon Searcy.

18 Q. Yesterday we heard about and the Court asked a
19 question, describe the contours of the Board room at the time.

20 You were at a hotel, right? Conference room at a
21 hotel?

22 A. That's correct.

23 Q. Was that the Hyatt?

24 A. That is correct.

25 Q. And it was like a U-shape and then the screen, the Zoom

1 screen was facing the Board; is that correct?

2 A. Yes.

3 Q. And on the Zoom screen could you see the members' faces
4 who were present via Zoom?

5 A. If their face was within the screen.

6 Q. Are there times where -- is there an obligation -- I'm
7 sorry.

8 Are board members required to be visually present
9 when they're appearing before Zoom?

10 A. No.

11 Q. Then how do you know they're present?

12 A. You know they're present by voice. In general, I
13 think, that's the only other way other than physically seeing
14 them on the screen.

15 Q. How do you know that they're not present?

16 A. I'm not sure I know how to answer that question.

17 THE COURT: Mr. Scott, I just want a
18 point of clarity. Your question was visually.

19 Do you mean the screen's not off? Do you
20 mean do their names appear on the screen? What do
21 you mean?

22 MR. SCOTT: That is exactly what I'm
23 trying to get at, Your Honor.

24 BY MR. SCOTT:

25 Q. Is it required, if you're appearing before Zoom, to

1 actually be seen on the Zoom rather than --

2 THE COURT: Cam off? Cam on?

3 BY MR. SCOTT:

4 Q. Camera on, camera off, is it required?

5 A. There are times where camera off is okay. For example,
6 if you're not in proper attire. But typically we do have
7 camera on.

8 Q. Is this the preferred preference in a meeting such as
9 this to make sure people on Zoom are present and their camera
10 is on?

11 A. Present, yes. But I won't say it's necessarily camera
12 on.

13 Q. But it was Mr. Searcy's job to make sure that the
14 people who were on Zoom are actually present; correct?

15 A. If they're on Zoom, they're, by definition, present.

16 Q. What if their screen is off?

17 A. Their voice is there.

18 Q. What if they said nothing, how do you know they're
19 there?

20 A. You don't. But you can't vote and say nothing; right?

21 Q. You had said that Mr. Turner had sent you a text
22 message; correct?

23 A. I said I recall receiving a text message from
24 Mr. Turner the night of the board meeting; yes.

25 Q. All right. During the investigative committee, was

1 there a discussion of making a recommendation to remove
2 Mr. Douglass as the Grand Sire?

3 A. I'm sorry. Could you repeat that?

4 Q. During the time period when the investigative committee
5 was convening, was there a discussion about removing
6 Mr. Douglass as Grand Sire?

7 A. No. The team convened -- the team was in a data
8 gathered mode and they gathered the data. Once the data was
9 gathered, they looked at the details and the details drove
10 whether or not the committee was going to make a
11 recommendation or not.

12 It was not an investigation to get Loren Douglass.
13 It was an investigation to gather facts.

14 Q. Understood.

15 A. That's what the committee was charged to do.

16 Q. I appreciate that but my question is: Was there a
17 discussion among the five people as to whether or not one of
18 the recommendations would be to remove Mr. Douglass?

19 A. There was a discussion about a variety of potential
20 recommendations.

21 Q. During that discussion, did people on the investigative
22 committee, which included board member Bradley, raise their
23 opinions?

24 MR. JORDAN: Objection, Your Honor. The
25 question is confusing, ambiguous.

1 THE COURT: Sustained.

2 BY MR. SCOTT:

3 Q. During the time period while you're gathering the
4 information and discussing the information, was there a
5 discussion regarding whether or not to make a recommendation
6 to remove Mr. Douglass?

7 A. There was a discussion about a variety of possible
8 recommendations that the committee was going to make.

9 Q. Was that one of the recommendations?

10 A. That was one of the recommendations.

11 Q. It turned out the investigative committee did not make
12 the recommendations; true?

13 A. Did not make which?

14 Q. Recommendation to remove?

15 A. No; that's not true.

16 Q. That's not true.

17 Does the investigative committee report indicate
18 that the recommendation on any one of the charges by
19 themselves was enough to remove Mr. Douglass?

20 A. The report does not make any reference to whether or
21 not any individual charge is enough to remove. The weight of
22 the six charges is what drove that decision.

23 Q. All right. In the investigative committee report, is
24 there a recommendation that says, in the aggregate, our
25 recommendation is to remove Mr. Douglass?

1 A. That report does not make that statement.

2 Q. Now, before the report was finalized, was there a
3 discussion among the Board -- the investigating committee
4 members regarding whether or not one of the recommendations
5 should be removal?

6 A. There was a discussion about a variety of things and
7 that was one of them; yes.

8 Q. Do you recall the Board members during the discussions
9 individually discussing where they would come out on that
10 recommendation?

11 A. I remember the committee voting on that ultimately. I
12 don't recall specifically whether or not any one individual
13 said that I'm going to vote one way versus another.

14 Q. And the committee voted we are not going to make that
15 recommendation?

16 A. What do you mean not recommendation?

17 Q. In other words, did the committee vote not to make a
18 recommendation to remove?

19 A. No.

20 Q. I think you just said that, though.

21 So did the committee make -- you did say that the
22 committee report does not have on it a motion to remove?

23 A. Those are two separate things.

24 Q. Okay.

25 A. You asked me if the committee voted to. That was one

1 of the considerations. Your second question was was it
2 written in the report.

3 Q. So it was not in the report. We got that.

4 Now, during the discussions, do you recall if any of
5 the members, whether it be Ahmad, yourself, Bradley,
6 raised -- have an opinion as to whether or not he should be
7 removed based on the evidence gathered?

8 MR. JORDAN: Your Honor, I'm going to
9 object. Calls for hearsay. Mr. Bradley is not
10 before the Court.

11 MR. SCOTT: He was present. It's not
12 hearsay.

13 THE COURT: Well --

14 MR. JORDAN: You asked him -- I'm sorry.

15 THE COURT: I think that he can tell us
16 what position they took. It's not confidential.

17 THE WITNESS: Can you repeat that?

18 BY MR. SCOTT:

19 Q. Did Mr. Ahmad, to the best of your memory, indicate
20 what his position would be on the motion to remove
21 Mr. Douglass?

22 A. I don't recall Mr. Ahmad indicating his position as an
23 individual.

24 Q. Did you raise your opinion or position on that issue?

25 A. I did not vote.

1 Q. That's not what I asked you.

2 Did you raise to the Board your opinion on whether
3 or not he should be removed?

4 A. To the Board?

5 Q. To the committee?

6 A. You said the Board.

7 Q. I'm sorry. I'm not as precise. Okay. We're talking
8 about the committee.

9 MR. JORDAN: Your Honor, I'm going to
10 object. It is important that he does make the
11 distinction between what happened at the board
12 meeting and --

13 MR. SCOTT: I agree.

14 THE COURT: Let's restate the question.

15 MR. SCOTT: I agree.

16 BY MR. SCOTT:

17 Q. Mr. Tyson, I'm now just talking about the committee.
18 Okay.

19 Did you raise an opinion during the committee
20 session with regard to what your belief was on a motion to
21 remove him as Grand Sire?

22 A. I did not vote.

23 Q. That's not -- I know you didn't vote.

24 But did you discuss what you believed whether or not
25 he should be removed?

1 A. I don't recall specifically. I do recall going out of
2 my way not to overly influence the decision of the other
3 members of the committee.

4 Q. So --

5 A. So each individual -- we had a discussion. We
6 discussed it for several hours.

7 Q. I'm sorry. I cut you off.

8 A. That's fine.

9 Q. Is there committee notes by any chance? Do you keep
10 committee notes?

11 A. We kept the final draft reports that we gave out to
12 each board member. However, we took them back up at the end
13 of the board meeting.

14 Q. When you said you don't want to influence, what does
15 that mean? You said you didn't want to influence anyone's
16 opinions.

17 What does that mean?

18 A. What that meant was I wanted everybody to bring their
19 authentic self to the conversation and provide whatever their
20 thoughts were about what their opinions were based on the data
21 and not be overly influenced by what my thoughts might be.

22 Q. And did you raise your thoughts to everyone in the
23 room?

24 A. We're talking about the committee; right?

25 Q. Yes.

1 A. We talked about the evidence. Did I ever say if I was
2 going to vote, this is how I was going to vote? No; I did
3 not.

4 Q. So you never said, I think he should be removed?

5 A. I don't recall saying that.

6 Q. Did Mr. Ahmad say that, I think he should be removed,
7 or words to that effect?

8 A. I don't recall what he said and we know what the vote
9 was. So the vote, in my mind, is more important than what
10 anyone might have said.

11 Do I recall what Ahmad said on that given day at
12 that moment in time? No; I do not.

13 Q. Did Mr. Bradley raise his thoughts or opinions on
14 whether or not the committee should recommend removal for
15 Mr. Douglass?

16 A. Same comment would apply. But, yes, everybody on the
17 committee was given the opportunity to say whatever they
18 wanted to say about the evidence that was collected and
19 everyone had a view.

20 Q. And everyone had a say. Okay.

21 So let's talk about, I guess, the communications you
22 had with Mr. Turner.

23 Do you recall the first time after the vote when
24 that was that you and Mr. Turner -- well, Mr. Turner tried to
25 communicate with you? Do you remember when that was?

1 A. I don't remember specifically. I do remember, if
2 memory serves me correctly, it was after our meeting. I think
3 I was on the train going from Orlando to Miami. But it could
4 have been after I arrived back. I don't recall.

5 Q. Did he send you a text message?

6 A. I think he did but I also thought we talked over the
7 phone. But I don't remember.

8 Q. Did you respond to his text messages?

9 A. If I received a text from him, I probably did since
10 that's my MO to respond to text messages.

11 Q. Okay. And do you recall the text message having
12 information that Mr. Bradley would vote no in the aggregate?

13 In other words, if there was a motion to remove, his
14 vote would be no?

15 A. I don't recall the specific content. I don't think the
16 text I received from him said that. But if you have something
17 that says that's what the contents say, you can share it with
18 me. I don't recall saying that.

19 MR. SCOTT: Can I approach?

20 THE COURT: Yes.

21 BY MR. SCOTT:

22 Q. All right. Let me show you what we marked as 9-B.

23 And it appears to be a text message to you,
24 Mr. Tyson?

25 MR. JORDAN: Your Honor, I need to see

1 what document --

2 THE COURT: 9-B.

3 MR. SCOTT: Sorry. 9-B.

4 BY MR. SCOTT:

5 Q. Just take a look at the timestamps and ask you if that
6 refreshes your memory of when you would have received the text
7 message?

8 A. You just want me to look at the time, not the content?

9 Q. You can look at the whole thing?

10 A. Okay.

11 Q. Okay. What time -- does that refresh your memory when
12 you got contacted by Mr. Turner?

13 A. It does.

14 Q. Okay. What time would that have been?

15 A. Well, the text says here 18:18. I don't know what the
16 20:49 is.

17 Q. Okay. I'm looking at just where it says iMessage.

18 A. What's that?

19 Q. I don't know what that is. All right.

20 So but you may have this text message in your phone;
21 correct?

22 A. I may.

23 Q. Okay.

24 A. As a matter of course, I don't go back looking at old
25 text messages. I never in my life -- I don't know if that's

1 still in my phone or not.

2 Q. Got it. My question is real simple. Does it refresh
3 your memory, that's it, whether or not you received a text
4 message from Mr. Turner on or about April 9th around 6:18
5 p.m.?

6 A. Yes.

7 Q. Okay. Did you -- and you said that your
8 normal -- I'm sorry.

9 You said that your normal course of conducting the
10 way you act is you would have replied to Mr. Turner; correct?

11 A. Yes. I think that text message actually demonstrates
12 that I did that.

13 Q. Yes. And did you and Mr. Turner discuss -- did you
14 have a phone conversation with him after this text message?

15 A. I seem to recall I did.

16 Q. And did he explain to you that Mr. Bradley voted no?
17 Wanted his vote to be no?

18 A. I seem to recall that conversation and Searcy asking,
19 well, why doesn't Bradley share what his intent was? Why is
20 he speaking through a third party?

21 Q. Okay. So on April 9th -- by the way, the verbal
22 conversation that you had with Mr. Turner, was that on April
23 9th as well?

24 A. I think so. And if it wasn't, it was after midnight on
25 April the 10th.

1 Q. All right. So it was shortly thereafter; would that be
2 fair to say?

3 A. That would be fair to say.

4 Q. Okay. And after you learned from Mr. Turner that
5 Mr. Bradley's vote was -- should have been a no and it should
6 have been -- did he say to you the vote should have been
7 counted?

8 A. Who, Mr. Bradley?

9 Q. Mr. Turner?

10 A. I think so.

11 Q. Did he tell you why the vote should have been counted?

12 A. I don't recall.

13 Q. What was your response to him when he said that to you?

14 A. I don't specifically recall. But the way I normally
15 would think, I would ask why they would have been making these
16 allegations and asking why was he speaking through a third
17 party.

18 Q. Okay. So at this time, the vote went through.
19 Mr. Douglass was removed as Grand Sire and you become -- you
20 got elevated at that moment in time as the Grand Sire;
21 correct?

22 A. I wouldn't call it elevated; but, yes, I became the
23 Grand Sire.

24 Q. And as the Grand Sire, did you reach out to Stephon
25 Bradley to find out whether or not what Mr. Turner was telling

1 you was accurate?

2 A. I did not. I did not reach out to any board member to
3 ask them about what their vote was.

4 Q. Were you concerned that Mr. Bradley's vote was
5 not -- as the Grand Sire now -- not counted properly?

6 A. I was not anymore not concerned about his vote as I
7 would have been on anyone else's vote.

8 Q. All right. So we'll end this here: So at no time did
9 you make any affirmative or take any affirmative steps to
10 contact Mr. Bradley to see whether or not his vote was no and
11 was made known to the Board?

12 A. No; that's not accurate.

13 Q. Okay. So was there a time that you reached out to
14 Mr. Bradley and asked him about what Mr. Turner had said to
15 you?

16 A. There was no time where I reached out to anyone on the
17 Board to ask them any question about their vote. That
18 included Bradley, Turner, and everyone else on the Board.

19 We had a record. We have a record of how everyone
20 voted.

21 Q. Okay. Is there a bylaw that precluded you from
22 reaching out to Mr. Bradley to ask him whether or not his vote
23 should have been counted as no?

24 A. There's no bylaw that required me to reach out to him
25 or anyone else on the Board.

1 Q. Was that fully in your discretion to reach out to him?

2 A. To reach out to anyone; yes.

3 Q. I'm asking about Mr. Bradley.

4 So that was a call that you made, right, that you
5 were not going to reach out to Mr. Bradley?

6 A. It wasn't a call that was premeditated. I just didn't
7 make the call. There was no reason to make the call.

8 Q. Okay.

9 MR. SCOTT: Now, this is a hypothetical,
10 Judge. I just ask for a little leeway here. If I
11 may?

12 THE COURT: We'll see how it goes.

13 BY MR. SCOTT:

14 Q. All right. If you did reach out to Mr. Bradley and
15 Mr. Bradley had said, yes, I expressed my vote and it was no,
16 what would you have done as Grand Sire?

17 A. Can I sit here today and tell you what I would have
18 done --

19 Q. What would be the fair thing?

20 A. -- I don't know.

21 Q. What would be the fair thing to do?

22 A. The fair thing to do?

23 Q. Yeah.

24 A. The fair thing to do is what we did. We voted and the
25 outcome was what it was. And that was it.

1 Q. So if the Board did count Mr. Bradley's vote, would
2 there have been enough votes to pass the motion to remove?

3 A. If we had counted Bradley's vote and not discounted
4 anyone else's vote?

5 Q. Just as it is. The vote is eight, plus Bradley is a
6 no.

7 There wouldn't have been enough votes; correct?

8 A. I'm not sure why Bradley's vote is the center of
9 attraction here. He's only one person on a board of 13. So
10 why would we single Bradley's vote out and not single out
11 Turner's vote?

12 Q. I'm just asking you the questions. I'm just wondering
13 why, you know --

14 A. I can give you a yes, no, or maybe to that question.
15 And they all would be accurate.

16 Q. It's all possibilities; correct?

17 A. Yes.

18 Q. Many possibilities.

19 Has there ever been a time, in your time at the
20 Boule, where a vote has been reopened because new evidence has
21 come forward?

22 A. I don't recall.

23 Q. So at some point there was a convening of the bylaws
24 committee. We heard that yesterday.

25 You were in the courtroom; right?

1 A. Yes.

2 Q. And Mr. Webster had indicated that his review, he
3 thought that the Section 4G of Bylaw 2 was ambiguous and
4 subject to several interpretations.

5 You remember that testimony?

6 A. I don't recall specifically him saying those words; but
7 I recall his testimony.

8 Q. Okay. Do you recall that -- now, before Mr. Webster's,
9 I'm going to call committee, got involved with that section of
10 the bylaws, did anyone tell Mr. Douglass before the April 8th
11 or April 9th meeting that the Bylaw 2, Section 4G was
12 ambiguous?

13 A. I have no idea.

14 Q. Did you do that?

15 A. I did not.

16 Q. Did anyone provide notice to Mr. Douglass after the
17 April 9th vote that there was a bylaws committee being formed
18 because the bylaw itself was ambiguous?

19 MR. JORDAN: Objection, Your Honor.

20 There's no evidence in this record that a bylaws
21 committee was formed because there was ambiguous --

22 THE COURT: That is not the issue.

23 Sustained.

24 BY MR. SCOTT:

25 Q. Mr. Tyson, do you remember Mr. Webster's testimony that

1 Section 2 in the committee's opinion was subject to different
2 interpretations?

3 A. I don't recall the specifics of his testimony; but I do
4 recall his testimony.

5 Q. Was that the gist of it?

6 A. The -- was the gist?

7 Q. Of the committee doing what it did is because somebody
8 believed that that section was unclear?

9 MR. JORDAN: Objection, Your Honor.

10 Calls for speculation. Again, it's ambiguous in
11 regards to the role and the structure of this.

12 THE COURT: I'm going to allow him to
13 answer the question, if he understands it.

14 Overruled.

15 THE WITNESS: Can you ask me that
16 question again?

17 BY MR. SCOTT:

18 Q. Maybe.

19 All right. After the April 9th vote, did anyone
20 provide notice to Mr. Douglass, whether by e-mail
21 correspondence, any way that there was a committee formed to
22 examine the meaning of Section 4G?

23 A. No; not to my knowledge.

24 Q. Was there any notice to Mr. Loren after April 9th that
25 the committee had submitted a report to the Grand Board

1 regarding the interpretation of Bylaw 2, Section 4G?

2 A. Not to my knowledge.

3 Q. Did Mr. Douglass receive notice of any sort -- e-mail,
4 text -- that there was a board meeting scheduled for May 21st,
5 2025?

6 A. That's the end of your sentence?

7 Q. Period. Yes.

8 A. Okay. I hope not because he was not a member of the
9 Board.

10 Q. All right. So is it fair to say the answer is no;
11 right?

12 A. I don't know.

13 Q. Did you provide him with notice --

14 A. No.

15 THE COURT: Let him finish the question.

16 Go ahead.

17 BY MR. SCOTT:

18 Q. Did you provide him notice of an upcoming board meeting
19 on May 21st?

20 A. No.

21 Q. Did you provide notice to Mr. Douglass that he was
22 being -- that there was going to be another vote on the
23 charges?

24 A. No.

25 MR. SCOTT: May I approach?

1 THE COURT: Yes; you may.

2 MR. SCOTT: Do you have a copy of 14?

3 MR. JORDAN: Fourteen.

4 MR. SCOTT: Your Honor, do you need a
5 copy?

6 THE COURT: Yes; I do.

7 While we're at it, I'd love to have a
8 copy of the bylaws.

9 MS. CHEWNING: I may have another copy,
10 Judge.

11 THE COURT: That's exhibit?

12 MS. CHEWNING: Twenty-eight.

13 THE COURT: Okay. P-28.

14 So we're looking at P-14 and P-28.

15 MR. JORDAN: Your Honor, before counsel
16 begins, I'm going to object to this being used in
17 the trial.

18 THE COURT: Okay.

19 MR. JORDAN: There appears to have been a
20 substantial redaction. I don't know what's on the
21 other side of the redaction or why it was redacted,
22 Your Honor

23 MR. SCOTT: Because it was forwarded from
24 my client to me and there's -- what's blacked out,
25 the to, from, and send, is to me. And you can see

1 on the second thing it says, from, Loren Douglass.
2 What's been redacted is to me.

3 It's communications between counsel and
4 his attorney. I'm sorry. Client and his attorney.
5 And the only portion of this e-mail that's relevant
6 begins with, from Grand Sire Jesse Tyson.

7 THE COURT: All right. So, Mr. Jordan,
8 with that explanation?

9 MR. JORDAN: That this is an
10 attorney-client privilege document?

11 MR. SCOTT: It's not an attorney-client
12 privilege.

13 MR. JORDAN: But it's --

14 MR. SCOTT: Because we didn't have
15 discovery yet in this case, right, we would have
16 received, assuming it's preserved, this e-mail
17 without it being forwarded to counsel.

18 THE COURT: Counsel?

19 MR. JORDAN: Your Honor, I still object
20 for the use of this document.

21 THE COURT: All right. I'm going to
22 overrule the objection based on the explanation of
23 Mr. Scott because it does appear to be a forwarded
24 e-mail and Mr. Tyson can address whether it is an
25 authentic document or not.

1 BY MR. SCOTT:

2 Q. Mr. Tyson, I have in front of you P-14. And if I take
3 you down to the bottom block where it says, The Best of One
4 Another, is that contained on all of your e-mails?

5 A. Where is that?

6 Q. I'm sorry. Right here. First page.

7 THE COURT: Of P-14.

8 MR. JORDAN: Your Honor, I'm going to
9 object to this document for another reason.

10 THE COURT: Okay.

11 MR. JORDAN: We're here about the
12 procedural issues of removal. We're now getting
13 into the substantive issues of the basis behind the
14 removal. If we do, it's opening up a whole new
15 door.

16 This has nothing to do with the vote.

17 MR. SCOTT: No; it has everything to do
18 with the injunction that's been irreparable harm.

19 THE COURT: Well, I think that we've
20 allowed some leeway on these issues. This has to do
21 with the, I believe, they seek -- looking at the
22 series of events that lead up to, I think, May
23 21st -- post-May 21st or April.

24 MR. JORDAN: Your Honor, this is after
25 the removal.

1 THE COURT: After the removal but before
2 the -- when was the vote on --

3 MR. SCOTT: May 21st.

4 THE COURT: May 21st.

5 MR. JORDAN: So is the Court ruling that
6 we can go into the substantive investigation based
7 on the use of this document?

8 THE COURT: So let me just get an offer
9 of proof of how you want to use this document,
10 Mr. Scott.

11 MR. SCOTT: So this was a communication
12 to all the Archons in the fraternity. This
13 communication was sent by the Grand Sire Archon
14 Mr. Tyson, who on the second page has his picture
15 with his arms folded, smiling. This is after
16 Mr. Douglass challenged the vote. This is a
17 communication by Mr. Tyson to the entire fraternity,
18 the Archons, describing all the things that were
19 found on page 3.

20 This document prejudiced Mr. Douglass in
21 case there was an order or decision based on
22 whatever the information to bring back a vote as to
23 the Board. This all went to the Board. This is
24 part of the irreparable harm portion of the
25 injunction standard because it prejudice him to such

1 extent and it goes beyond, actually, what the
2 recommendations were.

3 And there's statements in here that are
4 not consistent with actually what was going on at
5 the motion to remove. And these are his personal
6 beliefs. But not only personal beliefs,
7 Mr. Tyson's, but he's speaking on behalf of the
8 entire fraternity when he sent this out.

9 MR. JORDAN: Thank you, Your Honor.

10 This document goes to the sum and
11 substance of the allegations and charges. And if
12 he's going to do this, we should be allowed to talk
13 about it and bring them out. In not going through
14 this document, which you instructed me not to go
15 through --

16 THE COURT: I raise --

17 MR. JORDAN: More importantly, Your
18 Honor, there's been no testimony or evidence that
19 anybody has been prejudiced by this document.
20 There's no facts in evidence that that happened.

21 MR. SCOTT: He hasn't testified yet,
22 Mr. Douglass.

23 Your Honor, the other thing is it doesn't
24 really go to the substance or the merits as
25 Mr. Jordan has indicated. It goes to whether or not

1 these are truthful statements.

2 THE COURT: Well, I think that to decide
3 if it's truthful, you have to get into the merits.
4 But, however, I think this documentation for the
5 limited purpose of what was submitted or was
6 available to the Board prior to the May 21st vote is
7 relevant to your issues around the documentation.

8 MR. JORDAN: Your Honor, I just want to
9 make it clear on the record that when I tried to go
10 into the substantive with Archon Searcy, I was not
11 allowed to. Petitioners were allowed to go into
12 substantive with Archon Turner. And I just want to
13 make for the record that, again, we're at this point
14 where we're -- someone is being allowed to go into
15 something other than removal.

16 THE COURT: Well, I think that this is
17 not -- this communication is sent out for a very
18 limited purpose. I'm not going to necessarily find
19 them not rightful; right?

20 MR. JORDAN: If I can, one more thing,
21 Your Honor.

22 And, lastly, Your Honor, there's no way
23 not to address it about other people being
24 prejudiced without getting into this admissible
25 evidence. How can you tell what's in anybody's mind

1 whether they're prejudiced by this document?

2 THE COURT: I recognize that; but I do
3 think I want to know procedurally what happened
4 prior to May 21st.

5 MR. JORDAN: But this does not go to the
6 period --

7 THE COURT: I think it does deal with
8 how -- what people received. So I'm going to allow
9 it.

10 Overruled.

11 BY MR. SCOTT:

12 Q. All right. Mr. Tyson --

13 THE COURT: Let me just caution. I'm not
14 going to necessarily credit your -- I just recognize
15 I just want to establish what was sent out.

16 BY MR. SCOTT:

17 Q. Mr. Tyson, do you recall sending or directing this to
18 be sent, this P-14, to be sent to the Archons of Sigma Pi Phi
19 Fraternity?

20 A. Yes.

21 Q. And the words that are on P-14, starting at page 2
22 through 3, are those your words?

23 A. Two through three?

24 Q. Yes. The numbered pages.

25 A. Yes.

1 Q. And did anyone else on the Board contribute to this
2 document labeled P-14?

3 A. Contribute to the actual content or the distribution?

4 Q. The content.

5 A. I don't recall specifically. Although, there are times
6 I will ask for input from others before I send it out.

7 Q. Is there ever a time when someone drafts something and
8 sends it under -- post you being Grand Sire, is there ever a
9 time where someone drafts something that goes out to the
10 organization and puts it under your name?

11 A. Without my consent?

12 Q. Yes.

13 A. I don't recall.

14 Q. Okay. Did this go out with your consent?

15 A. I seem to recall; yes.

16 Q. Okay. And then at the last page -- not the last page.

17 Page 4, is that your signature?

18 A. That is my electronic signature; yes.

19 MR. SCOTT: And that's all the questions
20 I have about that document, Your Honor.

21 THE COURT: Okay. Thank you.

22 MR. SCOTT: That's all the questions I
23 have for Mr. Tyson.

24 THE COURT: Okay. Thank you.

25 Mr. Jordan?

1 MR. JORDAN: Thank you.

2 - - -

3 CROSS - EXAMINATION

4 - - -

5 BY MR. JORDAN:

6 Q. Good morning, Grand Sire Tyson.

7 A. Good morning.

8 Q. Do you still have P-14 in front of you?

9 A. Yes.

10 Q. Isn't it true that this document, P-14, was released
11 only after Loren Douglass held a national broadcast to the
12 brotherhood where he listed all these items he had been
13 charged with on the screen, in print, and went down each one
14 of these items publicly across the fraternity internationally?
15 Isn't that true?

16 A. Yes.

17 MR. SCOTT: Objection. That's leading.

18 MR. JORDAN: He's not my witness.

19 THE COURT: It's direct but I think you
20 can -- why don't you state the question as direct?

21 MR. JORDAN: Your Honor, I need to
22 establish, he's not my witness at this point. He's
23 called in petitioner's case.

24 THE COURT: You have the option to call
25 him or deal with it later in your direct but I think

1 right now you're responding --

2 MR. JORDAN: I'm responding to?

3 THE COURT: You may call on cross.

4 You're not allowed to cross your own witness; right?

5 So I recognize that's the way we deal
6 with it.

7 BY MR. JORDAN:

8 Q. Prior to the sending of P-14, had Archon Douglass held
9 any broadcast or held any other discussion publicly regarding
10 the charges that he had been removed from?

11 A. Yes.

12 Q. And did you at any time order people prior to the
13 release of Archon Douglass public broadcast where he listed
14 these reasons for his removal and had this discussion about
15 the removal, is it -- did you at any time allow anyone to
16 release publicly the charges that were against him and the
17 reasons for the removal?

18 A. Prior to?

19 Q. Yeah, prior to that.

20 A. No.

21 Q. Did you -- is it true that you gave -- did you
22 specifically instruct people not to release the information?

23 A. I did.

24 Q. And what kind of feedback did you get from the
25 membership because you refused to release information?

1 A. The membership?

2 MR. SCOTT: Objection. He's leading.

3 THE COURT: He's going to restate it.

4 BY MR. JORDAN:

5 Q. After Archon Douglass was released, what, if anything,
6 did the membership request of you?

7 MR. SCOTT: Objection. Hearsay.

8 THE COURT: Overruled.

9 Go ahead.

10 THE WITNESS: I received, and continue to
11 receive, several communications from Archons wanting
12 to know more information about why Loren was
13 removed. I was -- I was criticized for not sharing
14 more than we actually did. And as I explained to
15 them, it was really designed to protect the
16 integrity of an Archon.

17 BY MR. JORDAN:

18 Q. So what precipitated P-14?

19 A. What precipitated P-14 going out was the fact that
20 Loren Douglass was actually holding board meetings and telling
21 them he was the Grand Sire. And we couldn't have two people
22 out there trying to present and project to our organization
23 that both of those were true.

24 Q. And was one of these board meetings an international
25 broadcast Zoom meeting?

1 A. Yes.

2 Q. And during that meeting, tell us what happened, if you
3 would?

4 A. I did not participate in the meeting. But I did see
5 the material that was actually used. And basically it was
6 saying that he was still the Grand Sire and the things that
7 people had heard that he was removed for, he made some
8 justifications for those. And basically was saying I am in
9 charge.

10 Q. Did you ever receive, after the time when Archon
11 Douglass was removed, did you ever receive an e-mail from him
12 about him still being Grand Sire?

13 A. Yes.

14 Q. And in any of those e-mails did he talk about the
15 charges that he was removed from?

16 A. Yes.

17 Q. And when I say e-mails that you received, was that
18 e-mailed to you directly or was it a broader group?

19 A. To a broader group.

20 Q. When you say broader group, what was the universe of
21 that group?

22 A. I know he sent it to all of the committee chairs and I
23 don't know if it went to every Archon. But I do know that he
24 had a distribution list of a significant number of Archons.

25 Q. What do you mean by significant?

1 A. Hundreds.

2 Q. And prior to that, what was your position in regards
3 to --

4 THE COURT: Can I ask a question for
5 clarification?

6 You said he sent the communications to
7 hundreds of people?

8 THE WITNESS: I didn't. He did.

9 THE COURT: Right. You're saying that he
10 sent it out to hundreds of people, Mr. Douglass;
11 correct?

12 THE WITNESS: Correct.

13 THE COURT: So can you explain how you
14 know that?

15 THE WITNESS: Because I saw the
16 distribution list.

17 THE COURT: Okay. That's fair.

18 BY MR. JORDAN:

19 Q. And were you on that distribution list?

20 A. No.

21 Q. On any of the e-mails?

22 A. I was on some of them.

23 Q. Yes.

24 Now, let's go back to the start. I want to clear
25 something up. You testified that you were selected in June of

1 2024.

2 What does that mean, as Grand Sire-elect?

3 A. Elect.

4 Q. Elect.

5 And that's different than what Archon Turner talked
6 about yesterday as being selected from random hat draw?

7 A. Correct.

8 Q. And also you stated that you sat on -- or you were
9 questioned about sitting on several boards.

10 What is -- and you mentioned the Williams Company.
11 What is the Williams Company?

12 A. Williams Company is a natural gas company that owns
13 about a third of the natural gas that is sold in the United
14 States.

15 Q. Is that a public company or a private company, not for
16 profit?

17 A. It is a public company.

18 Q. Okay. You used the term -- you were questioned about
19 the investigation committee's voting and consideration or
20 reporting that; correct?

21 A. Yes.

22 Q. You used the term recuse.

23 Did you mean -- when you said recuse, did you recuse
24 yourself? Like I'm not participating in the debate? Or does
25 it mean you just did not vote?

1 A. I just did not vote. I was an active participate in
2 the discussion.

3 Q. And you were asked a question about why did you not
4 vote. You made a statement that said, well, I could see my
5 vote is not necessary.

6 What do you mean by that?

7 A. The committee -- I did not want to overly influence the
8 committee's decision. So I participated in the conversation.
9 It came to a point where they wanted to vote. I did not want
10 me to vote and then they assume that they needed to vote the
11 way I wanted to vote. So that's why I did not participate.

12 Q. Does that mean you could have voted first and you did
13 not; is that what you're saying?

14 A. That is correct.

15 Q. And you just preferred the others to vote ahead of you?

16 A. Correct.

17 Q. Now, there's a lot of question about -- strike that.

18 The investigation report released on April 9th, were
19 they the same charges that were contained in the interview
20 with Loren Douglass on April 1st?

21 A. Yes.

22 Q. And how long was that interview with Loren Douglass on
23 April 1st?

24 A. A little under two hours.

25 THE COURT: Can you restate that?

1 THE WITNESS: A little under two hours.

2 MR. JORDAN: Your Honor, if I may
3 approach? I'm going to hand the witness SPP-4.

4 THE COURT: Okay.

5 BY MR. JORDAN:

6 Q. And SPP-4 has at the top an e-mail from Loren Douglass,
7 April 1st, 2025. It says, my statement to the inquiry
8 committee.

9 Do you see that?

10 A. Yes.

11 Q. And were you one of the recipients of this letter?

12 A. Yes.

13 Q. And have you seen this letter before?

14 A. Yes; I have.

15 Q. And what is the substance of the letter?

16 A. The substance or subject?

17 Q. The substance?

18 A. The substance is Archon Douglass' explanation of the
19 six things of the committee findings in terms of his response
20 to what they were.

21 Q. And so he was -- in your opinion, he was responding to
22 the charges that were before?

23 A. That is correct. And he wanted the committee to have
24 that prior to us doing the interview with him on April 1st.

25 Q. I'm going to show you what's been -- strike that.

1 Were those the same charges that were in the report
2 on April 9th, the things he's responding to?

3 A. Yes.

4 Q. I'm going to show you what's been marked SPP Exhibit 2.

5 THE COURT: SPP?

6 MR. JORDAN: Exhibit 2.

7 BY MR. JORDAN:

8 Q. And SPP Exhibit 2 is identified as an e-mail from Loren
9 Douglass, March 16th, 2025, setting his pathway forward.

10 Actually, it's a two-page document if you flip it front and
11 back.

12 Have you seen that document before?

13 A. Yes; I have.

14 Q. And what's the substance of this?

15 A. The subject of the document is a path forward. And it
16 actually lists the six major allegations that were brought
17 against Archon Douglass.

18 Q. So he's responding, again, to the charges; is that
19 correct?

20 A. That is correct.

21 Q. Were the charges that were released on April 9th any
22 different than these charges?

23 A. No.

24 Q. When Archon Douglass was interviewed April 1st on
25 charges, were those charges that he was interviewed on April

1 1st any different than what was on the April 9th report? The
2 charges? You don't have the document.

3 A. Okay. April 9th?

4 Q. Yeah. April 9th.

5 A. No; they were the exact same charges.

6 Q. And the -- what was the reason that the final April 9th
7 report that contained the same charges that Archon Douglass
8 had previously responded to, what was the difference between
9 the Board?

10 A. Between those and the contents here?

11 Q. No. What was released on April 9th, the final report.

12 A. There was no difference.

13 Q. Was there a difference regarding to recommendations?
14 Was that in the final record on April 9th?

15 A. The April 9th report was more detailed. The substance
16 of the six issues were the same. But our packet just had more
17 detail included.

18 Q. You just provided the information for supporting those
19 charges?

20 A. Correct.

21 Q. And during that April 9th meeting, did Archon Douglass
22 have the opportunity to respond a third time to these charges?

23 A. Yes.

24 Q. And any time during that meeting, did Archon Douglass
25 exit the meeting on April 9th?

1 A. On April 9th, there were two times. The first time he
2 and I exited the meeting.

3 Q. On April 9th or April 8th?

4 A. April 9th.

5 Q. Okay.

6 A. But it was only for five minutes to have a conversation
7 with him. We went back in the room and that's when he made
8 his -- we gave him the opportunity to present whatever
9 thoughts, comments he had about the findings. And that was
10 about a 45-minute opportunity that he elected to make.

11 Q. And after he made his comments in an attempt to refute
12 or rebutte the charges, what, if anything, did he do?

13 A. After his comments, he left the room.

14 THE COURT: Mr. Jordan, you asked the
15 question that there were three times that
16 Mr. Douglass had an opportunity to respond.

17 Could you just enumerate for me so I have
18 them because we don't know these facts?

19 MR. JORDAN: The first one was an e-mail
20 to the Board. On SPP-2 I think we just went -- I
21 think -- yes, a copy of that.

22 The second time was by e-mail, SPP-4,
23 April 1st.

24 The third time was a two-hour interview,
25 a Zoom interview on April 1st.

1 THE COURT: That's the Zoom interview?

2 MR. JORDAN: Zoom interview where he got
3 to discuss each one of the charges and being
4 discussed what they had accumulated and him respond
5 to all of it.

6 And, actually, Your Honor, you're right.
7 Thank you. The fourth time then would have been
8 when he spoke with them on April 9th.

9 BY MR. JORDAN:

10 Q. Is that correct?

11 A. That is correct.

12 Q. Thank you for the correction.

13 THE COURT: I'm doing a little math. A
14 lot of math.

15 Okay. Go ahead.

16 BY MR. JORDAN:

17 Q. Now, you were questioned about at length, over and over
18 again, about the investigation committee recommendation;
19 correct?

20 A. Correct.

21 Q. And you were asked questions about did the
22 recommendation committee vote to recommend removal; correct?

23 A. Correct.

24 Q. And -- but something else happened different at the
25 Grand Board meeting, is that correct, in regards to the final

1 resolution -- strike that. Let me ask it differently.

2 So when the investigation report was given, was
3 there a recommendation in that report to remove Loren
4 Douglass?

5 A. No.

6 Q. And so does the investigation committee have control or
7 authority over the Grand Board?

8 A. No.

9 Q. Does the Grand Board have the right to exercise their
10 power and authority based upon their own discretion?

11 A. Yes.

12 Q. So they weren't bound by what was in the investigation
13 committee report; is that correct?

14 A. No; they were not.

15 Q. Did the Grand Board deliberate and review the charges
16 and the information being returned?

17 A. It did.

18 Q. And to your knowledge, at that meeting, did the Grand
19 Board have the opportunity to listen to Archon Douglass
20 respond to those charges?

21 A. Yes; they did.

22 Q. Did they deliberate afterwards?

23 A. Yes.

24 Q. And Archon Douglass wasn't in the room; was he?

25 A. He was not in the room when they deliberated.

1 Q. Did you instruct Archon Douglass to leave the room?

2 A. I did not.

3 Q. Did you demand that he leave the room?

4 A. I did not.

5 Q. Did you say anything to him about being in or out of
6 the room?

7 A. No; I did not.

8 Q. Prior to this removal, what -- how would you
9 characterize your relationship with Archon Douglass?

10 A. It was good.

11 Q. I'm sorry?

12 A. Good.

13 Q. You guys socialized together?

14 A. We didn't go hang out together other than when we were
15 at events.

16 Q. Any ill will?

17 A. No.

18 Q. Any cross speak?

19 A. No.

20 Q. You never sent an e-mail that said you're not going to
21 kick him out of this organization or anything like that?

22 A. I did not.

23 Q. Did you -- what, in regards to his initiatives, did you
24 support or fight back on his initiatives and programs?

25 MR. SCOTT: Objection. I just want to

1 get some clarification. Is this now their case
2 in --

3 THE COURT: Well, I think the question is
4 are you saving time or are you calling him?

5 MR. JORDAN: I'm getting to this vote.
6 This is all to establish the votes.

7 THE COURT: Okay. So you're going to
8 call him again, you think?

9 MR. JORDAN: Maybe not, Your Honor.

10 THE COURT: I think just to save time, we
11 can get into your questions.

12 All right. So that's fine. So I think I
13 want to go back to the question about the
14 relationship.

15 BY MR. JORDAN:

16 Q. About the relationship?

17 A. I think your question was, why did I support or not the
18 programs of Archon Douglass? Actually, I did. I mean, you
19 don't know if you're not in the organization, but when I was
20 running for Grand Sire-elect, Archon Douglass and I spent a
21 fair amount of time in there because my platform was somewhat
22 aligned with the things he was already in the process of
23 implementing.

24 And we didn't feel the need for any of us to
25 reinvent the wheel. If we liked what was going on before us,

1 why not just continue that when I was in the role. We spent a
2 fair amount of time talking about that transition and had a
3 pretty good verbal plan that much of what he was already
4 doing, would continue under my administration. So, no.

5 Q. So the answer is you supported his plans?

6 A. I did for the most part.

7 Q. At the April 9th meeting, I think you said that you
8 didn't want to influence the vote.

9 What was the basis of that?

10 A. I felt the team had done its work. We presented our
11 findings. And everyone should have the right to their own
12 individual, independent process to determine whether or not
13 they were going to vote to remove, not to remove, sanction, or
14 not to sanction. And I thought I had done my work to get to
15 that point.

16 Q. So are you saying out of a sense of fairness?

17 A. Yes.

18 Q. And were you conflicted at that point at that meeting?

19 A. Yes; somewhat.

20 Q. How were you conflicted?

21 A. Well, Loren and I have worked together two years and
22 this was not an easy decision.

23 Q. So the removal bothered you?

24 A. It did.

25 Q. Why did it bother you?

1 A. We're in the same organization. Our platforms were
2 very similar. We were trying to establish some of the same
3 things and this would be a setback.

4 Q. Thank you.

5 I think you still have a copy of Petitioner's 9-B,
6 that would be the text message that you went through.

7 MR. JORDAN: Can I -- we've used this
8 routinely during this process, Your Honor. We don't
9 have extra copies.

10 THE COURT: 9-B, you need a copy?

11 MR. JORDAN: Yes. Thank you.

12 BY MR. JORDAN:

13 Q. Do you remember under direct by Mr. Scott you were
14 asked in regards to questions about this 9-B that purports to
15 be a text message at 20:49. At the top of it say Jesse Tyson?

16 A. Correct.

17 Q. And you were asked questions about why did you not
18 include the vote of Archon Bradley; is that correct?

19 A. Correct.

20 Q. And as Archon Bradley indicated he was advocating that
21 had he been at the meeting, he wanted his vote counted as not
22 to remove? My vote is against, not to remove?

23 A. Correct.

24 Q. I'm going to ask you now to flip over to, I think, it's
25 P-28, page 13, I believe.

1 THE COURT: Which one?

2 MR. JORDAN: P-28, that is the
3 constitution and the bylaws. Page 13.

4 BY MR. JORDAN:

5 Q. I'm going to direct your attention to Bylaw 5I.

6 Do you see Bylaw 5I towards the middle of the page
7 under voting?

8 A. Yes.

9 Q. Could you read that for us?

10 A. Each Grand Board member shall have a vote on all
11 matters that require action by the Grand Board when he is
12 present and may not be represented by proxy.

13 Q. So based upon that provision, would you agree that
14 Archon Bradley's vote could not be accepted?

15 A. If he had voted, I agree, it could not have been
16 accepted. I don't really think this is actually a vote. But,
17 yes, I agree with that.

18 Q. Regardless of even if we assume it's a vote, it still
19 couldn't be counted because he wasn't in the meeting?

20 A. Correct.

21 Q. And it's not allowed by proxy?

22 A. Correct.

23 Q. Are you familiar with the Pennsylvania law in regards
24 to 5759 that it does not allow proxy voting?

25 A. 5759?

1 Q. Yes. Are you familiar?

2 A. No; I'm not.

3 Q. And did you meet with Archon Douglass prior to the
4 April 9th executive session meeting?

5 A. Yes.

6 Q. And when was that?

7 A. It was immediately before we gave Archon Douglass the
8 floor to speak to the Board.

9 Q. And what did you discuss with him?

10 A. We met at his request and it was a very short meeting
11 right outside the meeting room. And he asked me if the Board
12 or the committee was getting ready to recommend his removal.

13 Q. Who asked for the meeting?

14 A. Archon Douglass.

15 Q. And was anybody else at the meeting?

16 A. No.

17 Q. On April 8th, was anybody else?

18 A. You said April 8th. I'm sorry. What I just said was
19 in reference to April 9th.

20 April 8th the meeting was Archon Heard, who was on
21 the committee, and myself met with Archon Douglass.

22 Q. And what, if anything, was discussed at that meeting?

23 A. It was a short meeting. But we talked about what the
24 process was going to be the following day and gave him the
25 opportunity to ask us questions, talk through the process the

1 team went through, and -- but that was it.

2 Q. What was -- what did he ask you?

3 A. It was really more what process were we doing the
4 following day and if he could be given the information in
5 advance.

6 Q. Who asked for that meeting?

7 A. We did. Well, I'm not sure. Let me back up. I don't
8 recall.

9 Q. And what was the substance of your -- you said it was
10 two meetings on April 9th with him?

11 A. Yes.

12 Q. What was the substance of the first meeting?

13 A. Well, the first meeting was just a meeting between
14 Archon Douglass and myself and it was two Archons in
15 preparation for before we gave him the floor to speak to the
16 Board, he had asked if we could step outside of the room.

17 Q. Now, that meeting actually -- was it in Miami was that
18 meeting?

19 A. No; it was Orlando.

20 Q. Orlando.

21 Was that a two-day meeting, started April 8th and
22 going over to April 9th?

23 A. Correct.

24 Q. And who chaired that meeting?

25 A. The April 9th meeting?

1 Q. April 8th and 9th.

2 A. Well, Archon Douglass chaired the meeting up to the
3 time when we were actually getting ready to talk about the
4 investigation.

5 Q. And are you aware of any time that the agenda for that
6 April 8th, April 9th meeting changed?

7 A. Yes.

8 Q. I'm going to hand you what's been marked as SPP-3.

9 THE COURT: Okay. Let me just check with
10 my court reporter.

11 (Pause.)

12 BY MR. JORDAN:

13 Q. SPP-3 is from Loren Douglass, dated April 8th, revised
14 Grand Board Meeting, Final Itinerary.

15 Have you seen that document before?

16 A. Yes.

17 Q. And it purports to be -- what does it purport to be?

18 A. It is a revised version of the agenda that we
19 originally had put together for the two-day meeting.

20 Q. And some things were changed; correct?

21 A. Correct. Things were moved around.

22 Q. Do you have knowledge of what might have been removed
23 or moved?

24 A. The -- I think the governance and fraternity affairs
25 briefing was -- I think it was earlier in the day on the 9th.

1 Q. And when you say governance and fraternity affairs, did
2 that include the report of the investigation committee?

3 A. That was specifically what I was referring to.

4 Q. And Archon Douglass moved it to a latter part of the
5 day -- latter part of the meeting?

6 A. Right. Under the governance and fraternity affairs
7 briefing, there are other things in that section. But the
8 updates that I referred to is part of that.

9 Q. So the agenda that the Board was operating on was
10 drafted by Archon Douglass; correct?

11 A. Yes. It's my understanding.

12 Q. Did you or Archon Searcy move the agenda again from
13 other than what you just saw now in SPP-3?

14 A. No.

15 Q. To your knowledge, did anyone ask Archon Douglass to
16 leave the April 9th executive session meeting after he had his
17 fourth chance to rebutte the charges?

18 A. No.

19 Q. You didn't hear anybody yell out, throw him out the
20 gallery, get out, or anything like that?

21 A. No; nothing of the sorts.

22 Q. Now, did there come a time when the Board wanted to
23 reevaluate and take another look at the removal process of
24 removing Archon Douglass and the basis thereof?

25 A. Yes.

1 Q. After April 9th?

2 A. Yes.

3 Q. When was that?

4 A. I think it was May the 21st.

5 Q. Did there come a time when there was a request to the
6 constitutional bylaws committee to make a recommendation on an
7 interpretation of Bylaw 2, Section 4G?

8 A. Yes; I seem to recall.

9 Q. And who made that request?

10 A. I don't remember if it was me or the executive
11 committee. I don't recall specifically.

12 Q. I'm going to show you what's been marked as SPP
13 Exhibit 8.

14 THE COURT: Okay.

15 BY MR. JORDAN:

16 Q. And SPP Exhibit 8 is to the Grand Board for the grand
17 constitution bylaws committee of April 21st, 2025.

18 Have you seen this document before?

19 A. I seem to recall; yes.

20 Q. And have you read this document before?

21 A. I'm sorry?

22 Q. Have you read this document before?

23 A. I did.

24 Q. Was does this document purport to be?

25 A. It's a memo to the Grand Board referencing the

1 interpretation of the voting requirements that's contained in
2 our bylaw as it relates to removal of the Grand Board.

3 Q. And is this in response to your request or the Grand
4 Board's request to have an independent evaluation?

5 A. That is correct.

6 MR. JORDAN: Excuse me, Your Honor. One
7 second.

8 (Pause.)

9 BY MR. JORDAN:

10 Q. I'm going to show you what's been marked as SPP
11 Exhibit 9.

12 SPP Exhibit 9 says, Resolution 1, executive
13 committee of the Grand Boule Sigma Pi Phi ratifying the
14 interpretation of Bylaws 2, 4G of the grand constitutional
15 bylaws committee.

16 Do you see that?

17 A. Yes.

18 Q. Have you seen that document before?

19 A. Yes; I have.

20 Q. Did you see your signature on that document?

21 A. I do on page 2.

22 Q. And what does this document purport to be?

23 A. It is the ratification of the interpretation of the
24 Bylaw 2, 4G that basically addresses the vote that the Board
25 had taken.

1 Q. And does it include the interpretation of the document
2 provided by the grand constitutional bylaws committee?

3 A. It does.

4 Q. I'm going to have you give your attention back to P-28
5 and ask you to turn to page 14 of P-28 is the constitution and
6 bylaws. I'm going to ask you to turn your attention to Bylaw
7 3, Section 6.

8 And can you read that Section 6A for me please, page
9 14, please.

10 A. I got it.

11 Q. Towards the top of the page.

12 A. The Executive committee shall, A, interpret the Grand
13 Boule Governance Laws, subject to consultation with the
14 General Counsel and the Chairman of the Grand Boule
15 Constitution and Bylaws Committee.

16 Q. So did that in deed occur?

17 A. Yes.

18 Q. And Resolution 1, P-9, is a consequence of exercising
19 that power and authority of the executive committee; is that
20 correct?

21 A. That is correct.

22 Q. And are you a member of the executive committee?

23 A. I am. I'm the chair of the executive committee.

24 Q. Moving now, we began to talk about a meeting of the
25 Grand Board that was held on May 21st; correct?

1 A. Correct.

2 Q. And at the May 21st meeting, was one of the
3 considerations during that meeting was to reexamine and look
4 back at the process of the removal of Loren Douglass?

5 A. That is correct.

6 Q. And at that meeting, did the Grand Board have dialogue
7 and reconsider and rediscuss the removal of Loren Douglass?

8 A. We did.

9 Q. I'm going to show you what's been marked as SPP Exhibit
10 Number 10.

11 And Number 10 is a resolution of the Grand Board of
12 Directors adopting, interpreting Bylaw 2-4 and ratifying
13 prior action concerning the removal of Grand Sire Archon and
14 affirming voting requirements for adoption; correct?

15 A. Correct.

16 Q. Have you seen this document before?

17 A. I have.

18 Q. And do you see Archon Searcy's name signed to this
19 document?

20 A. Signed on the second page.

21 Q. And do you remember this action at the May 21st, 2025,
22 meeting?

23 A. I do.

24 Q. And was his resolution voted upon?

25 A. Yes; it was.

1 Q. Prior to voting on this resolution, was there any
2 dialogue or discussion about the April 9th removal of Archon
3 Douglass?

4 A. It was.

5 Q. And was -- and do you have a knowledge of what the vote
6 was in regards to adopting the resolution?

7 A. It was 11 to 0.

8 Q. And when that meeting started, how many members -- how
9 many Grand Board members were in the meeting?

10 A. Thirteen.

11 Q. And why was the vote 11 to 0?

12 A. Because right before the vote was taken, two of the
13 Board members dropped off the call.

14 Q. What board members were they?

15 A. Kennedy and Turner.

16 Q. This Archon Turner?

17 A. Yes.

18 Q. And after the vote was taken, did you receive any other
19 communication from either one of those two?

20 A. Kendrick.

21 Q. What was the substance of that?

22 A. The substance was the 11 to 0 vote is not valid because
23 two of us left the call.

24 Q. Do you have an opinion about what he meant by that?

25 A. I do.

1 THE COURT: You have an objection?

2 MR. SCOTT: To the opinion about what
3 someone else meant.

4 MR. JORDAN: I asked for his opinion.

5 THE COURT: I would say -- I want to
6 understand what his reaction was to that call. If
7 you could just tell me how you reacted to that.

8 How did you react to that call?

9 THE WITNESS: It was an e-mail.

10 THE COURT: An e-mail.

11 THE WITNESS: And my reaction was we had
12 been talking a lot about present and voting and the
13 fact that he dropped off the call was an intentional
14 removing himself from the process to avoid us from
15 being able to conduct business.

16 THE COURT: Okay.

17 MR. JORDAN: Just one moment.

18 (Pause.)

19 BY MR. JORDAN:

20 Q. And let me ask what I believe might be my last
21 question.

22 What is your assessment of how that Grand Boule is
23 operating in regards to its operation and function at this
24 time under your leadership?

25 A. I feel good about where we are. Our response to

1 Archons has been great. They wanted clarity. We were trying
2 to provide that. We had a state of fraternity webinar or a
3 meeting by Zoom two weeks ago. We had 1200 Archons dial in.
4 We had never had that kind of response from Archons before.

5 And so I feel good about where we are. In addition
6 to that kind of response, I did a traveling tour of all five
7 of our regions. The response was overwhelming.

8 Q. When you say you did a traveling tour, did you visit a
9 group, individual, what happened?

10 A. We went to Washington, D.C., to visit the Archons in
11 the Northeast at a physical Boule Leadership Institute
12 meeting.

13 Q. Any other places?

14 A. We went to Columbus, Ohio to meet with our Boule in
15 Columbus. We went to Detroit to meet with the Boules in
16 Detroit. We went to Chicago to meet with the three Boules of
17 Chicago. We went to Dallas to meet with the four Boules in
18 Dallas. We went to San Francisco to meet with the Boules in
19 Northern California.

20 And so we've had great reception. We've been very
21 visible. We've been very transparent. Archons know things
22 are going on. They're looking for some way of bringing some
23 sensibility back to our fraternity. And that's what our
24 message has been to them.

25 Q. All right. Thank you.

1 MR. JORDAN: No further questions.

2 THE COURT: All right. Before we go on,
3 I think we need to speak to our court reporter.

4 (Pause.)

5 THE COURT: Okay. We're going to
6 complete your testimony.

7 - - -

8 AS OF RECROSS - EXAMINATION

9 - - -

10 BY MR. SCOTT:

11 Q. All right. Mr. Tyson, can you pull out the bylaws?
12 That's P-28.

13 A. The constitution?

14 Q. I call them the bylaws. It is both the constitution
15 and bylaws.

16 Could you turn to page 14 and let me know when
17 you're there?

18 A. I'm there.

19 Q. And could you go to Section 5A. I'm sorry. Section
20 6A.

21 A. Okay.

22 Q. And it says, the executive committee shall interpret
23 the Grand Boule Governance Laws, subject to consultation with
24 the general counsel and the chairman of the Grand Boule
25 constitution and bylaws committee.

1 Now, who was the general counsel on May 21st, 2025?

2 A. I don't recall the specific date but I don't know if we
3 had -- May 21st?

4 Q. Yes.

5 A. It was not -- we would not have had one.

6 Q. I actually didn't hear you because of the air
7 conditioning. Can you say that again?

8 A. I don't recall the specific day that we engaged our
9 Archon Jordan. If it was not prior to this day, then we would
10 not have had a signed agreement with a GC.

11 Q. Okay. So Mr. Jordan, who is representing the
12 fraternity today, was part of discussions or he wasn't part of
13 discussions?

14 A. I don't --

15 MR. JORDAN: Your Honor, that's -- I
16 object. That was not part of the question. The
17 question was who's general counsel on that day.

18 THE COURT: Okay. We'll maybe get to
19 that question.

20 THE WITNESS: I don't --

21 THE COURT: Answer the first question.

22 THE WITNESS: I don't know. I can't sit
23 here today and tell you on that exact day who the GC
24 was. I'm sure if I go to my notes or laptop, I
25 could answer the question. But I don't know.

1 BY MR. SCOTT:

2 Q. Who was it before Mr. Jordan?

3 A. We did not have one.

4 Q. Ever?

5 A. Well --

6 Q. No. That's a bad question. I withdraw.

7 So in 2025, you didn't have general counsel?

8 A. If I think I know where you're going with this.

9 Q. I'm not going anywhere.

10 In 2025, did you have general counsel?

11 A. I did not; no.

12 Q. No, not you. The Boule?

13 A. We did not have a signed agreement with a general
14 counsel.

15 Q. Did you have somebody acting as general counsel?

16 A. I don't -- I think Archon Douglass did but I don't
17 think we did as a fraternity.

18 Q. Okay. So Mr. Caesar Mitchell; right?

19 Mr. Mitchell didn't he come to board meetings?

20 A. He just may have been at board meetings.

21 Q. And didn't that start in 2024 or '25 where he started
22 to come to board meetings?

23 A. I don't know when it started. I don't know whether he
24 was apart of it prior to me coming on as Grand Sire-elect or
25 not.

1 Q. And when he came to these board meetings -- this would
2 be Mr. Mitchell -- he was there acting as an attorney;
3 correct?

4 A. Yes.

5 Q. Because he wasn't a board member?

6 A. He was not.

7 Q. He was providing legal guidance to the Board, if
8 necessary and requested?

9 A. I think he was providing more legal guidance to Archon
10 Douglass than the Board.

11 Q. Well, I'm asking you before -- okay.

12 So he was at the meeting but not -- but no one else
13 was listening to what he was saying except for Mr. Douglass?

14 A. Well, I don't think anyone closed their ears when he
15 talked; no.

16 Q. Okay. Did you pay attention to what -- were you there
17 at any board meeting in 2025 where -- I'm killing
18 this -- Mr. Caesar or Mr. Mitchell?

19 A. Mitchell.

20 Q. Mr. Mitchell was present?

21 A. Yes.

22 Q. Okay. And about how many times?

23 A. I don't recall.

24 Q. More than five?

25 A. Probably not.

1 Q. And he was -- was he invited to these meetings?

2 You were the elect at this point. Was he invited to
3 these meetings?

4 A. I didn't invite him; no. It wasn't the role of the
5 elect to do that.

6 Q. Did he get notice of meetings?

7 A. I suspect he did.

8 Q. Was he part of the executive discussions of those
9 meetings?

10 A. I don't recall.

11 Q. Okay. All right. Wrap this part up, so before the May
12 21st resolution was passed, was there a
13 conversation -- without telling me what the content was -- a
14 conversation or consultation with general counsel with regard
15 to the interpretation of Section 4G?

16 A. When you said did the Board have a conversation, I
17 don't think so. I don't recall. I don't think it did.

18 Q. Does that violate the bylaws?

19 A. Does what violate the bylaws?

20 Q. Not having consultation with the attorney?

21 A. Does not talking to the attorney violate our bylaws?

22 No. As a general statement, no.

23 Q. Okay.

24 MR. SCOTT: May I approach?

25 THE COURT: You may.

1 BY MR. SCOTT:

2 Q. I'm going to show you what we've marked as P-12. And
3 this is a memorandum.

4 To: Members of the Board of Directors, the Grand
5 Boule of Sigma Pi Phi Fraternity.

6 And this is from Caesar Mitchell; correct?

7 A. Correct.

8 Q. Okay. Is this addressed only to Mr. Douglass or is it
9 addressed to all the Board members?

10 A. It's addressed to the Board of Directors of the Grand
11 Boule.

12 Q. Okay. And do you recall receiving P-12?

13 A. Actually I don't. But I received a lot of information.
14 I do not specifically remember.

15 Q. Did you ever review Mr. Mitchell's memorandum dated
16 Monday, April 21st, 2025?

17 A. This is the memorandum you just handed me?

18 Q. Yes.

19 A. I probably did. I just don't recall the specific
20 content of it.

21 Q. Did you get it before May 21st?

22 A. I don't know but I would assume.

23 Q. And on May 21st, Mr. Douglass was no longer on the
24 Board.

25 I'm sorry. On April 21st, Mr. Douglass was no

1 longer on the Board; correct?

2 A. That is correct.

3 Q. Can I ask you to look at what was shown to you as SPP
4 Exhibit 9?

5 A. 9-B?

6 Q. It looks look this.

7 A. I don't have it.

8 THE COURT: Do you have it? You need a
9 copy of it? Here it is.

10 BY MR. SCOTT:

11 Q. You have a copy now. Take a look at this. It's titled
12 Resolution Number 1.

13 Are you familiar with this resolution?

14 A. I am.

15 Q. All right. So if you could come down to the fifth
16 whereas clause.

17 Do you see that?

18 A. Yes.

19 Q. So it says, whereas the EC, that's the executive
20 committee?

21 A. Yes.

22 Q. On April 24th, 2025, tacitly agree, without a formal
23 vote, to admit the GBCB's reasoning and interpretation of
24 Bylaw 2, 4G, Attachment A.

25 Did I read that part correctly?

1 A. Correct.

2 Q. All right. And do you know if the executive committee
3 met with general counsel prior to tacitly agreeing to the
4 interpretation on April 24th of 2025?

5 A. I know the chair of the constitution and bylaws
6 committee did meet with Archon Mitchell. I don't know what
7 the date was. I assume it would be prior to.

8 Q. So they met with Archon Mitchell for what purpose? To
9 get his opinion?

10 A. No. I think maybe to state what their opinion was.

11 Q. All right. But at the time was Mr. Mitchell the
12 attorney serving as general counsel on April 24th?

13 A. I -- no.

14 Q. All right. Did anyone give Mr. Douglass notice that
15 the executive committee was taking a look at the
16 interpretation of Bylaw 2, Section 4G?

17 A. I did not. But the fact that we have a board member
18 sitting next to him, I suspect someone did. But I did not.

19 Q. Well, I don't want you to suspect.

20 A. I did not.

21 Q. You did not?

22 A. I did not.

23 Q. Okay. Do you have number -- this is the Defendant's
24 SPP Exhibit 8 in front of you?

25 A. Yes. No. I'm sorry. Eight?

1 Q. Yeah.

2 THE COURT: Is that the memorandum?

3 MR. SCOTT: This is the memorandum.

4 THE COURT: Do you have an extra copy
5 there?

6 BY MR. SCOTT:

7 Q. Here you are, sir.

8 A. I got it.

9 Q. You got it.

10 Could we go down to Section 3 where it says,
11 analysis.

12 Did you at any time see this before the grand -- I'm
13 sorry -- before May 21st of 2025?

14 A. Who is this -- yes.

15 Q. All right. This document's dated April 21st; correct?

16 A. Yes; it is.

17 Q. Okay. And the first sentence says what? Can you read
18 that out loud?

19 A. First sentence of first paragraph?

20 Q. Yes. No. Where it says, analysis. That first
21 sentence.

22 A. The phrasing of Section 2, 4G is admittedly ambiguous
23 and susceptible to differing interpretation.

24 Q. Okay. Did you provide that opinion to Mr. Douglass
25 before the April 9th board meeting?

1 A. Did I?

2 Q. Yes.

3 A. I did not.

4 Q. Did anybody that you're aware of?

5 A. I do not know.

6 Q. Can I ask you to go back to P-14?

7 A. Which one is P-14?

8 Q. April 28th, '25. The e-mail.

9 A. I got it.

10 Q. Yeah. Can you go to page 3, please?

11 A. I'm there.

12 Q. Did the executive committee determine that Mr. Douglass
13 took money from the Boule for personal use?

14 MR. JORDAN: Your Honor, I object.

15 Again, we're getting to the substance of the
16 investigation.

17 THE COURT: What is your offer of proof?

18 MR. SCOTT: He had said that this was a
19 response -- he -- I'm sorry.

20 Mr. Jordan had argued that this was a
21 response to -- I'm sorry. Not Mr. Jordan.

22 Both Mr. Jordan and Mr. Tyson argued that
23 this is in response to the webinar that Mr. Douglass
24 conducted. This -- and, therefore, the question
25 becomes is this accurate. And now I'm asking to

1 compare whether or not the executive -- I'm
2 sorry -- the investigatory committee made that
3 specific finding which says, conversion of
4 fraternity property for personal use. Conversion
5 has legal significance.

6 THE COURT: Is that the only thing that
7 you're going to be asking?

8 MR. SCOTT: That is the only thing I'm
9 asking.

10 THE COURT: So the question is whether it
11 actually was covered in the original investigation,
12 which is fair game after what we --

13 MR. JORDAN: So, Your Honor, we are,
14 again, going into substantive areas of other parts
15 of what this litigation --

16 THE COURT: So I think that we are just
17 confirming and it's fair cross based on questions
18 that you were asking about whether these allegations
19 track, what was covered in the investigation.

20 So that's the limitation. We're not
21 going to get into the substance of it all. Just
22 whether that's there.

23 Go ahead.

24 BY MR. SCOTT:

25 Q. Do you remember the question?

1 A. No.

2 Q. Did the investigatory committee make a finding that
3 Mr. Douglass took property from the fraternity and used it for
4 his personal use, was that a charge?

5 A. That is not a specific charge; no.

6 Q. The resolution -- you had a meeting on May 21st;
7 correct?

8 A. Yes.

9 Q. The minutes of those meetings are available -- I think
10 I heard that yesterday from Mr. Searcy -- correct?

11 A. Yes.

12 Q. And have you looked at those minutes?

13 A. I'm sure I have.

14 Q. Those minutes would reflect what was the subject matter
15 of May 21st; correct?

16 A. Correct.

17 Q. And on that meeting, the Board did not go over the
18 executive -- I'm sorry -- the investigatory committee's
19 findings and recommendations, did it?

20 A. On May 21st meeting we did not go back through the
21 details of that. We did not.

22 Q. And you did not give Mr. Douglass notice of that May
23 21st meeting that -- where he was the subject matter of;
24 correct?

25 A. Because he's not a member of the committee.

1 Q. But you didn't give him notice?

2 A. I didn't give any Archon who was not a member --

3 THE COURT: Hold on. Can you -- you said
4 he's not a member of what?

5 THE WITNESS: The committee.

6 THE COURT: Committee.

7 THE WITNESS: The executive committee.

8 BY MR. SCOTT:

9 Q. Well, I'm talking about the May 21st actual board
10 meeting.

11 A. May 21st board meeting only included board members.

12 Q. Correct.

13 Now, my question is but that board meeting, part of
14 the board meeting subject matter was Mr. Douglass; correct?

15 A. He was not -- no. We talked about the vote and all the
16 things that lead up to that. But other than that, he was not
17 a separate line item on the agenda.

18 THE COURT: Okay. We're getting to 12:00
19 o'clock.

20 MR. SCOTT: This is going to be it.

21 BY MR. SCOTT:

22 Q. I'm going to ask you to look at Number 9, SPP
23 Exhibit 9.

24 MS. CHEWNING: Your Honor, may I
25 approach?

1 THE COURT: You may. Resolution Number
2 1; right? Okay.

3 BY MR. SCOTT:

4 Q. Number 2, I'm going to ask you to go down to the bottom
5 of the page.

6 Effective date of ratification, do you see that?

7 A. Yes.

8 Q. Going down to the sentence that says, vote concerning
9 the removal of board member conducted on April 9th, 2025.

10 There was only one board member removed on April 9th
11 of 2025; correct?

12 A. There was only one board member removed from the Board;
13 yes.

14 Q. And that would be Mr. Douglass?

15 A. That is correct.

16 Q. So would it be fair to say that this resolution did
17 pertain to the subject matter of the removal to Mr. Douglass?

18 A. Yes.

19 Q. And did Mr. Douglass get notice of this board meeting
20 that was scheduled for May 21st?

21 A. No one who was not on the Board was notified of that
22 meeting.

23 Q. Okay. And the Board made this retroactive, the change
24 in the meeting of the bylaw, made it retroactive to April 9th?

25 MR. JORDAN: Objection, Your Honor, to

1 the characterization that this document made a
2 change to the bylaws.

3 MR. SCOTT: All right. I'll rephrase it.

4 THE COURT: Rephrase. Thank you.

5 BY MR. SCOTT:

6 Q. And the interpretation adopted was applied retroactive
7 to April 9th; is that fair to say?

8 A. I kind of lost you.

9 Q. So there was an interpretation; right?

10 First, it was declared on April 21st, by the
11 fraternity, that the bylaw was ambiguous. Then there was a
12 review. And then the committee that -- the bylaws committee
13 came up with an interpretation.

14 Are you with me so far?

15 A. Mostly.

16 Q. Is that correct?

17 A. Correct.

18 Q. And then the interpretation that was made after April
19 9th was applied backwards in time to April 9th?

20 A. You lost me.

21 Q. Well -- all right. Yes or no, wasn't the
22 interpretation that was done after April 21st apply -- not the
23 new interpretation -- an interpretation apply retroactively,
24 which means backwards, to April 9th?

25 A. There was no conversation about applying anything

1 retroactive to any time frame. I'm not sure.

2 Q. All right. Well, let's read this one more time
3 together.

4 On the bottom of page 2 it says, effective date of
5 ratification.

6 A. Understood. Okay.

7 Q. Next resolution encompasses the ratification of the
8 interpretation of Bylaw Section 2, 4G, and affirms the
9 validity of the vote concerning the removal of the board
10 member conducted on April 9th, shall be effected nunc pro
11 tunc.

12 Do you know what that means?

13 A. I'm not even sure where you're reading.

14 THE COURT: At the bottom of page 1,
15 where it says, Section 2.

16 THE WITNESS: He said bottom of page 2.
17 Bottom of page 1, the last paragraph?

18 THE COURT: Yes. Paragraph 2.

19 MR. SCOTT: Right.

20 THE COURT: See that effective date of
21 ratification?

22 THE WITNESS: Yes.

23 BY MR. SCOTT:

24 Q. And then it says, shall be, and we flip over to the
25 next page, effective nunc pro tunc.

1 Do you know what nunc pro tunc means?

2 A. Can you explain it to me?

3 Q. It means backwards. Go back to the beginning, April
4 9th.

5 A. No. We must have a different document.

6 THE COURT: So I think --

7 THE WITNESS: I got it.

8 THE COURT: You see it?

9 THE WITNESS: I do now.

10 BY MR. SCOTT:

11 Q. And so the interpretation that was made post-April 9th
12 was applied backwards, back to April 9th; correct?

13 A. I'm not sure I can answer that.

14 Q. Okay.

15 THE COURT: The document --

16 THE WITNESS: I'm not speaking to --

17 THE COURT: -- states what it states,
18 counsel.

19 THE WITNESS: Right. Right.

20 BY MR. SCOTT:

21 Q. Did you understand this when you signed it?

22 A. I understand -- I was -- I understand what Resolution
23 Number 1 is and was. I'm not sure I understood where you're
24 going.

25 Q. I'm not actually going anywhere. I'm just trying to

1 confirm that you signed this document; right?

2 A. I did.

3 Q. You would not have signed it unless you understood it;
4 correct?

5 MR. JORDAN: Your Honor, I'm going to
6 object. That is not what his signature on this
7 means.

8 THE COURT: I recognize that.

9 Sustained. It's not a proper question.

10 BY MR. SCOTT:

11 Q. Did you understand the provision of Bylaw Section 2, 4G
12 when you voted on April 9th?

13 A. I think I did.

14 Q. All right. Now, I just want to ask you one more
15 question. On page -- paragraph 3, it says, finding of fact.
16 I'm going to read it.

17 That the interpretation of Bylaw Section 2, 4G as
18 ratified herein, shall be binding upon all members, member
19 Boules, officers, committees, and all other constituent parts
20 of the affiliated entities of Sigma Pi Phi Fraternity.

21 Did I read that correctly?

22 A. Correct.

23 Q. All right. So doesn't that mean that the
24 interpretation that was done after April 21st applies forward
25 looking to every other member but only applied retroactively

1 to Mr. Douglass?

2 A. No.

3 Q. Okay.

4 MR. SCOTT: That's all the questions I
5 have.

6 MR. JORDAN: Your Honor, I have just one.

7 THE COURT: All right.

8 MR. JORDAN: I think counsel was trying
9 get to this.

10 -- -- --

11 RECROSS - EXAMINATION

12 -- -- --

13 BY MR. JORDAN:

14 Q. Archon Tyson, do you remember a time when there was a
15 Zoom call with the Grand -- or a telephone call with the Grand
16 Board Head Archon Caesar Mitchell and Archon Jeffrey Webster
17 discussing their viewpoints on the interpretation of Bylaws 2,
18 4G?

19 A. I do.

20 Q. And they both -- and the Grand Board listens to both
21 sides' viewpoint on their interpretation of Bylaw 2, 4G;
22 correct?

23 A. Correct.

24 Q. Thank you.

25 THE COURT: Thank you.

1 Thank you for your testimony.

2 And we are now going to take a lunch
3 break. Okay. Try to get back here by 1:00.

4 (Luncheon recess.)

5 THE COURT: We have one more witness?
6 Two?

7 MS. CHEWNING: Actually, Your Honor, with
8 our apologies and understanding of trying to move
9 this along expeditiously, we actually would like to
10 recall General Turner for just five minutes worth of
11 questions in rebuttal to some testimony that was
12 elicited from Mr. Jordan from Mr. Tyson before we
13 broke for lunch.

14 THE COURT: Okay.

15 MS. CHEWNING: Regarding that May 21st
16 meeting.

17 THE COURT: All right.

18 MR. JORDAN: Your Honor, I object to him
19 being recalled. He sat in when he was supposed to
20 be sequestered. He sat in for everybody else's
21 testimony. He is now ineligible to participate.

22 THE COURT: Counsel, could you respond?

23 MS. CHEWNING: I certainly can, Your
24 Honor.

25 The offer of proof is this: Mr. Jordan

1 asked Mr. Tyson whether he had some opinion or
2 inference about why it was that General Turner left
3 that May 21 meeting before the vote was taken on
4 ratifying the ratification issue. And so he was
5 incorrect about that. And if General Turner were to
6 testify, I just have a few questions pointed to just
7 that issue, Your Honor, to make sure there's no
8 confusion on the record about that.

9 So it is a matter that is purely rebuttal
10 and certainly not something that was anticipated
11 before Mr. Tyson surmised that he left intentionally
12 with respect to that vote.

13 MR. JORDAN: Your Honor, again, the
14 witness has sat in. He was supposed to be
15 sequestered.

16 But more importantly, Mr. Tyson's
17 testimony did not say General Turner said anything
18 back. He just said he left the meeting.

19 MS. CHEWNING: He surmised about why he
20 left the meeting, Judge, and I think it's important
21 for the Court's purposes for this very limited
22 testimony.

23 THE COURT: Thank you.

24 At this point I don't think I'm going to
25 allow the testimony at this very moment. If for

1 some reason I think it's appropriate, you can call
2 him. But right now it's not appropriate.

3 MS. CHEWNING: Your Honor, we request
4 permission to just submit a very simple declaration
5 from General Turner with respect to that issue, if
6 that's acceptable to the Court.

7 MR. JORDAN: Your Honor, we would object
8 to that as it's the same as providing testimony and
9 even less secure because we couldn't cross.

10 THE COURT: I think that the issue about
11 that rationale, I don't recall that testimony that
12 exactly was stated. So I think we need to just
13 figure out what happened and I will understand
14 there's two sides of the story. All right.

15 MR. JORDAN: Your Honor, if there's some
16 possibility of counsel alluding to maybe using him
17 for something else, I would request he's not sitting
18 in the courtroom.

19 THE COURT: Is that it?

20 MR. SCOTT: There's nothing else.

21 THE COURT: Okay. Thank you.

22 MR. SCOTT: Mr. Douglass.

23 THE COURT: Okay. Mr. Douglass. Thank
24 you.

25

1 ...LOREN DOUGLASS, after having been
2 first duly sworn, was examined and testified as
3 follows:

4 - - -

5 COURT CRIER: State your name for the
6 record and spell your last name.

7 THE WITNESS: Loren Douglass, L-O-R-E-N,
8 D-O-U-G-L-A-S-S.

9 THE COURT: Mr. Scott, your witness.

10 - - -

11 DIRECT EXAMINATION

12 - - -

13 BY MR. SCOTT:

14 Q. Mr. Douglass?

15 A. Yes, sir.

16 Q. Can you tell us, going backwards, in terms of your
17 employment, please?

18 A. Employment history. After college, I'll give you the
19 whole deal. I graduated from Johns Hopkins University with a
20 degree in Electrical Engineering. Was recruited by the
21 General Electric Company straight out of college to work in
22 aerospace.

23 Then after a few years, I came here to Philadelphia
24 and went to the Wharton School and earned my MBA in Finance
25 but also did a second master's degree, in International

1 Economics and International Law from the School of Advance
2 International Studies in Washington, affiliated with Johns
3 Hopkins University, where I did a summer with the corporate
4 legal staff, international law and policy at GE.

5 Then after I earned my second master's degree, I
6 went back to GE. Various different roles in GE -- information
7 services, corporate, and various roles. Then I left and did
8 five years consulting with Deloitte Consulting.

9 And then Jack Wells recruited me back to GE where I
10 was the global collaboration leader there. And I implemented
11 global collaboration tools in IT for two years and I was given
12 a business to run. I was president and CEO of GE Global Asset
13 Protection Services in New York City. I did that for two
14 years before they moved me -- it was about \$185 million
15 business. They moved me to Cincinnati to run a \$500 million
16 business as chief marketing officer.

17 Then I left there. It was time for me to move to
18 Wisconsin. I didn't want to move to Wisconsin.

19 MR. JORDAN: Your Honor, I'm going to
20 object to the relevancy of this.

21 THE COURT: Mr. Scott?

22 MR. SCOTT: All right.

23 THE COURT: I think we --

24 MR. SCOTT: We got the gist.

25 THE WITNESS: You got the point. Okay.

1 BY MR. SCOTT:

2 Q. We got the idea.

3 I'm going to ask you, if you would, slow down just a
4 little bit because we have a court reporter and -- just a
5 little bit. I do the same thing.

6 A. Okay. It's a lot. I wanted to get it all in.

7 Q. How did you become a member of the fraternity?

8 A. I was invited to join I, believe, it was in 2011.

9 Q. And did you -- are you a member now?

10 A. No; I'm suspended.

11 Q. When did that happen?

12 A. Right after I took suit.

13 Q. Filed lawsuit?

14 A. Filed lawsuit; yeah.

15 Q. We'll get to that in a little bit.

16 Now, as a member of the Boule since 2011, did you
17 hold any positions or offices?

18 A. I did.

19 Q. Starting from 2011, can you just take us through, with
20 not much detail, but just take us through?

21 A. Real quick. I had a couple of offices at the local
22 level in New York City because I live in New York City, local
23 offices. Then I became the regional treasurer of the
24 Northeast region.

25 MR. JORDAN: Your Honor, I'm going to

1 renew my objection about the relevancy of this in
2 regards to the parameters with which this Court set
3 about why we're here on the removal of Mr. Douglass.

4 THE COURT: I think some basic history is
5 fine.

6 So overruled. Just -- thank you.

7 THE WITNESS: Regional. Then I was
8 appointed to various committees, chairman on
9 committees. I was chairman on the International
10 Committee 2019. And then in 2022, I think I was on
11 several committees, grand committees, appointed by
12 two past Grand Sires. Then I became Grand Sire
13 Archon-elect. I ran for election in 2022.

14 BY MR. SCOTT:

15 Q. Was there an election process for you to become Grand
16 Sire?

17 A. Yes.

18 Q. And briefly describe how the election process works
19 generally within the Boule?

20 A. Yes. Generally how it works you have 320, 350
21 delegates, roughly 144, 145 member Boules. The number of
22 delegates depends on the size of the Boule. And it's like any
23 other national, international election. We have a chapter, as
24 you would call it, in London. It's like any other national
25 election.

1 Q. Okay. And once you -- did you get elected to be Grand
2 Sire?

3 A. I did; even though I was the underdog.

4 Q. Before you served as Grand Sire, is there a position
5 that you hold such as the elect position?

6 A. Yes. Grand Sire-Elect is what you run for.

7 Q. Okay. Was Mr. Tyson part of your campaign?

8 A. No; he was not. Not formally. But he was certainly
9 one of the people that I consulted regularly. Because he was
10 a Regional Sire Archon at the time.

11 Q. And do you remember the exact date you became
12 Archon-elect?

13 A. I think it was August 19th, 2022. One of the best days
14 of my life.

15 Q. And what were -- related to this, what are some of the
16 things that you did as President-elect?

17 A. Elect? I spent two years planning because I only get
18 one term. I only get two years. That's it. My agenda was
19 very ambitious to repair the organization --

20 MR. JORDAN: Again, Your Honor, I'm going
21 to renew my objection about the irrelevant matters
22 that do not go to the removal process.

23 THE COURT: Mr. Scott?

24 MR. SCOTT: Him being elect gives him
25 knowledge of the Board, gives him knowledge of the

1 bylaws, gives him knowledge of the governance laws,
2 gives him knowledge of all -- how the chapters
3 operate and push up to his position at that time.
4 We're not getting into the detail. We are just
5 asking him about what his responsibilities were as
6 President-elect.

7 THE COURT: All right. Mr. Jordan?

8 MR. JORDAN: Your Honor, we would concede
9 that Archon Douglass served as Grand Sire-elect and
10 in that process he worked at the fraternity, et
11 cetera, he has knowledge of the constitution and
12 bylaws.

13 THE COURT: So --

14 THE WITNESS: But I did a lot more than
15 that.

16 THE COURT: All right. Recognizing that
17 they're willing to stipulate, we can probably
18 shorten the background. But I think I'm going to
19 give them some latitude in hearing what Mr. Douglass
20 arrived where he -- why he ended up where he is and
21 what happened.

22 MR. SCOTT: Sure.

23 THE COURT: So I overruled that with the
24 caution to counsel.

25

1 BY MR. SCOTT:

2 Q. With regard to your position as President-elect, were
3 you involved with the search for general counsel?

4 A. Absolutely. I ran the first international search ever
5 done because in the past, it was the Grand Sire's discretion
6 to appoint the general counsel.

7 Q. So slowly tell us the process of how you went about
8 doing that, the selection of the grand counsel?

9 A. Yes. I assembled a national team of Archons to vet
10 proposals from all across the country. In fact, Archon
11 Bolden's firm was one of the ones to submit a proposal who's
12 here today. We wanted to get a national footprint.

13 We had a whole committee to receive those proposals.
14 After we did it, an executive director called them down based
15 on a screen. We had a distinguished group of Archons, past
16 Grand Sires, current board members, and the current Grand Sire
17 was --

18 MR. JORDAN: Your Honor, I'm going to
19 object to the narrative and keep running on well
20 beyond what's relevant for this proceeding.

21 THE COURT: So, Mr. Jordan, I understand.

22 So we do want to focus on the issues and
23 I recognize that there were some questions raised
24 about who the general counsel is. I just would like
25 you to focus on that area.

1 So to some extent sustained because I do
2 want you to focus on the issues that are before the
3 Court.

4 MR. SCOTT: Your Honor, they denied that
5 Mr. Mitchell --

6 THE COURT: Okay.

7 MR. SCOTT: -- was not general counsel.
8 That nobody knew about it. That he was just acting
9 ultra vires. He was just billing the fraternity out
10 the wazoo. Sorry for the expression.

11 THE COURT: But it does get to some of
12 the merits of the underlying issues. So I just ask
13 you to focus on the general counsel, what his
14 understanding is of the general counsel.

15 MR. SCOTT: Exactly what I'm doing.

16 THE COURT: All right.

17 BY MR. SCOTT:

18 Q. So what members of the fraternity knew about the
19 search?

20 A. A lot of them, because there were people involved all
21 over the country, as well as the current general counsel at
22 the time because I asked him to be involved in the selection,
23 as well as Grand Sire Garibaldi who is currently on the Board.

24 Q. Who is the current general counsel?

25 A. As far as I'm concerned it's Caesar Mitchell because

1 what I did was after I made the final selection, I informed,
2 as an e-mail, the current general counsel and the current
3 Grand Sire at the time who the selection was and they both
4 endorsed that selection.

5 Q. Okay.

6 A. And that was in, I think, March of 2024.

7 Q. Okay. And did Mr. Searcy know about the selection?

8 A. At the time I don't know whether he knew.

9 Q. Did Mr. Tyson know about the selection?

10 A. I don't know whether -- I don't know whether they knew
11 but I didn't keep it a secret because we all are fraternity
12 brothers and it was a delight to have Caesar as one of us.
13 And to be totally disclosed, we all are in another group
14 together, a travel group called the Guardsmen. So we all
15 share that brotherhood together. There was no reason to keep
16 it a secret.

17 Q. All right. Was there a time -- when did you become the
18 Grand Sire?

19 A. It was in June, I think, the 17th of June of 2024. I
20 think. Another great day of my life.

21 Q. Was there a Boule, a Grand Boule meeting sometime about
22 the time that you became Grand Sire?

23 A. Yes; that's where I ascend and I'm sworn in as the
24 Grand Sire.

25 Q. At some point was there any sort of crisis that

1 happened after you got sworn in?

2 A. Absolutely. We had a cyber attack. And the definition
3 of a cyber attack is somebody willfully takes down your
4 systems outside of your control. That's what happened. And
5 there were e-mails, derogatory e-mails sent about us, about
6 me. Our website was taken down, taken away out of our
7 control. They even took down our processes within the
8 national office and it even effected the Boule Foundation.

9 So right away me and the general counsel, who was
10 Caesar Mitchell at the time because he took over when I took
11 over, got to work trying to save the fraternity's information.
12 They took 40 years worth of our data.

13 Q. Okay. Did Dentons firm do work related to that?

14 A. Absolutely.

15 Q. And did the Dentons firm do other work for the
16 fraternity?

17 A. Yes.

18 Q. And at that time --

19 A. Because we had had multiple disputes going on at one
20 time. We were attacked from several directions.

21 Q. And --

22 A. By the way, it was very complicated litigation that
23 involved intellectual property, it involved the actual
24 defamation, it involved -- it was very, very complicated
25 litigation.

1 Q. All right. I'm going to ask you to step back a little
2 bit and talk about when you become a Grand Sire about
3 budgeting.

4 A. Yes.

5 Q. Tell me about the budgeting, how that works for the
6 then existing Grand Sire and then when you take over. Tell me
7 about that.

8 MR. JORDAN: Your Honor, I'm going to
9 object. We're getting -- these questions are
10 getting to the substance of the investigation of
11 whether or not --

12 THE COURT: Mr. Scott, what's your offer
13 of proof with respect to how it applies to the
14 issues?

15 MR. SCOTT: This goes to the actual
16 underlying charges that are found within the
17 expenses. They talked about that. They brought
18 that up during their case. This goes to what an
19 individual Grand Sire's budget is and how it's
20 formed so the Court has an understanding of how
21 expenses are budgeted.

22 You know, Your Honor --

23 THE COURT: There were concerns raised by
24 Mr. Searcy about Mr. Douglass's capacity or handling
25 of certain things. So I'll allow some testimony.

1 Again, I don't want to get into --

2 MR. JORDAN: But, Your Honor, counsel
3 asked questions in cross-examination which
4 Mr. Searcy responded. More importantly, the Court
5 would not let me go back and detail for him to
6 discuss --

7 THE COURT: That's why I'm asking not to
8 get into detail. All right.

9 BY MR. SCOTT:

10 Q. How does the budget work?

11 A. Well, the way it usually works is that the new Grand
12 Sire comes on, they recast the entire budget all over again.

13 Q. Hold on. What does recasting mean?

14 A. Means you redo the whole budget because our fiscal year
15 is a calendar year. But we take over in the middle of the
16 year. So it's unreasonable to expect the new Grand Sire to
17 live with the old Grand Sire's budget.

18 That's the way it's usually done. That didn't
19 happen for me. So because of the cyber attack, because we
20 went straight in, and because of some other financial
21 difficulties that happened long before I took over, I didn't
22 get a chance to have that privilege. So I'm operating under
23 an old budget.

24 Q. All right. Let's talk about some of the things that
25 happened in the courtroom.

1 A. Yes.

2 MR. SCOTT: May I approach?

3 THE COURT: Yes.

4 MR. SCOTT: Your Honor, 6 A.

5 THE COURT: Thank you.

6 MR. JORDAN: What's 6 A?

7 MR. SCOTT: I'm going to show the witness

8 P-6 and P-6 A.

9 THE COURT: Did we mark that before?

10 MR. SCOTT: Yes.

11 BY MR. SCOTT:

12 Q. Mr. Douglass?

13 A. Yes.

14 Q. What I put in front of you is P-6 and P-6 A.

15 Are you familiar with these documents?

16 A. I am.

17 Q. Can you refresh the Court's memory about what P-6 is

18 just by reading the heading and the title?

19 A. It says, Grand Board Minutes, Tuesday, April 8th,

20 Wednesday, April 9th, Hyatt Regency Hotel, Orlando, Florida.

21 Q. Do you remember the testimony about P-6 with regards to

22 the insinuation that P-6 was not official or real?

23 A. I do.

24 Q. Okay. And can you take a look at P-6 A?

25 A. Yes.

1 Q. And what is P-6 A?

2 A. P-6 A is the distribution of these drafted minutes by
3 Grand Grammateus Searcy that he said he didn't distribute or
4 possibly offer.

5 Q. So the e-mail came from Mr. Kendrick; correct?

6 A. Yes.

7 Q. And it went to Darryl Searcy?

8 A. Yes.

9 Q. And it also went to you?

10 A. Yes.

11 Q. At your Outlook.com address; right?

12 A. Correct.

13 Q. And did it also go to you at your SigmaPiPhi.com
14 address?

15 A. Correct.

16 MR. JORDAN: So, Your Honor, I'm going to
17 object to the hearsay nature of this document. This
18 document did not come from Mr. Douglass. It was
19 forwarded to him by somebody else. I cannot
20 cross-examine Kendrick to find out whether or not
21 it's verified or not.

22 MR. SCOTT: Your Honor, if I can have an
23 opportunity to actually try the case rather than
24 having to respond to every question objection, I
25 would appreciate that.

1 And this is not something that was
2 forwarded to him.

3 BY MR. SCOTT:

4 Q. Was this forwarded to you by anyone or did you get it
5 directly?

6 A. No; I got it directly.

7 Q. And who did you get it directly from?

8 A. Well, first of all, I got it directly from Kendrick and
9 I see Darryl Searcy sent it to me because it's got my
10 sigmapiphi.com e-mail address.

11 MR. JORDAN: Your Honor, we withdraw the
12 objection.

13 THE COURT: Thank you.

14 BY MR. SCOTT:

15 Q. And then how do you know Mr. Searcy sent it to you?

16 A. Because right here it says --

17 Q. On what page?

18 A. I'm sorry. Page 2, April 10th, 7:37 p.m., Thursday,
19 from Darryl Searcy to everybody.

20 Q. Okay. And then --

21 A. Including Caesar Mitchell.

22 Q. Then if you -- including Caesar Mitchell?

23 A. Including Caesar Mitchell.

24 Q. And if Mr. Mitchell isn't the grand counsel, why would
25 he get a copy of it?

1 A. I have no idea because he was grand counsel.

2 Q. So can we go to the -- compare to 6 A, which was the
3 attachment of P-6 to P-6 A, and let us know if they are one in
4 the same?

5 A. Yeah; they are one in the same. Yes; they're one in
6 the same.

7 Q. Okay. When did you get notice of the investigation?

8 A. Notice of the investigation?

9 Q. Yeah.

10 A. Well, first of all, it was never supposed to be called
11 an investigation. It was supposed to be called an inquiry
12 because there was a bunch of hearsay, a bunch of innuendos
13 floating around about how I was allegedly doing this, that,
14 and the other.

15 Q. So do you recall about what, approximately, what time,
16 the date?

17 A. I would say maybe around -- I'm guessing -- maybe
18 February.

19 Q. All right. And you cooperated with the inquiry?

20 A. Absolutely. It may have been earlier. It was in the
21 winter.

22 Q. So can we take -- I want to take you up to the board
23 meeting, April 8th.

24 At that time you were Grand Sire; correct?

25 A. Correct.

1 Q. And could you speak to us about how the agendas
2 pursuant to the normal course of business are prepared?

3 A. Yes. My whole role as chairman on the Board is to
4 prepare the agenda. I work with the Grammateus to prepare and
5 distribute it. This time it didn't necessarily work that way
6 because he prepared the agenda without consulting me. But I
7 had some things I wanted to cover and in a certain order. So
8 I recast the agenda to cover things in the order and things I
9 wanted to cover. So that's how it happened.

10 Q. All right. So during the -- there was a two-day
11 meeting?

12 A. Yes; two day.

13 Q. During the first day, which would be April 8th, were
14 any discussions with any of the Board members regarding the
15 inquiry?

16 A. Not substantive discussions that I remember.

17 THE COURT: I don't think I heard you.

18 THE WITNESS: Not substantive discussions
19 that I remember.

20 BY MR. SCOTT:

21 Q. Were you aware that there was going to be a discussion
22 about the inquiry either on the 8th or the 9th?

23 A. Yes. As Archon Tyson indicated, they did meet with me
24 on the 8th to describe the process to me. It was there where
25 they asked me to leave the room.

1 Q. So on April 8th what happened in terms of the process
2 of that conversation?

3 A. Well, we sat in the lobby of the Hyatt and with Archons
4 Heard and Tyson where they walked me through the process and
5 informed me of the way they wanted to do it.

6 Q. Do you recall the process that they described to you?

7 A. Yes. I'd been asking to see these reports in advance
8 but they wouldn't give it to me. But the process was they
9 were going to give us all a copy of the report and going to
10 give it to us at the same time, although I'm the only one
11 that's being evaluated, and give me a chance to look at it.
12 And then give me a chance to respond verbally, not even in
13 writing. And then they were going to ask me to leave the room
14 while they deliberated, which I did.

15 Q. Okay. So we heard some testimony about on April 9th
16 that you were allowed to give your side of the story; right?

17 A. Right.

18 Q. And then there was some testimony and the documents
19 indicate that you left the Board room --

20 A. I did.

21 Q. -- at 11:29?

22 A. Okay.

23 Q. And tell us why you left the Board room?

24 A. Because they asked me to out of courtesy. But I never
25 left the meeting. I live five minutes, less than five minutes

1 from the hotel. I went home to get something to eat. I fully
2 expected to come back to the meeting.

3 Q. Why did you fully expect to come back to the meeting?

4 A. Because it was going to be a vote. I wasn't giving up
5 my right to vote. I get to vote for myself.

6 Q. Was there any bylaws that you're aware of that you are
7 not permitted to vote if you are the subject matter of the
8 inquiry?

9 A. Not at all. I looked through it.

10 THE COURT: Let me just understand.

11 You expected to -- you left the meeting?

12 THE WITNESS: Because they asked me to.

13 THE COURT: Okay. Is it your

14 understanding it was during deliberations and then
15 you would come back to vote?

16 THE WITNESS: Absolutely.

17 THE COURT: Is that what you thought was
18 going on?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Thank you.

21 BY MR. SCOTT:

22 Q. And was there ever a time that you were asked to come
23 back --

24 A. No.

25 Q. -- after deliberations?

1 A. No; but I was waiting.

2 Q. How long did you wait?

3 A. Probably like two hours.

4 Q. All right.

5 A. I'm guessing. I can't tell you exactly the amount of
6 time.

7 Q. Okay. During that approximate period of time after you
8 left, did you get any notice later about what happened?

9 A. Yes.

10 Q. And was that early afternoon or was it later in the
11 evening?

12 A. It was early afternoon. It was around between 2:00 and
13 2:30.

14 Q. Do you remember what individual contacted you?

15 A. Yes; it was Archon Tyson.

16 Q. And what did he say to you?

17 A. Well, I got -- first, I got a text asking me am I going
18 to be around for a few minutes. I said, yeah. I thought I
19 was getting a text to come back to the meeting. But then I
20 got a FaceTime and it was him and two other Archons informing
21 me that I had been removed.

22 Q. What was your reaction?

23 A. My reaction? I was shocked, first of all. I was
24 shocked. And because I am a polite guy, I think it's time to
25 end this conversation.

1 Q. Now, taking you back to the time that you received the
2 packet, was there anything in the packet that indicated that
3 the investigation committee was recommending removal?

4 A. No.

5 Q. Were you ever aware that there was going to be a motion
6 of removal?

7 A. I had asked Archon Tyson that and we talked, not for
8 five minutes. We probably talked for about 20 minutes, 25
9 minutes. So much long -- so long that people asked whether we
10 were going to come in. Because I wanted to know what in the
11 hell is going on here.

12 I spent all my time trying to build this fraternity
13 to get ready for the 21st Century and I'm under siege for
14 what? I haven't done anything. So I'm trying to find out
15 what is going on here. And I'm thinking I got all these
16 people around me that I trusted. He's right. We had no ill
17 words to each other. That's why I'm surprised he voted to
18 take me out.

19 Q. Okay. So at the time you got the information from him,
20 what, if anything, did you do with the information regarding
21 the vote? What, if anything, did you do?

22 A. After I got the information? First thing I did, I went
23 to the bylaws to find out -- to reaffirm what I thought I
24 already knew about them. And then I started calling people I
25 respect to get their advice. And that's when I got a phone

1 call from Grand Agogos Turner to find out what in the hell
2 happened.

3 Q. And then did he tell you what happened?

4 A. Yes.

5 Q. What did he say to you?

6 A. He said, well, what happened to Bradley? I said, I
7 don't know. What happened to Bradley?

8 MR. JORDAN: Your Honor, I have to object
9 to the hearsay nature of this conversation. It is
10 someone who is not before this Court.

11 THE COURT: So what is your objection?

12 MR. JORDAN: Well, I cannot cross
13 Mr. Turner. He's already --

14 THE COURT: You could cross if you want.
15 I don't think you want him back on the stand as I
16 understand it.

17 I will allow it because I don't think
18 we're -- I'll allow it.

19 BY MR. SCOTT:

20 Q. So what did Mr. Turner say?

21 A. He said, what happened is all the votes weren't
22 counted. I said, what do you mean all the votes weren't
23 counted? I wasn't there. And then we went down everybody,
24 all the votes, and he said, well, where was his vote? And he
25 said, I've got a call in to him to find out where was his vote

1 because that vote would have failed if his vote was counted
2 and he was there and he voted.

3 Q. Did he tell you what he voted?

4 A. Yes.

5 Q. What did he tell you?

6 A. He voted no. But I also want to tell you that he
7 already knew I knew from other conversations that that
8 committee was contemplating removing me.

9 MR. JORDAN: Your Honor, I'm going to
10 object to the conversation about Bradley.

11 THE COURT: Sustained. So that testimony
12 will be stricken. Thank you. Can we try --

13 BY MR. SCOTT:

14 Q. So after you and Mr. Turner spoke, what, if anything,
15 did you do next?

16 A. What did I do next? I began to call people who I
17 thought could help me mount some kind of defense.

18 Q. So would it be fair to say that you were objecting to
19 the --

20 A. Very much so.

21 Q. And why is it that you think that the vote failed?

22 A. Because, first of all, all the votes weren't counted.
23 As well as the fact that I had serious questions as far as
24 because I was duly elected. Actually by a fairly wide margin.
25 How does a Grand Sire-elect appoint himself as the Grand Sire

1 by him voting and weighing in because his -- it would have
2 failed had he not weighed in.

3 Q. Why was it that you think he shouldn't have weighed in?

4 A. Ethics, first or all.

5 Number 2, he would have gotten his own term if he
6 waited 15 months. So there was no reason for him to vote. If
7 he didn't want to influence the vote, well, don't vote.

8 Q. What do you mean by he didn't want to influence the
9 vote?

10 A. I'm just repeating what he just said. If he didn't
11 want to influence anybody, he didn't want to influence anybody
12 in the committee, why would he vote in the full board meeting?

13 So especially since I was running things so well.
14 We had a huge, a great outing on Capitol Hill. I've been to
15 the White House six times. We had a great outing in Miami. I
16 had a vision of having a training exercise for all of our new
17 people, plus our officers, in Miami. We had the governor of
18 Maryland come. We had the head of the National Urban League
19 come. We were doing great. Everybody's happy. Everybody
20 feels as though we're moving forward. And, bang. This
21 happens

22 Q. So let's go back to the vote.

23 Did anyone inform you that that section of the
24 bylaws, which was Bylaw 2, Section 4G, prior to the April 9th
25 vote, did anyone tell you that that section of bylaws was

1 unclear or ambiguous?

2 A. No.

3 Q. If they did, what would you have done differently?

4 A. Nothing because I thought it was pretty clear.

5 Q. Okay. But nobody gave you notice of that; did they?

6 A. No.

7 Q. So would you say that the Board applied an incorrect
8 interpretation?

9 A. Yes; especially when you look at the footnote at the
10 bottom of the page.

11 Q. Can you just explain that?

12 A. Yes.

13 Q. What do you mean by that?

14 A. The footnote at the bottom of the page says explicitly
15 that Grand Board is restricted in how it applies that thing
16 because the entire thing is italicized, which I'm told by
17 lawyers --

18 MR. JORDAN: Objection, Your Honor.

19 Hearsay nature of what he's been told.

20 THE COURT: All right. So I have to
21 resolve that.

22 Mr. Jordan is correct. I want you to
23 focus on what you understand.

24 THE WITNESS: What I understand is that
25 the italicized word, especially since in the

1 footnotes it talks about the word entire, modifies
2 what that passage means. It means the entire Grand
3 Board. If you go to Robert's Rules of Order, I
4 think Section 44. I don't --

5 MR. JORDAN: Objection, Your Honor.
6 Again, this is hearsay. Robert's Rules of Order
7 says --

8 THE WITNESS: I've read it.

9 THE COURT: Wait.

10 THE WITNESS: I've read it.

11 MR. JORDAN: Your Honor, can you instruct
12 the witness to be quiet while I make the objection?

13 THE COURT: I think he understands that
14 you have to make an objection so it goes on the
15 record. I've heard it.

16 Mr. Scott?

17 MR. SCOTT: Yes.

18 THE COURT: What is your --

19 MR. SCOTT: The Robert's Rules was
20 applied by the committee to interpret it their way
21 when they came up with the Resolution Number 1.

22 Number 2, bylaws actually incorporate
23 Robert's Rules to the extent that it has to do with
24 meetings and other matters that are not part of the
25 bylaws.

1 THE COURT: Let me just ask this
2 question.

3 Mr. Douglass, are you saying that you
4 understand -- that's your understanding of what
5 Robert's Rules say? Are you repeating what you
6 understand Robert's Rules to --

7 THE WITNESS: Yes. There's even an
8 example in the book.

9 THE COURT: Overruled. It's fine.

10 THE WITNESS: There's even an example in
11 the book that covers our specific --

12 MR. JORDAN: Your Honor, again, this is
13 hearsay about Robert's Rules. There's no foundation
14 that the witness has a fundamental knowledge or even
15 expert knowledge. He's actually giving an opinion
16 about it.

17 THE WITNESS: No; I read it.

18 THE COURT: He is citing to what he
19 understands to be in the book and it's in the book
20 and can be referenced. So I'll be able to see for
21 myself what it actually says and understand what
22 your argument is about its relevance.

23 So let's go forward, Mr. Scott.

24 BY MR. SCOTT:

25 Q. Was there a point in time where you formally protested

1 your removal by letter or otherwise?

2 A. Yes.

3 Q. How did you do that?

4 A. Put a letter together and send it to the Drand Board.
5 I think two of them.

6 Q. And what were you asking -- do you remember the time
7 period?

8 A. It was shortly thereafter. I don't remember the exact
9 dates. But it was within a week or two where I asked
10 them -- where I cited the bylaws and the interpretation
11 indicating that according to the actual bylaws, the vote
12 failed. And I tried to resolve it amicably by appealing to
13 the Grand Board to reconsider and to -- let's resolve this
14 issue because the bylaws were applied incorrectly.

15 Q. And when you did that, what was the response?

16 A. Nothing.

17 Q. Silence?

18 A. Totally ignored.

19 Q. Now, at the time that the vote took place, were you
20 stripped of your other normal duties that would arise out of
21 being Grand Sire?

22 A. Of being Grand Sire?

23 Q. Yes.

24 A. Yes.

25 Q. Were you -- tell me about the immediate past Grand

1 Sire?

2 A. I'm supposed to be on the Board but they told me I
3 can't do that either.

4 Q. When did they tell you that?

5 A. I got the letter from I think it was Archon Tyson
6 telling me I'm not Grand Sire nor am I the immediate past.

7 Q. Did they give you reasons?

8 A. Because I didn't fulfill a full term or something like
9 that.

10 Q. Okay.

11 A. So essentially I'm being erased from the line of
12 succession, basically.

13 Q. And as a result, there was a civil complaint filed --

14 A. Yes.

15 Q. -- in this case?

16 MR. SCOTT: Your Honor, that's Exhibit A
17 to the petition. If we can make judicial notice of
18 that?

19 THE COURT: Which document?

20 MR. SCOTT: It's the civil complaint that
21 was filed in the trial division.

22 THE COURT: Okay.

23 MR. SCOTT: And so the Court -- there's a
24 little bit of history with this. It was actually
25 attempted to be filed on May 20. I forwarded it to

1 Mr. Jordan, the actual copy of the complaint, and I
2 forwarded him a copy of the injunction papers that
3 we filed in the trial division.

4 And for whatever reason, the clerk's
5 office rejected that. But they had turned around a
6 response on the 22nd. They being the respondent in
7 the trial division as part of record.

8 THE COURT: Respondent being because
9 those terms are used --

10 MR. SCOTT: I'm sorry. The defendant.

11 THE COURT: Identify the entity. So the
12 Grand Boule?

13 MR. SCOTT: Yeah; the Grand Boule filed a
14 response to the petition, the complaint. Not the
15 complaint, but the motion for extraordinary relief.

16 THE COURT: Okay.

17 MR. SCOTT: In the trial division. Then
18 it got transferred over here to Your Honor.

19 THE COURT: Okay.

20 BY MR. SCOTT:

21 Q. And after you filed the complaint, were any other
22 negative things that happened to you after the filing of --

23 MR. JORDAN: Objection. This is direct
24 and the characterization. He's leading the witness.
25 He says negative things happened.

1 THE COURT: It has been vague.

2 Mr. Scott, I think you can come up with a
3 more precise question, I think.

4 Sustained.

5 MR. SCOTT: May I approach?

6 THE COURT: Yes; you may.

7 MR. SCOTT: This is P-25.

8 THE COURT: Thank you.

9 MR. JORDAN: Your Honor, we would like to
10 know the exhibits that have been passed out, what's
11 about to happen.

12 MR. SCOTT: It's P-25.

13 MR. JORDAN: But we need to know before
14 that.

15 THE COURT: So it's P-25.

16 BY MR. SCOTT:

17 Q. Mr. Douglass, I'm showing you an e-mail that has my
18 heading it on, Mr. Scott, Jeff Scott, right on top of that?

19 A. Yes.

20 Q. And there's nothing other than the forwarded; correct?

21 A. Yes.

22 Q. And so I want to take you down to an e-mail from
23 Mr. Searcy.

24 And what date is that?

25 A. That is May 27th.

1 Q. And what does Mr. Searcy inform you on May 27th?

2 MR. JORDAN: Your Honor, objection.

3 THE COURT: Yes, sir.

4 MR. JORDAN: Document from Searcy. But
5 more importantly, this document has no relevance to
6 the removal process of Mr. Douglass. And you're
7 testifying what Mr. Searcy may or may not have said
8 here.

9 MR. SCOTT: It's --

10 THE COURT: Why is it relevant?

11 MR. SCOTT: It goes to the elements of
12 irreparable harm.

13 THE COURT: All right. I will allow some
14 questioning about that.

15 So overruled. Go ahead.

16 BY MR. SCOTT:

17 Q. First of all, before May 27th, were you aware there was
18 any sort of complaint filed against you?

19 A. I was not aware of any complaint filed against me.
20 What I was aware of --

21 Q. Were you aware of any complaint filed against you?

22 A. Not aware of any complaint. The one in Georgia that
23 was filed against me is federal court. A complaint was filed
24 against me. I can't remember the date.

25 Q. All right. Do you remember if they -- and after

1 that --

2 MR. SCOTT: May I approach?

3 THE COURT: You may.

4 MR. SCOTT: P-26.

5 THE COURT: P-26.

6 MR. JORDAN: Your Honor, Mr. Scott is
7 trying to offer these documents to show irreparable
8 harm. Even assuming the worst-case scenario, he was
9 brought back, it doesn't do anything to the fact
10 that complaint is there. These other things exist
11 outside of the removal process, outside of the
12 removal process. It has nothing to do with the fact
13 that he was removed.

14 MR. SCOTT: This is pure, in our view,
15 retaliation for bringing this civil action for him
16 trying to understand why he was removed. He has a
17 right to protest. This goes to the irreparable harm
18 because it actually says -- if I could ask the
19 witness to actually talk about the document
20 before to lay a foundation rather than having to
21 prove why it's relevant. I think that would be more
22 probative.

23 MR. JORDAN: Your Honor, it's not
24 relevant in any shape, form, or fashion. It
25 doesn't -- if he got an order in his favor, it has

1 nothing to do with the complaint that was filed
2 individually by one of the Archons.

3 MR. SCOTT: It's not a complaint.

4 THE COURT: Hold on. So my understanding
5 of irreparable harm is that occasionally the
6 attempted efforts to prove, as suggested here, go
7 beyond necessarily the specific issue before us.
8 So, in other words, the merits.

9 And I think that what you're addressing
10 here may be appropriate.

11 MR. SCOTT: Can I?

12 THE COURT: You can ask a few.

13 So I overrule right now. May have to
14 bring it up later.

15 BY MR. SCOTT:

16 Q. Mr. Douglass?

17 A. Yes.

18 Q. What is the date on P-26?

19 A. The date is May 27th.

20 Q. Okay. And what does the subject matter say?

21 A. It says, notice of suspension, Archon Loren Douglass.

22 Q. And who's that -- and Mr. Searcy's picture is on the
23 front; correct?

24 A. Yes.

25 Q. And can you tell us what Mr. Searcy said with regards

1 to the reasons for your suspension?

2 A. Well, the reasons were because of the actions that I
3 take regarding litigation. But it's one thing I want to point
4 out.

5 Q. Well, let me just ask you.

6 MR. JORDAN: I'm going to object.

7 THE COURT: Hold on.

8 Please don't offer your own. You just
9 need to respond to questions. But I think
10 Mr. Jordan has an objection on the floor.

11 MR. JORDAN: Your Honor, about what
12 Mr. Searcy has said is what the witness was saying.

13 The question was what did Mr. Searcy say
14 in this document.

15 THE COURT: It's -- what's -- are you
16 referring to what's contained in the --

17 MR. SCOTT: Your Honor, I'm going to do
18 this really narrow. Okay. It's not that hard. I
19 apologize.

20 BY MR. SCOTT:

21 Q. Were you suspended -- one of the reasons why you were
22 suspended from the fraternity is including an initiation of
23 litigation against the fraternity?

24 A. Yes.

25 Q. And that's this instant litigation?

1 A. Correct.

2 Q. And as being suspended, before the lawsuit was filed,
3 you were an active member in good standing; correct?

4 A. Yes.

5 Q. What happens to a member who's placed on administrative
6 suspension?

7 A. Well, you're under suspension. And then depending on
8 the outcome, they decide what happens to you next.

9 But there's something else I need to point out
10 that's extraordinary about this document. The last
11 paragraph --

12 MR. JORDAN: I'm going to object to this
13 witness. There's no question before the witness.

14 THE COURT: I think, Mr. Douglass, I just
15 ask that you not embellish your testimony.

16 THE WITNESS: Okay.

17 BY MR. SCOTT:

18 Q. And who did this notice go to?

19 A. Everybody in the fraternity.

20 Q. Not just the Archons?

21 A. Well, all the Archons in the fraternity.

22 Q. All the Archons?

23 A. All 5500 plus.

24 Q. Then the last paragraph indicates your suspension was
25 because of what other reasons?

1 A. The complaint filed against me because of my conduct.

2 May I answer fully about that?

3 THE COURT: Now's not the time.

4 BY MR. SCOTT:

5 Q. Now, you learned at some point, I guess, through the
6 litigation that there was -- let me back up.

7 Were you aware that there was a committee formed to
8 review the bylaws?

9 A. No.

10 MR. JORDAN: Your Honor, objection.

11 That's -- there's no testimony that a committee was
12 formed to review the bylaws.

13 The testimony earlier is that we have a
14 constitution and bylaws committee. It's a standing
15 committee. They wouldn't have just formed --

16 THE COURT: I think Mr. Jordan is being
17 very precise, as I understand it, that he doesn't
18 refer to this committee; correct?

19 MR. JORDAN: Yes.

20 THE COURT: All right. So if you could?

21 BY MR. SCOTT:

22 Q. Were you aware that there was a group of members who
23 formed a committee to review --

24 MR. JORDAN: Objection.

25 THE COURT: Not form. So the committee

1 was not formed for this purpose.

2 MR. SCOTT: Your Honor, I'll rephrase it.

3 BY MR. SCOTT:

4 Q. Were you aware that this standing committee, who was
5 responsible for the bylaws, was asked to review Bylaw 2,
6 Section 4G?

7 A. No. The answer is still no.

8 Q. All right. Was there ever a time where you were put on
9 notice that the committee that's responsible for looking at
10 the bylaws determined that the bylaw was ambiguous?

11 A. No.

12 Q. Were you aware that there were resolutions passed in
13 April -- April 21st, April 4th -- regarding the interpretation
14 of the bylaw?

15 A. No.

16 Q. Were you provided notice of a meeting that was going to
17 take place on May 21st?

18 A. No.

19 Q. Were you provided copies of the Resolution Number 1
20 related to the May 21st board meeting?

21 A. No.

22 Q. When did you first become aware that there was a
23 resolution passed?

24 A. I think in this litigation.

25 Q. So we gave Mr. Jordan a copy of the lawsuit on May

1 20th.

2 When was the resolution passed?

3 A. I still don't know.

4 MR. SCOTT: Your Honor, I think we can
5 all agree that was May 21st.

6 THE COURT: I think there's no objection.
7 Passed on May 21st.

8 THE WITNESS: Thank you.

9 BY MR. SCOTT:

10 Q. Were you aware that the May 21st board meeting was
11 going to be discussing your removal?

12 A. No.

13 Q. Did the bylaws require notice to members of the Boule,
14 the Grand Board?

15 A. Yes.

16 Q. Were you removed from the Grand Board as a result of
17 the April 9th vote?

18 A. That's what they tell me.

19 Q. Okay.

20 A. I have a dispute about that, obviously.

21 Q. Would you have expected to be notified --

22 A. Yes.

23 Q. -- of any action related to you as the Grand Sire and
24 anything that was looked backwards to April 9th?

25 A. Yes.

1 Q. Why would you have expected to be notified?

2 A. Well, first of all, I'm the subject of the notification
3 and that is required. I mean, subject of the issue.

4 Q. What would you have been able to do if you were given
5 notice of the committee responsible for looking into the
6 bylaws with looking at it and then later determined that it
7 was ambiguous and then they were about to apply it
8 retroactively to you, what could --

9 MR. JORDAN: Your Honor, objection to the
10 form of the question.

11 THE COURT: It is a bit --

12 MR. JORDAN: Nature of the question. I
13 would also ask to rephrase.

14 THE COURT: Can we try again?

15 BY MR. SCOTT:

16 Q. What could you have done had you been given notice of
17 the change in the interpretation and the meeting on May 21st?

18 MR. JORDAN: Your Honor, objection.

19 There's been no testimony that a change -- there's
20 been no testimony in any witness that there was a
21 change in the constitution and bylaws.

22 THE COURT: I think the issue is you're
23 objecting to the use of the word change. And I
24 think you asked counsel, Mr. Scott, to use a better
25 word and to substitute that.

1 BY MR. SCOTT:

2 Q. What processes could you have employed as a member of
3 the Boule to address the interpretation that came out of an
4 April 21st memo?

5 A. I would have gotten representation and --

6 Q. What else? What would the next steps have been taken?

7 A. I would have expected a fair hearing where I could
8 defend myself against what it is that was alleged against me.
9 If it was going to be a relitigating of it, I would have liked
10 to have had a fair shot at it.

11 Q. So is there a code of conduct?

12 A. There is.

13 Q. Is there a process for formal complaints?

14 A. There is.

15 Q. And when a formal complaint is filed, is the
16 subject -- this is all about the Boule -- is the subject given
17 notice?

18 A. Yes.

19 Q. And does the subject have an opportunity to respond?

20 A. Yes.

21 Q. And what else is the subject entitled to under the code
22 of conduct?

23 A. Entitled to representation.

24 Q. And the representation being someone from external or
25 where?

1 A. Either one you want.

2 Q. Right. And are you permitted to ask for a hearing?

3 A. I am.

4 Q. And those are all the things that would have been
5 available to you?

6 A. Yes.

7 Q. Were you given the opportunity on April 9th to a formal
8 hearing?

9 A. No.

10 Q. Were you given a copy of the investigative committee's
11 report prior to April 8th?

12 A. No.

13 Q. Were you given a copy of any of the statements that you
14 may have given that were recorded?

15 A. Ask that again?

16 Q. Were any statements that you gave ever recorded?

17 A. Prior to April 8th or --

18 Q. Yes.

19 A. Not that I'm aware of. Well, the interview was.

20 Q. Okay.

21 A. On Zoom. As far as I think it was.

22 Q. Was that part of the packet?

23 A. No.

24 Q. So the Board members, including yourself, did not have
25 your interview given to the investigatory committee at the

1 time of the vote; right?

2 A. I wasn't there. So I gather it was not.

3 Q. Well, you were there when they handed out the packet;
4 right?

5 A. Yes; that was not part of it.

6 Q. Tell me what was in the packet --

7 THE COURT: Now, I don't think I heard
8 any -- how he responded. So let's just -- could you
9 start there?

10 MR. SCOTT: I will.

11 BY MR. SCOTT:

12 Q. Okay. When you arrived on April 9th, was the packet
13 handed out?

14 A. Yes; it was done before.

15 Q. Did you get a copy of that packet?

16 A. I did.

17 Q. And was there any witness -- was there any statements
18 made by you, or anyone else, that was attached to the packet?

19 A. That had to do with the Zoom interview?

20 Q. Yes.

21 A. No.

22 Q. Were you ever given an opportunity to review -- do you
23 know if the Zoom interview was transcribed?

24 A. I don't know.

25 Q. Were you even given an opportunity to review that

1 transcription of that?

2 A. No.

3 Q. And did you ask for -- at any point, at any time, did
4 you ask for a copy of the investigatory report?

5 A. Yes; two or three times.

6 Q. How many -- like, between April 9th was the time you
7 got the packet.

8 About how many times over what period of time did
9 you ask for the packet?

10 A. I have to look back at my notes. It may have been a
11 week. Definitely as most recent was a few days before and
12 even the day before.

13 Q. Did you ask Jesse?

14 A. I sure did.

15 Q. Did you ask Darryl?

16 A. No, because Archon Tyson was chairman of the committee.
17 I thought I was entitled to it.

18 Q. And how much time did you have to go over the packet?

19 A. Twenty-five minutes.

20 Q. Okay.

21 A. Maybe.

22 Q. And at the time you left the board meeting, Mr. Bradley
23 was still there; wasn't he?

24 A. I think he was; yes.

25 Q. Okay. Exhibit 6 A should have the times on there.

1 A. Yes.

2 Q. So at the time you left, you had already seen the
3 packet and spoke to the board members; right?

4 A. I did.

5 Q. You did. Okay.

6 And board member Bradley was still there; correct?

7 A. Yes.

8 Q. And that would have been the conclusion, right, of the
9 presentation?

10 A. Unfortunately, yes.

11 Q. All right.

12 MR. SCOTT: I'm sorry, Your Honor. Bear
13 with me one second.

14 THE COURT: No problem.

15 (Pause.)

16 BY MR. SCOTT:

17 Q. Is there a bylaw that you're aware of that requires a
18 subject matter of an investigation to abstain from voting?

19 A. No.

20 Q. Is there a bylaw that requires a board member subject
21 to investigation to be excluded from the vote?

22 A. No.

23 Q. You had mentioned that there was another lawsuit?

24 A. Yes.

25 Q. Was that filed before you were removed or after you

1 were removed?

2 A. After I was removed.

3 Q. Was it filed before the lawsuit of May 20th, was that
4 before or after that lawsuit?

5 A. It was filed after the lawsuit.

6 Q. And he forgot to ask you.

7 Who filed the lawsuit?

8 A. The Grand Boule.

9 Q. And on April 28th, did you receive that e-mail that I
10 showed to Mr. Tyson? It's marked P-14.

11 So we went over that very narrowly. I'm going to
12 keep it narrow, Mr. Douglass. My question is: When you
13 received that communication on April 28th, what was your
14 reaction?

15 A. A mix of reaction. Disappointment, hurt, fury. This
16 is not me. I didn't do any of this. Betrayal. I didn't do
17 any of this. And I even felt that it was a deliberate attack
18 on my character. No one has ever said anything like this
19 about me.

20 MR. JORDAN: Objection. He keeps --

21 THE COURT: Mr. Douglass, I recognize
22 this is your chance to speak, but please hold
23 off --

24 THE WITNESS: I'm sorry, Your Honor.

25 THE COURT: It's okay.

1 THE WITNESS: This is tough for me.

2 BY MR. SCOTT:

3 Q. Can you just, jumping around a little bit --

4 THE COURT: Before you jump around more,
5 what is the exhibit number that you're looking at
6 right now?

7 MR. SCOTT: That was 14.

8 THE COURT: Fourteen.

9 Okay. Thank you.

10 MR. SCOTT: P-14.

11 THE COURT: Okay. Thank you.

12 BY MR. SCOTT:

13 Q. I forgot to ask you this in the beginning, what's the
14 process of a Grand Board member submitting for reimbursement
15 of Grand Board business?

16 A. Okay.

17 MR. JORDAN: Your Honor, objection.

18 Again, we're going to get into the substance of the
19 removal.

20 THE COURT: Okay. Just basic
21 understanding. That's it.

22 THE WITNESS: Basic understanding is you
23 travel. We don't have credit cards. You use your
24 own credit card. Spend your own money. Submit it
25 for reimbursement. If it's approved, you get

1 reimbursed. If it's not approved, you don't.

2 BY MR. SCOTT:

3 Q. Okay. Were any of your expenses ever rejected?

4 A. Onesies and twosies. Some that I don't think should
5 have been rejected. But I didn't fight it.

6 MR. JORDAN: Your Honor, we've gone over
7 the general principals. We can go through the
8 various 25 times that he's been rejected of --

9 THE COURT: I think we have gotten the
10 testimony that we need for the purposes of this
11 hearing and Mr. Scott is moving on.

12 Right, Mr. Scott?

13 So overruled on that.

14 MR. SCOTT: Your Honor, may I consult
15 with co-counsel for a second?

16 THE COURT: Sure.

17 (Pause.)

18 BY MR. SCOTT:

19 Q. Just to wrap it up, did anybody from the Board ask you
20 to submit anything to the Board for the upcoming May 21st,
21 2025, meeting?

22 A. No.

23 Q. All right.

24 MR. SCOTT: That's all I have, Your
25 Honor.

1 THE COURT: Okay. Thank you.

2 All right. Mr. Jordan?

3 MR. JORDAN: Yes, Your Honor. We
4 definitely have cross-examination.

5 THE COURT: Okay.

6 - - -

7 CROSS - EXAMINATION

8 - - -

9 BY MR. JORDAN:

10 Q. Now, Mr. Douglass. Archon Douglass, how are you?

11 A. I'm fine. And yourself?

12 Q. I'm good. Great. Thank you.

13 I'm going to hand you the petition that was filed in
14 this court and which we're having this hearing on. You
15 were --

16 MR. JORDAN: That is not marked, Your
17 Honor, but we can call in SPP -- it's the complaint.

18 THE COURT: Okay. So petitioner
19 complaint is filed in this court?

20 MR. JORDAN: That's correct, Your Honor.

21 THE COURT: Okay. Orphan's Court.

22 MR. SCOTT: Well, we filed a petition for
23 injunctive relief. That's what this is about.

24 MR. JORDAN: That's what it is.

25 THE COURT: Okay. SPP-19. Okay. So

1 it's SPP-19.

2 BY MR. JORDAN:

3 Q. Have you seen that document before, Archon Douglass?

4 A. I think so. It looks like it was filed.

5 Q. Had you reviewed that document?

6 A. I have.

7 Q. And, in fact, if you look at the Attachment A at the
8 back, do you see your attestation to this document?

9 A. Let me find it.

10 Q. Attachment may be at the last page of the whole set.

11 A. Exhibit A?

12 Q. Yes.

13 A. Yes, sir.

14 Q. Do you see your signature there?

15 A. I do.

16 Q. And you provide that this document and complaint
17 maintains true and correct facts to the best of your
18 knowledge, information, belief; is that correct?

19 A. Yes, sir.

20 Q. And is subject to a Pennsylvania statute for unsworn
21 falsification; correct?

22 A. Yes.

23 MR. SCOTT: Your Honor, I think Exhibit A
24 to the injunctive petition is the complaint that we
25 filed in the trial division.

1 THE COURT: All right.

2 MR. SCOTT: That's what he's discussing.

3 THE COURT: But he did verify those facts
4 in that complaint?

5 MR. SCOTT: He did.

6 THE COURT: Okay.

7 MR. JORDAN: And that complaint is
8 incorporated by reference in this petition for
9 special injunction and he refers to various
10 paragraphs of that document.

11 THE COURT: Okay. I'm not sure Mr. Scott
12 is disputing, to be clear, what it is. Okay.

13 BY MR. JORDAN:

14 Q. So if we can, and bear with me going through that
15 particular document, the first, if we can go to paragraph 11.
16 That would be on page 3.

17 MR. SCOTT: Paragraph 3 is --

18 THE COURT: So counsel --

19 MR. JORDAN: Paragraph is 11. I'm
20 sorry.

21 THE COURT: Paragraph 11 of what
22 document?

23 MR. JORDAN: Of the petition.

24 THE COURT: Petition itself. Okay.

25

1 BY MR. JORDAN:

2 Q. Now, you state here that at the bottom of there it
3 says, Mr. Douglass reported to then Grand Sire Garibadli that
4 Dentons was the general counsel; is that correct?

5 A. Yes.

6 Q. In that paragraph you talk about the process in which
7 there was interviews and an international search for general
8 counsel; correct?

9 A. Uh-huh.

10 THE COURT: So I just want to -- I heard
11 you say uh-huh and usually I have to do this at the
12 beginning of the hearing. But try to use yes or no.
13 Okay?

14 THE WITNESS: Yes.

15 THE COURT: Go ahead.

16 BY MR. JORDAN:

17 Q. First, let's go back a minute.

18 In that paragraph you stated that you were the vice
19 chair of the Grand Boule Board. Isn't that in the first
20 paragraph?

21 A. Yes.

22 Q. There's no such thing as a position of the vice chair
23 of the Grand Board; isn't that correct?

24 A. That's not true.

25 Q. Can you look at P-28 and show me in the document that's

1 the constitution and bylaws where it says your vice chair?

2 A. I don't have P-28.

3 THE COURT: You need a copy?

4 THE WITNESS: Bylaws, Board of Directors

5 Grand Sire-elect shall be the vice chairman.

6 BY MR. JORDAN:

7 Q. And later on in that paragraph you state that you had
8 to search and then you told Archon Garibaldi that you selected
9 the Denton firm and that Garibaldi replied back to you, great
10 job.

11 Are you assuming that -- are you asserting the fact
12 that you're saying Garibaldi appointed the Denton firm as the
13 general counsel?

14 A. No; I'm just saying I informed him.

15 Q. You informed him?

16 A. Via e-mail. Him and the general counsel at the time,
17 Andy Patterson.

18 Q. During the time when Archon Garibaldi was Grand Sire,
19 did the Board approve Caesar Mitchell and the Dentons firm as
20 general counsel?

21 A. He didn't bring it up but it was his prerogative to do
22 so or not.

23 Q. Did the Board, during that time Archon Garibaldi was
24 Grand Sire, did they approve Denton and Caesar Mitchell as the
25 general counsel?

1 A. Not that I'm aware.

2 Q. Which particular board, to your knowledge, approved
3 Denton, Caesar Mitchell, as the general counsel?

4 A. Everybody knew he was general counsel.

5 MR. JORDAN: Your Honor, if I may, I'm
6 only asking for a response.

7 THE COURT: Could you just answer the
8 question?

9 THE WITNESS: I can answer the question.
10 We never formally, with the Board, put them in front
11 of the Board. But as a practical matter, they were
12 doing work for us in the middle of an emergency and
13 were doing it for months.

14 BY MR. JORDAN:

15 Q. Aren't we required, under the constitution and bylaws,
16 to have the Grand Board approve general counsel?

17 A. Approved which means it's a ratified agreement. But
18 traditionally that's not required. That's new. But it
19 doesn't mean that you still don't do it. It is by -- it's
20 like an advise to consent, although it doesn't specifically
21 say that.

22 Q. The provision says approved by the Grand Board; isn't
23 that correct?

24 A. Yes; it does say that.

25 Q. And approval requires a vote?

1 A. Correct. I never said it wasn't a vote.

2 Q. So it's a very direct question.

3 Did the Grand Board vote on Caesar Mitchell, Denton?

4 A. Whose Grand Board?

5 Q. Any Grand Board.

6 A. Be specific.

7 Q. Any Grand Board that is under Grand Sire that is --

8 A. Are you upset with me?

9 THE COURT: Mr. Douglass, please.

10 Mr. Douglass, please answer the question.

11 THE WITNESS: I'll answer the question

12 but please be specific. Whose Grand Board are you

13 talking about?

14 BY MR. JORDAN:

15 Q. I'm going to do this. I'm going to let you pick one.

16 A. Okay. Garibaldi's, not that I'm aware.

17 Q. Under your administration?

18 A. No.

19 Q. Okay. Very simple; right?

20 A. Uh-huh.

21 Q. Okay. Thank you very much.

22 THE COURT: Yes?

23 THE WITNESS: Yes. I'm sorry.

24 BY MR. JORDAN:

25 Q. So I'm confused. Are you trying to assert here in

1 paragraph 11 and paragraph 12 that the Denton firm was
2 selected and they were general counsel?

3 A. Ask me the question again. I'm sorry.

4 Q. Aren't you trying to allude here in paragraph 11 that
5 Archon Garibaldi had selected him as general counsel --

6 A. No.

7 Q. -- meaning you're not --

8 A. No. I'm just saying I informed him.

9 Q. Doesn't paragraph 11 say, Mr. Douglass reported to
10 Garibaldi that Denton was selected as general counsel.
11 Current general counsel informed Grand Sire Archon Garibaldi
12 that Mr. Douglass made an outstanding choice. I look forward
13 to working with our transition during that period.

14 Isn't that what it said?

15 A. It is.

16 Q. And isn't that your intent in this document by slight
17 hand to try to assume that to this Court that this gentleman
18 was selected general counsel?

19 MR. SCOTT: Objection to the form of the
20 question.

21 THE COURT: Of the question?

22 MR. SCOTT: I mean --

23 THE COURT: It's a long question.

24 MR. SCOTT: It's getting lengthy. It's
25 also a legal petition to put forward claims in the

1 court. They're factual. He verified them. It
2 doesn't matter what his intent is. It's what it
3 says.

4 THE COURT: All right.

5 MR. JORDAN: But we just --

6 THE COURT: Can we --

7 MR. SCOTT: Also, Your Honor, it says
8 that all he did was inform that the group, who was
9 part of this selection committee, selected Dentons.
10 That's it. That's a true statement.

11 THE COURT: That's what the allegation
12 says; right? Is that what the allegation says in
13 the complaint? I'm actually trying to find it.

14 MR. JORDAN: Okay.

15 THE COURT: All right.

16 BY MR. JORDAN:

17 Q. Let's go to 13.

18 A. Okay.

19 Q. Read that paragraph 13 on page -- the very next page.

20 Does it not say that the Dentons firm was approved
21 as general counsel; is that correct? Does it say that?

22 A. It does say that.

23 Q. And you're attesting to the fact that this was true; is
24 that correct?

25 A. I do say that.

1 Q. But it's not true; is it?

2 A. Not normally, no. But tacitly, yes. There's a
3 difference.

4 Q. But it didn't meet the requirements of the constitution
5 and bylaws that require him to be approved by the Grand Board;
6 would that be correct?

7 A. Formally, no. But tacitly, yes.

8 Q. So what does tacitly mean?

9 A. Meaning that as a practical matter and according
10 to -- I don't want to refer to legal ethics. I'm not
11 qualified to talk about that. But if the firm is doing work
12 and has been doing work for months and everyone knows they're
13 doing work, they're approved tacitly.

14 Q. But we have a process; is that correct?

15 A. We do.

16 Q. And you -- well, and he was -- this process did
17 not -- this appointment, this tacit approval of this counsel
18 didn't follow that process; did it?

19 A. Not the formal one, no. But sometimes when you are in
20 the heat of battle, sometimes you have to call an audible.
21 That's what happened.

22 Q. So let's -- the heat of the battle. Let's talk about
23 your heat of the battle.

24 A. Yeah.

25 Q. You have here that --

1 A. Yes. Sorry.

2 MR. JORDAN: Your Honor, could you
3 instruct the witness to let me ask the question
4 before he responds.

5 THE WITNESS: I said, yeah. So I said,
6 yes.

7 THE COURT: I know but I think that just
8 let him finish. I know it's difficult but --

9 BY MR. JORDAN:

10 Q. In the same paragraph 13, you make a representation
11 that the fraternity was undergoing a crippling cyber attack;
12 isn't that correct?

13 A. I do.

14 Q. And that required immediate action. Grand Sire Archon
15 Douglass immediately contacted general counsel.

16 A. Yes.

17 Q. One, we know we don't have a general counsel; is that
18 correct?

19 A. No.

20 Q. And two --

21 MR. SCOTT: Hold on a second.

22 THE WITNESS: No. What I'm saying is,
23 no, that's not true.

24 MR. SCOTT: Can I object for one second
25 here?

1 THE COURT: What's your objection?

2 MR. SCOTT: I am not sure that his answer
3 is able to get on the record clear because
4 Mr. Jordan keeps cutting him off, will not even let
5 him get two words and two letter in, no.

6 So if I could, just for sake of the
7 record, and allow me to actually formulate whether
8 or not it's a problem with what Mr. Jordan is
9 saying, I would really appreciate that.

10 THE COURT: Okay.

11 MR. SCOTT: I'm fast but not that fast.

12 THE COURT: All right. Mr. Jordan, you
13 are proceeding at -- not lightening speed but pretty
14 close.

15 THE WITNESS: First of all, I --

16 MR. JORDAN: Your Honor --

17 MR. SCOTT: You have to wait.

18 THE COURT: You have to wait. Please
19 wait, Mr. Douglass.

20 So there's a question on the floor
21 regarding I think you already stated that that is
22 the general counsel, correct, Mr. Jordan?

23 MR. JORDAN: Yes.

24 THE COURT: All right. So why don't we
25 restate that more slowly and the witness can

1 understand what the question is.

2 MR. JORDAN: I'll withdraw that question.

3 We've already established the general counsel.

4 THE COURT: Okay. Thank you.

5 BY MR. JORDAN:

6 Q. You state here that the fraternity was under a
7 crippling cyber attack; is that correct?

8 A. Yes.

9 Q. And that you had to urgently bring in the Dentons firm;
10 is that correct?

11 A. Yes.

12 Q. But isn't it true, is it, we weren't under a crippling
13 cyber attack; were we?

14 A. We were.

15 Q. When did this crippling cyber attack happen?

16 A. When we were in the Grand Boule and when they took down
17 our website which also took down part of our --

18 MR. JORDAN: Your Honor, I'm going to ask
19 the witness to answer the question and stop
20 elaborating well beyond. I asked when did it occur.

21 THE COURT: Okay. I think you asked him
22 two questions there. I think you asked did it occur
23 and I think that's what he's responding to. And
24 then when; right? You asked both. I thought you
25 asked him both.

1 MR. JORDAN: He answered yes on the first
2 one and I asked when for the second one.

3 THE COURT: So I think I'm going to allow
4 him a little latitude to explain his answer but just
5 respond to the question.

6 THE WITNESS: When we were attacked by
7 our vendor, they took down the website. They also
8 took down processes in the Office of the Grand Boule
9 and in the Boule Foundation. That's pretty harsh.

10 BY MR. JORDAN:

11 Q. Isn't it true when that happened you were not Grand
12 Sire?

13 A. I was the Grand Sire. I was the Grand Sire because it
14 was ongoing. It went on for months.

15 Q. But when it happened, you were not Grand Sire?

16 A. I was Grand Sire-elect.

17 Q. And it wasn't a crippling cyber attack.

18 Isn't what happened is that the vendor who owned the
19 website locked the website because the fraternity owed her
20 money?

21 A. We didn't know what happened at the time.

22 MR. JORDAN: Your Honor, I'm going to ask
23 the witness --

24 THE COURT: Yes. Wait until -- did you
25 finish your question, sir, Mr. Jordan?

1 MR. JORDAN: Yes; but the response was --

2 MR. SCOTT: Your Honor, Mr. Douglass is
3 trying his best to respond to these questions. And
4 then when Mr. Jordan doesn't like what he's about to
5 say, he cuts him off. Don't interrupt me.

6 He cuts him off and I don't think the
7 witness has an opportunity to fully explain himself
8 if he's being asked questions, which basically go to
9 the merits, which I was not even allowed to get into
10 at this point.

11 So either the witness has an opportunity
12 to testify or not.

13 THE COURT: All right. Well, I would
14 just ask you to give each other some grace and allow
15 him to answer questions.

16 So I believe that Mr. Jordan asked about
17 the vendor that shut down their website because
18 things were not being paid. Just rephrasing.

19 BY MR. JORDAN:

20 Q. Didn't the vendor take down the website because she had
21 a debt dispute with the fraternity?

22 THE COURT: You can answer now.

23 THE WITNESS: Okay. We didn't know that
24 at the time. You want a pad answer. When you're
25 running an enterprise, things are not that easy. We

1 didn't know that for weeks. We didn't know why we
2 were being attacked.

3 You know that now because we told you
4 that. We didn't know that at the time. So there's
5 no way to make that determination. And also there
6 was no way to know how bad the attack was
7 particularly when we know we had 40 years worth of
8 our information taken.

9 BY MR. JORDAN:

10 Q. Isn't it true that we still have the ability of
11 accessing our documents within the office?

12 A. Some; but mostly no.

13 Q. And isn't it true that the fraternity had a new website
14 operational, still up and running, within two weeks from then?

15 A. Because I directed it.

16 THE COURT: But I think you have to
17 answer the question.

18 THE WITNESS: The answer is, no, at the
19 time when it went down. Because when we found out
20 there was no way of getting it back as we were
21 figuring out how bad it was, I directed to secure
22 sigmapiphi.com and we implemented sigmapiphi.com as
23 a stopgap measure so we would recover dot org.

24 BY MR. JORDAN:

25 Q. Are you telling me that it was not until you were Grand

1 Sire that the fraternity was working on sigmaphiphi.com?

2 A. No; I'm not telling you that.

3 Q. Okay. Thank you.

4 Isn't true that we had e-mail back up and running
5 within 24 hours?

6 A. Well, because that's a different system. They're
7 related but they're different.

8 Q. Okay.

9 A. However -- well, I'll stop there.

10 THE COURT: Yeah.

11 BY MR. JORDAN:

12 Q. So going to paragraph 16. You state the investigation
13 has remained secret, has never been disclosed to Mr. Douglass.

14 On April 8th, 2025, at the executive session of the
15 Board in Orlando, Florida grants Grand Sire Archon Douglass
16 facilitator?

17 MR. SCOTT: What paragraph?

18 MR. JORDAN: Paragraph 16.

19 THE WITNESS: Sixteen.

20 BY MR. JORDAN:

21 Q. Isn't it true that you were aware of the investigation
22 as the time it was formed, February 21st, at a meeting in
23 which you chaired?

24 A. I'm sorry. I'm reading. I want to make sure before I
25 answer that that I understand.

1 Q. You state -- sorry. I'll give you a minute.

2 A. Okay. What is the question?

3 Q. In paragraph 16 you state that the investigation was a
4 secret and it had never been disclosed to you until April 8th.

5 A. Yes; because it was.

6 Q. Isn't it true that you chaired the meeting on February
7 21st, 2025, and that you chaired the meeting where the
8 investigation committee was formed?

9 A. I don't recall whether that was the date or not. Being
10 aware of the investigation is not knowing anything about the
11 investigation. It's not the same.

12 Q. So you're saying that you did not know on February 21st
13 that an investigation committee was formed to investigate
14 allegations against you.

15 A. I'm not saying that. I don't remember. I'm not saying
16 that.

17 Q. I'm going to hand you what's been marked as SPP-1.

18 THE COURT: Okay.

19 BY MR. JORDAN:

20 Q. And SPP-1 starts, reading minutes, Miami, February
21 21st, 2025.

22 Can you take a moment to look through that document?
23 Particularly, I think it's page 4, toward the middle of the
24 page.

25 Does this document help refresh your recollection

1 that on February 21st, 2025, that the committee was formed to
2 begin an investigation?

3 A. I have never seen this before, this document.

4 Q. I'm sorry. That's not what I asked. I said --

5 A. I'm going to get to your answer.

6 Now, I know that it was the Miami meeting. I do
7 remember the Miami meeting.

8 Q. Does it refresh your recollection that on February
9 21st, 2025, you were aware that there was an investigation
10 going into your conduct; isn't that correct?

11 A. I do remember it now; yes. It was in Miami. Yes.

12 Q. So what you state here in paragraph 16 is not true;
13 correct?

14 A. It is true.

15 Q. That you didn't know until April 8th?

16 A. I didn't know anything about what was going on in the
17 investigation.

18 Q. Okay. So that's what you mean in here?

19 A. Yes.

20 Q. You're not trying to say you didn't know about the
21 investigation?

22 A. No; I'm not trying to say that.

23 Q. Okay. And also on paragraph 16 you state that there
24 was an investigation about Dentons.

25 That is -- isn't that what you said? It was over

1 the Dentons law firm issue?

2 A. That is part of it. At least I'm told.

3 Q. That is part of it?

4 A. I'm told it was.

5 Q. Is there anything else in here in this petition that
6 says there was other reasons why you were being investigated?

7 A. I would have to go through the whole -- this is a long
8 document.

9 Q. Okay. You want to look at it?

10 A. That's a big thing. That's a big ask for right now. I
11 mean, I have to go through all of this.

12 MR. SCOTT: If we're limited to paragraph
13 16, that's fine. He can read paragraph 16 and
14 answer the question.

15 MR. JORDAN: No, Your Honor. I'm asking
16 about specifically what's there and is there
17 something else in there about the investigation
18 because I asked the witness directly, there were
19 other things, and is this in this petition?

20 THE COURT: Other?

21 MR. JORDAN: Other matters being
22 investigated.

23 THE COURT: So other issues that were
24 investigated that are form part of the petition?

25 THE WITNESS: Part of my petition?

1 THE COURT: Yes. Yes. I think that's
2 what he's saying.

3 THE WITNESS: No; we were very focused on
4 the vote.

5 THE COURT: Are we talking about the
6 petition for preliminary injunction versus the --

7 MR. JORDAN: Yeah; petition for
8 preliminary injunction.

9 BY MR. JORDAN:

10 Q. So you didn't put other things in there?

11 A. No; we were focused on the vote.

12 Q. You focused on the Dentons; correct?

13 A. On the vote.

14 Q. But don't you reference Dentons in this document?

15 MR. SCOTT: Relevance.

16 THE COURT: The question is does it refer
17 to Dentons in any specific paragraph, Mr. Jordan,
18 just to help us move things along.

19 BY MR. JORDAN:

20 Q. And you state that --

21 THE COURT: What paragraph?

22 MR. JORDAN: We're at paragraph 16.

23 THE COURT: Focus on paragraph 16.

24 THE WITNESS: What's the question?

25

1 BY MR. JORDAN:

2 Q. So anywhere else in this petition --

3 MR. JORDAN: And my question was is there
4 anywhere else in this petition but I'm going to move
5 on, Your Honor.

6 THE COURT: Thank you.

7 MR. JORDAN: I think we realize it's not
8 there.

9 MR. SCOTT: I didn't hear what he said,
10 Your Honor.

11 THE COURT: He said, I think we realize
12 it's not there.

13 MR. SCOTT: Can we move to strike
14 counsel's statement?

15 THE COURT: I think we really should not
16 be just making comments. All right.

17 BY MR. JORDAN:

18 Q. Isn't it true that you had the opportunity to respond
19 to the charges several times?

20 A. No.

21 Q. Is it your contention that you didn't know the various
22 aspects of charges that were against you?

23 A. I knew about the allegations because of all the rumor
24 and innuendos that went -- and all the e-mails that were
25 floating around the fraternity. The smear e-mails that

1 were -- because basically what was in the investigation that
2 prompted the investigation were the smear e-mails that were
3 leaked about me. None of which were true.

4 MR. JORDAN: Your Honor, I'm going to ask
5 once again --

6 THE COURT: Yes. What is your request?

7 MR. JORDAN: That this witness be limited
8 to respond to the questions and not go off.

9 THE COURT: Wait for a question before
10 you respond or say anything.

11 THE WITNESS: Sorry, Your Honor.

12 MR. JORDAN: I'm going to show you what's
13 been marked as SPP-4, Exhibit 4.

14 BY MR. JORDAN:

15 Q. And the document in front of you, it says, my statement
16 to the inquiry committee?

17 A. Yes.

18 Q. Were you not responding to the -- weren't you
19 responding to the inquiry charges?

20 A. No. What I was doing was I provided my input for the
21 meeting to hopefully help guide the discussion. This is not a
22 response.

23 Q. But you responded -- you were responding to the
24 charges?

25 A. No matter how many times you ask me. It says in

1 support of tomorrow's meeting. That's not a response. That's
2 submitting information.

3 Q. So page 2 where you state at the very first paragraph,
4 matter currently under review include travel expenses,
5 recognition of past Grand Sire Archon, personal security,
6 credible treats, you weren't responding to the charges?

7 A. I was providing input for us to use in the meeting the
8 next day.

9 Q. Providing input?

10 A. Yes. That's different.

11 Q. But the meeting was the next day; correct?

12 A. That was the interview; yes.

13 Q. You had an interview where you had the opportunity to
14 respond to the charges; isn't that correct?

15 A. I responded verbally the next day; yes. But
16 this -- your question was about this. This was not -- this
17 does not constitute a response.

18 Q. The last question I asked you moved away from that.

19 I asked you that day, next day, April 1st, you had
20 the opportunity to respond to the charges; correct?

21 A. Yes; but this would not have been the response.

22 MR. JORDAN: Your Honor, I'm going to ask
23 you to instruct the witness to answer the question.

24 I've moved on.

25 THE COURT: Mr. Jordan, in all fairness,

1 I don't know which question you're asking.

2 MR. JORDAN: I clearly --

3 THE COURT: Okay.

4 MR. JORDAN: I drew the line for a
5 minute, Your Honor.

6 THE COURT: Okay.

7 BY MR. JORDAN:

8 Q. On April 1st, you were interviewed by the committee;
9 isn't that correct? I'm not looking at the document.

10 A. I'm going to take your word it; yes. April 1st. No.
11 Sorry. It was April 2nd because this says in support of
12 tomorrow's meeting. So it was April 2nd.

13 Q. Isn't this the document that you sent to Archon Tyson,
14 I think, the night before the meeting in the late hour?

15 THE COURT: Wait.

16 MR. JORDAN: I'll withdraw the question.

17 BY MR. JORDAN:

18 Q. But so let's assume April 2nd.

19 Did you have a meeting with the committee where you
20 had the opportunity to refute and discuss the charges with the
21 investigation committee?

22 A. Can you rephrase that? I want to make sure what you're
23 asking me.

24 Q. Did you on either April 1st or April 2nd have a Zoom
25 meeting with the investigation committee were you had the

1 opportunity to discuss with them the charges?

2 A. That's a different question. On April 2nd, yes.

3 Q. And you had the opportunity to discuss or refute the
4 charges; is that correct?

5 A. We discussed the charges.

6 Q. Okay.

7 A. Allegations I prefer to call them.

8 Q. Okay. But you were able to speak for two hours about
9 the charges; weren't you?

10 A. Say that again?

11 Q. You were able to speak with them for about two hours;
12 correct?

13 A. I'll take your word for that.

14 THE COURT: What are you taking -- what
15 part?

16 THE WITNESS: How long it was. I don't
17 recall how long it was.

18 BY MR. JORDAN:

19 Q. All right. But you had the opportunity to discuss with
20 them the charges; correct?

21 A. I answered the questions that they asked me.

22 Q. Did they ask you about the charges?

23 A. They asked me about the allegations.

24 Q. Okay. So, again, going back to your paragraph 16.

25 A. Okay.

1 Q. It wouldn't be true that you did not know the subject
2 or the issues being investigated; correct?

3 A. That's not what this is.

4 Q. I'm asking you, it says that investigation remains
5 secret.

6 But you knew what the allegations were or what the
7 charges were at that time when you had your interview; is that
8 correct?

9 A. I knew what the allegations were but I don't know what
10 information they had or what they were looking for. That's
11 what that means. Because at the time, it wasn't clear.

12 Q. All right. Let me ask you something. You say during
13 the Grand Board meeting, in paragraph 17, during the Grand
14 Board meeting of April 9th, you were presented with a summary
15 of allegations that lead to an unlawful vote; is that correct?

16 A. What are we looking at?

17 Q. Paragraph 17.

18 A. Yes.

19 Q. Also in paragraph 17 you said, after the presentation,
20 Grand Sire-elect Tyson, without making a proper motion under
21 the Grand Boule's Governance Laws and Robert's Rules, and
22 without authority, excluded you from the meeting -- remainder
23 of the meeting under the guise that the Grand Boule's
24 Governance Laws and Robert's Rules required you to be
25 excluded.

1 Is that what you said?

2 A. If you're reading verbatim, I guess that's what it
3 says.

4 Q. And you said this happened on April 9th; correct?

5 A. April 9th.

6 Q. You just testified that Archon Tyson the day before
7 told you that you need to leave the meeting?

8 A. He asked me to leave the meeting.

9 Q. But you have here on April 9th that you were told
10 to -- you were told without -- he told you without proper
11 authority to leave the remainder of the meeting?

12 A. I don't understand your question.

13 Q. You're saying this happened April 9th that he told you
14 to leave the meeting; isn't that true?

15 A. That's what this says. But what I'm saying to you is
16 on April 8th we went over what was supposed to happen. So I
17 already knew what was supposed to happen.

18 Q. So are you --

19 THE COURT: Counsel, what paragraph are
20 you on?

21 MR. JORDAN: We're on paragraph 17, Your
22 Honor.

23 THE COURT: Seventeen.

24 BY MR. JORDAN:

25 Q. So are you saying that -- strike that.

1 But you have here in paragraph 17 that was April 9th
2 where he told you -- he excluded you from the meeting?

3 A. Correct.

4 MR. SCOTT: It's not what it says. Your
5 Honor, he is not saying that Mr. Tyson told him --

6 THE WITNESS: Right.

7 THE COURT: Wait.

8 MR. SCOTT: -- on April 9th. He's saying
9 that on April 9th, he was paraphrasing, improperly
10 excluded. That's what it says and that's a true
11 fact.

12 MR. JORDAN: That's not what it says
13 here, Your Honor.

14 MR. SCOTT: That's what the paragraph
15 says.

16 THE COURT: I think it can be interpreted
17 in different ways; however, I think, as I understand
18 as I read this, he was -- Mr. Douglass was excluded
19 during that meeting. Not that it happened
20 necessarily that day.

21 BY MR. JORDAN:

22 Q. Is there someplace in this petition where you said that
23 you had a conversation with Mr. Tyson on April 8th and he told
24 you to leave the meeting?

25 A. I don't know that we put that in there.

1 Q. In the meeting, did anyone exclude you from meeting in
2 the meeting? Tell you to leave?

3 A. On April 9th?

4 Q. On the April 9th meeting, did anyone tell you to leave
5 the meeting?

6 A. No; because we had already agreed that I would.

7 Q. So would Archon Turner -- when he said he heard someone
8 tell you to leave and you left because they told you to leave,
9 that would be true?

10 A. It is true.

11 Q. In the meeting?

12 A. Yeah; because --

13 Q. Who told you in the meeting to leave?

14 A. May I answer you?

15 Q. Yes, please.

16 A. Because I already knew what to do. But when
17 instructions were given as far as what was going to happen and
18 the only person that would have given those instructions would
19 have been Archon Tyson, it is entirely plausible that that's
20 what he heard. And it doesn't mean because I didn't hear it
21 or I don't recall it that it didn't happen.

22 Q. So did you hear anyone in the meeting tell you to leave
23 the meeting?

24 A. It didn't matter because I wasn't --

25 THE COURT: I just ask that you just

1 answer the question.

2 THE WITNESS: Okay. Did I hear it? I
3 don't recall actually. That's the truth.

4 BY MR. JORDAN:

5 Q. For the April 8th and April 9th meeting, weren't you
6 responsible for the agenda?

7 A. Yes.

8 Q. And going into the April 9th meeting, you were still
9 chairman until a certain point; correct?

10 A. Yes.

11 Q. At any time on April 9th did you raise an issue
12 about -- allegedly about your being told to leave the meeting?

13 A. I wasn't told. I was asked. And the answer is no.

14 Q. Did you, assuming what you're saying is true, in that
15 meeting on April 9th, did you -- on April 9th, did you refuse
16 to leave the meeting?

17 A. I didn't refuse.

18 Q. Did you ask the Board, make a request to the Board to
19 stay in the meeting?

20 A. I did not.

21 Q. Did anybody in that April 9th meeting tell you to
22 leave?

23 A. No.

24 Q. Did you make a motion to approve yourself to stay in
25 that meeting?

1 A. No.

2 Q. You just left on your own?

3 A. I left out of courtesy of what he asked me to do. I
4 expected to come back.

5 Q. And isn't it true that the investigation report was
6 earlier -- initial agenda done by Mr. Searcy -- the
7 investigation report was up earlier for consideration; isn't
8 that correct?

9 A. Correct.

10 Q. And you moved it further down?

11 A. Because of business we had to move around.

12 Q. During that meeting you were, again, allowed to address
13 the charges; were you not?

14 A. They gave me a minute to speak; yes. They gave me time
15 to speak.

16 Q. Wasn't it like 45 minutes?

17 A. Actually, I don't recall.

18 Q. Was it more than a minute?

19 A. It was certainly more than a minute.

20 Q. More than five minutes?

21 A. Certainly more than five minutes.

22 Q. More than 10 minutes?

23 A. It was certainly more than 10 minutes.

24 Q. More than 15 minutes?

25 A. Yes. Probably.

1 Q. More than 25?

2 A. I thought it was actually around 25, 30 minutes.

3 Q. And if the minutes indicate it was 45 minutes, then
4 that would be incorrect?

5 A. No; I'm not going to argue. I wasn't timing it.

6 Q. But you had an opportunity to address the charges?

7 A. I sure did.

8 Q. Now, isn't it true that you stormed out of the meeting
9 on your own? No one told you to leave?

10 A. I stormed out? I did not storm out of the meeting.

11 Q. Did you not hit the table, bang the table with your
12 hand?

13 A. I did not. I'm not that dramatic.

14 Q. Okay. And you left the meeting around, what, 11:29;
15 right?

16 A. That's what it says.

17 Q. And did you come back to the meeting at any point?

18 A. I expected to, but no.

19 Q. Did you come knock on the door and say, I want to come
20 back to the meeting?

21 A. The agreement was I was going to get a call.

22 Q. Did you call anyone to inquire?

23 A. No; because they were in the meeting.

24 Q. How long did you wait and where did you -- strike that.

25 How long did you wait?

1 A. I waited until I was called.

2 Q. Were did you wait?

3 A. At home. I live less than five minutes from the hotel.

4 Q. Did you call anyone and say, is the meeting still going
5 on?

6 A. Actually I did text just trying to find out what was
7 going on.

8 Q. Who did you text?

9 A. I think it might have been Tyson.

10 Q. Do you have it on your phone?

11 A. I don't know.

12 Q. Do you want to look for it?

13 A. Not right now.

14 Q. I'm going to ask you look for it, please.

15 THE COURT: That's -- I think that might
16 be an issue but that's his recollection.

17 I don't know how much time we have. So
18 let's just move on.

19 BY MR. JORDAN:

20 Q. We know it didn't happen; is that correct?

21 A. No; we don't know that.

22 THE COURT: You can check later. Let's
23 move on to other testimony.

24 BY MR. JORDAN:

25 Q. Lets go back to the April 9th meeting?

1 A. Okay.

2 Q. You were in control of the April 8th and April 9th
3 agenda; correct?

4 A. I was.

5 Q. And you'd normally run those meetings the way you want
6 the meetings to run; isn't that correct?

7 A. I run them according to the Robert's Rules of Order.

8 Q. The question is do you normally run the meetings the
9 way you want them to run; isn't that correct?

10 A. No.

11 Q. So you normally yield to others in meeting -- to
12 control the meeting; is that what you're telling me?

13 A. If that's what it calls for.

14 Q. So you haven't told the Grand Board that this is your
15 meeting and you're going to run it the way you see fit?

16 A. No. I don't recall saying anything like that.

17 Q. You don't recall.

18 So, hypothetically, and you're saying the meeting
19 runs under Robert's Rules -- strike that.

20 Did you at any time state what you heard from the
21 conversation of Archon Tyson and Archon Heard how the process
22 was going to go and you disagreed with it in the meeting?

23 A. Can you repeat that?

24 Q. Did you at any time while you're at the meeting on
25 April 9th repeated to the Board that you heard from -- that

1 Archon Tyson and Archon Heard told you how the investigation
2 report was going to go and that you were going to be excluded
3 from the meeting? Did you say that to the Board in that
4 meeting?

5 A. I said that to them on the 8th. I didn't say it to the
6 Board but I said it to them on the 8th.

7 Q. Did you say it to the Board on April 9th?

8 A. I didn't say it to the Board on April 9th; no.

9 Q. Why didn't you?

10 A. Because I decided to be courteous to the Board. They
11 knew my objection but I thought I was coming back. So I
12 thought, why burden the Board with it? We have enough
13 dysfunction.

14 Q. Now, you said that you felt wronged because you were
15 not allowed to come back and vote; is that correct?

16 A. It's not the only reason.

17 Q. To the April 9th meeting?

18 A. That's not the only reason.

19 Q. I'm asking a direct question.

20 Did you say that?

21 A. Did I say it where?

22 THE COURT: Today?

23 BY MR. JORDAN:

24 Q. In your direct that you felt wronged because you were
25 not allowed to come back and vote?

1 A. That's one reason.

2 MR. JORDAN: Your Honor, I'm asking him
3 to answer the question.

4 THE COURT: Yes. Answer the question.

5 THE WITNESS: Did I say that today?

6 THE COURT: Yes. Is that correct?

7 THE WITNESS: Yes; I said it. Correct.
8 That's a pad answer, but okay.

9 BY MR. JORDAN:

10 Q. And didn't you also say that you would have come back
11 and voted in your favor; correct?

12 A. Absolutely.

13 Q. Don't you have a duty to recuse yourself when you're
14 personally involved in the investigation that's being voted
15 on?

16 A. No.

17 Q. Does the Boule have a conflict of interest policy that
18 required you to do that?

19 A. Not on this; no. That's about business transactions.
20 It's different.

21 Q. Isn't it broad enough, the Boule's conflict of interest
22 policy, requires any board member who has a conflict, to which
23 they're personally involved in a transaction, the issue, that
24 they have to recuse themselves?

25 A. No.

1 Q. And you didn't feel morally that you would have to
2 recuse yourself?

3 A. No more than Tyson did.

4 MR. JORDAN: That's --

5 THE COURT: Let me just ask --

6 THE WITNESS: I'm sorry.

7 THE COURT: You said there is a recusal
8 provision or --

9 THE WITNESS: There is no recusal
10 provision. The conflict of interest policy covers
11 business, commercial transactions.

12 THE COURT: Separate policy?

13 THE WITNESS: Totally separate; yes.

14 BY MR. JORDAN:

15 Q. It isn't -- strike that.

16 It's a conflict of interest policy; correct? And it
17 talks about recusal; correct?

18 A. It does not. Only on commercial transactions. In
19 fact, you are the --

20 MR. JORDAN: Your Honor, there's no
21 question before the witness.

22 THE COURT: There's no question. I know
23 you want to help.

24 THE WITNESS: Okay.

25

1 BY MR. JORDAN:

2 Q. Now, you were asked questions about were you aware the
3 constitutions and bylaw committee was looking into that
4 particular Bylaw 2, 4G; correct?

5 A. I'm sorry. Repeat that.

6 Q. You were asked on direct whether or not you were aware
7 that the grand constitutions and bylaws committee was looking
8 into Bylaw 2, 4G?

9 A. I was not aware.

10 Q. I'm sorry?

11 A. I was not aware.

12 Q. I asked, you were asked that question?

13 A. You asked me if I was asked that question?

14 Q. I'm trying --

15 A. Yes, I guess.

16 Q. Now, isn't it true that you appointed Archon Jeffrey
17 Webster as chairman?

18 A. I sure did.

19 Q. In fact, isn't it true that most of the people on the
20 constitutions and bylaws committee you appointed?

21 A. Yes.

22 Q. And that's appropriate?

23 A. Absolutely.

24 Q. And that's the same group rendering the opinion about
25 Bylaw 2, 4G?

1 A. Uh-huh.

2 THE COURT: Yes or no?

3 THE WITNESS: I'm sorry. Yes.

4 BY MR. JORDAN:

5 Q. Now, it is not normal for anyone who is not on the
6 grand board executive committee or a committee that's
7 functioning, for anybody outside of those committees to
8 receive notices of these meetings; is it?

9 A. Repeat that. I'm sorry.

10 Q. It's not normal for anyone that's not on the grand
11 board executive committee or any other committee, any other
12 person who's not either one of those things, receive notices
13 of the meetings of those particular bodies?

14 A. No; it's not normal.

15 Q. So it's not unusual that you did not get a notice to
16 Grand Board meetings when you had been removed?

17 A. It is unusual.

18 Q. What's unusual?

19 A. Because of the circumstances, I would have expected to
20 receive notice.

21 Q. But that's not normal; is it?

22 A. Neither is the situation --

23 THE COURT: Wait. Let him finish.

24 MR. JORDAN: I apologize.

25

1 BY MR. JORDAN:

2 Q. But it's not normal for people outside of those bodies
3 to receive the notice; correct?

4 A. In the normal course of business, no.

5 Q. Okay. Thank you.

6 Now, were also --

7 MR. JORDAN: Can I see P-29, please?

8 BY MR. JORDAN:

9 Q. I'm handing you P-29, which is Sigma Pi Phi Code of
10 Conduct Policy and Grievances and Disciplinary Manual.

11 Are you familiar with that document?

12 A. I am.

13 Q. Can you just -- and you were asked earlier that if
14 that -- did you have an opportunity within the Boule
15 guidelines to file a complaint had you known how you were
16 being removed; correct?

17 MR. SCOTT: Objection. That's not what
18 the testimony or the question.

19 THE COURT: All right.

20 BY MR. JORDAN:

21 Q. So what document --

22 MR. JORDAN: Thank you. I'll withdraw
23 the question.

24 BY MR. JORDAN:

25 Q. What document were you referring to when you stated

1 that you had a right under Boule policies or documents to
2 challenge the action brought against you?

3 A. The Boule constitution and bylaws.

4 Q. Where in the Boule's constitution and bylaws is it
5 stated?

6 A. Well, I could find it but I also want to point out --

7 THE COURT: Why don't -- can you actually
8 find it?

9 MR. JORDAN: Can we go to P-28?

10 THE COURT: P-28.

11 BY MR. JORDAN:

12 Q. That's the constitution and bylaws. Tell me where that
13 is.

14 MR. SCOTT: Your Honor, while he's
15 looking, the question was related to if there was a
16 formal complaint filed. That's what it was limited
17 to. Not anything else.

18 MR. JORDAN: That's not correct because I
19 will get to the point, too, but that's not correct.
20 You asked in regards to his removal, had he known
21 that he was removed, he would have exercised
22 requesting a hearing and all that other kind of
23 stuff. That's what you said.

24 THE COURT: I think that's my
25 recollection as well.

1 MR. JORDAN: That's what you asked.

2 MR. SCOTT: It was about the
3 ratification.

4 THE COURT: Let's move on.

5 BY MR. JORDAN:

6 Q. Are you still looking for that provision that gives you
7 the right for a hearing, a trial, and the right to bring a
8 lawyer to the meeting?

9 A. Actually I'm looking for something else if I can be
10 permitted to --

11 Q. I'm asking specifically what I was asking you to find.

12 THE COURT: First, let me just clarify
13 with all counsel the testimony that we're
14 addressing. We have, I guess, reasonable
15 recollection of what was actually stated, but
16 Mr. Scott, what's your recollection of that
17 testimony?

18 MR. SCOTT: My recollection is the import
19 of the questioning had to deal with whether he would
20 have received notice of that. He would have had an
21 opportunity. I asked him generally, what
22 opportunities would he have. Now, the question has
23 developed, delved into, where does it say that in
24 the bylaws?

25 MR. JORDAN: Your Honor, he asked what

1 would he have done and he started running a whole
2 litany list of --

3 THE COURT: Right. I think it was a
4 question, as I understand it, about the resolution;
5 right?

6 MR. JORDAN: No. It was about the grand
7 constitution and bylaws committee opinion.

8 THE COURT: Which, Mr. Scott, if you
9 remember, was that testimony?

10 MR. SCOTT: It was in the context of
11 getting notice of what happened on April 21st, what
12 happened after April 21st, the convening of a board
13 meeting, and whether or not he would have -- if he
14 got notice of that, would he have been able to take
15 any action. He said he would be able to do certain
16 things, such as object, hire a lawyer, so forth.
17 Those were the things that I asked him. Those are
18 the things that he said.

19 THE COURT: I think they were related to
20 the --

21 MR. SCOTT: They were not related back to
22 the bylaws. This was what -- it was a general
23 question what he could have done.

24 MR. JORDAN: And his response is he
25 stated what he could do. I first asked him where in

1 the code of conduct he could do that and now I'm
2 asking him and he said it's in the bylaws. I
3 said --

4 THE WITNESS: I didn't say that. I
5 wanted to tell you where the source is, if you'd let
6 me speak.

7 THE COURT: Okay.

8 MR. JORDAN: No.

9 THE COURT: Let me just --

10 MR. JORDAN: I want you to answer my
11 questions when I ask them, please.

12 THE COURT: All right. Let me address
13 something.

14 So my understanding is it's about what
15 you thought you would have undertaken had you been
16 given proper notice.

17 THE WITNESS: He's asking me a source
18 question.

19 THE COURT: And I think that's the
20 question you did respond with respect to the bylaws
21 and maybe didn't --

22 MR. SCOTT: Your Honor, just as a legal
23 matter, if he would have known, he could have filed
24 an injunction. He could have done a lot of
25 different things to stop that from happening.

1 THE COURT: I recognize that, Mr. Scott.
2 I think Mr. Douglass did refer to the constitution
3 as the source for his -- I don't know if he misspoke
4 or what the situation was.

5 MR. JORDAN: But he said it.

6 And I'm not clear what you mean. An
7 injunction to do what? On what document? On what
8 action?

9 MR. SCOTT: I'm not here to address you.
10 I'm here to address --

11 MR. JORDAN: It came in in the concept of
12 the grand constitution and bylaws committee.

13 THE COURT: Well, Mr. Jordan, can you
14 please reiterate what your issue is because I think
15 we're all talking about different things.

16 MR. JORDAN: I wanted to know where he
17 said that -- when he was asked a question about the
18 grand constitution and bylaws committee's opinion,
19 had he received notice that they were interpreting
20 this grand constitution and bylaws committee, had he
21 known, what would he have done, and he went through
22 a litany of things.

23 THE COURT: I don't know that's what I
24 would recall as the testimony. You'd have to talk
25 to the court reporter to get that specific line of

1 questioning.

2 And I suppose the question I thought it
3 was related to all the meetings, et cetera,
4 regarding the interpretation of the -- or
5 interpretation of --

6 MR. JORDAN: That's exactly.

7 THE COURT: Interpretation. Right. But
8 not necessarily the convening of the grand committee
9 but more so the actual resolution. I thought that
10 was what --

11 MR. JORDAN: They never used that
12 resolution in the conversation.

13 THE COURT: Okay. Whatever it is, I
14 suppose whatever your recollection is, Mr. Jordan,
15 why don't you ask the question related to the grand
16 committee so we can at least establish that that's
17 where we are.

18 Meaning could you at least -- what I
19 would like you to do is if it's your recollection
20 that that's what that testimony was about, please
21 just incorporate that in your question.

22 MR. JORDAN: That's what I asked him.

23 THE COURT: Okay. But without saying he
24 necessarily referred to it because I think there's a
25 question of whether that's true or not in my mind

1 but --

2 MR. JORDAN: I'll move on, Your Honor.

3 THE COURT: All right.

4 BY MR. JORDAN:

5 Q. I'm going to show you what's been marked as P-25. I
6 think we had dialogue about this. It is a letter from Archon
7 Searcy dated May 27th.

8 A. Yes.

9 Q. And --

10 A. May I have some water, please?

11 THE COURT: Thank you.

12 BY MR. JORDAN:

13 Q. Now, have you seen this document before?

14 A. Yes.

15 Q. I think you testified on direct that you have seen it;
16 right?

17 A. Yes.

18 Q. And in this document are you not being advised that
19 there's a code of conduct complaint filed against you?

20 A. Yes.

21 Q. And that the provisions of the code of conduct in the
22 previous manual is applicable?

23 A. Yes.

24 Q. And did you subsequently receive a letter from the
25 chairman of the grievances committee, conduct and grievances

1 committee?

2 A. Yes.

3 Q. And it told you, you have the right to challenge
4 those -- that complaint?

5 A. Yes.

6 Q. And it provided you had days to request a hearing?

7 A. Yes.

8 Q. And it also provided that at that time we had a whole
9 process that you could elect to go through; correct?

10 A. Yes.

11 Q. According to that code of conduct that is P-29;
12 correct?

13 A. Yes.

14 Q. And is this complaint that's being referred to May 27th
15 in that process?

16 A. Yes.

17 Q. And so you were asked questions about being able to
18 bring counsel and have a hearing?

19 A. Yes.

20 Q. Is that in this code of conduct?

21 A. Is that in the code of conduct?

22 Q. Yes. Code of conduct, grievances process, Step 5. On
23 page 10.

24 A. I see it.

25 Q. Does it say that the subject Archon is entitled to

1 provide a written answer within 21 days. He may also request
2 that the Grand Board adjudicate or resolve the matter without
3 a hearing; correct?

4 A. That's what it says; yes.

5 Q. Subject Archon is entitled to the assistance of any
6 other Archon in preparation of his answer?

7 A. Uh-huh.

8 Q. He's also entitled to the service of legal counsel at
9 his own expense?

10 A. Uh-huh.

11 THE COURT: Maybe try yes?

12 THE WITNESS: I'm sorry. Yes.

13 BY MR. JORDAN:

14 Q. So you're still in this process; aren't you?

15 A. I guess I could say that.

16 Q. So you still have the opportunity to have the benefit
17 of this provision where you have the right to a hearing and
18 you have the right to bring counsel; isn't that correct?

19 A. On the matters in front of them; yes.

20 Q. Now, in the petition, paragraph 20, you state that the
21 Grand Board did not consult with the general counsel before
22 the April 9th meeting to remove him; is that correct? Going
23 back to the petition.

24 A. Yes.

25 Q. There's no requirement -- let me let you get there.

1 A. Yes.

2 Q. There's no provision in the grand constitution and
3 bylaws that provides that before the Grand Board acts, that
4 they have to follow and consult with the general counsel; is
5 that correct?

6 A. No; it was good board practice.

7 Q. My question was, is there anything in the constitution
8 and bylaws that says that the Grand Board must consult the
9 general counsel before --

10 A. No; but it's good board practice.

11 Q. Now, during the process of this investigation, isn't it
12 true that Archon Mitchell recused himself from the process?

13 A. He did. At least part of it.

14 Q. P-5. I'm handing you what has been marked P-5, notice
15 of recusal regarding current board inquiry.

16 A. Right.

17 Q. Is that from Archon Mitchell?

18 THE COURT: Well, Mr. Jordan, I did not
19 hear you.

20 BY MR. JORDAN:

21 Q. Is that from Archon Mitchell?

22 A. Yes; I remember this.

23 Q. And he recused himself; correct?

24 A. Yes; he did.

25 Q. So where does it say I'm recusing myself in part?

1 MR. SCOTT: I didn't hear him, Your

2 Honor.

3 BY MR. JORDAN:

4 Q. Where does it say in this document that he recused
5 himself only in part?

6 A. It doesn't say that here.

7 Q. And do you have knowledge that he recused himself
8 because he was involved in the process of the investigation?

9 A. What was your question again? I'm sorry.

10 Q. Is it your understanding that he recused himself
11 because he was involved in the investigation? He was one of
12 the causes in the investigation?

13 A. The Dentons thing was part of the investigation; yeah.

14 Q. That's the reason why he recused himself?

15 A. Yes.

16 Q. And so when you said he recused himself in part, what
17 did you mean?

18 A. What I meant was he did this because I asked him to.
19 Because he and I talked -- he, I, and Thurbert Baker, who I
20 think was president of the firm. We had a conversation about
21 his involvement and because of the Dentons situation was part
22 of the investigation, I thought it was good that he not be
23 part of it. That's why he did this.

24 Q. Well, he didn't have -- so to your knowledge, he didn't
25 have legal responsibility to recuse himself, to your

1 knowledge?

2 A. I can't answer that question.

3 Q. So he did this because you asked him; correct?

4 A. You have to ask him why he did it but I did ask him.

5 Q. You did ask him?

6 A. Yes.

7 Q. I'm going to hand you what's been marked P-12.

8 THE COURT: Counsel, can you identify the
9 document?

10 BY MR. JORDAN:

11 Q. P-12 is a document dated April 21st, 2025, from -- to
12 the members of Grand Board from Caesar Mitchell, Dentons. It
13 says, preliminary review and recommendations for special legal
14 review regarding Grand Board action to remove Archon Loren
15 Douglass.

16 A. Yes.

17 Q. You already told us that you requested him to recuse
18 himself.

19 Did you also request him to write this letter?

20 A. Absolutely not.

21 Q. What changed between the time that he recused himself
22 to the time -- to your knowledge, did anything change between
23 the time he recused himself to the time that this was written
24 that he changed and wrote this document unrecusing himself?

25 A. I don't know because I haven't spoken to him.

1 Q. You have not spoken to --

2 A. Or text or anything.

3 Q. When was the last time you talked?

4 A. I don't know. It's been months.

5 Q. You had not talked to him before he released this
6 document?

7 A. No; I have not spoken to him.

8 Q. Isn't it true you put out an e-mail two days before
9 this letter came out and you recited almost verbatim
10 everything he had in this document; isn't that correct?

11 A. He probably was quoting the same sources, the bylaws.
12 Coincidence.

13 MR. JORDAN: Your Honor, give me one
14 minute?

15 THE COURT: Sure.

16 (Pause.)

17 MR. JORDAN: Your Honor, we can release
18 the witness for now subject to --

19 THE COURT: Okay. Thank you.

20 Mr. Scott?

21 -- --

22 REDIRECT EXAMINATION

23 -- --

24 BY MR. SCOTT:

25 Q. Can you do me a favor and look at P-29.

1 A. What's that?

2 Q. Code of conduct.

3 A. Yes.

4 MR. JORDAN: Your Honor, just a moment.

5 Can I have my microphone?

6 THE COURT: All right. Thank you.

7 BY MR. SCOTT:

8 Q. The code of conduct has a chart on the last two pages
9 that give the process on resolutions?

10 A. Yes.

11 Q. And in the subject matter of the April 8th, April 9th
12 board meetings, prior to those dates, were you given a formal
13 complaint?

14 A. What's the question again?

15 Q. Were you given a formal complaint? Like we talked
16 about --

17 A. In the grievance process?

18 Q. Yes.

19 A. Yes; I was.

20 Q. Okay. And the formal complaint, did they file the code
21 of conduct in the formal complaint?

22 A. They appeared to have done so; yes.

23 Q. Who gave you the formal complaint?

24 A. Grand Counsel Caesar.

25 Q. Okay. And there's 10 steps; correct?

1 A. Yes.

2 Q. Fourteen steps. I'm sorry.

3 And you would have been entitled to have a full
4 hearing with counsel; correct?

5 A. Yes.

6 Q. So what I'm confused about is did you get a letter that
7 said you have 21 days to respond?

8 A. No.

9 Q. So it wasn't quite the same type of complaint that
10 Mr. Searcy sent you on May 27th; correct?

11 A. No.

12 Q. All right. So maybe we're talking past each other
13 here.

14 Did you get a letter like you did on May 27th that
15 said there's been a formal complaint filed against you?

16 A. No.

17 Q. Did you get the opportunity to respond to the formal
18 complained within 21 days pursuant to the code of conduct?

19 A. No.

20 Q. Did you get the opportunity to ask for legal counsel's
21 help?

22 A. No.

23 Q. Did you get the opportunity to ask for a full hearing
24 with all the exhibits according to the steps in the code of
25 conduct?

1 A. No.

2 Q. With counsel?

3 A. No.

4 Q. And you would have also been given, under the code of
5 conduct, all the materials, like discovery materials, like you
6 would in a criminal case; correct?

7 A. Correct.

8 Q. And then you would have had the opportunity to go over
9 that with your lawyer and then you could have prepared a
10 defense; correct?

11 A. Correct.

12 Q. But none of that happened; did it?

13 A. No.

14 THE COURT: Mr. Scott, I just want to
15 make sure I understand what time frame we're talking
16 about.

17 MR. SCOTT: I was talking about before
18 the actual board meeting of April 9th and then I was
19 going to ask a follow-up question.

20 THE COURT: Okay.

21 BY MR. SCOTT:

22 Q. Now, after the April 9th board meeting, after the vote
23 took place, were you then -- they were going to revote on you,
24 according to all paperwork, May 21st? They were actually
25 going to revote on you; correct?

1 A. Right. Yes.

2 Q. Were you given an opportunity to respond to that
3 revote?

4 A. No.

5 Q. Were you given an opportunity to go through these
6 steps?

7 A. No.

8 Q. In the code of conduct?

9 A. No.

10 Q. You had said you would think it would be good practice,
11 or something like that, to give you notice of --

12 A. Yes.

13 Q. Why is that?

14 A. Well, because if -- especially something this serious,
15 you want to have somebody to have due process and their day in
16 court.

17 Q. Right. And I think you said under normal
18 circumstances?

19 A. Right.

20 Q. Was this --

21 A. This was not normal.

22 Q. Can you explain to the Court why it's not normal?

23 A. Well, number of reasons. Number 1 is by tradition we
24 don't broadcast to the entire country that there is a
25 grievance. First of all, the grievance process is very

1 private. This was broadcast to the entire country that there
2 was a grievance, first of all, which is not fair to me.

3 Second of all, matters such as -- in our 121 years
4 in existence, we've never had a Grand Sire --

5 MR. JORDAN: Your Honor, I would object.

6 He has no knowledge -- there's no foundation laid
7 that he knows what happened 120 years ago. He has
8 no knowledge of that.

9 THE COURT: All right. Thank you,
10 Mr. Jordan.

11 I do think it's a pretty broad statement.

12 So you can just stick --

13 THE WITNESS: In our history book --

14 BY MR. SCOTT:

15 Q. Can you make it more contemporary?

16 A. In the history books, the three history books that I've
17 read about our organization, there is no mention of any Grand
18 Sire being put through a process such as this, removed or
19 sanctioned in any way like this. So this is not normal.

20 Q. Let me ask you this question: Is there currently a
21 Grand Sire-elect?

22 A. No.

23 Q. How does that effect, if anything, the normal operation
24 of the Grand Boule?

25 A. Well, there's no vice chairman. There -- should

1 something happen to the Grand Sire, the Grand Sire-elect
2 always steps in and is the second-in-command. Right now
3 Archon Tyson is it. So there is no Grand Sire-elect.

4 Q. And does that upset the process in terms of elections
5 as well?

6 A. Totally.

7 Q. And can you explain to the Court why?

8 A. Well, because when it comes time for there to be an
9 election, we would have an election for Grand Sire-elect but
10 we have a vacancy that is not meant to be vacant up until
11 then. So in terms of the smooth running of the organization,
12 there is no second-in-command, and we normally have one.

13 Q. And if you were put back, there would be a
14 second-in-command; correct?

15 A. Yes.

16 Q. And who would that be?

17 A. Archon Tyson.

18 MR. SCOTT: That's all the questions I
19 have.

20 MR. JORDAN: Thank you, Your Honor. I
21 have brief recross.

22 THE COURT: Okay. I'll just allow a few
23 questions. This is not normal but that's okay given
24 it's just a bench trial. Limited.

RECROSS - EXAMINATION

BY MR. JORDAN:

Q. You were just asked questions in regards to the April 9th removal and investigation process. And counsel asked you to take -- asked you questions regarding P-29, the grievances committee, the committee process; correct?

A. Yes.

Q. Isn't this the process, this P-29, code of conduct related to matters between Archons to Archons bringing allegations against each other?

A. I don't know. Is it?

THE COURT: What is that answer, please?

THE WITNESS: Okay. I don't know.

BY MR. JORDAN:

Q. And it says that on Step 1, a complaint of possible misconduct may be initiated by the leadership of a member Boule or an aggrieved or concerned Archon.

It's completely different than what the Grand Board was doing going through the process under its authority as the Grand Board and its fiduciary responsibilities to investigate what they might have thought was improper conduct; correct?

A. Well, it is Archon to Archon; but okay.

Q. And more importantly doesn't the -- this process, it is

1 under the authority and control of the Grand Board; correct?

2 A. Yes.

3 Q. And the processes here are at the disposal of the Grand
4 Board, whichever way they elect to process; isn't that
5 correct?

6 A. That's correct.

7 Q. More importantly, on page 8, does it not say, the scope
8 of authority. The Grand Board shall exercise the full and
9 unfettered authority to refer to any matter it deems necessary
10 and appropriate to the committee to review, investigate, or
11 adjudicate, and, if appropriate, an evidentiary hearing. When
12 appropriate, the executive committee may instruct the
13 committee to issue a non-binding recommendation for
14 resolution; correct?

15 A. Correct.

16 Q. And above that it says, the inherent powers of the
17 executive committee, at the top of page 8. The Grand Board of
18 Sigma Pi Phi Fraternity is entrusted with the authority to
19 censure, suspend, expel, or otherwise impose disciplinary
20 measures against any Archon or member Boule for just cause
21 based upon its consideration of relevant evidence presented
22 directly to the Grand Board or offered by the grand grievances
23 and complaints committee.

24 A. Yes.

25 Q. Isn't that what happened with you? The Grand Board

1 took control of the investigation process?

2 A. But I thought this didn't apply?

3 Q. I'm just asking though, counsel made allusion --

4 A. No.

5 Q. So it doesn't apply; does it?

6 A. I'm just following your logic.

7 Q. But this does not apply to the investigation process
8 that was undertaken by the Grand Board regarding the
9 allegations that were being brought against you by the Grand
10 Board?

11 A. I want to answer your question. May I answer the
12 question?

13 Q. You can answer.

14 THE COURT: Please do.

15 THE WITNESS: Okay. Where the bylaws is
16 silent on something, Robert's Rules of Order takes
17 precedent.

18 MR. JORDAN: Your Honor -- no. Go ahead.

19 THE WITNESS: Robert's Rules of Order
20 takes precedent. Section 63 of Robert's Rules of
21 order, investigations and all of that, is part of
22 our bylaws because of the fact that we don't have
23 that in our bylaws. Just like other things. When
24 it's silent, that's where we go to.

25

1 BY MR. JORDAN:

2 Q. Okay. Where in our bylaws does it say that Robert's
3 Rules of Order controls our bylaws?

4 A. No; I didn't say that. I said where it's silent.

5 Q. Where in our bylaws -- can you show me where in our
6 bylaws that it states where our bylaws are silent and Robert's
7 Rules of Order control?

8 A. Let me see if I can find it. It would be faster if I
9 had the electronic version. I could search.

10 THE COURT: Mr. Jordan, how much do you
11 have left?

12 MR. JORDAN: This is probably my last
13 question. Unless he has re-redirect, Judge.

14 (Pause.)

15 THE WITNESS: I can say this, if I had
16 the electronic version, I could find it easier.

17 The current grievance and complaints
18 chair was the previous grievance and complaints
19 chair. I might have read that in one of his
20 opinions. I might have read that.

21 MR. JORDAN: Your Honor, I asked --

22 THE WITNESS: I can't remember.

23 THE COURT: I recognize that but I think
24 that's why he's trying to recall where he saw it.

25

1 BY MR. JORDAN:

2 Q. But it's not in our constitution and bylaws?

3 THE COURT: I think that he -- and when
4 you're talking about "our," you're talking about
5 Sigma Pi Phi; right?

6 MR. JORDAN: Correct.

7 THE COURT: You keep on referring to
8 "our."

9 MR. JORDAN: I'm sorry.

10 BY MR. JORDAN:

11 Q. Archon Douglass, is Robert's Rules one of our governing
12 documents?

13 A. It's not.

14 Q. Okay. And isn't our governing documents provided in
15 Article 1, Section 4 of P-28, middle of the page?

16 A. I see it.

17 Q. Do you see Robert's Rules of Order listed here?

18 A. It is not listed here.

19 Q. All right. So it's not a governing document; is it?

20 A. I don't know that to be true.

21 Q. Okay. Let's go through Section 4 of the governing
22 documents.

23 It states, the rules and regulations under the IRS
24 where -- Section 4, the same spot, on Article 1, Section.

25 A. Yup.

1 Q. Like the first page.

2 A. I see it.

3 Q. It says, the hierarchy of the documents governing the
4 operation of the Grand Boule are the rules and regulations
5 issued by the IRS applicable to entities -- I'm not going to
6 finish the rest of this.

7 B, Pennsylvania Non-profit Corporations Laws 1988?

8 A. Yes.

9 Q. C, the constitution of Grand Boule Sigma Pi Phi;
10 correct?

11 A. Correct.

12 Q. D, the bylaws of the Grand Boule of Sigma Pi Phi
13 Fraternity; correct?

14 A. Okay.

15 Q. The policies and regulations adopted by the members of
16 the Grand Boule, as hereinafter defined; correct?

17 A. Yes.

18 Q. Policies and regulations adopted by the Board of
19 directors of the Grand Boule Sigma Pi Phi Fraternity, as
20 hereinafter defined?

21 A. Yes.

22 Q. The ritual manuals of the Sigma Pi Phi Fraternity?

23 A. Yes.

24 Q. Did I read anything that said anything about --

25 A. No; you did not.

1 Q. And, lastly, I don't know if I might have been remiss,
2 last question about Dentons.

3 We don't have a signed retainer agreement with
4 Dentons; correct?

5 A. I don't know what you have now.

6 Q. During the time you were Grand Sire?

7 A. No; I did not.

8 THE COURT: Thank you.

9 So rather than going back and forth, I
10 think that this is -- are you resting?

11 MR. SCOTT: I'm going to, yes. The
12 answer is yes.

13 THE COURT: The answer is yes.

14 Let's go through the documents right now.
15 I think that's the one thing we promised we would do
16 at the end.

17 THE WITNESS: Am I finished?

18 THE COURT: Yes.

19 THE WITNESS: Thank you.

20 THE COURT: So I think my staff is
21 keeping track of what was marked; is that correct?
22 All right.

23 MS. CHEWNING: I was trying to keep a
24 list of it.

25 THE COURT: Why don't you go through your

1 list first. We'll find out if there's any
2 objections to admission.

3 MS. CHEWNING: So starting with -- rather
4 that chronologically, I'm just going to go through
5 the Ps.

6 THE COURT: Okay.

7 MS. CHEWNING: I have marked P-2, P-3,
8 P-5, P-6, P-6 A, P-7, P-8, P-9, P-10, P-12, P-13,
9 P-14. We identified but I don't believe that we
10 used the civil complaint which has was marked as
11 P-23. P-25. I have a question mark next to P-26.
12 So I don't know about that one.

13 LAW CLERK: So I'm missing 2, 3, 6 A, 13,
14 23, and 26. Just what they are.

15 MS. CHEWNING: What they are?

16 THE COURT: Counsel, did you get those?

17 MS. CHEWNING: I heard 2, 3, 6 A, 13, and
18 23.

19 So 6 A was the e-mail traffic from
20 Mr. Searcy that attached the draft minutes from --

21 THE COURT: I think the initial objection
22 was withdrawn is my recollection.

23 MR. JORDAN: Which one?

24 THE COURT: Which one is that, counsel?

25 MS. CHEWNING: 6 A.

1 THE COURT: 6 A.

2 MR. JORDAN: No, Your Honor. We object
3 to that because that's a draft document and at not
4 the official minutes.

5 THE COURT: All right.

6 MR. JORDAN: And we already had the
7 official minutes which should serve to the Court
8 what went on.

9 THE COURT: All right. I recall that I
10 thought you were withdrawing your objection. I'm
11 going to admit that document because it was provided
12 as an attachment to a business record; correct?

13 MS. CHEWNING: Correct.

14 THE COURT: Yes. So your objection is
15 noted for the record.

16 Are there any objections to documents
17 that they're seeking to admit, counsel?

18 MS. CHEWNING: Your Honor, just to be
19 complete, I believe I stopped before we got to P-28,
20 which was the bylaws as well. I guess the code of
21 conduct was also 29.

22 THE COURT: P-29. It was marked by them
23 but by the SPP. Okay.

24 LAW CLERK: What was P-13?

25 MS. CHWENING: P-13 was the grand board

1 bylaws committee memorandum interpretation dated
2 4/22/25.

3 P-23 was just the civil complaint. I
4 don't think that was actually offered as an exhibit.
5 I just had a note next to it. I don't think we need
6 to mark it.

7 THE COURT: All right. Thank you.

8 MS. CHEWNING: There was a list of SPP
9 documents as well. And some of those are documents
10 that we've already offered so I just wanted --

11 THE COURT: So let's ask Grand Boule if
12 they have any objections. I recognize and note your
13 objection to the --

14 MR. JORDAN: Give me the numbers again?

15 THE COURT: You want us to go through it
16 again?

17 MR. JORDAN: Yes, please.

18 THE COURT: Okay. One more time.

19 MS. CHEWNING: P-2, P-3, P-5, P-6, P-6 A,
20 P-7, P-8, P-9, that also should include 9 A and 9-B
21 as well, P-10, P-12, P-13, P-14, P-25, P-26, P-28,
22 and P-29.

23 MR. JORDAN: We've already provided our
24 objection to P-6.

25 THE COURT: Okay. So let's go through

1 the SPP documents.

2 MR. JORDAN: SPP-1 --

3 MS. CHEWNING: P-8 was an e-mail about
4 the complete board agenda. So there was a
5 discussion about -- maybe we didn't use it. I don't
6 think it necessarily has to be -- we don't need to
7 admit that, Your Honor. It's not -- we have
8 testimony about that issue. We don't need the
9 document as well. So we can withdraw P-8.

10 THE COURT: Withdraw P-8. Okay. All
11 right.

12 So let's do the SPP documents. Okay.

13 MR. JORDAN: One step back, Your Honor.
14 We want P-8 admitted.

15 THE COURT: You want P-8?

16 MR. JORDAN: Yes.

17 THE COURT: Okay. No objection?

18 MS. CHEWNING: We don't have an
19 objection.

20 MR. JORDAN: You said P-5 is admitted?

21 THE COURT: P-5 is admitted, yes.

22 So all documents --

23 MR. JORDAN: So we would like SPP-1,
24 through 4. SPP 1 through 4.

25 THE COURT: All right.

1 MR. JORDAN: Seven through 10, 12 through
2 13, and, of course, 19 is the petition.

3 THE COURT: All right. Any objections?

4 MS. CHEWNING: Your Honor, I do not
5 have -- I just don't have 12 checked off on my list
6 as being identified. So I don't know which witness
7 purportedly identified that but I don't have that
8 marked on my list.

9 THE COURT: Okay.

10 MS. CHEWNING: So if it wasn't testified
11 to, then I don't believe it's appropriate for it to
12 be admitted to evidence, SPP-12.

13 THE COURT: Counsel, do you know at what
14 point it was discussed?

15 MR. JORDAN: Give me one second.

16 (Pause.)

17 MR. JORDAN: You're correct.

18 THE COURT: So that's withdrawn. All
19 right.

20 So other than that, you're good?

21 MS. CHEWNING: Your Honor, the only other
22 thing I have marked on my list is SPP-17 which is
23 listed as a delegation of authority.

24 THE COURT: Do you know who marked that?

25 MR. JORDAN: We didn't introduce it. No

1 one introduced it.

2 MS. CHEWNING: Okay. That's fine. Might
3 have been just a stray mark.

4 THE COURT: Okay. All right. So the
5 documents counsel referred to, except for 12 which
6 is withdrawn, will be marked, admitted, and part of
7 the record.

8 All right. Next steps. Mr. Scott?

9 MR. SCOTT: I was just to going to ask,
10 Your Honor, because it's a preliminary injunction,
11 there are exhibits to the petition and I would like
12 to enter them into the -- they're in the docket, of
13 course. I'd just like to enter them into record in
14 this matter, which would be A, B, C, and D, I
15 believe, to the petition.

16 MR. JORDAN: What was that?

17 THE COURT: What are they --

18 MR. SCOTT: Okay. So, A, is the
19 complaint that was filed in the trial division.

20 THE COURT: So I think your petition for
21 injunctive relief is part of the record. So isn't
22 that an attachment?

23 MR. SCOTT: Yes.

24 THE COURT: So I think the whole thing --

25 MR. SCOTT: Well, no, not the

1 entire -- no, not the petition. Just the complaint.

2 THE COURT: The complaint.

3 MR. SCOTT: The complaint which is
4 Exhibit A to this injunction petition.

5 THE COURT: Right.

6 MR. SCOTT: And Exhibit B is -- which has
7 already been entered -- is the bylaws.

8 THE COURT: Okay.

9 MR. SCOTT: Exhibit C is a letter dated
10 April 24th from Mr. Douglass to the Grand Boule.
11 That was not used during the hearing, however.

12 Exhibit D is Mr. Douglass' declaration.

13 And Exhibit E is the sections of Robert's
14 Rules, Chapter 43, Chapter 44 as helpful to the
15 Court.

16 And that would be those exhibits that we
17 would ask to be part of this record.

18 THE COURT: All right.

19 MR. JORDAN: Your Honor, may I speak?

20 THE COURT: Yes; you may.

21 MR. JORDAN: We would object to the
22 opinions, Exhibit E, Robert's Rules assertion.

23 THE COURT: All right.

24 MR. JORDAN: It's not applicable under
25 both the law, constitution, and bylaws of Sigma Pi

1 Phi and has not been a proper foundation laid for
2 its admission.

3 THE COURT: I think with respect to, if I
4 recall, one of the exhibits which is the opinion by
5 the grand constitution committee bylaw -- I'm
6 getting a lot of -- I'm just trying to recall
7 this -- did make reference to Robert's Rules of
8 Order in the context of its own opinion. So I think
9 it would be fair for me to refer to them.

10 MR. JORDAN: But that exhibit is larger
11 than anything that was referred to by the --

12 THE COURT: I'm going to refer to the
13 Robert's Rules that are referenced by you in your
14 opinion. So I'm limited to that.

15 MR. SCOTT: And the --

16 MR. JORDAN: The other thing --

17 THE COURT: I think that that's where --

18 MR. JORDAN: The other Exhibit C, there
19 was no testimony or anything regarding Exhibit C.

20 THE COURT: Is that C? Yes.

21 Go ahead, Mr. Scott.

22 MR. SCOTT: If I just may on the Robert's
23 Rules, we talked about this two days ago. There was
24 a motion to strike that from the record from the
25 petition. There was that -- they never had anything

1 to do with the Boule, but then the Boule went and
2 referenced them.

3 THE COURT: That's what I'm talking
4 about.

5 MR. SCOTT: And the section that I think
6 I provided to the Court is part of Chapter 43.

7 THE COURT: It is the same?

8 MR. SCOTT: But the most important part
9 of this is that because it's ambiguous, according to
10 them, that the Court can review a treatise, which is
11 the premier rules on parliamentary proceedings.

12 The Court can reference it and use it to
13 help it establish what it means because I think it's
14 helpful to the Court. It's not binding on the
15 Court. Whether or not it's part of their rules and
16 regulations because they put it at issue is a
17 helpful tool for the Court.

18 THE COURT: But -- well, Mr. Jordan, want
19 to say something else before I say something?

20 MR. JORDAN: Your Honor, we have fully
21 briefed the issue regarding the rules. In fact, the
22 law states that Robert's Rules can only be applied
23 as referred to in the bylaws. And they're not
24 referred to in the bylaws in the way counsel wants
25 to offer it. And so it cannot be included.

1 THE COURT: I'm going to take that issue
2 under advisement because I think it's -- I know it's
3 very material to your position but I do believe it's
4 referred to by the committee. So I think that would
5 be fair game given the language of your own
6 committee.

7 MR. JORDAN: But, Your Honor, you're
8 using it as substantive, right, and not procedural.
9 And they limited a lot more than that. Your Honor
10 just ruled that you were going to let it come in for
11 the sake of that which was referred to in the
12 opinion.

13 THE COURT: Correct.

14 MR. JORDAN: And they're going -- they
15 want all of that in.

16 THE COURT: I'm just going to take the
17 issue under advisement.

18 MR. SCOTT: If the objection is that it's
19 just an exception to the hearsay rule as well as a
20 learned treatise, the Court can rely on it.

21 THE COURT: All right.

22 MR. SCOTT: It's there for the Court.

23 THE COURT: It's -- and I think that the
24 statutory guidance is I have to consider it, too.

25 Recognizing that I believe -- let's talk

1 about C because I have an issue with admitting that
2 without testimony as to --

3 MR. SCOTT: There was testimony, very
4 small. It wasn't identified as April 24th.
5 Mr. Douglass did testify that he did send a letter,
6 a couple letters, to the Board; and that was one of
7 them. So technically was that used? No. But he
8 did refer to it.

9 MR. JORDAN: Your Honor, he didn't use
10 it. We didn't have an opportunity to object to it.
11 It's not before the Court and we object to it
12 being admitted.

13 THE COURT: We can recall him to -- for
14 the purpose of -- if it's important to you that it's
15 included, I think that it's just fair --

16 MR. SCOTT: It's part of the record.
17 It's part of the record.

18 THE COURT: It's part of the petition as
19 I understand it. So it's in the record, not
20 necessarily for why you want it there, but it's in
21 there.

22 So we're not admitting it for that
23 purpose other than as an exhibit to the petition for
24 injunctive relief which has been -- you asked that
25 to be admitted.

1 MR. JORDAN: Say that again, Your Honor.

2 THE COURT: The petition for injunctive
3 relief, as I understand it, you asked for that to
4 be admitted as an exhibit; correct?

5 MR. JORDAN: No; I didn't.

6 THE COURT: I thought 19 --

7 MR. SCOTT: I believe he did, Your Honor.

8 THE COURT: Let's talk again.

9 MR. JORDAN: Well, we are objecting to C,
10 Your Honor. That's --

11 THE COURT: Okay. So you are seeking
12 to --

13 MR. JORDAN: I think particularly we used
14 A in our examination.

15 THE COURT: All right. We will make it
16 part of the record but understand that you do have
17 objections to A and C and E. All right.

18 Or, no. You don't object to A. Just
19 make sure we got that right. Right?

20 MR. JORDAN: Right.

21 THE COURT: Okay. Now, next steps. I
22 ordered --

23 MR. JORDAN: One other thing.

24 THE COURT: Yes.

25 MR. JORDAN: In our preliminary

1 objections we included our response in the Common
2 Pleas matter. I believe it's part of the record for
3 preliminary objections.

4 THE COURT: It's a pleading. I mean, I
5 think I can consider it. I don't think it
6 necessarily has to be admitted for the record;
7 right? I can take judicial notice of that.

8 So with respect to next steps -- yes?

9 LAW CLERK: I just have a question for
10 Mr. Jordan.

11 THE COURT: Okay.

12 LAW CLERK: I believe at some point you
13 mention SPP Exhibit 6. I don't know if you wanted
14 that admitted or not.

15 MR. JORDAN: We want that admitted -- no.

16 THE COURT: Okay. It was just marked as
17 an exhibit. It's okay. All right. Thank you.

18 I have ordered the transcript.

19 MR. JORDAN: Your Honor, I'm sorry. If I
20 may, you're correct. We did make reference to it.
21 That's Exhibit 6.

22 THE COURT: All right. So you want that
23 in. No problem.

24 MR. SCOTT: No objection.

25 THE COURT: All these documents

1 are admitted. Thank you, Mr. Fisher.

2 Okay. So I have ordered the transcript
3 from yesterday. I'll be asking for the transcript
4 for today. I wanted to get a sense of how quickly
5 they can turn around.

6 (Pause.)

7 MR. SCOTT: Your Honor, so we rested.

8 I don't know if they've formally rested.

9 MR. JORDAN: We rested.

10 THE COURT: They rested.

11 All right. Thank you very much.

12 (Matter concluded at 4:05 p.m.)

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1 CERTIFICATE

2
3 I HEREBY CERTIFY THAT THE PROCEEDINGS AND EVIDENCE
4 ARE CONTAINED FULLY AND ACCURATELY IN THE NOTES
5 TAKEN BY ME ON THE TRIAL OF THE ABOVE CAUSE, AND
6 THIS COPY IS A CORRECT TRANSCRIPT OF THE SAME
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