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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DR. B. DAVID RIDPATH,
Plaintiff,

vs. CASE NO. 3:03-02037

BOARD OF GOVERNORS
MARSHALL UNIVERSITY and
DAN ANGEL and BOB PRUETT and
F. LAYTON COTTRILL, ESQ. and
K. EDWARD GROSE and
RICHARD HILLIARD,

Defendants.

The deposition of MARSHALL REYNOLDS, taken upon oral examination, pursuant to notice and pursuant to the Federal Rules of Civil Procedure, before Johnny J. Jackson, Registered Diplomat Reporter and Notary Public in and for the State of West Virginia, Monday, June 2, 2008, at the offices of Reynolds & Associates, 703 5th Avenue, Huntington, West Virginia.

JOHNNY JACKSON & ASSOCIATES, INC.
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1 MARSHALL T. REYNOLDS, DEPONENT, SWORN

2 EXAMINATION

3 BY MR. MATTHEWS:

4 Q. Could you state your name for the record,
5 please?

6 A. Marshall T. Reynolds.

7 Q. Sir, have you had your deposition taken
8 before?

9 A. Yes.

10 Q. Several times or --

11 A. Two or three.

12 Q. Just to give you some basic ground rules,
13 which I will try to follow these, too, if you could
14 say your answers audibly with a "yes" or "no,"
15 instead of shaking your head or nodding your head,
16 that would help the Court Reporter and help us keep
17 a good record today.

18 If you don't understand anything I say, if
19 I ask a question that's unclear, ask me to repeat
20 it or rephrase it. Otherwise I will assume that
21 you understand the question.

22 What documents did you review in
23 preparation for the deposition today?

24 A. Nothing.

1 Q. Have you ever looked at the pleadings in
2 this case?

3 A. No.

4 Q. Where did you graduate high school?

5 A. Vinson High School, in Huntington, west
6 Huntington.

7 Q. Vinson in west Huntington?

8 A. In west Huntington, yes.

9 Q. Is Vinson still around?

10 A. No. They lost out. CK, Vinson and
11 Buffalo got combined, and they are now Spring
12 Valley High School.

13 Q. I went to Duval, which is no longer exists
14 either.

15 A. We used to play Duval. Lincoln County.
16 Hell, from the time I was in the sixth grade, well,
17 fourth grade, I saw Vinson play Duval, both of them
18 playing day games. You all were you the orange and
19 black, weren't you?

20 Q. Yes. Vinson was, too.

21 A. Vinson was, too.

22 Q. What is your education after high school?

23 A. I have some college credits, very little
24 education after high school.

1 Q. How would you describe your current
2 employment status, self-employed?

3 A. No. I work most of the days of the week
4 for Champion Industries.

5 Q. What is your position there?

6 A. Chairman and chief executive officer.

7 Q. What companies are affiliated with
8 Champion?

9 A. Champion has 21 subsidiaries. Chapman
10 Printing is Huntington, Charleston, Parkersburg and
11 Lexington companies.

12 Q. Is there one in Morgantown?

13 A. Yes.

14 Q. I thought I just saw one.

15 A. Merton in Cincinnati and Champion Graphics
16 in Louisiana.

17 About 10 of them have different trade
18 names, and about 10 of them are Chapman Printing of
19 Clarksburg, Morgantown, so forth.

20 Q. Is one of those subsidiaries MacCorkle
21 Machine?

22 A. No.

23 Q. Did it used to be?

24 A. No.

1 Q. What is MacCorkle Machine?

2 A. MacCorkle Machine is, I guess you would
3 call it a high-performance, high-tolerance
4 machining center in Huntington that's been here
5 since 1921.

6 Q. What's your affiliation with that?

7 A. Chairman.

8 Q. What's the proper name for MacCorkle?

9 A. MacCorkle Machine and Engineering
10 Company.

11 Q. Is MacCorkle not a subsidiary of Champion?

12 A. No. No affiliation whatsoever.

13 Q. So since you're chairman but not CEO, you
14 don't technically work for them is what you're
15 saying?

16 A. No. I just preside at the board
17 meetings. That's all. I own some stock. I don't
18 work there.

19 Q. How long have you been a financial
20 supporter of Marshall University?

21 A. Gee, I don't know. Maybe 30 years, 35
22 years, something like that. A long time.

23 Q. Can you give me a ballpark estimate of
24 what your annual donation is to Marshall

1 **athletics?**

2 **Let's make it broader.**

3 **A. I don't know.**

4 **Q. Marshall University in general.**

5 **A. Well, Marshall University in general, some**
6 **years I have been reasonably generous with them.**

7 **Some years I have given them nothing. So it varies**
8 **from nothing to --**

9 **Q. What about last year?**

10 **A. Last year. I probably gave them \$75,000.**

11 **And I don't know that. That's a wild-ass guess.**

12 **Q. That's Marshall University as a whole, not**
13 **just the athletic department?**

14 **A. I haven't done much with the athletic**
15 **department. Since I sort of stubbed my toe, I sort**
16 **got of embarrassed by the NCAA, I have done very**
17 **little with them.**

18 **Q. So these were contributions that were to**
19 **the University generally and not specifically to**
20 **the athletic department?**

21 **A. Last year? Are you talking about last**
22 **year?**

23 **Q. Yes, sir.**

24 **A. Actually, I think most of it was something**

1 for the athletic department, but I don't remember
2 what the hell it was.

3 Q. When you said you have been a financial
4 supporter of Marshall University for 30, 35 years,
5 when that support started, was it in the tens of
6 thousands of dollars at the beginning, or was there
7 a time when it was to a lesser extent?

8 A. The first time I ever did anything, as I
9 recall, for Marshall University was when Bernard
10 Queen was in charge of the foundation.

11 He was my old high school principal. So
12 he had wanted some folks to contribute \$10,000. So
13 I did that. And that was, hell, it might have been
14 40 years ago. It was a long time ago. I don't
15 remember. So that was the first thing that I did,
16 that I recall, for Marshall University.

17 Q. To the best of your recollection, since
18 you started giving to Marshall University, have you
19 given at least \$10,000 every year?

20 MR. DOUG REYNOLDS: Objection. I think he
21 already answered that question.

22 A. Some years I would have given Marshall
23 University nothing.

24 Starting with Mr. Queen, probably the next

1 year I thought I had give enough money for the rest
2 of my life. \$10,000 was a lot of money to me, back
3 when Bernard took me to lunch and bought a
4 hamburger.

5 Q. How many years would you say that you have
6 given them nothing?

7 A. Gee, I don't know. I have no idea.

8 Q. In the past 30, 40 years, would you say
9 that the times you have given zero dollars to
10 Marshall University has been a half a dozen or so,
11 a dozen or so? Can you give me a ballpark?

12 A. A dozen or so, I guess.

13 Q. So a dozen or so years you haven't given
14 anything to Marshall University?

15 A. Yes, sir.

16 Q. And we are talking within the time period
17 of the past 40 years when you started giving
18 anything?

19 A. Right.

20 Q. In the years that you have given to
21 Marshall University, have you given at least
22 \$10,000?

23 A. I usually gave whatever they asked for,
24 whatever the project was. I don't know what it

1 was. It goes from fixing the locker room for the
2 basketball team to all kind of stuff.

3 Q. Are there different levels, like are there
4 different classifications within say the athletic
5 department for donors as far as different levels,
6 like say gold, platinum or green?

7 A. I don't know.

8 Q. Green Jacket Club or things like that that
9 kind of classify what the donations are as far as
10 who the top donors are?

11 A. Let me say something. I don't know. I
12 imagine that there is, but I don't know. I have
13 never been to a Quarterback Club meeting. I have
14 never been to those things, acknowledge those
15 folks.

16 Q. So you have no idea if there is or not?

17 A. No, I don't.

18 Q. Switching to talking about the jobs
19 programs with some of your affiliate companies, to
20 your knowledge, when did any of your company that's
21 you are in any way affiliated with start to employ
22 Marshall University athletes?

23 A. Are you talking about this football
24 program, the jobs program for the football team?

1 Q. Let me make it broader than that. I guess
2 student athletes in general. When did any of your
3 affiliates first start to employ Marshall
4 University student athletes?

5 A. Gee, I don't know. Probably a hundred
6 years ago. When different companies that I have
7 been affiliated with probably made summer jobs
8 available and some other jobs. But most of the
9 companies in Huntington probably have done that,
10 whether I was affiliated with them or not.

11 Q. What about the ones that you have been
12 affiliated with?

13 A. I would say that they have done that for
14 kids that were athletes and kids that were not
15 athletes. Probably the nonathletes outnumber the
16 athletes two to one.

17 Q. So during the time that you have been a
18 financial supporter of Marshall University, the
19 past 30 or 40 years, have the companies that you
20 have been affiliated with employed student athletes
21 at Marshall University from the beginning of that
22 time I guess 40 years ago?

23 A. Well, yeah, off and on.

24 Q. Let me ask you this. Talking about

1 employing student athletes at Marshall University,
2 when was the first time that you can remember
3 contacting someone within the athletic department
4 or someone within the athletic department
5 contacting you about trying to secure employment
6 for student athletes?

7 A. Gee, I would say it has probably happened
8 every year since I was 30 years old, that somebody
9 at Marshall University contacted you, and somebody
10 contacted you from Alderson-Broadus, they have got
11 a couple kids from Huntington coming up there. It
12 is a pretty common occurrence.

13 Q. Would that be the same for the football
14 program as well?

15 A. Football, basketball, baseball, girls'
16 basketball, softball. Pretty broad waterfront.

17 Q. To your recollection, when did it first
18 come up that any kind of effort was being made on
19 the part of anyone at the University to employ the
20 nonqualifiers, the Prop 48 athletes within the
21 football program at any of your affiliates?

22 A. Gee, I don't know. That would be have
23 been probably the first year that Jim Donnan was
24 here. Jim talked to me about it. We worked out a

1 little program.

2 Q. So Coach Donnan approached you about it?

3 A. Yeah.

4 Q. What did he ask you?

5 A. Jesus. That's been a while. He said if
6 we could get I think three kids a year, which later
7 he wanted to do four, it could make a big
8 difference, something like that, some really good
9 kids, really good athletes.

10 He probably asked me his first year here.
11 I got to know Coach Donnan his first year here. He
12 stayed at the Radisson Hotel the first 14 months
13 that he had this job and let his son graduate from
14 the high school out there, go his last year.

15 So I would see Coach Donnan. I would have
16 coffee with him, lunch with him sometimes.

17 Of course, I knew Coach Donnan personally
18 pretty well after a while.

19 Q. And he asked if he could send over three
20 football players a year?

21 A. I think he started with three. Then it
22 changed to four. And he did every year.

23 Q. When you say send them over, send them
24 over to work at one of your companies?

1 A. Yeah. Worked on the weekend.

2 Q. Were these just nonqualifiers that he was
3 speaking of, or were they any football player?

4 A. I think they were all nonqualifiers. I
5 think they were all Prop 48 kids. I wouldn't know
6 a Prop 48 from a Prop 22. I mean, they are kids.

7 Q. Do you think they there were Prop 48
8 because they would need employment more?

9 A. Well, he said so. And they couldn't play
10 as freshmen, had to come, pay their own way to
11 school. I guess they had to make passing grades.
12 Then they could go on scholarship. That's the way
13 I understood what he said.

14 Q. By giving them a job were you trying to
15 help them through that first kind of rough year?

16 A. Get them through the first year where they
17 would have a chance. And most all of them made it.

18 Q. When Jim Donnan first approached you about
19 employing props, you did not have any reason to
20 believe that that was an NCAA violation or there
21 was any kind of issue with that at all as far as
22 NCAA compliance?

23 A. No. They sent a compliance guy over from
24 Marshall University, after we got it set up. He

1 went through it with me, how it would be, what we
2 were going to do. And he said that was fine.

3 Q. How long after you first set up the jobs
4 program with the Prop 48 players did you meet with
5 the compliance office?

6 A. Next two or three days. Donnan said he
7 wanted me to talk to somebody and explained that,
8 gee, I don't know, the hoops to jump through or
9 whatever. I don't remember the details. I
10 remember the guy coming over.

11 Q. Who was it?

12 A. I don't remember. I don't remember his
13 name. It wasn't Ridpath. I don't think Ridpath
14 worked there then.

15 Q. That would have been before his time.

16 Do you remember what he told you, what
17 kind of hoops you had to jump through?

18 A. He just asked me the questions what we
19 were going to do, how it was going to work, what
20 would the rate of pay be. He said that was fine,
21 not a problem. Said all the coaches, everybody has
22 to be covered, that's all.

23 Q. Was anybody else at the meeting with you
24 and the compliance officer?

1 A. I don't recall anybody else. Could have
2 been.

3 Q. So from that time on there was a program
4 where the Coach would refer three or four Prop 48
5 players to you to employ every season?

6 A. Yeah. It settled down to be four, after
7 the first year. It might have been four the first
8 year. I don't remember.

9 Q. Did that kind of arrangement continue
10 through Coach Pruett's tenure when Coach Pruett
11 became head football coach at Marshall university?

12 A. Coach Moon brought Coach Pruett over to
13 introduce him to me. Then Moon told him about the
14 project with these kids.

15 Coach Pruett said, Gee, this is obviously
16 not broke, so I don't want to fix it. Would you
17 feel comfortable continuing, keep doing what we are
18 doing?

19 I said, That's fine.

20 Q. So at that point the three of you
21 determined just to continue with the jobs program
22 like it was under Coach Donnan?

23 A. Uh-huh.

24 Q. And that would be that Coach Pruett would

1 refer Prop 48 players to you to employ in your
2 affiliate companies?

3 A. It was only one company that was involved,
4 which was MacCorkle Machine. That was the only
5 company that was ever involved.

6 Q. So that was a yes, but only limited to
7 MacCorkle Machine?

8 A. Uh-huh.

9 Q. Could you tell me about what kind of jobs
10 these Prop 48 players that would come to work for
11 MacCorkle would do?

12 A. Well, early on I was involved in this
13 thing myself. We had a young man named Eric Dotson
14 (sic) that run the program. Eric Dotson was a real
15 liberal kid.

16 They did a lot of work like wire brushing,
17 metal hanging. MacCorkle cuts metal. That's their
18 business. They cut the grass. They swept up.
19 They melted metals sometimes.

20 Hell, several times I took them with me on
21 Sundays to the farm and had them do horse-shit work
22 up there, like stacking hay.

23 Most of these kids really weren't Rhodes
24 scholars. So you are pretty well limited to

1 physical work.

2 Q. Work that didn't require a lot of
3 training?

4 A. No. They are not going to be permanent
5 workers, so you didn't want to invest supervisory
6 time training them. So you had them do things you
7 could show them how to do very quickly.

8 Most all kids, hell, know how to run a
9 broom. It doesn't take much training. A lot of
10 that kind of stuff.

11 Q. Who determined what the rate of pay for
12 those student athletes who did that work was?

13 A. I determined it when we set the program
14 up.

15 Q. Do you remember what the rate of pay was
16 when you first set the program up during Coach
17 Donnan's first year?

18 A. It was \$100 a day, was the rate of pay.

19 Q. And that was \$100 for Saturday and \$100
20 for Sunday usually?

21 A. Uh-huh.

22 Q. Did that change at all during the time
23 that the jobs program was in existence?

24 A. I don't think that it changed. Obviously,

1 you are dealing with kids. Also, Eric Dotson moved
2 on. Where he was running the program right and had
3 his finger on it, he ended up in the Knoxville
4 operation and he had a kid that worked for him that
5 run it.

6 It was \$100 a day. Shit, I'm sure some
7 kids sneaked off. And as I found out, some kids
8 didn't show up for Sundays sometimes. But neither
9 did this kid that was running the program. They
10 were all marked present. I have since learned
11 that. But that happens. Not a big deal. But \$100
12 a day. That's the pay.

13 Q. When you say marked present, were there
14 time cards? Did you punch in?

15 A. Time sheets. There weren't cards.

16 Q. Time sheets, and each of the employees,
17 each of the prop employees would have to sign in,
18 sign out?

19 A. Sign.

20 Q. Sign when came in to work and sign when
21 they left?

22 A. Well, they gave them a sheet each day. In
23 a perfect world they list what they did. Sometimes
24 they did and sometimes they didn't.

1 Q. List the type of work they did during that
2 day?

3 A. Yeah. If they cut grass all day, they put
4 cut grass from eight to four. But if they were
5 there they got paid. If they had a sheet they got
6 paid.

7 Q. Who kept track of the time sheets?

8 A. I don't know.

9 Q. You don't have any idea?

10 A. I guess Russell May kept track of them.
11 He was kind of keeping the thing, because they used
12 to pay them on Saturday.

13 Every once in a while one of these kids
14 had to leave early on Saturday. I remember that.
15 So they would only make \$50 for that weekend,
16 because they were going home or somewhere and they
17 didn't work on Sunday, obviously.

18 There were several of those that we
19 furnished the NCAA.

20 Q. They would pay them on Saturday?

21 A. Uh-huh. Most of the time.

22 Q. For the weekend before?

23 A. No, for that weekend.

24 Q. They would pay them on Saturday for that

1 Saturday day and for the next day?

2 A. No. They would pay them for the last
3 Sunday and for that Saturday day.

4 Q. And Russell May was in charge of that?

5 A. Uh-huh.

6 Q. They were paid by check?

7 A. Yes.

8 Q. And they collected their checks on
9 Saturday?

10 A. Yes.

11 Q. At the job site at MacCorkle?

12 A. Well, at wherever they were made up.

13 Sometimes we would have them work at Chapman
14 Printing. But we always had a girl, a clerk that
15 worked on Saturday that prepared checks.

16 They had to come up there. We put them in
17 a car or a truck and took them wherever they
18 worked, then brought back them to Chapman Printing,
19 because Chapman Printing was close to Marshall
20 University, where they could walk over. They
21 didn't need a car. So we took them to MacCorkle,
22 took them wherever. So they ended up back there at
23 the end of the day, and they had to walk home from
24 there.

1 Q. So at MacCorkle at the end of the day on
2 Saturday is where they collected their checks?

3 A. At Chapman Printing at the end of the day
4 on Saturday, that's where they collected their
5 checks. That's where they were brought back.
6 That's where they showed up in the mornings, then
7 were taken out, and then they were brought back
8 there.

9 Q. Was this the system that was in place
10 throughout the jobs program from the time that Jim
11 Donnan initiated the program throughout the end of
12 it?

13 A. That's right.

14 The only thing that changed, I think, I
15 think that Coach Pruett relegated this program to
16 Mark Gail, who was an assistant.

17 I don't think they necessarily sent Prop
18 48 kids, because I seen a few strange kids. I
19 think they just sent kids over there from time to
20 time. But I never asked Mark that. So I don't
21 know.

22 Q. When you say strange kids, kids that
23 didn't look like football players?

24 A. Didn't look like Prop 48 kids. Kids that

1 were playing some or whatever.

2 Q. They didn't look like Prop 48 because you
3 knew they were playing and weren't Prop 48?

4 A. Uh-huh.

5 Let me say this.

6 Q. Sure.

7 A. Maybe I can be a little more accurate. If
8 you had the same Prop 48 kids for a year and you
9 see them every Saturday or every other Saturday,
10 you see them from time to time, after a while you
11 get to know who they are and recognize them.

12 So later on in the game you see different
13 kids on different weekends. You just know that
14 nobody has got that many Prop 48 kids.

15 So that was my point I was trying to make.

16 Q. So was the system kind of like whoever
17 showed up to work would work that particular
18 weekend?

19 A. The system was you are supposed to have
20 four kids, and you are supposed to work those four
21 kids all the time. If one of them was sick you
22 worked three kids. That's the way the system was
23 set up.

24 Whatever way it went, I just shared with

1 you that there was probably some change there or
2 whatever. But I never asked Mark Gail about it. I
3 did notice it a couple of times on Saturday, but I
4 never had an occasion to ask him.

5 Maybe Pruett delegated the thing to Mark
6 Gail. Maybe Pruett was as dumb as I was about the
7 way it worked.

8 Q. Do you remember when Mark Gail became
9 involved in it?

10 A. Probably after a couple of years.

11 Q. So Coach Pruett --

12 A. I think Pruett probably took care of it
13 the first couple of years.

14 Coach Donnan took care of it all the time
15 that he was here.

16 Q. So Coach Pruett personally oversaw the
17 jobs programs the first couple of years of his head
18 coaching tenure and then Mark Gail after that?

19 A. I think he did.

20 Eric Dotson would be a better witness than
21 me. But as far as I know, yes.

22 Q. How do you spell Eric's last name?

23 A. Wait a minute. Shit. I gave you wrong
24 last name. I was thinking of a new kid.

1 Eckhart, E-c-k-h-a-r-t.

2 Eric Dotson is the one that's there now.

3 Q. You were talking about the kind of work
4 that the prop players did. I think in your
5 interview with the NCAA you described it as GI type
6 of work, kind of grunt kind of work.

7 A. Which is the way I just described it to
8 you, different words.

9 Q. I understand what you're saying.

10 Would you describe any other position that
11 you had at MacCorkle or any of your other
12 affiliates as that kind of work, as that kind of
13 grunt work? Let me put it this way. Exclusively
14 grunt work?

15 A. Well, in the corrugated business, if you
16 are taking off a corrugator, that is just back-
17 breaking grunt work. That is all that is.

18 But, yeah, almost every plant has some
19 jobs like that.

20 Q. What are some of the job titles that you
21 can think of?

22 A. Gee, if you are sweeping the floor and
23 mopping the floor, I think it's that type of work.

24 Q. So janitors?

1 A. No. Some janitorial work is really pretty
2 damn easy.

3 But when you are doing the GI part on the
4 floor, then, obviously, that is pretty damn hard
5 work. When you are cleaning metal shavings, when
6 are you melting metals, when you are doing that
7 type of work, it's hard. It's hot. It's easy to
8 get your hands cut. Nothing serious, but a lot of
9 little horse-shit nicks, aggravation.

10 Q. I'm sure there are a lot of different
11 positions in your companies where the workers do
12 jobs that some of it is grunt work, some of it is
13 work that is unskilled that anybody kind of off the
14 street that had a strong back could do.

15 A. That's correct.

16 Q. But are there any jobs that are
17 exclusively just like that, exclusively unskilled,
18 exclusively anybody off the street that had a
19 strong back could come in and do them?

20 A. There are some jobs like that, yes.

21 Q. Could you name some of them for me, some
22 of the titles?

23 A. I'm not so sure they would have had
24 titles. Running a baling machine would certainly

1 qualify for that.

2 Q. Is this a baling machine?

3 A. Yes.

4 Q. Is there a baler that runs nothing but
5 a baler machine, that's all that the baler does?

6 A. No.

7 Q. What else would a person who runs the
8 baling machine do?

9 A. He would probably be part of any kind of a
10 cleanup detail. Probably be part of loading trucks
11 out when they were loading gears and so forth in
12 the truck.

13 Degreasing would be a very similar
14 situation.

15 I can take you over there. You could
16 write down a thousand of these if you wanted to.

17 Generally for every 10 people at a machine
18 shop there is one person kept very busy in some
19 horse-shit, humiliating, demeaning job. That's the
20 average.

21 So that's why you always have at least
22 four apprentices if you have got 40 machinists.

23 Q. Asking you about job positions, not job
24 duties but an actual position that someone holds,

1 let's say currently at one of your affiliate
2 companies, are there any of those job positions
3 that's exclusively grunt work or the kind of work
4 that the props did at the time of the jobs program?

5 A. I'm not sure I understand what you're
6 saying. Let me say this. Since we had this little
7 embarrassment with the NCAA, we still do exactly
8 the same thing. We still have Marshall students.
9 We still pay them exactly the same thing. But we
10 make sure they don't play anything at Marshall.

11 Q. Are there any employees that aren't
12 students -- well, let me make it broader.

13 A. Let me answer you a question.

14 Q. Go ahead.

15 A. Nobody has a job where you say, You are
16 the permanent baler. That's all you do. There is
17 no job like that.

18 You would take an apprentice who is
19 training to be a machinist and say, Okay, you keep
20 up with the baler, too. So maybe that takes him a
21 couple of hours a week. Obviously, we want to put
22 him on that as little time as we can.

23 So if we bring some part-time help in on
24 the weekend, then that keeps him from doing some

1 menial-ass, horse-shit job and frees up his time to
2 do something productive. That's all.

3 In other words, I never went to law
4 school. If you gave me a job, you would be better
5 off for me to run the damn sweeper and get
6 everything cleaned up than try to teach me law.
7 This way you can get something out of me the first
8 day.

9 Q. During the time of the jobs program,
10 before the NCAA issues, were there any nonathletes
11 working at any of your affiliate companies that did
12 work that was exclusively grunt work or exclusively
13 the work that was similar to what the props who
14 were employed at your companies did?

15 A. Absolutely. Yes.

16 MR. MATTHEWS: Can I see what you wrote
17 down there, Doug?

18 MR. DOUG REYNOLDS: Sure.

19 A. Finley is a great kid that worked for us
20 in the summer, worked for us on the weekends, that
21 became a CPA that is on his way up, that's going to
22 be, shit, he might take my place one of these
23 days.

24 Let me say this. Since the beginning of

1 time, there's not much trouble getting references
2 for these kind of jobs. I mean, remember, hell, we
3 have got a gillion customers in this market. And
4 most of them, a kid, if he going to college or
5 something, needs a summer job --

6 And I would share this with you. When I
7 was a kid trying to go to college, you couldn't buy
8 a fucking summer job.

9 So I always made it a point to have 10
10 summer jobs just for the kids from the high school
11 that I went to, so if they wanted to go to school
12 or whatever.

13 So we have always had summer jobs. We
14 always had them doing this stuff.

15 When Donnan made this request, hell, move
16 four of these kids out of the way and put four of
17 his kids in. The only difference is you are
18 trading white kids for black kids.

19 None of them were very good workers.

20 That's it.

21 Q. I guess what I'm getting at is something
22 different. One of the issues, I think, during the
23 NCAA infractions investigation was that the student
24 athletes, the football players, the prop players

1 that were working for your affiliate companies were
2 getting paid at a higher --

3 A. They weren't working for my affiliated
4 companies. They were all working for one company.

5 Q. For MacCorkle?

6 A. Uh-huh.

7 Q. -- were getting paid at a higher rate than
8 workers doing similar kind of work?

9 A. That's wrong.

10 Q. That's wrong?

11 A. That's correct.

12 For example, the NCAA used a situation --
13 the NCAA was wrong in their conclusion. I will
14 share that with you. They used this kid Russell
15 May and said Russell May made, I don't know, \$11 an
16 hour, whatever it was, \$12 it might have been, \$11
17 I think, Russell May made \$11 an hour, but he
18 worked for Chapman Printing.

19 And he wanted to do this job. He stood
20 up, Gee, let me take Eric Eckhart's place, when
21 Eric left.

22 Of course, he was making time and a half
23 that day when he was coming in on Saturday. So he
24 couldn't screw up.

1 So we let Russell May do that. Russell
2 May, a kid that's not a Rhodes scholar, had two
3 little boys, real young, gee, anybody can use a
4 little extra money when you have got kids and so
5 forth. So they let Russell do that.

6 If I remember this lady, her name was
7 Humphrey, I think, LuAnn, said, Well, gee, Russell
8 made 11.50 and this guy made 12.50.

9 One, MacCorkle is a union plant. So it is
10 spelled out what you play everybody. And we agreed
11 with the union rep that they would let us use these
12 part-time kids, and they agreed on the day's pay,
13 the daily rate, which is \$100 a day.

14 So what in the hell does it have to do
15 with what a kid made at MacCorkle Machine shop with
16 what a stock-finder, which was Russell May's job,
17 who takes paper off the trucks when they come in
18 and puts them behind the cutter, because he made
19 \$11 an hour at an another company on the other end
20 of town, that also was a nonunion company. What
21 the hell does the two rates of pay have to do with
22 each other?

23 When you say affiliated companies, you
24 sound like an NCAA person.

1 What in the hell does First Century Bank's
2 pay have to do with MacCorkle Machine, because I am
3 involved with that, too. The answer is nothing.
4 And it is still has nothing to do with it.

5 Q. You're saying it was fair what MacCorkle
6 paid the athletes?

7 A. Yes, because they paid the nonathletes the
8 same pay for the same job, and have for years.

9 Q. And the nonathletes you're talking about
10 are other students?

11 A. Some of them were students and some of
12 them weren't students, that were part-time kids.
13 And there were more of those than there were
14 athletes.

15 Q. So there were other students and
16 nonstudent part-time kids who made \$100 a day or
17 12.50 an hour?

18 A. No, they didn't make 12.50 an hour.

19 Some companies use daily rates of pay,
20 like the railroad. If you go to work on the
21 railroad as a telegrapher you make \$91 a day.
22 That's the rate of pay. It is not an hourly rate
23 of pay. And it carries a different ...

24 Q. So \$100 a day not broken down to 12.50 an

1 hour, or \$100 a day is that what you're saying?

2 A. That's correct. It took them eight and a
3 half hours to finish it. They made \$100 for that
4 day. If you let them go 30 minutes early they made
5 \$100 for that day, the same as the railroad.

6 Q. So if there were some nonathlete students
7 or nonstudents part-time kids, you're saying there
8 were some nonathlete students or some nonathlete
9 nonstudent part-time kids that were making \$100 a
10 day?

11 A. That's correct.

12 Q. And this was during the jobs program at
13 Marshall University before the NCAA infractions
14 issues?

15 A. That's correct.

16 Q. What would be the job title of these
17 individuals?

18 A. Well, if I was going to give them a title
19 I would probably call them assistant superintendent
20 of delivery, but there is no job title.

21 Q. No job title?

22 A. There were no job titles. Hell, you could
23 call them farm hands, because I took them to the
24 farm before and they moved hay in barns. They did

1 whatever we needed done.

2 Q. Do you remember any of their names?

3 A. I remember all their names of the first
4 one that's started. Damon Davis --

5 Q. I am asking you about the nonathletes.

6 A. I could name a dozen of those probably.

7 Finley certainly is one of them.

8 Conyers is one of them.

9 Davis is one of them.

10 G. McGregor worked or for us almost two
11 years after his used up his eligibility when he was
12 getting his master's degree. So he is certainly a
13 nonathlete if he finished playing football over
14 there.

15 I furnished a list of nonathletes.

16 THE WITNESS: Hell, you probably have got
17 a copy of it in your stuff, David.

18 Q. Do you have that list?

19 A. Hell, I don't know whether we still have
20 it or not. I would be happy to check for you. But
21 there's plenty of them, plenty of nonathletes.

22 Q. So there should still be records kept on
23 these nonathletes who worked and earned \$100 a day
24 on the weekend?

1 A. These kids were all paid as contract
2 laborers. And you could go back and dig out checks
3 and see what they were for. They were for \$100,
4 \$200, to individuals that were probably contract
5 labor.

6 Q. These records should exist?

7 A. I have no idea what still exists and what
8 doesn't exist. But we put together at a hell of a
9 cost, hell, we hired a Kelly Girl that worked full-
10 time dragging out stuff that these people asked
11 for, mostly LuAnn Humphrey. That's why I
12 remembered her name.

13 Q. Going back to when Coach Pruett first
14 started his head coaching position at Marshall
15 University, taking over for Jim Donnan, and you
16 were talking about the conversation that you and
17 Coach Moon and Coach Pruett had concerning the jobs
18 program, at that time did you discuss the details
19 of it at all?

20 A. No.

21 Q. You didn't discuss how much the athletes
22 were paid?

23 A. I don't recall. I don't think so. I did
24 remember Coach Pruett saying, Gee, if it is not

1 broke we don't to fix it. I remember that kind of
2 impressed me. I thought, Gee, this guy might make
3 it. I was very disappointed that Coach Donnan left
4 at the time, for two reasons. One, he did a
5 helluva job at Marshall, in my estimation, putting
6 this football program on the map; and, two, I got
7 to know then to like the guy. He was a pretty
8 special friend.

9 Q. When you say that you might have time
10 records for some of these --

11 A. I don't have time records for anybody.

12 Q. When you are saying you might have
13 records, what records are you saying those might
14 be?

15 A. Gee, I have no idea. If you say, Gee,
16 could you prove that James Finley worked for you in
17 1996, we probably could produce a cancelled check
18 say. But you have to believe that we wouldn't
19 have paid him if he didn't work. That doesn't
20 prove that he worked. As far as I'm concerned, it
21 was proof that he worked.

22 Q. Can you think of anything else besides
23 cancelled checks that might prove that they worked
24 there?

1 A. No. But the IRS requires that you keep
2 all records seven years. So normally after two
3 years they are boxed up and sent away in a file,
4 and at the end of that seven years everything is
5 normally destroyed. That's conventional practice
6 in 99 percent of businesses, here and everywhere
7 else.

8 Q. Besides the cancelled checks, would there
9 be any other documents, any other IRS forms, 1099s
10 or any other documents for the part-time \$100 a
11 day --

12 A. No. I told you they were contract labor
13 people. They were carried as contract labor. So
14 there are no 1099s on contract labor.

15 Q. There are no other forms that would be
16 associated with them or no other records that you
17 can think of besides the cancelled checks?

18 A. No. They are contract labor.

19 Q. When Coach Pruett said, If it's not broke
20 we are not going to fix it, we are going to
21 continue with the jobs program, during your initial
22 time that you met with him, you didn't make any
23 indication to Coach Pruett that this is something
24 that should be keep a secret, this is something

1 that should be out in the open, just like anything
2 else; is that correct?

3 A. Well, if it should have been kept secret
4 then I don't know why it should have been kept a
5 secret. We had been doing it in the open. The guy
6 who was the administrator was over and talked to us
7 and said it was clear.

8 Q. Coach Donnan had probably been using it in
9 recruiting to get players to come, say, We have
10 jobs available for you, if you are a prop you can
11 come and we will get a job kind of thing?

12 MR. DOUG REYNOLDS: Objection.

13 A. I don't know what he did. The only thing
14 in relation to me was he would bring them over one
15 Saturday morning and he would say, I'm buying
16 breakfast this morning. I want to introduce you to
17 these four kids, or something. Maybe we would have
18 a sausage biscuit or something. That's the way I
19 would meet the four kids. And they would be there
20 for a year. I don't know what the hell he told
21 them.

22 Q. To your knowledge, this is after they were
23 already signed with Marshall University?

24 A. They were there because they would go to

1 work that weekend. I guess they were signed with
2 them.

3 Q. To your knowledge, did any coach at
4 Marshall University ever bring players to you or to
5 anyone at MacCorkle or any of the companies you are
6 affiliated with during the recruiting process,
7 before they were signed as players?

8 A. Not me. I never met one. And I'm sure
9 that he didn't.

10 Q. You're sure that he didn't?

11 A. I'm sure that he didn't.

12 Q. Why do you say that?

13 A. It would be silly to do that. Gee, both
14 of them had more sense than that.

15 Q. Why would that be silly?

16 A. You're dealing with a kid like Russell May
17 who is semi-retard to help you recruit. If the
18 Coach really wanted the kid he would probably
19 introduce him to somebody who could help, that
20 would be affirmative. You never know what guys
21 like May would say.

22 Q. Why wouldn't he introduce him to you?

23 A. Well, he never did probably because I
24 wouldn't be around. I mean, if the Coach wanted to

1 introduce somebody to me, they don't know that I
2 would be in Huntington this week.

3 I don't get paid to recruit football
4 players or basketball players.

5 Q. So, to your knowledge, you never came in
6 contact with any recruits?

7 A. No. I'm sure of that.

8 Q. But since the jobs program was something
9 that was out in the open and wasn't secretive,
10 Coach Donnan or Coach Pruett, or whoever the coach
11 would have been at any of the times that the jobs
12 program existed, in your opinion, should have had
13 no qualms about using it as a recruiting tool to
14 get players to come to Marshall University, say, We
15 have this job program for props?

16 MR. KOWAL: Objection. Same as his
17 objection before. He would have no idea what was
18 in Coach Donnan's mind.

19 A. No, I don't think so. That's my opinion.
20 I don't think he would have done that.

21 Q. Why wouldn't he?

22 A. Just doesn't make sense. Gee, I'm trying
23 to recruit a guy right now. Why would I bring a
24 third-party in to help? Why would I ask this man

1 when I don't know what you guys are going to say.
2 And I have already done some foundation work on
3 this guy that I'm recruiting. It doesn't make
4 sense.

5 First of all, people who know the business
6 do no harm. People who don't know the business,
7 that don't understand the business are subject to
8 do harm. Like you guys could do harm to my
9 business.

10 Hell, I don't know about football and
11 basketball at that level. Why would you introduce
12 me to them. I could do harm. Not much I could do.

13 Q. The jobs program was to help props?

14 A. The jobs program was for four props a year
15 originally.

16 Q. Was it to help props?

17 A. Gee, I don't know. I guess it was
18 primarily to help kids that otherwise wouldn't be
19 going to school, the same as the kids that weren't
20 athletes. From our standpoint it was to help.
21 From the school's standpoint I'm not sure what it
22 was.

23 Q. So you if have a program that helps props
24 and you're recruiting a player that is going to be

1 a Prop 48 athlete, why wouldn't you use that as a
2 recruiting tool, to your knowledge?

3 MR. DOUG REYNOLDS: He doesn't know
4 anything about recruiting. He has already answered
5 that question multiple times. He doesn't know
6 anything about recruiting.

7 A. I don't know.

8 Q. Don't have any idea if it's not secretive
9 and it's something that is going to help --

10 A. I don't even have a wild guess why they
11 would. I haven't done it.

12 Q. How would you describe your current
13 relationship with Coach Pruett?

14 A. My current relationship?

15 Q. Yes, sir.

16 A. Well, I would describe it, one, I never
17 knew Coach Pruett very well like I knew Coach
18 Donnan. But my current relationship, since this
19 NCAA business, I have got to know him pretty well.
20 I think it would be safe to say that we are
21 friends.

22 MR. DOUG REYNOLDS: Can I interject
23 something? It looks like we are going in a new
24 direction. We have been at it about an hour. Want

1 to take a quick break?

2 MR. MATTHEWS: Sure. Sounds good.

3 (Break.)

4 BY MR. MATTHEWS:

5 Q. I think we were talking about your
6 relationship with Coach Pruett. Your relationship
7 evolved from being a casual acquaintance to
8 something closer during the NCAA infractions
9 investigation?

10 A. We got to know each other. I'm going to
11 say that we are friends now.

12 Q. And you talk to each other socially?

13 A. Yes.

14 Q. Visit with each other socially?

15 A. Some.

16 Q. And you would describe your relationship
17 as just casual acquaintances up until the NCAA
18 investigation?

19 A. Pretty much, yeah.

20 Q. When did you first enter any kind of
21 business relationship or have any business dealings
22 at all with Coach Pruett?

23 A. I don't know. Probably with this little
24 restaurant downtown at the Radisson Hotel.

1 Q. When did that come about?

2 A. I don't know.

3 Q. How did that come about?

4 A. That came about by me telling him that we
5 ought to put his name on this damn restaurant and
6 he ought to go down there and work it a little bit,
7 we will get this thing where it is making a little
8 money, if it makes money we would, I think I told
9 him we would pay him five percent of what we made,
10 and if it doesn't make money he can have a lot of
11 fun. As it's turned out it didn't make money, so
12 he has had a lot of fun.

13 Q. So the five percent arrangement, that was
14 something you just told him; that wasn't anything
15 in writing?

16 A. That's correct. But most people trust me.

17 Q. It was just an agreement between the two
18 of you?

19 A. Uh-huh.

20 Q. Was there anything else to it besides
21 that?

22 A. No. It's never made money, and he has
23 never made a dime.

24 Q. To your knowledge and your opinion, why

1 did Coach Pruett leave Marshall University?

2 A. He made a mistake.

3 Q. What do you mean by that?

4 A. I don't think he should have left. He
5 probably let a bunch of lightweights run him off.
6 But that's only my guess. I don't know.

7 Q. Who were the lightweights?

8 A. Well, the interim president was Mike
9 Farrell.

10 Q. How did that happen?

11 A. I don't know how it happened. You asked
12 me to speculate and guess. I was just guessing.
13 Hell, you know who the AD was. And the president
14 and the other folks there.

15 Q. This isn't based on anything that Coach
16 Pruett has told you, this is just your own opinion?

17 A. That's correct. I told him he was wrong,
18 he was making a mistake. I really did think he
19 would back off.

20 But, no, he never told me.

21 Q. Do you think Coach Pruett's decision had
22 anything to do with the NCAA infractions issues?

23 A. No.

24 Q. Do you think his decision to leave had

1 anything to do with President Angel?

2 A. Sure.

3 Q. How so?

4 A. Well, I would tell you my part. Even
5 after it had come out in the paper about the
6 professor and the grades, President Angel told me,
7 said, I think we have a little problem with this
8 professor, but I don't think there is any problem
9 with this job business at all, Marshall, he said,
10 but we will all get together and go through a skull
11 session.

12 Except he forgot to get together with me
13 in a skull session. The next thing I knew about it
14 I read about it in the paper where I was suspended.

15 Q. What do you mean by skull session?

16 A. Well, he said we will all sit around the
17 table and see who did what and what is our position
18 with it.

19 Obviously, President Angel lied. But I
20 told him that, and he knows that.

21 Q. He lied by saying you all would meet about
22 it and then the first you heard about it is when it
23 came out in the papers?

24 A. Uh-huh.

1 Q. Any other complaints you have about the
2 way Doctor Angel handled the situation?

3 A. Oh, I don't think Doctor Angel handled the
4 situation.

5 Q. What do you mean by that?

6 A. I think it was a little horse-shit
7 violation that amounted to nothing and probably by
8 not being handled it sort of snowballed.

9 Q. How should it have been handled?

10 A. Gee, I don't know. I have never been a
11 University president. But most things when you
12 have something jump the track if you address it you
13 can get it back on track and get it going. It just
14 seemed like --

15 Q. Should have addressed it sooner?

16 A. Sure. Shouldn't make a federal case out
17 of some little horse-shit thing.

18 Q. Was the University wrong in self-reporting
19 it? Should it never have been disclosed to the
20 NCAA?

21 A. I don't know what the University should
22 have done.

23 Q. Do you have any knowledge of what role, if
24 any, Doctor Angel had in Coach Pruett leaving

1 Marshall University?

2 A. No. I don't have any firsthand
3 knowledge. I know that Coach Pruett was very
4 frustrated with Doctor Angel.

5 Q. Coach Pruett communicated this to you?

6 A. I don't recall he ever communicated it to
7 me, but half the world knew it.

8 Q. How was he frustrated?

9 MR. DOUG REYNOLDS: Objection.

10 A. Probably the same way everybody else gets
11 frustrated.

12 Q. To your knowledge, what was he frustrated
13 about?

14 A. I don't know.

15 Q. Don't have any idea?

16 A. No.

17 Q. Just general frustrations?

18 A. I would say so.

19 Q. Do you remember when you first met Doctor
20 Ridpath?

21 A. Yes, I do.

22 Q. When was that?

23 A. I think it was at a meeting at Marshall
24 University.

1 Q. What kind of meeting?

2 A. I think it was a meeting where I was a
3 guest and LuAnn Humphrey was present and they were
4 asking some questions and answers.

5 Q. So you didn't have any contact with Doctor
6 Ridpath before the NCAA investigation?

7 A. Not that I recall.

8 Q. And don't have an opinion, good or bad or
9 one way or the other, about Doctor Ridpath prior to
10 that NCAA investigation?

11 A. I couldn't have because I had never met
12 him, didn't know him. In fact, I hadn't even heard
13 anything about him.

14 Q. So you never had any contact with him over
15 the phone, through mail, through any way before the
16 NCAA investigation?

17 A. Not that I recall. And only one since
18 then.

19 Q. So prior to the NCAA investigation there
20 was never a time that you or anyone on your behalf
21 communicated to Doctor Ridpath or anybody, to the
22 compliance office at Marshall University, that you
23 were providing employment to student athletes?

24 A. Marshall University compliance officer

1 came to my office and visited with me two or three
2 days after this was set up with Coach Donnan. I
3 never ever heard from Marshall University after
4 that, Mr. Ridpath or anybody.

5 Q. So after that initial meeting with someone
6 from compliance, that was the last time you heard
7 from anyone at all in any way from compliance, any
8 contact with anyone from compliance whatsoever, the
9 first time you had any contact with anybody from
10 compliance was during that initial meeting two or
11 three days after Jim Donnan set up the jobs
12 program?

13 A. That's correct.

14 Q. Then the next time was during the NCAA
15 investigation?

16 A. That's when I saw Ridpath.

17 Q. No communication in between those two
18 times?

19 A. From Marshall University, no.

20 Q. From the compliance office?

21 A. No one from Marshall.

22 Q. What were your impressions of
23 Doctor Ridpath's handling of the NCAA infractions
24 investigation, sort of your opinion of him

1 performing his job as compliance director during
2 that investigation?

3 MR. DOUG REYNOLDS: Objection.

4 A. How would I know? I saw him one time at a
5 table.

6 Q. He was involved in the interview?

7 A. He was at the table where they were asking
8 questions.

9 Q. So you don't have an opinion one way or
10 another about his performance during that
11 interview?

12 A. Well, he was on top of the thing. He knew
13 what was going on and I didn't. So, obviously, he
14 is more competent than myself in regard to those
15 things.

16 He interrupted, he stopped, he corrected
17 the investigator a couple of times, as I recall.

18 But, hell, that may be what he is supposed
19 to do. I don't know. Or maybe not.

20 Q. When was the first time that you had any
21 knowledge whatsoever that the jobs program might be
22 under investigation or might be an NCAA infraction
23 issue?

24 A. The first time I knew about it? I don't

1 remember. I think Coach Pruett told me they were
2 going to have some questions. He didn't tell me it
3 was wrong. He said they are going to have to get
4 some things clarified. Nobody ever said, Geez,
5 this is wrong.

6 Let me share this with you. It was not
7 wrong. It is still not wrong.

8 Q. It was shortly before the official NCAA
9 investigation or what --

10 A. Yes.

11 Q. -- led to the official NCAA investigation
12 that you had any idea that the jobs program might
13 be any kind of a problem at all?

14 A. Yes. That's correct.

15 Q. Going back to your participation in the
16 NCAA investigation, part of that participation was
17 an interview that you did with Ms. Humphrey that
18 Doctor Ridpath was also present during; is that
19 correct?

20 A. That's correct.

21 Q. Was everything you said in that interview
22 a hundred percent truthful?

23 A. I don't have it to reread it, but at that
24 time as far as I know it was truthful. I went over

1 there for the meeting, quite honestly, and didn't
2 know what the purpose of the meeting was, did not
3 take a lawyer.

4 I had a conversation with Doctor Angel.
5 He said we would have a caucus.

6 Q. What conversation with Doctor Angel?

7 A. That I mentioned earlier where he said he
8 thought they had a little problem, would get their
9 hands slapped over the problem with the professor.

10 A professor evidently had given out an exam.

11 He said, But I don't think we have any
12 problem at all with this little thing that we are
13 going to talk to you about.

14 Hell, he was the president. I believed
15 him.

16 Q. So based on that communication from Doctor
17 Angel you didn't get your own counsel, you didn't
18 get your own lawyer?

19 A. No.

20 Q. Any other reason?

21 A. I knew that morally it was a good
22 program. It was a good program for poor kids.
23 Being a poor kid, I could relate to it.

24 I didn't dream people like the NCAA was so

1 stupid they couldn't see that, or so nitpicky.

2 Q. Do you have any knowledge at all
3 concerning the reinstatement process with the prop
4 athletes that were ruled ineligible as a result of
5 the NCAA investigation?

6 A. No.

7 Q. You don't have any knowledge whatsoever
8 about any statements that were signed concerning
9 their employment or anything like that?

10 A. No.

11 Q. Coach Pruett or anybody within the
12 athletic department didn't contact you concerning
13 these statements?

14 A. No.

15 Q. And no one in the athletic department
16 contacted you or anyone in any of your affiliate
17 companies concerning the reinstatement of the
18 ineligible athletes?

19 A. I didn't know any of them were ineligible

20 Q. Besides the one interview that Doctor
21 Ridpath participated in where Ms. Humphrey
22 interview you for the NCAA investigation, did you
23 have any other contact with Doctor Ridpath after
24 that?

1 A. I met him at a WVU rally or lunch and
2 visited with him a few minutes.

3 Q. What did you all talk about then?

4 A. Gee, I don't know. I don't remember. We
5 didn't talk about the NCAA. How are you doing or
6 whatever.

7 Q. Was that after Doctor Ridpath had already
8 left Marshall University?

9 A. I don't think so. No, I'm sure it wasn't.

10 Q. It was while he was still there?

11 A. I think so.

12 Q. Do you have any knowledge whatsoever
13 concerning how it came about that Doctor Ridpath
14 was transferred from the job of compliance director
15 to a different position at Marshall University?

16 A. No.

17 Q. No one called to get your input or advice
18 on that at all?

19 A. No. But they don't call to get my input
20 on anything at Marshall, really.

21 Q. And you don't know anything about that?

22 A. No, I don't.

23 Q. What was your involvement, if any, with
24 the effort to reinstate your participation with the

1 Marshall University?

2 A. Gee, I don't know that I had any
3 participation in it.

4 Q. Did anyone ever contact you concerning
5 this?

6 A. Well, let me share this with you. I did
7 make two trips to Indianapolis on two different
8 occasions to try to correct things.

9 Doctor Cobb made a trip to Indianapolis
10 and got this, whatever it was terminated or
11 reinstated or whatever it was.

12 Quite honestly, I didn't know he was going
13 out there on my behalf; but, anyway, he did.

14 He said it was wrong, he knew it was
15 wrong, everybody in town knew it was wrong, what
16 happened. So I guess he tried to do what he could
17 do in his way to take a little edge off.

18 Q. Was Doctor Angel in contact with you
19 regarding efforts to reinstate you, your
20 participation with the University?

21 A. Absolutely not.

22 Q. Was Coach Pruett?

23 A. Doctor Angel run and hid.

24 No, he wasn't.

1 Q. And you didn't give any input at all with
2 regard to Marshall University's response to the
3 NCAA's --

4 A. No.

5 MR. KOWAL: Let him finish that question.
6 Because I want to hear the rest of the question, so
7 at least wait until he finishes.

8 THE WITNESS: I'm sorry.

9 BY MR. MATTHEWS:

10 Q. You didn't have any involvement question
11 Doctor Angel's response to the NCAA?

12 A. No. Doctor Angel hid from me. He hid
13 from me until he got out of town. Doctor Angel
14 knew that I knew he was a wimp.

15 Q. What is your current opinion of the NCAA
16 as an organization?

17 A. My opinion?

18 Q. Yes, sir.

19 A. Oh, I would say they are well-meaning
20 folks that probably don't know.

21 I don't have a very high opinion of them.

22 Q. Why not?

23 A. I don't think they are practical or
24 realistic. My father used to say when I was a kid,

1 In a perfect world you would do this. They seem to
2 think we all live in a perfect world, and we don't.

3 Q. And you kind of alluded to the academic
4 fraud issue before when you were talking about the
5 professor who got in trouble, the issue that
6 eventually became known as an academic fraud issue
7 that was part of the NCAA infractions.

8 Did you have any knowledge whatsoever
9 concerning any academic fraud issues at Marshall
10 University prior to the investigation that led to
11 the NCAA extractions?

12 A. I just read it in the paper. That's all I
13 knew about it. There was a little story about it.

14 Q. So this is after it became common
15 knowledge that you read it in the paper?

16 A. Yes.

17 Q. Do you have any knowledge whatsoever
18 concerning why Doctor Angel left the University?

19 A. No, not really. I guess the Board of
20 governors run off him off, but I don't know that.

21 Q. Why do you think they run him off?

22 A. I have no idea.

23 Q. Do you feel it was a positive thing for
24 the University that he left?

1 A. Yeah.

2 Q. Why do you feel that?

3 A. The man is incompetent. He is also a
4 liar.

5 Q. What makes you say he is incompetent?

6 A. Because I don't think he could organize a
7 two-car funeral.

8 Q. Any other reasons?

9 A. The way he handled this situation with me.

10 Q. And liar, that's what you were talking
11 about before, how he lied to you and said he was
12 going to meet with you before?

13 A. He said we would all get together and sit
14 around the table and figure out, and stratagize was
15 his word.

16 Q. Then the next thing you knew he didn't do
17 that and it came out --

18 A. He picked somebody to throw under the bus.

19 Q. He picked you to throw under the bus?

20 A. Uh-huh.

21 Q. Did you ever mention anything to the
22 effect that you might hold back any of your
23 financial support if Angel didn't leave the
24 University?

1 A. No. No. I wouldn't do that.

2 Q. Have you ever used the phrase something
3 like you rather have a guy spitting out the tent
4 rather than spitting in?

5 A. Did I ever use that phrase?

6 Q. Have you ever used that before?

7 A. I probably have. Only it would be
8 probably more like I would --

9 Q. What does that mean?

10 A. -- rather have him inside the tent pissing
11 out than outside the tent pissing in.

12 Q. What does that mean?

13 A. That means messing up the deal.

14 Q. What else does it mean?

15 A. It also means if they are inside the tent
16 with you you can watch them.

17 I used to say that a lot to my Arab friend
18 when I was doing business.

19 Q. How so?

20 A. Just because it aggravated him.

21 Q. Did you ever say that phrase concerning
22 David Ridpath?

23 A. No. Nobody ever talked to me about David
24 Ridpath.

1 Q. Did you ever make that phrase about Angel?

2 A. No, not about Angel, because I wouldn't
3 want him in the tent with me.

4 Q. And you are sure you never made that
5 statement or anything to that effect about Dave
6 Ridpath?

7 A. I have no reason to.

8 Q. Has the NCAA investigation and report and
9 sanctions affected your personal reputation at all?

10 A. I don't know. It is embarrassing. Affect
11 my reputation? I don't know.

12 Q. Has it affected your professional or your
13 business reputation at all?

14 A. Well, if it has it hasn't done it much,
15 because -- no. I realize the whole game, the
16 NCAA's game is to embarrass someone. That's what
17 they strive to do. I mean, I think that's the
18 game. And they were successful. It was
19 embarrassing.

20 Q. Besides being embarrassing, you don't
21 think it has damaged your personal or professional
22 reputation?

23 A. No. I don't think so.

24 Q. Do you know Bob Shell?

1 A. Sure.

2 Q. Who is he?

3 A. He is a friend. He is a business guy that
4 was from Logan. We did some business together
5 years ago. I was on the board of his company for a
6 while.

7 Q. What company?

8 A. Guyan Machinery. But I am no longer a
9 board member. He is a guy that got real interested
10 in Marshall University, went on the board.
11 Governor Wise appointed him. He is either chairman
12 or vice-chairman now, I'm not sure which, of the
13 Board of Governors.

14 Q. Do you know if he has ever hired Prop 48
15 athletes to work in any of his companies?

16 A. Sure.

17 Q. Do you have any idea about the specifics
18 of any arrangement he might have with a particular
19 student athlete?

20 A. No.

21 Q. What about Buddy Logan, do you know him?

22 A. Yes, I do.

23 Q. Has he ever, to your knowledge, hired any
24 Prop 48 athletes to work at any of his companies?

1 A. Yeah.

2 Q. But you're not aware of any specifics of
3 any of those employment relationships?

4 A. No.

5 Q. Did you ever authorize or pay for or
6 direct in any way any surveillance or investigation
7 of Doctor Ridpath or his family?

8 A. No. My only contact with Doctor Ridpath,
9 I saw him at a WVU gathering at the restaurant
10 Third Avenue. His brother called me and invited me
11 to lunch and I didn't go because I thought it
12 might, you know, I couldn't see it leading to
13 anywhere good for he or I.

14 Doctor Ridpath is a gentleman as far as I
15 know. I had very limited interaction with him,
16 sitting across the table the first time in a game
17 that he knew something about and I knew little to
18 nothing. A two-minute conversation at the WVU
19 thing. I wouldn't participate in anything like
20 that at all, with anyone.

21 Q. Did you ever pay the NCAA legal bill for
22 Marshall University, which is part of the penalty?

23 A. Absolutely not.

24 Q. What was your reasoning behind that?

1 A. Number one, I had not done anything
2 wrong. I think if you pay you admit that you did.
3 I wasn't going to pay it. I told them I wouldn't
4 pay it.

5 Q. And you're not currently paying any legal
6 fees or have any arrangement to pay any legal fees
7 for Marshall University?

8 A. Absolutely not, never have, not going to.

9 Q. The same goes for Coach Pruett?

10 A. For what?

11 Q. Coach Pruett.

12 A. Legal fees?

13 Q. Yes, sir.

14 A. No. I just met his lawyer a couple of
15 minutes ago. No, I haven't. Gee. I mean, Coach
16 Pruett has more pride than to ask somebody to pay
17 his legal fees, I'm sure. If he did I wouldn't.

18 MR. MATTHEWS: If we could take a break, I
19 think I'm ready to wrap up. See if Dave has
20 anything.

21 (Break.)

22 MR. MATTHEWS: That's all I have.

23 Thank you very much, Mr. Reynolds.

24 EXAMINATION

1 BY MR. KOWAL:

2 Q. Mr. Reynolds, my name is Ed Kowal.

3 I represent Coach Pruett.

4 I have a few questions for you.

5 In the time that you have been involved in
6 various businesses in and around Huntington, would
7 it be a fair statement for me to say that you have
8 employed literally hundreds if not thousands of
9 Marshall University students without regard to
10 whether they are athletes or not?

11 A. Yes, and Ashland Junior College kids and
12 Huntington College of Business and a whole bunch of
13 other ones, high school kids as well.

14 Q. And you do that out of a sense of
15 community, don't you? You don't get any financial
16 reward for doing that?

17 A. I do it out of a sense of there weren't
18 very many opportunities when I came along. It's a
19 sense of fair play. I have had a little luck, and
20 I try to share it with the kids that want to work.

21 Q. You didn't see anything immoral about what
22 you were doing with Marshall University athletes in
23 this regard?

24 A. Absolutely not. There was nothing immoral

1 about it.

2 We had one kid that came there that
3 couldn't read or write. He graduated from Marshall
4 and then went back and got his master's degree. He
5 worked at the box plant on the night shift, was
6 Charles McGregor.

7 Q. Charles McGregor still works for one of
8 your affiliated companies, doesn't he?

9 A. Yes, he does. Any kid that tough. He
10 wanted to go work in the printing company. I
11 didn't think he was sharp enough. I put him to
12 work in the corrugated plant. He was our top kid
13 there in three years. When I sold the corrugated
14 plant I took him with me to Cincinnati.

15 Q. And he works for something called the
16 Merton Company?

17 A. Right.

18 Q. And he filled out an affidavit some place
19 in this NCAA investigation, at page 4245 -- 4,245
20 of 18,000 pages, I might add -- that he earned a
21 six-figure income, and this was back in 2003?

22 A. That's true. I mean, I'm sure it's true.

23 Q. It was a success story, for him and for --

24 A. For me.

1 Q. -- Chapman Printing and MacCorkle Machine
2 Shop?

3 A. Here is a kid that couldn't fill out a
4 time sheet and couldn't read or write, couldn't
5 spell shit.

6 Q. And he went through four years at
7 Marshall, or at least four years at Marshall and
8 then got his master's at Marshall and has worked
9 for you ever since he graduated; is that right?

10 A. That's true.

11 Q. He is maybe one of the better success
12 stories. But there are more than just Charles
13 McGregor, aren't there?

14 A. That's true.

15 Q. And there are more than just athletes at
16 Marshall University?

17 A. Absolutely.

18 Q. In fact, you still run a program, don't
19 you, for students at Marshall University, just that
20 you forbid athletes from participating in it?

21 A. That's true.

22 Q. At some time during the course of the
23 investigation, do you recall, perhaps not you
24 personally but somebody who worked for you at

1 either MacCorkle or Chapman, preparing a list of
2 nonstudent athletes who were employed at Chapman
3 and/or MacCorkle?

4 A. That's correct.

5 Q. Do you recall whom they gave that to?

6 A. No, I don't recall who they gave it to.
7 They probably gave to do whoever requested it.

8 But, yeah, we did that.

9 Q. And you were requested to do that, weren't
10 you, by somebody?

11 A. Yes.

12 Q. Do you remember by whom?

13 A. No. I sort of turned this frigging misery
14 over to one guy to take care of everything on it.
15 I don't remember whom, but I do remember.

16 Q. Let me just make sure I understand it.
17 The original proposition -- that's maybe not the
18 right word. The original setup was for one day's
19 work for a hundred bucks?

20 A. Yes, sir.

21 Q. In fact, it was supposed to be for
22 Saturdays and Sundays, isn't that right?

23 A. That's correct.

24 Q. The first guy you had in charge, if you

1 could use that term, of this program was a fellow
2 by the Eric Eckhart?

3 A. That's right.

4 Q. And Eric Eckhart has filled out an
5 affidavit and gave it to the NCAA. It is at page
6 4243, actually 4242. And I just want to read you
7 some statements from it and see if you agree with
8 it.

9 "A program was devised where they would
10 work under my supervision on Saturday from
11 8:00 a.m. until 4:00 p.m. and Sunday from 8:00 a.m.
12 until 4:00 p.m., With one half hour for lunch."

13 Do you remember that?

14 A. Yes. That's correct.

15 Q. He said, For these eight-hour days they
16 would be paid at the rate of 12.50 per hour, a rate
17 which was consistent with the rate structure for
18 MacCorkle Machine. If they only worked one half
19 day, four hours, they would only be paid for one
20 half day.

21 Is that consistent with your recollection?

22 A. That's correct.

23 Q. MacCorkle Machine, is that located on
24 Second Avenue?

1 A. Yeah.

2 Q. And it's a machine milling shop, for want
3 of a better term; is that right?

4 A. Yeah.

5 Q. And MacCorkle Machine is unionized, is it
6 not?

7 A. Yes.

8 Q. Workers out in the plant are currently and
9 have been for a considerable period of time, long
10 predating this Marshall thing, union employees; is
11 that right?

12 A. That's correct.

13 Q. And union jobs, if I'm not mistaken,
14 occasionally have some control over who can come in
15 the plant and work. Is that your understanding?

16 A. They have a lot of control.

17 Q. For example, unions don't like it when you
18 contract out labor, generally, do they?

19 A. No, they don't.

20 Q. And they don't like it when people who are
21 not members of the union are in there on Saturdays
22 and Sundays doing perhaps what would ordinarily be
23 covered by a union employee?

24 A. That's correct.

1 Q. Do you know what union covers MacCorkle,
2 Steelworkers?

3 A. Steelworkers.

4 Q. In this certain situation somebody on
5 behalf of MacCorkle went to the Steelworkers union
6 and got permission --

7 A. That's correct.

8 Q. -- for these young men, these props, for
9 example, to come in and work at these wage rates;
10 right?

11 A. That's correct.

12 Q. They were contract labor, and the union
13 had to approve that before it was done?

14 A. That is correct.

15 Q. So anybody's gripe about what they earned
16 or what they didn't earn, it had to be approved by
17 the bargaining representative for the remainder of
18 the employees at MacCorkle, isn't that correct?

19 A. That's correct.

20 Besides, the union would not approve that
21 if we said we were going to pay them \$6 an hour,
22 because that is far below -- it is saving a lot of
23 money. The real reason the union approved that,
24 one, we paid them a fair price, so it wasn't like

1 we were saving an awful lot of money; but, two, it
2 was shitty type work that the union employees would
3 prefer not to have done.

4 Q. I don't know if Mr. Eckhart was a union
5 employee or not.

6 A. No, he wasn't.

7 Q. I don't know if Russell May was a union
8 employee or not.

9 A. No, he wasn't. But they didn't work at
10 MacCorkle.

11 Q. They were Chapman employees, weren't they?

12 A. That's correct.

13 Q. Mr. Eckhart went on to say, on page 4242,
14 This was not intended as a free ride. If a student
15 did not work as required or follow instructions as
16 required, I contacted Coach Donnan and the student
17 was removed from the program. It was a one-strike-
18 and-you're-out program, and it did happen on
19 occasion.

20 Did he report that back to you, that that
21 was his philosophy?

22 A. That is correct. I made that plain to
23 Coach Donnan going in, because we had other kids
24 working there. We weren't going to let the jocks

1 come over and stand around with their finger in
2 their ass.

3 Q. So the jocks didn't get any special
4 treatment in that regard; they were treated just
5 like the other Marshall students you had working
6 down there, isn't that correct?

7 A. That is correct. They tried to shuck and
8 jive.

9 Q. But they weren't successful at it.
10 Mr. Eckhart, apparently, was a pretty stern
11 supervisor, I understand.

12 A. He was. He truly was.

13 Mr. Eckhart was a social champion of the
14 underdog, and this was a lesson to show him how the
15 underdogs would try to get over on him.

16 Q. He left Chapman Printing in 1994 and moved
17 to Knoxville, and his replacement was Russell May,
18 according to this affidavit. And because of the
19 difficulty Russell May had in adjusting and
20 adapting, he would return, Mr. Eckhart would,
21 quote, return to Chapman Printing every three to
22 four weeks to work with him."

23 A. That's correct.

24 Q. Is that fair?

1 A. Well, the program was always under
2 Mr. Eckhart. However, he was 150 miles away. And
3 yes, Russell May had some problems that he would
4 call Eric when he would ...

5 Q. Then Mr. Eckhart finally left your
6 employment, I'm guessing in about, it looks like
7 sometime around 2002, 2003. Does that sound
8 familiar, to go to Dublin, Ireland?

9 A. Yes. That is correct. He fell in love.

10 Q. Let's talk about Russell May for a few
11 minutes. Russell May took over for Mr. Eckhart
12 when he left your employ ultimately; is that right?

13 A. No.

14 Q. Where am I wrong on that?

15 A. Russell was the guy that was there on a
16 daily basis, but Russell wasn't smart enough to run
17 any kind of a program. Eckhart actually still run
18 this thing until the NCAA stopped it.

19 Q. And one of the problems with Russell May
20 was -- rather than make you guess, I'm going to
21 tell you that the program stopped in February 2000
22 for props. If you will believe me on that, other
23 folks will believe me on that, I want to ask you a
24 few questions, noticing that February 2000 would

1 have been the stop date for the prop program.

2 A. Okay.

3 Q. Jeannie Hensley, is she employed at
4 Chapman, or was she employed at Chapman as a
5 payroll supervisor?

6 A. That is correct.

7 Q. She wrote a letter, which happens to be a
8 part of the NCAA file at page 4246, memorandum to
9 you. I could show it to you, but I will just read
10 a paragraph or two of it.

11 It says, During 1999, or the year before
12 this program was stopped in February, Mr. May
13 worked a total of 1014.6 hours overtime. During
14 this period he showed 44 Saturdays and 46 Sundays
15 as being worked for full days.

16 A. Uh-huh.

17 Q. Do you remember information sort of like
18 that you would have received from Ms. Hensley
19 regarding that?

20 A. Yes.

21 Q. That would indicate to me that Mr. May was
22 telling you, his boss or his employer, Chapman
23 Printing, that he was actually there on 46
24 Sundays. Would that be a fair statement?

1 A. Yes, sir.

2 Q. So if he wasn't there and the props
3 weren't there, Mr. May wasn't telling somebody the
4 exact whole 100 percent truth?

5 A. Well, he filling out a fraudulent time
6 sheet and getting paid for it.

7 Q. And he would have no incentive to make
8 sure the athletes come in on Sundays doing that,
9 because he wasn't going to show up and he wanted to
10 get paid for it, isn't that correct?

11 A. That is correct.

12 Q. Mr. May was terminated from Chapman
13 Printing, isn't that correct?

14 A. Well, that's correct. But it is also
15 incorrect. He was terminated by Mack Aldridge, and
16 I convinced Mack to give him his job back, so he
17 could time to get a job. Russell had a couple of
18 kids. His brother was a supervisor at the place
19 that picks up the trash containers. I forget the
20 name of it.

21 Q. BFI?

22 A. BFI, yeah. His brother was a supervisor.
23 He said he thought he could get a job up there in a
24 month or so. So we let him come back and work a

1 month or so, and he got a job at BFI and left.

2 But he wrote several shitty letters about
3 Mack Aldridge, very bitter.

4 Q. Who did he write them to, to you?

5 A. He wrote them to me. Wrote one to the
6 board of directors of Champion.

7 Q. Who was Mr. Rogers? Was he Mr. May's --

8 A. -- direct supervisor at the time.

9 Q. And there were other reasons why
10 Mr. Aldridge terminated him, other than this
11 payroll incident?

12 A. That is correct. In fact, that wasn't the
13 reason that he terminated him. If you are bad, you
14 can be bad in a lot of ways and only get caught in
15 one.

16 Q. By the way, that same letter from
17 Ms. Hensley to you, or memorandum from Ms. Hensley
18 to you points out that in 1998 Mr. May was paid for
19 working 47 Saturdays and 46 Sundays.

20 So far as you knew, or anybody at Chapman
21 or MacCorkle would know, Mr. May was there on
22 Sundays getting paid to do what he was supposed to
23 be doing?

24 A. That's correct.

1 Q. Let me ask you a few other questions about
2 this. By the way, in terms of what the prevailing
3 wage is for somebody who works at MacCorkle, or
4 other industries in Huntington, not every job that
5 requires perhaps more brawn than brain pays minimum
6 wage, does it?

7 A. No. A few do. In a plant that's involved
8 in interstate commerce very few do. Now, jobs at
9 the hotels and the restaurants probably do.

10 Q. But heavy-lifting kind of work and hard
11 work like that can pay more than 12.50 an hour?

12 A. Sure.

13 Q. And it does at some jobs in our community,
14 doesn't it?

15 A. If you went to work at JH Fletcher doing
16 that day today you would start at \$18.

17 Q. JH Fletcher is a mining equipment company;
18 right?

19 A. Right. A nonunion company, but that's the
20 going starting rate.

21 Q. You have heard of something called the
22 prevailing wage in West Virginia, I'm guessing.

23 A. Sure.

24 Q. Pretty good guess on my part. And those

1 are people for people who work on government
2 contracts or government construction contracts,
3 isn't that right?

4 A. That's correct.

5 Q. And one of the reasons it is expensive for
6 the government to build a building in West
7 Virginia, whether it's right or wrong, is that
8 general laborers make considerably more than 12.50
9 an hour under the Prevailing Wage Act, don't they?

10 A. They start at \$26.

11 And, gee, Pritchard Electric, which is
12 another company I'm involved in, an apprentice
13 electrician starts at \$22.

14 Q. Pritchard, are they unionized?

15 A. Yes.

16 Q. Those jobs are in our community and are
17 sometimes available, are they not?

18 A. Well, they are in our community. They are
19 available. I helped a couple of kids get started
20 over there just last month.

21 But this Humphrey lady sort of acted like
22 somebody that made 12.50 an hour was a big-time
23 operator. And the average wage at Chapman
24 Printing, although Russell May would have been at

1 \$11, our average wage is over \$15 an hour.

2 But Russell is a high school graduate, a
3 very mediocre, big fat kid that doesn't have a
4 helluva lot of energy, not hell of a lot more sense
5 either, but a decent guy.

6 Q. With regard to the program, let's see who
7 knew about it at Marshall University. We know
8 Coach Donnan knew about it; right?

9 A. Sure.

10 Q. We know Coach Gail knew it; right?

11 A. Right.

12 Q. Coach Gail was on Coach Donnan's staff,
13 was he not? Do you remember that?

14 A. Yeah, I remember.

15 Q. He was a holdover by Coach Pruett. He
16 married a girl from Ironton, so he stayed in our
17 area when he came.

18 Lee Moon knew about it?

19 A. Yeah.

20 Q. Lee Moon was the athlete director, was he
21 not?

22 A. Yeah.

23 Q. He knew about it both under Donnan, and he
24 was the one that brought Coach Pruett to you and

1 introduced you to Coach Pruett, and Coach Pruett
2 asked to you continue the program, because if it
3 was not broke I don't it fixed, I think you said.

4 A. That's correct.

5 Q. Athletic Director Moon certainly was
6 present during that conversation, wasn't he?

7 A. Yes, he was.

8 Q. He heard it and he acknowledged it, isn't
9 that correct?

10 A. That is correct.

11 Q. You said that there was a compliance
12 fellow who came down, and I'm guessing it was a
13 male.

14 A. Yes, it was.

15 Q. Do you remember Jim Woodrum?

16 A. Is that the kid they called "Woody"?

17 Q. No. That's Woody's brother.

18 A. No, I don't know Jim. I remember "Woody"
19 Woodrum.

20 Q. He is the one who does the outsource
21 marketing. There you go, sponsorship sales. He
22 does the stuff --

23 A. "Woody" Woodrum used to be --

24 Q. He was the radio guy.

1 A. Yeah.

2 Q. Just wondering if you knew if Jim Woodrum
3 was the fellow, I was trying to jog your
4 recollection if he was the one who came down.

5 A. He may have been. I don't know.

6 Q. But this was a person who identified
7 themselves as somebody from Marshall University,
8 somebody connected to compliance for NCAA
9 athletics; is that correct?

10 A. Yes.

11 Q. Did you or anybody acting on your behalf,
12 whether it be Mr. Eckhart, Mr. May, anybody else,
13 ever try to hide that you were doing this?

14 A. Oh, no.

15 Q. I mean, there was no instruction to
16 anybody to do this on the hush-hush or the quiet or
17 anything like that, was there?

18 A. No. Not at all. In fact, Russell May --
19 I found out about it -- put the bite on Mark Gail
20 and those folks for tickets and freebees.

21 But, no, everybody knew that program was
22 going on.

23 Q. And the reason why perhaps you thought
24 there would be nothing to hide or anything like

1 this is you had done this for many more nonathletes
2 than you had for athletes, isn't that correct?

3 A. Sure.

4 Q. And you have done it for elementary school
5 kids?

6 A. Jesus Christ, it is something to be proud
7 of, if you grew up on the wrong side of the tracks
8 anyway.

9 Q. Do you know who Ralph May is?

10 A. Who?

11 Q. Ralph May.

12 A. Yeah. He used to a quarterback a hundred
13 years ago at Marshall.

14 Q. Well, I was thinking about one of his more
15 current jobs.

16 A. He worked at Marshall for a while.

17 Q. He worked in the athletic department?

18 A. For Coach Pruett.

19 Q. For Coach Pruett?

20 A. Yeah.

21 Q. Do you know if he was the one responsible
22 from the Marshall side to send athletes up to you?
23 Have you ever heard that?

24 A. By the time Pruett and Ralph May and those

1 guys come along, I didn't really have anything to
2 do with the program. I don't know who is working
3 or anything.

4 Q. You don't know who oversaw this from the
5 Marshall perspective, do you?

6 A. No.

7 Q. You may have said before that Coach
8 Pruett, you thought he may have oversaw it. You
9 are not certain of that?

10 A. Well, he talked to me about it when it
11 first started, when he first came there, two or
12 three times.

13 Q. You don't know on a day-to-day basis if he
14 ran it, do you?

15 A. No, I don't.

16 Q. By the way, there is no way to tell by
17 looking at a six-foot-five 240-pound kid whether he
18 is a prop or just a plain old football player or
19 basketball player, is there?

20 A. That's true.

21 Q. You don't know if the football program
22 ever sent over anybody but props, do you?

23 A. No, I don't know.

24 Q. The props would change from time to time

1 because, hopefully, they stopped being props after
2 one year or so?

3 A. When Coach Donnan ran the program you had
4 the same four guys for a year.

5 When Pruett's crew was doing it there
6 would be different people that you didn't
7 recognize. I would spot them on Saturday and it
8 would be a totally different group. So I don't
9 know.

10 Q. You don't know who was a prop and who
11 wasn't a prop?

12 A. No, I don't.

13 Q. By the way, scathing rather freely in this
14 whole piece of litigation is the basketball team.
15 There were some basketball players involved with
16 this, weren't there? You don't remember?

17 A. We had a deal with the basketball people.
18 Basketball players absolutely won't work, and this
19 was a program for kids to work. And a lot of
20 football players didn't want to work, but Eckhart
21 would bring them around. They would work or be run
22 off.

23 I saw in this NCAA stuff they mentioned a
24 basketball player, and they may have had two or

1 three basketball players. But if they did I didn't
2 know about them. I didn't even know about the one
3 that they named, that they identified.

4 But we had a couple of basketball
5 players. We have had some basketball players in
6 the past work at Chapman Printing, years ago.

7 We had a rule all basketball players, just
8 send them to the Boys Club. That's a place where
9 they play with kids as staff members. Just send
10 them up there and get them out of the way. They
11 don't make as much money, but they don't work.

12 Q. I think I understand that.

13 By the way, at the conclusion of your
14 testimony you were asked about Buddy Logan and
15 Mr. Shell. You don't know if the Marshall athletes
16 that they employed were props or not, do you?

17 A. No. No.

18 Q. They may have been just plain old student
19 athletes?

20 A. I don't know.

21 Q. They may have been just plain old students
22 also?

23 A. They probably had some of those, too.

24 Q. And Mr. Shell's major business here in

1 Huntington is Guyan Machinery, or the Huntington
2 area?

3 A. That's correct.

4 Q. And Mr. Logan's only business, to the best
5 of my knowledge, is Logan Packing?

6 A. That's correct.

7 MR. KOWAL: I think that's all I have.
8 Thank you.

9 EXAMINATION

10 BY MR. FULLER:

11 Q. Mr. Reynolds, my name is John Fuller.

12 I represent the Marshall University Board
13 of Governors, Layton Cottrill, Edward Grose and Dan
14 Angel.

15 I have got just a couple of questions for
16 you.

17 A. Okay.

18 Q. Prior to the investigation by the NCAA,
19 had you ever discussed this, for lack of a better
20 word, this weekend work program with Dan Angel?

21 A. No.

22 Q. Did you ever discuss it with Layton
23 Cottrill?

24 A. No.

1 Q. Did you ever discuss it with Edward Grose?

2 A. No.

3 Q. Do you have any reason to believe they
4 knew about this program?

5 A. I have no reason to know whether they knew
6 about it or didn't know about it, but most
7 everybody in the world knew about it.

8 Q. Did you ever discuss it with any of those
9 three?

10 A. No. None of them ever asked me about it.

11 MR. FULLER: That's all I have, sir.

12 MR. KOWAL: I have got one or two follow-
13 ups.

14 Examination

15 BY MR. KOWAL:

16 Q. Do you know what role, if any, Coach
17 Pruett played in the so-called disciplinary against
18 Mr. Ridpath taken by President Angel, if any?

19 A. No, I don't.

20 MR. KOWAL: That's all. Thank you.

21 MR. MATTHEWS: I don't have anything.

22 Thank you.

23 MR. KOWAL: Thank you very much.

24

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Johnny Jay Jackson, a Notary Public and
3 Registered Diplomate Reporter within and for the
4 State aforesaid, duly commissioned and do hereby
5 certify that the deposition of MARSHALL REYNOLDS
6 was duly taken by me and before me at the time and
7 place specified in the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

13 I further certify that I am neither attorney
14 or counsel for, nor related to or employed by, any
15 of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 30th day of
21 September 2014.

22 Given under my hand and seal this 9th day of
23 June 2008.

24 -----
Johnny Jay Jackson
Registered Diplomate Reporter
Notary Public