

COURT OF COMMON PLEAS

BUTLER COUNTY, OHIO

ERIN GABBARD, et al.,

Plaintiffs,

-VS-

MADISON LOCAL SCHOOL
DISTRICT BOARD OF
EDUCATION, et al.,

Defendants.

CASE NO. CV 2018 09 2028

JUDGE CHARLES L. PATER

— — —

DEPOSITION OF: JOHN DOE 1

TAKEN: By the Plaintiffs

PURSUANT TO: Subpoena

DATE: January 12, 2019

TIME: Commencing at 12:45 p.m.

PLACE: Frost Brown Todd LLC
9277 Centre Pointe Drive
Suite 300
West Chester, Ohio 45069-4866

REPORTER: IRENE D. DONNER, RPR-RMR
Notary Public-State of Ohio

— 8 —

DONNER REPORTING
1921 Harrowgate Hill Lane, Fairfield, OH 45014
idonner@fuse.net

DONNER REPORTING
(513) 829-5099

1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 James Miller, Esq.
4 Alla Lefkowitz, Esq.
5 Krystan Hitchcock, Esq.
132 E. 43rd Street, #657
New York, NY 10017

6 On behalf of the Defendants:

7 Brodi J. Conover, Esq.
8 Alexander L. Ewing, Esq.
9 W. Joseph Scholler, Esq.
Frost Brown Todd LLC
9277 Centre Pointe Drive, Suite 300
West Chester, Ohio 45069-486610
11 - - -

12 S T I P U L A T I O N S

13 It is stipulated by and between counsel for the
14 respective parties that the deposition of JOHN DOE 1, a
15 witness herein, called as upon cross-examination by the
16 Plaintiffs, may be taken at this time and place
17 pursuant to the Ohio Rules of Civil Procedure and
18 Subpoena as to time and place of taking said
19 deposition; that the deposition was recorded in
20 stenotype by the court reporter, Irene D. Donner,
21 RPR-RMR, and transcribed out of the presence of the
22 witness; and that said deposition is to be submitted to
23 the witness for examination and signature, and that
24 signature may be affixed out of the presence of the
25 Notary Public.

E X H I B I T I N D E X

PAGE

Exhibit S.	27
Packet of Confidentiality Agreements.	
Exhibit C.	29
Letter from Lisa Tuttle-Huff.	

- - -

E X A M I N A T I O N I N D E X

PAGE

Cross-Examination by Mr. Miller.	4
Direct Examination by Mr. Conover.	55

- - -

1 JOHN DOE 1,
2 of lawful age, a witness herein, being first duly sworn
3 on oath to depose the truth, the whole truth and
4 nothing but the truth, as hereinafter certified, was
5 examined and deposed as follows:

6 CROSS-EXAMINATION

7 BY MR. MILLER:

8 Q Good afternoon. My name is Jed
9 Miller. I'm an attorney with Everytown For Gun Safety
10 and I represent the plaintiffs in the case, Gabbard
11 versus Madison Local School District Board of
12 Education. I'm joined at the counsel table by my
13 colleagues, Alla Lefkowitz and Krystan Hitchcock. And
14 I'll let opposing counsel introduce themselves briefly
15 on the record as well.

16 MR. CONOVER: I'm Brodi Conover on
17 behalf of the defendants, the Madison Local
18 School District Board of Education and Madison
19 Local School District superintendent, Dr. Lisa
20 Tuttle-Huff, representing the deponent this
21 afternoon in his capacity as an employee of the
22 School District.

23 MR. EWING: My name is Alexander
24 Ewing, I'm also counsel for the defendants.

25 MR. SCHOLLER: Joe Scholler, counsel

1 for defendants, Madison Schools.

2 BY MR. MILLER:

3 Q Sir, before we get started, I'm going
4 to give you a couple ground rules to help make a clear
5 record today. That's really at the end of the day our
6 objective is to take clear testimony from you about the
7 questions I ask. So to get started, have you every
8 been deposed before or given testimony?

9 A I have not.

10 Q I'm sorry?

11 A I have not.

12 Q One thing that we need to agree on in
13 order to make a clear record is when I ask a question,
14 if you will please wait until I finish just so the
15 answers don't overlap and the court reporter can hear
16 everything clearly and get it down. And I, of course,
17 will do my utmost not to interrupt your answers and
18 give you the room you need to finish. Okay?

19 A Okay.

20 Q Do you understand that because you are
21 under oath, you are required to testify truthfully and
22 accurately in response to the questions I ask?

23 A Yes.

24 Q And if you don't understand anything
25 about a question I've asked or need me to clarify

1 something, will you agree to let me know?

2 A Yes.

3 Q The other feature of having a written
4 transcript here is that we need your answers to be
5 verbal. If you shake your head or nod your head, we
6 cannot get that done easily on a transcript. And,
7 also, certain answers like uh-huh and unh-uh look
8 the same essentially when they're written on paper.
9 Okay?

10 A Okay.

11 Q Finally, your attorney may object.
12 And if he does, you still need to answer my question
13 assuming you understood it, unless he instructs you not
14 to answer. Do you understand that?

15 A Yes.

16 Q And then this is not an endurance
17 test, and so if you need to take a break for any
18 reason, just let me know, we'll find a good stopping
19 point and take a break. But if I have asked a
20 question, I would like you to answer it before we stop.
21 Is that okay?

22 A Yes.

23 Q I'm going to be referring to a couple
24 of things repeatedly and I just want to make sure we're
25 clear on the terms we'll be using. We'll be referring,

1 obviously, to the Madison Local School District or to
2 the Madison Schools. And in doing so, I'm going to use
3 the term "Madison" or "School District" or just
4 "District." Is that okay with you?

5 A Sure.

6 Q And I'll also be referring
7 occasionally to the Board of Education of the Madison
8 Local School District, and when referring to them I'll
9 use the term "Board." Is that fair?

10 A Sure.

11 Q And then the final term is I may refer
12 to a resolution that passed by the Board in April of
13 2018. Specifically, a resolution to allow armed staff
14 in a school safety zone. And when referring to that
15 resolution, I'm going to use the term "resolution." Is
16 that okay with you?

17 A Sure.

18 Q If you've got any questions about any
19 of the terms I'm using at any point, please let me
20 know. Okay?

21 A Okay.

22 Q And last, before we kick off, I'm
23 going to note that you are giving testimony today
24 subject to a Confidentiality Agreement that's been
25 agreed to between the lawyers in this case, and it

1 governs what the permitted uses are of your testimony.
2 It allows your lawyers, for example, to designate
3 testimony as highly confidential, which will limit how
4 it can be used down the road.

5 Anything you would like to add to
6 that?

7 MR. CONOVER: Yes. Thanks, Jed. I
8 just would like to, again, reiterate that this
9 will be subject to the Confidentiality
10 Agreement among the parties, among counsel for
11 the parties, and we will have the opportunity
12 to designate portions of the transcript as
13 highly confidential, which would make it an
14 attorneys' eyes only designation. And also,
15 that the District again believes that the
16 information and identities of these individuals
17 is of the utmost importance in ensuring safety
18 for both their staff and students. And while
19 we --

20 The District filed a Motion to Quash
21 and Motion for Protective Order in this case.
22 We do obviously realize that Judge Pater did
23 not grant those and are here complying with the
24 Court Order.

25 MR. MILLER: Thank you.

1 BY MR. MILLER:

2 Q So with that out of the way, and with
3 the Confidentiality Agreement in mind, I'm going to ask
4 you just a single time on the record to state your
5 name, please, and spell it.

6 A [REDACTED]
7 [REDACTED]

8 Q And what is your job at the Madison
9 Local School District?

10 A [REDACTED]

11 Q How long have you been in that
12 position?

13 A [REDACTED]

14 Q Yes, sir.

15 A [REDACTED]

16 Q And before that, did you hold a
17 position at the Madison Local School District?

18 A [REDACTED]

19 Q What was that?

20 A [REDACTED]

21 Q How long have you been employed by the
22 Madison Local School District?

23 A [REDACTED]

24 Q Have you ever been a member of law
25 enforcement or the military?

1 A I have not.

2 Q Have you ever taken peace officer
3 training or any form of law enforcement training, to
4 your knowledge?

5 A Not that I'm aware of.

6 Q Are you authorized to carry a firearm
7 on school property?

8 A Yes, I am.

9 Q Why did you decide to become
10 authorized?

11 A To be able to protect my students in
12 the event of an active killer.

13 Q Were you present at Madison Schools
14 when they experienced a school shooting in February of
15 2016?

16 A I was.

17 Q Where were you that day?

18 A In my room.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q Did you have students in your
23 presence?

24 A My students were involved in the
25 shooting.

1 Q Okay. Were you in the room of the
2 shooting?

3 A No. My students were at lunch, I was
4 in my room.

5 Q Were your students in the room with
6 you when the shooting began?

7 A One student was that I had for lunch
8 detention.

9 Q How close were you to the location of
10 the shooting?

11 A Two hundred yards.

12 Q Were you in the same building?

13 A Yes.

14 Q Could you hear the gunshots?

15 A Yes.

16 Q Did you know what they were?

17 A Yes.

18 Q How did you react when you heard the
19 gunshots?

20 A We went into lockdown.

21 Q And what does that mean?

22 A That means we close our doors, lock
23 them.

24 Q Turn the lights off?

25 A Turn the lights off, get out of

1 sight.

2 Q Did you hide? I'm sorry, you can
3 finish your answer.

4 A Yes, yes.

5 Q Did you hide?

6 A Uh-hum.

7 Q How many students were with you when
8 you went into lockdown?

9 A One.

10 Q And how long did you remain in
11 lockdown?

12 A Three and a half hours.

13 Q And how did you come out of lockdown?

14 MR. CONOVER: Objection.

15 A I don't recall. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. CONOVER: And if I just may, for
the record, this is information, for example,
that will be designated as highly confidential,
so I just want to --

BY MR. MILLER:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q Tell me about how you felt at the time
you were in lockdown.

MR. CONOVER: Objection.

A Mixed feelings, [REDACTED]

[REDACTED], frustrated because at the time we weren't
allowed to do anything about it. We were basically
told to hide and hope for the best. That's the
lockdown. Teachers are not allowed to do anything
except hold a book, throw things.

1 Q You were frustrated about not being
2 allowed to do anything about the shooting that was
3 taking place?

4 MR. CONOVER: Objection.

5 A Not about the individual shooting, no.
6 In general, the frustration of our -- that there are
7 people who believe that it's sufficient to have a
8 sticker on your door that says "No guns allowed," and
9 then people will follow that.

10 Q Is that sufficient, in your view?

11 A No, sir.

12 Q Is it sufficient, in your view, to
13 hide in the classroom during a school shooting like the
14 one that took place in 2016?

15 A Sufficient? It's the best we can do,
16 yes.

17 Q Why is putting a sticker on your door
18 saying "No guns" not sufficient, in your view?

19 MR. CONOVER: Objection.

20 A Because a sticker doesn't stop a
21 person from bringing a weapon into the school.

22 Q How do you stop a person from bringing
23 a weapon into a school?

24 A You can't.

25 Q Did being present at -- Strike that.

1 Did experiencing the shooting in
2 February of 2016 inform your decision to apply to be
3 authorized to carry a firearm in any way?

4 MR. CONOVER: Objection.

5 A What do you mean by the word "inform"?

6 Q Just wondering if it impacted or
7 affected?

8 A Definitely, sure, affected.

9 MR. CONOVER: Objection.

10 A Other shootings affected it as well.

11 Q Okay. How did it and these other
12 shootings you're referring to affect your thought
13 process about being an armed staff person?

14 A I'm a teacher and I live moment to
15 moment. I'm teaching my students and I realize the
16 vulnerability and I have read the stories of the
17 shootings that have happened in our country and you
18 lose sleep over it sometimes realizing that there's
19 nothing I can do.

20 Q As a teacher at the time of the
21 shooting in 2016, I believe you said you had only a
22 single student in [REDACTED]. Where were the rest
23 of your students?

24 MR. CONOVER: Objection.

25 A In the cafeteria.

1 Q And where did the shooting take place?

2 A In the cafeteria.

3 Q Did you know that they were in the
4 same location as the shooter when it occurred?

5 A Yes.

6 Q How did you know?

7 A We were given -- I don't know how to
8 phrase it. We were given information, not as much as
9 people on the outside were getting, but we were given
10 information by people that were saying the shooting was
11 in the cafeteria and the shooter left the cafeteria and
12 is being pursued by our school resource officers.

13 Q Do you regret anything about your
14 reaction for what you did on the day of the school
15 shooting in 2016?

16 MR. CONOVER: Objection.

17 A No, there was nothing I could have
18 done.

19 Q Did you want to be able to go to your
20 students in the cafeteria?

21 MR. CONOVER: Objection.

22 A No.

23 Q What was stopping you from going to
24 them?

25 MR. CONOVER: Objection.

1 A Unawareness, that the school was going
2 to be approached by SWAT and cleared and it would be
3 very dangerous for me to be in the hallway.

4 MR. CONOVER: I'm having a little
5 trouble understanding the relevancy of this
6 line of questioning and what this is having to
7 do with the case. I mean, you can do it if you
8 want, but I think we can probably move on at
9 this point.

10 BY MR. MILLER:

11 Q How did your knowledge of this and
12 other school shootings affect your decision to --
13 Strike that.

14 At the time of the school shooting,
15 did you own a firearm?

16 A Yes.

17 MR. CONOVER: Objection.

18 Q Did you have a concealed carry permit?

19 MR. CONOVER: Objection.

20 A Yes.

21 Q When did you first decide to become
22 authorized to carry a firearm on school property?

23 A Could you repeat the question?

24 MR. MILLER: Read it back to him.

25 (Thereupon, the Question was read back

1 by the court reporter: "When did you
2 first decide to become authorized to
3 carry a firearm on school property?")

4 A When I was called by a Board member.

5 Q Which Board member was that?

6 A The president, Mr. French.

7 Q And about when did that call take
8 place?

9 A About April or May of 2018.

10 Q Why did he call you?

11 A [REDACTED] We
12 have a good relationship. We have played paintball in
13 the backyard, his kids, my kids. And I'm not sure
14 outside of that.

15 Q Do you know whether he approached any
16 other staff members concerning being armed?

17 A I don't know, I don't know.

18 MR. CONOVER: Objection.

19 Q Had you spoken to him previously about
20 your desire to be armed at school?

21 A No.

22 Q Did he just guess that you had that
23 desire?

24 MR. CONOVER: Objection.

25 A I don't know.

1 Q What did the two of you discuss on
2 that call?

3 A If I would be willing to take the
4 training.

5 Q What training was that?

6 A FASTER training.

7 Q He specifically asked you if you would
8 be willing to take FASTER training?

9 A Yes.

10 Q Did he mention FASTER training in that
11 call?

12 A I believe he did.

13 Q Did he mention any other form of
14 training?

15 A I don't think so.

16 Q What did you tell him in response?

17 A I said, yes, sir.

18 Q And what happened next with respect to
19 you becoming authorized? What was the next step?

20 A I began on my own time preparing for
21 the training that I was about to embark upon.

22 Q How did you do that?

23 A Read books, watched videos, went
24 shooting.

25 Q What books did you read, if you

1 remember?

2 A I don't recall specific books.

3 Q Sorry. Go ahead. What topics were
4 these books on?

5 A Safe handling of weapons, proper use
6 of weapons, how to improve accuracy, how to become
7 better.

8 Q Were any about responding to active
9 shooters or school shootings?

10 A No.

11 Q You mentioned videos as well, I
12 believe; is that correct?

13 A Yes.

14 Q What videos do you recall seeing?

15 A I don't recall. I know one of the
16 person's name -- I can't think of his name, Sereno
17 maybe. He's a shooting expert.

18 Q Okay. How did you know to look -- How
19 did you know to watch his video?

20 A I didn't. I just emersed myself.

21 Q Okay. Did you search for videos on
22 the topic?

23 A Sure.

24 Q What kind of videos were you searching
25 for?

1 A As I said before, how to improve
2 handling of weapons.

3 Q After you had reviewed these books and
4 other media, what happened next in terms of becoming
5 authorized?

6 A I began training, I went to the
7 training.

8 Q And the training you're referring to
9 specifically is FASTER training?

10 A Yes.

11 Q How did you become enrolled in FASTER
12 training?

13 A I believe the Board of Education
14 enrolled me into the training.

15 Q Okay. Prior to enrolling in the
16 FASTER training, did you have any conversations with
17 either the Board or the superintendent or any other
18 member of the administration at Madison concerning
19 becoming an armed teacher?

20 A No.

21 Q To your recollection, it was solely
22 the one phone call with David French?

23 A Yes.

24 Q When did you take FASTER training?

25 A June of 2018.

1 Q And that's when you completed it as
2 well?

3 A Yes.

4 Q Did you successfully complete it?

5 A Yes.

6 Q Did you earn a certification of
7 completion for it?

8 A Yes.

9 Q After you had taken the FASTER
10 training, what was the next step to becoming an armed
11 staff member?

12 A I had to complete a psychological
13 evaluation, a drug screening, we always have background
14 checks, and I continued training.

15 Q You're referring to training conducted
16 on your own?

17 A Uh-hum.

18 Q Or in some sort of structured setting?

19 A Yes, on my own.

20 Q I'm sorry, your answer was?

21 A On my own.

22 Q So what sort of training were you
23 doing on your own?

24 A Mastering shot placement.

25 Q And this is using a handgun?

1 A Correct.

2 Q You're a member at a range somewhere,
3 I assume; is that correct?

4 A I am.

5 Q So this was target practice conducted
6 on your own at this range or was it something else?

7 A Yes.

8 Q Specifically, it was target practice
9 at this range?

10 A Correct.

11 Q Any other training that you have done
12 on your own?

13 A No.

14 Q Had you done any training on your own
15 before you took the FASTER program?

16 A Not really.

17 Q So you mentioned a number of
18 processes, like I believe you mentioned a drug
19 screening, a mental health exam I think you may have
20 mentioned. And once you obtained or completed those
21 processes, what happened next with respect to
22 authorization?

23 A We were interviewed by the Board.

24 Q And I believe you used the word "we."
25 Is that what I heard, or did you say "I"?

1 A Individually we were interviewed, each
2 of us were interviewed by the Board individually.

3 Q You personally were interviewed by the
4 Board?

5 A Yes.

6 Q And who was present at your interview
7 in total?

8 A Dr. Jennewine, Mr. Robinson, and
9 Dr. Tuttle-Huff, who was not the superintendent while
10 the training was taking place. We hired her
11 afterwards. I think we hired her in July.

12 Q Okay. And this interview in your case
13 took place when, if you know?

14 A I believe it was in mid August.

15 Q Was Dr. Tuttle-Huff the superintendent
16 by then?

17 A Yes.

18 Q How many interviews did you conduct
19 with the Board, superintendent, or any combination of
20 them?

21 A I believe just the one.

22 Q And you mentioned "we." Was that a
23 reference to the other armed staff persons at Madison?

24 A Yes.

25 Q How do you know that they took -- or

1 why do you believe that they were also interviewed by
2 the Board?

3 A I think that that was the process that
4 we were in. I assumed that because we were all doing
5 the same thing, that that was the process that each of
6 us would have.

7 Q Did you see them or hear them being
8 interviewed?

9 A I didn't.

10 Q Were you present at the interviews?

11 A No.

12 Q Did you discuss with them the fact
13 that they had been interviewed by the Board?

14 A No.

15 Q How did you know to attend this
16 interview?

17 A I was called to meet with the Board
18 members.

19 Q Specifically, was it a phone call?

20 A Uh-hum.

21 Q Did you receive any email about it?

22 A No.

23 Q What took place at this interview?

24 A To the best of my memory, a briefing
25 on our policy of how we were going to carry, the basic

1 expectations.

2 Q Did you review any documents or were
3 you given any documents during that interview?

4 A I believe we were given one, either at
5 that interview -- I think we had the interview and I
6 think we were called back to get a paper that we had to
7 sign, a Confidentiality Agreement.

8 Q Do you remember reviewing any sort of
9 policy document laying out the terms under which you
10 would be authorized to carry?

11 A I believe we were briefed on it, yeah.
12 I didn't read it. You know, I think I have a copy of
13 it, but we weren't -- We didn't read it and it wasn't
14 like you read this and make sure, it wasn't -- We were
15 briefed on it.

16 Q To be clear, were you handed a copy of
17 any document at this interview for you to review?

18 A I don't think it was at the interview,
19 I believe we got the copy later. I think we got the
20 copy a couple days later and we were informed to not --
21 We weren't allowed to carry until we had signed the
22 paper.

23 Q Okay. I'm going to show you a
24 document. Could we go off the record for just a
25 moment?

1 (Off-the-record discussion.)

2 (Thereupon, Exhibit S was introduced
3 for the record.)

4 BY MR. MILLER:

5 Q Okay. Back on the record, please.

6 Sir, I'd like to show you a document that was
7 previously marked as Exhibit S. Could you grab ahold
8 of that? Okay. Now, I don't need you to review the
9 entirety of this document. I want to direct you first,
10 do you see the little numbers in the bottom right-hand
11 corner, like a six-digit number?

12 A Uh-hum.

13 Q So I'm going to be referring to the
14 pages by that number. If you would please turn to
15 Page 307, and then also to Page 309. If you would take
16 a look at both of those pages? Do you recognize the
17 handwriting, a limited snippet of it, and the date on
18 either of those two pages?

19 A 309?

20 Q Yes. Do you believe that Page 309
21 bears your handwriting?

22 A I believe.

23 Q Do you recall signing this document on
24 the date shown?

25 A I believe I was given this paper. I

1 don't know if I have a copy of this.

2 Q You had referred in testimony a moment
3 ago to a Confidentiality Agreement. Do you believe
4 that you have signed this Confidentiality Agreement
5 shown on Page 309, whether it is this specific one or a
6 different copy of the same Confidentiality Agreement?

7 A I believe I signed a Confidentiality
8 Agreement.

9 Q And you believe this is a version of
10 the Confidentiality Agreement that you signed?

11 A Yes.

12 Q And you believe that this Page 309 in
13 fact bears your signature under the redaction? I know
14 it's hard to tell with the redaction.

15 A You're asking me to say if that's my
16 signature that's blacked out?

17 Q In part, that's right. Do you
18 recognize your handwriting and the date?

19 A Those look like my numbers.

20 Q Okay. I think that will do. Aside
21 from the Confidentiality Agreement, which we just
22 looked at, we don't need to have it in front of us,
23 aside from this Confidentiality Agreement that's marked
24 as Exhibit S, do you think you have received any other
25 written document from the Board relating to being an

1 armed teacher?

2 A I feel like I have a document in a
3 place at my home that is not that document, so I feel
4 like, yes, I think I do have another document.

5 Q Okay. I'm just going to try to close
6 a loop here on what documents you think you've got as
7 part of this process.

8 A All right.

9 (Thereupon, Exhibit C was introduced
10 for the record.)

11 Q I'm going to show you an exhibit
12 that's been marked as Exhibit C, as in Charlie. You'll
13 see that C, as in Charlie, is in fact three near
14 identical letters. And I'm wondering if you have
15 received a copy of one of the letters --

16 A Yes.

17 Q -- that's part of Exhibit C?

18 A Yes.

19 Q How do you know that?

20 A This is the one that I recognize. I
21 believe that I have a copy of this (indicating) and
22 maybe not that (indicating).

23 Q Okay. And by "this," you mean the
24 letter that's Exhibit C --

25 A Yes.

1 Q -- as the document that you think you
2 have a copy of?

3 A I believe so.

4 Q And is the "that," which you do not
5 believe you have retained a copy of, you think that is
6 Exhibit S?

7 A Yes, sir.

8 Q Okay. So aside from Exhibit C and
9 Exhibit S, have you received or reviewed or been asked
10 to review any other form of written policy, guidance,
11 or other document that concerns your role as an armed
12 teacher?

13 MR. CONOVER: Objection.

14 A No.

15 Q Have you ever reviewed a document
16 called the Madison Local School District Firearm
17 Authorization Policy, to your knowledge?

18 A I don't think so.

19 Q Have you ever been given a copy of any
20 document by that name?

21 A I don't believe so.

22 Q When the Board gave you this briefing
23 on its policy during the interview you made reference
24 to a little while back, I wonder if you can describe
25 that briefing in any greater detail?

1 A The weapon must be on our person at
2 all times, must be concealed, our role was not to
3 pursue, we were to secure our immediate area.

4 Q Did they give you any other guidance
5 on being an armed staff person?

6 A I don't think so.

7 Q Did they explain anything about the
8 types of ammunition that are permitted?

9 A In the document, it states we have to
10 use hollow point, which most educated people would use
11 hollow point in any situation where you don't want
12 collateral damage.

13 Q The purpose of hollow point ammunition
14 is to avoid collateral damage?

15 A Correct.

16 MR. CONOVER: Objection.

17 Q From something like a ricochet?

18 MR. CONOVER: Objection.

19 A Well, target rounds overpenetrate. So
20 a hollow point, the target absorbs all of the energy.

21 Q You don't use jacketed ammunition?

22 A No.

23 Q Did the Board explain why your role is
24 not to pursue?

25 A No.

1 Q Did they explain why they wanted you
2 to carry the weapon on your person at all times?

3 A No.

4 Q And to clarify, I mean when you choose
5 to carry, did they explain why you're not permitted to
6 carry in any other fashion than with the weapon on your
7 person?

8 A No.

9 Q Did they explain why they require the
10 weapon concealed at all times?

11 A No.

12 Q What are the consequences of not
13 following that guideline, in your view?

14 MR. CONOVER: Objection.

15 A The consequences of not following
16 which guideline?

17 Q Any of those guidelines.

18 A Hollow points, for example?

19 Q Yes.

20 A Oh, wow, you know, if you were to
21 shoot a person with non hollow point, you could end up
22 not only not stopping your threat, but you could injure
23 somebody behind that threat. If a person knows that
24 you are carrying a weapon and they wanted to do bad
25 things to our school, they're going to take out those

1 people first, just like they would take out our
2 resource officers first.

3 Q Let me try to clarify my question.
4 You mentioned the Board briefing you on certain aspects
5 of the District's policy, including carrying a weapon
6 on your person, carrying concealed, and on your role
7 not to pursue an attacker. Is that what you had
8 previously described?

9 A Yes.

10 Q What is your understanding of what
11 consequences will come to you, if any, for not
12 following that policy?

13 MR. CONOVER: Objection.

14 A I don't know of any consequences to
15 me. I feel as if I'm going to have to do what I think
16 is right and suffer the consequences.

17 Q You're not aware of any consequences
18 for violating one of these policy instructions?

19 A I'm not.

20 MR. CONOVER: Objection.

21 Q The Board didn't set out any
22 consequences to you?

23 A Not that I'm aware of.

24 MR. CONOVER: Objection.

25 Q How do you know -- I believe you

1 mentioned a second ago that you would do what you think
2 is right; is that what you said?

3 A Yes.

4 Q What did you mean by that?

5 MR. CONOVER: Objection.

6 A I'm going to fall back on my training
7 and do what I think needs to be done because you're not
8 going to have time to think about, well, what if I'm
9 going to get in trouble because they're going to know I
10 have a weapon on me. At some point when the poop hits
11 the fan, people are going to know.

12 Q People are going to know what? I'm
13 sorry.

14 A If there's an armed shooter that comes
15 into [REDACTED], I'm going to have to end that
16 threat, at which time they'll know that now I'm an
17 armed staff.

18 Q Sure.

19 A The consequences of that are really
20 not of my concern.

21 Q I understand you're referring
22 specifically to the consequences of revealing your
23 identity as an armed staff person; is that right?

24 A Yes.

25 Q Okay. What about the consequences of

1 not obeying the Board's instruction not to pursue an
2 attacker? Were any consequences for violation of that
3 instruction described to you?

4 A No.

5 MR. CONOVER: Objection.

6 Q When you said -- When you testified
7 that you might do what had to be done, does that
8 include the possibility of engaging an attacker?

9 A Yes.

10 Q And using your firearm to shoot that
11 attacker?

12 A Yes.

13 Q Does it include the possibility of
14 leaving [REDACTED] to engage that attacker?

15 MR. CONOVER: Objection.

16 A Could you repeat that question,
17 please?

18 MR. MILLER: Could you read it back,
19 please?

20 (Thereupon, the Question was read back
21 by the court reporter: "Does it
22 include the possibility of leaving
23 [REDACTED] to engage that
24 attacker?")

25 A My Number 1 job would be to secure [REDACTED]

1 [REDACTED] If the shooter were visible in 30 feet
2 away, it would include that possibility.

3 Q If you felt like you could engage the
4 attacker under the circumstances, you could see a
5 situation in which you would leave [REDACTED] to do
6 so?

7 MR. CONOVER: Objection.

8 Q Is that what you're saying?

9 MR. CONOVER: Objection.

10 A If I could see the shooter within 30
11 or 40 feet down my hallway, not around the hallway, I'm
12 not to go find the shooter; if I have already seen him,
13 then I would engage.

14 Q Would you pursue the attacker in that
15 circumstance?

16 A No.

17 Q But you would engage?

18 A If he were within 30 or 40 feet,
19 taking attack position into a classroom, I would.

20 Q If he went into another classroom,
21 would you continue to engage him?

22 MR. CONOVER: Objection.

23 A Within 30 or 40 feet, yes.

24 Q Even if that meant yourself moving to
25 that other classroom to engage him?

1 A Yes.

2 Q And is that because you have in fact
3 been trained to do that?

4 MR. CONOVER: Objection.

5 A I have been trained to do that and it
6 is, in my opinion, if I am the best option to end that
7 threat, that's what needs to be done.

8 Q In a situation like this, how will you
9 know -- Strike that.

10 In a situation like this, what role
11 will your training play?

12 MR. CONOVER: Objection.

13 A Well, there's a lot of aspects to
14 training, so the role of my training would be to, one,
15 have and be able to use a weapon and place rounds in
16 the mid torso of an active killer and end the threat.

17 Q Okay. I believe you may have referred
18 to falling back on your training in earlier testimony,
19 and I wanted to follow up on that statement. What did
20 you mean by falling back on your training?

21 MR. CONOVER: Objection.

22 A Sometimes people think that they're
23 going to -- they don't know what they'll do in a
24 situation, they're going to rise up to something that
25 you never train to do. People who have never shot a

1 weapon before might maybe freak out a little bit,
2 they've never heard rounds go off.

3 And being trained in the FASTER
4 program, it's very intensive, three days. You would
5 fall back to your training, you would be able to do
6 what you have been trained to do. You're not going to
7 rise up to an occasion, you're going to fall back to
8 your training, you're going to do what you've been
9 trained to do.

10 Q And in your case, that training is the
11 FASTER training; is that right?

12 A Yes.

13 Q In your view, in an emergency
14 situation like an active shooter, is it realistic to
15 think that you'll rely on anything besides what you
16 have trained for?

17 MR. CONOVER: Objection.

18 A Is it realistic to think that I would
19 use anything besides my training?

20 Q Correct.

21 A Sure.

22 Q What else might you rely on?

23 A If he doesn't have a gun, I wouldn't
24 necessarily need a gun.

25 Q I see what you're saying. And I'm

1 referring specifically to an active shooter situation,
2 and you have mentioned the role that you believe your
3 training would play in how you respond. I'm wondering
4 if there is anything else that you think would impact
5 how you respond in that situation?

6 A A person who doesn't have the training
7 might still try to save lives. You might still try to
8 end the threat. It might cost you your life, if that
9 answers your question. I have a better tool to stop
10 the threat than someone who doesn't have a weapon.

11 Q And when you say "to stop the threat,"
12 is that what you understand the FASTER training to have
13 equipped you to do?

14 A Yes.

15 Q Let's discuss the FASTER training for
16 a little bit in depth. Can you give me an overview of
17 the FASTER training and -- Let me ask the question this
18 way: Is the FASTER training broken down into any sort
19 of sections or segments?

20 MR. CONOVER: Objection.

21 A There are different aspects of it
22 that are -- it's very fast paced. Maybe the first few
23 hours you're briefed on some examples of school
24 shootings and why it's important to have armed staff.
25 Students have been shot and bled out because EMT won't

1 enter a building where there's an active shooter, so we
2 need somebody to end the threat or provide medical
3 assistance to a student who is bleeding to death.

4 Q Okay.

5 A That's one aspect of it. Another is
6 handling a weapon safely, loading magazines and
7 ammunition, shot placement. There are other aspects,
8 yes.

9 Q Okay.

10 A There are more than that, but --

11 Q Sure. Just to try to guide our
12 discussion, it's helpful, actually, to understand it
13 as aspects. So you've discussed an aspect that, if
14 I'm not mistaken, takes place in a classroom?

15 A Yes.

16 Q And then there is an aspect in which
17 you receive instruction on handling firearms and other
18 firearm equipment such as magazine, holster, et cetera?

19 A Yes.

20 Q Okay. What are the other aspects,
21 just, you know, an overview so that we can frame our
22 discussion?

23 A In FASTER training you're taught to
24 find an active shooter. So you go into a shoot house
25 where there is a shooting taking place and you have

1 to be able to find the shooter and engage the shooter
2 and stop the threat while clearing rooms along the
3 way.

4 Q Okay. So there is an aspect that
5 takes place at a shoot house. Are there any other
6 aspects that you can think of?

7 A There are scenarios, scenario training
8 with airsoft weapons.

9 Q Okay. So what you've just described
10 as the aspect that takes place in a shoot house is
11 different from an aspect in which you role play
12 scenarios with airsoft weapons?

13 A Yes.

14 Q Okay. Any other aspects than what
15 we've laid out?

16 A At the classroom, you have some
17 briefings on school shootings, we have range practice,
18 handling of weapons, it's called a live fire house
19 where you search and find the killer, and there are
20 scenario trainings with airsoft.

21 Q Okay.

22 A And then a qualification at the end.

23 Q Okay. Let's talk --

24 A Sorry, I missed one more, I'm sorry to
25 interrupt. First-aid was another evening that we

1 spent.

2 Q First-aid took place over the course
3 of an evening?

4 A Yes.

5 Q Let me ask you about the initial
6 aspect in which I believe you said took place in a
7 classroom and it involved some sorts of briefing?

8 A Uh-hum.

9 Q Did the FASTER program review the
10 history of past school shootings as part of that?

11 A I don't think it was considered
12 history, just some examples of things that have
13 happened and why the trend in America, it's
14 accelerating. We're seeing more of these and the
15 reasoning behind why we need to be trained and able to
16 stop these threats.

17 Q Okay. And it's actually that
18 reasoning that I'm trying to understand. The active
19 shootings that they review as examples, the FASTER
20 program does, are these examples of responses that they
21 think went well or did not go well?

22 MR. CONOVER: Objection.

23 Q If you know.

24 MR. CONOVER: Objection. I'm just
25 trying to give a lot of leeway with questions

1 and the fact that we've got a time deadline
2 coming up, but I also would ask for proper
3 questions to be asked where the witness
4 actually answers a question rather than you
5 testifying. Thank you.

6 BY MR. MILLER:

7 Q Did you understand the question?

8 A I believe you asked if any of these
9 examples are of school shootings that went well?

10 Q I'm wondering if FASTER -- Let me put
11 it this way: Does FASTER --

12 What lessons does FASTER take from
13 these examples of school shootings, if any?

14 MR. CONOVER: Objection.

15 A What we're trained to be aware of is
16 you cannot stop a person from bringing a weapon into a
17 school. You can't stop a person from killing a person,
18 but you can stop them from owning the building for 20
19 minutes. And the reason they're going to stop is
20 because somebody is going to engage them.

21 Q Okay. And that somebody is
22 specifically the people that are being trained at the
23 FASTER program; is that right?

24 MR. CONOVER: Objection.

25 A Or a resource officer.

1 Q Okay. But does it include the people
2 that are being trained at FASTER?

3 A It could.

4 Q Okay. And what does the FASTER
5 program teach you about the appropriateness of hiding
6 in a classroom during an active shooter situation?

7 A It doesn't teach us about the
8 appropriateness of hiding in a classroom.

9 Q Did they say anything about what
10 happens if you hide in the classroom?

11 A No.

12 Q Does FASTER teach you at any point
13 during the training to hide in a classroom?

14 A I'd say no.

15 Q Does FASTER teach you to lock the door
16 of your classroom and stay put?

17 A FASTER dose not teach that.

18 Q Does FASTER training make reference to
19 ALICE training at any point?

20 A I don't think so.

21 Q Have you, yourself taken ALICE
22 training?

23 A Yes.

24 Q Are the approaches taught in ALICE
25 training and FASTER training the same, in your view?

1 A Are they the same? No.

2 Q What's different?

3 A The difference being I have -- an
4 armed teacher has the opportunity to stop a killer,
5 ALICE might not.

6 Q And so FASTER training teaches what
7 that ALICE training does not?

8 A FASTER teaches how to stop that
9 threat.

10 Q Using your firearm?

11 A Correct.

12 Q By engaging the shooter with your
13 firearm?

14 A Correct.

15 Q It does not teach you to stop that
16 threat by locking your door of your classroom?

17 MR. CONOVER: Objection.

18 A Neither of them stops the threat
19 necessarily, neither one teaches stopping the threat by
20 locking your doors.

21 Q Does locking your doors stop the
22 threat of an active shooter?

23 A Not necessarily.

24 Q Why not?

25 A Because they can shoot through the

1 window.

2 Q You described at the outset an aspect
3 that I believe you referred to as the shoot house.
4 What training takes place at the shoot house?

5 A At the live fire house there is an
6 active shooter that you can't see. You have to clear
7 rooms along the way, find the shooter, and stop the
8 threat.

9 Q And is that training that you,
10 yourself did as part of FASTER?

11 A Yes.

12 Q Is it training that you believe other
13 Madison School employees did as part of their FASTER
14 training?

15 A Yes.

16 Q How do you know -- Why do you think
17 the other Madison School employees did that training
18 you've just described?

19 A Because all the students at FASTER
20 completed the same training.

21 Q Were you with them when they did this
22 training?

23 A Yes.

24 Q And so you saw them in fact --

25 A I didn't -- I wasn't in the -- We go

1 in individually.

2 Q I see. Okay. And that's because you
3 use live ammunition in the shoot house?

4 A Correct.

5 Q You're accompanied only by an
6 instructor?

7 A Multiple instructors, yes.

8 Q Okay. And do you actually practice
9 moving through the shoot house as part of this training
10 that we're describing?

11 A FASTER training?

12 Q As part of the shoot house training.

13 A Yes.

14 Q You practice how to move properly with
15 your firearm?

16 A Yes.

17 Q Do they teach you how to clear rooms?

18 A Yes.

19 Q What does that mean?

20 A How to approach a room so that a
21 minimal amount of your body will be visible, taking a
22 tactical angle so that you can see a maximum amount
23 of the room and a minimal amount of your body is
24 visible.

25 Q What's the purpose of clearing rooms?

1 A Finding the killer.

2 Q How long would you say you trained in
3 the shoot house, you, personally?

4 A Ten minutes.

5 Q How many different drills did you
6 conduct in the shoot house?

7 A Live fire, one; but multiple drills in
8 positioning and clearing.

9 Q And did those other drills in
10 positioning and clearing involve non-functional
11 weapons?

12 A Yes.

13 Q Was your own weapon roped?

14 A Yes.

15 Q As a result of FASTER training, are
16 you now trained to clear rooms?

17 MR. CONOVER: Objection.

18 A I have been trained to clear rooms,
19 but I'm not allowed to clear rooms.

20 Q But you would agree that you are in
21 fact trained to do so?

22 MR. CONOVER: Objection.

23 A Yes.

24 Q Let's cover the last -- or let's cover
25 the aspect of training which I believe you made

1 reference to involving airsoft weapons. What's an
2 airsoft weapon?

3 A It's a weapon that fires plastic
4 projectiles.

5 Q Okay. They're nonlethal?

6 A Correct.

7 Q And so you can use them with other
8 human scenario participants?

9 A Uh-hum.

10 Q They're not silhouettes?

11 A Correct.

12 Q How much time did you spend -- Sorry.

13 What type of training takes place with
14 these airsoft weapons at FASTER?

15 A They set up multiple scenarios, so all
16 of the teachers, the instructors are setting up
17 scenarios, and then some other teachers are on the
18 outside being brought in individually unaware of what
19 is going on.

20 Q They're unaware, the teachers being
21 brought in are unaware of the scenario?

22 A Correct.

23 Q And what techniques and skills are the
24 armed teachers practicing when they do these airsoft
25 scenarios?

1 MR. CONOVER: Objection.

2 A Almost all of the skills.

3 Q Can you describe for me some of those
4 skills?

5 A If I can correct it, I don't think all
6 of the skills, it might not be all of the skills. But
7 for me, one particular scenario where I was killed was,
8 you go into a room and you have to figure out what's
9 going on. And, you know, as an armed teacher, you
10 wouldn't walk into a room with your weapon drawn
11 because you just hear commotion. And I walked into a
12 room and there was commotion and I said, what's going
13 on in here? And somebody picked up a gun and shot me
14 and killed me.

15 Q Okay. If I can, I'd like to unpack
16 that scenario a little bit. In that scenario you were
17 playing the role of the armed teacher?

18 A Correct.

19 Q And as part of that training, you
20 began in some location outside of a classroom and
21 then entered the classroom not knowing what was going
22 on?

23 MR. CONOVER: Objection.

24 A Yes.

25 Q And when did you draw your gun, if at

1 all?

2 A I did not.

3 Q And as a result, what happened?

4 A I was killed.

5 Q What lessons were you taught as a
6 result of that particular scenario?

7 A How quickly things can happen, you
8 can't have too much awareness.

9 Q Is it fair to say that a part of the
10 FASTER training involves training in situational
11 awareness?

12 A Yes.

13 Q Is that a skill that you practice
14 while on duty at Madison now?

15 A When I'm on duty at Madison, [REDACTED]
16 [REDACTED]. When I'm off, I'm
17 always aware.

18 Q I'm sorry, when you're what?

19 A When I'm off work, when I'm not
20 teaching, I'm always aware.

21 Q Okay.

22 A But when I'm teaching, I am engaged
23 with my students and I'm teaching science.

24 MR. CONOVER: I just want to object to
25 the extent that we're using armed on duty, and

1 there is a legal conclusion there.

2 MR. MILLER: Yeah, I'm not asking him
3 to draw any sort of legal conclusion about the
4 language involved here.

5 MR. CONOVER: I understand, I
6 understand.

7 BY MR. MILLER:

8 Q I'm simply asking you to use the words
9 as we do in normal speak English.

10 MR. CONOVER: And I'll object to that
11 characterization, but, thank you.

12 Q Has the situational awareness training
13 that you received at FASTER, have you used that while
14 being an armed teacher at Madison?

15 A I don't believe I have.

16 MR. CONOVER: Can we go off the record
17 for a minute?

18 MR. MILLER: Yeah, let's take a
19 three-minute break. I think I'm close to
20 wrapping up.

21 MR. CONOVER: But I just want to make
22 sure that we have a chance to ask questions.

23 MR. MILLER: Yeah, yeah. Okay. Let's
24 take a short break.

25 (Deposition stood in recess.)

1 MR. MILLER: Back on the record,
2 please.

3 BY MR. MILLER:

4 Q Sir, during the break we just took,
5 without getting into the contents of any conversation,
6 did you speak to your lawyers?

7 A No.

8 Q Okay. Have any students at Madison
9 asked you whether you are armed at school --

10 A No.

11 Q -- if you are armed at school? And
12 your answer was?

13 A No.

14 Q Have any parents asked you whether
15 you're armed at school?

16 A No.

17 Q To your knowledge, who knows that
18 you're authorized to carry a firearm?

19 A The others that have completed the
20 training, my superintendent, my Board, and my
21 principal.

22 Q Does your spouse know?

23 A Yes.

24 Q Do any of your friends know?

25 A No.

1 Q Have any of your colleagues approached
2 you about whether you are armed at school?

3 A No.

4 Q Have you ever considered taking
5 further training through FASTER or any other program?

6 A Yes.

7 Q Have you taken any further training?

8 A No.

9 Q What further training did you have
10 interest in?

11 A You asked if I have considered it.
12 FASTER does another level where they, once you have
13 assembled a safety team, they come to your school and
14 train at the school. I don't know if it's something
15 that we would be able to afford, but --

16 Q But you, yourself have considered
17 doing that additional level of training?

18 A I think it would be beneficial.

19 Q Do you know how long that training
20 takes?

21 A I don't know anything about that
22 training.

23 MR. MILLER: I have no further
24 questions.

25 MR. CONOVER: I just have a few

1 questions.

2 DIRECT EXAMINATION

3 BY MR. CONOVER:

4 Q Okay. Good afternoon. Thank you for
5 being here with us today. I have just a few questions
6 for you before we finish up. I will do my best to
7 track Mr. Miller's line of questioning, but I just want
8 to let you know, I may jump around a little bit. Were
9 you informed of the requirements of the policy, the
10 Board's policy authorizing individuals to carry a
11 firearm prior to your start to carrying a firearm on
12 school property?

13 A Yes.

14 Q And would you be disciplined if you
15 don't follow that policy?

16 MR. MILLER: Objection.

17 A I don't know, but I would assume
18 possibly.

19 Q And why would you assume that?

20 A Dealing with a firearm in a school
21 zone, it's a felony, something not to take lightly.

22 Q And so we talked earlier about
23 Exhibit C that's in front of you right now. Do you
24 mind looking at that document?

25 A Sure.

1 Q And if you look at the paragraph that
2 says, it's about two-thirds of the way down, "Please
3 note that this letter authorizes," that paragraph.

4 A Yes, sir.

5 Q Can you read the last sentence of that
6 paragraph, please?

7 A "Any abuse of this authority could
8 result in discipline up to and including termination."

9 Q And is it your understanding -- What
10 does that sentence mean to you?

11 A If I abuse this authority that has
12 been given me, it could result in discipline.

13 Q And I believe earlier you talked about
14 a scenario where, in response to one of Mr. Miller's
15 questions, about how you wouldn't go around the hallway
16 during the shooting at Madison; is that correct?

17 A Correct.

18 MR. MILLER: Objection.

19 Q And does that mean that you would not
20 pursue a shooter outside of your area? Just, again, I
21 think that might have been your answer?

22 A Correct.

23 MR. MILLER: Objection.

24 Q And I believe you testified that that
25 could include up to 30 to 40 feet outside -- within --

1 Strike all that.

2 I believe you testified that your area
3 could include 30 to 40 feet around you; is that
4 correct?

5 MR. MILLER: Objection.

6 A Yes.

7 Q Even if stopping or -- I'm sorry.
8 Even if you were to lockdown your room, I think you
9 said it may not stop the threat; is that correct?

10 MR. MILLER: Objection.

11 A Correct.

12 Q Is it still a method that could be
13 used to increase the room's safety during an active
14 shooter situation?

15 MR. MILLER: Objection.

16 A Yes.

17 Q And have you received training from
18 Madison regarding locking down the room?

19 A Yes.

20 Q Is that the ALICE training you
21 referred to?

22 A Yes.

23 Q Do all Madison staff receive that
24 training?

25 A Yes.

1 MR. CONOVER: I think that's all we
2 have.

3 MR. MILLER: I have no further
4 questions. Before we go off the record, I just
5 want to memorialize the parties' agreement
6 regarding the witness' opportunity to review
7 and sign and make any necessary corrections to
8 the transcript that is produced today.

9 This is something that we, as lawyers,
10 have discussed. And the agreement that we've
11 reached is that the witness -- excuse me, the
12 transcript we expect will be ready by next
13 Wednesday, January 16. And assuming it is
14 ready on that date, that the witness will then
15 have until January 25 to review it, make any
16 necessary corrections, and then sign the
17 testimony.

18 And further, the parties agree that if
19 the transcript is not available on Wednesday,
20 the 16th, or not available by Wednesday, the
21 16th, I should say, that the witness will have
22 seven days once the transcript becomes
23 available to review and sign it.

24 MR. CONOVER: Later of seven days of
25 the transcript or January 25, yeah, we agree.

1 MR. MILLER: We're finished.
2
3
4

5
6 _____
7 JOHN DOE 1
8

9 (DEPOSITION CONCLUDED AT 2:05 P.M.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF OHIO :
COUNTY OF BUTLER : SS:

I, Irene D. Donner, the undersigned, a Registered Professional and Merit Reporter and duly qualified and commissioned Notary Public within and for the State of Ohio, do hereby certify that before the giving of their deposition, the within-named JOHN DOE 1 was by me first duly sworn to depose the truth, the whole truth and nothing but the truth; that the foregoing is the deposition given at said time and place by the said JOHN DOE 1; that said deposition was taken in all respects pursuant to agreement as to time and place; that said deposition was taken by me in stenotype, in my presence, and transcribed into typewritten form; and that the transcribed deposition is to be submitted to the witness for examination and signature, and that signature may be affixed out of the presence of the Notary Public.

I further certify that I am neither counsel, attorney, relative nor employee of any of the parties herein, nor in any way interested in the within action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at Fairfield, Ohio, this 17th day of January, 2019.

Irene D. Donner, RPR-RMR
Notary Public - State of Ohio
My Commission expires 7/18/21.