

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 2

TAKEN: By the Plaintiffs

PURSUANT TO: Subpoena

DATE: January 12, 2019

TIME: Commencing at 8:00 a.m.

PLACE: Frost Brown Todd LLC
9277 Centre Pointe Drive
Suite 300
West Chester, Ohio 45069-4866REPORTER: IRENE D. DONNER, RPR-RMR
Notary Public-State of Ohio

- - -

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1 APPEARANCES:

2 On behalf of the Plaintiffs:

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4 Alla Lefkowitz, Esq.
5 Krystan Hitchcock, Esq.
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6 On behalf of the Defendants:

7 Brodi J. Conover, Esq.
8 Alexander L. Ewing, Esq.
9 W. Joseph Scholler, Esq.
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West Chester, Ohio 45069-4866

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11 S T I P U L A T I O N S :

12 It is stipulated by and between counsel for the
13 respective parties that the deposition of JOHN DOE 2, a
14 witness herein, called as upon cross-examination by the
15 Plaintiffs, may be taken at this time and place
16 pursuant to the Ohio Rules of Civil Procedure and
17 Subpoena as to time and place of taking said
18 deposition; that the deposition was recorded in
19 stenotype by the court reporter, Irene D. Donner,
20 RPR-RMR, and transcribed out of the presence of the
21 witness; and that said deposition is to be submitted to
22 the witness for examination and signature, and that
23 signature may be affixed out of the presence of the
24 Notary Public.
25

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

PAGE

Exhibit Y. 10
Subpoena.

Exhibit E. 45
Responses to public records requests.

Exhibit C. 83
Letter from Lisa Tuttle-Huff.

Exhibit F. 84
Firearm Authorization Policy.

- - -

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. 90

- - -

1 JOHN DOE 2,
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 morning.

9 A Good morning.

10 Q A couple of introductions first and
11 then we'll go through a few ground rules for today's
12 deposition. My name is James Miller, I go by Jed. I
13 am a lawyer with Everytown For Gun Safety and I
14 represent the plaintiffs in the lawsuit, Erin Gabbard,
15 et al, versus Madison Local School District Board of
16 Education, et al.

17 I'm joined at the table by two lawyers
18 from Everytown, who I'll give a moment to introduce
19 themselves and then turn it over to the other counsel
20 at the table to make their appearances.

21 MS. LEFKOWITZ: Hi, my name is Alla
22 Lefkowitz, I'm also representing the
23 plaintiffs.

24 MS. HITCHCOCK: I am Krystan
25 Hitchcock, I'm one of the plaintiffs'

1 attorneys.

2 MR. CONOVER: And for purposes of the
3 record, my name is Brodi Conover. I'm
4 appearing on behalf of the defendants in this
5 case, the Madison Local School District Board
6 of Education and the Madison Local School
7 District superintendent, Dr. Lisa Tuttle-Huff.
8 I have two colleagues with me today.

9 MR. EWING: My name is Alexander
10 Ewing. I'm here also on behalf of the
11 defendants.

12 MR. SCHOLLER: I'm Joe Scholler on
13 behalf of the defendants.

14 MR. MILLER: And, counsel, you
15 represent the witness as well; is that right?

16 MR. CONOVER: Yes, and as an employee
17 of the School District.

18 BY MR. MILLER:

19 Q All right. A couple of introductory
20 sort of ground rules to get through. Have you ever
21 testified before, either in court or at a deposition?

22 A Yes.

23 Q How many times?

24 A Once.

25 Q So you're familiar then with what it

1 means to give testimony under oath?

2 A Yes.

3 Q The most important thing is to
4 understand that, because you are under oath, you are
5 therefore required to testify truthfully and
6 accurately. Do you understand that obligation?

7 A Yes.

8 Q If I ask a question that you don't
9 understand or if I have asked it in a way that you
10 believe is unclear, it's important that you understand
11 what I've asked so that you can give accurate
12 testimony. In the event you don't understand a
13 question, can we agree that you'll let me know in
14 some way so that I can rephrase the question more
15 clearly?

16 A Yes.

17 Q Because we have a court reporter that
18 is making a written record of today's testimony, we
19 need to help her make a clear transcript. That means
20 I will not talk over you when you're giving your
21 answers and I'd ask that you wait until I finish my
22 questions before you give your responses. Is that
23 okay?

24 A Yes.

25 Q You also need to give verbal answers

1 to the questions as a head nod or a head shake does not
2 translate well on a transcript and answers like uh-hum
3 and unh-uh look essentially the same. Do you
4 understand that?

5 A Yes.

6 Q Your attorney may object to some of
7 the questions I ask. If he does, you still have to
8 answer the question unless he instructs you not to
9 answer. Do you understand?

10 A Understood.

11 Q And then this is not an endurance
12 test, so if you need to take a break at any point for
13 any reason, just let me know, we can absolutely
14 accommodate that. I would just ask as a courtesy that
15 you finish answering whatever question I've posed
16 before we take that break. Is that fair?

17 A Okay. Yes.

18 Q And then I guess last, just as a
19 matter of housekeeping, we'll be referring to a
20 couple of entities and things repeatedly through the
21 deposition using shorthand just for ease of our
22 conversation. Can we agree that the term "Madison" or
23 the "School District" or the "School" will refer to the
24 Madison Local School District and its schools?

25 A Yes.

1 Q And can we agree that the term the
2 "Board" will refer to the Board of Education of the
3 Madison Local School District?

4 A Yes.

5 Q And, lastly, are you familiar with
6 the resolution to allow armed staff in a school
7 safety zone that was enacted by the Board on April 24,
8 2018?

9 A Yes.

10 Q Can we agree to refer to that
11 resolution as the "resolution"?

12 A Yes.

13 Q Today's deposition is being taken
14 subject to a Confidentiality Agreement between the
15 parties, which allows, among other things, your counsel
16 to designate certain information as highly
17 confidential, which will affect what the parties can
18 later do with that information, to whom it can be
19 disclosed, and how the information is handled and
20 protected over the course of the court proceedings that
21 we're involved in. Are you aware that this is in fact
22 subject to a Confidentiality Agreement?

23 A Yes, I am.

24 MR. MILLER: Do you want to add
25 anything with respect to the Confidentiality

1 Agreement?

2 MR. CONOVER: Yes. Thanks, Jed. I
3 think the defendants have taken the position
4 that the individual identities of the deponents
5 today is most certainly highly confidential;
6 and perhaps even more than that, we've argued
7 that to Judge Pater in this case through a
8 Motion to Quash and a Motion For Protective
9 Order. He's denied that. And while the
10 defendants may disagree with it, we're
11 obviously here today in compliance with that
12 Court Order. So I just want to, again, ensure
13 the confidentiality of these proceedings today
14 as they pertain to the identities of the
15 deponents.

16 BY MR. MILLER:

17 Q Are you under the influence of any
18 medication or other substance that could affect your
19 ability to testify truthfully and accurately today?

20 A No.

21 Q And are you testifying pursuant to a
22 Subpoena today?

23 A Yes.

24 MR. MILLER: Would you mark this as
25 Exhibit Y?

1 (Thereupon, Exhibit Y was marked for
2 identification.)

3 Q I'm showing you a document that has
4 been marked by the court reporter as Exhibit Y. Do you
5 recognize this document?

6 A Yes, it looks familiar.

7 Q What is this document?

8 A That is the Subpoena for the John
9 Does.

10 Q Is this a Subpoena that is directed to
11 you?

12 A It is a Subpoena directed to the John
13 Does. I am in fact one of these John Does.

14 Q And so your testimony today is
15 pursuant to this Subpoena marked as Exhibit Y; is that
16 right?

17 A Correct.

18 Q Okay. You can set that aside. How
19 did you prepare for this deposition?

20 A I met with Alex Ewing.

21 Q Did you talk to anyone else other than
22 your lawyers in preparation for this deposition?

23 A Not so much in preparation for the
24 deposition. I did speak with the Board president
25 yesterday morning and touched base with him, but we

1 didn't really talk about the deposition other than that
2 he had done his and I was going to be prepared.

3 Q Did you talk about his testimony at
4 all?

5 A No, I think all we mentioned was
6 potentially a question about just the policy and
7 insurance. It was a quick conversation.

8 Q Did you review any documents in
9 preparation for today's deposition?

10 A Yes.

11 Q What did you review?

12 A I reviewed the firearm policy, the
13 letter that was issued by the Board that the
14 superintendent provided to the armed staff.

15 Q Anything else?

16 A I don't believe -- I may have looked
17 at a couple of documents that were part of the package
18 that were sent of discovery items.

19 Q Do you remember what those were?

20 A Other than the ones I mentioned, I
21 don't recall.

22 Q Did you review any insurance-related
23 documents?

24 A Yes.

25 Q What insurance-related documents did

1 you review?

2 A So that was the insurance policy
3 provided to the District for coverage of armed staff.

4 Q Could you please state and spell your
5 name for the record?

6 A [REDACTED]
7 [REDACTED]

8 Q And are you an employee of the Madison
9 Local School District?

10 A Yes, I am.

11 Q In what capacity?

12 A [REDACTED]

13 Q How long have you been in that
14 position?

15 A [REDACTED]

16 Q And what was your employment before
17 that?

18 A [REDACTED]
19 [REDACTED]

20 Q So you have, for the last [REDACTED]
21 [REDACTED], been employed by the Madison Local School
22 District as the [REDACTED]; is that right?

23 A Yes, correct.

24 Q Are you authorized to carry a firearm
25 on school property?

1 A Yes, I am.

2 Q Why did you decide to become
3 authorized?

4 A Well, for a number of reasons.
5 Number 1, it's to be able to go home at night and be
6 with my family in case there is another shooting
7 incident. I want the opportunity to get back home,
8 protect myself, protect the people if I need to that
9 are in the line of fire.

10 Q You have mentioned protecting yourself
11 and protecting others. Are there any other reasons?

12 A It's my Constitutional right to carry.

13 Q Any other reasons?

14 A Those are pretty much the main
15 reasons.

16 Q Do you want to be able to deter an
17 attack at the school by carrying a firearm?

18 MR. CONOVER: Objection.

19 A No, my job is not to deter. We are
20 told that what we are to do is to either escape if we
21 can, and the only time that I would ever pull my gun
22 out is an imminent life or death situation where I have
23 no other choice. It's either hold in place, run, the
24 last resort is if we have no choice.

25 Q Were you present at Madison on the day

1 of the shooting in February, 2016?

2 A Yes, I was.

3 Q Where were you when the shooting took
4 place?

5 A [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q About how far away from the shooting
15 were you when it occurred?

16 A I'm not sure of the distance. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q And tell me what happened when you
20 first learned about the shooting.

21 A The first thing we did was lockdown,
22 and then we were on the phone or trying to get through
23 to find out what's going on and called [REDACTED]
24 [REDACTED] to make sure that what we heard was correct.

25 Q What does locking down involve?

1 A Locking down means you're locking the
2 front doors, you're making sure that any entry into the
3 building is secured.

4 Q About how many people work [REDACTED]
5 [REDACTED]?

6 A [REDACTED]
7 [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED] [REDACTED]
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[REDACTED]

Q Did you have a firearm with you on the day of the shooting in 2016?

A No.

Q How did not having a firearm make you feel?

MR. CONOVER: Objection.

A I don't know what I was thinking at the time, but I thought about wishing I had a gun. I did feel very unsafe.

Q Did you own a gun at that point?

A Yes.

Q Did you have a concealed carry permit at that point?

A Yes.

Q Did you carry a firearm when not on school property regularly in 2016?

A Most likely, yes.

Q Where was your firearm on the day of the shooting?

A It was in my home locked in my safe.

Q What did you personally do on the day of the shooting when it occurred?

1 MR. CONOVER: Objection.

2 A Well, we were pretty much locked down.
3 There wasn't a whole lot we could do. We were pretty
4 much waiting to hear the all clear and then we were
5 pretty much -- Nothing we could do, we were locked in.

6 Q Did there come a time when you left
7 [REDACTED]?

8 A It was at the end of the day and we
9 went home.

10 Q What were the circumstances of leaving
11 [REDACTED] on the day of the shooting?
12 How does that happen?

13 MR. CONOVER: Objection.

14 A I'm not following what your question
15 is.

16 Q You described when the shooting began
17 going on lockdown; is that right?

18 A Uh-hum.

19 Q And then you remained on lockdown and
20 I believe you remained on lockdown for some amount of
21 time; is that right?

22 A Correct.

23 Q And then there came a point at which
24 the lockdown ended?

25 A Correct.

1 Q I'd just like you to describe when the
2 lockdown ended and what happened next?

3 A So I believe we did receive a phone
4 call. Joe Scholler was with us at the time. He
5 arrived after the shooting.

6 MR. CONOVER: Just to the extent that
7 you're going to divulge any attorney-client
8 privilege, I'm going to instruct you not to
9 answer, but you can continue with your answer.

10 A Okay. At the end of the day we got an
11 all clear and locked the doors and went home, got in
12 the car and left.

13 Q Would you react the same way if a
14 shooting occurred today or Monday, I guess?

15 MR. CONOVER: Objection.

16 A It would depend on the situation, I
17 suppose.

18 Q What do you mean by that?

19 A Number 1, what we're going to do, it's
20 going to be the same routine. The first thing is if we
21 know there's an active shooter and coming towards our
22 building, it's either if we can get a free way to
23 escape, we're going to do that. If there is no way,
24 we're going to lockdown. So it's kind of the same
25 situation. And then that's going to be the first two

1 things we do.

2 Q Would anything be different about your
3 response if a shooting were to occur now that you are
4 armed with a firearm?

5 A It would depend on the situation. ■

6 ■

7 ■

8 ■, there's nothing I'm going to do.
9 We're going to have to lockdown and secure our area or
10 we're going to escape.

11 Q And what do you mean by your "area"?

12 A Our building, ■

13 ■

14 Q And what if a shooting were in what
15 you described as your area?

16 A If we can escape, we're going to do
17 that. The first thing we're going to do is we're going
18 to lock ourselves ■. We have heavy wood
19 doors.

20 Q Did you lock yourselves ■
21 ■ on the day of the shooting in
22 February of 2016?

23 A I don't believe we all did that, no.
24 We locked ourselves ■

25 Q And you personally, did you lock

1 yourself in [REDACTED] in February of 2016?

2 A No.

3 Q Why do you think you would do that
4 now?

5 A Because we've had a lot more
6 heightened awareness and we've been told, you know,
7 we've gone through different training of what you need
8 to do, we've read up on it. After a shooting, you want
9 to know what you did right and what you did wrong.

10 Q In the event of an active shooter
11 within your area, as you've described it, I believe you
12 testified a minute ago that, if possible, you would
13 attempt to escape; is that right?

14 A That's right.

15 Q If an escape were not possible, what
16 would your reaction be?

17 MR. CONOVER: Objection.

18 A Again, the first thing we would do is
19 we would lockdown the building and we would get
20 ourselves into a secure room, a secure location, shut
21 our doors.

22 Q Are there any circumstances in which
23 you would use your firearm?

24 A Only in an imminent life and death
25 situation, if there is a gun pointed at us, yes. If I

1 had no choice and we cannot get out of that, yes.

2 Q And so it's your testimony that in the
3 circumstances that you have just described, you would
4 do what with your firearm?

5 A Well, if it's an imminent life and
6 death situation where I do not have a choice, I would
7 take my gun out of my holster and I would shoot at the
8 person who was shooting at us.

9 Q And that is something that you would
10 not have done and, in fact, could not have done in 2016
11 because you were not armed; is that right?

12 MR. CONOVER: Objection.

13 A That's correct.

14 Q Have you ever been the victim of a
15 crime?

16 MR. CONOVER: Objection.

17 A I have had things stolen out of my
18 shed, things of that nature. I mean, no major crime.

19 Q Have you ever been threatened with a
20 firearm?

21 MR. CONOVER: Objection.

22 A No.

23 Q Ever been robbed?

24 MR. CONOVER: Objection.

25 A No.

1 Q Mugged?

2 MR. CONOVER: Objection.

3 A No.

4 Q You mentioned a moment ago some
5 training. I would like to go into that in a bit
6 greater detail. Were you referring to any particular
7 training when you made reference to it in our
8 discussion a moment ago?

9 A So I've attended FASTER training.

10 Q And was FASTER training something that
11 is offered -- Strike that.

12 Why did you attend FASTER training?

13 A Because I wanted to be trained as an
14 armed staff.

15 Q And is that training in fact required
16 of armed staff?

17 A Yes, it is.

18 Q Is it offered to all staff of the
19 District?

20 A Well, it's going to be -- If someone
21 is interested in being armed staff, they're going to
22 have to meet with either the superintendent or the
23 Board president for them or for the Board to make a
24 decision that they're going to send them to FASTER or
25 not.

1 Q And so in your understanding, is
2 FASTER training available to individuals that have not
3 expressed an interest in being an armed staff member to
4 the superintendent?

5 A FASTER training is actually open to
6 the public, I believe.

7 Q What does FASTER training entail?

8 A It has a few components to it. There
9 is a firearms instruction, both verbal and physical use
10 of firearms. There is medical trauma training. Those
11 are the two big ticket items there.

12 Q Let's see if we can break it down a
13 little further. The firearm instruction you referred
14 to, in what kind of facility does that take place?

15 A It's at an undisclosed location. It
16 is a multi-acre facility with multiple buildings,
17 classroom buildings, live fire buildings, shooting
18 ranges, live fire training, houses. There are open
19 fields with props, I guess you would call that, or
20 things that are set up for different shooting
21 scenarios.

22 Q You mentioned that there is a
23 classroom in that facility?

24 A Yes.

25 Q Is part of the FASTER training

1 conducted in a classroom setting?

2 A Yes, it is.

3 Q And I think you mentioned --

4 A It's a building, it's set up like a
5 classroom, there's tables. I mean, I call it a
6 classroom, but that's their main building. So when you
7 arrive, that's where you're situated, that's where they
8 introduce themselves.

9 Q And to be clear, how does the FASTER
10 training use this classroom space? Is it for
11 instruction as in classroom instruction or is it for
12 simulating a classroom in which --

13 MR. CONOVER: Objection.

14 Q -- physical training drills take
15 place?

16 MR. CONOVER: Objection.

17 A No, there is no training drills taking
18 place in that building, it's more of a classroom
19 setting, an instructional setting.

20 Q Okay. So you actually receive
21 instruction while sitting in the classroom?

22 A Some verbal instruction, right. There
23 is no simulation.

24 Q Okay. And to try to circle back to
25 some of the other elements of the facility, you

1 described a live fire building?

2 A Yes.

3 Q What is that?

4 A Okay. So a live fire building is a
5 training building that's on the property. They will
6 have target silhouettes there in different rooms. They
7 have sliding walls so they can create different type
8 scenarios, different rooms, different angles, things of
9 that nature. And they train you in different
10 situations as far as how you approach rooms, how you
11 approach doorways.

12 Q They train you on how to approach
13 doorways and rooms in this facility?

14 A Uh-hum.

15 Q As part of the FASTER training
16 specifically?

17 A Right.

18 Q In other words, you did FASTER
19 training, at least some of it, in this building?

20 A That's correct.

21 Q I believe you also mentioned a
22 shooting house or shooting houses?

23 A Right.

24 Q Is that right?

25 A Right.

1 Q What are those?

2 A So there is a house there, a
3 multi-floor house where there are different rooms and
4 they train you in that room with different scenarios
5 using airsoft guns, protective gear, of course.

6 Q Can you clarify what an airsoft gun
7 is?

8 A An airsoft gun is basically -- it's
9 like a BB gun for all intents and purposes with soft
10 pellets.

11 Q And so you can use that airsoft gun to
12 shoot at human targets; is that correct?

13 MR. CONOVER: Objection.

14 A That's correct.

15 Q In other words, the targets are not
16 paper or steel or wood or cardboard cutouts; is that
17 right?

18 MR. CONOVER: Objection.

19 A So in this training, you are either an
20 armed staff, you're given the role of either an armed
21 staff or you are an active shooter. And then the other
22 people who are in the class are in whatever that
23 scenario is, they're in a classroom or whatever
24 scenario they pick. And so the only people who are
25 actually going to have that gun will be the person who

1. is in the role of the armed staff or the active
2 shooter. And your role as armed staff would be, if
3 there is a situation, how do you handle that, there is
4 an armed person who is shooting people.

5 Q Okay.

6 A So then you're trained as to how to
7 find that target or identify who is a shooter and who
8 is not a shooter.

9 Q How are you trained to find the
10 target?

11 A You're looking for a gun.

12 Q Can you walk me through a drill that
13 you did in which you would find a target?

14 A So one role was -- Let's see. There
15 was a -- I think it was a classroom setting on a second
16 floor and brought up the stairs as just kind of a
17 normal walking into your classroom or what it might be
18 as a staff, and there is a -- you start to hear
19 screaming and yelling and, you know, people are saying
20 "gun, gun." And as you're walking in, you're pretty
21 much -- you're looking to see if there is an active
22 shooter.

23 Q And this is a drill in which you
24 played the role at one point of the armed staff member?

25 A I also played the role of the active

1 shooter, yes.

2 Q And I take it that other students in
3 the FASTER course are playing roles like students and
4 staff; is that right?

5 A That's correct.

6 Q In a drill like the one you have just
7 described, are you in the room where the shooter is
8 located when the simulated attack begins?

9 A You could very well be in the room
10 when the simulated attack begins, yes.

11 Q In the drill you've just described
12 where you were, I believe your words were being
13 "brought up the stairs"?

14 A Uh-hum, uh-hum.

15 Q Were you in the room with the shooter
16 when the simulated attack began?

17 MR. CONOVER: Objection.

18 A No, not when the attack began.

19 Q And so when the attack began, you were
20 somewhere outside of the classroom or other room where
21 the shooting began; is that right?

22 A Correct.

23 Q And walk me through what you do next
24 once that drill begins.

25 A When you enter the room, you're

1 identifying if there is a shooter or if it's just
2 people yelling. You don't know what the situation
3 really is. And if there is someone actively shooting,
4 if you have a clear shot, you take the shot.

5 Now, understand, though, this is one
6 bit of their training. They understand that some
7 school districts will not allow you to do that. Like
8 in our case, in our District, we are not allowed to
9 pursue or go towards gunfire, we're not allowed to do
10 that.

11 Q Okay. But is it --

12 A It's just one of their training.
13 Sorry.

14 Q Is it fair to say that in FASTER
15 training you do in fact train to approach gunfire or
16 the location where you believe the shooter is; is that
17 correct?

18 MR. CONOVER: Objection.

19 A Correct.

20 Q How many different drills would you
21 say simulated a situation in which you as the armed
22 staff member move from the location where you began the
23 drill into a room or other location where the shooter
24 was?

25 A Oh, man, I couldn't begin to remember

1 how many different scenarios we did. I mean, it was a
2 pretty intense weekend, so we did a lot of different
3 scenarios. I don't know the number.

4 Q Of all the scenarios that you practice
5 over the course of this FASTER training, how many
6 scenarios -- what's your best approximation of the
7 number of different scenarios that you practiced?

8 MR. CONOVER: Objection.

9 A Honestly, I don't know. It was a long
10 weekend. I mean, I really don't know the number of
11 scenarios. There was a lot of them.

12 Q Do you think it was more or less than
13 ten scenarios?

14 A Oh, it was certainly more than ten.

15 Q Do you think it's more or less than
16 20?

17 A It could have been more than 20.

18 Q Can you give me some other examples of
19 scenarios that you do remember practicing?

20 A So are we talking in a live fire house
21 or are we talking in the training house or are we
22 talking in the range?

23 Q Thank you for clarifying. Let's talk
24 first about the live fire -- Strike that.

25 Let me ask a couple questions to try

1 to clarify how I understand this. You had mentioned a
2 live fire building, which I believe you said had target
3 silhouettes and moving walls?

4 A Correct.

5 Q Is that right?

6 A That's correct.

7 Q And we'll refer to that as the live
8 fire building. What's the word for the training that
9 you receive in that facility? Like is there a type of
10 training that you receive in that facility?

11 A I don't know if there was a word for
12 it, but it was the live fire house.

13 Q Okay.

14 A I mean, if we were told live fire
15 house, we knew where to go.

16 Q Okay. About how long do you think you
17 spent in training at the live fire house?

18 A I don't remember the number of hours.
19 I mean, it could -- We were in there multiple times and
20 then there is actually multiple live fire houses.
21 There are at least two, so I believe that I was in both
22 of them. I don't know the number of hours. I mean, I
23 would be guessing if I gave you an answer.

24 Q Could you give me, was it more or less
25 than one day in total?

1 A In total, probably less than one day.

2 Q Do you think it was more or less than
3 half a day in total?

4 A I'm going to say it was probably a
5 little more than half a day.

6 Q So you think it's fair to say in total
7 you spent between a half day and a full day in
8 exercises in the live fire house?

9 A That's probably right.

10 Q Okay. Let's move to the shooting
11 house, by which I mean the multi-floor house that you
12 described.

13 A Uh-hum.

14 Q And is the distinctive feature of the
15 shooting house that you use airsoft guns while in that
16 house?

17 A Yes. I don't recall if we -- There
18 was moments where we did not use airsoft. It's
19 possible there were times we didn't. We just were
20 instructed and followed their lead.

21 Q Okay. Did you use airsoft guns in any
22 other facility during the FASTER training or only in
23 the shooting house?

24 A I believe it was just the shooting
25 house.

1 Q Okay. And what firearm or other
2 implement did you use while in the live fire building?

3 A So in the live fire building, when you
4 were given the permission and you were going through a
5 specific scenario, you would use your handgun.

6 Q And so that is an actual handgun that
7 shoots live rounds?

8 A Right.

9 Q You practiced with your own personal
10 handgun?

11 A Correct.

12 Q What is that?

13 A It is a Glock 27.

14 Q And what caliber is that?

15 A It's a .40 caliber.

16 Q And that is a pistol, not a revolver;
17 is that correct?

18 A Correct, a striker fire gun.

19 Q Besides the live fire -- Let me strike
20 that.

21 The shooting house in which you used
22 the airsoft guns, about how much of the FASTER training
23 do you believe took place in the shooting house?

24 A I don't know. Honestly, I don't know
25 how many hours. I mean, it was --

1 Q Was it multiple hours in the shooting
2 house?

3 A Oh, absolutely, yes.

4 Q Do you think it was more or less than
5 a day worth of training in the shooting house?

6 A I may have been a day at least,
7 uh-hum.

8 Q Was it more time than in the live fire
9 building?

10 A Possibly, possibly.

11 Q Okay. What other locations on this
12 FASTER training facility did you do training?

13 A Okay. So they have the firing range
14 and then they also have kind of an open field. I'm not
15 really sure what they call it. It's more of an open
16 outdoor range, but there are props there, walls,
17 vehicles, things of that nature.

18 Q And then beyond the firing range and
19 open field, you just mentioned there is also the
20 classroom; is that right?

21 A Correct.

22 Q About how long did you spend in the
23 classroom?

24 A It's certainly more than half a day
25 because our medical and trauma training that took place

1 in that building was at least, I believe, half of the
2 day. It was actually in the evening, during the
3 evening, and I believe it was about half a day. So
4 that plus the trauma that was taking place when you are
5 actually training during the scenarios and the open
6 field or in the shooting house.

7 Q Okay. Can you walk me through an
8 example of a drill you recall in the live fire
9 building?

10 MR. CONOVER: Objection.

11 A In the live fire building?

12 Q Yes.

13 MR. CONOVER: Just to clarify, I think
14 it was live fire house is how he referred to
15 it. Is that what we're talking about?

16 MR. MILLER: Well, let me just ask to
17 make sure we're clear on the location we're
18 talking about.

19 BY MR. MILLER:

20 Q We did refer to a facility using the
21 term live fire. What was the name, as you understood,
22 that that location is called?

23 A Live fire house.

24 Q Live fire house?

25 A Uh-hum.

1 Q And that is the location where you
2 undergo training with your own personal firearm?

3 A That's correct, one of the locations.

4 Q And you use live ammunition in that
5 training at times?

6 A At times.

7 Q Do you ever use airsoft guns in that
8 building?

9 A I don't believe so. There was
10 training guns that were used, like plastic type guns, I
11 believe. I don't recall if they were airsoft guns. I
12 don't remember if we actually shot airsoft pellets in
13 that building, but we definitely had training type guns
14 with us in there.

15 Q And by "training guns," you mean
16 nonfunctional guns?

17 A Correct, plastic, solid chunk of --

18 Q Okay. Can you describe for me the
19 drills you recall or the training that you did in the
20 live fire house?

21 A There were multiple ones in there.
22 Are we talking with the live gun or are we talking with
23 the training gun?

24 Q I'd like to cover either of them,
25 don't have a preference which one you begin with first

1 as long as your answer is clear.

2 A Okay. So, basically, the beginning
3 when you're first introduced to this live fire house,
4 you're actually all in one room and they're teaching,
5 they're instructing, you're standing up and you're not
6 sitting in any classes, but they're actually teaching
7 you and explaining how things work in a building, how
8 angles work and things of that nature.

9 And then they start off with the
10 training with the plastic guns, the solid plastic
11 training guns, and they have you do a different
12 scenario where a group of people may be in one back
13 room and you're in this room and they have you walk
14 down this hall to where there might be screaming or
15 something going on.

16 And there is doorways as you go along
17 and they train you how to avoid getting shot as you
18 pass these doors, to make sure that there is no threat
19 in those doorways. And then they bring you -- As you
20 go to the room where there may be a simulated classroom
21 or people in there, that's where you're trained on how
22 to peek around the corner or get around the angles.
23 That's the training, that's the plastic training.

24 Q So with the simulated non-functional
25 plastic guns, you are doing training drills that

1 include moving down hallways while reducing your
2 exposure in order to arrive at a scene of a shooting or
3 other incident; is that right?

4 MR. CONOVER: Objection.

5 Q Is that a fair characterization?

6 MR. CONOVER: Objection.

7 A I mean, you're arriving in a shooting
8 situation.

9 Q But specifically, you were practicing
10 how to move from one location to the shooting situation
11 while reducing your exposure?

12 MR. CONOVER: Objection.

13 A In some scenarios.

14 Q And are you taught how to enter into a
15 room where a shooting takes place?

16 A So, yes, they will train you how, when
17 to cut your corner, if you're going to enter that room,
18 how you enter the room.

19 Q What do you mean by "cut your corner"?
20 What does that mean?

21 A So if you're coming down a hallway and
22 there is a doorway and let's just say this is where
23 your active shooter is or even if it's not an active
24 shooter, you don't want to expose yourself. So you
25 don't want to walk and have your full body in a doorway

1 because you're going to get shot, you're going to get
2 killed.

3 Q Right.

4 A So what they do, they teach you how to
5 get around or peek around that wall using a certain
6 stance of your body to see if you can see if there's a
7 shooter.

8 Q And are you holding your, in this
9 case, simulated firearm while doing this?

10 A Yes, yes.

11 Q And describe your body stance as you
12 do the movements you're describing.

13 A So you could be pivoting, you could be
14 walking around at an angle, taking steps around the
15 doorway, peeking over around a corner.

16 Q Is your gun drawn at this point?

17 A No.

18 Q It's holstered?

19 A It's holstered.

20 Q Why would you be moving from location
21 to location in a drill like this? Why do you practice
22 that?

23 MR. CONOVER: Objection.

24 A Because if you are a district or a
25 person who is in charge of taking care of an active

1 shooter, then this is something you have to learn.

2 Q Why do you have to learn it?

3 A Because if you don't, if that is your
4 role, and your role is given to pursue, you have to
5 know how to do it. You have to know how to get through
6 without getting yourself killed and eliminating a
7 threat.

8 Q Is it fair to say that the FASTER
9 training that you received included instruction on how
10 to pursue an active shooter?

11 MR. CONOVER: Objection.

12 A It did both, yes. It did both pursue
13 and, you know, whatever your Board policy is or
14 whatever your Board indicates. They tell you if you
15 are to stay in place and not pursue, then you are not
16 going to pursue; but if you are, this is what you do.

17 Q Setting aside the particulars of any
18 district's board policy, I just want to focus on what
19 the training is at the FASTER facility and specifically
20 what that training is that you received.

21 A Well, that is part of the training. I
22 mean, when they're instructing you, they're instructing
23 you to do what your board says.

24 Q Okay. And then you practiced drills,
25 it sounds like, that include drills where you pursue a

1 simulated active shooter; is that right?

2 MR. CONOVER: Objection.

3 A It's either if you pursue or if you
4 are in a classroom and a shooter enters that classroom
5 and you have no escape.

6 Q I understand you practiced drills in
7 which an active shooter reveals himself or herself in
8 the room where you are initially located. Those drills
9 aside, you also do drills, is it fair to say, where you
10 practice moving towards an active shooter and engaging
11 them; is that fair to say?

12 MR. CONOVER: Objection.

13 A There are times, yes, where you are
14 moving towards an active shooter and to eliminate the
15 threat.

16 Q And those drills, some of those drills
17 take place in the live fire building; is that true?

18 A That is true.

19 Q And some of those drills take place in
20 the shooting house in which you use airsoft weapons?

21 A That's correct.

22 Q And you, yourself participated in this
23 type of pursuit drill in both locations?

24 MR. CONOVER: Objection.

25 A That is correct.

1 Q Did you take training with any other
2 Madison School District employees?

3 A Yes, I did.

4 Q How many?

5 A [REDACTED]

6 Q There were [REDACTED] other Madison employees
7 with you on the days that you trained or you did FASTER
8 training?

9 A Correct.

10 Q And you know those [REDACTED] individuals'
11 identities?

12 A Yes, I do.

13 Q Were you with them when you did this
14 training in the live fire building?

15 A Yes. Well, let me correct that.
16 There are times in the live fire training where you are
17 the only person and you are with your instructors --

18 Q Okay.

19 A -- when you are using your live gun.
20 When you are using your live gun, you are the only one
21 there with a loaded gun shooting.

22 Q Okay.

23 A If you're in the shooting house,
24 that's where the classroom is there. Obviously, it's
25 safe, everyone is protected. But any time you're

1 shooting in that live fire house, it's you and multiple
2 instructors who are by your side.

3 Q Okay. Do you know whether the other
4 Madison employees that you were with at FASTER training
5 did drills in which they also practiced pursuing an
6 active shooter from one location to another?

7 MR. CONOVER: Objection.

8 A They were -- they took place and took
9 part in all the training.

10 Q Did you, yourself see them do those
11 drills at times?

12 A Not every one of them, no. I may have
13 been in a different room when they came through.

14 MR. CONOVER: Counsel, I think you're
15 going to have an opportunity to ask them these
16 questions.

17 MR. MILLER: Understood.

18 BY MR. MILLER:

19 Q The [REDACTED] individuals that we're
20 referring to that are from the Madison School District
21 that trained with you, are those individuals now
22 authorized to possess firearms on Madison School
23 property?

24 A Yes, they are.

25 MR. MILLER: Let's go off the record

1 and take a quick break.

2 (Deposition stood in recess.)

3 MR. MILLER: Let's go back on, please.

4 BY MR. MILLER:

5 Q Without revealing the contents of any
6 discussion, were you able to confer with -- Did you
7 confer with counsel during the break?

8 A Yes.

9 Q As an armed staff member at the
10 Madison Local School District, are you covered by any
11 type of insurance policy held by the District?

12 A Yes.

13 Q And what is your understanding of that
14 insurance policy?

15 A It is a million dollar policy, it is a
16 \$5,000 deductible, and it covers armed staff. In this
17 particular policy, I believe it covers just the [REDACTED]
18 armed staff.

19 Q Is this a policy that the District
20 obtained specifically in connection with arming staff
21 or is this a policy that the District already had in
22 place at the time it made the decision to arm staff?

23 A No, this is an additional coverage
24 that the District sought after deciding to arm staff.

25 [REDACTED]

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Q

I'd like to show you an exhibit that was previously marked during earlier depositions as Exhibit E, as in echo, and we would like it also assigned E for this deposition. And it's E, which you have seen.

(Thereupon, Exhibit E was marked for identification.)

Q

Now, before you flip all the way through E, I'll just represent to you that the actual exhibit here is a collection of documents that was produced by Frost Brown Todd, the District's attorneys, in connection with a public records request. And so what you're looking at as Exhibit E is in fact a collection of different documents. And so I'd like to

1 direct your attention to the sixth page of this
2 document, which has at the top of the page the phrase
3 "Law Enforcement Liability Coverage Form--Occurrence
4 Form." Do you see that page?

5 A Yes.

6 Q And do you see at the bottom of this
7 page where it references Page 1 of 6?

8 A Yes.

9 Q And can you confirm this is in fact a
10 six-page document?

11 A Yes.

12 Q What is this six-page document?

13 A That is the insurance policy to cover
14 armed staff.

15 Q This is in fact the policy that is in
16 effect in the District, to your knowledge?

17 A To my knowledge, this is the one, yes.

18 Q The header I used to identify this
19 page to you, could you read it to me?

20 A "Law Enforcement Liability Coverage
21 Form--Occurrence Form."

22 Q What does the phrase "Law Enforcement
23 Liability Coverage" mean to you?

24 MR. CONOVER: Objection.

25 A It is a liability policy regarding law

1 enforcement. I don't know how else to read that.

2 Q Did the District intend to obtain law
3 enforcement liability coverage?

4 MR. CONOVER: Objection.

5 A No, this is not just a law enforcement
6 policy. The header may read "Law Enforcement Policy,"
7 but it was very clear when the purchase or when the
8 request for the policy was made that it was for armed
9 staff, not for law enforcement. I believe that is just
10 how they call this policy, whether it's armed staff or
11 if it is law enforcement.

12 Q Okay. Directing your attention to
13 "Section I--Coverage" --

14 MR. CONOVER: Quickly, Jed, it sounded
15 like he was about to say something. I just
16 want to make sure that he has completed his
17 answer.

18 Q Sorry. Were you finished with your
19 last answer?

20 A Yes, I'm good.

21 MR. CONOVER: Sorry.

22 Q Directing your attention to Section I
23 on this first page, under "Bullet A, Insuring
24 Agreement," do you see where it reads, "The company
25 will pay on behalf of the insured(s) all damages

1 resulting from a wrongful act(s) which arise out of the
2 law enforcement activities." Did I read that
3 correctly?

4 A Yes.

5 Q What does the phrase "the law
6 enforcement activities" refer to in that sentence?

7 MR. CONOVER: Objection.

8 A I think it's a broad description.

9 [REDACTED]
10 [REDACTED] I
11 believe it's just a boilerplate-type document they use
12 for that coverage.

13 Q Does the phrase "the law enforcement
14 activities" refer to the actions of armed personnel at
15 the School District?

16 MR. CONOVER: Objection.

17 A Yes. The armed personnel are not
18 considered law enforcement. That was never the intent,
19 nor the expectation with the policy.

20 Q I understand. Notwithstanding, you
21 agree that -- or you have just testified, am I wrong,
22 that the phrase "the law enforcement activities" there
23 refers specifically to the activities of civilian
24 Madison Local School District personnel who are armed;
25 is that right?

1 MR. CONOVER: Objection.

2 A That's correct.

3 Q Okay. And, specifically, it insures
4 as to damages that arise out of the term "wrongful
5 act(s)"; do you see where it says that in the sentence
6 we were just covering?

7 A Yes.

8 Q And I want to direct your attention to
9 the fourth page of this document. And, actually, you
10 may need to briefly refer to the third page to see that
11 we are reviewing Section III of this document, which is
12 the "Definitions" section; is that correct?

13 A Understood, yes.

14 Q And under the "Definitions," do you
15 see where at Number 13 it provides a definition for
16 "Wrongful Act"?

17 A Yes.

18 Q What is the definition of a "Wrongful
19 Act" in this policy?

20 A Would you like me to read this?

21 Q Please.

22 A It "means an actual or alleged error
23 or omission, negligent act, neglect or breach of duty
24 by an insured while conducting law enforcement
25 activities."

1 Q Okay. You can stop there. I realize
2 there's a bit more to this definition. But for our
3 purposes, what does the phrase "law enforcement
4 activities" refer to in the definition of "Wrongful
5 Act," if you know?

6 MR. CONOVER: Objection. I would just
7 say that I think the witness should be able to
8 complete the sentence, but go ahead.

9 Q I will be happy to have you read the
10 entire sentence. Would you like to do that?

11 A Okay. Yes, please.

12 Q So what is the full sentence for the
13 Definition Number 13 for "Wrongful Act"?

14 A I'll reread it and include everything.

15 Q Please.

16 A Okay. It "means an actual or alleged
17 error or omission, negligent act, neglect or breach of
18 duty by an insured while conducting law enforcement
19 activities, which result in: a. personnel injury, or
20 b. bodily injury, or c. property damage, caused by an
21 occurrence."

22 Q Is that the complete definition there?

23 A That is complete for Number 13, yes.

24 Q Okay. And in there the definition
25 refers to "law enforcement activities," doesn't it?

1 A That's the terminology that is used.

2 Q What's your understanding of the
3 meaning of the term "law enforcement activities" as it
4 applies to Madison Local School District's armed
5 personnel?

6 MR. CONOVER: Objection.

7 A Okay. I believe it's a broad term,
8 "law enforcement." Again, the policy is understood as
9 armed staff who are not acting as law enforcement
10 officers.

11 Q Does the term "law enforcement
12 activities" mean the activities of Madison Local School
13 District's armed personnel?

14 A In this policy, as I mentioned.

15 Q Is that a yes?

16 A Yes.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 [REDACTED]
21 [REDACTED]

22 Q What information has been provided to
23 the insurance company with respect to armed personnel?

24 A I believe it was the armed personnel
25 names, and I believe it was their certification

1 passing --

2 Q What do you mean?

3 A -- certification passing the training
4 and qualifications required by the Board policy.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Q And did that information include documentation of each armed staff member's completion of the FASTER program?

A Yes.

Q Did it include documentation of each armed staff person's handgun qualification, passage of the handgun qualification course or test?

A [REDACTED] It's possible. [REDACTED]

[REDACTED]

Q Okay. Did the materials [REDACTED] sent the insurance company include documentation that each armed staff person had obtained a valid CCW permit?

A [REDACTED]

[REDACTED]

Q What other materials [REDACTED] sending to the insurance company in connection with obtaining this policy?

A So there was an application that [REDACTED] had to complete and they required certain documents along with that. And just to my memory, it was the certification showing that they had completed the training with FASTER. I don't remember the other documents [REDACTED] sent to them.

1 Q Do you have a record of the
2 application form that [REDACTED] completed?

3 A Yes.

4 Q Do you know whether that has been
5 provided by your attorneys in this case?

6 A I believe it has been. I don't know.

7 Q And you said that that application
8 form included attached documents; is that correct?

9 A Correct.

10 Q And specifically included the attached
11 documents we have just been describing?

12 A Yes.

13 Q Do you have a record -- I'm sorry,
14 strike that.

15 The document that [REDACTED] retained,
16 the application document that [REDACTED] retained, does
17 it also include copies of the documents that were
18 attached to the application?

19 A It's possible that [REDACTED] attached
20 them to the application. If not to the application, [REDACTED]
21 [REDACTED] those documents -- or [REDACTED] those
22 documents, the Board has those documents locked in
23 their safe.

24 MR. MILLER: Counsel, we ask that the
25 application be provided, be produced in this

1 case immediately.

2 MR. CONOVER: Again, we understand our
3 obligations. Thank you.

4 BY MR. MILLER:

5 Q Where is this document located? Where
6 is it stored and kept?

7 A It's stored in the Board president's
8 locked safe in the Board building.

9 Q How do you know that?

10 A [REDACTED]
11 [REDACTED]

12 Q And this application is in fact
13 considered secure information?

14 A Yes.

15 Q Why?

16 A Because it reveals the name of armed
17 staff.

18 Q Does the -- Strike that.

19 Did [REDACTED] attach the results of any
20 criminal background check of armed staff to the
21 application?

22 A [REDACTED] I don't know.

23 Q Did [REDACTED] attach the results of any
24 mental health examination to the application for
25 insurance?

1 A I do not believe so.

2 Q Can I direct you to just the second
3 page of the insurance document we've been reviewing?
4 I suppose, like as with the previous question on the
5 policy, I actually need to direct you to Page 1 for
6 context. Would you agree -- I'm going to direct you to
7 "Section I--Coverage" and specifically to
8 "Subsection C. Limit of Liability" subsection. Do you
9 see where it says that?

10 A C(1)?

11 Q And I'm not going to have you review
12 C(1) in particular, but in fact I'm going to direct you
13 to C(7) on the page that follows. I just want to
14 highlight the context. Do you understand that the
15 bullet C(7) on Page 2, which refers to an "Injury to an
16 Insured," that this is a limitation on the coverage
17 provided; is that your understanding of it?

18 MR. CONOVER: Objection to the extent
19 the document says what it says.

20 A Can you repeat your question?

21 Q Absolutely. We're looking at Page 2
22 of this document. Do you see where under Bullet
23 Number 7 it describes "Injury to an Insured"?

24 A I see that.

25 Q Do you understand this Bullet Number 7

1 to be describing a condition in which the insurance
2 company has no obligation to defend a claim or suit, or
3 how do you understand this bullet?

4 MR. CONOVER: Same objection. I'll
5 just say can we just read it into the record
6 for clarity purposes?

7 MR. MILLER: I'm about to.

8 A Okay. I guess I'm not understanding
9 your question. I'm not sure how to answer it.

10 Q Sure. Let's just read -- Let's try
11 this by reading Bullet Number 7. Could you read to me,
12 please, the text that appears underneath Bullet 7,
13 "Injury to an Insured"?

14 A "For personal injury, bodily injury,
15 or property damage sustained by any paid full time or
16 part time and/or auxiliary or volunteer law enforcement
17 officer of the named insured directly or indirectly
18 related to his or her employment by the named insured."

19 Q And based on the surrounding section
20 and subsection headings and other text in the document,
21 do you understand -- how do you understand -- What's
22 your understanding of this paragraph --

23 MR. CONOVER: Objection.

24 Q -- if any?

25 A My understanding is that it's for the

1 personal injury and bodily injury or property injury
2 sustained by any armed staff.

3 Q Specifically, I want to direct your
4 attention to the phrase "paid full time or part time
5 and/or auxiliary or volunteer law enforcement officer
6 of the named insured." Do you see that phrase?

7 A Yes.

8 Q What is "the named insured" in this
9 context? What does that refer to?

10 A That would be the armed staff or the
11 District.

12 Q "The named insured" is a reference to
13 Madison School District?

14 A Correct.

15 Q And what is the reference to the
16 "auxiliary or volunteer law enforcement officer" there?

17 A That would be armed staff, not law
18 enforcement. Again, I think it's boilerplate
19 terminology used in the policy.

20 Q But you understand specifically the
21 phrase "auxiliary or volunteer law enforcement officer"
22 as written here to refer to Madison's armed staff?

23 MR. CONOVER: Objection.

24 A That's correct.

25 Q Does this insurance policy cover --

1 Strike that.

2 Is there insurance coverage paying
3 some or all of the cost of the District's defense of
4 this lawsuit?

5 A Yes.

6 MR. CONOVER: Objection.

7 Q Which policy is providing that
8 coverage?

9 MR. CONOVER: Objection.

10 A That is this policy.

11 Q And it is providing that coverage up
12 to a policy limit of \$1,000,000?

13 A Correct.

14 Q And it's providing that coverage after
15 a \$5,000 deductible; is that right?

16 MR. CONOVER: Objection.

17 A Correct.

18 Q How did you become an authorized --
19 How did you become authorized to carry a firearm on
20 Madison property? Can you walk me through the
21 authorization process is what I'm asking?

22 MR. CONOVER: Objection.

23 A So I approached the Board president
24 when the discussion of armed staff was mentioned in a
25 Board meeting. I told him that I would be interested

1 in doing training.

2 Q Do you remember when you approached
3 the Board president?

4 A I believe it was the March Board
5 meeting after a discussion was had about the FASTER
6 training.

7 Q Okay. And after you approached the
8 Board president, what happened next?

9 A Again, I told him that I was
10 interested and then we had to go through a process of
11 getting the policy in place and for the Board to decide
12 if they're going to do this and then --

13 Q Sorry, go ahead.

14 A And then once the Board decided that
15 they were going to pass this policy, then we were -- or
16 I was told that I would be allowed to do this training
17 of the armed staff.

18 Q Just to clarify, in your last answer
19 you referred to the word "policy," you were referring
20 not to the insurance policy, but rather to the Board's
21 resolution to allow armed staff in the school safety
22 zone?

23 A Correct, to the resolution, yes.

24 Q Okay. And the Board did in fact pass
25 that resolution in April of 2018, correct?

1 A Correct.

2 Q And after the Board passed that
3 resolution, I believe you just testified that you were
4 then permitted to proceed with some training related to
5 obtaining authorization?

6 A Right, through the process. I don't
7 remember each step of the process to actually get to
8 the training; but, yes, ultimately, I was allowed to go
9 to that training.

10 Q Did you interview with anyone in
11 connection with obtaining -- Strike that.

12 Did you interview with any person or
13 group of people as part of this authorization process?

14 A So that would be after the training, I
15 interviewed with, I think it was a safety team or it
16 was two Board members at least and I believe the
17 superintendent. And, yes.

18 Q Do you remember who those two Board
19 members were?

20 A I believe it was Dr. Jennewine and
21 Pete Robinson.

22 MR. CONOVER: And Jennewine is
23 J-e-n-n-e-w-i-n-e.

24 A And I don't know, I can't recall the
25 specific steps involved, but -- So you do the training,

1 you have to go through a psych evaluation, you have to
2 make sure that you have your, obviously, your CCW, a
3 drug screen and all that. It's at the point of after
4 the psychological evaluation that I met with these
5 folks.

6 Q Okay. Did you meet with them
7 beforehand at all?

8 A I don't remember. I don't think I
9 did.

10 Q Did you ever meet with the
11 superintendent concerning your desire to be an armed
12 staff member before this meeting that you just
13 described involving the larger safety team?

14 A I don't think specifically to that
15 program. There may have been discussions after the
16 shooting, casual conversations where, you know, people
17 discussed that, you know, they are -- if they have
18 their CCW or anything like that. But this particular
19 superintendent was not -- Lisa Tuttle-Huff was not our
20 superintendent at the time.

21 Q I understand.

22 A I just don't recall if I had a
23 conversation specifically with the prior superintendent
24 specifically for FASTER. I think my conversation was
25 with the Board president.

1 Q The shooting you referred to in your
2 last answer, which shooting were you referring to?

3 A So that was the shooting that took
4 place at the District on February 29.

5 Q Of 2016?

6 A 2016.

7 Q Okay. Did you ever have a one-on-one
8 conversation with Lisa Tuttle-Huff, who is currently
9 the superintendent, outside the context of this
10 interview with the safety team regarding obtaining
11 authorization to go armed on Madison's property?

12 A It's possible. [REDACTED]
13 [REDACTED] It's very
14 possible I did discuss it with her.

15 Q You said one of the things that you
16 had to obtain in order to receive authorization was
17 passage of a handgun qualification test course; is that
18 correct?

19 A With the FASTER program, correct. You
20 also have to have your CCW, which requires shooting
21 qualification as well.

22 Q And in overview, can you give me an
23 idea of what this handgun qualification test entails?

24 MR. CONOVER: Objection.

25 A Okay.

1 Q I don't need you to describe each shot
2 taken, for example, but, roughly speaking, what it
3 entails.

4 MR. CONOVER: Are you referring to the
5 CCW shooter qualification or the FASTER
6 qualification?

7 MR. MILLER: I'm referring
8 specifically to the one obtained in connection
9 with the FASTER training.

10 A Okay.

11 Q If you understood the question. If
12 you would like me to rephrase it, I'm happy to.

13 A I believe I understood it. So after
14 you go through all of your training over these three
15 days, 27 hours I believe it was, you have to go through
16 shooting qualification and it requires you to shoot on
17 target 28 of 26 shots and you are at different
18 distances for certain shots, you have certain movements
19 that you may have to take for certain shots to qualify
20 to shoot on these silhouettes, which I believe are the
21 same silhouettes that are used for each training that
22 they have done.

23 In this process, you have the trainers
24 there who are -- some are police officers, some are
25 not -- who are by your side as you go through this

1 training process and they call out and tell you what
2 the shooting scenario is, what you have to do to get
3 your shots on target as far as what they expect where
4 it should be, how you're supposed to shoot.

5 Q Okay. A couple clarifying questions.
6 I think you may have mistakenly used the phrase "28 of
7 26 shots" when in fact you may have meant the opposite.

8 A Twenty-six of 28 shots are required to
9 be certified.

10 Q Okay. And specifically, those shots
11 have to be within some target or accuracy?

12 A That is correct.

13 Q Okay. Is that test administered in
14 connection with FASTER training?

15 A It is done at the FASTER training, so
16 I would assume, yes, if that's what you're asking.

17 Q I actually just want to narrow down
18 the timeframe the test occurs. When does the test
19 occur with respect to the other training you do?

20 A Okay. So it is after all the other
21 training is completed and that is the very last step to
22 be certified.

23 Q Is it done on the same weekend?

24 A Yes.

25 Q And what happens if you do not obtain

1 the necessary score to pass the handgun qualification
2 test?

3 A It's up to you at some point if you're
4 going to want to try and requalify, and I believe you
5 can do it either there or through the local county
6 sheriff's office.

7 Q Did you pass this test on the first
8 try?

9 A Yes.

10 Q And what was your score, if you
11 remember?

12 A Twenty-six out of 28.

13 Q Do you know whether all Madison
14 employees passed on their first try?

15 MR. CONOVER: Objection.

16 A I'm aware of whether they did or did
17 not pass.

18 Q Did all Madison employees pass on
19 their first try?

20 A Not on their first try. One did not.

21 Q And was the employee who did not pass
22 on his or her first try permitted to retake the test?

23 A Yes.

24 Q How many times?

25 A There were allowed to qualify again

1 that day to try and qualify. I don't believe he
2 qualified on the second one, and then he qualified at a
3 later date, and I don't recall if it was at FASTER or
4 if it was with the Butler County Sheriff's Office.

5 Q So you observed or know of an armed
6 staff person who failed this handgun qualification test
7 two times while at the FASTER program; is that
8 accurate?

9 MR. CONOVER: Objection.

10 A I know of. I did not observe.

11 Q How do you know of it?

12 A Because at the end of the day when all
13 is done, including qualifications, your scores and your
14 shots are on target. And, obviously, I work with these
15 folks and we were together in our stations when we were
16 in instruction, so we talked to each other, so we were
17 aware that he did not qualify.

18 MR. MILLER: Could we go off the
19 record for just a moment?

20 (Off-the-record discussion.)

21 MR. MILLER: Back on the record,
22 please.

23 BY MR. MILLER:

24 Q The parties have agreed to a
25 convention by which armed individuals are identified as

1 John Does in this case. Are you familiar with that?

2 A Yes.

3 Q And are you familiar with or do you
4 know the John Doe designation by which this individual
5 who twice failed the handgun training test, his
6 qualification test, is identified?

7 MR. CONOVER: Objection.

8 A I believe it's John Doe ■, and I think
9 you have to confirm with the attorneys here.

10 Q Okay. As part of your communications
11 with the Board, the superintendent, or any other person
12 involved with administering the authorization process
13 for becoming an armed staff member, did you receive any
14 guidance or rules regarding your conduct as an armed
15 staff person?

16 A Yes.

17 Q What guidance or rules did you
18 receive?

19 A Okay. Well, I'm aware of the policy.

20 Q Is that policy --

21 MR. CONOVER: Again, let him answer.

22 A The Firearms Authorization Policy that
23 is part of the resolution.

24 Q And that's a written document?

25 A Yes.

1 Q Did you receive any other written
2 materials of this nature?

3 MR. CONOVER: Objection.

4 A We did receive the letter that the
5 Board authorizes the armed staff that informs them that
6 they were approved by them to carry firearms, and we
7 also received verbal instruction as far as what we were
8 allowed to do.

9 Q Okay. So I understand from you, you
10 believe you received guidance in the form of a Firearms
11 Authorization Policy in writing, a written letter from
12 the Board, and verbal instruction from the Board or
13 superintendent or others; is that correct?

14 MR. CONOVER: Objection.

15 A Okay. So I received the authorization
16 letter from the Board. I did not receive the Board --
17 or the Firearms Authorization Policy personally. I
18 read it because I was involved with the Board on that.
19 And then also from the Board I received verbal
20 instruction, but I do not have a copy personally of
21 that Firearms Authorization Policy.

22 Q Beyond those items you have just
23 described in your answer, did you receive any other
24 form of guidance, rules, instructions relating to your
25 use or carrying of a firearm on Madison School

1 property?

2 MR. CONOVER: Objection.

3 A From the Board?

4 Q From anyone.

5 A From the Board or from our training
6 with FASTER?

7 Q I want to make sure that we have a
8 comprehensive understanding of what was provided you
9 with guidance and rules concerning your carrying and
10 use of a firearm on Madison School property.

11 A Okay.

12 MR. CONOVER: I'll just say I think he
13 said he was confused by the question and if you
14 want to ask a better -- a different question,
15 sorry, a different question to get that answer,
16 I think you can. But I don't want to misstate
17 what he said, but I thought there was confusion
18 to the question.

19 A You could reword it if you would like.
20 I think I understood it, but you could put it a
21 different way maybe. I feel like I may have answered
22 it already. I'm not positive.

23 Q I'll see if I can ask it in a way that
24 is more clear and succinct. Can you please provide me
25 a list or otherwise describe all of the sources of

1 guidance that you have received concerning your
2 carrying of a firearm or use of a firearm on school
3 property?

4 MR. CONOVER: Objection. I think he
5 has answered this twice, but go ahead.

6 A Okay. So we obviously received the
7 training at FASTER, so those I would consider
8 guidelines as how to store your firearm, have your
9 firearm, how to use your firearm the proper way, things
10 of that nature. So those guidelines from FASTER.

11 But, yes, I also have received
12 guidelines from the Board of Education in the form of
13 verbal discussion, the authorization letter from them
14 that informs me that they have approved me to armed
15 staff, and I have read the Firearms Authorization
16 Policy.

17 Q Okay. Was the Firearms Authorization
18 Policy provided to you in connection with the
19 authorization process or only because you, yourself
20 were somehow involved in drafting or revising it?

21 MR. CONOVER: Objection.

22 A Kind of one and the same. So I'm
23 aware of the policy, I've read it multiple times, so I
24 knew of the policy when they authorized it.

25 Q When did you first read it?

1 A When it was developed. I don't
2 remember the timeline of when it was developed, but I
3 read through the policy.

4 Q Was it the policy that's actually been
5 passed by the Board or did it not require being passed
6 by the Board?

7 A Well, not in public session because it
8 is a secure document. It's part of their emergency
9 plan or their -- It's a secure plan, so it's not
10 public, but it was something that was discussed in the
11 executive session.

12 Q And when were you provided with the
13 letter you have referred to?

14 A Can I correct -- I'm not sure if it's
15 a correction, it may be a clarification.

16 Q Absolutely.

17 A So I believe there may have been a
18 resolution passed to approve that Firearm Authorization
19 Policy. I believe it was a public vote to approve it,
20 but I don't think we provided that document to the
21 public. I think that's how it went.

22 Q Do you know when that vote you're
23 referring to took place?

24 A I don't remember which month it was.

25 Q Do you know whether it was the

1 August -- Could it have been the August Board meeting?

2 A It could have been the August Board
3 meeting.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q [REDACTED]

14 [REDACTED] When were you
15 provided the letter from -- a letter authorizing you to
16 carry a firearm?

17 A It may have been in August. I believe
18 it was August.

19 Q And when were you provided the verbal
20 instruction you referred to?

21 A It was probably -- It could have been
22 prior to that. The verbal instruction was with the
23 Board. I can't recall if they were all in there. But
24 the verbal was done with at least the Board president.
25 I don't recall when or where it was.

1 Q Who do you -- On how many occasions
2 did you receive verbal instruction?

3 A It could have been once or twice.

4 Q And you said you recall receiving
5 verbal instruction from the Board president
6 specifically?

7 A Yes.

8 Q Anyone else?

9 A It may have been one or two other
10 Board members as well who were involved, maybe the
11 names that I mentioned before. It's quite possible
12 they were there.

13 Q And the one or two names you mentioned
14 before were who?

15 A Dr. Jennewine and Pete Robinson.

16 Q Was Dr. Tuttle-Huff part of this
17 verbal instruction?

18 A No.

19 Q She was not present when you received
20 verbal instruction?

21 A I don't recall if she was there. I
22 don't believe at least one of the times that she was
23 there.

24 Q Was this verbal instruction provided
25 as part of the interview that you conducted with -- I

1 don't know whether you referred to it as the safety
2 team, I believe, in prior testimony?

3 A I believe that's what he called it,
4 yes.

5 Q Was the interview done with the safety
6 team the occasion on which you received the verbal
7 instruction?

8 A I don't recall if it was said in that
9 interview.

10 Q Was David French present at that
11 safety team meeting?

12 A No.

13 Q And you do recall receiving this
14 instruction specifically from David French?

15 A Yes.

16 Q What was the content of this verbal
17 instruction you received?

18 A It was as far as what our conduct is
19 regarding how we use or do not use our weapon. And it
20 was pretty much, the instruction was we are -- As I
21 mentioned before, our role is not as law enforcement,
22 it is to hold in place or escape or not to pursue.

23 Q The verbal instruction included a
24 direction not to pursue?

25 A Not to pursue an active shooter.

1 Q Do you remember anything else about
2 the verbal instruction other than what you have just
3 described?

4 A I don't recall the rest of the
5 conversation. I just remember that as part of the --
6 probably the most important part of that instruction.

7 Q You characterize that as the most
8 important part of the instruction. What are you
9 referring to as the most important part of the
10 instruction?

11 A As far as what our role is as far as
12 whether or not we are to pursue.

13 Q Is it fair to say that that is in fact
14 the most important instruction you received regarding
15 your conduct as an armed staff person?

16 MR. CONOVER: Objection.

17 A I don't know if it is the most
18 important, it's one of the items I deem important.

19 Q Why do you deem it important?

20 A Well, you need to know what you're
21 allowed to do and what the expectation is of the Board.

22 Q Was that instruction regarding your
23 role and, as you have describe it, what to do provided
24 to you in written form at any time?

25 A No, other than what is in the Firearms

1 Authorization Policy, no.

2 Q Do you know whether that instruction
3 or guidance is in the Firearms Authorization Policy?

4 A I don't recall if it specifically
5 states that you are to hold in place. I don't recall
6 that now.

7 Q And did the FASTER training tell you
8 not to pursue an active shooter?

9 A They told us that we follow our Board
10 policy and what the Board requires of that action. We
11 were trained in both. Obviously, there is not much to
12 train as far as hold in place, but they did also train
13 on the pursuit. But their instruction to us as well
14 was listen to your Board and what your Board
15 authorizes.

16 Q You said there is not much to train on
17 regarding hold in place. What do you mean by that?

18 MR. CONOVER: Objection.

19 A There is no action involved other than
20 to either hold and lock your doors or escape.

21 Q Did you practice holding and locking
22 your doors at FASTER training?

23 A No. It was discussed.

24 Q In what context was it discussed?

25 A In one of their instructional moments

1 where -- I can't recall if it was in the instruction
2 house or if it was out at the range or in the -- part
3 of it is off to the side of the range where we all sat.

4 Q But you did not in fact practice at
5 any time at FASTER training holding in place or locking
6 your door?

7 A Correct.

8 Q Bringing you back for one moment to
9 the verbal instruction you described regarding your
10 role as a staff carrying a firearm on school property,
11 what do you remember about the timing of that verbal
12 instruction and when it took place?

13 A Nothing stands out to me as timing.

14 Q When in the authorization process did
15 it take place?

16 A I don't recall the timing.

17 Q Did it occur before you received
18 authorization or after you received authorization?

19 A It may have been both times.

20 Q Do you know whether it was one
21 conversation or more than one conversation?

22 A It may have been more than one.

23 Q Do you know?

24 A I don't recall.

25 Q When do you --

1 A I believe it had to be multiple
2 conversations, at least two.

3 Q Why is that?

4 A Because I do recall it being said more
5 than once that this is not a pursuit training for us or
6 as far as a pursuit role in our District.

7 Q Okay. Do you recall someone other
8 than David French giving you that instruction?

9 MR. CONOVER: Objection.

10 A I don't know if anyone else did. I
11 believe it was probably agreed upon with the Board. I
12 believe it was discussed by the Board as well what that
13 role would be.

14 Q Discussed by the Board in what
15 context?

16 A As far as what the role of an armed
17 staff would be.

18 Q But, I mean, when and where?

19 A It would end up having to be in an
20 executive session.

21 Q Of a Board meeting?

22 A Correct.

23 [REDACTED]

24 [REDACTED]

25 A [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q How many times -- How many different executive sessions do you recall the Board having a discussion on this topic?

A On the topic of arming staff or on the specific topic of the role?

Q On the specific topic of the role.

A At least once.

Q Do you recall more than one?

A I don't recall if there was more than one.

Q When did that one discussion you recall take place?

A I don't recall. It was in executive session. I don't know what date it was. There have been multiple executive sessions from the time of discussion, I think in March, through the Board actually adopting the policies --

Q Was it before or after -- Sorry, were you finished?

A Policies and resolutions.

Q Was it before or after the Board

1 adopted the resolution at its April, 2018 meeting, if
2 you know?

3 A I'm going to -- It was probably
4 certainly after.

5 Q Was it before or after the plaintiffs
6 filed this lawsuit in September of 2018?

7 A It had to be before.

8 Q Why do you say that?

9 A Because they adopted the policy, I
10 believe it was the August policy.

11 Q You believe that this discussion
12 you're referring to regarding the role of armed staff
13 may have taken place at the August, 2018 Board meeting?

14 A At least that one, yes. It's
15 possible. Again, I don't remember which meeting it was
16 discussed at.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
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18 [REDACTED] [REDACTED]
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21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 MR. MILLER: If we can just go off the
25 record for a moment?

1 (Deposition stood in recess.)

2 MR. MILLER: Let's go back on the
3 record, please.

4 BY MR. MILLER:

5 Q Sir, while we were on break, without
6 going into the contents of any conversation, did you
7 meet with your lawyers or otherwise have a conversation
8 with them?

9 A No.

10 (Thereupon, Exhibit C was marked for
11 identification.)

12 Q Okay. I want to show you a document
13 that was marked previously in depositions yesterday and
14 the day before as Exhibit C, as in Charlie. Take a
15 moment to look over what's been marked as Exhibit C
16 today and once you're finished, let me know if you
17 recognize any of these [REDACTED] pages?

18 A Okay. I recognize that they're all
19 the same.

20 Q Have you ever seen these documents or
21 one of these pages before?

22 A Yes.

23 Q What is this document?

24 A This is the letter that was provided
25 to us. This is the one where I mentioned where it

1 tells me I was authorized to be armed staff.

2 Q So this is the letter from the Board
3 authorizing you to be an armed staff that you have
4 referred to in prior testimony?

5 A Correct.

6 Q And this is one of the documents you
7 received that provided you guidance concerning your
8 role as an armed staff person; is that correct?

9 A Correct.

10 Q Okay. You can set that document aside
11 and I'll show you a document that was marked in prior
12 depositions as Exhibit F, as in Frank.

13 (Thereupon, Exhibit F was marked for
14 identification.)

15 Q Can you take a look at the document
16 marked as Exhibit F and let me know if you recognize
17 it?

18 A Yes, I recognize it.

19 Q What is this document?

20 A This is the Firearm Authorization
21 Policy.

22 Q Is it the Firearm Authorization Policy
23 that you've referred to in your earlier testimony
24 today?

25 A Yes.

1 Q And had you read this document before
2 today?

3 A Yes.

4 Q Had you ever been provided a copy of
5 it by the superintendent?

6 A Not by the superintendent. I worked
7 with the attorneys, so I had --

8 MR. CONOVER: Objection, I'm just
9 going to instruct him not to answer, so don't
10 disclose any attorney-client privilege.

11 A I'm aware of this document and I have
12 firsthand knowledge of this document.

13 Q Were you involved in preparing this
14 document or drafting it?

15 MR. CONOVER: And, again, I'll
16 instruct him not to answer insofar as it goes
17 to any attorney-client privilege, but otherwise
18 you can answer.

19 A I'm trying to see how --

20 Q I just want to ask about any work that
21 you have done, and I really don't in fact need any
22 details about it. I'm wondering if you were involved
23 in any way in preparing this document, you, personally?

24 MR. CONOVER: Same objection.

25 A I'm not sure how to answer it without

1 attorney-client -- I have knowledge of it and I have
2 discussed this and I was aware of the language and, you
3 know, I'm not sure how to answer that question
4 without --

5 Q Were you provided a copy of this
6 document in connection with your receiving
7 authorization to be an armed staff person?

8 A Not directly with the authorization
9 letter, no.

10 Q At any point during the authorization
11 process, not necessarily on the day you received the
12 letter, were you provided a copy of this document?

13 A Never personally provided a copy of
14 the document, but I have firsthand knowledge of the
15 document and its existence and what it looked like.

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

20 [REDACTED]
21 Q Your firsthand knowledge of this
22 document is not the result of someone providing it to
23 you and saying as an armed staff member, you need to
24 familiarize yourself with this document; is that fair?

25 MR. CONOVER: Objection.

1 A Not specifically with the
2 authorization, but I was required to understand -- I'll
3 say required. I understood the policy as drafted.

4 Q Were you required to understand this
5 policy?

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q Did anyone ever instruct you to read
13 this policy?

14 A Yes.

15 Q Other than any conversation you may
16 have had with your lawyers, did anyone else ever
17 instruct you to read this policy?

18 A Yes.

19 Q Who?

20 A The Board president.

21 Q Why?

22 A [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 Q Did anyone else ever instruct you to
2 read the policy?

3 A Not that I can recall.

4 [REDACTED]
5 [REDACTED]
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1 MR. MILLER: Nothing further.

2 DIRECT EXAMINATION

3 BY MR. CONOVER:

4 Q I thank you for being with us here
5 today. I just have a few questions for you to sort of
6 track Mr. Miller's questioning of you. I'll do my best
7 to keep it somewhat organized.

8 You discussed earlier your attendance
9 at a FASTER training; is that correct?

10 A Yes.

11 Q Do you recall how many rounds you
12 fired, live rounds you fired at FASTER?

13 A All told, I believe it was anywhere
14 between 700 and 800 rounds.

15 Q And you also -- Sorry, strike that.

16 Were there any school resource
17 officers or other law enforcement officers at your
18 FASTER training?

19 A Yes. So there were law enforcement
20 officers who were there as the instructors, the
21 trainers. There was also law enforcement there
22 attending the training alongside us.

23 Q Do you recall any specific law
24 enforcement officers that were at your FASTER training?

25 A I don't recall his name, but it was a

1 Butler County Sheriff SWAT officer.

2 Q Do you know why he was there?

3 A I think he was there to understand
4 what the training involved. Also, because he's a
5 sheriff in our county, to understand that what the
6 Madison Local School District was going through, the
7 type of training that we would be going through. I
8 believe it was also probably a directive from his
9 superior.

10 Q Do you know who that superior might
11 be?

12 A Sheriff Jones.

13 Q Mr. Miller also asked you about
14 Exhibit E, some documents including Exhibit E. I
15 believe it was the insurance policy. Do you remember
16 that line of questioning?

17 A Yes.

18 Q And if you want to refer to Exhibit E,
19 you're certainly able to, I don't intend to ask any
20 specific questions about lines of it or anything. But
21 there was discussion about law enforcement duties and
22 activities; do you recall that?

23 A Yes.

24 Q Do you know where that language came
25 from?

1 A That language came from the insurance
2 company as far as I know. Again, I believe it was --
3 it's just boilerplate language because it was
4 understood with our insurance consultant when getting
5 this policy that it was for armed staff, not for law
6 enforcement.

7 Q Who made the recommendation to [REDACTED] or
8 the District to adopt the Law Enforcement Liability
9 Occurrence Form as part of the District's policy?

10 A So [REDACTED] made sure that it was required to
11 have a policy for that, and [REDACTED] consulted with our
12 insurance consultant. He is the one who sources and
13 researches what the requirements are, and then he told
14 [REDACTED] what we need to have for that coverage for armed
15 staff.

16 Q And do you know who drafted the
17 endorsement in the insurance policy?

18 A So I believe it was the -- I don't
19 know the name of the insurance company, but I believe
20 the insurance company drafted that language.

21 Q But you didn't draft it?

22 A No.

23 Q Did anyone at the District draft it?

24 A No.

25 Q Do you have any knowledge that your

1 attorneys drafted it?

2 A No.

3 Q And does the District at all control
4 who drafts its insurance policies?

5 A No.

6 Q Mr. Miller also asked you a little bit
7 about the requirements to carry the firearms at
8 Madison. Do you recall generally that questioning?

9 A Yes.

10 Q And were you informed of the
11 requirements of the Firearm Authorization Policy, which
12 is Exhibit F?

13 A Was I informed of this?

14 Q Were you informed of the requirements
15 to carry a concealed weapon at Madison?

16 A Yes.

17 MR. MILLER: Objection.

18 Q And I think I just have one last
19 question. What is your understanding of your role as
20 an armed staff member at Madison?

21 MR. MILLER: Objection.

22 A My role is to protect myself and my
23 staff, if need be; and in the case of an imminent and
24 life and death situation where we have no other choice,
25 to protection ourselves and to evacuate if we can or

1 lockdown to avoid confrontation.

2 MR. CONOVER: Thank you. I have
3 nothing further.

4 MR. MILLER: We have nothing further.
5 The only thing I would like to just memorialize
6 for the record involves your opportunity to
7 review the testimony and then sign it. Can we
8 take a minute off the record to discuss that
9 and then we'll come back on and memorialize it.

10 (Off-the-record discussion.)

11 MR. MILLER: Just to memorialize the
12 discussion we just had about the witness'
13 review and signature of the testimony, it's our
14 understanding that the witness -- excuse me,
15 that the testimony and transcript will be
16 available on Wednesday, January 16, and that
17 the witness will have an opportunity to review
18 and sign with any necessary corrections this
19 transcript no later than January 25. Is that
20 your understanding?

21 MR. CONOVER: That's our understanding
22 subject to it not showing up on the 16th, but
23 otherwise, yes.

24 MR. MILLER: Great. Thank you.
25 Nothing further.

1 MR. CONOVER: Just to clarify, if we
2 don't receive it on Wednesday, we'll have a
3 discussion about that. I think the way we've
4 done it is the later of seven days after the
5 transcript is received or January 25.

6 MR. MILLER: That's my understanding
7 as well. Thank you. Okay. We can close it.
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12

13 _____
14 JOHN DOE 2
15
16

17 (DEPOSITION CONCLUDED AT 10:40 A.M.)
18
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C E R T I F I C A T E

STATE OF OHIO :
: SS:
COUNTY OF BUTLER :

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 2 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 2; 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 16th day of January, 2019.

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

DONNER REPORTING
(513) 829-5099