

No. 23-1039

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**In the Supreme Court of the United States**

MARLEAN A. AMES,  
PETITIONER,

*v.*

OHIO DEPARTMENT OF YOUTH SERVICES.,  
RESPONDENT.

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ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SIXTH CIRCUIT

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**JOINT APPENDIX VOLUME I of II**

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**Petition for Writ of Certiorari Filed Mar. 18, 2024  
Certiorari Granted Oct. 4, 2024**

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Charging Party

State of Ohio Department  
of Youth Services (DYS)  
4545 Fisher Road  
Suite D  
Columbus, Ohio 43228

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII) and the Age Discrimination in Employment Act of 1967, as amended (ADEA). All requirements for coverage have been met.

Charging Party contends she began working for the Respondent in 2004 and since 2014, she successfully held the position of Program Administrator 3/Prison Rape Elimination Act Administrator. Charging Party alleges that Respondent has discriminated against her based on her sex, female and heterosexual, and on her age, 55. Charging Party contends in 2019, she applied for a promotion to the position of Bureau Chief and was not selected. Charging Party contends the position was ultimately awarded to a less qualified younger gay female who had not applied for the position when it was originally posted. Charging Party contends shortly thereafter, her supervisor, in the process of handing her a thirty year service pin and certificate, encouraged her to retire. Charging Party also contends she is aware of a gay male employee who was treated more favorably when he achieved his thirty years of service. Charging Party contends that on May 10, 2019, the Assistant Director of DYS informed her she would be demoted to a prior position or she could leave. As a result, she contends that she was involuntarily demoted to Administrative Professional 4 and was replaced by a 25-year old gay male who she had trained but had not met the minimum qualifications for the position.

Respondent denies the allegations and asserts Charging Party did not perform well during her interview for the Bureau Chief position. Respondent also contends Charging Party's Program Administrator 3 position was revoked and she was afforded fall back rights to her last classified position which she last held in 2009.

The investigation reveals Charging Party applied and was qualified for the vacant position and was rejected in favor of a less qualified person outside her protected groups.

Furthermore, the investigation reveals Charging Party felt compelled to fall back to her previous position with a significant loss of income while others outside her protected groups were either not demoted or did not receive such a significant decrease in their compensation.

Therefore, I find there is reasonable cause to believe that Charging Party was discriminated against due to her sex, female and heterosexual, in violation of Title VII, and her age, 55, in violation of the ADEA.

Upon finding reasonable cause that unlawful employment practices have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Conciliation is Respondent's opportunity to voluntarily remedy the unlawful employment practices found to have occurred. Ultimately, any conciliation agreement must be acceptable to the Commission. The Respondent will be contacted by a Commission representative to discuss conciliation.

If Respondent fails to engage in conciliation, or if the Commission determines, in its sole discretion, that conciliation has failed, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

The confidentiality provisions and the Commission Regulations apply to information obtained during conciliation.

On Behalf of the Commission:

April 20, 2020  
Date

/s/ Dana R. Hutter  
Dana R. Hutter  
Deputy District Director

cc: Amy Sherrets, Deputy Director of Human Resources  
State of Ohio Department of Youth Services  
4545 Fisher Road  
Suite D  
Columbus, Ohio 43228





[11]

A. Until December of 2010 I became the acting deputy director of parole courts and community services.

Q. Can you say that again, acting director of what?

A. The division of parole courts and community services.

Q. And how long did you hold that job?

A. I was permanently appointed to that in April of 2011.

Q. Okay. And how long did you hold that job?

A. Until January of 2019.

Q. And then what did you -- what job did you take on from there?

[12]

A. I became the director of the Department of Youth Services.

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Thereupon, Plaintiff's Exhibit 1 is marked for purposes of identification.

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Q. You have a stack of exhibits before you --

A. Yes.

Q. -- correct?

All right. Can you go to Exhibit No. 1, which is on page 1.

Did you ever hold the position of deputy director, it says No. 6, did you hold that?

MS. SLATER: Objection.

MR. GILBERT: Pardon me?

MS. SLATER: Objection.

Q. Can you identify Exhibit No. 1?

A. Yes. Exhibit No. 1 appears to be two position descriptions. One is for the deputy director of facility programs and operations. And the other is for the bureau chief of quality assurance.

Q. Okay. Did you hold any one of those

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jobs?

A. No.

Q. Okay. Now, I did not receive the job description for director of youth services. So can you tell me generally what your duties were as director of youth services?

A. Yes. As director, I was appointed by the governor to serve on his cabinet and lead the Ohio Department of Youth Services, which included being the appointing authority supervising directly the assistant director, as well as the chief legal counsel, the chair of the release authority and the legislative liaison, in addition to my executive assistant.

My role was to work on policy with legislators, outside stakeholders, other cabinet agencies, and obviously the governor's office, as well as leading the agency.

\* \* \*

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Q. Okay. I'm interested in the section that reads this. It says this: This agreement supersedes the Ohio Civil Service Laws and Rules regarding eligibility lists of promotions.

And then it goes on and says: Employees serving in a trial or probationary period shall not be permitted to bid on job vacancies. An employee who fails to complete probationary period for a position shall be restricted from bidding on the same classification for one year.

Do you see that?

A. Yes, I see the text you just read.

Q. Okay. Now, by the way, I read that correctly; is that correct?

A. Yes, it appears you read it correctly.

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Q. All right. And if you had any questions in regards to any issue dealing with those type of matters, it's my understanding from your previous testimony that you would seek out guidance from your HR department; is that fair to say?

A. Yes, that's fair to say.

Q. Okay. Now, like most administrators, you don't put these -- this contractual language to -- you don't put that to memory all the time; is that fair to say?

A. Yes, that's fair to say.

Q. Okay. Now, was there ever an occasion where you can recall where an employee was promoted in violation of the promotion period article 9?

A. I do not recall such an example, no.

Q. Okay. And do you recall any other situation where an employee serving a trial or probationary period was allowed to bid on job vacancies in violation of the contract that we just read on page, I think it was 18 -- 18 -- oh, here it is, 18-3? Want me to restate that question?

[22]

A. Please. Yes.

Q. Yes?

A. Yes.

Q. Okay. Are you aware of any situation where there was any promotion or any probationary employee that was promoted in violation of section No. 30, which we identified on page 18.3, Exhibit No. 4?

A. I am not aware of such a case, no.

Q. Okay. By the way, do you know of any exceptions to the language that we just read from, article 9 of the contract and article 30 of the contract?

A. I am not aware of any exceptions, no.

- - - - -

\* \* \*

[24]

Q. Okay. Now, Mr. Gies, I generally wouldn't ask this question, but you're aware of the nature of this case, so I have to ask you this question: Are you now or have you ever been gay?

A. No.

Q. Okay. Is there anyone in your family now or in the past that is gay?

MS. SLATER: Objection.

A. No.

Q. Okay. Do you know the plaintiff, Ms. Ames?

A. Yes.

Q. How do you know Ms. Ames?

A. We have both been employees of the department -- I no longer, but we were previously both employees of the Department of Youth Services.

Q. And by the way, that's Marlean Ames, right?

A. Yes.

Q. Now, was there ever an occasion where you supervised or rated Ms. Ames?

[25]

A. For a very brief period when I was deputy director, and we did not have a bureau chief, I was her supervisor. But I do not believe I was ever her rater.

- - - - -

Thereupon, Plaintiff's Exhibit 6 is marked for purposes of identification.

- - - - -

Q. Okay. Can you go to Exhibit No. 6, please. That starts on page 26.

Do you have that?

A. Yes.

Q. Go to page 31, please.

MS. SLATER: Objection.

A. I'm sorry, could you repeat that page number, please?

Q. I'm sorry. Page 31. That is in Exhibit No. 6.

A. Yes.

Q. Okay. Now, can you identify Exhibit 6? And I can speed this along by just telling you, Mr. Gies, that these are a series of performance reviews of Ms. Ames.

And can you identify Exhibit 6 as that?

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MS. SLATER: Objection.

A. Yes, I can.

Q. Okay. So with Exhibit 6, starting on page 26, I'm going to advance for the sake of time to page 31. Does your signature appear on that?

A. Yes.

Q. And in what capacity?

A. I was the reviewer.

Q. And is that your writing on page 31?

A. The writing just above my signature is my writing.

Q. Since it's in your -- it's in your handwriting; is that correct?

A. Yes.

Q. Since it's in your pen, can you then read in the record what you wrote?

A. Marlean provides a wealth of experience and expertise to the bureau and the division and brings a strong work ethic on a daily basis. I know she will be an invaluable asset to the new chief.

Q. What date did you write that?

A. November 3, 2011.

Q. Was it true what you wrote?

[27]

A. Yes.

Q. And you knew that of your own personal knowledge?

A. I knew that she provided a wealth of experience and expertise to the bureau and the division, and brought a strong work ethic on a daily basis. I wrote in hopes that she would be an invaluable asset to the new chief, yes. I did not know that yet, because that's future.

Q. Okay. But you knew at the time that what you wrote down there was, in fact, true, fair?

A. Yes.

Q. Okay. Can you now turn over to page 40 of that exhibit? Do you have that, sir?

A. Yes.

Q. Does your signature appear on that --

A. Yes.

Q. -- on the page?



Okay. Under what authority does your signature appear on that?

A. Again, I am the reviewer of this evaluation.

Q. For the record -- I'm sorry, I didn't

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mean to interrupt you. Pardon me.

A. Again, I am the reviewer of this evaluation.

Q. For the record, what is a reviewer?

A. The reviewer is the supervisor of the rater. So after the rater completes a detailed performance review, a rating of the employee, then the reviewer signs off before it goes to human resources.

Q. And that's policy, isn't it?

A. Yes.

Q. Okay. Now, did you write anything on that page?

A. Yes.

Q. And that's in your handwriting, correct?

A. Yes.

Q. Since it's in your pen, can you read that into the record, please?

A. Marlean always puts her full effort into tasks and responsibilities. Her contribution to the positive culture in the division is greatly appreciated.

Q. Is that your initials there?

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A. Yes.

Q. What date did you write that?

A. June 12th, 2012.

Q. Was it true?

A. Yes.

Q. Now, during this -- the two signatures that we have thereon, were you also signing as the appointing authority or just the reviewer?

A. I was signing as the reviewer on both of these.

Q. Okay. But not the appointing authority?

A. No, the -- no.

Q. Okay. I just want to make sure we had it straight.

And can you tell me in November of 2011 and also in -- on -- in June of 2012, what was your official title?

A. I was the deputy director of the division. That division changed names a couple times, so for consistency, I'll say parole courts and community.

Q. I'm sorry, can you say that -- what was that again?

[30]

A. I was deputy director of the division of parole courts and community.

Q. Okay.

A. I was just clarifying that that division name has changed a couple times over the years.

Q. Fair enough. Thank you.

Can you now turn to page 47 of that exhibit?

Does your signature appear there as well?

A. Yes.

Q. Did you write anything on that review?

A. Yes.

Q. And is that in your own pen?

A. Yes.

Q. Can you read that into the record what you wrote on that occasion?

A. Thanks Marlean for the hard work and dedication.

Q. Was that true?

A. Yes.

Q. Mr. Gies, what I want to ask you is: We've got you as the reviewer on three

[31]

evaluations -- I'm sorry, let me back up.

What date did you -- was your page 47, what date was that?

A. August 2nd, 2013.

Q. Okay. Now, in the three evaluations we've just gone over in regards to Ms. Ames, has your opinion of her and her work changed?

A. Please clarify. Has it changed in what period?

Q. Well, okay. Fair enough.

From the date you wrote those notes that we have identified in the record through May 10th of 2019, had your opinion of Ms. Ames changed?

A. Yes.

Q. And when did that occur?

A. Over the period of time between 2013 and 2019.

Q. What specifically occurred during that window of time 2013 to 2019 that changed your opinion?

A. The changing of my opinion had to do with feedback from staff and county functions that Marlean worked directly with in her job. And the

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feedback was that she was difficult to work with, hard to communicate with, and dictated rather than helping our partners in the county. To clarify, she remained hard working and she remained dedicated, I didn't change my opinion at all of those comments.

Q. Well, let me make sure I understand what you're just saying.

You're saying that between 2013 and 2019, the feedback you were getting was that Ms. Ames was difficult to work with, hard to communicate, and dictated to persons?

A. That is correct.

Q. Okay. But your opinion in regards to her hard work and dedication did not change?

A. That is correct.

Q. Anything else that came to your attention between 2013 and 2019 in regards to Ms. Ames and the change of her opinion?

A. During that -- during that period, she worked two different positions. One was inspecting and working

with local facilities on their standards and our funding. And the other when she was not in my direct report was related

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to the Prison Rape Elimination Act and coordinating that. In both cases, I received feedback from the folks she was working with at the county level that she was difficult to work with, hard to communicate with, and dictated rather than worked with them.

Q. Okay. Did you record or make a note of any of those deficiencies?

A. I don't believe I recorded deficiencies, no.

Q. In other words, is there any document that we could go back and look at to support your testimony here about negative problems between 2013 and 2019 with Ms. Ames?

A. I don't recall a specific document. There certainly may be an e-mail -- e-mails related to it.

Q. E-mails from who?

A. From either her supervisor or from the folks providing feedback from the county level.

Q. Can you give me any names?

A. Her supervisor at the time when I was supervising her was Chris Baker.

Q. Now Chris, is that a male or female?

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A. Male. Christopher Baker.

- Q. Okay. And what was his title and where was he employed?
- A. He was bureau chief of community facilities at the Department of Youth Services.
- Q. Was that in Massillon or in central office?
- A. Central office.
- Q. Any other names?
- A. The other names that I recall having conversations with included Brent Knackstedt. I can spell that last name for you.
- Q. Is it -- is it Brett -- start with the first name, please.
- A. Brent, B-R-E-N-T. Last name Knackstedt, K-N-A-C-K-S-T-E-D-T, I believe.
- Q. D-T-E?
- A. D-T.
- Q. D-T? Okay.
- And what is his status?
- A. He is currently the -- last I understood, he was the -- let me clarify.
- At that time, he was the director of the west central juvenile rehabilitation center.

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- Q. And where was his -- where did he work out of, central office or some other location?
- A. He worked in Troy, Ohio. He was an employee of a board of judges out there.
- Q. Okay. Anyone else?

A. Bridget Ansberg.

Q. How does she spell her last name?

A. A-N-S-B-E-R-G.

Q. And who is she?

A. She was the director of the northwest -- no, I'm sorry, excuse me. Juvenile Residential Center of Northwest Ohio.

Q. What city does she work out of?

A. Bowling Green.

Q. Anyone else?

A. I recall two others. Steve Koenig. I'll spell --

Q. How does he spell that last name, please?

A. K-O-E-N-I-G.

Q. I'm sorry, can you start over again on that? Sorry.

A. Yes. K-O-E-N-I-G.

Q. Okay. And what position did he hold at

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the time?

A. He was the director of the Perry County Community Corrections Facility.

Q. And what city did he work out of?

A. It was in Perry County. I don't recall the name of the city where the facility's located.

Q. Anyone else?

A. The last one that I can recall is Travis Stillion, S-T-I-L-L-I-O-N.

Q. And what -- who is he?

A. He was the director of the North Central Ohio Juvenile Rehabilitation Center.

Q. What city --

A. Marion, Ohio.

Q. Marion? Okay.

Okay. Anyone else that gave you what you call feedback negative of Ms. Ames?

A. That's what I can recall.

Q. Okay. And you mentioned that there would be some e-mails to support this?

A. I do not know that there would be e-mails to support this.

Q. All right. Okay. I'm sorry, I thought you said that there was some e-mails?

[37]

A. I -- to clarify, I said that there were conversations and there may be references in e-mails.

Q. Well, let's -- we have five people noted here. And do you recall e-mails from any of those individuals that were negative in any way directed to you or anyone else involving Ms. Ames?

A. Not any specific e-mails, no.

Q. Are you aware of any written communications from any of these five people you identified that came to you directly or indirectly in regards to negative comments in regards to Ms. Ames?



A. No, I don't recall anything written.

Q. So the individuals -- the five individuals that you have identified, are you saying you had some verbal conversations with each one of those individuals that gave negative comments in regards to Ms. Ames?

A. Yes.

Q. I see.

Well, do you recall any of the specifics?

A. I recall a specific concern about

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Marlean requesting from all the facilities their information on their staffing and not explaining why.

Q. Okay.

A. And --

Q. Let me -- is it -- let me try to break it down if I could, Mr. Gies, so that we get it straight.

You mentioned Chris Baker as the first person. And I think you said that was a gentleman, correct?

A. Yes.

Q. All right. What specifics do you recall from him coming to you? Because we know it all is verbal, correct? All these five people it's verbal, correct?

A. I definitely recall verbal with all five of those, yes.

Q. Okay. And you cannot recall identifying any written communications where anything negative was said

by any of these five individuals or anyone else in regards to Ms. Ames, fair?

A. I can --

[39]

MS. SLATER: Objection.

A. I cannot specifically recall anything in writing, no.

Q. Okay. I'm sorry, I didn't hear the last part. Your voice kind of went down there. Can you say that again?

A. Yes. I cannot specifically recall anything in writing.

Q. Okay. Okay. So let's go to Chris Baker. So what do you remember Mr. Baker saying about Ms. Ames that were negative?

A. Chris Baker was the bureau chief and the direct supervisor of Marlean Ames. He explained to me that he was getting calls from the directors of the CCFs concerned about Marlean and the way she was requesting information and the way she was talking to them. We did not talk about specific -- I can't recall any specific examples of that.

Q. Did anyone witness that conversation between you and Mr. Baker? In other words, were you on a conference call, anyone else involved in the discussion, or just the two of you as far as you know?

[40]

A. As far as I know, it was the two of us.

Q. And when was that?

A. I don't recall the year.

- Q. Do you know if it was more than once?
- A. Yes, more than once we had these conversations.
- Q. Okay. And other than her requesting the information the way she requested the information, the way she was talking to them, any other specifics that you can provide?
- A. That's the specific one that I remember.
- Q. Okay. And as I understand it, you did not memorialize in writing any of that, correct?
- A. I do not recall doing so.
- Q. And what was your title when you talked to Mr. Baker about that?
- A. Deputy director --
- Q. Your job title?
- A. Deputy director of courts and community.
- Q. I'm going back in my notes of your previous testimony. I understood that you became -- you had that title starting in December
- [41]
- of 2010; is that right or not?
- A. I was acting December of 2010, yes.
- Q. And you held that position and became permanent in April of 2011. And you became director of DYS in January of '19 -- January 2019, correct?
- A. Correct.
- Q. So when you got these calls from these individuals and talked to these individuals, that would have

been between the window of time of December of 2010 and January of 2019. Would that be fair to say?

A. Yes.

Q. Okay. Okay. Let's go to Brent then. What did Brent say to you?

A. Brent told me that Marlean was difficult to deal with and she was abrasive, and she wasn't helpful when she came out to visit.

Q. Now, what position did -- you had told me the position that Mr. Baker held, but was there a period of time when Mr. Baker was removed from that position?

A. Yes.

Q. When was that?

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A. I don't recall.

Q. Well, you removed him, didn't you?

A. Yes.

Q. And was the conversation you had with Mr. Baker before he was removed by you?

A. Yes.

Q. Okay. And when you removed Mr. Baker, what was your title at that time?

A. Deputy director of courts and community.

Q. Okay. So we know you would have removed Mr. Baker between December of 2010 and January of 2019, fair?

A. Fair, yes.

Q. And you don't remember where Mr. Baker went after that?

A. Mr. Baker went to the division of facility programs and operations.

Q. But after Mr. Baker was removed, you had no further discussion with him in regards to Ms. Ames, fair?

A. Yes.

Q. Okay. So in order to get the date that you would have had that conversation with

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Mr. Baker, all we have to do is look up when Mr. Baker was removed by you, would that be fair?

A. You could look up that date to see when he was removed, yes.

Q. Okay.

A. You could also look up the date at which Marlean left our division to take a different job in a different division.

Q. Well, we'll get to that, I guarantee you.

Now, when Mr. Baker was removed from that position, he was actually demoted, wasn't he?

A. Yes.

Q. And he was demoted two pay grades down from what he was. Do you remember that?

A. I recall that he was demoted, yes.

Q. And he went from a grade 16 to a grade 14. Does that sound familiar to you?

- A. That sounds correct.
- Q. Why was he removed?
- A. We needed stronger leadership. I felt we needed stronger leadership over the Bureau of Community Facilities.
- Q. Were there any specifics that you can  
[44]  
tell us about?
- A. Specifically we needed him to be a stronger manager to his staff so that he would make sure that the relationships were good with the folks that we were working with out in the county. And specifically, we needed him to work on standards changes and other things that we were changing around national standards around our state standards and so forth, and he was not taking the lead on that.
- Q. Okay. Can you give me any other specifics other than that?
- A. Beyond that, I can't give you specifics. Beyond that, it was in general I need my bureau chiefs to lead their areas and not be reactive to what I need, and so I needed to make that change.
- Q. All right. Now, let's go to Brent now, okay? You've given me his last name, I won't try to pronounce that again. You indicated that he had made some comments to you -- again, these are all telephonic, correct?
- A. Yes, they were telephonic.
- Q. All right. And you said he indicated

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that Ms. Ames was, I think you said abrasive and difficult. Did you say that?

- A. I did say that. Let me amend it to say that he -- she was difficult to work with. I don't remember exact words that he used, but it was very similar to what was told to me by Bridget, by Steve, and by Travis as well.
- Q. So you're retracting abrasive?
- A. I'm -- I'm not providing a direct quote. I do not recall exact words, no.
- Q. Okay. But you remember him saying words to the effect that Ms. Ames was difficult?
- A. The themes of the conversations were Ms. Ames was difficult to work with.
- Q. Okay. By the way, at this point in time, what was Ms. Ames' job? What was she actually doing, the best you can recall, during this moment of time?
- A. She was the community facilities monitor. So she was monitoring the 12 state-funded, locally-operated, community corrections facilities, as well as monitoring county detention centers for their compliance with standards.

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- Q. Do you remember her title at that time -- this time?
- A. It was something close to community corrections facility monitor, but I don't remember for sure word for word.
- Q. Now, you said 12. Was there 12 locations?

A. There were 12 community corrections facilities and then between 30 and 40 county juvenile detention centers.

Q. And that's around the state, correct?

A. Correct.

Q. And her job was to go to the different facilities and perform some duties, correct?

A. That was part of her job. In addition, she reviewed their budgets, their applications, and basically oversaw the -- their compliance with those -- the standards and their applications.

Q. And in order to do that, she would need to get certain information from each one of those facilities, correct?

A. Correct.

Q. And she was charged with preparing a report in regards to how each one of these

[47]

facilities were performing, would that be fair to say?

A. Yes.

Q. And it required her, in terms of getting the information, to be diligent about securing information from each facility, fair?

A. Diligent, yes.

Q. Okay. Do you remember anything else that Brent said?

A. No.



Q. Okay. How about Brittany, what did Brittany say specifically about Ms. Ames?

A. Her name is actually Bridget to correct.

Q. Oh, Bridget. Pardon me.

A. But the themes of the conversations were very similar, too, with Brent, difficult to work with, difficult to communicate with.

Q. Again, these are all telephonic calls, correct?

A. Correct.

Q. When you -- is Brent still holding that job, by the way?

A. The last I understand it, Brent is

[48]

running a different facility in Xenia now.

Q. Did you discipline Brent at any time?

A. We do not supervise Brent. He works for the county judges.

Q. Okay. So when he talked to you in regards to negative comments about Ms. Ames, was he actually an employee of the DYS?

A. No.

Q. So you had no supervisory authority over him, correct?

A. No.

Q. Is that a yes?

A. No, we had no supervisory -- I'm sorry. No, we had -- the department and myself had no supervisory role.

Q. All right. Now, what about Bridget, did she work for DYS?

A. No.

Q. How many phone calls with Bridget did you have with regards to Ms. Ames being difficult to work with?

A. I don't recall.

Q. Okay. Then we go to Steven. And did Steven work for DYS?

[49]

A. No.

Q. What did Steven say to you?

A. Conversation of the same theme, difficult to work with, difficult to communicate with.

Q. Okay. How about Travis. Did Travis work for DYS?

A. No.

Q. What was his complaint in regards to Ms. Ames?

A. Same theme, difficult to work with, difficult to communicate with.

Q. I just want to make sure I understand this. Out of the five people you gave us, only one worked for DYS, am I correct on that?

A. Correct.

Q. At any time, did you talk to Ms. Ames in regards to what these five people were saying?

A. I don't recall talking to Ms. Ames. I talked to her supervisor, because it's her supervisor's responsibility to work with her.

Q. But that would have been Chris Baker?

A. It would have been Chris Baker at the time Chris Baker was in that position, yes.

[50]

Q. And who replaced Chris Baker?

A. Jodi Slagle.

Q. Jerry -- spell the last name, please.

A. It's a female. Her name is Jodi, J-O-D-I. Last name Slagle, S-L-A-G-L-E.

Q. Did you ever have conversation with Ms. Slagle in regards to any negative comments she may have had about Ms. Ames?

A. I don't recall the timing of her taking over and Marlean leaving that position, so I can't recall.

Q. Okay. Let's go to -- are you all right, Mr. Gies? Do we need to take a minute, or do you want a break or do you want to keep going?

A. Let's take a quick break so I can get some water.

\* \* \*

[52]

Q. Okay. Mr. Gies, I'm trying to understand the timing here. The -- it's my understanding that the negative comments you received from these five individuals would have been the time that Ms. Ames was an administrative -- was a Program Administrator No. 2; is that right?

A. It is during the time that she worked in the division of courts and community monitoring local facilities.

Q. Okay. And do you recall that after that, she became a Program Administrator No. 3?

A. I recall that she then became the Prison Rape Elimination Act coordinator within the Office of Quality Assurance and Improvement.

Q. Okay. And so the -- I'm just trying to narrow this down. The period of time you would have got negative comments would have been before she became a Program Administrator 3; is that fair to say?

A. Yes.

Q. Okay. Thank you. All right. Let's move along if we can then.

If negative things had come up in

[53]

regards to Ms. Ames or any other employee, you would expect those things to be recorded and noted on their annual evaluation, wouldn't you?

A. I would expect the supervisor to address those in some form, yes.

Q. Okay. And have you reviewed the evaluations of Ms. Ames while she was an administrator programmer 2?

A. Yes. Each evaluation that was completed on her while she was in that position, I would have been the reviewer for those evaluations.

Q. And I noticed if we go back to Exhibit No. 6 and go to page 47, that her rater would have been Chris Baker according to that, correct?

A. Correct, yes.

Q. And if we go back to page 40, Chris Baker was her rater also, do you notice that?

A. Yes.

Q. Okay. But we agree that neither you or Mr. Baker said anything about Ms. Ames being difficult or in any way hard to get along with or anything like that, would that be fair to say?

MS. SLATER: Objection.

[54]

A. No, I don't believe I said that. I did not write anything about that in my review comments that you had me read earlier.

Q. All right. Okay. Now, when Ms. Ames became a Program Administrator No. 3, were you still her reviewer for evaluations?

A. No.

Q. Can you say that again, sir, I didn't hear your answer.

A. No.

- - - - -

Thereupon, Plaintiff's Exhibit 7 is marked for purposes of identification.

- - - - -

Q. Okay. Let's then turn to Exhibit No. 7, which is on page 48.

You had alluded to this earlier. Can you identify this document?

A. Yes. This is the memo informing Marlean Ames that her unclassified position was being revoked and that she had fall back rights if she chose to accept them.

Q. All right. This is dated May the 10th, 2019. Do you see that?

[55]

A. Yes.

Q. All right. And does your signature appear on it as the director?

A. Yes.

Q. And did you prepare this document?

A. No.

Q. Who prepared it?

A. Human resources.

MS. SLATER: I do have a clarification -- are you talking about page 48 or page 49?

MR. GILBERT: I thought we were on Exhibit 7 page 48.

MS. SLATER: Okay.

Q. Is that where we're at, Mr. Gies?

A. In my responses, I'm referring to Exhibit 7, page 48.

Q. Yeah.

MS. SLATER: Okay. Thank you. I just wanted to clarify.

Q. All right. And for the record, Exhibit 7 consists of page 48 and 49, but we're on page 48, right, Mr. Gies?

A. Yes.

[56]

Q. Okay. Now, your signature appears on Exhibit 7, page 48, correct?

A. Yes.

Q. Now, what I want to know, Mr. Gies, is can you tell me what the discussion was with you and anyone else in regards to Exhibit No. 7 on or before May the 10th, 2019?

MS. SLATER: Objection.

A. Yes. Assistant director Julie Walburn recommended to me that we make a change in this position, as she didn't feel that Marlean could set -- could satisfactorily fulfill the vision of what we wanted to see out of that position and out of the Prison Rape Elimination Act. And I concurred based on my past experiences and conversations that I relayed to you earlier.

Q. Okay. So when did Ms. Walburn come to you with that?

A. I do not recall the date. I do not recall the date. It was prior to May 10th, 2019.

Q. Well, do you know if it was over a series of months or days or weeks?

A. It was over a series of days.

Q. Okay. So we're saying maybe the first

[57]

part of May of 2019 Walburn came to you with this recommendation?

MS. SLATER: Objection.

A. I cannot speculate on the exact date.

Q. All right. Who else was with you, if anyone, when Walburn first brought this up?

A. Tony Panzino was in the office when she came in.

Q. Spell that last name.

A. P-A-N-Z-I-N-O.

Q. Thank you. And who is he?

A. He is the bureau chief of -- at the time, it was bureau chief of subsidies and grants.

Q. What was his purpose for being there at that time?

A. I don't recall. He was already in my office. We were in a meeting.

Q. And was this a meeting with Mr. Panzino or Walburn or both of them?

A. Just Mr. Panzino.

Q. What did Walburn say?

A. She said that she had interviewed for a management -- she had interviewed folks for a



[58]

management position within professional standards, quality, whatever the name was at that time. And based on interview with Marlean, she was concerned that Marlean would be -- was not satisfactory going forward with her current job.

Q. Now, did Walburn tell you that one of the interviewees was Ms. Ames?

A. Yes.

Q. I see. Okay.

Did she say anything further at that time?

A. I don't recall anything further, no.

Q. Now, was there anything in particular about that interview that Ms. Walburn raised as being concerns?

A. Yeah. So the -- the position of Prison Rape Elimination Act coordinator has to do with meeting the federal standards, which our facilities have been able to do successfully. It also has very much to do with trying to change the culture around preventing and discouraging and dealing swiftly with any incidents of sexual victimization.

So Ms. Walburn and I's vision of our

[59]

facilities and therefor [sic] of the PREA coordinator is that that person would support all of our facilities, both state and local, in a vision of changing the culture around preventing sexual -- sexual victimization of any kind.

And the conversation that Ms. Walburn raised at that moment was she didn't feel like from her discussions with Marlean that Marlean had a vision for how that would happen or even ideas of the steps of how to make that happen.

- Q. I didn't mean to cut you off. Are you done? I'm sorry.
- A. Yes, I'm done.
- Q. Now, Ms. Ames had been performing these duties for quite some time, though, hadn't she?
- A. Ms. Ames had been the PREA coordinator already, yes.
- Q. And I'm just wondering, was this a new vision that you were talking about?
- A. No, not at all. It's a key part of the Prison Rape Elimination Act that you just not meet standards, but that you create policy and a culture that is going to prevent victimization. And it was clear that we had a challenging culture

[60]

within our facilities that needed to be addressed, and we needed to have strong leadership and vision in that area, but, no, that was not new.

- Q. But just so I understand your testimony here, Mr. Gies, is that this -- this particular act and the position that Ms. Ames was in, that had been the vision for quite some time, hadn't it?
- A. Please clarify. Are you talking about the vision I outlined?

Q. Sure. Well, I understood that Ms. Ames was the -- started that Program Administrator No. 3 way back in 2014. Is that your understanding?

A. I don't know the exact date.

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Thereupon, Plaintiff's Exhibit 15 is marked for purposes of identification.

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Q. Okay. But -- okay. Let's go to Exhibit 15 real quick. And that starts at page 92-001. And that's -- and tell me if you can identify that work history document.

A. I have not seen this one before, but

[61]

this is -- appears to be an OAKS printout from the EHOC system.

Q. And that's Exhibit No. 15, correct?

A. Correct.

Q. And it appears to be what they call a work history of Ms. Ames, correct?

A. Yes.

Q. Okay. And according to this document on page 92-001, April 20th of 2014 she became -- she was promoted to Program Administrator 3, right?

A. Yes, that's what I read here.

Q. Okay. And so she had been doing the job that you were talking about from April 20th, 2014, until May the 10th of 2019; isn't that correct?

A. Correct.

Q. Okay. So what I'm trying to narrow down, Mr. Gies, is: What was the direction or vision in 2014 versus 2019, if any?

A. I became director in January of 2019, so I can't speak to the previous director's vision. And I was not her supervisor and she was not in my chain of command prior to January of

[62]

2019.

Q. Other than what we identified in the evaluations earlier, correct?

A. As her prison -- in her job as the Prison Rape Elimination Act coordinator, she was never in my chain of command until January of 2019.

Q. And that's what we call P-R-E-A, right?

A. Yes.

Q. Okay. And just so I have it straight, she became Program Administrator 3 PREA April 20th of 2014 and maintained that position until May 10th, 2019, correct?

A. Yes.

Q. And are you aware of any change in the vision of that particular act between that window of time, 2014 to May 10th of 2019?

MS. SLATER: Objection.

A. The only vision I can attest to is my vision. And I was appointed January of 2019 as the director, and I'm responsible for everything that happens within

the agency, and those folks that are representing us. And sexual victimization is a huge vulnerability for a

[63]

department and with the governor's office. And I need to have people in places that can fulfill the vision of moving us forward, not just meeting minimum standards.

Q. Well, if I told you that Mrs. Ames not only met the minimum standards, but exceeded the minimum standards, would that surprise you as of May the 10th, 2019?

MS. SLATER: Objection.

A. In my response, I was not referring to Ms. Ames' performance, I was referring to facilities meeting the PREA minimum standards.

Q. Okay. Fair enough.

Okay. Well, then let's talk about Ms. Ames' performance. What I want to know is did you ever get any information in May of 2019 that Ms. Ames was not performing her duties in an exceeding fashion?

A. Yes. My assistant director, who was my partner at the time in running the agency, felt strongly that Ms. Ames did not have a vision and could not carry the culture of our facilities and preventing victimization from occurring and working collaboratively with folks, and she

[64]

brought that to my attention.

Q. And this is Ms. Walburn you're speaking of?

A. That's correct.

Q. All right. And this came to your attention within a few days of you acting on May the 10th, 2019, fair?

MS. SLATER: Objection.

A. I don't know the exact date. It was prior to that date, yes.

Q. All right. And according to Ms. Walburn, and she talked to you about this, this all came from an interview that she had with Ms. Ames in regards to a promotion Ms. Ames was interviewing for; is that fair?

A. Ms. Walburn approaching me, it appears that the precipitating factor was that interview. I cannot speak to what her previous opinions were or experiences related to Ms. Ames.

Q. Because she didn't tell you that, right?

A. I don't recall her specifically enumerating other incidents, no.

Q. Okay. What she brought to your

[65]

attention was what she found out or concluded from the interview, correct?

A. That's what she brought to my attention, yes.

Q. Did you ask her to go back and look at Ms. Ames' evaluations for the position --

A. No.

Q. -- that she held?

A. No.

Q. Pardon?

A. No.

Q. Did you ask Ms. Walburn or did you talk with Ms. Ames' direct supervisor before you made the decision?

A. I talked with Ms. Walburn. I don't recall talking to her direct supervisor.

Q. Well, did you tell her to do so?

A. No. I work in partnership with Ms. -- I worked in partnership with Ms. Walburn. If she -- she supervised the deputy of that area and her opinion mattered very strongly to me. And her -- what she said about her perceptions of vision and Marlean's ability to carry forward fell right in line with my perceptions based on past

[66]

input we had gotten from her customers, as I described earlier.

\* \* \*

[72]

Q. From the beginning of the world to the present, was there any discussion as to who was going to replace Ms. Ames when she was removed as Program Administrator 3?

MS. SLATER: Objection.

A. I recall discussing with Assistant Director Walburn if we had anybody set in mind, and we did not. We knew that we could find someone. I don't recall if we

specifically discussed another candidate or not.

Q. Let me make sure I understand what you just said, Mr. Gies.

[73]

When did you have discussion with Walburn about who was going to replace Ms. Ames?

MS. SLATER: Objection.

A. I cannot recall the exact date that we talked about any particular names. I know that we did not approach anyone about it until after Ms. Ames was revoked.

Q. I'm sorry, Mr. Gies, the -- your answer broke up on us --

A. Okay.

Q. -- through the airways or whatever, okay?

A. Yeah.

Q. So I didn't get the full part of that. But let me ask the question this way: Did you talk to Ms. Walburn before this was given to Ms. Ames on May the 10th, 2019 as to a replacement of Ms. Ames?

A. We talked about if we knew of people that could possibly do it. I don't recall the exact date, and if it was right before or right after, but we did decide that we would not contact anybody until after Ms. Ames' unclassified status was revoked.

[74]

Q. Okay. I got that. But what I want to know is I'm asking you to go back in your memory. What discussion did you have with Ms. Walburn or anyone



else as to who was going to replace Ms. Ames --

- A. We had a --
- Q. -- before she was given -- before she was given Exhibit 7?
- A. I do not recall.
- Q. Do you understand my question?
- A. I do. And I'm thinking. I do not recall if we had a specific conversation about a person prior to that date.
- Q. Okay. And do you have anything in writing or any -- did you memorialize anything in regards to talking with anyone about replacement of Ms. Ames before Exhibit 7 was given to her?
- A. Not that I recall.
- Q. So what you're telling me is you may have had a conversation with Ms. Walburn before Exhibit 7 was given to Ms. Ames, but you simply don't remember in regards to replacement, correct?
- A. Well, I remember that Ms. Walburn and I were very specific with each other that we did not

[75]

want to discuss or approach anybody -- we did not want to approach anybody beforehand. I just don't recall if we were talking about names or not beforehand.

\* \* \*

[76]

- Q. Okay. Now, when you say that's the person you were thinking about, when were you -- when did you

start thinking about Alex S. as a replacement for Ms. Ames?

A. After we made the decision to revoke Ms. Ames' classification.

[77]

Q. I'm sorry, I didn't hear that, say that again.

A. After we made the decision to revoke Ms. Ames' unclassified status.

\* \* \*

[84]

Q. Were there any interviews of this position when – of Program Administrator 3?

MS. SLATER: Objection.

A. And I just responded I don't know.

Q. You don't know? But when you do know is that the name Alex S., as I understand it, came from you and Walburn, correct?

A. We both suggested the name, yes.

Q. Okay. To your knowledge, did Alex S. come from any other source other than you and Walburn as a replacement for Ms. – as a replacement for Ms. -

A. Ames?

Q. - as a replacement for Ms. Ames?

A. I have no knowledge of anyone else.

\* \* \*

[90]

Q. Do you know if Alex S. is gay?

- A. I do not know.
- Q. Did he appear to you to be gay?
- A. No.
- Q. So it's your testimony you don't know Alex S. is gay, nor did he present himself as being gay at any time?
- MS. SLATER: Objection.
- Q. Correct? Is that your testimony?
- A. Yes.
- Q. Did anyone ever indicate to you that Alex S. was gay?
- A. Yes.
- Q. Who and when?
- A. I don't remember when. But I do remember Hannah Thomas, one of our employees, had mentioned that he was. But I had no reason --
- Q. Hannah who?
- [91]
- A. Thomas. And I had no reason to believe or disbelieve that.
- Q. What was your job title when you became -- when Hannah told you that?
- A. Deputy director of courts and community.
- Q. Did anyone else tell you, other than Hannah, that they thought Alex S. was gay?
- A. I don't recall anyone else saying that, no.
- Q. So you knew that at least Hannah and some of the individuals had said that Alex was gay when you

appointed him to the position -- to Ms. Ames' position, correct?

MS. SLATER: Objection.

A. Please repeat that question.

Q. Yes.

You said you were deputy director when you had that conversation with Hannah about Alex S. being gay, correct?

A. Yes.

Q. According to Exhibit No. 12, which we've identified as Mr. Alex S.'s work history, he was promoted to Program Administrator 3 on May the

[92]

26th, 2019. Do you see that?

A. Yes.

Q. And he was promoted per your request, correct?

A. I approved his promotion, yes.

Q. All right. And you knew at that time that there was rumor that Alex S., at least through Hannah, was gay, correct?

A. Hannah had previously told me that he was gay, correct.

Q. And other people may have told you that as well, but you just can't recall, fair?

MS. SLATER: Objection.

A. Yes.

\* \* \*



[19]

- Q. Had you ever been aware of anyone having any disagreement with Ms. Ames before the date that you had a meeting with her in Mr. Gies's office?
- A. So I certainly had occasions when her work product was concerning and we had met on a -- on some occasions regarding some concerns that I

[20]

had with her work product.

- Q. Can you explain that to me?
- A. Certainly. I had growing concerns from my initial arrival at DYS until the time that we removed Ms. Ames from her position about the performance of our PREA -- or our PREA certification process. And I met with her on an unknown number of occasions where we discussed those concerns.
- Q. Do you recall any specifics?
- A. Specifics about the PREA process that I was concerned with?
- Q. No, about any concerns that you had. I want to concentrate on that.
- A. Certainly.
- Q. What were the specifics of the concerns that you remember?
- A. I recall having concerns about our overall policy process -- policy framework for PREA and whether we were being proactive in our policy framework. I was concerned about the manner in which -- and the timeliness in which we investigated PREA

allegations from youth in our care. I was concerned with her PREA process with

[21]

youth coming into our system and then the reassessment of them on a periodic basis.

I was concerned whether we were living by the PREA standards on a daily basis rather than just having paperwork that showed that we did every few years when we were audited. So overall, I was -- it was a general concern about whether Ms. Ames was being proactive enough in the leadership of our PREA program in the Department of Youth Services.

Q. For the record, what do you understand PREA to be? What does that stand for?

A. It's a Prison Rape Elimination Act.

Q. And there were standards in regards to -- federal standards in regards to that, correct?

A. Yes.

Q. And did you ever -- you say you had these concerns, but did you ever express those concerns to Ms. Ames?

A. Yes, I did.

Q. All right. And did -- do you consider those concerns to be the -- Ms. Ames was the reason for these concerns?

[22]

A. Yes.

Q. Okay. Did you make that known to Ms. Ames?

A. Yes.

Q. Okay. How many meetings would you say you had with Ms. Ames when you raised those concerns with her?

MR. ALEXANDER: Objection.

A. I would not hazard a guess. I don't -- I don't know how many meetings it was.

Q. Now, that started in 2017 and lasted through May 10th of 2019 when she was removed from her position, okay?

A. I don't recall when the first meeting occurred.

Q. Okay. But were there consistent meetings between that period of time of 2017 through May of 2019?

A. There were periodic meetings in between which she was expected to remedy the concerns that were brought up during the meetings.

Q. Did she remedy any of them?

A. I continued to be concerned about and unsatisfied with the leadership in our PREA

[23]

program.

Q. Now, did Ms. Ames have any supervisory authority over some of the people in that program?

A. She had functional leadership responsibilities as the program itself. She was the administrator of the program. She was responsible for administering the program and advising agency leadership on where there were flaws in the program and her plan of action to correct those flaws.



Q. If I wanted to go back and look at some documentation to support your alleged concerns of timeliness and assessment and so forth, where would I -- where would I find that?

A. Well, there's a -- where would you find my concerns?

Q. Yeah. Are these concerns that you say you had, if I wanted to go back and see those, did you memorialize those in writing at any time?

A. I don't believe so. We had meetings where we discussed it.

Q. Well, I understood your testimony meaning that these concerns of policy issues were very serious to you and that you wanted some

[24]

change on that, correct?

A. Correct.

Q. And is it your testimony you never put any of that in writing?

A. I don't recall if I ever had any e-mails with her that I would have expressed that, but generally I meet with my people in person.

Q. Okay. So when you expressed these concerns to Ms. Ames, was anyone else present?

A. Yeah, Ginine Trim would have been present. I don't recall if there would have been others present. There may have been others present in some of those meetings, I don't -- I don't recall that. But Ginine Trim would have been present.

Q. Okay. Ms. Walburn, based upon the nature of this case, I have to ask you some other questions that I generally wouldn't delve into, because of the nature of it, I have to ask you this question: Are you or have you ever been gay?

A. No, I have not.

Q. And is there anyone in your family or close friends that are gay?

MR. ALEXANDER: Objection.

[25]

A. Yes, I have close friends that are gay.

Q. What about family members?

A. No.

Q. I can't hear you.

A. No.

Q. Okay.

A. Not to my knowledge anyway.

Q. Okay. Do you consider Ms. Trim a close friend?

A. No.

Q. Okay. Do you know if she's gay?

A. I do not know.

Q. Did anyone ever tell you she was gay?

A. No, they have not.

Q. Did she, Ms. Trim, that is, ever display any gay tendencies to you?

MR. ALEXANDER: Objection.

- A. I don't understand what that means.
- Q. Okay. Okay. So at some point in time you interviewed Ms. Ames for a position; is that right?
- A. Yes, I did.
- Q. A promotion?
- A. A what? I didn't hear that last word.
- [26]
- Q. For a promotion?
- A. Yes.
- Q. Okay. Do you recall the name of that job title?
- A. The working name would have been bureau chief, I don't remember which classification, but the working title would have been bureau chief.
- Q. Were you the only one in the interview?
- A. No, I was not.
- Q. Who else was involved in that?
- A. Ginine Trim.
- Q. And I think you told me Ms. Trim reports to you; is that correct?
- A. She did at that time.
- Q. And what was Ms. Trim's title, job title?
- A. Deputy director.
- Q. She was deputy director?
- A. Yes.
- Q. And you were assistant director, right?
- A. Correct.

Q. She was deputy director of what? Is there a particular division or --

A. Yeah, she was --

[27]

Q. -- for Ms. Trim?

A. Well, we renamed her division over time, and I don't know when that occurred. But her general areas of responsibility were the chief inspector's office and our sections that dealt with professional standards. I believe when I left DYS, we called it the division of professional standards, but I don't know when that renaming occurred.

Q. Okay. Other than you and Ms. Trim, anyone else involved in the interview?

A. No.

Q. And how many people did you interview for this particular bureau chief job?

A. Four.

Q. I didn't hear you, I'm sorry.

A. Four.

Q. Do you remember their names?

A. Yes.

Q. Could you give those to me, please?

A. Brandi Robinson, Ida Lewis.

Q. Hold on. Randy, is that a male or female?

A. Female, Brandi.

[28]

Q. Randy Robinson?

- A. Brandi.
- Q. Oh, Brandi?
- A. Brandi Robinson, Ida Lewis, Marlean Ames, and Yolanda Frierson.
- Q. Who ended up getting the job?
- A. Yolanda Frierson.
- Q. Do you know when the interviews were conducted?
- A. I do not recall.
- Q. Were they conducted all at the general same time?
- A. They were conducted in a general span of time.
- Q. Well, when you interviewed Ms. Ames, did you also interview Robinson and Lewis on or about the same day?
- A. It was all in a general span of time around the same time. I don't recall which days individuals were interviewed. I know that all four interviews did not happen on the same day.
- Q. Do you know what was the order of their interviews?
- A. I do not.
- [29]
- Q. Do you know how much time -- well, let me put it this way: Do you know who was interviewed last?
- A. I don't recall.
- Q. Do you know from the time that Ms. Ames was interviewed to the time the decision was made on Frierson how much time passed?

A. I don't recall.

Q. What is the term -- what does the term mean "structured interview," do you know?

A. Well, a structured interview is generally one where there's set questions and it's a scored interview.

Q. Did you have a structured interview with these candidates?

A. No, I did not.

Q. Why not?

A. I don't utilize structured interviews with unclassified appointments.

Q. Did you have set questions that you were posing?

A. No, I did not.

Q. Did you keep a record of those -- of the questions and responses?

[30]

A. No, I did not.

MR. ALEXANDER: Objection.

A. No, I did not keep any records of the questions and answers.

Q. Do you know why not?

A. I don't use a structured interview with unclassified appointments.

Q. Okay. Would you go to Exhibit No. 30, which is on page 153. I'm sorry, I wanted to go to Exhibit No. 29 first. Let me see if I -- yeah, Exhibit 29. That is -- starts on 141.

Do you have that?

A. Yes, I do.

Q. That's been identified previously as the application selection procedure.

MR. ALEXANDER: Objection.

Q. Did you ever see that document before?

A. Yes.

Q. Can you turn to, I think it's page 147, which is page 7 of 12 there. Where it says No. 5 there it says: Interview procedures. Do you see that, interviewing procedures?

A. Yes, I do.

Q. Under D it says: All interviews shall

[31]

be structured.

Do you see that?

A. Yes.

Q. Does that apply to you?

A. It certainly does. I mean, the policy applies to me, but unclassified appointments are not required to have a structured interview.

Q. Where does it say that?

MR. ALEXANDER: Objection.

A. I would have to review the policy, but I am very familiar with DAS hiring procedures, and unclassified appointments do not require a structured interview.

Q. Well, you're saying that, but can you show me that in this policy?

A. Well, there are other policies that apply to hiring processes that DAS administers.

Q. Well, it's not in here?

A. I haven't read this whole policy in a long time.

Q. But you would say that the policy applies to you, though, right? Even though you are assistant director, correct?

A. Yes.

[32]

Q. Now, did you -- I asked you this before, but I'll ask you again: Did you keep any notes of these interviews or answers to the questions that were posed?

A. I personally did not.

Q. Did anyone?

MR. ALEXANDER: Objection.

A. I don't know. I can't answer that question.

Q. Was HR involved in this interview process?

A. They were involved in the hiring process. They did not sit in on the interviews.

Q. Did you keep any records or retain any records in regards to these interviews?

MR. ALEXANDER: Objection.

A. I personally did not. I don't know if anyone else did.

Q. Well, just the two of you, you and Ms. Trim, right?



A. Generally we do not maintain -- I do not maintain any hiring records. If there are records of interviews, they're maintained by the human resource department.

[33]

Q. They weren't in this interview, correct?

A. Even when they're not in an interview process, they're the record holder.

Q. And you didn't turn over any records to be archived or kept, correct --

A. I personally did not.

Q. -- in the interview?

A. I personally did not. I don't know if anyone else did.

Q. All right. So you did not do anything in regards to retention of the records or anything like that in regards to these interviews, correct?

A. I had no records. I had no records to retain.

Q. Okay. At any rate, you do an interview of four people here, and if I -- and I'm asking you: Did you grade these individuals or rank them in any way?

A. No.

Q. Okay. Why did you pick Frierson?

A. I thought she was the best candidate for the job.

Q. According to my records, the selection

[34]

was not made until December of 2019. Do you know why it took so long?

A. I -- I -- I don't know when the time frame was, so I can't speak to that.

Q. Well, according to our records, Ms. Ames was interviewed in April of 2019 and announcement of Frierson wasn't made until December of that year. Do you know why it took so long?

MR. ALEXANDER: Objection.

A. Again, I can't speak to the time frame. There was a lot going on and there could be any number of reasons it look that long.

Q. Well, if it did take that long, can you give me a reason why?

MR. ALEXANDER: Objection.

A. I was very busy. We weren't pushing up against a deadline to hire the position, and we took the time that we needed to select the candidate we thought was the most appropriate candidate.

Q. And it's just you and Trim that were involved in that selection process, correct?

A. We were the ones involved in the

[35]

interview process.

Q. And you made the recommendation to Gies, correct?

A. Yes, I did.

Q. How many people did you submit to Gies?

A. One. And I didn't -- it wasn't a submission, it was a conversation.

Q. Is there anything in writing to that effect?

- A. I did not present him with anything in writing.
- Q. So you have four candidates, you pick Frierson why?
- A. She was the best candidate for the position.
- Q. Can you be more specific?
- A. I thought she was the person that could do the job the most effectively for the agency.
- Q. Can you be more specific?
- A. I thought she had the skills and expertise necessary to lead the administration of our -- of the bureau of compliance in a way that set DYS up for success.
- Q. Can you be more specific about skills

[36]

and experience?

- A. I guess I don't understand what you're looking for.
- Q. Well, for example, what was Frierson's educational background to fit into this position compared to other candidates?
- A. I don't recall that.
- Q. You think that's important?
- A. I think experience and a proven track record for success is as important.
- Q. Do you think working in this position in this category of what these job duties were, do you think that was going to be -- that that's an important category?

MR. ALEXANDER: Objection.

- A. I need you to restate that question.
- Q. Okay. Do you feel that -- well, I'm assuming you looked at the job description on this bureau position, correct?
- A. I don't know if I looked at it before the interviews or not. It was a new position to the agency.
- Q. Did you look at -- say that again.
- A. It was a new position to the agency.

[37]

- Q. A new position to the agency?
- A. Uh-huh.
- Q. Is that what you said?
- A. Yes.
- Q. I apologize because sometimes we get an echo and it's kind of hard for me to hear.  
Did you look at Frierson's past record in this field?
- A. In what field?
- Q. In the field you're interviewing for, the bureau?
- A. I looked at her experience and her -- her ideas for how to -- you know, I considered her ideas for how to formulate the position, and I knew her work product from having worked with her, so I -- I considered all of those issues.
- Q. Was Frierson successful in the position?
- MR. ALEXANDER: Objection.
- A. In the position that she was awarded?

Q. Yeah, bureau chief?

A. I found her to be performing her job very well, yes.

Q. Did you know of any past action where

[38]

she was removed from one of her positions? Did that ever come to your attention?

A. Where she was removed?

Q. Removed, yeah.

A. I -- I don't know what you're referring to. She was -- she changed positions if that's what you're asking. I don't know if -- I don't know of her being removed. She's changed positions.

Q. Well, do you know why you put it as a change in position? Do you know why?

A. Well, when she changed positions while I was at DYS, and that's all I can speak to. She moved from a deputy superintendent to a central office role while I was at -- while I was at DYS prior to this.

Q. Let me ask you this then, Ms. Walburn: Did you ever look at Frierson's past work record?

A. I don't know what you're referencing as a work record.

Q. Well, I mean, she worked for somebody before she was given this job, bureau job, did you ever look at it?

MR. ALEXANDER: Objection.

[39]

A. Again, I don't know what you're talking about when

you say "look at." Look at what?

Q. Well, I mean, did you look at her past work record, her performance, her evaluations, did you look at any of that?

A. I did not look at her evaluations. I looked at my experience with her, my knowledge of her performance in her jobs, I looked at her -- what she presented in the interview process, what her ideas were, her perspective was, her experience working in the facilities were, and whether I thought that met the need for the bureau chief job that I was framing it up to be.

This is a bureau chief job that I knew what -- how the job was intended to operate. It's a job I have held myself in the past, so I was very well aware of what I wanted from the job in contributing to the agency. And I thought that Yolanda's experience and knowledge fit that idea for that job very well.

Q. Well, how did Ms. Ames do in the interview?

A. She did not interview well.

Q. Ms. Ames did not interview well, is

[40]

that what you said?

A. Correct.

Q. Tell me about that.

A. Well, she leaned into her years of experience with DYS and her -- her role as the PREA administrator as her rationale for why she felt like she deserved this bureau chief job.

And I did not believe she had any vision for what the job was meant to do or any vision for how to get the job done in the way that it needed to be done. This was a much bigger role, it was a broader role. And she did not share any ideas on how to lay the foundation for this role and what it was to do in the agency, and how she would grow and develop the role and meeting a very critical need that the agency had.

Q. Do you recall her turning in any type of documents to you explaining what her -- what she thought she could do for the job?

A. I don't recall.

Q. Okay. Okay. So other than her not interviewing well, is there any other reason why she was not selected for the position?

A. I did not believe she had the skills

[41]

and leadership necessary to do the job.

Q. What about Trim, what did she say?

A. I don't believe -- I can paraphrase, but I don't -- I can't quote her definitively. But she did not believe that Marlean was the right -- her statements to me was that she did not believe that Marlean was the right person for the job.

Q. Trim said that?

A. I'm paraphrasing. That was the general conversation that we agreed that Marlean was not the right person for the job.

\* \* \*

[48]

Q. Did you have conversation with Mr. Gies with regard to Ms. Ames before the meeting of May the 10th with Ms. Ames?

A. Yes, at some point I had a conversation with him.

Q. And I want to know what was said in those conversations.

A. I will -- I will generalize, because I can't quote a conversation.

I will generalize and say overall, we had a conversation about whether we believed that Ms. Ames was -- whether we had confidence in her leadership of the PREA program and agreed that we did not. And that we did not believe she was capable of leading the PREA program in a way that provided the services DYS needed to provide a safe environment for the youth in our care.

[49]

Q. Any other conversations with Mr. Gies before you met with Ms. Ames?

A. I don't recall how many times I spoke with him, so I -- I don't -- I -- I would believe that I had spoken with him more than one time about my concerns with Marlean Ames.

Q. Were those conversations in regards to revoking Ms. Ames' status as unclassified? Did that occur how many days or weeks before May 10th, 2019?

MR. ALEXANDER: Objection.



A. I don't -- I don't recall. I mean, I don't recall. We had ongoing conversations about any number of issues in the agency. I don't recall how many times or when I spoke to him about specifically taking this action.

Q. But you say in general, the import of the conversations was that you and he lacked confidence in Ms. Ames, correct?

A. Yes. We had concerns with the performance of our PREA administration -- the administration of our PREA program, and we lacked confidence in her ability to lead that program.

\* \* \*

[56]

Q. . . . Did you tell Ms. Trim that Ms. Ames was going to be removed before May the 10th, that is, before she was actually removed?

A. I made Ms. Trim aware that we were going to revoke Ms. Ames' unclassified appointment.

Q. Okay. So she was being told that that was the decision of you and Mr. Gies, correct?

MR. ALEXANDER: Objection.

A. I don't recall the nature of the conversation, but we -- we knew -- I knew that she -- I made sure that she was aware we were going to revoke her unclassified appointment.

\* \* \*

[67]

Q. All right. Have you ever been in Ms. Trim's office?

[68]

- A. I'm sure -- I don't -- yes, probably.
- Q. Have you ever noticed a photograph of her and her partner --
- A. No.
- Q. -- on the desk there?
- A. No.
- Q. So if it's there and everybody else saw it, you just missed it, right?
- MR. ALEXANDER: Objection.
- A. I've never had a meeting or been in her office for any substantive period of time. Not even long enough to sit down.
- Q. Okay. Do you know if Ms. Frierson is gay?
- A. I don't know.
- Q. All right. Did anyone ever tell you Ms. Frierson was gay?
- A. No.
- Q. And did -- are you aware of any rumors that Ms. Frierson was gay?
- MR. ALEXANDER: Objection.
- A. No.
- Q. So you just don't -- you just don't know, correct?

[69]

- A. Correct, I do not know.

\* \* \*



[37]

Q. Okay. Well, when you were hired on

[38]

May 1st, 2017 at DYS, were you told or advised as to how long your probationary period would be?

A. Yeah, I remember HR saying that there's a probationary period.

Q. Do you remember how long that was supposed to be?

A. No, I don't recall.

Q. You don't recall, you said?

A. Correct.

Q. Well, let's go back, if we could, to Exhibit No. 3, which is on page 5.

MR. ALEXANDER: I want to note an objection as to this exhibit.

Q. Now, Exhibit No. 3 is a union contract, and I believe you indicated to me that you recall being in the union when you were originally hired, fair?

A. Yes.

Q. Okay. And I'm going to Article 9, which is 9.01. It says: Initial Probationary Period. I'm going to read it. It says: All newly hired employees hired after December the 1st, 2015 shall serve a probationary period of 365 days from effective date of hire.

[39]

Do you see that?

MR. ALEXANDER: Objection.

- A. I'm not even sure what page you're on. You didn't indicate.
- Q. Oh, okay. Well, let's see now. We're on page 7.
- A. Okay.
- Q. Article 9: Probationary Periods.
- A. I see it. Go ahead.
- Q. 9.01, do you see that?
- A. Yeah.
- Q. Okay. And I read the first paragraph there. Can you take a look at that and see if I read that correctly?
- A. Yes, you did.
- Q. Okay. And so you were aware of there being a probationary period, and at that time you would have been aware of the 365 days, would that be fair?
- A. Yes, I knew there was a probationary period. I just didn't recall the exact number of days.
- Q. Yeah, no problem. And did you, at any time, request to be promoted before your 365 days
- [40]
- was up?
- A. I don't understand the question.
- Q. Looking at Exhibit No. 12, it appears that you had a promotion on October the 15th, 2017.
- Do you see that?
- A. Yes.
- Q. And it says to client advocate program administrator -- administration there.

Do you see that?

- A. Yes.
- Q. Okay. Can you tell me how that came about?
- A. Yeah, so the job was posted internally and I applied for it and interviewed and accepted the position.
- Q. And can you tell me why you applied for that position, because you were still within your probationary period, correct?
- A. Yes. So I was still on probation. I had asked our HR manager if I could apply for the position and he had said that anybody can apply for any position any time and to put an application in, and so I did.

[41]

- Q. Do you know why you were selected for that position if you had not completed your probationary period?
- MR. ALEXANDER: Objection.
- A. No, I don't know why I was selected.
- Q. Well, you made an application evidently, correct?
- A. Yes.
- Q. And you knew you weren't, according to the contract, allowed to apply for such a promotion, but yet you did so, correct?
- MR. ALEXANDER: Objection.
- A. This contract doesn't say that I can't apply for a position. The language you read to me says I serve a probationary period of 365 days.
- Q. Okay. Then let's go to Exhibit No. 4 then.

MR. ALEXANDER: I'm going to note an objection to this exhibit, too.

Q. Now, it's page 18-3, is what I believe I'm looking for. Do you have that Exhibit 4?

A. Yes.

Q. Exhibit 4 is out of the contract as

[42]

well, correct?

A. It looks like it.

Q. Okay. And going to Article 30, it's called Vacancies, and if you go to 18-3, and you look at the second paragraph above where it says on 106 of the union contract, are you with me there? It's on the exhibit book, it's on 18-3. Do you see that?

A. Yeah, I'm on 18-3. You said page 106?

Q. Yeah, on the contract.

A. Okay.

Q. "Employee serving a trial or probationary period shall not be permitted to bid on job vacancies."

Do you see that?

A. Yes.

Q. And I was just wondering, did the HR department go over with you that language?

A. No.

Q. Do you recall having some discussion with Mr. Rick Watt about that vacancy?

A. Yes.

Q. Can you go to Exhibit 38, which is on page 237. Let me know when you're there.

[43]

A. I have it. Go ahead.

Q. Okay. And on page -- let's go to page 238.

Do you recall sending that e-mail to Mr. Watt?

A. Yes.

Q. And on September the 12, 2017 you ask Mr. Watt: Where would I be able to find a job description requirement for client advocate program administrator, and you say thanks.

Is that you?

A. Yes.

Q. Okay. And then he tells you that same day: Here you go.

Evidently he sent you that, correct?

A. Yes.

Q. Who is Mr. Rick Watt?

A. He's the HR manager at Indian River.

Q. And then on the next day, on page 237 you tell him: Thanks, Rick. Do you know if I'm allowed to apply? I am in probation still, so I was not sure if that would preclude me from even applying to internal job postings.

Do you see that?

[44]

A. Yes.



Q. And then Mr. Rick Watt gets back to you: If you have an interest in the position, I would apply. This is an exempt position, so the fact that you are on probation may not be an issue.

Do you see that?

A. Yes.

Q. Okay. Now, is that what you're referring to when you say that you thought you could apply for that job?

A. Yes.

\* \* \*

[45]

Q. Now, listen to my question, Alex. I want to know, and I'm not concerned about what people say, we're trying to get the facts here,

[46]

okay? I want to know in 2017, did you resign and were you rehired in this position?

MR. ALEXANDER: Objection.

Q. Yes or no?

A. So you're saying I resigned from one position and rehired into another?

Q. Yes.

A. So you're saying I resigned from a social worker and then was rehired in this position?

Q. I'm asking you did that occur?

A. I don't believe so. I believe I just signed the paperwork and accepted the position.

Q. You don't believe so. So when you say you don't believe so, you're telling us that it could have occurred, but you just don't remember. Is that what you mean to say?

MR. ALEXANDER: Objection.

A. Well, my assumption would be if I resigned, I would hope that HR would have resignation paperwork and then new hire paperwork for this alleged position.

Q. That's not my question, Alex. My question is: I want to know did you resign and

[47]

were you rehired in another position in 2017?

MR. ALEXANDER: Objection.

A. And again, I'll say, no, I don't believe I resigned and was rehired.

Q. So if people testify to that, they're mistaken, fair?

MR. ALEXANDER: Objection.

A. I believe so.

Q. Okay. Now, when you met with Mr. Watt on this job, and the job I'm referring to is the client advocate program administrator -- well, let me withdraw that. Let me back up.

Can you tell me what the selection process was when you applied for this job of the client advocate program administrator?

A. What do you mean by selection process?

Q. Well, what did you do? Did you have an interview?

Did they go through interviews or not?

- A. Yes, so I applied for the job and had an interview.
- Q. All right. Do you know who the interviewers were at that time?
- A. Specifically I remember there was Stephanie Groff and Chris Freeman.

[48]

- Q. Was Mr. Watt involved in that or not?
- A. I can't remember if he was in the room or not.
- Q. Okay. Can you briefly go to Exhibit 13 again. I'm looking at page 80.
- Do you have that?
- A. Yes.
- Q. I'm sorry, I didn't hear that?
- A. Yes.
- Q. Okay. Does your signature appear on that?
- A. Yes.
- Q. Okay. Now, is that the job you were promoted to in October of 2017?
- A. The client advocate program administrator, yes.
- Q. All right. Now, was that still a union job?
- A. No.
- Q. Do you know if you or anyone else went to the union to get an exemption for your promotion?
- MR. ALEXANDER: Objection.
- A. No.

[49]

Q. You didn't, did you?

A. No.

Q. Do you know of anyone that did?

A. No.

Q. Was it requested? Was an exemption requested?

MR. ALEXANDER: Objection.

A. I don't know.

Q. Do you recall having any conversation with any union authorities or union officials in regards to that job before you were given that job?

A. No.

Q. By the way, while you were in the union, did you ever file any grievances or use the grievance process at all?

A. No.

Q. Now, according to Exhibit 12, you received several step increases in that advocate program, correct?

A. Yes.

Q. All right. Now, is Exhibit 13, page 80, the job description, is that a fair summary of what you did in that job?

[50]

A. This one does not include I also oversaw Prison Rape Elimination Act compliance within the facility. But otherwise, yes, it's a description of the job.

Q. Wait a minute. You did what now? Say that again.

- A. So within this role, there was also the Prison Rape Elimination Act compliance manager position, and that is not included on this position description.
- Q. Okay. Tell me what's involved in that.
- A. So as -- that's called a PCM, if it's okay if I use the abbreviation, but the PCM of the facility would oversee like day-to-day PREA compliance, make sure if there was an incident of alleged sexual abuse or harassment, meet with the youth, do interviews of the youth, help file incident reports and then follow up on usually the PREA policies on what needed to be followed up on and then working with the PREA administrator on any issues.
- Q. All right. Did you start working with Ms. Ames at that point?
- A. Yes.
- [51]
- Q. Did you work with Ms. Ames as a social worker?
- A. No, we didn't work together. She did a training that I attended, but that was my only interaction prior.
- Q. Okay. So when you were promoted to client advocate program administrator, that's when you started working with Ms. Ames, fair?
- A. Correct. Yeah.
- Q. Alex, did you ever tell anybody that you wanted Ms. Ames' job?
- A. We -- yeah, I've had conversations with people that I wanted, you know, long-term career goals.
- Q. Who did you tell that you wanted Ms. Ames' job?

MR. ALEXANDER: Objection.

A. I know Marlean and I had conversations about what my long-term goals were within the agency and that I, you know, wanted to be the PREA administrator one day, and then I'm sure if I ever talked to supervisors about long-term goals, I'm sure I would have said that to them as well.

Q. How about Mr. Gies, did you tell him

[52]

that?

A. No, I don't ever recall talking to Ryan about that.

Q. Did you call him Ryan?

A. Mr. Gies.

Q. Did you tell Wilborne about that?

A. Who?

Q. Walburn, sorry.

A. No.

Q. You said you told supervisors about it. What supervisors did you tell that you wanted Ms. Ames' job?

A. I remember Jody Slagle and I had spoken about that and probably Stephanie Groff as well.

Q. Who is Slagle and how do you spell that last name?

A. Sure. So it's spelled S-l-a-g-l-e, and she is the bureau chief of community facilities. She would have been my supervisor when I was the criminal justice planning supervisor.

Q. And the other person was who now?

A. Stephanie Groff, who was my supervisor when I was the client advocate program administrator.

[53]

Q. And how does she spell her last name?

A. G-r-o-f-f.

Q. Now, when you took this job as client advocate program, were you still in the Indian River location?

A. Correct, yes.

Q. I'm sorry, say that again.

A. Yes.

Q. Okay. Isn't it true that you would tell anyone that would listen that you wanted Ms. Ames' job?

MR. ALEXANDER: Objection.

A. No, I wouldn't say I would tell anybody that would listen.

Q. Well, isn't it true that you were not shy about telling people that you wanted Ms. Ames' job?

MR. ALEXANDER: Objection.

A. Again, when I spoke about it with individuals, it would either be like long-term career or Marlean and I had a running joke about it.

Q. Running joke. Tell me about the running joke. What did you say and what did she

[54]

say?

A. So Marlean used to -- I mean, Marlean knew I had interest in long-term goals of being a PREA

administrator and she use to say that she was never going to leave the job and she'd be doing audits into her 90s and I would have to push her in a wheelchair through the facilities because she would stay in that position.

- Q. Well, Ms. Ames made it known to you that she had no intent of retiring from that job any time soon, would that be fair to say?
- A. Yes.
- Q. And what did you say in response to that?
- A. I don't recall what I would say back. I mean, I knew she wanted to stay in that position, and so.
- Q. Now, when you say you talked to Slagle and Groff about it, was Mr. Gies or Ms. Walburn around when you mentioned it to these people?
- A. No.
- Q. I can't hear you.
- A. No.
- Q. Okay. How do you know you didn't raise

[55]

that with Ms. Gies?

- A. Because the only conversations I had with Mr. Gies was when we had gone to that facility together we drove together, and then the only other time I really recall interacting with him was -- at least when I was still in the juvenile detention manager position, I had met with him and Jody about that position. When he became the director, I really didn't have much contact with him until I became the PREA



administrator.

Q. But isn't it true that you could have had conversation with Mr. Gies about your career goals and one of those being Ms. Ames' position, but you don't recall?

MR. ALEXANDER: Objection.

A. No, I mean, the only time I really talked about career goals was with Ms. Slagle since she was my supervisor, and I can recall that was when we were talking about that I wanted to do long-term and like evaluations.

Q. And in your meeting and riding from Columbus to Dayton with Mr. Gies, it's your testimony that never came up, your career goals?

[56]

A. Correct.

Q. And if Mr. Gies says something different, you would say he was mistaken, correct?

MR. ALEXANDER: Objection.

A. Yes, I don't recall having that conversation.

Q. Okay. When you say you don't recall, is it fair to say you could have had the discussion and you simply don't remember?

MR. ALEXANDER: Objection.

A. No, I don't believe we ever talked about my career goals in that vehicle on the way to Dayton.

Q. Okay. Now, did you ever talk to Ms. Walburn about your career goals?

A. No.

Q. And then we note that you got another promotion in May of 2019, correct?

A. Correct.

Q. But before then you were a criminal justice planning supervisor, correct?

A. Correct.

Q. And according to this, you became career justice planning supervisor in November,

[57]

and that's November the 11th, 2018?

A. Correct.

Q. Fair?

A. Yes.

Q. You don't have any reason to dispute that date, correct?

A. No.

Q. Hello?

A. I said no.

Q. Okay. Then let's turn to Exhibit 13 on page 82. Is that the position that you held as criminal justice planner?

A. Yes.

Q. And does that fairly and accurately depict what you did in that position?

A. Yes.

Q. And page 84 of Exhibit No. 3 -- No. 13, pardon me,

13, I was confused by this because this was given to me.

Did you ever hold the position of program administrator 2?

A. No, I don't know what this is.

Q. Okay. But you never held that position, correct?

[58]

A. Correct.

Q. Okay. Now, let's go to the program administrator 3. I'll ask you to turn to Exhibit 14, which is on page 85.

Can you tell me how you came to get this position?

A. So this is the Prison Rape Elimination Act administrator?

Q. Well, I've been given four different job descriptions on this, and so that's why I'm a little confused.

But let's back up and you tell me how you -- you were and you are program administrator No. 3; is that correct?

A. Correct.

Q. Okay. And that's what you call the P-R, what do you call it, E-A?

A. Yes.

Q. And what does that acronym stand for again?

A. The Prison Rape Elimination Act.

Q. And you've held that position since May 26th of 2019, correct?

A. I'm sorry, I didn't hear you.

[59]

Q. Yeah, on Exhibit 12, it says you were promoted to that position on May the 26th, 2019; is that correct?

A. Yes.

Q. Now, when did you -- now, this particular position rather is out of central office, correct?

A. Correct.

Q. When did you come to central office?

A. So I came to central office for this criminal justice planning supervisor, so that would have been November 2018.

Q. Okay. So you were in -- were you still at Indian River when you were a client advocate program administrator?

A. Yes.

Q. Okay. In this position of program administrator 3, did you go through an interview process?

A. No.

Q. I can't hear you?

A. No.

Q. Okay. When you were promoted to criminal justice planning supervisor, did you go

[60]

through an interview process?

A. Yes.

- Q. How did you know that you got the job as program administrator 3, then, if you didn't go through an interview process?
- A. Sure. So I was contacted by Benita Neeley, who was the administrative assistant to the director's office. She called me and asked if I could come and speak with Ms. Walburn. I went up to Ms. Walburn's office, we had a conversation, and Ms. Walburn offered me the position.
- Q. And was anyone in the room with you and Ms. Walburn?
- A. No.
- Q. What day was that?
- A. I don't know the exact date, but I remember it was the following Tuesday after Marlean was removed.
- Q. Tell me what you and Walburn talked about?
- A. So when I got to her office she asked me how things were going. She knew that Marlean and I lived together and asked about how that -- how that was going, since Marlean no longer was

[61]

out of central office. I basically just told her that Marlean had moved out and at that point, you know, we were still kind of talking. And then Julie -- or Ms. Walburn said that, you know, they had watched the work that I had done as a criminal justice planning supervisor in building relationships within the community and basically they were happy with the work that was going on there and thought that I would be a good fit for the PREA, the program

administrator 3 position, and that -- basically shared her vision that she wanted more focus on the community correctional facilities and that Marlean kind of avoided going out there and working with those folks and they felt there needed to be more emphasis on working with the community, and that if I accept the position, that was a big expectation and just making sure that, you know, there was more assistance provided to the facilities, and then she basically asked if I felt I could do that and if I wanted the position.

Q. What was your response?

A. I told her I would accept the position.

\* \* \*

[67]

Q. Okay. Now, before that during your interactions on Ms. Ames, did you ever tell her I'm going to get your job?

A. Those exact words, no.

Q. But you told her you wanted her job, fair?

A. Yes.

Q. And you told Seagle and Groff that, and those were not the only two people you talked to about Marlean's job, is it?

MR. ALEXANDER: Objection.

A. Those were the supervisors I remember.

Q. What about co-workers?

A. I mean --

Q. Did you ever tell any co-workers that

[68]

you were going to get Marlean's job or wanted her job?

- A. Well, I know Marlean used to, like I said, always joke with me, so we would do that in frost [sic] of co-workers and she would always joke with the other PREA compliance managers at the facilities as well.
- Q. What co-workers were you talking to in front of in regards to Ms. Ames' job and you wanting that job?
- A. I don't know specific individuals.
- Q. Okay. So there -- you had discussions with Ms. Ames about wanting her job, but you can't remember the people that you talked to or who were there when this topic came up, fair?
- A. Well, I'm saying when she and I would joke or banter in front of folks, I don't recall those people. The supervisors that I told I had an interest in the position. I do remember it being those folks.
- Q. All right. But can you give me a list of the other people that you claim were there when you were joking with her or she was joking with you about you getting her job?

[69]

- A. No, I wouldn't be able to pinpoint those individuals from two, three years ago.
- Q. Okay. Now, did Ms. Ames tell you that she was not joking, that she wanted her job?
- A. She would always joke with me, but I always knew that, yeah, she was going to stay in that position or

try to get a promotion.

Q. And you think it was joking that she was talking to you about her job, wanting to stay in that job, you took that as a joke?

A. When she was saying I'm going to be in this job until I'm 90 and you're going to push me in a wheelchair around this facility, yes, we took it as a joke.

Q. We took it as a joke. What do you mean "we"?

A. Ms. Ames and I.

Q. Do you remember Ms. Trim being around when this discussion came up about you wanting Ms. Ames' job?

A. I recall we were doing like a mock audit that Ms. Trim was at, and I remember, yeah, Marlean -- Marlean and I bantering a little bit about it.

[70]

Q. Now, when you talk about this bantering back and forth and it was a joke, you took it as a joke, is that what you're telling us?

A. Correct.

Q. But you weren't joking, were you? I mean, you really wanted the job?

MR. ALEXANDER: Objection.

Q. Correct?

A. Well, when she would make comments about, again, being in a wheelchair, staying until the job at 90, yeah, it was a joke. She and I were friends and we had that kind of banter back and forth all the time.



Marlean was also well aware that my long-term goal in my career was to hopefully be the PREA administrator.

Q. Which is of course what you got, right?

A. Yes, I'm in that position.

Q. Okay. Now, did Ms. Walburn tell you the job that Ms. Ames was going to after she was removed?

A. No, Ms. Walburn did not tell me that.

Q. Were you consulted at any time about which job Marlean was going to go back to?

A. No.

[71]

Q. Now, when you received these promotions, specifically the program administrator 3 promotion, did you make an application for that promotion?

A. Yes.

Q. When was that?

A. So I remember after I finished my conversation with Ms. Walburn, she said that HR was going to reach out to me to do the application and have it follow the process. I couldn't give you a specific date, but I do know HR did reach out to me.

Q. Did you fill out an application?

A. Yes.

Q. That was after you already got the job, right?

A. Correct. Well, I had verbally agreed to the job, yes.

Q. And it was offered to you by Walburn, right?

A. Correct.

Q. You told her you would take it, right?

A. Correct.

Q. And she told you they'd just have to do

[72]

a little paperwork, right?

A. Correct.

Q. And you told people that you had gotten the job, correct?

A. No, I was instructed to be quiet, but I think a lot of folks in the agency knew because people approached me.

Q. Who told you to be quiet?

A. Ms. Walburn and HR said to not say anything until all the paperwork had gone through and everything was approved.

Q. Now, who started coming to you and telling you you got the job or congratulations or acknowledging that you got the job?

A. So folks in my division when I was the criminal justice planning supervisor came to me and asked, because what ended up happening was I accepted that job and then the very next day they posted that criminal justice planning supervisor on like -- open for applications, and so people started asking me, you know, why is your position up, and then people started asking if I was going to become the PREA administrator and that's why they opened it up.

[73]

Q. So the day after you talked to Walburn, your job goes up on the board?

A. I believe it was --

Q. Right?

A. It was either a day or two after, but it was after that, yes.

Q. Okay. So we know that you -- okay. So if Ms. Ames was demoted on May the 10th, according to my notes, you would have been -- you were promoted on May the 13th of 2019. Does that sound familiar to you?

MR. ALEXANDER: Objection.

A. I don't have a calendar in front of me. But, like I said, I know she was removed on a Friday and it was that following Tuesday we had that conversation.

Q. Okay. And after you had that conversation on Wednesday, thereabouts, your job goes up on the board, fair?

A. Yeah, Wednesday or Thursday.

Q. Okay. And when people asked you were you going to be the new PREA, sorry, administrator 3, what did you tell them?

A. Well, I was told to keep quiet, so I

\* \* \*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MARLEAN AMES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.
	)	2:20-cv-05935
STATE OF OHIO	)	
DEPARTMENT OF	)	
YOUTH SERVICES,	)	
	)	
Defendant.	)	

DEPOSITION OF  
MARLEAN AMES

\* \* \*

on February 2, 2022, at 10:01 a.m.

\* \* \*

[6]

MARLEAN AMES

being first duly sworn, as hereinafter certified,  
deposes and says as follows:

CROSS-EXAMINATION

BY MS. SLATER:

\* \* \*

[96]

Q. And do you know what the sexual orientation of Ms. Faulkner is?

A. I have no personal knowledge, but I believe she is

straight gender because she's married to a man.

Q. Okay. And when Ms. Faulkner was your direct supervisor, what was the chain of command above Ms. Faulkner?

A. I believe, but I have no personal knowledge, that she reported to the assistant director of the agency.

Q. And when Ms. Trim became your supervisor, was that also the case?

A. Yes, ma'am.

Q. Okay. And who was the assistant director at that time under Ms. Faulkner?

A. I believe it was Linda James. I could possibly be wrong, but that's my belief. I would have to again look at documents to be certain.

Q. What about when Ms. Trim became your direct supervisor?

A. Julie Walburn.

[97]

Q. Okay. And so presumably Julie Walburn, since she was the assistant director, reported to the director?

A. That would be the natural --

Q. If you know.

A. -- progression.

Q. Okay. Now, during the time -- do you know what Ms. Trim's sexual orientation is?

A. She falls into the LBGTI community.

Q. And how do you know that?

- A. Because she has indicated who her life partner is, and there's a picture of her in her office, and she's spoken of her, that she's a psychologist and so forth.
- Q. Okay. And during the time that Ms. Trim was your supervisor, did you get along with her?
- A. What do you mean by "get along"?
- Q. Did you have a good working relationship with her?
- A. Yes, ma'am.
- Q. Okay. Now, tell me what your recollection is of -- well, at some point your unclassified status was revoked as the PREA administrator, correct?

[98]

- A. Correct.
- Q. Okay. And tell me what you recall as to how that came about.
- A. I came to work on May 10th of 2019. Shortly after I got to work, I was called by human resources, Robin Gee, and asked to step over to the director's conference room. I said okay and I went over there. In the room was Robin Gee, Julie Walburn, and a piece of paper on the table. I was asked to sit down. And Ms. Walburn said, I called you in here today -- I'm going to paraphrase this -- I called you in here today. We are going to remove you from your unclassified position, and you have fallback rights to Indian River, your last classified position at Indian River, and you need to sign this piece of paper.
- I asked her why she was doing this. She proceeded to raise her arm in the air, wave it around, raise her voice and say, I'm not going to hash this out with

you. You can sign the paper and have a job, or not sign the paper and don't sign a job. Either way, I don't care. We're moving PREA in a new direction.

[99]

I started to get upset, started to tear up. I asked again, why are you doing this? She said, we're going in a new direction. I said, the only direction you could go would be down because I have been highly successful in this position over the past five years. She raised her arm again and said, I told you, I'm not going to hash this out with you. Sign the paper and have a job, or don't sign the paper and don't have a job; I don't care.

I was crying at that point. I walked out of the room and did not sign the paper, and I walked over to Ginine Trim's office, my direct supervisor.

Q. Okay. You're talking about a paper, you're referencing that, so I'd like you to go to Exhibit 9.

First let me ask you, do you recall what the paper was that you're referencing?

A. I came to know later that the paper was -- that I was being removed.

--0--

(Defendant's Exhibit 9 marked.)

--0--

[100]

BY MS. SLATER:

Q. Okay. But if you look at Exhibit 9 --and take your time to look at it -- it's marked DYS2644.

MR. GILBERT: For the record, we've marked that Exhibit I for the plaintiff.

A. Yes, ma'am.

Q. Is that your signature?

A. Yes, ma'am.

Q. Did you sign it on that date, 5-10-19?

A. Yes, ma'am.

Q. Now, when you were referencing a paper in the room with Ms. Walburn and Ms. Gee, is this the paper that you were referring to?

A. Yes, ma'am.

Q. Were there any other documents that were shared with you?

A. No, ma'am.

Q. Were there any other documents that were given to you at that meeting?

A. No, ma'am.

Q. Okay. And on this date you signed this document to exercise your fallback rights to administrator professional 4 at Indian River

[101]

Juvenile Correctional Facility in Stark County and you checked that box?

A. Yes, ma'am. I needed a job.

Q. I'm just asking whether you checked that box to accept your fallback position to administrator professional 4 at Indian River Juvenile Correctional



Facility in Stark County? Did you check that box?

A. Yes, ma'am.

Q. Okay. And I think you said earlier that the position that you hold now, the administrator professional 4 position, is the same position that you held when it was the executive secretary 1 position?

A. Yes, ma'am.

Q. Now, since exercising your fallback rights to the administrator professional 4 position, have you held any other positions in DYS?

A. I'm sorry. Can you repeat that?

Q. Since exercising your fallback rights to the administrator professional position at Indian River, have you held any other positions with DYS?

[102]

A. You cut out --

Q. I'm sorry.

A. -- on the first part of that question. I'm sorry.

Q. Okay. Since exercising your fallback rights to the administrator professional position, administrator professional 4 position at Indian River, have you held any other positions with DYS?

A. To this date, no.

Q. Okay. Thank you.

Working at DYS, have you ever had any performance issues that you're aware of?

A. No, ma'am.

Q. Okay. Now, in terms of your role as the PREA

administrator, what did you do as the PREA administrator?

- A. Overall generalized or -- it was very involved. I could generalize to you and then if you would like specifics on anything, maybe you could ask me that. But as a general rule, I was the only juvenile PREA administrator for the state of Ohio, which meant that I ensured that PREA compliance, according to the federal

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regulations and rules, were -- the standards were complied with at every DYS facility, at every juvenile correctional facility that the Department of Youth Services funded, which there were 12 at the time, one private detention center that held DYS youth and one private not-for-profit Paint Creek Youth Center. We did not fund them, but we gave them funds to house some of our youth there.

Q. So --

A. When --

MR. GILBERT: Finish your answer.

Q. I'm sorry. I didn't mean to interrupt you. Go ahead.

A. So I would ensure that all those facilities were in PREA compliance, and by that I would visit the sites frequently. I would speak with the directors frequently. I was invited to board meetings for the facilities. I would give trainings. I would prepare them and aid them and assist them for their PREA audits, which were once every three years on a rotating basis. I also had indirect supervision to the PREA compliance managers, also known as PCM.

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There was one at each DYS facility. I also conducted trainings across the state for those facilities and any other facility. I would write policy. I would ensure that anyone who wanted assistance in the detention centers that I would aid and assist them, which that could encompass anything from trainings to do a walk-through assessment to see where they can improve their protection for PREA compliance, things of that nature. Anything else I can answer if you have specific questions.

- Q. So you talked about that you would involve interaction with facilities and then -- I don't know if you used the word not-for-profit, but facilities that you provided funding to.
- A. Correct. I believe Paint Creek is a not-for-profit organization. I believe it's nonprofit. I don't know that for certain. But we did provide them funds --
- Q. Okay.
- A. -- to house DYS kids.

MR. GILBERT: Excuse me. Go ahead and finish your answer. You got interrupted there.

[105]

Go ahead and finish your answer.

- A. I believe that they were nonprofit, but the Department of Youth Services provided funding for so many beds to house Department of Youth Services youth.
- Q. Now, those nonprofit entities that you just described, or facilities, are those considered

community partners? Would that be a common terminology that you would utilize at DYS to describe those facilities?

A. I'm not following what you mean. I'm sorry.

Q. It's just a yes-or-no question.

A. I don't have any knowledge.

Q. Okay. That's fair.

Now, you talked about that you have to go out and you have to interact with many of the facilities to ensure compliance and that involved interaction with --

MR. GILBERT: Counsel, your voice is going down on us. Could you start that over again?

MS. SLATER: Sure.

Q. You testified that you had to ensure

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compliance of the facilities and that involved going out to the facilities and also seeking information from the facilities to complete audits. Now, in terms of that particular interaction, that would require a significant degree of interpersonal communication, correct?

A. Yes, ma'am.

Q. Okay. And in terms of instructing, training, what you described, and that you went out to these facilities and you performed trainings, that would involve a significant degree of communication and also interpersonal skills to be able to ensure that the individuals were learning the material and asking

the appropriate questions, if necessary; is that accurate?

A. Yes, ma'am. That's where my formal training is, postsecondary technical education.

Q. Okay. So if there was some type of -- if that -- if there was a deficit in the interpersonal communication, if the -- then that would hamper the ability for a preadministrator to do their job?

MR. GILBERT: Objection.

[107]

A. I'm not following. What part of the job?

Q. Whether it was to ensure compliance from the facilities, whether it was to gain the information that was necessary to complete audits.

MR. GILBERT: Objection. Is that a question, counsel?

MS. SLATER: Yes, it is.

Q. Is interpersonal communication important in doing and effecting those things?

A. Yes, ma'am. In all the years that I prepared facilities for audits, there was never any deficiencies. There was never any plans of action. So I prepared them completely for their audits and ensured that we always passed without any action plans. Which has not been the case since I've left.

MR. GILBERT: Is the screen frozen?

THE WITNESS: No.

MS. SLATER: No, it's not.

MR. GILBERT: Okay.

BY MS. SLATER:

Q. Now, earlier you spoke a little bit

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about your direct supervisors at DYS. I understand the interaction with those individuals. What about your interactions with Ryan Gies, what type of interactions have you had with him, if any?

MR. GILBERT: Counsel, you went out there at the last. Can you restate that question again?

Q. What type of interactions have you had with Ryan Gies?

A. During what time frame?

Q. Any time frame.

A. I've always had pleasant interactions with Mr. Gies, as he was the deputy director under the bureau in which I worked as a facility liaison. We were friendly with one another. We talked about career goals, as I indicated earlier, that I told him when I was in that position as facility liaison I was able to go in and sit in his office and chitchat with him regarding, you know, potential openings, keep me in mind. He was always very pleasant and indicated that he would, as he valued my knowledge, skills and ability and my work ethic.

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We shared coffee creamer. We took turns buying coffee creamer. There wasn't ever any time that Mr. Gies indicated to me that I was not performing any

kind of duties that I should be. In actuality, he appraised me on my evaluations that he signed off on. So if he had any other indication, I would have felt confident that he would have spoken to me about those or put them in writing. Do you want any further --

Q. Are you done?

A. I'm not sure how far you want me to --

Q. As long as you want to talk, I'll listen. I mean, if you're done, I can move on.

A. Frequently, several of us, Anthony Panzino, Jim Hearn, other folks would have lunch in Ryan's office with him. We would oftentimes talk about my job and duties and how it interacted with reclaim. And the facilities we would have informal chitchats oftentimes. I can't tell you how many times because it happened numerous times, numerous occasions. He had a table in his office, Mr. Gies did, and we oftentimes would eat lunch in his office. This was when I was preadministrator and previous.

[110]

Q. Okay. And do you have knowledge of Mr. Gies's sexual orientation?

A. I have no personal knowledge of that, but I would assume, because he's married with children, he's straight, cisgender, but I have no personal knowledge of that because we've never spoken of it, and I believe no one can tell somebody what their sexual orientation is except for that person.

Q. What about Julie Walburn, have you ever worked, directly or indirectly, with Julie while you're at

DYS?

A. Very little.

Q. In terms of those very little interactions, how would you describe those interactions with Julie, aside from the fallback right discussion?

A. Simple questions, did you do this or did you do that, or what's the status of this or what's the status of that, generally in a group setting. Individually, she rarely ever spoke to me.

\* \* \*

[116]

Q. Now I want to move to a position that you applied for, the bureau chief of quality

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assurance.

A. Yes, ma'am.

Q. You recall that?

A. Yes, ma'am.

Q. Okay. How did you become aware of the position, the availability of that position?

A. Ginine Trim called all of the staff of quality assurance into an office and she indicated to us that if anyone wanted to apply for this position, they would have to submit it in writing with a copy of their resume by a certain date to her via email, and that the position would be a pay range 15, and she briefly gave us a description of what that would entail.

Q. And did you express your interest in that?



- A. Not at that time. Not in that meeting.
- Q. Okay. When did you express your interest?
- A. She had indicated at some point she wanted to know if I was going to apply, and I said I hadn't made up my mind yet, and she said, well, I think you should. And I said, well,
- [118]
- okay, I will then. I will apply. I just figured I was waiting it out. So I finally applied.
- Q. Other than to Ms. Trim, did you express any interest in applying for the position?
- A. To anyone?
- Q. Yes, to anyone.
- A. Sure. I told my family that I was going to apply for it.
- Q. What about at work?
- A. I told the rest of the staff and our bureau that I had applied, as the other two women that applied had indicated to me they applied, and other staff indicated they had no interest whatsoever in applying or having that position.
- Q. Who were the other two women who told you they were going to apply or they did apply? I'm not sure which it was.
- A. Brandi Robinson, Brandi with a B, and Ida Lewis, L-E-W-I-S.
- Q. Now, do you know of anyone else who applied?
- A. No one else applied.

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Q. And how do you know that?

A. Because Ginine told all of us that no one else applied. It was just us three.

Q. When did Ginine tell you that?

A. I don't have an exact date when Ms. Trim told me that, ma'am.

Q. Did she tell you verbally?

A. Yes, ma'am.

Q. Now, those other individuals that applied, do you know their sexual orientation? Let's take Brandi at first. What's her sexual orientation?

A. I have no personal knowledge, but I assume she is a straight cisgender, as she is married with children.

Q. And what about Ida Lewis?

A. Ida Lewis is straight, as she has made it well known that she's straight and does not believe in the LGBTI community. Her faith does not allow her to believe in that.

Q. Has she told you that?

A. Yes, ma'am.

Q. That her faith does not allow her to believe in that?

[120]

A. As part of the reason, yes, ma'am. I don't know the other reasons personally.

Q. But she's told you that?

A. Yes, ma'am.

- Q. After you expressed interest, what happened?
- A. I submitted my resume as asked and waited for an interview date. The three of us interviewed on the same date. I had done some research and prepared a bulleted point outline as to areas that I felt needed some addressing and how I would go about addressing those in more of a holistic fashion as opposed to looking at everything in silos and trying to open up areas that needed further assistance in the facilities. And I also had printed out an article that coincided with the areas and how I would have approached that position for juvenile justice.
- Q. Now, you say you did some research. I don't know if you did some research or you submitted some research. What did you say? I may have misheard.
- A. I did some research to find out various
- [121]
- ways to approach the areas in a more holistic fashion instead of just moving forward and always having silos and not being able to work facilities out of those areas that always maintained a problem.
- Q. Okay. And when you say you did research, was that just an information gathering? Was it just information gathering, or did you actually put something together and present the research?
- A. Ma'am, I already testified that --
- Q. I just didn't hear. I may need a clarification I'm sorry. I understand you did research. I'm going to ask you about a bullet point in a minute. But I'm trying to understand the depth of the research. Was it you did research to gather information to share

with them from your just speaking capacity, or did you draft an article? Did you write a paper? Like, tell me about what that specific research -- what was the outcome of that specific research?

MR. GILBERT: Objection.

Q. In terms of was it a definitive

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document? Did you present that?

MR. GILBERT: Objection. If you understand the question/editorial, you can answer.

A. I'm going to answer to the best that I can to your question.

Q. Okay. Well, let me strike that since Mr. Gilbert is telling you that you don't understand it.

A. Mr. Gilbert is not telling me that I don't understand it, ma'am. You went on with a three-part question that I wasn't sure what you were looking for.

Q. Okay. Well, if you don't understand --

A. I have --

Q. I'm sorry. I don't mean to interrupt you. If you don't understand --

A. That keeps happening.

MR. GILBERT: Objection.

Q. I'm sorry. If you don't understand my question, Ms. Ames, you can certainly just tell me and I will absolutely rephrase it. I'm not here to trick you. I'm not here to try to confuse you. I'm just trying to get information

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to understand your claims. Okay? This does not need to be combative. I'm just trying to understand what you presented at the interview. And I apologize if I don't understand as well as you do because you were there and I wasn't. So I'm trying to get a handle on what you presented. Is that fair?

MR. GILBERT: Objection.

Q. So you said that you did research. I understand that. And you presented research; is that accurate?

A. No, ma'am.

Q. Okay.

A. I did not present research.

Q. Okay.

A. I --

Q. Then that answers that question.

MR. GILBERT: Wait a minute. She's not done with her answer.

A. I'm not finished.

MR. GILBERT: Finish your answer.

A. What I said I did was I researched to find out where some areas in our agency could use some improvement through the quality

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assurance bureau.

Q. Okay.

A. But what I did, in doing that research, I looked at

numbers that our bureau compiled over a period of time, I looked at areas where facilities had reported some deficiencies that they would like to see changed, and I came up with a bullet point one sheet so that I could speak accurately during my interview as to how I personally would try to approach this in a more holistic fashion versus going in and creating silos when no change ever happens.

And I also said I had printed off an article with reference to the juvenile justice system, not ours, just juvenile justice system in general, to present to them to show them during the interview some other areas that we could look at. That's what I said. And if I didn't say all that clear before, I apologize.

Q. Okay. So in terms of what you presented, you presented an article about the juvenile justice system, you presented – did you present the bullet points, or did you just create that for yourself?

[125]

A. No, ma'am. I presented both to them.

Q. Okay. So you presented the article, you presented the bullet points, and you submitted your resume.

A. Not at the same time. I submitted my resume ahead of time so that they knew I wanted an interview, I was interested.

Q. Okay.

A. I presented the bulleted point page with the article at the time of the interview.

Q. That explains it. Thank you.

Now, in terms of the interview, where did the

interview take place?

A. Julie Walburn's office.

Q. And who was in the interview?

A. Julie Walburn and Ginine Trim.

Q. Okay. And during the interview, did Ms. Trim or Ms. Walburn tell you what they were looking for in a successful candidate?

A. Not necessarily.

Q. So tell me what happened at the interview.

A. Well, they took turns asking me questions that they made up on the fly. There

[126]

was not a structured interview. And I presented them with the article and the bulleted points and I spoke on those areas when they asked me questions of how I felt I could improve the bureau. I answered their questions that they had accurately and intelligently and provided an avenue for any question that they asked.

Ms. Walburn indicated at the time that she was very anxious to read the article that I had presented. They both acted very interested in what I could bring to the table in that position. I felt very confident when I left the interview that I would be awarded that position. I answered all the questions accurately. I don't know what else you want.

Q. Now, you said that you felt confident when you left the interview. Was that because of feedback that they gave you in the interview?

A. Yes, ma'am.

Q. You froze a minute. I couldn't hear you.

A. Yes, ma'am.

Q. And what was that specific feedback that they gave you?

[127]

A. They seemed very eager to see where I could move the bureau, make some changes, go to facilities, get more assessments completed, get feedback, any certain areas. In our bureau, there were various areas that we covered which included staff assessments, and that would tell us in the facilities what areas needed assistance, where they thought they needed help. They seemed very eager to see what I could bring to the table and agreed with my bulleted points, and, like I said, Ms. Walburn indicated she was very eager to read the article that I had presented.

Q. So you felt like you were given a fair shot at the interview?

A. Yes, ma'am. I felt very confident that I did very well.

Q. You felt like they were interested in what you had to say?

A. Yes, ma'am.

Q. How long was the interview; do you recall?

A. I don't recall. Maybe an hour, 45 minutes. I don't recall.



[128]

- Q. It was just one interview, correct?
- A. Three people interviewed. Are you asking if I --
- Q. It was one interview?
- A. For me?
- Q. Yes.
- A. Yes.
- Q. Okay. Do you know if the other individuals that you mentioned, Brandi and Ida, whether they had face-to-face interviews?
- A. They did.
- Q. They were the same day?
- A. At least I believe Brandi's was. I sat in the waiting area with her.

\* \* \*

[130]

- Q. Ms. Ames, following the interview that you had with Ms. Trim and Ms. Walburn, did you ever discuss the position with Ms. Trim?
- A. Yes, ma'am.
- Q. Okay. When; do you recall?
- A. Various times between the date of the interview and the date I got removed.
- Q. And that would have been -- when was the interview, if you recall?
- A. April 2019. I don't know the specific date off the top of my head.

Q. Okay. So between April 2019 and May 10th of 2019, you discussed it several times with Ms. Trim; is that my understanding?

A. Correct.

Q. And what was the substance of those conversations?

[131]

A. Basically, I asked her numerous times, any word on who's getting the position, and she would smile at me and just say no, not at this time, but keep the faith, you know, hang in there, and giving me the impression that I had been the top candidate, without coming out and saying that that was the case. So every time I asked her, she was always very supportive, hang in there, you know, we're working on getting it done.

Q. Let me clarify that. She never told you you were the top candidate, correct?

A. No, ma'am.

Q. Okay. That was just your impression?

A. Yes, by her demeanor and what she had said.

Q. What she said was, hang in there, or something to that extent?

A. Yeah, hang in there, we're working on it, and smiling and, you know, keep the faith.

\* \* \*

[138]

Q. And why do you believe your qualifications surpassed Ms. Frierson's?

A. You cut out, ma'am.

Q. Why do you believe your qualifications surpassed Ms. Frierson's?

A. Because I have a higher education, for one. I have the knowledge, skills and ability. I am aware of what the other areas of the assurance entailed. I've worked in most of those areas -- all of those areas, not most of them, all of them, including ACA audits, which is the American Correctional Association, PBS, doing the -- I was trained on doing the OEAs, which is a system that was created to assess the youth on where they stand for reentry, where they stand at this facility, so forth. I had knowledge in all the areas that we worked under. She did not because she came from Circleville.

--0--

(Defendant's Exhibit 10 marked.)

--0--

BY MS. SLATER:

Q. Now, I want you to turn to Exhibit 10,

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please. It's DYS4639.

MR. GILBERT: Counsel, can you give us that page number again?

MS. SLATER: 4639.

MR. GILBERT: Okay. We have marked -- for the record, plaintiffs marked that as J.

A. Okay. I'm there now.

Q. You've seen this document before, haven't you?

A. Yes, ma'am.

- Q. Okay. And do you have any reason to believe that any of the information contained in this announcement about Ms. Frierson is inaccurate?
- A. No, ma'am. But it doesn't detail what she did or what her knowledge was. It just lists positions.
- Q. I'm just asking you whether the information that's contained in there -- if you dispute any of it?
- A. I wouldn't know if I could dispute it or not. I don't know what positions she held.
- Q. Okay. So you don't have knowledge of that. Okay. I understand.

[140]

Now --

MR. GILBERT: Objection.

- Q. Did anyone at DYS ever tell you you didn't receive the promotion because of your gender?
- A. No one's ever given me an explanation why I didn't receive a promotion.
- Q. Did anyone ever tell you it was because of your gender?
- A. You cut out.
- Q. Did anyone ever tell you it was because of your gender? Yes or no?

MR. GILBERT: Objection.

Go ahead and answer the best you can.

- A. Ma'am, I've never been told any reason why I didn't get a position. Regardless of the reason, I've never been told any reason. And I've never been told any reason why I was demoted either.

Q. Okay. What about your age, did anyone specifically tell you you didn't receive a promotion or that your classified status was revoked because of your age?

MR. GILBERT: Objection.

[141]

A. Again, no one has ever given me an explanation. However, four days after I received my 30-year pin and certificate, I was demoted. And during the time that I was given my certificate and pin by Ginine Trim, I was encouraged to retire, because I could be better off, I could be closer to home, I wouldn't have to rent someplace, you know, a variety of reasons. I explained that I did not wish to retire. I planned on working till I was 65. And again, encouraged over and over and over to retire to the point where I said I'm not even going to talk about this anymore because I'm not retiring, and why are you asking me now that you know I have 30 years in to retire? Are you trying to get somebody younger than me in there? Are you trying to give Alex a promotion that he's been running around here telling everybody he wants my job? Is that why you're asking me? And I finally walked away.

Q. I understand you're making an inference there. But my specific question is what you were told and what you were not told. I'm going to go back to it, because either you were told

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that you didn't get a promotion because of your gender; yes or no?

A. Ma'am, I was --

Q. I understand you're making an inference.

MR. GILBERT: Objection. Objection.

Q. I understand -- let me finish my question.

MR. GILBERT: Let her get out her question and then you can respond.

Q. I understand that you're making an inference. But I simply want to know whether anybody told you it was because of your gender. Anyone at DYS, did anyone specifically tell you that?

MR. GILBERT: Objection. That's been asked and answered.

Go ahead and answer it again.

MS. SLATER: It has not been answered.

A. I have never been given any reason why I didn't receive a promotion.

Q. Okay. And did anyone tell you that your unclassified status was revoked because of your gender?

MR. GILBERT: Objection.

[143]

Go ahead and answer.

A. I was not given any reason why my unclassified status was terminated.

\* \* \*

[149]

A. All I know are the facts of the case, that I didn't get the position and she did.

Q. Why do you believe Ms. Frierson was accepted for

the job?.

- A. Because I believe that she's in the LGBTI community and them stick together, and Ms. Trim is an LGBTI community, and that's what they were planning on doing. That Ms. Trim must have convinced her to show an interest and placed her in a temporary working level so that she got the experience doing it and that way she could justify awarding the position to her.

\* \* \*

[151]

- Q. Okay. And so is Ms. Walburn in the LG -- the gay community? I can never say that acronym.
- A. I don't know.
- Q. You don't know. She was a decision-maker?
- A. Ms. Trim and her were the decision-makers on who would be in that position.
- Q. Do you know Ms. Frierson's sexual orientation?
- A. Yes, ma'am.
- Q. And has she told you that directly?
- A. Yes, ma'am.

\* \* \*

[155]

- Q. Okay. Now, going back to that page 3 of 7. In this recap here, this Monday, May 6 recap, you talk about Ms. Trim presenting you with a 30-year certificate. And on that date you also say in this recap that she asked you if you were going to retire, or she encouraged you to retire; is that accurate?

A. Yes, ma'am.

[156]

Q. So other than asking you and encouraging you to retire on May 6th, was anything else said about retirement or age by Ms. Trim?

A. Well, if you go down -- if you look at -- that's just one bulleted point recap, but if you go through the entire response, you'll see that there was other times of that and other areas that we spoke about with relationship to -- she had indicated that if I should be mad at anyone, be mad at her. I inquired why, are you going to hire Alex now, which is what you wanted, because apparently he has told everyone at central office and every other agency that he wanted my job, so you can go ahead and promote up a gay male in my place that I trained. So yes, there's that and plenty of other areas in here. So do you just want one specific area, or do you want to talk about the whole thing?

Q. Well, I'm starting with May 6th, okay? You said on May 6th that she presented you with a 30-year service award, and you also say that she encouraged you to retire and that she asked you when you were going to retire. Is that accurate?

[157]

A. Yes, that was part of the conversation.

Q. Did she say anything else about your retirement?

A. She did again on the 10th.

Q. Okay. So on the 10th, what did she say?

A. After I signed the paper, she said, have you



reconsidered retirement? And I said, no, I have not. Again, these were short recaps of conversations and events that took place.

Q. Okay. So I'm asking you, then -- let's step aside from this document. On May 6th --

MR. GILBERT: Wait a minute. She's trying to answer your question, counsel. Let her finish her answer, please.

Q. Okay.

A. I just explained that she did ask me again, have you reconsidered your retirement? You can be mad at me. I said, that's an odd thing to say. Why would I be mad at you? And I went on to say, is that why -- so you can hire Alex in my place, because he's told everybody. And again, she asked me about retirement. It was to the point I had to walk away on the 6<sup>th</sup> of her asking me about retirement. So evidently

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she knew something was coming and was trying to encourage me to retire so she could put her Alex in there.

Q. Did she tell you that?

A. No, but she had said previously because Alex mentioned it many times in front of her and many times down in his own bureau in front of Mr. Gies, in front of Mr. Panzino and anybody else that would listen in earshot what his future plans were to take my job.

Q. Okay.

- A. He told me on many occasions, because we -- I rented a room from him. He told me on many occasions, when we would go out to dinner or go out and have drinks, that he was going to win because he's a gay male and he can get whatever he wants and use it to his advantage over a straight, old female like me. That's basically what he said over and over to me. That he could win my position because he's gay and they were not going to deny him a position. And the more he can learn from me, he will use that to take my position before I retire. Those were many conversations he and I

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had to the point where I stopped taking him on trips with me, I stopped taking him out and meeting people in the community, which was very important in our agency, to have good relationships with people in the community. And I had very good relationships with all the detention directors across the state of Ohio, the CCF directors, regardless of what Mr. Gies tried to imply without any backup from it. And he insisted he will have my job because he was able to manipulate people because he was gay and I was not.

- Q. Okay.
- A. And I had a gay supervisor at the time, so he was able to say he would be able to manipulate her easily because we have -- to quote him, we have it a lot tougher to get ahead.
- Q. Okay. So going back to Ms. Trim -- we're talking about Ms. Trim here.

A. Yes.

Q. And she tells you -- you've testified on the 6th she said something to you about retirement and encouraged you to retire. On the

[160]

10th, after you signed the paperwork, she asked you if you rethought about retirement. Anything else that was said about your -- that she said to you about retirement or your age?

A. That I should consider it. It doesn't have to do with my age at that point.

Q. I'm just asking the question.

A. Well, I'm just explaining it the best I can. It had to do with Alex taking my position, and if I retired, in her mind, I wouldn't be harmed.

Q. Okay. I understand what you're saying. And I'm asking a different question. You may not see the connection or why I want the information. I'm just asking the question. Trying to get an understanding of what Ms. Trim's conversations were with you.

Now, when you provided this statement to Ms. Shiffman, you tried to be accurate, correct?

A. Yes, it was a summary of events that took place.

Q. And since it was a summary of events -- and you're providing it to Ms. Shiffman as the EEO investigator, correct?

[161]

A. Yes, ma'am.

Q. You would put the important events that happened

relative to your discrimination charge in these documents that you provided to the EEOC, correct?

- A. Ma'am, she indicated to give a brief summary. We spoke many times on the telephone and she went through question after question after question.
- Q. Okay.
- A. She asked me to put a brief summary together and I did.
- Q. Okay.
- A. So, no, a brief summary does not entail everything.
- Q. Is there something that's missing from this brief summary, and if so, with respect to Ms. Trim, what is missing?
- A. Ma'am, I just told you previously --
- Q. You told me about Alex, what Alex said.
- MR. GILBERT: Objection. Let her finish her answer.
- Go ahead.
- A. When I signed the documents on May 10th,
- [162]
- she encouraged me again to retire, and walking me out to my car with my belongings she encouraged me to retire. There's, I'm sure, plenty of other things that were said that's not in this simple summary.
- Q. Okay. So what other things that are not in this simple summary did she do?
- A. I just got done telling you that she encouraged me

again to retire. I did mention in there that she said, if you want to be mad at somebody, be mad at me. I asked her why? Is that so you can now hire Alex in my position? What else do you want me to -- I told you what was said. You keep asking me the same question over and over and I keep telling you.

\* \* \*

[173]

- Q. Do you believe that you were demoted because you hit 30 years of service?
- A. Ma'am, I already testified no one told me why I was demoted. I believe I was demoted because they wanted to promote Alex, who was gay, and promote Yolonda Frierson, who is in the LGBTI community. I don't know if she prefers to be referred to as gay or lesbian, so I just say LGBTI community. That is what I believe. You're asking me what I believe. That is what I believe, because those are the facts of what happened.
- Q. So other than your belief, do you have any other evidence --
- A. Yes, ma'am.
- Q. -- that Jeff Spears, Alex -- I have difficulty saying his last name. Alex S., I'll call him -- were treated better than you?
- A. Yes, ma'am.
- Q. What is that evidence?
- A. The evidence is Alex walked around telling everyone and asking for help in getting

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my position from his former supervisor, Jodi Slagle. He's mentioned it and had discussions on his career paths in front of Mr. Gies. I was present when some of those conversations happened. And again, I said I'm not planning on going anywhere. I don't have any specific dates for you. He told many other people. His other former supervisor, Ms. Groff. Okay. So he went around telling everybody he wanted my job. He got my job, so that's a fact. Jeff Spears and I were the same age, same pay rate, same years of service. The only difference was he's gay and I'm not. He got a party and a celebration.

And Yolonda Frierson never asked for an interview for the position, the bureau chief position. She didn't have to go through an interview process. She was awarded a temporary working level by her lesbian supervisor without, at a minimum, equal qualifications. Those are the facts. That happened. So that's what I can say, to answer your question.

Q. You said Alex openly walked around saying he wanted your position. Did that make you angry at the time?

[175]

A. It became very annoying.

Q. Did you ever complain to anyone about that?

A. Yes, ma'am.

Q. And who did you complain to? Prior to this lawsuit?

A. I complained to him to stop doing it, and I complained to my supervisor, Ms. Trim.

Q. What did you say to Ms. Trim?

- A. He's got to stop walking around telling everybody he wants my job.
- Q. And did you ever put that in writing in any way?
- A. I don't believe so.
- Q. Okay. Now, you were living with Alex at the time, correct?
- A. That's correct.
- Q. You were roommates?
- A. Yes, ma'am.
- Q. Did you consider yourself friends?
- A. Yes, ma'am.
- Q. Okay. And did you really take the comments seriously?
- A. Yes, ma'am.

[176]

- Q. And you never considered it could have been just a joke between coworkers?
- A. A joke might be once or twice, but this was over a course of months and months. And it became increasingly more frequent and to more people when he came to central office. He had started it when he was at Indian River.

He testified himself that he told his former supervisor, Stephanie Groff, that he wanted my position, and she said she would do whatever she could to help him out. So everybody that held a higher position responded to him that they would help him out.

His other former supervisor, Jodi Slagle -- he told me -- and testified to this, so that's how I know that he told me and that he's telling the truth that he told her that he wanted my position, and she said she would do whatever she could to help him out to get the position because she had no idea.

And she was very friendly with Mr. Gies and had been for many years. So she indicated to Mr. Stojisavljevic that she would speak with Mr. Gies and indicate what his career goals were

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and that he specifically wanted my job.

\* \* \*

[180]

- Q. I'm going to back up some, because you told me that Alex stated in front of coworkers that he wanted your job. Is that true or not?
- A. Yes, ma'am.
- Q. Okay. And who were those coworkers that you heard him state that in front of?
- A. He stated it in front of both PREA compliance managers, Brian Morrison at Cuyahoga Hills, Denise Conrad at Circleville. He stated it in front of Bonita Neely, who is also prior to her becoming the executive assistant to the director and -- assistant director and director. She was in our bureau. She stated it in front of him many times. She stated it in front of other members of our bureau, Hannah Thomas, Yolonda Frierson. She stated it in front of - or he stated it in front of, obviously, Ginine Trim, Tony Panzino, Ryan Gies, Karla Stallworth, a



myriad of other staff. If you would like me to compile a list after this, I can do that.

Q. I'm just asking you the question.

A. And I'm trying to give you the best answer I can, ma'am.

[181]

Q. And I appreciate that. Okay?

Now, you said that Alex -- I think you may have said -- and correct me if I'm wrong -- you said you mentored Alex?

A. Yes, ma'am.

Q. Okay. So Alex wanted to learn from you, correct?

A. Yes, ma'am.

Q. Okay. And would you say Alex was ambitious?

A. Sure.

Q. Okay. And he openly expressed a desire to move up in his position?

A. Correct.

Q. And that desire to move up in his position, that angered you in terms of -- that you felt threatened by him?

A. I was disappointed in the fact that he couldn't understand that a new employee should probably gain the knowledge and skills at a slower rate to be effective in their position, especially if they wanted to move up. I expressed this to him on many occasions. He didn't want to wait. He wanted to get that

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position as quickly as he could. I explained to him that it would take him 20 years to make the amount of money I was making. He thought that he would get there quicker. He didn't understand the longevity process. He didn't understand any of that because he was a brand-new employee. It didn't anger me that way. It angered me that we were friends and he tried to go all way around me to get my position and use me to gain knowledge.

Q. Did you feel threatened by Alex?

A. Threatened in what way? Physically?

Q. No. In terms of your position. During these times that you said that he told all these individuals that he wanted your job, did you feel threatened by that?

A. I didn't feel threatened in the sense that he had more knowledge than me. I felt threatened in the sense that he was going to use his sexual orientation to get where he wanted to go.

Q. And what was the basis of that feeling in terms of his sexual orientation?

A. I believe I testified earlier that on

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many occasions Alex had indicated to me that from the time that he was in high school he was able to manipulate people to get what he wanted based on his sexual orientation because people weren't going to do anything to a gay man. They were scared to do anything to a gay man, demote them, remove them, so forth.

Q. Okay.

- A. Many occasions that occurred, and I already testified to that, ma'am.
- Q. Okay.
- A. And those are words out of his own mouth to me.
- Q. Okay. And when did he tell you that?
- A. Ma'am, I already testified, during the time that we became friends, from the time he started with the Department of Youth Services and we started to hang out, and then he became the PREA compliance manager, and I began to mentor him and take him under my wing, and the times that we would go out to dinner or have cocktails, or the times that he got a promotion to central office and we were roommates, all during those time frames. I cannot give you
- [184]
- specific dates because it was all the time.
- Q. And it's a pretty serious, I guess, allegation that somebody would use their sexual orientation in a -- in such a manner to get what they want. And did that concern you when he said that to you?
- A. I'm not following the question. Did it concern me that he had that kind of power?
- Q. Did it concern you that he had voiced that to you?
- A. Yes, that's concerning.
- Q. And did you --
- A. Let me finish. Regardless of who it is that says they can manipulate based upon their sexual orientation, that would be concerning.

Q. And when he made those statements to you, did you believe he was going to carry through on such intentions?

A. Yes, ma'am.

\* \* \*

[187]

Q. I'm asking you the question in deposition what you hope to gain from this. You filed the lawsuit, and I want to know what you're asking for.

A. Ma'am, if you look at the interrogatories, I believe I spell it all out there. If you want to refer me to a different document, I can do that, but it's not spelled out in this Exhibit 13.

Q. I'm asking you a question. Okay? And I want to know -- you've stated that you want a position that you believe you're entitled to, and what position is that?

A. A pay range 15, which was the bureau chief position.

Q. Okay. What else? You said you wanted backpay?

A. Correct.

Q. And how much in backpay are you seeking?

A. Well, it started out being \$40,000 a

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year, but with increases it's up to 50-some thousand dollars a year now. And depending on what position you look at, if it's a pay range 15 or a pay range 14, it varies on how much it is.

Q. Other than wanting a position, pay range 15, backpay, what else? Anything else?

A. Attorney fees.

Q. Anything else?

A. I want to be whole again. I want to not go to work and cry. I want to not hear about this and cry. I don't want to feel this ball up every single time somebody looks at me like I have no idea what I'm doing because I'm a secretary. I've worked 30-plus years to get the knowledge, skills and ability to be where I was. I want to feel whole again.

Q. Okay. Do you need a few minutes, Ms. Ames?

A. No.

\* \* \*

[189]

Q. In paragraph 30, page 4, it states that in approximately October of 2017, Stojsavlijevic was promoted as client advocate PREA compliance manager (PCM) at Indian River Juvenile Correctional Facility (IRJCF). He was not eligible for the promotion as he was still in probationary status, at which time the current superintendent, Chris Freeman -- and there's an acronym there, IRJCF -- had him resign his social work position and hired him the next day as client advocate PREA compliance manager (PCM), which is against hiring process. Did I read that correctly?

A. I believe you did.

Q. Okay. Now, what leads you to believe

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that Chris Freeman had Alex resign his position?

A. Because it happened to other people, and he was not

eligible to apply for that position, and that was the standard practice with Chris Freeman. If he wanted to promote someone who wasn't eligible, he had them resign and hired them back the next day. They were not entitled to an application, an interview, any of that process, he was not entitled to.

Q. Okay. So you stated it happened to other people.

A. Yes, ma'am.

Q. Is your belief that that transpired, meaning that he resigned because other people did?

A. How else could he get a position that he wasn't eligible for? That was the practice by Chris Freeman, to have people resign and hire them back the next day in the position that he wanted them in when they weren't eligible to apply.

Q. Okay. But you don't know that firsthand knowledge, correct? Or do you?

A. No, ma'am, I don't have that firsthand

[191]

knowledge.

Q. Okay.

A. Because I don't have access to HR files. You people still won't give us access to the personnel merit file that we've asked for numerous times that states that Alex was not the most qualified person when he applied for the PCM position. I'm baffled as to why you can't find it. In my last email it's spelled out right where it is, but you won't provide that to us, and I don't know why.

\* \* \*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

~ ~ ~ ~ ~

MARLEAN A. AMES,

Plaintiff,

vs.

Case No.

2:20-cv-05935-ALM-EPD

STATE OF OHIO  
DEPARTMENT OF  
YOUTH SERVICES,

Defendant.

~ ~ ~ ~ ~

Deposition of  
YOLONDA FRIERSON

\* \* \*

February 18, 2022

10:06 a.m.

\* \* \*

[5]

YOLONDA FRIERSON, of lawful age, called for  
examination, as provided by the Federal Rules of Civil  
Procedure, being by me first duly sworn, as hereinafter  
certified, deposed and said as follows:

EXAMINATION OF YOLONDA FRIERSON

BY MR. GILBERT:

\* \* \*

[11]

A. I don't typically share -- in my professional life, I don't typically talk about my sexual orientation, but I also would not call it a secret.

Q. Okay. Now, how long have you been employed with the Department of Youth Services?

A. Since April of 2006.

\* \* \*

[36]

Q. Now, let's go to Exhibit 43, please.

A. Okay.

Q. Can you identify that? That's on page 252.

A. Page 252?

Q. Yeah. Depo page 252, Exhibit 43.

A. Okay.

Q. Let me know when you have that.

A. I have that.

Q. Okay.

A. This is a personnel announcement that the Division of Professional Standards would like to announce that I had been selected

[37]

as Bureau Chief for the Office of Quality.

Q. Now, this is dated December 10th, 2019, correct?

A. Correct.

Q. And it's from Ms. Trim, correct?



- A. Correct.
- Q. Did you interview for that position?
- A. I did not have an official interview for that position.
- Q. How did you become aware of this position?
- A. I became aware of the position initially when Ms. Trim addressed our entire group and said that there would be a bureau chief position and that, you know, she encouraged people to apply. That's how I first became aware of the position.
- Q. When would that have been?
- A. That was prior to -- I don't remember exactly the date, but it was months before I was actually selected for the position.
- Q. My notes say that that would have been March or April of 2019. Would that be
- [38]
- fair?
- A. That sounds fair.
- Q. Okay. And where were you when she approached the group?
- A. I was working from my cubicle, if I recall.
- Q. At Central Office?
- A. At Central Office, yes.
- Q. Who else was in the group when this announcement occurred?
- A. I believe it was everyone in our area, so all of us were called together as a group.

- Q. Was the plaintiff, Ms. Ames, there?
- A. Yes.
- Q. You know Marlean Ames, do you not?
- A. I do.
- Q. I didn't mean to cut you off. Did you have another comment?
- A. I was just saying, yes, as I recall, she was there and, yes, I do know her.
- Q. Okay. Okay. Did you ever have conversations with Ms. Ames in regards to that announcement?
- A. After the information was shared we

[39]

all engaged in some conversation about it. I don't recall any specifics, but we all talked about it.

- Q. Well, do you recall if Ida Lewis was there?
- A. Yes.
- Q. Do you recall if Brandy Robinson was there?
- A. Yes.
- Q. And tell me the nature of the conversation between the people in this group that you heard and that you were involved in.
- A. The nature of the conversation was weighing the pros and cons of applying for the position.
- Q. Did you ever apply for this position?
- A. No, sir.
- Q. Did you ever indicate to anyone that you were not

interested in the position?

A. Yes, sir.

Q. Who did you tell that you were not interested in the position?

A. Anyone who would have asked at the time. I don't remember the specifics of who,

[40]

but I know there were my colleagues that were -- would have been a part of that meeting that I would have shared that with. A couple of them asked me if I had planned to apply or if I was interested. A couple of them encouraged me to and said they thought that I should and I would have shared with them that I was not interested.

Q. Did you have conversations with Ms. Ames in regards to whether you were interested in the position or not?

A. I may have. I don't remember a specific conversation with Ms. Ames.

Q. But if Ms. Ames had talked to you about it you would have told her at that time that you had no interest in the job, would that be fair?

A. That's correct.

Q. Do you know who interviewed for the job?

A. Yes. Based on what they shared.

Q. Who?

A. I was aware that Ms. Ames, Ms. Lewis and Ms. Robinson were interested in the position.

[41]

Q. What was your understanding about the selection process here? When Ms. Trim brought this up in March or April of 2019, what was your understanding of the selection process?

MS. JEWETT: Objection.

Ms. Frierson, if you know, you can answer.

A. I don't know what the process was. I wasn't involved in that process.

Q. Well, did she tell you -- did Ms. Trim or anyone else tell you what the process of selection for this job would be?

A. I recall her talking to the group about the job. I don't recall her sharing about the selection process.

Q. But do you recall Ms. Trim, I thought you testified, said that anyone that was interested in this position should apply? Didn't she tell you that?

A. Yes, sir. She told all of us that.

Q. Okay. All right. And so you know there would be at least an application process, fair?

A. Fair.

[42]

Q. And you knew at least at that time or shortly thereafter that there would be an interview process for that job, fair?

A. Fair.

Q. Okay. Because we know that Ms. Ames, Ms. Lewis and Ms. Robinson did interview for the job, correct?

A. Correct.

Q. And if I told you that they interviewed for that job in April of 2019, would that be consistent with your recall?

A. Yes, sir.

\* \* \*

[48]

Q. Okay. Now, after the interviews of April of 2019, did Ms. Trim talk to you about taking this position of bureau chief?

A. Yes, she did.

Q. When did those conversations start?

A. I recall it was the end of the year. I don't have the specific date, but it was around the time of the holidays.

Q. So it would be fair to say it was sometime in what, December of 2019, thereabouts?

A. Yes, sir.

Q. Up to that time, what was your understanding of what happened in these interviews that took place in April? From April to December of 2019, what was your understanding about the status of this job?

[49]

MS. JEWETT: Objection.

Ms. Frierson, you can answer.

A. I did not know the specifics of what happened with the interviews and I figured either it had been decided not to have the position or that, you know, they were going to do something else with -- I

wasn't really sure, to answer your question.

- Q. Well, did anybody tell you during that window of time, from April to December of 2019, as to the status of that position?
- A. Ms. Trim eventually did tell me the status when we met because I asked what -- you know, what had happened, were people aware that there was actually going to be a bureau chief. So I asked questions about the position in December of 2019.
- Q. Yeah. But my -- my question goes before that. My question goes to -- from April of 2019 to December 1st of 2019, did you have any conversations with anyone in regards to the status of this position of bureau chief?
- A. I had heard -- I had conversations with my colleagues and my peers and I had heard that a decision hadn't been made and that it

[50]

was just in limbo, that no one had been approached about the position.

- Q. Okay. So that was the discussion or, if you will, the rumor at that time, that no decision had been made, correct?
- A. Correct.
- Q. Did you speak with Trim or anyone else in management about the position between that window of time of April of 2019 and December 1 of 2019?
- A. No, sir.

\* \* \*

[66]

Q. Okay. Did Mr. Alex S. ever tell you that he wanted Ms. Ames's job?

A. I recall him saying that it's a great job, that it would be something he wanted

[67]

to do, yes, sir.

Q. All right. Let me go over that again. I'm sorry. I don't think I quite heard what you said. Can you say that again?

A. I remember him saying it would be a great job or something he would want to do.

Q. How often did he say that?

A. I don't know how often.

Q. More than once?

A. Yes.

Q. And were you in the presence of anyone else when he would make those comments?

A. Marlean. I remember she was around for one of those conversations.

Q. Do you recall her response, Ms. Ames's response?

A. Not exactly. No, sir. I think she -- I don't remember. Maybe she smiled or laughed, but I don't -- I don't -- there wasn't anything remarkable that stands out to me about it.

Q. Would it be fair to say that it was no secret that Alex S. wanted Ms. Ames's job?

A. I don't know if I would -- I don't think there was a

secret that he enjoyed what

[68]

he was doing and that he would eventually want that job.

- Q. And based upon what he said, you -- you knew that he wanted that job that Ms. Ames was holding, correct?
- A. Eventually that he would, yes, want that job. But I think when he talked about it he prefaced it like, you know, when she retires or, you know, he's shadowing her and --
- Q. Did he say that?
- A. Did he say all of those things? Maybe not word-for-word, but that was how he communicated it. That's what came across when he would talk about that job.
- Q. What did he say to lead you to believe when she would retire or when she would leave that job, or words to that effect?
- A. That he would be -- that after -- once she was no longer in the job he would want it. Like, he would want to be the next person up, so to speak.
- Q. Okay. Who else was around when he would make those kind of comments?
- A. I don't know. I don't remember anybody else being around. Or I don't know how

[69]

often he would have made those comments, but I don't remember other people being around.



Q. Well, you remember Ms. Ames being around, correct?

A. I do, yes.

\* \* \*

[74]

Q. Okay. Now, Exhibit 44, do you have that?

A. I'm sorry. Yes. Let me go back to that. 44, yes, sir.

Q. Can you identify that?

A. This is -- I accepted a temporary work level from my current position at the Department of Youth Services Central Office Division of Professional Standards to Administrative Officer 3. I will remain -- excuse me. This appointment will be temporary in nature. So this was an agreement to serve as a TWL in December of 2019.

Q. Now, I'm a little confused. First of all, what is a TWL?

A. It is a temporary work level, so it's not a permanent position. So you serve in a position basically in a temporary capacity.

Q. Well, let me back up then. What job was this that you would be working temporary work level?

A. The bureau chief position.

Q. It would be what?

A. The bureau chief position.

Q. Okay. Now, I was under the

[75]

impression that you had that bureau chief position

on December 10th, 2019, based upon Exhibit 43; is that correct?

A. So I believe the decision was made -- or the offer was made at the beginning of December. I actually didn't officially go into that position with the actual title until January of 2020. So this was the agreement to accept the role or accept the position in a temporary work level before it became permanent.

Q. Okay. So let's back up.

A. Okay.

Q. So Ms. Trim came to you in regards to the bureau chief job, correct?

A. Yes. Correct.

Q. I'm sorry. Did you have something else to add?

A. No, sir. I was just saying correct.

Q. Okay. And it's my understanding that Ms. Trim came to you about this job sometime in December of 2019, correct?

A. Yes, sir.

Q. And according to Exhibit 43, it

[76]

would have been before December 10th, 2019 that Trim presented that job to you, correct?

A. I believe it was on or about that time. I don't remember the specific date, but I know it was in December.

Q. Well, I notice on Exhibit 44 it talks about December

8th, 2019. Do you see that? On Exhibit 44?

A. Yes. Yes.

Q. Okay. So just so I understand this, between December 1st and December 8th, 2019, Trim comes to you with this position of bureau chief, is that fair to say?

A. Yes, sir.

Q. Okay. What did she say to you and who else was around?

A. There was no one else around and she said, I would like for you to serve in this position, I would like for you to serve in this role.

Q. And the role she was referring to was the bureau chief role?

A. Yes, sir.

Q. What was your response?

A. I -- we talked through -- she told

[77]

me why she thought I would be good for the position and I asked her if I could think about it, if I could consider it and get back to her.

Q. Why did she think you would be good in this role? What did she say?

A. She said because of previous leadership roles that I had served in and she thought that I had excellent leadership qualities.

Q. Now, Ms. Frierson, your educational background, you do not have a degree, correct?

- A. I do have a degree.
- Q. Oh. What's your degree in?
- A. I have a Bachelor of Science in social sciences.
- Q. When did you get that?
- A. I got that in September of 2020.
- Q. From where?
- A. Franklin University.
- Q. But on this day in December of 2019 you did not have a bachelor's degree, fair?
- A. That's correct.
- \* \* \*
- [83]
- Q. Okay. Now, I want to go back to what you said a minute ago. When you applied for the chief -- bureau chief job -- well, pardon me. You didn't apply for that job. We know that, right? The bureau chief job, you did not apply for that? You told us that, correct?
- A. Correct.
- Q. And you did not interview for that, correct?
- [84]
- A. Correct.
- Q. Okay. And did they ask you to do an application when you got this particular job, bureau chief job?
- A. I don't recall an application.
- Q. You mentioned something about them giving you a signature page. What did you mean by that?

- A. So the most recent position that I was appointed to I had a signature page to complete. It wasn't a full application. That's what I was referring to.
- Q. Wait a minute. How do you know it was an application if they didn't give you the application, they just gave you a signature page?
- A. It was to verify the information I had on the resume I submitted.
- Q. Well, did they -- did you do that on the bureau chief job?
- A. I don't recall all of the paperwork for the bureau chief job. I'm not sure what I filled out at that time.

\* \* \*

[89]

- Q. . . . Do you know if you prepared a document that consists more of two pages when you prepared this document?
- MS. JEWETT: Objection.
- Q. Go ahead and answer, Ms. Frierson.
- A. It consisted of more than two pages when I prepared it. I prepared a resume. I don't recall how many pages -- I mean, it looks to be three pages that --
- Q. Okay.
- A. So it is two different because it has -- it looks like it may have been two different ones.
- Q. Okay. Ms. Frierson, let me ask you this then. Did the HR department ever get in touch with you and tell you that your educational background and your

resumes are inconsistent with what you submitted?

A. No, sir.

Q. Did HR ever tell you that you were unqualified for a number of positions that you've held?

A. No, sir.

Q. Based upon your resume, based upon your application, did HR ever tell you that you

[90]

are not qualified for any of those positions?

A. No, sir.

Q. And, in fact, according to your testimony, HR would bring you a page of an application and you would sign it and they would not even give you the full application, correct?

MS. JEWETT: Objection.

Q. You can answer.

A. What I said was, in my most recent one I had a signature page to certify what was included in my resume.

Q. But which resume? What resume?

A. The most recent one that I updated.

Q. And is that 49 and 50 or something else?

A. Something else.

Q. I see. Okay. And when did you update your resume?

A. In January of this year.

Q. Before January of 2022, when was the last time you updated your resume?

A. I can't recall. It had been a while.

Q. Well, prior to January of 2022, how

[91]

often did you update your applications for the jobs that you were given?

A. When requested by HR, I would have updated them.

Q. Let me ask you this then. On the bureau chief job that you were given in 2019, were you asked to fill out an application?

A. I can't recall what I filled out.

Q. According to your testimony, and you correct me if I'm wrong, Ms. Frierson, at no time did HR question your applications that you submitted or the resumes that you submitted, fair?

A. Fair.

Q. And any inconsistencies in your resume or your applications would, as you say, would have been a mistake, fair?

MS. JEWETT: Objection.

You can answer, Ms. Frierson.

A. Yes. It would have been a mistake. I would not intentionally --

Q. Okay.

A. -- list something that was inconsistent with what I did.

Q. Okay. Okay. How often had you

[92]

gone over the -- well, let me back up. Had you worked the job of bureau chief prior to December of 2019?

A. No, sir.

Q. Now, let's go back to your conversations then with Ms. Trim. I think we're to the point where you said Ms. Trim came to you and said she would like for you to serve in the role of bureau chief, fair?

A. Yes, sir.

Q. And that would have been the first part of December of 2019, correct?

A. Yes, sir.

Q. And we know through one of these documents, I think it's Exhibit 44, there's a date of December 8th, 2019. Is that the date that you recall of your temporary work level appointment?

A. I didn't recall it was that early in December, actually, but evidently it was. I didn't remember the specific date. I just know it was during that month.

Q. Well, Exhibit 44 says, the proposed effective date of temporary employment is December 8th of 2019.

[93]

A. Okay.

Q. Do you see that?

A. I did see that in one of the documents, yes.



Q. Now, according to this, and I'm trying to read your writing here, you didn't sign off on this until December 30th of 2019; is that correct?

A. Whatever date I put on there, yes, sir, is when I would have signed it.

Q. Well, look at it. It's your writing, right?

A. Yes.

Q. Does it say December 30th, 2019?

A. I'll go back to that one. We were on a different page. So if you'll give me a second. When I looked at it a moment ago, yes, that was my writing.

Q. Well, go ahead and go to it. We want to be fair with you, you know, so go ahead and look at it.

A. Can you tell me what page that's on again?

Q. Yeah. It's 253.

A. Thank you. Okay.

[94]

Q. You see your signature there?

A. Yes.

Q. Is that your writing on the date?

A. Yes, sir.

Q. Since it's in your pen, what is that date?

A. 12-30-2019.

Q. Okay. Now, it goes on and says your current position is human services program administrator 3. Do you see that?

A. Yes, sir.

Q. I want to make sure -- when did you get that job, human services program administrator 3?

A. I got that job in January of 2018.

Q. Because I'm going to Exhibit 41 and that has you as the Office of Quality Assurance.

A. Yes, sir. So we have working titles that are sometimes different --

Q. Oh. Okay.

A. -- from the titles that --

Q. Say that again.

A. Sometimes the working titles are different.

[95]

Q. Okay. So, for the record, on January 8th of 2018 you became Office of Quality Assurance, which is the same thing as human services program administrator 3?

A. Yes, sir.

Q. Okay. Now, tell me why you were in a temporary work level position for the bureau chief job?

A. There were instructions that came from our HR person, whatever position she was in, that it would be best to start the position in a temporary work level based on the number of steps and things that were involved and then go full time in January. So then she asked if I would be okay with that and I said I was fine with it.

Q. Who is the she you're referring to?

A. Her name is Renee Jenkins. She was the person in Human Resources that handled the transfer.

Q. So I want to make sure I get this straight now. Ms. Trim comes to you and offers you the bureau chief job, correct?

A. Correct.

Q. And sometime after she offers and

[96]

you accept the job Renee Jenkins from HR comes to you and says, you should be in a temporary work level position before you take on all those duties? Is that the way it happened?

A. She said, we're going to have you in a temporary work level to end out December -- to round out December and it will then change your permanent position in January after you are eligible for step increases, but she did -- she was the one who approached me about the temporary work level, yes.

Q. Now, let me make sure I understand. Let's get the procedure right here first and then I'll go into the substantive aspect of it. Am I correct that Ms. Trim came to you and offered you the bureau chief job and you accepted the job and then is when Renee Jenkins talked to you about taking on the temporary work level position? Is that the way it worked in that procedure?

A. Yes, sir.

Q. Okay. And when Renee Jenkins -- by the way, was Trim in the conversation with Renee Jenkins or did she come to you separately?

[97]

- A. She came to me separately.
- Q. Okay. The she being, in this case, Renee Jenkins, correct?
- A. Correct.
- Q. So Renee Jenkins then comes to you. Does she say why you need to be in the temporary work level position for a period of time?
- A. Yes. It had something to do with the level of step increases or where I fell.

\* \* \*

[101]

- Q. Okay. Fair enough. Out of curiosity, had you done PREA work before you became bureau chief?
- A. No, sir. My experience with PREA was working in the facilities --
- Q. I didn't hear the last part of that. Say that again.
- A. My experience with PREA was from working in the facilities and ensuring compliance with PREA requirements.

[102]

- Q. But as bureau chief, that's a different approach, correct, to PREA?
- A. Correct.
- Q. What did you say?
- A. Correct.
- Q. Okay. And you had not done the bureau chief

PREA work prior to becoming bureau chief, fair?

A. Fair.

\* \* \*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

~ ~ ~ ~ ~

MARLEAN A. AMES,

Plaintiff,

vs.

Case No.  
2:20-cv-05935-ALM-EPD

STATE OF OHIO  
DEPARTMENT OF  
YOUTH SERVICES,

Defendant.

~ ~ ~ ~ ~

Deposition of  
GININE TRIM

\* \* \*

February 23, 2022  
10:01 a.m.

\* \* \*

[6]

GININE TRIM, of lawful age, called for  
examination, as provided by the Federal Rules of Civil  
Procedure, being by me first duly sworn, as hereinafter  
certified, deposed and said as follows:

EXAMINATION OF GININE TRIM

BY MR. GILBERT:

\* \* \*

[21]

Q. Were you aware that Ms. Ames identified herself as a heterosexual?

[22]

A. No.

Q. Okay. Did Ms. Ames ever indicate to you that she was gay?

A. We never had any conversations about her personal life with -- mine or hers, for that matter.

Q. Okay. Did you have any reason to believe that she was gay? That is, Ms. Ames was gay?

A. Didn't have any reason to believe she was or she wasn't. It just never came up.

\* \* \*

[32]

Q. Now, Ms. Trim, did there ever come a time when Ms. Ames was demoted from her position?

A. Yes.

Q. What was your involvement in that?

A. I don't have an involvement in demotions or promotions.

Q. I didn't ask you that. I asked you, what was your involvement in Ms. Ames's demotion?

A. I did not have an involvement in her demotion.

Q. When did you become aware of it, that she was going to be demoted?

A. I don't recall.

Q. Were you aware that Ms. Ames was going to be demoted before it was announced to

[33]

her?

A. As I recall, maybe, you know, a few hours or an hour before.

Q. Did you recommend Ms. Ames's demotion?

A. I did not.

Q. Who informed you that Ms. Ames was going to be demoted?

A. The assistant director, Julie Walburn.

Q. How did she advise you of that?

A. I was in the office and she asked me to come to her office.

Q. Was this Central Office in Columbus?

A. Yes. At 4545 Fisher Road.

Q. Was anybody in the office with you and Ms. Walburn when this discussion took place?

A. I don't recall.

Q. What did Ms. Walburn say to you?

A. This certainly isn't exact because this was a long time. So I can just tell you that I was informed that there was going to be a change, but I can't tell you what she said

[34]

specifically because I don't remember.



Q. But you know generally then that Ms. Walburn informed you there was going to be a change?

A. That is correct.

Q. Whatever she said led you to believe that there was going to be a change?

A. That is correct.

Q. Do you recall her indicating those words, that there was going to be a change?

A. No.

Q. Okay. And what type of change was she referring to?

A. That there was going to be a change in the Office of Quality with the PREA administrator, with Ms. Ames.

Q. Anyone else?

A. No.

Q. So the only position she talked to you about then at that time was Ms. Ames's position?

A. As I recall, yes.

Q. Did she say why there was going to be a change?

A. It was a decision that her and the

[35]

director had made.

Q. Is that what Ms. Walburn said?

A. Not verbatim, but that's how I remember it.

Q. I didn't hear that.

- A. I said it was not verbatim, but that's how I remember it. It was a decision that the director and Ms. Walburn had made.
- Q. Who was the director at the time?
- A. Brian Gies.
- Q. Did she indicate how long they had thought about this, quote, unquote, change?
- A. Not that I can recall.
- Q. Did she give you any background as to why there was going to be a change?
- A. I don't remember specifically, to be -- I just don't remember.
- Q. But you're clear in your mind that you did not recommend that, correct?
- A. I did not recommend it, no.
- Q. And was this a surprise to you, that there was -- that Ms. Walburn was telling you there was going to be a change?
- A. I don't think -- was I surprised? No. I'm not surprised.
- [36]
- Q. Why --
- A. We all -- because we're all -- I'm sorry. We're all unclassified and work at the pleasure of. So, you know, in my career I've seen and heard of a lot of people being replaced and moved, so I -- I can't say that I was necessarily surprised.
- Q. Okay. I didn't want to interrupt you. I apologize. Did you finish your answer?

A. Yes.

Q. And you were not surprised because you know from time to time there are replacements, correct?

A. Correct.

Q. Okay. But there was nothing that Ms. Ames did or said up to that point that led you to believe that there was going to be a change, would that be fair to say?

A. I think overall I can say I know that with the vision of the -- the assistant director and the director wanted around, you know, our PREA efforts -- and I don't -- I don't think -- based on, you know, some slow responses around -- you mentioned grants and not having a plan in place for the grants to be

[37]

administered. I know that they were not happy with that. So that -- that's what I can tell you.

Q. Now, let me make sure I understand that. Slow responses to what?

A. For the planning of how the grants were -- the grant dollars were being effectuated in facilities across our agency.

Q. Who told you that they were not satisfied with that slow response?

A. I think I'd heard it in previous conversations. I can't tell you exactly if I heard it from the director or the assistant director. I don't recall.

Q. You mentioned slow response. Anything else?

A. Regarding that, no.

Q. And was this part of Ms. Ames's duties or responsibilities?

A. Yes.

Q. Other than slow responses that you claim in regards to distribution and planning of grants, anything further that you heard the director or Assistant Director Walburn say in regards to Ms. Ames's production?

[38]

A. Not that I can recall.

Q. Did you ever bring that to the attention of Ms. Ames?

A. We talked about it frequently.

Q. When you say we, who are we talking about?

A. Ms. Ames and I.

Q. Can you tell me what was said?

A. We talked about ensuring that she had some planning around -- in working and coordination with facility leadership, how money would be spent, how the PREA dollars would be -- would be spent and so that it wasn't a last-minute process. We knew we were getting awarded X amount of dollars at certain times and planning for that money to be, you know, planfully and thoughtfully spent to ensure that it was going to enhance, you know, our sexual safety efforts in the facility.

Q. Do you have anything in writing to support that, Ms. Trim?

A. On one of the evaluations -- so it says providing

guidance and expert advice to management or other groups on technical, systems.

[39]

- Q. What are you referring to? What page are you looking at?
- A. I'm looking at page 277 under Provide Consultation/Advice. In our discussions we talked about, as you -- where I say here, Marlean has an opportunity to improve in this area, I encourage Marlean to ensure that she stays current with all aspects of PREA regulations and interpretations of standards to ensure she is providing accurate advice and guidance to senior leadership. Part of that discussion that we had included the distribution of grant dollars.
- Q. But you also graded her as meets expectations?
- A. Correct.
- Q. Okay. Other than that section, is there anything else, any e-mails or communications --
- A. Well, there's a -- there's a grant section --
- Q. Hold on. Whoa. Are there any other e-mails or communications between you and Ms. Ames or anyone else and Ms. Ames that talk about this issue?

[40]

- A. In the evaluation under Grants, seek, manage and distribute is on the same page, on 278.
- Q. Well, that's 278. You read from --
- A. On 278.

- Q. Okay. 278, I'm with you. What's that?
- A. On the section Grants. This is an area where Marlean has room to improve. In the next rating period I would like for Marlean to assume a more active role in managing PREA grant funds.
- Q. Okay. So other than those two areas on Exhibit 53, were there any other items in which you brought this to the attention of Ms. Ames? Any e-mails, any communications that we can refer to?
- A. Not that I can recall.
- Q. But you also graded her there that she met expectations, correct?
- A. Correct.

\* \* \*

[61]

- Q. Before we get to that, a couple more questions, Ms. Trim. After Ms. Ames signed the document, what happened then, in your office?
- A. I want to say I think she began to start packing her belongings.
- Q. Now, did Ms. Walburn indicate to you in your meeting as to what position Ms. Ames was going to be demoted to?
- A. Not that I can recall.
- Q. When did you become aware of the position that Ms. Ames was going to be demoted to?
- A. I believe it was when I asked our HR administrator, Ms. Ghee, you know, what options that she had.
- Q. What happened then after Ms. Ames signed the

document?

A. Again, I believe that she began to

[62]

gather her belongings.

Q. Now, there's no question that this was a surprise to Ms. Ames, would you agree?

A. I know she was upset. I don't know if she was surprised or not, but she was upset.

Q. To your knowledge, Ms. Ames did not have any prior notice of this demotion, would that be fair to say?

A. To my knowledge, correct.

Q. Did you assist Ms. Ames in gathering up her things?

A. I asked if I could, if she needed any assistance.

Q. Did you provide any assistance?

A. I did.

Q. What did you do?

A. I just -- I helped her however I could. I don't remember exactly, you know, what I did, but I helped her.

Q. Did you help her take her things out to her car?

A. I believe so.

Q. Did you have conversations with Ms. Ames at that point as well?

A. Not that I can recall.

[63]

- Q. What was the nature of the discussion then while you were assisting in packing up Ms. Ames's items and taking it out to the car?
- A. I think I did more lifting than anything. I don't -- I don't remember saying a whole lot. I don't remember -- I just don't remember a lot of the discussion. When somebody is upset it's usually not my position to talk a lot because people need to -- they need to air their feelings, so I listen.
- Q. Well, I don't know what you do in other cases. I'm talking about Ms. Ames.
- A. Yeah. That's exactly what I'm talking about as well.
- Q. All right. So do you recall any comments that you made to Ms. Ames when you were gathering up her things and helping her take it to her car?
- MS. JEWETT: Objection.
- A. I do not.
- Q. Okay. Did you tell Ms. Ames that you did not know what happened in regards to her job?
- A. I don't recall saying that, no.
- [64]
- Q. Did you indicate to Ms. Ames that, if you're going to be mad at anyone be mad at me, or words to that effect?
- A. I don't recall saying that, but I don't know. I don't recall it.
- Q. Did you tell Ms. Ames that you were sorry about what happened?
- A. I can't say whether I said that or not.



Q. Did you tell Ms. Ames to go back to Akron and try to retire?

A. I did not talk to her about retirement.

Q. I didn't ask you that. I asked you did you tell her that?

A. No. No, I did not.

Q. Did Ms. Ames ever tell you -- or ask you did you know about this situation and her being demoted? Did she ask you that question?

A. I think she did, yes.

Q. What was your response?

A. I think I told her yes, I -- yes, I knew about it.

Q. Did you tell her how long you had

[65]

known about it?

A. I don't know that that was part of the conversation, that I remember, that I recall.

Q. Did you say that?

A. I don't remember that being a part of the conversation.

Q. So you don't remember, correct?

MS. JEWETT: Objection.

A. I don't remember that being a part of the conversation.

Q. Did you talk about Alex? And I'll spell his last name. S-T-O-J-S-A-V-L-J-E-V-I. Do you know who that person is? I think there's a C on the back of that.

A. I do know who --

Q. How do you pronounce that name?

A. I don't really know how to pronounce it correctly.

Q. All right. But if I say Alex S., do you know who that is?

A. I do. I do.

Q. Okay. So when Ms. Ames came back to your office upset, crying, at that time to the point where you were taking her items out

[66]

to the car, assisting her with those items, did Alex S's name ever come up?

A. No. Not that I recall.

Q. Did Ms. Ames indicate to you that that's why you and the other folks wanted her out, so that you could promote Alex S.? Did she say that to you?

A. Not that I recall.

Q. So when you say not that you recall, would it be fair to say it could have occurred, but you don't remember?

A. I do not remember.

Q. Now, you were aware up to that point that Alex S. had made a number of comments that he wanted Ms. Ames's job; is that correct?

A. No.

Q. Well, let me make sure of your answer here. Is it your testimony up to the time that Ms. Ames was demoted you were unaware that Alex S. wanted Ms.

Ames's job?

- A. What I know is they used to banter back and forth with one another about the job, but, you know, do I know that he wanted her job, that he aspired to be in her position?

[67]

You know, I guess the answer would be yes based on their bantering back and forth.

- Q. What kind of banter are you talking about? Tell us about that.
- A. They just used to be very playful about she was his mentor and he was, you know, her protege and they used to go back and forth with -- just joking about that -- about the position.
- Q. When you say joking about the position, what was said?
- A. I don't remember exactly. It was -- quite frankly, I didn't pay a whole lot of attention to the fact that they -- they just joked around with one another quite a bit and sometimes it had to do with him being the protege and her being the mentor and, you know, the protege would assume the mentor's job at some point. You know, they would just joke about that back and forth.
- Q. So there were comments made that Mr. Alex S. wanted Ms. Ames's job, correct?
- MS. JEWETT: Objection.
- A. I don't think that he said it specifically the way that you just phrased it,

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but they bantered back and forth with one another.

Q. Well, whatever this banter was, you were left with the impression that Alex S. wanted Ms. Ames's job, correct?

MS. JEWETT: Objection.

A. That's not correct.

Q. Pardon me?

A. That's not correct.

Q. Okay. So let's start over. Did Alex S. ever say anything in your presence to the fact that he wanted Ms. Ames's job?

MS. JEWETT: Objection.

Q. Go ahead.

A. In a playful manner, yes.

Q. And after Ms. Ames was demoted did Ms. Ames ever raise with you that Alex was going to get her job?

A. I don't recall that, no.

Q. I want to make it clear now, Ms. Trim. When you say you don't recall, are you saying that could have occurred, but you don't remember?

A. I'm saying I don't recall.

Q. Yeah. But when you say you don't

[69]

recall, I've got to nail that down. Are you saying it didn't happen or it could have happened and you

don't remember?

MS. JEWETT: Objection.

Q. Go ahead.

A. I am saying that I don't recall.

Q. Yeah. Okay. But I don't want you getting in trial saying that --

MS. JEWETT: Objection. Mr. Gilbert --

MR. GILBERT: I'm saying this now and then you can object and we can get it on the record so we can take it to court, okay?

Q. Now, Ms. Trim, what I want to make sure is -- this is my opportunity to talk to you. Now, I want to make sure that you're not going to go to court and say I don't recall means that it could have happened and I don't remember or say something else. So I'm asking you to define, when you say I do not recall, what do you mean by that? That's my question.

A. I have no recollection of the conversation.

Q. Okay. And that's the best definition you can give me, right?

[70]

A. That's the best I've got.

Q. Okay. So if other people come in and say in your presence that Ms. Ames asked you words to the effect, now you're going to give my job to Alex S., you cannot dispute that, correct?

A. I would say I don't recall.

Q. Okay. But Alex S. ends up getting Ms. Ames's job, doesn't he?

- A. That's correct.
- Q. You know Alex S. is gay, correct?
- A. I think he identifies as gay.
- Q. Did you recommend Alex S. for this position of Ms. Ames's?
- A. I did not.
- Q. Who made the decision to place Alex S. in that job?
- A. Ultimately, it's the director's decision.
- Q. Did you make any recommendation?
- A. I did not.
- Q. Did anyone ask you for a recommendation?
- A. No. I was told who was going to be in the position.

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- Q. Who told you that?
- A. At some point I believe the -- Ms. Walburn is who told me that.
- Q. Anyone else?
- A. Not to my knowledge.
- Q. Did you object?
- A. Did I object to what?
- Q. Did you object to Alex S. getting this position that Ms. Ames had?
- A. No. I did not object.
- Q. Did you tell anyone that you thought Alex S. was not qualified for the position?

A. No.

Q. So it's your testimony that Alex S. did not come up in your conversation between you and Ms. Ames from the time you left Ms. Walburn's office to the time you walked Ms. Ames out to the car? Is that your testimony?

MS. JEWETT: Objection.

A. Not that I recall.

\* \* \*

[81]

Q. Okay. And you then made an announcement to staff in addition to sending out the e-mail, right?

[82]

A. Correct.

Q. Saying that the position was available for bureau chief, right?

A. Correct.

Q. That you encouraged your staff to apply for?

A. Yes.

Q. Were there interviews for this position?

A. There were informal -- what I would consider to be informal interviews.

Q. Well, were there interviews for the bureau chief position that was posted?

A. Yes. Yes.

Q. Who conducted the interviews?

A. Assistant Director Walburn and myself.

Q. Why just the two of you?

A. That's just -- she wanted -- she had it set up that way, the assistant director, so that's -- that's how we did it.

Q. All right. Did you interview anyone for the bureau chief position?

A. Yes.

Q. Who?

[83]

A. Ms. Ames, Ms. Lewis, Ms. Robinson. I believe that was -- that was it.

Q. When did the interviews occur?

A. I don't recall.

Q. Were -- did you have interviews of these three people on one day or did it span over a period of time?

A. I'm not sure. I -- I don't recall.

Q. If I told you the interviews, according to our notes, are April of that year, would you have any reason to dispute that?

A. No.

Q. Did you interview Ms. Ames before she was demoted?

A. She -- yes. She was part of the interview.

Q. And if she was demoted on or about May 10th would that -- that means that that interview occurred before May 10th of 2019, fair?

A. Correct.



Q. Okay. Do you know how many months, weeks or days before her demotion that she was interviewed?

A. I do not.

[84]

Q. Now, were you and Walburn in the same room when you interviewed or did you interview separately?

A. We were in the same room.

Q. Did you keep notes?

A. No, I did not.

Q. Do you know if Ms. Walburn kept notes of the interview?

A. I don't know.

Q. Did you have questions, written questions for the interviewees?

A. I don't recall if there were any formal questions. I don't think that there were.

Q. Did you have any conversations or meet with HR in terms of the policy and procedure for the interviews?

A. No.

Q. Would it be fair to say that you interviewed the people that were qualified for the position?

A. I interviewed the people who expressed an interest in the position.

Q. Would it be fair to say you interviewed the people that were qualified for

[85]

the position?

- A. I don't know if they were qualified or not. HR would know that at the time that they're recommended for the position. It's not something that I would necessarily know, if they met minimum quals or anything like that. Because they were all administrators.
- Q. So it's your testimony you didn't know you were -- you were interviewing people that were not qualified for the position?
- A. We were talking to the people who applied and expressed an interest for the position.
- Q. Well, would you have a habit of talking to people that you know are not qualified for the position?
- A. If they're in an administrator position and they -- and we just have, again, an informal conversation about their interest in a position, we'll get to whether or not they're qualified at some point with HR, but I can have a conversation with them about their interest.
- Q. But these were interviews, weren't they?
- [86]
- A. They were not -- when you are filling -- or when we are filling an exempt unclassified position it is not exactly the same that if I was hiring a -- like a union position to fill. Because, again, they serve at the pleasure of, so it's often very different. All my interviews have not been the same as when I was a union employee over 25 years ago.
- Q. Yeah. But Ms. Trim, I thought you indicated that you -- to the staff that you -- they registered to apply and then you would interview them for the

position?

A. Send me their resume and if they were interested to express their interest, yes.

Q. Well, you told them they'd have an interview, too, didn't you?

A. Yes.

Q. All right. Did you have any feeling that Ms. Robinson, Ms. Lewis or Ms. Ames were not qualified for the position?

A. I did not.

Q. Okay. So just to put it another way, you felt, in your mind, that all three of these candidates were qualified for the

[87]

position of bureau chief, fair?

A. Yes.

Q. Okay. Now, did Walburn ever tell you before the interviews that she thought these three people were not qualified for the position of bureau chief?

A. No. Not that I can recall she ever said.

Q. Okay. So isn't it fair that, as far as you knew, the both of you were interviewing qualified candidates for the bureau chief position, fair?

A. Yes.

Q. Okay. And interviews did occur, correct?

A. Yes.

Q. I understand that you posted for this job as well?

A. When you say posted, it was posted internally for the folks that were part of the bureau. It didn't go on an external posting.

Q. Okay. But there was something on the board to advise the employees that this job was available?

A. I don't -- I don't recall. When

[88]

you say on the board, if there was an actual posting up for so many days and down, I don't know that we -- it was presented in that fashion.

Q. Now, let me -- let me get it straight. I thought you used the term post, and I could be wrong, but I know you made an announcement to the staff. We know that, right?

A. Correct.

Q. I was under the impression there was something in writing.

A. There was an e-mail that was sent out informing them of the position.

Q. Okay. So you called it an e-mail, not a posting, per se, correct?

A. Correct.

Q. And that e-mail was from you, correct?

A. Correct.

Q. I'm not sure if I've seen that e-mail, but I'm going to look for it and see. I don't think that's been provided, but I'll take another look. And as you recall, Ms. Trim, that would have been from you to

[89]

whom?

- A. The employees that were in the bureau of quality.
- Q. And it would have identified the position?
- A. Yes.
- Q. And how many days or weeks would it have been from the date of the posting -- or I should say prior to the e-mail. The date of the e-mail to the date of the interviews, do you recall?
- A. I do not.
- Q. Okay. And I asked you whether you had questions, set questions, and I believe you told me -- well, let me just back up. I'll ask you again. Did you have any questions for the interviewees?
- A. I don't think we had any formalized questions. It was a -- more of a discussion.
- Q. Okay. You called it an interview and, as far as you know, the candidates called it an interview, fair?
- A. Fair.
- Q. Okay. So it's my understanding that this job was not filled until December of

[90]

2019. Is that your understanding?

- A. I don't have a recollection of when it was filled.
- Q. Okay. Neither three of these candidates were selected, correct?
- A. That's correct.

Q. Why wasn't Ms. Ames selected?

A. She was not selected because she just didn't meet the, you know -- A, wasn't able to really express the vision and -- for the bureau which she was applying for and just not a good fit for -- for the position.

Q. Why wasn't Ms. Lewis selected?

A. For the same reasons.

Q. Why wasn't Ms. Robinson selected?

A. For the same reasons.

Q. Did you rank the candidates?

A. No. No.

Q. Do you know if Ms. Walburn ranked the candidates?

A. I do not know.

Q. Did you ever tell Ms. Ames why she did not get the job of bureau chief?

A. I don't recall if we had a conversation about it or not.

[91]

Q. Why was there such a delay between the interviews -- your e-mail, the interviews and the person selected? Why was there such a long delay?

A. Priorities in the agency. Things happened and --

Q. But the job was still available, correct?

A. Yeah. It was still open.

Q. Yes?

A. Pardon me?

Q. Is your answer yes, it was still open?

A. Yes. Yes.

Q. Okay. So we know Ms. Ames was demoted, we know that she had interviewed for this bureau chief job. Was Lewis or Robinson demoted?

A. No.

Q. When did you decide that Ms. Ames was not going to get this position of bureau chief?

A. It wasn't my decision.

Q. I didn't ask you that.

A. You asked me when did I decide --

[92]

Q. Yes.

A. -- and it was not my decision.

Q. Well, it may not have been your decision, but did you decide that Ms. Ames was not going to get the bureau chief job, in your mind?

A. After the interview I -- this is when I knew that we were not going to fill the position with Ms. Ames is that -- well, you were asking from my perspective if -- but it wasn't my position.

Q. Why not tell Ms. Ames, Ms. Ames, you didn't do good on the interview, we're not going to select you? Why didn't you tell her that?

A. It wasn't my -- it was not my decision either way to tell her that. If she was going to get it I wouldn't have gone back and told her that she was selected for it. That's not my role.

Q. Whose decision was it not to give it to Ms. Ames?

A. Ultimately, it's going to be the assistant director and the director's decision.

Q. You're talking about Walburn?

[93]

A. That is correct.

Q. Who received the position?

A. Ultimately, Yolonda Frierson --

Q. Why?

A. -- assumed the position.

Q. Why?

A. Because she was qualified to assume the position and she was a good fit based on her experience.

Q. Is it your testimony you thought that Ms. Frierson was more qualified than Ms. Ames?

A. In terms of her experience, yes.

Q. Why? What experience?

A. Well, she oversaw -- she was the deputy of programs in the facility.

Q. Can you say that again? I didn't hear that.

A. She was a program deputy in the facility supervising multiple areas. So she would have had programs under her guise, she would have had medical, she would have had unit management.

Q. Anything else?

A. I'm sure there is. I don't



[94]

remember off the top of my head all the areas that the program deputy supervises, but it's quite a few.

Q. Well, did Ms. Frierson apply for the job?

A. She initially did not apply for the job.

Q. Did she ever apply for the job?

A. Did she ever express an interest in the job? Yes.

Q. I didn't ask you that. I asked you, did Ms. Frierson apply for the job?

A. She did not.

Q. Was Ms. Frierson interviewed for the job?

A. She was.

Q. How was that? Who did that?

A. Myself and the assistant director spoke with her.

Q. Who?

A. Julie Walburn.

Q. So it's your testimony that Walburn and yourself interviewed Frierson, correct?

A. Correct.

Q. When did that occur?

[95]

A. I don't -- I don't know exactly when.

Q. Well, do you have any record of that?

A. I do not know when -- when we sat and spoke with her. I don't -- I don't recall.

Q. I didn't ask you that. I asked you did you have a record.

A. I don't. No, I do not.

Q. Were you and Walburn together when you, quote, unquote, interviewed Frierson?

A. Yes.

Q. Where did it occur?

A. I believe in the assistant director's office.

Q. That would have been Walburn?

A. That's correct.

Q. Did you interview Ms. Frierson before or after you told her she had the job?

A. She was interviewed prior to.

Q. Prior to what?

A. Her having the job.

Q. Well, did you interview her before or after you told her that she had the job?

A. It's my recollection that she was

[96]

interviewed.

Q. Yeah, but can you answer my question?

A. I answered it. She was interviewed prior to her having the job. That's my recollection.

Q. That's not my question. My question is, at some point you advised Ms. Frierson that she had the job, fair?

- A. I don't know. I did not -- no. I talked to her about it after she was told and I believe she was told by the assistant director prior to me having that conversation. I didn't -- I'm not the one who made the announcement to her, as I recall.
- Q. Well, let me start over then. When you had discussion with Ms. Frierson that she had the job, irrespective of who selected it, was that before or after her interview?
- A. It would have been after her interview.
- Q. Okay. Who made the decision to give the job to Frierson?
- A. That's a decision that the assistant director and the director made.

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- Q. And is it your testimony that Walburn told Frierson she had the job before you talked to her about her selection?
- A. I believe so.
- Q. Now, did Frierson fill out an application for this job after she was selected or before?
- A. That, I don't know.
- Q. Did you approach Frierson before the interview to tell her that you would like to consider her for this job?
- A. I approached her and asked if she had an interest in the job.
- Q. Who was around when you said that?
- A. I don't recall. I believe I was just talking to her at

her cubicle, but I don't know if there were other people around or not.

Q. And what did she say?

A. Well, there were two --

Q. When you asked her if she had an interest in the job, what did she say?

A. She said she would consider it.

Q. Did she ever get back to you?

A. I believe she did.

Q. What did she say?

[98]

A. That she was interested in the position.

Q. Did she ever tell you that she had expressed before that she had not had an interest in the job?

A. That's correct.

Q. She did tell you that?

A. Correct.

Q. You mentioned that there were priorities that were in the agency that caused you not to fill that job. What priorities are you talking about?

A. I don't have specifics. I just know that it fell off of -- it fell off of our radar as other things in the agency happened and so we didn't return to that discussion until sometime later on. You know, for me it's a priority, but agency priorities do change, and so --

Q. All right. So how much time passed from the time that Ms. Frierson was told by you that she had the

job? I understand that Ms. Walburn may have told her before you, but at some point you told Ms. Frierson she had the job, correct?

[99]

A. I don't know that I -- if Ms. Walburn told her that, which I'm assuming, because I don't recall every discussion that we had, it would have been more of a discussion about her meeting with HR to take care of whatever she needed to take care of with HR.

Q. In terms of your contact with her?

A. Correct.

Q. Okay. Now, how much time passed from the time that you had that contact with her that she had the job through HR or whatever and the time that she actually took over the duties?

A. I don't -- I don't recall. I don't -- I would imagine it wasn't a whole lot of time, but I don't -- I don't know.

Q. Do you know if she actually had taken over those duties before she made the application?

A. I don't think so.

Q. If it happened that way that would be unusual, wouldn't that be fair to say?

A. Not always, no. Not always. It's not unusual that people just jump in if they know they're going to assume a position

\* \* \*

[111]

Q. Okay. Look at Exhibit 55. That's called a

determination by the EEOC.

A. Okay. I see it.

Q. Have you seen that document before?

A. Not that I recall, no.

Q. Okay. That's a document saying proper cause of discrimination. Was that ever shown to you?

A. I can't -- I just don't remember ever seeing it.

Q. Okay. Now, when you selected Ms. Frier -- I'm sorry. When Ms. Walburn selected Ms. Frier and you talked to Ms. Frier about starting this job of bureau chief you were aware through Mr. Blake and others that Ms. Ames had, in fact, filed a discrimination complaint, weren't you?

MS. JEWETT: Objection. And are we talking about Ms. Frierson?

MR. GILBERT: Yeah. I'm sorry. Did I say somebody else?

Q. Ms. Frierson. When you talked to Ms. Frierson about the bureau chief job that

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she received I know you said that Ms. Walburn told her she had the job and then you talked with her shortly thereafter. You were aware by that time that Ms. Ames had filed a discrimination complaint, correct?

MS. JEWETT: Objection.

A. Yeah. I can't -- I don't know, to be honest, when I was made aware of it. I cannot remember.

Q. That's not my question. My question is, when you had the conversation with Ms. Frierson that she got the bureau chief position you were aware by that time that Ms. Ames had, in fact, filed a discrimination complaint, correct?

MS. JEWETT: Objection.

A. I don't remember. I don't remember.

Q. Well, let's go back to Exhibit 54, on page 311. You've already identified that you signed that on October 31st, 2019 and if Frierson didn't get the job until December 2019, isn't it true that you were aware when Frierson got that job, selected for that job, that Ms. Ames had filed a discrimination

[113]

complaint?

MS. JEWETT: Objection.

A. That --

Q. Go ahead.

A. Well, through these dates and documents, absolutely. But, as I said before, I was in the hospital with my mom who was on a ventilator, so there's a whole lot of things around 2019 I can't sit here and recall.

Q. Okay.

A. But certainly looking at these documents, the answer is yes.

Q. Okay. And I asked you whether you had any reason to dispute those dates and I believe you told me you had no reason to dispute it, correct?

A. That is correct.

Q. Do you know a Nathan Lawson?

A. I do.

Q. How do you know him?

A. He works for the Department of Youth Services.

Q. Where does he work? What's his situs?

A. I'm not sure where he works

[114]

currently.

Q. He used to work in Toledo thereabouts, correct?

MS. JEWETT: Objection.

A. Right. He worked for parole.

Q. But he also works for DYS at some point, doesn't he?

A. That's part of -- parole is a division of DYS, yes.

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(Thereupon, Deposition Exhibit 58, letter dated January 14, 2016, was marked for purposes of identification.)

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Q. Okay. All right. Can you turn to Exhibit 58 then?

A. I have it.

Q. Say that again.

A. I have it.

Q. Okay. It starts on page 323. Do you see that?

A. Yes.



Q. All right. And this is a letter dated January 14th, 2016, correct?

[115]

A. Correct.

Q. All right. Were you aware that Mr. Lawson had been given fall back rights on a position?

A. No.

Q. Okay. And you're right. I think he did work as a juvenile parole service supervisor. Is that what you were talking about?

A. I believe -- yeah. I didn't know what -- his position, but I knew it was parole.

Q. All right. Okay. Do you know why he was -- why he was removed from his position?

A. I do not.

Q. Okay. And do you know why he was only given fall back to a pay range of 13 as opposed to less than 13?

A. I do not.

Q. Okay. You weren't involved in this, were you?

A. No.

Q. When you talked to Ms. Ghee about the options that Ms. Ames had did Ms. Ghee tell you that Ms. Ames was going to have a substantial reduction in her pay rate?

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A. No. Not that I recall.

Q. Was the actual pay range discussed in front of you in regards to Ms. Ames?

A. No.

Q. Do you know who checked the box on Ms. Ames's letter? I know you can't find that letter, so I'm going to go through the letter. There's a box that's checked on that. Do you know who checked that box?

A. I do not.

Q. Okay. So if it was checked in front of you or whatever, you have no recall of that, would that be fair?

A. That's correct.

Q. Okay. Ms. Trim, let me take about five minutes. I think I'm about done. Okay?

A. Okay.

Q. So let's take five minutes.

MR. GILBERT: Is that okay, Counsel?

MS. JEWETT: Yes.

MR. GILBERT: Let's take about five minutes.

(Thereupon, a short break was taken.)

BY MR. GILBERT:

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Q. Just a few more questions, Ms. Trim. Ms. Trim, how well do you know Ms. Frierson?

A. I know her pretty well. I've worked with her for the last eight years.

Q. You socialize with her, correct?

A. What do you mean socialize?

Q. Outside of work. Do you go out and have dinner and have drinks?

A. I've been out with her probably three times.

Q. Dinner and drinks, correct?

A. I don't remember what the occasion was, but we've been out on several occasions.

Q. That's not my question now. My question is, do you ever go out with her and have dinner and drinks?

A. There may have been an occasion that it was dinner or lunch. I -- again, I don't remember.

Q. Well, do you have drinks with her as well?

A. Probably a drink. I don't drink very much.

Q. And you appointed her to -- or you

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recommended her for several positions, isn't that correct?

A. I think I may have recommended her for two, if I recall.

Q. She told us four.

MS. JEWETT: Objection.

Q. Is that about right?

A. Again, I can remember two.

Q. Okay. If she says more than two, would you dispute that?

MS. JEWETT: Objection.

A. I would have to know what they are. I mean, to be

reminded.

Q. Okay. She says you approached her in regards to the bureau chief position. Did you do that? You wanted her to accept that position?

A. I wanted to gauge her interest in the position.

Q. Um-hmm. How about Ms. Ast? How often do you go out to dinner and drinks with her?

MS. JEWETT: Objection.

A. Not often.

Q. Well, once a month?

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A. No. In fact, over the last four years, before she came back to DYS, we may have went out, but not since then.

Q. How long ago was that?

A. It's been over four years ago.

Q. Okay.

A. Prior to her leaving the agency.

Q. Okay. I thought Ms. Ast was the current director?

A. She is the current director, yes.

Q. Okay. When is the last time you were out with her for dinner or lunch and drinks?

MS. JEWETT: Objection.

A. I don't recall. It's been a long time ago.

Q. A long time. Like last week?

MS. JEWETT: Objection.

A. No.

Q. Okay. All right. Just can't remember, right?

MS. JEWETT: Objection.

Q. Correct?

A. I don't recall.

Q. Don't recall. Just so we have it

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straight also, Ms. Trim, Ms. Ames was not demoted for disciplinary reasons, correct?

A. Not to my knowledge, but I wouldn't know -- HR would know that better than I would.

Q. But you have no evidence to support that? Or you have no information that she was demoted for disciplinary reasons, correct?

A. That is correct. I need to clarify something, too. I just remembered about the -- when the director -- when the current director, Ast, approached me about my interest in the assistant director we met for coffee at Starbucks.

Q. And according to this, you had been appointed in January of 2022, correct?

A. That is correct.

Q. Okay. So if people say they've seen you out since December of 2019 with Ms. Ast, they would not be mistaken, would they?

A. No. I don't believe so.

Q. Now, tell me what Alex S. was doing in regards to grants, at least before you got your last promotion.

What was he doing?

A. I don't believe we had any grants

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at that particular time. I think we had -- all of the grant money had already lapsed.

Q. Okay. Do you recall in April of 2019 coming to Ms. Ames and telling her you would like for her to apply and interview for the bureau chief job?

A. I do not. I do not recall that.

Q. So if this happened -- that happened, people say they heard you say that, would you dispute that?

A. I wouldn't because I talked to each one of the bureau chiefs -- or the administrators about it at some point, but I don't remember specifically going to her. I remember having a meeting with all of them.

Q. All right. All right. But if that occurred you're not going to dispute that, correct?

MS. JEWETT: Objection.

Q. Go ahead.

A. I don't dispute it, no.

\* \* \*