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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

-----)	CIVIL NO. CV14-00070
ANN LANGFORD,)	COURTROOM 5A
)	U.S. FEDERAL COURTHOUSE
PLAINTIFF,)	MOBILE, ALABAMA
)	JUNE 06, 2016
VS.)	
)	
HALE COUNTY ALABAMA COMMISSION;)	
HALE COUNTY PROBATE JUDGE,)	
)	
DEFENDANTS.)	
-----)	

JURY TRIAL - DAY 01

EXCERPTED TRANSCRIPT

BEFORE THE HONORABLE KRISTI K. DUBOSE
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

FOR PLAINTIFF: Charles M. Ingram, Jr., Esq.
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Opelika, Alabama 36803

FOR DEFENDANTS: Webb & Eley, P.C.
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1 Proceedings reported by machine stenography.

2 Transcript produced by computer.

3 [June 06, 2016, in open court.]

4 [The following is an excerpted transcript. Prior
5 proceedings reported but not transcribed herein.]

6 [Excerpt of direct testimony of Ann Langford.]

7 BY MR. INGRUM:

8 Q. Was Judge Crawford in the office the day she told you?

9 A. He was not. He was gone on his trip.

10 Q. What day were you terminated from the probate office?

11 A. March 11th, 2013.

12 Q. What did Judge Crawford say to you when he called you into
13 his office on the afternoon of March 11th, 2013?

14 A. He said, "There's been a breach of trust and confidence.
15 Your services are no longer needed. Turn in your keys. Your
16 replacement will be here in the morning. Friday will be your
17 last day, if you should so choose to come."

18 Q. Did you ask him why you were being terminated?

19 A. Yes, after I got my breath.

20 Q. Did he respond and give you a reason?

21 A. He would not give me a reason. He repeated, "There's been
22 a breach of trust and confidence. Your services are no longer
23 needed. Your replacement will be here in the morning. Turn in
24 your keys. Friday will be your last day, if you should so
25 choose to come."

1 Q. Again, we've looked at -- whoops. We looked at page 9 of
2 the Hale County Personnel Policy that outlined the steps
3 necessary in terminating an employee. Did Judge Crawford give
4 you -- before you were terminated, did he give you a verbal
5 reprimand?

6 A. No, sir.

7 Q. Did he give you a written reprimand?

8 A. No, he did not.

9 Q. Did he follow any of the procedures set out in the Hale
10 County Personnel Policy?

11 A. No, sir, he did not.

12 Q. Were you in the probate office the next day, after -- were
13 you there March 12th, 2013?

14 A. Yes, I was.

15 Q. Do you know Patricia Pickens?

16 A. Yes, I do.

17 Q. What time did she start work on March 12th?

18 A. First thing in the morning.

19 Q. Do you know if she had ever worked in a probate office?

20 A. Not to my knowledge.

21 Q. Do you know where she worked before she came to this
22 probate office?

23 A. Yes.

24 Q. Where was that?

25 A. She worked at the Hale Empowerment Resource Organization,

1 a nonprofit organization, in Greensboro, commonly known as
2 HERO.

3 Q. Do you know who Laura Barrett's replacement was?

4 A. Yes, I do.

5 Q. Who was that?

6 A. Felicia Williams.

7 Q. What is Felicia William's race?

8 A. African-American.

9 [Further proceedings reported but not transcribed herein.]

10 [Excerpt of testimony of Ann Langford on direct.]

11 BY MR. INGRUM:

12 Q. Did you have any other medical conditions that you haven't
13 seen about since then?

14 A. Yes. Strangely enough, the letter turns me down for the
15 preexisting condition of arthritis, which is true. I had been
16 diagnosed with it only a month, say, prior. But two years
17 earlier, I have had extensive skin cancer and have had the
18 surgery, Alabama Dermatology Clinic in Tuscaloosa. That's why
19 I got this pretty nose. And I'm supposed to have had -- I've
20 had two episodes with that. And, naturally, I'm supposed to
21 keep a check on that.

22 Q. Have you been able to get -- keep a check on that?

23 A. I have not.

24 Q. Do you find that upsetting or disturbing?

25 A. It does. I hope to tend to it, but I have not yet.

1 Q. How was it in Greensboro, Alabama after you lost your job?
2 How were things? How did you feel? How was walking around
3 town?

4 A. Well, I've lived there my whole life. I think I know
5 everybody of all walks of life, most of them by name. I've
6 seen them all or met them all one way or another, especially in
7 my years in the probate office, and the fact that I've lived
8 there my whole life. Probably one of the most embarrassing and
9 humiliating times in my life was Tuesday morning, if not the
10 evening before on Monday.

11 Q. You are talking about March 11th?

12 A. March, yes.

13 Q. Of 2013?

14 A. March the 12th. To walk into the place I walked in
15 every day and did my job for years knowing when I opened that
16 door what was it going to be like. I knew -- I did not know
17 exactly what was going to happen in the next few days or
18 months. It was literally walking into the unknown.

19 But there stood Judge Crawford and Ms. Pickens, and I
20 had to face everybody that came in that office that day, people
21 that saw me every day, that I waited on, assisted, my coworkers
22 and customers and attorneys that are in and out of there every
23 day.

24 And, of course, it was -- I either had to tell them
25 in person in front of my colleagues and God Almighty what was

1 happening. And it's hard. It was embarrassing and
2 humiliating, and that was just that day.

3 For the rest of -- the next several days and weeks,
4 months, everywhere you go people ask what's happening to you,
5 why it happened, details, even phone calls from people, you
6 know, wondering why you are not there. I'm sure they got calls
7 at the probate office of people asking for me. They had to
8 have --

9 MR. McNEILL: Object to that, Your Honor. Move to
10 strike.

11 THE COURT: It's overruled.

12 THE WITNESS: I didn't understand what he --

13 BY MR. INGRUM:

14 Q. Did the story of you being terminated, was it run in the
15 newspaper?

16 A. Oh, yes. I was headlines of the newspaper.

17 Q. Was it talked about at different places that you went
18 around town?

19 A. Yes.

20 Q. Church?

21 A. Yes.

22 Q. Grocery store?

23 A. [Nods head.]

24 Q. Drug store?

25 A. Everywhere.

1 Q. Did you try to get your job back with Hale County after
2 Judge Crawford terminated you?

3 A. Yes, I did.

4 Q. I believe we've shown documents where you submitted a
5 grievance and wanted to know why or if you could have your job
6 back?

7 A. I surely did.

8 Q. The letter that we introduced as Bench Book 7, the letter
9 from May 30th from Webb & Eley to me, the first time you saw
10 detailed, any sort of detail, as to why you were terminated, it
11 said that you had a pattern of failing or refusing to carry out
12 your job duties.

13 Is that true or accurate at all?

14 A. It is absolutely not true.

15 Q. It said that you were not cooperative, cheerful, and
16 productive with Judge Crawford and other staff members. Is
17 there any truth to that?

18 A. No, sir. Not a grain of truth.

19 [End of excerpt of Witness Ann Langford. Further
20 proceedings reported but not transcribed herein.]

21 THE COURT: Next witness.

22 MR. INGRUM: Your Honor, that's all the witnesses we
23 have. We'll rest.

24 THE COURT: Resting.

25 Anything from the defense?

1 MS. KIDD: Your Honor, at this time we'd like to move
2 for a judgment as a matter of law.

3 THE COURT: Then you'll need to come up to sidebar.

4 And, while she does this, why don't you go into this
5 room here. It will be about 10, 15 minutes.

6 [Bench conference with Ms. Kidd and Mr. Ingram present.]

7 THE COURT: Okay. Go ahead.

8 MS. KIDD: Well, Your Honor, I think that the more
9 clear point right now is that there's been very, very little
10 bit of evidence as to the First Amendment claim as to why she
11 was fired in associating with Judge Avery. There's been a lot
12 of evidence, certainly a lot of evidence, about the race claim,
13 but most of the evidence thus far has been about, you know, the
14 due process claim, that she wasn't granted due process. Well,
15 that's a separate issue.

16 THE COURT: All right. Well, as to the political
17 claim, First Amendment claim, I deny your motion.

18 As to the race claim, what evidence do we have that
19 it was race-based other than she was white --

20 MR. INGRUM: I had a lot of evidence.

21 THE COURT: -- and replaced by a black? You didn't
22 even get in that Ms. Galbreath was replaced by a black.

23 MS. KIDD: She wasn't.

24 MR. INGRUM: She wasn't.

25 THE COURT: That's why you didn't get it in.

1 MR. INGRUM: They combined the jobs. They took a
2 white and black and put them together for the job, but there
3 was no one hired especially for her job. So that's why I
4 didn't --

5 THE COURT: If I had known that, I don't think I
6 would have let her testify. Go ahead. I thought she was
7 replaced by a white -- I mean, a black.

8 MR. INGRUM: No. The county attorney was. But I'm
9 trying to think with -- I guess part of it is the pretextual
10 portion of it. There's no -- she was white and replaced by
11 someone black. There were other things that really is not in
12 evidence except Tricia was also terminated, which is the state
13 of the evidence now. The pretext of what was done.

14 He has stated he terminated Laura Barrett -- excuse
15 me -- he terminated Ann Langford on March 11th and that was
16 when he decided to terminate Ann Langford. Yet he was training
17 the replacement in Greene County three weeks earlier. She has
18 less experience, which is a factor, pretext. He never clearly
19 or consistently articulated his reasoning for terminating Ann
20 Langford. All he would say is she breached trust and
21 confidence. Two and a half months later, he comes up with a
22 reason. I think the reason is all pretext for what was done.

23 THE COURT: All right.

24 MS. KIDD: Your Honor --

25 THE COURT: Let me -- I'm taking it under advisement.

1 It's probably going to go out. You've got a much better case
2 on your political.

3 MR. INGRUM: And I recognize that.

4 THE COURT: I'm not saying you are going to win on
5 it. I'm just saying that -- I mean, if I was looking at all of
6 this, I think the only thing that I could argue is that, well,
7 you know, she supported Avery; he didn't want her in there.
8 That's your case, but there's nothing about race here other
9 than he's black and she's white.

10 MR. INGRUM: I tried to get in what I could.

11 THE COURT: I know, but there's just nothing -- I
12 mean, I'm trying to think it through. That's why I'm not
13 throwing it out this second. I'm going to think -- this
14 second, I can't think of anything. I understand your whole
15 "he's not saying the real reason" is what you are saying. He's
16 not saying the real reason. And also, by the way, the
17 terminology "pretext," that goes out the window once we go to
18 trial. So there won't be any jury instructions about pretext.

19 MR. INGRUM: We had a joint agreed jury instruction
20 about it.

21 THE COURT: Well, the Eleventh Circuit says we don't
22 use that once we get to trial. Once you get past summary
23 judgment, you don't use the term "pretext" and all that
24 anymore. But I understand what you are saying. It can be
25 become evidence of we don't have a shifting burden here.

1 MR. INGRUM: Right.

2 THE COURT: But it can become if he's not telling the
3 truth about why he did that, then you can use that as evidence,
4 that he maybe did it for a wrong reason.

5 MR. INGRUM: And, Your Honor, I would think of it as
6 take political out of it. It looks like a cover-up for some
7 discriminatory purpose.

8 THE COURT: Well, no, no, no. Actually, if I were to
9 take the political stuff out of it, we wouldn't be here.

10 MR. INGRUM: And that's not what I'm asking.

11 THE COURT: Because if I just had this -- that's how
12 I'm trying to think of this, if this was solely based on
13 discrimination, this case, you wouldn't have gotten past
14 summary judgment. And you had all this stuff mixed up.

15 MR. INGRUM: It's hard to divide the political and
16 race line.

17 THE COURT: It's not for me because I don't live in
18 Hale County, and I probably don't understand how it's -- it's
19 obviously not -- well, apparently, it is down race lines, but
20 it's the Democrat party that appears to be down race lines.
21 But, anyway, that's why I let this go to trial because I
22 thought I don't know how that all works there. But, I mean,
23 what I've heard and what the jury has heard so far is he's
24 white -- I mean, he's black and she's white.

25 MR. INGRUM: And her qualifications. Her

1 qualification being replaced, you have --

2 THE COURT: She was replaced by somebody that was his
3 treasurer in his political campaign, and he trusted and he
4 wanted that person in there. Now, could he do that? You know,
5 is the --

6 MR. INGRUM: See, we are stepping right back into
7 political.

8 THE COURT: It's all about politics.

9 MR. INGRUM: And I understand. I thought about this
10 as this case was going on.

11 THE COURT: But I'm going to think about it overnight
12 in case you come up with this other case law that says
13 something, but I'm taking it under advisement. Remind me in
14 the morning, and I'll rule in the morning. If you give me some
15 cases, I'll keep prolonging it. I'll read your cases.

16 But you've got witnesses?

17 MS. KIDD: Yes, Your Honor.

18 THE COURT: Okay. And let's see. So I denied on
19 your -- this is for Karen, who is not in the courtroom. She's
20 listening. Denied on the First Amendment. Carried under
21 advisement on the race discrimination.

22 Do you have any other motion?

23 MS. KIDD: Not at this time.

24 THE COURT: You don't have anything, of course.

25 MR. INGRUM: No, Your Honor.

1 THE COURT: All right. Let's start your case. Bring
2 them back.

3 [End of excerpt. Further proceedings reported, but not
4 transcribed herein.]

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1 STATE OF ALABAMA)
2 :
3 COUNTY OF MOBILE)

4 ANN LANGFORD
5 vs.
6 HALE COUNTY ALABAMA COMMISSION;
7 HALE COUNTY PROBATE JUDGE.
8 CASE NO. CV14-00070

9 I, Melanie Wilkins, do hereby certify that the above
10 and foregoing transcript of proceedings in the matter
11 aforementioned was taken by me in machine shorthand, and the
12 questions and answers thereto were reduced to writing under my
13 personal supervision using computer-aided transcription, and
14 that the foregoing represents a true and correct transcript of
15 the proceedings upon said hearing.

16 I further certify that I am neither counsel nor
17 related to the parties to the action, nor am I in anywise
18 interested in the result of said cause.

19 Pages 1 to 14, inclusive.

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