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Attorneys for Defendants
 Keith Hodge, Kevin Hodge, and Hodgetwins, LLC

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

PASTOR STEVE SMOTHERMON,
 Plaintiff,

v.

KEITH HODGE, an individual; KEVIN
 HODGE, an individual; HODGETWINS, LLC,
 a limited liability company,
 Defendants.

Case No. 2:25-cv-01858-APG-BNW

**MOTION FOR SANCTIONS FOR
 MISREPRESENTATIONS IN
 INTERROGATORY RESPONSES
 AND FAILURE TO VERIFY
 INTERROGATORY RESPONSES**

Defendants Keith Hodge, Kevin Hodge, and Hodgetwins, LLC hereby move for sanctions against Plaintiff Steve Smothermon and his counsel for making intentional misrepresentations in interrogatory responses and for their refusal to verify interrogatory responses despite assurances that they would do so.

As detailed in the Declaration of Ronald Green, he previously spoke with Mike Jackson telephonically regarding this issue. *See* Declaration of Ronald Green (“Green Dec.”), at ¶ 6. Mr. Jackson assured Mr. Green that Plaintiff would be verifying his interrogatory responses soon. *See id.* Despite ample opportunity, Plaintiff has not done so. *See id.*, ¶ 3. Prior to filing this Motion, Mr. Green contacted Plaintiff’s primary counsel, Nicole Westbrook, in an attempt to resolve the issues discussed in this Motion. *See id.*, ¶ 9. Despite his attempts, they were unable to do so, necessitating the filing of this Motion. *See id.*

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION AND RELEVANT FACTS

1.1 Failure to verify interrogatory responses

Defendants have served seven sets of interrogatories upon Plaintiff. *See* Green Dec., at ¶ 2. Plaintiff Smothermon has responded to five sets of them. *See id.* Responses to the other two sets are not yet due. *See id.* Pursuant to Fed. R. Civ. P. 33(b)(5), the “person who makes the answers [to interrogatories] must sign them, and the attorney who objects must sign any objections.” The party’s signature verifies that the responses “are true and correct to the best of his knowledge.” *Hash v. Cate*, Case No. C 08-03729 MMC DMR, 2012 U.S. Dist. LEXIS 172715, at *2 (N.D. Cal. Dec. 5, 2012); *see also Shaw v. Davis*, Case No. 3:18-CV-0551-MMD-CLB, 2021 U.S. Dist. LEXIS 164622, at *11-12 (D. Nev. Aug. 31, 2021).

To date, Plaintiff Smothermon has not signed or certified any of his interrogatory responses. *See* Green Dec., ¶ 3. Defendants’ counsel has asked Plaintiff’s counsel to have Plaintiff verify his responses on several occasions. *See id.*, ¶ 4. Defense counsel first raised the issue by letter dated June 19, 2026, stating, “Mr. Smothermon’s responses to interrogatories were not verified. Please provide a verification immediately. We would greatly prefer not to bring that issue to the Court.” June 19, 2026, Green Letter, attached to the Green Dec. as Exhibit 1. In response to this letter, Mike Jackson, counsel for Plaintiff Smothermon, assured Defense counsel telephonically that verified responses would be forthcoming soon. *See* Green Dec., ¶ 6.

Defendants’ counsel raised the issue in at least two telephone conferences and sent another letter to Plaintiff’s counsel regarding the issue on August 13, 2026. *See* Green Dec., ¶ 7; August 13, 2026, Green Letter, attached to the Green Dec. as Exhibit 2. Plaintiff’s counsel ignored the letter, leaving Defense counsel to follow up via email on August 20, 2026. *See* August 20-24 Email Exchange, attached to the Green Decl. as Exhibit 3. Nicole Westbrook, counsel for Plaintiff, finally responded on August 24, 2026, stating that “Plaintiff Smothermon is not able to verify his responses right now due to his medical condition.” *Id.*

It strains credulity that Plaintiff Smothermon's July 1, 2026, surgery is preventing him from reviewing interrogatory responses and instructing his counsel to insert his electronic signature into a verification form. In reality, Plaintiff has not verified his interrogatory responses either because he knows that they are untrue or because his counsel drafted them without his input and know that they are untrue. Either explanation requires that the Court sanction someone for these false responses after Plaintiff or his counsel explain to the Court why they contain information that has been directly contradicted by the sworn testimony of one of Plaintiff's own employees.

1.2 Intentional misrepresentations in interrogatory responses

On June 12, 2026, Plaintiff responded to Defendants' First Set of Interrogatories. *See* Plaintiff's Responses to Defendants' First Set of Interrogatories, Requests for Production, and Requests for Admission, attached to the Green Dec. as **Exhibit 4**. Interrogatory No. 3 asked Plaintiff Smothermon to "[i]dentify each and every third party that contacted you about the Facebook Post." *Id.*, at 4. After a lengthy objection, Plaintiff Smothermon responded:

On August 12, 2025, Krisha Mason discovered the defamatory Facebook Post. Upon realizing that Defendants had published a photograph of Pastor Steve Smothermon, she immediately brought the post to Plaintiff's attention.

Id.

On July 1, 2026, Plaintiff responded to Defendants' Second Set of Interrogatories. *See* Plaintiff's Responses to Defendants' Secon [sic] Set of Interrogatories, Second Requests for Production, and Third Requests for Production, attached to the Green Dec. as **Exhibit 5**. Interrogatory No. 9 asked Plaintiff to "[d]escribe with particularity your discussions with Krisha Mason regarding the Facebook Post." *Id.*, at 3-4. After another lengthy objection, Plaintiff responded:

On August 22, 2025, Legacy Church employee Krisha Mason discovered the defamatory Facebook Post and immediately brought it to Plaintiff's attention. Pastor Steve Smothermon was deeply shocked and distressed. Plaintiff instructed Ms. Mason to

1 immediately contact the Defendants' customer support and demand
2 that the post be taken down.

3 *Id.*

4 In addition to being unverified, Mr. Smothermon's responses to these interrogatories are
5 untrue. According to Ms. Mason under oath at deposition, she never interacted with Plaintiff
6 regarding the post. She testified at deposition that it is not common for her to see or interact with
7 Plaintiff Smothermon in the course of her job responsibilities. *See* Deposition Transcript of Krisha
8 Mason ("Mason Dep."), at 13:10-19, attached to the Green Dec. as Exhibit 6. Ms. Mason then
9 testified that she has "never spoken with [Plaintiff] about the Facebook post." *Id.*, at 21:23-22:7.

10 Ms. Mason learned of the Facebook post in a Legacy Church group chat that did not include
11 Plaintiff. *See* Mason Dep., at 18:12-15; 97:2-3. She did not have any in-person discussions with
12 anyone about the post other than fellow church employee Michael Morin, who requested that she
13 forward it to another pastor at the church, also not Plaintiff. *See id.*, at 22:11-23:16. While she
14 forwarded information about how to contact the Hodgetwins to Mr. Morin and another church
15 employee, she did not recall any other interactions with anyone at the church about the Facebook
16 post, including Plaintiff Smothermon. *See id.*, at 24:12-26:8.

17 In fact, Ms. Mason's testimony made it clear that she did not speak with anyone at
18 Smothermon's church regarding contacting Defendants and getting the post taken down. She asked
19 the group chat (that did not contain Plaintiff Smothermon) whether "anyone had contacted the
20 Hodgetwins company" and does not recall anyone responding to her question. *See* Mason Dep., at
21 47:18-22. So, she took it upon herself to go to Defendants' website to find a "customer service
22 number." *Id.*, at 47:23-48:2. No one told her to go to the Hodgetwins website; she did it entirely
23 on her own. *See id.*, at 50:2-6.

24 Given Ms. Mason's testimony, it is unsurprising that Plaintiff has not verified his
25 interrogatory responses. Either he made them up or his attorneys did without his participation. He
26 cannot verify them without perpetrating a falsehood on the Court. In any case, someone should be
27 sanctioned for making these blatant misrepresentations. Mr. Smothermon and his counsel can
address who should be sanctioned in Plaintiff's response to the Motion.

2.0 ARGUMENT

When a federal court issues discovery sanctions, those sanctions are reviewed for abuse of discretion. *See Conn. Gen. Life Ins. Co. v. New Images of Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007). Sanctions are available under Rule 37(c)(1) when a party provides incomplete, misleading, or false discovery responses and does not complete or correct them by supplement. *See Fast v. GoDaddy.com LLC*, 340 F.R.D. 326, 336 (D. Ariz. Feb. 3, 2022), citing *Tisdale v. Fed. Express Corp.*, 415 F.3d 516, 525-26 (6th Cir. 2005). This is a “self-executing, automatic sanction to provide a strong inducement for disclosure of material.” *West v. City of Mesa*, 128 F. Supp. 3d 12233, 1247 (D. Ariz. 2015), quoting *Yeti by Molly Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001).

2.1 Plaintiff’s unverified and contradicted responses are sanctionable

Rule 37(a)(4) provides that “an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond.” Fed. R. Civ. P. 37(a)(4). An unsigned, unverified interrogatory answer is the functional equivalent of no answer at all, since Rule 33(b)(5) requires the answering party—not counsel—to sign the response and thereby certify that it is true and correct to the best of his knowledge. *See Fed. R. Civ. P. 33(b)(5); Hash*, 2012 U.S. Dist. LEXIS 172715, at *10. Where a party fails to serve verified answers, Rule 37(d) authorizes the same range of sanctions available for violating a discovery order under Rule 37(b)(2)(A), including an order that designated facts be taken as established, an order precluding the disobedient party from supporting or opposing designated claims or introducing designated matters into evidence, and an award of the reasonable expenses, including attorney’s fees, caused by the failure. *See Fed. R. Civ. P. 37(b)(2)(A), (d)(3)*.

Beyond the verification defect, the responses are independently sanctionable because they are false. Rule 26(g)(1) requires that every discovery response be certified, after reasonable inquiry, as consistent with the Rules and warranted by the evidence, and prohibits responses proffered for an improper purpose. *See Fed. R. Civ. P. 26(g)(1)*. Courts also possess inherent authority to

1 sanction bad-faith conduct that abuses the judicial process, including the submission of discovery
2 responses a party knows to be untrue. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 42–46 (1991).

3 That is precisely the situation here. In response to two separate interrogatories, Plaintiff
4 represented that Krisha Mason discovered the Facebook Post and personally brought it to his
5 attention, and that he personally instructed her to contact Defendants and demand that the post be
6 removed. *See Ex. 4*, at 4; *Ex. 5*, at 3-4. Ms. Mason’s sworn deposition testimony directly
7 contradicts both statements. She testified that she does not typically interact with Plaintiff in the
8 ordinary course of her job, that she has *never* spoken with Plaintiff about the Facebook Post, that
9 she learned of the post through a group chat that did not include him, and that her only in-person
10 discussions about it were with two other church employees—not Plaintiff. *See Mason Dep.*, at
11 13:10-19, 18:12-15, 21:23-22:7, 22:11-23:16, 24:12-26:8, 97:2-3. Someone invented an account
12 of a conversation between Plaintiff and Ms. Mason that, according to Ms. Mason herself, never
13 happened. Plaintiff’s continued refusal to verify these responses—attributed to a July 1, 2026,
14 surgery that has no apparent bearing on his ability to review a document and authorize an electronic
15 signature—is consistent with an unwillingness to swear to information that he or his counsel knows
16 to be false.

17 **2.2 Defendants request sanctions against Plaintiff and/or his counsel**

18 Defendants do not ask this Court to resolve whether Plaintiff or his counsel bears
19 responsibility for the false responses; Plaintiff and his counsel may address that question in their
20 opposition. However, either Plaintiff or his counsel is responsible for the untrue responses. If no
21 one will take responsibility, all of them should be deemed jointly responsible and jointly
22 sanctionable.

23 Whoever is responsible, the misconduct warrants relief that restores the integrity of the
24 discovery process and compensates Defendants for the expense of bringing this motion.
25 Defendants respectfully request that the Court:

- 26 (a) Order Plaintiff, within a time set by the Court, to either (1) withdraw his responses
27 to Interrogatory No. 3 of Defendants’ First Set of Interrogatories and Interrogatory

No. 9 of Defendants' Second Set of Interrogatories and not be permitted to admit any evidence that could have been responsive to those interrogatories; or (2) verify the responses and explain in detail why his response differs from Ms. Mason's;

(b) Preclude Plaintiff from offering any testimony, argument, or evidence—at trial, in opposition to any dispositive motion, or otherwise—that he personally discussed the Facebook Post with Krisha Mason or personally instructed her to contact Defendants, given the falsity of these responses and his refusal to verify the responses making those claims;

(c) Award Defendants their reasonable attorneys' fees and costs incurred in bringing this Motion, pursuant to Fed. R. Civ. P. 37(a)(5) and 37(d)(3) and the Court's inherent authority; and

(d) Grant such other and further relief as the Court deems just and proper, including an order directing Plaintiff and his counsel to explain, on the current record, how the responses to Interrogatory Nos. 3 and 9 were prepared and verified.

3.0 CONCLUSION

For the foregoing reasons, Defendants Keith Hodge, Kevin Hodge, and Hodgetwins, LLC respectfully request that the Court grant this Motion for Sanctions and enter the relief requested above.

Dated: August 26, 2026.

Respectfully submitted,

RANDAZZA LEGAL GROUP, PLLC
/s/ Ronald D. Green
 Marc J. Randazza, NV Bar No. 12265
 Ronald D. Green, NV Bar No. 7360
 RANDAZZA LEGAL GROUP, PLLC
 8991 W. Flamingo Rd., Ste. B
 Las Vegas, NV 89147

Attorneys for Defendants
 Keith Hodge, Kevin Hodge, and Hodgetwins,
 LLC

Case No. 2:25-cv-01858-APG-BNW

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 26, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully submitted,

/s/ Ronald D. Green
Ronald D. Green

Marc J. Randazza, NV Bar No. 12265
Ronald D. Green, NV Bar No. 7360
Alex J. Shepard, NV Bar No. 13582
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Attorneys for Defendants
Keith Hodge, Kevin Hodge, and Hodgetwins, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PASTOR STEVE SMOTHERMON,
Plaintiff,

v.

KEITH HODGE, an individual; KEVIN
HODGE, an individual; HODGETWINS, LLC,
a limited liability company,
Defendants.

Case No. 2:25-cv-01858-APG-BNW

**DECLARATION OF RONALD D.
GREEN IN SUPPORT OF MOTION
FOR SANCTIONS FOR
MISREPRESENTATIONS IN
INTERROGATORY RESPONSES
AND FAILURE TO VERIFY
INTERROGATORY RESPONSES**

I, Ronald D. Green, declare under penalty of perjury:

1. I am counsel for Defendants in the above-captioned matter. I make this declaration in support of Defendants' Motion for Sanctions for Misrepresentations in Interrogatory Responses and Failure to Verify Interrogatory Responses.

2. Defendants have served seven sets of interrogatories upon Plaintiff. Plaintiff has responded to five sets of them. Responses to the other two are not yet due.

3. To date, Plaintiff Smothermon has not signed or certified any of his interrogatory responses.

4. I have asked Plaintiff's counsel to have Plaintiff verify his responses on several occasions.

5. On June 19, 2026, I sent a letter to Plaintiff's counsel that requested verification of

1 Plaintiff Smothermon's interrogatory responses. A true and correct copy of that letter is attached
2 as **Exhibit 1**.

3 6. In response to this letter, Mike Jackson, counsel for Plaintiff Smothermon, assured
4 me telephonically that verified responses would be forthcoming soon.

5 7. I raised the issue of verification in at least two telephone conferences and sent
6 another letter to Plaintiff's counsel regarding the issue on August 13, 2026. A true and correct
7 copy of that letter is attached as **Exhibit 2**.

8 8. Plaintiff's counsel ignored that letter, leaving me to follow up via email on August
9 20, 2026. On August 24, 2026, Nicole Westbrook, counsel for Plaintiff, responded that Plaintiff
10 Smothermon's surgery was keeping him from verifying his interrogatory responses. A true and
11 correct copy of our email exchange is attached as **Exhibit 3**.

12 9. On August 25, 2026, Nicole Westbrook inquired regarding meet and confer
13 availability. Given this, I asked her if she had any availability on August 26 to meet and confer.
14 She never responded to me. Prior to filing this Motion, I telephoned Nicole Westbrook in an
15 attempt to resolve the issues discussed in the Motion. She did not take my call or return my call
16 prior to filing this Motion..

17 10. A true and correct copy of Plaintiff's Responses to Defendants' First Set of
18 Interrogatories, Requests for Production, and Requests for Admission is attached as **Exhibit 4**.

19 11. A true and correct copy of Plaintiff's Responses to Defendants' Secon [sic] Set of
20 Interrogatories, Second Requests for Production, and Third Requests for Production is attached as
21 **Exhibit 5**.

22 12. A true and correct copy of excerpts of the deposition transcript of Krisha Mason is
23 attached as **Exhibit 6**.

24 Executed on August 26, 2026.

25 /s/ Ronald D. Green
26 Ronald D. Green
27

Exhibit 1

June 19, 2026, Letter from Defense
Counsel to Plaintiff's Counsel

RANDAZZA

LEGAL GROUP

Ronald D. Green
Partner
Licensed in NV

19 June 2026

Via Email Only

G. Michael Jackson
JONES, DAVIS & JACKSON, P.C.
<mjackson@jonesdavis.com>

Re: Hodgetwins adv. Smothermon (2:25-cv-01858-APG-BNW) | Discovery

Dear Attorney Jackson,

In response to your email about our request to depose Thomas Carroll, I am surprised that you are surprised. The Plaintiff has referenced an alleged demand letter drafted by Mr. Carroll several times, including in Mr. Smothermon's responses to interrogatories.¹ However, you seem to have strategically decided to refuse to provide it to us.

It is obvious that you intend to use that letter as evidence of something. However, our clients never received it. We do not know what it said, when it was supposedly sent, how it was supposedly transmitted, or if it was allegedly received. We do not know when it was created. Why it was created. We know nothing about it, except that Mr. Carroll allegedly wrote it, or sent it, and it is apparently not going to be produced. Thus far, you have declined to produce it.² However, even if you decide to change course, and make it the first document you produce, we still have many questions about it (above).

Given that it has not been produced despite ample opportunity for you to do so, we cannot accept your suggestion that we should seek it through written discovery. If you were going to produce it, you would have done so by now. We need to ask Mr. Carroll questions about the letter. Our anticipated subpoena will ask him to bring a copy of the letter, proof of transmission, proof of receipt, all metadata, all versions of it, and all emails and headers or return receipts he may have. Based upon the information we have, the only person who can answer our questions about this letter is Mr. Carroll.

We do not intend to ask him for information protected by the attorney-client privilege or as work product, and if you disagree, whoever is defending the deposition has every right to object. We do not anticipate that his deposition will be very long, likely less than two hours. Of course, that is assuming that he and the counsel defending him comport themselves in a professional manner. We cannot commit to the length because we simply do not know what will happen. But if our reasonable questions are answered in a forthright manner, we would not expect to even need a lunch break.

¹ Mr. Smothermon's responses to interrogatories were not verified. Please provide a verification immediately. We would greatly prefer not to bring that issue to the Court.

² This is not terribly surprising given that, thus far, you have declined to produce any documents at all.

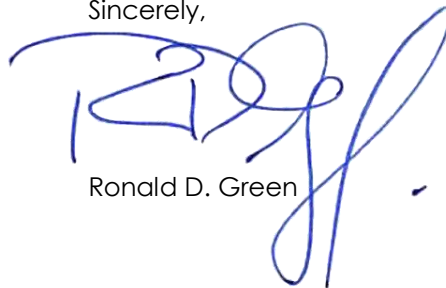
Deposition of Mr. Carroll
Page 2 of 2

RANDAZZA
LEGAL GROUP

We would be happy to engage in a meet and confer about our request. I would suggest we do it during the afternoon of either Monday, June 22 or Tuesday, June 23 and look forward to speaking with you.

We do, however, not anticipate this deposition will *not* take place. Therefore, if you wish to begin drafting your motion for a protective order, you probably are not wasting your time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RDG', with a large, stylized flourish extending from the right side.

Ronald D. Green

cc: Marc J. Randazza, Clients (via separate email)

Exhibit 2

August 13, 2026, Letter from Defense
Counsel to Plaintiff's Counsel



Ronald D. Green
Partner
Licensed in NV

13 August 2026

Via Email Only

Nicole Westbrook
JONES, DAVIS & JACKSON, P.C.
<nwestbrook@jonesdavis.com>

Re: Hodgetwins adv. Smothermon – Discovery Deficiencies

Dear Counsel:

We write to address some of the deficiencies in Plaintiff's responses to written discovery. Many of these issues have been discussed with you already, and it is time for you fix them if you wish to avoid motion practice.

First, Mr. Smothermon has never verified any of his interrogatory responses. I first raised the issue with you in a letter dated June 19, 2026. I have additionally asked about it at least twice during telephone conferences. Mr. Jackson assured me at one point that Mr. Smothermon would be verifying his responses, but it has not yet happened. Discovery concludes in a little over a month. Mr. Smothermon needs to verify his responses within five days of the date of this letter.

Additionally, in Robert Fisher's expert report, he states that he reviewed "a study conducted by Plaintiff's law firm which demonstrated and concluded that the Defendants did not utilize normal and accepted verification tools to verify the identity of the person in a photograph." (Fisher Report, at p. 24) Since you provided this study to Mr. Fisher and he used it in the preparation of his expert report, we are entitled to a copy of it. See *JS Prods. V. Kabo Tool Co.*, 2014 U.S. Dist. LEXIS 87140, at *8-9 (D. Nev. June 26, 2014), quoting *Rep. of Ecuador v. Mackay*, 742 F.3d 860, 868 (9th Cir. 2014). It is not protected as work product and is responsive to Requests for Production Nos. 5, 8, 9, and 23. However, it was not produced in response to any of them. Please supplement your responses to Requests for Production with a copy of this study immediately.

In his expert report, Mr. Fisher also identified and quoted a letter he believed was sent to Marc Randazza on February 25, 2026 by Ms. Westbrook. (Fisher Report, at p. 16) The letter was not sent to Mr. Randazza. From the excerpt contained in Mr. Fisher's report, it appears that it was actually a letter that Ms. Westbrook sent to Plaintiff Smothermon. Since it was provided to Mr. Fisher and Mr. Fisher used and quoted it, any claims of attorney-client privilege or work product have been waived. See *JS Prods*, 2014 U.S. Dist. LEXIS 87140, at 8-9, citing *Mackay*, 742 F.3d at 868. We are entitled to production of the letter, and it is responsive to Requests for Production Nos. 4, 15, and 23. Again, please supplement your document production immediately to include a copy of this letter.

With regard to your requests for production generally, you have provided us with virtually no documents. Most of your responses state that your "investigation is ongoing" and that

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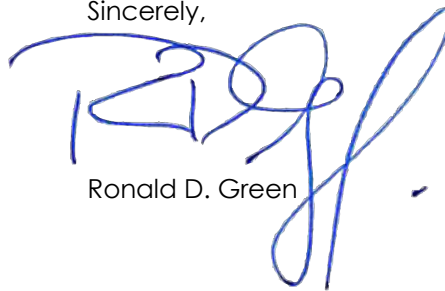
Hodgetwins adv. Smothermon
Page 2 of 2

RANDAZZA
LEGAL GROUP

responsive documents "will be produced or supplemented as they become available." As discovery winds down, we must warn you that, if you attempt to spring documents upon us immediately before the close of discovery, we will either move to forbid you from using them at trial or to extend discovery for the sole purpose of allowing us to take any necessary discovery raised by the late production of those documents. If you have nothing, tell us you have nothing.

If you would like to discuss, I am available to do so.

Sincerely,

A handwritten signature in blue ink, appearing to be "RDG", with a large, stylized flourish extending from the end of the signature.

Ronald D. Green

cc: Marc Randazza; Mike Jackson

Exhibit 3

August 20 – 24, 2026, Email Chain
Between Ronald D. Green and Nicole Westbrook

8/26/26, 8:11 AM

Randazza Legal Group Mail - Hodgetwins adv. Smothermon -



Danielle Darkenwald <dbd@randazza.com>

Hodgetwins adv. Smothermon -

3 messages

Ron Green <rdg@randazza.com>

Thu, Aug 13, 2026 at 5:38 PM

To: Nicole Westbrook <nwestbrook@jonesdavis.com>

Cc: Marc Randazza <mjr@randazza.com>, Danielle Darkenwald <dbd@randazza.com>, Aimee Nguyen <aln@randazza.com>, Mike Jackson <Mjackson@jonesdavis.com>, Brittany Hansen <bhansen@joneskeller.com>

Nicole:

Please see the attached correspondence and Defendants' Ninth Requests for Production.

Ronald D. Green* | **Randazza Legal Group, PLLC**

8991 W. Flamingo Road | Suite B | Las Vegas, NV 89147

Tel: 702-420-2001 | Email: rdg@randazza.com

* Licensed to practice law in Nevada.

2 attachments**2026.08.13 Defendants Ninth Set of Requests for Production.pdf**

133K

**2028.08.13 Meet and Confer re discovery.pdf**

314K

Ron Green <rdg@randazza.com>

Thu, Aug 20, 2026 at 5:09 PM

To: Nicole Westbrook <nwestbrook@jonesdavis.com>

Cc: Marc Randazza <mjr@randazza.com>, Danielle Darkenwald <dbd@randazza.com>, Aimee Nguyen <aln@randazza.com>, Mike Jackson <Mjackson@jonesdavis.com>, Brittany Hansen <bhansen@joneskeller.com>

Following up on the meet and confer letter since we've heard nothing from you on it. Nothing in it should be controversial, particularly that Mr. Smothermon is required to verify his interrogatory responses. If we need to have a meet and confer, provide me dates early next week when you are available.

On Aug 13, 2026, at 5:38 PM, Ron Green <rdg@randazza.com> wrote:

<2026.08.13 Defendants Ninth Set of Requests for Production.pdf>

<2028.08.13 Meet and Confer re discovery.pdf>

Nicole:

Please see the attached correspondence and Defendants' Ninth Requests for Production.

Ronald D. Green* | **Randazza Legal Group, PLLC**

8991 W. Flamingo Road | Suite B | Las Vegas, NV 89147

Tel: 702-420-2001 | Email: rdg@randazza.com

8/26/26, 8:11 AM

Randazza Legal Group Mail - Hodgetwins adv. Smothermon -

* Licensed to practice law in Nevada.

Nicole Westbrook <nwestbrook@jonesdavis.com>

Mon, Aug 24, 2026 at 10:40 AM

To: Ron Green <rdg@randazza.com>

Cc: Marc Randazza <mjr@randazza.com>, Danielle Darkenwald <dbd@randazza.com>, Aimee Nguyen <aln@randazza.com>, Mike Jackson <mjackson@jonesdavis.com>, Brittany Hansen <bhansen@joneskeller.com>

Ron,

Pastor Smothermon is not able to verify his responses right now due to his medical condition.

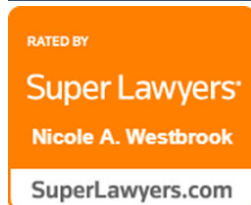
Thanks,
Nicole**Jones, Davis & Jackson, PC**

Attorneys + Counselors

Nicole A. Westbrook, Attorney at Law

15110 Dallas Parkway, Suite 300, Dallas, Texas 75248

mobile: 615.403.4862 | fax: 972.733.3119

[\[www.jonesdavis.com\]](http://www.jonesdavis.com)www.jonesdavis.com

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From: Ron Green <rdg@randazza.com>**Sent:** Thursday, August 20, 2026 7:09 PM**To:** Nicole Westbrook <nwestbrook@jonesdavis.com>**Cc:** Marc Randazza <mjr@randazza.com>; Danielle Darkenwald <dbd@randazza.com>; Aimee Nguyen <aln@randazza.com>; Mike Jackson <mjackson@jonesdavis.com>; Brittany Hansen

Exhibit 4

Plaintiff's Responses to Defendants' First Set of Interrogatories,
Requests for Production, and Requests for Admission

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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**
15

16 **PASTOR STEVE**
17 **SMOTHERMON,**

18 Plaintiff,

19 v.

20 **KEITH HODGE**, an individual;
21 **KEVIN HODGE**, an individual;
22 **HODGETWINS, LLC**, a Nevada
23 limited liability company;

24 Defendants.

Case No.: 2:25-cv-01858-APG-BNW

25 **PLAINTIFF'S RESPONSES TO**
26 **DEFENDANTS' FIRST SET OF**
27 **INTERROGATORIES, REQUESTS**
FOR PRODUCTION, AND
REQUESTS FOR ADMISSION

28 Pursuant to Rules 33, 34, and 36 of the Federal Rules of Civil Procedure and
29 the Local Rules of the United States District Court for the District of Nevada,
30 Plaintiff Pastor Steve Smothermon ("Plaintiff") hereby submits his responses and
31 objections to Defendants Keith Hodge, Kevin Hodge, and Hodgetwins, LLC's
32 ("Defendants") First Set of Interrogatories, Requests for Production, and Requests
33 for Admission.

34 **DEFINITIONS AND INSTRUCTIONS**

35 1. Plaintiff objects to these requests to the extent they seek information
36 protected by the attorney-client privilege, the attorney work-product doctrine, or any
37 other applicable privilege or immunity.

1 2. Plaintiff objects to these requests to the extent they are overly broad,
2 unduly burdensome, or seek information that is not proportional to the needs of the
3 case.

4 3. Plaintiff objects to the requests to the extent they are vague, ambiguous,
5 overly broad, unduly burdensome, or not reasonably limited in time or scope.

6 4. Plaintiff objects to these requests to the extent they seek confidential,
7 proprietary, or private financial and organizational information belonging to Legacy
8 Church or third-party parishioners. Such information will only be produced subject
9 to the entry of an appropriate Protective Order.

10 5. Plaintiff objects to the requests to the extent they seek information that
11 is not relevant to any party's claim or defense or is not proportional to the needs of
12 the case as required by Rule 26(b)(1) of the Federal Rules of Civil Procedure.

13 6. Plaintiff objects to any definition, instruction, or request that purports
14 to impose obligations beyond those set forth in the Federal Rules of Civil Procedure,
15 the Local Rules of this Court, or any applicable court order.

16 7. Plaintiff's responses are based on information presently known and
17 reasonably available. Plaintiff reserves the right to supplement, amend, or correct
18 these responses as additional information is uncovered during ongoing discovery.

19 **RESPONSES TO INTERROGATORIES**

20 **INTERROGATORY NO. 1:** Identify each and every occasion where
21 someone has mistaken you for Cracker Barrel executive Steve Smotherman.

22 **RESPONSE:** Objection. This request is vague and ambiguous as to what
23 constitutes an "occasion" and does not specify a temporal scope. It is also overly
24 broad because it seeks identification of "each and every" instance, which is not
25 reasonably limited in time or subject matter and may encompass information not
26 within Plaintiff's knowledge, custody, or control. Subject to and without waiving
27 these objections, Plaintiff states as follows:

1 Plaintiff is aware of the following occasions where he has been mistaken for
2 Cracker Barrel executive Steve Smotherman:

3 On or about August 22, 2025, Defendants published a Facebook post titled
4 “Cracker Barrel's WOKE Past Comes Back to Light” that included a photograph of
5 Plaintiff, Pastor Steve Smothermon, and identified him as Steve Smotherman, a
6 Cracker Barrel DEI management and training leader, thereby mistakenly attributing
7 to Plaintiff the identity and actions of the Cracker Barrel executive.

8 Following the publication of the Facebook post, multiple social media users
9 commented on the post and elsewhere, expressing confusion, making negative
10 comments, and in some cases, referencing the mistaken identity.

11 Plaintiff’s counsel, Thomas C. Carroll, sent a formal demand to Defendants
12 for removal of the misattributed photo and a public apology, specifically referencing
13 the mistaken association between Plaintiff and Cracker Barrel.

14 Plaintiff is not presently aware of any other specific occasions where he has
15 been mistaken for Cracker Barrel executive Steve Smotherman, but reserves the
16 right to supplement this response if additional instances become known through
17 discovery or otherwise.

18 **INTERROGATORY NO. 2:** Identify each and every occasion where a third
19 party has misspelled your name as “Smotherman” or any other misspelling.

20 **RESPONSE:** Objection. This request is overly broad and unduly burdensome
21 because it is not limited in scope by time, subject matter, or context, and seeks
22 identification of "each and every occasion" where any third party has misspelled
23 Plaintiff's name, which could encompass an unreasonably large number of irrelevant
24 or trivial instances, including those outside the knowledge, custody, or control of
25 Plaintiff. The request is also vague as to what constitutes a “misspelling” beyond
26 “Smotherman,” and fails to define the scope of “third party,” which could include
27 unknown individuals or automated systems over which Plaintiff has no knowledge

1 or control. This interrogatory is overly broad, unduly burdensome, and seeks
2 information spanning Plaintiff's entire lifetime. Subject to and without waiving this
3 objection, Plaintiff notes that any response does not excuse Defendants' failure to
4 adhere to basic journalistic and verification standards prior to publishing defamatory
5 allegations to 6.3 million followers.

6 **INTERROGATORY NO. 3:** Identify each and every third party that
7 contacted you about the Facebook Post. Your response to this Interrogatory should
8 include, but is not limited to: (a) the name, address, phone number, email address,
9 and any other identifying or contact information in your possession; (b) your
10 relationship to that third party; (c) whether the third party believed that you were or
11 had been employed by Cracker Barrel; (d) the third party's reaction to the Facebook
12 Post; and (e) how that third party discovered the Facebook Post.

13 **RESPONSE:** Objection. This Interrogatory is overly broad and unduly
14 burdensome because it is not limited in scope by time or subject matter and seeks
15 information regarding "each and every third party" without reasonable particularity.
16 It is also compound, as it contains multiple distinct inquiries joined together thereby
17 improperly attempting to exceed the discovery limits imposed by the Court. Further,
18 to the extent it seeks information not within Plaintiff's knowledge, custody, or
19 control, Plaintiff cannot provide such information. Plaintiff objects to providing
20 personal contact information of third parties to the extent such disclosure is not
21 required by the Federal Rules of Civil Procedure or would violate privacy or
22 confidentiality obligations; responsive information will be limited to information in
23 Plaintiff's possession, custody, or control.

24 Subject to and without waiving the foregoing objections, Plaintiff responds as
25 follows: Plaintiff is aware of certain third parties who contacted him regarding the
26 Facebook Post. Based on a reasonable search and to the best of Plaintiff's present
27 recollection, the following individuals or entities contacted Plaintiff about the

1 Facebook Post:

2 On August 22, 2025, Krisha Mason discovered the defamatory Facebook Post.
3 Upon realizing that Defendants had published a photograph of Pastor Steve
4 Smothermon, she immediately brought the post to Plaintiff's attention. Ms. Mason
5 placed a telephone call and initiated written electronic communications with
6 Defendants' customer service and website support agents. This conversation was
7 immediately followed by a written email exchange between Ms. Mason and Ms.
8 Howerton dated August 22, 2025, which Defendants have produced at Bates
9 numbers HODGE000136-000138. This email exchange was forwarded to website
10 manager Nathan Hughes, who subsequently deleted the post. Ms. Mason was deeply
11 concerned by the false association of Pastor Smothermon with progressive corporate
12 lobbying and DEI initiatives. She immediately recognized the severe visual and
13 contextual falsehood of the post.

14 Discovery is ongoing and Plaintiff will amend this response as he discovers
15 which of the many upset individuals actually "contacted him about the Facebook
16 post" to the extent he understands what this vague request calls for.

17 **INTERROGATORY NO. 4:** Describe how you discovered the existence of
18 the Facebook Post. Your response to this interrogatory should include, but is not
19 limited to: (a) the name of the person or persons that informed you of the Facebook
20 Post; and (b) whether you saw the Facebook Post while it was still up on Facebook.

21 **RESPONSE:** Objection. This interrogatory is compound because it seeks
22 multiple distinct pieces of information—specifically, both the identity of any
23 person(s) who informed Plaintiff of the Facebook Post and whether Plaintiff saw the
24 Facebook Post while it was still up on Facebook – attempting to exceed the discovery
25 limits ordered by the Court. It is also vague as to the phrase "discovered the
26 existence," which is not defined and could be interpreted in multiple ways. Subject
27 to and without waiving these objections, after a reasonable search and inquiry,

1 Plaintiff states as follows: Plaintiff is continuing to investigate and will supplement
2 this response if additional information becomes available. At present, Plaintiff
3 incorporates his response to Interrogatory No. 4.

4 **INTERROGATORY NO. 5:** Provide a detailed itemization of any and all
5 economic loss that you contend you have suffered as a result of the Facebook Post,
6 including but not limited to lost income, lost business opportunities, lost
7 endorsement opportunities, reputational repair costs, and medical treatment you
8 claim is a result of the Facebook Post.

9 **RESPONSE:** Objection. This Interrogatory is overly broad and unduly
10 burdensome because it is not limited in scope by time or subject matter and seeks
11 “any and all” economic loss without reasonable particularity. It is also compound,
12 as it requests information regarding multiple distinct categories of alleged loss (lost
13 income, lost business opportunities, lost endorsement opportunities, reputational
14 repair costs, and medical treatment) in a single interrogatory, seeking to exceed the
15 discovery limits imposed by the Court. Further, to the extent this Interrogatory seeks
16 information protected by the attorney-client privilege or attorney work product
17 doctrine, such information is withheld.

18 Subject to and without waiving the foregoing objections, Plaintiff states that
19 his investigation of actual damages remains ongoing. At this time, Plaintiff primarily
20 seeks recovery for severe reputational harm, emotional distress, and defamation per
21 se, which are non-economic damages not subject to strict mathematical calculation.
22 Plaintiff is not presently able to provide a detailed itemization of specific economic
23 losses, including lost income, lost business opportunities, lost endorsement
24 opportunities, reputational repair costs, or medical treatment, as a result of the
25 Facebook Post. Plaintiff will supplement this response with expert reports or specific
26 financial computations if and when specific economic losses are identified during
27 discovery.

1 Plaintiff further states that he has not sought or received medical treatment as
2 a result of the Facebook Post.

3 Plaintiff reserves the right to supplement this response as discovery
4 progresses.

5 **INTERROGATORY NO. 6:** Provide a detailed itemization of any and all
6 economic loss that you contend Legacy Church has suffered as a result of the
7 Facebook Post, including but not limited to lost income, loss of parishioners, loss of
8 parishioner donations, lost business opportunities, lost endorsement opportunities,
9 and reputational repair costs.

10 **RESPONSE:** Objection. Legacy Church is not a named Plaintiff in this
11 action. Plaintiff objects to providing an itemization of financial losses for a non-
12 party.

13 **INTERROGATORY NO. 7:** Identify all individuals or organizations that
14 have informed you that they will no longer associate with you due to the Facebook
15 Post.

16 **RESPONSE:** Objection. This request is overly broad and unduly burdensome
17 because it is not limited in scope by time or subject matter and seeks information
18 regarding “all individuals or organizations” without reasonable particularity. It is
19 also compound, as it contains multiple distinct inquiries joined together in an effort
20 to exceed the discovery limits imposed by the Court. Further, to the extent this
21 request seeks information not within Plaintiff’s knowledge, custody, or control,
22 Plaintiff cannot provide such information. Subject to and without waiving these
23 objections, Plaintiff’s investigation is ongoing, and he will produce anonymized or
24 redacted records of such communications in response to Defendants’ Requests for
25 Production.

26 **INTERROGATORY NO. 8:** Identify all admissible evidence in your
27 possession that demonstrates or suggests that any of the named Defendants knew at

1 the time the Facebook Post was published that the individual in the photograph was
2 Plaintiff and not Steve Smotherman.

3 **RESPONSE:** Objection. This request seeks a premature disclosure of trial
4 strategy and attorney work product. Subject to and without waiving this objection,
5 the evidence includes, but is not limited to:

6 The “Incognito Mode” Admission (Conscious Avoidance): In Kevin Hodge’s
7 Second Amended Response to Interrogatory No. 5 (served June 10, 2026), he
8 admitted under penalty of perjury that he performed his Google image search in
9 “Google’s incognito mode.” Bypassing standard internet browsers to conduct
10 research in incognito mode—which deliberately leaves no record of the search and
11 destroys the verification history—is highly irregular and reckless. For sophisticated
12 commercial media influencers publishing controversial content to over 6.3 million
13 followers, deliberately hiding and erasing their research trail constitutes a conscious
14 avoidance of truth and a flagrant disregard for basic verification practices.

15 The Metadata Admission: Defendants admitted in response to Request for
16 Admission No. 9 that they did not review the metadata for the photograph prior to
17 publication. Had they performed the most basic, industry-standard check of the
18 photograph’s System Metadata, they would have seen that the file name and the
19 Source URL identified the image’s origin as a website affiliated with Legacy Church.

20 Severe Visual and Phonetic Incongruity: The Cracker Barrel corporate
21 executive was named Steve Smotherman, whereas Plaintiff is Steve Smothermon.
22 Defendants admit they noted this phonetic difference. Furthermore, there is an
23 extreme visual disparity between the photograph used in the Facebook Post (which
24 depicted a young Pastor Smothermon from his church website) and the actual
25 corporate executive. Publishing a photograph of a clearly identifiable religious
26 pastor, holding a Bible and preaching from a pulpit, and falsely claiming he is a
27 progressive HR executive running a restaurant chain’s LGBTQ+ programs

1 demonstrates a purposeful refusal to investigate.

2 Complete Omission of Standard Verification: Defendants admit they
3 performed no reverse image search, were completely unaware of standard visual
4 search tools, and never contacted the Plaintiff, Legacy Church, or any representative
5 to verify the image before publishing it to a monetized, revenue-generating platform.

6 Notice and Inconsistent Denials: Although Defendants' representatives Kylie
7 Howerton and Nathan Hughes received immediate notice of the error from Krisha
8 Mason on August 22, 2025, Defendants initially swore in their May 22, 2026
9 discovery responses that they possessed no internal communications or documents
10 whatsoever regarding the post's creation or removal. They subsequently had to
11 amend their responses on June 11, 2026, to produce the August 22, 2025 email
12 exchange (HODGE000136-000138), highlighting a pattern of evasive and
13 contradictory positions.

14 **RESPONSES TO REQUESTS FOR PRODUCTION**

15 **REQUEST NO. 1:** Produce all Documents in your possession reflecting any
16 inquiries you received about the Facebook Post. Your response should include, but
17 is not limited to, inquiries from the media or individuals regarding affiliation with
18 Cracker Barrel Old Country Stores, Inc., inquiries from the media or individuals
19 about whether you are "woke", and inquiries from the media or individuals about
20 whether you support diversity, equity, and inclusion (DEI) initiatives.

21 **RESPONSE:** This request is overly broad and not limited in scope by time or
22 subject matter because it seeks "all Documents...reflecting any inquiries" without
23 reasonable particularity as to the type or timeframe of inquiries sought. It is also
24 compound, as it seeks documents regarding multiple distinct topics (affiliation with
25 Cracker Barrel, "woke" status, and support for DEI initiatives) in a single request.
26 Further, to the extent this request seeks documents not in Plaintiff's possession,
27 custody, or control, no such documents will be produced. Subject to and without

1 waiving these objections, Plaintiff will conduct a reasonable search and produce
2 non-privileged, responsive documents in his possession, custody, or control, if any
3 exist, reflecting inquiries received about the Facebook Post, including but not limited
4 to those from the media or individuals regarding affiliation with Cracker Barrel Old
5 Country Stores, Inc., “woke” status, or support for DEI initiatives.

6 **REQUEST NO. 2:** Produce all Documents in your possession reflecting each
7 time someone has mistaken you for Steve Smotherman.

8 **RESPONSE:** This request is vague and ambiguous because it does not define
9 what constitutes "mistaken you for Steve Smotherman," including whether it refers
10 to oral, written, or electronic communications, and whether it includes inadvertent
11 typographical errors, intentional misidentification, or confusion by automated
12 systems. It is also overly broad and not limited in scope by time or subject matter,
13 as it seeks "all Documents" without any reasonable temporal or contextual
14 limitation. Further, the request seeks "all Documents" without reasonable
15 particularity as required by Rule 34(b)(1)(A).

16 Subject to and without waiving these objections, and after a diligent search
17 and reasonable inquiry, Plaintiff will produce non-privileged, responsive documents
18 in his possession, custody, or control, if any exist, reflecting instances where third
19 parties have mistaken him for “Steve Smotherman.

20 **REQUEST NO. 3:** Produce all Documents in your possession reflecting each
21 and every time the media has misspelled your name as “Smotherman” instead of
22 “Smothermon.”

23 **RESPONSE:** This request is overly broad and unduly burdensome because it
24 seeks "all Documents" reflecting “each and every time” the media has misspelled
25 Plaintiff’s name as Smotherman instead of Smothermon, without any limitation as
26 to time, subject matter, or reasonable particularity as to the types of media or context.
27 The request is also vague as to what constitutes “the media” and does not define the

1 term. Assuming Plaintiff understands this request, the information is public and
2 equally available to Defendants.

3 **REQUEST NO. 4:** Produce all Documents in your possession reflecting any
4 reputational damage you suffered and that you allege was caused by the Facebook
5 Post.

6 **RESPONSE:** This request is vague and ambiguous as to the phrase
7 “reflecting any reputational damage,” which is not defined and is subject to multiple
8 interpretations. This request is also overly broad and unduly burdensome because it
9 seeks “all Documents...reflecting any reputational damage,” without reasonable
10 particularity as to the types or categories of documents sought and is not limited in
11 scope by time or subject matter. Subject to and without waiving these objections,
12 and to the extent responsive, non-privileged documents exist, Plaintiff will produce
13 preserved copies of public comments, messages, and shares regarding the Facebook
14 Post, as identified in Plaintiff’s Initial Disclosures. Plaintiff’s investigation is
15 ongoing, and responsive documents, if any, will be produced or supplemented as
16 they become available.

17 **REQUEST NO. 5:** Produce all Documents in your possession reflecting any
18 and all inquiries you have received from the media or individuals as to whether you
19 support LGBTQ+ causes.

20 **RESPONSE:** This request is overly broad because it seeks “all
21 Documents...reflecting any and all inquiries...from the media or individuals as to
22 whether you support LGBTQ+ causes” without limitation as to time, subject matter,
23 or relevance to the claims or defenses in this action. It also lacks reasonable
24 particularity as to the types of documents sought and the identity of “individuals,”
25 rendering it unduly burdensome. Further, to the extent this request seeks documents
26 protected by the attorney-client privilege or work product doctrine, such documents
27 are withheld and will be identified on a privilege log if applicable.

1 **REQUEST NO. 6:** Produce all Documents evidencing any treatment or
2 therapy that you have received as a result of the emotional distress or mental stress
3 that you allege in your Complaint was caused by Defendants' actions.

4 **RESPONSE:** Objection. This request is not limited in scope by time or
5 subject matter and seeks "all Documents evidencing any treatment or therapy"
6 without reasonable particularity, rendering it overly broad and unduly burdensome.
7 The request also seeks documents that may contain information protected by the
8 physician-patient privilege and/or the psychotherapist-patient privilege to the extent
9 such documents reflect confidential communications between Plaintiff and any
10 medical or mental health provider. This request is irrelevant based on Plaintiff's
11 admission that he has not sought clinical medical or mental health treatment.

12 **REQUEST NO. 7:** Produce all communications in your possession from any
13 members or parishioners of Legacy Church that questioned whether you were
14 "woke" and/or supported diversity, equity, and inclusion initiatives after the
15 publication of the Facebook Post.

16 **RESPONSE:** Objection. This request is vague and ambiguous because it does
17 not define what constitutes "questioned" or the scope of "diversity, equity, and
18 inclusion initiatives," and is not limited in scope by time or subject matter. It is also
19 overly broad because it seeks "all communications" without reasonable particularity
20 as to the type or form of communication sought. This request seeks communications
21 that implicate the privacy and associational rights of third-party parishioners.
22 Subject to and without waiving this objection, Plaintiff will conduct a reasonable
23 search and produce non-privileged, responsive communications in his possession,
24 custody, or control, if any exist, from members or parishioners of Legacy Church
25 that, after the publication of the Facebook Post, questioned whether Plaintiff was
26 "woke" and/or supported diversity, equity, and inclusion initiatives. Plaintiff will
27 produce redacted responsive documents to protect third-party privacy, or will

1 produce them pursuant to a Protective Order.

2 **REQUEST NO. 8:** Produce all Documents in your possession supporting
3 your claim that the Facebook Post injured your reputation among members or
4 parishioners of Legacy Church.

5 **RESPONSE:** This request is not limited in scope by time or subject matter
6 and seeks “all Documents...supporting your claim,” which is overly broad and not
7 reasonably particular as required by Rule 34(b)(1)(A) of the Federal Rules of Civil
8 Procedure. The request is also compound, as it seeks documents both “supporting
9 your claim” and “among members or parishioners of Legacy Church,” which are
10 distinct inquiries. Subject to and without waiving these objections, Plaintiff will
11 produce non-privileged, responsive documents in his possession, custody, or control,
12 including preserved copies of public comments, messages, and shares regarding the
13 Facebook post at issue, to the extent such documents reflect or reference reputational
14 injury among members or parishioners of Legacy Church. Plaintiff further identifies
15 documents, sermons, and publications demonstrating his ministry’s traditional
16 values, which may be used to rebut the defamatory allegations and contextualize any
17 reputational harm.

18 **REQUEST NO. 9:** Produce all Documents in your possession supporting
19 your claim that the Facebook Post injured your reputation among the public-at-large.

20 **RESPONSE:** This request is vague and ambiguous because the term “public-
21 at-large” is not defined and is inherently subjective, making it unclear whose
22 perceptions or what scope of the public is at issue. The request is also overly broad
23 because it seeks “all Documents” without reasonable particularity as to time, subject
24 matter, or the specific type of reputational injury alleged, and thus fails to describe
25 with reasonable particularity the documents sought as required by Rule 34(b)(1)(A)
26 of the Federal Rules of Civil Procedure. Subject to and without waiving these
27 objections, Plaintiff will produce non-privileged, responsive documents in his

1 possession, custody, or control that support his claim of reputational injury among
2 the public-at-large, including preserved copies of public comments, messages, and
3 shares regarding the Facebook post at issue, as well as documents, sermons, and
4 publications rebutting the defamatory allegations, to the extent such documents exist
5 and are reasonably identifiable. Plaintiff's investigation is ongoing and he reserves
6 the right to supplement this response as additional information becomes available.

7 **REQUEST NO. 10:** Produce all Documents in your possession showing the
8 monthly sales of Big Problems, Bigger God for the calendar year 2025.

9 **RESPONSE:** Objection. This request is overly broad and unduly burdensome
10 because it seeks "all Documents" without reasonable particularity as to the type or
11 source of documents sought. It is also compound to the extent it seeks both summary
12 and underlying transactional documents in a single request. This request seeks
13 confidential, proprietary financial information that is not relevant to the claims and
14 defenses in this case.

15 **REQUEST NO. 11:** Produce all Documents in your possession showing the
16 monthly sales of Large Large Living in a Small Small World for the calendar year
17 2025.

18 **RESPONSE:** Objection. This request is overly broad and unduly burdensome
19 because it seeks "all Documents" without reasonable particularity as to the type or
20 source of documents sought. It is also compound to the extent it seeks both summary
21 and underlying transactional documents in a single request. This request seeks
22 confidential, proprietary financial information that is not relevant to the claims and
23 defenses in this case.

24 **REQUEST NO. 12:** Produce all Documents in your possession showing
25 listener numbers and/or downloads for each episode of the Legacy Church with
26 Pastor Steve podcast for the calendar years 2025 and 2026.

27 **RESPONSE:** Objection. This request is overly broad and unduly burdensome

1 because it seeks “all Documents...showing listener numbers and/or downloads for
2 each episode” without reasonable particularity as to the specific episodes or
3 platforms, and is not limited to documents relevant to any claim or defense in this
4 action. It is further objectionable to the extent it seeks documents not in Plaintiff’s
5 possession, custody, or control, including documents maintained exclusively by
6 nonparties.

7 **REQUEST NO. 13:** Produce all Documents in your possession supporting
8 your allegation in Paragraph 44 of your Complaint that the Facebook Post “led to a
9 \$145 million loss in brand value in a single day.”

10 **RESPONSE:** Objection. This request seeks “all Documents in your
11 possession supporting your allegation in Paragraph 44 of your Complaint that the
12 Facebook Post ‘led to a \$145 million loss in brand value in a single day.’” This
13 request is overly broad and unduly burdensome because it seeks “all Documents”
14 without reasonable particularity as to the specific types of documents sought. It is
15 also vague and ambiguous as to the meaning of “brand value” and the methodology
16 by which such loss is to be measured, as these terms are not defined in the request
17 or the accompanying definitions. Further, to the extent this request seeks documents
18 that constitute attorney work product or are protected by the attorney-client
19 privilege, such documents are withheld. This information is a matter of public record
20 and widely reported in the media, making it equally accessible to Defendants.

21 **REQUEST NO. 14:** Produce all Documents in your possession reflecting any
22 and all criticism that you have received that you allege is a result of the Facebook
23 Post.

24 **RESPONSE:** This request is overly broad and not limited in scope by time or
25 subject matter because it seeks “any and all criticism” allegedly resulting from the
26 Facebook Post without reasonable particularity as to the type, source, or form of
27 criticism sought. It is also compound to the extent it seeks both documents

1 “reflecting” criticism and documents “alleged” to be a result of the Facebook Post,
2 which are distinct inquiries. Subject to and without waiving these objections,
3 Plaintiff will produce non-privileged, responsive documents in his possession,
4 custody, or control, including preserved copies of public comments, messages, and
5 shares regarding the Facebook Post, to the extent such documents exist and are
6 reasonably identifiable as reflecting criticism Plaintiff alleges resulted from the
7 Facebook Post. Plaintiff reserves the right to supplement this response as discovery
8 continues.

9 **REQUEST NO. 15:** Produce all Documents in your possession reflecting any
10 and all reputational damage to you that you allege is a result of the Facebook Post.

11 **RESPONSE:** This request is overly broad and unduly burdensome because it
12 seeks “all Documents...reflecting any and all reputational damage,” without
13 reasonable particularity as to the types or categories of documents sought or any
14 temporal limitation. The request is also vague as to what constitutes “reputational
15 damage,” which is not defined in the instructions or definitions provided. Subject to
16 and without waiving these objections, and to the extent responsive, non-privileged
17 documents exist, Plaintiff will produce non-privileged documents in his possession,
18 custody, or control that reflect reputational harm he alleges resulted from the
19 Facebook Post, including but not limited to preserved copies of public comments,
20 messages, and shares regarding the Facebook post, as identified in Plaintiff’s initial
21 disclosures. Plaintiff’s investigation is ongoing, and he reserves the right to
22 supplement this response as additional responsive documents are identified in
23 discovery.

24 **REQUEST NO. 16:** Produce all Documents in your possession that support
25 your allegation in Paragraph 47 of your Complaint that Defendants intended to cause
26 you harm with the Facebook Post.

27 **RESPONSE:** Objection. This request is vague and ambiguous because it

1 seeks “all Documents...that support your allegation...that Defendants intended to
2 cause you harm,” without defining “intended to cause you harm” or specifying the
3 types of documents sought. It is also overly broad and not limited in scope by time
4 or subject matter, as it seeks “all Documents” without reasonable particularity. This
5 request calls for the production of documents establishing the subjective intent of
6 the Defendants, which is information exclusively in the Defendants’ possession.
7 Subject to and without waiving these objections,

- 8 1. Preserved copies and screenshots of the August 22, 2025, Facebook Post
9 and the public comments accumulating on it, demonstrating that
10 Defendants’ audience immediately recognized the falsity and began
11 attacking Plaintiff’s reputation and ministry.
- 12 2. The August 22, 2025, email exchange between Krisha Mason and Kylie
13 Howerton (Bates numbers HODGE000136-000138), proving that
14 Defendants’ representatives were immediately notified of the severe harm
15 and falsity of the post.
- 16 3. Kevin Hodge’s sworn Second Amended Response to Interrogatory No. 5,
17 in which he admits to conducting the search in “Google’s incognito mode,”
18 illustrating a reckless and bad-faith research method that deliberately
19 avoided maintaining a record of the search results.
- 20 4. Documents demonstrating the stark phonetic and visual differences
21 between Pastor Steve Smothermon and Cracker Barrel executive Steve
22 Smotherman, demonstrating that Defendants’ use of the photo was not a
23 simple oversight but a reckless choice to publish a sensationalized,
24 unverified image.
- 25 5. Analytical and revenue records to be produced by Defendants
26 demonstrating that the “Hodgetwins” Facebook page is a highly monetized
27 platform that generates revenue by publishing inflammatory, “woke-

1 bashing” content to maximize user engagement at the expense of third-
2 party reputations.

3 **REQUEST NO. 17:** Produce all Documents in your possession that identify
4 any and all moneymaking opportunities that you allege you lost as a result of the
5 Facebook Post.

6 **RESPONSE:** This request is overly broad and unduly burdensome because it
7 seeks “all Documents” without reasonable particularity and is not limited in scope
8 by time or subject matter. It is also compound, as it seeks multiple distinct categories
9 of information within a single request. Further, to the extent this request seeks
10 documents not in Plaintiff’s possession, custody, or control, no such documents will
11 be produced.

12 Subject to and without waiving the foregoing objections, Plaintiff states that
13 his investigation into actual damages, including any lost moneymaking
14 opportunities, is ongoing. At this time, Plaintiff has not identified any documents in
15 his possession that specifically identify moneymaking opportunities lost as a result
16 of the Facebook Post, including the specific opportunity, the name and contact
17 information of any individual who informed Plaintiff of such loss, or the amount of
18 money allegedly lost. Plaintiff will supplement this response if responsive
19 documents are identified during discovery.

20 **REQUEST NO. 18:** Produce all Documents in your possession that identify
21 any and all promotional opportunities that you allege you lost as a result of the
22 Facebook Post.

23 **RESPONSE:** This request is overly broad and unduly burdensome because it
24 seeks “all Documents” without reasonable particularity as to the type or category of
25 promotional opportunities at issue. It is also compound, as it seeks both identification
26 of lost promotional opportunities and the name and contact information of
27 individuals who informed Plaintiff of such losses, which are distinct inquiries.

1 Further, to the extent this request seeks documents not in Plaintiff's possession,
2 custody, or control, no such documents will be produced.

3 Subject to and without waiving the foregoing objections, Plaintiff's
4 investigation into specific economic and promotional damages remains ongoing.
5 Plaintiff will produce responsive documents as they are identified.

6 **REQUEST NO. 19:** Produce all Documents in your possession that support
7 your allegation in Paragraph 64 of your Complaint that "Defendants have not
8 stopped repeating and publishing the false and defamatory statements described
9 herein."

10 **RESPONSE:** This request is vague and ambiguous because it does not define
11 what constitutes "repeating and publishing" or the scope of "the false and
12 defamatory statements described herein." It is also overly broad because it seeks "all
13 Documents" without reasonable particularity as to time, subject matter, or the
14 specific statements at issue. Subject to and without waiving these objections,
15 Plaintiff will produce non-privileged, responsive documents in his possession,
16 custody, or control, if any, that support the allegation in Paragraph 64 of the
17 Complaint.

18 **REQUEST NO. 20:** Produce all Documents in your possession that support
19 your allegation in Paragraph 64 of your Complaint that "the statements have not
20 been removed from [Defendants'] social media."

21 **RESPONSE:** This request is vague as to the term "statements," which is not
22 defined and could refer to multiple alleged statements or posts. It is also overly broad
23 because it seeks "all Documents" without reasonable particularity as to the specific
24 statements or social media platforms at issue. Subject to and without waiving these
25 objections, and to the extent responsive documents exist and are within Plaintiff's
26 possession, custody, or control, Plaintiff identifies and will produce non-privileged
27 documents, including screenshots and preserved copies of the Defendants' August

1 22, 2025, Facebook post titled “Cracker Barrel's WOKE Past Comes Back to Light,”
2 including the photograph of Plaintiff, as well as preserved copies of public
3 comments, messages, and shares regarding the post, which are believed to
4 demonstrate that the statements have not been removed from Defendants’ social
5 media. Plaintiff reserves the right to supplement this response as discovery
6 continues.

7 **REQUEST NO. 21:** Produce all Documents in your possession that you
8 contend demonstrates that any of the named Defendants knew at the time the
9 Facebook Post was published that the individual in the photograph was Plaintiff and
10 not Steve Smotherman.

11 **RESPONSE:** Objection. This request is objectionable because it seeks “all
12 Documents” without reasonable particularity as to subject matter or time frame. It is
13 also compound, as it asks for documents demonstrating knowledge as to “any of the
14 named Defendants” and as to both the identity of the individual in the photograph
15 and the timing of such knowledge. Subject to and without waiving these objections,
16 Plaintiff will produce non-privileged responsive documents in his possession,
17 custody, or control, including:

- 18 1. The email exchange between Krisha Mason and Kylie Howerton dated
19 August 22, 2025 (Bates numbers HODGE000136-000138). This document
20 proves that Defendants’ customer support and web manager Nathan Hughes
21 received immediate notice of the error, yet Defendants have claimed they
22 possessed zero internal records or communications regarding this notice or the
23 post’s removal.
- 24 2. Public comments from the Facebook Post itself, demonstrating that
25 commenters immediately flagged the image as Pastor Steve Smothermon and
26 warned Defendants that they had targeted the wrong individual.
- 27 3. The embedded metadata of the photograph used in the post, which identifies

1 its source as a website affiliated with Legacy Church (and which Defendants
2 admit they chose not to review prior to publishing).

- 3 4. Kevin Hodge’s sworn Second Amended Response to Interrogatory No. 5, in
4 which he admits under penalty of perjury that he performed his image search
5 in “Google’s incognito mode.” This deliberate choice to search in incognito
6 mode—coupled with their admissions that they performed no reverse image
7 search and made no attempts to contact the Plaintiff or Legacy Church—
8 provides powerful circumstantial evidence that Defendants acted with a high
9 degree of awareness of the probable falsity of their publication and a
10 conscious disregard for the truth.

11 **RESPONSES TO REQUESTS FOR ADMISSION**

12 **REQUEST NO. 1:** Admit that, for purposes of this case, you are a public
13 figure.

14 **RESPONSE:** Objection. Because the term “public figure” is a legal
15 conclusion and is not defined in the request, and because whether Plaintiff is a public
16 figure for purposes of this case is a central, disputed legal issue rather than an issue
17 of fact which the Plaintiff can attest to, Plaintiff objects to this request on the grounds
18 that it calls for a legal conclusion and is vague and ambiguous as to the meaning of
19 “public figure.” Plaintiff further states that his status as a public figure is a matter
20 for the Court to determine based on the evidence and applicable law. This request
21 calls for a legal conclusion rather than an admission of fact. Subject to and without
22 waiving this objection, denied.

23 **REQUEST NO. 2:** Admit that, for purposes of this case, you are a limited
24 purpose public figure.

25 **RESPONSE:** Objection. Because the term “limited purpose public figure” is
26 a legal conclusion and is not defined in the request, and because whether Plaintiff is
27 a limited purpose public figure is a mixed question of law and fact that is properly

1 determined by the Court based on the record, Plaintiff objects to this request on the
2 grounds that it calls for a legal conclusion and is vague and ambiguous as to the
3 scope and meaning of “limited purpose public figure.” Subject to and without
4 waiving these objections, denied.

5 **REQUEST NO. 3:** Admit that you have not heard from a single one of your
6 parishioners that believed you were or had been a Cracker Barrel executive
7 following the publication of the Facebook Post.

8 **RESPONSE:** This request is vague and ambiguous as to the phrase “heard
9 from,” which is not defined and could encompass a range of communications,
10 including indirect or secondhand statements. Subject to and without waiving this
11 objection, denied.

12 **REQUEST NO. 4:** Admit that you have not heard from anyone in the media
13 that believed you were or had been a Cracker Barrel executive following the
14 publication of the Facebook Post.

15 **RESPONSE:** This request is vague and ambiguous as to the term “media,”
16 which is not defined and could encompass an overly broad range of individuals and
17 entities. Subject to and without waiving this objection, denied.

18 **REQUEST NO. 5:** Admit that you are not aware of any public speaking
19 opportunities that you have lost following the publication of the Facebook Post.

20 **RESPONSE:** This request is vague and ambiguous as to the phrase “public
21 speaking opportunities,” which is not defined and could encompass a broad and
22 indeterminate range of activities. Subject to and without waiving this objection, and
23 construing “public speaking opportunities” to mean formal, compensated speaking
24 engagements that were specifically rescinded or denied as a result of the Facebook
25 Post, denied.

26 **REQUEST NO. 6:** Admit that Legacy Church’s revenue increased from 2024
27 to 2025.

1 **RESPONSE:** Objection. This request is irrelevant, not proportional to the
2 needs of the case, and seeks confidential financial information of a non-party
3 religious organization. Subject to and without waiving this objection, Plaintiff lacks
4 sufficient information to admit or deny this request and therefore denies the same.

5 **REQUEST NO. 7:** Admit that you are not aware of any book sales that you
6 have lost as a result of the Facebook Post.

7 **RESPONSE:** This request is vague and ambiguous as to the phrase “book
8 sales that you have lost,” as it is not reasonably clear whether it refers to specific
9 transactions, overall sales volume, or other metrics, and does not specify a relevant
10 time period. Subject to and without waiving this objection, denied.

11 **REQUEST NO. 8:** Admit that you are not aware of any potential media
12 appearances that you have lost as a result of the Facebook Post.

13 **RESPONSE:** This request is vague and ambiguous as to the term “potential
14 media appearances,” which is not defined and could encompass an indeterminate
15 range of opportunities. Subject to and without waiving this objection, and construing
16 “potential media appearances” to mean any potential appearance, Plaintiff responds
17 as follows, denied.

18 **REQUEST NO. 9:** Admit that you have not sought medical treatment as
19 result of the Facebook Post.

20 **RESPONSE:** This request is vague and ambiguous as to the term “medical
21 treatment,” which is not defined and could encompass a broad range of activities.
22 Subject to and without waiving this objection, and construing “medical treatment”
23 to mean treatment by a licensed medical professional for physical injury or illness,
24 Plaintiff denies this request to the extent that he has sought consultation or evaluation
25 from a healthcare provider regarding any physical or emotional symptoms
26 experienced following the publication of the Facebook Post.

27 **REQUEST NO. 10:** Admit that you have not sought mental health treatment

1 as a result of the Facebook Post.

2 **RESPONSE:** This request is vague and ambiguous as to the meaning of
3 “mental health treatment,” which is not defined. Subject to and without waiving this
4 objection, and based on a reasonable interpretation of the request, Plaintiff denies
5 the request to the extent that he has sought support in response to the emotional
6 distress caused by the Facebook Post.

7 **REQUEST NO. 11:** Admit that you have never met or had any interactions
8 with Defendant Keith Hodge.

9 **RESPONSE:** This request is vague and ambiguous as to the term
10 “interactions,” which is not defined and could encompass a broad range of conduct.
11 Subject to and without waiving this objection, Plaintiff admits that he has never met
12 Defendant Keith Hodge and, to the best of his recollection, has not had any direct
13 communications or interactions with Defendant Keith Hodge. Plaintiff further
14 admits that Defendant Keith nor Defendant Keven ever met Plaintiff prior to posting
15 his name and picture and then asserting with authority that that was the picture of
16 the CEO for Cracker-barrel.

17 **REQUEST NO. 12:** Admit that you have never met or had any interactions
18 with Defendant Kevin Hodge.

19 **RESPONSE:** This request is vague and ambiguous as to the term
20 “interactions,” which is not defined and could encompass a broad range of conduct.
21 Subject to and without waiving this objection, Plaintiff responds as follows: Plaintiff
22 admits that he has never met Defendant Kevin Hodge. Plaintiff further states that, to
23 the best of his knowledge, he has not had any direct communications or interactions
24 with Defendant Kevin Hodge. Plaintiff further admits that Defendant Keith nor
25 Defendant Keven ever met Plaintiff prior to posting his name and picture and then
26 asserting with authority that that was the picture of the CEO for Cracker-barrel.

27 **REQUEST NO. 13:** Admit that you are not in possession of any evidence

1 indicating that the Facebook Post was made with knowledge that the individual in
2 the photograph was not Steve Smotherman.

3 **RESPONSE:** Objection. Because the term “evidence” is vague and
4 undefined, and because this request calls for a legal conclusion as to what constitutes
5 “knowledge,” Plaintiff objects to the request. Subject to and without waiving these
6 objections, denied.

7 **REQUEST NO. 14:** Admit that you are not in possession of any information
8 indicating that the Facebook Post was made with knowledge that the individual in
9 the photograph was not Steve Smotherman.

10 **RESPONSE:** This request is vague and ambiguous as to the phrase “any
11 information indicating,” which is not defined and is susceptible to multiple
12 interpretations. Subject to and without waiving these objections, denied.

13 Dated: June 12, 2026.

14 As to Objections:

15
16 /s/ Nicole A. Westbrook
17 Nicole A. Westbrook
18 G. Michael Jackson Esq.
19 **JONES, DAVIS & JACKSON, P.C.**

20 *Attorneys for Pastor Steve*
21 *Smothermon*
22
23
24
25
26
27

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 12, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document was served on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

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*Attorneys for Defendants
Keith Hodge, Kevin Hodge, and Hodgetwins, LLC*

/s/ Nicole A. Westbrook

Exhibit 5

Plaintiff's Responses to Defendants' Secon [sic]
Set of Interrogatories, Second Requests for Production,
and Third Requests for Production

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**PASTOR STEVE
SMOTHERMON,**

Plaintiff,

v.

KEITH HODGE, an individual;
KEVIN HODGE, an individual;
HODGETWINS, LLC, a Nevada
limited liability company;

Defendants.

Case No.: 2:25-cv-01858-APG-BNW

**PLAINTIFF'S RESPONSES TO
DEFENDANTS' SECON SET OF
INTERROGATORIES, SECOND
REQUESTS FOR PRODUCTION,
AND THIRD REQUESTS FOR
PRODUCTION**

Pursuant to Rules 33, 34, and 36 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Nevada, Plaintiff Pastor Steve Smothermon ("Plaintiff") hereby submits his responses and objections to Defendants Keith Hodge, Kevin Hodge, and Hodgetwins, LLC's ("Defendants") Second Set of Interrogatories, Second Requests for Production, and Third Requests for Production.

GENERAL OBJECTIONS

These general objections apply to each and every discovery request served by Defendants. The assertion of specific objections in response to a particular request does not waive or limit these general objections, which are incorporated by reference

1 into each specific response:

2 1. Privilege: Plaintiff objects to each request to the extent it seeks
3 information, documents, or ESI protected by the attorney-client privilege, the
4 attorney work-product doctrine, or any other applicable privilege, protection, or
5 immunity.

6 2. Overbroad and Disproportional: Plaintiff objects to each request to the
7 extent it is overly broad, unduly burdensome, or seeks information that is not
8 proportional to the needs of this case under Federal Rule of Civil Procedure 26(b)(1).

9 3. Abusive Duplication and Cumulative Requests: Plaintiff objects to
10 Defendants' excessive, highly repetitive, and cumulative discovery sets. Defendants
11 have served multiple subsequent waves of discovery that are almost entirely
12 duplicative of requests previously served in their First Set of Requests for Production
13 and First Set of Interrogatories on May 13, 2026. Plaintiff objects to this abusive and
14 harassing tactic, which unnecessarily multiplies the proceedings, creates undue
15 burden, and is designed solely to drive up litigation costs and harass Plaintiff.

16 4. Confidentiality and Third-Party Privacy: Plaintiff objects to each
17 request to the extent it seeks confidential, proprietary, or private financial,
18 organizational, or religious counseling information belonging to Legacy Church, its
19 staff, or third-party parishioners.

20 5. Lack of Possession, Custody, or Control Over Non-Party Documents
21 and Devices: Plaintiff objects to each request to the extent that it seeks documents,
22 ESI, communications, or tangible things not within the personal possession, custody,
23 or control of Plaintiff in his individual capacity. Plaintiff is suing in his individual
24 capacity. Legacy Church, Inc. is a separate, non-party 501(c)(3) religious corporate
25 entity with its own independent legal existence and corporate governance. Plaintiff
26 has no legal authority or unilateral right to obtain and produce corporate records of
27 Legacy Church, Inc., or communications stored on separate church servers, on

1 demand in this individual litigation. Furthermore, Plaintiff has absolutely no
2 custody, control, or legal right to search, review, or compel the production of
3 records, communications, or data from the personal devices, personal cell phones,
4 personal text messages, personal emails, or private social media accounts of
5 individual Legacy Church employees (such as Krisha Mason, Michael Morin, or
6 others), individual board members, or parishioners, all of whom are non-parties to
7 this Action. Plaintiff cannot and will not search for or produce documents, records,
8 text messages, or things owned by parishioners, the church, or non-party employees'
9 personal phones and personal accounts. Such non-party materials are outside the
10 scope of Rule 34 production.

11 **RESPONSES TO INTERROGATORIES**

12 **INTERROGATORY NO. 9:** Describe with particularity your discussions
13 with Krisha Mason regarding the Facebook Post, including but not limited to the
14 specifics of those discussions, any instructions that you provided to Ms. Mason about
15 required action regarding the Facebook Post, any discussions that you or Ms. Mason
16 had with others at Legacy Church regarding the Facebook Post, and any discussions
17 that you or Ms. Mason had with third parties regarding the Facebook Post.

18 **RESPONSE:** Plaintiff objects to this Interrogatory as overly broad,
19 compound, unduly burdensome, and highly duplicative and cumulative of Plaintiff's
20 responses and obligations under Defendants' First Set of Interrogatories, specifically
21 Interrogatory No. 3 (identifying third parties who contacted Plaintiff regarding the
22 post) and Interrogatory No. 4 (describing how Plaintiff discovered the post and who
23 informed him). It is also entirely duplicative of Request for Production No. 27 in
24 Defendants' Third Set of Requests for Production, which seeks the exact same
25 categories of communications. This represents an abusive multiplication of
26 discovery procedures.

1 Plaintiff further objects to this Interrogatory to the extent it seeks information
2 protected by the attorney-client privilege or the attorney work-product doctrine,
3 including any communications with Plaintiff's counsel, or communications prepared
4 in anticipation of litigation. Plaintiff also objects to the extent it seeks to invade the
5 privacy and associational rights of non-party church staff, employees, or
6 parishioners.

7 Plaintiff further objects that to the extent this request seeks the content of
8 discussions or communications that are not within Plaintiff's personal recollection
9 or documented in files in his individual possession, custody, or control—such as
10 private conversations between non-party employees (e.g., Ms. Mason) and other
11 non-party parishioners or third parties on their personal devices or in private settings
12 outside of Plaintiff's presence—such information is completely outside of Plaintiff's
13 control and cannot be produced. Plaintiff has no legal authority to compel non-party
14 employees or parishioners to provide details of their private conversations.

15 Subject to and without waiving these objections, and preserving his objections
16 to the duplication of these requests, Plaintiff supplements his previous interrogatory
17 answers as follows:

18 On August 22, 2025, Legacy Church employee Krisha Mason discovered the
19 defamatory Facebook Post and immediately brought it to Plaintiff's attention. Pastor
20 Steve Smothermon was deeply shocked and distressed. Plaintiff instructed Ms.
21 Mason to immediately contact the Defendants' customer support and demand that
22 the post be taken down. Ms. Mason subsequently placed a phone call to, and
23 exchanged emails with, Defendants' customer service representative Kylie
24 Howerton, which resulted in the email chain located at Bates HODGE000136-
25 000138. Plaintiff discussed the defamatory post with members of his church staff
26 and Board of Directors on or about August 22, 2025, to address the immediate
27 backlash and protect the ministry from the false association with corporate

1 progressive DEI initiatives. Plaintiff has no responsive details regarding any other
2 discussions with third parties, beyond the public confusion and concern expressed
3 by church parishioners as logged in Plaintiff's supplemental document production.

4 **RESPONSES TO REQUESTS FOR PRODUCTION**

5 **REQUEST NO. 22:** Produce all Documents in your possession regarding
6 internal communications at Legacy Church regarding the Facebook Post.

7 **RESPONSE:** Plaintiff objects to this Request as overly broad, unduly
8 burdensome, cumulative, and not proportional to the needs of the case. Plaintiff
9 further objects to this Request on the grounds that it is partially duplicative and
10 cumulative of Plaintiff's responses and obligations under Defendants' First Set of
11 Requests for Production, specifically Request for Production No. 7 (seeking
12 communications from Legacy Church members/parishioners questioning if Plaintiff
13 was 'woke') and Request for Production No. 8 (seeking documents supporting
14 damage to Plaintiff's reputation among Legacy Church members). By demanding
15 "all internal communications" without qualification, this request is an abusive
16 attempt to force duplicative searches for documents already covered by previous
17 requests.

18 Plaintiff further objects that this Request improperly seeks corporate
19 documents and ESI from a separate, non-party religious corporation (Legacy
20 Church, Inc.) that is not a party to this Action. Plaintiff, suing in his individual
21 capacity, lacks the legal right or practical ability to obtain and produce internal
22 records, server-side ESI, or files belonging to Legacy Church, Inc. on demand. He
23 does not have control over non-party corporate records within the meaning of
24 Federal Rule of Civil Procedure 34. Furthermore, Plaintiff objects that he has no
25 custody, control, or legal authority to access, search, or produce communications
26 from the personal mobile phones, private text messages, personal email accounts, or
27 individual messaging apps of church staff, employees, or parishioners, all of whom

1 are non-parties. Plaintiff cannot and will not produce documents, ESI, or things
2 owned by parishioners or Legacy Church, Inc.

3 Plaintiff further objects to the extent this Request seeks documents protected
4 by the attorney-client privilege or the work-product doctrine, including any
5 communications prepared in anticipation of this litigation. Plaintiff further objects
6 that this Request violates the privacy and associational rights of non-party
7 parishioners, staff, and clergy of Legacy Church.

8 Subject to and without waiving these objections, and preserving his objections
9 to the extreme duplication of these requests, Plaintiff will produce non-privileged,
10 responsive communications within his personal possession, custody, or control
11 concerning the defamatory post—including the August 22, 2025 email exchange
12 between Krisha Mason and Kylie Howerton (Bates HODGE000136-000138).

13 **REQUEST FOR PRODUCTION NO. 23:** Produce all Documents in your
14 possession regarding your communications with any person, company, corporation,
15 or any third party regarding the Facebook Post.

16 **RESPONSE:** Plaintiff objects to this Request on the grounds that it is entirely
17 duplicative and cumulative of requests previously served in Defendants' First Set of
18 Requests for Production on May 13, 2026. Specifically, this Request is identical in
19 scope to, and fully encompassed by, Request for Production No. 1 (seeking all
20 inquiries received about the post), Request for Production No. 4 (documents
21 reflecting reputational damage), Request for Production No. 5 (inquiries regarding
22 support for LGBTQ+ causes), and Request for Production No. 14 (documents
23 reflecting criticism received). Serving an identical, catch-all request for
24 "communications with any third party" after Plaintiff has already responded to
25 multiple targeted communication requests is harassing, vexatious, and represents a
26 bad-faith multiplication of discovery requests designed to evade the orderly
27 discovery process.

1 Plaintiff further objects that a blanket request for communications with “any
2 person” or “any third party” without limitation is facially overly broad, unduly
3 burdensome, and not proportional to the needs of the case. Plaintiff objects that the
4 term “any third party” or “any person” improperly attempts to sweep in
5 communications by independent non-party parishioners and church staff over whom
6 Plaintiff has no custody or control. Plaintiff cannot and will not search for or produce
7 communications owned by parishioners, non-party church employees, or the church
8 corporation stored on their private devices or independent accounts.

9 Plaintiff also objects to the extent this Request seeks communications
10 protected by the attorney-client privilege or attorney work-product doctrine.

11 Subject to and without waiving these objections, Plaintiff refers Defendants
12 to his responses and objections to Defendants’ First Set of Requests for Production
13 Nos. 1, 4, 5, and 14.

14 **REQUEST FOR PRODUCTION NO. 24:** Produce all Documents in your
15 possession regarding any employee at Legacy Church’s communications with any
16 person, company, corporation, or any third party regarding the Facebook Post.

17 **RESPONSE:** Plaintiff objects to this Request on the grounds that it is highly
18 duplicative and cumulative of previous requests, including Request for Production
19 No. 7 (communications from Legacy Church members/parishioners regarding the
20 “woke” allegations) in Defendants’ First Set, as well as Request for Production No.
21 22 (internal communications at Legacy Church regarding the post) in this Second
22 Set. This request represents an abusive multiplication of identical inquiries.

23 Plaintiff further objects that this Request improperly seeks documents from
24 non-party employees of a non-party entity (Legacy Church, Inc.). Under Federal
25 Rule of Civil Procedure 34, a party is only required to produce documents within
26 their personal possession, custody, or control. Plaintiff, suing in his personal and
27 individual capacity, has absolutely no legal authority, custody, or control over the

1 personal mobile devices, private cell phones, private text messages, personal email
2 accounts, or private social media records of individual Church employees (such as
3 Krisha Mason, Michael Morin, or others). These devices and accounts are the
4 personal, private property of those non-party individuals, and Plaintiff has no legal
5 right or power to seize or search them. Plaintiff has no legal authority to compel
6 these employees to produce their private data or devices for use in this lawsuit.

7 Plaintiff further objects that this Request is overly broad, harassing, and
8 violates the third-party privacy, associational, and religious counseling privileges of
9 Church staff and parishioners. Plaintiff cannot and will not produce documents,
10 records, ESI, or things owned by parishioners, Legacy Church, Inc., or stored on
11 devices owned by non-party employees.

12 Subject to and without waiving these objections, Plaintiff has already
13 produced and identified the primary responsive communication within his
14 possession, custody, or control: the email chain between Church employee Krisha
15 Mason and Defendants' customer service representative Kylie Howerton on August
16 22, 2025 (Bates HODGE000136-000138). To the extent other non-privileged,
17 responsive communications exist in Plaintiff's personal, individual possession,
18 custody, or control, they will be produced.

19 **REQUEST FOR PRODUCTION NO. 25:** Produce each and every
20 communication that you, anyone affiliated with you, or anyone acting on your behalf
21 sent to Defendants or anyone affiliated with them, including but not limited to
22 emails, letters, text messages, direct messages, and voicemails.

23 **RESPONSE:** Plaintiff objects to this Request to the extent it seeks
24 communications that are already in Defendants' own possession, custody, or control,
25 making the request cumulative and burdensome. Plaintiff further objects that the
26 phrase "anyone affiliated with you" is vague, ambiguous, overly broad, and seeks to
27 expand Plaintiff's discovery obligations to non-party entities or individuals beyond

1 his personal custody or control, including Legacy Church, Inc., individual
2 parishioners, and church employees over whose private accounts and personal
3 devices Plaintiff has no legal authority. Plaintiff cannot and will not search for or
4 produce records from these non-parties' personal accounts or devices.

5 Subject to and without waiving these objections, Plaintiff has already
6 produced the August 22, 2025 email exchange initiated by Krisha Mason on his
7 behalf (Bates HODGE000136-000138), as well as pre-litigation correspondence
8 from Plaintiff's counsel. To the extent any other non-privileged direct
9 communications exist in Plaintiff's personal, individual possession, custody, or
10 control that are not equally available to Defendants, they will be produced.

11 **REQUEST FOR PRODUCTION NO. 26:** Produce each and every
12 communication that you, anyone affiliated with you, or anyone acting on your behalf
13 sent to the customer service email address listed on Defendants' merchandise
14 website, including but not limited to emails, letters, text messages, direct messages,
15 and voicemails.

16 **RESPONSE:** Plaintiff objects to this Request as entirely duplicative and
17 redundant of Request for Production No. 25 in this exact same set. Request No. 25
18 seeks "each and every communication... sent to Defendants or anyone affiliated with
19 them." Request No. 26 is a subset of Request No. 25, merely specifying the customer
20 service email address. This represents a highly repetitive and abusive discovery
21 tactic, forcing Plaintiff to provide separate objections and responses to identical
22 questions.

23 Plaintiff further objects that the requested documents are already in
24 Defendants' own possession, custody, or control. Plaintiff further objects that the
25 phrase "anyone affiliated with you" is overly broad and improperly attempts to
26 sweep in non-party records over which Plaintiff has no custody or control. Plaintiff
27 cannot and will not search for or produce records from non-party parishioners,

1 employees, or the church corporation stored on their private devices or accounts.

2 Subject to and without waiving these objections, Plaintiff refers Defendants
3 to his response to Request for Production No. 25.

4 **REQUEST FOR PRODUCTION NO. 27:** Produce all Documents in your
5 possession regarding all communications between you and Krisha Mason regarding
6 the Facebook Post, including but not limited to instructions to Ms. Mason to get the
7 Facebook Post taken down, communications from Ms. Mason regarding her
8 communications with Defendants or their representatives, discussions of the reaction
9 to the Facebook Post within Legacy Church, and discussions of the reaction of third
10 parties to this lawsuit to the Facebook Post.

11 **RESPONSE:** Plaintiff objects to this Request on the grounds that it is entirely
12 duplicative and redundant of Request for Production No. 22 (internal
13 communications at Legacy Church regarding the post) in Defendants' Second Set of
14 RFPs, as well as Interrogatory No. 9 (discussions with Krisha Mason) in Defendants'
15 Second Set of Interrogatories. This represents an extraordinary level of duplication,
16 seeking the identical substantive category of communications across three separate
17 requests in two overlapping waves of discovery. This represents an abusive and
18 cumulative practice that is not proportional to the needs of the case.

19 Plaintiff further objects that this Request improperly seeks communications
20 and records belonging to or stored on the private, personal devices of non-party
21 Krisha Mason. Plaintiff, suing in his individual capacity, has no legal custody,
22 control, or authority to search Ms. Mason's personal mobile phone, personal text
23 messages, or private email accounts to harvest communications between her and
24 Plaintiff, other employees, or any third parties.

25 Subject to and without waiving these objections, Plaintiff refers Defendants
26 to his responses to Second Set RFP No. 22 and Second Set Interrogatory No. 9.

27 Dated: July 1, 2026.

As to Objections:

/s/ Nicole A. Westbrook
Nicole A. Westbrook
G. Michael Jackson Esq.
JONES, DAVIS & JACKSON, P.C.

*Attorneys for Pastor Steve
Smothermon*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2026, I caused the foregoing document to be emailed to the following.

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/s/ Nicole A. Westbrook

Exhibit 6

Excerpts of Krisha Mason Deposition

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PASTOR STEVE SMOTHERMON,	§
	§ CASE NO.:
PLAINTIFF,	§ 2:25-CV-01858-APG-BNW
	§
v.	§
	§
KEITH HODGE, an individual,	§
KEVIN HODGE, an individual,	§
HODGETWINS, LLC, a limited	§
liability company,	§
	§
DEFENDANTS.	§

ORAL AND VIDEO ZOOM DEPOSITION OF

The Oral Deposition of KRISHA MASON, taken at the request of the DEFENDANTS KEITH HODGE, KEVIN HODGE, and HODGETWINS, LLC, on AUGUST 11, 2026, from 10:01 a.m. to 2:02 p.m., at VIA ZOOM.

Reported by: Belen A. Soto, CSR, RMR

KRISHA MASON
SMOTHERMON vs HODGE ET AL

August 11, 2026

A P P E A R A N C E S

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1 Q. Okay. Who do you report to at Legacy Church?
2 Who's your main supervisor?

3 A. I report to Colton May.

4 Q. What is Mr. May's position with the church?

5 A. He's the video director.

6 Q. What kind of interactions do you have with
7 Pastor Smothermon? Do you see him every day?

8 A. No.

9 Q. No?

10 How often would you say that you see
11 Mr. Smothermon, or Pastor Smothermon?

12 A. Typically when I attend service and he is
13 preaching or attending.

14 Q. So, it's not common in the course of your job
15 responsibilities for you to see or interact with
16 Pastor Smothermon; is that correct?

17 A. Not entirely common, no.

18 Q. Do you ever report to Pastor Smothermon
19 directly?

20 A. No.

21 Q. How close would you say you are with
22 Pastor Smothermon, on a personal level?

23 A. Not incredibly close.

24 Q. Okay. So, assuming you never socialize with
25 him? You're not friends with him?

1 (Exhibit 1 marked for identification.)

2 Q (By Mr. Green) And let me know when you have it
3 open. And go ahead and take a moment, read through it,
4 refresh your recollection, and let me know when you're
5 ready.

6 A. (Witness reviews documents.)

7 Okay, I've reviewed it.

8 Q. Okay. Do you recognize this document?

9 A. Yes.

10 Q. All right. And this is the -- the reason we're
11 here, obviously.

12 Can you tell me how you first became aware
13 of this Facebook post?

14 A. Through the group chats that was provided, the
15 screenshots of that group chat.

16 Q. And that was the group chat we were talking
17 about earlier with people from the media team at the
18 church?

19 A. People from the creative team at the church.

20 Q. Did you ever see it when it was on Facebook?
21 Live on Facebook?

22 A. Yes.

23 Q. Okay. But you saw it in the group chat first?

24 A. Yes.

25 Q. Do you recall if it was a link to the post in

1 Q. Do you recall whether he had facial hair last
2 Thursday?

3 A. I don't recall.

4 Q. Okay. So, staff -- tell me about the staff
5 meeting. Does Pastor Smothermon hold a lot of staff
6 meetings?

7 A. We have a monthly staff meeting, typically,
8 and --

9 Q. Okay.

10 A. -- sometimes he is there.

11 Q. Okay.

12 A. Most of the time --

13 Q. -- but not all the time?

14 A. No.

15 Q. Most of the time he's not?

16 What does he do at the staff meetings when
17 he attends?

18 A. He speaks with us.

19 Q. Okay. What -- what did he speak about at the
20 last one?

21 A. Thanking us for our hard work and encouraging
22 us.

23 Q. Do you recall him ever discussing this Facebook
24 post at the staff meetings?

25 A. No.

1 Q. Is that, no, you don't -- no, he never has, or,
2 no, you don't remember?

3 A. I can't recall any time he spoke about this
4 post at a staff meeting.

5 Q. So, you've never spoken with him about the
6 Facebook post?

7 A. No.

8 Q. Okay. So, you found out about the Facebook
9 post through the group chat?

10 A. Yes.

11 Q. Do you recall having any in-person discussions
12 with anyone about the Facebook post?

13 A. Only when asked by Michael Morin, who is also
14 being deposed -- like is that the correct term?

15 Q. Yes. We are speaking with him later today in a
16 deposition.

17 A. He requested --

18 Q. Who's Michael Bard (sic) -- let's -- what? I'm
19 sorry.

20 A. He requested that I share the interaction that
21 I had with Kylie from Hodgetwins. 800.211.DEPO (3376)
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22 Q. Who did he want you to share it with?

23 A. With him. With my -- the -- my supervisors, my
24 directors, my pastors. The higher-ups basically.

25 Q. Who is Michael Morin?

1 A. He is --

2 Q. What does he do at the church?

3 A. He is the creative director and also a pastor.

4 Q. Okay. So, he --

5 A. So, he's the --

6 Q. -- he's a preacher as well?

7 A. Yes. He also preaches.

8 Q. And he had you discuss your interactions with
9 Kylie with the creative team, or with --

10 A. No.

11 Q. -- was it with someone else?

12 A. Not with the creative team. He only requested
13 that I forward it to our executive pastor,
14 Pastor Daniel.

15 Q. What's Daniel's last name?

16 A. MaCabe.

17 Q. What did you discuss with Daniel about the
18 post?

19 A. I didn't discuss anything, I only forwarded it.

20 Q. You forwarded --

21 A. I forwarded the --

22 Q. -- the post?

23 A. No, not the post.

24 Q. Pardon?

25 A. Not the post.

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1 Q. Okay. What did you forward to Daniel?

2 A. My emails with Kylie.

3 Q. Okay.

4 A. My interaction with the Hodgetwins
5 representative.

6 Q. Okay. But you -- did you ever have a personal
7 discussion with Daniel about the post --

8 A. No.

9 Q. -- or about your -- or about your interactions
10 with Kylie?

11 A. No.

12 Q. Okay. Did you have any in-person conversations
13 with anyone about the post?

14 A. Not that I can recall specifically.

15 Q. Okay. So, tell me about -- so you had an
16 interaction with the post in the group chat, correct?
17 And you forwarded it to Daniel McCabe, correct?

18 A. I did not forward the post to Daniel McCabe.

19 Q. The emails with Kylie to Daniel --

20 A. The emails with Kylie, yes
21 Q. Okay.

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22 (Court reporter caution.)

23 MR. GREEN: Yeah. See, I'm breaking my
24 own rules, and I apologize for that. I will do better
25 next time.

1 Q. (By Mr. Green) Tell me about any other
2 discussions that you had regarding the post with anyone.

3 A. I can't recall anything other than in the
4 moment on the chat or my emails to Kylie -- between
5 Kylie and I. And then I forwarded the information from
6 Kylie. Her recommendation was to -- she indicated over
7 the phone that I should share the info email for the
8 Hodgetwins, and the more emails they received, the more
9 attention it would get and the faster the post would
10 come down.

11 Q. Okay. Do you recall any other conversations
12 that you had with anyone regarding the post?

13 A. No.

14 Q. Are there any other details that you remember
15 about your conversations with Kylie, that you can tell
16 me?

17 A. I really don't remember any other details about
18 that phone conversation, other than the information I
19 forwarded to Val Molina -- um, Valentin Molina and
20 Michael Morin about how to connect with the Hodgetwins
21 through the info app, Hodgetwins email address.
22

23 Q. Who is Valentin Molina?

24 A. He's our social media director.

25 Q. So, you -- and you had additional
communications with Mr. Molina regarding the post?

1 A. I forwarded the information. Because it was a
2 social media issue I forwarded it to him, because that's
3 his department.

4 Q. What else do you recall about your
5 communications with Mr. Molina about the post?

6 A. That's the only -- that's the only interaction
7 we had, was me forwarding the information I received
8 from Kylie at Hodgetwins. I was just passing it on.

9 Q. Do you recall who started the group chat?

10 A. The group chat already existed, but the first
11 person who sent the screenshot was Colton May, my
12 director.

13 Q. Did you ever have any in-person conversations
14 with Mr. May about the post?

15 A. Not that I recall.

16 Q. How many people are in the group chat?

17 A. Um, I'm not entirely sure.

18 Q. Do you have an estimate?

19 A. Um, no. It -- it might be available on the
20 screenshot, I'm not sure.

21 Q. Okay. Can you tell me every person you
22 remember that's in the group chat?

23 A. Can I tell you every single person that's
24 currently in the group chat?

25 Q. That you recall?

1 Q. So, the same as a year ago?

2 A. Yes.

3 Q. Okay. Who's the intern that's on the team now?

4 A. Like I said, I believe she is an intern, her
5 name is Davina. I don't recall her last name.

6 Q. Was she there a year ago?

7 A. I can't recall. I don't remember.

8 Q. Are your interns typically college students?

9 A. Um, sometimes they are college students.

10 Sometimes they could be in high school or between high
11 school and college.

12 Q. Is Davina a college student?

13 A. I'm not entirely sure.

14 Q. Okay. So, the official Legacy Church account
15 was the only account affiliated with the church that
16 commented on the post?

17 A. Yes. As far as I know.

18 Q. Was there discussion in the group chat
19 regarding what to do about the Facebook post?

20 A. I asked that question, if anyone had contacted
21 the Hodgetwins company. I don't recall anyone
22 responding to my question, so . . .

23 Q. You contacted the Hodgetwins, correct?

24 A. Yes. I went on their website -- that was my
25 first and only time on their website -- and I found a

KRISHA MASON
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1 customer service phone number for their merchandise
2 where I spoke to Kylie.

3 Q. Okay. Let's look at what's marked as Exhibit 2
4 in the packet I sent you, it's listed as Hodgetwins
5 website.

6 A. Okay.

7 (Exhibit 2 marked for identification.)

8 Q. (By Mr. Green) Go ahead, find it, take a minute
9 to familiarize yourself with it, and let me know when
10 you're ready.

11 A. You said Exhibit 2?

12 Q. Correct.

13 A. (Witness reviews documents.)

14 Okay.

15 Q. Is this document familiar to you?

16 A. I wouldn't say familiar, because I have only
17 visited the website that one single time --

18 Q. Okay.

19 A. -- and it was about a year ago.

20 Q. Turn to the final page of that exhibit.

21 A. I'm there.

22 (Court reporter clarification.)

23 MR. GREEN: Turn to the final page of that
24 exhibit.

25 Q (By Mr. Green) Do you recognize this page?

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1 needed to be removed and taken down immediately.

2 Q. Did someone tell you to go on the Hodgetwins
3 website?

4 A. No.

5 Q. Okay. You did that on your own?

6 A. I did.

7 Q. Okay. And --

8 (Court reporter caution.)

9 THE WITNESS: I apologize. The door is
10 closed, but there is a playground outside of this room
11 and there's day care. If anyone knows a way to -- like
12 a setting I could try. They're not usually in here very
13 long. I could step away and ask them to try to --

14 COURT REPORTER: That's okay. Go ahead.

15 THE WITNESS: Yeah. We are a church, and
16 we have a day care and we have a school here, so
17 there's . . .

18 MR. GREEN: It's absolutely fine.

19 MR. RANDAZZA: Let the record reflect that
20 Ron hates the sound of playing children.

21 MR. GREEN: That is defamation, Mark.

22 (Off-the-record discussion.)

23 Q. (By Mr. Green) So, is Kylie the person that
24 answered the phone when you called?

25 A. Yes.

1 A. Yes.

2 Q. Is Pastor Smothermon in the group chat?

3 A. No.

4 Q. Do you have the letter that your attorney sent
5 me before this deposition?

6 A. Um, I don't think so.

7 Q. Okay.

8 A. A letter?

9 Q. Yeah. And it has documents attached to it,
10 some of which appear to be from the group chat you're
11 referencing.

12 A. Okay.

13 Q. But who's Matt Luckett?

14 (Court reporter clarification.)

15 MR. GREEN: Matt Luckett, L-U-C-K-E-T-T.

16 THE WITNESS: Matt Luckett is a member of
17 the production team under the creative team. He's an
18 employee here.

19 Q (By Mr. Green) Okay. Did anyone at Legacy
20 Church ask you to buy anything from the Hodgetwins
21 website?

22 A. No. No.

23 (Exhibit 6 marked for identification.)

24 Q (By Mr. Green) Turn to what we've attached as
25 Exhibit 6, it's entitled Plaintiff's Responses to

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PASTOR STEVE SMOTHERMON,

PLAINTIFF,

V.

KEITH HODGE, an individual,
KEVIN HODGE, an individual,
HODGETWINS, LLC, a limited
liability company,

DEFENDANTS.

CASE NO.:
2:25-CV-01858-APG-BNW

REPORTER'S CERTIFICATION

KRISHA MASON

AUGUST 11, 2026

I, Belen A. Soto, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, KRISHA MASON, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on _____ to the witness or to the attorney for the witness for examination, signature and return to me by _____;

That the amount of time used by each party at the deposition is as follows:



August 11, 2026

Mr. Paul Bishop - 0 hour(s), 0 minutes

Mr. Ronald D. Green - 2 hour(s), 13 minutes

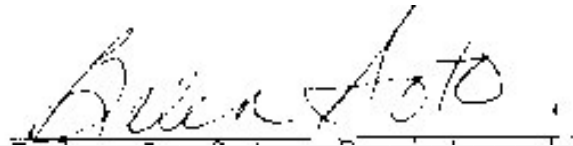
That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

Mr. Paul Bishop, Attorney for Plaintiff;

Mr. Ronald D. Green, Attorney for Defendants;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to me by this 16th day of August, 2026.



Belen A. Soto, RMR, Texas CSR 2072
Expires: 06/31/2027

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PASTOR STEVE SMOTHERMON vs. KEITH HODGE, ET AL

DEPONENT SIGNATURE/CORRECTION PAGE

If there is any typographical errors to your
deposition, indicate them below:

PAGE LINE

_____ Change to _____

_____ Change to _____

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Any other changes to your deposition are to be
listed below with a statement as to the reason
for such change.

PAGE LINE CORRECTION

REASON FOR CHANGE

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I, KRISHA MASON, do hereby certify that I have
read the foregoing transcript of my deposition taken
August 11, 2026, as transcribed, and that it is a true

August 11, 2026

1 and correct record of my testimony given at the time,
2 except as to any corrections submitted.

3
4 _____
DATE SIGNED

_____ KRISHA MASON

5
6 THE STATE OF _____)

7 COUNTY OF _____)

8
9 Before me, _____, on this
10 day personally appeared KRISHA MASON, known to me (or
11 proved to me under oath or through
12 _____) to be the person whose name is
13 subscribed to the foregoing instrument and acknowledged
14 to me that they executed the same for the purposes and
15 consideration therein expressed.

16 Given under my hand and seal of office this
17 _____ day of _____, 2026.

18
19 _____
20 NOTARY PUBLIC IN AND FOR
THE STATE OF _____
21 COMMISSION EXPIRES: _____

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August 11, 2026

1 The original deposition was/was not returned to
2 the deposition officer on _____;

3 If returned, the attached Changes and Signature
4 page contains any changes and the reasons therefor;

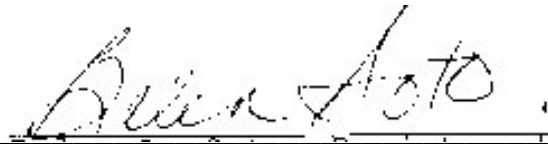
5 If returned, the original deposition was delivered
6 to _____, Custodial Attorney;

7 That \$_____ is the deposition officer's
8 charges to the Defendants, for preparing the original
9 deposition transcript and any copies of exhibits;

10 That the deposition was delivered in accordance
11 with Rule 203.3, and that a copy of this certificate
12 was served on all parties shown herein on

13 _____ and filed with the Clerk.

14 Certified to by me this 16th day of
15 August, 2026.

16
17 

18 _____
19 Belen A. Soto, RMR, Texas CSR 2072
20 Expiration Date: 06/30/2027

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