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IN THE COURT OF COMMON PLEAS

MARY L. SWAIN  
BUTLER COUNTY  
CLERK OF COURTS

BUTLER COUNTY, OHIO

\* \* \*

ERIN GABBARD,

et al.,

Plaintiffs/Relators,

vs.

CASE NO. CV 2018 09 2028

MADISON LOCAL SCHOOL

DISTRICT BOARD OF EDUCATION,

et al.,

Defendants/Respondents.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Deposition of LISA TUTTLE-HUFF,

Ph.D., Defendant herein, called by the

Plaintiffs/Relators for cross-examination

pursuant to the Rules of Civil Procedure, taken

before me, Karen M. Rudd, a Notary Public in and

for the State of Ohio, at the Courtyard

Marriott, 1 Riverfront Plaza, Hamilton, Ohio, on

Friday, January 11, 2019, at 9:20 a.m.

\* \* \*

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17 \* \* \*

1 LISA TUTTLE-HUFF, Ph.D.  
2 of lawful age, Defendant herein, having been  
3 first duly cautioned and sworn, as hereinafter  
4 certified, was examined and said as follows:

5 CROSS-EXAMINATION

6 BY MS. LEFKOWITZ:

7 Q. Can you please state your name for  
8 the record?

9 A. Dr. Lisa Tuttle-Huff.

10 Q. And what is your position at  
11 Madison?

12 A. Superintendent.

13 Q. And you understand when I say  
14 Madison, I mean the Madison Local School  
15 District?

16 A. I do.

17 Q. Have you ever been deposed before?

18 A. I have personally, yes.

19 Q. So it's going to make my life a  
20 little easier with the rules that I have to go  
21 through, but first I should introduce myself.  
22 My name is Alla Lefkowitz. I'm one of the  
23 plaintiffs' attorneys, and I will be taking your  
24 deposition today.

25 MS. HITCHCOCK: I'm Krystan

1 Hitchcock. I'm one of the plaintiffs'  
2 attorneys.

3 MR. MILLER: And I'm Jed Miller,  
4 also counsel for plaintiffs.

5 MS. LEFKOWITZ: And then I'll let  
6 your counsel introduce himself, as well.

7 MR. CONOVER: My name is Brodi  
8 Conover. I'm an attorney with Frost, Brown,  
9 Todd. I'm an attorney for the defendants, the  
10 Madison Local School District Board of Education  
11 and the Madison Local School District  
12 superintendent Dr. Lisa Tuttle-Huff.

13 BY MS. LEFKOWITZ:

14 Q. Okay. So I'm just -- I'm still  
15 going to go through some rules, even though I  
16 know you have done this before. I think  
17 obviously the most important thing is that you  
18 have been sworn, right?

19 A. Uh-huh. Yes.

20 Q. So it's very important that you  
21 tell the truth. Do you understand that?

22 A. Yes.

23 Q. I'm going to go to my second rule,  
24 which is that you have to answer verbally. So  
25 you have to answer either yes or no. You can't

1 shake your head, because the court reporter  
2 can't put that down. Does that make sense?

3 A. Yes.

4 Q. It's not really like a regular  
5 conversation that me and you have. It all has  
6 to appear on the transcript.

7 Is there anything preventing you  
8 from testifying truthfully today?

9 A. No.

10 Q. Are you on any kind of medication  
11 or --

12 A. No.

13 Q. -- anything along those lines?

14 A. No.

15 Q. The other important thing is that  
16 it's very important that you let me ask my  
17 question fully, and then I will give you an  
18 answer to -- a chance to answer. Do you  
19 understand?

20 A. I do.

21 Q. And the reason for that is so that  
22 the court reporter can get a clear transcript.  
23 Do you understand?

24 A. I do.

25 Q. And there will be times when your



1 attorney will object to a question that I've  
2 asked. Unless your attorney instructs you  
3 otherwise, you should still answer the question.  
4 Do you understand?

5 A. I do.

6 Q. But you should let him object  
7 first, and then answer. Does that -- do you  
8 understand?

9 A. I do.

10 Q. If there's something that you don't  
11 understand about my question, will you let me  
12 know?

13 A. I will.

14 Q. It's my responsibility to ask you  
15 clear questions, so if you don't understand  
16 anything, just let me know. Okay?

17 A. Yes.

18 Q. If there's ever a time where you  
19 want to clarify an answer, let me know. I will  
20 let you clarify the answer. Does that make  
21 sense?

22 A. Yes.

23 Q. Great. There's candy here if you  
24 want it at any point, and cough drops.

25 A. Thank you.

1           Q.     But also, in all seriousness, if  
2     you need a break, just let me know, and we will  
3     take a break.

4           A.     Yes.    Thanks.

5           Q.     I'm going to try to go for about an  
6     hour and then take a break.   But if something  
7     comes up, we may take a break earlier.   Is that  
8     okay?

9           A.     Yes.

10          Q.     And you understand that there's a  
11     confidentiality agreement in this lawsuit  
12     between the plaintiffs' counsel and the defense  
13     counsel?

14          A.     I do.

15          Q.     So there are things that may come  
16     up in this deposition and that you may be  
17     required to answer, and your counsel can later  
18     designate those responses as confidential.   Do  
19     you understand?

20          A.     I do.

21          Q.     And finally, you know we had a  
22     couple of depositions yesterday, and to try to  
23     keep a clear record, we introduced some exhibits  
24     yesterday.   So sometimes I may be referring to  
25     exhibits that were introduced previously, and I

1 will give you a copy so you can obviously look  
2 at them.

3 A. Okay.

4 Q. So you said you are the  
5 superintendent at Madison, right?

6 A. I am.

7 Q. How long have you been there?

8 A. July 1st, 2018.

9 Q. And you have been a superintendent  
10 before, correct?

11 A. Yes..

12 Q. How many years have you been a  
13 superintendent?

14 A. This is my sixth.

15 Q. Sixth year?

16 A. Yes, ma'am.

17 Q. At what school district were you a  
18 superintendent previously?

19 A. Grant Career Center, Bethel, Ohio.

20 Q. Can you spell the name of that?

21 A. Grant Career Center.

22 Q. And all of those six years, that's  
23 where you were the superintendent?

24 A. Five at Grant, and then this year  
25 at Madison.

1 Q. Understood. And other than serving  
2 as a superintendent, have you held any other  
3 positions in the educational field?

4 A. I have been a teacher, a counselor,  
5 an assistant principal, a principal, and a  
6 superintendent.

7 Q. I just want to make sure I got all  
8 of those. Teacher?

9 A. Counselor.

10 Q. Counselor?

11 A. Assistant principal, principal, and  
12 superintendent.

13 Q. Was that always in Ohio?

14 A. Yes.

15 Q. So is it fair to say that the bulk  
16 of your career has been in the educational  
17 field?

18 A. Yes.

19 Q. Prior to coming to Madison, when  
20 you were a superintendent previously, have you  
21 ever implemented a policy allowing staff to  
22 carry firearms?

23 A. I did not implement a policy, but  
24 there was a policy, yes, at my last school.

25 Q. So your last school was the Grant

1 Career Center, right?

2 A. The individual was a criminal  
3 justice teacher, so he was allowed to carry.

4 Q. You are saying that there was some  
5 kind of an exception that allows a criminal  
6 justice teacher to carry?

7 A. Yes.

8 MR. CONOVER: Objection.

9 BY MS. LEFKOWITZ:

10 Q. And were you responsible for  
11 overseeing that person in any way with regard to  
12 the firearm?

13 A. No.

14 Q. When you took the current position  
15 at Madison, did you understand that part of your  
16 responsibility would be to authorize individuals  
17 to carry firearms?

18 MR. CONOVER: Objection.

19 THE WITNESS: I do not authorize.

20 BY MS. LEFKOWITZ:

21 Q. You do not authorize?

22 A. I do not authorize.

23 Q. When you took this position, did  
24 you understand that you would be involved in  
25 overseeing a policy of letting certain

1 individuals carry firearms on campus?

2 A. I did.

3 Q. Were you interviewed about that?

4 A. No.

5 Q. So being involved in the  
6 administration of having certain individuals  
7 carry firearms on campus wasn't a requirement of  
8 your job title?

9 A. No.

10 Q. When you interviewed for the  
11 position -- well, strike that.

12 When did you interview for the  
13 position?

14 A. June.

15 Q. At that point, did you know that  
16 Madison had passed a resolution to arm staff?

17 A. I did not know they had passed the  
18 resolution.

19 Q. When did you become aware that  
20 Madison had passed a resolution to arm teachers?

21 A. At the end of June.

22 Q. Was that before or after you  
23 accepted the position?

24 A. I can't say. I don't know if it  
25 was before or after.

1 Q. You serve on the safety committee  
2 that is involved in interviewing individuals who  
3 want to carry firearms on campus; is that  
4 correct?

5 A. I do.

6 Q. Did you volunteer to be on that  
7 committee?

8 A. Probably, yes. Yes, but it's --  
9 yes, I did volunteer.

10 Q. Why did you volunteer?

11 A. I think that the CEO of an  
12 institution should be highly involved in any  
13 aspect of the school, so that's why.

14 Q. When did you volunteer to be on the  
15 committee?

16 A. It would have been after I accepted  
17 the position. So after July 1st sometime.

18 Q. Was it in 2018?

19 A. Yes. I have only been there since  
20 July 2018.

21 Q. My point is it wasn't in 2019,  
22 right?

23 A. Correct.

24 Q. Was it in -- do you know whether it  
25 was in the summer or the fall that you

1 volunteered to be on this committee?

2 A. The summer.

3 Q. And by summer, I mean before Labor  
4 Day. Was it before Labor Day?

5 A. Yes.

6 Q. So you volunteered to be on this  
7 committee sometime between July 1st and Labor  
8 Day; is that correct?

9 A. Yes.

10 Q. When was the first meeting of the  
11 committee?

12 A. I don't know. I can't say.

13 Q. Would you have any records that  
14 would show when the first meeting occurred?

15 A. I would not, no.

16 Q. Do you have any record of any of  
17 these meetings occurring?

18 A. I can't say that I do. I don't --  
19 I can't say for sure.

20 Q. Sitting here today, you don't  
21 recall any records that you may have of  
22 attending one of these meetings?

23 A. I do not recall any records. Does  
24 that mean that there aren't any emails? There's  
25 a possibility, but I do not know for sure. I



1 don't know if it was done in person or in an  
2 email.

3 Q. How many times has the committee  
4 met?

5 A. The interview committee?

6 Q. Yes. Well, strike that.

7 Is the safety committee the same  
8 thing as the interview committee?

9 A. No.

10 Q. What's the difference?

11 A. Well, we have a safety committee  
12 that is comprised of -- so are you referring to  
13 the safety committee that is the district safety  
14 committee, or the safety committee related to  
15 this specific policy?

16 Q. So to be 100 percent honest, I was  
17 not aware until you answered that question that  
18 there was more than one safety committee. So I  
19 was referring to the safety committee for this  
20 specific policy. Knowing that now, would you  
21 change the answer to any of the questions that  
22 you --

23 A. No.

24 Q. -- have given?

25 A. No.

1 Q. So you have understood our  
2 conversation --

3 A. Yes.

4 Q. -- to be the safety committee about  
5 this policy?

6 A. Yes. Understood, yes. But when  
7 you said that, I thought maybe you were  
8 referring to a broad spectrum.

9 Q. No. This is great. This is  
10 exactly why I want to clarify everything.

11 A. No, I take it very serious. So  
12 there's several committees.

13 Q. Absolutely. I can't remember my  
14 last question. At some point during my  
15 questions, I may have said safety committee and  
16 used the word security committee. What is the  
17 title of the committee that is involved in  
18 interviewing individuals for this particular  
19 policy?

20 A. Safety committee.

21 Q. And what's the other safety  
22 committee?

23 A. That's a broad spectrum, dealing  
24 with any type of safety issues or concerns that  
25 would come up in the district, whether it be

1 weather related, man-made. It's more on the  
2 procedures and policies to evacuate students and  
3 that type of thing.

4 Q. And do you serve on that committee,  
5 as well?

6 A. Uh-huh. Yes, ma'am. Sorry.

7 MR. CONOVER: Can we go off the  
8 record real quickly?

9 (Thereupon, an off-the-record  
10 discussion was held.)

11 MS. LEFKOWITZ: Let's go back on  
12 the record.

13 BY MS. LEFKOWITZ:

14 Q. So I'm going to represent to you  
15 that during some of the depositions yesterday,  
16 we heard testimony that individuals who were  
17 authorized to carry firearms at Madison pursuant  
18 to the resolution that was passed in April are  
19 non-security personnel. Do you agree with that  
20 statement?

21 MR. CONOVER: Objection.

22 THE WITNESS: Are not. Are not.

23 BY MS. LEFKOWITZ:

24 Q. Are not security personnel.

25 A. They are not.

1 Q. And I'm paraphrasing here, so feel  
2 free to correct me -- to correct my language,  
3 but my understanding is that they are -- from  
4 previous testimony is that your position is that  
5 they are not security personnel because they are  
6 carrying firearms primarily for defensive  
7 reasons?

8 MR. CONOVER: Objection.

9 BY MS. LEFKOWITZ:

10 Q. Is that fair?

11 A. They are not defensive either.  
12 Their job -- they would not use that unless it  
13 were under life or death situations in their  
14 area. So no, they are not -- they are not  
15 protection or defense.

16 Q. They are not protection or defense?

17 A. They are not security or defense at  
18 all. They are just for life or death situations  
19 in their area.

20 Q. And is it your understanding that  
21 individuals who are authorized to carry firearms  
22 at Madison pursuant to the resolution are not  
23 permitted to offensively go after a potential  
24 attacker; is that correct?

25 A. Are not permitted to go after an

1 attacker?

2 Q. Yes.

3 A. No, they are not.

4 Q. How come?

5 A. My understanding from the board  
6 and -- who authorizes them is that they are only  
7 there in case someone were to come into their  
8 room or harm -- to try to harm them or their  
9 students. Their job is not to be security  
10 officers at all.

11 Q. So if there's a commotion outside  
12 the classroom, they are not supposed to walk  
13 outside the classroom to potentially engage with  
14 a shooter?

15 MR. CONOVER: Objection.

16 BY MS. LEFKOWITZ:

17 Q. Is that accurate?

18 MR. CONOVER: Sorry. Objection.

19 THE WITNESS: They are -- their job  
20 is not to engage with a shooter. And when you  
21 say commotion, I'm assuming you mean shots  
22 fired, is that --

23 BY MS. LEFKOWITZ:

24 Q. I meant any kind of commotion, but  
25 sure, let's -- if an authorized individual hears

1 shots, that individual is not supposed to go out  
2 into the hallway to confront the shooter; is  
3 that right?

4 A. They are not. That is not their  
5 job.

6 Q. So can you explain their job to me?

7 A. Pursuant to the arming piece,  
8 because their job is to educate students, the  
9 piece with the arming is they have that as a  
10 backup in case there were to be a life or death  
11 situation in their classroom.

12 Q. So if there ever, God forbid, was a  
13 life or death situation and someone with a  
14 firearm, for example, came into their classroom,  
15 they would be expected to defend the students;  
16 is that accurate?

17 A. Expected or -- I mean, that's their  
18 choice when they decided to do the FASTER  
19 program. I would not say it's an expectation of  
20 us, but they would have that ability at that  
21 time.

22 Q. So individuals who are armed  
23 pursuant to this policy, there's no expectation  
24 that they defend the students?

25 MR. CONOVER: Objection.

1 THE WITNESS: I do not expect them  
2 to do that. If they do, they have been trained  
3 to do that.

4 BY MS. LEFKOWITZ:

5 Q. But they must only remain in the  
6 classroom that they are in at the time?

7 A. I would not expect them to go after  
8 a perpetrator, no.

9 Q. And my understanding, pursuant to  
10 testimony that we have heard yesterday, is that  
11 they are not supposed to go after the  
12 perpetrator; is that correct?

13 MR. CONOVER: Objection.

14 THE WITNESS: That's not their job.  
15 It's not in their job. It's not in their  
16 expectations.

17 MS. LEFKOWITZ: So I'm going to ask  
18 you to look at Exhibit C.

19 (Thereupon, Plaintiffs' Exhibit C,  
20 authorizations, having been previously marked,  
21 was presented for purposes of identification.)

22 BY MS. LEFKOWITZ:

23 Q. Here you go. Take a minute to  
24 look -- take as long as you need to look over  
25 that, and then let me know when you're ready to

1 discuss it.

2 A. Okay. I already know what's on  
3 here. Yes.

4 Q. So I'm looking at page 311 in  
5 Exhibit C. It's the first page. There's a tiny  
6 little number 311. Do you see that?

7 A. No. Where is that?

8 MS. LEFKOWITZ: Do you want to  
9 point it out?

10 MR. CONOVER: It's down here on the  
11 bottom.

12 THE WITNESS: I see.

13 MR. CONOVER: She might refer to a  
14 few numbers. It's always going to be in the  
15 same spot.

16 THE WITNESS: On the very bottom.  
17 Okay.

18 MR. CONOVER: It's very small.

19 BY MS. LEFKOWITZ:

20 Q. So you are looking at page 311 of  
21 Exhibit C?

22 A. Yes.

23 Q. At the bottom of the page, that is  
24 your signature?

25 A. Correct.



1 Q. This is a letter that you sent  
2 authorizing an individual to carry a firearm on  
3 Madison property?

4 A. I don't personally authorize. What  
5 I'm doing is the board has told me to give them  
6 the permission to do so. I don't personally  
7 authorize, the board does. But they have given  
8 me permission to tell them, since I'm their  
9 boss.

10 Q. That is your signature?

11 A. Yes.

12 Q. Can you please -- I want to direct  
13 your attention to the paragraph immediately  
14 under the bullet points.

15 A. Uh-huh.

16 Q. Could you read that first sentence  
17 out loud?

18 A. This letter serves as a written  
19 notification that I authorize you to possess a  
20 firearm while on duty at Madison Local School  
21 District.

22 Q. So your testimony is still after  
23 having read that sentence that you are not the  
24 one authorizing the individuals to carry  
25 firearms?

1           A.    I'm not the one authorizing, but I  
2 have been told by the board to tell them that  
3 they are authorized. So as the board's liaison  
4 to them, I put in I, but it's -- they are  
5 actually the authorizers.

6           Q.    Do you have any documentation where  
7 it says that the board has told you to do this?

8           A.    As far as like a letter to me from  
9 the board?

10          Q.    Exactly.

11          A.    That was all verbal.

12          Q.    So there's nothing actually written  
13 that says that you are not the one doing the  
14 authorization?

15          A.    On the policy, it says that the  
16 board authorizes them.

17          Q.    By the policy, do you mean the  
18 firearms authorization policy?

19          A.    The board policy, yes.

20          Q.    We will come back to it. I want to  
21 make sure we're talking about the same document.  
22 So you did sign this document?

23          A.    I did.

24          Q.    Can you turn to the next page? Can  
25 you tell me what that page -- the second page

1 is?

2 A. It gives -- this is the letter that  
3 I sent out again. I mean --

4 Q. I'll represent to you that as far  
5 as I can tell, they are identical in text. I  
6 believe that they were sent to different  
7 individuals.

8 A. Okay.

9 Q. Does that sound right to you?

10 A. Yes.

11 Q. If you want to take --

12 A. I mean, it's exact --

13 Q. -- a moment to look at it.

14 A. It's exactly the same.

15 Q. Is that your signature at the  
16 bottom?

17 A. It is.

18 Q. And can I direct you to the  
19 paragraph under the bullet points?

20 A. Uh-huh.

21 Q. Does it say that you are the one  
22 authorizing this individual to possess a firearm  
23 while on duty at Madison Local School District?

24 A. It says that the letter serves as a  
25 written notification that I have authorized, but

1 that they are authorized. It should be they. I  
2 had poor grammar at that point. It was not my  
3 authorization. It's the board's.

4 Q. Your testimony is that this letter  
5 should have said they?

6 A. Yes.

7 MR. CONOVER: Objection.

8 BY MS. LEFKOWITZ:

9 Q. I do have to remind you that you  
10 are under oath when you answer these questions.

11 A. Okay.

12 Q. So your testimony about page 312,  
13 which you are looking at right now, is that you  
14 are not the person who authorized this  
15 individual to carry a firearm?

16 A. I am not.

17 Q. Let's look at page 313. Is that  
18 your signature at the bottom of that page?

19 A. It is.

20 Q. Can you tell me what that document  
21 is?

22 A. It is another individual who is  
23 authorized -- being told they are authorized to  
24 possess a firearm.

25 Q. And in the paragraph under the

1 bullet points, does it say that you are the  
2 person authorizing the individual to possess a  
3 firearm while on duty at Madison Local School  
4 District?

5 A. It serves as written notification  
6 that I authorize them for the board, yes.

7 Q. Does it say anything about for the  
8 board?

9 A. No.

10 Q. Okay. So the sentence says that  
11 you are the person who is authorizing the  
12 individual to carry a firearm, right?

13 A. It says that, yes.

14 Q. Would you agree with me -- sorry.  
15 You can put that aside.

16 Would you agree with me that  
17 allowing someone to bring a firearm into a  
18 classroom is a pretty big responsibility?

19 MR. CONOVER: Objection.

20 THE WITNESS: It depends on what  
21 you mean by big responsibility, but --

22 BY MS. LEFKOWITZ:

23 Q. Do you want me to clarify?

24 A. Yeah, please.

25 Q. Sure. Would you agree that

1 bringing a firearm into a classroom can possibly  
2 present certain dangers?

3 MR. CONOVER: Objection.

4 THE WITNESS: No.

5 BY MS. LEFKOWITZ:

6 Q. You do not agree that something bad  
7 could happen with a gun in a classroom?

8 MR. CONOVER: Objection.

9 THE WITNESS: I don't see it, no.

10 BY MS. LEFKOWITZ:

11 Q. So you don't agree with me?

12 A. No.

13 Q. Do you think -- have you ever heard  
14 of someone accidentally discharging a firearm?

15 A. I mean, personally, no. But I'm  
16 sure there has been, yes.

17 Q. You are aware that sometimes  
18 individuals accidentally discharge a firearm,  
19 right?

20 A. Those that are not trained, yes, I  
21 have heard that.

22 Q. So you have only heard -- you think  
23 that the only times a firearm can be  
24 accidentally discharged is by people who aren't  
25 trained?

1 MR. CONOVER: Objection.

2 THE WITNESS: No, I think that  
3 that's the more likely reason.

4 BY MS. LEFKOWITZ:

5 Q. But there is a possibility that a  
6 firearm could be discharged?

7 A. Yes.

8 Q. I'm sorry, that a firearm could be  
9 accidentally discharged?

10 A. Yes.

11 Q. And if that was the case, someone  
12 could get injured, right?

13 A. If that were the case, yes.

14 Q. Or for example, it's possible that  
15 a firearm may drop on the floor?

16 A. No. In this situation, no.

17 Q. I'm talking about in general, it's  
18 possible that someone might drop a firearm on  
19 the floor?

20 A. I mean, that's just hypothetical.  
21 I have no idea if that could happen.

22 Q. Someone -- is it possible that  
23 someone who carries a firearm may irresponsibly  
24 leave it out in front of children?

25 MR. CONOVER: Objection.

1 THE WITNESS: Not in our situation,  
2 no.

3 BY MS. LEFKOWITZ:

4 Q. I want to clarify. I'm not talking  
5 about your situation. I'm just talking about in  
6 general, if an individual is carrying a firearm  
7 around children, one possible danger, maybe not  
8 likely, but one possible danger is that a  
9 firearm is left around children; is that right?

10 A. I can't say that. I don't know. I  
11 mean, that's -- that's a broad question, so I  
12 don't know -- I'm assuming that if we are  
13 talking about across the world, yes, I guess it  
14 could happen.

15 Q. So it's possible?

16 A. Yes, I guess. Yes.

17 Q. So I guess this just goes back to  
18 my original question, which is if someone brings  
19 a firearm into a classroom, you would want it to  
20 be done in the most safe way possible; is that  
21 right?

22 A. Yes. Yes.

23 Q. So you would want them to be  
24 properly trained, right?

25 A. If you -- are you referring to our



1 teachers or just in general?

2 Q. I'm talking about in general.

3 A. Uh-huh.

4 Q. Yes, you would want them to be  
5 properly trained?

6 A. Uh-huh. Yes.

7 Q. And you would want -- strike that.  
8 You know one way to make sure that  
9 individuals are careful with their firearms is  
10 to set up certain rules for them to follow; is  
11 that fair?

12 MR. CONOVER: Objection.

13 THE WITNESS: Are you saying  
14 through the district or --

15 MS. LEFKOWITZ: I'm talking about  
16 generally.

17 THE WITNESS: In general?

18 MS. LEFKOWITZ: Yeah.

19 THE WITNESS: Yes.

20 BY MS. LEFKOWITZ:

21 Q. I'm going to ask you to look at  
22 Exhibit F.

23 (Thereupon, Plaintiffs' Exhibit F,  
24 Firearm Authorization Policy, having been  
25 previously marked, was presented for purposes of

1 identification.)

2 BY MS. LEFKOWITZ:

3 Q. Why don't you look at this and let  
4 me know when you're ready to discuss it.

5 A. Yes. Yes.

6 Q. Are you familiar with this  
7 document?

8 A. I am.

9 Q. Can you tell me what it is?

10 A. This is our firearm authorization  
11 policy.

12 Q. When you say our, you mean  
13 Madison's, right?

14 A. Yes, Madison Local Schools'.

15 Q. Were you involved in drafting this?

16 A. I was not.

17 Q. Have you reviewed it since it was  
18 drafted?

19 A. Yes.

20 Q. And are you familiar with it?

21 A. I am.

22 Q. Is it fair to say that this --  
23 well, strike that.

24 Is this the main policy that  
25 provides the rules by which teachers can bring

1 firearms -- strike that.

2 Is this the policy that regulates  
3 how authorized individuals should be carrying  
4 firearms on Madison's property?

5 A. How they should be carrying them?

6 Q. Well, I'm not -- I'm phrasing the  
7 question very badly, but are there any other  
8 policies that you are aware of that touch on the  
9 issue of authorized individuals bringing  
10 firearms into Madison's schools?

11 A. There are no other policies related  
12 to arming or bringing -- teachers being  
13 authorized to carry firearms.

14 Q. So this is the main set of rules?

15 A. I don't know if they are called  
16 rules, but they are parameters.

17 Q. Parameters. Great.

18 A. Uh-huh.

19 Q. Are there any other parameters that  
20 authorized individuals are required to follow?

21 A. There are clarifications to this  
22 policy.

23 Q. What are those clarifications?

24 A. One being, you know, that they are  
25 not security personnel, and they are not to

1 engage in deadly force unless, you know, in a  
2 life or death situation.

3 Q. Can you tell me where those  
4 clarifications are found?

5 A. These are something that we talked  
6 to them about in person in their interviews.

7 Q. So there's no written documentation  
8 of these clarifications?

9 A. I don't think that it actually  
10 comes out and states that in this document, no.

11 Q. So I'm just going to walk through  
12 several paragraphs in this document.

13 A. Okay.

14 Q. I'm looking at the very first page  
15 right now. It says 263 at the bottom.

16 A. Uh-huh.

17 Q. Do you see the paragraph where it  
18 says confidentiality?

19 A. Yes.

20 Q. Is it fair to say one of the rules  
21 for being allowed to carry a firearm on Madison  
22 property is that you agree to keep the emergency  
23 management plan confidential?

24 MR. CONOVER: Objection.

25 THE WITNESS: Yes.

1 BY MS. LEFKOWITZ:

2 Q. And let me strike that. When I say  
3 you, I meant the authorized individual must keep  
4 the district's emergency management plan  
5 confidential; is that accurate?

6 MR. CONOVER: Objection.

7 THE WITNESS: The authorized  
8 individual?

9 MS. LEFKOWITZ: Yes.

10 THE WITNESS: That -- I'm sorry.  
11 You're going to have to clarify what you just  
12 said. I'm not sure what you just said.

13 BY MS. LEFKOWITZ:

14 Q. Sure. One of the rules for the  
15 firearms authorization policy is that an  
16 individual who is carrying a firearm pursuant to  
17 this policy is expected to keep the details of  
18 this policy confidential, right?

19 MR. CONOVER: Objection.

20 THE WITNESS: The board and they  
21 have a confidentiality agreement, yes.

22 BY MS. LEFKOWITZ:

23 Q. Let's go to the second page. So  
24 that's going to be page 264. Are you on that  
25 page?

1 A. I am.

2 Q. I'm going to direct your attention  
3 to concealed handgun licenses. Do you see that?

4 A. Uh-huh.

5 Q. I'm looking at the middle of the  
6 paragraph, and it says such authorized school  
7 employees must conceal their weapon at all times  
8 on school grounds. Do you see that sentence?

9 A. Uh-huh. Yes.

10 Q. So that's one of the rules for  
11 carrying a firearm on Madison property, right?

12 A. Must conceal their weapon, yes.

13 Q. So what is the mechanism to ensure  
14 that each individual is actually concealing  
15 their weapon at all times?

16 A. That is another part of the  
17 interview process when we discuss with them what  
18 their method to conceal would be.

19 Q. So that's before they are  
20 authorized, right?

21 A. Uh-huh.

22 Q. So my question is while they are  
23 actually carrying, what mechanism is in place to  
24 ensure that they actually are following that  
25 particular rule?

1           A.     What mechanism as far as -- I'm not  
2     sure what you're asking, if you're asking  
3     whether or not someone could tell, or are you  
4     asking how I follow up, or what is your  
5     question?

6           Q.     Thank you. I'm glad you asked.  
7     I'm asking how you ensure that the individual is  
8     actually keeping his firearm concealed?

9           A.     First of all, they discuss with us  
10    what their technique is to do that. And then I  
11    am in the building on a daily basis, and I am  
12    able to notice that.

13          Q.     So you keep a lookout for that?

14          A.     I do.

15          Q.     Could you read me the sentence  
16    immediately following?

17          A.     The one that says any?

18          Q.     Uh-huh.

19          A.     Any such firearm may only have a  
20    round chambered if the firearm is a  
21    striker-fired weapon and the firearm is carried  
22    in a holster with an appropriate trigger guard.

23          Q.     Is it fair to say that's another  
24    rule for carrying a firearm on Madison property?

25          A.     Yes. Primary, yes.

1 Q. How do you ensure that employees  
2 are actually complying with this rule?

3 A. There's a piece of this that says  
4 that they will -- can only carry the firearm  
5 that they qualified with in the program. So we  
6 know which firearm that is.

7 Q. So my question was about this  
8 particular sentence, which requires that an  
9 authorized individual only have a round  
10 chambered if the firearm is a striker-fired  
11 weapon.

12 A. Right.

13 Q. My question is how do you ensure  
14 that authorized individuals are following that  
15 rule?

16 A. Are following the rule to have the  
17 round chambered only if they are striker-fired?

18 Q. Yes.

19 A. I mean, this is an interview  
20 discussion that we have, as well. And at some  
21 point we have to understand their  
22 professionalism and that they are going to  
23 follow the rules.

24 Q. So you are relying on them to  
25 follow the rules?



1 A. Yes.

2 Q. You don't actually have any  
3 mechanism in place to ensure that they are  
4 following that rule?

5 A. I -- there's -- short of me going  
6 in and looking at their gun daily, I don't think  
7 there truly is a mechanism to be able to do  
8 that.

9 Q. Do you ever go and check their  
10 firearm?

11 A. Do I ever check their firearm? If  
12 I asked to check their firearm, they would allow  
13 me. But at no point do I go in and try to check  
14 their firearm. That's really not my expertise.

15 Q. Have you ever tried to check their  
16 firearm to make sure that they are following  
17 this rule?

18 A. No.

19 Q. So the second part of that sentence  
20 says that the firearm is carried -- let me --  
21 the second part of that sentence requires that  
22 the firearm be carried in a holster with an  
23 appropriate trigger guard. Do you see that?

24 A. Uh-huh. Yes. I'm sorry.

25 Q. No problem.

1 A. Yes.

2 Q. What is an appropriate trigger  
3 guard?

4 A. You have to understand that -- it  
5 could be a compression vest where there would be  
6 a guard there for them before they pull it out.  
7 So there's different mechanisms.

8 So just appropriate would be, you  
9 know, whatever, whether it would have -- once  
10 again, I'm not an expert, but a guard on  
11 their -- safety on their gun.

12 Q. Is there anyone at the school who  
13 verifies that the trigger guard they have is  
14 appropriate?

15 A. We have had our -- our SROs have  
16 seen the gun. Yes, they have seen the gun.

17 Q. Is there any mechanism in place to  
18 systematically make sure that the authorized  
19 individuals are actually using appropriate  
20 trigger guards?

21 A. They have been looked at before  
22 the -- at the program, and they would use the  
23 same gun, so it would be an appropriate trigger  
24 guard, because they have already been -- it's  
25 already been looked at at the program.

1 Q. When you say the program, you mean  
2 at the interview?

3 A. At the FASTER program.

4 Q. Okay. So someone at the -- I just  
5 want to make sure we are on the same page. So  
6 someone at the FASTER program has checked they  
7 are using an appropriate trigger guard?

8 A. And our SRO has already reviewed,  
9 looked at their guns, as well.

10 Q. Before they are authorized; is that  
11 right?

12 A. Yes. Yes.

13 Q. My question is while they are  
14 actually carrying, is there anyone who is  
15 verifying any of this?

16 A. It's the same gun, so it would  
17 still be the same situation.

18 Q. How do you know that it's the same  
19 gun?

20 A. Because they -- that's part of the  
21 authorization, that it be the same gun that they  
22 qualified with.

23 Q. So you trust them that it's the  
24 same gun?

25 A. They are professionals. Yes, I do.

1 Q. I just want to make sure we get a  
2 clear answer. You do trust them that they are  
3 bringing the same gun?

4 A. Yes, I do.

5 Q. But there aren't any actual  
6 mechanisms to verify they are bringing the same  
7 gun?

8 MR. CONOVER: Objection.

9 THE WITNESS: No.

10 BY MS. LEFKOWITZ:

11 Q. Let's go to the next page. Do you  
12 see where it says -- so we are looking at page  
13 265.

14 A. Yes.

15 Q. And the section where it says  
16 background check, drug screening, and annual  
17 exams.

18 A. Yes.

19 Q. Do you see the second paragraph  
20 where it says all school employees?

21 A. Uh-huh. Yes.

22 Q. Could you actually read that  
23 paragraph out loud?

24 A. All school employees authorized to  
25 carry a firearm must disclose --

1 MR. CONOVER: I'm just going to ask  
2 you to slow down so the court reporter can get  
3 everything for you.

4 THE WITNESS: -- must disclose to  
5 the superintendent any circumstances that would  
6 impact their ability to possess a firearm on  
7 school property for any reason, including, but  
8 not limited to, criminal arrests, citation or  
9 conviction, use of medication or other  
10 substance, any medical or psychological  
11 condition, or any other life event that may  
12 impact the employee's fitness or ability to  
13 possess a firearm under this policy.

14 BY MS. LEFKOWITZ:

15 Q. So this is one of those other cases  
16 where you expect the authorized individuals to  
17 tell you if they are no longer qualified to  
18 carry a firearm, right?

19 A. Say that again. I'm sorry. Can  
20 you repeat what you just said?

21 Q. If an authorized individual, for  
22 example, had -- is using some kind of medication  
23 or other substance that may make that person not  
24 able to safely carry a firearm, the expectation  
25 is that employee would tell you?

1 MR. CONOVER: Objection.

2 THE WITNESS: Yes and no. We also  
3 have a drug abuse -- we have a drug policy, as  
4 well, that we can make sure of that.

5 BY MS. LEFKOWITZ:

6 Q. What is that drug abuse policy?

7 A. We have a drug abuse policy that if  
8 any -- under any situation that I feel that any  
9 employee needs to be tested, they can. We can  
10 do that.

11 Q. Is that for illegal drugs or for  
12 any kind? Does that also apply to medication?

13 A. Well, that's illegal drugs.

14 Q. The policy is for illegal drugs?

15 A. Yes.

16 Q. Okay. And you see at the very end  
17 of that sentence, it says -- well, all school  
18 employees authorized to carry a firearm must  
19 disclose to the superintendent any circumstances  
20 that would impact their ability to possess a  
21 firearm on school property for any reason,  
22 including, and then I'm skipping a little, it  
23 says any other life event that may impact the  
24 employee's fitness or ability to possess a  
25 firearm under this policy. Do you see that?

1 A. Uh-huh. Yes.

2 Q. So you would expect them, if they  
3 are under a lot of stress at home, to tell you?

4 MR. CONOVER: Objection.

5 THE WITNESS: I would expect them  
6 to have that conversation, yes.

7 BY MS. LEFKOWITZ:

8 Q. If you'd look at the bottom of page  
9 265 where it says permitted ammunition. Do you  
10 see that?

11 A. Yes.

12 Q. Could you read that sentence out  
13 loud, please?

14 A. Any hollow-point or frangible  
15 ammunition, i.e., ammunition designed to have  
16 reduced ricochet hazard, will be permitted in  
17 firearms authorized to be on school property  
18 under this policy.

19 Q. Is that another rule that an  
20 authorized individual has to follow when  
21 carrying a firearm on Madison property?

22 A. Yes.

23 Q. And what's the purpose of that  
24 rule?

25 A. So that if it -- a hollow point

1 will not go through another individual. It will  
2 only go into that person that you actually shoot  
3 at. It will not come out and cause any other  
4 person to be harmed.

5 Q. So the point of that rule is that a  
6 bystander won't get hurt, right?

7 A. Correct.

8 Q. What is the mechanism that you have  
9 to ensure that individuals who are authorized to  
10 carry firearms are actually following that rule?

11 A. They actually have given that  
12 information to us in the interview, as well,  
13 that this is what they are using.

14 Q. But after the interview when they  
15 are actually carrying, what -- is there any kind  
16 of mechanism to ensure that they are only using  
17 that type of ammunition?

18 A. There could be random checks if we  
19 wanted. But we have not done that, no.

20 Q. So up to this date, you have not  
21 done any random checks?

22 A. No.

23 Q. Looking at this policy as a whole,  
24 is there anyplace in it where there's any rule  
25 or parameter that says that the authorized



1 individual is not allowed to affirmatively go  
2 after a bad guy?

3 MR. CONOVER: Objection.

4 THE WITNESS: Is there a rule in  
5 this particular -- that's a conversation in the  
6 interview.

7 BY MS. LEFKOWITZ:

8 Q. So there's nothing in this policy  
9 that says the individual cannot act as a  
10 security personnel?

11 MR. CONOVER: Objection.

12 THE WITNESS: No. No.

13 BY MS. LEFKOWITZ:

14 Q. There's nothing in this policy that  
15 says the authorized individual is prohibited  
16 from giving chase to a suspect, right?

17 MR. CONOVER: Objection.

18 THE WITNESS: No.

19 BY MS. LEFKOWITZ:

20 Q. There's nothing in this policy that  
21 says the authorized individual is prohibited  
22 from going out to investigate a potential  
23 shooter?

24 A. No.

25 Q. Or going out to investigate whether

1 there is a potential shooter?

2 A. No.

3 Q. I think I'm done with this one for  
4 now.

5 MR. CONOVER: Can we go off the  
6 record?

7 MS. LEFKOWITZ: Yeah, let's go off  
8 the record.

9 (Recess taken.)

10 MS. LEFKOWITZ: Back on the record.

11 BY MS. LEFKOWITZ:

12 Q. So I just want to get a sense of  
13 the timeline --

14 A. Yes, ma'am.

15 Q. -- with regard to the policy to  
16 allow authorized individuals to carry firearms  
17 on Madison property. The resolution to allow  
18 armed staff was passed April 24, 2018; is that  
19 correct?

20 A. I'm assuming. I was not part of  
21 that. I wasn't hired at that point.

22 Q. I'm just going to show you the  
23 resolution --

24 A. Yeah. Yeah.

25 Q. -- so you have the date.

1                   (Thereupon, Plaintiffs' Exhibit L,  
2 Resolution to allow armed staff in school safety  
3 zone, having been previously marked, was  
4 presented for purposes of identification.)

5 BY MS. LEFKOWITZ:

6                   Q.     Exhibit L. The date is not on the  
7 resolution, so I'm going to represent to you  
8 that the resolution was passed in April 2018.  
9 Can we agree to that?

10                  MR. CONOVER: I think it says it at  
11 the bottom of Exhibit L, but I'm fine to  
12 stipulate to that.

13                  THE WITNESS: Okay.

14 BY MS. LEFKOWITZ:

15                  Q.     Can you take a look at that  
16 resolution, please, that is Exhibit L?

17                  A.     Oh, yes.

18                  Q.     That's the resolution to allow  
19 armed staff at Madison, right?

20                  A.     Yes.

21                  Q.     And you see towards the bottom it  
22 says that this resolution was adopted on  
23 April 24th, 2018, correct?

24                  A.     Yes.

25                  Q.     And you started at Madison in your

1 current position on July 1st?

2 A. Yes.

3 Q. We heard some testimony  
4 yesterday -- that's it. I just wanted to get  
5 the date straight.

6 We heard some testimony yesterday  
7 that the individuals who are currently  
8 authorized to carry firearms at Madison had  
9 shown interest very early on in the process; is  
10 that fair?

11 MR. CONOVER: Objection.

12 THE WITNESS: I do not know the  
13 answer to that question.

14 BY MS. LEFKOWITZ:

15 Q. By the time you came to Madison on  
16 July 1st, do you know that there were [REDACTED]  
17 individuals who were seeking to be authorized to  
18 carry firearms on Madison property?

19 A. I did not know on July 1st.

20 Q. When did you learn the identities  
21 of the individuals who were seeking  
22 authorization?

23 A. In the interviews when they came in  
24 to interview with the committee.

25 Q. When were those interviews?

1           A.     I'm sorry. I don't know. It's  
2     sometime after I was hired and before school  
3     started.

4           Q.     When did school start?

5           A.     August 15th.

6           Q.     So there are [REDACTED] authorized  
7     individuals now at Madison who can carry  
8     firearms, right?

9           A.     Yes.

10          Q.     Each of those [REDACTED] individuals  
11     were interviewed by the safety committee  
12     sometime between July 1 and August 15th; is that  
13     right?

14          A.     Yes.

15          Q.     And you were one of the people who  
16     interviewed them; is that right?

17          A.     I was.

18          Q.     Did you interview all [REDACTED] of  
19     them?

20          A.     Yes.

21          Q.     Did the interviews occur on the  
22     same day?

23          A.     I can't say for sure.

24          Q.     When you interviewed -- when you  
25     interviewed them, that was part of the safety

1 committee, right?

2 A. Yes. I assume, yes.

3 Q. Who conducted the interviews of  
4 these individuals?

5 A. Two board members and myself.

6 Q. And those board members are Pete  
7 Robinson and Paul Jennewine, correct?

8 A. Yes, Dr. Paul Jennewine.

9 Q. My understanding -- was anyone else  
10 involved in that interview?

11 A. No.

12 Q. In any of those interviews?

13 A. No.

14 Q. When you -- strike that.

15 Did the three of you, Mr. Robinson,  
16 Dr. Jennewine, and yourself, interview each  
17 individual together?

18 MR. CONOVER: Objection.

19 THE WITNESS: I'm --

20 BY MS. LEFKOWITZ:

21 Q. Do you want me to clarify?

22 A. Yes.

23 Q. Sure. Let's say for John Doe [REDACTED],  
24 were all three of the interviewers in the room  
25 at the same time?

1 A. Yes.

2 Q. And was that the case for each of  
3 the authorized individuals?

4 A. Yes.

5 Q. When you conducted these  
6 interviews, had these individuals already  
7 completed the training -- strike that.

8 When you conducted the interviews,  
9 had these individuals already completed the  
10 FASTER training?

11 A. Yes.

12 Q. How many times did you interview  
13 each of the authorized individuals?

14 A. I think that was the only -- I  
15 can't say for sure, but I think that was the  
16 only time. I had multiple conversations with  
17 them on an ongoing basis just to follow up with  
18 them, so I can't say that they are interviews.  
19 So I'm assuming just one interview.

20 Q. Understood. At this interview,  
21 they had already completed their FASTER  
22 training, correct?

23 A. Correct.

24 Q. Had they already completed their  
25 mental health evaluation?

1 A. Yes.

2 Q. Had they already completed --  
3 strike that.

4 Had their criminal background  
5 checks already been done?

6 A. Yes.

7 Q. Is there anything I'm forgetting  
8 about, any other -- did you review any  
9 additional materials in preparation for those  
10 interviews?

11 A. We did -- I believe that was it,  
12 BCI, FBI, psychological evaluations. We did the  
13 FASTER program. I think that was it during the  
14 interview, the documents that we looked at.

15 Q. The drug checks?

16 A. Oh, drug screening, yes. Yes.

17 Q. I knew I was forgetting something.

18 A. I kept thinking there was another  
19 thing. Yes, and the drug screen.

20 Q. Oh, I'm going to switch for one  
21 second. You mentioned earlier before we took a  
22 break that the school has some kind of drug  
23 verification policy.

24 A. Uh-huh.

25 Q. I just want to clarify, that policy



1 tests for -- does that policy test for  
2 medication?

3 MR. CONOVER: Objection.

4 THE WITNESS: It doesn't  
5 specifically test for that, but we could ask for  
6 that if we needed to. But it doesn't test for  
7 it. I mean, we only ask for illegal at this  
8 point. But if we needed to, yes, they would.  
9 Just for example, if there were an accident on  
10 school property and those types of things, if  
11 medication were a factor.

12 (Thereupon, Plaintiffs' Exhibit M,  
13 Applicant's Psychological Evaluation, having  
14 been previously marked, was presented for  
15 purposes of identification.)

16 (Thereupon, Plaintiffs' Exhibit N,  
17 Applicant's Psychological Evaluation, having  
18 been previously marked, was presented for  
19 purposes of identification.)

20 BY MS. LEFKOWITZ:

21 Q. I'm going to direct your attention  
22 to Exhibits M and N, if you want to take a look  
23 at those and let me know when you're ready.

24 MS. LEFKOWITZ: And Brodi, do you  
25 need a copy of them?

1 MR. CONOVER: I have them.

2 MS. LEFKOWITZ: I realized I  
3 haven't been giving you stuff.

4 MR. CONOVER: I have them. Thank  
5 you.

6 MS. LEFKOWITZ: I just wanted to  
7 make sure we were good.

8 BY MS. LEFKOWITZ:

9 Q. If you could take a look at  
10 Exhibits M and N and let me know when you're  
11 ready to discuss them.

12 A. Okay.

13 Q. Actually, I'm going to add the --  
14 another exhibit in. Could you mark this as  
15 Exhibit P, please?

16 (Thereupon, Plaintiffs' Exhibit P,  
17 Applicant's Psychological Evaluation, was marked  
18 for purposes of identification.)

19 BY MS. LEFKOWITZ:

20 Q. So if you could take a look at  
21 Exhibit P, as well, and then we can discuss all  
22 three of these documents together.

23 A. Okay.

24 Q. So if you look at the top of  
25 Exhibit M, that's the mental health evaluation

1 for one of the authorized individuals, right?

2 A. Correct.

3 Q. What's the date of that evaluation?

4 A. July 30th -- or -- yeah, wait. The  
5 report date is on the 29th, the evaluation was  
6 on the 30th. That couldn't be correct.  
7 Wouldn't those be transposed?

8 Q. I can't speak to that, but would  
9 you agree with me it's likely that the  
10 evaluation occurred either on July 29th or  
11 July 30th?

12 A. Yes. Yes.

13 Q. Could you take a look at Exhibit N?  
14 Looking at Exhibit N, as in Nancy, that is the  
15 mental health evaluation for a second authorized  
16 individual?

17 A. Correct.

18 Q. And what are the two dates on top  
19 of that?

20 A. July 29th and 30th.

21 Q. So it's fair to say that the mental  
22 health evaluation took place either on July 29th  
23 or July 30th, 2018?

24 A. Correct.

25 Q. Could you take a look at Exhibit P?

1 A. Yes.

2 Q. That is the mental health  
3 evaluation of the [REDACTED] authorized individual,  
4 correct?

5 A. Yes.

6 Q. And it appears from the dates on  
7 there that this evaluation took place either on  
8 July 29th or July 30th, 2018; is that correct?

9 A. Correct.

10 Q. So I believe you stated earlier  
11 that the interviews with each of the individuals  
12 occurred after the mental health evaluation was  
13 done; is that right?

14 A. I'm sorry. Repeat again. I was  
15 reading.

16 Q. I think you testified earlier that  
17 when the safety committee interviewed each of  
18 the authorized individuals --

19 A. Yes.

20 Q. -- the mental health evaluations  
21 were complete; is that right?

22 A. Yes.

23 Q. So does that help you remember when  
24 the interviews occurred?

25 A. It was sometime between July 30th

1 and, I assume, right before school started,  
2 August 15th, sometime in that area.

3 Q. Has anyone -- strike that.

4 How was the safety committee that  
5 interviewed these individuals formed?

6 A. It was based on those that were  
7 involved in the confidentiality agreements and  
8 only those who need to have that -- the names of  
9 those individuals.

10 Q. Okay. So I understand that. But  
11 more -- there are additional people, not just  
12 yourself, Mr. Robinson, and Dr. Jennewine, who  
13 know the identity of these individuals, right?

14 A. Correct.

15 Q. But how was it decided that these  
16 three particular individuals were going to serve  
17 on the safety committee?

18 A. The assumption for me was that I  
19 was the CEO of the school district, and I  
20 actually did carry out their authorization, so  
21 that would be why I'm on there. The other two  
22 individuals, I can't tell you what -- that was a  
23 discussion that the board had had before I got  
24 there, I assume.

25 Q. Has the -- this same safety

1 committee interviewed anyone else to potentially  
2 be authorized to carry firearms since August 15th?

3 A. No.

4 Q. So by August 15th, this process was  
5 complete for these individuals?

6 A. I'm going to say I don't know the  
7 exact date, but it's somewhere within that time  
8 frame, yes.

9 Q. And right around either before  
10 school started or right after school started?

11 A. It's somewhere in that vicinity,  
12 but I can't tell you the exact date. I'm sorry.

13 Q. Understood. I'm just trying to  
14 approximate. It occurred sometime -- the  
15 interviews occurred sometime in August; is that  
16 fair?

17 A. Yes.

18 Q. I'm done with those documents.

19 A. Okay.

20 MS. LEFKOWITZ: I'm going to mark  
21 this document as Exhibit Q.

22 (Thereupon, Plaintiffs' Exhibit Q,  
23 emails and attachment from Chris and Shannon  
24 Growcock, was marked for purposes of  
25 identification.)

1 BY MS. LEFKOWITZ:

2 Q. If you could take a look at that  
3 and just let me know -- I think it's four or  
4 five pages long. Let me know when you're ready  
5 to discuss it.

6 A. Okay.

7 Q. The document that you are looking  
8 at is a couple of emails, correct?

9 A. Yes, ma'am.

10 Q. So I'm going to direct your  
11 attention to the fourth page, which contains an  
12 email from you.

13 A. Yes.

14 Q. Is that correct?

15 A. Yes.

16 Q. Who is that email to?

17 A. This lady and gentleman who wanted  
18 to be a part of our districtwide safety  
19 committee.

20 Q. So your testimony is that this is a  
21 different committee?

22 A. This is a different committee, yes.

23 Q. You were confident when you were  
24 responding to this email that she was not  
25 referring to the actual safety committee

1 involving the authorized individuals?

2 A. I -- I was very confident, because  
3 I would not assume that anyone who was in the  
4 general public would even -- would know about  
5 our safety committee related to a confidential  
6 firearms policy. So yes, I thought that was  
7 district.

8 MS. LEFKOWITZ: Can you read that  
9 answer back to me, please?

10 (Record read.)

11 BY MS. LEFKOWITZ:

12 Q. You didn't think the community knew  
13 about a safety committee?

14 A. I did not think that someone in the  
15 community would think that that -- no. I mean,  
16 they have the opportunity to read the general  
17 weapons policy, but I didn't think that they --  
18 I was not under the assumption that anyone  
19 understood that we had this group of  
20 interviewees that were called a safety group, a  
21 safety committee. I did not know that.

22 Q. This email is dated September 5th;  
23 is that correct?

24 A. September 4th. Mine is  
25 September 5th, yes.



1 Q. Just to clarify for the record, I  
2 was referring to the email that you sent to --

3 A. Yes.

4 Q. -- Shannon Staton-Growcock. Is  
5 that on September 5th?

6 A. Yes. Yes.

7 Q. And the email she sent you -- or  
8 actually, let me -- who is Mr. Jackson?

9 A. He is the principal of the  
10 elementary school.

11 Q. Okay. So the email that was sent  
12 by Shannon Staton-Growcock to Mr. Jackson was on  
13 September 4th, right?

14 A. Yes.

15 Q. You can put that aside.

16 A. Okay.

17 MS. LEFKOWITZ: I'm going to  
18 introduce this as Exhibit R.

19 (Thereupon, Plaintiffs' Exhibit R,  
20 community letter from Madison Local Schools, was  
21 marked for purposes of identification.)

22 BY MS. LEFKOWITZ:

23 Q. If you could take a look at that,  
24 Exhibit R, and let me know when you're ready to  
25 discuss it.

1 A. I'm ready.

2 Q. What's the document that you're  
3 looking at?

4 A. This was a letter that was put out  
5 to our community to inform them about our  
6 policy.

7 Q. The firearms authorization policy,  
8 correct?

9 A. Yes.

10 Q. Were you involved in putting this  
11 letter together?

12 A. Yes.

13 Q. This letter went out on July 28th,  
14 correct?

15 A. I don't know the exact date. I'm  
16 assuming, yes, if you say that.

17 Q. I will represent to you that on the  
18 Madison Mohawk website, it appears to have been  
19 uploaded July 28th.

20 A. Okay.

21 Q. Does that sound about like the  
22 right time frame?

23 A. Yes. Yes.

24 Q. So this is a communication to the  
25 community about several things having to do with

1 the firearms authorization policy, correct?

2 A. Yes.

3 Q. And one of the things this letter  
4 addresses is the protocol for approving a  
5 faculty or staff member?

6 A. Yes.

7 Q. And first, is there -- strike that.  
8 If you look at the bottom of the  
9 first page --

10 A. Yes.

11 Q. -- you will see, you know, the  
12 heading is the protocol for approving a faculty  
13 or staff member.

14 A. Yes.

15 Q. And then there's two bullet points.

16 A. Uh-huh. Yes.

17 Q. And this -- then if you flip to the  
18 second page --

19 A. Yes.

20 Q. -- there's a few more bullet  
21 points --

22 A. Yes.

23 Q. -- laying out the rest of the  
24 protocol?

25 A. Yes.

1 Q. Correct?

2 A. Yes.

3 MR. CONOVER: Just let her finish  
4 the question.

5 BY MS. LEFKOWITZ:

6 Q. So this is the protocol that the  
7 board and you, as the superintendent, told the  
8 community that you were going to -- the  
9 community that you were going to follow when  
10 approving anyone to carry a firearm on school  
11 property, correct?

12 MR. CONOVER: Objection.

13 THE WITNESS: Correct.

14 BY MS. LEFKOWITZ:

15 Q. So the first bullet point says that  
16 if a staff member thinks they would be  
17 interested in the program, they would approach a  
18 member of the administration or school board  
19 expressing an interest. Does that sound right  
20 to you?

21 A. Yes.

22 Q. About what -- when I say does that  
23 sound right, is that what actually happens?

24 A. I wasn't there when this originally  
25 happened, but yes.

1 Q. In the future, going forward --

2 A. Yes. Yes.

3 Q. Sorry. Let me just finish the  
4 question. In the future, going forward, if  
5 someone wanted to carry a firearm on school  
6 property, they would be expected to approach a  
7 member of the administration or the school  
8 board, correct --

9 A. Yes.

10 Q. -- to start the process?

11 A. Yes.

12 Q. Can you read the second bullet  
13 point?

14 A. The member will be interviewed by a  
15 committee looking for information -- do you want  
16 me to read --

17 Q. Why don't you read the whole thing.

18 A. -- regarding why they are  
19 interested in applying for the program, what has  
20 been their experience with firearms, training,  
21 safety, and use, what would be their concerns,  
22 and do they feel they could manage a critical  
23 situation, among other items.

24 In addition, the committee will  
25 verify that the individual has an Ohio concealed

1 carry permit, has a background -- has had a  
2 background check, a firearms safety and use  
3 course was completed and passed per state law.

4 Q. So the public did know that there  
5 was a committee that was involved in  
6 interviewing any authorized individuals before  
7 September 5th, right?

8 MR. CONOVER: Objection.

9 THE WITNESS: This says committee.  
10 It does not say safety committee. That's why I  
11 see that that was a clarification. I didn't  
12 understand that they thought that was called  
13 safety committee, as well.

14 BY MS. LEFKOWITZ:

15 Q. But the public did know that there  
16 was a committee that was interviewing --

17 A. Yes.

18 Q. -- individuals?

19 A. Yes.

20 Q. Did you conduct -- for each of the  
21 [REDACTED] authorized individuals, did you conduct  
22 this interview with them?

23 A. I did.

24 Q. And you verified that each of the  
25 individuals had an Ohio concealed carry permit?

1 A. Yes.

2 Q. And had a background check?

3 A. Yes.

4 Q. And had passed the firearms safety  
5 and use course?

6 A. Yes.

7 Q. Is there any documentation that you  
8 have showing that they had completed a firearms  
9 safety and use course?

10 A. That is the board. They give that  
11 to the board. So I do not have that. That's  
12 not part of my duties on that committee as far  
13 as keeping documents.

14 Q. So we deposed a representative of  
15 the board yesterday, and my recollection of his  
16 testimony is that that information was not --  
17 was shared with you.

18 A. It may have been shared with me,  
19 but the documents are not in my possession.

20 Q. Have you ever seen a document for  
21 any of the [REDACTED] individuals that shows that  
22 they have satisfactorily completed a firearms  
23 safety and use course?

24 A. I don't know.

25 Q. But you don't remember ever

1 reviewing a document like that, correct?

2 A. I don't remember. I can say that  
3 there was quite a bit of discussion about the  
4 program in the interviews, and whether or not  
5 that documentation was provided at that time, I  
6 don't remember.

7 Q. Are you involved in hiring teachers  
8 at Madison?

9 A. Yes.

10 Q. When you hire teachers, do you try  
11 to actually verify their background before you  
12 hire them?

13 A. I do.

14 Q. Does that include looking at any  
15 documents?

16 A. I mean, it just depends on the  
17 situation. I mean, do I specifically go and  
18 look at their teaching license? No, because I  
19 know that they are already qualified through the  
20 state. So no, I wouldn't go look for that.

21 Q. So you are saying that there's -- I  
22 have to apologize, because I'm not familiar with  
23 the process for how to get certified to be a  
24 teacher in Ohio. But you are saying that  
25 there's some kind of document either online or



1 somewhere where that would show that a  
2 particular candidate to be a teacher at Madison  
3 is actually qualified to teach?

4 A. There is a document, but most of  
5 the information would come from the interview,  
6 because that's where you are going to find  
7 out -- anyone can have that document. You find  
8 that out in the interview if you want to hire.

9 Q. Sure. But you could verify that  
10 information with the state, correct?

11 A. Correct.

12 Q. All right. In this case, you don't  
13 recall having verified that any of the  
14 authorized individuals actually completed a  
15 firearms safety and use course, correct?

16 MR. CONOVER: Objection.

17 THE WITNESS: I can't say at this  
18 point. I don't remember the documents per se.  
19 It's been a while, so I can't tell you. I'm not  
20 authorizing them specifically. So I'm on the  
21 committee, and my job was to look at the other  
22 factors, not just that.

23 So that wasn't part of my duty  
24 looking at that piece of it. I was really  
25 looking at the other pieces of, you know, the

1 social, emotional, and those types of pieces to  
2 look at that.

3 BY MS. LEFKOWITZ:

4 Q. So who on the safety committee was  
5 responsible for verifying the firearms training  
6 portion of the requirements?

7 A. That would be the two board  
8 members.

9 Q. So the two board members or one of  
10 the two board members would presumably have seen  
11 this document?

12 A. Yes, I assume. I can't say for  
13 sure. I mean, I can't speak for them, but yes,  
14 they are the ones who authorize for this  
15 training.

16 Q. The committee that conducted these  
17 interviews, did you keep any -- strike that.

18 When you conducted these  
19 interviews, did you keep the actual documents  
20 from each of the interviews?

21 A. No.

22 Q. Would there be any record of what  
23 occurred in these interviews?

24 A. No.

25 Q. Is there any record of the

1 documents that were actually reviewed by the  
2 safety committee during these interviews or  
3 before the interviews?

4 A. Meaning are there documents on  
5 file?

6 Q. Yes.

7 A. There are some documents on file.  
8 They are not in my possession though. They are  
9 in the board's possession.

10 Q. What are the documents?

11 A. I can't tell you what all of those  
12 are. That's the board's. That's their --  
13 that's their documents.

14 Q. Okay. I just want to be very  
15 clear, I'm talking about the documents that the  
16 safety committee would have reviewed.

17 A. Uh-huh.

18 Q. You are a member of the safety  
19 committee, correct?

20 A. I am.

21 Q. That conducted these interviews,  
22 correct?

23 A. I am.

24 Q. My question is, is there any record  
25 of the documents that were reviewed by the

1 safety committee for these interviews?

2 A. No.

3 Q. Let's flip to the second page of  
4 Exhibit Q.

5 MR. CONOVER: Q or R?

6 BY MS. LEFKOWITZ:

7 Q. R. Thank you. Let's look at the  
8 second page of R. So can you read the top  
9 bullet point on the second page?

10 A. The individual would then undergo a  
11 mental health evaluation.

12 Q. So according to this letter, there  
13 would first be an interview, and then the  
14 individual would undergo a mental health  
15 evaluation?

16 MR. CONOVER: Objection.

17 THE WITNESS: I don't think that  
18 that is the case. It says then, but that's --  
19 it's not necessarily in that order, not  
20 necessarily -- this is not a continuum timeline.

21 BY MS. LEFKOWITZ:

22 Q. The bullet point that we looked at  
23 before which talks about the interview, does it  
24 have -- does it say anything about reviewing a  
25 mental health evaluation?

1           A.    No, and I can't tell you if there  
2   was an interview before I came on board either.  
3   So that could have been a relation, but this is  
4   not necessarily a timeline.  If it's based on --  
5   this is just a specific -- this is just a list  
6   of items so the community could get an  
7   understanding of what they go through as  
8   protocol.

9           Q.    So this document was sent to the  
10   community to explain to them what actually  
11   happens when an individual is authorized to  
12   carry a firearm, correct?

13          A.    Yes.

14          Q.    But you are saying --

15          A.    I don't know that the word then  
16   necessarily equates to that being the timeline  
17   is what I'm telling you.

18          Q.    Do you see how a person --

19          A.    Yes.

20          Q.    -- reading this may be confused?

21          A.    Yes, I do.

22          Q.    Can you read the following bullet  
23   point?

24          A.    Following these evaluations, the  
25   staff member would be recommended for or against

1 proceeding to get more extensive training.

2 Q. The more extensive training, that's  
3 FASTER training?

4 A. Yes.

5 Q. Okay. So according to this  
6 protocol that was sent to the community, the  
7 timeline is that the FASTER training would occur  
8 after the mental health evaluation?

9 MR. CONOVER: Objection.

10 THE WITNESS: You know, I don't  
11 know that that is the case on the timeline.  
12 Again, I think that this was put together as  
13 protocol, and then the words following and then  
14 are not necessarily in the correct order.

15 BY MS. LEFKOWITZ:

16 Q. So the information that was given  
17 to the community was not correct?

18 A. It's correct --

19 MR. CONOVER: Objection.

20 THE WITNESS: It's just I'm not  
21 sure -- I can't really say, because I came in  
22 the middle of this. There are some pieces of  
23 that that -- there could have been an interview  
24 beforehand and then the second interview. I  
25 can't tell you on those timelines, because I.

1 wasn't here.

2 BY MS. LEFKOWITZ:

3 Q. So the bullet point that we were  
4 just looking at says following these  
5 evaluations, the staff member would be  
6 recommended for or against proceeding to get  
7 more extensive training. It seems to imply very  
8 clearly that first the mental health evaluation  
9 would take place, and then that individual would  
10 be recommended for FASTER training; is that  
11 right?

12 MR. CONOVER: Objection.

13 THE WITNESS: I assume. I'm just  
14 going off of the -- what's written here, yes.

15 BY MS. LEFKOWITZ:

16 Q. And that's all I'm asking --

17 A. Yes.

18 Q. -- what's written there.

19 A. It is what's written here.

20 Q. Is that what actually happened?

21 A. I can't tell you that. I wasn't  
22 here, and I didn't -- wasn't privy to that  
23 information before interviews. The first time I  
24 met them was during the interviews in August.

25 Q. So you don't know --

1           A.    I cannot tell you the timeline  
2 before that. That's the first time I met them.

3           Q.    Sometime in August?

4           A.    Yes, ma'am.

5           Q.    And so we established earlier that  
6 the mental health evaluations occurred either  
7 July 29 or July 30th, correct?

8           A.    Yes.

9           Q.    So according to this protocol, the  
10 FASTER training would then have occurred  
11 sometime in August, correct?

12           MR. CONOVER: Objection.

13           THE WITNESS: I do not know that  
14 that's truly the case, as far as I feel like  
15 this is not a timeline, it's just an  
16 informational piece for them to understand the  
17 protocol. I don't know that it's a timeline.

18 BY MS. LEFKOWITZ:

19           Q.    Do you think it's important to give  
20 the community a fair and accurate representation  
21 of how individuals were selected and authorized  
22 to carry firearms at Madison?

23           MR. CONOVER: Objection.

24           THE WITNESS: Yes.

25 BY MS. LEFKOWITZ:



1           Q.     But this is not necessarily an  
2 accurate representation of how it's done?

3           MR. CONOVER:   Objection.

4           THE WITNESS:   I'm not saying that  
5 it's not accurate.

6 BY MS. LEFKOWITZ:

7           Q.     Can you read the following bullet  
8 point?

9           A.     Upon completion of such training,  
10 there would be a second interview of the  
11 individual.  Many of the same topics would be  
12 revisited given the education and training they  
13 had received, including whether the individual  
14 is comfortable with and being able to act on  
15 their tactical first aid training and provide  
16 lifesaving first aid to injured students and  
17 staff.

18          Q.     So that bullet point contemplates  
19 there are two interviews, correct?

20          A.     Yes.

21          Q.     But you don't necessarily remember  
22 that there were two interviews?

23          A.     Well, if the first one -- when or  
24 if -- I'm sure the first one happened.  It was  
25 before my tenure.

1 Q. Was -- so when you joined, there  
2 was already a safety committee?

3 MR. CONOVER: Objection.

4 THE WITNESS: I can't tell you  
5 that, because I'm assuming there was. I can't  
6 give you an exact. I don't know.

7 BY MS. LEFKOWITZ:

8 Q. You don't recall conducting two  
9 interviews of each of the authorized  
10 individuals, correct?

11 A. I did not conduct two interviews,  
12 no.

13 Q. But presumably during this  
14 interview, that's when the evaluation of the  
15 mental health -- sorry -- that's when the  
16 committee would look at the mental health  
17 evaluations, correct?

18 MR. CONOVER: Objection.

19 THE WITNESS: Correct. Correct.

20 MS. LEFKOWITZ: All right. I'm  
21 done with this document. Is it okay if we go  
22 for a little while longer and then take a break?

23 THE WITNESS: Oh, that's fine.  
24 Yeah.

25 MS. LEFKOWITZ: Off the record for

1 a second.

2 (Thereupon, an off-the-record  
3 discussion was held.)

4 MS. LEFKOWITZ: Let's go back on  
5 the record.

6 BY MS. LEFKOWITZ:

7 Q. I think you've testified multiple  
8 times here today that you are not the person  
9 doing the authorization?

10 A. Correct.

11 Q. But -- sorry. I spoke over you.

12 A. I'm sorry. Correct.

13 Q. But you don't dispute that the  
14 actual written authorization that is being given  
15 to the authorized individuals has your signature  
16 on it?

17 A. The letter has my signature, yes.

18 Q. Do you think it is important for  
19 the individual or individuals who authorize  
20 someone to carry a firearm in a classroom to  
21 fully review all of the qualifications of that  
22 authorized individual?

23 MR. CONOVER: Objection.

24 THE WITNESS: Do you mean as far as  
25 the board?

1 BY MS. LEFKOWITZ:

2 Q. I mean whoever is supposed -- let  
3 me ask the question again. Before an individual  
4 is authorized to carry a firearm on school  
5 property, that person receives written  
6 authorization to do so, correct?

7 A. Yes.

8 Q. Either the entity or the person or  
9 persons who authorize the individuals to carry  
10 firearms, they should carefully review all  
11 relevant materials beforehand, correct?

12 MR. CONOVER: Objection.

13 THE WITNESS: Every board member  
14 should, yes. They are the ones authorizing, not  
15 myself. I'm just their mouthpiece to do that.

16 BY MS. LEFKOWITZ:

17 Q. You are on the safety committee,  
18 right?

19 A. I am a piece of that safety  
20 committee, yes.

21 Q. You are on the safety committee  
22 that interviews individuals --

23 A. Uh-huh.

24 Q. -- who are then decided --

25 A. Yeah.

1 Q. -- who then are authorized to carry  
2 firearms, correct?

3 MR. CONOVER: Objection.

4 THE WITNESS: Yes.

5 BY MS. LEFKOWITZ:

6 Q. And so you carefully reviewed the  
7 materials that came before the committee before  
8 deciding -- before making a recommendation on  
9 that person, correct?

10 A. Any document that I reviewed, I  
11 carefully reviewed, correct.

12 Q. You reviewed the mental health  
13 evaluations for each of the authorized  
14 individuals, correct?

15 A. I did.

16 Q. You concluded that these  
17 individuals were qualified to carry firearms  
18 around children, correct?

19 A. Not just based on that evaluation.  
20 That was just a piece of all of that.

21 Q. My question is after reviewing  
22 these mental health evaluations and any other  
23 materials, you concluded that these individuals  
24 should be allowed to carry firearms around  
25 children?

1 MR. CONOVER: Objection.

2 THE WITNESS: I gave that as my  
3 recommendation, but that's -- yes.

4 BY MS. LEFKOWITZ:

5 Q. Is there a difference between  
6 concluding that they can carry firearms around  
7 students and giving that as a recommendation?

8 A. Well, I can give a recommendation.  
9 I can't be the person who makes that ultimate  
10 decision.

11 Q. But you wouldn't recommend someone  
12 for anything if you didn't think that individual  
13 was qualified for that position, correct?

14 A. Correct. Correct.

15 Q. For example, if one of my old  
16 interns calls me and they want my  
17 recommendation, I probably wouldn't -- shouldn't  
18 make it unless I feel like that person is  
19 qualified for the job, correct?

20 MR. CONOVER: Objection.

21 THE WITNESS: I'm assuming, yes.

22 BY MS. LEFKOWITZ:

23 Q. Well, have you -- outside of the  
24 context of the firearms authorization policy,  
25 have you ever recommended anyone for a position?

1 A. Yes.

2 Q. And before making that  
3 recommendation, you thought that under your  
4 impression, that person was qualified for the  
5 job?

6 A. Yes.

7 Q. Let's quickly go back to Exhibit F.  
8 Let's look at the first page, which is number  
9 263. Are you there?

10 A. Yes.

11 Q. The section that says authorization  
12 process, do you see that?

13 A. I do.

14 Q. The first sentence is the board may  
15 authorize specific school employees to possess  
16 certain firearms on school property, at school  
17 sponsored or school sanctioned events, and at  
18 board meetings. Did I read that sentence  
19 correctly?

20 A. Yes.

21 Q. The second sentence of the  
22 authorization process is the superintendent  
23 shall issue a written authorization to approved  
24 employees who meet the qualifications of this  
25 policy?

1 A. Yes.

2 Q. Did I read that sentence correctly?

3 A. Yes.

4 Q. The third sentence is the  
5 superintendent shall make all authorizations  
6 under this policy in writing. Did I read that  
7 correctly?

8 A. Yes.

9 Q. Finally, the maximum number of  
10 authorizations the superintendent may make is  
11 ten authorized school employees?

12 A. Yes.

13 Q. Did I read that sentence correctly?

14 A. Yes.

15 Q. So you do authorize individuals to  
16 carry firearms on school property, right?

17 A. No.

18 MR. CONOVER: Objection.

19 THE WITNESS: No, I do not.

20 BY MS. LEFKOWITZ:

21 Q. Tell me where I'm going wrong.

22 A. I am directed by the board to give  
23 them that written notice of authorization based  
24 on the fact that I am their boss. Therefore, I  
25 would be the person who wrote the letter to



1       them, but I am not the one who authorizes them.  
2       The board does.

3               Q.     So you are just doing what they  
4       tell you to do?

5               A.     Absolutely.

6                     MR. CONOVER:  Objection.

7       BY MS. LEFKOWITZ:

8               Q.     You are putting your name on it,  
9       but you are doing --

10              A.     Yes.

11              Q.     -- you are essentially rubber  
12       stamping what they tell you?

13              A.     I am not rubber stamping.  That's  
14       why I am part of that committee, so I can hear  
15       and make sure that -- you know, I can make  
16       informed suggestions to them as well if I need.

17              Q.     Could you look at the second page,  
18       please?

19                     MR. CONOVER:  264, correct?

20                     MS. LEFKOWITZ:  264, yes, exactly.

21       BY MS. LEFKOWITZ:

22              Q.     Do you see the section D, notice to  
23       board?

24              A.     Yes.

25              Q.     Can you read that sentence to me?

1           A.     The superintendent shall  
2 periodically notify the Board of Education in  
3 executive session of the individuals authorized  
4 under this policy.

5           Q.     So it's the superintendent that is  
6 telling the board who is authorized, correct?

7           MR. CONOVER:   Objection.

8           THE WITNESS:   No, no.   That  
9 statement is in case that an armed person were  
10 to drop out of the program.   I have to keep them  
11 up-to-date on that.

12          BY MS. LEFKOWITZ:

13           Q.     And let's look at the paragraph  
14 above that, C, revocation.

15           A.     Yes.

16           Q.     Can you read the first sentence?

17           A.     Any school employee authorized to  
18 carry a firearm may voluntarily revoke his or  
19 her authorization by providing notice to the  
20 superintendent.

21           Q.     Can you read the second sentence?

22           A.     The superintendent may unilaterally  
23 revoke any such authorization at any time for  
24 any reason or no reason at all.

25           Q.     So the power to revoke

1 authorization is solely with the superintendent,  
2 correct?

3 MR. CONOVER: Objection.

4 THE WITNESS: I would not call that  
5 solely. I would say that's -- it's a power that  
6 I have based on the fact that I'm with them  
7 daily, and if I were to see something that I  
8 thought was off or needed to be taken care of, I  
9 could do that at that time and then take it to  
10 the board.

11 BY MS. LEFKOWITZ:

12 Q. When you say them, you mean the  
13 authorized individuals, right?

14 A. Yes.

15 Q. I just want to clarify. Is there  
16 anything in that paragraph discussing any  
17 responsibilities that the board has with regard  
18 to revocation?

19 A. Not in that paragraph, no.

20 Q. Why don't you take a look at the  
21 rest of this policy and let me know if there's  
22 anything anywhere else in this policy that  
23 implies that the board is involved in  
24 revocation.

25 A. No, I don't see it.

1 MS. LEFKOWITZ: Let's take a break.  
2 Ten minutes.

3 MR. CONOVER: Off the record.  
4 (Recess taken.)

5 MS. LEFKOWITZ: Let's go back on  
6 the record.

7 BY MS. LEFKOWITZ:

8 Q. I'm going to direct your attention  
9 back to Exhibits M and N. Let me know when you  
10 are ready.

11 A. I'm ready.

12 Q. Do you have those in front of you?

13 A. Uh-huh. Yes.

14 Q. Exhibit M is the mental health  
15 evaluation of one of the individuals currently  
16 authorized to carry firearms at Madison,  
17 correct?

18 A. Yes.

19 Q. You reviewed this evaluation,  
20 correct?

21 A. Yes..

22 Q. You reviewed this evaluation as a  
23 member of the safety committee?

24 A. I did.

25 Q. And the safety committee makes the

1 recommendation to the board about which  
2 individuals should be authorized, correct?

3 A. Yes.

4 Q. And then ultimately you, as the  
5 superintendent, wrote a letter to the individual  
6 granting them -- granting all of them  
7 authorization, correct?

8 MR. CONOVER: Objection.

9 THE WITNESS: I wrote a letter on  
10 behalf of the board, yes, granting them.

11 BY MS. LEFKOWITZ:

12 Q. My question is you wrote a letter  
13 to each of the authorized individuals, correct?

14 A. I did write a letter to each of  
15 them.

16 Q. And that letter told them that they  
17 could bring a firearm to Madison, correct?

18 A. Yes.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

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■ [REDACTED]

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11/11/2016

1. **Introduction**  
 2. **Background**  
 3. **Methodology**  
 4. **Results**  
 5. **Conclusion**  
 6. **References**

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1. *Journal of the American Medical Association*, 1997; 278: 1025-1030.

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■ [REDACTED]  
2 BY MS. LEFKOWITZ:

3 Q. What other factors?

4 A. The interview itself and my -- my  
5 observations of those individuals interacting  
6 with others.

7 Q. Do you mean like during the school  
8 day?

9 A. Correct.

10 Q. But you had just come to the  
11 school, correct, earlier that month?

12 A. Yes.

13 Q. So would it be fair to say that you  
14 had not had a lot of time to observe these  
15 individuals?

16 A. Correct.

17 Q. And this interview, do you have any  
18 record memorializing -- did you take any notes  
19 during this interview?

20 A. I don't remember.

21 Q. You don't remember taking any  
22 notes?

23 A. I don't.

24 MS. LEFKOWITZ: I'm just going to  
25 on the record say if there are -- is any

3 MR. CONOVER: I understand our  
4 obligations. Thank you.

[illegible]

[illegible]

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[REDACTED]

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[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[illegible]

[illegible]

12           A.     Protect their area. I mean, their  
13     job is just -- if there's something -- someone  
14     that comes to them with deadly force, for them  
15     to protect their area.

19                   A.    I'll find it.  Sorry.

21 A. Yep. Yes.

24                      A.     I am.

25 Q. That's Exhibit L. This resolution

1 says that it was passed -- well, I'm not going  
2 to paraphrase. Could you read the paragraph  
3 immediately under written authorization?

4 A. The Madison Local School District,  
5 Board of Education, pursuant to Ohio Revised  
6 Code section 2923.122(D)(1)(a), hereby provides  
7 written authorization to certain persons  
8 designated by the superintendent in writing to  
9 convey deadly weapons or dangerous ordnance into  
10 a school safety zone, or to possess a deadly  
11 weapon or dangerous ordnance in a school safety  
12 zone of Madison Local School District, for the  
13 welfare and safety of the students.

14 Q. So the purpose of the resolution is  
15 to protect the welfare and safety of the  
16 students, correct?

17 A. Uh-huh.

■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]



Q. I thought your earlier testimony was that authorized personnel are expected to secure the area where they are.

MR. CONOVER: Objection.

BY MS. LEFKOWITZ:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
 [REDACTED]

[REDACTED]

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[illegible]

114

record?

18

MS. LEFKOWITZ: Of course. Yes,  
let's go off the record.

let's go off the record.

(Thereupon, an off-the-record discussion was held.)

discussion was held.)

MS. LEFKOWITZ: Let's go back on the record.

the record.

BY MS. LEFKOWITZ:

[illegible]

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[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Q. Will you agree with me that, God  
18 forbid, there is ever a shooting, that that is a  
19 very stressful situation?

20 A. Absolutely.

21 Q. And so a person who has a firearm  
22 in that situation should be a person who handles  
23 stress well, correct?

24 MR. CONOVER: Objection.

25 THE WITNESS: If -- I mean,



BY MS. LEFKOWITZ:

\_\_\_\_\_

MR. CONOVER: Objection.

1

THE WITNESS: I did.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

9 MS. LEFKOWITZ: I'm going to  
10 introduce some documents as Exhibit S.

11 (Thereupon, Plaintiffs' Exhibit S,  
12 confidentiality agreements, was marked for  
13 purposes of identification.)

14 BY MS. LEFKOWITZ:

15 Q. Just so you know, I'm not planning  
16 on spending a lot of time on this, but flip  
17 through the pages and let me know when you're  
18 ready to discuss it.

19 A. Okay.

20 Q. Who is -- I'm going to direct your  
21 attention to 293, the first page.

22 A. Yes.

23 Q. What I want to do is get a sense of  
24 who these individuals are, because -- well,  
25 first, why don't you tell me what you're looking

1 at.

2 A. Confidentiality agreements for  
3 school employees on a need to know basis.

4 Q. So I have given you a packet of  
5 documents --

6 A. Uh-huh.

7 Q. -- which are all confidentiality  
8 agreements that were signed by individuals,  
9 correct?

10 A. Yes.

11 Q. So what I want to do is just get a  
12 sense of who these people are. Who is Joy Shaw?  
13 What is his or her position at the school?

14 A. Technology director. She does not  
15 know the names of the individuals. That would  
16 all be in case there would be a situation with  
17 technology or cameras that we need to --

18 Q. Who is Vern Flory?

19 A. The same, he is technology,  
20 technology coordinator.

21 Q. On the third page, who is William  
22 F. Solazzo?

23 A. He is a gentleman that we employ to  
24 do some public relations for us.

25 Q. Why does the PR individual need

1 to -- why is he on a need to know basis?

2 A. He does not have information of  
3 those who are carrying. His only -- his only  
4 piece was that I talked to him in case I need to  
5 put out any information to the public, he would  
6 have that information from the firearms  
7 agreement.

8 Q. Okay. I think we can skip the one  
9 with Deputy Corby Hansel. He is an SRO; is that  
10 right?

11 A. Yes.

12 Q. And the following page, that's 297,  
13 Kent Hall?

14 A. Kent Hall, SRO.

15 Q. 298 we are going to skip. 299, the  
16 name there is Georgia Flannery.

17 A. Okay. Georgia does not have that  
18 information at all. It would only be on a need  
19 to know basis. She is a secretary in the  
20 treasurer's office. The same with the  
21 following, Tammy Jarvis.

22 Q. She is also a secretary in the  
23 treasurer's office?

24 A. Yes.

25 Q. 301 we can skip. 302, 303, I'm

1 skipping those. I'm skipping 304. I'm skipping  
2 305. I'm skipping 306, 307. I'm on page 308.

3 A. Once again, this is -- this  
4 individual does not have names and would not  
5 have names. It was only in case something were  
6 to happen, and that would be the principal at  
7 the high school, where he would need to know  
8 anything from the authorization policy.

9 Q. Just so the record is clear, the  
10 individual we are talking about is Justin K.  
11 Smith?

12 A. Yes. And the last one, Jason  
13 Jackson, is the elementary school principal.  
14 The same thing, need to know, and he does not  
15 have any information or names.

16 Q. I just want to make clear, Jason  
17 Jackson, who you just identified as the  
18 elementary school principal, is on page 310 of  
19 the packet I gave you?

20 A. Yes.

21 Q. All right. Before I wrap up, what  
22 is the role of -- the role of authorized --  
23 strike that.

24 The role of authorized individuals  
25 is to provide security to the students at

1 Madison, correct?

2 MR. CONOVER: Objection.

3 THE WITNESS: Not security. They  
4 are not security officers.

5 BY MS. LEFKOWITZ:

6 Q. My question was not whether they  
7 are security officers. But part of their role  
8 is to provide security to the students, correct?

9 A. Protection in their area.

10 MR. CONOVER: Objection.

11 BY MS. LEFKOWITZ:

12 Q. What's the difference between  
13 protection and security?

14 A. A security, I would assume that you  
15 are saying that they need to go after a  
16 perpetrator. Protection means that they are  
17 only taking care of their area based on lethal  
18 force being used in their area.

19 Q. Part of the role of the authorized  
20 individuals is to provide a layer of safety for  
21 the students, correct?

22 A. Yes.

23 Q. And you see a difference between  
24 providing safety and providing security --

25 MR. CONOVER: Objection.

1 BY MS. LEFKOWITZ:

2 Q. -- to the students?

3 MR. CONOVER: Objection. Sorry.

4 THE WITNESS: Yes. There is  
5 actually a layer, because the fact that the  
6 basic community doesn't know those identities  
7 also gives them another layer of security,  
8 because they are not sure what they would come  
9 into, it would be less likely that they would do  
10 that.

11 BY MS. LEFKOWITZ:

12 Q. Has anyone applied to carry  
13 firearms at Madison but not been approved?

14 A. Not in my tenure, no.

15 Q. So not since you have been at  
16 Madison since July 1, 2018?

17 A. Correct.

18 MS. LEFKOWITZ: I'm going to switch  
19 and have my colleague, James Miller, ask some  
20 questions pertaining to the insurance policy.

21 THE WITNESS: To me?

22 MS. LEFKOWITZ: Yes.

23 MR. CONOVER: Yes.

24 MR. MILLER: Can we go off the  
25 record for a moment?



1 (Thereupon, an off-the-record  
2 discussion was held.)

3 MR. MILLER: Back on the record,  
4 please.

5 MR. CONOVER: Just really  
6 quickly --

7 MR. MILLER: Sorry. Back off.

8 (Thereupon, an off-the-record  
9 discussion was held.)

10 MR. MILLER: We can go back on the  
11 record then.

12 MR. CONOVER: So I was just -- I  
13 know that co-counsel have switched kind of  
14 roles, in that now Mr. Miller will be asking a  
15 limited set of questions to Dr. Tuttle-Huff. I  
16 just want to note the defendants have no  
17 objection to that.

18 MR. MILLER: Thank you, Counsel.

19 CROSS-EXAMINATION

20 BY MR. MILLER:

21 Q. My name is James Miller. Again,  
22 I'm going to ask you a couple questions about a  
23 document that we received this morning from your  
24 lawyers, which I would like to have marked. It  
25 looks like it's S, as in Sam.

1 MR. CONOVER: T.

2 MR. MILLER: T, as in tango.

3 (Thereupon, Plaintiffs' Exhibit T,  
4 Confirmation of Coverage Bound, was marked for  
5 purposes of identification.)

6 BY MR. MILLER:

7 Q. Dr. Tuttle-Huff, do you recognize  
8 this document?

9 A. I have seen it briefly, yes.

10 Q. And what is it?

11 A. Coverage bound for Madison Local  
12 Schools.

13 Q. Is this insurance that the school  
14 district obtained in connection with its arming  
15 of staff members?

16 A. I'm assuming so, yes.

17 Q. Why did the school district need to  
18 obtain this insurance coverage concerning its  
19 armed staff personnel?

20 A. This was a conversation before I  
21 was on board, so I can't tell you the exact  
22 reasoning. I'm assuming that it would be to  
23 protect all parties.

24 Q. Did the district's existing  
25 insurance policy provide adequate coverage for

1 liability relating to the actions of armed  
2 personnel?

3 MR. CONOVER: Objection.

4 THE WITNESS: I cannot tell you  
5 whether or not that original insurance policy  
6 did. I do not know.

7 BY MR. MILLER:

8 Q. Can I direct your attention to the  
9 page that's numbered 333? Can you read for me  
10 what is in the field marked coverage?

11 MR. CONOVER: Objection. Actually,  
12 I'm going to make a continuing objection that  
13 she said she very briefly has seen this, she's  
14 not familiar with it, so to the extent that  
15 there's questions asked about her knowledge of  
16 it, I'm just going to object to that, but she  
17 can obviously answer the question.

18 THE WITNESS: It's a generic  
19 statement from the insurance company for  
20 coverage. I'm assuming since they don't have a  
21 specific one called arming teacher liability,  
22 they call it law enforcement liability.

23 BY MR. MILLER:

24 Q. Do you know what they mean by law  
25 enforcement liability coverage?

1 A. Nope, I do not.

2 Q. Did the -- did Madison solicit law  
3 enforcement liability coverage in its efforts to  
4 insure the actions of armed teachers?

5 A. I was not involved in that. I do  
6 not know.

7 Q. Can I direct your attention to  
8 the -- on the same page, the field that's marked  
9 endorsements?

10 A. Yes.

11 Q. Do you know what an insurance  
12 endorsement is?

13 A. Added coverage.

14 Q. And can you read for me the first  
15 endorsement that's listed there?

16 A. Policy form?

17 Q. Yes, that line, please.

18 A. Policy form QBLE 1001 10-16 [sic]  
19 an occurrence form.

20 Q. Now, that obviously doesn't provide  
21 a whole lot of information about what that  
22 endorsement is, but I'd like to direct you to  
23 Exhibit E in the materials that were previously  
24 marked. And I will hand you a copy.

25 (Thereupon, Plaintiffs' Exhibit E,

1 letter with attachments to Rachel Bloomekatz  
2 from Alexander Ewing dated July 23, 2018, having  
3 been previously marked, was presented for  
4 purposes of identification.)

5 MR. MILLER: Counsel, do you need a  
6 copy of Exhibit E?

7 MR. CONOVER: I've got one. Thank  
8 you.

9 BY MR. MILLER:

10 Q. I'll stipulate to you that Exhibit  
11 E is a series of documents that your lawyers  
12 produced in response to a public records request  
13 that we made on behalf of our clients. And  
14 among the items that's included in Exhibit E at  
15 the back side of the third page, there's a  
16 document that begins law enforcement liability  
17 coverage form - occurrence form. Do you see  
18 that?

19 A. Yes.

20 Q. And that page indicates that this  
21 is a six-page form; is that correct?

22 A. Yes.

23 Q. And can you read to me at the very  
24 top of this page what is listed as the policy  
25 number for this document?

1 A. QBL 1001 01-16 -- or, yes, 16.

2 Q. Is it in fact QBLE?

3 A. Yes.

4 Q. 1001?

5 A. Uh-huh.

6 Q. Then in parentheses that follow  
7 01-16?

8 A. Yes.

9 Q. Is that the same numbers that  
10 appear in the first endorsement we described a  
11 moment ago in Exhibit T?

12 A. Yes.

13 Q. Do you have any reason to believe  
14 this is not an endorsement to the insurance  
15 policy that the district obtained for its armed  
16 personnel?

17 A. I'm assuming. I'm sorry, but this  
18 is not my expertise, but I'm assuming, yes.

19 Q. Do you know one way or another  
20 whether the district obtained this particular  
21 endorsement that we are examining as part of  
22 Exhibit E?

23 A. If we obtained this as a part of  
24 this? Is that what you're asking?

25 Q. I'm wondering whether you know if

1 the district's insurance coverage includes the  
2 endorsement we are looking at as Exhibit E?

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

4 Q. Do you have any reason to believe  
5 it does not?

6 A. No.

7 Q. Does Madison have an insurance  
8 policy that is providing coverage of its defense  
9 of this lawsuit?

10 A. Do we have coverage just related to  
11 that?

12 Q. Your costs of defending this  
13 lawsuit, are they being covered by an insurance  
14 policy to your knowledge?

15 A. Yes.

16 Q. Are they being covered by the  
17 insurance policy that we have looked at as  
18 Exhibit T or E?

19 A. I cannot tell you if it's the same  
20 policy.

21 Q. Is the district paying out of  
22 pocket any of its costs for defending this  
23 lawsuit?

24 A. Yes.

25 Q. Is that because the district has

1 exhausted its limits of the policy providing  
2 coverage for defense of this lawsuit?

3 A. My understanding is that there's a  
4 deductible related to that, so those would be  
5 the costs that we have.

6 Q. I see. So the district's costs in  
7 defending the lawsuit at present are limited to  
8 the deductible of the insurance coverage that  
9 you just described?

10 MR. CONOVER: Objection.

11 THE WITNESS: I'm not sure that  
12 that is the case. I'm not sure if there's  
13 parameters put on that or not. I can't tell  
14 you.

15 BY MR. MILLER:

16 Q. Are you aware of any other costs  
17 paid out of pocket by the district in connection  
18 with defending this lawsuit beyond the  
19 deductible you just referenced?

20 A. Not at this time, no. I don't  
21 know. I'm going to be honest, there could --  
22 there could be. They only pay for a percentage,  
23 and I'm not sure what those exact parameters  
24 are.

25 MR. MILLER: Okay. Can we take a



1 one-minute break?

2 MR. CONOVER: Sure.

3 MR. MILLER: Thanks.

4 (Recess taken.)

5 MS. LEFKOWITZ: Let's go back on  
6 the record. I'm done with my questions, I don't  
7 know if defense counsel has any questions for  
8 your witness.

9 MR. CONOVER: Yes, thank you. I  
10 just have a few questions for you,  
11 Dr. Tuttle-Huff.

12 DIRECT EXAMINATION

13 BY MR. CONOVER:

14 Q. I think one of the first questions  
15 that Ms. Lefkowitz asked you was regarding some  
16 prior testimony yesterday about teachers being  
17 required to be in a defensive position or have a  
18 defensive kind of mindset under the firearms  
19 authorization policy. Do you remember that  
20 question?

21 A. Yes.

22 Q. And what was your understanding of  
23 what she meant by defensive?

24 A. I assumed that she meant that they  
25 go after the perpetrator, and that's what I

1 thought she meant by defensive.

2 Q. There also was quite a bit of  
3 discussion about your role as a member of the  
4 safety committee that reviewed the  
5 qualifications and made recommendations to the  
6 board. Do you remember that?

7 A. Yes.

8 Q. Do you recall or do you know who  
9 picked the members of that safety committee?

10 A. I do not.

11 Q. And there was some -- again, some  
12 talk about your -- the safety committee's  
13 interviews with the authorized individuals. Do  
14 you have any doubt that the authorized  
15 individuals attended the FASTER training  
16 program?

17 A. No doubt.

18 Q. Do you have any doubt that they  
19 completed the program?

20 A. I have no doubt.

21 Q. And why is that?

22 A. Because of the extensive knowledge  
23 that they had.

24 Q. Is there a policy that governs the  
25 firearms authorization process?

1           A.     Meaning our emergency management  
2 plan, the firearms policy, or --

3           Q.     So is there a certain policy that  
4 the district has enacted or has that governs  
5 arming teachers?

6           A.     The policy that they -- that they  
7 passed?

8           Q.     I think I'm --

9           A.     Yes.

10          Q.     I think we're talking about Exhibit  
11 F; is that correct?

12          A.     Yes.   Yes.

13          Q.     If you want to look at it --

14          A.     Sorry.

15          Q.     -- it's probably down in the pile.

16          A.     This one?

17          Q.     F.

18          A.     That's the resolution.   Sorry.   I  
19 apologize.

20          Q.     No problem.   Right here.

21          A.     Yes.   Yes.

22          Q.     Do you know when that firearms  
23 authorization policy was implemented?

24          A.     I believe sometime in August, end  
25 of August.

1 Q. We also talked about a letter to  
2 the Madison community. Do you remember that?

3 A. Yes.

4 Q. I believe it was Exhibit --

5 A. R.

6 Q. R, yes.

7 A. Uh-huh.

8 Q. Do you recall, I think Ms. Lefkowitz  
9 represented to you that it was sent out on  
10 July 28th, 2018; is that correct?

11 A. Yes.

12 Q. So was the policy implemented after  
13 that letter to the community?

14 A. Yes.

15 Q. Is the letter to the community  
16 official district policy?

17 A. It is not.

18 Q. We also spent some time talking  
19 about the psychological evaluations of the  
20 authorized individuals.

21 A. Yes.

22 Q. Are those part of the district's  
23 emergency management plan?

24 A. They are part of the firearms  
25 authorization policy. Therefore, they are part

1 of the district's emergency management plan,  
2 yes.

3 Q. So it's your testimony that the  
4 firearms authorization policy is part of the  
5 district's emergency management plan?

6 A. The district's emergency management  
7 plan.

8 Q. And the psych evaluations are part  
9 of that firearms authorization policy?

10 A. Yes. Yes.

11 MR. CONOVER: Okay. I think that's  
12 all I have for you this morning,  
13 Dr. Tuttle-Huff. Thank you.

14 MS. LEFKOWITZ: I just now have a  
15 couple of follow-ups, because I just want to  
16 clarify something.

17 RE CROSS-EXAMINATION

18 BY MS. LEFKOWITZ:

19 Q. Your testimony is that the firearms  
20 authorization policy, which is Exhibit F, was  
21 implemented in August?

22 A. Sometime the end of August is when  
23 the policy was passed.

24 Q. But the mental health evaluations  
25 occurred in July, correct?

1 A. Yes.

2 Q. And when were the authorization  
3 letters sent out to the authorized individuals?

4 A. Sometime in August, I believe, or  
5 September maybe. I'll have to look at the exact  
6 dates. I believe they were sent out -- I can't  
7 remember the exact date they were sent out. I'm  
8 sorry.

9 Q. So it could have been before the  
10 firearms authorization policy was established,  
11 correct?

12 A. I can't say that for sure. I don't  
13 know the dates.

14 Q. My question is it could have been  
15 before the firearms authorization policy was  
16 enacted?

17 A. I don't -- I don't know that.

18 Q. Your testimony is that the firearms  
19 authorization policy was implemented at the end  
20 of August, correct?

21 A. It was passed the end of August. I  
22 don't know when it was implemented.

23 Q. But you don't know what day the  
24 authorization letters were sent out?

25 A. I do not.

1 Q. So it could have been before the  
2 firearms authorization policy was passed?

3 A. I don't know.

4 Q. I'm going to direct your attention  
5 back to Exhibit S, which was the packet of  
6 confidentiality agreements.

7 A. Okay.

8 Q. Can you please turn to the page  
9 where the Bates stamp is 298?

10 A. Okay.

11 Q. That's a confidentiality agreement  
12 signed by one of the authorized users?

13 A. Okay.

14 Q. One of the authorized personnel?

15 A. Uh-huh.

16 Q. It's dated August 14th?

17 A. Uh-huh.

18 Q. This person was granted  
19 authorization prior to the time the firearms  
20 authorization policy was passed, correct?

21 A. Not necessarily. They signed an  
22 agreement. That doesn't mean they were -- the  
23 board had given them authorization yet. That  
24 does not mean that. This was all -- this could  
25 have been [REDACTED]. So no, that does not

1 mean that.

2 Q. Let's flip to 307. Are you looking  
3 at 307?

4 A. Yes.

5 Q. That's a confidentiality agreement  
6 for another authorized individual, correct?

7 A. Yes.

8 Q. It's dated?

9 A. 8-28.

10 Q. 2018, correct?

11 A. Uh-huh. Yes.

12 Q. And the confidentiality agreement  
13 on page 309 --

14 A. Yes.

15 Q. Are you looking at that?

16 A. Yes.

17 Q. -- that's a confidentiality  
18 agreement for a [REDACTED] authorized individual,  
19 correct?

20 A. Yes, I assume.

21 Q. It is a confidentiality agreement  
22 for an authorized individual, right?

23 A. It's redacted, but I assume, yes.

24 Q. If you look at the last paragraph,  
25 it begins if this -- if the authorized person



1 receives a subpoena. Do you see that paragraph?

2 A. Yes.

3 Q. So this is a confidentiality  
4 agreement for an authorized person?

5 A. Yes.

6 Q. And what date is at the bottom?

7 A. 8-28.

8 Q. So this -- those last two  
9 confidentiality agreements were signed  
10 approximately at the time the firearms  
11 authorization policy was passed?

12 MR. CONOVER: Objection.

13 THE WITNESS: I don't know the  
14 dates. I can't tell you. I mean, I can tell  
15 you that maybe, yes. I don't know the exact  
16 dates.

17 BY MS. LEFKOWITZ:

18 Q. You testified that the firearms  
19 authorization policy was passed at the end of  
20 August, correct?

21 MR. CONOVER: Objection.

22 THE WITNESS: Correct, but this is  
23 a totally different document. This is a  
24 confidentiality agreement. It's not an  
25 authorization.

1 BY MS. LEFKOWITZ:

2 Q. Right. Sorry. I just want to make  
3 sure we are on the same page. My question is  
4 the confidentiality agreements that were signed  
5 by the authorized users were signed at the end  
6 of August, correct?

7 A. Yes.

8 Q. Which was approximately around the  
9 time of -- when the firearms authorization  
10 policy was passed, correct?

11 MR. CONOVER: Objection.

12 THE WITNESS: I don't know if  
13 that's -- I mean, I don't know when that policy  
14 was passed exactly, so it could be around that  
15 time, yes.

16 BY MS. LEFKOWITZ:

17 Q. So it's possible that the entire  
18 process for authorizing individuals was done  
19 before the firearms authorization policy was  
20 passed?

21 MR. CONOVER: Objection.

22 THE WITNESS: No.

23 BY MS. LEFKOWITZ:

24 Q. Why is that not possible?

25 A. Because I would not have had a

1 board meeting on the 28th of August. Our board  
2 meetings are not on the last week of the month.

3 Q. Can you just clarify that answer?

4 A. You asked me if this piece of this  
5 information was passed before the authorizations  
6 were given -- was signed before the  
7 authorizations were given, and it was not, I  
8 don't think. I can't -- because that's the last  
9 day -- one of the last days of the month, this  
10 piece of it. I don't -- I don't think that it  
11 was passed -- signed before that point.

12 Q. The superintendent is, in your  
13 words, I think, the CEO of the school district,  
14 correct?

15 A. Correct. Yes.

16 Q. So would you agree that ultimately,  
17 the buck stops with the CEO?

18 MR. CONOVER: Objection.

19 THE WITNESS: It depends on the  
20 situation. If it's my -- if it's my issue, if  
21 it's something that I can handle and take care  
22 of at the school, yes, it would be my situation.  
23 But in this case, since I don't authorize, the  
24 buck does not stop with me. It stops with the  
25 board.

1 MS. LEFKOWITZ: All done.

2 MR. CONOVER: Do we want to talk  
3 about the signing of it again?

4 MS. LEFKOWITZ: We are not done.  
5 Will you read and sign by the later of  
6 January 25th or seven days after the transcript  
7 is completed?

8 MR. CONOVER: Yes.

9 MS. LEFKOWITZ: And now we are  
10 done.

11 (Thereupon, the deposition was  
12 concluded at 12:17 p.m.)  
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1  
2 STATE OF \_\_\_\_\_ )  
3 ) : ss  
4 COUNTY OF \_\_\_\_\_ )  
5  
6

7 I, LISA TUTTLE-HUFF, Ph.D. , the  
8 witness herein, having read the foregoing  
9 testimony of the pages of this deposition,  
10 do hereby certify it to be a true and  
11 correct transcript, subject to the  
12 corrections, if any, shown on the attached  
13 page.  
14

15 \_\_\_\_\_  
16 LISA TUTTLE-HUFF, Ph.D.  
17  
18  
19

20 Sworn and subscribed to before me,  
21 this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
22

23 \_\_\_\_\_  
24 Notary Public  
25

1 STATE OF OHIO )  
2 COUNTY OF MONTGOMERY ) SS: CERTIFICATE

3 I, Karen M. Rudd, a Notary  
4 Public within and for the State of Ohio, duly  
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the  
7 above-named LISA TUTTLE-HUFF, Ph.D., was by me  
8 first duly sworn to testify the truth, the whole  
9 truth and nothing but the truth.

10 Said testimony was reduced to  
11 writing by me stenographically in the presence  
12 of the witness and thereafter reduced to  
13 typewriting.

14 I FURTHER CERTIFY that I am not a  
15 relative or Attorney of either party, in any  
16 manner interested in the event of this action,  
17 nor am I, or the court reporting firm with which  
18 I am affiliated, under a contract as defined in  
19 Civil Rule 28(D).  
20  
21  
22  
23  
24  
25

IN WITNESS WHEREOF, I have hereunto set  
my hand and seal of office at Dayton, Ohio, on  
this 15TH day of January, 2019.

Karen M Rudd

KAREN M. RUDD

**NOTARY PUBLIC, STATE OF OHIO**

**My commission expires 5-21-2022**

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.



E R R A T A

I wish to make the following changes,  
for the following reasons:

PAGE LINE

\_\_\_\_\_ CHANGE: \_\_\_\_\_

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\_\_\_\_\_  
LISA TUTTLE-HUFF, Ph.D.

\_\_\_\_\_  
DATE

SUBSCRIBED AND SWORN TO BEFORE

ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 201 .

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
COMMISSION EXPIRES