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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 3, 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.

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1 JOHN DOE 3,
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 MS. LEFKOWITZ:

8 Q Hi. My name is Alla Lefkowitz.

9 A Hi.

10 Q I am one of the attorneys for the
11 plaintiffs in this case, Gabbard V. Madison Local
12 School District.

13 A Uh-hum.

14 Q I'm going to be the one asking you
15 questions today.

16 A Uh-hum.

17 Q Okay. I'm going to introduce my
18 colleagues and then your attorneys will introduce
19 themselves.

20 A Okay.

21 MR. MILLER: My name is James Miller.
22 I'm also an attorney representing the
23 plaintiffs in this lawsuit.

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

1 MR. CONOVER: I'm Brodi Conover
2 appearing on behalf of the defendants, the
3 Madison Local School District Board of
4 Education and the Madison Local School District
5 superintendent, Dr. Lisa Tuttle-Huff, and also
6 the deponent today in his capacity as an
7 employee of the District.

8 MR. EWING: My name is Alexander Ewing
9 and I'm one of the counsel for the defendants.

10 MR. SCHOLLER: And I'm Joe Scholler,
11 also counsel for the Madison Schools.

12 BY MS. LEFKOWITZ:

13 Q Sir, have you ever been deposed
14 before?

15 A No.

16 Q Have you ever testified in court --

17 A No.

18 Q -- with any legal proceeding?

19 A No.

20 Q Okay. So I'm going to go through some
21 rules of the road, but it's hopefully going to make
22 this easier for all of us, for you, and for the court
23 reporter.

24 A Uh-hum.

25 Q One thing I can already tell, I notice

1 you shake your head. Just know that when I ask a
2 question and when you respond, you do have to answer
3 verbally.

4 A Okay.

5 Q Because the court reporter can't note
6 down if you're shaking your head yes or no, and it's
7 also very difficult to understand uh-hum, unh-uh.
8 Those really look the same on paper.

9 A Okay.

10 Q So there may be a few times where, you
11 know, I will say you have to say verbally yes or no.

12 A Okay.

13 Q Great. The other thing is it's very
14 important for her to do her job that you let me
15 answer -- sorry, ask my question and then I have to
16 give you an opportunity to fully answer the question.
17 We can't speak over each other. Understood?

18 A Okay.

19 Q Yes?

20 A Yes. Sorry.

21 Q It's not like a regular conversation,
22 it's a very stilted conversation.

23 A Okay.

24 Q I may ask some questions that your
25 attorney may object to.

1 A Okay.

2 Q So if he objects, you should still
3 answer the question unless he instructs you otherwise.

4 A Okay.

5 Q Yes?

6 A Yes.

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

9 A No.

10 Q Are you on any kind of medication or
11 anything along those lines that may prevent you from
12 testifying truthfully?

13 A No.

14 Q If you're confused by any of my
15 questions, I may ask a question badly or in a very
16 roundabout way, just let me know.

17 A Yes.

18 Q Okay. Then I will have to repeat the
19 question until you understand it. Understood?

20 A Yes.

21 Q And if at any point you do say
22 something and then later on while we're here you
23 realize that you've said something that is incorrect or
24 maybe needs clarification, will you let me know?

25 A Yes.

1 Q If you need a break at any point,
2 please let me know. I will probably take a break, I
3 will say in a half hour, 45 minutes. But if you need
4 to take one, just give me a heads-up.

5 A Okay. Yes.

6 Q And perhaps the most important thing
7 is that you are under oath, so you are required to tell
8 the truth. Do you understand?

9 A Yes.

10 Q Do you know that this deposition is
11 being conducted pursuant to a Confidentiality
12 Agreement?

13 A Yes.

14 Q So there may be times today when
15 you're responding that you feel that you're giving
16 confidential information, your attorney will have a
17 chance to designate that as highly confidential; do you
18 understand that?

19 A Yes.

20 MS. LEFKOWITZ: Counsel, did you want
21 to say anything about the confidentiality
22 aspect of this case?

23 MR. CONOVER: Yes, thank you, counsel.
24 I think, again, that the District feels that
25 this information is of the most highly

1 confidential designation there could be and
2 it's very sensitive information and that the
3 anonymity of these people is critical to the
4 District's ability to protect its staff and
5 students pursuant to its obligation.

6 And I know that we have filed a Motion
7 to Quash and a Motion for Protective Order that
8 was denied by Judge Pater, and we obviously
9 understand that decision and will comply with
10 the Court Order. But I just want to put on the
11 record that at some point we will have the
12 opportunity to designate this transcript or
13 information within this transcript is highly
14 confidential and will all be subject to the
15 Confidentiality Agreement, which makes it
16 subject to attorneys' eyes only.

17 MS. LEFKOWITZ: Thank you.

18 BY MS. LEFKOWITZ:

19 Q Can you please state and spell your
20 name for the record?

21 A [REDACTED]
22 [REDACTED]

23 Q Thank you.

24 MR. CONOVER: Again, just for the
25 record, for clarification, I think,

1 Mr. Deponent, this will be the only time you
2 have to state your name. And I don't want to
3 speak for opposing counseling, but my
4 understanding is she won't be asking you
5 anything to identify you by name throughout the
6 transcript again.

7 BY MS. LEFKOWITZ:

8 Q I was about to say the same thing.
9 We've all literally been in a conference room together
10 for about three days, so I think he knows what I'm
11 going to say. At this point, absolutely, from now on
12 during this deposition what I'm going to try to do is
13 refer to you as John Doe Number ■. Understood?

14 A Yes.

15 Q What is your position at the Madison
16 Local School District?

17 A [REDACTED]
18 [REDACTED]

19 Q Sorry, you actually can't ask
20 questions of your counsel.

21 A Sorry. Okay.

22 Q If you don't understand something,
23 just let me know and then we'll figure out how to
24 proceed from there.

25 A My concern is, being confidential, I

1 don't want anything to get out, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q So let me just ease your mind a little
5 bit. Anything that is identifying such as, exactly as
6 you said, whether you're elementary or senior high
7 school, exactly what your position is, we consider that
8 to be highly confidential material and I anticipate
9 that your attorney will be designating that as highly
10 confidential. Is that right?

11 MR. CONOVER: Yes. So you're
12 certainly able to answer the question that
13 opposing counsel asks. And at a later point,
14 if we need to kind of make that designation, it
15 won't become public and we'll have the ability
16 to redact or otherwise, you know, keep the
17 information confidential.

18 A I understand. [REDACTED]

19 [REDACTED]

20 MR. CONOVER: And maybe for
21 clarification, just go ahead and ask the
22 question again.

23 BY MS. LEFKOWITZ:

24 Q So just to clarify the record, what is
25 your position at Madison Local School District?

1 A [REDACTED]

2 [REDACTED]

3 Q How long have you been doing that?

4 A [REDACTED]

5 Q [REDACTED] year at Madison?

6 A Yes.

7 Q And can we agree that whenever I refer
8 to the term "Madison," what I am talking about is the
9 Madison Local School District?

10 A Yes, correct.

11 Q If I refer to the "Board," I am
12 referring to the Board of Education of the Madison
13 Local School District?

14 A Yes.

15 Q Are you authorized to carry a firearm
16 at Madison?

17 A Yes, I am.

18 Q How long have you been authorized to
19 carry a firearm at Madison?

20 A It was -- I'm trying to remember when
21 I actually got authorized. It was before the school
22 year started. I don't remember the exact date, I'm
23 sorry.

24 Q Do you remember when you approached a
25 member of the Madison administration about wanting to

1 be authorized to carry a firearm at Madison?

2 A It would have been at the end of last
3 school year. I heard the rumors talking about there
4 was going to be a possibility that the school might be
5 arming staff, and I went to [REDACTED] and just
6 basically volunteered, but then didn't hear anything
7 about it for a while.

8 Q And to clarify, the end of the last
9 school year, that is the 2017 to 2018 school year?

10 A Correct.

11 Q So that would have been somewhere in
12 the spring?

13 A Like May something, towards the
14 beginning of May.

15 Q In connection with the process of
16 receiving this authorization, did you receive any
17 documentation from the Board?

18 A Could you repeat the question again?

19 Q Absolutely. Did you receive a letter
20 authorizing you to carry a firearm at Madison?

21 A Correct.

22 Q Yes, you did?

23 A Yes.

24 Q So one thing I should let you know,
25 we, as I mentioned before, have been doing this for a

1 while. And as you see, in front of me there's a lot of
2 papers.

3 A Uh-hum, yes.

4 Q We have been introducing exhibits. So
5 I'm going to ask you to look at a document sometime,
6 those may have been exhibits that were previously
7 introduced. Do you understand?

8 A Yes.

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

11 Q I'm handing you a document that was
12 previously marked as Exhibit C. Can you take some time
13 to look over that?

14 A Yes.

15 Q Is that the letter that you received
16 authorizing you to carry a firearm at Madison?

17 A Yes, it is.

18 Q You can put that aside. Did you
19 receive any additional documentation from Madison in
20 connection with your being authorized to carry a
21 firearm?

22 A No.

23 Q You did have to sign a Confidentiality
24 Agreement?

25 A Yes, I did sign that.

1 Q Let me finish.

2 A I'm sorry, I'm sorry.

3 Q It's perfectly normal. When normal
4 people talk, we finish each other's sentences. But in
5 this case, I need to be able to ask my full question so
6 the record is clear.

7 A I apologize.

8 Q You don't have to apologize. All
9 right. So my question is did you receive a
10 Confidentiality -- Strike that.

11 Did you sign a Confidentiality
12 Agreement in order to be allowed to carry a firearm at
13 Madison?

14 A Yes, I did.

15 (Thereupon, Exhibit S was introduced
16 for the record.)

17 Q I'm going to introduce a document that
18 was previously designated as Exhibit S. So you're
19 looking at what's been marked as Exhibit S, correct?

20 A Yes, correct.

21 Q I will represent to you that that is a
22 whole bunch of documents.

23 A Okay.

24 Q Is that a whole bunch of
25 Confidentiality Agreements?

1 A Yes.

2 Q Okay. So if you take a look at even
3 the first page, do you see at the very bottom there's a
4 number at the very, very bottom of the page?

5 A Yes.

6 Q Do you see that number?

7 A Yes.

8 Q So sometimes when I'm going to be
9 referring to page numbers, that's the number I'll be
10 referring to. So if you flip to 298, what is the
11 document that you're looking at?

12 A A Confidentiality Agreement.

13 Q Do you know if this is the
14 Confidentiality Agreement that you signed?

15 A Let me look over it. To the best of
16 my knowledge, yes, this is what I signed.

17 Q Okay. Do you see there is a date at
18 the very bottom of that document?

19 A Yes.

20 Q It says August 14, 2018, correct?

21 A Correct.

22 Q Is that your handwriting?

23 A Yes.

24 Q All right. Thank you. You can set
25 that aside. So in connection with your authorization

1 to carry a firearm, you received both the authorization
2 letter and a Confidentiality Agreement that you had to
3 sign, correct?

4 A Yes.

5 Q Are these the only documents that you
6 received?

7 A I believe so, yes.

8 Q Do you recall receiving any additional
9 documents in connection with the authorization?

10 A Not that I recall.

11 Q Other than the documentation that you
12 have in front of you right now, which are Exhibit C and
13 Exhibit S, did you receive any instruction from any
14 administration member about your role as an authorized
15 individual?

16 A I was verbally gone over the policies
17 set in place by the Board.

18 Q What policies are those?

19 A The policies about, you know, for
20 example, having the gun on myself at all times,
21 Confidentiality Agreements, things like that, yes.

22 Q Were these policies in fact the
23 Firearms Authorization Policy?

24 A Correct.

25 Q You mentioned one of the policies that

1 you were verbally made aware of was having a gun on
2 yourself at all times?

3 A Correct.

4 Q So when you do bring the firearm onto
5 campus -- Well, strike that.

6 Do you in fact bring a firearm onto
7 campus?

8 A What I said earlier, to kind of
9 correct, I meant like if I do carry. We're not
10 required to have it on us all the time. But I meant if
11 we do have it, it never leaves our person is what I
12 guess I meant to say. But, no, I do not carry every
13 day.

14 Q When you do carry on Madison, you have
15 the firearm on your person at all times?

16 A Correct.

17 Q You don't store it anywhere on Madison
18 property?

19 A No, absolutely not.

20 Q At any point have any of your students
21 approached you about the firearms -- Strike that.

22 At any point have any of your students
23 approached you and asked you whether you are carrying a
24 firearm?

25 MR. CONOVER: Objection.

1 A No.

2 Q Have any of your students indicated
3 concern about teachers carrying firearms?

4 A No.

5 Q I believe that a little earlier you
6 testified that you received some verbal instruction
7 from the administration concerning your authorization
8 to carry a firearm?

9 A Yes.

10 Q Do you remember who you received that
11 instruction from?

12 A If my memory serves me correctly, it
13 was when I sat down with Dr. Tuttle-Huff and signed the
14 paperwork.

15 Q Was any other member of the
16 administration present then?

17 A Rich was, our treasurer.

18 Q And that is Rich Natiello?

19 A Yes.

20 Q Was any other member of the
21 administration present?

22 A No.

23 Q Were any other staff present?

24 A No.

25 Q Was any member of the Board present?

1 A No.

2 Q And in that meeting where you signed
3 the paperwork with -- Strike that.

4 In that meeting where you signed the
5 paperwork with Dr. Tuttle-Huff, is that when she gave
6 you the authorization letter?

7 A Yes.

8 Q You testified earlier that part of the
9 verbal instruction that you received was that you had
10 to have the gun on your person at all times when you
11 have it at Madison; is that correct?

12 A Correct, yes.

13 Q Did you receive any other verbal
14 instructions about your role as an authorized person
15 carrying a firearm?

16 A Yes. So what we were instructed is we
17 are to basically, in the case of an active shooter
18 situation, we're supposed to lockdown our rooms and
19 just protect that area.

20 Q When you say "protect that area," what
21 do you mean?

22 A Like the classroom that I'm in, make
23 sure the kids are locked down, out of harm's way, lock
24 the door, and then just cover the door and make sure no
25 murderers or active shooters can get through.

1 Q And when did you receive that verbal
2 instruction?

3 A It would have been the same day that I
4 signed the Confidentiality -- before I signed that.

5 Q As part of becoming authorized to
6 carry a firearm, you took a FASTER class; is that
7 correct?

8 A Yes.

9 Q And you had to pass that FASTER class
10 to actually be authorized; is that correct?

11 A Yes.

12 MS. LEFKOWITZ: I'm going to enter
13 into the record Exhibit Z. Would you mark that
14 as Exhibit Z?

15 MR. CONOVER: Just one page?

16 MS. LEFKOWITZ: Yes.

17 (Thereupon, Exhibit Z was marked for
18 identification.)

19 BY MS. LEFKOWITZ:

20 Q Sir, could you tell me what you're
21 looking at?

22 A This is a certificate that I received
23 for passing the FASTER training.

24 Q The name on it is blocked out,
25 correct?

1 A Correct.

2 Q So sitting here today, you can't see
3 that it's in your name, correct?

4 A Correct.

5 Q But for the record, I'll represent to
6 you that this does -- this is the certificate for John
7 Doe Number ■.

8 A Okay.

9 Q And what date was this awarded to you?

10 A June -- I'm sorry, the 24th of June,
11 2018.

12 Q That's when you took the actual
13 training, correct?

14 A Yes, it was that week.

15 Q You can put that aside. I'm going to
16 introduce -- Actually, before I move on, can you go
17 back to the certificate?

18 A Uh-hum.

19 Q Do you recall when you received this
20 certificate?

21 A This certificate right here, it would
22 have been the 24th.

23 Q Of June?

24 A Of June, yes.

25 Q So to clarify, you would have received

1 this certificate on June 24, 2018?

2 A Correct.

3 MS. LEFKOWITZ: Okay. Now you can put
4 it aside. I'm going to introduce Exhibit AA.

5 (Thereupon, Exhibit AA was marked for
6 identification.)

7 Q Let me know when you have had a chance
8 to look at that document.

9 A I know what it is, I'm good.

10 Q What is this document?

11 A This was the qualification sheet that
12 was in conjunction with the FASTER training.

13 Q Okay. And this is in fact your
14 qualification sheet?

15 A Yes, correct.

16 Q So, it looks like you got a perfect
17 score on it; is that correct?

18 A Correct, yes.

19 Q What's the date?

20 A It is 7/11/18.

21 Q So this qualification is dated after
22 you received the certificate of completing the FASTER
23 training course, correct?

24 A Correct.

25 Q And why is that?

1 A This certificate (indicating) shows
2 that I took the class. This is when I qualified
3 (indicating).

4 Q What do you mean when you say
5 "qualified"?

6 A When I was able to pass their rigorous
7 standards for their -- What's the word I'm looking for?
8 Their standards to pass the class is you have to have,
9 I think, 26 out of 28 rounds placed. I had the perfect
10 score of 28 out of 28.

11 Q You're talking about the rigorous
12 standards for target shooting; is that correct?

13 A Yes.

14 Q So you received the certificate that I
15 handed to you earlier before you passed the target
16 shooting test; is that correct?

17 MR. CONOVER: Objection.

18 A Correct.

19 Q Why did you take the actual test, the
20 target shooting test at a later date?

21 A Their standards are actually tougher
22 than the actual police academy standards, and the first
23 time I was off by one shot. And I would say the reason
24 why, it was about a hundred degrees that day, I was
25 dehydrated, had been there all day, and I was a little

1 overconfident in my skills and I went through the
2 course too fast. And that's what the trainers told me,
3 if you slowed down, you would have done it. Because
4 they actually told me that I was one of the better
5 shooters the whole week there. So I went to the range
6 a couple times, practiced, and then came back and had a
7 perfect score.

8 Q I've never fired a gun, so I have no
9 idea how hard it is or anything along those lines. I'm
10 just basically trying to figure out the timing of when
11 everything occurred.

12 A Okay.

13 Q On the day that you received the
14 certificate from FASTER, the one that I showed you
15 earlier --

16 A Yes.

17 Q -- how many times did you attempt to
18 pass that handgun qualification test?

19 A The first time?

20 Q Exactly.

21 A You're only allowed two attempts, and
22 both attempts I only missed by one.

23 Q So you can put that aside. I want to
24 come back to the FASTER training in a little bit, but
25 I'd like to take a step back a little bit. Why did you

1 want to be able to carry a firearm at Madison?

2 A Good question. So it all started for
3 me when a few years ago we actually had the active
4 shooter in our building, and I can remember locking the
5 kids down in the room. I actually had a substitute
6 teacher in the room with me as well and had the kids
7 locked down, door locked. And this was even before we
8 had ALICE training or anything like that.

9 And I can remember thinking to myself,
10 you know, here I am, the only thing standing between
11 these kids, and I really just had a textbook in my
12 hands. And I just was, like, this is not a fair fight.
13 And my Christian faith, I know I'm ready to die, I'm
14 confident in myself. But all I could think of was that
15 I have 25 other lives behind me and what am I supposed
16 to do with a book? And that's when I started thinking
17 that I would love, if ever the laws changed, at that
18 point that I would be interested in carrying in the
19 classroom.

20 Q And I just want to clarify, when you
21 refer to the shooting that occurred at the school, that
22 was the shooting that happened on February 29, 2016?

23 A Yes.

24 Q It sounds like you feel responsible
25 for the kids in your classroom?

1 A Yes.

2 Q After that shooting on February 29,
3 2016, did you inquire about -- Strike that.

4 After the February 29, 2016 shooting,
5 did you do any research about potentially carrying a
6 firearm in the classroom?

7 A No, not personally. I figured that
8 would be a District decision. I mean, I always thought
9 it would be a good thing for teachers to get training,
10 but I never actually, like, researched or approached
11 anybody about that.

12 Q Had you ever heard of the FASTER
13 training before you attended it?

14 A No, I had not.

15 Q I assume you're aware that back in
16 2018 there were a few school shootings in the country.
17 Are you aware of that?

18 A Yes.

19 Q One of the shootings, of course, was
20 in Parkland, Florida in 2018; do you remember that?

21 A Yes.

22 Q Did that shooting in any way influence
23 your decision to become authorized to carry a firearm?

24 MR. CONOVER: Objection.

25 A I feel not just that, but just the

1 pattern of shootings in our country, I feel like the
2 world is just slowly getting worse and worse. And
3 whether it's mental illness or violent video games,
4 movies, I don't know, but it is a problem and I don't
5 see the problem going away. So I think it's just been
6 a slow, continual just worsening of the situation. And
7 that's really what has got me thinking, not one
8 particular shooting.

9 Q And you want to be in a position that
10 you can defend the students that are in your classroom;
11 is that correct?

12 MR. CONOVER: Objection.

13 A Right.

14 Q Because you're worried about their
15 safety; is that correct?

16 MR. CONOVER: Objection.

17 A Correct.

18 Q Have you ever been interested in
19 joining the law enforcement profession?

20 A No.

21 MR. CONOVER: Objection.

22 Q You have always wanted to be a
23 teacher?

24 A Correct.

25 Q But you just want to make sure that

1 your kids are as safe as possible when they are with
2 you?

3 A I do not want to hunt down a bad guy.

4 Q Do you want to take a break?

5 A Oh, no, I'm fine.

6 Q So let's talk a little about the
7 FASTER training.

8 A Okay.

9 Q Can you tell me, how long is the
10 actual training?

11 A I believe it was, if my memory serves
12 me correctly, it was like three days. And it involved
13 anything from just trigger control, on how to properly
14 handle the firearm safely, how to holster/reholster,
15 how to conceal the firearm. And then a major component
16 of the class was also like first-aid, responding to
17 injuries of like a shooting nature.

18 Q I want to make sure I got everything,
19 so I'm going to go through them again.

20 A Okay.

21 Q One of the things you learned was
22 trigger control; is that correct?

23 A Correct.

24 Q Another thing you learned at the
25 FASTER training is how to holster and reholster your

1 weapon; is that correct?

2 A Correct.

3 Q Something else that you learned is how
4 to conceal your weapon; is that correct?

5 A Correct.

6 Q And another thing you learned at the
7 FASTER training is how to administer first-aid; is that
8 correct?

9 A Uh-hum. Can I add something as well?

10 Q Definitely. But let me -- You did
11 learn first-aid --

12 A Yes.

13 Q -- at FASTER; is that correct?

14 A Correct.

15 Q What did you want to add?

16 A Also, like proper, like, grip and I
17 forgot breathing techniques, staying calm in a
18 stressful situation.

19 Q And did you learn anything else during
20 this training?

21 A I'm sure I did. Let me think about
22 it. I guess just like being aware of your situation,
23 like trying do deescalate situations before they become
24 life or death.

25 Q What did you learn about deescalating

1 a situation before they become life or death?

2 A I'm trying to think. So basically if
3 you see someone in that -- you know, arguing or yelling
4 or screaming, obviously, we're not going to pull a gun
5 until we actually see that active threat happening.

6 Q So was part of the training that you
7 received to try to talk the individual down?

8 A Well, if they have like a weapon drawn
9 ready to hurt somebody, then that's the point where
10 someone is going to get hurt. It was more like if
11 someone is not -- still threatening and there was no
12 weapons involved or whatever, like talk someone down
13 first. But then when there is that violent response
14 by a person, then that's when you have to take the
15 action.

16 Q And what's the action that you have to
17 take?

18 A Well, if they're threatening somebody
19 or shots have been fired, you have to shoot them, put
20 them down so that they don't injure or hurt someone
21 else.

22 Q According to the training that you
23 received, at what point are you allowed to -- Strike
24 that.

25 According to the training that you

1 received, at what point are you expected to draw your
2 weapon?

3 A If someone comes to my room, shots are
4 being fired, then that's the point where you're going
5 to be responding with deadly force. Or even if they
6 have a gun threatening somebody, I guess that would
7 be -- at any point where I feel they're going to harm
8 or hurt or kill one of my students.

9 Q Isn't it part of the training that
10 by the time shots are being fired, it's in fact too
11 late?

12 MR. CONOVER: Objection.

13 A I'm not sure I'm understanding what
14 you're saying.

15 Q So during this training, you go
16 through some simulations; is that correct?

17 A Uh-hum, yes.

18 Q What are some of the simulations that
19 you go through?

20 A Well, like, for example, one, we
21 learn -- like one of the simulations was we are
22 entering a room and we heard gunshots, a gunshot fired.
23 When we got in the room, it wasn't in fact a shooting,
24 but it was a suicide. And that was an example.

25 Another example was like an angry

1 parent coming in and the situation escalated. At that
2 point the parent like drew a gun and started firing,
3 and that's the point where action had to be taken in
4 the scenarios.

5 In the one example scenario, it was
6 like training to not respond with deadly force. And
7 you hear the gunshot. Oh, it's a suicide. You've got
8 people walking around with cameras taking pictures of
9 it and everything. I mean, there was a multitude of
10 scenarios that we went through.

11 Q So I just want to talk a little bit
12 about that first simulation that you mentioned, the one
13 regarding the suicide.

14 A Uh-hum.

15 Q Yes?

16 A Yes.

17 Q And that is -- So just going back to
18 the beginning, the simulation started when you were
19 somewhere, I don't know where, and you heard gunshots;
20 is that correct?

21 A Correct, uh-hum.

22 Q So can you explain to me where were
23 you in that simulation when you heard gunshots?

24 A Well, I mean, we were like in like a
25 barn-type setting, so it wasn't like a real school

1 setting. We were just like in a hallway in the
2 scenario, heard the shots, and then we had to turn the
3 corner and that's when they had like people set up as
4 if they are just like looking at the body.

5 Q Okay. So part of this simulation is
6 going towards where the gunshot was; is that correct?

7 MR. CONOVER: Objection.

8 A Correct. But, once again, I'm going
9 to say from the District we have been told that that is
10 not our role.

11 Q That's what you were told by
12 Dr. Tuttle-Huff --

13 A Correct.

14 Q I'm sorry --

15 A I'm so sorry.

16 Q No, that's fine, that's fine. That's
17 what you were told by the District -- Strike that.

18 That's what you were told by
19 Dr. Tuttle-Huff when you signed the paperwork allowing
20 you to carry a firearm on school property?

21 A Correct.

22 Q Did you ever receive a piece of paper
23 or email from Dr. Tuttle-Huff saying that you are not
24 allowed to go towards gunshot?

25 A Say the question one more time.

1 Q Sure, absolutely. You just testified,
2 I believe, that Dr. Tuttle-Huff verbally instructed you
3 that you should not be going towards a gunshot in your
4 role as an authorized teacher?

5 A Yes.

6 Q Did you ever receive any written
7 document such as an email, a letter, anything along
8 those lines from Dr. Tuttle-Huff explaining that rule?

9 A No, it was verbal.

10 Q Did you receive a written piece of
11 paper, email, from any other -- from any member of the
12 Board?

13 A No.

14 Q All right. So I wanted to go through
15 this second simulation that you mentioned, which was
16 the one where you mentioned an angry parent?

17 A Uh-hum.

18 Q Yes?

19 A Yes.

20 Q Can you just describe that simulation
21 in a little more detail?

22 A So the building we were in, like once
23 again, it was kind of a barn setting. There was like
24 different like hallways set up to it. But,
25 basically -- and by simulation, sometimes in simulation

1 you were the armed staff, sometimes you were just a
2 kid.

3 So in that particular situation, I was
4 a kid in the room, and it was the -- In that particular
5 situation or simulation, the armed responder -- not
6 responder, but armed staff was the principal. So the
7 altercation took place like in their office. I'm going
8 to put that in quotes, air quotes. And so it was the
9 principal that had to act in that scenario, not any --
10 like a teacher in the classroom because there were
11 administrators in the training as well.

12 Q Okay. I think I understand, I just
13 want to clarify to make sure we're on the same page.
14 In the simulation that you have just described, the
15 shooting occurred in the principal's office; is that
16 correct?

17 A I think it was, by simulation, in like
18 the secretary's office.

19 Q Thank you for clarifying that. And
20 you were acting as a student?

21 A Yes.

22 Q Were you just a student who happened
23 to be waiting outside --

24 A Right, right.

25 Q -- the principal's office?

1 A Correct.

2 Q Okay. Do you remember what was taught
3 in that simulation? Let me explain. I understand that
4 you were the student?

5 A Uh-hum.

6 Q But I assume there was a lesson being
7 taught to everyone that was participating; is that
8 correct?

9 A Right, correct.

10 Q What was the instruction that you all
11 received during that particular simulation?

12 A So that situation, it wasn't like a
13 real principal, but the person playing the principal
14 was waiting, because when the parent -- the actor
15 playing the parent came in and just started like
16 arguing first and it slowly got worse and worse. At
17 that point he drew a gun, and the point was that the
18 armed principal was just kind of there to the side just
19 trying to talk them down. And then at that point when
20 it got to the violence, that's when they were supposed
21 to take action.

22 Q As part of this training, are you
23 taught any mechanisms of disarming the individual that
24 fall in the spectrum between talking to them and
25 actually shooting?

1 MR. CONOVER: Objection.

2 Q Do you want me to clarify?

3 A Go ahead.

4 Q Sure. So I'm just thinking of a
5 police officer, you know, they have a baton
6 theoretically or they have a Taser or probably -- like
7 referring to things that are more what I've seen in the
8 movies, that they can body slam someone, they can
9 arrest someone. So I'm talking about those kind of
10 things.

11 So my question is did you learn any
12 methods of how to disarm someone other than by either
13 talking them down or shooting them?

14 MR. CONOVER: I'm going to just object
15 to the characterization of a police officer's
16 response to a situation. The deponent is not a
17 police officer.

18 A Okay. They did teach us -- In that
19 point where they taught us how to basically, if someone
20 did -- Like if your gun jammed, someone is coming in
21 your room shooting, they taught us ways to try and like
22 get the gun away from their hand and things like that,
23 but I guess that would be the only other training that
24 I could think of.

25 Q So using your body essentially --

1 A Right.

2 Q -- to attempt to disarm the
3 individual?

4 A Correct.

5 Q So we've talked about two simulations.
6 The first simulation being the suicide, correct?

7 A Correct.

8 Q And the second simulation being the
9 angry parent --

10 A Uh-hum, correct.

11 Q -- in the secretary's office, correct?

12 A Correct.

13 Q And I think you mentioned that both of
14 those simulations occurred in a barn-type setting?

15 A Yes.

16 Q And while you were doing those
17 simulations, what kind of firearm did you use?

18 A We used airsoft pistols.

19 Q Can you explain what an airsoft pistol
20 is?

21 A It's basically like a BB gun that
22 shoots like a plastic like pellet or plastic ball.

23 Q So they're designed to not really hurt
24 anyone?

25 A Correct, correct, kind of like a

1 really small paint ball.

2 Q And, actually, you read my mind, I
3 think. When an airsoft pellet is shot, does it explode
4 with any color --

5 A No, no.

6 Q -- or anything like that?

7 A You can fill it, though.

8 Q Okay. So other than the two
9 simulations that we've discussed, what other
10 simulations did you take part in during the FASTER
11 training?

12 A So they did an -- I'm sorry, they did
13 a simulation for like a high school teacher, like at a
14 football game where -- It was like a football game/pep
15 rally kind of situation where people were celebrating
16 and then the armed staff -- and that was not in my
17 simulation either. The armed staff, in that scenario,
18 was there and they had to wait. And basically, it was
19 celebrations, kind of chaotic, and then all of a sudden
20 gunshots started, you know, going off and people were
21 scattering everywhere.

22 And the training in that situation
23 was -- In that situation, the shooter, in that mindset,
24 is just trying to get a body count as high as he can.
25 They kind of have tunnel vision. And the training was,

1 in that case, they can get up close and then stop the
2 shooter.

3 Q When you say "they can get up close,"
4 you mean the person who was acting as armed personnel?

5 A Yes, correct.

6 Q And, again, I just want to make sure I
7 understand all the details correctly. So the
8 simulation is occurring in a field?

9 A Yes, that one was outside in the
10 field, yes.

11 Q And I imagine there's a lot of people
12 in this simulation?

13 A Yes.

14 Q You have people who are part of the
15 football team?

16 A Yes.

17 Q And people who are in the audience?

18 A Yes.

19 Q And then you have one shooter?

20 A Correct, yes.

21 Q And you have one armed staff?

22 A Yes, in that scenario we did. And can
23 I say something else? And there was also some
24 individual that -- In each scenario there is also
25 individuals as wounded. And then they would actually,

1 after the shooter was stopped, then the first-aid
2 section of the training kind of went in of the
3 simulation.

4 Q Great. And did you actually have that
5 kind of first-aid portion of the simulation at every
6 scenario?

7 A So the first couple scenarios, they
8 did not. And then like the second half of our
9 scenarios, they all involved applying the first-aid as
10 well.

11 Q And what was your role in that
12 particular simulation?

13 A In that one, I was just audience or
14 just a participant that was scared, running away.

15 MR. CONOVER: Just for my purpose, are
16 we talking about the football game scenario?

17 There is a question between --

18 BY MS. LEFKOWITZ:

19 Q Yes, we are talking about the
20 football/pep rally?

21 A Yes.

22 Q Do you understand that?

23 A Yes.

24 MR. CONOVER: Thank you.

25 Q So in that simulation, the attacker

1 comes into the crowd at some point; is that correct?

2 A Yes.

3 Q And starts shooting?

4 A Yes.

5 Q And where is the armed personnel at
6 that point?

7 A For that particular situation, they
8 were just like -- So we're in a field, but there was
9 also like a hallway like structure built, so they
10 couldn't see what was going on. They were just kind of
11 walking and turned the corner when it happened.

12 Q And then what did they do from there
13 on?

14 A From there on, as people are
15 scattering, they identify the shooter and then they
16 took them down.

17 Q So is it fair to say that they
18 approached the shooter?

19 MR. CONOVER: Objection.

20 A Well, in that scenario, I don't see
21 how -- It's not like it's that type of classroom
22 setting where they had particular students with them at
23 that time. In that situation, as a human being, I
24 don't understand why you wouldn't want to stop that
25 from happening. But that's not, obviously, what we've

1 been asked to do by the Board.

2 Because in several of the scenarios,
3 we were trained to hunt the bad guy. But that's not
4 our role at Madison. Now, I know some other districts
5 may take those roles, but that's not what we've been
6 instructed to do at Madison, if that makes sense.

7 MS. LEFKOWITZ: Your answer was very
8 clear, I just don't remember my question now.
9 So I'm going to ask the court reporter to
10 remind me what I asked.

11 (Thereupon, the Question was read back
12 by the court reporter: "So is it
13 fair to say that they approached the
14 shooter?")

15 BY MS. LEFKOWITZ:

16 Q Okay. In this scenario that you just
17 described at the football game, the armed personnel
18 moved toward the shooter while the shooting was
19 happening; is that correct?

20 A Yes, correct.

21 MR. CONOVER: Objection.

22 Q But your testimony is that you have
23 been instructed by your superintendent that in that
24 situation you should not move towards the shooter?

25 MR. CONOVER: Objection.

1 A Well, we talked more about in the
2 classroom. Like I personally don't attend football
3 games, but we've been told that we are just to lockdown
4 our area and secure our kids and protect them.

5 Q But I assume, even though you don't
6 attend football games, you are allowed to bring your
7 firearm to a football game; is that correct?

8 A Correct.

9 Q Is the football stadium on Madison's
10 campus?

11 A Correct.

12 Q So if, God forbid, something like
13 that, the simulation that you just described at the
14 football stadium, occurred, what would you do in that
15 situation?

16 MR. CONOVER: Objection.

17 A What would I do?

18 Q Yes.

19 A I'm at the game, I see students dying,
20 boom, dead kid, boom, dead kid, boom, dead kid. The
21 police are seven or eight minutes away. I'm not going
22 to go chase them out of the stadium, but if I am there
23 and I see it, I'm going to take action. As a human
24 being, I can't sit by and watch death.

25 Q And to clarify, when you said "take

1 action," what's the action that you're referring to?

2 A I'm going to draw my weapon and shoot
3 the murderer.

4 Q So you have described, I believe,
5 three scenarios?

6 A Uh-hum.

7 Q Is that correct?

8 A Yes, correct.

9 Q One of those involved a suicide?

10 A Correct.

11 Q The second involved an angry parent at
12 the principal's office?

13 A Yes.

14 Q And the third one involved a football
15 game?

16 A Yes.

17 Q In any of those scenarios, were you
18 the armed personnel?

19 A Yes, I was. In my scenario, I was a
20 band director. And in my scenario, I was like doing
21 like a band concert practice and there was a shooter in
22 the hallway that entered my room basically.

23 Q And in that room where you were, you
24 had individuals who were acting as students, correct?

25 A Some were acting as students, some of

1 them were acting -- well, they were students, but they
2 were also the injured role, and then there was one bad
3 guy.

4 Q Okay. And so what did you do in that
5 simulation?

6 A In that simulation, we heard the
7 gunshots in the hallway, the kids kind of scattered,
8 the person entered the room; and as soon as they
9 entered the room, that's when I drew and fired the
10 airsoft gun at the bad guy.

11 Q During that simulation, were you
12 trained to lock the door of the band room?

13 A We were told in that scenario that we
14 wouldn't have time because it just literally happened
15 that fast.

16 Q I just want to make sure the record is
17 clear. The shooting happened that fast?

18 A Yes.

19 Q So you wouldn't have time to --

20 A In this scenario, I would not have
21 time because literally I was standing and between me
22 and the door was the students and they just kind of
23 scattered. And as soon as the shooting started, at
24 that point the gunman is already in the room.

25 Q Were there any scenarios during the

1 training where you were expected to lock the door and
2 hide?

3 A Not in the particular FASTER training,
4 no.

5 Q So you mentioned, I believe, that in
6 the band director scenario you were the armed staff,
7 correct?

8 A Correct.

9 Q Were there any other simulations in
10 which you were the armed staff?

11 A No.

12 Q Approximately how many simulations
13 overall did you do that weekend?

14 A Maybe eight or nine, ten-ish upper
15 range.

16 MS. LEFKOWITZ: Let's take like a
17 two-minute break. Is that okay?

18 THE WITNESS: That's fine.

19 (Deposition stood in recess.)

20 MS. LEFKOWITZ: Back on the record.

21 BY MS. LEFKOWITZ:

22 Q An active shooter situation is a
23 stressful situation; is that fair?

24 A Yeah, yes.

25 Q And if you were ever faced with an

1 active shooter situation, you would rely on the FASTER
2 training that you received, correct?

3 A Yes.

4 Q And why is that?

5 A They stressed like breathing to calm
6 down your stress in that stressful situation. They
7 taught us the proper, you know, grip, trigger control
8 to make sure our shots are a hundred percent accurate,
9 then that would be why.

10 Q So if you're in a stressful active
11 shooter situation, you fall back on your training,
12 correct?

13 MR. CONOVER: Objection.

14 A Yes.

15 Q I believe you mentioned earlier in
16 your testimony that at least some of the training that
17 you received in FASTER involved hunting the bad guy; is
18 that correct?

19 MR. CONOVER: Objection.

20 A It did; but, once again, that's not my
21 role at Madison School District, and that's something
22 personally that I don't want to do. Even going through
23 the training, I remember saying that's not what I want
24 to do.

25 Q And I understand that, but you did

1 receive training from FASTER on how to hunt the bad
2 guy; is that correct?

3 A Yes.

4 MR. CONOVER: Objection. I think he
5 said that in his last answer.

6 MS. LEFKOWITZ: Sorry, can you repeat
7 his answer, the very last one?

8 MR. CONOVER: Can you repeat the
9 question and the answer, please?

10 (Thereupon, the Question and Answer
11 were read back by the court reporter.
12 Question: "And I understand that, but
13 you did receive training from FASTER
14 on how to hunt the bad guy; is that
15 correct?" Answer: "Yes.")

16 BY MS. LEFKOWITZ:

17 Q Are there particular simulations that
18 you have not previously mentioned in which you were
19 instructed on how to hunt the bad guy?

20 MR. CONOVER: Objection.

21 A We were taught how to like move
22 through a hallway and like check rooms; but, once
23 again, that does not apply to my role. I know some
24 districts there had administrators that were wanting to
25 take on that role.

1 Q Was there any -- Strike that.

2 You were at FASTER training on a
3 weekend, I assume?

4 A It was like -- I think it was a
5 Thursday through a Saturday, I believe.

6 Q Okay. So during that period that you
7 were at the FASTER training, was there any special
8 training set aside for just Madison personnel?

9 A No.

10 Q All of the participants trained
11 together; is that correct?

12 A Yes, correct.

13 Q So the scenario that you just
14 mentioned involving moving down the hallways -- Strike
15 that.

16 The situation that you mentioned
17 involving moving down the hallway and checking rooms,
18 can you give me a little bit more detail on that
19 scenario?

20 A It wasn't so much a scenario, they
21 just taught us how to move through a hallway, how to
22 use doors as concealment, how to quickly check a room
23 to make sure everything is okay.

24 Q That's training that you received from
25 FASTER?

1 A Yes.

2 Q And when you were looking into the
3 rooms, part of what you were looking for was the
4 shooter; is that correct?

5 A Yes, in the training.

6 (Thereupon, Exhibit W was introduced
7 for identification.)

8 Q I'm going to introduce a document that
9 was previously marked as W. What is the document that
10 I've just handed you?

11 A "FASTER Saves Lives, a School
12 Authorization Checklist."

13 Q Have you ever seen this document
14 before?

15 A It may have been emailed to me, but I
16 don't remember exactly.

17 Q Okay. No problem. My next question
18 isn't about that, so you can set it aside, actually,
19 for a second. Did you receive any written material
20 from FASTER while you were at the training?

21 A Other than our like score sheet and
22 our certificates, no.

23 Q You didn't receive any kind of written
24 curriculum or anything like that?

25 A No, no.

1 Q Any pamphlets?

2 A No. We did receive first-aid trauma
3 kits.

4 Q Did you watch any videos while you
5 were there?

6 A Yes, we did watch videos.

7 Q What were the videos that you watched?

8 A A couple videos when we first started
9 the class were about like kind of the profile of school
10 shooters. We learned about a couple of the past school
11 shootings over the past, you know, several years. And
12 we did see some first-aid training videos.

13 Q Anything else, any other videos?

14 A Most of our like gun training was by
15 the instructor, so --

16 Q Okay. Did any of the scenarios --

17 A Can I add one thing?

18 Q Yes, of course.

19 A We did see like crime statistics and
20 things like that, like number of shootings, videos kind
21 of like that.

22 Q Did you get any training on any legal
23 responsibilities you have?

24 MR. CONOVER: Objection.

25 A No, not that I recall from the class.

1 Q Did you get any training on when it is
2 appropriate to use lethal force?

3 MR. CONOVER: Objection.

4 A Police officers were training the
5 course and they basically trained us that that deadly
6 force is used and returned with deadly force. They
7 even trained us, you know, if you've shot the bad guy,
8 he's down, we're not murderers, we're not going to
9 finish him off.

10 Basically, we're there to, you know,
11 if they're still firing, then, yes, we're still going
12 to keep shooting. But once you shot, the bad guy's
13 down, we secure the area, we make sure the bad guy
14 can't hurt anybody else, we attend to other kids first,
15 and then, if possible, we try and help the bad guy too.

16 Q I think as part of your last answer
17 you said part of the scenario was having to secure the
18 area; is that correct?

19 A Correct.

20 MR. CONOVER: Objection.

21 Q Or it can involve securing the area,
22 correct?

23 MR. CONOVER: Objection.

24 A Yes.

25 Q What does that mean?

1 A So if an active shooter comes into my
2 room, guns are blazing, shooting, we obviously stop
3 that threat. Once that threat has been stopped, we
4 make sure -- kick the gun away, cover it with a trash
5 can, make sure any of the students can't pick up that
6 gun. They trained us how that -- you know, we don't
7 know how the bad guy may have modified that gun. So
8 just touching it, you don't want it to go off. So
9 that's why we put it under a trash can, keep it out of
10 the way of the kids, make sure the door is locked in
11 case there's other bad guys involved. That's what I
12 mean by securing the area.

13 Q Did any part of the training that you
14 received involve calling 911?

15 A Yes.

16 Q When is that supposed to occur?

17 A We were trained to, once the -- If my
18 memory serves me correctly, once we take down the bad
19 guy and secure the weapon, we call 911 right away and
20 notify and then start treating the wounded.

21 Q In the simulations that you were
22 trained on, did any of them involve accidentally shooting
23 a student?

24 MR. CONOVER: Objection.

25 A No.

1 Q And I want to clarify just in case my
2 question wasn't a good one. At any point during the
3 training, did the instructors discuss a possibility and
4 the need to avoid accidentally shooting bystanders?

5 MR. CONOVER: Objection.

6 A Absolutely, yes.

7 Q What did your instructors say about
8 the possibility of an innocent bystander being shot?

9 A Well, they had extensive training
10 about how not to muzzle kids. So if someone breaks
11 into our room, our gun is not pointed up just going
12 around until the bad guy is right in front of us.

13 Q Did you say muzzle?

14 A Yes.

15 Q What does that mean?

16 A Muzzle is like I'm moving around the
17 room and my gun crosses your path basically. They
18 taught us how to hold the gun down until the bad guy
19 was there.

20 Q So that's the training that you
21 received to avoid accidentally shooting an innocent
22 bystander?

23 MR. CONOVER: Objection.

24 A And we also learned about how in that
25 mass shooting scenario -- now, it's not going to apply

1 to every situation, but for the most part kids are
2 scattering, so they are as far away from the shooter as
3 possible.

4 MS. LEFKOWITZ: Sorry, can you read
5 that answer back, please?

6 (Thereupon, the Answer was read back
7 by the court reporter: "And we also
8 learned about how in that mass
9 shooting scenario -- now, it's not
10 going to apply to every situation,
11 but for the most part kids are
12 scattering, so they are as far away
13 from the shooter as possible.")

14 BY MS. LEFKOWITZ:

15 Q In that answer, who is "they"?

16 A What did I say?

17 MS. LEFKOWITZ: Can you re-read that
18 answer?

19 A I think I was referring to the
20 students.

21 (Thereupon, the Answer was read back
22 by the court reporter: "And we also
23 learned about how in that mass
24 shooting scenario -- now, it's not
25 going to apply to every situation,

1 but for the most part kids are
2 scattering, so they are as far away
3 from the shooter as possible.")

4 A "They" refers to the students. So if
5 a guy comes in with a gun and starts shooting, they're
6 not going to be walking up to him, they're going to be
7 getting as far away in the corner and out of the way of
8 the gunfire as possible.

9 Q And in that situation, what is the
10 role of the armed teacher?

11 A In that situation, the person comes in
12 the door, they're shooting, kids are scattering, that's
13 when I draw. I'm not muzzling kids, the gun's down.
14 And when I have that clear shot that I know I'm not
15 going to hit any other kids, that's when we take
16 action.

17 Q And by "take action," you mean --

18 A Shoot.

19 Q -- shoot?

20 A Yes.

21 Q All right. I'm going to direct your
22 attention back to Exhibit W. That is the FASTER School
23 Authorization Checklist.

24 A Uh-hum.

25 Q If you flip towards the very first

1 page, that's the Table of Contents, correct?

2 A Yes.

3 Q Now, if you scan down that Table of
4 Contents, you'll see towards the bottom, "FASTER
5 Level 1 Outline"?

6 A Okay.

7 Q Page 17?

8 A Yes.

9 Q Do you see that?

10 A It says Page 19 on mine.

11 Q FASTER Level 1?

12 A I see Level 1 Outline -- I'm sorry, it
13 is 17, you're correct.

14 Q And Level 1 FASTER training is the
15 training that you received, correct?

16 A Yes.

17 Q Can you flip to Page 17? And I can
18 tell you right now that the number 17 doesn't actually
19 occur on it, but it's the page that says "FASTER
20 Level 1 Outline," and it is towards the end. Let me
21 know when you're there. I think it's farther back than
22 that.

23 A That's Level 2. There we go.

24 Q Perfect. Thank you. So you see
25 towards the top of the page it says "FASTER 1 - 3 days

1 27 hours"?

2 A Yes.

3 Q I'm not entirely clear on what that
4 means. But to you, did the FASTER training occur for
5 27 hours over a three-day period?

6 A Yes.

7 MR. CONOVER: Objection.

8 Q And you'll see it has a bullet point
9 that says "Classroom"?

10 A Yes.

11 Q And under the bullet point that says
12 "Classroom," there is another bullet point that says
13 "Legal issues/Law Enforcement Response." Do you see
14 that?

15 A Yes.

16 Q Do you remember any specific
17 information that you received on legal issues?

18 A What I see with the "/Law Enforcement
19 Response," a big part of -- like the early class was
20 talking about how, obviously, it's the police's job to
21 come in and apprehend suspects, things like that. But
22 the problem is in an active shooting situation, the
23 police just can't get there fast enough. And it was
24 the fact that we are the first line of defense to
25 protect our kids and our classroom while we're waiting

1 for those police to get there.

2 Q Now, let's move onto the next bullet
3 point. Do you see where it says "Range"?

4 A Yes.

5 Q Two bullet points down, do you see it
6 says, "Drawing from the holster, concealment carry
7 methods. Unconventional carry methods." Do you see
8 that?

9 A Uh-hum, yes.

10 Q Did I read that correctly?

11 A Yes.

12 Q What are unconventional carry methods?

13 A From what I remember from the class,
14 let's see here, I think that may be referring to we
15 learned -- Let's say a shooter comes in the room,
16 starts shooting, and my right hand gets shot and I
17 can't -- I'm right-handed. So, obviously, we learned
18 how to shoot one handed, how to draw with your left
19 hand, things like that. How to -- like for me
20 personally, I don't carry with a round chamber just as
21 an added safety level. How to chamber the round with
22 one hand, things like that, I believe that's what
23 that's referring to.

24 Q Okay. The next bullet point down, can
25 you read me that next sentence?

1 A "Shooting while moving, single hand
2 shooting both dominant and non-dominant hand."

3 Q Can you tell me what instruction you
4 received on shooting while moving?

5 A Oh, yes. So if a bad guy comes in the
6 room, starts shooting, if I stand there, it's way
7 easier to get hit. So it was more of a controlled
8 moving, stepping aside as you're shooting, just so that
9 you're not standing there static giving an easier
10 target to the bad guy.

11 Q Thank you. Now let's go down to the
12 next bullet point.

13 A Okay.

14 Q That says, "Tactics, corner rounding,
15 drop outs, and setting an ambush," correct?

16 A Yes.

17 Q What is "corner rounding"?

18 A I think that has to do with when we
19 learned how -- like when they were showing us clearing
20 a room, how to like turn a corner and using the corner
21 as a concealment. But, once again, I said that's not
22 what our District was wanting us to do.

23 Q So you're turning a corner and instead
24 of putting your whole body out --

25 A Correct.

1 Q -- you're supposed to peek out; is
2 that the idea?

3 A Essentially, yes.

4 Q And in that scenario, you're walking
5 down a hallway, you have to round a corner and look in
6 another classroom; is that correct?

7 A Yes.

8 Q What are drop outs?

9 A Where do you see that at?

10 Q Sure. We're on the same bullet point,
11 right after "corner rounding," it says "drop outs." I
12 think it's a little farther up, back to "Range." One,
13 two, three, the fourth bullet point under "Range" it
14 starts "Tactics, corner rounding," and then "drop
15 outs." Do you see that?

16 A I personally don't remember what the
17 drop outs refers to, to be honest.

18 Q That's fair. And the next phrase
19 after that is "setting an ambush"?

20 A Yes.

21 Q Can you recall what training you
22 received on setting an ambush?

23 A They didn't talk a lot about that. It
24 was more of -- I believe the way they instructed was if
25 like the bad guy comes in the room, then you're trying

1 to get to like an opposite corner. So they're coming
2 in, they don't like see you, I believe is what it
3 meant. But I don't remember a lot about that training
4 either.

5 Q Do you see the next bullet point? It
6 says, "Decision making skills with roped firearms." Do
7 you see that?

8 A Yes.

9 Q Do you know what a roped firearm is?

10 A Yes. So essentially that was like
11 when we were on the range training, you would take the
12 clip out of the gun, open it up, and you would take a
13 rope, stick it through, so that way there was no way --
14 It was basically making it a dummy gun essentially to
15 practice with.

16 Q Okay. Got it, got it.

17 THE COURT REPORTER: Did you say dummy
18 gun?

19 A Dummy gun. I mean, it's not a dummy
20 gun, but it's just a rope that goes in, so that there's
21 no way that a bullet could go in there.

22 Q I'm going to move two bullet points
23 down to where it says "People handling skills, weapon
24 retention in hand and in holster." Do you see that?

25 A Say that one more time, what am I

1 looking for?

2 Q So after "roped firearms" --

3 A Okay.

4 Q -- we're going to skip the next one in
5 the interest of time and then we're going to go to the
6 following bullet point, which says "People handling
7 skills, weapon retention in hand and in holster"?

8 A Yes.

9 Q What training did you receive on
10 people handling skills?

11 A That was -- This wouldn't so much
12 apply to concealed carry holders, this would be more
13 like for a school resource officer. It was basically
14 if the bad guy gets ahold of your gun and like in a
15 scuffle. So the gunman comes in, you're pulling your
16 gun out, they kind of get into you. It was all about
17 how to keep the gun under control and in your hand.

18 And then the part that says, let's
19 see, "People handling," I think that was we learned how
20 to basically wrestle the person to the ground.

21 Q All right. So I'm going to go a
22 little further down that page. Do you see the big
23 bullet point where its says "Force on Force Scenario
24 Based Training"?

25 A Yes.

1 Q The first bullet point is "Hunters"?

2 A Yes.

3 Q Do you have any idea what that is in
4 reference to?

5 A That was in reference, when they
6 taught, like I said, for districts that want to pursue
7 that angle, when like administrators especially are
8 going looking for the active shooter.

9 Q Okay. So the hunter is the armed
10 personnel; is that right?

11 A Yes, correct.

12 Q And what about "Ambushes"? Do you see
13 in next bullet point, "Ambushes"?

14 A Yes, yes.

15 Q And what does that refer to?

16 A I think what I said earlier, setting
17 up angles in your room where the bad guy comes in, so
18 that they're at a disadvantage when they come into your
19 room. So, essentially, I have locked my classroom
20 down, door's locked, but he breaks in. I'm standing
21 here, so he has to literally come in and turn around
22 before he can get to me. So that's what that's
23 referring to.

24 Q Okay. And in any of the training that
25 you received, again, was there any instruction on

1 actually locking the classroom door?

2 MR. CONOVER: Objection.

3 A No, not in FASTER, but I think I've
4 already answered that.

5 Q One of the following bullet points
6 says, "Large areas," do you see that?

7 A Uh-hum, yes.

8 Q And what does that refer to?

9 A I think that would refer to like the
10 situation with the football stadium, any large area
11 where there is going to be people, like the cafeteria
12 or a football stadium.

13 Q And two more bullet points, it says,
14 "How to deal with responding law enforcement"?

15 A Yes.

16 Q What did you learn about how to deal
17 with responding law enforcement?

18 A Okay. What the course taught
19 basically with responding law enforcement is
20 essentially, in the scenario that the child -- or the
21 murderer, I'm going to call him, comes into your room
22 shooting, you have to take them down. You're obviously
23 alerting law enforcement, learning to tell him what
24 you're wearing, informing him that you are armed staff,
25 what room, you know, informing him if any kids are

1 hurt, things like that is what it meant.

2 Q Okay. So I'm done with that.

3 A Oh, can I add one thing?

4 Q Sure.

5 A And also, basically once the bad guy
6 is secure, then, obviously, before you let law
7 enforcement -- you're covering that gun up so they
8 know, hands up, so they know you're not a threat when
9 they come in.

10 Q Understood. Thank you for clarifying
11 that. We're done with this document, so you can put it
12 aside.

13 A Okay.

14 Q Earlier in your testimony you
15 testified that you feel responsible for the children in
16 your classroom; is that right?

17 MR. CONOVER: Objection.

18 A Yes.

19 Q Is it fair to say that you care about
20 the students that you are -- Strike that.

21 Is it fair to say that you care about
22 the students who are in your classroom?

23 A Yes.

24 Q You feel responsible for them?

25 MR. CONOVER: Objection.

1 A I think I have answered it, but, yes.

2 Q I think earlier you responded that in
3 some situations you just have to respond as a human
4 being?

5 A Correct.

6 MR. CONOVER: Objection.

7 Q What did you mean by that?

8 A If someone comes in, is murdering
9 individuals, you have to do something. You can't just
10 innocently stand by and watch it happen.

11 Q So if you were faced with a scenario
12 where you wanted to protect your kids, will you
13 disregard the instruction that you received from the
14 Board about pursuing an attacker if you thought it was
15 necessary?

16 MR. CONOVER: Objection.

17 A I don't understand how that can be
18 necessary. I'm here to protect my kids where they're
19 at. Now, if kids scatter, I can't be at ten places at
20 once, I have to be with the kids that are with me at
21 that moment, whether it's in the gym, we lockdown
22 somewhere in the gym; whether it's in the cafeteria, we
23 lockdown somewhere in the cafeteria. But I'm not going
24 to leave those kids. Obviously, some kids could
25 scatter, but I am not to chase them. I am going to

1 have to stay with the group that I'm with.

2 Q Is there any scenario where you see
3 yourself pursuing the attacker?

4 A No, not only could I put myself at
5 harm, the police officer is coming in the building,
6 they might not know. So, no, I would not pursue, and
7 it's always been my intention not to pursue.

8 MS. LEFKOWITZ: Okay. I'm done for
9 now unless I have any additional questions. Do
10 you guys want a little break or do you want to
11 keep going?

12 MR. CONOVER: If we could just have a
13 moment off the record?

14 MS. LEFKOWITZ: Sure.

15 (Off-the-record discussion.)

16 DIRECT EXAMINATION

17 BY MR. CONOVER:

18 Q Thank you for being here today. I
19 just have a few questions for you. I'm going to do my
20 best to track Ms. Lefkowitz's live questioning, but I
21 may jump all over the place a little bit. I think
22 earlier on in your testimony you said that you do not
23 carry every day at Madison; is that correct?

24 A Correct.

25 Q Whose decision is it whether or not

1 you carry on any given day?

2 A It's my decision.

3 Q So you're not required to carry every
4 day?

5 A No.

6 Q I think we also talked -- You
7 mentioned it was your understanding that other
8 districts may have a policy in place that allows their
9 staff to go on the offensive for kind of lack of a
10 better word or I think you used "hunt the attacker"?

11 A Yes.

12 Q But have you seen another district's
13 policy that allows such an operational tactic?

14 MS. LEFKOWITZ: Objection.

15 A I have not.

16 Q So you're not actually aware if those
17 districts have them or not?

18 A No.

19 Q But Madison's does not?

20 A Madison clearly does not.

21 MS. LEFKOWITZ: Objection.

22 Q Okay. You talked quite a bit about I
23 think three scenarios that you went through while you
24 were at FASTER. I believe one was the angry parent out
25 in the secretary's office; is that right?

1 A Yes.

2 Q One was the band director scenario?

3 A Yes.

4 Q And then one was the football game/pep
5 rally scenario?

6 A Yes.

7 Q Oh, and there was also the suicide as
8 well, correct?

9 A Yes.

10 Q And I think during the band director
11 scenario, you said that you were the armed personnel,
12 correct?

13 A Yes.

14 MS. LEFKOWITZ: Objection.

15 Q Can you just describe again for me the
16 scenario of when you were the armed personnel in the
17 band director --

18 A Yes. So in that scenario, I was in a
19 mock band room, kind of up front, like say there was a
20 choir or people playing their instruments. Obviously,
21 they weren't really playing instruments. So in that
22 scenario, there was a hallway connected to where we
23 were at and the shots we heard in the hallway and then
24 almost instantaneously the bad guy starts coming into
25 the room. And that's the point where the kids

1 scattered. And once the kids are out of the way, I was
2 able to draw the airsoft pistol and take out the bad
3 guy in the scenario, and then I had to treat the
4 wounded.

5 Q And so when you say the students
6 scattered, did you mean they were still within the band
7 or choir room?

8 A Correct.

9 MS. LEFKOWITZ: Objection.

10 Q Were there any, outside of the four
11 that we've talked about, what other scenarios do you
12 remember about the FASTER training?

13 A There was a scenario where -- I
14 believe I even had a scenario where there was like an
15 angry teacher who was not a person who was able to
16 carry a gun, but just kind of like a postal situation.
17 They had been let go or something and they came in.
18 There was a scenario where -- I'm trying to think of
19 all the others ones. We had so many.

20 There was another scenario where we
21 were in just a typical classroom and I think it was the
22 first one they did in a scenario, and basically the bad
23 guy just kind of just randomly came in and started
24 shooting. I said the suicide one already. And they're
25 kind of blending together, so --

1 Q So the two I just want to follow up on
2 and the one you brought up, you said there was an angry
3 teacher who was not an authorized armed staff member?

4 A Right, right.

5 Q And went postal is how you described
6 it. Can you just describe that scenario for me?

7 A Yes. So in the scenario, the teacher,
8 they were not real clear why, but the teacher was
9 obviously agitated. And as things were -- as the
10 scenario was unfolding, the teacher kept getting more
11 and more agitated to the point where she lost it and
12 pulled out a gun. But, once again, it was not a
13 certified trained armed staff, it was just a scenario
14 where the teacher had just had it and went postal.

15 Q And what was your role in the
16 scenario; do you remember?

17 A I was just a student in the
18 background.

19 Q And even though you weren't the armed
20 personnel, what did you learn from that scenario?

21 MS. LEFKOWITZ: Objection.

22 A In that scenario, I learned that you
23 have to be aware of any and all threats. It doesn't
24 have to be just an outside person, it doesn't have to
25 be -- you don't know who had a mental breakdown or who

1 snapped, you never know.

2 Q And, again, I think it was your
3 testimony that this all occurred in -- Actually, strike
4 that.

5 Where did this scenario occur?

6 A In a classroom.

7 Q It was all, the entire scenario
8 occurred in that classroom?

9 A Yes. The active responder I think in
10 that situation was the principal of the school who was
11 like in the hallway nearby.

12 Q And I think that second scenario you
13 described was what I think you called just a typical
14 classroom?

15 A Yes.

16 Q Where the intruder came into the
17 classroom?

18 A Yes.

19 Q Can you describe that scenario for me?

20 A In that scenario, they just wanted to
21 show us the chaos of what happened, how kids will
22 scatter and run away. So I think that was our first
23 one.

24 Q And do you recall your role during
25 that scenario?

1 A I was a student as well in that role.

2 Q And what did you learn from that
3 scenario?

4 A I learned that the kids -- Now, every
5 scenario is different, but the kids are typically going
6 to get as far away from the shooter as possible. And
7 also in that situation and in most active shooter
8 situations, they only care about the body count, they
9 have tunnel vision and they are not expecting
10 resistance.

11 Q Thank you. So those are I think the
12 two specific scenarios that you mentioned in response
13 to I think one of my first questions. Do you recall
14 any additional scenarios, specific scenarios? I know
15 that you said they're starting to blend together, but
16 if there's any ones that you specifically recall?

17 A Give me a second. No, I can't recall
18 any more, I'm sorry.

19 Q Okay. No reason to apologize. I
20 think Ms. Lefkowitz asked you whether during your
21 FASTER training you received any specific training,
22 either in these scenarios or in general, about locking
23 down; is that correct?

24 A Correct, yes.

25 MS. LEFKOWITZ: Objection.

1 Q And I believe your testimony was at
2 FASTER you did not receive that?

3 A Yes.

4 Q Outside of FASTER, have you received
5 any training regarding lockdown?

6 A Yes, we've had several professional
7 developments on the ALICE training system.

8 Q Can you just briefly describe the
9 ALICE training?

10 A Yes. So ALICE is like an acronym.
11 And it doesn't necessarily have to be in that order,
12 but, I mean, it's like alert, lockdown. And basically
13 in ALICE training we are taught to -- the first thing
14 we have to do is lock our doors, secure the area, make
15 sure we alert either administration or law enforcement.
16 And in certain parts of ALICE, forget guns in the
17 equation, all the teachers are trained that if an
18 intruder does come in, you resist, you throw books, you
19 do whatever.

20 Q And do you know if all Madison staff
21 go through that ALICE training?

22 A To the best of my knowledge, all
23 Madison staff were required to go through the training,
24 yes.

25 Q So you didn't go through that because

1 of your status as an armed personnel?

2 A No, no.

3 Q Are you aware of any instances, either
4 in that ALICE training or otherwise, whether or not an
5 unarmed teacher can ever use deadly force to respond to
6 an emergency situation in the school?

7 A An emergency situation in the school,
8 now, obviously, if they're not using a firearm, they're
9 going to have to use scissors or whatever they can get.
10 But, yes, they are responsible for keeping their kids
11 safe.

12 MR. CONOVER: I don't think we have
13 anything further.

14 MS. LEFKOWITZ: I just have a couple
15 more questions, very short.

16 RECROSS-EXAMINATION

17 BY MS. LEFKOWITZ:

18 Q You testified earlier that you met
19 with Dr. Tuttle-Huff in August to sign the paperwork to
20 be authorized to carry a gun?

21 A Yes, yes.

22 Q Let me -- You met with Dr. Tuttle-Huff
23 about carrying a firearm at Madison?

24 A Yes.

25 MR. CONOVER: Objection.

1 Q And at that meeting with
2 Dr. Tuttle-Huff where you signed the paperwork and she
3 gave you some verbal guidance, that occurred in August
4 of 2018, correct?

5 MR. CONOVER: Objection, just
6 generally, it's outside the scope.

7 A Yes.

8 Q And the training that you received
9 from FASTER was in June; is that correct?

10 A Yes.

11 Q So at the time that you took the
12 FASTER training, had you received instruction from
13 anyone at Madison that you were not permitted to pursue
14 an attacker?

15 A To the best of my knowledge, they were
16 still working on putting the policy together. The
17 training was happening, so they sent us and we
18 understood that we were not going to be able to carry
19 after the training, we were going to have to do some
20 additional steps, such as the paperwork and learning
21 the policy.

22 Q But at the point you took the
23 training, you had not received any guidance from
24 Madison that prohibited you from pursuing an attacker,
25 correct?

1 A Correct.

2 Q When you're carrying a firearm on
3 school property, I imagine you remain vigilant all the
4 time; is that correct?

5 MR. CONOVER: Objection.

6 A By vigilant, what do you mean?
7 Vigilant of where my firearm is or of my kids?

8 Q Let me clarify. When you're carrying
9 a firearm, you remain vigilant at all times about the
10 possibility that there will be an attacker; is that
11 correct?

12 MR. CONOVER: Objection.

13 A Before I even was carrying a firearm,
14 I was always vigilant. After the previously mentioned
15 shooting, it always sticks in the back of your head.

16 MS. LEFKOWITZ: All right. I am done.
17 Regarding waiving and signing, can we agree
18 that if the transcript is available by next
19 Wednesday, you will have a chance to review it
20 and sign it by January 25? If it's not
21 available by Wednesday, then you will review
22 and sign it seven days thereafter?

23 MR. CONOVER: Yes, whichever the later
24 of the two dates is.

25 MS. LEFKOWITZ: Okay. Great. We're

1 done.

2 MR. CONOVER: I just want to make
3 clear for the record that we'll still do --
4 Actually, we're done.

5
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9

JOHN DOE 3

10
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12 (DEPOSITION CONCLUDED AT 12:33 P.M.)
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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 3 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 3; 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.