

# **EXHIBIT**

## **A**

### **PART 1**

### Sharon Diane Wright (Waltz)

Page 1

1 IN THE FAMILY COURT  
 2 OF JEFFERSON COUNTY, ALABAMA  
 3  
 4 CIVIL ACTION NUMBER: 2012-1360  
 5 STATE OF ALABAMA, EX REL,  
 6 JONATHAN WADE DUNNING,  
 7 Plaintiff/Father,  
 8 v.  
 9 SHARON DIANE WRIGHT,  
 10 Defendant/Mother.  
 11  
 12 DEPOSITION TESTIMONY OF:  
 13 SHARON D. WALTZ  
 14 August 1, 2012  
 15 9:25 a.m.  
 16 Job No. 105043  
 17  
 18 In accordance with Rule 5(d) of the  
 19 Alabama Rules of Civil Procedure, as amended,  
 20 effective May 15, 1998, I, SHERI G. CONNELLY,  
 21 RPR, am hereby delivering to Robin L. Burrell  
 22 the original transcript and exhibits of the oral  
 23 testimony of SHARON D. WALTZ taken on the 1st

Page 3

1 offered in evidence, or prior thereto.  
 2 IT IS FURTHER STIPULATED AND AGREED  
 3 that the notice of filing of the deposition by  
 4 the Commissioner is waived.  
 5  
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Page 2

1 day of August, 2012. This is not retained by  
 2 the court reporter and not filed with the Court.  
 3 IT IS STIPULATED AND AGREED by and  
 4 between the parties through their respective  
 5 counsel that the deposition of SHARON D. WALTZ  
 6 may be taken before SHERI G. CONNELLY, RPR,  
 7 Commissioner, at the law offices of Najjar  
 8 Denaburg, PC, 2125 Morris Avenue, Birmingham,  
 9 Alabama 35203, on the 1st day of August, 2012.  
 10 IT IS FURTHER STIPULATED AND AGREED  
 11 that the signature to and the reading of the  
 12 deposition by the witness is waived, the  
 13 deposition to have the same force and effect as  
 14 if full compliance had been had with all laws  
 15 and rules of Court relating to the taking of  
 16 depositions.  
 17 IT IS FURTHER STIPULATED AND AGREED  
 18 that it shall not be necessary for any  
 19 objections to be made by counsel to any  
 20 questions, except as to form or leading  
 21 questions, and that counsel for the parties may  
 22 make objections and assign grounds at the time  
 23 of the trial, or at the time said deposition is

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 22  
 23 (No Defendant's Exhibits submitted.)

**Sharon Diane Wright (Waltz)**

<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF/FATHER:</p> <p>4 Robin L. Burrell</p> <p>5 Najjar Denaburg, PC</p> <p>6 2125 Morris Avenue</p> <p>7 Birmingham, Alabama 35203</p> <p>8 (205) 250-8400</p> <p>9</p> <p>10 FOR THE DEFENDANT/MOTHER:</p> <p>11 William E. Bright, Jr.</p> <p>12 Bright Law Office</p> <p>13 Suite 149</p> <p>14 1976 Gadsden Highway</p> <p>15 Birmingham, Alabama 35235-3267</p> <p>16 (205) 655-9284</p> <p>17</p> <p>18 ALSO PRESENT:</p> <p>19 Jonathan W. Durning</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Sharon Diane Waltz.</p> <p>2 Q. We're here to take your deposition</p> <p>3 today. Have you ever been in a deposition</p> <p>4 before?</p> <p>5 A. No.</p> <p>6 Q. All right. I'm going to tell you just</p> <p>7 a few rules that make it flow a little bit more</p> <p>8 smoothly, okay. The first is that because the</p> <p>9 court reporter is taking down every word that we</p> <p>10 say, she cannot take down a nod of the head or a</p> <p>11 shake of the head. So the first thing I would</p> <p>12 ask is that you give a verbal response to every</p> <p>13 question; is that okay?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. And if for any reason you don't</p> <p>16 understand a question, I'm going to ask that you</p> <p>17 not answer that question; is that okay?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And instead, I'm asking that you tell</p> <p>20 me that you don't understand the question; is</p> <p>21 that okay?</p> <p>22 A. Yes.</p> <p>23 Q. So that if you answer a question, then</p>
<p style="text-align: right;">Page 6</p> <p>1 I, SHERI G. CONNELLY, RPR, a Court</p> <p>2 Reporter of Birmingham, Alabama, acting as</p> <p>3 Commissioner, certify that on this date, as</p> <p>4 provided by the Alabama Rules of Civil Procedure</p> <p>5 and the foregoing stipulation of counsel, there</p> <p>6 came before me at the law offices of Najjar</p> <p>7 Denaburg, PC, 2125 Morris Avenue, Birmingham,</p> <p>8 Alabama 35203, beginning at 9:25 a.m., SHARON D.</p> <p>9 WALTZ, witness in the above cause, for oral</p> <p>10 examination, whereupon the following proceedings</p> <p>11 were had:</p> <p>12</p> <p>13 SHARON D. WALTZ,</p> <p>14 being first duly sworn, was</p> <p>15 examined and testified as follows:</p> <p>16</p> <p>17 COURT REPORTER: Usual stipulations?</p> <p>18 MS. BURRELL: That's fine with me.</p> <p>19 MR. BRIGHT: Yeah, that's fine.</p> <p>20</p> <p>21 EXAMINATION BY MS. BURRELL:</p> <p>22 Q. Ms. Waltz, would you state your</p> <p>23 name -- your full, legal name?</p>	<p style="text-align: right;">Page 8</p> <p>1 I'm going to assume that you understood the</p> <p>2 question that was posed to you; is that okay?</p> <p>3 A. Okay.</p> <p>4 Q. All right. Have you taken any</p> <p>5 medication today that in any way would impair or</p> <p>6 impede your ability to understand and answer</p> <p>7 questions?</p> <p>8 A. No.</p> <p>9 Q. All right. Let me ask you something</p> <p>10 first about your name because we had filed this</p> <p>11 case as Sharon Waltz and your attorney filed a</p> <p>12 response indicating that -- I'm sorry, we filed</p> <p>13 it as Sharon Wright -- that it was Sharon Waltz.</p> <p>14 Your correct legal name is Sharon Waltz?</p> <p>15 A. Correct.</p> <p>16 Q. Have you ever been Sharon Wright?</p> <p>17 A. That's my maiden name.</p> <p>18 Q. Okay. How old are you?</p> <p>19 A. Forty-three.</p> <p>20 Q. And where do you live?</p> <p>21 A. In Pelham.</p> <p>22 Q. What's that address?</p> <p>23 A.</p>

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Page 9

1 Q. And who lives at that home with you?  
 2 A. Me and my four children.  
 3 Q. And when you say four children, there  
 4 is is that correct?  
 5 A. Correct.  
 6 Q. And they are -- their father is  
 7 Jonathan Dunning?  
 8 A. Correct.  
 9 Q. Okay. And who are the other two  
 10 children?  
 11 A.  
 12 Q. And what is their father's name?  
 13 A. John Waltz.  
 14 Q. How old is  
 15 A. Sixteen.  
 16 Q. And  
 17 A. Fourteen.  
 18 Q. How long have you been living at  
 19 Caliston Way?  
 20 A. Five-and-a-half years.  
 21 Q. Where did you live immediately prior  
 22 to that?  
 23 A. In Hoover.

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1 Q. In a house or apartment?  
 2 A. A townhouse.  
 3 Q. Do you remember that address?  
 4 A. I do not. It was Trace Crossings  
 5 Drive or something.  
 6 Q. For what period of time did you live  
 7 at the Trace Crossings townhouse?  
 8 A. I believe two years.  
 9 Q. And was that townhouse in the vicinity  
 10 of Mr. Dunning's home?  
 11 A. I believe so.  
 12 Q. Did he live across the street from  
 13 where you were?  
 14 A. If that is his only house, yes.  
 15 Q. Okay. Tell me what you mean by that.  
 16 A. Well, he led me that to believe that  
 17 was his only house but I don't believe that was  
 18 his only house. I'm not sure exactly where he  
 19 lived.  
 20 Q. Okay. Tell me what has caused you to  
 21 not believe that that was his only house.  
 22 A. Different indications that he had a  
 23 house in Mountain Brook from different sources.

Page 11

1 Q. What sources?  
 2 A. One, I saw a package that was to a  
 3 Mountain Brook address; one, he had an arrest in  
 4 Mountain Brook; one, the newspaper; one, one of  
 5 his employees.  
 6 Q. Is that all?  
 7 A. I believe so.  
 8 Q. What employee was that?  
 9 A. Bernard Tamburello.  
 10 Q. And what did Bernard tell you?  
 11 A. Just made a comment about his house in  
 12 Mountain Brook.  
 13 Q. When was that?  
 14 A. Sometime last year.  
 15 Q. Do you remember what that comment was?  
 16 A. Something about the big -- the big  
 17 house in Mountain Brook, indicated that he had  
 18 been there is what it seemed like to me.  
 19 Q. So he didn't say that, that was your  
 20 assumption?  
 21 A. He made a comment about the big house  
 22 in Mountain Brook and the long, winding driveway  
 23 or something like that, so yes, that was my

Page 12

1 assumption.  
 2 Q. Did you ask Mr. Dunning about that?  
 3 A. I did.  
 4 Q. And what did he say?  
 5 A. He said he didn't have a house in  
 6 Mountain Brook.  
 7 Q. You said the newspaper was one of your  
 8 sources. Tell me about that.  
 9 A. There was an article in the paper  
 10 about Mr. Dunning that mentioned the Mountain  
 11 Brook house.  
 12 Q. That was about three or four weeks  
 13 ago?  
 14 A. That seems about right.  
 15 Q. You said there was an arrest in  
 16 Mountain Brook. Tell me about that.  
 17 A. He was arrested for DUI.  
 18 Q. And when was that?  
 19 A. Earlier, I don't know the exact date,  
 20 last year.  
 21 Q. 2011?  
 22 A. I believe so.  
 23 Q. Early in 2011 or --

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1 A. I believe so.  
 2 Q. Okay. And what about that led you to  
 3 believe that he lived in Mountain Brook?  
 4 A. That wouldn't have been his way home  
 5 to Hoover. It was on the way -- it was down 280  
 6 to Mountain Brook. It was in Mountain Brook.  
 7 Q. Okay. So again, that was an  
 8 assumption on your part?  
 9 A. Yes.  
 10 Q. And did you ask him about that?  
 11 A. Yes.  
 12 Q. And what did he tell you?  
 13 A. He said he didn't have a house in  
 14 Mountain Brook.  
 15 Q. And you said there was a package with  
 16 a Mountain Brook address. Tell me about that.  
 17 A. There was a package in his car that  
 18 had a Mountain Brook address on it.  
 19 Q. I'm sorry, I didn't hear you.  
 20 A. There was a package in his car that  
 21 had a Mountain Brook address on it.  
 22 Q. And when was that?  
 23 A. Two years ago probably.

Page 14

1 Q. And did you ask him about the package?  
 2 A. Not at that time, I asked about it  
 3 later.  
 4 Q. And what did he tell you?  
 5 A. He said he didn't -- he didn't know.  
 6 Q. Do you remember the address in  
 7 Mountain Brook or the street name?  
 8 A. I can tell you. It was the  
 9  
 10 Q. And what are you using to refresh your  
 11 recollection as to that?  
 12 A. This is a correspondence from my  
 13 attorney to him based on the address I gave him.  
 14 Q. Can I see that?  
 15 MS. BURRELL: She's just used it to  
 16 refresh her recollection and she said it was  
 17 sent it to my client.  
 18 MR. BRIGHT: From me, so he should  
 19 have a copy of it.  
 20 MS. BURRELL: Can I see that?  
 21 MR. BRIGHT: We agreed that we were  
 22 not going to get into anything concerning the  
 23 sexual harassment case.

Page 15

1 MS. BURRELL: I'm not getting into the  
 2 sexual harassment --  
 3 MR. BRIGHT: That's what it  
 4 concerns.  
 5 MS. BURRELL: I'm just saying that she  
 6 used that to refresh her recollection.  
 7 MR. BRIGHT: No.  
 8 MS. BURRELL: Okay. Well, I'll  
 9 reserve the right to take that up with the  
 10 Court.  
 11 Q. (By Ms. Burrell) Are there any other  
 12 reasons that you believe he has a house in  
 13 Mountain Brook?  
 14 A. It's listed as a house that he owns on  
 15 the Internet if you do an Internet search.  
 16 Q. And when did you do that?  
 17 A. Various times over the past year or  
 18 two.  
 19 Q. And did you discuss that with him?  
 20 A. I've asked him several times about a  
 21 house in Mountain Brook. He's always denied it.  
 22 Q. Tell me what -- why it mattered  
 23 whether he had a house in Mountain Brook.

Page 16

1 A. It's just another thing that didn't  
 2 add up.  
 3 Q. You said you had sources as well.  
 4 Have we covered all the sources, meaning people,  
 5 that have told you something?  
 6 A. Yes.  
 7 Q. All right. But we were talking about  
 8 Trace Crossings and the question was whether he  
 9 had -- whether he resided across the street,  
 10 whether he had another house or not and would I  
 11 be correct that he did?  
 12 A. I believe -- he told me he did.  
 13 Q. Okay. You never saw his house?  
 14 A. No, never been there.  
 15 Q. Never went to look for it?  
 16 A. I've been to look for it. I've seen  
 17 that house. I've never seen him in the house.  
 18 I've never been in the house, never been to the  
 19 house.  
 20 Q. What's the condition of your health?  
 21 A. Good.  
 22 Q. Have you ever seen any mental health  
 23 providers, and by that I would include licensed

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<p style="text-align: right;">Page 17</p> <p>1 professional counselor, psychologist,  2 psychiatrist, or the like?  3 A. No, ma'am.  4 Q. What is your educational background?  5 A. I have a doctorate in psychology.  6 Q. Where did you get that?  7 A. From Argosy University -- Argosy.  8 Q. Where is that?  9 A. A-R-G-O-S-Y. I graduated in Florida.  10 Q. What year?  11 A. 2001, I believe.  12 Q. And can you give me any email address  13 that you use?  14 A. I can.  15 Q. Are there any others?  16 A. . . That's all.  17 Q. Do you have any website?  18 A. No, I was creating a website. I don't  19 think it actually got published. It's been in  20 the last couple of weeks. I don't -- I don't  21 really know the status of that. I don't believe  22 it was published.  23 Q. And was that a website in connection</p>	<p style="text-align: right;">Page 19</p> <p>1 A. He was.  2 Q. And was he there during the actual  3 delivery?  4 A. He was.  5 Q. In the room?  6 A. It was a C-section delivery. He was.  7 Q. Okay. And where was born?  8 A. At Shelby Baptist.  9 Q. And was Mr. Dunning present for that?  10 A. He was.  11 Q. Was he in the delivery room?  12 A. He was.  13 Q. Both of those children have the last  14 name Dunning; is that correct?  15 A. Correct.  16 Q. And how did that come to occur?  17 A. That they have the last name Dunning?  18 Q. Yes.  19 A. They are his children.  20 Q. Right. Did you advise the hospital  21 to -- that he was the father?  22 A. I advised the hospital the last name  23 was Dunning, yes. He's not listed on their</p>
<p style="text-align: right;">Page 18</p> <p>1 with your employment?  2 A. Yes.  3 Q. Are you -- do you have a Facebook  4 account?  5 A. I have a Facebook. I don't use it.  6 Q. How long have you had it?  7 A. Probably maybe a year or two.  8 Q. And do you have any friends on that  9 account?  10 A. I think I have a few relative friends,  11 yes.  12 Q. Okay. Was Mr. Dunning ever a friend  13 on that account?  14 A. I don't believe so.  15 Q. was born in 2006; is that  16 correct?  17 A. No.  18 Q. Okay. When was born?  19 A. 2005.  20 Q. All right. And where was he born,  21 what hospital?  22 A. At Saint Vincent's.  23 Q. Was Mr. Dunning present for the birth?</p>	<p style="text-align: right;">Page 20</p> <p>1 birth certificates.  2 Q. Okay. So you just told them their  3 last name was Dunning?  4 A. Correct.  5 Q. But you did not list him on the birth  6 certificate?  7 A. He did not want to be listed on the  8 birth certificate.  9 Q. And how do you know that?  10 A. He told me so.  11 Q. When did he tell you that?  12 A. At the hospital.  13 Q. And did you ask him for both children?  14 A. Yes.  15 Q. But he didn't have to sign anything in  16 order to have his name -- his last name on that  17 birth certificate; is that correct?  18 A. Correct.  19 Q. When did you meet Mr. Dunning?  20 A. I met him in 2001.  21 Q. And you were aware that Mr. Dunning  22 was married, were you not?  23 A. Yes.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. And when you met him, would I be 2 correct that his wife was pregnant at the time? 3 MR. BRIGHT: You know, I'm going to -- 4 that doesn't have anything to do with this case. 5 MS. BURRELL: It does have anything to 6 do with this case, Bill. 7 MR. BRIGHT: No, it doesn't. I mean, 8 we're here on paternity and child support and 9 visitation and anything outside of that, I'm 10 instructing her not to answer. 11 MS. BURRELL: In regard to custodial 12 issues and visitation, we're certainly allowed 13 to explore anything that reflects on either 14 party's capacity as a custodian for the 15 children. 16 MR. BRIGHT: Well, the fact that she 17 knew he was married, I mean, whether or not his 18 wife was pregnant shouldn't have any -- doesn't 19 have anything to do with it. 20 MS. BURRELL: Okay. You're 21 instructing her not to answer that? 22 MR. BRIGHT: I am. 23 Q. (By Ms. Burrell) Okay. When you met</p>	<p style="text-align: right;">Page 23</p> <p>1 him immediately when I got there but within that 2 year. 3 Q. Okay. And how long were you at 4 Birmingham Health Care? 5 A. I would say seven years. 6 Q. Did you ultimately leave Birmingham 7 Health Care to go work for Mr. Dunning? 8 A. I left -- right, he left Birmingham 9 Health Care and I left at the same time he did. 10 Q. And was that to go to Synergy Medical 11 Solutions? 12 A. Correct. 13 Q. Do you know approximately what year 14 that was? 15 A. I believe 2009. 16 Q. Do you recall Mr. Dunning writing a 17 book in 2006? 18 A. I do. 19 Q. And what was the name of that book? 20 A. Who's Mack Oliver. 21 Q. And did you type that book for him? 22 A. I helped him with the book, yes. 23 Q. Did you write the foreword to it?</p>
<p style="text-align: right;">Page 22</p> <p>1 Mr. Dunning, where were you working? 2 A. At Birmingham Health Care. 3 Q. Where was he working? 4 A. At Birmingham Health Care. 5 Q. Was there a period of time that you 6 worked at UAB prior to working for Birmingham 7 Health Care? 8 A. There was. 9 Q. And were you working in the Birmingham 10 Health Care building for UAB? 11 A. Yes. 12 Q. And would I be correct that actually 13 when you Mr. Dunning met, you were working for 14 UAB? 15 A. That is correct. I was doing a 16 postdoctoral fellowship under UAB at Birmingham 17 Health Care. 18 Q. Okay. And when did you actually 19 become employed by Birmingham Health Care? 20 A. 2002. 21 Q. So about a year after you met 22 Mr. Dunning? 23 A. It wasn't quite a year. I didn't meet</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I wrote a foreword, yes. Well, he 2 helped write the foreword, yes. 3 Q. What do you mean? 4 A. He wrote most of the foreword but yes, 5 we wrote the foreword. 6 Q. Is the foreword -- does the foreword 7 contain affirmations from various people? 8 A. I'd have to review it. I haven't seen 9 it in many years. 10 Q. Were you paid for that work? 11 A. No. 12 Q. You did that voluntarily? 13 A. I did that at his request. 14 15 (Whereupon, Plaintiff's Exhibit 1 was 16 marked for identification and a copy 17 of same is attached hereto.) 18 19 Q. I'm going to show you what's been 20 marked for purposes of identification as 21 Plaintiff's Exhibit Number 1 and ask you if that 22 is in fact the foreword that we were just 23 talking about.</p>

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1 A. It looks like it.

2 Q. And if you would look toward the

3 bottom where the sentence -- the paragraph that

4 starts, "Who's Mack Oliver is a compelling and

5 provocative look." Is that what you wrote?

6 A. This is what -- these were -- these

7 are his suggestions of what I should write, yes.

8 Q. And then did you write that?

9 A. Again, these were his suggestions of

10 what I should write.

11 Q. So you didn't have any input into

12 that?

13 A. This was based on what he wanted me to

14 write.

15 Q. Did you have any input into the words

16 or did he actually write that paragraph?

17 A. He actually wrote this paragraph.

18 Q. Okay. You said that you went to

19 Synergy in 2009?

20 A. Around that time, yes.

21 Q. So you had had \_\_\_\_\_ while

22 you were working at BHC; is that correct?

23 A. Correct.

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1 Q. And when did you first commence a

2 sexual relationship with Mr. Dunning?

3 A. When did a sexual relationship

4 commence?

5 Q. Yes.

6 A. I believe it was March of 2003.

7 Q. When did it cease, if ever?

8 A. 2012.

9 Q. When in 2012?

10 A. February or March, I don't know the

11 exact date.

12 Q. And who terminated the sexual

13 relationship?

14 A. I did.

15 Q. When you began having a sexual

16 relationship with Mr. Dunning, did -- did you

17 find him to be a person with good qualities?

18 A. This person was my boss.

19 MS. BURRELL: Can you read that

20 question back to her?

21

22 (Whereupon, the desired portion of the

23 proceedings was read back.)

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1

2 A. No.

3 Q. None whatsoever?

4 A. I don't -- I'm sure he had qualities.

5 That wasn't the nature of our relationship.

6 Q. Okay. Would I be correct that you

7 intentionally got pregnant with \_\_\_\_\_?

8 MR. BRIGHT: You know, I'm going to

9 object. We're getting back into the harassment

10 deal.

11 MS. BURRELL: We're really not, Bill.

12 This man's had a long-time relationship with his

13 children. He's now allowed to see them for a

14 very limited time and I'm entitled to explore

15 what relationship he's had with these children,

16 what their relationship was.

17 MR. BRIGHT: Well, why don't you

18 explore his relationship rather than asking her

19 questions about the sexual harassment.

20 MS. BURRELL: I'm not asking her about

21 sexual harassment.

22 MR. BRIGHT: Yes, you are. I mean,

23 whether or not you said she intentionally got

Page 28

1 pregnant, that doesn't have anything to do with

2 his relationship with his children.

3 MS. BURRELL: It certainly does.

4 MR. BRIGHT: And how would that be?

5 MS. BURRELL: If she is limiting her

6 relation -- his contact with these children,

7 then we are certainly entitled to explore how

8 these children came into this world and their

9 relationship.

10 MR. BRIGHT: I'm instructing you not

11 to answer anything other than what his

12 relationship with the children is and has

13 been --

14 MS. BURRELL: All right.

15 MR. BRIGHT: -- since they were born.

16 THE WITNESS: Right.

17 MS. BURRELL: Your objection is noted.

18 Q. (By Ms. Burrell) Did you live in

19 Chelsea for a period of time?

20 A. No, ma'am.

21 Q. Where did you live prior to the

22 townhouses in Hoover?

23 A. I lived off 280 in Birmingham right by

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1 the Colonnade near that Target.  
 2 Q. Did you move to Hoover at the same  
 3 time that Mr. Dunning moved to Hoover?  
 4 A. I don't know when he moved to Hoover.  
 5 Q. Whose name was your apartment in?  
 6 A. Mine.  
 7 Q. Who paid the rent?  
 8 A. I did.  
 9 Q. Now, you and Mr. Dunning have never  
 10 lived together, have you?  
 11 A. No.  
 12 Q. Tell me when the children were born  
 13 and let's go into first. Between the time  
 14 was born and was born, what if any  
 15 visitation or contact did Mr. Dunning have with  
 16  
 17 A. What visitation or contact he had with  
 18  
 19 Q. Yes.  
 20 A. I mean, very little. He would see him  
 21 mostly if we went out of town. He didn't  
 22 regularly come to see him.  
 23 Q. Okay. And we're in the three years

Page 30

1 between being born and being born?  
 2 A. Roughly two years, yes.  
 3 Q. Okay. You said very little. On the  
 4 average in a typical month, how often would he  
 5 see Jonas?  
 6 A. If once.  
 7 Q. You said if we went out of town. How  
 8 often did y'all go out of town during that  
 9 period?  
 10 A. A couple of times a year.  
 11 Q. Do you recall where y'all went?  
 12 A. I know one time we took him to Texas.  
 13 Q. Where in Texas?  
 14 A. San Antonio.  
 15 Q. Anyplace else?  
 16 A. Atlanta. I don't recall taking just  
 17 anywhere else.  
 18 Q. What was the purpose of the trip to  
 19 San Antonio?  
 20 A. I don't recall. I don't recall if it  
 21 was probably a business trip, some conference  
 22 there. That was typically when we went out of  
 23 town.

Page 31

1 Q. Would y'all stay together?  
 2 A. We did that trip.  
 3 Q. And Atlanta, what was the purpose of  
 4 that trip?  
 5 A. I believe that trip we were  
 6 visiting -- I don't remember. I know we saw his  
 7 brother that trip but we didn't -- we didn't  
 8 stay with his brother that trip.  
 9 Q. Where did y'all stay?  
 10 A. In a hotel.  
 11 Q. Do you recall what hotel?  
 12 A. We usually stayed in either the  
 13 Ritz-Carlton -- probably the Ritz-Carlton at  
 14 that time.  
 15 Q. All right. Then once was born,  
 16 what was the frequency of Mr. Dunning's contact  
 17 with one or both of the children, typically from  
 18 the time that was born up to this year?  
 19 A. Infrequently.  
 20 Q. You said that it was maybe once a  
 21 month with Would that be the pattern?  
 22 A. It was less frequently in the last two  
 23 years since was born. I know we took them

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1 both out of town a couple of times. He was very  
 2 seldom -- he's very seldom at the house to see  
 3 them.  
 4 Q. Where did y'all go out of town after  
 5 was born?  
 6 A. We went to Atlanta. We went to  
 7 Florida. Those are the only places I recall.  
 8 Q. Where did y'all stay in Atlanta?  
 9 A. We stayed at -- I believe we stayed  
 10 at -- I don't know if was born yet -- the  
 11 Ritz-Carlton or the Saint Regis.  
 12 Q. And what about in Florida?  
 13 A. Once -- well, I don't know how many  
 14 times but to Jacksonville, I think it was a  
 15 Marriott there and to Miami.  
 16 Q. Do you know about when the Atlanta  
 17 trip was?  
 18 A. I know there was one -- I think the  
 19 last one might have been February. I'd have to  
 20 look. I'm guessing February of this year, I'm  
 21 guessing.  
 22 Q. There was more than one Atlanta trip?  
 23 A. Yes.

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<p style="text-align: right;">Page 33</p> <p>1 Q. About how many, and I'm talking about  2 between -- you said there was once when --  3 before was born, so now we're talking  4 about after was born.  5 A. There may have been more than one  6 before was born. I don't recall how many.  7 I think we saw his brother at least twice over  8 there and when was born, I'm going to  9 guess four. I'd have to look at records to see.  10 Q. And were those trips related to  11 business or other?  12 A. I don't know if they were related to  13 business or not. I don't think they were  14 related to business at that time.  15 Q. When you were in Atlanta, would y'all  16 go to the zoo?  17 A. We did on one occasion, yes.  18 Q. Where else did y'all go with the  19 children in Atlanta?  20 A. The toy store, probably a restaurant,  21 we mostly stayed there at the hotel.  22 Q. Pardon me?  23 A. We mostly stayed at the hotel.</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. What was the purpose of that trip?  2 A. Just a weekend away.  3 Q. What did y'all do with the children on  4 that trip?  5 A. Went to the pool, went to the beach,  6 went to eat.  7 Q. Who would make the arrangements for  8 these trips?  9 A. Mr. Dunning.  10 Q. And did he make all the arrangements?  11 A. As far as I recall.  12 Q. And other than those trips, how often  13 in 2012 did Mr. Dunning see the children?  14 A. I don't recall him being at the house  15 at all in 2012.  16 Q. What about 2011?  17 A. I know -- I can think of two  18 occasions. I can think of two in particular.  19 Q. Okay. Tell me about those occasions.  20 A. I can think of once for a dinner and  21 once on Father's Day.  22 Q. With the dinner, was that for a  23 specific purpose?</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. Did the children swim at the pool  2 there?  3 A. Yes.  4 Q. And you think that was approximately  5 four times?  6 A. Something like that, yes, ma'am.  7 Q. Would that be for a weekend or longer  8 than a weekend?  9 A. A weekend.  10 Q. All right. Florida, you said you went  11 to Jacksonville?  12 A. Uh-huh.  13 Q. Do you recall when that was?  14 A. I want to say summer of 2010 or '11.  15 Q. And what was the purpose of that trip?  16 A. I believe it was just a weekend away.  17 Q. And what did y'all do with the  18 children on that trip?  19 A. They were with us.  20 Q. I mean, what types of activities?  21 A. To the pool, to the beach, to eat.  22 Q. When was the Miami trip?  23 A. That was in December of 2011.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I believe it was my older son's  2 birthday.  3 Q. Was he invited by you?  4 A. I believe so.  5 Q. And for Father's Day, what was that  6 occasion? Was that a dinner or some type of  7 celebration?  8 A. It was to give him his Father's Day  9 gift, which he left at the house anyway, so  10 yeah, came for an hour and left. He missed  11 dinner actually that day. He was late.  12 Q. Did you invite him?  13 A. I did, to give him a gift from the  14 kids.  15 Q. What about in 2010?  16 A. What's the question?  17 Q. How often was he around the children?  18 A. About the same.  19 Q. Were there trips?  20 A. In 2010?  21 Q. Yes.  22 A. Yes.  23 Q. Where were those to?</p>

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1 A. I don't -- I mean, I don't know the  
 2 dates of those trips. Any trips we took were  
 3 almost always to Atlanta or to Florida.  
 4 Q. Were the Florida trips to places other  
 5 than Miami or Jacksonville?  
 6 A. I know we took them to Pensacola. I  
 7 believe there was a trip to Gulf Shores or  
 8 Panama City, one, I don't know, somewhere in the  
 9 Gulf.  
 10 Q. Anyplace else?  
 11 A. Not that I recall.  
 12 Q. Do you recall when the Pensacola trip  
 13 was?  
 14 A. Not exactly, I know in 2010 or '11.  
 15 Q. Do you recall when the Gulf Shores or  
 16 Panama City trip was?  
 17 A. Probably 2008 or '9. I know was  
 18 still little.  
 19 Q. And is that all the trips that you  
 20 recall?  
 21 A. Yes.  
 22 Q. And is that all the contact that  
 23 Mr. Dunning has had with his children?

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1 A. That's the primary times he's had  
 2 contact with them other than if he's come by the  
 3 house or -- yes.  
 4 Q. Well, when you say come by the house,  
 5 other than the occasions that you've told me  
 6 about, has he gone by the house to see the  
 7 children?  
 8 A. No.  
 9 Q. Has he gone anywhere else to see the  
 10 children?  
 11 A. He went to my parents' house once or  
 12 maybe two times to my parents' house, once  
 13 around a holiday. was a baby, so 2006  
 14 maybe.  
 15 Q. Is that the occasion that you're  
 16 saying was around a holiday?  
 17 A. Yes.  
 18 Q. And that was to your parents' house?  
 19 A. Yes.  
 20 Q. Who invited him there?  
 21 A. Probably me.  
 22 Q. And on the other occasion that he went  
 23 to your parents' house, do you recall when that

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1 was?  
 2 A. I believe it was birthday --  
 3 third or fourth birthday.  
 4 Q. And who invited him to that?  
 5 A. I believe I did.  
 6 Q. And were there any other occasions  
 7 either at your house, out of town, your parents'  
 8 house, or other locations that Mr. Dunning had  
 9 visited with his children?  
 10 A. Not that I can recall. I mean, there  
 11 may have been times he's come by the house but  
 12 it's been, you know, infrequently a couple of  
 13 times a year, less than once a month is my  
 14 recollection.  
 15 Q. And what would the typical duration of  
 16 those visits be?  
 17 A. A couple of hours, hour, couple of  
 18 hours.  
 19 Q. Did Mr. Dunning provide any support  
 20 for the children either by payments of cash,  
 21 checks, credit cards, or any type of in-kind  
 22 support such as buying items or paying for  
 23 things?

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1 A. He has on occasion helped pay for  
 2 their registration fee for school tuition, not  
 3 their tuition. He has helped buy clothes on  
 4 probably two or three occasions.  
 5 Q. Anything else?  
 6 A. I think he's paid for medication on a  
 7 couple of occasions.  
 8 Q. Anything else?  
 9 A. Not that I can recall.  
 10 Q. And again, I am referring to support  
 11 by either giving you cash, check, credit card  
 12 charges, or any other type of payment or  
 13 contribution?  
 14 A. I mean, he's given me money on  
 15 occasion. I think it's what we've already  
 16 talked about besides, you know, I think there  
 17 have been groceries on occasion.  
 18 Q. Anything else?  
 19 A. Not that I recall. I'd have to think  
 20 about it but not that I recall.  
 21 Q. All right. You said he's given you  
 22 money on occasion. Do you mean cash?  
 23 A. Yes.

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1 Q. How often has he given you cash?  
 2 A. A couple of times a year.  
 3 Q. And how much would that be?  
 4 A. I don't know. It was various amounts,  
 5 a couple of hundred dollars, sometimes 500  
 6 dollars. It would depend. I know on one  
 7 occasion they had a school expense that was  
 8 expense. I believe it was upwards of 500  
 9 dollars.  
 10 Q. What is the most total in cash he has  
 11 given you during any given year?  
 12 A. Actually he did give me money last  
 13 December that I recall now. It was -- it was --  
 14 it was 5,000 dollars and it was for holiday  
 15 expenses.  
 16 Q. Was that in cash?  
 17 A. I believe it was a cashier's check if  
 18 I recall. It was either cash or a cashier's  
 19 check that time.  
 20 Q. But he has given you cash from time to  
 21 time?  
 22 A. Yes.  
 23 Q. And you said that would be generally

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1 in the nature of 200 dollars to 500 dollars?  
 2 A. Yes.  
 3 Q. And my question when you brought up  
 4 the 5,000 was: What is the most money that he  
 5 has given you in any given year?  
 6 A. That's the most I can think of.  
 7 That's the most he's ever given me.  
 8 Q. But I'm talking about total for the  
 9 year --  
 10 A. Oh  
 11 Q. -- or was the 5,000 dollars all that  
 12 he gave you in 2012?  
 13 A. I don't believe that's all he gave me  
 14 in 2012. That was probably the most he's given  
 15 me any year because of that 5,000 dollars.  
 16 Probably the entire year he may have given me  
 17 7,000 dollars.  
 18 Q. Did he provide any support for or  
 19 in-kind contributions or pay for in any manner,  
 20 be it cash, check, credit card, or otherwise,  
 21 the expenses of your other two children?  
 22 A. Not that I can recall.  
 23 Q. Do your children have medical

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1 insurance?  
 2 A. They do.  
 3 Q. And who is that through?  
 4 A. Golden Rule Insurance, it's  
 5 underwritten by United Healthcare.  
 6 Q. Is Golden Rule the name of the health  
 7 care company or plan?  
 8 A. I'm not sure how that works. Usually  
 9 when I say underwritten by United Healthcare  
 10 people go, oh, because I don't think Golden Rule  
 11 is a very known insurance company.  
 12 Q. Okay. How long have they had that  
 13 insurance?  
 14 A. Who?  
 15 Q. The children.  
 16 A. I've had Golden -- I can tell you.  
 17 Since August of 2005 I've had Golden Rule  
 18 Insurance.  
 19 Q. So have both children been on that  
 20 insurance throughout their lives?  
 21 A. Yes.  
 22 Q. And how much does that cost you?  
 23 A. It's now 709 dollars a month. It just

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1 went up.  
 2 Q. And is that a per-person charge or is  
 3 a family plan, one set amount?  
 4 A. It's a family plan.  
 5 Q. Okay. And that has your other two  
 6 children as well?  
 7 A. And me, correct.  
 8 Q. Okay. Has Mr. Dunning ever offered to  
 9 put the children on health insurance through  
 10 Synergy?  
 11 A. This year he did.  
 12 Q. Never before that?  
 13 A. Huh-uh, no. It was his idea I get off  
 14 the insurance from the company.  
 15 Q. When did that occur?  
 16 A. Around August 2005.  
 17 Q. And was there a reason that was given  
 18 to you?  
 19 A. He was basically not wanting people to  
 20 know that I had his children.  
 21 Q. And that's when you went and got  
 22 Golden Rule?  
 23 A. I did.

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<p style="text-align: right;">Page 45</p> <p>1 Q. Has he contributed to the cost of the 2 health insurance? 3 A. He has not. 4 Q. You said that he had paid the 5 registration fee on occasion but not the tuition 6 for the childrens' school. 7 A. Correct. 8 Q. How much was that? 9 A. How much was what? 10 Q. The registration fee. 11 A. Probably 500 dollars. It includes 12 more. It's like registration, testing fee, new 13 application fee. It was a lump sum but for 14 school -- for the private school. 15 Q. But he contributed 500 dollars? 16 A. That year, yes. 17 Q. What year? 18 A. I believe it was the beginning of 2011 19 school year, so August -- July or August of 20 2011. 21 Q. Was that in cash or how was that paid? 22 A. Cash. 23 Q. And how often did he do that?</p>	<p style="text-align: right;">Page 47</p> <p>1 needed, did you tell him that -- 2 A. Yes. 3 Q. -- she didn't have the money? 4 A. Yes -- I probably told him that they 5 didn't have the money. 6 Q. Did you ask him to contribute? 7 A. No. 8 Q. Did he purchase any items for your 9 house such as appliances, furniture, or the 10 like? 11 A. He did. 12 Q. What did he purchase? 13 A. He purchased sofa, armoire, dining 14 room table, chairs, a buffet, a kitchen table 15 and chairs. There are actually two -- there's 16 two buffets. 17 Q. Did he purchase both of them? 18 A. Yeah, I believe so, yeah. 19 Q. And was that by cash or how was that 20 done? 21 A. I don't know. 22 Q. So he purchased them and delivered 23 them to you?</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Just that year. 2 Q. That time only? 3 A. That time only. 4 Q. Okay. Because you had said he had 5 done that on occasion? 6 A. I was trying to recall if he helped 7 with the tuition or the registration for Jonas 8 the year before. I don't recall that. 9 Q. Did he ever pay for any expenses of a 10 family member of yours? 11 A. He did help contribute when my father 12 was -- no, my mother was hospitalized with 13 cancer. 14 Q. What did he contribute? 15 A. I want to say 2,000 dollars. 16 Q. Was that in cash? 17 A. Yes. 18 Q. And was that for her deductible -- 19 A. Yes. 20 Q. -- for the surgery? Okay. And how 21 did that come about that he contributed that? 22 A. He offered to. 23 Q. Okay. How did he know that it was</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I don't know who purchased them. They 2 were delivered to the house. 3 Q. Did you pick them out? 4 A. No. 5 Q. Did you ask him to do that? 6 A. No. 7 Q. Did he purchase any appliances? 8 A. He purchased a refrigerator for the 9 house. 10 Q. What about a washer and dryer? 11 A. Yes. 12 Q. What about televisions? 13 A. Yes. 14 Q. How many? 15 A. Three. It was one big one and two 16 small ones. Those were gifts. Those were not a 17 requested purchase. Those just came with -- 18 Q. They were gifts to you? 19 A. To the children. 20 Q. To the children. What about paintings 21 or art? 22 A. He got -- he brought three oil 23 paintings to the house.</p>

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1 Q. Has he purchased presents for the  
 2 children for Christmas, birthdays, or other such  
 3 occasions?  
 4 A. He mostly -- I mostly did that.  
 5 Q. Did he provide funds for that other  
 6 than the 5,000 dollars that you said he gave you  
 7 in December of 2012?  
 8 A. I think he's given me money for  
 9 presents before.  
 10 Q. Is that a regular occurrence?  
 11 A. No, I mean, no.  
 12 Q. Christmas 2012, did he buy the  
 13 children any presents himself?  
 14 A. 2011 you mean?  
 15 Q. 2011, yes.  
 16 A. Not that I know of.  
 17 Q. What about 2010?  
 18 A. Not that I recall.  
 19 Q. Do you recall any year that  
 20 Mr. Dunning himself purchased presents for the  
 21 children?  
 22 A. For Christmas?  
 23 Q. Yes.

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1 A. Not that I recall.  
 2 Q. What about their birthdays?  
 3 A. He has taken them to get toys like to  
 4 the toy store. I don't recall him ever showing  
 5 up with presents in his car. Well, I take that  
 6 back, he has -- he has -- I remember one time he  
 7 came to the house with presents.  
 8 Q. When was that?  
 9 A. Probably 2008 or '9.  
 10 Q. Has he ever purchased presents for  
 11 your older children?  
 12 A. No.  
 13 Q. Did your older son get a go-cart for  
 14 Christmas one year?  
 15 A. Oh, yeah, he did. It wasn't -- it  
 16 wasn't Christmas. That was for a birthday  
 17 present.  
 18 Q. Okay. And he paid for that?  
 19 A. Yes.  
 20 Q. Have you ever said this or this in  
 21 substance to Mr. Dunning in regard to money that  
 22 he gave you for presents that he gave you too  
 23 much money?

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1 A. What is the question?  
 2 Q. Have you ever said this or this in  
 3 substance to Mr. Dunning, that he gave you too  
 4 much money?  
 5 A. This or this in substance, what does  
 6 that mean?  
 7 Q. This or something like this.  
 8 A. That he gave me too much money?  
 9 Q. Yes.  
 10 A. No.  
 11 Q. Have we covered all of the support  
 12 that Mr. Dunning has provided for your children?  
 13 A. That I recall.  
 14 Q. And we've covered all the trips?  
 15 A. That I recall.  
 16 Q. Have you given Mr. Dunning presents  
 17 from the children?  
 18 A. From the children, yes.  
 19 Q. What have you given him?  
 20 A. Pictures of them and him, cards,  
 21 clothes, cologne, I mean, I don't know exactly  
 22 what the gifts were but.  
 23 Q. When the -- when you said you gave him

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1 pictures of the children, were they framed  
 2 pictures --  
 3 A. Uh-huh.  
 4 Q. -- that you had made of the children  
 5 that you gave to Mr. Dunning?  
 6 A. I did.  
 7 Q. And cards, would these be cards that  
 8 you purchased?  
 9 A. Yes.  
 10 Q. And would you have the children write  
 11 things in them?  
 12 A. I believe so.  
 13 Q. You said you purchased clothes for  
 14 him?  
 15 A. Probably like a shirt, yeah.  
 16 Q. Have you ever purchased him a watch?  
 17 A. I purchased that, correct.  
 18 Q. When was that?  
 19 A. 2008 or '9.  
 20 Q. Do you remember what the occasion was?  
 21 A. I believe it was his birthday.  
 22 Q. And how much did you spend on that  
 23 watch?

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<p style="text-align: right;">Page 53</p> <p>1 A. I believe it was 7,000 something.</p> <p>2 Q. What was the last support of any type</p> <p>3 that Mr. Dunning gave to you or provided for you</p> <p>4 for the children?</p> <p>5 A. The last I recall was December for</p> <p>6 holiday expenses.</p> <p>7 Q. That's the 5,000 dollars?</p> <p>8 A. Uh-huh.</p> <p>9 Q. And nothing since then?</p> <p>10 A. Not that I recall.</p> <p>11 Q. When you and Mr. Dunning would take</p> <p>12 the children on trips, were there occasions that</p> <p>13 y'all would take a baby sitter with you?</p> <p>14 A. Yeah, years ago.</p> <p>15 Q. When was the last time that occurred?</p> <p>16 A. 2008, I believe.</p> <p>17 Q. Have your children expressed in your</p> <p>18 presence that they love their father?</p> <p>19 A. I believe so.</p> <p>20 Q. You're not sure?</p> <p>21 A. I'm not sure. I'd have to think about</p> <p>22 it.</p> <p>23 Q. Have they ever expressed to you that</p>	<p style="text-align: right;">Page 55</p> <p>1 minutes.</p> <p>2</p> <p>3 (Whereupon, a brief recess was taken</p> <p>4 from 10:14 a.m. to 10:24 a.m.)</p> <p>5</p> <p>6 MS. BURRELL: Would you read the</p> <p>7 question to her?</p> <p>8</p> <p>9 (Whereupon, the desired portion of the</p> <p>10 proceedings was read back.)</p> <p>11</p> <p>12 A. Yes.</p> <p>13 Q. Yes?</p> <p>14 A. Yes.</p> <p>15 Q. And you've had an opportunity as I</p> <p>16 stepped out of the room to go through those text</p> <p>17 messages; correct?</p> <p>18 A. Briefly.</p> <p>19 Q. If you'd look at the text messages, at</p> <p>20 the very first one, do you see that that's dated</p> <p>21 May 26, 2012?</p> <p>22 A. Yes.</p> <p>23 Q. And would I be correct that you're</p>
<p style="text-align: right;">Page 54</p> <p>1 they love their father?</p> <p>2 A. No.</p> <p>3 Q. Never?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Did you go and have DNA testing done</p> <p>6 on you,</p> <p>7 A. I have not.</p> <p>8</p> <p>9 (Whereupon, Plaintiff's Exhibit 2 was</p> <p>10 marked for identification and a copy</p> <p>11 of same is attached hereto.)</p> <p>12</p> <p>13 Q. Okay. I want to show you what's been</p> <p>14 marked as Plaintiff's Exhibit 2 and ask you</p> <p>15 when -- after your attorney gives that to you if</p> <p>16 you can identify that document as being</p> <p>17 exchanges of text messages between you and</p> <p>18 Mr. Dunning.</p> <p>19 MR. BRIGHT: Good grief, are we going</p> <p>20 to adjourn for a minute until I have time to</p> <p>21 look at this?</p> <p>22 MS. BURRELL: Sure.</p> <p>23 MR. BRIGHT: Let's do it. Take five</p>	<p style="text-align: right;">Page 56</p> <p>1 indicating to Mr. Dunning that you need school</p> <p>2 money now?</p> <p>3 A. Yes.</p> <p>4 Q. Did he provide those funds?</p> <p>5 A. I believe he did. This was for summer</p> <p>6 fun -- for their school and for the summer.</p> <p>7 Q. Okay. So when you said that in</p> <p>8 December was the last time that he gave you</p> <p>9 money, that wasn't true, was it?</p> <p>10 A. I did not recall this.</p> <p>11 Q. And on the next page, the day before,</p> <p>12 is where you actually asked for money for summer</p> <p>13 fun of 627 dollars; is that correct?</p> <p>14 A. That's the same -- it's the same</p> <p>15 expense.</p> <p>16 Q. Okay. And how much did he actually</p> <p>17 provide on that occasion?</p> <p>18 A. I don't recall how much he provided.</p> <p>19 I believe he paid the sum, whatever it was, to</p> <p>20 get them in summer fun. I don't recall how</p> <p>21 much.</p> <p>22 Q. And was that in cash?</p> <p>23 A. It was.</p>

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<p style="text-align: right;">Page 57</p> <p>1 Q. Okay. And then on the next page, do  2 you see the message dated May 25 from  3 Mr. Dunning about packing swimsuits and  4 floaties? Do you know -- were y'all going on a  5 trip then?  6 A. This was when he had started doing  7 visitation with the kids, this was probably the  8 first one, he took just the kids somewhere.  9 They were going -- I guess they were going to go  10 to the pool. He didn't tell me where they were  11 going to go but I assume from the swimsuits and  12 floaties they were going to go swimming  13 Q. Do you see where he indicates that he  14 has set the mortgage up to be paid  15 automatically?  16 A. Uh-huh.  17 Q. Yes?  18 A. I see that, yes.  19 Q. Do you recall getting that message?  20 A. Oh, do I recall getting this message,  21 I do.  22 Q. Okay. And then it says, "Do you want  23 the cash now or me pay that at end of month?"</p>	<p style="text-align: right;">Page 59</p> <p>1 payment.  2 Q. Okay. And on the next message on the  3 next page that -- the document that starts up at  4 the top with 12:21 p.m. and I would be correct  5 that's a text message from you to Mr. Dunning?  6 A. Yes.  7 Q. The one that starts, "Morning baby"?  8 A. Yes.  9 Q. And it says, "Love you"?  10 MR. BRIGHT: It speaks for itself. I  11 mean, is that a question?  12 Q. That -- that is the document that  13 starts with, "Morning baby," and ends at the end  14 of the page with "stressing me out right"?  15 MR. BRIGHT: Yes, that's the  16 document.  17 Q. This is a text message that you wrote  18 and sent to Mr. Dunning; is that correct?  19 A. Correct.  20 Q. Now, in that message, would I be  21 correct that you're discussing money for  22 physical therapy and doctor visits? Who is  23 ?</p>
<p style="text-align: right;">Page 58</p> <p>1 Do you see that question?  2 A. Uh-huh.  3 Q. Yes?  4 A. Yes.  5 Q. Okay. Did Mr. Dunning pay or provide  6 money for the mortgage on the house in which you  7 reside?  8 A. Not that I'm aware of.  9 Q. Was the mortgage ever put on an  10 automatic payment to your knowledge?  11 A. Not that I'm aware of. I've gotten  12 notices that it was not paid when I assumed from  13 this text it would be paid, so I had to pay it.  14 Q. Did you ask him about that?  15 A. No, I have not talked to him.  16 Q. But your testimony is that Mr. Dunning  17 never provided cash for the mortgage payment?  18 A. Cash for the mortgage payment, no.  19 Q. That he never paid the mortgage  20 payment?  21 A. Not that I'm aware of.  22 Q. And did you pay the mortgage payment?  23 A. I have always paid the mortgage</p>	<p style="text-align: right;">Page 60</p> <p>1 A. My son.  2 Q. Your older son?  3 A. Yes.  4 Q. Okay. And you then discuss 700  5 hundred dollars for enrollment to -- for school  6 and about 650 dollars for Ballantrae homeowners  7 and all the boys need pants and shorts. Did  8 Mr. Dunning provide any funds to deal with the  9 issues that you've raised in that message?  10 A. I believe -- I recall he paid for the  11 summer fun expenses.  12 Q. And that's all?  13 A. I don't recall how much it was but I  14 believe so.  15 Q. All right. If you turn to the next  16 page and it starts up at the top with 12:32  17 p.m., so we're still in that May sequence of  18 text messages, I'm sorry, a March message at the  19 bottom, March 10, 2012. Do you see the message  20 that starts with, "I'll pay for it all honey"?  21 A. I do.  22 Q. And as you go to the next page, which  23 also contains that message, it says, "And</p>

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<p style="text-align: right;">Page 61</p> <p>1 arm too." Did Mr. Dunning provide any funds for 2 that? 3 A. No. 4 Q. Does he also discuss in that text 5 message buying an iPad? 6 A. Yes. 7 Q. And did he buy an iPad -- 8 A. No. 9 Q. -- for any of your children? 10 A. No, he did not. 11 Q. On the next page if you will see a 12 text message that purports to be from you dated 13 October 9, 2011, at 3:18 p.m. Do you see that? 14 A. Yes. 15 Q. And the message that starts, "Hey 16 honey." That is a message from you to 17 Mr. Dunning; is that correct? 18 A. I don't recall this text. I don't 19 recall that expense. 20 Q. You don't recall an expense -- 21 A. Huh-uh. 22 Q. -- for 5,981? 23 A. No.</p>	<p style="text-align: right;">Page 63</p> <p>1 point? 2 A. Yes. 3 Q. When did you delete them? 4 A. I mean, I delete texts every day. 5 Q. You were -- you received a notice of 6 deposition in this matter, did you not? 7 A. I did. 8 Q. And it asked you to produce certain 9 documents; correct? 10 A. Correct. 11 Q. Do you have those documents with you? 12 Can I see those? Would I be correct that you 13 are producing a 2011 tax return and W-2, a 2010 14 tax return for an S-corporation, and a 2010 tax 15 return for you personally? 16 A. Correct. 17 Q. And are those the only documents, 18 cards, notes, letters of any type that you are 19 producing today? 20 MR. BRIGHT: That's it. 21 22 (Whereupon, Plaintiff's Exhibit 3 was 23 marked for identification and a copy</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. And you don't recall discussing 2 anything about a credit card which was over the 3 daily limit? 4 A. I don't recall that conversation. I 5 don't know what that expense was about. 6 Q. Okay. When you say you don't recall 7 it, are you saying that it didn't occur or 8 you're not sure? 9 A. I'm not sure. 10 Q. Does -- do you have your telephone 11 with you? 12 A. I do. 13 Q. And does it contain text messages to 14 and from you and Mr. Dunning? 15 A. The only ones I have on my phone are 16 since about May. 17 Q. May of 2012? 18 A. Of this year, yeah, or June, I don't 19 know. 20 Q. All right. What type of phone do you 21 have? 22 A. I have an iPhone. 23 Q. Did you delete those messages at some</p>	<p style="text-align: right;">Page 64</p> <p>1 of same is attached hereto.) 2 3 Q. I'm going to show you a document that 4 is marked as Plaintiff's Exhibit Number 3, which 5 is the deposition notice for today and that's 6 the one that you said you got? 7 A. Uh-huh. 8 Q. Yes? 9 A. Yes. 10 Q. Okay. Let me see that for a second. 11 In number one it asks you for copies of all 12 written email, texts, cards, letters, notes, 13 and/or other communications between you and the 14 plaintiff for the period January 1, 2007, until 15 the date of response to this request. Have you 16 produced any such items? 17 MR. BRIGHT: No, we -- you emailed me 18 yesterday and said we were not going to produce 19 stuff or discuss anything that had to do with 20 the sexual harassment case and I am not going to 21 produce anything that has to do with that 22 case. 23 MS. BURRELL: Well, it's very clear</p>

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<p style="text-align: right;">Page 65</p> <p>1 from these ones that we've gone through that  2 this has to do with support and as we go through  3 them with visitation and they're all relevant to  4 that.  5 MR. BRIGHT: Well, then you already  6 have them.  7 MS. BURRELL: No, I don't necessarily  8 have them. If she has sent cards, letters,  9 notes --  10 MR. BRIGHT: Are you saying that these  11 documents are not complete?  12 MS. BURRELL: Bill, it says cards,  13 letters, notes --  14 MR. BRIGHT: I'm not producing  15 anything per your agreement with me that has  16 anything to do with the sexual harassment case.  17 Now, if you want to open this up for all of  18 that, then fine, we'll reconvene and we'll bring  19 you all of it, but I'm not going to get into  20 that with these two. We're talking about child  21 support. We're talking about visitation and  22 custody.  23 MS. BURRELL: And all of that has to</p>	<p style="text-align: right;">Page 67</p> <p>1 they pertain to the issues of custody and  2 visitation.  3 MR. BRIGHT: Well, I have to make the  4 determination as to whether or not they do or  5 don't because there are two cases here and we  6 agreed that we would not go into the other case  7 and I'm not going to provide something that I  8 have had to make the determination on as to  9 which case it pertains to. Now, a card, are you  10 talking about -- what kind of card?  11 MS. BURRELL: The cards that we  12 routinely produce in custody cases all the time,  13 cards between the parties, notes between the  14 parties, letters between the parties. I am not  15 asking --  16 MR. BRIGHT: This is not a routine --  17 MS. BURRELL: Let me finish. I let  18 you finish. I have not asked this woman one  19 question about her -- what I believe to be  20 spurious claims against this man in another  21 lawsuit and I don't intend to. I don't  22 represent him on that but these, it is clear  23 just from the few minutes we are here that they</p>
<p style="text-align: right;">Page 66</p> <p>1 do with that.  2 MR. BRIGHT: Well, that's a matter of  3 opinion. Either he has paid some support or he  4 hasn't. That's pretty simple. If there's  5 any -- I mean, you know, if the texts goes back  6 and forth, there are -- I don't know if this  7 is -- I didn't have time to look and see if  8 that's a complete set of texts or not. I would  9 doubt that it is but for your purposes, you have  10 the texts that you want to show and that's  11 perfectly fine. I'm not objecting to them.  12 MS. BURRELL: Well, if she is not --  13 if she is stating that she does not know if she  14 has sent that one, then I am entitled to receive  15 hers as well.  16 MR. BRIGHT: Well, her what, her text  17 messages?  18 MS. BURRELL: Yes.  19 MR. BRIGHT: But she deletes them  20 every day so I don't -- there's no texts to  21 provide.  22 MS. BURRELL: Okay. I'm entitled to  23 receive any cards, letters, or notes because</p>	<p style="text-align: right;">Page 68</p> <p>1 all pertain to this and I'm entitled to have  2 them.  3 MR. BRIGHT: I agree. If there is any  4 others that you don't have, we will provide them  5 if -- I mean, if we have them. Otherwise,  6 you'll have to subpoena it.  7 MS. BURRELL: Well, a deposition  8 notice to her with a request for production of  9 documents is a notice to her to produce what she  10 has.  11 MR. BRIGHT: And she --  12 MS. BURRELL: And I take it --  13 MR. BRIGHT: If she doesn't have it,  14 she can't produce it.  15 MS. BURRELL: Okay. Are you saying  16 that there are no cards, letters, notes, texts,  17 emails, or other correspondence between the  18 parties?  19 MR. BRIGHT: No, I'm saying that there  20 are cards primarily that tend to go towards the  21 sexual harassment case that I have not produced,  22 card -- birthday cards, those kind of things.  23 MS. BURRELL: Well, number one, I'm</p>

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<p style="text-align: right;">Page 69</p> <p>1 not in any way stipulating those aren't  2 relevant. I contend they're highly relevant and  3 if I --  4 MR. BRIGHT: I don't think they are.  5 I mean, you know, we're talking about -- let's  6 go off the record.  7  8 (Whereupon, a discussion was held off  9 the record.)  10  11 MS. BURRELL: It is my understanding  12 that you are instructing your client not to  13 produce any documents that fall under the  14 category, number one, in the notice of  15 deposition that is marked as Plaintiff's Exhibit  16 Number 3.  17 MR. BRIGHT: Based on our agreement,  18 that's correct.  19 MS. BURRELL: Based on your  20 interpretation of our agreement.  21 MR. BRIGHT: If that's how you want to  22 spin it.  23 MS. BURRELL: All right. Then we</p>	<p style="text-align: right;">Page 71</p> <p>1 saying. Do you have your income for 2012?  2 THE WITNESS: I mean, I haven't done  3 my income for 2012.  4 MS. BURRELL: We're obviously entitled  5 to that.  6 MR. BRIGHT: You are.  7 MS. BURRELL: When can you get that to  8 me?  9 MR. BRIGHT: Within five business  10 days.  11 MS. BURRELL: Number three asks for  12 "Copies of any and all documents evidencing  13 payments, monies, consultation fees, wages,  14 salary, and/or any other source of income paid  15 to you and/or on your behalf, including but not  16 limited to documents evidencing benefits,  17 insurance and/or any other perquisites paid to  18 you and/or on your behalf, any and all  19 compensation agreements, deferred compensation  20 agreements" -- and I will stipulate, Bill, that  21 deferred compensation agreements are not  22 relevant and that I certainly don't need those  23 as to deferred compensation agreements --</p>
<p style="text-align: right;">Page 70</p> <p>1 reserve to take that -- the right to take that  2 issue up with the Court and reconvene the  3 deposition at her expense as to number one.  4 Number two asks for tax returns for the years  5 2010, 2011, and a statement of earnings from all  6 sources for the year January 1, 2012, until the  7 date of response to this request. Where are  8 those documents?  9 MR. BRIGHT: You have the '10 and '11.  10 Do you have the '12 earnings?  11 THE WITNESS: I don't have '12 done.  12 MR. BRIGHT: They're working on her  13 '12 tax return.  14 MS. BURRELL: Well, they wouldn't be  15 working on her 2012 tax return because the year  16 is not up yet. I've asked for --  17 MR. BRIGHT: I mean, excuse me,  18 2011.  19 THE WITNESS: 2011 is done. She's got  20 2011.  21 MS. BURRELL: 2011 is here. I'm  22 talking about income for 2012.  23 MR. BRIGHT: Right, that's what I'm</p>	<p style="text-align: right;">Page 72</p> <p>1 "benefit agreements, employment agreements  2 and/or any other document pertaining to  3 employment compensation for the period January  4 1, 2010, until the date of response to this  5 request." Are the only documents that you have  6 that fall under that category these few tax  7 returns that you've produced?  8 A. I believe so.  9 Q. And as to 2012, we can get those  10 documents within --  11 MR. BRIGHT: Yes, within five days.  12 MS. BURRELL: Okay.  13 Q. Number four asks for, "All records,  14 reports, tapes, photographs, memoranda or other  15 documents that you intend to use or anticipate  16 using in evidence at the trial in this cause."  17 MR. BRIGHT: Well, we don't know yet  18 so there's no way to produce to that.  19 MS. BURRELL: So there's none that you  20 even anticipate using?  21 MR. BRIGHT: Well, I don't know what  22 I'm anticipating using at this stage of the  23 game.</p>

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<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. If we can go back to the text 2 messages --</p> <p>3 MR. BRIGHT: You will certainly get 4 it, as we all do, prior to trial.</p> <p>5 Q. If you'd turn to the next page, which 6 is October 7, 2011. Do you recall that exchange 7 of text messages?</p> <p>8 A. No.</p> <p>9 Q. No?</p> <p>10 A. I recall the blue -- the Levi shoes. 11 I know he bought them shoes.</p> <p>12 Q. Okay. So the last message at 10:59 13 p.m. where you say, "Awesome shoes! A++++. I 14 love the Levi blue high tops." Do you recall 15 that message?</p> <p>16 A. I do.</p> <p>17 Q. "So cute," and the remainder of that 18 message is on the next page. It continues to 19 the bottom, "So cute and Polos and hiking shoes. 20 So cute. Thank you baby. Love you so much!" 21 Do you recall that message?</p> <p>22 A. I do.</p> <p>23 Q. And would I be correct then that</p>	<p style="text-align: right;">Page 75</p> <p>1 A. Actually I ended up paying for a full 2 set of four tires months after that.</p> <p>3 Q. November 12, 2011, at 3:28 p.m., do 4 you recall those messages?</p> <p>5 A. I don't recall that.</p> <p>6 Q. Did Mr. Dunning ever cut one or both 7 of the boys' hair?</p> <p>8 A. He has.</p> <p>9 Q. On how many occasions?</p> <p>10 A. Probably twice a year, something like 11 that.</p> <p>12 Q. If you'd go to the next page, November 13 11, 2011, at 11:29 p.m., do you recall those 14 text messages?</p> <p>15 A. No.</p> <p>16 Q. Do you recall meeting Mr. Dunning at 17 Publix in November?</p> <p>18 A. I don't.</p> <p>19 Q. Do you recall asking him to get 20 some long sleeve shirts for school?</p> <p>21 A. I don't recall that.</p> <p>22 Q. And again, you're not denying that 23 that message is from you --</p>
<p style="text-align: right;">Page 74</p> <p>1 Mr. Dunning had provided those items for the 2 children since you were thanking him?</p> <p>3 A. He bought them shoes, correct.</p> <p>4 Q. Okay. The page prior to that -- I 5 mean after that November 14, 2011, at 5:48 p.m., 6 do you recall sending that text message that 7 begins with, "Hey honey. Tire flat"?</p> <p>8 A. Yes.</p> <p>9 Q. And the response from Mr. Dunning, do 10 you recall receiving that?</p> <p>11 A. Yes.</p> <p>12 Q. And in that he offers to get you new 13 tires; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. And did he do that?</p> <p>16 A. I don't think so. I think I just got 17 the one fixed.</p> <p>18 Q. Did he pay for that?</p> <p>19 A. Huh-uh.</p> <p>20 Q. No?</p> <p>21 MR. BRIGHT: You have to say no.</p> <p>22 A. No.</p> <p>23 Q. Okay. If you'd go to the next page --</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Correct.</p> <p>2 Q. -- or from him; correct? Okay. The 3 next page, do you recall those messages?</p> <p>4 A. No.</p> <p>5 Q. Do you recall Thanksgiving of 2011?</p> <p>6 A. Not really.</p> <p>7 Q. So you don't recall whether you were 8 at your mother's or not Thanksgiving last year?</p> <p>9 A. I'd have to think about it. I don't 10 know where I was Thanksgiving last year.</p> <p>11 Q. Okay. Well, if you'd give it some 12 thought, we can wait here and see if you can 13 remember that.</p> <p>14 A. Okay.</p> <p>15 MR. BRIGHT: Do you remember?</p> <p>16 THE WITNESS: No, I don't remember 17 where Thanksgiving was last year.</p> <p>18 Q. (By Ms. Burrell) Now, you just turned 19 to November 22 over. If you could turn that 20 back in front of you.</p> <p>21 A. This is November 22, somebody --</p> <p>22 Q. At 8:22 a.m., do you remember sending 23 that message?</p>

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1 A. I believe so.

2 Q. And does that refresh your

3 recollection about where you were at

4 Thanksgiving 2011?

5 A. We went up to my Aunt Jean's on one of

6 those days. It indicates Thursday lunch at my

7 parents' house and then to my Aunt Jean's house.

8 Q. Do you remember that?

9 A. I remember going to my Aunt Jean's

10 house. I don't -- I guess we had lunch at -- I

11 think we had lunch at my mom's house.

12 Q. And do you remember having cousins in

13 from Texas, Mississippi, and Florida?

14 A. Yes, yes.

15 Q. And so these messages are from you to

16 Mr. Dunning?

17 A. Yes.

18 Q. Okay. And do you see on the sheet

19 that starts 1:25 p.m. up at the top, do you see

20 in the first message from you that you asked

21 Mr. Dunning for some Christmas shopping money

22 off the two grants that were done?

23 A. That I did, correct.

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1 Q. Okay. And did he give you that money?

2 A. I believe that was the Christmas money

3 that I got.

4 Q. And if you turn the page, November 22,

5 2011, at 9:20 a.m., do you recall receiving that

6 response to your message? I think you

7 identified it on the previous page where it

8 starts.

9 A. What was the question?

10 Q. Do you recall Mr. Dunning -- receiving

11 Mr. Dunning's response November 22, 2011, at

12 9:20 a.m.?

13 A. Yes.

14 Q. And the next page continues that

15 conversation. Would I be correct that you

16 recall that exchange as well?

17 A. Uh-huh, yes.

18 Q. Yes. And the next page that you just

19 identified says 1:25 p.m. up at the top and on

20 the left top it says, message (6). I think you

21 just turned it over.

22 A. Describe it again.

23 Q. The exchange that discuss allegedly a

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1 racist uncle from Texas. You recall that

2 exchange; correct?

3 A. Correct.

4 Q. And I believe we've covered that page.

5 That -- the one that is in front of you right

6 now that says 1:25 p.m. is the same messages as

7 the one before; am I correct?

8 A. These both say 1:25 p.m.

9 Q. Right. That's the exchange that you

10 remember; is that correct?

11 A. I believe so. I don't remember the

12 5:24 exactly. I don't remember what those

13 circumstances were. I don't remember that

14 conversation.

15 Q. All right. Then if you would, let's

16 go back to the one that begins November 22 at

17 9:20 a.m., which you had identified as being one

18 that you did remember; is that correct?

19 A. Correct.

20 Q. Okay. And then as we turn the page,

21 would I be correct that the next page contains

22 part of the message that you identified on

23 November 22?

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1 A. I believe so.

2 Q. Okay. And that page then has a

3 message from you that begins, "No, racist uncle

4 lives in Florida," and that's one that you

5 identified as recognizing; is that correct?

6 A. Correct.

7 Q. So as I turn the page, the next set

8 begins, "super nice"?

9 A. Right.

10 Q. And that's one that you remember; is

11 that correct?

12 A. Correct.

13 Q. And on that page it has the November

14 22, 2011, 5:24 p.m. message from Mr. Dunning,

15 "How does this happen to us honey?" Do you

16 recall that one?

17 A. No.

18 Q. Okay. So you recall the top one and

19 if you would, put an X next to the one that you

20 do recall, the top. One?

21 THE WITNESS: Why am I putting an X on

22 this?

23 MR. BRIGIT: Because she wants you to

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1 or whatever.  
 2 Q. (By Ms. Burrell) Actually put a check  
 3 mark if you would next to --  
 4 A. Well, let's go all the way back then  
 5 and put a check mark on all the ones I didn't  
 6 remember.  
 7 Q. I'm sorry, ma'am, if you would put a  
 8 check mark by the one that you just identified  
 9 as remembering in the -- I would appreciate  
 10 that.  
 11 A. (Witness complies.)  
 12 Q. Okay. And the one below that is the  
 13 one that you said that you don't recall; is that  
 14 correct?  
 15 A. At this time, correct.  
 16 Q. At this time but you're not denying  
 17 that that --  
 18 A. Correct.  
 19 Q. Okay. If you'd put an X by that one.  
 20 A. (Witness complies.)  
 21 Q. Okay, thanks. The next page begins  
 22 November 24, 2011, at 12:25 a.m. Do you recall  
 23 that set of messages?

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1 A. No.  
 2 Q. And do you recall none of them?  
 3 A. No.  
 4 Q. Okay. If you would look at the one on  
 5 the bottom, November 24, 2011, at 8 o'clock  
 6 a.m., "Happy Thanksgiving honey. I'm helping  
 7 mom cook. Love you. Getting in shower now.  
 8 Miss you baby." That's one that you're saying  
 9 that you don't recall?  
 10 A. Right.  
 11 Q. But you don't deny that you sent it;  
 12 is that correct?  
 13 A. Correct.  
 14 Q. And in fact, on November 24, 2011, you  
 15 were helping your mother cook, were you not?  
 16 A. I believe so.  
 17 Q. And if you'd go to the next page,  
 18 November 21, 2011, at 12:52 p.m. That one  
 19 begins, "Hey baby." Do you recall sending that  
 20 message to Mr. Dunning?  
 21 A. Yes.  
 22 Q. Now, that one references loving a  
 23 trip. Do you know what trip that you and

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1 Mr. Dunning took in November of 2011?  
 2 A. I don't recall.  
 3 Q. That one references doing some DHR  
 4 evaluations. Do you see that?  
 5 A. Uh-huh.  
 6 Q. Yes?  
 7 A. Yes.  
 8 Q. Okay. And it indicates that they pay  
 9 875 dollars per evaluation; is that correct?  
 10 A. Correct.  
 11 Q. For what period of time have you done  
 12 evaluations for the Department of Human  
 13 Resources?  
 14 A. Probably November 2011 to presently.  
 15 Q. What type evaluations do you do?  
 16 A. Psychological evaluations.  
 17 Q. In what type of cases?  
 18 A. In cases typically involving foster  
 19 care, kids that need placement.  
 20 Q. What about any cases involving abuse  
 21 or neglect?  
 22 A. Typically they do or allegations of it  
 23 typically.

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1 Q. And which DHR offices do you work  
 2 with?  
 3 A. Birmingham -- or Jefferson County and  
 4 Shelby -- Shelby County.  
 5 Q. How many evaluations do you do in a  
 6 typical month?  
 7 A. Four.  
 8 Q. And were you doing those DHR  
 9 evaluations while you were working for  
 10 Mr. Dunning?  
 11 A. I began doing them, yes, in November  
 12 or December 2012.  
 13 Q. And you were paid that separate from  
 14 any moneys that Mr. Dunning may have paid to  
 15 you; is that correct?  
 16 A. Correct, but I didn't receive any  
 17 payment in 2011 from DHR.  
 18 Q. Is that because you didn't do any  
 19 evaluations?  
 20 A. No.  
 21 Q. Is that because there is a delay in  
 22 payment?  
 23 A. Correct.

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1 Q. When did you first receive payment  
2 from them?  
3 A. 2012, probably January or February.  
4 Q. And is it still 875 dollars per  
5 evaluation?  
6 A. No, it's not. They don't do those  
7 evaluations like that anymore.  
8 Q. What do they pay now?  
9 A. Well, I have to bill it directly  
10 through Medicaid.  
11 Q. And how much do you bill?  
12 A. Three hundred and nine dollars per  
13 evaluation.  
14 Q. And what do you get paid?  
15 A. Three hundred and nine dollars per  
16 evaluation.  
17 Q. And do those funds go into your  
18 business?  
19 A. Yes.  
20 Q. Okay. If you'd go to the next page,  
21 November 19, 2011, 11:39 a.m., the message  
22 begins with, "I love you baby!" Do you recall  
23 that message?

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1 A. No.  
2 Q. If you'd look down on that page,  
3 November 20, 2011, 10:39 a.m., "What's our  
4 room #?", do you recall that message?  
5 A. No.  
6 Q. Do you recall meeting Mr. Dunning in  
7 any hotel or other establishment in November of  
8 2011?  
9 A. It appears we were at a hotel  
10 somewhere. I just don't recall that trip. I  
11 don't recall -- typically it would have been  
12 Atlanta but I don't recall that.  
13 Q. Okay. Have you ever called  
14 Mr. Dunning Romeo?  
15 A. Probably.  
16 Q. And again, when you say you don't  
17 recall that set of text messages, you're not  
18 denying that you sent those and/or received  
19 those; is that correct?  
20 A. Correct.  
21 Q. On the next page, November 20, 2011,  
22 do you recall that set of text messages?  
23 A. No.

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1 Q. And again, you don't deny that you  
2 sent them or received them?  
3 A. Correct.  
4 Q. And the next page, November 18, 2011,  
5 at 6:07 a.m., do you recall that text message?  
6 A. No, I don't recall.  
7 Q. Have you ever referred to a place as  
8 LDV?  
9 A. Yes.  
10 Q. What is that?  
11 A. La Dolce Vita.  
12 Q. Do you remember any discussion at any  
13 point between you and Mr. Dunning about people  
14 at La Dolce Vita needing to know that you and he  
15 are together?  
16 A. No.  
17 Q. Did you go to Atlanta with Mr. Dunning  
18 in November of 2011?  
19 A. I've already said I don't recall that  
20 trip.  
21 Q. Okay.  
22 A. We could have. I just don't recall.  
23 Q. November 18, 2011, the next page,

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1 11:07 a.m., do you recall that set of text  
2 messages?  
3 A. No.  
4 Q. If you'll look two-thirds down the  
5 page, the message that purports to be from you,  
6 "We taking the jag?", do you see that?  
7 A. Uh-huh.  
8 Q. Yes?  
9 A. Yes.  
10 Q. Okay. Does any -- does Mr. Dunning  
11 have a Jaguar?  
12 A. He does.  
13 Q. Okay. Do you recall asking him at any  
14 point about taking it on a trip?  
15 A. No.  
16 Q. Do you recall going on a trip with  
17 Mr. Dunning in a Jaguar?  
18 A. Yes, we did.  
19 Q. Where did you go?  
20 A. Atlanta.  
21 Q. And was that in 2011?  
22 A. I believe so.  
23 Q. Late 2011?

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1 A. It could have been that trip.  
 2 Q. Do you keep any records of what trips  
 3 you've gone on with Mr. Dunning?  
 4 A. Not typically.  
 5 Q. If you'd turn to the next page, which  
 6 is December 2, 2011, at 6:20 p.m., do you recall  
 7 that set of text messages?  
 8 A. Say that again.  
 9 Q. The December 2, 2011, commencing at  
 10 6:20 p.m., do you recall that set of text  
 11 messages?  
 12 A. No.  
 13 Q. Do you recall Mr. Dunning having any  
 14 dental work done in December of 2011?  
 15 A. I do.  
 16 Q. Do you recall any discussions with him  
 17 about it?  
 18 A. Just that he was going to get his  
 19 teeth fixed.  
 20 Q. Do you remember asking him at any  
 21 point why it took so long?  
 22 A. No.  
 23 Q. And again, as to the sheet, December

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1 2, 2011, 6:20 p.m., you don't deny that you sent  
 2 or received those messages; is that correct?  
 3 A. Correct.  
 4 Q. The next page starts with, "Really.  
 5 At a dentist from 3 to 6." Do you recall that  
 6 set of text messages?  
 7 A. No.  
 8 Q. Do you recall any discussion with  
 9 Mr. Dunning about Invisalign braces?  
 10 A. I know he was going to get his teeth  
 11 fixed. I know he was -- I remember him getting  
 12 his teeth fixed. I don't know what he did to  
 13 get his teeth -- I think he had something put  
 14 on -- had them capped or something.  
 15 Q. And again, you don't deny sending or  
 16 receiving those messages?  
 17 A. Correct.  
 18 Q. Okay. On the next page that begins  
 19 with, "Honey more than a retainer," do you  
 20 recall that set of text messages?  
 21 A. No.  
 22 Q. And again, you don't deny receiving or  
 23 sending those?

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1 A. Right.  
 2 Q. On the next --  
 3 A. Maybe he got fitted or -- he got  
 4 fitted for something then he had to go back and  
 5 get something done again, I don't recall, a  
 6 retainer or something, and then he eventually  
 7 got them capped is what I recall.  
 8 Q. On the next page where it commences,  
 9 "Before lunch we said we would do lunch after  
 10 1:00," do you recall sending or receiving those  
 11 text messages?  
 12 A. No.  
 13 Q. And again, you don't deny sending or  
 14 receiving them?  
 15 A. Correct.  
 16 Q. The next page, which commenced with  
 17 "Sometimes you can and sometimes you can't," do  
 18 you recall receiving that set of text messages?  
 19 A. No.  
 20 Q. But you don't deny sending or  
 21 receiving them?  
 22 A. Correct.  
 23 Q. The next page, which begins with,

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1 "Eggs versus I ate a salad," do you recall that  
 2 one?  
 3 A. No.  
 4 Q. But you don't deny it; is that  
 5 correct?  
 6 A. Correct.  
 7 Q. The next one that commences with,  
 8 "Yesterday they tried to put the things in for  
 9 an hour," do you recall sending or receiving any  
 10 messages on that page?  
 11 A. No.  
 12 Q. But again, you don't deny that?  
 13 A. Correct.  
 14 Q. The next page commences with December  
 15 2, 2011, at 8:21 p.m., "I've never had one that  
 16 took three hours." Do you recall that set of  
 17 text messages?  
 18 A. No.  
 19 Q. But you don't deny sending and  
 20 receiving them?  
 21 A. Correct.  
 22 Q. Do you see the next page that  
 23 commences, "You have non '9998"?"

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<p style="text-align: right;">Page 93</p> <p>1 A. Do I see that?  2 Q. Yes.  3 A. Yes.  4 Q. Okay. Do you recall sending or  5 receiving any of those messages?  6 A. No.  7 Q. But again, you don't deny it; is that  8 correct?  9 A. Correct.  10 Q. Did Mr. Dunning ever refer to you as  11 honeycat?  12 A. Yes.  13 Q. The next page that begins, "Same  14 criteria a husband," do you recall sending the  15 text messages on that page or receiving them?  16 A. I don't know what that whole message  17 says but no, I don't recall it.  18 Q. But again, you don't deny it?  19 A. Correct.  20 Q. Did Mr. Dunning ever call you babycat?  21 A. Yes.  22 Q. The next one, which is December 13,  23 2011, at 10:55 a.m. that begins, "Morning</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. So 2011 and 2010?  2 A. Correct.  3 Q. The next sheet that begins, "them done  4 while they are there," do you see that?  5 A. Uh-huh.  6 Q. Is that yes?  7 A. Yes.  8 Q. Do you recall sending or receiving  9 those messages?  10 A. No.  11 Q. In December 2011, did you and  12 Mr. Dunning go to the Saint Regis hotel?  13 A. Yes.  14 Q. And was that in Atlanta?  15 A. Yes.  16 Q. And were the children there?  17 A. Yes.  18 Q. And again, you don't deny sending or  19 receiving these messages, do you?  20 A. Correct.  21 Q. December 13, 2011, commencing at 1:10  22 p.m. that begins, "Let me see when boys are  23 leaving," do you recall sending or receiving any</p>
<p style="text-align: right;">Page 94</p> <p>1 honey." Do you recall that set of text  2 messages?  3 A. I remember us talking about it. I  4 don't remember the text about it.  5 Q. When you say you remember us talking  6 about it, meaning what?  7 A. I remember talking about doing  8 evaluations for DHR.  9 Q. Do you recall discussing taking the  10 children to see Santa?  11 A. I don't recall discussing it. We did  12 go in December.  13 Q. And again, as to the December 13,  14 2011, 10:55 messages for that sheet, you don't  15 deny sending and receiving those?  16 A. Correct.  17 Q. You said that you and Mr. Dunning did  18 take the children to see Santa Clause. When did  19 that occur?  20 A. In December 2011.  21 Q. On any other occasions?  22 A. I think we took them the year prior as  23 well.</p>	<p style="text-align: right;">Page 96</p> <p>1 of those messages?  2 A. No.  3 Q. Do your children from your marriage,  4 your other children, do they visit with their  5 father on a regular basis?  6 A. Semi-regular.  7 Q. Do they have Friday to Sunday  8 visitation with their father from time to time?  9 A. Yes.  10 Q. Okay. Does that refresh your  11 recollection as to whether or not you sent or  12 received any of the December 13 text messages?  13 A. No.  14 Q. The next page, December 13 at 2:57  15 p.m., do you recall sending or receiving any of  16 those messages?  17 A. No.  18 Q. If you look down on that page,  19 two-thirds from the top, there's a discussion of  20 Drew's appointment at 11:00. Does that refresh  21 your recollection?  22 A. No.  23 Q. There's a discussion of whether or</p>

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<p style="text-align: right;">Page 97</p> <p>1 not -- it says, "Did you get suite? Love you."  2 You don't recall sending that?  3 A. No.  4 Q. But again, you don't deny that?  5 A. Correct.  6 Q. And in fact, y'all did go to a hotel  7 during that period; is that right?  8 A. Yes.  9 Q. The next page that begins, "Ok  10 sweetcat that's perfect." Do you recall that  11 set of text messages?  12 A. No.  13 Q. If you look at the bottom, there is a  14 picture of various people and what looks like  15 Santa Clause and Mrs. Clause. Have you seen  16 that picture before?  17 A. Yes.  18 Q. Where was that picture taken?  19 A. That was at the Saint Regis in  20 Atlanta.  21 Q. And was that you on the far left?  22 A. It is.  23 Q. And are those in that</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. Okay. December 22, 2011, 1:39 that  2 commences, "Love my presents honey," do you  3 recall that set of text messages?  4 A. I don't recall the text. I remember  5 that that was an event where there was -- there  6 were storms. I remember being in the bathroom  7 and there was a tornado warning. I don't  8 remember texting.  9 Q. But you don't recall -- I mean, you  10 don't deny that; is that correct?  11 A. That's correct.  12 Q. Did you give Mr. Dunning some presents  13 in December of 2011?  14 A. Probably.  15 Q. Do you know what you would have given  16 him presents for?  17 A. Christmas.  18 Q. The next page, "Sorry honey. I'm so  19 stressed," do you recall that set of text  20 messages?  21 A. No.  22 Q. Do you see the reference to Miami?  23 A. Yes.</p>
<p style="text-align: right;">Page 98</p> <p>1 picture?  2 A. It is.  3 Q. And is that Mr. Dunning?  4 A. Yes.  5 Q. Does that refresh your recollection as  6 to whether or not you sent or received those  7 text messages?  8 A. No.  9 Q. The next page, which begins, "Morning  10 honey," do you recall those text messages?  11 A. No.  12 Q. But again, you don't deny that?  13 A. Correct.  14 Q. Did you get some stitches out at ten  15 o'clock on December 12?  16 A. I don't know. I mean, I had stitches.  17 I got them out. I don't remember it being  18 December 12 at ten o'clock.  19 Q. Do you work on something called PPR?  20 A. Yes.  21 Q. What is that?  22 A. It's a -- it's work. It's a periodic  23 performance review through Joint Commission.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. And is that when you told me  2 you and Mr. Dunning went to Miami --  3 A. Correct.  4 Q. -- December of 2011? And again, you  5 don't deny sending or receiving those, do you?  6 A. No.  7 Q. The next page, December 21, 9:52, the  8 top of the page says, "Can't wait," do you  9 recall sending or receive those messages?  10 A. No.  11 Q. Did you give Mr. Dunning a crest for  12 Christmas in December of 2011?  13 A. Yes.  14 Q. And again, you don't deny sending or  15 receiving those?  16 A. Correct.  17 Q. And it looks to me like the next page  18 is the same set of messages, so if you switch  19 over to the next page, December 26, 2011, at  20 2:09 p.m., that commences, "Yes angel. 105  21 tomorrow." Do you recall sending or receiving  22 those messages?  23 A. No.</p>

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1 Q. And again, you don't deny that you  
 2 sent them or received them?  
 3 A. Correct.  
 4 Q. December 26, 2011, 9:11 a.m. that  
 5 commences, "Got boys packed," do you recall  
 6 sending or receiving those text messages?  
 7 A. No.  
 8 Q. Did you pack the boys to go on a trip  
 9 in late December 2011?  
 10 A. That was the Miami trip.  
 11 Q. Okay. December 27, 2011, the next  
 12 page, 10:39 a.m., that begins, "Yes honey," do  
 13 you recall sending or receiving those messages?  
 14 A. No.  
 15 Q. Did you meet Mr. Dunning at the  
 16 airport at 11:30?  
 17 A. We met at the airport. I don't know  
 18 what time it was.  
 19 Q. Did y'all fly Delta?  
 20 A. Yes.  
 21 Q. January 17, 2012, 10:01 a.m. that  
 22 begins, "Morning honey," do you recall sending  
 23 or receiving those messages?

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1 A. I don't remember the messages. I  
 2 remember talking about the QSI because he was  
 3 wanting that for the pharmacy.  
 4 Q. Did you get brakes for 650 dollars?  
 5 A. I don't recall if I did or not.  
 6 Q. But you don't deny that you sent or  
 7 received those. Did Mr. Dunning contribute to  
 8 the cost of your brakes?  
 9 A. I don't recall if I got the brakes.  
 10 Q. Okay.  
 11 A. I don't think I had to get them. I  
 12 think they said they were fine but I'd have to  
 13 check with Crest Cadillac to see if I actually  
 14 got brakes. I don't believe I did.  
 15 Q. But you recall some discussion with  
 16 Crest at that time about brakes?  
 17 A. Yes.  
 18 Q. January 18, 2012, 5:16 p.m., that  
 19 begins with "Great baby!", do you recall that  
 20 set of text messages?  
 21 A. No.  
 22 Q. Did you have a sore throat in January  
 23 of 2012?

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1 A. I don't recall.  
 2 Q. But you don't deny sending or  
 3 receiving those, do you?  
 4 A. No.  
 5 Q. The next page that begins, "Yes. Too  
 6 cold!", do you recall sending or receiving  
 7 those messages?  
 8 A. No.  
 9 Q. Did you ever refer to Mr. Dunning as  
 10 Honey Bear?  
 11 A. Yes.  
 12 Q. And again, you're not denying that you  
 13 sent or received those?  
 14 A. Right.  
 15 Q. January 14 --  
 16 MR. BRIGHT: Wait, let's cut some of  
 17 this. You don't deny -- even if you don't  
 18 remember, you don't deny any of the rest of  
 19 these; right?  
 20 THE WITNESS: Right.  
 21 MR. BRIGHT: Okay.  
 22 Q. (By Ms. Burrell) Have you ever asked  
 23 Mr. Dunning if it was okay if you cashed a

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1 Synergy check for 500 dollars?  
 2 A. I don't recall. Where are you  
 3 referring to now?  
 4 Q. If you will move to a page that begins  
 5 12:53 p.m. and the date is January 11, 2012, at  
 6 6:21 a.m.  
 7 MS. BURRELL: And while you're looking  
 8 for that, Bill, I -- your stipulation about her  
 9 not denying sending or receiving any of these  
 10 pertains to the rest of the document that is  
 11 that exhibit; is that correct?  
 12 MR. BRIGHT: Sure.  
 13 A. I don't recall.  
 14 MR. BRIGHT: I don't think you would  
 15 slip in anything.  
 16 Q. Did you ever have a blank Synergy  
 17 check in your possession?  
 18 A. Yes.  
 19 Q. Did you ever write a check from  
 20 Synergy for any personal expenses of yours or  
 21 your childrens'?  
 22 A. I don't recall. If I did, it would  
 23 have been that time but I don't know that I did.

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1 If I did, it would be that one that -- I can  
 2 recall if that was one time. It wasn't often I  
 3 had a check.  
 4 Q. If you look at the next page at the  
 5 bottom that has a discussion for cashing  
 6 something for 750 dollars, do you recall  
 7 Mr. Dunning providing you with funds of 750  
 8 dollars in January of 2012?  
 9 A. I don't recall -- I don't recall what  
 10 the check was for. I think I did cash a check.  
 11 I don't recall the amount. I'd have to look at  
 12 the Synergy checkbook.  
 13 Q. Okay. But it was cashed for your  
 14 personal expenses; is that right?  
 15 A. Yes, I believe so.  
 16 Q. Did Mr. Dunning ever take the children  
 17 places such as iJump or to restaurants or other  
 18 places without you being present?  
 19 A. The only time he's ever taken them  
 20 before the visitation started in May was one  
 21 Sunday he came and took them swimming one time.  
 22 Q. Where did they go swimming?  
 23 A. I don't know. I believe they went to

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1 Montgomery. He didn't tell me where they were  
 2 going to. I believe that's where they ended up.  
 3 Q. If you would look at the messages from  
 4 March 3, 2012.  
 5 A. Okay.  
 6 Q. Do you see one that commences with,  
 7 "What are y'all doing. Send me pictures"?  
 8 A. This was an occasion he took them on  
 9 visitation, yeah, in March.  
 10 Q. Took them to iJump?  
 11 A. I don't remember. I think they went  
 12 to iJump.  
 13 Q. Pardon me?  
 14 A. I think they went to iJump. I think  
 15 that's what he told me.  
 16 Q. And do you see on the next two pages  
 17 where he sent you pictures of the children?  
 18 A. Yes.  
 19 Q. Do you recall receiving those  
 20 pictures?  
 21 A. Yes.  
 22 Q. And was that -- were those occasions  
 23 that Mr. Dunning was with the children?

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1 A. Yeah, that was an occasion he was with  
 2 the children. That was one of about four  
 3 visitations he's had this year.  
 4 Q. Was there an occasion that Mr. Dunning  
 5 took the children to his home in Hoover?  
 6 A. I am told by my son that they went to  
 7 a home. I don't know what home they went to and  
 8 he did not tell me they were going to a home nor  
 9 did he tell me afterwards they went to a home.  
 10 Q. Nor did he meaning your son or  
 11 Mr. Dunning?  
 12 A. No, Mr. Dunning.  
 13 Q. Okay. Did you ask him about taking  
 14 the children to a home in Hoover?  
 15 A. I believe there was some discussion  
 16 about it because this was an occasion where he  
 17 introduced them to his son, his other son, about  
 18 having a discussion about it with me.  
 19 Q. And you were upset about that, were  
 20 you not?  
 21 A. I don't know that I would say upset.  
 22 I would have liked to have had some discussion  
 23 before they meet someone they've never met

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1 before and have some discussion about how to  
 2 introduce that.  
 3 Q. Would I be correct that your sons came  
 4 home and reported having a good time?  
 5 A. I believe they did. I recall my son  
 6 was crying when I picked him up though. There  
 7 was some confusion around that visit.  
 8 Q. What was he crying about?  
 9 A. I don't recall. He was ready to come  
 10 home, I remember that, and he was crying when he  
 11 got in the car. I asked him what happened, what  
 12 was wrong, and I think it was just an emotional  
 13 day for him.  
 14 Q. Did he tell you that anything happened  
 15 that was upsetting to him?  
 16 A. On that occasion, I don't recall.  
 17 There was a lot of new things he was telling me.  
 18 He had met \_\_\_\_\_ which is his other son.  
 19 They had been to a house. They had been I  
 20 think -- I think they went to iJump and that's  
 21 all he said that I recall.  
 22 Q. Did you have a discussion with your  
 23 children at any point regarding Mr. Dunning

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<p style="text-align: right;">Page 109</p> <p>1 getting arrested?</p> <p>2 A. There was a time when they had</p> <p>3 overheard talking about him getting arrested and</p> <p>4 so they were asking about it and they also asked</p> <p>5 him about it.</p> <p>6 Q. What discussion did you have with your</p> <p>7 children or either one of them about Mr. Dunning</p> <p>8 getting arrested?</p> <p>9 A. Just that everything was fine,</p> <p>10 everything is going to be okay.</p> <p>11 Q. Did you tell them what he was arrested</p> <p>12 for?</p> <p>13 A. I don't believe so.</p> <p>14 Q. And what was he arrested for?</p> <p>15 A. From my understanding, it was a DUI.</p> <p>16 Q. But you didn't tell the children that</p> <p>17 in particular?</p> <p>18 A. I don't recall that.</p> <p>19 Q. Are your children honest children?</p> <p>20 A. I believe so.</p> <p>21 Q. If [redacted] said that Mommy was saying</p> <p>22 really bad things about you to Mr. Dunning,</p> <p>23 would he have been lying?</p>	<p style="text-align: right;">Page 111</p> <p>1 false abuse reports against me that Daddy was</p> <p>2 saying that we need to come live with him, say</p> <p>3 that he's nice, say that they're mean at my</p> <p>4 house, things like that.</p> <p>5 Q. And who told you that?</p> <p>6 A. [redacted] has said that to me.</p> <p>7 Q. The same thing?</p> <p>8 A. [redacted] has said someone at the house</p> <p>9 who knows tell them that he's mean and</p> <p>10 said, no, he's not mean but Daddy said to say</p> <p>11 that anyway. And [redacted] has said, we're not</p> <p>12 supposed to lie. We're not going to lie anymore</p> <p>13 like we did at Daddy's.</p> <p>14 Q. And when he -- when [redacted] said to say</p> <p>15 someone at the house was mean, that he was</p> <p>16 supposed to say that, who was he referring to?</p> <p>17 A. Mike.</p> <p>18 Q. And who is Mike?</p> <p>19 A. Someone that I have dated.</p> <p>20 Q. What is Mike's last name?</p> <p>21 A. Foiles.</p> <p>22 Q. Could you spell that?</p> <p>23 A. F-O-I-L-E-S.</p>
<p style="text-align: right;">Page 110</p> <p>1 A. Mr. Dunning has told the children to</p> <p>2 say things that I know are not true.</p> <p>3 Q. What has he told the children to say</p> <p>4 that you know is not true?</p> <p>5 A. Oh, that I'm not a fit parent, that</p> <p>6 I'm not taking care of them, several things.</p> <p>7 Q. When did Mr. Dunning tell the children</p> <p>8 that you were not a fit parent?</p> <p>9 A. In the end.</p> <p>10 Q. Of June of 2012?</p> <p>11 A. Yes.</p> <p>12 Q. And how do you know that he said that?</p> <p>13 A. My son told me.</p> <p>14 Q. Which son?</p> <p>15 A.</p> <p>16 Q. And [redacted] said that Mr. Dunning had</p> <p>17 said that you were not a fit parent or that</p> <p>18 [redacted] was supposed to say you were not a fit</p> <p>19 parent?</p> <p>20 A. Well, at that time it was out of his</p> <p>21 mouth, he said I wasn't a fit parent and I was</p> <p>22 making bad judgments. And then when my son,</p> <p>23 after I got to talk to him because he made some</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. And is -- where does Mike live?</p> <p>2 A. In Pelham.</p> <p>3 Q. And is he the father of</p> <p>4 girlfriend?</p> <p>5 A. Yes.</p> <p>6 Q. Has he ever spent the night when the</p> <p>7 boys were there?</p> <p>8 A. No.</p> <p>9 Q. Never?</p> <p>10 A. Never.</p> <p>11 Q. You said that Mr. Dunning made a false</p> <p>12 abuse report about you. What false abuse report</p> <p>13 did Mr. Dunning make about you?</p> <p>14 A. That I made bad judgment, that they</p> <p>15 shouldn't be allowed to stay in my house and in</p> <p>16 fact they were not allowed to stay in my house</p> <p>17 because of what he told DHR and Pelham police</p> <p>18 department.</p> <p>19 Q. Okay. How do you know what he told</p> <p>20 DHR?</p> <p>21 A. I know what the DHR worker told me.</p> <p>22 Q. And what did the DHR worker tell you?</p> <p>23 A. That was his allegation.</p>

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1 Q. That -- tell me exactly what the DHR  
 2 worker told you.  
 3 A. That they were in danger in my house,  
 4 that I -- danger of me not protecting them in my  
 5 own house. He signed a safety plan that  
 6 indicated that.  
 7 Q. And how do you know that?  
 8 A. I saw it.  
 9 Q. Do you have a copy of it?  
 10 A. I do not.  
 11 Q. Were you given a copy of it?  
 12 A. I was not because the safety plan was  
 13 redone after I was allowed to talk to the DHR  
 14 worker.  
 15 Q. Who -- who was the DHR worker?  
 16 A. RaSheda Gulley.  
 17 Q. Had you met Ms. Gulley before that?  
 18 A. I had not.  
 19 Q. When you said the safety plan was  
 20 redone, what did the safety plan say originally?  
 21 A. That the children were going to stay  
 22 in his possession at his home pending the  
 23 investigation when they had never been at his

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1 home ever overnight -- well, maybe they had  
 2 spent a weekend there at that point since this  
 3 all -- you know, visitation started.  
 4 Q. And when you said it was redone, what  
 5 was it redone to state?  
 6 A. They would stay at my parents' house  
 7 who they did know and had spent the night with  
 8 until the investigation was completed.  
 9 Q. Were you given a copy of that?  
 10 A. I was.  
 11 Q. Do you have a copy of that?  
 12 A. I should.  
 13 MS. BURRELL: Bill, would you produce  
 14 a copy of that?  
 15 MR. BRIGHT: If she has it, sure.  
 16 Q. (By Ms. Burrell) Tell me every person  
 17 that you have talked to at DHR regarding these  
 18 allegations.  
 19 A. RaSheda Gulley, there was a weekend  
 20 worker that did the initial investigation. I  
 21 don't recall her name.  
 22 Q. Anyone else?  
 23 A. That's it.

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1 Q. When did you last talk to DHR?  
 2 A. RaSheda Gulley came to the house --  
 3 the allegations were made on a Saturday. She  
 4 came to the house Monday after the children had  
 5 been -- had their forensic interview evaluation  
 6 and she came to the house Monday evening to  
 7 return the children.  
 8 Q. And what did she tell you at that  
 9 time?  
 10 A. That the allegations were unfounded,  
 11 the children were being returned because the  
 12 claim was canceled. She was closing the case.  
 13 Q. Have you had any communication with  
 14 them since?  
 15 A. None.  
 16 Q. Did you get a document indicating that  
 17 the allegations were unfounded?  
 18 A. Not yet. She indicated they would be  
 19 sending me a final report. I have not received  
 20 it.  
 21 MS. BURRELL: Bill, when she receives  
 22 that, can we get a copy of that?  
 23 MR. BRIGHT: Sure.

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1 Q. (By Ms. Burrell) Have you reported  
 2 Mr. Dunning to anyone in regard to those  
 3 allegations?  
 4 A. Reported him to anyone?  
 5 Q. Yes.  
 6 A. About what allegations?  
 7 Q. About the allegations regarding Mike  
 8 Foiles.  
 9 A. Reported him to who?  
 10 Q. Have you asked that Mr. Dunning be  
 11 investigated for anything?  
 12 A. No, I was told by the Pelham police  
 13 department they were determining whether they  
 14 had enough evidence to file charges against him  
 15 for filing a false police report.  
 16 Q. And when were you told that?  
 17 A. That weekend.  
 18 Q. And who did you talk to?  
 19 A. Or Monday. Detective -- the detective  
 20 that investigated the case, I think Jordan.  
 21 Q. Tell me everything that you discussed  
 22 with Detective Jordan.  
 23 A. I was -- I talked to him on Monday or

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<p style="text-align: right;">Page 117</p> <p>1 Tuesday after the kids -- well, I talked to him  2 after they did the forensic interview, which was  3 Monday, so I talked to him Tuesday. There was  4 nothing or Monday evening, I don't recall, it  5 was after the interview, that, you know, they  6 believe the kids had been led. There was  7 obvious on the tape that he felt was being  8 led to say things by Mr. Dunning, that things  9 were blown out of proportion and they had some,  10 you know, questions for him. He said that he  11 had called him to ask him about those  12 allegations. Then Mr. Jordan -- I talked to him  13 a couple of weeks ago because I wanted a copy of  14 the tape that he had made of my son making the  15 allegations and he was going to provide me a  16 copy and he said it was just then, which was a  17 month after the investigation that Mr. Dunning  18 had finally called him back to talk about these  19 allegations. That was the only contact he had  20 with him since his initial report of the  21 allegations.  22 Q. And did he tell you anything else?  23 A. Not that I recall.</p>	<p style="text-align: right;">Page 119</p> <p>1 A. Not -- I don't believe it was prior  2 to -- I think I talked to my attorney first.  3 Q. Did you have any communication with or  4 from Mr. Dunning that morning?  5 A. I did. I called him as soon as I  6 talked to my attorney.  7 Q. And what did you say to him?  8 A. I just asked what had said.  9 Q. And what did he tell you?  10 A. He didn't -- he just told me that he  11 had said someone had done inappropriate things  12 to him. I don't recall if he told me exactly  13 what I had -- well, I think he did. I don't --  14 I don't remember if my attorney or he told me  15 exactly what had said had happened to him,  16 that someone had laid on him in the bed, that he  17 had said Mr. Mike did that. That's what I  18 recall.  19 Q. That's what Mr. Dunning told you?  20 A. I don't recall if Mr. Dunning told me  21 about the allegations or if it was my attorney  22 that told me about the allegations --  23 Q. Okay.</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. All right. Let's talk about that  2 incident. When did you first learn that there  3 was any allegation of any type?  4 A. It was a Saturday morning, I don't  5 know the exact date, in June. He had picked up  6 the boys on a Friday and -- for visitation that  7 weekend, we had agreed on a visitation, and it  8 was Saturday morning and my attorney had called  9 me and said that his attorney had called her and  10 said there were allegations that had been  11 sexually abused.  12 Q. And is that the first contact that you  13 had had of any type regarding that?  14 A. Yes.  15 Q. Did you not receive a text message  16 from Mr. Dunning prior to your attorney calling  17 asking you to --  18 A. I don't think it was prior to my  19 attorney calling.  20 Q. If you would let me finish my  21 question, ma'am.  22 A. Oh, sorry.  23 Q. -- asking you to call him.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. -- of what said.  2 Q. All right. Did -- to your knowledge,  3 did Mr. Dunning know Mike Foiles?  4 A. No.  5 Q. Had you ever told him that you were  6 dating Mike Foiles?  7 A. I wasn't talking to him at that time.  8 Q. Okay. Do you have any reason to  9 believe that Mr. Dunning would have known of  10 your relationship with Mike Foiles?  11 A. Through my sons, I believe so, because  12 he had had a couple of visitations before that  13 day.  14 Q. So you're speculating or guessing that  15 the children might have said something to him?  16 A. Yes.  17 Q. But you don't know that?  18 A. I don't know for certain but I believe  19 so.  20 Q. And you didn't have any specific  21 conversations with the children about that?  22 A. About what?  23 Q. About whether they had told</p>

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1 Mr. Dunning that you were dating Mr. Mike.  
 2 A. No.  
 3 Q. Okay. Did the children call him  
 4 Mr. Mike?  
 5 A. Yes.  
 6 Q. After your attorney called you, you  
 7 said that you called Mr. Dunning?  
 8 A. Correct.  
 9 Q. And you asked him what was said?  
 10 A. Right  
 11 Q. And what did Mr. Dunning tell you?  
 12 A. I don't know if he told me the exact  
 13 allegations but that a Mr. Mike had done  
 14 something to him. I don't remember who told me  
 15 the exact words of what he said happened to him,  
 16 I don't know if it was Mr. Dunning or the  
 17 attorney but someone told me there are  
 18 allegations and so I know we were talking about  
 19 the allegations. He was asking a lot of  
 20 questions. He was upset. He was yelling at me.  
 21 I was trying to tell him -- there was one  
 22 allegation that Mr. Mike had been in my son's  
 23 bedroom, which has never happened, overnight

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1 that I had been asleep and he went upstairs to  
 2 my son's bedroom, which was -- never happened.  
 3 So I was trying to explain to him that  
 4 couldn't have happened, is there anything else  
 5 happening? Could it have happened -- anything  
 6 over there, let's talk about other things that  
 7 could have happened because I knew that had  
 8 never happened at my house. He's never been  
 9 there overnight. I've never been asleep while  
 10 he's there and he got very upset. He was  
 11 yelling at me, telling me I had bad judgment,  
 12 telling me that -- I don't know what else he was  
 13 saying. I was impaired, cursing at me. There  
 14 was no -- there was no conversation to it at one  
 15 point  
 16 Q. What did you say to him?  
 17 A. That that couldn't have happened. I  
 18 said, I'm not trying to say nothing's happened.  
 19 Whoever has done anything to my son should be  
 20 prosecuted wherever it happened. I wanted him  
 21 to be open to a possibility, one, if it happened  
 22 that it didn't happen the way that he's telling  
 23 me it happened because I was at my house. I

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1 knew it couldn't have happened that way. If  
 2 something has happened, we need to be looking at  
 3 all possibilities because the new thing that was  
 4 happening was that he had been at his house.  
 5 Q. Did you tell Mr. Dunning that  
 6 was lying?  
 7 A. No.  
 8 Q. You did not say that?  
 9 A. I did not say my son was lying.  
 10 Q. Okay. Did you say anything -- you  
 11 said he was very heated in his discussion. Were  
 12 you heated in your discussion?  
 13 A. Yeah, I was trying to say to him that  
 14 that could not have happened at my house, he  
 15 hasn't been there at nighttime. I haven't been  
 16 asleep with that man in my house.  
 17 Q. What did you do, if anything, to  
 18 investigate those allegations?  
 19 A. He said where are you, what are you  
 20 doing right now? I told him I was at work. I  
 21 said, let me talk to He said, no, you  
 22 need to come right here with us. We're going --  
 23 we're going to obviously file a police report

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1 and call DHR. I'm like, great, you know, just  
 2 let me know when and where and I'll be there. I  
 3 canceled my entire book for the day waiting on  
 4 his phone call I never got. Called him back,  
 5 sent a text, where are you, where do you want me  
 6 to come, let me talk to I didn't hear  
 7 back from him.  
 8 The next person I heard from was a DHR  
 9 worker that came to my house saying that there  
 10 was a safety plan, she had talked to the kids,  
 11 it would have to wait until Monday. There was a  
 12 forensic evaluation that had to happen. I  
 13 couldn't have any contact with my children. Oh,  
 14 I do remember -- he told the detective when he  
 15 finally talked to him a couple of weeks ago that  
 16 I had told my son to tell him to say that  
 17 Mr. Mike didn't do those things, okay, is what  
 18 he told the detective. I didn't have any  
 19 contact with my son. I wasn't allowed to until  
 20 after he had spoken with a detective.  
 21 Q. Did the worker tell you what  
 22 said?  
 23 A. Yes.

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<p style="text-align: right;">Page 125</p> <p>1 Q. What did the worker tell you that 2 said?</p> <p>3 A. Well, the one word that I remember 4 because I remember telling her back was that 5 someone had been on top of him, something like a 6 jackhammer, and what I told her was, I've never 7 heard my son say that word ever. It's not a 8 word that he's ever used, so that to me was odd. 9 It was odd to me that he didn't report this on 10 the Friday night he learned about it or take him 11 to the emergency room. He called his attorney 12 on Saturday to report this, so there were odd 13 things. Those were a couple of things we were 14 talking about.</p> <p>15 Q. How do you know he had called his 16 attorney on Saturday?</p> <p>17 A. Because my attorney told me so.</p> <p>18 Q. Okay. So it's your opinion or 19 speculation or conclusion that he did not 20 communicate with his attorney Friday night?</p> <p>21 A. I don't know if he did or not.</p> <p>22 Q. Okay. Did Mr. Dunning -- what else 23 did the DHR worker tell you?</p>	<p style="text-align: right;">Page 127</p> <p>1 I wasn't allowed to be around my kids while it 2 was being investigated.</p> <p>3 MS. BURRELL: Can you read that 4 question back to her?</p> <p>5 6 (Whereupon, the desired portion of the 7 proceedings was read back.)</p> <p>8 9 A. Since the occasion that he made 10 allegations of abuse?</p> <p>11 Q. Yes.</p> <p>12 A. They were false allegations. Yes, 13 he's been around -- the investigation was 14 closed. Mike Foiles --</p> <p>15 Q. Ma'am, if you would just answer my 16 questions.</p> <p>17 A. Mike Foiles --</p> <p>18 Q. You've got a very good attorney. He 19 can have you say anything you want at trial. 20 Right now you're here to answer these questions. 21 Would you please answer that question?</p> <p>22 A. What's your question?</p> <p>23 Q. Would you read it back to her?</p>
<p style="text-align: right;">Page 126</p> <p>1 A. That's all I -- I don't know. That's 2 what we talked about for the allegations. There 3 was going to be an interview. I don't have any 4 contact with them besides on a speaker phone and 5 to say good night until they had their forensic 6 interview on that Monday afternoon.</p> <p>7 Q. Did Mr. Dunning ask you to keep Mike 8 Foiles away from the children while it was being 9 explored?</p> <p>10 A. I -- he probably said it too but I 11 know -- I mean, the kids weren't even at the 12 home to be with Mike Foiles. They were taken 13 away from the home.</p> <p>14 MS. BURRELL: Can you read that 15 question back to her?</p> <p>16 17 (Whereupon, the desired portion of the 18 proceedings was read back.)</p> <p>19 20 A. I don't recall. He may have.</p> <p>21 Q. Has Mike Foiles been around the 22 children since that occasion?</p> <p>23 A. Not while it was being investigated.</p>	<p style="text-align: right;">Page 128</p> <p>1 2 (Whereupon, a brief recess was taken 3 from 11:49 a.m. to 11:56 a.m.)</p> <p>4 5 (Whereupon, the desired portion of the 6 proceedings was read back.)</p> <p>7 8 A. Which occasion?</p> <p>9 Q. The Saturday allegation that we were 10 just discussing.</p> <p>11 A. Yes.</p> <p>12 Q. Okay. On how many occasions?</p> <p>13 A. I don't recall. He came around them 14 starting after the investigation was deemed 15 unfounded probably, I don't know, four or five 16 times a week.</p> <p>17 Q. Have either of the children been alone 18 with Mr. Foiles since that occasion?</p> <p>19 A. Since that occasion, no.</p> <p>20 Q. Prior to that?</p> <p>21 A. Prior to that, he brought from 22 my parents' house to me one time and brought 23 to me one time. There was one occasion</p>

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1 was sick, had thrown up at school, so I  
 2 had to get him and he brought home that  
 3 afternoon from school.  
 4 Q. Now, would I be correct that if  
 5 had said to Mr. Dunning that Mike Foiles was  
 6 doing something to him, you would want and  
 7 expect Mr. Dunning to act on that?  
 8 A. Absolutely.  
 9 Q. And if said such a thing to you,  
 10 you would want to act on that?  
 11 A. Absolutely.  
 12 Q. Have you talked to about it?  
 13 A. Just in that -- nas talked to me  
 14 about it. has said that his dad has said  
 15 that Mr. Mike is a nut job and the children are  
 16 repeating nut job, that he's not nice and  
 17 said, I told him he was nice but he told me to  
 18 say he was not nice. I've asked what  
 19 happened and I figured out kind of before I  
 20 talked to occause when the DHR worker  
 21 came, she said, said there was a time that  
 22 they were under the covers and that Mr. Mike  
 23 came and sat on them. And I said, well, I know

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1 exactly what he's referring to.  
 2 would hide -- guests  
 3 that come in the house -- my parents, my aunt  
 4 and uncle -- they'll hide if someone is coming  
 5 in to visit and they both went on the couch and  
 6 hid under the afghan. So Mr. Mike was like, oh,  
 7 who is here, I don't see anybody and sat down  
 8 and they both come out and are laughing. That's  
 9 the occasion was talking about that  
 10 someone sat on him. I believe he's taking these  
 11 times and strewn them into allegations against  
 12 Mr. Mike.  
 13 Q. When you say he, who are you --  
 14 A. Mr. Dunning.  
 15 Q. Okay. Now, I would be correct that  
 16 the worker did not state that Mr. Dunning filed  
 17 a claim of abuse against you?  
 18 A. In his claim that Mr. Mike had abused  
 19 the kids, he said that I was not using good -- I  
 20 had impaired judgment and that he would be at  
 21 the house. DHR never even asked me that  
 22 question. They took his word that I wouldn't  
 23 keep that man out of my house because there was

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1 a potential that he had abused him, which was a  
 2 reflection on me.  
 3 Q. What have you done to investigate  
 4 these allegations yourself, if anything?  
 5 A. I've just talked to about that,  
 6 that's all that happened was that time on the  
 7 couch. Anybody else ever touched you  
 8 inappropriately? No. Anybody ever asked you to  
 9 say anything? Yes. Mr. Dunning asked them to  
 10 say that Mr. Mike was not nice. They're calling  
 11 him a nut job. You've got two mommies. You  
 12 want to come live over here, don't you? You  
 13 want to be with us, don't you? Those kind of  
 14 things he's saying to my son and my son is  
 15 telling me.  
 16 Q. Have you ever taken to a  
 17 counselor or psychologist after these  
 18 allegations?  
 19 A. Not yet. We are looking for someone  
 20 for him to talk to about these allegations.  
 21 Q. Who is we?  
 22 A. Well, me.  
 23 Q. Has Mr. Foiles gone with you and the

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1 children to Florida?  
 2 A. Yes.  
 3 Q. When was that?  
 4 A. July 12 through the 15.  
 5 Q. Okay. And where did y'all go?  
 6 A. We went to Pensacola.  
 7 Q. Where did you stay?  
 8 A. At the Hilton.  
 9 Q. And did Mr. Foiles stay in a room by  
 10 himself?  
 11 A. He did.  
 12 Q. And did you and the boys stay in  
 13 another room?  
 14 A. We did. It was -- it was all of us.  
 15 My parents were there. My sister was there, my  
 16 four children, his daughter, and him.  
 17 Q. Okay. This past Saturday Mr. Dunning  
 18 was to have visitation with the boys from 8:00  
 19 until 12:00. Do you recall that?  
 20 A. Yes.  
 21 Q. And the boys were not there at eight  
 22 o'clock, were they?  
 23 A. Yes, they were. The boys were there

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1 until 8:30, 8:40 that morning at the house  
 2 waiting on him.  
 3 Q. And how do you know that?  
 4 A. I was there until a little bit after  
 5 8:00 and then I had a sitter there.  
 6 Q. Did you receive text messages or calls  
 7 from Mr. Dunning asking where you were or where  
 8 the children were?  
 9 A. At 9:00 and after -- at nine o'clock  
 10 a.m. and after.  
 11 Q. Nothing before that?  
 12 A. No, I saved those.  
 13 Q. Okay. Can we see those?  
 14 A. July 28, 9:09 a.m., "I'm here to pick  
 15 the boys up. Are you here?" My response, 9:32  
 16 a.m., "My attorney told me 8:00 to 12:00 today.  
 17 You can pick them up at McDonald's on 31 and  
 18 bring them back at 12:00." His response was,  
 19 "You saw the email. He sent your email to my  
 20 attorney. Are you there now? Where is it?" "I  
 21 didn't get an email with a time. My attorney  
 22 told me 8:00 to 12:00. They are at McDonald's  
 23 on 31 in Pelham." "I'm on the way."

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1 Q. Okay. You never told him that it was  
 2 9:00 to 12:00 and not 8:00 to 12:00?  
 3 A. No, I haven't talked to him. I've had  
 4 no correspondence with him.  
 5 Q. Okay. Do you contend that Mr. Dunning  
 6 is unfit in any manner to have -- start with  
 7 visitation with the boys?  
 8 A. I think right now there needs to be  
 9 supervised visitation.  
 10 Q. Tell me each and every reason you  
 11 think that.  
 12 A. Because he is telling them things that  
 13 are not true. This is harmful to them. He is  
 14 leading them to make abuse allegations against  
 15 me. He is leading them to say things that  
 16 aren't true going on in my house, calling people  
 17 nut jobs, having the children repeat things like  
 18 that. It's abusive to have a seven-year-old  
 19 child even think about being sexually abused  
 20 when he hasn't been. That's a form of abuse.  
 21 Q. Any other reasons?  
 22 A. For supervised visitation?  
 23 Q. Yes.

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1 A. Well, filing -- coercing him into  
 2 saying things that aren't true is the biggest  
 3 one, telling him things bad about what's  
 4 happening.  
 5 Q. Let me stop you real quick. The  
 6 document that you just used to refresh your  
 7 recollection, what is that?  
 8 A. These are my notes.  
 9 Q. Okay. Let me see those notes.  
 10 MR. BRIGHT: It's fine.  
 11 Q. Okay. You were saying coercing him to  
 12 say things that are not true. What other  
 13 reasons?  
 14 A. Well, if I could have my notes back, I  
 15 could talk to you about it.  
 16 Q. Okay. Just one sec.  
 17 MS. BURRELL: Let me make a copy of  
 18 this and attach it to the deposition.  
 19  
 20 (Whereupon, a discussion was held off  
 21 the record.)  
 22  
 23 MS. BURRELL: Bill, in order not to

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1 use her original, would you look and stipulate  
 2 that that's a copy of the original?  
 3 MR. BRIGHT: Sure.  
 4  
 5 (Whereupon, Plaintiff's Exhibit 4 was  
 6 marked for identification and a copy  
 7 of same is attached hereto.)  
 8  
 9 Q. (By Ms. Burrell) Plaintiff's Exhibit 4  
 10 is a copy of the document that you just referred  
 11 to to refresh your recollection; is that  
 12 correct?  
 13 A. Correct.  
 14 Q. And it's entitled visitation log?  
 15 A. Correct.  
 16 Q. And did you write those notes?  
 17 A. I did.  
 18 Q. And are those notes true?  
 19 A. Yes.  
 20 Q. At the bottom, the handwritten note,  
 21 what does that say?  
 22 A. Control.  
 23 Q. What else does it say?

**EXHIBIT**

**A**

**PART 2**

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1 A. And a dollar amount sign.  
 2 Q. And what else does it say?  
 3 A. Sex and kids.  
 4 Q. Okay. Who wrote those?  
 5 A. I did.  
 6 Q. Tell me what that means.  
 7 A. A lot of Mr. Dunning's tactics are  
 8 about control and money.  
 9 Q. And what does sex and kids mean?  
 10 MR. BRIGHT: Are you opening the door?  
 11 MS. BURRELL: If that's what it refers  
 12 to, then I'm not going to go into that. I don't  
 13 know what it means.  
 14 MR. BRIGHT: Answer the question.  
 15 A. That most of everything that  
 16 Mr. Dunning -- about our relationship was about  
 17 control and money and sex.  
 18 Q. Okay. But everything in this document  
 19 is true; is that right?  
 20 A. Correct.  
 21 Q. Okay. Have you told me all the  
 22 reasons that his visitation should be  
 23 supervised?

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1 A. Because -- no.  
 2 Q. Tell me what else.  
 3 A. Because he's not communicating about  
 4 what's healthy for these children. He's telling  
 5 them they have two mommies. He's introduced  
 6 them to children and houses and -- that he is  
 7 not familiar with. He is placing my children  
 8 around animals he knows they're allergic to.  
 9 They went for one afternoon and came home  
 10 severely sunburned. He hasn't been around  
 11 children, do you understand. He hasn't had  
 12 these children overnight or away since they were  
 13 born without me, so to jump in to this kind of  
 14 arrangement is not healthy for them and we have  
 15 evidence of that now with the last couple of  
 16 visitations he's had with them.  
 17 They came home this weekend, he told  
 18 them to say that he wasn't nice, that Mr. Mike  
 19 wasn't nice, that -- the boys needed a haircut.  
 20 I got their hair cut. One of Mr. Dunning's  
 21 control tactics was don't touch their hair,  
 22 you're not allowed to cut their hair. As their  
 23 mother, I'm allowed to cut my sons' hair. They

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1 got a haircut. He told my son he didn't like  
 2 his haircut, that no one was supposed to touch  
 3 his chair but me and that it didn't look good to  
 4 both my children. This is not healthy for them.  
 5 He told them we weren't going to  
 6 celebrate Christmas anymore. He told them they  
 7 didn't have to follow the rules at my house. He  
 8 told them they didn't have to listen to anything  
 9 I said or Mr. Mike said. He told them to  
 10 tell -- was saying, well, Daddy said say  
 11 they want to stay with me. Well, do you want to  
 12 stay with him? No, I want to stay with you but  
 13 Daddy said that and he told me just this weekend  
 14 in the car, I want to change my last name. Why,  
 15 Baby? Your last name is Dunning. I want my  
 16 last name to be Waltz because I don't want to  
 17 lie anymore. These are things my son is telling  
 18 me.  
 19 Q. And you don't have any idea whether  
 20 those things are true or untrue, do you?  
 21 A. I believe most of them are true. I  
 22 think some of this is a seven-year-old, who is  
 23 trying to make sense of a new situation. I know

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1 the haircut thing is probably true because he's  
 2 told me that, Mr. Dunning has told me, don't get  
 3 their hair cut. I'm the only one who can touch  
 4 their hair. There are lots of things along  
 5 those lines in that relationship.  
 6 MS. BURRELL: Can you read that  
 7 question back to her?  
 8  
 9 (Whereupon, the desired portion of the  
 10 proceedings was read back.)  
 11  
 12 A. I do have an idea that they're true.  
 13 I believe my son is telling the truth.  
 14 Q. Okay. Great. Have we covered all the  
 15 reasons?  
 16 A. I don't know what house they live in.  
 17 I don't know where. I don't know who's around  
 18 them. I don't -- I know there were issues with  
 19 his older son with his behavior. I don't know  
 20 what's going on with him. He has a brother who  
 21 has felony counts. I don't know if he's around  
 22 them or not.  
 23 All he's told me for ten years is that

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1 his other son's mother is an unfit mother. I  
 2 don't know -- and they obviously have met her  
 3 because they come home saying that they met  
 4 two -- they have two mommies and they met her.  
 5 I'm assuming that's who it was, was his wife. I  
 6 don't know for sure but it's all these  
 7 uncertainties that are making this an unhealthy  
 8 situation for two children.  
 9 For a person who hasn't been around  
 10 them, hasn't cared for them, hasn't changed a  
 11 diaper, hasn't come for holidays, hasn't been to  
 12 the pediatrician, wasn't at their surgeries,  
 13 never came to an ER visit with me knowing they  
 14 were there -- these are the reasons. He is not  
 15 able to care for these children by himself. He  
 16 needs classes to teach him and he needs  
 17 supervision to stop teaching them stuff that is  
 18 not true. These are harmful things. He needs  
 19 to learn that.  
 20 Q. Okay. Thank you. Now, you said there  
 21 were issues with his older son. What are those?  
 22 A. He had behavior issues at the last  
 23 couple of schools that I'm aware of that he

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1 attended getting Fs in conduct, almost getting  
 2 kicked out, almost flunking grades because of  
 3 his behavior.  
 4 Q. How do you know that?  
 5 A. He told me so. Mr. Dunning told me  
 6 so.  
 7 Q. And when did you first hear of such  
 8 things?  
 9 A. Wow, when he was in preschool.  
 10 Q. When the older son was in preschool?  
 11 A. Correct.  
 12 Q. Okay. So well before you and the boys  
 13 and Mr. Dunning went on these numerous trips,  
 14 you knew of that; is that correct?  
 15 A. Correct.  
 16 Q. And what is your allegation about  
 17 somebody having felony counts?  
 18 A. His brother.  
 19 Q. And what are those?  
 20 A. What are the counts?  
 21 Q. Uh-huh.  
 22 A. He stole money from the school system  
 23 or something like that and that he rented a car

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1 and didn't return it, so he had a warrant out  
 2 for his arrest.  
 3 Q. When did you hear that?  
 4 A. When?  
 5 Q. Uh-huh.  
 6 A. The school board thing was 2009 or '10  
 7 and the car theft was 2010 or '11.  
 8 Q. Now, you said that you were now  
 9 exploring possible counseling for the children  
 10 but they have had none at any point prior to  
 11 this; is that right?  
 12 A. Correct.  
 13 Q. Have you driven by Mr. Dunning's house  
 14 in Mountain Brook with one of your children in  
 15 the car?  
 16 A. Never.  
 17 Q. With an aunt in the car?  
 18 A. Never.  
 19 Q. With anyone related to you?  
 20 A. No.  
 21 Q. Okay. So if one of your children said  
 22 that, they would not be telling the truth; is  
 23 that right?

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1 A. That's right.  
 2 Q. What's your cellular telephone number?  
 3 A.  
 4 Q. And who is that service with?  
 5 A. AT&T.  
 6 Q. How long have you had that service?  
 7 A. I believe since I've had that phone  
 8 number, probably at least five years, maybe  
 9 longer.  
 10 Q. Okay. And that is  
 11 A. Correct.  
 12 Q. And do you receive your bills  
 13 electronically or paper or how do you receive  
 14 your bills?  
 15 A. I believe electronically.  
 16 MS. BURRELL: Bill, can you get us her  
 17 cellular phone bills as far back as they will  
 18 print online including the details of the call  
 19 and texts log?  
 20 MR. BRIGHT: I'll try. I can give you  
 21 what they'll give me.  
 22 Q. (By Ms. Burrell) Have you used any  
 23 other phones to communicate with Mr. Dunning?

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1 A. No.  
 2 Q. Have you ever recorded phone calls  
 3 with Mr. Dunning?  
 4 A. No.  
 5 Q. Have you recorded any conversation  
 6 with one or both of the boys regarding any of  
 7 the allegations regarding Mr. Dunning?  
 8 A. No.  
 9 Q. Have you ever sent Mr. Dunning cards  
 10 saying that you loved him?  
 11 A. Yes.  
 12 Q. More than one occasion?  
 13 A. Yes.  
 14 Q. Have you ever said this or this in  
 15 substance to Mr. Dunning: I'm coming to your  
 16 house?  
 17 A. I don't recall.  
 18 Q. Your wife is going to meet your  
 19 children today?  
 20 A. I don't recall.  
 21 Q. I am coming to knock on the door?  
 22 A. I don't recall.  
 23 Q. Do you deny saying those things?

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1 A. No.  
 2 Q. Have you threatened Mr. Dunning to  
 3 bring the children to his house and introduce  
 4 his wife to them?  
 5 A. Not that I recall.  
 6 Q. Have you asked Mr. Dunning to leave  
 7 his wife for you?  
 8 A. Not that I recall.  
 9 Q. But you don't deny that?  
 10 A. Right.  
 11 Q. Have you referred to him as your  
 12 husband?  
 13 A. I have.  
 14 Q. What was the reason for you doing  
 15 that?  
 16 A. I don't recall. That was how I  
 17 referred to him. That's how he wanted to be  
 18 referred to.  
 19 Q. Is all of your income in 2010 and 2011  
 20 reflected in these tax returns?  
 21 A. It is.  
 22 Q. And what was your schedule of work at  
 23 Synergy, say in the year 2011?

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1 A. My weekly schedule?  
 2 Q. Yes.  
 3 A. I was there Monday through Friday  
 4 pretty much an 8:00 to 5:00, 8:30 to 5:00, 8:00  
 5 to 5:00 day and then any -- I did a lot of work  
 6 at night and on the weekends as well.  
 7 Q. So every week you were there basically  
 8 8:30 to 5:00 during the weekdays?  
 9 A. Yes, ma'am.  
 10 Q. Was there any period that you ceased  
 11 coming to work in the year 2011?  
 12 A. No, not that I recall.  
 13 Q. What about 2012?  
 14 A. Yes.  
 15 Q. When did you cease coming to work in  
 16 2012?  
 17 A. April -- March, April, May, somewhere  
 18 in there.  
 19 Q. And do you recall being contacted by  
 20 me in April of 2012?  
 21 A. I do.  
 22 Q. Okay. And would I be correct that you  
 23 ceased coming to work after being contacted by

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1 me?  
 2 A. I don't know how those dates coincide.  
 3 When did you contact me?  
 4 Q. I'm just asking you if you recall  
 5 that.  
 6 A. I don't know if those dates coincide.  
 7 Q. And the contact from me was in regard  
 8 to establishing Mr. Dunning's paternity of the  
 9 children and a schedule of time; is that  
 10 correct?  
 11 A. I don't know that we actually talked.  
 12 I know that you left me a message and then I  
 13 retained an attorney.  
 14 Q. Do you recall receiving an email from  
 15 me?  
 16 A. I do.  
 17 Q. Okay. Now, what was your income in --  
 18 how were you compensated when you worked at  
 19 Synergy? In other words, did you make a salary?  
 20 A. A salary.  
 21 Q. Okay. What was your salary?  
 22 A. I believe it was 170 a year.  
 23 Q. And did you receive any compensation

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1 over and above that salary?  
 2 A. In 2011?  
 3 Q. Yes.  
 4 A. I did -- well, from Synergy?  
 5 Q. Yes.  
 6 A. No.  
 7 Q. So your total income from Synergy was  
 8 the 170,000 approximate?  
 9 A. Yes.  
 10 Q. What was your job with Synergy?  
 11 A. I was a development director.  
 12 Q. Did you have income in 2011 other than  
 13 from Synergy?  
 14 A. No.  
 15 Q. All right. Your tax return reflects  
 16 income from consulting as Capstone Medical  
 17 Resources. What is Capstone Medical Resources?  
 18 A. That's my LLC.  
 19 Q. And does that have anything to do with  
 20 your employment with Synergy?  
 21 A. No.  
 22 Q. So did you work for Capstone during  
 23 the year 2011?

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1 A. Uh-huh.  
 2 Q. Yes?  
 3 A. I did.  
 4 Q. Did you have income from any source  
 5 other than Capstone or Synergy during 2011?  
 6 A. I don't know that I had energy --  
 7 income from Capstone in 2011.  
 8 Q. Well, you had gross receipts, did you  
 9 not?  
 10 A. I did.  
 11 Q. Okay.  
 12 A. Wait, what do you mean by gross  
 13 receipts?  
 14 Q. You indicate that Capstone -- actually  
 15 you don't show any receipts from Capstone but  
 16 you show that Capstone had expenses of  
 17 approximately 21,000 dollars -- 21,493 dollars?  
 18 A. Correct.  
 19 Q. 6,243 dollars of that is indicated as  
 20 depreciation. Do you know what you were  
 21 depreciating?  
 22 A. I'd have to see the return. Where did  
 23 you see that?

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1 Q. You've got the return, so I can't tell  
 2 you. Line 13.  
 3 A. What was the question?  
 4 Q. What depreciation expense did Capstone  
 5 have?  
 6 A. I don't recall exactly. I think it  
 7 was computer equipment, phone equipment. I  
 8 believe it was computer equipment, possibly  
 9 phone equipment, car equipment. I'd have to  
 10 look and see.  
 11 Q. Okay. So Capstone operated in 2010  
 12 and 2011 with gross proceeds but with expenses?  
 13 A. With gross proceeds?  
 14 Q. With no gross proceeds, zero?  
 15 A. Correct.  
 16 Q. But expenses?  
 17 A. Correct.  
 18 Q. And where was Capstone operating from?  
 19 A. My home.  
 20 Q. Did you have office space at Synergy  
 21 for Capstone?  
 22 A. I did some evaluations at Synergy,  
 23 yes, but he also had Synergy Psychology on the

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1 wall so that's where he wanted me to do the  
 2 evaluations.  
 3 Q. He meaning Mr. Dunning?  
 4 A. Yes.  
 5 Q. But you received no income from that?  
 6 A. Not in 2011.  
 7 Q. Or 2010?  
 8 A. Correct.  
 9 Q. You have a car that you use 100  
 10 percent for work?  
 11 A. Yes.  
 12 Q. What car is that?  
 13 A. I have two -- well, I have a Cadillac  
 14 Escalade.  
 15 Q. Okay.  
 16 A. I believe both cars have been used for  
 17 work and a TrailBlazer -- Chevrolet TrailBlazer.  
 18 Q. But the -- is it the Escalade that is  
 19 used only for work?  
 20 A. It's not used only for work.  
 21 Q. So if your tax return reflects that,  
 22 that wouldn't be true; is that right?  
 23 A. I don't believe it reflects that.

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1 I'd have to look and see.  
 2 Q. My question is if it reflects that,  
 3 that wouldn't be true; is that correct?  
 4 A. Correct.  
 5 Q. You had expenses of 7,275 dollars for  
 6 gifts in 2011 for Capstone. What would those  
 7 gifts be?  
 8 A. Gifts to potential clients, business  
 9 associates.  
 10 Q. What type of gifts would you be giving  
 11 people?  
 12 A. I mean, any kind of gifts, any kind of  
 13 office gifts, luncheon gifts, things like that.  
 14 Q. But none of this was producing income;  
 15 is that right?  
 16 A. Not in 2011.  
 17 Q. Or 2010?  
 18 A. Correct.  
 19 Q. Did you have an ownership interest in  
 20 any other partnerships or S corporations?  
 21 A. Other than Capstone and Synergy?  
 22 Q. Did you have an ownership interest in  
 23 Synergy?

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1 A. Yes.  
 2 Q. Okay. What was your interest?  
 3 A. I believe it was -- it was either 2.5  
 4 or five percent. I'd have to see the documents.  
 5 I believe it's in the 2010 return. I'd have to  
 6 look at that and see. It doesn't have a  
 7 percent.  
 8 Q. Do you -- and which business is that?  
 9 A. Synergy -- Synergy Medical Solutions.  
 10 Q. And how did you acquire that ownership  
 11 interest?  
 12 A. I had the ownership interest when the  
 13 company was formed.  
 14 Q. Did you pay any money to acquire that  
 15 interest?  
 16 A. I think a dollar.  
 17 Q. Do you receive any income from that?  
 18 A. I did in 2010.  
 19 Q. Pardon me?  
 20 A. I received a disbursement in 2010.  
 21 Q. How much was that?  
 22 A. I don't recall.  
 23 Q. What about 2000?

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1 A. Five thousand, I don't recall.  
 2 Q. What about 2011?  
 3 A. I didn't receive any in 2011.  
 4 Q. But you have no vehicle that you use  
 5 solely for work purposes; is that correct?  
 6 A. Exclusively for work as a no personal  
 7 use on the vehicle?  
 8 Q. Yes.  
 9 A. No.  
 10 Q. Okay. And that's been true for both  
 11 years that you've produced these returns; is  
 12 that right?  
 13 A. Correct. I use it 100 percent for  
 14 work but I also use it for after work.  
 15 Q. So that would be true of both the  
 16 TrailBlazer and the Escalade?  
 17 A. Correct.  
 18 Q. You have produced a 2010 tax return  
 19 for Synergy Medical Solutions. What was the  
 20 reason for producing that?  
 21 A. I didn't produce that.  
 22 MR. BRIGHT: That's just a copy I had  
 23 in my file.

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1 MS. BURRELL: Okay. So that was not  
 2 something that she meant to produce?  
 3 MR. BRIGHT: No, it doesn't -- if you  
 4 need it, fine. If you don't, fine.  
 5 MS. BURRELL: If you would, if you'll  
 6 put it somewhere so we won't forget, I'll copy  
 7 it.  
 8 Q. (By Ms. Burrell) This year, what  
 9 income have you earned?  
 10 A. I have earned income from Synergy and  
 11 I have earned income from doing psychological  
 12 evaluations through Capstone.  
 13 Q. And how much have you earned?  
 14 A. I don't know.  
 15 Q. What kind of records do you keep of  
 16 that?  
 17 A. I have the -- I have check stubs.  
 18 Q. Check stubs meaning the stubs that you  
 19 are paid with?  
 20 A. Yeah, I have the check stubs from  
 21 Synergy and for -- well, I also do disability  
 22 evaluations. You have a remittance with a check  
 23 that tells what you're being reimbursed for.

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1 Q. Are you doing evaluations for anyone  
 2 other than DHR?  
 3 A. For disability determination service.  
 4 Q. Is that for Veterans Administration or  
 5 Social Security?  
 6 A. Social Security.  
 7 Q. Okay. And every time you are paid --  
 8 how much does Social Security pay you for one of  
 9 those?  
 10 A. It depends on the evaluation. A  
 11 mental status evaluation is 122 dollars. Annual  
 12 evaluation with a test is 192 dollars.  
 13 Q. How many of the 122 dollar evaluations  
 14 do you do in a typical month?  
 15 A. Let me get my calculator. I'm going  
 16 to guess around 200.  
 17 Q. Two hundred of the 122 dollar  
 18 evaluations in a month?  
 19 A. Say between 150 and 200.  
 20 Q. And what about of the 192 dollar ones?  
 21 A. I'm guessing between 30 and 50.  
 22 Q. Okay.  
 23 A. I mean, I'll know exactly when I do a

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1 expenditure list.  
 2 Q. And do you have -- you or Capstone  
 3 have any income from any other source in 2012  
 4 other than the DHR evaluations and the Social  
 5 Security evaluations?  
 6 A. I've done some custody evaluations.  
 7 Q. And who have you done those for?  
 8 A. Capstone.  
 9 Q. But I mean for individual attorneys or  
 10 for an agency or what?  
 11 A. No, just for individual people.  
 12 Q. And how much are you paid for those?  
 13 A. They vary anywhere from 600, depending  
 14 on the type of evaluation, to 800.  
 15 Q. How many of those have you done in  
 16 2012?  
 17 A. Two or three.  
 18 Q. And what records, other than the check  
 19 stubs that you have referred to, do you keep  
 20 that show your income and expenses for Capstone?  
 21 A. I have the DHR evaluations on a  
 22 spreadsheet. I have just the list of the couple  
 23 that I've done for custody and the disabilities

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1 are just kept on the remittance list. They  
 2 remit -- they have the names who they are paying  
 3 you for when you receive payment.  
 4 MS. BURRELL: Bill, would you produce  
 5 those for 2012?  
 6 MR. BRIGHT: Sure.  
 7 Q. (By Ms. Burrell) And what documents do  
 8 you keep to -- in regard to your expenses of  
 9 that business?  
 10 A. I just keep kind of an ongoing receipt  
 11 box of expenses.  
 12 Q. Can you copy those and produce those?  
 13 A. Sure.  
 14 Q. Where does -- and let me make this  
 15 clear so that I've got it clear: Other than  
 16 Synergy, for 2012, your only income has been  
 17 through Capstone; is that correct?  
 18 A. Correct.  
 19 Q. Where does Capstone operate? Does it  
 20 have an office?  
 21 A. I have a location in Bessemer. I have  
 22 a location in Pelham and I have a location in  
 23 Trussville.

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1 Q. Is any one of those the office of  
 2 Capstone?  
 3 A. Well, I have my home office as well.  
 4 It's where I keep all the administrative  
 5 documents.  
 6 Q. But you operate in Bessemer, Pelham,  
 7 and Trussville?  
 8 A. Correct.  
 9 Q. And do you pay for office space in  
 10 each one of those places?  
 11 A. I do.  
 12 Q. Where is your office in Bessemer?  
 13 A. It's at 517 18th Street North.  
 14 Q. Is that an office building?  
 15 A. It is.  
 16 Q. Does the office building have a name?  
 17 A. No, it just has different people in it  
 18 that work out of there.  
 19 Q. Do you pay rent?  
 20 A. It -- I work with another psychologist  
 21 there and we have an arrangement because I do  
 22 some work with him that he pays the rent and I  
 23 pay him for the things like supervision of some

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1 employees, so we work out the rent through our  
 2 work.  
 3 Q. And who is that person?  
 4 A. J. R. Moore and Associates.  
 5 Q. And what's the address in Pelham?  
 6 A. I don't know that I have it. I know  
 7 it's Meadow View Lane, which is Pelham 35124. I  
 8 don't know if I have the exact address with me.  
 9 Q. Would that be 2521 is Meadow View  
 10 Lane, Suite C?  
 11 A. Yes.  
 12 Q. And is that an office building?  
 13 A. It is.  
 14 Q. And does the building have a name?  
 15 A. No.  
 16 Q. Do you share space there?  
 17 A. Yes.  
 18 Q. Who do you share space with?  
 19 A. Alliance Protection.  
 20 Q. And what do you pay for that?  
 21 A. Two hundred dollars a month, I just  
 22 have one office in the building.  
 23 Q. And then the Trussville address?

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1 A. 1976 Gadsden Highway, Suite 149-A.  
 2 Q. And is that an office building?  
 3 A. It is.  
 4 Q. And does that building have a name?  
 5 A. Trussville Executive Park.  
 6 Q. Do you share space there with anyone?  
 7 A. I do.  
 8 Q. Who is that?  
 9 A. With Mr. Bright.  
 10 Q. And what is your arrangement with  
 11 Mr. Bright?  
 12 A. I have an arrangement with the  
 13 landlord there. We share a common area and have  
 14 separate offices.  
 15 Q. For what period of time have you done  
 16 that?  
 17 A. May 2012, I believe.  
 18 Q. And what do you pay for your space?  
 19 A. Eight hundred dollars a month.  
 20 Q. Do you have a separate telephone line  
 21 for your office?  
 22 A. I use my phone for every office. I  
 23 have just the

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1 Q. Okay. Is there anyone in that space  
 2 besides you and Mr. Bright?  
 3 A. No.  
 4 Q. Do you do any work for Mr. Bright?  
 5 A. No.  
 6  
 7 (Whereupon, Plaintiff's Exhibit 5 was  
 8 marked for identification and a copy  
 9 of same is attached hereto.)  
 10  
 11 Q. I'm going to show you what's marked as  
 12 Plaintiff's Exhibit Number 5 and ask you if you  
 13 can identify that document. Can you identify  
 14 that?  
 15 A. Uh-huh, this is the website I was  
 16 creating.  
 17 Q. It says that you are well versed in  
 18 courtroom and classroom settings. What  
 19 courtroom settings are you well versed in?  
 20 A. I have given testimony in -- when I  
 21 have done psychological evaluations.  
 22 Q. What court?  
 23 A. I've been in Florida court. I've been

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1 in Alabama court. Those are all I can recall.  
 2 Q. Alabama court?  
 3 A. I've been in Jefferson County  
 4 courtroom before on a custody evaluation.  
 5 Q. In the circuit court, district court,  
 6 family court?  
 7 A. I think it was family court.  
 8 Q. Out Second Avenue North?  
 9 A. I believe so. It was the smaller  
 10 building.  
 11 Q. Okay.  
 12 A. Yeah.  
 13 Q. How many times have you done that?  
 14 A. Not many, couple of times.  
 15 Q. About two?  
 16 A. Uh-huh.  
 17 Q. Yes?  
 18 A. Yes.  
 19 Q. And other than the two times in family  
 20 court, have you appeared in any other courts?  
 21 A. I appeared in Florida court.  
 22 Q. Florida court?  
 23 A. Florida court, uh-huh, family court.

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1 Well, I don't know if it's family court. I  
 2 believe it's family court. It was on a custody  
 3 evaluation.  
 4 Q. And how many times did you do that?  
 5 A. Two times, I believe.  
 6 Q. Okay. Any courts other than those  
 7 four appearances?  
 8 A. No, I had forensic classes as part of  
 9 my doctoral training as well.  
 10 Q. I don't think I asked you that. If  
 11 you could answer these questions --  
 12 A. Well, you asked about court  
 13 experience. I was explaining. You said you  
 14 were well versed in courtroom and classroom  
 15 settings, I was explaining that.  
 16 Q. Okay. But in terms of being well  
 17 versed in courtroom settings, that was the four  
 18 times that you've appeared in court; is that  
 19 right?  
 20 A. That I've appeared in court, yes.  
 21 That I've been in court, I've been in court  
 22 numerous times.  
 23 Q. For what purpose?

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1 A. Training purposes, it was part of a  
 2 course requirement I would go to court, hear  
 3 testimonies on psychological evaluations.  
 4 Q. Okay. So that was part of your  
 5 education?  
 6 A. Correct.  
 7  
 8 (Whereupon, Plaintiff's Exhibit 6 was  
 9 marked for identification and a copy  
 10 of same is attached hereto.)  
 11  
 12 Q. I'm going to show you what's marked as  
 13 Plaintiff's Exhibit Number 6, and Bill, you have  
 14 a set of those?  
 15 MR. BRIGHT: I do.  
 16 MS. BURRELL: They're in that --  
 17 should be in that stack.  
 18 MR. BRIGHT: Should be in this stack,  
 19 is that what you're talking about these  
 20 pictures?  
 21 MS. BURRELL: You should have a  
 22 complete set of all pictures.  
 23 MR. BRIGHT: These are all cards. No

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1 pictures.  
 2 MS. BURRELL: I'll figure that out  
 3 before we leave and make sure that you have one  
 4 and in looking at this, Bill, in a stack for you  
 5 there's two videos here I didn't give you.  
 6 There are two other videos that came yesterday  
 7 while I was out and I haven't had those copied  
 8 but we'll get them to you. I haven't seen them  
 9 myself, so.  
 10 MR. BRIGHT: We're off the record.  
 11  
 12 (Whereupon, a discussion was held off  
 13 the record.)  
 14  
 15 Q. (By Ms. Burrell) In regard to  
 16 Defendant's Exhibit 6, the first picture, which  
 17 is two boys -- those are  
 18 appearing to be asleep; is that right?  
 19 A. Correct.  
 20 Q. Is that in their bed at your house?  
 21 A. I don't know where that's at.  
 22 Q. So you don't recognize that room?  
 23 A. No.

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1 Q. The next one of just , you don't  
 2 recognize where that was?  
 3 A. No.  
 4 Q. What about the next one --  
 5 A. No.  
 6 Q. -- of  
 7 A. No, that's I don't know where  
 8 he's at.  
 9 Q. The next one, which is  
 10 and it says 2011 model clearance up at the top,  
 11 do you know where they are there?  
 12 A. That is at Bass Pro Shop.  
 13 Q. Has Mr. Dunning ever been with the  
 14 children at the Bass Pro Shop?  
 15 A. Yeah, that was the trip we went to the  
 16 Saint Regis at Christmas. We stopped there on  
 17 the way.  
 18 Q. The next picture of '  
 19 where was that taken?  
 20 A. The Bass Pro Shop.  
 21 Q. Same trip?  
 22 A. Yes.  
 23 Q. And what about the next trip with the

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<p style="text-align: right;">Page 169</p> <p>1 North Pole?                  2 A. Yes.                  3                  4 (Whereupon, a discussion was held off                  5 the record.)                  6                  7 Q. The next picture -- well, let's go                  8 back to the North Pole. Was that at the Bass                  9 Pro Shop?                  10 A. Yes.                  11 Q. Same trip?                  12 A. Yes.                  13 Q. Okay. The next trip with Santa                  14 Clause, where was that?                  15 A. The Bass Pro Shop.                  16 Q. Same trip?                  17 A. Yep.                  18 Q. And the next one with Santa Clause and                  19 what looks like an elk?                  20 A. Bass Pro Shop.                  21 Q. Same trip?                  22 A. Same trip.                  23 Q. The next one appears to be you?</p>	<p style="text-align: right;">Page 171</p> <p>1 possible that's in the Saint Regis as well?                  2 A. It's possible.                  3 Q. The next picture of the two boys in a                  4 Christmas scene, where was that?                  5 A. That was that trip at the Saint Regis.                  6 Q. The next picture of you in sunglasses                  7 with a houndstooth scarf, where was that taken?                  8 A. Saint Regis.                  9 Q. Same trip?                  10 A. Same trip.                  11 Q. The next picture, which is you in                  12 sunglasses with the two boys, where was that                  13 taken?                  14 A. That was in Miami.                  15 Q. And when was that?                  16 A. December 2011.                  17 Q. Next picture is the same?                  18 A. The same.                  19 Q. And the next picture on the sand, was                  20 that the same trip?                  21 A. It was.                  22 Q. Do you know who the child to the left                  23 is?</p>
<p style="text-align: right;">Page 170</p> <p>1 A. It is.                  2 Q. Big smile on your face?                  3 A. Yes.                  4 Q. Where was that taken?                  5 A. Bass Pro Shop.                  6 Q. The next picture --                  7 A. I believe. I don't know. Let me see                  8 some background. I think so, yes.                  9 Q. The next picture was Santa and                  10 Mrs. Clause. That appears to be the same                  11 picture we saw in a text message; correct?                  12 A. Appears to be.                  13 Q. Was that from the trip to the Saint                  14 Regis?                  15 A. It was.                  16 Q. And what year?                  17 A. 2011.                  18 Q. It looks like the next picture is the                  19 same. The next picture appears to be                  20 Mr. Dunning and looking into a mirror. Do                  21 you know where that is?                  22 A. I don't.                  23 Q. In looking at those fixtures, is that</p>	<p style="text-align: right;">Page 172</p> <p>1 A. I don't.                  2 Q. And the next picture, which is just                  3 is the same trip?                  4 A. It was.                  5 Q. Were you worried about Mr. Dunning                  6 being around the children then?                  7 A. Alone, yes.                  8 Q. You were?                  9 A. Yes.                  10 Q. Okay. The next picture is you in a                  11 bikini. Where is that picture taken?                  12 A. Miami, same trip.                  13 Q. What about the next picture of just                  14                  15 A. That's                  16 Q. I'm sorry.                  17 A. What's the question?                  18 Q. Where is it?                  19 A. Miami.                  20 Q. The next picture of you in a bikini,                  21 where was that taken?                  22 A. It looks like Miami.                  23 Q. But a different day than the other</p>

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<p style="text-align: right;">Page 173</p> <p>1 one?</p> <p>2 A. I don't know. Same trip, I don't know</p> <p>3 what day it was.</p> <p>4 Q. The next one of you in a bikini is the</p> <p>5 same trip?</p> <p>6 A. Same trip.</p> <p>7 Q. And the next one of you in a bikini</p> <p>8 and Mr. Dunning, same trip?</p> <p>9 A. Same trip.</p> <p>10 MR. BRIGHT: How come you didn't say</p> <p>11 what Dunning had on?</p> <p>12 MS. BURRELL: It looks like he's got</p> <p>13 on a full collared long sleeve shirt and</p> <p>14 shorts.</p> <p>15 MR. BRIGHT: He probably wouldn't look</p> <p>16 good in a bikini.</p> <p>17 Q. (By Ms. Burrell) The next picture of</p> <p>18 the two boys in front of a tree, where was that?</p> <p>19 A. Miami, same trip.</p> <p>20 MS. BURRELL: There appears to be two</p> <p>21 copies of that. Bill. maybe that's what</p> <p>22 happened to your copies.</p> <p>23 MR. BRIGHT: There's not two copies of</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. Let me ask you before I forget: Did</p> <p>2 you write love poems to Mr. Dunning?</p> <p>3 A. Love poems?</p> <p>4 Q. Or love writings of some type.</p> <p>5 A. I wrote a poem in 2004, I believe.</p> <p>6 Q. Was that framed and on the wall in</p> <p>7 your house?</p> <p>8 A. Not on the wall in my house, it was in</p> <p>9 a frame.</p> <p>10 Q. Where was it located?</p> <p>11 A. In the bathroom.</p> <p>12 Q. Okay. Do you still have that?</p> <p>13 A. I don't know. It's not in the</p> <p>14 bathroom. I don't know where it is.</p> <p>15 Q. Can you look and see if you've got</p> <p>16 that and produce it?</p> <p>17 A. I can see.</p> <p>18 Q. Did it say good things about</p> <p>19 Mr. Dunning?</p> <p>20 A. It was a poem. I don't know, you can</p> <p>21 read it and see.</p> <p>22 Q. Okay. The next two pictures, which</p> <p>23 are and your children in both of</p>
<p style="text-align: right;">Page 174</p> <p>1 all of them.</p> <p>2 Q. (By Ms. Burrell) The next picture with</p> <p>3 Finding Nemo in the background, what is that?</p> <p>4 A. I have no idea.</p> <p>5 Q. None whatsoever?</p> <p>6 A. That's and his other</p> <p>7 son,</p> <p>8 Q. As is the next one; correct?</p> <p>9 A. No, that's in the</p> <p>10 next one.</p> <p>11 Q. Have you met ?</p> <p>12 A. When he was six months old and once</p> <p>13 when he was two years old.</p> <p>14 Q. But you've seen pictures of him, have</p> <p>15 you not?</p> <p>16 A. Yes</p> <p>17 Q. Mr. Dunning had pictures of his</p> <p>18 children in his office, did he not?</p> <p>19 A. Yes</p> <p>20 Q. And pictures of his wife, did he not?</p> <p>21 A. In his office at Birmingham Health</p> <p>22 Care, he did. I don't recall he had pictures of</p> <p>23 his wife in the office in Synergy.</p>	<p style="text-align: right;">Page 176</p> <p>1 them, your children appear to be happy, don't</p> <p>2 they?</p> <p>3 MR. BRIGHT: You can answer it if you</p> <p>4 can make a judgment.</p> <p>5 A. This picture I cannot tell, there's no</p> <p>6 expression on their face. They're looking at</p> <p>7 doing something. One picture of</p> <p>8 has his mouth open. is blurred, so I'm</p> <p>9 not sure if he's eating or smiling.</p> <p>10 MS. BURRELL: And Bill, I'm -- these</p> <p>11 are in there because you also asked us about</p> <p>12 anything that we planned to introduce at trial</p> <p>13 and we actually produce such things.</p> <p>14 MR. BRIGHT: Well, that's very kind of</p> <p>15 you.</p> <p>16 Q. (By Ms. Burrell) Skip over the</p> <p>17 pictures -- skip over the pictures of -- that</p> <p>18 include to a picture of a child</p> <p>19 holding up a sign that says ' Do you</p> <p>20 recognize that picture?</p> <p>21 A. I've never seen that picture.</p> <p>22 Q. Have you been to the Mansion Hotel?</p> <p>23 A. Never.</p>

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1 Q. Okay. The rest of them are just  
 2 produced as things that we plan to use and --  
 3 off the record.  
 4  
 5 (Whereupon, a discussion was held off  
 6 the record.)  
 7  
 8 (Whereupon, Plaintiff's Exhibit 7 was  
 9 marked for identification and a copy  
 10 of same is attached hereto.)  
 11  
 12 Q. (By Ms. Burrell) Let me show you  
 13 what's marked as Plaintiff's Exhibit 7. The  
 14 first picture there is you and  
 15 MR. BRIGHT: I don't have a copy of  
 16 these either. Well, wait a minute -- no.  
 17 MS. BURRELL: They may be in my  
 18 office. I know I have a copy for you.  
 19 Q. (By Ms. Burrell) A picture of you,  
 20 is that at the Saint Regis?  
 21 A. I believe so.  
 22 Q. And is that one of the trips that  
 23 you've already told me about or another one?

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1 A. No, that's one of the trips I've told  
 2 you about.  
 3 Q. How many times altogether have you and  
 4 Mr. Dunning been to the Saint Regis?  
 5 A. With the children?  
 6 Q. Yes, or period.  
 7 A. I think we went once without them or  
 8 twice and with them five or six.  
 9 Q. Okay. About three or four pictures  
 10 down it shows the children in a bathtub. Was  
 11 that at the hotel?  
 12 A. Appears to be.  
 13 Q. The next picture after those pictures  
 14 appears to be the two boys drinking drinks from  
 15 somewhere. Do you know where they were?  
 16 A. No.  
 17 Q. So nothing about that next series of  
 18 pictures jogs your memory?  
 19 A. I don't believe I was present for  
 20 those pictures.  
 21 Q. Do you know where the children are in  
 22 the picture that Mr. Bright has his hand on  
 23 which shows two red and gold pillows?

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1 A. I don't.  
 2 Q. So the next one you don't as well?  
 3 A. (Witness shakes head.)  
 4 Q. Do you see the picture with dragon fly  
 5 water -- wallpaper in the background?  
 6 A. I do.  
 7 Q. Do you know where that was taken?  
 8 A. I've never seen that picture.  
 9 MS. BURRELL: Bill, if you could turn  
 10 to a picture that has -- that one right there in  
 11 your hand, okay.  
 12 Q. Was there an occasion that Mr. Dunning  
 13 took the children to Montgomery without you?  
 14 A. Yes.  
 15 Q. And that was about two years ago?  
 16 A. Yes.  
 17 Q. And they stayed at a Renaissance in  
 18 Montgomery?  
 19 A. They didn't stay there. They went to  
 20 the pool there. Well, I didn't know they stayed  
 21 there if they did but it was an afternoon that  
 22 he had the children.  
 23 Q. But he had the children without you

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1 present; is that right?  
 2 A. Correct. It was probably the first  
 3 time he's had the children without me present  
 4 and the last since visitation started for --  
 5 well, he's taken them to the store, I think, by  
 6 themselves.  
 7 Q. Do your boys like to swim?  
 8 A. They do.  
 9 Q. I just noticed a lot of these pictures  
 10 are at swimming venues. The picture that  
 11 Mr. Bright has his finger on, which appears to  
 12 be some school children, is that in that  
 13 picture?  
 14 A. Are there more than just the one?  
 15 Q. And was that school play?  
 16 A. No, I think he was star student of the  
 17 month for that -- I believe this is a PTO  
 18 meeting.  
 19 Q. Was Mr. Dunning there?  
 20 A. I don't believe so. I don't recall.  
 21 I don't believe so.  
 22 Q. Okay.  
 23 A. I don't believe he went to that.

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1 Q. Right, because you told me he had  
 2 never gone to the childrens' school?  
 3 A. I didn't say he had never gone to the  
 4 childrens' school. I don't recall that.  
 5 Q. You didn't just say that about an hour  
 6 ago?  
 7 A. He doesn't typically get involved in  
 8 their school activities or grades or teachers or  
 9 assignments or those kind of school things.  
 10 He's been to a school play before.  
 11 Q. How many times has he been to the  
 12 school?  
 13 A. He's been to a school play. He's been  
 14 with me a couple of times to pick them up from  
 15 either -- well, he was with me to pick up  
 16 after kindergarten one day and he's been with  
 17 me -- well, I've been -- well, I think we were  
 18 in separate cars but he followed me to the  
 19 school to pick them up from after school care a  
 20 couple of times, maybe four or five times.  
 21 Q. But only one time to an actual event?  
 22 A. I'm trying to think of another one. I  
 23 know of one.

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1 Q. Are you through with your answer?  
 2 A. I recall the one.  
 3 MS. BURRELL: Off the record.  
 4  
 5 (Whereupon, a discussion was held off  
 6 the record.)  
 7  
 8 Q. (By Ms. Burrell) Do you see the  
 9 picture in front of you of you and Mr. Dunning  
 10 and you've got on sunglasses?  
 11 A. I do.  
 12 Q. Where were y'all then?  
 13 A. I don't know where that picture was  
 14 taken.  
 15 Q. No idea?  
 16 A. Unless there's something else in the  
 17 back that will jog my memory.  
 18 Q. The next picture, was that at the  
 19 Atlanta Zoo?  
 20 A. I don't know where that picture was  
 21 taken.  
 22 Q. Has Mr. Dunning been to the Atlanta  
 23 zoo with the children?

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1 A. We have.  
 2 Q. How many times?  
 3 A. We went one time I think or it was  
 4 Halloween 2011, I think, '10 or '11.  
 5 Q. So just one time?  
 6 A. That I recall.  
 7 Q. Okay. The next picture, do you know  
 8 where the boys are?  
 9 A. No.  
 10 Q. As you go through the next few  
 11 pictures, does that jog your recollection as to  
 12 where the boys were?  
 13 A. I don't know if they're at the same  
 14 place. This is a zoo picture.  
 15 Q. And where was that zoo?  
 16 A. In Atlanta.  
 17 Q. So same trip that you were talking  
 18 about earlier?  
 19 A. Correct.  
 20 Q. On all these trips, who paid the  
 21 expenses for the children?  
 22 A. Mr. Dunning paid for the trips.  
 23 Q. Did he pay your expenses as well?

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1 A. Correct.  
 2 Q. When you get to another Santa Clause  
 3 picture, was that another trip to the Saint  
 4 Regis?  
 5 A. That's at the Bass Pro Shop. I  
 6 believe it was the year prior, 2010.  
 7 Q. All right. And the picture of your  
 8 son in a blue outfit and a blue hat, what is  
 9 that?  
 10 A. That's a school play.  
 11 Q. Was he Little Bo Peep?  
 12 A. No.  
 13 Q. What was he?  
 14 A. Little Boy Blue.  
 15 Q. Little Boy Blue, I'm sorry. And was  
 16 Mr. Dunning present for that?  
 17 A. He was.  
 18 Q. The next picture, the gentleman in the  
 19 red shirt with \_\_\_\_\_, who is that?  
 20 A. That's my father.  
 21 Q. And were your parents familiar with  
 22 Mr. Dunning? Well, you said that he went to  
 23 their house?

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<p style="text-align: right;">Page 185</p> <p>1 A. They know him, yes.</p> <p>2 Q. Okay. Did he have a good relationship</p> <p>3 with them to your knowledge?</p> <p>4 A. They don't have a relationship. They</p> <p>5 knew him.</p> <p>6 Q. Okay. The next picture, do you know</p> <p>7 where that is?</p> <p>8 A. Is there another one in here that will</p> <p>9 help me? I don't know where it is.</p> <p>10 Q. Okay.</p> <p>11 MR. BRIGHT: If you don't know where</p> <p>12 it is, just say I don't know where it is.</p> <p>13 Q. Okay, all right. The picture of you</p> <p>14 in a white tank top, do you know where that is?</p> <p>15 A. I don't know where that is. It may</p> <p>16 be -- I don't know, maybe --</p> <p>17 Q. Okay.</p> <p>18 A. I don't know where that is.</p> <p>19 Q. It looks like we're back at the Bass</p> <p>20 Pro Shop. When you get to the next picture of</p> <p>21 you with sunglasses, do you know where that is?</p> <p>22 A. I believe it's the Saint Regis.</p> <p>23 Q. Who bought that dress for you?</p>	<p style="text-align: right;">Page 187</p> <p>1 (Whereupon, Plaintiff's Exhibit 9 was</p> <p>2 marked for identification and a copy</p> <p>3 of same is attached hereto.)</p> <p>4</p> <p>5 Q. I'm going to show you what's marked as</p> <p>6 Plaintiff's Exhibit Number 9.</p> <p>7 MS. BURRELL: Do you have those, Bill?</p> <p>8 MR. BRIGHT: Yes.</p> <p>9 Q. (By Ms. Burrell) Okay. Could you look</p> <p>10 at Plaintiff's Exhibit 9? Are those the -- some</p> <p>11 of the framed pictures that you gave to</p> <p>12 Mr. Dunning?</p> <p>13 A. Yes.</p> <p>14 Q. And you framed those for him?</p> <p>15 A. Yes.</p> <p>16 Q. In those pictures, if you'll turn to</p> <p>17 the one that is a copy of this picture, it says,</p> <p>18 "Little Leo is two," and who is that?</p> <p>19 A.</p> <p>20 Q. And what does Little Leo mean?</p> <p>21 A. Leo is the August sign.</p> <p>22 Q. And that's the month that he was born?</p> <p>23 A. Correct.</p>
<p style="text-align: right;">Page 186</p> <p>1 A. I don't think that's a dress.</p> <p>2 Q. Oh. What is it?</p> <p>3 A. I believe it's just a blouse, a tank</p> <p>4 top blouse.</p> <p>5 Q. Okay. Do you know who bought it?</p> <p>6 A. I think I bought that blouse at White</p> <p>7 House Black Market.</p> <p>8 Q. The next two pictures, are those the</p> <p>9 children at the Saint Regis?</p> <p>10 A. Yes.</p> <p>11 Q. On a trip with Mr. Dunning?</p> <p>12 A. Yes.</p> <p>13</p> <p>14 (Whereupon, Plaintiff's Exhibit 8 was</p> <p>15 marked for identification and a copy</p> <p>16 of same is attached hereto.)</p> <p>17</p> <p>18 Q. I'm going to show you what's marked as</p> <p>19 Plaintiff's Exhibit 8 and ask you is that the</p> <p>20 watch that you bought for Mr. Dunning that we</p> <p>21 talked about earlier?</p> <p>22 A. It appears to be.</p> <p>23</p>	<p style="text-align: right;">Page 188</p> <p>1 MS. BURRELL: Okay. Do you have these</p> <p>2 cards?</p> <p>3 MR. BRIGHT: Uh-huh. Do you need it</p> <p>4 back?</p> <p>5 MS. BURRELL: Yeah. How about -- off</p> <p>6 the record.</p> <p>7</p> <p>8 (Whereupon, a discussion was held off</p> <p>9 the record.)</p> <p>10</p> <p>11 (Whereupon, Plaintiff's Exhibit 10 was</p> <p>12 marked for identification and a copy</p> <p>13 of same is attached hereto.)</p> <p>14</p> <p>15 Q. (By Ms. Burrell) I'm going to show you</p> <p>16 what's marked as Plaintiff's Exhibit Number 10</p> <p>17 and I will tell you that purports to represent</p> <p>18 numerous cards to and from -- either to -- from</p> <p>19 you or the boys to Mr. Dunning and if you would</p> <p>20 look at each one of them and tell me if those</p> <p>21 cards are cards that you or your sons sent to</p> <p>22 Mr. Dunning. I tell you what, let's take them</p> <p>23 one at a time and just get through them, okay.</p>

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<p style="text-align: right;">Page 189</p> <p>1 I'll ask my questions at the same time if you'll  2 go back to the top.  3 The first one, it says, to Dad, from  4 and there's some stars drawn.  5 Did your sons either with your assistance or in  6 your presence give that to Mr. Dunning?  7 A. Yes.  8 Q. Did you purchase the card?  9 A. Yes.  10 Q. I'm sorry, did you help them do it,  11 not purchase the card?  12 A. Yes.  13 Q. And the next appear to be handprints  14 of at four and at six. Did you help  15 the children make those?  16 A. Yes.  17 Q. And give them to Mr. Dunning?  18 A. Yes.  19 Q. The next one is a card that says,  20 "Dad, it takes whole lot of alphabet to let you  21 know how great you are." Do you see that card?  22 A. Yes.  23 Q. Did you purchase that card?</p>	<p style="text-align: right;">Page 191</p> <p>1 best dad," is that your handwriting where it  2 says Papa?  3 A. It is.  4 Q. And that was June 19, 2010?  5 A. Apparently.  6 Q. And that's from  7 a ; correct?  8 A. in my handwriting,  9 correct.  10 Q. The next one, which starts on the left  11 with, "We've been through it all, the good, the  12 bad, the very good, the very bad, and the  13 inspiring moments that make it all worthwhile  14 and you've been there with me every step of the  15 way. No one else could be such a loving partner  16 and caring father. I'll always be grateful for  17 you. Happy Father's Day, with love." Is that a  18 card that you purchased?  19 A. It is.  20 Q. Did you give that to Mr. Dunning?  21 A. I did.  22 Q. And what did you write under "Happy  23 Father's Day, with love"?</p>
<p style="text-align: right;">Page 190</p> <p>1 A. I believe so.  2 Q. And you picked it out, of course; yes?  3 A. Yes.  4 Q. Okay. And at the end of that where it  5 says, " I love you," did the  6 children write that?  7 A. "  8 Q. I'm sorry. What else does that say?  9 A. I don't know.  10 Q. You can't read the part that says,  11 "You are awesome"?  12 A. You are -- oh, it goes up, awesome.  13 Q. Did they write that themselves?  14 A. wrote that.  15 Q. In your presence?  16 A. I don't recall if I was there or not.  17 Q. All right. The next one, which says,  18 "Here's something special for you on Father's  19 Day," and it's a certificate for the world's  20 best dad. You bought that, didn't you?  21 A. I did.  22 Q. And where it says, "This is to certify  23 that Papa is hereby awarded the title of world's</p>	<p style="text-align: right;">Page 192</p> <p>1 A. It says, "You are my life. Love you  2 so much. Thank you for our beautiful family.  3 Love you forever, Shar."  4 Q. And you wrote that?  5 A. I did.  6 Q. The next appears to be an Aveda gift  7 certificate dated February 13, 2011, or that's  8 the expiration date. Did you buy that?  9 A. I did.  10 Q. And did you give it to him as a gift?  11 A. I did.  12 Q. The next birthdate -- next card says,  13 "Happy Birthday, Grandma, a magnet for you." Do  14 you see that one?  15 A. Uh-huh.  16 Q. Did you purchase that?  17 A. I believe I did.  18 Q. And was that sent to Mr. Dunning's  19 mother?  20 A. I don't know. I've never met her.  21 Q. Do you know what grandma that referred  22 to?  23 A. Well, apparently if he has it, I gave</p>

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1 it to him to give to his mother.  
 2 Q. And did you have those magnet pictures  
 3 that -- the three that are attached there made?  
 4 A. They're not magnet pictures. They're  
 5 just -- I don't know. I don't think they're  
 6 magnet pictures. I think they're just pictures.  
 7 Q. Did you provide those to Mr. Dunning  
 8 with this card?  
 9 A. Probably so.  
 10 Q. Is that your handwriting that  
 11 describes what is depicted in the pictures, the  
 12 last sheet?  
 13 A. Yes.  
 14 Q. All right. The next one is an  
 15 envelope that has J. D. written on it. Is that  
 16 a card that you purchased?  
 17 A. It appears to be my handwriting.  
 18 Q. Okay. And it says, "For my husband, I  
 19 love sharing family with you"?  
 20 A. It appears to be. It's hard to read.  
 21 Q. "I love being your partner, your  
 22 lover." Let me go get that card. Do you recall  
 23 sending that card?

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1 A. I'm sure I did.  
 2  
 3 (Whereupon, a discussion was held off  
 4 the record.)  
 5  
 6 Q. Since that's not a good copy, I'm  
 7 going to show you the original and I'm sorry, I  
 8 had surgery. I can't reach with that hand. Can  
 9 you read what that card says?  
 10 A. "For my husband, I love sharing family  
 11 life with you. I love being your partner, your  
 12 lover, your wife, sharing the closeness of our  
 13 family life," and the rest you can read on the  
 14 copy. "I love you with all my heart, Shar."  
 15 Q. It's a Happy Valentine's Day card?  
 16 A. Yes.  
 17 Q. Could I have that original back? And  
 18 did you send that to Mr. Dunning or give it to  
 19 him?  
 20 A. Yes.  
 21 Q. The next one that says, "Big J. D., my  
 22 king," is that your handwriting?  
 23 A. It is.

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1 Q. And did you refer to him as your king?  
 2 A. I did.  
 3 Q. Did he refer to you as his queen?  
 4 A. He did.  
 5 Q. "Happy Birthday. I'm in your arms.  
 6 I'm swept away to a beautiful somewhere." Is  
 7 that a card that you purchased?  
 8 A. Yes.  
 9 Q. And that's -- the last sheet says, "A  
 10 place so tender and forgiving, gentle, and safe,  
 11 that I want to stay there forever. You are  
 12 where I want to be on your birthday and always."  
 13 That's the card that you purchased and gave to  
 14 Mr. Dunning?  
 15 A. Yes.  
 16 Q. And is that your handwriting where it  
 17 says, "You are my knight in shining armor. Love  
 18 you so much, Baby"?  
 19 A. It is.  
 20 Q. And did you give him a gift  
 21 certificate to Ruth's Chris with that?  
 22 A. I don't think so.  
 23 Q. Did you give him a gift certificate to

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1 Ruth's Chris at some other point?  
 2 A. I don't think so.  
 3 Q. All right. The next one says, "One of  
 4 my favorite things about our life together is  
 5 that you're my partner and we're a team. I  
 6 couldn't ask for a better husband or friend."  
 7 Is that a card you purchased?  
 8 A. It is.  
 9 Q. And you knew he wasn't your husband;  
 10 correct?  
 11 A. Correct.  
 12 Q. And then the next page, is that your  
 13 handwriting that says, J. D., comma?  
 14 A. It is.  
 15 Q. And the card says starting with,  
 16 "Together we make it through," that's the card  
 17 that you purchased and gave him?  
 18 A. Correct.  
 19 Q. And is that your handwriting where it  
 20 says, "I love you. You are my soulmate  
 21 forever"?  
 22 A. It is.  
 23 Q. The next one, the envelope says,

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1 Jonathan. Is that your writing?  
 2 A. It is.  
 3 Q. "Dad, The votes are in. You are  
 4 officially the president of the loved a lot  
 5 club." Is that a card that you purchased?  
 6 A. It is.  
 7 Q. And is that signed by  
 8 A. Yes.  
 9 Q. And the love, is that your  
 10 handwriting?  
 11 A. Yes.  
 12 Q. Did you give that to him?  
 13 A. Yes.  
 14 Q. The next one, which says, "Love  
 15 struck," and then on the inside says, "I've  
 16 fallen for you, Happy Valentine's Day," did you  
 17 give that to Mr. Dunning?  
 18 A. I don't -- I don't know. It's not  
 19 signed.  
 20 Q. You don't recall that one?  
 21 A. No.  
 22 Q. All right. Do you see the picture,  
 23 Happy Thanksgiving 2009?

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1 A. Oh, yeah.  
 2 Q. Was Mr. Dunning with the children for  
 3 Thanksgiving 2009?  
 4 A. I don't think so. That's a picture  
 5 that I gave to him for Thanksgiving.  
 6 Q. Okay. You gave that to him?  
 7 A. I believe so.  
 8 Q. "Happy Father's Day, we love you,  
 9 who wrote that?  
 10 A. Day care.  
 11 Q. And did they write the bottom part  
 12 too?  
 13 A. Yes.  
 14 Q. And did you give that to Mr. Dunning?  
 15 A. Yes.  
 16 Q. And that includes the part about  
 17 handprints?  
 18 A. Yeah, they made these at day care or  
 19 with a sitter. I don't know if it was day care  
 20 or with a sitter but I didn't do those.  
 21 MS. BURRELL: Let me put that there.  
 22 Off the record.  
 23

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1 (Whereupon, a discussion was held off  
 2 the record.)  
 3  
 4 (Whereupon, Plaintiff's Exhibit 11 was  
 5 marked for identification and a copy  
 6 of same is attached hereto.)  
 7  
 8 Q. (Ms. Burrell) Plaintiff's Exhibit 11  
 9 is an email from Mr. Bright to me. Have you  
 10 ever seen that?  
 11 A. No.  
 12 Q. Okay. But it does say that you'll  
 13 agree to visitation every other Saturday from  
 14 9:00 a.m. until noon; is that correct?  
 15 A. That's what it says.  
 16 Q. Okay. You didn't tell Mr. Dunning  
 17 that he could be at the house at 8:00, did you?  
 18 A. No.  
 19 Q. You had no communication with him?  
 20 A. Correct.  
 21 Q. So the only communication regarding  
 22 that time was between Mr. Bright and me?  
 23 A. As far as I know.

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1  
 2 (Whereupon, Plaintiff's Exhibit 12 was  
 3 marked for identification and a copy  
 4 of same is attached hereto.)  
 5  
 6 Q. I'm showing you what's marked as  
 7 Plaintiff's Exhibit 12. Is that your  
 8 resignation from Synergy?  
 9 A. Yes.  
 10 Q. Do you -- have you prepared a budget  
 11 of what the childrens' expenses are?  
 12 A. At one time I had listed out their  
 13 expenses, yes. I don't know if it's -- yes.  
 14 MS. BURRELL: Bill, do you have that  
 15 or is it something that's being worked on?  
 16 MR. BRIGHT: It's something -- to be  
 17 honest with you, I don't recall right this  
 18 minute so we must be working on it.  
 19 MS. BURRELL: Can you get me a budget?  
 20 MR. BRIGHT: Sure. If you don't mind,  
 21 you've asked for several things. Do you want to  
 22 just email me later?  
 23 MS. BURRELL: Yes.

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1 MR. BRIGHT: I'll do the same.  
 2 Q. (By Ms. Burrell) In your opinion, does  
 3 Mr. Dunning have any good qualities as a father  
 4 to your children?  
 5 A. I think Mr. Dunning wants to be a part  
 6 of their life. I think that's a good quality.  
 7 I think he wants to be an influence in their  
 8 life. I'm concerned with the kind of influence  
 9 that he's trying to be on them. He has told  
 10 them things like I'm bigger than God and Jesus  
 11 and it's confusing them. That's what concerns  
 12 me.  
 13 Q. When did he tell them that?  
 14 A. One of these recent visitations.  
 15 Q. Did you hear that?  
 16 A. My son told me.  
 17 Q. Any other good qualities?  
 18 A. Yeah, I think there are qualities. He  
 19 works. He makes a living.  
 20 Q. Any others?  
 21 A. I mean, I will think about it.  
 22 Q. Have you ever told Mr. Dunning  
 23 something that wasn't true?

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1 A. Yes.  
 2 Q. Have you ever told Mr. Dunning that  
 3 you didn't want his wife around the children?  
 4 A. Yes.  
 5 Q. Are there any reasons for that other  
 6 than what you've already told me?  
 7 A. Yes, he has told me that she is not a  
 8 good caretaker, that she's unstable. He has  
 9 described incidents where he has to be there to  
 10 make sure the children get their medication.  
 11 He's told me that he came home one time and his  
 12 son was in the bathroom floor sick and his wife  
 13 was downstairs nonchalantly like, hey, he's just  
 14 been like that, so those are the reasons.  
 15 Q. Do you know of anything that she has  
 16 done that in any way posed a danger to your  
 17 children?  
 18 A. As far as I know, they have met her  
 19 one time at a visitation and he was present, as  
 20 far as I know, and I don't know any details  
 21 beyond that.  
 22 MS. BURRELL: Can you read that  
 23 question back to her?

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1  
 2 (Whereupon, the desired portion of the  
 3 proceedings was read back.)  
 4  
 5 A. Not that I'm aware of.  
 6 Q. Have you ever told the children that  
 7 Mr. Dunning did not care about them?  
 8 A. No.  
 9 Q. Did you ever tell Mr. Dunning that  
 10 your mother was faking cancer?  
 11 A. No.  
 12 Q. Have you ever said --  
 13 A. My mother didn't fake cancer. She had  
 14 breast cancer.  
 15 Q. I hear you. I understand. I'm just  
 16 asking if you ever told him that.  
 17 A. No.  
 18 Q. Have you ever said this or something  
 19 like this to Mr. Dunning: You will see them with  
 20 me and if you don't want to see me, you won't  
 21 see them?  
 22 A. I don't recall that.  
 23 Q. Have you ever told Mr. Dunning you

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1 were angry because he wouldn't leave his wife?  
 2 A. I don't recall. I do -- well, go back  
 3 to the last one, please.  
 4 MS. BURRELL: Do you want to read that  
 5 back?  
 6  
 7 (Whereupon, the desired portion of the  
 8 proceedings was read back.)  
 9  
 10 A. I don't recall.  
 11 Q. So you're not denying it, you just  
 12 don't remember if you said it?  
 13 A. Correct.  
 14 Q. Okay. Have you ever told Mr. Dunning  
 15 that you're going to move to Tennessee or  
 16 Florida?  
 17 A. Not that I recall.  
 18 Q. Do you have any plans to leave  
 19 Birmingham?  
 20 A. No.  
 21 Q. Or Pelham?  
 22 A. No.  
 23 Q. Have you ever purchased a book on

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<p style="text-align: right;">Page 205</p> <p>1 hacking emails?  2 A. No.  3 Q. Have you ever tried to access  4 Mr. Dunning's emails?  5 A. No.  6 Q. What is the cost of the childrens'  7 school?  8 A. I have four in the same school.  9 Q I'm sorry, can we talk about  10 and -- that's my fault  11 A. Right, I was finishing my explanation  12 because it's tiered based on how many children  13 you have in the school. So with all of four of  14 them, you get a discount per child as it goes  15 down how many children you have in the school.  16 I pay 1,200 dollars and something a month, 1,250  17 a month, so I'd have to break down how much of  18 that is theirs. I'm guessing roughly half of  19 that is theirs.  20 Q. Would it be slightly less than half  21 because when they start the discount, it would  22 start with the oldest child and then goes down;  23 is that correct?</p>	<p style="text-align: right;">Page 207</p> <p>1 A. Correct.  2 Q. And how -- do they have after care at  3 school?  4 A. They do after school care.  5 Q. And they stay for that?  6 A. Typically.  7 Q. Okay. So the day care portion of that  8 so to speak is the after care cost?  9 A. Yeah, that's not included in the  10 tuition fee.  11 Q. Okay. Can you get me the after care  12 cost for each child?  13 A. Uh-huh, I can.  14 Q. And do they -- what do they do during  15 the summer?  16 A. They go to the summer fun program at  17 that school.  18 Q. Is that the expense that we discussed  19 that Mr. Dunning paid?  20 A. It is.  21  22 (Whereupon, Plaintiff's Exhibit 13 was  23 marked for identification and a copy</p>
<p style="text-align: right;">Page 206</p> <p>1 A. Correct, until the next one graduates  2 and then it will be a different fee.  3 Q. All right.  4 MR. BRIGHT: We'll get a breakdown  5 from the school.  6 THE WITNESS: Yeah, because I think  7 it's more expensive in kindergarten than it is  8 in high school anyway. There's different fees,  9 so I'd have to get a printout for the tuition.  10 Q. (By Ms. Burrell) Is  11 kindergarten?  12 A. No.  13 Q. When does he start kindergarten?  14 A. He'll be in second grade this year.  15 Q. I'm sorry, is  16 in kindergarten?  17 A. He goes into kindergarten this year.  18 Q. Okay. And then what hours will he be  19 in school?  20 A. 8:00 to 3:00.  21 Q. And then  22 is in the second grade  23 or will be in the second grade?  24 A. Correct.  25 Q. And is he 8:00 to 3:00 as well?</p>	<p style="text-align: right;">Page 208</p> <p>1 of same is attached hereto.)  2  3 Q. Let me show you Plaintiff's Exhibit  4 13.  5 MR. BRIGHT: What I'm doing is putting  6 everything over here that I do not have a copy  7 of.  8 MS. BURRELL: Okay.  9 MR. BRIGHT: Are you saying this is my  10 copy of this?  11 MS. BURRELL: (Counsel nods head.)  12 MR. BRIGHT: Okay.  13 Q. (By Ms. Burrell) Can you identify that  14 document?  15 A. It looks like a credit card statement  16 from the credit card I had when I was at  17 Synergy.  18 Q. So you had a company credit card; is  19 that correct?  20 A. Correct.  21 Q. And would I be correct that you used  22 it for personal expenses as well as business  23 expenses?</p>

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<p style="text-align: right;">Page 209</p> <p>1 A. Correct.</p> <p>2 Q. And would I be correct that you put</p> <p>3 some of your childrens' expenses on here?</p> <p>4 A. I think only groceries would have been</p> <p>5 related to them.</p> <p>6 Q. Would I be correct that you did not</p> <p>7 reimburse the company for your personal</p> <p>8 expenses?</p> <p>9 A. I didn't reimburse the company. I</p> <p>10 wasn't asked to reimburse the company.</p> <p>11 Q. That's my question, you didn't?</p> <p>12 A. No.</p> <p>13 Q. Okay. So that when you have charges</p> <p>14 that say Publix or at gas stations or Full Moon</p> <p>15 Barbecue, those were your personal expenses;</p> <p>16 correct?</p> <p>17 A. No, that's not correct. Not all of</p> <p>18 those are personal expenses. There are work</p> <p>19 expenses that are involved with those as well.</p> <p>20 Q. Okay. Every one of those?</p> <p>21 A. Every one of those what?</p> <p>22 Q. Expenses that I just mentioned.</p> <p>23 A. Have work expenses involved with them?</p>	<p style="text-align: right;">Page 211</p> <p>1 Q. If you'll look at the -- if you'd just</p> <p>2 answer the questions you're asked, we really</p> <p>3 could possibly finish this, okay. If you could</p> <p>4 look at these statements for September and</p> <p>5 October of 2011, closing day is October 21,</p> <p>6 2011.</p> <p>7 A. What does it look like?</p> <p>8 Q. The first date on the second page of</p> <p>9 it is 9/25. The first page shows the billing</p> <p>10 cycle as 10/21/2011.</p> <p>11 A. Okay.</p> <p>12 Q. If you'll look at the second sheet of</p> <p>13 that bill, Shelby Baptist Medical Center in</p> <p>14 October. That was a personal expense, was it</p> <p>15 not?</p> <p>16 A. Yes.</p> <p>17 Q. \$715.20?</p> <p>18 A. Yes.</p> <p>19 Q. And who was that for?</p> <p>20 A. That was for my oldest son's x-ray.</p> <p>21 Q. Okay. And that's something that you</p> <p>22 did not reimburse the business for; is that</p> <p>23 correct?</p>
<p style="text-align: right;">Page 210</p> <p>1 Q. Yes.</p> <p>2 A. Gas, groceries, and Full Moon</p> <p>3 Barbecue?</p> <p>4 Q. Yes.</p> <p>5 A. I believe Full Moon Barbecue was an</p> <p>6 event for him.</p> <p>7 Q. What records did you keep of that?</p> <p>8 A. I don't have any records.</p> <p>9 Q. Have you ever been to Tangles in</p> <p>10 Vestavia?</p> <p>11 A. Yes.</p> <p>12 Q. Is that a beauty salon?</p> <p>13 A. It is.</p> <p>14 Q. And would that have been a personal</p> <p>15 expense for you or a business expense?</p> <p>16 A. Personal for me.</p> <p>17 Q. Do you wear contacts?</p> <p>18 A. I do.</p> <p>19 Q. A charge to 1-800-Contacts, that would</p> <p>20 have been your personal expense; correct?</p> <p>21 A. Correct.</p> <p>22 Q. If you look at the --</p> <p>23 A. These are all with his approval.</p>	<p style="text-align: right;">Page 212</p> <p>1 A. I wasn't asked to.</p> <p>2 Q. My question, and I can have it read</p> <p>3 back, is a yes or no question.</p> <p>4 A. No, I wasn't asked to.</p> <p>5 MS. BURRELL: Can you read the</p> <p>6 question back to her?</p> <p>7</p> <p>8 (Whereupon, the desired portion of the</p> <p>9 proceedings was read back.)</p> <p>10</p> <p>11 A. Correct.</p> <p>12 Q. You have filed a counterclaim in this</p> <p>13 case; is that correct?</p> <p>14 THE WITNESS: A counterclaim?</p> <p>15 MR. BRIGHT: Uh-huh.</p> <p>16 A. Yes.</p> <p>17 Q. Would you like to see it or do you</p> <p>18 recall what it says?</p> <p>19 A. Okay.</p> <p>20 Q. You're asking the Court to have</p> <p>21 Mr. Dunning pay your attorneys' fees; is that</p> <p>22 correct?</p> <p>23 A. That's what it says.</p>

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<p style="text-align: right;">Page 213</p> <p>1 Q. Did you say if that's what it says?</p> <p>2 A. I believe that's correct.</p> <p>3 Q. Okay.</p> <p>4 A. I don't have a copy of that in front</p> <p>5 of me. Yes.</p> <p>6 Q. And what have you paid your attorney?</p> <p>7 A. Nothing to date.</p> <p>8 Q. What is your fee arrangement with your</p> <p>9 attorney?</p> <p>10 MR. BRIGHT: We haven't reached an</p> <p>11 agreement.</p> <p>12 Q. Have you identified or talked to</p> <p>13 anyone about being a witness in this case?</p> <p>14 A. No.</p> <p>15 Q. Have you ever been charged with a</p> <p>16 crime of any type?</p> <p>17 A. Never.</p> <p>18 MS. BURRELL: Let's step outside real</p> <p>19 quick.</p> <p>20</p> <p>21 (Whereupon, a brief recess was taken</p> <p>22 from 1:27 p.m. to 1:29 p.m.)</p> <p>23</p>	<p style="text-align: right;">Page 215</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA</p> <p>4 JEFFERSON COUNTY</p> <p>5</p> <p>6 I hereby certify that the above and</p> <p>7 foregoing deposition was taken down by me in</p> <p>8 stenotype and the questions and answers thereto</p> <p>9 were transcribed by means of computer-aided</p> <p>10 transcription and that the foregoing represents</p> <p>11 a true and correct transcript of the testimony</p> <p>12 given by said witness upon said deposition.</p> <p>13 I further certify that I am neither of</p> <p>14 counsel, nor of kin to the parties to the</p> <p>15 action, nor am I in anywise interested in the</p> <p>16 result of said cause.</p> <p>17</p> <p>18</p> <p>19 /s/ Sheri G. Connelly</p> <p>20 SHERI G. CONNELLY, RPR</p> <p>21 ACCR No. 439, Expires 9/30/2012</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 214</p> <p>1 MS. BURRELL: We are through.</p> <p>2</p> <p>3 (Whereupon, the deposition was</p> <p>4 concluded at 1:29 p.m.)</p> <p>5</p> <p>6 FURTHER DEPONENT SAITH NOT</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	