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SWORN STATEMENT OF

BILL CALVIN McLEOD

May 13, 2002

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IN ATTENDANCE:

KURT ANDREASON

SBOT NO. 01237255

Mehaffy & Weber, P.C.

2615 Calder Avenue

Beaumont, Texas 77702

GINA MEDLEY, CSR, RPR

Nell McCallum & Associates, Inc.

2615 Calder Avenue, Suite 111

Beaumont, Texas 77702

JAYNE McLEOD

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SWORN STATEMENT OF BILL CALVIN McLEOD was taken from  
10:09 a.m. to 10:30 a.m., before Gina Medley, RPR, CSR  
No. 2379, in and for the State of Texas, reported  
by machine shorthand, at the home of the witness,  
900 C.R. 3190, Colmesneil, Texas.

1 BILL CALVIN McLEOD,  
2 having been duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. ANDREASON:

5 Q. Mr. McLeod, would you state your full name,  
6 please.

7 A. Billy -- Bill Calvin McLeod, M C L E O D.

8 Q. Mr. McLeod, my name is Kurt Andreason. I'm an  
9 attorney from Beaumont. I represent Nelda Stark, the  
10 Nelda Stark Estate, and the Stark Foundation.

11 Before we begin, I'd like to go over a few  
12 ground rules with you that I think will make the  
13 statement go a lot easier. You understand that you're  
14 giving a statement before a court reporter, and she's  
15 going to be taking down all my words and all your words;  
16 is that right?

17 A. Yes.

18 Q. And she's going to type everything up from what

1 need to make sure that your response is a verbal one.  
2 So, if I ask you a question that calls for a yes or no  
3 answer, I need for you to either answer yes or no, as  
4 the case may be, but try not to say uh-huh or huh-uh  
5 because those words are hard to take down.

6 And, also, if you don't understand a question,  
7 I want you to make sure you stop me, make me reask it or  
8 ask me to explain myself. I don't want you to assume  
9 anything or -- if you don't know the answer to a  
10 question, just tell me you don't know or if you don't  
11 recall, just tell me you don't recall. Is that fair?

12 A. That is fine.

13 Q. Okay. Now, you understand that I'm here today  
14 representing the Stark Estate and the Start Foundation  
15 in connection with some litigation that's been brought  
16 by members of the Stark family; is that right?

17 A. Yes.

18 Q. And we're here to discuss some of your  
19 involvement in some matters that have been raised by  
20 members of the family.

21 Are you currently retired?

22 A. Yes, I am.

23 Q. And who did you work for right before you  
24 retired?

25 A. John Huber in Beaumont.

1 Q. Okay.

2 A. A paint contractor.

3 Q. That was immediately before you retired?

4 A. Yeah. He kept calling me to go to work --

5 MRS. McLEOD: Excuse me. That was before  
6 he went to work for Mrs. Stark.

7 MR. ANDREASON: Okay.

8 Q. (BY MR. ANDREASON) When did you work for  
9 Mr. Huber?

10 A. Oh, in about '75, or something like that.

11 Q. Okay. Then right after Mr. Huber, who did you  
12 go to work for?

13 A. I went to work for her.

14 Q. For who?

15 A. Nelda Stark.

16 Q. Okay. And so, you began working for  
17 Mrs. Stark sometime in the mid to late 1970s?

18 A. Right.

19 Q. And you worked for her until when?

20 A. '95 -- the end of '95.

21 Q. Okay. So, the latter part of 1995 was when you  
22 retired?

23 A. Yeah, the last day of '95.

24 Q. Okay. So, you worked for Mrs. Stark for  
25 somewhere close to 20 years?

1 A. Right.

2 Q. Okay. What were your job responsibilities for  
3 Mrs. Stark?

4 A. When she would ask -- call up and want to do  
5 some painting, that's what my response was, to go see  
6 what she wanted done.

7 Q. So, you were primarily a painter?

8 A. Uh-huh, right.

9 Q. And did you work out of the carpenter shop?

10 A. Right.

11 Q. Who was your supervisor or your boss?

12 A. John Creswell.

13 Q. Okay. Now, did John Creswell give you  
14 instructions; or did you take them directly from  
15 Mrs. Stark?

16 A. No. Mrs. Stark would tell John Creswell, and  
17 then he would inform me.

18 Q. Okay. Tell me who else worked in the carpenter  
19 shop with you.

20 A. Joe LeBlanc, Earl Kelly, and -- wait a minute.  
21 He died.

22 Q. Oh, Mr. Stone?

23 A. Yes, Mr. Stone.

24 Q. And Earl Kelly is deceased, too?

25 A. Earl Kelly is deceased, too.



1 Q. What about Delbert Taylor?

2 A. Yeah, Delbert Taylor worked about five years --  
3 four or five years.

4 Q. Okay. Now, do you recall about 10 or 12 years  
5 ago, there was a lawsuit between Mrs. Stark and some  
6 members of the Stark family?

7 A. Yes.

8 Q. And do you recall that the carpenter shop was  
9 being used by the lawyers during that period of time?

10 A. Right.

11 Q. Okay. Tell me a little bit about what your  
12 involvement was as an employee of Mrs. Stark.

13 A. Oh, we were mainly there to see they wouldn't  
14 take anything out of the building.

15 Q. Okay. And by "they," you mean the lawyers and  
16 the other people --

17 A. Yeah, right.

18 Q. The other people that came to look at the  
19 documents?

20 A. Right.

21 Q. Okay. Did they have copy machines set up in  
22 the carpenter shop?

23 A. Yes, they did.

24 Q. Were you involved in copying the documents at  
25 all?

1 A. No.

2 Q. So, they had someone outside do that?

3 A. Yes.

4 Q. Okay. Do you know Roy Wingate?

5 A. Yes.

6 Q. Okay. Do you recall whether he was involved in  
7 this at the time?

8 A. Yes, he was.

9 Q. Okay. And he was representing Mrs. Stark?

10 A. Yes, he was.

11 Q. Okay. I'm going to show you some pictures,  
12 Mr. McLeod, that I'm going to mark as McLeod Exhibit  
13 No. 1 (tendering.)

14 A. Uh-huh.

15 Q. Are these pictures of the carpenter shop during  
16 the litigation --

17 A. Yes.

18 Q. -- 10 years ago?

19 A. Uh-huh (tendering).

20 Q. Thank you.

21 Now, tell me, were you involved in moving boxes  
22 into the carpenter shop for the lawyers to review?

23 A. No. All of the files was already there.

24 Q. They were already there?

25 A. Yes.

1 Q. Okay. But just so I understand what you did,  
2 your job was to make sure that nobody took documents out  
3 of the carpenter shop?

4 A. Yes.

5 Q. Okay. Now, during the lawsuit, did  
6 Mrs. Stark ever ask you to destroy any documents?

7 A. No.

8 Q. Okay. Did Mr. Wingate ask you to destroy any  
9 documents?

10 A. No.

11 Q. Did Mr. McKee or anybody else at the Stark  
12 office tell you to destroy documents?

13 A. No, sir.

14 Q. What about Mr. Creswell? Did he ever --

15 A. No.

16 Q. Okay. Did anyone ask you to shred documents or  
17 take documents out to the ranch and burn them during  
18 that period of time, during the lawsuit?

19 A. No.

20 Q. Okay. And did anyone ever ask you to hide any  
21 documents?

22 A. No.

23 Q. Okay. So, it's your testimony that while the  
24 lawsuit was pending between Mrs. Stark and the members  
25 of her family, you neither burned documents, nor



1 shredded documents, nor destroyed or concealed documents  
2 in any way?

3 A. No.

4 Q. Are you aware of anyone else who worked for  
5 Mrs. Stark doing any of those things during the lawsuit?

6 A. No.

7 Q. Okay. Now, after the lawsuit was over, tell me  
8 about what you did with the boxes.

9 A. The boxes, we brought them to the old Martin  
10 building; and they had a bank vault there. We put some  
11 in there and also in the Martin building, the shelves.

12 Q. Did you also put some in the Dr. Pepper  
13 building?

14 A. No.

15 Q. You did not?

16 A. No.

17 Q. Okay. Did you put the boxes anywhere else that  
18 you recall?

19 A. Now, they had some boxes that went to her  
20 office, in the vault, and upstairs in a little room.

21 Q. In Mrs. Stark's office?

22 A. Uh-huh.

23 Q. Okay. Now, sometime after the litigation, were  
24 you involved in shredding any of these documents?

25 A. Yes, I was.

1 Q. Can you tell me about when that was?

2 A. Oh, in about '93-'94.

3 Q. Okay. Do you recall shredding documents there  
4 at the Stark office or at the Martin building or some  
5 other place?

6 A. No. Just at the carpenter shop, that's where  
7 all of the records -- that's where we shredded  
8 everything.

9 Q. So, you took care of the shredding at the  
10 carpenter shop?

11 A. Right.

12 Q. Was Mr. Creswell involved in that?

13 A. Yes, he helped a little bit.

14 Q. Did any other employee of Mrs. Stark help out,  
15 that you recall?

16 A. Joe LeBlanc and a Bourgeois from Lake Charles.  
17 He was a painter.

18 Q. Okay, okay. Mr. McLeod, I'm showing you a  
19 document which I'm going to mark as McLeod Exhibit  
20 No. 2 (tendering). This is a delivery ticket, an  
21 invoice, and a return ticket from Lamb's Office  
22 Products. It shows where a shredder was being rented.

23 A. Uh-huh.

24 Q. And can you tell me what the date is on that  
25 document, on the first page?

1 A. 6-23-94.

2 Q. Okay. So, that would be June 23, '94; is that  
3 correct?

4 A. Uh-huh, right.

5 Q. And can you identify the signature at the  
6 bottom? I know it's hard to -- to see.

7 A. Yes, that's Joe LeBlanc.

8 Q. Okay. So, Mr. LeBlanc picked up the shredder?

9 A. Yes, he did.

10 Q. And can you read me what is written above  
11 Mr. LeBlanc's signature?

12 A. "Carpenter shop lawsuit shedding."

13 Q. So, this would have been when the shredder was  
14 rented --

15 A. Right.

16 Q. -- for shedding the documents?

17 A. (Nodding)

18 Q. And if you'll look on the -- on the third  
19 page -- the second page is an invoice. If you look at  
20 the third page, you'll see that the shredder was  
21 returned on what date?

22 A. 6-30-94.

23 Q. Okay. So, you kept the shredder for about a  
24 week --

25 A. Yes.



1 Q. -- and shredded documents during that time?

2 A. Yes.

3 Q. Okay. Did Mr. Creswell do anything with the  
4 shredded paper?

5 A. Yes, he did. He took some of the bags to his  
6 ranch. He had a little farm out there -- I mean a patch  
7 garden, and he would dump them in there.

8 Q. Now, during this period of time when the  
9 shredder was rented and you shredded documents, did you  
10 also take any documents out to the Stark ranch and burn  
11 them?

12 A. That was before, that we shredded way before.

13 Q. How long ago was that? Was it before the  
14 lawsuit?

15 A. Way before the lawsuit, yes.

16 Q. Tell me about that.

17 A. Well, she told us to go out there and burn a  
18 bunch of those old records, which earwigs had gotten  
19 into the boxes; and they was all messed up. And she  
20 told us to go out there and burn them.

21 We went out there and the wind got so heavy and  
22 it was dry, we told her that it would take too long; and  
23 she said just to quit. So...

24 Q. Okay. But it's your recollection that that  
25 occurred before the lawsuit?

1 A. Yes, very -- way, way before the lawsuit.

2 Q. If I tell you that the lawsuit between  
3 Mrs. Stark and the Stark heirs began in about 1988 --

4 A. Right.

5 Q. -- can you put an approximate year on when you  
6 did the burning?

7 A. Oh, it was even before then.

8 Q. Sometime before 1998?

9 A. Yeah.

10 Q. Okay. When you shredded documents in 1994, was  
11 this the only time that you ever shredded documents for  
12 Mrs. Stark?

13 A. Right.

14 Q. And the time prior to the litigation when you  
15 took documents out and burned them, was that the only  
16 time that you ever burned documents --

17 A. Only time.

18 Q. -- for Mrs. Stark? Was that the only time --  
19 were those two times the only times she ever asked you  
20 to destroy documents?

21 A. Right.

22 Q. Okay. Did you -- again, going back to the time  
23 when the documents were shredded, did Mrs. Stark or  
24 Mr. Creswell tell you why you were to shred the  
25 documents?



1           A.    No.

2           Q.    Do you know what was in any of the documents?  
3 Do you know what they contained?

4           A.    No, not too much. Every now and then, we  
5 would -- if we didn't have anything to do, we'd pull a  
6 drawer open and look. They would have a bunch of  
7 classified ads from way back, stores, stuff like that.  
8 We got a kick out of it, the prices were so low. Just  
9 things like that.

10          Q.    Okay.

11          A.    But as far as any of her business or anything  
12 like that, we didn't -- didn't have anything to do with  
13 that.

14          Q.    Now, Mr. McLeod, if I were to say that John  
15 Creswell has testified in this case that the shredding  
16 and burning were both done during the lawsuit, would  
17 that be a correct statement?

18          A.    No.

19          Q.    So, you don't disagree that documents were  
20 shredded at one time, correct?

21          A.    Now, go over it...

22          Q.    Let me rephrase it.

23                You don't disagree with me when I say that  
24 Mrs. Stark had documents shredded sometime after the  
25 lawsuit, correct?

1 A. Well, that's when we did shred them, after the  
2 lawsuit.

3 Q. But you would disagree with Mr. Creswell's  
4 statement that documents were shredded during the  
5 lawsuit?

6 A. Yes, I would.

7 Q. And you would also disagree -- if I'm  
8 understanding you correctly, you would also disagree  
9 that Mrs. Stark asked you to burn documents during the  
10 lawsuit?

11 A. No.

12 Q. She did not?

13 A. She did not.

14 Q. Okay. Do you have any idea why Mr. Creswell  
15 would make these statements?

16 A. No, I have no idea.

17 Q. Okay. Do you have any reason to believe that  
18 Mr. Creswell would not tell the truth?

19 A. Yes.

20 Q. Okay. Can you tell me why.

21 A. There's a lot of things that he would tell you  
22 that just wasn't true. I mean -- that was it.

23 Q. So, he didn't always shoot straight with you?

24 A. No.

25 Q. Did he ever say things that you thought were

1 trying to get you in trouble with Mrs. Stark?

2 A. I'll say this: She wanted us to go at her  
3 bank. They had mildew all over the drive, especially in  
4 the back where the employees worked -- parked. There  
5 were oak trees there, and the concrete was slick. And  
6 they said every time they got out of the car when it  
7 rained, they would almost fall and slip. So, Creswell  
8 told us to clean it off. So, we set out and was  
9 cleaning it off.

10 She came by and wanted to know what we was  
11 doing, why hadn't I started painting the stripes. I  
12 said, well, that we was told by Creswell to go ahead  
13 and -- that you said to go ahead and do it. And she was  
14 just all upset about it. She said no.

15 So, she went to the office; and Creswell was at  
16 the office -- I mean out at the woodwork shop. She told  
17 him that she didn't want to do that like we were doing  
18 it.

19 So, anyway, I said, "Did she call you?"

20 He said, "Yeah, she did."

21 But, see, he didn't listen to her. And  
22 everything we done, she would tell him; and then he  
23 would tell us.

24 Q. Mr. McLeod, are you familiar with a story that  
25 Mr. Creswell has told about Mrs. Stark burning a will

1 behind a building?

2 A. Not particularly behind a building. I didn't  
3 hear that part. But he said something about a trash  
4 can, that he thought that he was in a will.

5 Q. That Creswell thought he was in the will?

6 A. Right.

7 Q. Whose will was this?

8 A. Mr. Stark.

9 Q. Lutcher Stark?

10 A. Lutcher Stark.

11 Q. And Mr. Creswell told the story about seeing  
12 Mrs. Stark burning a document in front of a trash can?

13 A. Yes.

14 Q. How long ago was this? Do you remember?

15 A. Almost from the day I went to work for them, I  
16 heard that.

17 Q. Did you have any reason to believe this story  
18 to be true?

19 A. No. I didn't think -- didn't think anything of  
20 it.

21 Q. Was Mr. Creswell prone to tell stories?

22 A. Yeah, he would tell all kinds of things from  
23 years back, you know, just what -- like he said  
24 Mr. Starks would call him up and tell him to come up  
25 there; and they would talk and stuff like that. I don't



1 know if it's truth or not.

2 Q. You weren't there; so, you didn't have any  
3 reason --

4 A. No.

5 Q. -- to believe him or disbelieve him, right?

6 A. No.

7 Q. Okay. But for a number of reasons, you did not  
8 consider Mr. Creswell to be a very reliable source?

9 A. Right.

10 Q. Okay.

11 A. From my point of view.

12 Q. Okay.

13 A. And most probably Joe's, too.

14 Q. Is there anything else that you would like to  
15 say on the record?

16 A. No. I mean I thought she was a very fine  
17 person to work for myself.

18 Q. Mrs. Stark was?

19 A. Mrs. Stark was, uh-huh.

20 Q. Okay. Has anybody from the Stark family  
21 contacted you?

22 A. No.

23 MR. ANDREASON: Okay. I believe that  
24 concludes the statement. Mr. McLeod, I really  
25 appreciate your agreeing to talk with me.



mslead  
EXHIBIT NO. 1







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DELIVERY TICKET NO.
50487-10
PAGE 1

# Lamb's OFFICE PRODUCTS & FURNITURE

2100 GULF ST.  
BEAUMONT, TX 77703  
838-3703

414 FIFTH ST.  
ORANGE, TX 77630  
883-8864

1908 9TH AVE.  
PT. ARTHUR, TX 77640  
983-2076

DATE	TIME
06/23/94	10:33:23
TYPE OF SALE	
CHARGE	

DELIVERY ROUTE 3

SHIP TO:

SOLD TO:

NELDA C STARK

NELDA C STARK  
602 WEST MAIN

P O BOX 909  
ORANGE, TX 77630

TX 77630

F.I.N. #1-74-0735960-7

ORANGE, TX 77630  
FREIGHT TERMS: F.O.B. SHIPPING POINT UNLESS OTHERWISE AGREED.

CUSTOMER NO.	DEPT.	CUST. P.O. NO.	SLSMN	WRTR	SPECIAL INSTRUCTIONS					
95785		WBR	182	182	WILL CALL***TODAY					
LINE NO.	STOCK NO.	MFG.	WHSE LOC	QTY ORDERED	QTY B.O.	QTY SHIPPED	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	RENTAL 7	LAMB		1			1FA	SHREDDER, PER DAY SHOULD HAVE SHREDDER FOR A WEEK OR SO STARTING DATE 6/23/94  23-001/2000/21	25.000	
<div style="background-color: yellow; padding: 10px; display: inline-block;"> <i>Carpenter shop (law suit shredding)</i> </div>										
BUYER AGREES TO PAY REASONABLE ATTORNEY'S FEES AND COURT COSTS IN THE EVENT THIS BILL MUST BE PLACED FOR COLLECTION.									SUB-TOTAL	
TERMS NET 10TH E.O.M.										
SUBJECT TO HANDLING CHARGES, REGULAR STOCK MERCHANDISE CAN BE RETURNED FOR EXCHANGE OR REFUND IF IN PERFECT CONDITION AND IF RETURNED WITHIN 30 DAYS OF THE DATE OF PURCHASE. SPECIAL ORDER MERCHANDISE IS NOT SUBJECT TO RETURN.										
FILLED BY 11/4/93			CHECKED BY		NO. CTNS. 1		RECEIVED BY X		TOTAL	

CUSTOMER COPY

EXHIBIT NO. 1

INVOICE NO.
50487-0
PAGE 1

# Lamb's OFFICE PRODUCTS & FURNITURE

PLEASE REMIT TO: P.O. BOX 191  
BEAUMONT, TEXAS 77704  
(409) 838-3703 / 735-5341  
SHIP TO:

DATE	TIME
06/30/94	18:32:38
TYPE OF SALE	
CHARGE	

SOLD TO:  
**NELDA C STARK**  
  
**P O BOX 909**  
**ORANGE,**

**TX 77630**

**NELDA C STARK**  
**602 WEST MAIN**  
  
**ORANGE**

**TX 77630**

CUSTOMER NO.		DEPT.	CUST. P.O. NO.		SI SMN	WRTR	SPECIAL INSTRUCTIONS				
95785			WGR		182	182	WILL CALL***TODAY				
LINE NO.	STOCK NO.	MFG	WISE LOC	QTY ORDERED	QTY B.O.	QTY SHIPPED	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT	
1	RENTAL 7	LAMB		1			7EA	SHREDDER, PER DAY SHOULD HAVE SHREDDER FOR A WEEK OR SO STARTING DATE 6/23/94	25.000	175.00	
								23-001 / 2000 (2)			
								RECEIVED JUL 5 1994			
BUYER AGREES TO PAY REASONABLE ATTORNEY'S FEES AND COURT COSTS IN THE EVENT THIS BILL MUST BE PLACED FOR COLLECTION.								SUB-TOTAL		175.00	
FEDERAL I.D.# 1-74-0735960-7 FREIGHT TERMS ARE F.O.B. SHIPPING POINT UNLESS OTHERWISE AGREED.								TAX		13.56	
TERMS: NET ALL ACCOUNTS DUE THE TENTH OF MONTH FOLLOWING PURCHASE.								TOTAL		188.56	

ORIGINAL INVOICE