

Exhibit A

Thomas A. Waite

October 17, 2006

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

vs. No. CV-05-399-EFS

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS d/b/a/
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY SAINTS, a Utah corporation,
d/b/a/ CORPORATION OF THE PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY SAINTS, a Utah corporation,
et al.,

Defendants.

DEPOSITION OF THOMAS A. WAITE

Taken on Behalf of the Defendants

Tuesday, October 17, 2006

DEPOSITION OF THOMAS A. WAITE, taken on behalf of
the Defendants, at 1500 South Raymond Avenue, Fullerton,
California, commencing at 9:18 A.M. on Tuesday, October
17, 2006, before PATRICIA L. HUBBARD, CSR #3400, a
Certified Shorthand Reporter in and for the State of
California, pursuant to Notice.

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Thomas A. Waite

October 17, 2006

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<p>1 Q. Okay. So you arrived in Spokane and 2 did the orientation, then the Church in its van 10:49AM 3 or somehow got you up to -- or, in your case, 4 down to Troy, Idaho?</p>	<p>1 truck. 2 Q. Okay. Did you ever have any 10:51AM 3 experience with a pickup truck before your 4 mission?</p>
<p>5 A. Yeah. 6 Q. Okay. At some point in time upon 7 your arrival -- after the missionary training 10:49AM 8 center, arrival at the Spokane mission, were you 9 asked to fill out a form called a personal 10 driving record?</p>	<p>5 A. I have had an experience with a 6 pickup truck helping somebody move. They asked 7 me if I could drive one of the vehicles, because 10:51AM 8 there wasn't a whole lot of people that were able 9 to.</p>
<p>11 A. I don't remember that I had to fill 12 out -- 10:49AM</p>	<p>10 Some of the young men weren't old 11 enough to have a license so I accepted -- I was 12 kind of nervous to drive someone else's newer 10:51AM 13 vehicle. But, yeah. And it was a stick shift, 14 also.</p>
<p>13 Q. Let me hand you what's been marked as 14 Exhibit 2. 15 (Whereupon the document referred 16 to was marked Defendants' 17 Exhibit-2 by the Certified 18 Shorthand Reporter and is attached 19 hereto.)</p>	<p>15 Q. So you drove a fairly new manual 16 transmission pickup truck?</p>
<p>20 BY MR. REKOFKE:</p>	<p>17 A. Yes. 10:51AM</p>
<p>21 Q. And -- and to move this along, across 22 the top it says "Personal Driving Record"; is 10:50AM 23 that right?</p>	<p>18 Q. And when was this? 19 A. I can't say exactly when. I just 20 know it was before I left on my mission.</p>
<p>24 A. Correct.</p>	<p>21 Q. Okay. You were obviously in high 22 school and had your license? 10:52AM</p>
<p>25 Q. It has your name?</p>	<p>23 A. Yes. 24 Q. Okay. Did you allow anybody to ride 25 in the back of the truck?</p>
Page 89	Page 91
<p>1 A. Yes.</p>	<p>1 A. No.</p>
<p>2 Q. And at the bottom that's your 10:50AM 3 signature?</p>	<p>2 Q. Would you ever allow anybody to ride 10:52AM 3 in the back of the truck?</p>
<p>4 A. Yes.</p>	<p>4 A. No.</p>
<p>5 Q. And it's dated January 8, 2003, in 6 the bottom right?</p>	<p>5 Q. Why not? 6 A. Like I said, it's -- growing up here, 7 it's illegal. And there was a lot of stuff in 10:52AM 8 the back of the truck.</p>
<p>7 A. Yes. 10:50AM</p>	<p>9 Q. Okay.</p>
<p>8 Q. Okay. In this personal driving 9 record document it asks on the -- in the top 10 right side type of vehicles you have driven.</p>	<p>10 A. Just -- yeah. I wouldn't invite 11 anybody to do that.</p>
<p>11 Do you see where I'm referring to?</p>	<p>12 Q. Why not? 10:52AM</p>
<p>12 A. Uh-huh, yes. 10:50AM</p>	<p>13 A. A law-abiding citizen, I suppose.</p>
<p>13 Q. And I think the first thing you put 14 was four-wheel drive truck?</p>	<p>14 It's just -- 15 Q. Okay. Aside from -- from it being 16 against the law, do you have an understanding 17 what the reason for the law would be just as a 10:52AM 18 layperson?</p>
<p>15 A. Yes. 16 Q. And what experience did you have with 17 a four-wheel drive truck prior to January 8th of 10:50AM 18 2003?</p>	<p>19 A. It's obviously not the safest place 20 to be.</p>
<p>19 A. We owned a -- well, my dad owns a 20 Toyota Land Cruiser. So I had the opportunity to 21 run a couple errands or -- it's a manual, and I 22 never really learned how to drive a manual 10:51AM 23 transmission. So it was just that kind of --</p>	<p>21 Q. The -- in your work where you go out 22 with your uncle to do survey, does that involve a 10:53AM 23 pickup truck at all?</p>
<p>24 Q. Okay. So it wasn't a pickup truck?</p>	<p>24 A. No.</p>
<p>25 A. No. The Land Cruiser wasn't a pickup</p>	<p>25 Q. Okay. The -- let me ask you this.</p>

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

vs. No. CV-05-399-EFS

THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS d/b/a/
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCE OF
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Thomas A. Waite

October 17, 2006

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1 A. Well, I know we read it, but it was 2 just kind of a routine thing. 11:01AM	1 A. Right. 2 Q. You understood them then? 11:03AM
3 Q. Okay. And that's right. If you 4 don't have any specific recollection of that, 5 then that's a fine -- that's a fine answer.	3 A. I'm sure I read them, but given my 4 current situation and then myself at that time, 5 obviously not to the same degree of appreciation
6 It says what it says. So I'm not -- 7 I'm just curious if you had any recollection. 11:01AM	6 or -- 7 Q. Okay. Do you think it's reasonable 11:03AM
8 Okay. Let me hand you Exhibit 3. 9 (Whereupon the document referred 10 to was marked Defendants' 11 Exhibit-3 by the Certified 12 Shorthand Reporter and is attached 13 hereto.)	8 to have you agree to wear a seat belt at all 9 times while the vehicle was moving? 10 A. Yes.
14 BY MR. REKOFKE:	11 Q. And obviously if you're in the back 12 of a truck that's moving, in the bed of the truck 11:03AM
15 Q. And again to move this along, that 16 across the top it says "Driving Contract."	13 there's no seat belt? 14 A. Correct.
17 A. Uh-huh, yes. 11:01AM	15 Q. Okay. You -- in the first go-around 16 in the Spokane mission you were paired with Elder 17 Ross; is that right? 11:04AM
18 Q. Okay. And is that your name printed 19 in there after the first paragraph?	18 A. Yes. 19 Q. Okay.
20 A. Correct.	20 A. Or -- in the Spokane mission?
21 Q. And is that your signature at the 22 bottom of that? 11:02AM	21 Q. The Spokane mission, yes. 22 A. Oh, in my first area with my trainer? 11:04AM
23 A. Affirmative.	23 Q. Yeah. Let me walk through it?
24 Q. And it's dated January 8th of 2003?	24 A. Okay.
25 A. Yes.	25 Q. Who -- let's do it this way. I'll
Page 101	Page 103
1 Q. Okay. And what -- under that 2 contract, why don't you go ahead and read into 11:02AM 3 the record what -- what you agreed to do.	1 let you explain it. 2 Tell me sort of who your -- are they 11:04AM 3 called companions?
4 A. Okay.	4 A. Yes.
5 Q. It says, "I Thomas Waite agreed to," 6 and then go ahead and read those?	5 Q. Why don't you tell me from the time 6 that you finished at mission training center, you 7 know, Troy, Bonners Ferry, Spokane who -- who 11:04AM 8 your companions were?
7 A. "Obey all mission vehicle rules; wear 11:02AM 8 a seatbelt at all times while the vehicle is 9 moving; submit all reports on time; not tamper 10 with odometers; use defensive driving principles; 11 obey all local traffic laws; drive mission 12 vehicles only; not transport unauthorized people 11:02AM 13 in the vehicle; only use the vehicle for approved 14 mission business within my assigned area."	9 A. My first companions Elder Eric 10 Maughn.
15 Q. Okay. So, do you have a recollection 16 of -- of reading this and signing this on 17 January 8th? 11:02AM	11 Q. Do you know how to spell that last 12 name? 11:04AM
18 A. No.	13 A. M-a -- I think there's a "G" in 14 there. I can't remember specifically.
19 Q. Okay. You understood the rules that 20 are -- that are set forth there, though?	15 Q. Maughn? Is that how you pronounce -- 16 A. Yeah. And also Elder Richard Bunton. 17 His Visa was delayed. He was supposed to serve 11:05AM 18 in the Australian mission -- or a Australian 19 mission. He was just kind of there.
21 A. I understood the rules?	20 And then after Elder Maughn left, I 21 was paired up with an Elder Craig. And then he 22 left, and I was paired up with an Elder Mitchell. 11:05AM
22 Q. Yeah. You under -- 11:02AM	23 And then I was transferred to Bonners Ferry.
23 A. I understand them.	24 Q. Okay. Everybody we've talked about 25 so far is Troy --
24 Q. Okay. You understand them now, 25 obviously?	

DRIVING CONTRACT

In exchange for the privilege of being allowed to drive or ride in a mission-owned car while serving in the Washington Spokane Mission,

I, Thomas White
(PRINT NAME HERE)

agree to:

- a. Obey all mission vehicle rules.
- b. Wear a seat belt at all times while the vehicle is moving.
- c. Submit all reports on time.
- d. Not tamper with odometers.
- e. Use defensive driving principles.
- f. Obey all local traffic laws.
- g. Drive mission vehicles only.
- h. Not transport unauthorized people in the vehicle.
- i. Only use the vehicle for approved mission business within my assigned area.

Signed: *Thomas White*

Date: 8 JAN 2003

EXH. NO. 3 FOR ID
 DATE: 10-17-06
 WITNESS: T. White
 PATRICIA L. HUBBARD
 CSR NO 340

Exhibit C

UNITED STATES JUDICIAL DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

* * *

THOMAS A. WAITE,)	
)	
Plaintiff,)	CIVIL NO. CV-05-399-EFS
)	
vs.)	VIDEO DEPOSITION OF:
)	
THE CHURCH OF JESUS CHRIST)	KEVIN LUDLOW
OF LATTER DAY SAINTS, dba)	
CORPORATION OF THE)	
PRESIDING BISHOP OF THE)	
CHURCH OF JESUS CHRIST OF)	
LATTER DAY SAINTS, a Utah)	
corporation, dba)	
CORPORATION OF THE)	
PRESIDENT OF THE CHURCH)	
OF JESUS CHRIST OF LATTER)	
DAY SAINTS, a Utah)	
corporation; DONALD C.)	
FOSSUM; and STEVEN D.)	
BRODHEAD,)	
)	
Defendants.)	

* * *

November 10, 2006
1:55 p.m.

Offices of Kirton & McConkie
60 East South Temple, Suite 1800
Salt Lake City, Utah

* * *

RENEE L. STACY
Registered Professional Reporter

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1 A Yes.

2 Q When was the first time you saw this
3 document or a similar document?

4 A I think this might have been in the red
5 book that I referred to earlier.

6 Q That book that you weren't sure the name
7 of? You said it was red and white?

8 A Yeah. Washington Spokane Mission Welcome
9 Book. I don't know what it was called.

10 Q I'm going to presume that you weren't the
11 one that sat down with the elders or sisters and had
12 them sign this. Or were you?

13 A No, I did not.

14 Q Okay. Do you know who did?

15 A The vehicle coordinator would have -- Elder
16 Staggs or Elder Grimsrud, whoever the vehicle
17 coordinator -- they would have had them sign. They
18 had them sign this during orientation.

19 Q All right. And do you know --

20 A During the first day in the mission field.

21 Q Is there a -- any type of set dialogue he's
22 to give them regarding this document? Do you know?

23 A Just that they would read it. Also, they
24 would view a video put out by the Church.

25 Q Specific --

1 A Safety guidelines for missionaries, I
2 believe was the name.

3 Q Specific to this document?

4 A Oh, no, not specific. I thought you
5 said -- what was his question? Maybe read it back.

6 Q Are you sure you haven't had your
7 deposition taken before?

8 A I've seen it on TV.

9 Q Okay. That's fair.

10 A I've never had mine -- I've witnessed a
11 deposition, but I've never had mine taken.

12 Q You've seen this document. You're not
13 sure. You think it may be -- have been in the red
14 book?

15 A It might have been in the red book. That
16 might have been the first time I had seen it, but I
17 did see it in the mission field, because I know that
18 they used this during the day that missionaries
19 arrived in the mission field. Their first day, they
20 would see this, they would sign this, and we would
21 put it in their file.

22 Q Okay. So this was something they saw
23 during the very first day during orientation?

24 A Yes.

25 Q What's -- how long does the process for

1 orientation take?

2 A We'd typically pick missionaries up -- we
3 would leave the airport around ten o'clock. We'd get
4 to a church about 10:30, 10:45, assuming the plane
5 was on time. They would be in orientation from about
6 eleven o'clock until three, 3:30, during which time
7 they would hear from myself, the vehicle coordinator,
8 the housing coordinator, the nurse, the secretary.
9 We'd feed them.

10 Q So that --

11 A If they were good.

12 Q That included a meal, and then the other
13 individuals you've talked about. How much of that
14 time was -- strike that.

15 Did you ever sit through that whole process
16 so you could see what everybody said to the elders or
17 the sisters?

18 A I couldn't sit through it.

19 Q All right. Even from the very -- ever at
20 any point in time did you ever sit through the full
21 orientation?

22 A No, because I had to interview each
23 individual missionary one on one.

24 Q Okay. So --

25 A During that time.

1 Q Do you know how long the --

2 A So I was in and out of the room.

3 Q All right. Do you know how long the
4 vehicle coordinator spent with the --

5 A He took quite a bit of time. He took --

6 Q You have to wait till I finish the
7 question.

8 A Oh.

9 Q -- how long he took with each of the
10 missionaries?

11 A With the group, you mean?

12 Q Do they meet as a group in orientation?

13 A Yes, it's a group. It's the whole group.

14 Q All right. It can be a different group
15 size each time that comes in?

16 A Sure.

17 Q All right. Any idea how much time he
18 spends with the group?

19 A I would say 40 -- well, I would say 45
20 minutes to an hour.

21 Q Do you know what he discussed with them
22 during that 45 minutes to an hour?

23 A They -- they -- they watched the video from
24 the Church.

25 Q Any idea how long that video is?

1 A I've sat through it and watched it. You'd
2 think I would know. No, but I'm sure it says right
3 on the cover.

4 Q Okay. So more than 20 minutes?

5 A Probably -- I'm guessing 20 minutes.

6 Q Okay. So that leaves about 20 additional
7 minutes for the other portion of the orientation?

8 A Right.

9 Q Okay. And during that portion what takes
10 place?

11 A They would talk about the report, the
12 monthly mileage report. They'd talk about the need
13 to keep track of mileage. Each car is allowed so
14 many miles.

15 Q How many miles?

16 A It varied.

17 Q Let's say it's not the assistants. Is it
18 for area -- from area to area?

19 A Right.

20 Q Because I noticed someplace in the -- I
21 thought it was the president's handbook -- it
22 mentioned 1,250 miles. Is that total?

23 A That's an average. If you took an average
24 of all the vehicles, it would be 1,250 miles, but --

25 Q For each -- for each vehicle?

1 A That's the -- well, average per vehicle.

2 Q Okay.

3 A But you can assign more miles to this area
4 and fewer miles to this area.

5 Q So Elder Skaggs, did he -- did you or he
6 assign the miles?

7 MR. REKOFKE: You mean Staggs?

8 MR. NORDSTROM: Staggs. Sorry.

9 THE WITNESS: Myself, the assistants, and
10 the vehicle coordinator would work on that and change
11 that from time to time.

12 Q (BY MR. NORDSTROM) Okay. Do you know the
13 number of miles that Elder Fossum was allotted?

14 A No.

15 Q Was that information kept someplace once
16 they were said -- once they were told, "These are
17 your allotted miles," was that written down
18 someplace?

19 A In the mission office.

20 Q And was that material or documentation kept
21 over a -- well, let me rephrase that.

22 What format was that kept?

23 A At that time I believe we had a little
24 spreadsheet.

25 Q When you got on your mission on July 1st,

1 these vehicles were already out?

2 A Right.

3 Q And I presume the miles had already been
4 allotted.

5 A That's true, yes.

6 Q And that information, is that -- do you
7 know whether -- when you left the mission field
8 almost a half a year ago, was that information still
9 available?

10 A I doubt it.

11 Q Okay. It wasn't transferred to any
12 electronic type of data source?

13 A Not that I know of.

14 Q Okay. What's the purpose of having a
15 mileage limitation? I know some of this sounds
16 obvious, but --

17 A Well, the Church -- as I stated, the
18 average was 1,250 miles per vehicle, so if you had,
19 for example, ten vehicles, those ten vehicles could
20 drive 12,500 miles. You might have an area --
21 like -- let's take Elder Fossum, for example. He
22 was -- he and his companion were Spanish-speaking
23 missionaries. They were covering a large area of
24 Spokane, therefore, they needed more miles than
25 somebody -- another set of missionaries that were

1 serving in Othello --

2 Q Okay.

3 A -- or on the south hill of Spokane, and so
4 you would assign based on the need, keeping in mind
5 that you had a total number of miles that you needed
6 to try and stay under.

7 Q If you didn't stay under it, any
8 ramifications?

9 A Yes.

10 Q Could you elaborate?

11 A Just, you know, probably -- you'd hear
12 about it from Church headquarters. You got to --

13 Q You would?

14 A Yes.

15 Q I'm talking about the missionaries that
16 went over.

17 A Oh, yes.

18 Q What happened there?

19 A I would rant and rave. No. Strike that.

20 Q No. Leave that on, please. It's --

21 A No. I would tell the missionaries that
22 this can't happen or they won't be driving.

23 Q Okay.

24 A Or we'll find them a bike area.

25 Q Okay. All right. Let's go back to

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1 Q So you believe that they intended to break
2 a mission rule when they got in the bed of the
3 pickup?
4 MR. REFOFKE: Objection.
5 THE WITNESS: No, I don't believe they were
6 intending to break a rule. I'm saying I believe that
7 they knew that they were breaking a rule. They were
8 great missionaries. They're good guys, intelligent
9 guys. They knew what the rules were.
10 Q (BY MR. NORDSTROM) But they didn't intend
11 to break one when they got in the back?
12 MR. REKOFKE: Same objection.
13 THE WITNESS: Well, intending or knowing --
14 I mean, they knew -- I'm sure they knew they were
15 breaking a rule, and I guess if you get in the -- I
16 mean, I look at "intent" and "knowing," I guess, is
17 the -- in the same sense.
18 Q Okay. So --
19 A I think --
20 Q -- if one of those missionaries indicated
21 that they didn't intend to break a mission rule when
22 they got in the back, would you believe -- would you,
23 knowing these missionaries, believe that?
24 A No. I believe that they knew they were
25 breaking a rule.

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1 Q Okay. And that would -- and all the
2 missionaries knew that, so they would be breaking the
3 mission rules?
4 A Because they knew they had to wear a seat
5 belt, therefore, they knew they were breaking a rule.
6 Q And that would go for the assistants, if
7 they knew, as well?
8 MR. REKOFKE: Objection to the form. I'm
9 not sure what --
10 THE WITNESS: If the assistants knew that
11 they were --
12 Q (BY MR. NORDSTROM) Riding in the back.
13 A -- riding in the back without a seat
14 belt --
15 Q Prior to the motor vehicle collision, they
16 would be breaking mission rules as well?
17 A If the assistant was riding in the back?
18 Q No. If they knew. Do they have a
19 responsibility to tell you if somebody is violating a
20 mission rule?
21 A Well, their job was to -- yeah. Their job
22 is to consult with me and let me know what's going on
23 in the mission. You know, we would talk about
24 missionaries that were happy, missionaries that were
25 struggling. We'd talk about, you know, serious --

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1 well --
2 Q I understand. Do you know what the
3 Washington law is -- strike that.
4 Were missionaries instructed as to the law
5 in Washington during orientation?
6 A I don't know.
7 Q Were they instructed at any other time on
8 traffic laws in the state of Washington?
9 A Yes, because there was a discussion both in
10 the Church video that we talked about earlier, and
11 talk about not speeding.
12 Q I understand. Do you understand what the
13 law is as -- when you were a mission president
14 regarding seat belts in the state of Washington?
15 A No. I can't say that I know exactly what
16 the law is. I'm assuming that you -- my best guess
17 and assumption would be that you had to wear a seat
18 belt.
19 Q Do you know whether your -- the information
20 that you have on the Washington law was any better
21 than the information that the missionaries received
22 on traffic laws in the state of Washington?
23 A Theirs was probably better, because they
24 sat in the orientation where some of those laws would
25 have been discussed.

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1 Q Okay. So, other than the orientation -- is
2 that the only place that those laws were discussed,
3 as far as you know, and these videos you've
4 mentioned?
5 A No.
6 Q The videos, were they specific to
7 Washington law?
8 A No, because they're put out here --
9 Q By the Church?
10 A -- and distributed to all missions, so they
11 wouldn't be specific to Washington law, but you -- to
12 answer your question prior to that -- you asked if
13 orientation was the only place, and it wasn't,
14 because we would always, at every zone conference,
15 have a little safety session involving one of the
16 videotapes.
17 Q When was the first zone conference you had
18 after you arrived in the mission field?
19 A Let's see. July 1st was a Tuesday, so it
20 would have been, I believe, July the 8th.
21 Q Oh. So you had a zone conference right
22 away?
23 A Yes.
24 Q Was traffic safety any type of input given
25 at that zone conference?

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1 A Yes.
 2 Q Do you remember what that was?
 3 A We would have at every zone conference.
 4 And that one in particular, what I recall is we had a
 5 video, because Elder Staggs was pretty adamant about
 6 making sure that we had one of those -- he had
 7 informed me, when I got there, the importance -- we
 8 discussed the importance -- let me go back.
 9 I don't know if I learned it in the MTC in
 10 Provo or if I just realized it when I got there, but
 11 I realized the need to make sure that the
 12 missionaries, from time to time, saw the vehicles
 13 put -- safety vehicles -- safety videos put out by
 14 the Church, so I decided to have it at the beginning
 15 of zone conference after we had our song and our
 16 prayer and introductions and announcements. We would
 17 do that first and have the video, and then we would
 18 have another -- then we would have another -- right
 19 after lunch, Elder Staggs had been out inspecting all
 20 the vehicles and so he would talk to the missionaries
 21 again and generally talk about safety, because he had
 22 been in the industry and he used to talk about a
 23 pyramid, and I won't go into that.
 24 Q Let me just ask you a little bit about the
 25 makeup of the district itself. There's a district

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1 leader; is that correct?
 2 A Yes.
 3 Q And is he in charge of that district?
 4 A Well, what do you mean by "in charge"?
 5 Q What's his responsibility?
 6 A He's -- he's the -- the -- he's a district
 7 leader. He's in charge of district meetings. He's
 8 in charge of helping the missionaries to perform at
 9 their best and to help them be happy. The zone
 10 leaders are also responsible for the district, the
 11 assistants are, and the mission president, you know,
 12 in a sense, is responsible.
 13 Q Elder Ross was --
 14 A District leader reports to the zone leader.
 15 Q Elder Ross was a zone leader; is that
 16 correct?
 17 A Elder Ross was a zone leader, and I think
 18 Elder Waite was a district leader.
 19 Q Well, at the time of the motor vehicle --
 20 and I think we'll get to that in a minute, but at the
 21 time of the motor vehicle collision, Elder Ross was
 22 a --
 23 A A zone leader.
 24 Q And Elder Ryan was a district leader?
 25 A I thought it might have been Elder Waite,

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1 but maybe it was Elder Ryan. I can't recall for
 2 sure.
 3 Q Let's assume the testimony by Elder Ryan
 4 was that he was a district leader at the time.
 5 A Okay.
 6 Q Elder Ross was a zone leader. They were in
 7 the pickup. So we had a district leader and a zone
 8 leader in the pickup, with two elders riding in the
 9 bed of the pickup at the time during this collision,
 10 correct?
 11 A Yes.
 12 Q Elder Waite, after the collision, was gone
 13 for what period of time? Do you remember?
 14 A After the collision? My best recollection,
 15 he was in -- he was in the hospital for about a
 16 month. It was pretty close to right around a month
 17 where he was stable enough to be air ambulated back
 18 to California where he was going into rehab.
 19 Q Okay. And do you recall the date of the
 20 collision?
 21 A The date?
 22 Q Yes.
 23 A I believe it was August 21st. It was a
 24 Thursday.
 25 Q All right. And have you reviewed any

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1 documents regarding the collision, say, in the last
 2 30 days?
 3 A No.
 4 Q Okay. And do you recall when he got back
 5 to the mission field?
 6 A I believe he got back at the end of
 7 February of '04.
 8 Q All right. And --
 9 A End of February, 1st of March, somewhere in
 10 there.
 11 Q And he was released when?
 12 A He was released in -- I want to say April
 13 of '05.
 14 Q Did he serve a complete two years in the
 15 mission field, physically being in the Washington
 16 mission?
 17 A I believe he did, yes.
 18 Q Is that your recollection?
 19 A He fulfilled -- well, let me -- let me
 20 just --
 21 Q Well, if you recall as we sit here today.
 22 A I -- as far as -- he fulfilled an honorable
 23 mission, including the amount of time -- considered a
 24 two-year mission. Whether it was two weeks short of
 25 two years, you know, but it was -- it was -- it fit

Exhibit D

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

vs.

No. CV-05-399-EFS

THE CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS d/b/a
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER DAY SAINTS, a
Utah corporation, d/b/a CORPORATION
OF THE PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY SAINTS,
a Utah corporation; DONALD C. FOSSUM;
and STEVEN D. BRODHEAD,

Defendants.

DEPOSITION OF STEVEN D. BRODHEAD

BE IT REMEMBERED that on the 11th day of
December 2006, at the hour of 5:08 p.m., the deposition
of STEVEN D. BRODHEAD was taken at the request of the
Plaintiff, before Caryn E. Winters, RPR, a notary public and
court reporter, Washington CCR No. 2496, Idaho CSR No. 237,
at 717 West Sprague Avenue, Suite 1200, Spokane, Washington,
pursuant to the Washington Rules of Civil Procedure.

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1 A USAA.
 2 Q The insurance company that you had insurance on this
 3 vehicle?
 4 A Yes.
 5 Q With about either one of the other occupants, those
 6 three girls, were any of them injured?
 7 A I believe there was a settlement for Rochelle and
 8 Rebecca.
 9 Q Okay. For both of them?
 10 A But -- I believe so. I didn't hear much about that.
 11 But I know that they had to go to the doctor a couple of
 12 times at least.
 13 Q Okay. But you don't -- as you sit here today, you don't
 14 know whether there was a settlement or not?
 15 A I don't know exactly what, you know, what happened with
 16 that.
 17 Q Okay. And just finally, you mentioned the public
 18 defender. Were you represented by a public defender in this
 19 case?
 20 A Yes.
 21 Q And I shouldn't say finally. I've got a couple
 22 follow-up questions. Who was that?
 23 A Now I can't remember.
 24 Q All right.
 25 A I know it's written down somewhere or in some of the

1 records. But I can't remember his name.
 2 Q How was that resolved?
 3 A Do you mean --
 4 Q Did you make a plea?
 5 A Yes.
 6 Q And what was the plea?
 7 A To attempted assault and reckless driving.
 8 Q Okay. Was there anything called vehicular assault?
 9 A No.
 10 Q Okay. So it was called reckless driving?
 11 A And attempted assault.
 12 Q And attempted assault?
 13 A Yes.
 14 Q And what was the -- any type of punishment associated
 15 with that?
 16 A It was three days in jail with 362 days that I would
 17 have had to serve if I broke probation violation. You know.
 18 Q Okay. So you had 365 days, three days served, 362
 19 suspended?
 20 A Two years -- I had 30 days license suspension, two years
 21 probation. And so if I did anything against my probation I
 22 would have had to serve the other 362 days.
 23 Q Okay. Any specific terms with your suspension or with
 24 your probation? Community service, anything like that?
 25 A I had a 760 dollar fine. That was -- that was it. I

1 didn't have any community service.
 2 Q Was that fine paid?
 3 A Yes.
 4 Q All right. Let me just make sure, after the collision
 5 you said -- just at the scene itself, did you talk with --
 6 well, let me start all over again.
 7 Do you remember the impact itself?
 8 A Yes.
 9 Q Okay. What do you recall about the impact?
 10 A Just slamming into the back of the truck. And I saw --
 11 I can't remember if I saw both individuals, but I know I saw
 12 at least one fly out of the back of the truck.
 13 Q What about the canopy on the pickup?
 14 A That flew off as well.
 15 Q All right.
 16 A I saw that fly off as well.
 17 Q Okay. And did you go over to see anyone that was -- any
 18 of the individuals that had been in the pickup?
 19 A I'd gotten out of my car right after it happened. I was
 20 really dizzy. Just about fell over. And I -- I just kind
 21 of -- I looked around and just broke down. I didn't know
 22 what to do.
 23 Q Sure.
 24 A I called 911 and someone was already --
 25 Q Had called it?

1 A Called it in.
 2 Q All right.
 3 A So but besides that, I didn't know what to do. I was
 4 scared.
 5 Q Do you remember having a conversation with anyone there
 6 at the scene?
 7 A Well, there was a guy that came up and started yelling
 8 at me, you know, asking what -- you know, what I was
 9 thinking and stuff. And I started yelling at him. I can't
 10 remember all that I said, but something to the effect of,
 11 you know, "You don't know what -- you know, how I'm feeling
 12 right now" or something. And he apologized later because he
 13 realized, you know, that I was -- you know, I wasn't just
 14 some punk kid just, you know, --
 15 Q When you say "apologized later," that same afternoon?
 16 A Like ten minutes later.
 17 Q Okay. Do you recall a conversation with anyone else?
 18 A Well, Rochelle and Rebecca's mom drove over. And she
 19 was just comforting me. I didn't -- yeah, I was just
 20 crying. I didn't have any conversations.
 21 Q All right. Do you know who called her?
 22 A I believe -- well, it was either Rochelle or Rebecca. I
 23 think it might have been Rebecca. I don't know.
 24 Q Did you realize there were seven Mormon missionaries in
 25 that truck?

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Exhibit E

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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

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Plaintiff,

vs.

No. CV-05-399-EFS

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1 A Later I did. I didn't know at the time.
 2 Q But, I mean, at the scene were you able to tell that
 3 they were Mormon missionaries?
 4 A Yes, I -- once they, you know, they flew out of the
 5 truck and stuff, and there was pass along cards everywhere
 6 and stuff.
 7 Q Were you familiar with pass along cards?
 8 A Yes.
 9 Q All right. Did they have their name tags on?
 10 A Yes.
 11 Q Did you see Elder Waite at any point in time after the
 12 collision but still that afternoon?
 13 A After they took him to the hospital?
 14 Q No, before while he was still at the scene did you see
 15 him?
 16 A I didn't see a face. I didn't know who it was until
 17 later. But I did see missionaries, you know, that were
 18 hurt.
 19 Q Okay. You saw a body that you later knew was Elder
 20 Waite laying there?
 21 A Yes.
 22 Q All right. Can you describe for me what you saw?
 23 A From what I can remember, just two individuals, one on
 24 the sidewalk and one on the grass.
 25 Q Were they both conscious?

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1 A No, I don't think so.
 2 Q Both unconscious?
 3 A I don't know.
 4 Q All right. And, again, just what you remember is all I
 5 want.
 6 A Yeah, I didn't go over and -- you know, I -- I didn't
 7 know what to do, so I just kind of --
 8 Q Do you remember talking to any of the missionaries at
 9 the scene?
 10 A They -- the ones that were in the truck, they, you know,
 11 were just comforting me and trying to, you know, let me know
 12 that it's going to be okay. But we didn't -- you know, no
 13 conversation of the accident.
 14 Q Okay.
 15 A You know, facts or what happened.
 16 Q All right. Any other conversations that we've missed
 17 before you get into the police officer's car?
 18 A Not that I can think of. They took me pretty quick, you
 19 know, and put me in there.
 20 Q And let me just follow up with what you said, that you
 21 saw Thomas Waite or Elder Waite after the collision itself
 22 at some point in time. How long after that did you see him?
 23 A I'm trying to remember when that was. I think maybe the
 24 next time that I saw him was when he returned on his
 25 mission.

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1 Q Okay. So you didn't see him at the hospital?
 2 A No, they kind of discouraged, you know, for me to go see
 3 him.
 4 Q Okay. Who is "they"?
 5 A Brother Lasley and the mission brethren kind of -- I saw
 6 Elder Ryan, Tyler Ryan, and talked to him, you know, to see
 7 how he was doing and stuff and told him how sorry I was.
 8 But I didn't see Thomas Waite till when he returned on his
 9 mission.
 10 Q Where was it when you saw Elder Ryan?
 11 A At the hospital.
 12 Q Okay. Was he in the hospital?
 13 A Yes.
 14 Q All right. And so was that just within a day or so?
 15 A It was that same day.
 16 Q Same day?
 17 A (Nods head).
 18 Q All right. Did they take you to the hospital at the
 19 same -- I mean, is that why you were at the hospital
 20 initially, was for treatment?
 21 A No, I denied needing treatment.
 22 Q Okay.
 23 A I was more worried about others than myself.
 24 Q All right. That's fair. Okay. So where were you when
 25 you saw Elder Waite when he came home or came back from

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1 California back to the mission?
 2 A Well, when I moved from Everett to Spokane I lived -- I
 3 was living with my friend Randy Ross. And --
 4 Q Okay. Well, let's find out when that was. When did you
 5 move from Everett to Spokane?
 6 A I moved July 4th of 2004.
 7 Q 2004?
 8 A Yeah.
 9 Q And you moved in with Randy Ross?
 10 A Yes.
 11 Q Was that in a home or apartment or --
 12 A A home. I had known their family since I was two. And
 13 they had just moved to Spokane almost a year prior to me
 14 moving over there.
 15 Q Okay. What's his parents' names?
 16 A Robin and Rhonda.
 17 Q All right. And were they members of the church?
 18 A Yes.
 19 Q And do you know what ward they were in?
 20 A I don't.
 21 Q How long did you live with them?
 22 A Four or five months.
 23 Q Okay. That brings us to Spokane. Then so at what point
 24 in time did you meet with Thomas Waite?
 25 A He was actually assigned to their ward as a missionary.

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