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2019 MAR -7 AM 9:54

MARY L. SWANN  
BUTLER COUNTY  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS

BUTLER COUNTY, OHIO

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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 PAUL R. JENNEWINE,

M.D., Witness 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 1:09 p.m.

\* \* \*

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3	BY MR. CONOVER:.....	107
4	BY MS. LEFKOWITZ:.....	116

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7	(Thereupon, Plaintiffs' Exhibit U,	
8	email string, the top email from	
9	Paul Jennewine to Curtis Philpot	
10	sent February 15, 2018, was marked	
11	for purposes of identification.).....	15
12	(Thereupon, Plaintiffs' Exhibit K,	
13	minutes from the Madison Board of	
14	Education regular Board of Education	
15	meeting March 26, 2018, having been	
16	previously marked, was presented for	
17	purposes of identification.).....	22
18	(Thereupon, Plaintiffs' Exhibit F,	
19	Firearm Authorization Policy, having	
20	been previously marked, was	
21	presented for purposes of	
22	identification.).....	40

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1	(Thereupon, Plaintiffs' Exhibit R,	
2	community letter from Madison Local	
3	Schools, having been previously	
4	marked, was presented for purposes	
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6	(Thereupon, Plaintiffs' Exhibit V,	
7	agenda from special Board of	
8	Education meeting, Friday, July 13,	
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11	(Thereupon, Plaintiffs' Exhibit M,	
12	Applicant's Psychological	
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21	(Thereupon, Plaintiffs' Exhibit W,	
22	FASTER School Authorization	
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2       authorizations, having been  
3       previously marked, was presented for  
4       purposes of identification.)..... 105

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1 APPEARANCES:

2 On behalf of the Plaintiffs/Relators:

3 Everytown for Gun Safety

4 By: Alla Lefkowitz

Jed Miller

5 Krystan Hitchcock

Attorneys at Law

6 132 E. 43rd Street

#657

7 New York, New York 10017

646 324-8365

8 alefkowitz@everytown.org

jedmiller@everytown.org

9 khitchcock@everytown.org

10 On behalf of the Defendants/Respondents:

11 Frost, Brown, Todd

12 By: Brodi J. Conover

Attorney at Law

13 9277 Centre Pointe Drive

Suite 300

14 West Chester, Ohio 45069

513 870-8200

15 bconover@fbtlaw.com

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1                   PAUL R. JENNEWINE, M.D.  
2 of lawful age, Witness herein, having been first  
3 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.     Paul Jennewine.

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

12                  A.     I'm a school board member.

13                  Q.     How long have you been a school  
14 board member?

15                  A.     Just about six years.

16                  Q.     Can we agree whenever I say  
17 Madison, that I'm referring to Madison Local  
18 School District --

19                  A.     Sure.

20                  Q.     -- in Ohio?

21                  A.     Yes.

22                  Q.     My name is Alla Lefkowitz. I'm one  
23 of the attorneys for the plaintiffs in this  
24 case. I'm going to let my colleagues introduce  
25 themselves.

1 MS. HITCHCOCK: I'm Krystan  
2 Hitchcock. I'm one of the plaintiffs'  
3 attorneys.

4 MR. MILLER: Good afternoon,  
5 Dr. Jennewine. I'm Jed Miller, also counsel for  
6 plaintiffs.

7 THE WITNESS: All right.

8 MS. LEFKOWITZ: And for the record,  
9 I'll invite your lawyer to introduce himself, as  
10 well.

11 MR. CONOVER: Brodi Conover  
12 appearing on behalf of the defendants, the  
13 Madison Local School District Board of Education  
14 and the Madison Local School District  
15 superintendent, Dr. Lisa Tuttle-Huff.

16 BY MS. LEFKOWITZ:

17 Q. Have you ever been deposed before?

18 A. Once a long time ago.

19 Q. So I'm going to go through some of  
20 the rules of the road that will hopefully make  
21 this easier and will simplify things. All  
22 right?

23 A. Sure.

24 Q. So one of the first things is  
25 whenever I ask a question, your response should

1 be verbal. So no head shakes, because the court  
2 reporter can't take that down.

3 A. Sure.

4 Q. On the same topic, you should let  
5 me answer my question -- you should let me ask  
6 my question first, and then you should wait and  
7 answer, and that's so that the court reporter  
8 can take a clear transcript. Does that make  
9 sense?

10 A. Okay. Yes.

11 Q. Is there anything preventing you  
12 from testifying truthfully today?

13 A. No.

14 Q. Are you on any kind of medication  
15 that may impair your recollection or anything  
16 along those lines?

17 A. No.

18 Q. If you don't understand a question  
19 that I'm asking, just ask me to repeat it. It's  
20 my responsibility to ask a question clearly.  
21 Does that make sense?

22 A. Yes, it does.

23 Q. So you will let me know when you  
24 don't understand a question that I'm asking?

25 A. Correct.



1           Q.    And if there's -- you know, if you  
2   gave me an answer, and five minutes or ten  
3   minutes later you realize that it was incorrect  
4   or you want to clarify, just let me know, and I  
5   will let you clarify it. Is that okay?

6           A.    Okay.

7           Q.    Sometimes your attorney may object  
8   to a question I ask. Unless your attorney  
9   instructs you otherwise, you should still answer  
10  the question.

11          A.    Okay.

12          Q.    But you should let him object first  
13  fully, and then you can answer the question.  
14  Okay?

15          A.    Okay.

16          Q.    If you need a break, just let me  
17  know. Will you do that?

18          A.    I will.

19          Q.    And there's some water in the  
20  corner, some candy and cough drops on the table.  
21  Just let us know if you need anything to make  
22  you more comfortable. Okay?

23          A.    Thank you.

24          Q.    The most important thing, you are  
25  under oath, and you have to tell the truth. Do

1     you understand that?

2             A.     Yes, I do.

3             Q.     Finally, do you know that there's a  
4     confidentiality agreement between the parties in  
5     this lawsuit?

6             A.     Yes.

7             Q.     So there are times in the  
8     deposition that you may have to respond to  
9     answers that are confidential. Just be aware  
10    that your attorney has the right to designate  
11    those answers as confidential later on.

12            A.     Okay.

13            MR. CONOVER: If I can just clarify  
14    that a little bit. We will be talking about  
15    some of this stuff that we will designate as  
16    confidential, and under that agreement, we would  
17    then have the opportunity to redact or somehow  
18    make that not public. So that's kind of the  
19    purpose of the confidentiality agreement.

20            So there may be instances when you  
21    are asked questions that you're kind of thinking  
22    well, we don't want to make that public. For  
23    purposes of this deposition, unless I tell you  
24    not to answer, just feel free to go ahead and  
25    answer even if I do object or something like

1     that.

2                   THE WITNESS:   Very well.

3                   MR. CONOVER:   Is that fair?

4                   MS. LEFKOWITZ:  Absolutely.

5     Absolutely.

6     BY MS. LEFKOWITZ:

7                   Q.    Your full-time profession is a  
8     medical doctor, correct?

9                   A.    Correct.

10                  Q.    What kind of medicine do you  
11     practice?

12                  A.    Internal medicine.

13                  Q.    And how long have you been doing  
14     that?

15                  A.    21 years.

16                  Q.    Do you have experience in mental  
17     health?

18                  A.    Minimal.

19                  Q.    Is that related to your medical  
20     training?

21                  A.    Minimal.

22                  Q.    Is it -- the minimal training that  
23     you have on mental health, does that come from  
24     your medical training?

25                  A.    Yes, we have a minimal amount of

1 mental health training in our internal medicine  
2 training.

3 Q. Like in residency?

4 A. Yes.

5 Q. How long did you say you have been  
6 on the board?

7 A. About six years.

8 Q. Other than serving as a member of  
9 the board, have you ever held any other  
10 educational positions?

11 A. No.

12 Q. Have you worked in the educational  
13 field?

14 A. No.

15 Q. Do you have any experience in law  
16 enforcement?

17 A. No.

18 Q. Are you aware that on April 24th,  
19 2018, the Board of Education of the Madison  
20 Local School District passed a resolution to arm  
21 certain staff?

22 A. Yes.

23 Q. Did you vote for that resolution?

24 A. Yes.

25 Q. Why did you vote for it?

1           A.     Because I felt it was appropriate.

2           Q.     Appropriate in what way?

3           A.     That I think allowing certain  
4 individuals to have the right to conceal carry,  
5 as they do everywhere else in the state, if they  
6 wanted to do that on school premises, they had  
7 to follow the school's recommendations.

8           Q.     So you thought it was important  
9 that if people are exercising their right to  
10 carry, they should do so under the rules issued  
11 by the Board of Education?

12                   MR. CONOVER:  Objection.

13                   THE WITNESS:  Yes, on our grounds.

14 BY MS. LEFKOWITZ:

15           Q.     And it is your view that  
16 individuals should be allowed to carry firearms  
17 for their protection?

18           A.     I believe --

19                   MR. CONOVER:  Objection.

20                   THE WITNESS:  I believe in the  
21 Second Amendment.

22 BY MS. LEFKOWITZ:

23           Q.     So my question is, is it your view  
24 that people should be able to carry for their  
25 protection?

1           A.    I believe that I should be able to  
2 carry for my protection.

3           [REDACTED]  
4 [REDACTED]  
5 [REDACTED]

6           [REDACTED]   [REDACTED]  
7           Q.    So the reason you voted for this  
8 policy was to give the opportunity for people to  
9 exercise their Second Amendment right?

10           MR. CONOVER:  Objection.

11           THE WITNESS:  Yes.

12 BY MS. LEFKOWITZ:

13           Q.    When -- strike that.  
14           You were the first board member to  
15 bring up the idea of using FASTER training to  
16 authorize certain teachers -- certain staff to  
17 carry firearms on Madison property, right?

18           A.    Correct.  I believe so, yes.

19           Q.    And I believe you brought that up  
20 to the board almost immediately after the  
21 Parkland shooting in February 2018; is that  
22 correct?

23           A.    As far as I recall, that is  
24 correct.

25           Q.    I don't want to be unfair to you.

1 A. I understand.

2 Q. I'll give you an email.

3 MS. LEFKOWITZ: I'm going to  
4 introduce this document as Exhibit U.

5 (Thereupon, Plaintiffs' Exhibit U,  
6 email string, the top email from Paul Jennewine  
7 to Curtis Philpot sent February 15, 2018, was  
8 marked for purposes of identification.)

9 BY MS. LEFKOWITZ:

10 Q. Take as long as you need to review  
11 this document and let me know when you're ready  
12 to discuss it.

13 MS. LEFKOWITZ: Can we go off the  
14 record for one second?

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

17 MS. LEFKOWITZ: Let's go back on  
18 the record. If anyone in this room is hot so  
19 that they feel like they can't do their job,  
20 just let me know.

21 THE WITNESS: Okay. I'm ready.

22 BY MS. LEFKOWITZ:

23 Q. What's the document that you were  
24 just looking at?

25 A. It's an email.

1 Q. It's an email from you to the  
2 board, correct?

3 A. It is to Curtis Philpot and the  
4 board, yes, as well as the treasurer.

5 Q. And by the way, can we agree that  
6 when we refer to the board, we are talking about  
7 the Board of Education of the Madison Local  
8 School District?

9 A. Yes.

10 Q. This was an email that you sent on  
11 February 15th, 2018?

12 A. That's what it states.

13 Q. In this email, you recommend  
14 starting a discussion about using the FASTER  
15 program at Madison, correct?

16 A. Correct.

17 Q. Were you -- when did you first  
18 become aware of the FASTER program?

19 A. I don't recall the date.

20 Q. Have you ever taken FASTER  
21 training?

22 A. No.

23 Q. Did someone -- in advance of you  
24 writing this email, did someone ask you about  
25 using the FASTER program at Madison?



1           A.     Not that I recall, no.

2           Q.     What I'm wondering is what led you  
3 to start the discussion about FASTER  
4 specifically?

5           A.     I think it was after the Sandy Hook  
6 event, that there were many news articles that  
7 described and highlighted schools who were doing  
8 things similar, allowing teachers and staff to  
9 carry firearms. And in particular, there were  
10 several that had come up for school districts in  
11 Ohio.

12                     So after Sandy Hook, that was  
13 something that I was seeing quite a bit of, and  
14 that's -- and those ones -- those news reports  
15 in Ohio frequently discussed the FASTER program.

16           Q.     But you have never attended a  
17 training, correct?

18           A.     Correct.

19           Q.     Have you reviewed the curriculum of  
20 the FASTER program?

21           A.     I have reviewed what they have  
22 online.

23           Q.     Did you review that before making  
24 this recommendation to start the discussion  
25 about using the FASTER program?

1           A.    As far as I recall, yes.

2           Q.    It's also possible you may have  
3 looked at that curriculum after -- at some point  
4 after February 14th, 2018?

5           A.    That's possible, yes.

6           Q.    Have you had a conversation with  
7 anyone regarding potential pros and cons of  
8 using the FASTER program specifically?

9           MR. CONOVER:  Objection.

10          THE WITNESS:  I suppose I would  
11 want clarification there.

12       BY MS. LEFKOWITZ:

13          Q.    Sure.  After you recommended  
14 starting a discussion about the FASTER program  
15 at Madison on February 14th, 2018, did you speak  
16 to anyone to inquire whether the FASTER program  
17 was a good one?

18          MR. CONOVER:  Objection.

19          THE WITNESS:  Yes.

20       BY MS. LEFKOWITZ:

21          Q.    Who did you speak with?

22          A.    I spoke with people in the  
23 community, and I spoke with -- I'm going to  
24 re-ask the time frame you want to know.

25          Q.    After February 14th, 2018.

1 MR. CONOVER: Quickly, this email  
2 is from February 15th. It's the third time you  
3 said 14th. I just wanted --

4 MS. LEFKOWITZ: Oh, you know what,  
5 it says February 14th update. Thank you. Yes.

6 MR. CONOVER: I understand.

7 MS. LEFKOWITZ: Thank you.

8 MR. CONOVER: I just wanted to make  
9 sure for the record.

10 MS. LEFKOWITZ: Yes. After  
11 February 15th, 2018.

12 THE WITNESS: Did I speak with  
13 anyone about whether the FASTER program --  
14 looking for -- I guess I need a little more  
15 clarification of what you're after.

16 I mean, I certainly spoke to  
17 residents in the community about the idea, the  
18 general concept, and things like that, yes.

19 BY MS. LEFKOWITZ:

20 Q. What is the FASTER program?

21 A. The FASTER program as I know it is  
22 a program designed specifically for school  
23 systems to help with safety in the event of an  
24 active shooter.

25 Q. So to clarify my earlier question,

1 did you speak with anyone in the community after  
2 February 15th, 2018, about FASTER was good at  
3 its job, which is to help with safety in the  
4 event of an active shooter?

5 MR. CONOVER: Objection.

6 THE WITNESS: No.

7 BY MS. LEFKOWITZ:

8 Q. Did you look up any reviews of the  
9 FASTER program?

10 A. I, again, went with news media  
11 articles that described it in detail and their  
12 experiences with it, other districts that had  
13 used it.

14 Q. When you say other districts that  
15 had used it, do you mean you talked with  
16 individuals from other districts that had used  
17 it?

18 A. The news articles conferred that  
19 information.

20 Q. So your primary information about  
21 the FASTER program was from the news media and  
22 from the curriculum that you reviewed online; is  
23 that correct?

24 A. Yes.

25 Q. Are you aware of any other training

1 that someone may receive to be able to carry a  
2 firearm while on school grounds in Ohio?

3 MR. CONOVER: Objection.

4 THE WITNESS: No. I'm sorry.

5 MR. CONOVER: Go ahead.

6 THE WITNESS: No, I was not at that  
7 time.

8 BY MS. LEFKOWITZ:

9 Q. Are you aware of that now?

10 A. I have heard of others now, but  
11 they are new and -- to my understanding, they  
12 are new and were not available when I was first  
13 looking into this.

14 Q. These programs that you mentioned,  
15 are they private programs?

16 A. I don't know the answer to that.

17 Q. Do you have any idea whether any of  
18 them are run by the state of Ohio?

19 A. I don't know the answer to that.

20 Q. Are you familiar with something  
21 that is colloquially referred to as OPOTA in  
22 Ohio?

23 A. I've heard of it, yes.

24 Q. What is your understanding of that  
25 term?

1           A.     That it is essentially police  
2 officer training, police academy.

3           Q.     At any point did you inquire  
4 whether any individuals at Madison could be  
5 trained through the OPOTA curriculum?

6           A.     No.

7           Q.     So after you made this  
8 recommendation on February 15th, 2018, to start  
9 the discussion about the FASTER program, what  
10 were the next steps to get this process started?  
11 Sorry. You can put that aside.

12          A.     I don't recall the timeline of  
13 everything.

14          Q.     There was -- I'm just going to try  
15 to help out --

16          A.     Sure.

17          Q.     -- just so --

18          A.     I appreciate it.

19          Q.     Correct me if I'm wrong about the  
20 timeline. On March 26, 2018, there was a board  
21 meeting where the FASTER program was discussed,  
22 correct?

23          A.     If that's what the minutes say,  
24 yes.

25                   (Thereupon, Plaintiffs' Exhibit K,

1 minutes from the Madison Board of Education  
2 regular Board of Education meeting March 26,  
3 2018, having been previously marked, was  
4 presented for purposes of identification.)

5 BY MS. LEFKOWITZ:

6 Q. If you could take a look at Exhibit  
7 K, and let me know when you're ready to discuss  
8 that document.

9 A. Okay.

10 Q. What's the document that you are  
11 looking at?

12 A. This is the minutes from the  
13 Madison Board of Education regular board meeting  
14 March 26, 2018.

15 Q. And if you flip to the very last  
16 page, can you tell me what that is?

17 A. That is minutes description of the  
18 conversation of an agenda item about the FASTER  
19 program.

20 Q. And you began that conversation  
21 according to these minutes, correct?

22 A. That's what it says.

23 Q. Do you have any reason to doubt  
24 that that's true?

25 A. No.

1           Q.    Do you remember -- do you recall --  
2   having now looked at this document, do you  
3   recall having this conversation on March 26,  
4   2018?

5           A.    Yes.

6           Q.    Between the time that you first  
7   recommended starting a discussion of the FASTER  
8   program and March 26, did you do any additional  
9   research into the program?

10          A.    I believe at this point, I did  
11   reach out to FASTER to speak with them, someone  
12   from their program personally.

13          Q.    Was that person's name Joe Eaton?

14          A.    Yes, I believe it was.

15          Q.    And did he -- did Mr. Eaton provide  
16   you with some additional information about the  
17   FASTER program?

18          A.    He provided me mostly the same  
19   information that was online.

20          Q.    Would it be fair to say that after  
21   this discussion -- or during this discussion on  
22   March 26, 2018, there appeared to be some  
23   interest in doing the program, but it wasn't  
24   completely finalized?

25               MR. CONOVER:  Objection.



1 THE WITNESS: I can't really answer  
2 to that, I suppose. I think there certainly was  
3 interest.

4 BY MS. LEFKOWITZ:

5 Q. And it does appear to say on this  
6 document that you spoke with SRO Kent Hall about  
7 doing this program; is that right?

8 A. Where is that?

9 Q. It's towards the end of the  
10 document, Dr. Jennewine stated that he spoke  
11 with SRO Kent Hall, and Deputy Hall was in favor  
12 of the program if training process was thorough.

13 A. That is correct.

14 Q. Do you recall any details of that  
15 conversation with SRO Hall?

16 A. No.

17 Q. Do you think you spoke with him in  
18 person or over an email?

19 A. I spoke with him in person.

20 Q. At this time, by March 26, 2018,  
21 had any individuals from the school identified  
22 themselves as interested in potentially carrying  
23 firearms on school grounds if they were  
24 permitted to do so?

25 A. Not that I was aware of.

1 Q. They may have identified  
2 themselves, but not to you?

3 A. I can't really answer to that.

4 Q. So -- let me try that one more  
5 time. By March 26, 2018, did any member of the  
6 Madison Local School District community identify  
7 themselves to you as wanting to be able to carry  
8 a firearm on school property?

9 MR. CONOVER: Objection.

10 THE WITNESS: No.

11 BY MS. LEFKOWITZ:

12 Q. Do you remember what happened --  
13 you can this aside. Do you remember what the  
14 next step in the process was?

15 A. Not specifically.

16 Q. Do you remember when you first  
17 became aware of any specific individuals who  
18 would have liked to be armed on school grounds?

19 A. No, I do not recall that.

20 Q. We may have already covered this,  
21 but the -- ultimately the resolution to  
22 authorize certain school personnel to carry  
23 firearms on school grounds was passed on  
24 April 24th, 2018?

25 A. Okay.

1 Q. Is that right?

2 A. That sounds correct if that's what  
3 the minutes reflect.

4 Q. Do you recall any discussions that  
5 you had about the FASTER program between  
6 March 26, 2018, and April 24th, 2018?

7 A. No. I should clarify. With whom?

8 Q. With anyone. Let me rephrase.  
9 With anyone outside of an attorney or your  
10 spouse.

11 A. I think community members came, and  
12 some of them asked me information about it, yes.

13 Q. Do you remember any specific  
14 community members?

15 A. No.

16 Q. Did any of these community members  
17 to your recollection express concern with arming  
18 school staff?

19 A. Two did.

20 Q. Who were those individuals?

21 A. I don't recall the time of those.  
22 I don't recall their names at this time.

23 Q. So you may have had these  
24 conversations before April 24th, but it also may  
25 have been after April 24th?

1           A.     Right, I cannot recall.

2           Q.     And did anyone approach you to  
3 speak about -- in support of this policy to  
4 authorize certain staff?

5           A.     Several.

6           Q.     Do you remember those  
7 conversations?

8           A.     Vague. Nothing specific.

9           Q.     Do you remember who the  
10 conversations were with?

11          A.     No.

12          Q.     So on April 24th, 2018, the -- you  
13 voted for the policy to authorize school staff,  
14 correct?

15          A.     Correct.

16          Q.     What was the next step in the  
17 process of actually authorizing individuals to  
18 carry firearms?

19          A.     I think the next step was still  
20 working with our attorneys on what would be the  
21 next step.

22          Q.     Well, actually, let me clarify  
23 another rule. I don't want to know anything  
24 that you talked about with your attorney, so  
25 just FYI. I'm sure Mr. Conover would have

1       stopped you anyway.

2                       So at that point, after April 24th,  
3       2018, when the board voted for the policy,  
4       thereafter, some members of the board undertook  
5       to find out what actually had to be put in place  
6       to get this policy done; is that correct?

7                       MR. CONOVER:   Objection.

8                       THE WITNESS:   I think that -- I  
9       would say yes, but I don't recall that process.

10       BY MS. LEFKOWITZ:

11                      Q.       Were you involved in the process at  
12       all?

13                      A.       Not that I recall.

14                      Q.       When did you become aware of any  
15       particular individual who wanted to be  
16       authorized to carry a firearm on school  
17       property?

18                      A.       I don't recall that.

19                      Q.       You interviewed some of the  
20       individuals who are now authorized to carry  
21       firearms on school property; is that correct?

22                      A.       That is correct.

23                      Q.       Can you give me any approximation  
24       of when in time this occurred?

25                      A.       Approximation, I would say -- I'd

1       be guessing.

2               Q.     Was it during the summer?

3               A.     I would say my best guess, yes, it  
4       was during the summer.

5               Q.     When I say during the summer, I  
6       really mean before Labor Day. So do you still  
7       agree that most likely the conversations  
8       happened before Labor Day?

9               A.     Yes.

10              Q.     I apologize, that the interview  
11       happened before Labor Day?

12              A.     I don't know that I can swear to  
13       that, no.

14              Q.     That's perfectly fair. You are a  
15       member of the committee that interviews  
16       applicants who want to be authorized to carry on  
17       school grounds, correct?

18              A.     At that time, yes.

19              Q.     Are you no longer?

20              A.     The committee is created and meets  
21       as needed.

22              Q.     Do you know, how many times did the  
23       committee -- how many times did the committee  
24       meet?

25              A.     Once.

1 Q. And the one time that it met, was  
2 that to interview all of the potential  
3 individuals who wanted to be authorized to carry  
4 firearms?

5 A. Restate that again, please.

6 Q. Sure. The one time that the  
7 committee met, what did it do during that  
8 meeting?

9 A. It reviewed the information that  
10 had been obtained so far and made decisions on  
11 whether to recommend the individuals or not.

12 Q. Was there a vote?

13 A. No.

14 Q. So --

15 A. It was a consensus.

16 Q. A consensus. There was -- at this  
17 meeting, there was a consensus between all of  
18 the members of the committee about all of the  
19 applicants?

20 MR. CONOVER: Objection.

21 THE WITNESS: I think you need to  
22 explain a little better there.

23 BY MS. LEFKOWITZ:

24 Q. To your knowledge, how many people  
25 are currently authorized to carry firearms at

1 Madison?

2 MR. CONOVER: Again, just for  
3 clarification, this is obviously in that kind of  
4 highly confidential designation we will be  
5 making, but you can go ahead and answer.

6 THE WITNESS: [REDACTED]

7 BY MS. LEFKOWITZ:

8 Q. And were those the only [REDACTED]  
9 individuals that the committee interviewed?

10 A. Yes.

11 Q. And all [REDACTED] individuals were  
12 interviewed on the same day?

13 A. Yes.

14 Q. And each individual was interviewed  
15 separately or together?

16 A. Separately.

17 Q. And was that the only time the  
18 committee interviewed each of those individuals?

19 A. Yes.

20 Q. Who is on the committee?

21 A. At that time, it was myself, Pete  
22 Robinson, and Dr. Tuttle-Huff.

23 Q. And you said a couple of times at  
24 that time, and the reason you're saying that is  
25 because the next time a committee meets it may



1 be other people; is that correct?

2 A. That is correct.

3 Q. Does this committee have any kind  
4 of -- is there a list of the committee?

5 MR. CONOVER: Objection.

6 THE WITNESS: By names?

7 MS. LEFKOWITZ: Yes.

8 THE WITNESS: No.

9 BY MS. LEFKOWITZ:

10 Q. How did you get appointed to the  
11 committee?

12 A. By the board itself.

13 Q. Did the board send you some kind of  
14 email saying that you had been appointed to the  
15 committee?

16 A. No.

17 Q. How did the board communicate to  
18 you that you were appointed to the committee?

19 A. They -- I was told that.

20 Q. Did they tell you why you had been  
21 selected?

22 A. No.

23 Q. Do you think maybe it's because you  
24 were one -- you were the first person to bring  
25 this idea to the board?

1 MR. CONOVER: Objection.

2 THE WITNESS: I don't think I could  
3 speak on their behalf.

4 BY MS. LEFKOWITZ:

5 Q. You are a member of the board,  
6 though, right?

7 A. Correct.

8 Q. And you -- was there a discussion  
9 about selecting the committee?

10 A. Not that I recall.

11 Q. So I'm just a little confused. You  
12 testified that the board appointed you to the  
13 committee.

14 A. Yes.

15 Q. And that is the committee to  
16 interview applicants who want to carry firearms  
17 at Madison, correct?

18 A. Yes.

19 Q. And you are a member of the board,  
20 correct?

21 A. Correct.

22 Q. So how was this decision made to  
23 appoint you to the committee?

24 A. I think, as I recall and what I  
25 remember and understand, there were board

1 members who recommended the [REDACTED] individuals,  
2 and by consensus the others agreed, and that's  
3 what was -- what took place.

4 Q. And do you remember when  
5 approximately this occurred?

6 A. No.

7 Q. Do you think it would have been at  
8 a board meeting?

9 A. Yes, I do.

10 Q. Are you aware that Madison has a  
11 firearms authorization policy?

12 A. Yes.

13 Q. Were you involved in drafting that  
14 firearms authorization policy?

15 A. No.

16 Q. Do you know when that policy was  
17 created?

18 A. No.

19 Q. Do you know when that policy was  
20 approved?

21 A. No. Not off the top of my head,  
22 no.

23 Q. Did the board ever consider the  
24 policy?

25 A. Yes.

1 Q. Did the board consider the policy  
2 at a meeting?

3 A. Yes.

4 Q. But you don't remember what meeting  
5 it was?

6 A. No.

7 Q. Why does the school have a firearms  
8 authorization policy?

9 A. I think, again, to go back to the  
10 idea of an individual who is permitted in the  
11 state of Ohio to conceal carry, that if they are  
12 going to do that on our premises for their own  
13 safety, protection, then we want to be involved  
14 and be able to make sure they meet guidelines  
15 that we set forth.

16 Q. So the policy is important to set  
17 forth rules for them if they are going to bring  
18 a firearm onto Madison property, correct?

19 MR. CONOVER: Objection.

20 THE WITNESS: Correct.

21 BY MS. LEFKOWITZ:

22 Q. And that's because it's important  
23 to have rules if someone is bringing a firearm  
24 into a school, correct?

25 A. I think that the state sets rules

1 already on who has to do that, and we were  
2 saying that in order to continue that Second  
3 Amendment right, we expect a little something  
4 extra for -- to be sure we are confident that  
5 you are going to be safe with it.

6 Q. Because if an individual is not  
7 safe with a firearm, someone could get hurt,  
8 correct?

9 A. We didn't want anyone bringing a  
10 firearm onto the campus without us knowing who  
11 it was and how it was being done.

12 Q. And the reason for that is because  
13 if someone is bringing a firearm onto campus and  
14 handling it in an unsafe manner, someone could  
15 get hurt, correct?

16 MR. CONOVER: Objection.

17 THE WITNESS: It's because shooters  
18 have come and killed kids with handguns before,  
19 so we didn't want that.

20 BY MS. LEFKOWITZ:

21 Q. So I understand that that's the  
22 reason that you gave is the reason why you -- is  
23 a reason why firearms were permitted on the  
24 school property, correct?

25 A. I think you need to restate that

1 for me.

2 Q. Sure. You just -- you just  
3 expressed a concern about shooters coming onto  
4 school property and wanting to protect against  
5 that, correct?

6 A. No, I said we didn't want people  
7 coming on our property --

8 MR. CONOVER: Objection.

9 THE WITNESS: -- who we didn't know  
10 who were coming to do ill deeds to our students.  
11 BY MS. LEFKOWITZ:

12 Q. All right. I think I understand.  
13 So the firearms authorization policy is in place  
14 to prevent someone coming onto your property to  
15 do some kind of bad action, correct?

16 MR. CONOVER: Objection.

17 THE WITNESS: No. I think there  
18 are many cases throughout the United States  
19 where teachers felt their only chance of  
20 protecting themselves is bringing a firearm onto  
21 campus, they did that illegally, they did it  
22 improperly with poor training. Accidents  
23 happen. We did not want that kind of mistake.

24 They know some child is going to  
25 come in, some adult is going to come in, and do

1 harm, and so they are trying to protect  
2 themselves in ways they can't otherwise. We  
3 didn't want that event happening.

4 BY MS. LEFKOWITZ:

5 Q. So your concern is someone may or  
6 may not be bringing a firearm onto campus, and  
7 if they are going to do it, they have to abide  
8 by our rules, correct?

9 MR. CONOVER: Objection.

10 THE WITNESS: Restate, please.

11 MS. LEFKOWITZ: Can you read back  
12 the question?

13 (Record read.)

14 THE WITNESS: I think we want to  
15 know who it is who is bringing a firearm onto  
16 our campus.

17 BY MS. LEFKOWITZ:

18 Q. And that's for safety reasons,  
19 right?

20 A. It's so that no one does harm to  
21 our children.

22 Q. Is that not a safety reason?

23 A. I don't want my kids hurt.

24 Q. I just want to be clear that you  
25 have to -- you are required to actually answer

1 the question that I'm asking.

2 A. Okay.

3 MS. LEFKOWITZ: So can you read  
4 back my question -- my last two questions,  
5 please, to me?

6 (Record read.)

7 THE WITNESS: Of course someone  
8 bringing a firearm onto the premises without us  
9 knowing and without our permission is a safety  
10 concern. Yes, it is.

11 BY MS. LEFKOWITZ:

12 Q. And the safety concern is someone  
13 could get injured with that firearm, correct?

14 A. If we have not allowed it and they  
15 have not had the training, if they are bringing  
16 it on illegally, yes, they are coming to do harm  
17 usually.

18 Q. This may help us. I'm going to  
19 point -- ask you to look at Exhibit F.

20 (Thereupon, Plaintiffs' Exhibit F,  
21 Firearm Authorization Policy, having been  
22 previously marked, was presented for purposes of  
23 identification.)

24 BY MS. LEFKOWITZ:

25 Q. Take a minute -- or take however



1 long you need to look over that and let me know  
2 when you're ready to discuss it.

3 A. Okay.

4 Q. The document that you have in front  
5 of you is the firearms authorization policy,  
6 correct?

7 A. Yes.

8 Q. Is this the only policy that  
9 regulates -- strike that.

10 Is this the only policy that sets  
11 forth the rules that must be followed if a  
12 firearm is brought onto campus?

13 MR. CONOVER: Objection.

14 THE WITNESS: That I'm aware of,  
15 yes.

16 BY MS. LEFKOWITZ:

17 Q. Would you be aware of other  
18 policies?

19 A. I should be, but I could forget.

20 Q. If you could look at the bottom of  
21 page 265 where it says permitted ammunition.

22 A. Yes.

23 Q. Is it correct that this firearms  
24 authorization policy only permits a certain type  
25 of ammunition to be brought onto school

1 property?

2 A. Yes.

3 Q. And what's the reason for that?

4 A. To avoid ricochet.

5 Q. Because if there's an instance of  
6 ricochet, someone unintended could get hurt,  
7 correct?

8 MR. CONOVER: Objection.

9 THE WITNESS: That is a  
10 possibility.

11 BY MS. LEFKOWITZ:

12 Q. That's the animated concern behind  
13 setting a rule about what kind of ammunition can  
14 be brought, correct?

15 MR. CONOVER: Objection.

16 THE WITNESS: I think it's to limit  
17 any possible consequences, whether it be damage  
18 to the school or anything.

19 BY MS. LEFKOWITZ:

20 Q. Is damage to school property the  
21 primary reason for only allowing hollow-point or  
22 frangible ammunition to be brought onto school  
23 property?

24 MR. CONOVER: Objection.

25 THE WITNESS: I did not say that.

1 BY MS. LEFKOWITZ:

2 Q. So my question is, is the reason --  
3 is one of the reasons that only certain type of  
4 ammunition can be brought onto school property  
5 is to minimize the chance of an innocent  
6 bystander getting hurt?

7 A. Yes.

8 Q. Would you say that's the primary  
9 reason?

10 A. I think so, yes.

11 Q. So would it be fair to say that the  
12 rules that are codified in this firearms  
13 authorization policy are there for safety  
14 reasons?

15 A. I think they are there for  
16 protection of the teacher who wishes to do that,  
17 and perhaps anyone in their immediate zone that  
18 they feel they could help protect.

19 Q. Those individuals' safety, correct?

20 A. Their protection, yes.

21 Q. What's the difference between  
22 protection and safety?

23 A. I'm not sure. You're asking me.

24 Q. My question is --

25 A. I look at it as them protecting

1 themselves.

2 Q. The individuals who are bringing  
3 the firearms onto the school?

4 A. That we have allowed to, yes.

5 Q. There was some testimony earlier  
6 today that after this firearms authorization  
7 policy was issued, that certain clarifications  
8 were made to it. Are you aware of  
9 clarifications being made to this policy?

10 MR. CONOVER: Objection.

11 THE WITNESS: No, I'm not.

12 BY MS. LEFKOWITZ:

13 Q. Do you think if there had been  
14 clarifications made to this policy, you would be  
15 aware of it?

16 A. Not necessarily.

17 Q. Why do you think you wouldn't be  
18 aware of it?

19 A. Because it was our attorney who  
20 would probably be doing the clarifications.

21 Q. So what I mean is -- let me strike  
22 that.

23 Anyone who is carrying a firearm on  
24 school property has -- is required to have  
25 reviewed this policy, correct?

1 A. Yes.

2 Q. And do you have any reason to think  
3 that clarifications about this policy were made  
4 to those individuals?

5 A. Explain better, please.

6 Q. These are the rules that authorized  
7 individuals have to follow if they are going to  
8 bring a gun onto school property, correct?

9 A. Correct.

10 Q. Were any further rules provided to  
11 them?

12 A. Any further rules beyond these  
13 rules?

14 Q. Exactly.

15 A. Not to my knowledge, no.

16 MS. LEFKOWITZ: Why don't we take a  
17 really -- a five-minute break. Is that okay?

18 MR. CONOVER: Off the record.

19 (Recess taken.)

20 MS. LEFKOWITZ: Let's get back on  
21 the record.

22 BY MS. LEFKOWITZ:

23 Q. So before the break, we were  
24 talking about the firearms authorization policy,  
25 correct?

1           A.     Yes.

2           Q.     And I believe your testimony was  
3     that you weren't sure exactly when it was --  
4     when it was created; is that right?

5           A.     I cannot say the exact date that  
6     our attorneys drew it up, yes.

7           Q.     If you look at page 265, that's the  
8     third page, you'll see that there's a section  
9     titled background check, drug screening, and  
10    annual exams.

11          A.     Yes.

12          Q.     So one of the things that's  
13    required for anyone who is authorized to carry a  
14    firearm on school property is they have to pass  
15    a criminal background check, correct?

16          A.     Yes.

17          Q.     Why is that important?

18          A.     I think you are making sure that  
19    they are individuals that are trustworthy and  
20    have no criminal background. We do the same  
21    background check as a teacher. I would bet your  
22    law firm did the same background check on you.

23          Q.     Do you think the main reason for  
24    doing a criminal background check is the  
25    trustworthiness of the individual?

1 MR. CONOVER: Objection.

2 THE WITNESS: I don't know that I  
3 can say it's the main reason. I think it's one  
4 of the reasons.

5 BY MS. LEFKOWITZ:

6 Q. Is one of the other reasons is that  
7 you don't want a dangerous individual to bring a  
8 firearm onto school property?

9 MR. CONOVER: Objection.

10 THE WITNESS: Are we speaking -- I  
11 guess I need clarification. Are we speaking  
12 about the background check solely for this  
13 firearms policy?

14 MS. LEFKOWITZ: Yes.

15 THE WITNESS: Okay. Then rephrase  
16 the question again.

17 MS. LEFKOWITZ: Could you read back  
18 my question, please?

19 (Record read.)

20 BY MS. LEFKOWITZ:

21 Q. Let me rephrase that. A criminal  
22 background check should catch if someone is a  
23 felon, for example?

24 A. Correct.

25 Q. And you wouldn't want a felon to

1     come onto the school property with a firearm,  
2     correct?

3             A.     I wouldn't want a felon to come  
4     onto the grounds with a firearm or be a teacher.

5             Q.     My question is you don't want a  
6     felon to come onto the property with a firearm,  
7     correct?

8             A.     I -- yes.   I think I answered that,  
9     yes.

10            Q.     You didn't actually answer my  
11    question.   My question is you would not want a  
12    felon to bring a firearm onto school property?

13            MR. CONOVER:   Can we just read back  
14    his answer to the initial question?

15                    (Record read.)

16            MR. CONOVER:   So how does that not  
17    answer?

18            MS. LEFKOWITZ:   I wasn't asking  
19    anything about being a teacher.

20    BY MS. LEFKOWITZ:

21            Q.     Is one of the things that a  
22    criminal background check catches is whether  
23    someone has been adjudicated as mentally  
24    defective?

25            A.     I'm not exactly sure of the



1 definition of adjudicated.

2 Q. Do you have general knowledge of  
3 why a criminal background check is used for  
4 firearm possession?

5 A. Yes, I think so.

6 Q. And generally are you aware that  
7 one of the things those background checks are  
8 supposed to catch is if someone has serious  
9 mental health problems that could make them  
10 dangerous?

11 MR. CONOVER: Objection.

12 THE WITNESS: Yes.

13 BY MS. LEFKOWITZ:

14 Q. And the reason that you wouldn't  
15 want someone with serious mental health problems  
16 to bring a firearm to school is because they  
17 could hurt someone or themselves, correct?

18 MR. CONOVER: Objection.

19 THE WITNESS: Yes.

20 BY MS. LEFKOWITZ:

21 Q. If you'd go to the second  
22 paragraph.

23 A. On the same page?

24 Q. On -- right there where it says all  
25 school employees.

1           A.     Okay.

2           Q.     That paragraph says that anyone who  
3 is authorized to carry a firearm has to disclose  
4 to the superintendent basically anything that  
5 could make them unqualified to carry a firearm  
6 on school property. Is that a fair summary of  
7 that paragraph?

8           MR. CONOVER:   Objection.

9           THE WITNESS:   I think it's they  
10 need to raise things that could give us concern  
11 for why they are doing that.

12          BY MS. LEFKOWITZ:

13          Q.     And one of those things that they  
14 should make the superintendent aware of is if  
15 there's been any change in their medical or  
16 psychological condition, correct?

17          A.     That is stated there, yes.

18          Q.     And again, the concern there is if  
19 there's some kind of traumatic or severe change  
20 in someone's psychological condition, that could  
21 pose a danger to the school, correct?

22          MR. CONOVER:   Objection.

23          THE WITNESS:   It's possible, but  
24 there's psychological conditions that would not  
25 pose a danger, as well.

1 BY MS. LEFKOWITZ:

2 Q. But there are some that do,  
3 correct?

4 A. There are some that could, yes.

5 Q. So I want to get back to the  
6 timeline that we were going through earlier.  
7 I'm not 100 percent sure where we left off, but  
8 at some point in the summer a letter was sent to  
9 the committee about the policy to allow staff to  
10 carry firearms on school property; is that  
11 right?

12 A. That's what I recall, yes.

13 Q. Were you involved in drafting that  
14 letter?

15 A. Yes, I was.

16 Q. Were you the primary author of that  
17 letter?

18 A. I think I was.

19 Q. Here it is. You can take a look.

20 (Thereupon, Plaintiffs' Exhibit R,  
21 community letter from Madison Local Schools,  
22 having been previously marked, was presented for  
23 purposes of identification.)

24 BY MS. LEFKOWITZ:

25 Q. Let me know when you've had a

1 chance to look at it and are ready to discuss  
2 it.

3 MR. CONOVER: Just note that this  
4 is Exhibit R for the record, please.

5 THE WITNESS: Okay.

6 BY MS. LEFKOWITZ:

7 Q. I'm just finding my copy. Did  
8 anyone help you draft this letter?

9 MR. CONOVER: Objection. I'm going  
10 to instruct the client not to answer to the  
11 extent that it divulges any attorney/client  
12 privilege.

13 BY MS. LEFKOWITZ:

14 Q. Let me rephrase the question. Did  
15 anyone else from the school district help you  
16 with this letter?

17 A. I'm trying to recall. I believe  
18 Dr. Tuttle-Huff did some, what would you call  
19 it, grammatical adjustments and changes to it,  
20 but I don't think any substantive changes were  
21 done outside of that.

22 Q. Is Dr. Tuttle-Huff better at  
23 grammar than you?

24 A. Perhaps.

25 Q. But the substance primarily came

1 from you?

2 A. Yes, I would agree with that.

3 Q. So my understanding is that this  
4 letter was sent to the community on July 28th,  
5 2018; is that correct?

6 A. I don't recall the date that it was  
7 sent out, but if that's what you state.

8 Q. I'll represent to you that on the  
9 website -- on the Madison Mohawk website, it  
10 appears to have been uploaded on July 28, 2018.

11 A. Okay.

12 Q. By the time this letter was sent,  
13 had the safety committee met to interview the  
14 individuals who would be authorized to carry  
15 firearms on school property?

16 A. No.

17 Q. So if you -- looking down at the  
18 bottom of the page, do you see where it says the  
19 protocol for approving a faculty or staff  
20 member?

21 A. Yes.

22 Q. So there's two bullet points on the  
23 front page, and then there's six bullet points  
24 on the back for the protocol; is that right?

25 A. That's what it looks like, correct.

1           Q.    So is it correct to say that the  
2 first step under this protocol would be a staff  
3 member expresses interest and identifies himself  
4 or herself to someone in the administration?

5           A.    That's what that states, yes.

6           Q.    And what's the second step  
7 according to this protocol?

8           A.    This protocol was still logic and  
9 theory going on. We had not created the final  
10 draft of the firearms policy. So it was a  
11 generalized overall informational document to  
12 give the community an idea of the concept that  
13 we were looking at. So it states that -- do you  
14 want me to read it still?

15          Q.    I was just going to let you finish  
16 answering the question. Are you done answering  
17 the question?

18          A.    Yes.

19          Q.    So I just want to clarify, then, so  
20 this letter was sent out to parents before the  
21 firearms authorization policy was completed?

22          A.    That's my recollection, yes.

23          Q.    And I'm getting from your answer  
24 that some things that were put forward in this  
25 protocol in the letter to the community isn't

1 exactly how the firearms authorization policy  
2 was written; is that correct?

3 MR. CONOVER: Objection.

4 THE WITNESS: I think -- I think  
5 there were changes that took place between the  
6 time of this and the time of the policy, yes.

7 BY MS. LEFKOWITZ:

8 Q. Were those changes communicated to  
9 the community?

10 A. No.

11 Q. So this letter -- strike that.

12 As far as the community is aware,  
13 this is the protocol for approving staff to  
14 carry firearms on school property?

15 A. No, because that's part of the  
16 safety plan is the final one, and that was not  
17 to be distributed to the community openly.

18 Q. Right. I understand that. My  
19 question is what the community at large has  
20 seen. This would be the last piece of paper,  
21 correct?

22 A. There was a forum held later  
23 that -- I believe after this that questions and  
24 answers and perhaps even some documents were  
25 provided at that time, as well. So no, I don't

1 think this was the last information they  
2 received on it, no.

3 Q. Are you referring to the forum  
4 where a large number of people came to the gym,  
5 and then you had people from both sides speak  
6 about the policy?

7 A. Yes.

8 MR. CONOVER: Objection.

9 THE WITNESS: I'm too quick.

10 Sorry.

11 BY MS. LEFKOWITZ:

12 Q. My recollection is that that  
13 meeting occurred in mid July. Is that not your  
14 recollection?

15 MR. CONOVER: Objection.

16 THE WITNESS: I don't recall.

17 MS. LEFKOWITZ: I'm just trying to  
18 get the date clarified.

19 THE WITNESS: Sure.

20 MR. CONOVER: Do you want to wait  
21 for that?

22 MS. LEFKOWITZ: No. I was going to  
23 say, while we get that clarified.

24 THE WITNESS: You stated this was  
25 sent out in February?



1 MS. LEFKOWITZ: This was sent out  
2 July 28th, 2018.

3 THE WITNESS: Okay.

4 BY MS. LEFKOWITZ:

5 Q. While he is out of the room, let me  
6 go on to a different topic. The Madison School  
7 District has had a school shooting in the past,  
8 correct?

9 A. Yes.

10 Q. And you were a board member during  
11 that time?

12 A. Yes.

13 Q. That was back in February 2016,  
14 correct?

15 A. That sounds about right.

16 Q. And from what -- the testimony that  
17 I've heard, the shooting seems to have made a  
18 very powerful impression; is that correct?

19 A. Yes.

20 Q. There's a lot of concern from the  
21 testimony I've heard that -- to make sure  
22 something like that never happens again. Would  
23 you agree with that?

24 A. I think --

25 MR. CONOVER: Objection.

1 THE WITNESS: -- we'd like -- I  
2 think we'd like to do everything we can to make  
3 sure something like that doesn't happen again.

4 BY MS. LEFKOWITZ:

5 Q. Is that part of the reason why you  
6 decided to -- the board decided to -- strike  
7 that.

8 Is that part of the reason you  
9 voted for the resolution to allow armed staff  
10 onto school property?

11 A. I think that to some extent played  
12 into it, yes.

13 Q. But the larger reason for you  
14 personally was people's Second Amendment right  
15 to carry, correct?

16 A. I think that was a big part of it,  
17 as well.

18 Q. So your expectation, then, is it --  
19 strike that.

20 Is it fair to say that your  
21 expectation is if there was ever a shooting  
22 again at the school, that the individuals who  
23 are authorized to carry firearms would be able  
24 to hopefully confront the shooter?

25 A. My expectation is the SRO officer

1 would be the first one there to confront them.

2 Q. And if -- then if the SRO for  
3 whatever reason does not confront them?

4 A. Well, if it were anything like  
5 Parkland where the seven officers hid outside  
6 during that time, I think that throwing a  
7 stapler at the shooter with a gun is not a good  
8 defense for that individual, so I think that  
9 that individual should, with the right  
10 circumstances, be able to protect themselves.

11 Q. Would you -- would you expect that  
12 individual who has been authorized by the board  
13 to carry a firearm if necessary to confront the  
14 attacker?

15 MR. CONOVER: Objection.

16 THE WITNESS: I think it depends on  
17 the situation.

18 BY MS. LEFKOWITZ:

19 Q. In what situation would you think  
20 it's necessary for him to confront the attacker?

21 A. Well, I think it's more easily  
22 described in what situations I don't. If they  
23 are on the third floor and the attacker is in  
24 the cafeteria, no, that's not going to happen.

25 Q. So if the hypothetical shooter is

1 outside in the hallway and the authorized  
2 individual is in the classroom, would you expect  
3 the authorized individual to go outside and  
4 protect his students?

5 MR. CONOVER: Objection.

6 THE WITNESS: I don't know that I  
7 can speak to what I expect any individual to do  
8 in that kind of crisis.

9 BY MS. LEFKOWITZ:

10 Q. Would you hope that that's what  
11 they would do?

12 MR. CONOVER: Objection.

13 THE WITNESS: I think that that's  
14 what I would do.

15 BY MS. LEFKOWITZ:

16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 Q. So my question is about the reason  
20 you voted for this policy to which you testified  
21 that part of the reason was the concerns you had  
22 after the February 2016 shooting; is that  
23 correct?

24 A. Yes..

25 Q. So what I'm trying to understand is

1 the connection between the February 2016  
2 shooting and why teachers have been authorized  
3 to carry firearms.

4 A. In my opinion, it's to protect  
5 themselves.

6 Q. It's not to protect the students?

7 MR. CONOVER: Objection.

8 THE WITNESS: I think if there are  
9 students in their immediate vicinity, perhaps.  
10 BY MS. LEFKOWITZ:

11 Q. So if there's someone -- scratch  
12 that.

13 If there's a shooter outside this  
14 individual's classroom shooting students, you  
15 would not expect this individual to engage with  
16 the shooter?

17 MR. CONOVER: Objection.

18 THE WITNESS: Again, I think I  
19 can't expect and understand what they are going  
20 to go through in that situation. I think they  
21 need the ability to protect themselves and  
22 perhaps those in their immediate surrounding,  
23 just as they would in a movie theater or the  
24 bank or anywhere else with an active shooter.

25 (Telephone interruption.)

1 THE WITNESS: I apologize. [REDACTED]

2 [REDACTED]  
3 MS. LEFKOWITZ: Let's go off the  
4 record for a second.

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

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

9 BY MS. LEFKOWITZ:

10 Q. Do you -- strike that question.

11 If there ever, God forbid, was  
12 another shooting at the school, your expectation  
13 would be that an individual who is authorized to  
14 carry firearms stay in place, correct?

15 A. My expectation, if there were ever  
16 another shooting in place, that the SRO would  
17 handle the situation.

18 Q. I'm not asking about the SRO. My  
19 question --

20 A. You're asking my expectation  
21 though, and that's my expectation.

22 Q. Then let me rephrase the question.

23 A. Please.

24 Q. If there was ever another shooting  
25 in Madison, your expectation of how an

1 authorized teacher would act is that they would  
2 stay in place and secure the exact area where  
3 they are, correct?

4 A. I, again, don't think I can expect  
5 to tell them or know how they are going to  
6 respond in that situation. I would expect them  
7 to protect themselves first and foremost, and if  
8 it is convenient and makes sense and is safe,  
9 then to protect those in their immediate  
10 surrounding, just as I would at a movie theater.

11 Q. So you have no expectation that  
12 that authorized individual would protect the  
13 students?

14 MR. CONOVER: This is like the  
15 fourth time you've asked this question. He has  
16 answered it the same way all four times.

17 MS. LEFKOWITZ: And none of those  
18 actually answer my question.

19 MR. CONOVER: I think he has pretty  
20 clearly said what his expectation is, and that's  
21 what the question has been. I'll allow it one  
22 more time, but I just don't see what kind of  
23 different answer you're getting to the same  
24 question over and over.

25 BY MS. LEFKOWITZ:

1 Q. How many SROs does the school have?

2 A. Two.

3 Q. Did you -- strike that.

4 When you were discussing school  
5 safety with the board, did you ever consider  
6 hiring additional SROs?

7 MR. CONOVER: Objection.

8 THE WITNESS: Yes. We have  
9 considered many things in additional safety.

10 BY MS. LEFKOWITZ:

11 Q. And no additional SROs were hired;  
12 is that correct?

13 A. Bulletproof glass was not put in  
14 either. That is correct.

15 Q. Why were no additional SROs hired?

16 A. We have budgetary confines.

17 Q. It was too expensive to hire  
18 additional SROs?

19 MR. CONOVER: Objection.

20 THE WITNESS: They are expensive.  
21 And as Parkland showed, seven officers did not  
22 stop anything. How many do we need to hire?  
23 Ten? 15? Maybe they all hide.

24 BY MS. LEFKOWITZ:

25 Q. So that's why you need teachers to



1 be able to defend themselves, correct?

2 MR. CONOVER: Objection.

3 THE WITNESS: I think people need  
4 to be able to defend themselves.

5 MS. LEFKOWITZ: I'm going to  
6 introduce Exhibit V.

7 (Thereupon, Plaintiffs' Exhibit V,  
8 agenda from special Board of Education meeting,  
9 Friday, July 13, 2018, was marked for purposes  
10 of identification.)

11 BY MS. LEFKOWITZ:

12 Q. Take some time to look over that  
13 and let me know when you're ready to discuss it.

14 A. Okay.

15 Q. The document that I just handed you  
16 is the agenda for a special board meeting --  
17 Board of Education meeting from July 13th, 2018;  
18 is that right?

19 A. That looks correct, yes.

20 Q. And if you -- if you go to the  
21 second page of this agenda, at the very bottom  
22 there's a public participation section.

23 A. Yes.

24 Q. And then on the very last page at  
25 the top, can you read me the paragraph that

1 begins with public comments session?

2 A. Public comments session for  
3 discussing the board's firearms authorization  
4 policy and related issues. The public comments  
5 session shall commence immediately following the  
6 executive session. The public comments session  
7 will conclude at approximately 8 p.m.

8 Q. So is this the forum that you were  
9 mentioning earlier with regard to giving the  
10 community information about the firearms  
11 authorization policy?

12 A. Yes, it was. Yes.

13 Q. So then just going back to the  
14 letter to the community, which was Exhibit --

15 MR. CONOVER: R.

16 MS. LEFKOWITZ: -- R.

17 THE WITNESS: Yeah. May I write on  
18 any of these?

19 MS. LEFKOWITZ: Not on that one,  
20 but we can get you -- there you go. That's for  
21 the court reporter.

22 THE WITNESS: Okay.

23 BY MS. LEFKOWITZ:

24 Q. So now having seen the agenda from  
25 the July 13th, 2018, meeting, is it your

1 understanding that this letter is the last time  
2 the protocol for selecting individuals to be  
3 authorized to carry firearms was communicated to  
4 the community?

5 A. What was the date of this letter  
6 again?

7 Q. I'm representing to you that it is  
8 July 28, 2018.

9 A. Yes. So it would appear that I was  
10 incorrect earlier, that the forum, as I referred  
11 to it as, the Friday, July 13 meeting, was prior  
12 to this letter that you state is -- went out  
13 July 28th.

14 Q. The protocol that this letter lays  
15 out envisions an initial interview of the  
16 applicant followed by a mental health  
17 evaluation, followed by extensive training, and  
18 followed up by another interview; is that  
19 correct?

20 A. That is what this letter states the  
21 board is considering.

22 Q. But that's not what actually  
23 happened with the individuals who were  
24 authorized, correct?

25 A. Well, I think that the letter

1 states that these were things the board is  
2 considering, but that was not the final policy.

3 Q. So the [REDACTED] individuals who were  
4 authorized to carry firearms on school property,  
5 they did not go through the process that is laid  
6 out in this letter; is that correct?

7 MR. CONOVER: Objection.

8 THE WITNESS: As this statement  
9 says, of the things we were considering, that  
10 was one change that did occur.

11 BY MS. LEFKOWITZ:

12 Q. What's the change that you refer  
13 to?

14 A. That they were not interviewed  
15 according to the second bullet point the first  
16 time.

17 Q. However, one of the things that did  
18 happen with each of the [REDACTED] authorized  
19 individuals is that they all did receive a  
20 mental health evaluation; is that correct?

21 A. Yes.

22 Q. Why did they receive a mental  
23 health evaluation?

24 A. I think to, again, go back and make  
25 sure that there were no concerning

1 characteristics for us to permit them to protect  
2 themselves.

3 Q. What kind of concerning  
4 characteristics were you worried about?

5 A. I think anything that we were not  
6 aware of at the time. We wanted as much  
7 information as we could to make the best  
8 decision that we could.

9 Q. Is there anything specific that you  
10 were hoping to get out of this mental health  
11 evaluation?

12 A. To see that they were reasonable  
13 members of our community, yes.

14 Q. Do you think that it's important  
15 that an individual who brings a firearm into a  
16 classroom be able to handle stress well?

17 MR. CONOVER: Objection.

18 THE WITNESS: I think the  
19 definition of stress is -- needs to be explained  
20 further.

21 BY MS. LEFKOWITZ:

22 Q. You probably know the definition of  
23 stress better than I do, but --

24 A. There are many stressors though.  
25 Stress is not a single item.

1 Q. 100 percent agreed. So let me try  
2 that again. A school shooting is a stressful  
3 situation; is that correct?

4 A. I would imagine so, yes.

5 Q. And you would want the individuals  
6 who are authorized to carry firearms and to use  
7 those firearms in a school shooting to be able  
8 to handle that crisis; is that correct?

9 A. Yes.

10 Q. So it should be someone who handles  
11 a stressful situation well, correct?

12 MR. CONOVER: Objection.

13 THE WITNESS: Again, I think it is  
14 difficult. A stressful situation can be at  
15 their job, and if they get mad at their boss.  
16 That is a different stressful situation than a  
17 stressful situation of going through a divorce  
18 that's very ugly. And so I think that's a  
19 vague -- to me, at least, from a medical  
20 standpoint, that is a vague description.

21 BY MS. LEFKOWITZ:

22 Q. Okay. That's fair. If you look at  
23 the third bullet point down on the second  
24 page -- actually, strike that:

25 If you look at the second bullet

1 point on the second page, what does that bullet  
2 point say?

3 A. Following these evaluations, the  
4 staff member would be recommended for or against  
5 proceeding to get more extensive training.

6 Q. But what occurred with the  
7 authorized individuals in reality is that --  
8 strike that.

9 When did these -- when did the  
10 authorized individuals receive their extensive  
11 training?

12 A. I don't know the dates.

13 Q. Do you know whether it was after or  
14 before the mental health evaluations?

15 A. It was before.

16 Q. So this is another part of the  
17 policy that wasn't actually carried out in the  
18 way that it is written in this letter; is that  
19 correct?

20 MR. CONOVER: Objection.

21 THE WITNESS: That's another  
22 part -- excuse me. This is another part of the  
23 policy that we were considering, but did not  
24 proceed with.

25 BY MS. LEFKOWITZ:

1 Q. And then the third bullet point  
2 down talks about a second interview, correct?

3 A. Yes.

4 Q. And you ultimately did have an  
5 interview of all of the authorized individuals,  
6 correct?

7 A. Correct.

8 Q. We talked about that earlier. Do  
9 you think -- do you have any scheduling email or  
10 anything along those lines documenting that  
11 meeting?

12 A. No.

13 Q. You wouldn't have a scheduling  
14 email from that meeting?

15 A. No, I do not.

16 Q. Do you think individuals who are  
17 authorized to carry firearms pursuant to the  
18 Madison firearms authorization policy are  
19 serving in a security capacity?

20 MR. CONOVER: Objection.

21 THE WITNESS: No.

22 BY MS. LEFKOWITZ:

23 Q. Why not?

24 A. As I've stated earlier, I think, in  
25 my opinion, they are there to protect themselves.



1 and as a secondary gain to protect anyone in  
2 their immediate surroundings, just as I would  
3 expect them to do anywhere else they conceal  
4 carry.

5 MS. LEFKOWITZ: Can you read back  
6 that response to me, please?

7 (Record read.)

8 BY MS. LEFKOWITZ:

9 Q. But someone who is a security  
10 personnel would do more than that; is that  
11 correct?

12 A. I think we would expect our SRO to  
13 do certain duties that are contingent to his  
14 job.

15 Q. Because that's what he gets paid  
16 for; is that right?

17 A. That is his job.

18 Q. I'm going to direct your attention  
19 to Exhibit M.

20 (Thereupon, Plaintiffs' Exhibit M,  
21 Applicant's Psychological Evaluation, having  
22 been previously marked, was presented for  
23 purposes of identification.)

24 (Thereupon, Plaintiffs' Exhibit N,  
25 Applicant's Psychological Evaluation, having

1    been previously marked, was presented for  
2    purposes of identification.)

3    BY MS. LEFKOWITZ:

4           Q.    I'm going to give you M and N at  
5    the same time --

6           A.    Okay.

7           Q.    -- because I'm going to go into  
8    those exhibits one right after another. But why  
9    don't you take a look at both of those now and  
10   let me know when you're ready to discuss.

11           MR. CONOVER: Can we go off the  
12   record really quickly?

13           MS. LEFKOWITZ: Sure.

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

16   BY MS. LEFKOWITZ:

17           Q.    Looking just at Exhibit M, what is  
18   that document?

19           A.    This is a psychological evaluation.

20           Q.    It's a psychological evaluation for  
21   one of the individuals who is authorized to  
22   carry a firearm on Madison property, correct?

23           A.    I would have to assume so if that's  
24   what you're telling me. It's been blacked out,  
25   so I can't tell who the individual is, but I'm

1 assuming, if that's what you're telling me.

2 Q. Do you -- do you have a  
3 recollection of reviewing this document?

4 A. I do.

5 Q. And in what situation would you  
6 have reviewed this document?

7 A. In the committee meeting prior to  
8 meeting with any of the individuals.

9 Q. So it was for the purpose of  
10 deciding whether to authorize a particular  
11 individual, correct?

12 A. It was to -- explain your question  
13 better.

14 Q. You reviewed this particular  
15 document that you are looking at, Exhibit M, in  
16 the context of deciding whether to authorize  
17 this individual to carry a firearm on school  
18 property, correct?

19 A. It was one of the items used to  
20 make that decision.

21 Q. I just want to establish that it's  
22 not an evaluation from some other situation that  
23 has nothing to do with authorized personnel.

24 A. Understood.

25 MR. CONOVER: I think we're willing

2 BY MS. LEFKOWITZ:

\_\_\_\_\_

[illegible]

[illegible]

[illegible]

16                   Is it true that individuals who are  
17   authorized to carry firearms on Madison school  
18   property are permitted to use deadly force if a  
19   situation calls for it?

22 Q. So you would want the individual to  
23 know the criteria for the proper use of deadly  
24 force, correct?

25 MR. CONOVER: Objection.

1 THE WITNESS: I want them to have  
2 the correct training and knowledge of those  
3 characteristics, yes.

4 BY MS. LEFKOWITZ:

5 Q. And the reason for that is  
6 obviously you wouldn't want the individual to  
7 mistakenly fire a shot in a situation that did  
8 not call for it, correct?

9 MR. CONOVER: Objection.

10 THE WITNESS: I think the state of  
11 Ohio requires you to have that just to have your  
12 concealed carry, so I think it makes sense that  
13 we would expect that same knowledge.

14 BY MS. LEFKOWITZ:

15 Q. Because the danger that could arise  
16 from that is someone could get shot in a  
17 situation where deadly force was not called for,  
18 correct?

19 MR. CONOVER: Objection.

20 THE WITNESS: What was that? You  
21 used the word that, and I think you need to  
22 define what that is.

23 MS. LEFKOWITZ: Can you repeat my  
24 question?

25 (Record read.)



1 BY MS. LEFKOWITZ:

2 Q. So let me clarify. The concern is  
3 if someone does not know the proper criteria  
4 under the law for deadly force and uses the  
5 weapon improperly, someone could get injured; is  
6 that correct?

7 A. That is correct. We see police  
8 officers do that quite frequently.

9 Q. And in the case of police officers,  
10 it's been in the news numerous times that  
11 someone got shot in situations that didn't call  
12 for it; is that right?

13 MR. CONOVER: Objection.

14 THE WITNESS: They were oftentimes  
15 the aggressor in those scenarios.

16 BY MS. LEFKOWITZ:

17 Q. And in this situation -- sorry.  
18 And in the authorized personnel situation, the  
19 teachers wouldn't be expected to be the  
20 aggressors?

21 A. They are defending themselves.

22 Q. So we heard testimony earlier from  
23 one of the deponents that he -- scratch that.

24 We heard earlier testimony from  
25 Pete Robinson, who is a member of this

1 committee, that he relied on your expertise when  
2 reviewing this mental health evaluation. Do you  
3 recall talking to the other members of the  
4 committee about the results of this mental  
5 health evaluation?

6 A. Yes.

7 Q. And you told -- what did you tell  
8 them about it?

9 A. I don't recall specifically.

[REDACTED]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]



[illegible]

■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
6 BY MS. LEFKOWITZ:

7 Q. That's the concern. That's fine.  
8 Just a couple of questions, and then I think we  
9 should take a break. I know we have probably  
10 beat this horse to death a little bit, but I'm  
11 going to try one more time. Your attorney may  
12 object.

13 Is it fair to say that you don't  
14 have any expectations for the individuals who  
15 are authorized -- strike that.

16 Is it fair to say that you don't  
17 have any expectations for how an authorized  
18 individual should act in the case of a school  
19 shooting?

20 MR. CONOVER: Objection, asked and  
21 answered multiple times.

22 THE WITNESS: My expectation is  
23 they should -- they would defend themselves and  
24 those in their immediate surroundings.

25 BY MS. LEFKOWITZ:

1 Q. And do you think the FASTER -- all  
2 of these individuals were trained through the  
3 FASTER program, correct?

4 A. Correct.

5 Q. Is that -- is it your understanding  
6 that's what the FASTER training program trains  
7 them on?

8 MR. CONOVER: Objection.

9 THE WITNESS: Yes.

10 MS. LEFKOWITZ: Let's take a  
11 ten-minute break.

12 MR. CONOVER: Off the record.

13 (Recess taken.)

14 BY MS. LEFKOWITZ:

15 Q. Dr. Jennewine, you mentioned  
16 earlier in the deposition the actions or  
17 inactions of SROs in Parkland High School. Do  
18 you recall --

19 A. Yes.

20 Q. -- that testimony? And the problem  
21 there was -- I don't recall. Was it one SRO or  
22 multiple SROs?

23 A. As far as I recall, there was one  
24 SRO, but even six responding officers all stayed  
25 outside.

1 Q. So in your view, he didn't do his  
2 job --

3 MR. CONOVER: Objection.

4 BY MS. LEFKOWITZ:

5 Q. -- the SRO?

6 MR. CONOVER: Objection. Sorry.

7 THE WITNESS: Yeah, I don't know  
8 what his job would be, what's in his  
9 description.

10 BY MS. LEFKOWITZ:

11 Q. But your school has two SROs,  
12 correct?

13 A. Correct.

14 Q. And during the shooting in February  
15 2016, Deputy Hall responded to the shooting; is  
16 that correct?

17 A. That is correct.

18 Q. In your personal view, do you think  
19 he acted correctly --

20 MR. CONOVER: Objection.

21 BY MS. LEFKOWITZ:

22 Q. -- in response to that shooting?

23 MR. CONOVER: Sorry. Objection.

24 THE WITNESS: As far as I would  
25 know, yes. But he did point out that he had

1 left the cafeteria at the time. So the student  
2 waited until he left, and that he was only  
3 stopped at the office for a question by someone  
4 there, so he was still close. Otherwise, he  
5 would have been in the elementary building some  
6 distance away at the time of the shooting.

7 BY MS. LEFKOWITZ:

8 Q. So you would take from that --  
9 well, I'm not going to put words in your mouth.  
10 What do you take from that comment?

11 A. I think that an SRO cannot be  
12 everywhere at all times.

13 Q. So people should be able to protect  
14 themselves?

15 A. Correct.

16 Q. When you were recounting that  
17 conversation, did you get the sense that the  
18 shooter waited until the SRO left the lunch --

19 A. I don't know that, but that would  
20 be my assumption.

21 Q. Individuals who are authorized  
22 pursuant to the policy don't serve in place of  
23 an SRO; is that correct?

24 A. Correct.

25 Q. Would it violate the firearms

1 authorization policy for any of the authorized  
2 individuals to offensively go after a potential  
3 shooter?

4 MR. CONOVER: Objection.

5 THE WITNESS: I think the rules of  
6 engagement were covered in their training. The  
7 rules of engagement are not set by us.

8 BY MS. LEFKOWITZ:

9 Q. Which rules of engagement -- I'm  
10 sorry. Which training is that?

11 A. The FASTER training.

12 Q. Does your firearms authorization  
13 policy set forth any rules of engagement?

14 A. No.

15 Q. And why is that?

16 A. Because that is in their training.

17 Q. So you rely on the FASTER training  
18 to set forth the proper rules of engagement?

19 MR. CONOVER: Objection.

20 THE WITNESS: I expect them to be  
21 trained in those areas.

22 BY MS. LEFKOWITZ:

23 Q. So it would not violate the  
24 school's policy for one of these authorized  
25 individuals to offensively go after a shooter,

1 correct?

2 MR. CONOVER: Objection.

3 THE WITNESS: I do not think that  
4 is expressly written in the policy, no.

5 BY MS. LEFKOWITZ:

6 Q. It's not expressly prohibited; is  
7 that correct?

8 MR. CONOVER: Objection.

9 THE WITNESS: That is correct.

10 BY MS. LEFKOWITZ:

11 Q. In fact, as you just testified, the  
12 firearms authorization policy doesn't explicitly  
13 say anything about the rules of engagement?

14 MR. CONOVER: Objection.

15 THE WITNESS: Correct.

16 MS. LEFKOWITZ: I'm going to  
17 introduce an exhibit which I believe is  
18 Exhibit W.

19 (Thereupon, Plaintiffs' Exhibit W,  
20 FASTER School Authorization Checklist, was  
21 marked for purposes of identification.)

22 BY MS. LEFKOWITZ:

23 Q. Dr. Jennewine, you have just been  
24 handed a document which is labeled Exhibit W; is  
25 that correct?

1 A. That is correct.

2 Q. Why don't you take some time to  
3 look through this document, and then we'll  
4 discuss it.

5 A. Okay.

6 Q. What's the document that you are  
7 looking at?

8 A. A school authorization checklist.

9 Q. And what's the organization that  
10 puts out this checklist?

11 A. FASTER Saves Lives.

12 Q. That's the training program that  
13 the authorized individuals are trained under,  
14 correct?

15 A. Yes.

16 Q. Did you review -- have you ever  
17 seen this school authorization checklist before?

18 A. Yes, I have.

19 Q. At what point did you see it?

20 A. Oh, I don't remember the date.

21 Q. Was this one of the things that you  
22 may have reviewed online?

23 A. I'm sure I looked at it on their  
24 website.

25 Q. If I could call your attention to



1 page 19, which I'll represent to you is the  
2 FASTER level one outline.

3 A. I don't see a page number 19.

4 Q. That's a very good point.

5 A. It's not numbered.

6 Q. Sure, it's not numbered. In the  
7 table of contents, it's number 19. So it's  
8 toward the end, but it looks like -- I'm just  
9 holding it up for you if you want to see it.

10 A. Page 19 says level two outline.

11 Q. All right. So then look at page  
12 18. Page 17.

13 A. You wanted the FASTER level one  
14 outline?

15 Q. Yes. Is that what you're looking  
16 at?

17 A. Yes.

18 Q. Have you seen this outline before?

19 A. I assume I reviewed it when I was  
20 looking online.

21 Q. Do you see any rules of engagement  
22 set out in this outline?

23 A. Not as a specific bullet point, no.

24 Q. Would you expect the rules of  
25 engagement to be verbally taught at the actual

1 class?

2 MR. CONOVER: Objection.

3 THE WITNESS: That would be my  
4 assumption, as Ohio has their own -- their rules  
5 of engagement, as well. They would learn those  
6 in their concealed carry course, as well.

7 BY MS. LEFKOWITZ:

8 Q. But nothing from this particular  
9 outline tells you what FASTER teaches as the  
10 proper rules of engagement; is that correct?

11 A. Well, I think this is not complete  
12 of everything they teach. I mean, it's bullet  
13 pointed items of things. I mean, force on force  
14 scenario I would assume perhaps could have that  
15 exact scenario in it.

16 So as I stated, it's not  
17 specifically on here, but that does not mean  
18 it's not contained within the training.

19 Q. If you look midway through that  
20 document, there's a bullet point that says  
21 range.

22 A. Okay.

23 Q. Halfway through, there's a  
24 sub-bullet point that says tactics, corner  
25 rounding, drop outs, and setting an ambush.

1 A. Yes.

2 Q. Would you describe setting an  
3 ambush as a defensive maneuver?

4 MR. CONOVER: Objection.

5 THE WITNESS: Absolutely it could  
6 be.

7 BY MS. LEFKOWITZ:

8 Q. Would you describe corner rounding  
9 as a defensive maneuver?

10 A. Absolutely.

11 Q. So I've never taken one of these  
12 classes. Do you know what corner rounding is?

13 A. I can make an assumption. Corner  
14 rounding in my opinion would be as you are  
15 trying to get the students out of the school and  
16 away from harm's danger, making sure that you  
17 come around the corner being very protective in  
18 case the shooter is, in fact, there and not  
19 somewhere else.

20 Q. Do you know what drop outs refers  
21 to?

22 A. I do not know what drop outs is.

23 Q. And do you -- do you know what  
24 setting an ambush refers to?

25 A. I do not know specifics, but I

1 would, again, assume as you are trying to exit  
2 the building, get anyone that's with you to  
3 safety, if the shooter is pursuing you, which  
4 they oftentimes may, then you have to do  
5 something to stop and try to mitigate that  
6 threat while the kids get out of the building.  
7 Otherwise, he is going to catch you and kill you  
8 all.

9 Q. And is it your understanding that  
10 this level one outline is a summary of what the  
11 authorized teachers were trained on?

12 MR. CONOVER: Objection.

13 THE WITNESS: That would be my  
14 assumption.

15 BY MS. LEFKOWITZ:

16 Q. Has FASTER provided any additional  
17 information to you about what goes on in the  
18 course?

19 A. No.

20 Q. So sitting here today, you don't  
21 know what happens in this course other than  
22 what's outlined in this curriculum; is that  
23 correct?

24 MR. CONOVER: Objection.

25 THE WITNESS: That is correct.

1 BY MS. LEFKOWITZ:

2 Q. You've spoken with Joe Eaton  
3 before, correct?

4 A. I did speak with Joe Eaton, yes.

5 Q. Joe Eaton is with the FASTER  
6 program?

7 A. That is my understanding, yes.

8 Q. He has a position with the FASTER  
9 program; is that correct?

10 A. That is my understanding, yes.

11 Q. And most of the information that  
12 you have received about the FASTER program comes  
13 from Joe Eaton; is that correct?

14 MR. CONOVER: Objection.

15 THE WITNESS: Most of the  
16 information that I received came from the  
17 program's website.

18 BY MS. LEFKOWITZ:

19 Q. Did Joe Eaton ever ask you for  
20 anyone from Madison Local School District to  
21 appear in a documentary regarding the FASTER  
22 program?

23 A. No.

24 Q. Do you know if Joe Eaton ever made  
25 that request of anyone else in the school?

1 A. No.

2 Q. I believe you testified earlier  
3 that a central component of this -- your  
4 firearms authorization policy is  
5 confidentiality?

6 A. Restate that again, please.

7 Q. Keeping the identity of any  
8 authorized individuals confidential is an  
9 important part of the firearms authorization  
10 policy; is that right?

11 A. Yes.

12 Q. So of course, if they were to  
13 appear in a documentary, that would not comport  
14 with the confidentiality concerns, correct?

15 MR. CONOVER: Objection.

16 THE WITNESS: That would be less  
17 than ideal, yes.

18 BY MS. LEFKOWITZ:

19 Q. You are aware that there have been  
20 numerous articles recently documenting what  
21 happens in FASTER training?

22 A. No.

23 Q. I knew I was forgetting something.  
24 What's the process for revoking someone's  
25 authority to carry a firearm?

1           A.     Either the superintendent or the  
2 board can revoke it at anytime for any reason.

3           Q.     Have you ever revoked anyone's  
4 authority?

5           A.     No.

6           Q.     Is there anything specific that  
7 would require their authority -- their  
8 authorization to be revoked?

9           A.     I think that there is a written  
10 document outlining --

11                   MS. LEFKOWITZ: Off the record.

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

14                   (Record read.)

15 BY MS. LEFKOWITZ:

16           Q.     Let me ask a question, is there  
17 anything specific that would require an  
18 individual's authorization to be revoked?

19           A.     I'd have to see that document  
20 presented to me.

21           Q.     If you could take a look at Exhibit  
22 F. And do you have Exhibit F in front of you?

23           A.     I do.

24           Q.     I'll just -- there's, on the second  
25 page, a paragraph. Paragraph C is about

1 revocation.

2 MR. CONOVER: That's 264 for the  
3 record.

4 THE WITNESS: That paragraph does  
5 not specify anything that requires revocation.

6 BY MS. LEFKOWITZ:

7 Q. Are you aware of anything that has  
8 occurred -- let me strike that.

9 Are you aware of any actions by the  
10 current authorized employees that gives you  
11 concern?

12 A. No.

13 Q. Is there anyone else who is  
14 currently being interviewed or in the process to  
15 become authorized to carry a firearm?

16 A. No.

17 Q. So the committee that you were on  
18 for interviewing doesn't really exist right now?

19 A. I would say no.

20 Q. And who authorizes individuals to  
21 carry firearms on school property?

22 A. The school board does.

23 Q. Are you aware of any document that  
24 says that?

25 A. Yes. I believe so, yes.



1 Q. Which document is that?

2 A. I'd have to read through them all  
3 to figure that out.

4 Q. Well, let me -- I'm going to point  
5 you to Exhibit C.

6 (Thereupon, Plaintiffs' Exhibit C,  
7 authorizations, having been previously marked,  
8 was presented for purposes of identification.)

9 BY MS. LEFKOWITZ:

10 Q. You don't have it yet. I'm going  
11 to give it to you. Here you go.

12 A. Okay.

13 Q. What is Exhibit C?

14 A. Exhibit C is a letter from  
15 Dr. Tuttle-Huff.

16 Q. And what does that letter purport  
17 to do?

18 A. It serves as written notification  
19 of authorization to possess a firearm while on  
20 duty at Madison Local School District.

21 Q. If you look at the paragraph  
22 immediately following the bullet point -- do you  
23 see that paragraph?

24 A. Yes.

25 Q. Do you see -- can you read the

1 first sentence in that paragraph?

2 A. This letter serves as written  
3 notification that I authorize you to possess a  
4 firearm while on duty at Madison Local School  
5 District.

6 Q. So this is an authorization that  
7 Lisa Tuttle-Huff provides; is that correct?

8 A. This is her executing the  
9 authorization, yes.

10 Q. Is there anything in this document  
11 that indicates she is executing the  
12 authorization on behalf of anyone else other  
13 than herself?

14 A. No. Not in that letter, no.

15 MS. LEFKOWITZ: I'm done.

16 MR. CONOVER: Okay. Can we take a  
17 couple minutes to step outside, and then I'll  
18 have a few questions?

19 MS. LEFKOWITZ: Sure.

20 MR. CONOVER: We can go off the  
21 record.

22 (Recess taken.)

23 MS. LEFKOWITZ: Back on the record.

24 MR. CONOVER: Yep.

25 MS. LEFKOWITZ: I have no more

1 questions unless something comes up after  
2 defense counsel asks his.

3 MR. CONOVER: Thank you.

4 CROSS-EXAMINATION

5 BY MR. CONOVER:

6 Q. Thank you, Dr. Jennewine, for being  
7 here this afternoon. I just have a few  
8 questions for you to kind of track  
9 Ms. Lefkowitz's questions.

10 So what qualifications are required  
11 to be on the Madison Local School District Board  
12 of Education?

13 A. You must be a resident of Madison  
14 Local School District.

15 Q. Is there any sort of expertise that  
16 is required?

17 A. No.

18 Q. Any sort of law enforcement  
19 training or expertise?

20 A. No.

21 Q. Any sort of education, training, or  
22 expertise?

23 A. No.

24 Q. Is there any sort of requirement  
25 that you be a medical doctor to be on the board?

1 A. No.

2 Q. One thing we also talked about  
3 pretty early on was what OPOTA training is. You  
4 have an understanding of what that means,  
5 correct?

6 A. Yes.

7 Q. I believe you were asked why the  
8 board or you did not inquire about Madison staff  
9 attending an OPOTA training.

10 MS. LEFKOWITZ: Objection.

11 BY MR. CONOVER:

12 Q. Is that correct?

13 A. Yes.

14 Q. And why didn't you seek to have  
15 Madison staff attend OPOTA training?

16 MS. LEFKOWITZ: Objection.

17 THE WITNESS: Because the vast  
18 majority of that training is training that a  
19 teacher would never need. They don't need to  
20 learn and memorize all of the Ohio Revised  
21 Codes. They don't need to learn and know how to  
22 spot a drunk driver or how to approach a vehicle  
23 at night or how to transfer -- I almost said a  
24 patient -- how to transfer a criminal. They  
25 don't need to know the smell of drugs, how to

1 implement a breathalyzer test. There's a  
2 tremendous amount of information there that is  
3 not relevant to that teacher.

4 BY MR. CONOVER:

5 Q. Do you have any understanding how  
6 that sort of training differs from the FASTER  
7 training?

8 A. Those types of information is not  
9 in FASTER training.

10 Q. I think also early on we discussed  
11 conversations you had had with community members  
12 either in support of or in opposition to the  
13 board's decision to arm staff. What was the  
14 general consensus of those comments, those  
15 conversations, you had with the community  
16 members?

17 A. Overwhelmingly in favor.

18 Q. We also discussed to some -- in  
19 some great detail your service on the safety  
20 committee. Were there -- who selected the  
21 members of the safety committee?

22 A. The board.

23 Q. Were there any qualification or  
24 requirements to serve on that safety committee?

25 A. No.

1           Q.    There was no required expertise of  
2 any sort, correct?

3           A.    No.

4           Q.    You didn't have to have specific  
5 law enforcement expertise?

6           A.    No.

7           Q.    And did you serve on that board in  
8 your capacity as a medical doctor?

9                   MS. LEFKOWITZ:  Objection.

10                   THE WITNESS:  No.

11 BY MR. CONOVER:

12           Q.    In what capacity did you serve on  
13 that board?

14           A.    As a board member.

15           Q.    We also talked in some detail about  
16 the letter to the community that was sent out or  
17 at least posted on the board website on  
18 July 28th, 2018.  Do you remember that letter?

19           A.    Yes.

20           Q.    Okay,  Is that letter official  
21 district policy?

22           A.    No.

23           Q.    Going back to the safety committee.  
24 I apologize.  I'm just tracking my notes.  You  
25 mentioned that during that -- those interviews,

1     you considered some psychological evaluations;  
2     is that correct?

3             A.     Correct.

4             Q.     Did you review those psychological  
5     evaluations in your professional medical  
6     capacity?

7             A.     No.

8             Q.     And how did you look at those or  
9     review those medical or psychological  
10    evaluations?

11            A.     As a board member.

12            Q.     Are you -- are those psychological  
13    evaluations part of the district's emergency  
14    management plan?

15            A.     Yes.

16            Q.     Let me go back to the letter to the  
17    community, the July 28th letter. So I think you  
18    testified that the second bullet point at the  
19    bottom of Exhibit -- I think it's R, at the  
20    bottom of the page there --

21            A.     Yes.

22            Q.     -- the second bullet point  
23    discusses kind of an interview by the safety  
24    committee regarding certain information the  
25    safety committee would be looking for; is that

1 fair to say?

2 MS. LEFKOWITZ: Objection.

3 THE WITNESS: Yes.

4 BY MR. CONOVER:

5 Q. And I think your testimony was that  
6 this -- the protocol outlined in this letter was  
7 not in the district's final firearms  
8 authorization policy; is that fair to say?

9 A. That is correct.

10 Q. Did the -- strike that.

11 Did the safety committee inquire  
12 into this information of all the applicants?

13 A. Yes.

14 Q. I have just a couple more  
15 questions. At the end of our discussion, we  
16 kind of -- with Ms. Lefkowitz, you discussed  
17 offensive versus defensive tactics. Do you  
18 remember that?

19 A. Yes.

20 Q. And what is your understanding of  
21 an offensive response to an active shooter  
22 situation in a school?

23 A. My opinion would be that offensive  
24 would be going out and seeking out the shooter  
25 perhaps somewhere else in the building or on a



1 different level, but being the pursuer.

2 Q. What is your understanding of a  
3 defensive tactic in response to an active  
4 shooter situation in a school?

5 A. Trying to move away from the  
6 threat, escape the building, get out of the  
7 building, get away from harm's way.

8 Q. Did you discuss with the authorized  
9 individuals during those interviews with the  
10 safety committee the training they received at  
11 FASTER?

12 A. Yes.

13 Q. And what did they teach or what did  
14 they say they learned in the FASTER program?

15 A. They said it was very intense  
16 training, very educational. I believe all [REDACTED]  
17 of them said how impressed they were by the  
18 tactical field first aid that they had received,  
19 the idea that bleeding out and flail chest  
20 wounds are two -- probably the most common cause  
21 of death even beyond the immediate gunshot.  
22 Because of the time it takes for EMS to arrive  
23 and for police to arrive, it's crucially  
24 important in getting that kind of first aid to  
25 those wounded to save lives.

1                   So all [REDACTED] of them were extremely  
2                   impressed by that, and they went over the idea  
3                   that there was defensive training that had taken  
4                   place in that course.

5                   Q.     And why did you think that the  
6                   trauma training -- strike that. I'll move on.

7                   Did your -- did you authorize  
8                   anyone to appear in any sort of documentary  
9                   about FASTER?

10                  A.     No.

11                  Q.     Did the board authorize anyone to  
12                  appear in any documentary about FASTER?

13                  A.     No.

14                  Q.     Dr. Jennewine, we obviously have  
15                  been talking about the district's resolution to  
16                  arm staff members and also the firearms  
17                  authorization policy. Why is that -- why is  
18                  that resolution and that firearms authorization  
19                  policy important to you as a board member?

20                  A.     I think they are important because  
21                  of the incidents, the events that we have seen,  
22                  that the individuals need the right to protect  
23                  themselves and those in their immediate area  
24                  and while escaping harm's way.

25                  Q.     I think you said one of the

1 qualifications to be a board member is to be a  
2 resident of the Madison Local School District;  
3 is that right?

4 A. Correct.

5 Q. Are you a resident of the Madison  
6 Local School District?

7 A. Yes, I am.

8 Q. And why, as a community member or a  
9 resident of the district, is the resolution and  
10 the firearms authorization policy important to  
11 you?

12 MS. LEFKOWITZ: Objection.

13 THE WITNESS: Because my daughter  
14 told me that in an ALICE training drill, her  
15 teacher's plan was to take the bullet from the  
16 intruder while throwing a stapler at the  
17 intruder. That was all she had. And that to me  
18 is just reprehensible that we are going to  
19 expect these adults to die for our kids, but  
20 that we don't allow them the same right that the  
21 State of Ohio and the United States allows them  
22 everywhere else.

23 MR. CONOVER: I've got nothing  
24 further. Thank you.

25 RECROSS-EXAMINATION

1 BY MS. LEFKOWITZ:

2 Q. I just have one question.

3 A. Sure.

4 Q. In response to one of your  
5 attorney's questions, you drew a distinction  
6 between offensive versus defensive tactics; is  
7 that correct?

8 A. Yes.

9 Q. Is that distinction present  
10 anywhere in the firearms authorization policy?

11 A. No.

12 MS. LEFKOWITZ: That's it, and I'm  
13 done. And do you agree to waive or sign either  
14 by January 25th -- the later of January 25th or  
15 seven days after the -- you receive the  
16 transcript?

17 MR. CONOVER: Yes.

18 MS. LEFKOWITZ: I'm done. Off the  
19 record.

20 (Thereupon, the deposition was  
21 concluded at 3:45 p.m.)

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STATE OF \_\_\_\_\_ )  
 ) : ss  
COUNTY OF \_\_\_\_\_ )

I, PAUL R. JENNEWINE, M.D., the  
witness herein, having read the foregoing  
testimony of the pages of this deposition,  
do hereby certify it to be a true and  
correct transcript, subject to the  
corrections, if any, shown on the attached  
page.

\_\_\_\_\_  
PAUL R. JENNEWINE, M.D.

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

\_\_\_\_\_  
Notary Public

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 PAUL R. JENNEWINE, M.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  
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1           IN WITNESS WHEREOF, I have hereunto set  
2 my hand and seal of office at Dayton, Ohio, on  
3 this 15th day of January, 2019.

4           *Karen M. Rudd*

5           KAREN M. RUDD

6           NOTARY PUBLIC, STATE OF OHIO

My commission expires 5-21-2022

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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:

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\_\_\_\_\_  
PAUL R. JENNEWINE, M.D.

\_\_\_\_\_  
DATE

SUBSCRIBED AND SWORN TO BEFORE

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

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

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