

# EXHIBIT B

ORIGINAL

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE, PALM SPRINGS BRANCH

CHRISTOPHER ROSS,	)	
	)	
Plaintiff,	)	
v.	)	Case No.
	)	P.S.C. 1403729
COUNTY OF RIVERSIDE, et al.,	)	
	)	(Volume I)
Defendants.	)	(Pgs. 1 - 252)
	)	

Videotaped  
Deposition of: CHRISTOPHER ROSS (Volume I)

Date and time: Tuesday, December 9, 2014,  
9:40 a.m.

Location: 555 Anton Boulevard, Suite 1200  
Costa Mesa, California

Reporter:  
Patricia Tornell, CSR, RPR  
Certificate No. 2974

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1 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF RIVERSIDE, PALM SPRINGS BRANCH  
3  
4  
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6

7 CHRISTOPHER ROSS, )  
8 Plaintiff, )  
9 v. ) Case No.  
10 COUNTY OF RIVERSIDE, et al., ) P.S.C. 1403729  
11 Defendants. ) (Volume I)  
 ) (Pgs. 1 - 252)  
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25 Patricia Tornell, CSR, RPR  
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1           Volume I of the videotaped deposition of  
2 CHRISTOPHER ROSS, taken before Patricia Tornell,  
3 Certified Shorthand Reporter, Certificate No. 2974,  
4 commencing at 9:40 a.m. on Tuesday, December 9, 2014,  
5 at the Law Offices of Woodruff, Spradlin & Smart,  
6 555 Anton Boulevard, Suite 1200, Costa Mesa,  
7 California.

8  
9  
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I N D E X

Witness: CHRISTOPHER ROSS (Volume I)

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E X H I B I T S

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INFORMATION REQUESTED:

IDENTIFIED FOR COUNSEL:

Page Line  
(None)

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(None)

1 TUESDAY, DECEMBER 9, 2014

2 COSTA MESA, CALIFORNIA

3 9:40 A.M.

4  
5 VIDEOGRAPHER: Good morning. My name is Tom  
6 McCarthy, and I'm a notary public and video technician  
7 here on behalf of Tornell & Cotten Court Reporters  
8 located in Santa Ana, California.

09:41:00

9 This is the deposition of Christopher Ross  
10 beginning at 9:41 a.m. on December 9, 2014, in the  
11 matter of Christopher Ross vs. County of Riverside, et  
12 al., in the Superior Court of the County of Riverside.  
13 The case number is P.S.C. 1403729.

14 This deposition is taking place at Woodruff,  
15 Spradlin & Smart located at 555 Anton Boulevard,  
16 Suite 1200, in Costa Mesa California, and is being  
17 taken on behalf of the defendants.

09:41:27

18 Could we please have introductions beginning  
19 with the witness.

20 THE WITNESS: Christopher Ross.

21 MR. WEAVER: Chris Heikaus Weaver, Mr. Ross's  
22 attorney in this matter.

23 MS. KOLE: Cynthia Kole, Woodruff, Spradlin &  
24 Smart, on behalf of defendant County of Riverside and  
25 the named defendants.

1 VIDEOPHOTOGRAPHER: Would you please administer the  
2 oath.

3  
4 CHRISTOPHER ROSS,  
5 the plaintiff herein, called as a  
6 witness, and having been first  
7 duly sworn by the Certified  
8 Shorthand Reporter, was examined  
9 and testified as follows:

10  
11 EXAMINATION

12 BY MS. KOLE:

09:41:56

13 Q Mr. Ross, would you spell your name for us.

14 A Christopher C-h-r-i-s-t-o-p-h-e-r, last name  
15 Ross, R-o-s-s.

16 Q I'm here today to ask you some questions to  
17 determine what facts you know about the lawsuit,  
18 and have you ever been deposed before?

19 A Once.

09:42:31

20 Q And what type of case was that?

21 A It was a personal injury case. I was hit by  
22 a drunk driver and almost killed, so there was a  
23 lawsuit on that.

24 I think there was -- I'm -- it's been a long  
25 time. I'm 41 now, so I was probably ten years old,

1 maybe 11, so that would have been probably 1984. That  
2 would have been at -- I'll stop. Sorry.

3 Q That's okay.

4 Were you represented by an attorney in that  
5 lawsuit?

09:43:00

6 A Yes, I was.

7 Q And was -- who was the plaintiff in that  
8 lawsuit?

9 A We were the plaintiff.

10 Q You were one of the named plaintiffs?

11 A Yes.

12 Q And who was the adult who was the plaintiff  
13 in that?

14 A There was no adult. As far as what --  
15 myself, I was independent. I had my own lawsuit.

16 Q I see.

17 And was there your mother or father who had a  
18 related lawsuit?

19 A No.

20 Q And who were you riding with?

09:43:29

21 A Friends.

22 Q Other than the time that you were deposed as  
23 a child, have you been deposed before?

24 A Not that I can recall. I don't think so.

25 Q Have you been a plaintiff in any other civil

1 action?

2 A No.

3 Q Have you been a defendant in any other civil  
4 action?

5 A No.

6 Q Have you spoken with your attorney regarding  
7 the procedures for the deposition today?

8 A No.

9 Q So I'm going to tell you a little bit about  
10 those procedures.

09:44:01

11 The oath that you took a few moments ago is  
12 similar to an oath you would take in court to tell the  
13 truth, and that obligates you to testify truthfully  
14 today.

15 Do you understand that?

16 A Yes.

17 Q The testimony that you give today has the  
18 same force and effect as you if you were testifying in  
19 a court of law.

20 Do you understand that?

21 A Yes.

22 Q And I saw a little hesitation with that. Do  
23 you have a question about that?

09:44:29

24 A What do you mean, "force and effect"?

25 Q The oath that you take to tell the truth

1 today is similar to an oath you would take if you were  
2 in court testifying at a hearing or a trial, so the  
3 testimony that you give today has the same force and  
4 effect as if you were sitting in court testifying as a  
5 witness.

6 Does that make sense?

7 A I think so.

8 Q Do you disagree with that?

9 A No. No, I don't. I -- just when you say  
10 "force and effect," that -- I'm new to civil law.

09:44:57

11 Q Sure.

12 A I don't know, so sorry.

13 Q No problem. And I want to make sure it's  
14 clear for you.

15 And by "force and effect" I think it means  
16 that if you're a witness testifying at trial, a judge  
17 may tell the jury what effect the witness testimony  
18 could have, the judge could strike some of the  
19 testimony, the testimony may come in straight, so it's  
20 the same situation today --

21 A Okay.

22 Q -- with your deposition testimony. All of  
23 those things could happen with it --

09:45:29

24 A Thank you.

25 Q -- at trial.

1           And it can also be -- because you're the  
2 plaintiff in the lawsuit, the defendant could read  
3 your deposition testimony straight into the record at  
4 trial.

5           A     Okay.

6           Q     The court reporter is going to transcribe  
7 everything we're saying today, and my questions, your  
8 answers, and your counsel's questions, if he has any,  
9 or objections, and it will be made into a booklet for  
10 you to review afterwards.

11           I believe you're probably familiar with  
12 transcripts.

09:46:00

13           A     Yes.

14           Q     You'll be asked to sign the transcript under  
15 penalty of perjury.

16           Do you understand that?

17           A     Yes.

18           Q     And you can make changes to your answers when  
19 you get the transcript. However, I'd like to caution  
20 you that substantive changes can be commented upon by  
21 myself or another lawyer for the County of Riverside  
22 at trial.

23           A     Okay.

24           Q     And those comments may reflect poorly on your  
25 credibility. So the type of changes I'm talking about

09:46:28



1 are, you know, a "Yes" answer to a "No" to a critical  
2 question.

3 It could also be not providing much  
4 information on a question as an answer and then  
5 providing contradictory information or a whole bunch  
6 more detail. Counsel might comment on that as "Why  
7 didn't you tell us this at your deposition?"

8 A Okay.

9 Q Does that make sense?

09:46:59

10 A Okay.

11 Q I saw that you noticed the sound in the room.

12 A Yes.

13 Q I don't know what that is?

14 A That's plumbing.

15 Q Okay. Thank you.

16 A The benefits of working construction.

17 Q Also, the court reporter needs audible  
18 responses to have a clear record, so nodding doesn't  
19 work, but you've been giving me yeses, noes, and other  
20 answers, so I don't anticipate a problem there.

09:47:28

21 And responses like "Uh-huh" and "Huh-uh"  
22 don't help with a clear record, so if you could try to  
23 respond with an audible response that's not a sound.

24 A Yes.

25 Q And if I catch that, I'll ask you, "Is that a

1 yes or a no?" just to have a clear record.

2 A Okay.

3 Q Also, talking over each other makes it hard  
4 to get a clear record, and I will try my best to let  
5 you complete an answer before I jump in, and I'd ask  
6 that you also try that with my questions, wait until  
7 I'm done.

09:47:57

8 A Absolutely. I'll try -- if I interrupt you,  
9 just stop me. I'm sorry. I don't mean to. So --

10 Q Yes. Absolutely. And depositions are a  
11 little bit different than regular conversations.  
12 There's more pauses. And so sometimes we'll probably  
13 unintentionally step on each other, but we'll try to  
14 avoid it if we can.

15 I may ask a question that you do not  
16 understand and not through any fault of your own.  
17 Perhaps I've asked a question that has too many  
18 subparts or is ambiguous in some way.

09:48:31

19 Please let me know if you don't understand  
20 the question, and I will rephrase it, and I'll try not  
21 to ask you compound questions.

22 A Understood.

23 Q Do you understand that?

24 A Yes.

25 Q If you don't tell me that you don't

1 understand the question, it's going to appear on the  
2 record as if you did understand it.

09:48:58

3 Do you understand that?

4 A Yes.

5 Q And if you realize through the course of the  
6 day that you've given an answer that you think is  
7 incomplete or inaccurate, you know, please just bring  
8 it up and provide the answer you would like to  
9 provide.

10 A Okay. Understood.

11 Q And I would ask that you not speculate today,  
12 so I'm sure you have a lot of experience with the  
13 difference between speculating and a best estimate.

09:49:37

14 Is that something that has come up in your  
15 practice?

16 A Yes.

17 Q So I'd ask you to give me your best estimate  
18 or if you have a basis for your answer, but if you  
19 have no basis at all and you're just guessing, that's  
20 not the kind of response that I'm looking for today.

21 Okay?

22 A Okay.

23 Q And then I'm going to ask you -- this is very  
24 standard in civil litigation in depositions -- if  
25 you're able to give your best testimony today.

09:49:57

1 A I'm sorry. I don't understand.

2 Q Okay. Some of the questions that are  
3 standard -- and I don't mean any offense by these at  
4 all -- are if the witness, yourself today, is taking  
5 any type of medication that might interfere with your  
6 memory.

7 A No.

8 Q And sometimes people are ill or they'll have  
9 a very bad headache and that makes it difficult for  
10 them to testify accurately.

11 A Okay.

12 Q Are there any circumstances like that?

13 A No.

14 Q And then just other times people may be so  
15 preoccupied with a difficult circumstance going on in  
16 their life that it makes it difficult for them to  
17 think clearly and answer the questions accurately.

09:50:27

18 Is there anything like that that would impede  
19 you from testifying today?

20 A I don't think so. We all have things on our  
21 mind, but I don't think it would impede me from  
22 accurately testifying. If there is, I'll let you  
23 know.

24 Q Thank you.

25 A You're welcome.

1 Q I did have one deposition recently where the  
2 witness was, I guess, awakened and awake for quite a  
3 while in the middle of the night due to a dog barking, 09:50:58  
4 and she testified for quite a while before she  
5 realized that she actually wasn't thinking very  
6 clearly, not remembering anything, because she hadn't  
7 gotten enough sleep, so that makes me remember to ask  
8 that question. Is it -- do you feel that you're well  
9 rested to give --

10 A No, but we can -- we can go ahead. I had  
11 about three hours of sleep because I had to drive from  
12 Indio to my mom's place in Los Angeles, and I got in  
13 late and so talked with my mom, and then I ended up 09:51:30  
14 putting all my stuff away and going to bed. I  
15 probably got to bed about probably 2:30 in the  
16 morning, and I got up at about 6:00, 6:30, right in  
17 there.

18 Q Okay.

19 A So --

20 Q That does cause me a little bit of concern.  
21 That's not a lot of sleep for your deposition.

22 How are you feeling right now?

23 A I'm feeling okay.

24 Q Okay.

25 A But later in the day I'm sure I'm going to

1 feel it.

2 Q So you'll let us know if you feel like you  
3 can no longer testify to the best of your ability?

09:52:00

4 A Yes.

5 Q Okay. What did you do, if anything, to  
6 prepare for your deposition today?

7 A Ate my Musilex and ate a banana and my  
8 diet -- what is it? -- Canada Dry, and used the GPS to  
9 get down here, and did some breathing exercises in  
10 traffic as I sat there thinking I'm going to be late.  
11 That's it.

09:52:29

12 Q Okay. And specifically with regard to  
13 reviewing any documents, did you review some documents  
14 to prepare to testify today?

15 A No. I did review some emails, however,  
16 not -- not so much to prepare but just to -- for my  
17 own awareness.

18 Q How many emails do you believe you  
19 reviewed?

20 A Just one.

09:52:56

21 Q Do you recall what the content of that one  
22 was?

23 A The email had -- there were attachments -- or  
24 an attachment with emails from work, so it's kind of  
25 confusing, but it's one email but it had an attachment

1 with multiple emails.

2 Q I see.

3 And what was the subject matter of the  
4 attached emails?

5 A It was regarding this case. It was my  
6 understanding that it was discovery provided by your  
7 law firm. 09:53:29

8 Q Did looking at those emails help you remember  
9 any of the facts related to your lawsuit?

10 A Yes. Yes, it did.

11 Q Are you able to identify which facts it  
12 helped you remember?

13 A No. There were, I think, a hundred -- there  
14 were approximately a hundred pages.

15 Q Did it help you with any time frame or dates  
16 with regard to events in your lawsuit? 09:53:59

17 A Yes. I will -- if I may.

18 Q Sure.

19 A It was a little bit revealing. There were  
20 emails that I had never seen before. They were from  
21 management where I used to work at the D.A.'s office  
22 between one another, so --

23 Q So some of it was new information for you? 09:54:28

24 A Correct. Some of it was revealing.

25 Q Do you recall sending any emails to -- from

1 your work -- prior work email address, the County of  
2 Riverside address, to an email address that is  
3 cross227@hotmail.com?

4 A Yes. 09:54:58

5 Q And do you recall when you did that?

6 A When I was working there. I don't recall a  
7 specific date.

8 Q Do you recall sending emails regarding the  
9 Parker case from your County of Riverside email  
10 address to the cross227 email address in January of  
11 2014? 09:55:27

12 A No, not -- it wouldn't have been in January  
13 of 2014 because I was still technically employed, but  
14 I'd been laid off by that point. I think in November  
15 I'd been put on administrative leave, so not that I  
16 recall.

17 And I think, as I recall, I tried to get on  
18 my email, and I think I couldn't get on it, my work  
19 email address, that is. 09:55:56

20 Q What is your current address?

21 A 82286 -- pardon me. We're not going to  
22 broadcast this for all the criminal defendants to come  
23 get me, are we?

24 MS. KOLE: Could we go off the record for a  
25 moment.



1 MR. WEAVER: Certainly.

2 VIDEOGRAPHER: The time is 9:56 a.m. and we are  
3 off the record.

4 (Whereupon a discussion was held  
5 off the record.)

09:57:46

6 VIDEOGRAPHER: The time is 9:57 and we are back on  
7 the record.

8 BY MS. KOLE:

9 Q Mr. Ross, is your current address in Indio?

10 A Yes.

11 Q Is that the address that the County of  
12 Riverside had as your work address when you were  
13 working at the district attorney's office?

09:57:58

14 A Yes.

15 Q Was there a period of time you were living in  
16 Los Angeles --

17 A Yes.

18 Q -- recently?

19 A Yes.

20 Q And what -- do you recall when you started  
21 living in Los Angeles and when you moved back to  
22 Indio?

23 A Yes. I temporarily moved to Los Angeles to  
24 take care of my mom. She had a stroke right around  
25 Christmastime of 2013, so the end of December. She

1 had emergency surgery on Christmas Eve, the 24th, I  
2 believe, of December. She had an endarterectomy.  
3 That's where they take an artery out and they replace  
4 it with a cow -- with a cow vein, because she had  
5 multiple strokes in her brain, so it was in Los  
6 Angeles, so I -- she was in the hospital for, I think,  
7 about two weeks, and I ended up moving out there  
8 temporarily. I didn't move any of my stuff. I just  
9 went and stayed at her place to take care of her  
10 animals and to take care of her and then stay with her  
11 at the hospital and then take her home once she was  
12 done. She needed some rehabilitation and things like  
13 that. So I stayed with her until -- oh, I want to say  
14 till recently, and I was always going back and forth  
15 to Indio because I have things to do there, bills to  
16 pay and whatnot, so I was constantly going, you know,  
17 back and forth maybe once a month or something like  
18 that.

09:58:29

09:58:59

19 And then she had another surgery done. The  
20 artery started -- the surgery didn't work. She  
21 started having scar tissue, not only on the outside  
22 but on the inside of the artery, so it caused almost  
23 another stroke. It was at 93 percent blockage. So  
24 she went in for an angiogram where they stick a camera  
25 through the femoral artery and they go up and they see

09:59:29

1 if they could either do the surgery over and put  
2 another cow vein in there or put a stent in there, and  
3 they said she was a candidate for the stent. And then  
4 the problem was is when they pulled the camera out,  
5 they didn't sew the artery up correctly so in the  
6 hospital she had an aneurysm -- bad luck -- and so,  
7 yeah, there was another one. And luckily she was  
8 there so she didn't die, but it was an emergency so  
9 now they had to keep her for another few days until it  
10 healed. So I continued to stay with her, and I  
11 think -- I want to say that was in June or -- I want  
12 to say in June she had that surgery done -- and that's  
13 to the best of my recollection -- and so I stayed with  
14 her through -- I want to say through August maybe --  
15 yeah, August, I think, right in there, maybe September  
16 even, until she was back on her feet and she went back  
17 to work part time, so --

09:59:59

10:00:25

18 Q So you believe it was sometime in the fall of  
19 this year that you moved back -- moved back to the  
20 Indio address full time?

21 A Correct. Fall being around August, I  
22 presume, summer, fall, whatever you want to call it.  
23 But I think it was around August. May have been  
24 September, but right in there, late August, early  
25 September.

1 Q And you consider the Indio address your  
2 full-time address --

10:01:00

3 A Yes.

4 Q -- at present?

5 A Yes.

6 Q And putting aside the period of time that you  
7 were staying with your mother in Los Angeles, how long  
8 have you lived at the Indio address?

9 A Years. I don't want to speculate and guess,  
10 but I want to say six years, maybe five years,  
11 something like that.

12 Q Does it -- do you live with anyone at the  
13 Indio address?

10:01:29

14 A I do.

15 Q And who is that person?

16 A Joe Forth.

17 Q And he's also -- he is employed by the County  
18 of Riverside?

19 A Yes.

20 Q And is he a public defender?

21 A He is. You must know him.

22 Q I don't know him.

23 A Oh. Know of him then.

24 Q I do recognize the name.

25 Is there anyone else that lives with you and

1 Mr. Forth at the Indio address?

10:01:57

2 A No.

3 Q At the address where you were staying at with  
4 your mother in Los Angeles, is there anyone else that  
5 was living with you and your mother at the Los Angeles  
6 address?

7 A No.

8 Q Do you have a younger brother who was living  
9 at that address?

10 A No.

11 Q Do you have a younger brother?

12 A No.

13 Q Do you have an older brother?

14 A I do.

15 Q Was your older brother living with you at  
16 that address?

17 A No.

18 Q Does your older brother live in the state of  
19 California?

10:02:29

20 A Yes.

21 Q And can you tell me what city he lives in?

22 A Pardon me for a moment. My microphone fell  
23 off.

24 He is -- I believe he's up by Fresno. It's a  
25 town up by Fresno. I don't know the name of the town,

1 but it's right up by Fresno. He used to live in  
2 Fresno, but then he had to move. But it's right  
3 around Fresno, in that area.

4 Q And where were you born?

5 A I was born in California.

6 Q Have you ever gone by any other names?

10:03:02

7 A No.

8 Q Have you ever testified in court?

9 A I'm trying to think on that one.

10 I don't think I have, no.

11 Q Have you ever filed a workers' compensation  
12 claim?

13 A No.

14 Q Did you attend high school in California?

10:03:36

15 A I did.

16 Q And what year did you graduate?

17 A 1991.

18 Q And where did you attend college?

19 A Attend or graduate? I went to multiple  
20 colleges.

21 Q Oh, you did?

22 A Yes.

23 New York, Albany. Regents College,

24 University of the State of New York.

10:03:56

25 Q And what year did you graduate college?

1           A     Undergraduate, I graduated in -- I'm thinking  
2     '97, I think, maybe '98, somewhere in there.

3           Q     In between high school and college, did you  
4     have -- did you work at that time?

5           A     Yes, I did.

6           Q     And what was your employment?

7           A     At -- that's during that eight-year period or  
8     seven-year period -- I don't remember dates -- but I  
9     worked at -- I worked construction. I did concrete,  
10    labor. In other words, I dug ditches and set forms  
11    and poured what we called mud, cement, concrete,  
12    screed it and level it out.

10:04:29

13                   Then I worked house cleaning, cleaned houses,  
14    D & J Cleaners. And we did everything. We did  
15    commercial. We did residential. We did on the side  
16    of the highways, the rest-stop areas. We cleaned it.  
17    Construction sites prior to once they're done cleaning  
18    all the mess up, we did that. And then -- who else  
19    did I work for?

10:04:59

20                   I worked for Bank One: "Thank you for  
21    calling Credit Card Services. My name is Chris, and  
22    how may I help you today?"

23                   So Bank One, First U.S.A., that was in Tempe,  
24    Arizona. And -- let's see. What else? I'm trying to  
25    think. That's a long period of time.

1 I was in the army. I'm trying to think of  
2 what else I did.

10:05:29

3 Q If you don't mind if I stop you there a  
4 minute, do you recall the period of time you were in  
5 the army?

6 A I was in several periods of active duty and  
7 several periods of reserve. So when you say do I  
8 recall the period, from what dates?

9 Q That's what I was referring to is dates.

10 Why don't we try it this way:

11 Did you -- when you began your service with  
12 the army, was it in active duty?

13 A Yeah. Yes. Everyone starts off on active  
14 duty. You go through your boot camp and then you go  
15 through your M.O.S. training, Military Occupational  
16 Specialty.

10:05:58

17 Q Do you recall when you started active duty  
18 with the army?

19 A Three days after high school. I think that  
20 was -- it was a mistake when I got there.

21 Q It took you the fourth day to figure out it  
22 was a mistake?

23 A Took me the first day.

24 Q The first day?

25 A First day at three o'clock in the morning,



1 South Carolina.

2           When was that? June? It was early June,  
3 June -- June 5th, I think. I think I graduated on  
4 June 3rd, and by June 5th I think I was having  
5 somebody yell at me.

10:06:29

6           Q And at some point were you discharged from  
7 the army?

8           A Yes, I was. The way it works is you get a --  
9 you get a discharge. You get a DD214 when you  
10 complete your training. And I did what was called  
11 split option, so I went on active duty for basic  
12 training, did a year of college, went back to my  
13 active duty again to get another, you know, entry and  
14 exit discharge and DD214, and then I went back on  
15 active duty in '95, I want to say, and I think I got  
16 out in '97, so for about two years.

10:06:57

17           And then I went back in '99, and I went back  
18 until 2001, right in there.

19           Q And then at 2001 did you have -- did you  
20 complete or end your military service then?

21           A Yes, I did.

22           Q So you were no longer active or reserve?

23           A Correct. I got hurt, so I could not continue  
24 with active service or reserve service for that  
25 matter.

10:07:29

1 Q What type of injury did you have that ended  
2 your service?

3 A It was a skeletal injury, my legs.

4 Q Is that, like, a broken leg or something like  
5 that?

6 A Yes, bilateral, both sides.

7 Q When you left the army in 2001, were you  
8 aware of any other type of injury that you had  
9 sustained --

10:08:06

10 A No.

11 Q -- while you were in the army?

12 A No. But they keep coming up. Let me tell  
13 you.

14 Q But in 2001 it -- you weren't aware of any  
15 conditions you had at that point?

10:08:29

16 A No.

17 Q And then when you left the army in 2001, is  
18 that when you began college or you completed all your  
19 college by then?

20 A I completed college. I started law school.

21 Q And when did you start law school?

22 A I think July or August of 2001.

23 Q And when did you graduate from law school?

24 A July of 2004.

10:08:59

25 Q And where did you attend law school?

1 A Southwestern.

2 Q During law school did you have some  
3 employment as a -- some sort of legal-related  
4 employment?

5 A Toward the -- I think my last year of law  
6 school I did. I worked for the V.A., Veterans  
7 Administration, doing medical malpractice claims, so I  
8 worked part time.

10:09:29

9 Q Any other positions like that, part-time  
10 positions --

11 A No.

12 Q -- in law school?

13 A No.

14 Q After graduating, did you -- what was the  
15 first legal position you obtained?

16 A I -- excuse me. I worked for the district  
17 attorney's office in Los Angeles.

18 Excuse me.

19 I worked for Major Crimes, downtown, Criminal  
20 Courts Building, CCB.

21 Q Was that prior to passing the bar?

22 A Yes, before and after passing the bar. So I  
23 graduated in July, so I couldn't take the July bar  
24 because in May when you have to apply for it you had  
25 to have graduated, and so I went from a night student

10:09:59

1 to a day student, so it kind of made me not graduate  
2 on time. So I graduated in the summer and then -- in  
3 July of 2004, and then I didn't take the bar till  
4 February, 2005, and I think they tell you -- in May  
5 you get the results back, I think. Thank God I  
6 passed. I didn't want to do that one again.

10:10:27

7 Q And then in -- you found out you passed the  
8 bar in February of 2005?

9 A Yes.

10 Q And at that point were you still working at  
11 the L.A. district attorney's office?

12 A Yes, I was.

13 Q And at some point you moved to the County of  
14 Riverside district attorney's office?

15 A Correct.

16 Q And how did that come about?

17 A I was -- there was a job that came open in  
18 Riverside, and I applied for it, applied for other  
19 jobs, too, and I got interviewed, and they told me,  
20 "We're hiring you," and so I decided to go from  
21 Riverside to Los Angeles. And when I say Riverside  
22 hired me, it was for Indio. I didn't know that when I  
23 applied. And they asked me in the interview, "Have  
24 you ever heard of Indio?" and I hadn't. I thought  
25 they were joking. I thought they meant India, and I

10:10:59

10:11:29

1 went, "Ha-ha-ha, you're funny." And, you know, India,  
2 everyone had a real serious face, and I went, "Oh,  
3 great."

4 And they had to go, "It's out by Palm  
5 Springs," and I was thinking Blythe. And I went,  
6 "Isn't that by Arizona?"

7 And they were, "No, no, no. That's Blythe.  
8 You're in Indio."

9 "Yeah, I'll take it," so --

10 Q But you were unfamiliar with Indio?

11 A Yes, I was. "They have a town out here?"

12 Palm Springs, I knew where that -- everyone  
13 knows where Palm Springs is.

14 Q When you were in law school, did you know  
15 that you wanted to be a prosecutor?

10:11:59

16 A No.

17 Q When did you decide that that was the type of  
18 legal job you wanted?

19 A I put in for an externship, I think, in 2003,  
20 and they were the only ones that took me for an  
21 externship, so I went, "Okay. That's where we'll go."  
22 And I liked it, so -- and then when I graduated, I put  
23 in a lot of applications, you know, for a lot of  
24 firms. Excuse me. I'm sorry.

25 MR. WEAVER: You can do it to your coat if you

10:12:28

1 don't want it on --

2 THE WITNESS: Oh.

3 MR. WEAVER: -- your tie.

4 THE WITNESS: Thank you.

5 MR. WEAVER: That will work; right?

6 THE WITNESS: So I -- I'm sorry. Where was I?

7 BY MS. KOLE:

8 Q So you were not exclusively looking for work  
9 as a prosecutor?

10 A No, I was not. I probably sent out 90  
11 applications, and I got one interview -- or I received  
12 one interview with -- it was a firm in West L.A. They  
13 did medical malpractice. And I went to Southwestern,  
14 and so they kind of -- I was surprised I got the  
15 interview, and they went, "Well, you know, we're  
16 looking for someone with a little more civil  
17 experience than what you have" as opposed to my  
18 medical malpractice experience was with the Federal  
19 Torts Claim Act, and it was with the federal  
20 government for the V.A. only, limited liability,  
21 things like that, so it's almost completely different.  
22 It's a special field of law.

23 So they went, "You don't have really any  
24 civil experience, so thank you but no thank you."

25 So then I got hired by the D.A.'s office. I

10:12:58

1 went, "All right. We'll go there."

2 Q So you began work with the County of  
3 Riverside in the district attorney's office in 2005?

4 A Correct. 10:13:29

5 Q Do you recall what you -- what your position  
6 was when you entered?

7 A With the Riverside district attorney's  
8 office?

9 Q Yes.

10 A I was a Deputy District Attorney I.

11 I presumed that was my job title, prosecutor.  
12 Deputy district attorney is what we officially call it  
13 with the County. So that was my position and title.  
14 And it's graded I through V. Everyone starts out  
15 there a I unless you come in under other special  
16 conditions, which I did not. 10:13:57

17 Q Over the course of time that you worked for  
18 the County of Riverside in the district attorney's  
19 office, did you receive promotions?

20 A Yes.

21 Q And what was the last -- the title of the  
22 last position you worked in at the County of Riverside  
23 district attorney's office?

24 A Just so we're clear, there's job assignments,  
25 and then there's actual -- what do we call it? -- 10:14:27

1 positions -- or job titles.

2 So job titles, Deputy District Attorney I,  
3 Grade II, Grade III, Grade IV, et cetera. You can  
4 have that grade, but you were put into multiple  
5 different positions or can be. There's a variety of  
6 positions. So when you ask which one or what was my  
7 position, do you mean my actual job title or what  
8 section was I working at or what position within the  
9 D.A.'s office.

10 Q Right now I'm just asking about the job  
11 title.

10:14:58

12 A My last position was a -- or pardon me -- my  
13 last title was a Deputy District Attorney, Grade IV-T,  
14 as in tango.

15 Q During the time period that you were at the  
16 County of Riverside district attorney's office, did  
17 you receive promotions from D.D.A. I up to IV-T in  
18 a -- let me start that again. It got a little too  
19 long.

10:15:30

20 Were you satisfied with the promotions that  
21 you received from, like, a I to II? Did you feel like  
22 it came at the right time, or did you have some  
23 concerns that you weren't being promoted quickly  
24 enough?

25 A No. Just so -- if I can clarify -- would you



1 like me to do that?

2 Q Sure.

3 A Okay. Grade I, II and III is a set  
4 promotion, or it was when I was in the D.A.'s office,  
5 and I don't remember the time periods, but I think  
6 everyone went from Grade I to Grade II unless it was 10:15:57  
7 objected to or you weren't doing your job. If you  
8 weren't competent, then they wouldn't. But it was  
9 automatic.

10 And I think it was after nine months you went  
11 to Grade II.

12 And then I think after that it was automatic  
13 a year later, I think -- I think it was a year later,  
14 maybe 18 months, something like that -- everyone went  
15 to a Grade III unless you weren't doing your job. You  
16 were on probation for 18 months. So the good news was  
17 somewhere around that time period you were getting  
18 promoted to a Grade III and you were off probation, so 10:16:28  
19 that makes everyone feel good.

20 And then Grade IV is -- that is -- for  
21 instance, when I was hired by Grover Trask and also  
22 Rod Pacheco, they both said the same thing:

23 When you make Grade IV, that's like  
24 making partner in a law firm, so we don't  
25 promote everyone to Grade IV.

1           That had particular requirements, and I think  
2 you had to do a certain number of homicide trials, a  
3 certain number of --

4           I'll let you finish writing.

10:16:59

5           You had to do a certain number of homicide  
6 trials.

7           You had to do a certain number of other  
8 requirements, had to have so many assignments in --  
9 different assignments.

10           You had to do felony assignments, misdemeanor  
11 assignments.

12           You had to do some sort of -- you had to be a  
13 head of something -- I can't remember what it was --  
14 some special project assigned to you, either  
15 legislative or, you know, injunction or something.  
16 And mine was the head medical marijuana prosecutor in  
17 the County when they passed that law about  
18 cooperatives and whatnot, so --

10:17:28

19           Q     So is it your -- I'm sorry.

20           A     No. Go ahead.

21           Q     Is it your recollection that you received the  
22 promotions to II and III as you expected to receive  
23 them on an automatic basis?

24           A     Yes.

25           Q     And you also passed probation at the time you

1 expected to do that?

2 A Yes.

3 Q And so were there -- did you have any  
4 concerns about your employment with regard to  
5 promotions to -- up to the level III?

6 A No.

7 Q And how about with regard to promoting to IV?  
8 Did you promote to IV at a time that you felt was  
9 appropriate to do so based on your work?

10:18:00

10 A Yes, very much so.

11 Q And do you recall who promoted you?

12 A The district attorney was Rod Pacheco, so I  
13 think it gets approved -- the way it works in my  
14 understanding from my experience there is there is --  
15 once a month or once every few months there's a -- I  
16 think it's -- pardon me -- I think it's about every  
17 four to six months there's a promotion board who meets  
18 in Riverside because we have Temecula, the Southwest  
19 Division, the Eastern Division and then the Central  
20 Division in Riverside proper. Everybody meets there,  
21 and a packet has to be submitted. There's a checklist  
22 of what have you accomplished, you know, A, B, C and  
23 D, and you have to fill it out, resume, everything.

10:18:28

24 You send it in, and they -- you're given  
25 notice in an email, anyone who wants to apply for

1 Grade IV, and then so you get it approved by your  
2 supervisor to apply, and you send the packet in, and  
3 then it gets reviewed by this board, and the board  
4 decides collectively if somebody is going to be  
5 promoted to Grade IV.

10:19:00

6 And then it's approved by Rod Pacheco who was  
7 the D.A. at that point in time.

8 Q Do you recall who your supervisor was at the  
9 time who approved you to send in the packet?

10 A No, I don't. I'm sorry, I don't.

11 Q And do you recall getting a notification that  
12 you had been approved to Level IV?

10:19:28

13 A Yes. I got a phone call from Rod Pacheco. I  
14 was in trial. I'd just received a verdict. It was in  
15 Riverside proper, in the city of Riverside, and I was  
16 on my way back out to Indio sitting in traffic, and my  
17 phone rang and I went, "Oh, no," looked, and I went,  
18 "That's the office, I better answer it."

19 So I answered the phone, and, lo and behold,  
20 "This is Rod Pacheco." Wow.

21 And so he said, "I'd just like to welcome you  
22 aboard. Congratulations. You've been promoted to  
23 Grade IV. We consider you a part of -- or a partner  
24 in the firm, so to speak, and you've done a wonderful  
25 job. You've exceeded our expectations."

10:20:00

1 So that was a good feeling. That was good.

2 Q That was a nice phone call?

3 A Yes, it was.

4 Q Do you recall what year that occurred in?

5 A No, I don't.

6 Q You said you'd just finished a trial. Do you  
7 have a memory of the title of that particular case?

8 A I do not. I've done a few of them.

9 It's -- we have -- it's recorded in the  
10 documents at the office. You can look in the  
11 personnel file. They have the -- they send out an  
12 email with your date of promotion, so there's no need  
13 to memorize it. I mean the office has it, so --

10:20:29

14 Q Okay.

15 A -- look at your paycheck, make sure it's been  
16 signed. "Are they paying me?"

17 Q So you told me you were a IV-T, like tango.

18 A Yes.

19 Q Are there other IVs with other letters after  
20 them?

21 A Yes. It starts at a Grade IV. Then there's  
22 IV-S, which is a -- it's a supervisory Grade IV.

23 You're basically a trial team leader, and you fill in  
24 for your Grade V who's the actual supervising deputy  
25 district attorney.

10:20:57

1           So a Grade V, just for clarification, may  
2 have multiple teams under them. They might have a  
3 misdemeanor team. They might have a domestic violence  
4 felony unit. They might have the preliminary hearing  
5 unit. They may have the drug unit, gang unit,  
6 homicide unit.

7           A Grade V can have multiple units underneath  
8 them. A grade IV-S is on one of those teams or those  
9 units, and they -- when they are at court they can act  
10 as a Grade V de facto in the absence of a Grade V.  
11 They have authority to dispose of cases, approve  
12 counteroffers, things like that to a point.

10:21:27

13           And after that Grade IV-S, then there's a  
14 IV-T. A IV-T is somebody who does death penalty  
15 cases. You're assigned to a death penalty unit,  
16 capital case litigation, and you have death penalty  
17 cases, and you're carrying a caseload of death penalty  
18 cases.

19           Q     So before promoting to a IV-T, you were a  
20 IV-S?

10:21:57

21           A     Yes.

22           Q     And do you know when you became a IV-T?

23           A     No.

24           Q     At the -- let's go with January of 2013.

25           A     Okay.

1 Q I'm picking that date because it's a while  
2 before you went out on paid leave.

3 A Right.

4 Q In January of 2013, do you recall if you were  
5 a IV-T at that time? 10:22:30

6 A I'm sorry?

7 January -- just so I'm, clear January 2013,  
8 2013 was a while before I went out on paid leave.  
9 That was November, correct? Yes. I think -- didn't I  
10 go out in November, I think November, like, 7th or  
11 something like that --

12 Q Yes.

13 A -- 'cause I'm getting the years mixed up.

14 Is that '13 or '14?

15 We're in '14 now. That was '13.

16 Okay. I'm with you. I'm tracking.

17 Q Okay. So January of 2013, was your position  
18 title IV-T?

19 A Yes.

20 Q Could you describe your responsibilities at  
21 that time? 10:22:58

22 A Sure.

23 I carried a caseload, meaning I was  
24 responsible for however many cases were assigned to me  
25 by my Grade V, my supervisor. That was Ms. Fransdal.

1           It was my responsibilities to show up in  
2 court, manage those cases. That means all trial  
3 readiness conferences, settlement conferences, any  
4 motions that are on calendar for any particular case.  
5 That means doing the preliminary hearings. That means 10:23:25  
6 filing of the informations at the complaint stage, and  
7 once somebody's been held to answer, probable cause by  
8 a judge, then we refile the complaint, it becomes  
9 technically a felony.

10           In the old days when we used to have separate  
11 municipal and superior courts, it went -- the  
12 complaint went to municipal court.

13           Once the magistrate held the case to answer,  
14 meaning found there was probable cause to charge this  
15 person, then an arraignment date was set and the 10:23:59  
16 defendant was rearraigned for a felony, and it became  
17 an information at that point.

18           So the goal is you get it from the inception  
19 when it's filed and then you take it through the  
20 complaint stage to the preliminary hearing, then you  
21 go to the felony information stage. It's all one  
22 court now, but they used to call it superior court or  
23 super court.

24           When you got promoted from municipal court to  
25 superior court, that was another big deal in the 10:24:27



1 office.

2           And then -- so you take the case -- once it  
3 gets to superior court, now it's a matter of preparing  
4 it for trial, conducting further investigation with  
5 the law enforcement agencies who actually filed the  
6 case and initially investigated it. You have your own  
7 bureau of investigation -- we did -- and so we were  
8 assigned investigators if we had tasks. We'd put it  
9 in a computer system, find this witness, provide other  
10 documentation, you know, conduct interviews, various  
11 tasks that you needed to do.

10:24:58

12           Then the discovery had to be all turned over,  
13 you know, to the defense. It's a little different in  
14 criminal. You have to turn over everything.  
15 Everything. There's no, "Well, I didn't think..."  
16 No. You turn it over. That's the prosecutor. The  
17 defense, different story. They don't have to.

18           Sorry.

19           Q     Were you also responsible for trying cases?

20           A     Yes.

21           Q     In -- I believe you testified earlier that --  
22 and perhaps I got this wrong -- the IV-T was -- is a  
23 designation that indicates death penalty cases?

10:25:29

24           A     It indicates that you are trying death  
25 penalty cases. You have to have at least one death

1 penalty case, which means you're going to be on the  
2 homicide unit.

3 Homicide cases -- or pardon me -- death  
4 penalty cases are only for people who are assigned to  
5 the homicide unit and who are a IV-T because once it's  
6 assigned, then you're eligible for a IV-T. And,  
7 typically, once a death penalty case is assigned to a  
8 prosecutor, they're going to promote him or her to a  
9 Grade IV-T, albeit --

10:25:59

10 Q I see. So the case comes first, and then the  
11 T designation follows?

12 A Correct, because the requirement, at least  
13 when I was there, was that you had to actually have a  
14 IV-T case that you were currently assigned to for  
15 prosecution.

16 Q Did the T designation come with any  
17 additional compensation?

18 A Yes.

19 Excuse me.

20 Q Were death penalty cases considered the most  
21 difficult cases in the office?

10:26:30

22 A Yes.

23 Q Would you --

24 It's okay. You can have some water.

25 Could you give me a little bit of a

1 description as to why the death penalty case was  
2 considered the most difficult case in the office?

3 A There's multiple phases to the case itself, 10:26:57  
4 so there's a penalty phase and there's a guilt phase.  
5 The guilt phase comes first.

6 More over, when somebody's life is on the  
7 line, the defense attorneys, believe it or not, they  
8 have more resources than we do as prosecutors. So  
9 when I showed up for a death penalty case, my  
10 opponents on the defense side had two prosecutors, not  
11 just one. I had asked for, you know, help and  
12 assistance. Denied. Denied. Denied. Okay?

13 They would have a paralegal who would show up 10:27:28  
14 every day with the two attorneys.

15 They would also have at least two  
16 investigators assigned and as many as five in some  
17 cases.

18 They had any and every available asset or  
19 resource that they needed. We were limited. We did  
20 not have that. I was lucky if I could have my  
21 investigator show up every day to assist me in the  
22 case. I was never allowed to have a second -- a  
23 second attorney to assist. So this is one thing that 10:27:51  
24 makes it hard.

25 Another thing is death penalty cases, you --

1 we have a manual, we have a protocol we go through,  
2 and it's based off the Department of Justice -- the  
3 United States Department of Justice manual, but it's a  
4 lot more in depth than what they use. It's just we  
5 use their framework. You pull somebody's life apart  
6 literally. You get every single document from the  
7 time they were in kindergarten, from the time of any  
8 C.P.S. records on their parents, their grandparents,  
9 any of their relatives who they live with, their  
10 brothers, their sisters, siblings. And what you're 10:28:26  
11 looking for is not just what they did, a certain act,  
12 but you're also looking for how their life -- how they  
13 grew up in life, did they have all the benefits and  
14 rewards that somebody in a working class family had,  
15 or were they poor, did they grow up with no chance  
16 whatsoever.

17 These are considerations that we take into  
18 account before a case is actually filed as a death  
19 penalty case. Then we look at the criminal record, so  
20 you have to pull apart an entire criminal record of a 10:28:57  
21 person, and most of the time these people -- it's not  
22 their first offense. They usually have a litany, a  
23 criminal history that starts from the time they were a  
24 juvenile, and so you have to pull every one of those  
25 cases in the discovery, every one of the witnesses.

1 You have to go interview all the family members.

2 For instance, one time I had to go -- the  
3 last case I did, I had to go to Trinidad, Tobago, the  
4 country, had to interview the defendant's father.

5 It's a requirement that we have. So we pull  
6 everything apart now. Once you get to that, called  
7 the discovery phase, there's memorandums that have to  
8 be drafted. There's a staffing that takes place with  
9 the A.D.A.s, assistant district attorneys, chief  
10 district attorneys, your supervisor, yourself, and the  
11 lead investigator from the filing agency. And that  
12 information is all vetted and the criteria is applied,  
13 a vote is taken, and -- it's changed over the years  
14 depending on who runs these cases -- with Rod Pacheco  
15 it was everybody came in the room. We vetted the  
16 information and we took a vote, and however it -- you  
17 know, however it came out majority, that's what we  
18 did.

10:29:25

10:29:56

19 With Mr. Zellerbach it was a little  
20 different. What he said went. So that's how it  
21 starts.

22 Now, once you actually get to trial and you  
23 decide you're going to go there, everything is on the  
24 record. There are no discussions with counsel at  
25 sidebar or talking to each other. Everything has to

1 be on the record. Everything is scrutinized for  
2 habeas corpus, for appellate rights. A defendant in  
3 that case has a guaranteed appellate right, so they go  
4 straight to the California Supreme Court and they're  
5 guaranteed to go to -- they can do state habeas  
6 corpus. They're guaranteed that right.

10:30:29

7 MS. KOLE: Should we take a break for a second?

8 Do you mind if we take a break?

9 MR. WEAVER: Of course not, no. Of course.

10 Sorry.

11 VIDEOGRAPHER: The time is 10:30 a.m., and we are  
12 are off the record.

13 (Whereupon a discussion was held

14 off the record.)

10:42:00

15 VIDEOGRAPHER: The time is 10:43 a.m. and we're  
16 back on the record.

10:43:16

17 BY MS. KOLE:

18 Q Mr. Ross, I think when we stopped I had asked  
19 you what made death penalty cases more difficult than  
20 others.

21 A Uh-huh.

22 Q Was there something else you'd like to add to  
23 that --

10:43:30

24 A Just --

25 Q -- answer?

1 A I'm sorry.

2 The appellate remedy, I think it's the  
3 preparation that's involved, the investigation, the  
4 two phases of trial, and then the appellate remedies.  
5 There's multiple appellate remedies. And this all has  
6 to be preserved at the trial court level.

7 Q And do you remember how many years you were  
8 handling death penalty cases at County of Riverside?

9 A Pardon me a second. I'm jogging the memory  
10 banks.

10:44:00

11 Several years. I don't know how many. I  
12 want to say three maybe, no more than four.

13 Q And when you first started handling death  
14 penalty cases, did you feel at that period of time  
15 your employment with the County of Riverside was  
16 satisfactory?

17 A Yes.

10:44:29

18 Q And at some point that changed?

19 A Yes.

20 Q Do you recall when that began to change for  
21 you?

22 A To -- when Mr. Zellerbach took over. It  
23 would have been in 2011.

24 Q And do you recall -- what was the change in  
25 2011 that -- things became unsatisfactory in 2011?

1 A Yes.

2 Q And do you recall what became  
3 unsatisfactory?

4 A Supervision, management.

5 There were a number of things. It was the 10:44:58  
6 policies implemented by Mr. Zellerbach and the  
7 executive staff, the A.D.A.s and the chiefs and even  
8 supervisors.

9 Q And these new policies implemented, how did  
10 they impact you in a negative way.

11 I'm sorry. I should ask you did they impact 10:45:28  
12 you in a negative way?

13 A Yes.

14 Q And how did they impact you in a negative  
15 way?

16 A They created much more workload for somebody,  
17 not just me, but for everybody.

18 We had no autonomy.

19 We were micromanaged.

20 We were given no direction as to definitively 10:45:55  
21 what we could do and what we couldn't do. It appeared  
22 to be arbitrary or capricious.

23 Whenever management wanted to get you in  
24 trouble, "You did this wrong." "Why didn't you get  
25 approval before you did that?" or "Why aren't you



1 doing this to satisfaction?" or -- there was a lot  
2 more paperwork. "You need to fill out more memos."  
3 "You need to have a staffing memo."

4 There was no more open-door policy with the  
5 A.D.A. in charge of the Eastern Division. Things 10:46:29  
6 became much more formalized or structuralized.

7 For instance, Grover Trask, you call him  
8 "Grover." Everything was a first-name basis. It was  
9 a very friendly, cordial place to work. It was nice.  
10 It was pleasant. He was a gentleman.

11 Rod Pacheco, the same thing, first-name  
12 basis.

13 You didn't feel like you were being  
14 scrutinized or under the gun.

15 Mr. Zellerbach, for instance, on day one I 10:46:58  
16 was told by his secretary, "You will call him  
17 'Mr. Zellerbach,' period."

18 And, for instance, you go back and try cases  
19 and you tell the judges -- they ask why you're not  
20 settling a case, and you have to tell them, "Well,  
21 Mr. Zellerbach says we're not going to settle this  
22 case." And he says, "You mean Paul?"

23 "Well, Mr. Zellerbach. I have to call him  
24 'Mr. Zellerbach.'"

25 And the judges would say, "You're kidding."

1 Even at work in the office he makes you call him  
2 'Mr. Zellerbach'? That's unheard of."

10:47:28

3 And so it just became very -- I don't know,  
4 it's hard to explain -- but there's a lot of things.

5 And I'll let you ask questions because,  
6 otherwise, I'm rambling on. I'm sorry.

7 BY MS. KOLE:

8 Q Who -- do you recall who the secretary was  
9 that told you you had to call Mr. Zellerbach  
10 "Mr. Zellerbach"?

11 A I think Rizzie was her name, R-i-z-z-i-e.

12 And I think Viki was her first name. She  
13 retired after -- I'm going to say after about a year  
14 and a half Mr. Zellerbach was in office, and somebody  
15 took over for her.

10:47:58

16 I may have it confused. It may have been  
17 Viki Rizzie that took over, but to the best of my  
18 memory, I think the initial secretary who told me this  
19 was Viki Rizzie and then she retired and somebody else  
20 took over. That is to the best of my memory.

21 Q Who was your immediate supervisor prior to  
22 Mr. Zellerbach becoming the district attorney?

10:48:27

23 A I want to say Otis Sterling. He's a judge  
24 now, Judge Sterling.

25 Q Did your immediate supervisor change after

1 Mr. Zellerbach took office?

2 A Eventually, yes, but not immediately.

3 Q So you believe Mr. Sterling was still your  
4 supervisor for a while?

5 A For -- yes, yes, he was. 10:48:59

6 Q And did Mr. Sterling move to a different  
7 position in the office?

8 A He -- I think he did, yes. He got moved to a  
9 different position. Ms. Fransdal took over. She told  
10 Mr. Zellerbach, "You give the homicide and gang team  
11 to me, and I'll whip them into shape."

12 So she convinced him to transfer the homicide  
13 and, I believe, gang team over to Mrs. Fransdal. 10:49:27

14 Q Was Ms. Fransdal in Indio prior to becoming  
15 your immediate supervisor?

16 A Yes and no.

17 When I first started, Ms. Fransdal was a -- I  
18 think she was a -- she was a coworker of mine. She  
19 was senior to me. She'd been in the office for quite  
20 a while. And then she was promoted to a supervisor,  
21 Grade V. She was sent down to Riverside, the main  
22 office -- Riverside Proper we call it -- and she was 10:49:59  
23 there, I think, for about a year, year and a half, and  
24 then she was sent back to Indio.

25 And I can't remember dates. I'm sorry.

1 Q When she came back to Indio, was that when  
2 she became your immediate supervisor?

3 A She had been back for a while before she  
4 became my immediate supervisor.

5 Q You testified just a moment ago about a  
6 conversation between Ms. Fransdal and Mr. Zellerbach  
7 where she told Mr. Zellerbach that she could whip the  
8 homicide team in Indio into shape.

10:50:26

9 A And the gang unit, yes.

10 Q And gang unit?

11 A Yes.

12 Q And how did you become aware of that  
13 conversation?

14 A She told me.

15 Q And was that a conversation between you and  
16 Ms. Fransdal only?

17 A Yes.

18 Q Was she -- what was the context of her  
19 telling you that?

20 A I don't recall. She had told had me that on  
21 several occasion, and I can't recall each -- each  
22 occasion.

10:50:59

23 I think generally it was just we were talking  
24 about changes for rotations and assignments in the  
25 office, performance of the units.

1 Q What was your understanding, if any, as to  
2 why she was sharing that conversation with you?

3 A That I don't know. That would be  
4 speculation.

10:51:24

5 Q Was that something she said to you at the  
6 beginning of the time she became your immediate  
7 supervisor?

8 A No. That was before she was my supervisor.

9 Q Did that conversation have an impact on you  
10 as to how you felt about her supervising you?

11 A No, because she wasn't my supervisor at that  
12 point in time, so no.

13 More over, I don't know -- I wasn't in  
14 management, so I wasn't privy to the meetings that  
15 they have.

10:51:58

16 They all have secret meetings, and we're not  
17 privy to those conversations, so I had no idea what  
18 was going to happen.

19 And, also, Mr. Zellerbach was new. Nobody  
20 knew what he was going to do. It was almost like he  
21 would make things up as he went along.

22 Q When Ms. Fransdal did become your immediate  
23 supervisor, did the fact that she had told you she was  
24 going to whip the homicide and gang units into shape  
25 or that she had told Mr. Zellerbach that, did that

10:52:30

1 affect your opinion of her immediately as your  
2 supervisor?

3 A No.

4 Q Did you have an opinion when she became your  
5 supervisor as to what type of supervisor she would  
6 be?

7 A No, because when I knew her, she wasn't a  
8 supervisor, she was a co-worker. We both worked under  
9 Dave Downing, I believe is who it was. He eventually  
10 became a judge, and then he retired. He still sits 10:53:00  
11 out in Indio, I think.

12 Q So when Ms. Fransdal became your supervisor  
13 and when you found out about that, you didn't have an  
14 opinion one way or another whether this was going to  
15 be a good relationship or maybe not so much?

16 A No, I didn't focus on that. I focused on my  
17 cases.

18 Otis used to be a co-workers of mine as well.  
19 His office used to be a couple doors down from mine.  
20 We were on the third floor. So when he became my  
21 supervisor, I didn't -- I didn't worry about it. I 10:53:30  
22 didn't think one way or the other. I just did what I  
23 was told to do and did my cases.

24 Q And it was the same with Ms. Fransdal? When  
25 she became your supervisor, you were focused on your

1 cases, not whether she was going to be a good or bad  
2 supervisor?

3 A Correct.

4 I will say we did focus, though, however, on 10:53:58  
5 Mr. Zellerbach. The whole office did. That's always  
6 a -- kind of an unnerving thing. When a new D.A.  
7 comes in, you want to know what policies and  
8 procedures are going to happen and --

9 Q The changeover from Mr. Pacheco to  
10 Mr. Zellerbach?

11 A Correct.

12 Q Okay. When you said the whole office focused  
13 on that, what were you referring to?

14 A Indio, the Indio office. When I say "the 10:54:30  
15 office," I was out in Indio, so --

16 Q And focusing on it, what did you mean by  
17 that? Like, discussions?

18 A Discussions. Exactly. Questions, that sort  
19 of thing.

20 We talked to each other. "What do you think  
21 he's going to do on this?"

22 "A new policy got implemented."

23 "Oh, great." How are we -- and that gave us  
24 other questions: What about A, B, C and D?

25 Q When Mr. Zellerbach became district attorney, 10:54:59

1 was Sean Lafferty already in place at the Indio  
2 office?

3 A No.

4 Q Did that happen sometime after?

5 A Yes. It was -- Bill Mitchell initially was  
6 in charge of Indio. Before that it was Sue Stedding.  
7 My opinion of both, very good supervisors. They were  
8 both great. Great people, too. But Bill Mitchell 10:55:30  
9 was -- Sue had retired, and then Bill Mitchell took  
10 over. Then Bill Mitchell -- once Mr. Zellerbach was  
11 elected, Bill Mitchell was sent down -- actually, he  
12 was sent downtown -- actually -- pardon me -- we did  
13 have -- what was her name? -- we had Linda Dunn as the  
14 chief, and we had Sara Danville. She was out there 10:55:57  
15 for about a year prior to Mr. Zellerbach taking over.  
16 And Bill Mitchell at that point in time had been sent  
17 downtown to be -- to take Jeff Van Wagenen's place --  
18 or before Jeff was there, Mr. Van Wagenen had  
19 executive A.D.A. That's what Bill Mitchell did. And  
20 then once Mr. Zellerbach took over, there was a change  
21 of command.

22 Q Do you recall when Mr. Lafferty was assigned 10:56:29  
23 to Indio?

24 A No, I don't. Sorry.

25 Q That's okay. No problem.



1 Do you remember when you began to work with  
2 Mr. Lafferty when he was in the Indio office?

3 A It would have been right when he came out.

4 Let me ask you this. What do you mean, "work  
5 with him"? I mean technically I worked under him, so  
6 that's -- you know, I was in the same location as him,  
7 so that's working with him. If you could just clarify  
8 what you mean. I'm sorry.

10:57:00

9 Q Sure.

10 What was Mr. Lafferty's position when he came  
11 into Indio?

12 A He was the assistant district attorney, the  
13 A.D.A.

14 Q When Mr. Lafferty was the assistant district  
15 attorney in Indio, did he hold meetings for the entire  
16 office?

17 A In what way?

18 Q Like an attorney staff meeting, an all-hands  
19 meeting, something of that nature.

20 A You mean when he first took over?

21 Q Yes.

22 A Kind of an introduction?

10:57:30

23 Q No, I'm -- just like it's a regular matter of  
24 in the course of working in Indio, would that be a  
25 type of thing that he did where you would see him

1 at?

2 A Yes and no. Much less so than what we used  
3 to have under Rod Pacheco's administration and Grover  
4 Trask's administration.

5 Sue Stedding used to have us have weekly  
6 meetings every Thursday, and it was --  
7 employee-of-the-month awards were given out on a  
8 weekly basis. People were recognized for their  
9 accomplishments, their achievements, not just 10:57:59  
10 victories in trials, however, how they did in the  
11 office helping other people out, their performance,  
12 work effort, things of that nature. That ceased -- it  
13 was done under Sara Danville as well -- and that  
14 actually ceased when Mr. Zellerbach took over when  
15 Sean Lafferty was put in place. We did have meetings,  
16 however. I can't say we had no meetings. We did.  
17 But I think it was maybe once a month. 10:58:30

18 Q And at those meetings would that be an  
19 occasion when you would have the opportunity to  
20 interact with Mr. Lafferty?

21 A Yes.

22 Q And those meetings were for all the attorneys  
23 in the Indio office?

24 A No.

25 Q What -- just groups of -- different groups?

1           A     Under Rod and under Grover Trask -- I'm  
2     sorry -- my memory's fleeting -- those meetings were  
3     held ever Thursday for everybody, and it was not only  
4     "Great job everybody" but any -- it was like a review  
5     of what do we need to do to improve anybody.

10:58:58

6                     If somebody new comes up or any issues or  
7     anybody's having problems, it was all discussed, and  
8     it was a team-building experience.

9                     Under the Zellerbach regime, the meetings  
10    were not for the whole Indio office to show up. They  
11    were only for -- it was employee-of-the-month, so if  
12    you got an award, then you were invited.

10:59:26

13           Q     So none of the other attorneys would attend  
14    to see the employee-of-the-month award?

15           A     Correct, only the employees who were also  
16    getting an award.

17           Q     So there wouldn't be a meeting where the  
18    homicide unit attorneys would get together with  
19    Mr. Lafferty?

20           A     Oh, no. No. No. As far as I remember, that  
21    never happened.

22           Q     What was your frequency of interaction with  
23    Mr. Lafferty while -- after he became the ADA?

11:00:01

24           A     It depends.

25                     For a short while he was going back and

1     forth.  He lived, I think, around Murrieta, Temecula,  
2     so -- and that's where he -- and under Rod Pacheco, he  
3     was, I think, a chief or an A.D.A.  -- I think maybe an  
4     A.D.A -- down in Temecula.

5             So once he got reassigned to Indio, he wasn't  
6     always in Indio.  Sometimes he was -- you know, there     11:00:29  
7     were a lot of meetings that were done downtown in  
8     Riverside so he had to be downtown or in Temecula, but  
9     mostly downtown.

10            Q     Are you able to estimate your frequency of  
11     interaction with Mr. Lafferty on a weekly basis?

12            A     At what point in time?

13            Q     So I'm guessing from your answer that it  
14     changed over time.

15            A     Correct.

16            Q     Why don't -- do you recall what it was like     11:00:59  
17     when he was first assigned as A.D.A. in Indio?

18            A     Yes.  It would be every couple days maybe.  
19     If he was in the office, maybe even every day.

20            Q     And were those occasions when you would go to  
21     seek communication with him about a particular case?

22            A     Correct.

23                    Initially it started out that way.  Again,  
24     previous to the Zellerbach administration there was an  
25     open-door policy for the A.D.A.s  You could come in     11:01:29

1 and see Sue or Sara or Bill any time. You didn't need  
2 an appointment any time. If you needed advice on a  
3 case -- because these people are very experienced --  
4 well, not Sean, but Sue and Bill and Sara were -- so  
5 they were there and available for any sort of  
6 consultation that you needed or any advice or approval  
7 on matters.

8 Sean Lafferty started out that way, but after 11:01:57  
9 a couple months he then changed that policy and said,  
10 "No more open-door policy. You have to have an  
11 appointment to come see me. You'll check with Sylvia  
12 Davila and she'll tell you when an appointment is  
13 ready."

14 So that made things hard because there's just  
15 administrative stuff that takes maybe, you know, 30  
16 seconds or a minutes.

17 "I need approval to do this now."

18 Now you have to get on the phone with Sylvia,  
19 even though Sean's in his office alone, "No, you can't 11:02:27  
20 see him now. You have to get an okay. What day will  
21 work for you?"

22 So now everything's on hold while I have to  
23 wait for the schedule. "Can I just -- it will take  
24 ten seconds? Can I talk to him?"

25 "No."

1           So that's how -- that's how things started to  
2 change. That changed the interaction with him as  
3 well.

4           Q     In that answer you just gave, there was a  
5 little bit of back-and-forth.

6           A     Uh-huh.

7           Q     So I'm going to ask you who the players were  
8 in that back-and-forth.

9                     I believe you said someone was telling you,  
10 no, you can't see him that way. Who told you that?

11          A     Sylvia Davila, his personal secretary.

11:02:58

12          Q     Did Mr. Lafferty also tell you that you  
13 needed to make an appointment rather than just  
14 stopping by?

15          A     Yes.

16          Q     Did he tell you why?

17          A     I think he -- initially no, when he told me.  
18 However, there were things I would -- when I was in  
19 the area I'd stop by that needed his approval and he  
20 would reiterate, "No, you can't see me. You need to  
21 set an appointment. I'm busy."

11:03:29

22                     "Okay."

23                     And I think -- he did have a meeting one time  
24 with everybody and he said, "No more appointments" --  
25 or "No more walk-in. It's still an open-door policy,

1 but nobody can just walk into my office. You have to  
2 make an appointment with Ms. Davila, Sylvia -- Sylvia  
3 Davila."

4 Sorry.

5 Q So in that communication, Mr. Lafferty  
6 distinguished between an open-door policy and just a  
7 walk-in?

8 A What do you mean by "distinguished"? 11:03:59

9 Q I thought in the testimony you just gave you  
10 attributed to Mr. Lafferty, "It's still an open-door  
11 policy but you can't just walk in. You need an  
12 appointment."

13 A Correct.

14 Q Do you have an understanding of what the  
15 difference was between open-door policy but no  
16 walk-ins, how those two things went together?

17 A Yes. In my opinion that was kind of a  
18 contradiction in terms. If you make an appointment,  
19 that's not an open-door policy. That is you need to 11:04:26  
20 make an appointment. It was kind of -- you know, it's  
21 inconsistent with one another.

22 And then open-door policy, what I'd always  
23 known it to be, Grover Trask, Rod Pacheco, they were  
24 the D.A.s and they had open-door policies. You could  
25 just walk into their office, knock on the door. As

1 long as they weren't in a meeting or something, you  
2 could see them any time you wanted. You didn't need  
3 to set a schedule or check the schedule, make an  
4 appointment in advance, like you did with Mr. Lafferty  
5 and Mr. Zellerbach.

6 Q How about Ms. Fransdal? What was your 11:04:59  
7 interaction with her like in terms of if you had a  
8 question, could you walk into her office any time?

9 A If she was there. But she was never there;  
10 she was always gone.

11 Q And what do you mean by "she was always  
12 gone"?

13 A She was not in the office, not in her office.  
14 I don't know where she was.

15 She was most of the time either in Riverside  
16 or they had manager retreats that they would go on or  
17 there's fraternal organizations, the District  
18 Attorneys Association where all the chiefs and the 11:05:29  
19 A.D.A.s and the supervisors get to go to, so they  
20 would go to those meetings.

21 There was meetings -- there was also meetings  
22 in downtown Riverside frequently, almost every day, or  
23 there were meetings almost every day in Indio, too,  
24 which made her unavailable and all the supervisors  
25 pretty much unavailable.



1           Excuse me.

2           MS. KOLE: I'm going to change gears here a little           11:06:01  
3 bit. I think I'll have some more questions on that,  
4 but I'm going to move to something else.

5           I'd like to ask the court reporter to mark           11:06:29  
6 this document titled "Plaintiff Christopher Ross'  
7 Responses to Defendant County of Riverside's Special  
8 Interrogatories, Set One," as Exhibit 1.

9           THE WITNESS: Thank you.

10                       (The document referred to above  
11 was subsequently marked Defendant's  
12 Exhibit 1 for identification by the  
13 Certified Shorthand Reporter and is  
14 attached hereto.)

15 BY MS. KOLE:

16           Q     Mr. Ross, I'm going to ask you for some help  
17 with some of the responses --

18           A     Sure.

19           Q     -- in here.           11:07:00

20                       First, I'd like to give you an opportunity to  
21 take a look at the document and see if you recognize  
22 it.

23           A     Yes, I do.

24           Q     And if you would turn to the  
25 second-to-the-last page. It's the one that's got

1 "Page 9" at the bottom, and at the top it has  
2 "Verification" in the middle.

3 A Yes.

4 Q Is this your signature on this page?

5 A It is.

11:07:29

6 Q Okay. I'd like to direct your attention to  
7 page 3, line 15, --

8 A Uh-huh.

9 Q -- where it says, "Response to Special  
10 Interrogatories Number 6."

11 A Yes.

12 Q And there's a listings of some doctors'  
13 names, and there's the title and the last name.

14 A Yes.

15 Q I'm going to ask you in order for the first  
16 names of these doctors, so we'll start with  
17 Dr. Tatini, T-a-t-i-n-i.

11:07:59

18 Do you know that doctor's first name?

19 A I do not know that doctor or any of these  
20 doctors' first names.

21 Q Okay. For the record, the other doctors'  
22 names are Dr. Vargas, V-a-r-g-a-s.

23 The next one is Dr. Dunkel-Driver,  
24 D-u-n-k-e-l hyphen Driver, capital D-r-i-v-e-r.

25 The next name is Dr. Ross, R-o-s-s.

11:08:26

1 The next one is Dr. Bogle, B-o-g-l-e.

2 And the last one is Dr. Chang, C-h-a-n-g.

3 I'm just reading that into the record.

4 Is it correct, Mr. Ross, that you do not know  
5 the first names of any of those doctors?

6 A Yes, that is correct.

7 Q With regard to Dr. Tatini, do you know what 11:08:59  
8 that doctor's designation is in terms of the type of  
9 practice that he or she has?

10 A She -- that would be Dr. Tatini, T-a-t-i-n-i,  
11 she is a board certified internal medicine specialist,  
12 medical doctor.

13 And all of these physicians, I know them to  
14 work for the Mayo Clinic in the Scottsdale, Arizona,  
15 campus. Whether they had private practices or not, I 11:09:28  
16 don't know.

17 Q Is -- you're referring to this medical  
18 institution as the Mayo Clinic. Does it have a more  
19 formal name?

20 A That's it, Mayo Clinic.

21 And they call them campuses, so they have the  
22 Rochester campus, Scottsdale campus, and I believe  
23 they have a campus in Florida. I don't know what  
24 campus it's called.

25 Q And did you see all of these doctors referred . 11:09:59

1 to in Special Interrogatory Number 6 at the Mayo  
2 Clinic campus in Scottsdale, Arizona?

3 A Yes, with the exception of Dr. Bogle. I  
4 don't recall that name off the top of my head.

5 There were -- I saw a lot of doctors there,  
6 and there were a lot of doctors who reviewed tests and  
7 whatnot, so I'm sure I did, but at this point in time  
8 I can't remember. That name just doesn't stick out to  
9 me.

11:10:29

10 Q Okay. I'm going to go back and go through  
11 them one at a time.

12 A Sure.

13 Q Dr. Vargas.

14 A Yes.

15 Q Do you know what kind of specialty or  
16 practice Dr. Vargas has?

17 A He was a neurologist. He worked for the Mayo  
18 Clinic in their Neurology Department. He specialized,  
19 I believe, in concussions or trauma, brain trauma.

20 Q Do you recall if you had a visit or were  
21 examined by Dr. Vargas as opposed to Dr. Vargas being  
22 a name you saw on perhaps a record review?

11:10:59

23 A I actually had visits with him. I was  
24 examined by him. I had testing conducted at his  
25 request -- or his order. I'm sorry.

1 Q And same question with regard to Dr. Tatini.  
2 Was that a doctor that you saw personally for an  
3 office-type visit?

4 A Dr. Tatini, I saw her personally. She was 11:11:27  
5 assigned my consulting physician is what the Mayo  
6 Clinic calls it. She was the one who went through all  
7 my patient history, interviewed me, and she did the  
8 initial -- they do initial chest x-ray, EKG and blood  
9 work -- and then she assigns the patient or me out to  
10 different specialists who she thinks I need to see.

11 Q So she's kind of the one who's managing all 11:11:58  
12 of the treatment?

13 A Yes, that would be a good way to put it, a  
14 managing physician.

15 Q With regard to Dr. Dunkel-Driver, do you know  
16 what his or her specialty or area of practice is?

17 A Yes. She was a neurologist.

18 Q And did you see her for an office visit?

19 A Yes, I did.

20 Q And with regard to Dr. Ross, do you know what 11:12:30  
21 his or her specialty or practice was?

22 A It's a he -- no relation, by the way -- and I  
23 think he was a neurologist as well. He did  
24 neurological testing on me.

25 They'd stick needles into your skin and jolt

1 you with electricity and -- it sounds worse than it  
2 is -- but it was to test for neurological trauma and  
3 damage to muscles.

4 Q It does not sound pleasant.

5 A No, it was not.

11:12:59

6 Q So you saw Dr. Ross with an office visit or  
7 testing?

8 A Correct.

9 Q And then with regard to Dr. Bogle, at this  
10 time do you remember whether Dr. Bogle is a he or a  
11 she?

12 A I do not. However, I have a vague kind of  
13 recollection in my mind that it is a female. I think  
14 she's a Ph.D. She was the one who did the testing on  
15 me -- it took about five hours -- for -- to diagnose  
16 brain trauma. She was -- I was referred to her from  
17 Dr. Driver-Dunkel -- or Dunkel-Driver. Pardon me.  
18 I think that's who she is.

11:13:28

19 Q And you believe Dr. Bogle is also at the Mayo  
20 Clinic in Scottsdale?

21 A Yes, that's correct.

22 Q And do you know what Dr. Bogle's specialty is  
23 or -- I'm sorry -- her practice.

24 A What she practiced, it had to do with  
25 concussions, what they call post-trauma concussion

1 syndrome. Neurology is what she specialized in, but 11:13:59  
2 traumatic injuries, identifying traumatic injuries to  
3 the brain.

4 Q And then with regard to Dr. Chang, do you  
5 know what his or her specialty was?

6 A She. And she was -- I think she was a  
7 rheumatologist.

8 Q And did you see Dr. Chang personally for an 11:14:27  
9 office visit or testing?

10 A Yes, I did.

11 Q The question -- the Special Interrogatory  
12 Number 6 says:

13 Identify all healthcare providers from  
14 whom you have received medical treatment  
15 related to ALS -- I'm abbreviating that --  
16 from February 1, 2013, to June 12, 2014. 11:14:55

17 And are you able to recall what the dates  
18 were you saw Dr. Tatini?

19 A I can give you a range, but the actual dates,  
20 no.

21 Q And what is your range for Dr. Tatini?

22 A Dr. Tatini would have been, to my best  
23 recollection, July maybe of 2013 through November of 11:15:22  
24 2013.

25 Q Did you -- How many trips did you make to the

1 Mayo Clinic campus in Scottsdale in that time period,  
2 July to November, 2013?

3 A Multiple. I can't remember, to be honest.  
4 I'm sorry. I'd have to check the records.

5 Q And when you say "check records," what are  
6 you referring to?

7 A The medical records from the Mayo Clinic. 11:15:55

8 Q And do you have those medical records in your  
9 possession?

10 A No, I do not.

11 Q Do you have a date book or calendar when you  
12 wrote down your travel to Scottsdale, Arizona, to go  
13 to the Mayo Clinic?

14 A No. However, if you check emails, whenever I  
15 went, I got permission from my supervisors to go,  
16 David Greenberg and Tricia Fransdal.

17 Q Do you have in your possession copies of 11:16:29  
18 those emails?

19 A No, I do not.

20 Q Did you have those emails in your possession  
21 at any time in the last year?

22 A Yes.

23 Q But you no longer have them?

24 A Not with me. When you say in my possession,  
25 not with me today, no, I do not



1 Q Do you have possession of those emails at  
2 your home?

3 A Yes.

4 Q Did you take a look through those emails in  
5 preparation for coming to your deposition today to  
6 kind of familiarize yourself with the dates you went  
7 to the Mayo Clinic?

11:17:10

8 A No, I did not.

9 Q Do you recall taking a vacation to Montreal  
10 in 2013?

11:17:35

11 A Never went. I was going to, but I never  
12 went.

13 Q And was that in conjunction with going to  
14 Minnesota?

15 A Yes.

16 Q Did you go to Minnesota?

17 A I did.

18 Q Do you recall what month in 2013 you went to  
19 Minnesota?

20 A Excuse me.

11:17:58

21 No, I don't. I -- estimating, not completely  
22 speculating, I think it was in August, maybe  
23 September, but I'm not sure. I can't be positive on  
24 that.

25 Q Do you recall on your visits to the Mayo

1 Clinic in 2013 also going to other locations as part  
2 of maybe a partial vacation attached to the travel for  
3 medical reasons?

11:18:30

4 A Yes. My dad lives in Arizona, and for the  
5 weekends I would go up and stay with my dad. He had a  
6 stroke several years back. He's not doing well, so --  
7 he's about 78 years old, so I like to check in on him  
8 'cause I don't -- it gave me an opportunity. He's  
9 maybe an hour and a half north of Scottsdale. He's in  
10 a little mountain town.

11 Q Other than visiting your father when you were  
12 in Arizona, do you recall kind of a combination travel  
13 to the Mayo Clinic and then maybe to another location  
14 where you were taking a few vacation days?

11:18:57

15 A No.

16 Q I'm going to move up the page a little bit to  
17 Special Interrogatory Number 5.

11:19:28

18 A Okay.

19 Q And that question asks:

20 Identify all dates you received medical  
21 treatment from Eli Baron from February 1,  
22 2013, to June 12, 2014.

23 And the response to that interrogatory is:  
24 May 24 and June 5, 2013.

25 Do you believe those are correct dates?

1 A I think so.

2 Q And how did you determine those were the  
3 correct dates for visits to Dr. Baron?

11:19:58

4 A I don't recall what I looked at. I think it  
5 was a bill, I think, is what I looked at, and it was  
6 an estimation is what it was based upon a bill.

7 I had to see him once for an evaluation, then  
8 he sent me out a few days later to have MRIs done of  
9 my spine, and then he needed a few days to review the  
10 MRIs, and then I had a follow-up visit with him. So I  
11 saw him twice, but I had a total of three visits to  
12 the Cedars-Sinai Hospital.

11:20:27

13 Q And do you know what Dr. Baron's specialty or  
14 practice is?

15 A He's a neurosurgeon.

16 Q And do you have in your possession at home  
17 these bills that you referred to when you provided  
18 these answers?

19 A I don't know. To be honest, I don't know if  
20 I checked online to find it or if I actually had the  
21 bill. I think I looked online, and I think I did an  
22 estimate.

11:21:05

23 Q Do you have in your possession at home any  
24 documents from insurance companies like a explanation  
25 of benefits that might provide some dates that you saw

1 different medical doctors?

11:21:28

2 A No.

3 Q How about any receipts from co-pays? Do you  
4 have any of those in your possession at home?

5 A No, not that I'm aware of. I don't -- I  
6 don't think I do. The Mayo Clinic, as I recall, I  
7 don't remember them ever giving me a receipt. They  
8 may have, but I don't think I kept it.

11:21:57

9 Q How about notice of HIPAA rights? Sometimes  
10 providers when you to go a medical provider have you  
11 fill out paperwork and then give you a copy of what  
12 your privacy rights are with regard to the practice.  
13 Did you save any of those?

14 A Off my top of my head, I don't recall ever  
15 being given that paperwork. I'm sure they probably  
16 did, but, no, I don't -- I don't have any of that as  
17 far as I know. I'm not sentimental with regards to  
18 paperwork like that. Sorry. Maybe I should be.

11:22:26

19 Q Did you receive any written reports from the  
20 doctors that you saw giving you any results of their  
21 findings?

22 A No. No, I didn't.

23 Well, I take that back. Pardon me.

24 I did with regards to Dr. Tatini.

25 And when you say "doctors," I presume you

11:22:58

1 mean all the Mayo Clinic and Dr. Eli Baron from  
2 Cedars-Sinai collectively. Is that right?

3 Q Yes, unless there's some other ones on here,  
4 and I'll get to those later.

5 A No, there's no others.

6 And I did for -- what did I have? I had a  
7 diagnosis of sacroiliitis by Dr. Tatini,  
8 s-a-c-r-o-i-l-i-i-t-i-s -- two i's -- inflammation of 11:23:22  
9 the spine, the sacro -- sacrum and ileum spine.

10 And I had to have -- the insurance company  
11 didn't want to pay for an MRI, as I recall. They  
12 went, "Well, we're not authorizing that." So I had to  
13 get a letter from Dr. Tatini stating medical necessity  
14 for the MRI. So I had a letter from her. She wrote  
15 to the insurance company and I got a copy of it, I  
16 think. I don't know if I still have it. 11:23:58

17 Q Did you look for that letter to respond to  
18 defendant's request for production of documents?

19 A Yes.

20 Q And were you able to find that letter?

21 A No. Everything I was able to find, I turned  
22 over, so --

23 Q So you saw quite a few doctors. Would you  
24 agree with that?

25 A Yes. 11:24:29

1 Q When you moved from one doctor to another,  
2 did you have to provide subsequent doctors with what  
3 had been done before so they could move on with  
4 testing other areas?

5 A No.

6 Q They did that on their own?

7 A I presume.

8 Q Okay.

9 A I don't know. They didn't -- they didn't  
10 tell me, so -- but --

11 Q They didn't say, "What are you here for?"  
12 or --

13 A No, no, none of that.

14 Q You didn't have to go through --

15 A No.

16 Q -- a long list?

17 A The Mayo Clinic is very good and very  
18 efficient. I was impressed.

11:24:59

19 Q When was the last time you've been to the  
20 Mayo Clinic with regard to seeking medical treatment,  
21 I'll say, through the end of 2013?

22 A I want to say -- and I'm going off memory  
23 here 'cause I don't know the exact dates -- but I want  
24 to say October, 2013.

11:25:26

25 Q Have you continued medical treatment with the

1 Mayo Clinic in the calendar year 2014?

2 A No.

3 Q Did you feel that you were done seeking  
4 services at the medical clinic?

5 A Yes.

6 Q Had they provided with -- you with the  
7 information that you felt that you needed?

8 A Yes.

11:25:56

9 Q Did they -- did the Mayo Clinic give you any  
10 sort of diagnosis in October of 2013?

11 A I don't know when they gave me a diagnosis.  
12 I presume you're -- you want to know what diagnosis  
13 they did give me, if any; is that correct?

14 Q Well, first I want to know when they gave you  
15 a diagnosis if they did.

16 A I don't remember. It would have been --  
17 there were multiple diagnoses for different conditions  
18 and different things, but the main one in question was  
19 to rule out the neurological disorders, so I presume  
20 we'll start with that unless you want me to go into  
21 anything else.

11:26:29

22 Q That's fine.

23 A Okay. They -- they -- what did they diagnose  
24 me with? Post-traumatic concussion syndrome from  
25 explosives and head injuries in the military service

1 overseas, Middle East, and that was about it that they  
2 diagnosed me with.

11:26:56

3 They did rule out Lou Gehrig's disease or  
4 ALS, muscular dystrophy, and multiple sclerosis.

5 And I will -- that jogs my memory.

6 Dr. Chang, she told me -- she said, "You have  
7 something. Your blood results don't lie."

8 There was an enzyme or a protein or a couple  
9 of them in my blood that were high, and she said, "You  
10 have something, but I can't clinically diagnose you  
11 with it."

11:27:29

12 She says, "It's some sort of autoimmune  
13 disorder, but clinically you have no signs or  
14 symptoms." So she said, "I can't diagnose you with  
15 it. She said, "Just monitor your -- monitor yourself,  
16 and if you have any other problems, come back to see  
17 us."

18 Q And in 2014 you didn't feel that you had any  
19 other problems that you felt like you needed to go  
20 back to the Mayo Clinic?

11:27:59

21 A No, nothing that they hadn't already seen or  
22 were aware of. Nothing got any worse or any better.  
23 It stayed the same.

24 Q From any of the doctors at Mayo Clinic, did  
25 they provide you verbally with some restrictions on



1 things in your life whether at work or outside of work  
2 they suggested that you not do?

3 A No, but they did say, "Reduce your stress  
4 load at work and in your life in general."

11:28:28

5 They said, "Have your work do whatever they  
6 need to do to reduce your stress."

7 A I said, "Okay."

8 Q Do you recall who gave you that  
9 instruction?

10 A Multiple doctors. I don't remember their  
11 names.

12 Dr. Tatini was one of them as the consulting  
13 physician, or the managing physician, I guess, we'll  
14 call her.

15 And I think probably Dr. Bogle, if she is the  
16 Ph.D. that I'm thinking of, she did.

11:29:00

17 Dr. Vargas, he did.

18 Dr. Dunkel-Driver she did.

19 And I'm pretty sure Dr. Chang did.

20 And I think there were other doctors who did  
21 as well.

22 Q And -- I'm sorry -- did you say you were  
23 to -- they suggested you reduce your stress load at  
24 work and also outside of work, just generally reduce  
25 your stress?

11:29:29

1           A     They just said generally. They said at work.  
2 They didn't think there was anything outside of work  
3 that was stressful for me, in their opinion. They  
4 just said at work.

5           Q     Did you verbally inform Dr. Tatini your job  
6 responsibilities?

7           A     Yes.

8           Q     Did you provide her with a job description, a 11:29:57  
9 written job description?

10          A     I'm trying to think.

11                No, I don't think -- I don't think I did. It  
12 was all verbal, as I recall.

13          Q     Did you describe for Dr. Tatini the nature of  
14 your responsibilities at work?

15          A     What do you mean by "nature"?

16          Q     The things you did on a day-by-day basis.

17          A     Yes.

18          Q     Did you provide your assessment to Dr. Tatini 11:30:34  
19 about how stressful your job was?

20          A     Yes.

21          Q     And do you recall what that assessment was  
22 that you provided to her?

23          A     Yes. The main stress of the job came from  
24 the surprise meetings from management, from  
25 Ms. Fransdal, Mr. Lafferty. It also came with the

1 interaction. It was hostile, wasn't nice. That was  
2 the main stress from work.

11:30:59

3 Also, not knowing where I was going to go or  
4 be -- be transferred to during the testing. I did  
5 make a request to be transferred initially to  
6 Ms. Fransdal, and she said, "No. When you find out  
7 that you can't continue with your job, if it gets to  
8 that point, then we'll worry about your cases and  
9 transferring you."

11:31:29

10 I said, "Okay."

11 That created some stress because now I had  
12 cases set for trial with defense attorneys, and in the  
13 criminal specter the prosecutor does not determine  
14 when it goes trial; it's all on the defense because of  
15 their appellate remedies. So when they say they're  
16 ready to go to trial, you better be ready. When they  
17 say they're not ready, you're not going.

18 So now I had to go work the defense attorneys  
19 and let them know that I had medical testing to do and  
20 would they be kind enough to transfer -- or pardon  
21 me -- continue the cases.

11:32:00

22 And all of them agreed whole-heartedly, very  
23 accommodating. So that reduced a lot of my stress. I  
24 didn't have to worry about being in Arizona, you know,  
25 for medical testing and preparing for murder trials.

1 Q So this was the description you provided to  
2 Dr. Tatini as your day-to-day-basis responsibilities?

3 MR. WEAVER: Objection. Misstates his testimony. 11:32:29

4 You can still answer the question.

5 THE WITNESS: Oh, I'm sorry.

6 I'm sorry. I was waiting for your response,  
7 your ruling.

8 MR. WEAVER: We don't get rulings here, --

9 THE WITNESS: Okay.

10 MR. WEAVER: -- just make objections.

11 THE WITNESS: Oh. I think we kind of had the two  
12 questions put together.

13 I think your first question, if I understand  
14 you correctly, was did I go ahead and provide her  
15 with, you know, a day-to-day description of my job  
16 duties.

17 And the other one was, okay, well, what were 11:32:59  
18 my day-to-day job duties, and then it led into what  
19 was the stress that I had to encounter.

20 BY MS. KOLE:

21 Q Okay. So I'm going to back up a little bit  
22 and make sure I understand what you're telling me.

23 A Right.

24 Q You did tell Dr. Tatini what your day-to-day  
25 responsibilities were at work? And by that I just

1 mean, you know, what your job entailed on a  
2 day-to-day --

3 A Yes.

4 Q -- basis.

5 And did you also provide an assessment to  
6 her:

7 Well, this is what I do and I consider  
8 it really stressful, not so stressful, kind  
9 of in between.

11:33:29

10 Did you kind of say to her, "My job's really  
11 stressful," something of that nature?

12 A No. As I recall what I did tell her was very  
13 stressful was I was getting a lot of flack for going  
14 and getting medical treatment at the Mayo Clinic from  
15 Mr. Fransdal and Mr. Lafferty. They were giving me  
16 problems, and they kept -- every time I'd come back,  
17 "What's wrong with you?" "What's your diagnosis?"  
18 "When are you going to know?" "How come you don't  
19 know?"

20 It was almost, you know, like an  
21 interrogation.

22 "I don't know." They -- doctors don't tell  
23 you what's wrong until they're sure, and when they're  
24 sure, then they tell you, and if they're not sure,  
25 they never tell you.

11:33:57

1           For instance, the autoimmune disorder, I  
2 guarantee you, all doctors have five differential  
3 diagnoses that they do, at least three, preferably  
4 five, but they don't tell the patient because then it  
5 becomes subjective and the patient starts going,  
6 "Yeah, yeah, that's what's wrong with me."

7           So to keep it objective, they won't tell you  
8 until they're sure clinically based on their  
9 evaluation.

10           So they never told me what was wrong with  
11 regards to the underlying autoimmune disorder, and  
12 that became a problem for Mr. Lafferty and  
13 Mr. Greenberg and Ms. Fransdal. So that did cause  
14 problems, and, yes, I did inform Ms. -- pardon me --  
15 Dr. Tatini that, yes, it was stressful at work, I was  
16 getting problems.

11:34:27

17           Q    How about the actual work you were doing at  
18 the County of Riverside, the going to hearings,  
19 preparing your cases for trial, did you tell  
20 Dr. Tatini that any of that work was stressful?

11:34:57

21           A    Yes.

22           Q    Okay. So what did you tell Dr. Tatini in  
23 terms of your work responsibilities being stressful?

24           A    That it was stressful.

25           Q    All of it? Everything you did?

1 A I just said it was stressful.

2 They don't understand when they're doctors  
3 and not lawyers, so when I'd start to try and explain  
4 something, you know, their eyes glaze over and,  
5 they -- Okay. Keep it simple. You don't have to  
6 explain a 1538.5 or, you know, you got to do an NGI  
7 trial or a penalty phase or you have to do a 402  
8 motion or points and authorities. They don't  
9 understand that, so --

11:35:28

10 Q So you did not grade for Dr. Tatini, like,  
11 you know:

12 Some days I sit in my office and I'm  
13 reading investigation reports. That's not so  
14 stressful. But other days I have to go into  
15 court and this is happening and that's much  
16 more stressful for me.

17 You didn't make that kind of distinction for  
18 the doctor?

19 A I think -- that's a good question. I think I  
20 did but not articulated to the point like you're  
21 saying.

22 I think that I did tell her that my job  
23 varied, that some days were stressful, some days  
24 weren't. When I was in trial, it was stressful. When  
25 I wasn't in trial, typically the job duties itself

11:35:57

1 were not that stressful.

2 Showing up making courtroom appearances,  
3 those aren't stressful.

4 Doing a preliminary hearing, not stressful.

5 Doing a motion, not stressful.

6 You get into, you know, a death penalty  
7 trial, yes, they get stressful. It's a lot of  
8 pressure from the judge, a lot of deadlines, things of  
9 that nature. That just comes with the job. That 11:36:29  
10 stress and pressure I can handle and I'm used to, but  
11 the -- what happened to me, what my supervisors  
12 started doing, that stress nobody should have to go  
13 through 'cause there's no standard, you don't know  
14 what to expect, you don't know what you're doing  
15 wrong, if anything. You don't know when it's going to  
16 stop or what they're going to do to you. That  
17 would -- that I did explain to the doctor and did  
18 distinguish.

19 Q So you felt at that point when you were  
20 talking to Dr. Tatini in 2013 that the actual 11:36:58  
21 responsibilities you had to do with your job, although  
22 some of them were very stressful, --

23 A Uh-huh.

24 Q -- that type of stress you could handle?

25 A Right.



1 Q And it was the supervisors -- and I'm going  
2 to use your word here -- that giving you flack for  
3 seeking medical treatment, --

4 A Right.

5 Q -- that was what was causing the additional  
6 stress for you?

7 A Correct.

8 Q More stress than you felt you could handle?

9 A The unreasonable stress, I would call it, 11:37:29  
10 yes.

11 You're an attorney, and everybody in any job  
12 you do, there's stress and pressure. We all have it.  
13 And trial becomes particularly stressful, however.

14 MS. KOLE: Chris, do you mind if we go off the  
15 record for a moment?

16 MR. WEAVER: No, no problem.

17 VIDEOGRAPHER: The time is 11:37 a.m., and we're  
18 off the record.

19 (Whereupon a discussion was held  
20 off the record.)

21 (Lunch recess) 12:56:00

22 VIDEOGRAPHER: This marks the beginning of media 12:57:10  
23 Number 2 in the continuing deposition of Christopher  
24 Ross.

25 Today's date is December 9, 2014. The time is

1 12:57 p.m, and we're back on the record.

2 BY MS. KOLE:

3 Q Mr. Ross, I wanted to go back to Exhibit  
4 Number 1 which is the -- your responses to defendant  
5 County of Riverside's special interrogatories, --

12:57:28

6 A Sure.

7 Q -- set one. And I'd like to direct your  
8 attention to page 4.

9 A Yeah. I'm there.

10 Q And that would be special interrogatory  
11 Number 10 --

12 A Okay.

13 Q -- and response to special interrogatory  
14 Number 10, and that's at line 9.

15 A Yes.

16 Q There are quite a few additional doctors  
17 listed there, so I'm going to take them in order and  
18 ask for -- if you have any more identifying  
19 information about them.

12:57:58

20 A Okay.

21 Q Okay. Dr. Baron. Do you know Dr. Baron's  
22 first name?

23 A Eli, E-l-i.

24 Q And do you know Dr. Baron's specialty?

25 A Neurosurgeon. Neuro -- it's -- he is a

1 neurosurgeon, a neurologist who specializes in  
2 surgery.

3 Q And do you know what clinic or hospital he's  
4 affiliated with?

5 A Cedars-Sinai.

6 Q And that's in Los Angeles?

7 A Yes, it is.

12:58:29

8 Q Okay. We already discussed the second  
9 doctor, Tatini, and Dr. Ross.

10 And the fourth one is Dr. Chivers or  
11 Chyvers [phonetic], C-h-i-v-e-r-s. Do you know that  
12 doctor's first name?

13 A No, I don't.

14 Q And is that a male or a female?

15 A I don't recall.

16 Q And the specialty of that doctor?

17 A Don't recall.

18 Q And the facility?

19 A Mayo Clinic.

20 Q And would that, again, be the Mayo Clinic in  
21 Scottsdale?

12:59:00

22 A Yes, it is.

23 Q Do you recall if that's a physician you saw  
24 personally?

25 A I don't recall. I'm sorry.

1 Q And the next one is Dr. Butters. Do you  
2 recall Dr. Butters' first name.

3 A No, I don't recall his first name.

4 Q And is that a female or a male?

5 A Male.

6 Q And "Butters" is spelled B-u-t-t-e-r-s.

7 A Yes.

8 Q And what facility is Dr. Butters associated  
9 with?

10 A Mayo Clinic, Arizona. 12:59:29

11 Q And Dr. Butters' specialty or --

12 A Physical medicine. It may be physical  
13 medicine and joint -- I don't know -- some sort of  
14 joint specialty like as in the skeletal joint system.

15 Q Do you recall if you had an office visit with  
16 Dr. Butters?

17 A I did.

18 Q Then the next one is Dr. Jameson,  
19 J-a-m-e-s-o-n. What is Dr. Jameson's first name?

20 A I don't know. 13:00:02

21 Q And was Dr. -- is Dr. Jameson a male or  
22 female?

23 A I don't recall.

24 Q And what clinic is Dr. Jameson associated  
25 with?

1 A Mayo Clinic, Scottsdale, Arizona.

2 Q And do you know Dr. Jameson's specialty?

3 A No.

13:00:30

4 Q Do you recall if you saw Dr. Jameson for an  
5 office visit?

6 A I don't recall.

7 Q Do you recall where you got Dr. Jameson's  
8 name in order to provide it for this response to  
9 interrogatories?

10 A Again, I think I got all the names on a bill,  
11 a billing statement, as I recall.

12 Q Is that the same billing statement you  
13 testified about earlier that you believe you looked at  
14 online?

13:00:58

15 A I don't recall which one. That was about, I  
16 think, Dr. Baron, so that would have been different.  
17 No, that's Cedars-Sinai. This is Mayo. And I think  
18 for these I think what I did is I looked online is  
19 what I did at the Mayo website.

20 Q Do you recall when you were looking online at  
21 the Mayo website in order to answer this  
22 interrogatory, fill in the names, do you recall that,  
23 doing that? Do you remember doing that?

13:01:29

24 A Vaguely. I think that's how I did it, to the  
25 best of my recollection. I don't have an independent

1 recollection of actually doing it, but I have some --  
2 I don't know -- vague impression that's how I did it.  
3 I don't specifically remember sitting down at the  
4 computer looking at it. I'm sorry.

5 Q Do you recall one way or another whether it's  
6 possible for you to print out the online billing  
7 you're reviewing?

8 A I don't know. If you want, I can try. 13:01:56

9 Q I would like that, and I can discuss that  
10 with your counsel, --

11 A Okay.

12 Q -- if it's possible for you to provide those  
13 records.

14 A Sure.

15 Q And I don't need to know amounts or anything  
16 like that. I'm just trying to collect the universe of  
17 doctors that you saw and where they're located at so  
18 defendant can send out subpoenas in an efficient  
19 way?

20 A I -- I -- it's all right there. They're all 13:02:30  
21 at the Mayo Clinic, Arizona, all of them. With the  
22 exception of Dr. Baron, every doctor I saw was there.  
23 And I did sign a release for those medical records a  
24 few months back for you.

25 Q Yeah. And I'll let your counsel discuss with

1 you --

2 A Okay.

3 Q -- what has occurred with that.

4 Dr. Schiff, do you know Dr. -- it's  
5 S-c-h-i-f-f. Do you know Dr. Schiff's first name?

6 A No, I'm sorry, I don't.

7 Q And Dr. Schiff's specialty?

13:03:00

8 A I don't know.

9 Q And what facility Dr. Schiff is associated  
10 with?

11 A Mayo Clinic, Arizona.

12 Q And then the next one, Dunkel-Driver, we've  
13 already discussed, and so we'll move on to Dr. Young,  
14 Y-o-n -- I'm sorry, I'll start again -- Y-o-u-n-g.

15 Do you know Dr. Young's first name.

13:03:30

16 A No, I'm sorry, I do not.

17 Q Do you know Dr. Young's specialty?

18 A No, I do not.

19 Q And what clinic or facility is Dr. Young  
20 associated with?

21 A Mayo Clinic, Arizona, Scottsdale.

22 Q The next doctor listed is Dr. Chang who we've  
23 previously discussed and so we'll move on to the next  
24 one which is Dr. Lewis, L-e-w-i-s.

25 Do you know Dr. Lewis's first name?

1 A No. I'm sorry.

2 Q Do you know whether Dr. Lewis is male or  
3 female?

13:03:58

4 A No, I don't.

5 Q And do you know Dr. Lewis's specialty?

6 A No, I do not.

7 Q And which clinic or facility is Dr. Lewis  
8 associated with?

9 A Mayo Clinic, Arizona.

10 Q The next doctor is Vargas, V-a-r-g-a-s, and I  
11 don't recall if that was a doctor we previously  
12 discussed.

13 A I believe it is.

14 Q It is? Okay.

15 A We can go over it again. No problem.

16 Q Is Dr. Vargas a male or female?

17 A Male.

13:04:30

18 Q And specialty?

19 A Neurology. He does post-trauma concussion  
20 syndrome, trauma to the brain.

21 Q And that's a doctor you recall having an  
22 office visit with?

23 A Yes.

24 Q And he is associated with the Mayo Clinic?

25 A Yes.



1 Q The next one is Dr. Parish, P-a-r-i-s-h.

2 Is Dr. Parish a male or female?

3 A I don't recall.

4 Q And do you recall Dr. Parish's first name? 13:04:57

5 A No. I'm sorry.

6 Q And Dr. Parish's specialty?

7 A I don't know.

8 Q And Dr. Parish is associated with the Mayo  
9 Clinic?

10 A Yes.

11 Q Do you recall having an office visit with  
12 Dr. Parish?

13 A No.

14 Q The next doctor is Pittelkow,  
15 P-i-t-t-e-l-k-o-w.

16 Do you know if Dr. Pittelkow is a male or  
17 female?

18 A No, I do not.

19 Q And this doctor's first name?

20 A I'm sorry, I don't know.

21 Q And this doctor's specialty? 13:05:29

22 A I don't know.

23 Q And this doctor's associated with the Mayo  
24 Clinic in Arizona?

25 A Yes, I believe so.

1 Q Do you recall having an office visit with  
2 that doctor?

3 A No.

4 Q The next doctor is Wethe or Weethe [phonetic]  
5 spelled W-e-t-h-e.

6 Do you know if this doctor is male or  
7 female?

8 A I do not.

9 Q And do you know this doctor's first name?

10 A No, I do not.

11 Q And do you know this doctor's specialty?

12 A No, I do not.

13 Q And is this doctor associated with the Mayo  
14 Clinic in Arizona?

13:05:59

15 A I believe so, yes.

16 Q You think it -- this doctor could be  
17 associated with a different facility?

18 A Not that -- not -- no, I don't think so. By  
19 default. That's why I say these doctors are from the  
20 Mayo Clinic because the only doctor who I saw at  
21 Cedars-Sinai was Dr. Eli Baron. And some of these  
22 doctors we've just covered, I've explained to you I do  
23 recall an office visit; however, the rest of the  
24 doctors who I don't recall, they would have had to  
25 have come from the Mayo. It's the only two places I

13:06:28

1 went.

2 Q Okay. And the next doctor is Karlin,  
3 K-a-r-l-i-n.

4 Do you know if Dr. Karlin's male or female?

5 A No, I don't. I'm sorry.

6 Q And do you know Dr. Karlin's first name?

7 A No.

8 Q And Dr. Karlin's specialty?

9 A I don't know. I'm sorry.

10 Q And Dr. Karlin, you believe, is associated  
11 with the Mayo Clinic?

12 A Yes.

13 Q The next doctor is Dr. Hu, and it's spelled  
14 H-u. Do you know Dr. Hu's gender?

13:07:00

15 A No, I don't.

16 Q And do you know Dr. Hu's specialty?

17 A No. I'm sorry.

18 Q Is Dr. Hu associated with the Mayo Clinic?

19 A Yes.

20 Q Do you recall an office visit with Dr. Hu?

21 A No, I do not.

22 Q The last doctor is named Smith, common  
23 spelling.

24 Do you know Dr. Smith's gender?

25 A No, I do not.

1 Q And do you know Dr. Smith's specialty?

2 A No, I do not.

13:07:29

3 Q Is Dr. Smith associated with the Mayo  
4 Clinic?

5 A Yes, I believe so.

6 Q Do you recall an office visit with  
7 Dr. Smith?

8 A No, I do not.

9 Q Are you familiar with the causes of action in  
10 your complaint against the County?

13:08:06

11 A Vaguely. I can't say -- if you asked me to  
12 name them, I couldn't.

13 Q Are you aware of the cause of action  
14 regarding disclosing a violation of state or federal  
15 law and retaliation as a result of that?

13:08:26

16 A What do you mean by "aware"?

17 I've seen the complaint, so in that sense,  
18 yes, I could say I'm aware.

19 Q Are -- is that an issue that you believe is  
20 in your complaint; it's one of your complaints against  
21 the County?

22 MR. WEAVER: Objection. Calls for a legal  
23 conclusion.

24 THE WITNESS: I'll defer to my attorney on that as  
25 far as I don't know civil law. I'm sorry.

13:08:59

1 I mean factually I can tell you what happened.  
2 Whether or not something meets the legal standard,  
3 that's -- I have to rely on my civil attorney for  
4 that.

5 BY MS. KOLE:

6 Q Okay. I wasn't asking for your legal  
7 opinion, but I'll try to ask a better question. It's  
8 okay.

9 A You're doing fine.

10 Q That makes more sense.

11 Do you believe that you disclosed a violation  
12 of state or federal law to your employer?

13 A I don't understand that. I disclosed a  
14 violation of state or federal law?

13:09:27

15 Q Yes.

16 A I don't know.

17 Q Okay. Do you believe you provided some  
18 information to somebody at the County of Riverside  
19 that may have been a violation of law that then caused  
20 them to retaliate against you?

21 A Oh, yes. That I do, yes.

22 Q Okay. So what was it that you told them that  
23 you believed may be a violation of state or federal  
24 law?

25 A The Roger Parker case, for one thing.

13:09:58

1           There was a murder case. He was an  
2 African-American gentleman. He was in custody for  
3 almost four years, I believe, maybe even four years.  
4 And that's kind of what started all the harassment and  
5 the retaliation. He was innocent. The prosecutor had  
6 the case before I did. She said, "I'm not prosecuting  
7 it. The man's innocent." That was Ms. Di Maria, D-i  
8 M-a-r-i-a, two words. First name Lisa, L-i-s-a.

13:10:25

9           And then she gave the case to Mr. Lafferty,  
10 Roger Parker, and then he called me in in 2011  
11 probably -- I'm just estimating -- midway through the  
12 year, maybe July, August, somewhere in there, and he  
13 reassigned the case to me and conveyed that  
14 Ms. Di Maria thought that the man was innocent and the  
15 case was then mine to evaluate and to try.

16           MR. WEAVER: Chris, go bite-size chunks. Let  
17 her --

13:10:59

18           THE WITNESS: Sorry.

19           MR. WEAVER: Let her follow up with questions.

20 BY MS. KOLE:

21           Q     What do you recall with regard to the  
22 circumstances of the reassignment of the case to you  
23 and Ms. Di Maria's caseload?

24           MR. WEAVER: Objection. Compound.

25           MS. KOLE: I can try and break that up.

1 THE WITNESS: Let's just do that. One at a  
2 time --

3 MS. KOLE: Okay.

4 THE WITNESS: -- would be easiest.

5 BY MS. KOLE:

6 Q I believe you just testified that the Parker  
7 case was reassigned to you from Ms. Di Maria; is that  
8 correct?

13:11:29

9 A Correct.

10 Q Do you recall anything with regard to  
11 Ms. Di Maria's caseload happening at that time when it  
12 was reassigned to you?

13 A I understood her cases to have two -- to have  
14 two murders, so two cases.

15 Q Were any of your cases reassigned to  
16 Ms. Di Maria at that time?

13:11:58

17 A I think, yes. Around that same time maybe --  
18 I think, yes, right around that time I had to give her  
19 Hahn and Werntz. It was a co-defendant case. It was  
20 a death penalty case.

21 Q Did you understand it to be a trade of cases  
22 between yourself and Ms. Di Maria?

23 A No. I actually gave -- I was told to give  
24 her a case, I think, quite a while before I got the  
25 Parker case, several months before, as I recall. I

13:12:28

1 can't tell you the exact date. It's been a long time.  
2 I'm sorry.

3 Q Did you have any understanding about whether  
4 she was in trial at the time that you were assigned  
5 the Parker case? Or let me -- I'll try that question  
6 again.

7 Do you have any understanding about whether  
8 Ms. Di Maria was anticipating being in trial shortly  
9 after you were reassigned the Parker case? 13:12:59

10 A No, she was not, to my knowledge. The case  
11 was -- if I may add, it wasn't reassigned because she  
12 was unavailable for trial. It was reassigned because  
13 she expressly stated, "The man's innocent. He did not  
14 do it." And she refused to prosecute the case.

15 Q And how did you become aware of that  
16 information?

17 A Sean Lafferty conveyed it to me. Tricia  
18 Fransdal conveyed it to me. And Lisa Di Maria herself 13:13:27  
19 conveyed it to me.

20 Q Was this in a conversation where all three of  
21 them were present?

22 A No, separate conversations.

23 Q I believe you testified that Mr. Lafferty  
24 asked you for your opinion of the case; is that  
25 correct?



1           A     Yes, that -- I don't know if I -- that is  
2 correct. I don't know if I just stated that, but,  
3 yes, that is correct.

13:13:59

4           Q     And did Mr. Lafferty want to know whether you  
5 thought Mr. Parker was innocent?

6           A     No.

7           Q     When Mr. Lafferty asked you for your opinion  
8 of the case, what did you believe he was asking you  
9 for?

10          A     May I explain a little bit the circumstances  
11 of that conversation?

12          Q     Certainly.

13          A     It was in his office when he assigned me the  
14 case. I don't recall -- I was in there for a  
15 different reason, and then he brought the case up, and  
16 he said, "Ms. Di Maria thinks the guy's innocent," and  
17 he rolled his eyes, and he went [indicating], "You  
18 know Lisa."

13:14:28

19                 I said, "Okay. And what exactly do you want  
20 me to do with the case?"

21                 He said, "Well, I want you to evaluate the  
22 case."

23                 And I said, "Evaluate it? How do you want me  
24 to evaluate it, for what purpose?"

25                 "Well, give us your opinion of whether you

1 think, you know, we can prove that the guy is, you  
2 know, guilty of murder."

13:15:00

3 And I said, "Okay. And once I do that, then  
4 what do you want me to do? Do you want me to give the  
5 case back, or do I keep the case for trial?"

6 And he said, "No. You'll keep the case for  
7 trial."

8 I said, "Okay. So, for clarification, I'm  
9 being reassigned this case then, I'm not just  
10 evaluating it as an external opinion. You're actually  
11 reassigning the case to me?"

12 And he said, "Yes."

13 So that's when I was assigned the case.

14 Q And in that conversation did Mr. Lafferty say  
15 that you're supposed to give two cases to  
16 Ms. Di Maria?

13:15:30

17 A No. That was -- those were -- not at all,  
18 no. And that wasn't two cases; that was one case.  
19 That was Hahn and Werntz. It was a co-defendant. We  
20 considered that one case. It's the same trial even  
21 though there's co-defendants. I had given that to her  
22 a long time before that, as I recall. It's been a  
23 long time. Maybe even after. Pardon me. That's been  
24 a while.

13:15:54

25 If you check the case notes, it will say in

1 the file itself when it was transferred. That's the  
2 easiest thing to do for accuracy.

3 Q And was there something about the Parker case  
4 that you believe may have been a violation of state or  
5 federal law?

6 A Oh, yes.

7 Q And what is that?

8 A The man didn't do it. He didn't commit that  
9 crime at all. We didn't even have probable cause to  
10 believe he committed that crime. DNA tests exonerated  
11 him, multiple DNA tests. I found admissions by a  
12 roommate who was initially a suspect but ruled out  
13 just arbitrarily by the police officers, and I  
14 actually had recorded jail callings from that  
15 individual speaking to his sister and another  
16 individual admitting to the killing. And then I also  
17 had DNA which exonerated the defendant.

13:16:30

18 And you can't hold somebody in jail. You  
19 can't arrest somebody pursuant, you know, to the  
20 Fifth, Sixth and Eighth Amendment. You can't -- I'm  
21 sorry.

13:17:00

22 Q What did you believe to be the violation of  
23 state or federal law?

24 A Arresting the man without probable cause and  
25 not dismissing the case when I requested to dismiss it

1 when -- as soon as we found out the DNA was not him,  
2 that case should have been dismissed.

3 Q And who did you inform that you believed  
4 there was a violation of state and federal law with  
5 regard to the Parker case?

13:17:27

6 A I'm sorry. I don't mean to be nitpicky.  
7 You're saying I informed them that there was a  
8 violation of state law. I didn't actually go -- and  
9 those were not my words -- I didn't tell Mr. Lafferty,  
10 "Sean, there's a violation of state and federal law  
11 here." I didn't do that. I informed him, "You need  
12 to dismiss this case. The evidence exonerates him.  
13 The evidence proves somebody else did it at minimum."

14 And when we initially started off, my concern  
15 was can I prove the case. And so I told him, "We  
16 can't prove the case. I agree with Lisa's assessment.  
17 We can't prove it. Lisa thinks the man is innocent.  
18 I'm not going to say he's innocent. That's not my  
19 job. My job is to tell you whether or not I can prove  
20 at least beyond a reasonable doubt or even probable  
21 cause to believe he committed the crime. I don't  
22 think we have either."

13:17:59

23 And then as further testing and further  
24 investigation went on, then I found the actual  
25 recorded jail calls of the roommate to Mr. Parker at

13:18:28

1 the residence where the murder occurred. The victim  
2 had his head cut off and a knife stabbed through this  
3 scull and his head.

4 Gruesome. Sorry.

5 Q So you did not inform Mr. Lafferty that you  
6 believed state or federal law was being violated?

7 MR. WEAVER: Objection. Misstates his  
8 testimony.

9 THE WITNESS: Expressly like you're stating it,  
10 no, I did not say, "There is a violation of federal or  
11 state law here," no, but did I inform him, "We need  
12 probable cause to hold him. We don't have probable  
13 cause. The only way we can file the information is if  
14 we can prove beyond a reasonable doubt or have a good  
15 faith belief that we can prove the case beyond a  
16 reasonable doubt, and there is no way in my opinion  
17 that any jury could find this man guilty proven beyond  
18 a reasonable doubt, so we're going to have to dismiss  
19 the case."

13:19:00

20 BY MS. KOLE:

21 Q And was that also the state of affairs before  
22 you got the Parker case from Lisa Di Maria?

13:19:28

23 A I don't know. I -- before I got it from  
24 Lisa Di Maria, I didn't know anything about the case.

25 Q When you got the case, at some point you

1 determined that -- you believed that the defendant was  
2 innocent or -- I'm sorry -- you said you couldn't  
3 determine that he was innocent but you could determine  
4 that you didn't have probable cause and you could not  
5 prove the case.

6 Is that -- am I getting that right?

7 A Close.

8 I said it's not my job to determine whether  
9 he's innocent or not. My job was to determine whether  
10 or not we could prove the case beyond a reasonable  
11 doubt, number one, and, number two, whether we had  
12 probable cause to file the case.

13:19:58

13 You have to understand in the criminal realm  
14 it's unheard of that a case is filed without probable  
15 cause. That just does not happen. And --

16 Q So that had already been done before you got  
17 the case then?

18 A Correct.

19 Q So prior to you receiving the case, there was  
20 also a potential violation of state or federal law in  
21 the sense of an information for someone that the state  
22 did not have probable cause for?

13:20:28

23 A Potentially, but in that case, as I recall,  
24 the defendant -- he made an admission, but he was in  
25 custody for 24 hours without sleep, without food, and

1 he kept denying anything. He waived his Miranda  
2 rights. He denied having done anything for 24 hours.

3 The police go to release him, they hand  
4 him his -- they walk in the room, they hand him his  
5 clothing, and he says, "What are you doing?"

13:20:59

6 They said, "You can leave. You're free to  
7 leave."

8 And he says, "Okay. I'll go back home."

9 And they said, "No. Your roommate," who is  
10 the individual I'm referring to who made the admission  
11 who I discovered later, he had conveyed to the police,  
12 "I don't want that guy back in my house. He's kicked  
13 out of my house. He's not coming back."

14 So the defendant at this point says, "What?  
15 I don't have a place to go? Let me stay here."

16 And they said, "No, you can't stay here  
17 unless you give us reason to detain you."

13:21:28

18 And he says, "Well, I'm not staying on the  
19 streets. That's a mean place. People could beat me  
20 up. And I have nowhere to go. Keep me in jail."

21 "You give us a reason to keep you in jail,  
22 we'll keep you here."

23 This went on for some time, and he said, "I  
24 didn't do anything."

25 "Well, that's up to you. If you want to stay

1 here, you got to give us reason."

2 So it went on and on.

3 Eventually they told him -- they led him in  
4 questions, "So did you do this?"

5 And he said, "Yeah, I did that."

6 "Did you do this?"

7 "Yeah, I did that." 13:22:00

8 "Well, tell us how you did that."

9 Well, his statement of what happened was  
10 completely contradictory to the forensic evidence.  
11 For instance, he says he hit the individual in the  
12 head with a pot, okay, from the kitchen.

13 Well, it turns out when they did the autopsy  
14 and took the x-ray, no, it was a kitchen knife that  
15 was driven into his skull from the top to the bottom,  
16 and his head was cut off, the victim. They removed  
17 the knife, so you couldn't tell. The brains were  
18 coming out of the head, so the police officers when  
19 they showed up made the conclusion -- looked at it and 13:22:28  
20 said, "Ah, he was hit on the top of the head," and  
21 when they said "pot" during the interview, meaning the  
22 police officers, to Mr. Parker, the reason they  
23 thought it was a pot, they meant a clay flower pot by  
24 front of the door that was broken. It was about  
25 two-and-a-half-feet tall. It was a rather large



1 flower pot with a palm tree in it.

2 Q Do you mind if I --

3 A Go ahead. I'm sorry.

4 MS. KOLE: Okay. I think we've gotten a little  
5 away from the question.

6 Pat, are you able to go back and pick up the 13:22:58  
7 question. It's so far back, I can't get it.

8 (Whereupon the pending question  
9 was read by the reporter as follows:

10 "QUESTION: So prior to you 13:20:24

11 receiving the case, there was also a  
12 potential violation of state or 13:20:29

13 federal law in the sense of an  
14 information for someone that the  
15 state did not have probable cause  
16 for?")

17 THE WITNESS: To answer that question, no, it 13:23:28

18 wouldn't be an information. An information would 13:23:29  
19 be -- come after the probable cause hearing. It would  
20 have been a complaint.

21 Again, if you want me to explain whether  
22 there was a potential violation of law, I have to go  
23 into the facts of the case and I have to explain to  
24 you the difference.

25 We did subsequent DNA testing. Based upon

1 the admission, that's a judgment call. Technically,  
2 the man admitted to completing the crime. So at that  
3 point in time when that's all the information that was  
4 had, everyone thought, oh, the guy admitted it.

5 Lisa Di Maria went through the case and said, 13:23:59  
6 "No, that admission is not good. It was coerced."

7 The man had a really low I.Q., very low I.Q.,  
8 and he was suggestible.

9 So then the case was transferred to me. I  
10 reviewed it, did follow-up DNA testing, scrutinized  
11 the examination.

12 I came to the same conclusion on the  
13 examination. Once that DNA test came back, at that  
14 point in time is when I thought, yes, there definitely  
15 was not even probable cause to file the case. 13:24:27

16 BY MS. KOLE:

17 Q Did you form an opinion as to when  
18 Ms. Di Maria had the case and she concluded the  
19 defendant was innocent, that there was a potential  
20 violation of state and federal law at that time prior  
21 to you getting the case?

22 A I had no knowledge of the case, so, no, I did  
23 not. I didn't even know the case existed prior to it  
24 being transferred to me.

25 Q After you got the case and after you did the

1 DNA testing that led you to the conclusions you drew,  
2 did you form an opinion as to whether when  
3 Ms. Di Maria had the case prior to you there also  
4 existed a potential violation of state and federal law  
5 because of a potential coerced confession?

13:24:59

6 A That's kind of a lot into one.

7 Q Too much?

8 A Yeah.

9 Q At any time did you form an opinion that when  
10 Ms. Di Maria had the Parker case that there also  
11 existed a potential violation of state or federal  
12 law?

13:25:28

13 A A potential, yes.

14 Q And when did you form that opinion?

15 A After I reviewed the case and reviewed the  
16 interview specifically.

17 Q And is it your belief that adverse employment  
18 actions were taken against you because of your  
19 conclusions about the Parker case?

13:25:59

20 A Oh, yes.

21 Q And what were all your conclusions about the  
22 Parker case that lead ultimately to the adverse  
23 employment actions?

24 A Number one, agreeing with Ms. Di Maria that  
25 the man was innocent.

1           Initially I came to the conclusion that I  
2 can't prove that the man committed the crime. That's  
3 all I have to worry about. I don't have to go the  
4 extra step. That's not our job. Is there evidence to  
5 prove beyond a reasonable doubt that the man committed  
6 the crime? If there's not, we're forced by law not to  
7 file that case or to dismiss the case if it is filed.  
8 The standard to file is probable cause. It appeared  
9 that, yes, technically there may have been probable  
10 cause; but once I reviewed that statement in that  
11 interview, I thought it was coerced. So I thought,  
12 yes, there is potential there.

13:26:28

13:26:58

13           Now, the adverse reaction I got from  
14 Mr. Lafferty --

15           Q     Just a second. Before you go on to that, --

16           A     Okay.

17           Q     -- I need to ask you about --

18           A     Uh-huh.

19           Q     -- if those are all the conclusions you came  
20 to that led to the adverse employment actions.

21           A     The main -- well, could you be more specific.  
22 All the conclusion with regards to what?

23           Q     With regard to the violation of state or  
24 federal law associated with the Parker case.

25           A     That there was no probable cause and that

13:27:28

1 there was -- you couldn't prove the case beyond a  
2 reasonable doubt and that the man was innocent, yes.

3 Q Okay. And then at some point you told that  
4 to Mr. Lafferty?

5 A Yes.

6 Q And do you recall the first time you told him  
7 that?

8 A I got the case, I think, in July -- I'm  
9 having to think. Memory banks.

10 As I recall, it would have probably been  
11 in -- it was before 2012, so I'm going to say  
12 December. That's my best estimate.

13:27:58

13 Q December of which year?

14 A 2011, I believe.

15 Q Excuse me.

16 So you think it took about six months from  
17 July to December before you came to the conclusion  
18 that there was no probable cause?

19 A I think at that point in time I came to the  
20 conclusion that we couldn't prove the case beyond a  
21 reasonable doubt and that probable cause was  
22 questionable.

23 Technically I thought it may have existed  
24 because you still do have an admission, and trying to  
25 prove that it was coerced, that's an individual

13:28:28

1 opinion. And in my opinion and in Ms. Di Maria's,  
2 yes, it was coerced and it was inconsistent with the  
3 forensic evidence. So at that point I thought, yes,  
4 we may not even have probable cause here but we  
5 definitely can't prove it beyond a reasonable doubt.

6 Q But in December of 2011 that was the first  
7 time you told Mr. Lafferty at least the first  
8 conclusion that you couldn't prove the case beyond a  
9 reasonable doubt? 13:28:59

10 A As I recall, yes.

11 Q And was that an in-person conversation with  
12 Mr. Lafferty.

13 A There were several conversations I had on  
14 this in person with him, and I believe, yes, it was  
15 initially -- it was probably before December, maybe  
16 early December, maybe November, and then his  
17 response -- he was upset at that. He did not want to  
18 hear that. And his response was, "Write me a memo."  
19 Then I wrote a memo. 13:29:29

20 Q Let me ask you about Mr. Lafferty's reaction,  
21 the upset.

22 A Okay.

23 Q What do you mean by that?

24 A Not happy, meaning angry, meaning hostile,  
25 unpleasant. Physically you could see by the look on

1 his face, tone of his voice, body gesture, posturing,  
2 interruptive. In my speech he'd interrupt me and  
3 voice his opinion, which was usually not the way he  
4 was. Usually he would let you finish, was calm. But  
5 you can tell. Like Dr. Jekyll and Mr. Hyde, when he's  
6 upset, you'll know it. So that's what I mean. It was  
7 the look on his face

13:29:58

13:30:23

8 Q You referred to a body gesture. What body  
9 gesture do you recall him making?

10 A I can demonstrate. Kind of hard there.  
11 Okay.

12 Q Well, that's the beauty of video. You can  
13 demonstrate for us what the body gesture was.

14 A Yeah, I'd probably say the look in the eyes  
15 becomes one of anger, and that's just the common  
16 sense, you know, layperson approach to it. You can  
17 tell when someone's angry by the look in their eyes.  
18 It becomes very serious, the countenance in the face  
19 or just the look of seriousness, and then --

13:30:58

20 Q Are you speaking now with regard to --

21 A Mr. Lafferty.

22 Q -- Mr. Lafferty on that date?

23 A Correct.

24 Q Okay.

25 A Sarcasm in his voice, his tone of voice, how

1 fast he speaks.

2 The position of the body, sits back with his  
3 arm, and then almost sarcastically, "Oh, so you think  
4 the guy didn't do it? Well, why don't you just write  
5 a memo on that."

6 "Okay. You want me to write a memo on it.  
7 All right. Fine. I'll go write a memo on it." 13:31:30

8 And then I wrote a memo on that in December,  
9 and I had another conversation with him -- I've had  
10 several -- and his extent was -- I don't know why but  
11 he really wanted to push this case. He -- he knew, at  
12 least according to what he told me, this guy was  
13 guilty, he did it.

14 I said, "Sean, have you reviewed the  
15 evidence? Did you look at my memo?"

16 And then he said, "Well, you know, you  
17 make -- you made comments in your memo about the 13:32:00  
18 interview. Why don't you go ahead and detail me  
19 specific statements in the interview that you think  
20 were coerced or gave you reason to believe that this  
21 guy wasn't telling the truth."

22 So then I had to sit down and I had to go  
23 through the entire transcript for however long it was,  
24 hours of testimony, and I had to pick out the things  
25 that were inconsistent with the forensic evidence and



1 detail a memorandum on that. Then I provided that to  
2 him at a later date.

13:32:28

3 Q Do you remember -- excuse me.

4 Do you remember when that was?

5 A That I don't. I'm -- I'm -- no, I don't. It  
6 would have been, I think, in 2012 sometime, but I will  
7 say this one thing before I forget, forget this stuff  
8 in my mind. I'm sorry.

9 But one thing he did say was, "I know he did  
10 it. I know he did it."

11 "Sean, how do you know he did it?"

12 "Because he had a physical reaction when he  
13 showed up to the scene."

13:32:58

14 "Okay. And what is the physical reaction?"

15 "Oh, I can't remember what it was, but I read  
16 it in the file. I remember."

17 "Okay. Would you like me to give you the  
18 file and look at it."

19 "No. I have to look at that later."

20 "Okay."

21 So then eventually I ended up giving him the  
22 file and he began looking at it. Then we had another  
23 conversation in his office, just he and I, and he said  
24 this guy, he knew, did it because the guy had a  
25 physical reaction, and he said he'd spoken with

13:33:29

1 Mr. Zellerbach downtown and other people downtown,  
2 which would be Mr. Van Wagenen, and he said the guy  
3 had a physical reaction and downtown agreeing with him  
4 that that was evidence of the guy's guilt.

5 I said, "What is the physical reaction?"

6 "He got sick when the police brought him back  
7 to the scene for a walk-through on the crime. He  
8 actually started dry-heaving as though he was  
9 nauseous."

10 And I said, "Well, how does that equate to  
11 guilt? There could be a lot of reasons. Number one,  
12 he walked into his house and saw somebody with their  
13 brains coming out of their head and their head cut  
14 off. That's enough to make anybody sick. There was  
15 blood spatter all over the wall. The man's blood was  
16 all over the couch and the floor. How was having a  
17 physical reaction an admission to guilt?"

13:33:56

18 Q So you and Mr. Lafferty had a difference of  
19 opinion as to the relevance of the physical  
20 reaction?

21 A Absolutely.

22 I said -- I asked him, "Please articulate for  
23 me how am I going to articulate or specify to a jury  
24 that that is guilt?"

13:34:28

25 Q Is it -- do you believe that you and

1 Mr. Lafferty having a difference of opinion and  
2 discussions about the Parker case, is that something  
3 that led to adverse employment action against you?

4 A Oh, yes.

5 Q And -- okay.

6 A Because there was adverse reaction during  
7 those -- during those interactions or conversations. 13:34:55

8 I mean he can get -- he gets really angry,  
9 like a flame. I mean he flames on when no one is  
10 around. He gets mad. I mean he gets mad. You know,  
11 I fear him getting violent. You can get a sense of  
12 that. That's not something you can articulate. It's  
13 just body posture, the look in somebody's eyes and  
14 their face and how they start acting and their tone of  
15 voice and what they start saying. I didn't want to  
16 provoke him.

17 In one of his emails -- I sent him an email  
18 finally when further testing was done and said 13:35:29  
19 outright, "You just need to dismiss this case. I've  
20 written three of these memorandums right now. I've  
21 tested more evidence than we've ever tested in a case.  
22 Why are you still harping on this? This guy's  
23 innocent. Lisa's absolutely right. Dismiss this  
24 case. The guy's been sitting in jail for how long?"

25 He got mad on that. His response was -- he was

1 very upset, and I was, "Oh, no, I've..." --

2 Q Can I go back to --

3 A Sure.

4 Q -- the adverse employment actions.

5 You said that they happened in connection

13:35:58

6 with your discussions with him; is that right?

7 A Yes.

8 Q Okay. So your first discussion with

9 Mr. Lafferty that may have been in late 2011, what was  
10 the adverse employment action that happened after that  
11 first discussion with Mr. Lafferty about the Parker  
12 case?

13 A You're using the legal conclusions. Could  
14 you define "adverse reaction" for me just so I know  
15 what to say? What does the law say it is?

16 Q I actually was going off what you said.

17 You said when you were talking to

18 Mr. Lafferty --

19 A Uh-huh.

20 Q -- there were adverse employment actions

13:36:29

21 right then.

22 A Yes.

23 Q So I'm asking you factually what happened no  
24 matter what the law says.

25 MR. WEAVER: Objection. Misstates his testimony.

1 He never testified right then.

2 BY MS. KOLE:

3 Q Maybe I misunderstood you.

4 Do you recall that testimony?

5 A No. I remember -- well, see, here's the  
6 thing. You were leading up to -- you kept using that  
7 term, and I paraphrased the term that you used in a  
8 question.

9 Q Okay. Then let me ask it this way:

10 In late 2011, November or December, when you  
11 were having your first discussion with Mr. Lafferty  
12 about the Parker case, did you believe in -- close in  
13 time with that something happened in your employment  
14 situation that you believed was negative that was  
15 caused by that first conversation?

13:36:58

16 A Yes.

17 Q And what -- factually what was that?

18 A That was the reaction that I've been  
19 explaining. Every time I spoke with the man on the  
20 subject, it was like touching a sore spot on a dog.  
21 He would -- he'd get hostile, his tone of voice, his  
22 physical posture, the look on his face, his  
23 commentary, very sarcastic, snide.

13:37:26

24 Q So the negative thing that happened was that  
25 when you were having the discussion he was angry and

1 hostile toward you?

2 A Yes.

3 Q Okay. And was there anything else negative  
4 that happened with regard to your job in time with  
5 your first conversation with Mr. Lafferty?

6 A I'd have to think on that one. That's been  
7 so long ago.

8 Off the top of my head I can't tell you that  
9 I can remember anything.

13:38:02

10 Q Okay. Were you demoted after that first  
11 conversation with Mr. Lafferty at the end of 2011?

12 A No, I was not.

13 Q Did you lose any pay after that first  
14 conversation with Mr. Lafferty in 2011?

15 A No, but I'll tell you what did happen.

16 If you look at my personnel file, just about  
17 every month I'd be an employee -- through Grover Trask  
18 and Rod Pacheco I received employee-of-the-month  
19 awards for winning trials and other performance on the  
20 job. That all stopped once -- once I had this  
21 disagreement with Mr. Lafferty.

13:38:28

22 For instance, I had a death penalty case. A  
23 death penalty case -- they don't run very many of  
24 those a year in the state of California. There's very  
25 few people that do them. And when you get a

1 conviction on those, those are very serious, and  
2 that's one thing that, yes, you do get an award for.  
3 I think it took a year for me to get an  
4 employee-of-the-month award for it. And I don't mean 13:38:59  
5 to say, "Oh, I want my employee-of-the-month award."  
6 I'm not saying that. But this is just an example of  
7 the change in how I was treated.

8 And then when I received the award in front  
9 of all the other people, I -- instead of -- usually  
10 the D.A. stands up and says:

11 We're going to give this award to  
12 so-and-so. Here are the facts of the case, a  
13 very difficult case. This is how we overcame  
14 these odds. It was, you know, a great job  
15 win, lose or draw. Congratulations. Good  
16 job.

17 I got -- Mr. Zellerbach says in front of all 13:39:29  
18 the people present for this meeting, "We're giving  
19 this case -- or this award to Mr. Ross, Chris, because  
20 he's anal. Everybody knows how anal he is."

21 And the man stood up in front of the  
22 employee -- we have a banquet every year, awards  
23 banquet. It's been videotaped. You should --  
24 somebody at the office will have it. They videotape  
25 it. He gets up there and he gives my investigator an

1 award for he did a really good job investigating the  
2 case for me on a death penalty case, and rather than  
3 saying, "This is for such a great job that  
4 Investigator Dougan did," you know, "everybody applaud  
5 him," he says, "We're giving this because Chris is  
6 anal. He's anal retentive. Everybody knows how anal  
7 retentive he is."

13:39:58

8           These are the sort of things that I got. I  
9 got little commentaries. And --

10       Q     Can I ask you --

11       A     Sure.

12       Q     -- the first conversation with --

13       A     Uh-huh.

14       Q     -- Mr. Lafferty was in November or December  
15 of 2011?

16       A     Correct.

17       Q     When did this employee-of-the-month "He's  
18 anal" incident occur?

13:40:27

19       A     I think that happened almost a year later.  
20 That was in 2012, or at least six months later.  
21 Sometime in 2012.

22       Q     And you believed a delay in giving you the  
23 employee-of-the-month award was due do your  
24 discussions of the Parker case with Mr. Lafferty?

25       A     In part. Not just my discussions but my



1 opinion on the case.

13:40:58

2 Q Because you didn't agree with him?

3 A Correct. Absolutely.

4 Q Was that the first time you hadn't agreed  
5 with Mr. Lafferty?

6 A That's a vague question. I don't know.

7 As far as something professionally, I think,  
8 yes.

9 Q You had always agreed on cases that --  
10 whether cases should be prosecuted previously with  
11 Mr. Lafferty?

12 A Yes, but please don't -- let's not paint the  
13 wrong picture.

14 When you're assigned a case, you don't take  
15 it to Mr. Lafferty and say, "Okay. I think this case  
16 is good." You don't do that. It's already been --  
17 it's already been vetted by an investigator with the  
18 law enforcement agency and a filing deputy, and then  
19 the case goes to you. And it's -- for murders, they  
20 get reviewed. They go through a review board to  
21 establish that there is probable cause at a minimum to  
22 file the case, and realistically you're looking at can  
23 you prove the case beyond a reasonable doubt before  
24 it's filed based upon the evidence, so --

13:41:29

13:41:58

25 Q That had already been done in the Parker case

1 then?

2 A Oh, yes. There was already a staffing by  
3 Ms. Di Maria, if I recall correctly.

4 After it had been filed and she had the case  
5 for a while, I believe she had a -- excuse me -- she  
6 had a staffing to dismiss the case prior to me getting  
7 the case.

8 Q So Ms. Di Maria also disagreed with  
9 Mr. Lafferty on whether the Parker case should  
10 proceed?

11 A I don't know. I wasn't present for the  
12 conversation. You'd have to ask her.

13:42:29

13 Mr. Lafferty just told me -- I'm telling you  
14 what Mr. Lafferty told me and what Ms. Di Maria told  
15 me.

16 Mr. Lafferty told me, you know, "Lisa Di  
17 Maria thinks that the guy's innocent," and then he  
18 rolled his eyes [indicating] and he said, "You know  
19 Lisa."

20 Q So did you interpret from that that  
21 Mr. Lafferty disagreed with Ms. Di Maria's position  
22 about the Parker case?

23 A Yes.

24 Q In addition to receiving the  
25 employee-of-the-month award later --

13:43:08

1 A Uh-huh.

2 Q -- than had occurred previously, were there  
3 any other negative consequences to you from your  
4 disagreement with Mr. Lafferty over the Parker case?

5 A That, again, kind of misstates what I'm  
6 saying.

7 It wasn't that they gave it to me later. 13:43:27  
8 That's not the problem. It was what they said --  
9 Mr. Zellerbach said in front of everybody to me.  
10 That's unheard of. That is -- I've never heard of  
11 anybody -- any derogatory statements made in these  
12 sort of meetings. They're not for that. They're the  
13 opposite. And then the look he gave me when he said  
14 it. He just -- literally, I was off to his side, he's  
15 facing everybody, and he's telling everyone how anal I  
16 am. And then he just turns and he gets this smirk on  
17 his face, and he stops and he smirks and he looks at 13:43:58  
18 me.

19 I turned and I looked at Mr. Lafferty who was  
20 behind him. Mr. Lafferty just had this look like,  
21 "Oh, no" on his face, and he rolled his eyes and went  
22 "Oh," and he even put his hand up to his face and he  
23 turned away as if to me to indicate he realized that  
24 was extremely inappropriate and should not have been  
25 said.

1           Afterward -- I walked up to Mr. Lafferty  
2 afterward and I said, "What was that commentary  
3 about?"

4           And he said, "You know, I have to apologize  
5 for him. That was wrong. He shouldn't have said  
6 that. But I think he thinks he's funny. That's  
7 what it is. He really thinks he's funny."

13:44:29

8           I said, "There was nothing funny about  
9 that."

10           He said, "I know, but I think in his mind he  
11 does."

12           I said, "Well, I don't agree with that."

13           I think it was pretty obvious because he kept  
14 repeating it, like, maybe three, maybe four, times  
15 throughout this meeting.

16           Q     So Mr. Lafferty thought that was a bad thing  
17 to say to you?

18           A     Yes.

19           Well, he said that he thought it was.  
20 Whether in fact he did think it, I don't know, but  
21 that's what he told me.

13:44:59

22           Q     Okay. So what negative things did  
23 Mr. Lafferty do to you because you disagreed with him  
24 about probable cause for the Parker case?

25           MR. WEAVER: Objection. Vague as to time.

1 BY MS. KOLE:

2 Q Are you aware of anything negative that  
3 Mr. Lafferty did toward your employment because of  
4 your disagreement with him over how the Parker case  
5 should be handled?

6 A Oh, yes, absolutely.

7 Q Okay.

8 A Before I go on, back to that one statement,  
9 you need to interview or depo Sylvia Davila. She was  
10 present. Talk to her and ask her what she thought  
11 about that commentary that Mr. Zellerbach made to me.

13:45:26

12 She afterward approached me and said, "I  
13 can't believe he did that. That was the rudest  
14 thing I've heard in my life. I can't believe he  
15 said that."

16 So it wasn't just my individual perception.  
17 There were other people including Mr. Lafferty who  
18 thought that was inappropriate.

19 And, now, back to --

20 Q If you want to talk about Mr. Zellerbach now,  
21 we can do that.

22 Are there other things you believe  
23 that Mr. Zellerbach did to you --

24 A Uh-huh.

13:46:00

25 Q -- that were negative towards your employment

1 that were a result of your disagreement with  
2 Mr. Lafferty about the Parker case?

3 A Yes, and not only Mr. Lafferty,  
4 Mr. Zellerbach. Mr. Lafferty doesn't make the  
5 decision without consulting first with Mr. Zellerbach,  
6 so it's a -- Mr. Lafferty is a representative of  
7 Mr. Zellerbach. They get together and they decide a  
8 decision on a case. So it's a collective decision  
9 even though Mr. Zellerbach has the final say-so.

10 Q Did you have any conversations with  
11 Mr. Zellerbach about the Parker case?

13:46:30

12 A I'm trying to think on that one.

13 I think it may have been momentary, nothing  
14 official. I may have had one, maybe two, but I think  
15 brief conversations.

16 Q Do you recall the substance of those  
17 conversations?

18 A Had to do further testing, didn't think -- as  
19 it stood, it didn't appear as though we could prove  
20 beyond a reasonable doubt that the man committed the  
21 crime.

13:47:00

22 Q Is that what you said?

23 A No. I'm summarizing. In substance, like you  
24 said. You asked for the substance of what was said,  
25 not specifically what I said. I don't recall

1 specifically what I said. There were so many  
2 conversations.

3 Q What you were summarizing, was that your part  
4 of the conversation or Mr. Zellerbach's part of the  
5 conversation?

6 A My part of the conversation.

7 Q Okay. What was Mr. Zellerbach's part of  
8 conversation?

9 A No response. 13:47:28

10 Q No words uttered at all?

11 A I don't recall that he made any response.

12 I recall Mr. Lafferty interjecting and  
13 saying, "We'll talk about that, Chris."

14 Q So this was a meeting between -- or a  
15 conversation between Mr. Zellerbach, Mr. Lafferty and  
16 yourself?

17 A No. I believe it started out a conversation  
18 between Mr. Zellerbach and myself, and Mr. Lafferty  
19 was present in the room and interjected. I think that 13:47:57  
20 was in Mr. Lafferty's office when Mr. Zellerbach was  
21 present out in Indio for some sort of incident or  
22 event.

23 Q Maybe we should go back to Mr. Lafferty  
24 first --

25 A I agree.

1 Q -- because that's where -- would you say you  
2 had more than five conversations with Mr. Lafferty  
3 about the Parker case and whether there was probable  
4 cause to proceed?

5 A Yes.

6 Q Would you say you had more than ten  
7 conversations?

13:48:28

8 A Possibly. I can't say for certain, but I  
9 think so, yes.

10 Q Do you think you had less than twenty  
11 conversations with Mr. Lafferty about the Parker  
12 case?

13 A Yes.

14 Q And you also sent him written communications  
15 about the Parker case?

16 A Yes.

17 Q At some period -- after some period of time  
18 the Parker case was reassigned to someone else; is  
19 that correct?

20 A When I was demoted into filings, that's when  
21 the case was taken from me. As far as I know, it  
22 wasn't reassigned to anybody. It was taken from me.  
23 And that's -- that was in 2013, right around September  
24 of 2013, maybe October, right in there. And that's  
25 after we'd found the admissions and the jail calls

13:48:56



1 from Mr. Parker's roommate who, on those jail calls,  
2 admitting to murdering the victim in the case in  
3 question.

13:49:31

4 Q So do you believe you had the case for about  
5 two years?

6 A Just over two years. Right around --  
7 approximately two years, yes.

8 Q Do you recall sending emails telling other  
9 people that were inquiring of you in the office that  
10 it wasn't your case, you just made appearances on  
11 it?

12 A Correct.

13 At one point in time Tricia Fransdal said,  
14 "Give me the case back," after one of my memos stating  
15 that this case is not -- or this case is -- the guy's  
16 innocent.

13:49:58

17 Tricia Fransdal said, "Fine. Give me the  
18 case."

19 I said, "Okay. I'll bring you the discovery.  
20 I'll bring it to you."

21 And she responded, "No. You're going to hang  
22 on to the case."

23 "Well, what do you mean? Are you taking the  
24 case from me or do I retain the case?"

25 "Well, you're going to retain the case and

1 you're going to make appearances and you're going to  
2 handle the case, but it's assigned to me."

3 "Okay."

13:50:29

4 And then after that -- that makes no sense at  
5 all. You technically don't have the case but make all  
6 the appearances, get it ready for prelim, get it ready  
7 for trial, and actually take it to preliminary  
8 hearing, that means in fact that case is yours.

9 So at that point in time when there was a  
10 response, I think -- we get -- used to get emails  
11 from -- who was it? -- Probation and Victim Witness  
12 people for restitution because Probation had to draft  
13 a probation report for all cases, so they want to know  
14 what -- they keep you apprised of what the restitution  
15 is in the case so if the case pleads out, you can tell  
16 the court this is the restitution amount and the court  
17 can order that the defendant pay restitution to the  
18 victim's family in whatever the amount is. So I think  
19 that is the only question or -- pardon me -- email  
20 that I recall responding it's not my case because  
21 technically I think right around there it recently had  
22 just been taken from me, and then I started  
23 approaching Tricia on the case, and she didn't want to  
24 deal with it, and she said, you know, "Well, go ahead  
25 and respond to it. You take care of it."

13:50:58

13:51:28

1           At that point in time -- I mean when someone  
2 says that, it's your case, so --

3           Q     Do you have an opinion on when your  
4 responsibility for the Parker case ended?

5           A     Yes. It would have been, I think, October,  
6 2013. That was right after -- once I'd found those  
7 voice admissions from Mr. Parkers's roommate, I was in  
8 contact with Mr. Lafferty and Ms. Fransdal, and  
9 Ms. Fransdal said, "Deal with Sean Lafferty. I  
10 don't" -- you know -- "I want nothing to do with the  
11 case."

13:51:59

12                     "Okay. Fine."

13           So I started dealing with Mr. Lafferty,  
14 and on those -- on those jail calls, once he got  
15 them, he said -- I asked him -- I said, you know,  
16 "Do you want" -- "What do you want me to do with the  
17 case?"

18           And at that point he said -- you know, I  
19 said, "Do you want mean to reassign it" when I had  
20 been sent down to filings, and he said, "No, no, no.  
21 Give me the case. I'll take care of it."

13:52:29

22           I asked him if he wanted me to turn over  
23 the -- you know, the discovery.

24           He told me, no, he didn't want me to turn  
25 over the discovery, which -- that's a big no-no.

1 That is a "go" preceded by "no" overall which makes it  
2 a no-go.

3 THE REPORTER: I'm sorry? That is a --

4 THE WITNESS: -- go, g-o, preceded by a no, n-o,  
5 which makes it a no-go.

6 A little service lingo there coming out.

7 You have an absolute duty to turn over all  
8 your discovery, particularly anything that is even  
9 implicitly exculpatory, could prove his innocence.

13:52:59

10 When another person says, "I killed this guy,  
11 ha, ha, ha. I cut his head off, ha, ha, ha," you need  
12 to turn that over.

13 Mr. Lafferty told my investigator not to turn  
14 that discovery over. He was in disbelief, Gordon  
15 Govier, G-o-v-i-e-r.

16 Mr. Lafferty also --

13:53:28

17 BY MS. KOLE:

18 Q Did you send yourself --

19 A And --

20 Q I'm sorry.

21 THE REPORTER: Excuse me. Can we slow this down a  
22 little bit.

23 THE WITNESS: Sorry.

24 BY MS. KOLE:

25 Q Did you send yourself from your work email to

1 your cross227 email copies of your memos to  
2 Mr. Lafferty?

3 A Some of them, and some of the emails I did,  
4 yes.

5 Q Do you recall when you did that?

6 A No, I don't.

7 Q Do you have them in your possession? And I 13:53:59  
8 don't mean here personally with you; I mean at your  
9 home or another area that you consider within your  
10 control.

11 A Yes.

12 Q And why did you send those to yourself?

13 A Because it was wrong what he was doing. I  
14 could see the harassment coming. I could see they  
15 were setting me up to fire me, and I was scared, and I  
16 thought, oh, this isn't right; I need to hang on to  
17 some sort of evidence.

18 I had certain people, Dave Greenberg, say, 13:54:28  
19 "No, you never said that to me. Did you get it in  
20 writing?"

21 "Dave, you told me you weren't going to  
22 assign me to any other cases."

23 "I don't remember saying that. You didn't  
24 put it in writing; it didn't happen."

25 "Do you want me to put this in writing?"

1 "Yep. You're going to have to."

2 And once I started putting things in writing,  
3 that's when things started getting really nasty for  
4 me.

5 Q I'm talking specifically about the Parker  
6 case.

7 A Uh-huh.

8 Q Do you know when you sent those, your memos,  
9 to your home email address?

13:54:58

10 A No, I don't.

11 Q And did you also email to yourself the  
12 transcripts from the jail conversations you've  
13 been --

14 A Yes.

15 Q -- describing?

16 And you still have those?

17 A Yes, I do.

18 You have -- all the stuff you have. I've  
19 turned it all over. I've turned it all over to my  
20 attorneys who turned it over to you, so you know  
21 exactly what I have.

13:55:25

22 MS. KOLE: I need to take a little break.

23 All right, Chris?

24 MR. WEAVER: Sure.

25 MS. KOLE: Thank you.

1 VIDEOPHOTOGRAPHER: The time is 1:55 p.m. and we are  
2 off the record.

13:55:40

3 (Recess)

4 VIDEOPHOTOGRAPHER: The time is 2:05 p.m. and we are  
5 back on the record.

14:04:58

6 BY MS. KOLE:

7 Q Mr. Ross, do you believe that you were  
8 harassed by any employee or supervisor of the County  
9 of Riverside?

10 A In what time period?

14:05:28

11 Q Any time period that you believe is relevant  
12 to your lawsuit.

13 A Yes.

14 Q And who do you believe harassed you?

15 A Directly or indirectly?

16 Q In all ways.

17 A Oh, I think Sean Lafferty.

18 I think Tricia Fransdal, Jeff Van Wagenen

19 or Jeffrey Van Wagenen, Paul Zellerbach, Dave

14:05:59

20 Greenberg.

21 Q And so those are the named defendants in your  
22 lawsuit?

23 A Yes.

24 Q Is there anyone else that -- another employee  
25 of the County of Riverside that you believe harassed

1 you?

2 A I have suspicions, but right now it would be  
3 speculative until more information comes forward, so  
4 I'm going to say at this point in time, no.

14:06:26

5 Oh, yes, there are other people, too. I  
6 forgot.

7 Human Resources. Who was the -- Rene Goldman  
8 I think is who it was, the supervisor of Vanessa  
9 Ignacio, and I guess you could say Vanessa herself as  
10 well. It's my understanding that she was acting under  
11 the direction of Rene Goldman.

14:06:53

12 Q When did the harassment by David Greenberg  
13 begin?

14 A Let me think.

15 That would be 2013. I would say that was  
16 probably September, maybe late August.

14:07:25

17 Q And what did the harassment consist of at  
18 that time in late August or September of 2013 by  
19 Mr. Greenberg?

20 A It continued through until the conclusion of  
21 my administrative leave.

22 Q I asked you something a little bit different.  
23 I asked you what did the harassment consist of at that  
24 time in late August or September of 2013 by  
25 Mr. Greenberg.

14:07:59



1           A     It -- I would say it's cumulative and it  
2 started this way. And I have to -- I'm sorry -- I  
3 have to kind of put it all together so it makes  
4 sense.

5                     But I -- in August, I believe -- maybe it  
6 was -- no, it was before that. Maybe it was in  
7 July -- or maybe June -- when I disclosed to  
8 Ms. Fransdal -- it would have been in June -- so when  
9 I disclosed to Ms. Fransdal the problems or the  
10 potential problems neurologically with myself, about a  
11 week or two later -- that would have been in maybe mid  
12 June so maybe a week after that, maybe two, somewhere  
13 in there -- Dave Greenberg called me on the phone, and  
14 he asked me, "Is there anything I can do to  
15 accommodate you? Do you want to go to filings? Is  
16 there anything you want to do?"

14:08:29

17                     And I said, "No, not at this point, because  
18 I've taken care of my cases with the defense attorneys  
19 and they've continued them beyond the first of the  
20 year for trial dates, so my caseload's fine. At this  
21 point in time I don't need to be transferred."

14:08:57

22                     He said, "Okay, fine."

23                     I said, "Just do me a favor. Don't give me  
24 any new cases. I don't need the stress of having new  
25 cases or anything of that nature."

1           He said, "Not a problem. You got it. You  
2 won't get any new cases."

3           So then in September -- I don't remember the  
4 date -- probably mid September, I'd say around the  
5 15th, somewhere around there -- I get called into  
6 Ms. Fransdal's office and I get assigned a three  
7 co-defendant case that is a special circumstance  
8 homicide, three co-defendants killed an individual,  
9 and it hasn't yet been staffed for death yet, none of  
10 the discovery's been turned over in three years,

14:09:28

11 there's been multiple motions and whatnot, orders to  
12 compel, things like that, and so after I got that  
13 case I immediately emailed Dave Greenberg and said,  
14 "Dave, you said I wouldn't get any new cases. Why is  
15 Tricia Fransdal giving me her case that was assigned  
16 to her."

14:09:57

17           And he said, "Come by my office and we'll  
18 speak tomorrow."

19           So I came by his office the next day. We  
20 spoke, and that's when he said, "I never told you  
21 that."

22           I said, "I beg your pardon? On the phone you  
23 told me I would get no new cases."

24           And he said, "Well, let me put it to you this  
25 way: Did you get it in writing?"

14:10:29

1           And I said, "What are you talking about? No.  
2 We don't need to put things in writing."

3           And he said, "Well, I'm sorry. That's the  
4 way things are now. You have to put things in  
5 writing. Otherwise, it didn't happen."

6           I said, "Do you want me to put this in  
7 writing?"

8           And he said, "Well, you're going to have to.  
9 Otherwise, there's nothing I can do."

10           So at that point when I put it in writing,  
11 everything that had transpired, that's when I started  
12 receiving meetings: "You need to come into the office  
13 with Sean Lafferty and me." 14:10:56

14           And Greenberg was present for these meetings,  
15 Tricia Fransdal and Sean Lafferty, and they were  
16 hostile, angry. Honestly, they were abusive. They  
17 were verbally abusive.

18           Q     What did Mr. Greenberg say at the meetings  
19 that was verbally abusive to you? 14:11:30

20           A     Well, Sean Lafferty -- Dave Greenberg himself  
21 didn't say anything, per se, that was verbally  
22 abusive.

23           When they have meetings, understand, it's  
24 collectively there's one person who is in charge and  
25 they speak on behalf of the group.

1           It's -- think of it this way: At a table  
2 like this, I sit on one side, they sit directly across  
3 from me, like a panel or a review board.

14:11:58

4           Q     Did Mr. Greenberg intimidate you in those  
5 meetings?

6           A     No.

7           Q     So if I understand what you're telling me  
8 correctly, they harassment by Mr. Greenberg was  
9 promising you no new cases in about July of 2013 and  
10 then telling you in September of 2013 that he never  
11 told you that?

14:12:29

12          A     No. No, no, no, no, no.

13                 Doctrine of complicity, knowledge and intent  
14 to act.

15                 They all collectively got together, and they  
16 decided to make all these decisions and to call me  
17 into these meetings, text me, and say, "You're late  
18 for a meeting in five minutes. You need to get in  
19 here now," text me at 5:00, 5:15 in the afternoon and  
20 say, "You have a meeting tomorrow at 8:30 in the  
21 morning" or at nine o'clock.

22                 That's never been the way meetings have been  
23 done, particularly with Mr. Lafferty.

24                 And then when they don't tell you what the  
25 meeting's about, something is amiss there. Something

14:13:00

1 is wrong. It's fishy.

2 And so what would happen was typically you  
3 schedule a meeting -- Sylvia Davila calls you up and  
4 says:

5 Sean wants to meet with you. This is  
6 what it's about. What day is good for you?  
7 He's available on A, B and C date.

8 These meetings started happening as  
9 harassment, here again. I mean it was every day  
10 waking up going, "Great. I wonder if I have a  
11 meeting where they're going to yell and scream at me  
12 again."

13 Q Okay. Backing up a little bit, you did not  
14 think then that in July of 2013 when Mr. Greenberg  
15 promised you no new cases and then in September of  
16 2013 when he said he never told you that, you did not  
17 think that was harassment?

14:13:26

18 A Well, what it -- well, that's kind of a hard  
19 question. You're boxing me into something and I  
20 really don't want to answer it, say yes or no, because  
21 it can't be answered yes or no. It contributed to it,  
22 yes. It directly led to it, the meetings that  
23 happened afterward, and the response, yes.

14:13:57

24 Dave said to me after I typed up the email of  
25 our conversation and sent it to him, he called me and

1 he -- or he talked to me in the hallway -- or in his  
2 office and said, "Well, you put it in writing. You  
3 started it. So I have to go up to Sean Lafferty with  
4 it now. We're going to have to deal with it and take  
5 care of it."

6 And then I get called into the meeting with  
7 Sean Lafferty and Dave Greenberg and Tricia Fransdal.  
8 So I would say yes. But I have to have an explanation  
9 for it. Otherwise -- I'm sorry. I don't mean to  
10 be -- you know, I don't mean to be disruptive or 14:14:29  
11 noncooperative but --

12 Q No. I -- and that's helpful for you to  
13 qualify it like that; you don't think those things in  
14 a vacuum that he said to you were necessarily  
15 harassment but they led to something that you believed  
16 was? Is that a more fair assessment?

17 A I wouldn't say in a vacuum. I would say  
18 collectively. You know, think of it as pieces of a  
19 puzzle. They're all pieces of the puzzle. You have  
20 to put them all together. So, yes. I would say that,  
21 yes, that in itself resulted in harassment that was 14:15:00  
22 part of it. They're part and parcel. You can't  
23 remove what was said in a phone conversation and then,  
24 of course, the email that I gave him and then his  
25 response, and then him going to the chain of command

1 on it and reporting to Sean and then Tricia and then  
2 calling me in and harassing me in the meetings and  
3 their subsequent conduct, so I think it's all one and  
4 the same.

5 Q Okay. So we've got a phone conversation in 14:15:28  
6 approximately July of 2013 --

7 A June.

8 Q -- in June of 2013 where Mr. Greenberg asks  
9 if there's anything he can do for you, and you --

10 A Right.

11 Q -- request no new cases.

12 A Right.

13 Q And in September of 2013 Mr. -- you get new  
14 cases and you go to Mr. Greenberg and he says, "I  
15 never told you that" and "You need to put it in  
16 writing."

17 And then the writings led to the meetings  
18 you're referring to with the larger group?

19 A You're paraphrasing it not exactly like I 14:15:58  
20 said it --

21 Q Okay.

22 A -- but I mean it's close, what you have down.  
23 But you left out the fact that in the phone  
24 conversation he agreed and said, "Agreed, absolutely,  
25 you will get no new cases. That's not a problem."

1 Q Okay.

2 A And then in the phone -- or in the  
3 face-to-face conversation when I confronted him after  
4 receiving one new case with three co-defendants, not  
5 several cases, just one, at that point in time -- I  
6 later on got two more cases, as I recall, one or  
7 two more -- two more, I think. One or two. I can't  
8 remember. But as far as that case is concerned, three  
9 co-defendants, one case.

14:16:26

10 Q Did you consider the assigning of the  
11 additional cases part of the harassment?

12 A Yes, I did.

13 Q And you also considered the meetings with  
14 Mr. Greenberg, Tricia Fransdal and Sean Lafferty as  
15 also part of the harassment

16 A Yes.

17 Q Is there anything else you considered part of  
18 the harassment?

14:16:59

19 A There's ancillary conduct that went along  
20 with that. It was just on a day-to-day basis.

21 For instance, when I was called to -- when I  
22 was called to a meeting with Sean Lafferty, his tone  
23 of voice. I'm at my desk working, typing and  
24 reviewing filings, and in once instance in late 2013,  
25 and he calls me and says, "Where are you?"



1 "I beg your pardon, Sean. I'm at my desk  
2 doing -- you know, I'm working."

14:17:28

3 And he says, "You're six minutes late for a  
4 meeting. You better get up here right now. Why  
5 aren't you here? Don't you check your emails?"

6 Well, who checks their emails at the end of  
7 the day after you've gone home now and then you show  
8 up, you know, the next day at work and you start  
9 working, things like that. You know, an email is sent  
10 when you're not there, or the tone of voice, and,  
11 yeah, he would yell at me on the phone.

12 I've had him -- you know, I did have another  
13 confrontation with him. I beg your pardon. I forgot  
14 all about that.

14:17:59

15 After the Parker case I had a case I went out  
16 to on trial with -- it was a death penalty case.

17 What was the name of that guy?

18 I don't remember, but remember the case where  
19 I got the award late for the employee-of-the-month,  
20 that case I had to try to get a courtroom assigned.  
21 It was difficult. There was another coworker -- there  
22 was one courtroom available. He wanted the courtroom  
23 for the trial because the trials last several months,  
24 and I said, "That's fine."

14:18:28

25 My boss, Otis Sterling, said, "Check with

1 Manny Bustamante and check to make sure, you know,  
2 Manny's not going to trial."

3 I checked with Manny and said: Manny, my  
4 trial date is X date. You know. "Otis wants your  
5 case to go first. Are you going to go to trial?"

6 And he said, "No, I'm fine. I'm not going to  
7 trial on those dates, but we'll wait and see. Let's  
8 just go into the courtroom, and if the judge --  
9 whoever the judge sends out I'm fine with."

10 So after I went into court on a TRC and got 14:18:58  
11 sent out to go to trial, Sean Lafferty did call me in  
12 to a meeting was what he did, and he called me in  
13 there with Otis and said -- I didn't know what it was  
14 about -- "I just need you to come up here and talk to  
15 me." And Otis was there, my supervisor, and he  
16 said -- he asked me what happened, which I  
17 just explained to you, and then he said, "You didn't  
18 say that."

19 I said, "I beg your pardon?"

20 And he said, "Oh, well, let me rephrase that. 14:19:29  
21 That's not -- that's not what Manny says that you  
22 said."

23 And I said, "Well, what seems to be the  
24 problem. I'm a little bit, you know, unaware of that  
25 I did anything wrong."

1           And he says, "Well, next time -- you know, I  
2 like people aggressive, trying to get out to trial,  
3 but, you know, Manny was -- you know, said that you  
4 took his courtroom from him."

5           I'm, "Okay. That's up to the judge, not up  
6 to me. You know. Sorry. I don't control that.  
7 Neither does Manny. It's not his courtroom. It's  
8 Superior Court. Whoever they send out, they send  
9 out."

14:19:59

10          Q     This is when Otis was your supervisor?

11          A     Yes, it was.

12          Q     So what year was that?

13          A     I think it was two thousand -- it was in 2011  
14 or '12. I can't remember which.

15                 But what ends up happening is Otis leaves,  
16 and as I'm leaving I'm talking to Sean Lafferty, and  
17 he says -- I said, "Sean, you know, here's what  
18 happened."

14:20:28

19                 And he says, "Walk with me. I've got  
20 somewhere I have to go."

21                 And we're walking, and I said, "You know, I  
22 went to Manny and I talked to him," and he stopped me  
23 and he got -- this is the first time I watched him get  
24 almost violent mad with me. He was real close to me,  
25 and he said, "Stop it. Enough."

1           And -- what did he say? I mean he got -- he  
2 was in my face. I was taken aback. I was, like,  
3 "Whoa. Where did this Dr. Jekyll and Mr. Hyde come  
4 from?"

5           Behind the desk when somebody else is present  
6 he sits with his legs crossed and he's very calm and 14:21:00  
7 his voice is very soothing, "I understand."

8           But the minute nobody else is there, I mean  
9 it was like the look on his face, showing his teeth,  
10 you know, furrowed brow, very menacing and  
11 intimidating. He was right up in my face, and he made  
12 no doubt about it, you know, told me, "Stop it. I  
13 don't want to hear it."

14           And he made some comment -- I don't remember  
15 the details -- I stopped in my track. I thought if I  
16 piss this guy off, he's going to hit me, and I didn't 14:21:28  
17 want that. And he got that way whenever people  
18 weren't around with me. So -- and then he left and I  
19 left, and that was the end of that.

20           That was the first time he became harassing  
21 to me in a threatening type of way.

22           Q    And was that because of your -- you believe  
23 that was because of your disagreement with him about  
24 the Parker case?

25           A    I -- I -- I don't know what caused it.

1 Again, I'm just telling you the first discrimin -- or  
2 harassment that I got from him.

3 Q And did you believe he was harassing you 14:21:59  
4 because of a protected characteristic of yours such as  
5 being a man?

6 A You know, that's kind of a legal conclusion.  
7 I'll leave that to you and counsel.

8 Q I'm just asking you factually what was your  
9 understanding of why he was harassing you.

10 MR. WEAVER: Objection. Calls for speculation.

11 MS. KOLE: If you have one.

12 THE WITNESS: No. I -- at that point I was  
13 worried about him, you know, physically, you know,  
14 hitting me, to be honest. The last thing I was  
15 thinking about is, "Gee, why is he doing this? Is 14:22:28  
16 this because of a suspect classification." That's the  
17 last thing on your mind when you're in a physical  
18 confrontation. He was inches from my face.

19 BY MS. KOLE:

20 Q Did you have the Parker case at that time?

21 A Yes, I did.

22 Q Did you think he was acting that way towards  
23 you because you disagreed with him about probable  
24 cause on the Parker case?

25 A Again, at that point in time the farthest

1 thing on my mind was why he was doing it. What was on  
2 my mind was get out of this situation. He's obviously  
3 upset. Don't provoke the man. He has a very short  
4 temper. Just stay away from him. Danger, Will  
5 Robinson, danger.

14:23:00

6 Q Okay. And did you file a complaint with  
7 Human Resources about that interaction with  
8 Mr. Lafferty?

9 A No.

10 Q Did you speak to your supervisor about that  
11 interaction with Mr. Lafferty?

12 A No, because my supervisor obviously went to  
13 Mr. Lafferty about me getting sent out to trial, and  
14 this was that same meeting where my supervisor,  
15 Mr. Sterling, was present. I thought, well, they'd  
16 obviously got together, spoken with Mr. Bustamante  
17 outside my presence, contrived this meeting, knew  
18 exactly what they were going to say, and that's the  
19 first time I've ever in my -- the history of the  
20 district attorney's office in my presence or to my  
21 knowledge in L.A. and Riverside where anyone is ever  
22 punished for showing up at the courtroom and  
23 saying:

14:23:28

24 "Mr. Ross," you know, "on this case are you  
25 ready?"

1 "I'm ready, your Honor."

2 "Okay. I'm going to send you out to this  
3 department."

14:23:58

4 I was in disbelief as to why that had  
5 happened and what had happened.

6 Q Did -- and so Mr. Sterling was conspiring  
7 against you with Mr. Lafferty?

8 A I didn't say he was conspiring against me. I  
9 said they got together and they discussed what  
10 Mr. Bustamante's complaint was, and they had discussed  
11 what they were going to say to me in that conversation  
12 or in that meeting.

13 Q Did Mr. Bustamante file a complaint against  
14 you for taking the courtroom?

14:24:29

15 A I have no idea. Not that I'm aware of.

16 Q And did you speak to anyone at County Human  
17 Resources about this event where you felt that  
18 Mr. Lafferty might become physically violent towards  
19 you?

20 A No. That would be foolish to do that, the  
21 repercussions of that and then they apprise him of  
22 what happened, that somebody complained on you, and  
23 then it gets worse.

24 Q We were discussing harassment that  
25 Mr. Greenberg committed toward you, and I believe we

14:24:58

1 got through the conversations in the meetings, and  
2 then you said there was some ancillary conduct, and  
3 you described the interaction with Mr. Lafferty. But  
4 was there any ancillary contact that had to do with  
5 Mr. Greenberg that you considered harassing?

6 A In the meetings I would say --

14:25:24

7 Bless you.

8 MR. WEAVER: Thank you.

9 THE WITNESS: You're welcome.

10 I would say in the meetings, again, it was a  
11 team effort against me. So, yes, I would say the fact  
12 that he was there with knowledge of the purpose and  
13 the intent to aid, abet, encourage and facilitate  
14 Mr. Lafferty's conduct in those meetings, yes, I would  
15 say that that would make him harassing. I construed  
16 that to be harassing.

14:25:59

17 BY MS. KOLE:

18 Q I think maybe your using some criminal law  
19 language with me. You said, "Aid, abet, encourage and  
20 facilitate"?

21 A Yes.

22 Q What do you mean by that?

23 A By which one? Which one of those  
24 terminologies?

25 Q Let starts with "aid," if you like.



1           A     Okay. To help somebody out. To support  
2 them, to back them up. You know what they're there  
3 for. You know what their intentions are, and you are  
4 there with the intention to help them or assist them  
5 in some sort of way.

14:26:28

6           Q     So you believe Mr. Greenberg was aiding  
7 someone in the meetings?

8           A     Mr. Lafferty. Absolutely. He absolutely  
9 was.

10                   Those meetings -- they have meetings, meaning  
11 management, executive management, the A.D.A.s, your  
12 supervisor and the chief. Mr. Greenberg was a chief  
13 deputy district attorney. They have meetings. Before  
14 they even call you in, they discuss what the potential  
15 courses of conduct or action they're going to engage  
16 in, what -- what sort of conduct they think that they  
17 should -- that they should do and what they think they  
18 should do against a particular employee.

14:26:59

19           Q     And you also used the word "abet"?

20           A     Yes.

21           Q     And what -- you believe that Mr. Greenberg  
22 was abetting someone in the meeting?

23           A     Yes, abetting, facilitating, encouraging, I  
24 think, Mr. Lafferty.

25           Q     Okay. And what does "abetting" mean to you

1 as you're using it in that sentence?

2 A It's very similar to aiding. Aiding would be  
3 something where, for instance, when they get together,  
4 distinguishing it now -- when somebody aids somebody,  
5 getting together and having the meeting and deciding  
6 to call me in would be aiding somebody, there to  
7 support somebody as the meeting's taking place, I  
8 would say that is abetting somebody.

14:27:29

9 Q And is that another synonym for "facilitate"?

10 A A little bit different, but, yes, they  
11 overlap. All those words overlap.

12 Facilitation is allowing something to happen,  
13 in my mind, how did he encourage it or allow it to  
14 happen -- not just encourage but allow it to happen.

14:27:57

15 Q Do you recall anything specific that  
16 Mr. Greenberg said to you in the meetings that you  
17 considered harassing?

18 A I'm sorry. Could you repeat that.

19 Q Yeah.

20 What I'm getting at is that you told me that  
21 Mr. Greenberg's presence in the meetings was aiding,  
22 abetting, facilitating and encouraging Mr. Lafferty,  
23 and I'm asking if there's anything that  
24 Mr. Greenberg -- you recall him saying in the meetings  
25 that you considered harassing of you.

1           A     No, but Mr. Lafferty -- it wasn't just his in  
2 presence; it was the knowledge and the fact that they  
3 had meetings and discussed my emails and the course of  
4 conduct, and the fact that they were going to have  
5 these meetings to deal with me.

14:28:30

6           Q     And --

7           A     Pardon me a second.

8                     And not only that. He wasn't just present,  
9 but he agreed to be present for the specific intended  
10 purpose, you know, of having that meeting and, you  
11 know, admonishing me.

12          Q     What knowledge do you have of prior meetings  
13 that Mr. Greenberg had with Mr. Lafferty?

14:28:56

14          A     Besides the fact that having worked there and  
15 having known that that's the way the meetings work,  
16 I'd show up early to these meeting and they were in  
17 there with the doors closed talking about the future  
18 meeting that they were going to have in the next few  
19 moments with me, not only that, but Mr. Lafferty even  
20 stated in front of Mr. Greenberg and in front of  
21 Ms. Fransdal that they had been discussing the matter  
22 amongst themselves and they'd come to a conclusion or  
23 decision, and then, of course, he would voice what  
24 that opinion and decision is.

14:29:27

25                     He also stated that he'd spoken with downtown

1 about the matter with Mr. Zellerbach and  
2 Mr. Van Wagenen.

3 Q And did you consider it to be harassing of  
4 you that Mr. Lafferty and Mr. Greenberg and  
5 Ms. Fransdal discussed the issues surrounding your  
6 employment?

14:29:52

7 A In and of itself, no.

8 Q Was there anything else that Mr. Greenberg  
9 did that you considered to be harassing of you?

10 A Yes, the fact that he lied and said he didn't  
11 say that, that he didn't make the statement about not  
12 giving me any new cases.

13 More over, he told me -- he said, "I will  
14 take that case from Tricia." He said, "I agree with  
15 you. She's just trying to get rid of her cases and  
16 dump it onto you. I'll take care of that."

14:30:26

17 And then, of course, I have this meeting a  
18 couple days later and it's flipped one hundred and,  
19 you know, eighty degrees against me. So, yes, I  
20 considered that to be harassing as well.

21 If you say something, you make a mistake or  
22 you have a disagreement because your boss tells you,  
23 "Hey, we can't do that," then just say it. You don't  
24 lie and say, "I never said that. You didn't put it in  
25 writing." You don't do that. You just turn around

14:30:57

1 and say, "I'm sorry, but Mr. Lafferty has a different  
2 opinion. After talking with Mr. Zellerbach, Chris, we  
3 have to give you more cases." But don't lie about it.  
4 That -- it's just disappointing, but, anyway -- I'm  
5 sorry. I'm just rambling.

6 Q Is there anything else that you believe  
7 Mr. Greenberg did that was harassing of you?

8 A Off the top of my head right now, no, not  
9 that I can think of besides, you know, all these  
10 meetings and the conduct that Mr. Lafferty and  
11 Mr. Fransdal and everybody took part on.

14:31:25

12 Q Is -- did Mr. Greenberg discriminate against  
13 you in any way?

14 A Please define "discriminate" for me. That's  
15 a legal term. I think -- again, I don't mean to be  
16 nitpicky -- but I don't think you should be asking me  
17 if somebody discriminated against me if there's a  
18 legal definition for me. Isn't that kind of a legal  
19 argument that you make and a court decides?

14:31:59

20 I'll be happy to tell you all the facts, and  
21 I think that's what we're here -- that's ultimately  
22 for a jury to decide, whether somebody discriminated  
23 against me, not my opinion.

24 Q Do you believe that Mr. Greenberg has any  
25 responsibility for any conduct by the County of

1 Riverside that you consider inappropriate toward  
2 you?

3 A Yes.

4 Q And which conduct is that?

5 A What I've just explained.

14:32:29

6 Q Okay. Is there anything else, or is that  
7 it?

8 A That's kind of vague.

9 At this point in time I -- I've -- I would  
10 say from what we've discussed that's it, but the  
11 problem is saying that, this took place over time, you  
12 know, from 2011 to 2013, who can remember all the  
13 details. Honestly, if you would have given me a list  
14 of the questions before we came, just like you did for  
15 this document right here, 1, and had given me a chance  
16 to research it and think about it, I could -- I could  
17 do it. My memory could be a lot more refreshed, and  
18 it could be a lot more productive for you, but off the  
19 top of my head -- that's the problem with doing these  
20 things off the top of your head. You're limited to  
21 your memory at that specific point. So I'm going to  
22 say no, but that doesn't mean there's not anything  
23 else that I won't think of later, "Oh, yeah, I forgot  
24 all about that."

14:32:58

25 Or later on in this depo you might say

1 something and I might go, "Oh, yeah, that triggered a  
2 memory."

3 Q Do you believe you were demoted? 14:33:30

4 A Oh, yes.

5 Q Do you believe that was a discriminatory  
6 act?

7 A What do you mean by "discriminatory"?

8 Q Okay. Are you alleging in this lawsuit that  
9 the County discriminated against you?

10 MR. WEAVER: Objection. Calls for a legal  
11 conclusion.

12 THE WITNESS: I'll defer to my counsel on that.

13 MS. KOLE: I'd like to ask the court reporter to  
14 mark this document as Exhibit 2.

15 (The document referred to above  
16 was subsequently marked Defendant's  
17 Exhibit 2 for identification by the  
18 Certified Shorthand Reporter and is  
19 attached hereto.)

20 BY MS. KOLE:

21 Q Mr. Ross, if you would take a look at  
22 Exhibit 2 and let me know if you recognize it.

14:34:06

23 Take as much time as you need.

14:34:11

24 A I do.

25 Q And what do you believe this to be?

1           A     It says on it, "Complaint for Retaliation and  
2 Disability Discrimination, Demand for Jury Trial."

3                     I believe it to be a document that was  
4 produced by my attorney in my case.

5           Q     Is this the complaint that you filed in court     14:35:01  
6 against the County of Riverside and the individually  
7 named defendants?

8           A     I didn't file a case in court. It would have  
9 been done by my attorney, more specifically.

10                    Let's look at the proof of service on the  
11 back. There should be more if it was filed. This one  
12 does not -- I don't see a proof of service right now,  
13 but that doesn't mean it's not here.

14                    Pardon me. It appears to have my attorney's     14:35:22  
15 signature on it. I wasn't present when this was done,  
16 but I'm going to say yes. That's my inference based  
17 upon what I see here.

18           Q     So you authorized your attorney to file a  
19 complaint on your behalf against the County of  
20 Riverside and these named defendants?

21           A     Is there an attorney-client privilege?

22                    As long as we're not getting into  
23 attorney-client privilege, what I said to my attorney     14:35:59  
24 and what I didn't say. I think that's protected, you  
25 know, Evidence Code Section 900 through 965.



1 MR. WEAVER: You can say whether I filed this on  
2 your behalf.

3 THE WITNESS: Okay. Yes.

4 BY MS. KOLE:

5 Q And this is the complaint filed on your  
6 behalf?

7 A Yes.

8 Q Is it your understanding that you believe you  
9 were discriminated against by the County of  
10 Riverside?

11 MR. WEAVER: Objection. Calls for a legal  
12 conclusion.

13 THE WITNESS: And could you define  
14 "discrimination" for me.

15 BY MS. KOLE:

16 Q Did you authorize your attorney to file a  
17 complaint on your behalf that's titled "Complaint for  
18 Retaliation and Disability Discrimination"?

14:36:30

19 A I'm sorry, Counsel. I think I just answered  
20 that two times for you.

21 Yes. And, again --

22 Q And is it your understanding that your  
23 complaint alleges that you were discriminated against  
24 by the County of Riverside?

25 A Could you -- and this a civil complaint. I'm

14:36:59

1 not familiar with it. If you could please just show  
2 me the causes of action, it answers -- it will answer  
3 the question for us. What page and line number,  
4 please?

5 Q That's all right. I'll ask the questions.

6 A Okay.

7 Q Do you believe Jeff Van Wagenen discriminated  
8 against you?

9 A So I can adequately answer the question, what  
10 do you mean by "discriminate"?

11 Q Do you believe Jeff Van Wagenen harassed  
12 you?

13 A What do you mean by "harassed"?

14 Q I mean the same thing I did when I asked the  
15 question about David Greenberg harassing you.

16 A Okay. And just please give me a definition 14:37:29  
17 so we're on the same sheet of music.

18 Q You can use the same definition you used when  
19 you answered the question about David Greenberg.

20 A Again, what I'd like to know is what your  
21 definition is so we can be on the same sheet of music.  
22 I don't want something misconveyed or misconstrued  
23 later on at a future date, and you -- for you to say,  
24 "Oh, you said," or, you know, "In your deposition you  
25 said." I'm just trying to clarify it for you so

1 there's no ambiguity.

2 Q Is there anything that you believe  
3 Mr. Van Wagenen did to you that was inappropriate?

14:37:58

4 A Yes.

5 Q And what is that?

6 A These meetings that all took place with  
7 Mr. Lafferty and Mr. Greenberg and Ms. Fransdal in  
8 addition to my demotion to the filings department,  
9 those were all at the approval and direction of  
10 Mr. Van Wagenen and, of course, with Mr. Zellerbach  
11 as well.

12 More over, when I was on administrative  
13 leave, I got a phone call from -- was it -- was it --  
14 not Martha Herrera -- Rene Goldman, I think, is who it  
15 was -- and she stated to me that I needed to come down  
16 to Riverside immediately for a meeting with  
17 Mr. Van Wagenen and Mr. Lafferty.

14:38:29

18 And I said, "About what?"

19 And she said, "It's about you need to waive  
20 your HIPAA rights and give us your medical records."

14:38:59

21 And I said, "Hmmm. I can't make that today."  
22 It's -- it was about 1:30 or two o'clock in the  
23 afternoon and I was in Indio.

24 I said, "No, I'm sorry. Is there any way we  
25 can find out if we can do it tomorrow?"

1           And she said, "I'll call you back."

2           That did not seem right to me.

3           As it turns out, I went through my union  
4 representative and found out that it was a meeting of  
5 all the A.D.A.s who were going to be there as well as  
6 Rene Goldman, and it was going to be recorded and  
7 there were going to be documents produced, and it was  
8 a little more encompassing and inclusive of me waiving  
9 my medical record rights or HIPAA rights and  
10 disclosing my medical records.

14:39:26

11           Mr. Van Wagenen told my union representative,  
12 Sean Lafferty, if I didn't waive my rights and give up  
13 my medical records that I would be disciplined for  
14 insubordination by the County of Riverside.

15           Mr. -- Mr. Fimbres, Anthony Fimbres, asked at  
16 my request -- asked Mr. Van Wagenen, "Who told you  
17 this, and what is the authority for this?"

14:39:56

18           And he said, "The County of Riverside. I  
19 called the County of Riverside H.R. Department" -- he  
20 wouldn't give a name -- and he said, "That's what they  
21 said."

22           I sent an email back to Ms. Goldman and said,  
23 "Who's going to be at the meeting, when is it, I want  
24 any documents that are going to be reviewed so I can  
25 review them prior to this meeting tomorrow, and who

14:40:29

1 told you we're going to have this meeting?"

2 Of course, I didn't get an immediate response  
3 which is why I had to go through my union  
4 representative.

5 And it turns out that it was Mr. -- my  
6 understanding is it was Mr. Van Wagenen's idea to  
7 state that I have to waive my HIPAA rights and turn  
8 over my medical records or else I would be disciplined  
9 for insubordination and possibly fired for not turning  
10 over my medical records. So I found that to be very  
11 discriminatory --

14:40:58

12 Q Is there anything else --

13 A -- or harassing.

14 Q -- that Mr. Van Wagenen did to you that was  
15 harassing?

16 A Yes. He was the one that approved all these  
17 meetings and all the conduct that they did. That was  
18 from -- Mr. Lafferty himself told me that.

19 Q When did Mr. Lafferty tell you that  
20 Mr. Van Wagenen had approved all the meetings?

21 A During every meeting with the exception of  
22 one, I believe.

23 Q Did he volunteer that information?

24 A Yes, he did.

25 I think -- now, it depends on which meeting.

14:41:30

1 I think on one of those meetings I asked,  
2 "Did you talk to downtown, and did you talk to  
3 Mr. Van Wagenen or Mr. Zellerbach?" and he affirmed  
4 and said that he had, he'd spoken with both.

5 Q Is there anything else that Mr. Van Wagenen  
6 did that was harassing?

7 A Off the top of my head I can't say there was,  
8 no.

9 Q You mentioned that with regard to  
10 Mr. Van Wagenen --

11 A Uh-huh.

12 Q -- that one of the harassing acts he took was  
13 your demotion to filings.

14:41:59

14 A Yes.

15 Q Was that also an action that Mr. Greenberg  
16 took?

17 A Yes.

18 Q And was that also an action that  
19 Mr. Zellerbach took?

20 A Yes.

21 Q Was that also an action that Ms. Fransdal  
22 took?

23 A Yes.

24 Q And was that also an action that Sean  
25 Lafferty took?

1 A Yes.

2 Q And was that also an action that Rene Goldman  
3 took?

4 A No. That I'm aware of, no.

5 Q And was that also an action that Vanessa  
6 Ignacio took?

7 A No.

8 Q And why do you call the filings position a  
9 demotion? What makes you think of it that way?

14:42:30

10 A Anybody in the district attorney's office  
11 knows that people are put in filings who can't do  
12 their job as an attorney, they can't cut it. So what  
13 they do is they put them in filings and, as  
14 Ms. Fransdal told me herself, "We put people in  
15 filings and preliminary hearings until they get so  
16 upset that they -- and frustrated that they quit."

14:43:00

17 It's based on my experience and my  
18 interaction.

19 Q When did Ms. Fransdal tell you that they put  
20 people in filings and prelims until they get so  
21 frustrated they quit?

22 A Well, she told it to me on three different  
23 occasions in her office. I don't recall the dates.  
24 It would have been from maybe 2012 until 2013.

14:43:23

25 Q Was there a particular employee she was

1 referring to when she said that?

2 A Not that I recall, no.

3 Q Who else was present when she said that?

4 A Just myself.

5 Q On the first time she said that to you, had  
6 you come to see her in her office?

7 A Yes, I had.

8 Q And do you recall what the purpose was that  
9 you had come to see her in her office?

14:43:55

10 A I believe, as I recall, the purpose of seeing  
11 her was regarding cases. Certain things need approval  
12 by supervisors, and you need advice on how to proceed  
13 with a case. So it was -- it would have been for  
14 something along those lines.

15 Q Do you recall that conversation, or are you  
16 just assuming that was it?

17 A I'm sorry?

18 Q Do you recall that conversation specifically,  
19 or just -- or are you just assuming that's why you  
20 were in her office on the first occasion when she told  
21 you, "We put people in filings and prelims until they  
22 get so upset they quit"?

14:44:28

23 A No. I remember it was -- it had to do with  
24 handling cases. That's typically about the only  
25 reason, unless she called me into her office. That's



1 the only reason I would go into her office.

2 Q Okay. And on the second occasion had she  
3 called you into the office?

4 A No. I believe I went to see her for -- for  
5 advice on a case.

14:44:56

6 Q Do you recall what case you were seeking  
7 advice on?

8 A No. And it -- I'm sorry. Please go ahead.

9 Q On the third occasion that you were in her  
10 office when she told you why they put people in  
11 filings and prelims, what brought you to her office on  
12 that occasion?

13 A You know, I'm going to have to redact my  
14 answer, come to think of it, on the second meeting.

15 One of the things I talked to her -- there  
16 were multiple things, but one of the things I was  
17 talking to her about was the Parker case, and then it  
18 led into discussions of, you know, cases and caseloads  
19 and people doing their job and whatnot.

14:45:30

20 And on the third time -- I'm trying to think  
21 of what it was about. It had -- I don't recall the  
22 specifics. I'd be speculating. I'm sorry.

14:45:55

23 Q Did Mr. Lafferty ever tell you that he put  
24 people in filings or prelims until they got so upset  
25 that they quit?

1 A No.

2 Q Did Mr. Van Wagenen ever tell you that?

3 A No.

4 Q Did Mr. Zellerbach ever tell you that?

5 A No.

6 Q Did Mr. Greenberg ever tell you that?

7 A No.

8 Q Did Ms. Goldman ever tell you that?

9 A No.

10 Q Did Ms. Ignacio ever tell you that?

11 A Ms. Hernandez, Ignacio Hernandez, no.

12 Q When Ms. Fransdal told you that, "We put  
13 people in filings or prelims so -- until they get so  
14 upset they quit," did she say who was responsible for  
15 making the assignment to filings?

14:46:29

16 A Zellerbach. She did say that specifically.

17 And she also on one occasion mentioned  
18 Mr. Lafferty, mentioned that Mr. Lafferty concurs with  
19 her opinion that people who are nonproductive could go  
20 into prelims or filings or some sort of position that  
21 was uncomfortable until they quit.

14:46:59

22 Q And did Ms. Fransdal tell you that Zellerbach  
23 said that specifically on the first occasion you heard  
24 that from her?

25 A No. The first occasion, to my memory, was

1 just her statement that was her belief.

14:47:28

2 Q Was she referring to herself assigning people  
3 to filings?

4 A No. She was talking -- she said, "We'll  
5 just send them into prelims or to filings until they  
6 quit."

7 Q So it was an undefined "we"?

8 A Correct. Yes.

9 Q And at what point -- in which of these  
10 meetings did she mention Mr. Zellerbach was the "we"  
11 sending people into filings?

12 A I think the second meeting.

13 Q And was that also the meeting where she said  
14 that Mr. Lafferty agrees that prelims and filings are  
15 the right place for nonproductive people?

14:48:00

16 A Well, again, it wasn't -- she didn't say that  
17 Mr. Zellerbach said that was the right place for  
18 nonproductive people. It was, "We'll put them there  
19 until they quit." And she said that that was -- on  
20 the third meeting, she said that that was Mr. --  
21 Mr. Lafferty's -- you know, he agreed. That was his  
22 opinion as well.

23 And I'm paraphrasing because I can't remember  
24 the exact terminology she used.

14:48:28

25 Q Were you aware of any assistant district

1 attorney in Indio being transferred to filings?

2 A At what point in time?

3 Q Any time while you were an employee there.

4 A Oh, yes.

5 Q And who do you recall the first one being  
6 transferred to filings?

7 A The first one -- I don't know who was first.  
8 I know several people who were transferred to filings.

9 Q And who were those people?

10 A Oh, Christie Hester. And then Kevin Shek. 14:48:58  
11 Aileen Alvarez requested it. She -- poor thing, she  
12 had cancer, and then she came back to work part time,  
13 so she requested to go to filings.

14 Interestingly enough, Ms. Fransdal said that  
15 the rest of them are all worthless. Aileen's the only 14:49:28  
16 one that actually produces. And I don't recall which  
17 meeting that was in.

18 Q Ms. Fransdal said that Christie Hester was  
19 worthless?

20 A She said that -- no, that Aileen Alvarez was  
21 the only one that worked, and the rest of them in  
22 filings were all worthless. So that would be Christie  
23 Hester, and that would be Kevin Shek, and that would  
24 be Doug Ghee.

25 Q Did Mr. Greenberg tell you that Christie 14:49:55

1 Hester, Doug Ghee, and Kevin Shek were worthless?

2 A No.

3 Q Did Mr. Greenberg tell you that Aileen  
4 Alvarez was a good producer working in filings or  
5 prelims?

6 A No. It was only Ms. Fransdal. However,  
7 Mr. Lafferty did say -- pardon me.

8 When I came back -- I think it was on the  
9 17th or 18th of November -- when I had to come in to  
10 get my good cause statement to return to work, he did  
11 shake my hand and say, "Chris, I just can't wait to  
12 get you back to work. Oh, God, these" --

14:50:29

13 I said, "What's the matter?"

14 He said, "All these other people, they're  
15 just -- I'm pulling my hair out with them."

16 I said, "You mean they're not -- not meeting  
17 their deadlines for filings?"

18 And he said, "Yeah, you could say that. I  
19 just can't wait to get you back to work."

20 So I mean that's implicit, but it's along  
21 those lines but nothing exact.

14:50:59

22 Q At that point on November 17, 2013, had you  
23 decided you were never going back to work?

24 A On which date? November 17?

25 Q On November 17, 2013, when Mr. Lafferty said

1 he couldn't wait to get you back to work.

2 A No.

3 Q You wanted to come back at that point?

4 A At that point, yes.

5 Q Were there any -- we had started this line of 14:51:28  
6 questioning with harassing acts by Jeff Van Wagenen.

7 Were there -- are there any other by  
8 Mr. Van Wagenen that you can recall today?

9 A Well, you'd have to talk to Mr. Nolan, Pete  
10 Nolan. He was a union ombudsman.

11 You'd have to talk to, again, Anthony  
12 Fimbres. He was a union representative for me. And  
13 John Aki was also a union representative. 14:51:57

14 In January, I think it was, of 2014 when I  
15 had this surprise meeting that was called where all  
16 the A.D.A.s were going to be there, that's when I  
17 started asking my union to make some inquiries and,  
18 you know, be present for -- for the meeting, and  
19 several of those people in my understand spoke to  
20 Mr. Van Wagenen. I think it was John Aki, A-k-i, and 14:52:26  
21 I think it was -- well, I know it was John Aki and  
22 Anthony Fimbres, F-i-m-b-r-e-s, and Pete Nolan may or  
23 may not have, N-o-l-a-n.

24 Q Did you tell John Aki in the fall or the end  
25 of the year in 2013 that there was nothing wrong with

1 you and that you could do your job?

2 A Yes.

3 Q When did you tell him that?

4 A I think it was in October when the Mayo  
5 Clinic diagnosed what was wrong with me and had ruled  
6 out the ALS and the muscular dystrophy and the  
7 multiple sclerosis.

14:52:56

8 Q Did you tell Mr. Lafferty at that time that  
9 there was nothing wrong with you and you could do your  
10 job, you didn't need any restrictions?

11 A Yes.

12 Q When did you tell him that?

13 A One of the meetings. I think when he -- I  
14 think initially at the end of September, the last week  
15 of September, we had a meeting. That's where he told  
16 me I was a nonproductive member of the homicide unit  
17 and I was a burden and I couldn't take new cases and  
18 things of that nature, and at that point in time I  
19 said, "Why don't we" -- and I couldn't go to trial the  
20 next 90 days so he couldn't keep me in the homicide  
21 unit, and I said, "I'm going to be done in the next 60  
22 at the most, you know, and we'll know one way or  
23 another. Why don't you just keep me where I'm at?"

14:53:29

24 And he said, "No. You're a nonproductive  
25 member for the reasons that I just said. I'm

1 transferring you down to" -- he said, "Nope. You're a 14:53:57  
2 nonproductive member of the homicide unit for the  
3 reasons I just said, and I'm going to transfer you  
4 down to filings."

5 MS. KOLE: Okay. You mind if we take a break?

6 MR. WEAVER: No, not at all.

7 VIDEOGRAPHER: This marks the conclusion of media  
8 Number 2 in the continuing deposition of Christopher  
9 Ross.

10 Today's date is December 9, 2014. The time is  
11 2:54 p.m. and we're off the record. 14:54:28

12 (Whereupon a discussion was held  
13 off the record.) 15:14:14

14 (Recess)

15 VIDEOGRAPHER: This marks the beginning of media 15:14:33  
16 Number 3 in the continuing deposition of Christopher  
17 Ross.

18 Today's date is December 9, 2014. The time is  
19 3:14 p.m. and we're back on the record.

20 MS. KOLE: I'd like to ask the court reporter to  
21 mark for identification a three-page document. The  
22 first page is an email from Christopher Ross to Sean  
23 Lafferty sent Friday, September 27, 2013, with an 15:14:58  
24 attachment titled "Transfer meeting.doc" and there's a  
25 two-page attachment meeting that -- I'm sorry -- a



1 two-page attachment with a date of September 27, 2013.

2 (The document referred to above  
3 was subsequently marked Defendant's  
4 Exhibit 3 for identification by the  
5 Certified Shorthand Reporter and is  
6 attached hereto.)

15:15:32

7 BY MS. KOLE:

8 Q Mr. Ross, do you recognize --

9 MR. WEAVER: I'm sorry. I was just going to ask  
10 is there a reason we're not going to use one that's  
11 Bates-stamped?

15:15:57

12 MS. KOLE: Can we go off the record a minute?

13 MR. WEAVER: Sure.

14 VIDEOGRAPHER: The time is 3:16 p.m. and we're off  
15 the record.

16 (Whereupon a discussion was held  
17 off the record.)

15:16:48

18 VIDEOGRAPHER: The time is 3:16 p.m. and we're  
19 back on the record.

20 BY MS. KOLE:

21 Q Mr. Ross, did you have a chance to look at  
22 Exhibit 3?

23 A I did.

24 Q Do you recognize the first page?

15:16:58

25 A Yes.

1 Q And what do you recognize this to be?

2 A I recognize this to be an email. It looks  
3 likes a memorialized form of an email that I had sent.

4 Q And do you recall drafting this email?

5 A Yes.

6 Q And do you recall sending it?

7 A Yes.

8 Q And the recipient is Sean Lafferty?

9 A And others: David Greenberg, John Aki, and  
10 Tony Fimbres -- or Anthony -- Antonio Fimbres.

15:17:30

11 Q And Tricia Fransdal and David Greenberg?

12 A Yes.

13 Q And the subject line is "Rotation Meeting on  
14 September 26." Do you recall that rotation meeting?

15 A Yes, I do.

16 Q And the attachment is -- do you also recall  
17 pages 2 and 3, the attachment to the email?

18 A Yes, I do.

19 Q And you say in the email:

20 Attached is a document expressing my  
21 thoughts on my situation after I've had time  
22 to reflect.

15:18:01

23 Is the attachment -- is that correct? Does  
24 the document express your thoughts about the transfer  
25 meeting on September 26?

1           A     It did at the time, yes, the time it was  
2     made.

3           Q     At the time of the transfer meeting on  
4     September 26, 2013, is that when you told Mr. Lafferty  
5     that there was nothing wrong with you and you could do  
6     your full duties?

15:18:29

7           A     I don't think so, no. At that point in time  
8     I had said, "We're going to be done in November. By  
9     November we'll know one way or another if I'm able to  
10    return or if I'm not able to return."

11          Q     Were you anticipating that you might not be  
12    able to return to your job at all?

13          A     Yes.

14          Q     On September 26, 2013, did you believe you  
15    were doing your full duties?

15:18:57

16          A     On what date again? I'm sorry.

17          Q     September 26, 2013.

18          A     Full duties with regards to -- to what?

19          Q     Your position at the County of Riverside.

20          A     I don't know how to answer that.

21                I'd handled my cases. I continued them  
22    out -- I can tell you that -- so that they didn't  
23    conflict with my medical appointments and so that they  
24    weren't going to go to trial within the next 90 days,  
25    so by January 1, 2014, they weren't going to go to

15:19:28

1 trial.

2 Q Did you consider not taking new cases a  
3 reduction in your duties?

4 A No. No, because -- well, I'll just say no.

5 Q On September 27, 2013, were you still  
6 requesting to stay in your assignment, in your current  
7 assignment, but not have any new cases assigned to  
8 you?

15:20:00

9 A Yes.

10 MS. KOLE: I'd like to ask the court reporter to  
11 mark this next document as Exhibit 4 for  
12 identification, and it's titled -- it's a one-page  
13 document titled District Attorney's Office, Riverside  
14 County, Memorandum dated September 16, 2013.

15:20:28

15 (The document referred to above  
16 was subsequently marked Defendant's  
17 Exhibit 4 for identification by the  
18 Certified Shorthand Reporter and is  
19 attached hereto.)

15:21:02

20 BY MS. KOLE:

21 Q Do you recognize this document, Mr. Ross?

22 A I do.

23 Q And what is this document?

24 A This is a District Attorney's Office,  
25 Riverside County, Memorandum dated September 16, 2013.

15:21:29

1 Q And is the subject "Rotation Request"?

2 A Yes, it is.

3 Q Were you asked to fill out this form?

4 A Yes, I was.

5 Q Who asked you to fill it out?

6 A I believe Sylvia Davila.

7 Q Do you know if she asked you to fill this out  
8 on behalf of a manager in the office?

9 A No, I do not. However, I can tell you as a 15:21:56  
10 normal course of business that these rotation  
11 memorandums, I think -- I think every six months we  
12 have to fill one out because that's when they consider  
13 rotating people. She's the one that handles all the  
14 administrative duties associated with that, so it's a  
15 scheduled, I guess, operation that has to -- that she  
16 has to do.

17 Q So this was a memorandum that you had seen  
18 several times then during the course of your  
19 employment?

20 A This, I don't know if it was -- I don't know, 15:22:29  
21 not this exact memo, but there were transfer memos and  
22 I don't know if it was exactly like that. I don't  
23 remember. But I do know that a portion of it is the  
24 same.

25 You're always asked what assignment you'd had

1 previously in your career, who your supervisor was,  
2 and I -- and they ask where you want to go.

3 Q Is this your handwriting on the form?

4 A It is.

5 Q Did you make a request for a move?

6 A In this one here? I put, "Move to something  
7 with no stress, no quotas, no deadlines, no pressure."

15:22:57

8 Q Did you have something in mind that fit those  
9 requirements?

10 A No, I did not.

11 Q Did you believe your assignment at the time  
12 you filled it out fit those requirements?

13 A You mean at the time -- at the time I filled  
14 this out on the 30th, I'd already been informed I was  
15 going to filings, so I'd been informed that "You are  
16 officially being reassigned to filings." So at the  
17 time I filled this out, no, I didn't think it met  
18 those requirements.

15:23:30

19 Filings had a quota system on them of -- we  
20 had to file a minimum of 15 cases a day, which is one  
21 every 45 minutes, three hundred to three hundred and,  
22 I think, thirty or forty a month is what the quota was  
23 on it. If not, you would get what's called a PIP  
24 action or a Personal Improvement Program. You'd get  
25 written up and you'd get admonished is what would

1 happen.

15:23:59

2 Q Did you think the filings assignment had more  
3 stress associated with it than your --

4 A Uh-huh.

5 Q -- assignment immediately prior to that?

6 A Yes. At this point in time, yes, because I  
7 was still going to medical treatment at the Mayo  
8 Clinic and I could not meet the deadlines. They knew  
9 I couldn't meet the deadlines. I'd told them  
10 expressly on the 26th in the meeting, "I can't meet  
11 these deadlines. I am going to be gone seeking  
12 treatment at the Mayo Clinic for a week at a time, and  
13 there's no way I can make that up."

15:24:30

14 So that's -- that's why I thought, no,  
15 filings was not the place to move me. That is not a  
16 place with no stress. Quite the contrary. Just about  
17 everybody in filings had been written up for not  
18 meeting their deadlines that I knew of.

19 Q And what assignment had you had prior to  
20 being transferred to filings?

21 A Homicides.

22 Q And you believed that homicide was a lower  
23 stress position for you?

24 A No. I believe based upon -- not in the  
25 abstract like that. I believe as I had manipulated my

15:25:00

1 cases in conferring with the defense attorneys and  
2 continued them out so that from this point in time,  
3 let's say, around the 30th of September until  
4 January 1st, I was not going to have to go to trial or  
5 I wasn't going to have to go to preliminary hearing or  
6 I wasn't going to have to do any motions, so as  
7 applied, yes, it was less stressful, but generally  
8 when in trial, no, it's not.

15:25:29

9 Q And does that also include the modification  
10 of not having any new cases assigned to you?

11 A Does what? I'm sorry. When you say "Does  
12 that include," what does that mean?

13 Q I asked you if you believed your homicide  
14 assignment was less stressful than filings.

15 A Okay.

16 Q And you said, no, not in the abstract, but it  
17 was as you -- in the way you had manipulated your  
18 cases it was less stressful.

19 And I asked you if that also included the  
20 modification of not having new cases signed to you.

15:25:58

21 A Okay. And I'm just asking what does that  
22 mean when you say, "Does that include"? What do you  
23 mean, "Does that include?" I'm just confused. I'm  
24 sorry.

25 Q Okay. I'll start again.



1           Did you believe the homicide position as it  
2 was for you prior to September 30, 2013, you had been  
3 able to modify it or manipulate it in such a way that  
4 it would have less stress for you than rotating to  
5 filings?

15:26:27

6           A     Yes.

7           Q     And were the two main modifications or  
8 manipulations the continuation of cases and no new  
9 cases being assigned to you?

10          A     Yes.

11          Q     Were there any other modifications or  
12 manipulations you had been able to do to your homicide  
13 position that reduced the stress?

14          A     Not that I'm aware of other than -- the only  
15 thing I might add to that was while I was gone in  
16 Arizona I had people stand in for me on cases if they  
17 had TRC dates, trial readiness conferences dates.

15:26:57

18          Q     So other attorneys covering hearings for you  
19 while you were at medical appointments?

20          A     Here and there, yes. I think there were a  
21 couple times.

22          Q     And is it correct that Mr. Lafferty did not  
23 agree with you that that was a reasonable modification  
24 to the homicide position?

15:27:30

25          A     I'm just thinking about that a second.

1           Is it clear that Mr. Lafferty didn't agree  
2 that what was a modification or a reasonable  
3 modification to the homicide unit? You mean  
4 assignment of new cases?

5           Q     No assignment of new cases, people standing  
6 in for you to covering hearings while you went to  
7 medical appointments, and continuing the dates out on  
8 the cases you had so that there would be no immediate  
9 deadlines.

15:27:59

10          A     I can tell you what he said. I think that's  
11 best rather than my, you know, speculation or  
12 interpretation on the twenty whatever it is.

13          Q     Why don't I ask you this way:

14                 Did Mr. Lafferty say to you that he did not  
15 agree that that was a reasonable modification of your  
16 homicide position, that they could continue?

15:28:25

17          A     Well, you could say that.

18                 What he said was -- again, it might just be  
19 best if I tell you what he said. Would you like me to  
20 do that? It might answer your questions --

21          Q     Sure.

22          A     -- a little better.

23          Q     Sure.

24          A     He said, "You're a nonproductive member of  
25 the homicide unit because, number one, you can't

1 accept any new cases."

2 "Number two, you can't go to trial within the  
3 next 60 days."

4 There was a third thing he said, too, that I  
5 can't remember off the top my head.

6 And I asked him, "Well, I'm not going to  
7 trial on my cases in the next 60 days or 90 days  
8 anyway."

9 And he said, "It doesn't matter."

10 And I said, "Well" -- and he said -- oh, he  
11 said he had two cases to reassign that he wanted to  
12 give to me and now that I wasn't here, I was seeking  
13 medical treatment in Arizona, he had no one to give  
14 them to. And I asked him about several people, one  
15 being John Aki who had recently been transferred from  
16 Riverside to Indio, and he said, "No, John Aki is not  
17 available. We have other things for him to do."

18 And then I said, "Okay. Well, there's other  
19 people you can give these two new cases to."

20 And he said, "No, there's not. You're  
21 nonproductive."

22 I asked him, "Well, in the next 90 days do  
23 you expect these new people to go to trial with my  
24 cases?"

25 And he said, "No."

15:28:59

15:29:30

1           And I said, "Well, then, how am I any more  
2 nonproductive than anyone who's going to take my  
3 cases?"

4           And he said, "It doesn't matter. You're  
5 being transferred to filings."

6           "Okay."

7           Q     And those conversations occurred in the  
8 September 26, 2013, meeting?

15:30:01

9           A     Yes.

10          Q     Were there any accommodations you asked for  
11 in the September 26, 2013, meeting?

12          A     Yes. I asked to stay in the homicide unit  
13 without any new cases assigned and just let me handle  
14 my caseload. I had it under control. Don't move me.  
15 Don't reassign me. And I told him -- we had a  
16 discussion about filings. He said he thought it would  
17 be less stressful for me given my condition, and I  
18 said, "No, you have a -- you have a deadline there  
19 that I can't meet because I will be away for given  
20 periods of time seeking medical treatment."

15:30:29

21          And he said, "There is no deadline for  
22 filings."

23          And I said, "Yes, there is. It's 300 a  
24 month."

15:31:00

25          And he said, "No, it's, you know, more like

1 15 a day," which, you know, five days in a workweek,  
2 that comes out to 300.

3 So, anyway, he said, "Well, it doesn't  
4 matter." You know. "You're -- we think it's best for  
5 you to go to filings."

6 And I went, "Okay."

7 Q At that point around the end of September  
8 were you planning to move to filings?

9 A Yes. I didn't want to move, but, yes, I was 15:31:28  
10 planning to move, after the meeting, after he told me.  
11 However, I will say this. He did call me in in a  
12 later meeting and tell me, well, he'd considered it,  
13 my response that I wrote in an email to him after the  
14 meeting, and he said, "No, we still think it's best  
15 that you go to filings."

16 Q I'm going to go back to the questions about 15:31:53  
17 particular acts of harassment by the individuals you  
18 indicated you believed harassed you.

19 A Sure.

20 Q I'd like to go back to Rene Goldman. And  
21 what did she do that you believed was harassing to  
22 you?

23 A I had a meeting on -- I'm going to get these  
24 dates confused. It was in October. I had two  
25 meetings regarding myself in October. One, I think, 15:32:26

1 was the 10th, and this was with Sean Lafferty and  
2 Tricia Fransdal and David Greenberg, somewhere around  
3 the 10th -- don't quote me on the date -- but  
4 somewhere around there I was told that I needed to go  
5 out on FMLA. I was called in by Sean Lafferty. He  
6 exploded on me in front of everybody, stood up, never  
7 sat down, slammed his hand on the desk and said, "You  
8 want to put it in writing? Well, here you go. You're  
9 going out on an FMLA, and here's the paperwork. And  
10 don't ask me how to fill it out because I don't know. 15:32:59  
11 Call H.R. and find out from them."

12 I said, "Is there anything else?"

13 He said, "No, that's it"

14 So, "Okay." I was happy to get out of that  
15 one. So I got out of that room, went back down, and I  
16 called H.R. I think it was Ignacio who I called. I'm  
17 not quite sure on that, but I think that's who I  
18 called, and I said, "Hey" -- actually, pardon me. She  
19 called me the next day. This is -- I'm getting a  
20 little confused.

21 She calls me the next day and says, "Hey, I  
22 understand, Chris" from, you know, her boss, who is 15:33:28  
23 Rene Goldman -- "that you want to go out on FMLA."

24 I said, "No, I don't. I was told I have to  
25 go out on FMLA by Sean Lafferty."

1           And she said, "No, you don't have to."

2           And I said, "Did you tell Sean that I have to  
3 go out on FMLA, Sean Lafferty?"

4           And she said, "No. She said, "My boss, Rene  
5 Goldman, just came over and said that you wanted to go  
6 out on FMLA."

7           I said, "Okay." I said, "Do I have to? I  
8 don't want to. Do I have to go out?"

9           She said, "Are you going to be gone 10 days           15:33:58  
10 in a row -- workdays in a row or more?"

11           I said -- I counted them out in my future  
12 medical appointments and said, "No, I'm not."

13           And she said, "Then you don't have to.  
14 You're not required to go out on FMLA. Do you want to  
15 go out on it?"

16           I said, "No."

17           And she said, "Well, then you're fine.  
18 There's nothing we need to do."

19           So then what happens is a few days after  
20 that, maybe -- I don't know -- four or five days  
21 later, I get called in again by Sean Lafferty, and at  
22 this point in time he says, "Well, you're going to  
23 have to provide a medical doctor's note because you've           15:34:29  
24 told us that, you know, you have a medical condition.  
25 You need to get a doctor's note so you can come back

1 to work."

2 So at that point in time I went and talked to  
3 John Aki, and I said, "Hey, do I need a doctor's  
4 note?"

5 And he said, "No, you don't need a doctor's  
6 note. You were never administratively put on leave."

7 He's our union representative, our head union  
8 representative.

9 And so I said, "Okay."

10 And then I went down and I called -- I think  
11 it was Ignacio again -- and I said, "Do I need a  
12 doctor's note to come back to work?"

15:34:58

13 And she said, "No, you don't need one.  
14 You're getting to go out on FMLA. It's not required."

15 And then I think it was later on, maybe a  
16 week or two after that, I got called in by Sean  
17 Lafferty, and that was a mean, nasty meeting by him.  
18 And he said, "You have to have a doctor's note. I'm  
19 putting you on administrative leave. Your MOU -- your  
20 union contract says that, you know, you need to have a  
21 doctor's note."

15:35:26

22 And he only took a portion of the document,  
23 and he put it in front of me, and I said, "Okay.  
24 Well, where's the rest of it?"

25 And he said, you know, "It doesn't matter.



1 That's the relevant portion."

2 But it wasn't even the entire code section of  
3 the MOU. So that meeting got really mean, really  
4 nasty, and at that point in time I went and got the  
5 union rep, Mr. Fimbres, who interceded.

6 At the conclusion of that meeting I went and  
7 called Ignacio again, and she said -- I think she sent 15:35:57  
8 me an email that said something to the effect of --  
9 what did it say?

10 She said, "You don't need one. I told you  
11 you don't need a doctor's note. However, a  
12 supervisor" -- or not a supervisor -- but "a section  
13 supervisor can require that you have a doctor's note  
14 before you come back and preclude you from coming back  
15 to work."

16 So that's pretty much the sequence of events  
17 and what happened.

18 Q And the question I had asked you that 15:36:30  
19 preceded that answer was how Rene Goldman had harassed  
20 you.

21 Is there anything else that Ms. Goldman did  
22 that you considered harassing?

23 A Yes. I think I answered it earlier, though.  
24 That was on the meeting -- the last straw in this case  
25 was when I was on administrative leave and in January

1 of 2014 Rene calls me up and says, "You have a meeting  
2 in 30 minutes. You need to be down here."

3 Indio is 90 miles or 80 miles, I think,  
4 rather, from Riverside. I can't get there in 30  
5 minutes, and, you know, "Can we do this tomorrow?"

15:36:59

6 "Okay. I'll request it and see what  
7 happens."

8 And then she writes me back, you know, and  
9 says, "Yeah, tomorrow's fine."

10 And I asked, "What's it about? Contact my  
11 union rep."

12 So she sends -- she contacted my union rep  
13 who contacted me, and, she said, "Well, I'm going to  
14 be at this meeting and all the A.D.A.s are going to be  
15 there and it's about you waiving your HIPAA rights."

16 And, like my union rep said, "There doesn't  
17 need to be a meeting on that. We've already asked  
18 you. You said no. And we are victims. When we need  
19 medical reports, we don't have them fill out forms.  
20 They -- you know, they either -- or have a meeting on  
21 it. They just waive it and sign it or they don't.  
22 And if they don't, we don't get the records. It's  
23 federally protected."

15:37:30

24 But I think her conduct in that, telling me  
25 that I had to give up my records and, you know,

1 forcing me to come to the meeting -- trying to force  
2 me to come to the meeting, not being forthcoming who  
3 was going to be there, what it was going to be about,  
4 documentation that was going to be presented, it was an  
5 ambush is basically what it was, so in that sense I  
6 think, yes, that was harassing.

15:37:59

7 Q Is there any other conduct that Ms. Goldman  
8 engaged in that you believe to be harassing?

9 A Yes. Ignacio -- I think it was -- Ignacio  
10 Hernandez, I think, is her name, and then I think  
11 there was Vanessa -- I can't remember Vanessa's last  
12 name, but I think it was Ignacio -- she -- when she  
13 said what the conversation had about FMLA and having a  
14 doctor's note and coming back, I sent her an email and  
15 said -- because Mr. Lafferty said in this meeting on  
16 November 5th or 6th or 7th or whenever it was, the  
17 first week in November, he said, "I talked to Ignacio  
18 and I saw that email that you sent her," and he made  
19 some comments about that, and so -- and he told  
20 me that -- no, he had talked to her and what I was  
21 conveying to him was a lie, wasn't true at all.

15:38:30

15:38:58

22 So I went right back down to her and that's  
23 why I sent the email:

24 Did you, in fact, talk to Sean, and  
25 didn't you -- isn't it a fact that you told

1 me A, B, C and D.

2 You guys have the email. You can look at the  
3 email for specifics.

4 And she never responded.

5 And then I asked her, "Who told you to say  
6 this? Who did you talk to after you talked to me, and  
7 when did you talk to them?"

8 Never answered me.

9 So I think that her boss -- like, you know,  
10 she told me her boss is Rene Goldman -- and so, again, 15:39:26  
11 Rene takes orders directly from Jeff Van Wageningen  
12 and -- who takes order from Mr. Zellerbach or  
13 Lafferty, so in that way, yes, I think she was acting  
14 in a harassing manner with that instance as well.

15 Q Rene was?

16 A Yes.

17 Q Is there anything else that Ms. Goldman did  
18 that you believe was harassing?

19 A No, not at this point in time.

20 Q Is there anything else that Vanessa Ignacio  
21 did that you believe was harassing to you?

22 A Other than what I've explained, no. 15:39:58

23 Q Do you believe that Tricia Fransdal acted in  
24 a way that was harassing to you?

25 A Oh, yes.

1 Q And what did Ms. Fransdal do?

2 A Present at the meetings, complicit in the  
3 meetings, her trying to give that case to me when she  
4 knows that I'm in the middle of seeking medical  
5 treatment in whatever it was, July, August, September,  
6 October of 2013.

15:40:27

7 When I initially saw her and disclosed to her  
8 in June, "Hey, look, here's what they think  
9 tentatively is wrong. I need to go seek treatment to  
10 rule this out. If they're correct and I do have ALS,  
11 I can't continue the job. You know that."

12 I mean, she said, "That's horrible."

13 And I said, "So do you really want me on the  
14 cases right now?" "Do you want to put me in filings"  
15 is what I initially said, and, I said, "and take my  
16 cases from me?"

17 And she said, "No." She said, "If we find  
18 out later on that you can't do the job, then we'll  
19 worry about it. You still need to take your cases."

15:40:58

20 That's when I manipulated my schedule and, of  
21 course, later on through inquiry of people who were in  
22 filings, they were the ones who told me about the --  
23 "Oh, no, you do not want to go to filings. There's a  
24 quota system is what it is and nobody can meet it, and  
25 when you don't meet it, they put you on a Personal

1 Improvement Program, which is a reprimand.

2 So I went, "Hmm, good thing I wasn't sent  
3 down to filings."

4 And so I changed my -- you know, accommodated  
5 my schedule so I could go to the Mayo Clinic. 15:41:29

6 Q Who told you in filings about the quota  
7 system?

8 A Kevin Shek, Christie Hester. A. C. Hester, I  
9 believe, too. That's Christie's wife -- or husband.  
10 Husband and wife. I'm sorry.

11 Q Other than Kevin Shek, A. C. Hester and  
12 Christie Hester, did anyone else in filings tell you  
13 about the quota situation?

14 A Yes, Tricia Fransdal. 15:41:56

15 Q Did anybody else in filings warn you about  
16 not being able to meet quotas?

17 A I think Aileen Alvarez did. I think she  
18 warned me that it was hard, it was difficult. And I  
19 want to say other people who were in filings who got  
20 transferred may be Michael Tripp, T-r-i-p-p. I think 15:42:24  
21 that's all I can remember.

22 Q Was there anything else that Ms. Fransdal did  
23 towards you that was harassing?

24 A Oh, yes. In her meetings just -- on the  
25 Parker case, when I had meetings with the Parker's

1 case -- or the Parker case with her telling her that  
2 the guy didn't -- you know, the guy -- we can't prove  
3 he did it or he was innocent as it later turned out --  
4 just her tone of voice, her reaction. There was no  
5 intercourse. There was no dialogue

15:42:57

6 Q When you say "her tone of voice," could you  
7 describe what was wrong with her tone of voice?

8 A Became very short, very curt, very fast,  
9 rude, sarcastic.

10 And then I'd also add when she started --  
11 also, when she calls me in and gives me a case that  
12 Mr. Zellerbach personally assigned her, she transfers  
13 that to me, that doesn't happen. If the D.A. gives  
14 you a case, you don't go and transfer it to another  
15 deputy. That was the Lidy, Moor and Macbeth, I think.  
16 Lidy, L-i-d-y, Moor, M-o-o-r, Macbeth, like the  
17 Shakespeare play, M-c-B-e-t-h. M-c-B-e-t-h.

15:43:28

18 Q Was there anything else that Ms. Fransdal did  
19 to you that you believed to be harassing?

15:44:00

20 A Yes. It took place in the meetings that I've  
21 earlier described with Mr. -- it was Mr. Lafferty and  
22 Mr. Greenberg.

23 And also she was -- it was her opinion to  
24 send me down to filings or her decision to send me in  
25 filings.

1 Q Did she tell you it was her decision?

2 A Yes. She -- well, not her complete decision  
3 but her -- you know, she agreed that's where I needed  
4 to go.

5 Q Did she tell you that she agreed you needed 15:44:29  
6 to go to filings?

7 A Yes. I don't know if that is the exact words  
8 she used, but she said, "We're going to reassign you  
9 to filings."

10 Q What about putting you on unpaid leave for a  
11 fitness-for-duty exam? Was that something you believe  
12 Ms. Fransdal did?

13 A Yes. I think she was intentionally not there 15:44:58  
14 on purpose. She knew it was going to happen. And  
15 when I came back on the 17th to receive my good-cause  
16 notice, I was laid off -- or put on administrative  
17 leave on, I think, the 6th or the 7th, somewhere in  
18 there. I had to come back on the 17th. Sean Lafferty  
19 emailed me and said I had a -- he now had the  
20 good-cause statement that was requested of him on the  
21 7th, and he couldn't produce it. He didn't know what  
22 the good cause was. But he said, "If you come back at 15:45:27  
23 the end of the day, I'll have it for you after lunch."

24 Mr. Fimbres and myself came back. He didn't  
25 have it. Said, "I don't know -- I don't know what the



1 good cause is. I'll have to wait and get it from  
2 downtown from Mr. Zellerbach and Mr. Van Wagenen. I  
3 should have it for you on Monday."

4 And Mr. Fimbres -- I said, "Well, I'm not  
5 going to be at work, and the terms and conditions say  
6 I can't come anywhere near County property so how am I  
7 supposed to come back into work and get this."

8 And he said, "Well, Mr. Fimbres can get it  
9 for you."

10 I said, "That's fine."

11 Mr. Fimbres went in there on, I think, 15:45:54  
12 Monday, I think the following Monday, and it was not  
13 available. And so then I finally got it on the 17th.  
14 Mr. Lafferty emailed me on the 17th of November and  
15 said -- so about 10 days later -- and said, "Come on  
16 in and get it."

17 Ms. Fransdal wouldn't even look me in the  
18 eye. I looked at her and she looked down, covering --  
19 you know, in her office, and she was sitting at her  
20 desk, and I was right outside it asking for  
21 directions. We were in a new building now and I was 15:46:28  
22 asking for directions of one of the secretaries, I  
23 think, "How do I get to Sean Lafferty's office?"

24 Q So was the harassment not looking you in the  
25 eye?

1           A     No. The harassment was the transferring me  
2 to the different -- to filings when you knew I  
3 couldn't make that deadline, knew darn well I couldn't  
4 do 15 a day, especially when I'm going to be gone for  
5 five or seven days at a time.

6           And then the standard operating procedure -- 15:46:55  
7 sorry -- is to put somebody on a Personal Improvement  
8 Program. In other words, you admonish them and  
9 discipline them. You're on probation is what they do.  
10 They'd put you on a probationary period for not  
11 meeting your deadline of the 15 a day.

12           And, of course, giving me the other case  
13 which was hers, personally assigned by Mr. Zellerbach,  
14 which hadn't even been staffed. The memorandum hadn't 15:47:28  
15 been done. The discovery hadn't been turned over.  
16 Nothing had been Bates-stamped. Court orders had not  
17 been followed. And this was all dumped in my lap  
18 right when I'm in the middle of trying to go receive  
19 medical treatment in the Mayo Clinic and after Chief  
20 Greenberg has told me no new cases will be assigned to  
21 me.

22           Q     You had said previously that you thought  
23 Mr. Fransdal harassed you by putting you out on paid 15:47:57  
24 leave on November 6th. Is that what you meant to  
25 say?

1           A     I'm sorry. I don't think I said that she  
2 harassed me by putting me out on November 6th.  
3 I think -- not to be nitpicky -- I'm sorry -- but I  
4 think that might be your paraphrasing.

5           Q     So you don't believe that one of her acts of  
6 harassment was putting you out on paid leave on  
7 November 6, 2014?

8           A     One of her acts of harassment was calling me  
9 into that meeting, yes, and putting me on  
10 administrative leave. And, yes, it was paid. 15:48:30

11          Q     So that was harassment on her part of you?

12          A     Yes, I think -- I think it was because,  
13 again, she had agreed -- again, they were all in the  
14 meeting and made the decision.

15          Q     I'm sorry. I thought you said she was not in  
16 the meeting on November 6th when you were put on paid  
17 leave.

18          A     You are correct. I didn't say that.  
19 Everything in its entirety. She was in the meeting  
20 with management, the meeting that I was not attending.  
21 She was not in the meeting where the punishment was 15:48:59  
22 delivered, so to speak, and I was actually put out on  
23 administrative leave.

24          Q     But you believe that that was an act of  
25 harassment toward you on her part because you believe

1 she participated in the decision to make that  
2 happen?

3 A Correct. And I think it was her intention --  
4 not only did she participate in it, it was her  
5 intention -- I think she was an instrumental force in  
6 putting me on administrative leave. Her and Sean  
7 Lafferty are very, very close.

15:49:26

8 Q It sounds like to me from some of your  
9 testimony that you were very afraid you were going to  
10 be terminated. Is that correct?

11 A Yes.

12 Q And when did you start to have that fear?

13 A In the meeting where -- the meeting where  
14 Sean Lafferty came in to put me out on FMLA and  
15 slammed down, you know, his hand on the paperwork, got  
16 very, I'll call it, violent, he was aggressive in his  
17 demeanor. That was scary. That was -- it's not the  
18 way meetings are ever done. I've never even seen that  
19 in any organization, that conduct, particularly from  
20 an A.D.A. and an attorney. That was appalling. That  
21 was -- it was clear to me that there was an intent to  
22 fire me, particularly when I -- "Don't ask me how to  
23 fill out the paperwork. Don't ask me how it's done.  
24 I don't know."

15:49:59

25 Well, why not? You're the one in charge

15:50:29

1 who's telling me -- or ordering that I go out on  
2 FMLA.

3 And then I call Human Resources and -- or  
4 they call me, rather, and say, "You don't have to go  
5 out on FMLA."

6 And I was told by Sean Lafferty, "You have  
7 no choice. You are going out. You will go out on  
8 FMLA."

9 Why? Why can't you just let me seek  
10 treatment? I'd already taken care of my cases.

11 So at that point was when I started thinking,  
12 okay, this is more than just somebody who's upset over  
13 something. There is, again, a driving force and a  
14 goal in mind.

15:50:56

15 Q Did you believe he wanted to fire you because  
16 of the disagreement with him over the Parker case?

17 A Yes. That was a contributing factor, not in  
18 its entirety, not the sole factor, but that was the  
19 start of it.

20 Q Did you feel as if you fell out of favor with  
21 him when you disagreed with him about the Parker  
22 case?

23 A I wouldn't say I was ever in favor with him.  
24 I had a cordial working relationship, but that  
25 happened early on because, as I recall, I think they

15:51:28

1 took over the end of 2010 or 2011, so it may have  
2 been, I think -- what? -- two thousand -- actually,  
3 2011 is when Mr. Zellerbach took over and Mr. Lafferty  
4 was assigned, so early on. If he was out here --  
5 let's say he got to Indio in maybe March, let's say,  
6 we're talking about July, I'm already having, you know 15:51:59  
7 problems over this Parker case with him.

8 Q So you feel like things got off to a bad  
9 start with him?

10 A Yes.

11 Q Did you feel prior to that before  
12 Mr. Lafferty came to the Indio office that you were  
13 well regarded in the office?

14 A I think so. But by whom? I'm going to say  
15 by management, yes.

16 Q And you feel that that changed when  
17 Mr. Lafferty took on his position?

18 A Yes, I do. 15:52:30

19 Q Did you feel that Ms. Fransdal held you in  
20 high regard for your work?

21 A She was my supervisor. I'm going to say in  
22 2012 she took over for Mr. Sterling, for Otis, who  
23 went to the bench, so prior to that she was in  
24 Riverside, I think, for at least a year, so we had no  
25 contact. And I don't think she had any regard for me

1 one way or another that I knew of, but once she took  
2 over, yes, I think she had regard for my -- for my  
3 performance because they get rated -- the supervisors  
4 get rated on the number of cases that are taken to  
5 trial, so when I take a case to trial and I win, they  
6 get, you know, applauded and their evaluations look  
7 good. So in that sense for pragmatic reasons, yes, I  
8 think she did.

15:52:58

9 Q In 2013 do you think she continued to hold  
10 you in high regard for you work?

11 A Oh, no.

12 Q And what do you think changed then?

15:53:29

13 A I think probably right around maybe -- I  
14 think in August sometime is when I started discovering  
15 more things on the Parker case.

16 We have a letter from somebody, an inmate in  
17 jail, and he said Roger -- "You got the wrong man.  
18 Roger Parker didn't do it."

19 And then he -- he wrote this cryptic letter  
20 that was like "Silence of the Lambs," and so my  
21 investigator and I were looking at this going, "What  
22 does this mean?" And then we started investigating,  
23 and, of course, I got DNA results back from the  
24 Department of Justice which redacted the blood on  
25 the -- one of the murder weapons and now it completely

15:53:58

1 excluded Roger Parker, so that was delivered somewhere  
2 around that time --

3 Q And --

4 A -- to Ms. Fransdal.

5 Q -- Ms. Fransdal did not hold you in high  
6 regard anymore because of that event on the Parker  
7 case?

15:54:27

8 A Not on that event alone. I think that was a  
9 contributing factor. I think there were multiple  
10 things.

11 Number one, the DNA changed. I kept saying  
12 to dismiss the case. And then we had the admissions  
13 from the Parker case, the jail calls from the roommate  
14 who said that he did it, and then, of course, we had  
15 my not wanting to take the Lidy case or not -- me not  
16 wanting to take it but me reporting her to her boss,  
17 David Greenberg, and saying, "Hey, why is she giving  
18 me this case when Mr. Zellerbach personally assigned  
19 it to her?"

15:55:00

20 Q Why do you think that the new evidence you  
21 got in the Parker case had anything to do with how  
22 Mr. Fransdal viewed your performance?

23 A Her demeanor, her attitude, the way she  
24 treated me.

25 Again, the things that I've mentioned



1 earlier; the sarcasm, no time to talk to me about  
2 cases, no time to -- not so much the time but just how  
3 she responded to me. The demeanor completely  
4 changed.

15:55:25

5 Q How is that tied to the Parker case?

6 A Because it started after I delivered the bad  
7 news about the Parker case and started saying --

8 Bless you.

9 -- and started saying, "You need to dismiss  
10 this case."

11 Q You think that was news she did not want to  
12 receive?

13 A Oh, absolutely.

14 Q And she blamed you as the messenger?

15 A I think, yes. She told me outright, "I know  
16 the guy did it."

15:56:00

17 I said, "Well, I'm not going to argue. I'm  
18 not going to get into an argument whether he did it or  
19 not, but let's look at the evidence, what we have.  
20 The evidence shows that, no, we can't prove beyond a  
21 reasonable doubt that he did it. We can't even -- you  
22 know, we can't even get probable cause on him  
23 arguably." So we had a difference of opinion on  
24 that.

25 Q And you think the difference of opinion was

1 enough for her to no longer respect your work?

2 A That I don't know. I -- I don't know. I 15:56:29  
3 don't know whether -- maybe she did respect my work,  
4 yes, but she put that aside when she started treating  
5 me as she did. I can just say that it was enough for  
6 her to start treating me differently and to start be  
7 harassing to me and sending me these text messages  
8 saying, "You have a meeting," you know, "tomorrow at  
9 8:30 in the morning" or "nine or clock," and "You have  
10 a meeting today at," you know, "at four o'clock," and,  
11 of course, participating in management meetings about  
12 me and making decisions and demoting me to filings. 15:56:59  
13 Again, trying to pass off her cases to me when she  
14 knew darn well that I couldn't take it.

15 Q How many -- when you refer to these meetings,  
16 is there a specific number of meetings you have in  
17 mind when that happened?

18 A No, I don't. Prior to each one of the  
19 meetings I had with Mr. Lafferty, there was always a  
20 meeting that I knew of before because I would show up  
21 early, and on one occasion they actually shut the 15:57:28  
22 door -- looked at me, shut the door and started  
23 talking.

24 On the other occasions, they -- the door was  
25 already shut, and I thought, wow, that's usually not

1 the way the meetings go. Usually everyone shows up at  
2 the same time. When the door is shut and now you're  
3 going over your scheduled meeting time and  
4 Mr. Lafferty opens the door and says, "Come on in."

5 Q How many meetings did they have that you  
6 referred to when you're being texted to come to the  
7 meeting and you're late?

15:57:59

8 A I'm estimating, and I'm going to say maybe  
9 three.

10 Q And are those different from the meetings you  
11 showed up early for?

12 A Yes.

13 Well, hold on a second. The initial question  
14 was how many did she text me and say, "Show up for the  
15 meeting, you're late."

16 You know, when she -- she never texted me and  
17 said I was late. That was Sean Lafferty who texted me  
18 and said I was late.

19 What I said was she texted me and said I have  
20 a meeting tomorrow at 9:00 a.m. and "You have one at  
21 four o'clock today."

15:58:29

22 Q She was telling you when her meetings were?

23 A No, when my meetings were. She would text me  
24 and say -- you have the text messages. You can look  
25 at those.

1 Q Are you referring to emails?

2 A Text messages.

3 Q Did -- I don't believe you produced any text  
4 messages, so I'm not sure what you're referring to.

5 A Okay. We'll have to go back and make sure  
6 that's produced, too.

7 But yes, she would text-message me. I don't  
8 know why she wouldn't actually call. I don't know why  
9 she couldn't send me an email. But she preferred a  
10 text message.

15:58:59

11 Q Do you have text messages that you've saved  
12 in your possession at home?

13 A Yes.

14 Q And these text messages are from employees of  
15 the County of Riverside to you?

16 A Yes.

17 Q In addition to text messages from Tricia  
18 Fransdal, are there other -- any other text messages  
19 you still possess from County of Riverside employees  
20 to you?

21 A I think -- yes, I think one from Selne Sorg,  
22 Selne, S-e-l-n-e, Sorg, S-o-r-g.

15:59:28

23 Q And what is the general content of the Selne  
24 Sorg text?

25 A The general content or context of those is

1 that she had problems with Sean Lafferty, he was a  
2 snake, he tried to put her on probation and tried to  
3 reprimand her and tried to have her sign something  
4 that wasn't true and she wouldn't sign it, and that  
5 escalated and caused the problems.

16:00:00

6 Q Are you -- this is a female?

7 A Yes.

8 Q Are you still in contact with her?

9 A No.

10 Q Did she agree to testify on your behalf in  
11 this action?

12 A No. I didn't ask her if she's willing to  
13 testify. I was just trying to get Mary Montez's  
14 number.

16:00:26

15 Q Were you seeking Mary Montez's number for  
16 something having to do with this lawsuit?

17 A No. Mary Montez had called me, I think, is  
18 what she'd done. She didn't call me directly. She  
19 called a friend of mine.

20 Q Were you just trying to return that phone  
21 call?

22 A Yes. Ultimately I did return the phone call.

23 Q And that -- did that have anything to do with  
24 this lawsuit?

16:00:58

25 A No.

1           She just said, "Mr. Ross, I just want to  
2 confirm that you're no longer working here. We were  
3 told today" -- Mary Montez was a secretarial  
4 supervisor, and she said, "We were told today that you  
5 are no longer working here, and I just wanted to  
6 confirm that that was true."

7           Q     Was she just concerned about your welfare?

8           A     I don't know. I just -- she didn't say. The  
9 conversation was not very long.

16:01:30

10          Q     The meetings that Ms. Fransdal was texting  
11 you about, are those the ones you referred to before  
12 where Mr. Lafferty was present, Mr. Greenberg was  
13 present, Ms. Fransdal was present and yourself?

14          A     Yes.

15          Q     And you believe there were less than five of  
16 those?

17          A     Meetings? I think so. There may have been  
18 five, but I think -- I think there were about four of  
19 them, as I recall.

20          Q     Do you believe you got four or five texts  
21 from her then?

16:01:58

22          A     No, I don't -- I don't believe so. I think  
23 that -- I can remember I got maybe three, three texts  
24 from her, I think, going by memory.

25          Q     And then you got one email from Mr. Lafferty

1 saying, "You're late. The meeting is going on now"?

2 A I got a phone call from him saying that,  
3 "Where are you? Your meeting was started six minutes  
4 ago. You're late."

5 I'm like, "Oh."

16:02:29

6 "Get up here."

7 "Okay."

8 Q When do you believe was the first time you  
9 told one of your supervisors that you were going to be  
10 needing to undergo some medical -- medical  
11 treatments?

12 A I would say mid June, maybe -- beginning of  
13 June probably, mid June, somewhere in there.

14 Q Of 2013?

15 A Yes.

16 Q Do you recall who was the first supervisor  
17 you told?

18 A Tricia Fransdal.

19 Q And was that an in-person conversation?

16:02:59

20 A Yes, it was.

21 Q Was that an emotional conversation for you?

22 A No.

23 Q Was that an emotional conversation for  
24 Ms. Fransdal?

25 A She had a reaction when I told her the

1 potential disorders or diseases, and she didn't seem  
2 to understand. And I explained it to her, it's  
3 serious, as the doctors explained to me, it's very  
4 serious, and she did put her hands on her mouth and  
5 went [indicating], and then she put them down and  
6 after that I said -- I started explaining to her -- I  
7 transitioned and said, "Well, you might want to take  
8 my cases and give them to somebody else because if it  
9 comes back that I do have these disorders, you know, I  
10 won't be able to continue. More over, it might cause  
11 an appellate issue of incompetence or whatnot by the  
12 defense." And I requested to go to filings, and she  
13 changed her tone and went -- she wasn't conciliatory  
14 anymore, and she said, "No," very matter of fact.  
15 "Hang on to your cases. If it turns out that you  
16 can't continue, we'll deal with it then."

16:03:28

16:03:58

17 Q Did she cry in that meeting?

18 A No.

19 Q From that point forward was Ms. Fransdal not  
20 conciliatory towards you?

21 A No. No. She was at different points in  
22 time. I mean you can't generalize and say she never  
23 was. At certain points in conversation we had, she  
24 was. When discussing my illness and what was wrong,  
25 yes, she appeared to be concerned.

16:04:27



1 Q Did you believe her concern to be genuine?

2 MR. WEAVER: Objection. Calls for speculation.

3 THE WITNESS: When she would first do the

4 concern -- for instance, in the first conversation

5 that I just explained in her office where she put her 16:04:59

6 hands to her mouth, that looked genuine, but then five

7 seconds later I'm explaining that I need to have my

8 cases taken, I need to be transferred, and she just,

9 matter of fact, "No, we're not going to do that. If

10 you need it, you know, when the time comes, then we'll

11 discuss that issue." Just cold as ice. I thought

12 wow, that isn't -- and I don't mean to be offensive or

13 rude. I'm just trying to convey how she was. So that

14 made me to question the sincerity of her emotion or 16:05:27

15 her -- well, any concern that she had. But at

16 minimum, whether I questioned it or not, at least she

17 was nice at that particular moment, which I

18 appreciate.

19 BY MS. KOLE:

20 Q Were there any other acts that you -- or

21 conduct by Ms. Fransdal that you considered to be

22 harassing towards you that you haven't already

23 described?

24 A I think I've covered it all. 16:05:59

25 Excuse me.

1 MS. KOLE: Can we go off record for a moment?

2 MR. WEAVER: Yes, of course.

3 VIDEOGRAPHER: The time is 4:06 p.m. and we're off  
4 the record.

5 (Whereupon a discussion was held  
6 off the record.)

7 VIDEOGRAPHER: The time is 4:17 p.m. and we're  
8 back on the record.

16:17:34

9 BY MS. KOLE:

10 Q Mr. Ross, earlier I asked you for  
11 Mr. Van Wagenen's conduct toward you that you  
12 considered harassing, and you did respond to that and  
13 listed a few things.

14 You -- I'm just going to summarize them for  
15 you so you can see if there's anything else you want  
16 to add to that.

16:17:58

17 The meetings that took place that Sean  
18 Lafferty, Tricia Fransdal, David Greenberg and  
19 yourself were present, that Mr. Van Wagenen approved  
20 those meetings or knew they were taking place.

21 The demotion to filings was at his approval  
22 or direction.

23 And while you were on admin leave, the phone  
24 call that you received -- I believe it was from -- not  
25 directly from Mr. Van Wagenen but from someone who was

16:18:29

1 assisting him about coming to a meeting and HIPAA  
2 rights.

3 Is there anything else that Mr. Van Wagenen  
4 did toward you that you believe is harassing?

5 A No, but the only thing I think you left out,  
6 if you want me to cover that, I remember he told  
7 Antonio Fimbres that I would be reprimanded and  
8 basically risked being fired if I didn't turn over my  
9 medical records, and he claimed that that was directed  
10 to him by somebody in County of Riverside. He didn't 16:18:59  
11 articulate who. I did ask Rene Goldman. That was the  
12 person -- the head H.R. person who over at County had  
13 directed Mr. Van Wagenen, you know, to say this and  
14 what the statute was that they were going by, and that  
15 was never responded to. I never got a response from  
16 that.

17 Q Is there anything else that you can think of 16:19:29  
18 at this time that was conduct by Mr. Van Wagenen that  
19 was harassing toward you?

20 A Yes. After -- in the period in which I was  
21 on administrative leave, I had sent a -- I'd read a  
22 letter from my attorney to the district attorney's  
23 office stating that I had essentially quit, exercised  
24 constructive termination, and then there was a letter  
25 sent back stating, no, I had to show up to work. 16:19:57

1           And then I wrote a response saying, "No, I  
2 quit."

3           And then there was another letter that was  
4 sent back by Mr. Van Wagenen saying, you know, "We're  
5 going to -- basically you can risk insubordination for  
6 abandoning your job and be punished accordingly, which  
7 would be termination if you don't show up."

8           So there were, I think, three letters written  
9 to him and wouldn't -- he wouldn't concede that I no  
10 longer worked there. And I think, in my opinion, that 16:20:27  
11 was an attempt to state that he fired me or the  
12 district attorney's office fired me instead of me  
13 saying I quit. Hence, when I go to apply for another  
14 job, if I don't say that I was fired, he could then  
15 turn around when contacted by another employer and  
16 say, "Oh, no. We terminated Mr. Ross. He didn't  
17 quit."

18           And then, of course, he could -- if he chose,  
19 he could turn around and report to the State Bar that  
20 I was being unethical and lying. So I thought that  
21 was -- that was part of the harassment as well. 16:20:59

22           Q     Was there anything else that Mr. Van Wagenen  
23 was involved in that you're aware of that was  
24 harassing toward you?

25           A     No, not that I can think of right now.

1 Q What is your understanding of the County of  
2 Riverside designation of your separation from  
3 employment?

4 MR. WEAVER: Objection. Calls for speculation.

5 To the extent you know, answer it.

6 THE WITNESS: My understanding of what they  
7 believe happened or what I believe happened?

16:21:29

8 My belief is constructive termination.

9 I believe that they believe that they  
10 terminated me based on Mr. Van Wagenen's letters  
11 for job abandonment.

12 BY MS. KOLE:

13 Q Let me just ask a few questions about that.

14 Do you think that the County of Riverside  
15 fired you?

16 A That was --

17 MR. WEAVER: Objection. Asked and answered.

18 THE WITNESS: I think -- I think no, myself, they  
19 didn't fire me. Constructive termination. I quit, in  
20 other words, because of the conditions. However,  
21 those letters from Mr. Van Wagenen, when you read  
22 them, particularly the last -- I think the last two  
23 talked about job abandonment, those made it -- those  
24 made it kind of -- implied that, yes, I may have --  
25 they may have believed that they in fact were

16:21:57

1 terminating me for not showing back up to work by the 16:22:26  
2 dates that they prescribed and I had, quote, abandoned  
3 my job and pursuant to the MOU, the Memorandum of  
4 Understanding, the union agreement -- according to the  
5 letter it quoted the MOU and said I could be, you know  
6 disciplined and impliedly terminated for abandoning my  
7 job. I think that's kind of an ambiguous area that  
8 they left open for interpretation, and it may be  
9 possible, yes.

10 BY MS. KOLE:

11 Q Did you read the letter that you got, the  
12 last letter you got, about the separation -- your 16:22:57  
13 separation from the County of Riverside?

14 A Yes, that I was separated on, I think,  
15 June 12th.

16 Q Did you see the words "job  
17 abandonment/voluntary resignation"?

18 A No. I may have seen it, but on the top of my  
19 head right now, I can't remember.

20 But you're right. In that one -- that one I  
21 don't think it said, "You're fired," but I think it  
22 just said my date of termination was -- I'm no longer  
23 employed, my date of termination would be June 12.

24 You're right. It didn't say anything about  
25 job abandonment there. 16:23:29

1 Q Just to make sure I got everything, were  
2 there any other acts that you believe were harassment  
3 by Jeff Van Wagenen?

4 A No.

5 Q And you also believe that Paul Zellerbach  
6 engaged in conduct that was harassing of you?

7 A Yes.

8 Q And what was -- what was the conduct that  
9 Mr. Zellerbach engaged in that --

10 A By his --

11 Q -- harassed you?

12 A I'm sorry.

13 By Mr. Lafferty's admissions to me or 16:23:59  
14 statements to me in my meetings with him that we've  
15 already discussed, he made it clear that he was  
16 taking -- he was collaborating with Mr. Zellerbach and  
17 Mr. Van Wagenen and collectively they were making  
18 these decisions which we previously discussed, putting  
19 me on administrative leave, putting me down to  
20 filings, demoting me, and, of course, the other things  
21 we talked about with regards to the public statements 16:24:29  
22 and the denigration.

23 Q And the other things that you testified about  
24 with the public statements was the employee award that  
25 was given by Mr. Zellerbach where he said you won it

1 because you were anal?

2 A Anal retentive, yes.

3 Q And --

4 A I think anal, anal retentive, something like  
5 that, not that it matters. But I mean I was, like,  
6 "That was a weird -- did he just call me" --

7 MS. KOLE: Don't say it.

8 THE WITNESS: Exactly. 16:25:00

9 MS. KOLE: I was making a comment to opposing  
10 counsel.

11 BY MS. KOLE:

12 Q Are you -- did Mr. Zellerbach make any other  
13 comments to you or about you in your presence that you  
14 found harassing?

15 A Whenever I met that gentleman, he was less  
16 than cordial with me. I didn't find him -- there were  
17 a couple times I did find him pleasant and  
18 professional, which I appreciated very much. 16:25:29

19 When I was in trial one time in Riverside, my  
20 understanding is a judge spoke to him who I was in  
21 trial with. He told me -- he said, "I will speak to  
22 Mr. Zellerbach."

23 After that, Mr. Zellerbach was -- had a  
24 different demeanor toward me. That was just for the  
25 duration of that trial.



1           And I think I'd met him once, maybe twice,  
2 just at the end of the day coming back to the district  
3 attorney's office.

4           Other than that, no, he was -- he was not           16:25:59  
5 friendly or cordial with me. He was kind of curt,  
6 rude, obnoxious, belligerent.

7           Q       What is an example of Mr. Zellerbach being  
8 belligerent towards you?

9           A       I think, like I said, in the -- in, well,  
10 here. That Hanh and Werntz case that went over to           16:26:27  
11 Lisa Di Maria, I had to staff that for a death  
12 penalty. We do a staffing to see whether a case  
13 should be filed as a death penalty case, whether we're  
14 seeking the death penalty.

15           I had spoken to several of my supervisors --  
16 Mr. Sterling, Mr. Lafferty -- prior to this staffing,  
17 and we all concluded that it was not a  
18 death-penalty-eligible -- or it may have been  
19 technically eligible but we should not proceed with  
20 death because we couldn't prove first degree murder.           16:26:59

21           And then, of course, when we got into the  
22 actual staffing -- and I was the prosecutor so I had  
23 to make the presentation -- he made the decision that  
24 we were going to go death, and everybody, of course,  
25 then agreed with him, "Yes, death." I was in

1 disbelief as to how everybody overnight had changed  
2 their opinions, and at the conclusion of saying we  
3 were going to go death, I said, "Mr. Zellerbach, sir,  
4 how do you propose that I articulate to the jury that  
5 this is first degree murder? We can't prove it."

16:27:28

6 And he got very upset, slammed his hand down  
7 on the ground and yelled at me, and said, "It's death.  
8 It's been staffed. Enough."

9 That would be an example.

10 Q Who was present when he had that outburst?

11 A Mr. Coffee, Ron Coffee, would be a chief  
12 deputy district attorney.

13 Mike Soccio -- Michael Soccio, S-o-c-c-i-o.  
14 He's, I think, a chief deputy district attorney.

16:27:55

15 Jeff Van Wagenen, assistant district  
16 attorney.

17 Sean Lafferty, assistant district attorney.

18 And Otis Sterling wasn't present, but he was  
19 watching it and interacting through whatever we have  
20 there, computers and, you know, the screens where he  
21 can talk into the microphone and we can see him,  
22 whatever it's called. I forget what they call it.

16:28:27

23 Excuse me.

24 Q And did this occur in 2011?

25 A It may have been 2012.

1 Q Did you give the Hahn and Werntz case to Lisa  
2 Di Marie in 2011?

3 A I think -- no, I think in 2012 I gave that  
4 case to her. Going by memory, I think it was 2012.

16:28:51

5 Q Were there any other times when you believe  
6 Mr. Zellerbach was belligerent to you?

7 A Yes, but I can't remember them right now off  
8 the top of my head.

9 Q And when you said, "curt, rude, obnoxious and  
10 belligerent," --

11 A Uh-huh.

12 Q -- were you thinking of different episodes,  
13 or were those four adjectives -- would you say all  
14 four of those adjectives describe the event you just  
15 told us about where Mr. Zellerbach slammed his fist on  
16 the table and said it's staffed?

16:29:25

17 A That would be an example, but I think there's  
18 other instances where he didn't act in the same manner  
19 but yet he was still curt and rude.

20 Q So there were some curt and rude incidents  
21 that were of a lower level than the obnoxious or  
22 belligerent ones?

23 A Yes.

24 Q Can you remember any of the curt or rude ones  
25 at this time?

16:29:58

1 A Sure.

2 I remember at the employee-of-the-month award  
3 when he called me anal retentive and then the little  
4 smile that he had.

5 And then there were just other times other  
6 than that, you know, getting in front of everybody and  
7 the whole office pretty much is there, that would be a  
8 rude indication or an example of when he was rude.

9 Q I'm sorry. Was the getting in front of  
10 everybody else in the whole office there, is that the  
11 employee-of-the-month example?

12 A No. That is our annual banquet for our  
13 awards for employees of the year, that sort of thing. 16:30:29  
14 And he was -- my investigator got the  
15 investigator-of-the-year award, and rather than  
16 standing up saying for doing a great job in the  
17 prosecution of X case, he stood up there and said,  
18 "We're giving this to Investigator Dougan because  
19 he can put up with Chris, and we all know, you know,  
20 he's anal, he's anal retentive, and Chris can put up  
21 with him."

22 I mean the way it was conveyed to me -- I was  
23 not there -- but, to be frank, people came back and  
24 said, "Wow, Mr. Zellerbach just called you an A-hole 16:30:58  
25 in front of the whole office last night."

1 I went, "Oh, no."

2 Q Maybe I misheard you. I thought you said  
3 "anal retentive," and now you say "A-hole." Those are  
4 obviously two different things.

5 A Correct.

6 My understanding, it was people -- when they  
7 conveyed it to me, they said -- the next day people  
8 were coming to work saying, "Mr. Zellerbach just  
9 called you an A-hole last night," and I went, "What?"

10 Then I started asking people, and they said  
11 "Yeah, he did."

12 And I said, "He said 'A-hole'?"

13 And they said, "Well, no. He said 'anal  
14 retentive' or 'anal' or something like that."

15 "Okay."

16 So that was people's rendition or their --

16:31:29

17 Q And that's --

18 A -- summary.

19 Q -- separate from giving you the  
20 employee-of-the-month award and calling --

21 A Correct.

22 Q -- you anal retentive?

23 A Correct.

24 Q Those are two separate incidents?

25 Those are two separate incidents?

1 A Yes, they are.

2 Q But you were not present at the annual  
3 banquet when the second incident occurred?

4 A Correct.

5 Q But were you present at the first incident?

6 A Yes.

7 Q And do you consider the curtness or the  
8 rudeness to be harassment?

16:31:56

9 A Yes.

10 I'll be honest with you. I tried to avoid  
11 that man after those sort of encounters.

12 Q Did you consider coming back to work at the  
13 district attorney's office after the election in  
14 2014?

16:32:30

15 A Yes, I did. However, I have to tell you when  
16 you ask have I spoken with anyone at the -- I think  
17 you asked about text messages or -- with the district  
18 attorney employees, maybe about six weeks ago I came  
19 into contact with Mr. John Aki. I was actually eating  
20 lunch with Tom Daily in Indio, and Mr. Aki walked in  
21 as I was ordering, and Mr. Aki had with him Ryan Monis  
22 who's an investigator in our office.

16:32:59

23 Then a few moments later after that, Chuck  
24 Cervello, C-e-r-v-e-l-l-o -- he was another  
25 investigator from our office who entered and made

1 contact with John Aki -- and Mr. Aki asked me -- he  
2 said, "Hey, how you doing? Are you working?"

3 And I said, "No."

4 And he said, "Are you coming back to work  
5 with us?" And I thought that was strange because he 16:33:28  
6 will be the new executive A.D.A. He will take over  
7 for Mr. Van Wagenen in Riverside. Michael Hestrin's  
8 made that quite clear -- Michael Hestrin,  
9 H-e-s-t-r-i-n -- and so has Mr. Aki.

10 And I said, "No, not that I'm aware of."

11 And then he started to tell me about his  
12 lawsuits that he had. He had a recent one. I think  
13 he's had three or four lawsuits against  
14 Mr. Zellerbach.

15 And he said, "I dismissed my lawsuit," and he 16:33:59  
16 started to tell me about it, "my lawsuit against  
17 Mr. Zellerbach."

18 And I said, "That's wonderful, John. Why are  
19 you telling me this?"

20 And he said, "Well, you know, I don't think  
21 the County should be responsible for Mr. Zellerbach's  
22 actions."

23 And I said, "Okay" -- excuse me -- and I  
24 agreed with him.

25 And then he said, "So are you coming back to

1 work for us?"

2 And I said, "John, you just asked me that  
3 question. Why are you asking me that question again?"

4 And he said, "Let me ask it another way. Do  
5 you want to come back to work for us?"

6 I just looked at him, and I thought, oh, and  
7 then he started continuing on about dropping the  
8 lawsuit or how he dropped his lawsuit.

9 And I said, "Okay. That's great. Thank  
10 you."

11 And I said, "We'll just have to wait and see  
12 what happens."

13 I took that as kind of an extortive view. I  
14 thought, great, you know, now you have somebody who,  
15 number one, is going to be the new A.D.A. He knows  
16 whether he's going to hire me back or not or offer me  
17 the job, and he's asking me if I want to come back,  
18 and impliedly or implicitly there is: You drop your  
19 lawsuit and we'll go ahead and bring you back.

20 So I thought this is just something I don't  
21 want to go back to. More over, Mr. Zellerbach was a  
22 judge for ten years. He's got a lot of friends on  
23 that bench. All it takes is one defense attorney to  
24 go, "Objection. Prosecutorial misconduct."

25 "Sustained."

16:34:29

16:34:59



1 "Counsel you have to report to the State  
2 Bar."

3 "Oh."

4 I don't need that and, believe it or not,  
5 that does happen, and I -- so I don't want to risk  
6 that.

7 More over, there are supervisors who are  
8 still going to work in that office, and there's  
9 nothing I'm going to do, and I'm going to have to see  
10 them every day. And after having been through what  
11 I've went through, I really don't want to make contact  
12 or be around those people. They will -- they'll be  
13 looking, you know, at any chance they can to -- I  
14 don't know -- undermine my career. So, you know, bad  
15 place as it is at this point, no, I have no intention  
16 or desire to go back.

16:35:29

17 Q I asked you about the election --

18 A Uh-huh.

19 Q -- in 2014 --

20 A Uh-huh.

21 Q -- when you found out that Mr. Zellerbach and  
22 Mr. Lafferty were going to be leaving the office.

16:35:59

23 A Uh-huh.

24 Q At that time did you consider coming back?

25 A The thought had crossed my mind, yes. But,

1 again, in the back of my mind the problem I had, I had  
2 to weigh it, and I've seen these judges do this. I've  
3 seen judges, you know, "Yes, prosecutorial  
4 misconduct."

5 Oh, I do not want to be in that position. I  
6 don't go to the country club over there, you know,  
7 Victory Country Club or whatever it is, and I just -- 16:36:29  
8 I'm not in the good-old-boy network. I do my job. I  
9 go to work, and that's it. And so there's a risk, and  
10 that's the way it works. People -- you know, you go  
11 to get a job -- you know, I've applied to, like, 40  
12 jobs, and I haven't had maybe one person contact me on  
13 a job with my credentials as a prosecutor. It's

14 because they call up the office -- I've seen it happen  
15 when I worked there -- and they ask, "Hey, who's this  
16 Chris Ross guy? Why is he leaving?" And none of it's  
17 on the record, and it's all hush-hush, and then, "Oh."  
18 And you never receive an interview. You never receive 16:37:00  
19 anything. These are the risks you run. People, you  
20 know, do talk. We all know it. And they don't do it  
21 on the record, and they don't make it public.

22 So that was running through my mind. I  
23 thought, no, I don't really want to go back into that  
24 environment.

25 But then I thought, well, Michael Hestrin

1 might be a different -- he was a prosecutor, and I  
2 thought he may be a different type of leader. It may  
3 change the way, you know, the office is run. And so I  
4 had to kind of weigh that, and that's where I was at a  
5 balancing point at that point in time.

16:37:28

6 And then a few weeks ago, maybe six weeks  
7 ago, my encounter with John Aki kind of, you know,  
8 tipped my thought process or made the decision for  
9 me.

10 Q In December of 2013 why did you make the  
11 decision not to go to the fit-for-duty exam with the  
12 doctor from UCI?

13 A I didn't not make a decision to go there.  
14 They never gave me the doctor's examination for UCLA.  
15 I wanted to go to UCLA. They wanted me to go to  
16 UC Irvine, and I -- my mom had just had a stroke when  
17 that happened. I said, "I can't leave my mom. I'm in  
18 Los Angeles." So I needed to stay with my mom, and I  
19 asked them to make the appointment for UCLA, and that  
20 was nurse Julie Witchik -- Wiltchik, W-i-l-t-c-h-i-k,  
21 and she said, "Not a problem."

16:37:59

22 At that point I never got -- I never got an  
23 appointment. I kept emailing her and contacting her  
24 saying, "Do you want me to make the appointment for  
25 you?" It's not that hard. Neurology will take you.

16:38:28

1           And she said, "No, we can't find anybody in  
2 Los Angeles or anybody in Southern California who will  
3 take you because you won't give us your medical  
4 records and they won't see you unless they have your  
5 medical records."

6           Q     I think you misheard my question. I'm going  
7 to ask it again --

8           A     Uh-huh.

9           Q     -- so the record's clear.

10           In December of 2013 why did you make the  
11 decision not to go at that time for the  
12 fitness-for-duty exam with the doctor at UCI?

13           A     You said --

16:38:59

14           MR. WEAVER: Asked and answered.

15           THE WITNESS: Didn't you say "UCLA" last time?

16           MS. KOLE: No.

17           THE WITNESS: Oh, you said "UCI"? I think I just  
18 answered that for you.

19           BY MS. KOLE:

20           Q     To have a clear record, you responded to what  
21 you thought I asked about UCLA; right? I'd appreciate  
22 it if you'd answer the question about why you did not  
23 go to the UCI doctor.

24           A     Sure.

25           Again, my mom had an endarterectomy. I

1 needed to stay in Los Angeles. I don't know how to  
2 spell "endarterectomy." It was a surgery on her  
3 artery because she had a stroke. She was ambulatory. 16:39:27  
4 She was in the hospital for 12 days. I needed to take  
5 care of her, her pets, her house, et cetera, and I  
6 could not leave Los Angeles. From the time she came  
7 home, I had -- I was her caregiver. I had to take  
8 care of her. And so I requested to go to UCLA, and,  
9 of course, Ms. Wiltchik said not a problem, she would  
10 do that.

11 Later on through subsequent contacts on  
12 multiple occasions via email, she stated that, no, 16:39:58  
13 UCLA would not see me without my medical records. And  
14 she also stated that -- eventually she stated that no  
15 other doctor in the Southern California or local area  
16 would see me -- in the local Southern California area  
17 would see me without my medical records.

18 Q What do you mean by "medical records"?

19 A Medical records. That's what she said. You  
20 can ask her for specifics.

21 Q I'm asking for your understanding.

22 Did you think you had to arrive at the office  
23 with a big stack of medical records?

24 A Which -- okay. So which -- I'm sorry. I'm 16:40:31  
25 confused.

1 Do you want to know what I thought she meant  
2 by "medical records" or whether I had to arrive with a  
3 big stack of medical records?

4 Q I'm asking you if what you thought was you  
5 needed to arrive at the fitness-for-duty doctor with a  
6 big stack of medical records.

7 A No, she did not say that, if you want me to  
8 elaborate.

9 Q When you say "medical records," what -- what  
10 are you referring to?

11 A I'm referring to what she referred to, and  
12 she stated that she needed my medical records 16:41:00  
13 including my treatment records from the Mayo Clinic  
14 and/or Cedars-Sinai, and she needed all of them and  
15 any other records that I had from my medical records,  
16 and they needed to be provided to this examining  
17 doctor, otherwise, they refused to treat me.

18 Q So she told you you had to get your medical  
19 records from the Mayo Clinic and Cedars-Sinai and  
20 provide them to the fitness-for-duty doctor?

21 A No, I had to provide them to her and they  
22 would provide them to the fitness-for-duty doctor. 16:41:29

23 In fact, an appointment -- she said they  
24 refused to even make an appointment with me until I --  
25 until they had reviewed the medical records.

1 MS. KOLE: Okay. I suggest we wrap up for today,  
2 and I propose the following stipulation:

3 That we relieve the court reporter of her  
4 duties under the code.

5 Oh, I guess I should have asked you first if  
6 there's any questions you want to ask today. 16:41:59

7 MR. WEAVER: No, certainly not.

8 And just to be clear, we're not continuing  
9 tomorrow. We'll meet and confer to come up with a  
10 mutually convenient date.

11 MS. KOLE: Yes, I'd like to do that.

12 MR. WEAVER: Very good then.

13 MS. KOLE: Okay. I'll stipulate that we relieve  
14 the court reporter of her duties under the code.

15 I think we should go ahead and have this  
16 transcript prepared.

17 MR. WEAVER: I agree.

18 MS. KOLE: And I would propose that perhaps  
19 Mr. Ross has 45 days to review it since we're coming 16:42:30  
20 up to the holiday period and that counsel will apprise  
21 me of any changes made to the deposition and when it  
22 is signed;

23 That if for any reason the original is lost,  
24 that a certified copy may be used for any and all  
25 purposes.

1           And am I forgetting anything?

2           MR. WEAVER: I'll maintain the original.

3           MS. KOLE: Okay.

4           MR. WEAVER: I stipulate to that.

16:43:00

5           MS. KOLE: Thank you.

6           VIDEOGRAPHER: This marks the conclusion of media  
7 Number 3 in the continuing deposition of Christopher  
8 Ross.

9           Today's date is December 9, 2014. The time is  
10 4:43 p.m. and we are off the record.

11                   (The proceedings were adjourned  
12 at 4:43 p.m.)

13                                   --oo0oo--

14                                   (DECLARATION UNDER PENALTY OF  
15 PERJURY ON THE FOLLOWING PAGE)

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DECLARATION UNDER PENALTY OF PERJURY

I hereby declare under penalty of perjury that the foregoing is my deposition under oath; are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name this 12 day of January, 2015.

  
CHRISTOPHER ROSS  
(Volume I)

1 CERTIFICATE  
2 OF  
3 CERTIFIED SHORTHAND REPORTER  
4

5 The undersigned Certified Shorthand Reporter,  
6 licensed in the State of California, does hereby  
7 certify:

8 That the foregoing deposition was taken  
9 before me at the time and place therein set forth, at  
10 which time the witness was duly sworn by me;

11 That the testimony of the witness and all  
12 objections made at the time of the examination were  
13 recorded stenographically by me and were thereafter  
14 transcribed, said transcript being a true copy of my  
15 shorthand notes thereof;

16 That the dismantling of the original  
17 transcript will void the reporter's certificate.

18 I further declare that I have no interest in  
19 the outcome of the action.

20 In witness whereof, I have subscribed my name  
21 this date: 12/16/14.

22   
23 Patricia L. Somers  
24 Certificate Number 2974  
25

CORRECTIONS

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Page      Line      Is      Should Be      Reason for Change

45 1/10      "prosecutors"      "attorneys"

58 1/9      "position" after A.D.A.

74 1/25      " " at end of sentence

85 1/8      "work the"      "work with the"

104 1/5      "prosecutor had"      "prosecutor who had"

110 1/13      "at minimum"      "at a minimum"

113 1/1      "denying anything"      "denying everything"

129 1/7      "I got"      "I got up"

136 1/8      "Had to"      "I had to"

137 1/3      "about that"      "about that later"

142 1/1      "overall which"      "which overall"

150 1/3      "Knowledge and intent to act"      "Knowledge, intent, and an act"

171 1/25      "This a"      "this is a"

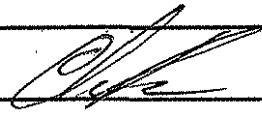
202 1/4      "you're getting"      "you're not getting"

204 1/8      "we are"      "like our"

210 1/25      "said"      "He said"

~~210 1/25      "said"      "He said"~~

243 1/45      "so, you know, bad place"      "so, you know, as bad a place"

Signature of witness 

# Exhibits

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JUL 17 2014  
WOODRUFF, SPRADLIN & SMART

Attorneys for Plaintiff  
CHRISTOPHER ROSS

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE**

CHRISTOPHER ROSS,

Plaintiff.

v.

COUNTY OF RIVERSIDE; PAUL  
ZELLERBACH, as an individual and as the  
District Attorney, SEAN LAFFERTY, as an  
individual and as an Assistant District  
Attorney; DAVID GREENBERG, as an  
individual and as the Chief Deputy District  
Attorney; JEFFREY VAN WAGENEN, as  
an individual and as an Assistant District  
Attorney, TRICIA FRANSDAL, as an  
individual and as a Deputy District Attorney

Defendants.

) Case No. P.S.C.1403729  
)  
) *Assigned to the Hon. Judge David M.*  
) *Chapman, Department PS2*  
)  
) **PLAINTIFF CHRISTOPHER ROSS'**  
) **RESPONSES TO DEFENDANT**  
) **COUNTY OF RIVERSIDE'S SPECIAL**  
) **INTERROGATORIES, SET ONE**  
)  
) Complaint Filed: July 10, 2014  
) Trial Date: None Set  
) Demurrer: October 31, 2014  
) Case Management Conference: January 6,  
) 2015  
)

DEFENDANT'S  
EXHIBIT NO. /  
FOR IDENTIFICATION  
ROSS  
DATE 12/9/14 RPTR: pt

1  
2 PROPOUNDING PARTY: Defendant, COUNTY OF RIVERSIDE

3 RESPONDING PARTY: Plaintiff, CHRIS ROSS

4 SET NO.: ONE

5 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

6 Plaintiff Chris Ross (hereafter "Plaintiff") responds as follows to Special Interrogatories – Set  
7 One, propounded by Defendant County of Riverside (hereafter "Defendant").  
8

9  
10 **SPECIAL INTERROGATORIES**

11 **SPECIAL INTERROGATORIES NO. 1:**

12 Identify all dates YOU (as used herein, the term "YOU" and "YOUR" shall refer to Plaintiff  
13 Christopher Ross) received MEDICAL TREATMENT (as used herein, the term "MEDICAL  
14 TREATMENT" shall refer to treatment, examinations, and/or consultations provided or performed by  
15 any health care provider) at Cedars-Sinai Medical Center from February 1, 2013 to June 12, 2014.

16 **RESPONSE TO SPECIAL INTERROGATORIES NO.1:**

17 May 24, 31; June 5

18 **SPECIAL INTERROGATORIES NO. 2:**

19 Identify all dates YOU received MEDICAL TREATMENT at the Mayo Clinic in Arizona from  
20 February 1, 2013 to June 12, 2014.

21 **RESPONSE TO SPECIAL INTERROGATORIES NO.2:**

22 July 15, 17, 18, 19, 2013, August 2, 28, 29, 30, 2013; September 6, 9, 18, 19, 2013; October 1,  
23 2013; November 14, 2013.

24 **SPECIAL INTERROGATORIES NO. 3:**

25 Identify all dates YOU received MEDICAL TREATMENT at the UCLA Medical Center from  
26 February 1, 2013 to June 12, 2014.

27 **RESPONSE TO SPECIAL INTERROGATORIES NO. 3:**

1 None.

2 **SPECIAL INTERROGATORIES NO. 4:**

3 Identify all dates YOU received MEDICAL TREATMENT at the UCLA Neurology Outpatient  
4 Clinic from February 1, 2013 to June 12, 2014.

5 **RESPONSE TO SPECIAL INTERROGATORIES NO. 4:**

6 None.

7 **SPECIAL INTERROGATORIES NO. 5:**

8 Identify all dates YOU received MEDICAL TREATMENT from Eli Baron, M.D. from February  
9 1, 2013 to June 12, 2014

10 **RESPONSE TO SPECIAL INTERROGATORIES NO. 5:**

11 May 24 and June 5, 2013.

12 **SPECIAL INTERROGATORIES NO. 6:**

13 Identify all health care providers from whom YOU have received MEDICAL TREATMENT  
14 relating to Amyotrophic Lateral Sclerosis from February 1, 2013 to June 12, 2014.

15 **RESPONSE TO SPECIAL INTERROGATORIES NO. 6:**

16 Dr. Tatini, Dr. Vargas, Dr. Dunkel-Driver, Dr. Ross, Dr. Bogle, Dr. Chang.

17 **SPECIAL INTERROGATORIES NO. 7:**

18 Identify all dates YOU received MEDICAL TREATMENT relating to Amyotrophic Lateral  
19 Sclerosis from February 1, 2013 to June 12, 2014.

20 **RESPONSE TO SPECIAL INTERROGATORIES NO. 7:**

21 July through September 2013.

22 **SPECIAL INTERROGATORIES NO. 8:**

23 Identify all health care providers from whom YOU have received MEDICAL TREATMENT relating  
24 to Post-Traumatic Concussion Syndrome from February 1, 2013 to June 12, 2014.

25 **RESPONSE TO SPECIAL INTERROGATORIES NO. 8:**

26 Dr. Tatini, Dr. Vargas, Dr. Dunkel-Driver, Dr. Bogle

27 **SPECIAL INTERROGATORIES NO. 9:**



1 Identify all dates YOU received MEDICAL TREATMENT relating to Post-Traumatic  
2 Concussion Syndrome from February 1, 2013 to June 12, 2014.

3 **RESPONSE TO SPECIAL INTERROGATORIES NO. 9:**

4 July through September 2013.

5 **SPECIAL INTERROGATORIES NO. 10:**

6 Identify all health care providers from whom YOU have received MEDICAL TREATMENT  
7 relating to any medical condition for which YOU allege YOU attempted to obtain work accommodation  
8 from February 1, 2013 through June 12, 2014 from YOUR former employer the County of Riverside.

9 **RESPONSE TO SPECIAL INTERROGATORIES NO. 10:**

10 Dr. Baron, Dr. Tatini, Dr. Ross, Dr. Chivers, Dr. Butters, Dr. Jameson, Dr. Schiff, Dr. Dunkel-  
11 Driver, Dr. Young, Dr. Chang, Dr. Lewis, Dr. Vargas, Dr. Parish, Dr. Pittelkow, Dr. Wethe, Dr. Karlin,  
12 Dr. Hu, Dr. Smith.

13 **SPECIAL INTERROGATORIES NO. 11:**

14 Please describe the substance of all communications YOU had with the County of Riverside  
15 about YOUR medical condition from February 1, 2013 to June 12, 2014.

16 **RESPONSE TO SPECIAL INTERROGATORIES NO. 11:**

17 Plaintiff had conversations with Riverside County Nurse Julie Wiltchik regarding scheduling a  
18 medical examination regarding symptoms of myelopathogenesis and ataxia for Plaintiff's fitness for  
19 duty.

20 **SPECIAL INTERROGATORIES NO. 12:**

21 Please describe the substance of all communications YOU had with Paul Zellerbach about  
22 YOUR medical condition from February 1, 2013 to June 12, 2014.

23 **RESPONSE TO SPECIAL INTERROGATORIES NO. 12:**

24 Plaintiff does not recall any communications between he and Paul Zellerbach directly. However,  
25 Sean Lafferty told Plaintiff several times that Mr. Lafferty had spoken directly to Mr. Zellerbach about  
26 Plaintiff's situation.

1 **SPECIAL INTERROGATORIES NO. 13:**

2 Please describe the substance of all communications YOU had with Sean Lafferty about YOUR  
3 medical condition from February 1, 2013 to June 12, 2014..

4 **RESPONSE TO SPECIAL INTERROGATORIES NO. 13:**

5 Plaintiff sent a letter to David Greenberg regarding his medical situation. Sean Lafferty  
6 discussed Plaintiff's medical situation and treatment with Paul Zellerbach, Jeffrey Van Wagenen, and  
7 others. The communications concerned, among other things, Plaintiff's medical treatment and its effect  
8 on the homicide unit; Plaintiff's job performance; Plaintiff's transfer from homicides into the filings  
9 department; the Mayo Clinic's diagnosis of post traumatic concussion syndrome and diseases that had  
10 been ruled out; Plaintiff's need for a reduction of stress in his job; accusations that Plaintiff was being  
11 insubordinate in refusing to provide the details of his medical diagnosis and treatment; Plaintiff's need  
12 for leave under the Family Medical Leave Act; and the Union Memorandum of Understanding allegedly  
13 authorizing the County to require Plaintiff to produce a doctor's note to return to work and to be  
14 examined by a physician for a fitness for duty examination.

15 **SPECIAL INTERROGATORIES NO. 14:**

16 Please describe the substance of all communications YOU had with David Greenberg about  
17 YOUR medical condition from February 1, 2013 to June 12, 2014.

18 **RESPONSE TO SPECIAL INTERROGATORIES NO. 14:**

19 Plaintiff discussed with Mr. Greenberg the Cedars Sinai physician diagnosis of symptoms of  
20 myelopathogenesis and ataxia; other potential diagnoses; the Mayo Clinic diagnosis of post traumatic  
21 concussion syndrome; Plaintiff's trial schedule and the lack of any scheduling conflicts; Plaintiff's  
22 request for an accommodation in the form of no new assignment of cases until conclusion of treatment  
23 at Mayo Clinic; Plaintiff's reassignment; and Plaintiff's need for a reduction of stress.

24 **SPECIAL INTERROGATORIES NO. 15:**

25 Please describe the substance of all communications YOU had with Jeffrey Van Wagenen about  
26 YOUR medical condition from February 1, 2013 to June 12, 2014.

27 **RESPONSE TO SPECIAL INTERROGATORIES NO. 15:**

1 Plaintiff does not recall any communications directly with Mr. Van Wagenen about his medical  
2 condition, but Sean Lafferty told me several times that he had spoken directly to Mr. Van Wagenen  
3 about my situation. In addition, Mr. Van Wagenen did speak with Plaintiff's union representatives-  
4 Anthony Fimbres and John Aki-about his situation.

5 **SPECIAL INTERROGATORIES NO. 16:**

6 Please describe the substance of all communications YOU had with Tricia Fransdal about YOUR  
7 medical condition from February 1, 2013 to June 12, 2014.

8 **RESPONSE TO SPECIAL INTERROGATORIES NO. 16:**

9 Plaintiff discussed with Tricia Fransdal his medical condition, his need for a reduction of stress;  
10 his case load; and the reassignment to a new position.

11 **SPECIAL INTERROGATORIES NO. 17:**

12 Please describe the substance of all communications YOU had with the County of Riverside  
13 about YOUR request(s) for work accommodation from February 1, 2013 to June 12, 2014.

14 **RESPONSE TO SPECIAL INTERROGATORIES NO. 17:**

15 Plaintiff objects that this request is vague and ambiguous. The County is not a person with  
16 whom Plaintiff could have communications. Plaintiff did have various discussions about his disability  
17 and medical condition and need for accommodation or leave as discussed in response to other  
18 interrogatories.

19 **SPECIAL INTERROGATORIES NO. 18:**

20 Please describe the substance of all communications YOU had with Paul Zellerbach about  
21 YOUR request(s) for work accommodation from February 1, 2013 to June 12, 2004.

22 **RESPONSE TO SPECIAL INTERROGATORIES NO. 18:**

23 Plaintiff does not recall any communications between he and Paul Zellerbach directly. However,  
24 Sean Lafferty told Plaintiff several times that Mr. Lafferty had spoken directly to Mr. Zellerbach about  
25 Plaintiff's situation.

26 **SPECIAL INTERROGATORIES NO. 19:**

1 Please describe the substance of all communications YOU had with Sean Lafferty about YOUR  
2 request(s) for work accommodation from February 1, 2013 to June 12, 2004.

3 **RESPONSE TO SPECIAL INTERROGATORIES NO. 19:**

4 Plaintiff discussed with Mr. Lafferty his need for a reduction of stress temporarily, the need for a  
5 temporary break from assignment of new cases, and the County's threat to reassign Plaintiff.

6 **SPECIAL INTERROGATORIES NO. 20:**

7 Please describe the substance of all communications YOU had with David Greenberg about  
8 YOUR request(s) for work accommodation from February 1, 2013 to June 12, 2004.

9 **RESPONSE TO SPECIAL INTERROGATORIES NO. 20:**

10 Plaintiff discussed with Mr. Greenberg his need for a reduction of stress temporarily, the need  
11 for a temporary break from assignment of new cases, and the County's threat to reassign Plaintiff.

12 **SPECIAL INTERROGATORIES NO. 21:**

13 Please describe the substance of all communications YOU had with Jeffrey Van Wagenen about  
14 YOUR request(s) for work accommodation from February 1, 2013 to June 12, 2004.

15 **RESPONSE TO SPECIAL INTERROGATORIES NO. 21:**

16 Plaintiff does not recall any communications between he and Jeffrey Van Wagenen directly.  
17 However, Sean Lafferty told Plaintiff several times that Mr. Lafferty had spoken directly to Mr. Van  
18 Wagenen about Plaintiff's situation.

19 **SPECIAL INTERROGATORIES NO. 22:**

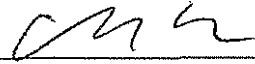
20 Please describe the substance of all communications YOU had with Tricia Fransdal about YOUR  
21 request(s) for work accommodation from February 1, 2013 to June 12, 2004.

22 **RESPONSE TO SPECIAL INTERROGATORIES NO. 22:**

23 Plaintiff discussed with Ms. Fransdal his need for a reduction of stress temporarily, the need for a  
24 temporary break from assignment of new cases, and the County's threat to reassign Plaintiff.

1 Dated: November 12, 2014

AITKEN CAMPBELL HEIKAUS WEAVER, LLP

2 By   
3 Chris Heikus Weaver  
4 Attorney for Plaintiff  
5 CHRISTOPHER ROSS  
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VERIFICATION

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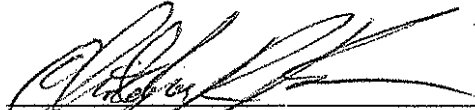
STATE OF CALIFORNIA )  
 ) ss:  
COUNTY OF RIVERSIDE )

I, CHRISTOPHER ROSS, declare:

I am the Plaintiff in this action. I have read the foregoing **PLAINTIFF CHRISTOPHER ROSS' RESPONSES TO DEFENDANT COUNTY OF RIVERSIDE'S SPECIAL INTERROGATORIES, SET ONE** and know the contents thereof; that the information contained therein is true of my own knowledge except as to matters which are based on my information and belief and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 12, 2014 at Riverside, California.

  
\_\_\_\_\_  
Christopher Ross

(PROOF OF SERVICE BY MAIL – FRCP RULE 5)  
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am a resident of/employed in Riverside County, California; I am over 18 years of age and not a party to the within action; my business address is 3890 Eleventh St., Riverside, CA 92501.

On November 13, 2014, I served the documents listed below on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

CYNTHIA W. KOLE WOODRUFF, SPRADLIN & SMART, APC 555 Anton Boulevard, Suite 1200 Costa Mesa, California 92626-7670	Attorneys for Defendants COUNTY OF RIVERSIDE, et al.
--	---

- BY MAIL: I deposited such envelope, with postage thereon fully prepaid, in the United States mail at Anaheim, California.
- BY PERSONAL SERVICE: I arranged for delivery of such envelope by hand to the office(s) of the addressee(s).
- BY EXPRESS MAIL: On the date stated herein, I personally caused said document(s) to be delivered to the office(s) of the addressee(s) by placing document(s) in a UPS Next Business Day Delivery.
- BY ELECTRONIC SERVICE THROUGH ATTORNEY SERVICE: I electronically uploaded a true copy in Adobe "pdf" format to a qualified attorney service for electronic filing through the Court's system. During the electronic filing process, I selected "e-Service" to the e-mail address of the parties on the attached Service List. It is my understanding that the attorney service sends an e-mail to the selected parties with a link to the electronically filed document.
- BY FACSIMILE: Pursuant to C.C.P. Section 1013(e) and 1013(f) I caused said documents to be transmitted to the fax number(s) of the office(s) of the addressee(s):

**Plaintiff Christopher Ross' Responses to Form Interrogatories – Employment Law; Plaintiff Christopher Ross' Responses to Special Interrogatories; Plaintiff Christopher Ross' Responses to Requests for Admission; Plaintiff Christopher Ross' Responses to Requests for Production of Documents; CD containing document production**

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on November 13, 2014 at Riverside, California.



Chris Heikus Weaver





RECEIVED  
CLAIM# 060-18 SUM# 14-143

COPY

JUL 24 2014

CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE STATE OF CALIFORNIA

SUMMONS  
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

COUNTY OF RIVERSIDE; Additional Parties Attachment form is attached.

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

CHRISTOPHER ROSS

BY: C. Banda Deputy  
SOLO PARA USO DE LA CORTE  
**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE  
JUL 10 2014  
C. Banda

910 419

NOTICE) You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/calhelp](http://www.courtinfo.ca.gov/calhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/calhelp](http://www.courtinfo.ca.gov/calhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or judgment award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. AVISO: Le han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.suavoz.ca.gov](http://www.suavoz.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.suavoz.ca.gov](http://www.suavoz.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar los costos y los costos escritos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desahar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Riverside Superior Court  
3255 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

CASE NUMBER  
1403729

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Chris M. Heitkus Weaver, 3877 Twelfth St., Riverside, CA 92501; 951-530-4840

DATE: JUL 10 2014 Clerk, by C. Banda Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para probar la entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



- NOTICE TO THE PERSON SERVED: You are served
- as an individual defendant
  - as the person sued under the fictitious name of (specify):
  - on behalf of (specify): County of Riverside  
under:  CCP 416.10 (corporation)  CCP 416.80 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify): unknown
  - by personal delivery on (date): 7-24-14

2014 JUL 24 PM 4:32

Form prepared by Monterey Union Judicial Council of California 804-116 (Rev. July 9, 2009)

SUMMONS

Costs of Civil Procedure §§ 412.20, 403 www.courtinfo.ca.gov

DEFENDANT'S  
EXHIBIT NO. 2  
FOR IDENTIFICATION  
ROSS  
DATE: 12/16/14 RPTR: pt

COPY

1 Chris M. Heikaus Weaver, Bar No. 231907  
2 Darren J. Campbell, Bar No. 223088  
3 Aitken Campbell Heikaus Weaver, LLP  
4 3877 Twelfth St.  
5 Riverside, CA 92501  
6 Telephone: (951) 530-4840  
7 Facsimile: (951) 344-1762  
8 chris@achwlaw.com  
9 darren@achwlaw.com

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JUL 10 2014

C. Banda

10 Attorneys for Plaintiff  
11 CHRISTOPHER ROSS

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF RIVERSIDE

14 CHRISTOPHER ROSS,  
15 Plaintiff.

16 v.

17 COUNTY OF RIVERSIDE; PAUL  
18 ZELLERBACH, as an individual and as the  
19 District Attorney; SEAN LAFFERTY, as an  
20 individual and as an Assistant District  
21 Attorney; DAVID GREENBERG, as an  
22 individual and as the Chief Deputy District  
23 Attorney; JEFFREY VAN WAGENEN, as  
24 an individual and as an Assistant District  
25 Attorney; TRICIA FRANSDAL, as an  
26 individual and as a Deputy District Attorney  
27 Defendants.

Case No. P.S.C. 1403729

COMPLAINT FOR RETALIATION  
AND DISABILITY DISCRIMINATION

DEMAND FOR JURY TRIAL

28 Plaintiff CHRISTOPHER ROSS alleges:

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NATURE OF ACTION

1. Plaintiff Christopher Ross – a disabled veteran and highly successful career prosecutor – has been the subject of a campaign of harassment, discrimination and retaliation by his employer, the County of Riverside, and supervisors. More specifically, Plaintiff is being punished for: (1) exercising his right of free speech and his full compliance with his legal and ethical obligations as a prosecutor in recommending dismissal of murder charges against an innocent man; and (2) his medical disability, sustained during the course of his military service.

JURISDICTION AND VENUE

2. Plaintiff Christopher Ross is a citizen of California, residing in Los Angeles County, California. During the relevant time period herein, Plaintiff was employed by Defendant County of Riverside.

3. Defendant County of Riverside was and is a duly chartered public entity, empowered under the laws of the State of California with the authority to act as the governing party for the County of Riverside.

4. Defendant Paul Zellerbach is the duly elected District Attorney for the County of Riverside. He is a former Judge of Riverside Superior Court. Plaintiff is informed and believes that during the relevant time period, Defendant Zellerbach resided in Riverside County.

5. Defendant Sean Lafferty is the Assistant District Attorney for the County of Riverside, Southwest Division. Defendant Lafferty has been elected as a Judge of Riverside Superior Court. Plaintiff is informed and believes that during the relevant time period, Defendant Lafferty resided in Riverside County.

6. Defendant David Greenberg is the Chief Deputy District Attorney for the County of Riverside. Plaintiff is informed and believes that during the relevant time period, Defendant Greenberg resided in Riverside County.

7. Defendant Jeffrey Van Wagenen is the Assistant District Attorney for the County of Riverside. Plaintiff is informed and believes that during the relevant time period, Defendant Van Wagenen resided in Riverside County.

1 8. Defendant Tricia Fransdal is a Deputy District Attorney for the County of Riverside.  
2 Plaintiff is informed and believes that during the relevant time period, Defendant Fransdal resided in  
3 Riverside County.

4 FACTUAL BACKGROUND

5 DEFENDANTS RETALIATED AGAINST PLAINTIFF FOR OBJECTING TO  
6 THEIR INSISTENCE THAT HE PROSECUTE AN INNOCENT MAN FOR MURDER

7 9. Plaintiff Christopher Ross began his employment with the Riverside County District  
8 Attorney's Office on October 1, 2005. Ross is a talented and successful prosecutor. He quickly rose  
9 through the ranks until he was prosecuting the most serious offenses, including death penalty cases. His  
10 record as of June 2013 was 59-0-1.

11 10. In 2011, Plaintiff was assigned a murder case against Roger Wayne Parker. He was  
12 assigned the case after another prosecutor refused to prosecute the case due to lack of evidence against  
13 the accused. In late 2011, Plaintiff completed a memo analyzing the case against Parker, in which he  
14 concluded that the current evidence was insufficient to prosecute Parker. Plaintiff then requested  
15 further DNA analysis of physical evidence against Parker. The results of this analysis were inconclusive  
16 at best. Plaintiff then (in May 2012) completed another memo, in which he recommended -- after  
17 thorough analysis of all evidence -- that the District Attorney "[d]ismiss the case as it appears rife with  
18 reasonable doubt." In Plaintiff's view, the facts demonstrated extremely shoddy police work that  
19 coerced a confession from an innocent man with significant intellectual disabilities who plainly knew  
20 nothing about the crime. The evidence, in fact, pointed to another individual as the guilty party.

21 11. Plaintiff's supervisor at the District Attorney's office refused to accept Plaintiff's  
22 recommendation, ordering that Plaintiff submit yet more physical evidence for DNA analysis. These  
23 results continued to be inconclusive at best and arguably supported the accused's innocence.

24 12. Plaintiff also conducted further investigation into the case. He discovered that another  
25 suspect, whom the police initially ruled out, had been recorded confessing to the murder. In October  
26 2013, Plaintiff issued an updated memo notifying the District Attorney's office of this fact and  
27 recommending dismissal of the case against Parker. Plaintiff's supervisor, Defendant Sean Lafferty,  
28

1 responded with anger and hostility. Ultimately, Defendant Lafferty and the District Attorney's Office  
2 reassigned the Parker case to another prosecutor. Defendant Lafferty instructed Plaintiff not to turn over  
3 exculpatory evidence – the recorded confession -- to Parker's attorney.

4 13. On information and belief, only weeks before the filing of this action, the District  
5 Attorney's office formally dismissed all charges against Parker.

6 DEFENDANTS SUBJECTED PLAINTIFF, A VETERAN, TO HARASSMENT, DISCRIMINATION  
7 AND RETALIATION BASED ON HIS MEDICAL CONDITION

8 14. In approximately July 2013, a doctor recommended that Plaintiff see a neurologist based  
9 on symptoms he was displaying. He was initially evaluated at Cedars-Sinai, where he was warned that  
10 he might be suffering from a number of neurological conditions, including amyotrophic lateral sclerosis  
11 (ALS or "Lou Gehrig's disease"). In August 2013, Plaintiff began travelling to the Mayo Clinic in  
12 Arizona for diagnosis by specialists. Ultimately, Plaintiff was diagnosed with Post-Traumatic  
13 Concussion Syndrome. His doctors believe that Plaintiff suffered from traumatic brain injuries while  
14 serving in the Army in Iraq, where he served on the frontlines dealing with explosives on a regular basis.

15 15. Plaintiff told his supervisor Tricia Fransdal in late July 2013 that he needed a medical  
16 evaluation. He requested an accommodation in the form of a transfer out of his homicide assignment  
17 until his diagnostic procedures were complete. Ms. Fransdal refused the accommodation request until  
18 Plaintiff had a full diagnosis. The very next day, she called Plaintiff into her office and assigned him  
19 two new murder cases, bringing his total cases to 8 murder cases. By comparison, the other members of  
20 the homicide team were handling 3, 6 and 10 murder cases, respectively.

21 16. Plaintiff took steps to schedule his cases to accommodate his medical treatment at the  
22 Mayo Clinic. In approximately the second week of August, Defendant Chief Deputy District Attorney  
23 David Greenberg called Plaintiff and informed Plaintiff that he was aware of Plaintiff's medical  
24 situation. Mr. Greenberg asked whether Plaintiff needed to transfer to a complaint-filing position and  
25 have his cases transferred to other prosecutors. Plaintiff told him this was unnecessary that he had  
26 adjusted his calendar and hearing dates to accommodate his periodic visits to the Mayo Clinic until the  
27 end of the year.  
28



1           17. Plaintiff, however, did request an accommodation from Mr. Greenberg in the form of no  
2 further assignment of homicide cases until Plaintiff's medical evaluation at the Mayo Clinic was  
3 complete. Plaintiff explained that they would discuss any further necessary accommodations after the  
4 diagnosis was complete because Plaintiff anticipated that he would be able to try cases with many of the  
5 possible diagnoses. The discussion at this time was pleasant and professional.

6           18. In or about early October 2013, after Plaintiff was transferred off of the Parker case, Ms.  
7 Frandsdal assigned him another homicide case. Plaintiff reminded Ms. Frandsdal that he had requested  
8 that he not be assigned additional homicide cases through the end of the year while visiting the Mayo  
9 Clinic for evaluation. Plaintiff requested that she refrain from assigning the case to him, at least  
10 temporarily. Ms. Frandsdal refused and insisted that he was obligated to take the case now.

11           19. Plaintiff went to Mr. Greenberg and complained that Ms. Frandsdal was not accepting his  
12 request for a reasonable accommodation, contrary to Defendant Greenberg's earlier agreement that no  
13 additional cases would be assigned to Plaintiff while undergoing medical evaluation.

14           20. About a week thereafter, Plaintiff was summoned to a meeting with Defendant Assistant  
15 District Attorney Sean Lafferty, Defendant Greenberg, and Ms. Frandsdal. Defendant Lafferty demanded  
16 to know what was medically wrong with Plaintiff. Plaintiff informed him that he had been diagnosed  
17 with Post-Traumatic Concussion Syndrome as a result of military service, as well as a possible  
18 autoimmune disorder. Plaintiff informed his superiors that he was still being evaluated, but that he had  
19 been advised by his treating doctors to avoid stress. Plaintiff told his supervisors that he would keep  
20 them informed of updates.

21           21. In this meeting, Defendant Lafferty told Plaintiff that he was a non-productive member of  
22 the homicide unit because (1) he was not going to trial in the following six weeks, and (2) he could not  
23 take two more new murder cases, and that Defendant Lafferty had no one else available to whom he  
24 could assign the cases. Defendant Lafferty then informed Plaintiff that he was being demoted to a  
25 filings assignment because of his medical condition.

26           22. Defendant Lafferty's assertion that Plaintiff was a "non-productive" employee was false  
27 because (1) it is not uncommon for homicide prosecutors to go six weeks or more without going to trial,  
28

1 and (2) at that time, Plaintiff was carrying more homicide cases than several other prosecutors in the  
2 unit.

3 23. During the last week of October 2013, Plaintiff was called into another meeting and told  
4 by Defendant Lafferty that Plaintiff was "going out on FMLA leave." Plaintiff had never requested to  
5 go out on leave. When Plaintiff later explained this to Human Resources, the Human Resources  
6 employee informed him that he did not have to go out on FMLA leave unless he wanted to. Plaintiff  
7 informed her that he did not want or need to use FMLA leave at that time.

8 24. A few days later, Plaintiff was summoned to another meeting with Defendant Lafferty.  
9 Defendant Lafferty confirmed that Plaintiff was being demoted to filings effective November 1.  
10 Defendant Lafferty also told Plaintiff that he was required to provide a doctor's note stating that Plaintiff  
11 was medically able to work, and if Plaintiff did not do so, he would not be allowed to "return" to work.  
12 At this point, Plaintiff had never left work and was not required to provide any proof of his ability to  
13 "return" to work. Defendant Lafferty continued to insist that Plaintiff had to provide him with a  
14 doctor's note. Plaintiff repeatedly explained that he was not required to do so because he had never  
15 been on leave.

16 25. A few days later, Plaintiff was summoned to another meeting with Defendant Lafferty.  
17 Defendant Lafferty began by again asking what was medically wrong with Plaintiff. Plaintiff again  
18 explained the diagnosis. Defendant Lafferty became agitated and angry and began yelling at Plaintiff.  
19 He accused Plaintiff of insubordination for refusing to provide a doctor's note to return to work. After a  
20 break, Plaintiff returned to the meeting along with his Union representative.

21 26. Defendant Lafferty stated that he was sending Plaintiff home under a provision of the  
22 governing Memorandum of Understanding ("MOU"), which permits a department head to place a  
23 prosecutor on leave where there is good cause to believe that the he or she may be a danger to the health  
24 of the public, himself, or other District Attorney employees. Defendant Lafferty, however, refused to  
25 provide his good cause basis during that meeting and stated he would do so in writing later.

26 27. Since that meeting, Plaintiff has been on administrative leave. Under the provision of the  
27 MOU, the County of Riverside must arrange for the employee to be evaluated by an independent  
28

1 medical specialist. The County first attempted to send Plaintiff to a County-employed doctor. When  
2 Plaintiff objected, the County then demanded that Plaintiff provide his medical records. Plaintiff  
3 objected that the evaluation is required to be an independent evaluation. The County has refused to  
4 permit Plaintiff to return to work unless he provides his medical records for evaluation.

5 28. On or about January 27, 2014, Assistant District Attorney Jeffrey Van Wagenen informed  
6 Plaintiff's union representative that Plaintiff was obligated to waive his rights under HIPPA and provide  
7 his medical records. Mr. Van Wagenen stated that failure to do so would lead to discipline for  
8 insubordination. The County continued to refuse to permit Plaintiff to return to work unless he provided  
9 medical records prior to a fitness for duty exam.

10 29. Plaintiff resigned his employment on or about April 24, 2014, being unable to return to  
11 work under the intolerable conditions established by Defendants. No reasonable person would have  
12 continued working in the position under those circumstances.

13 30. On information and belief, Defendants Fransdal, Lafferty, Greenberg, and Van Wagenen  
14 acted at the specific direction of Zellerbach and with his express knowledge and consent of their actions.

15 EXHAUSTION OF REMEDIES

16 31. On February 27, 2014, Plaintiff filed a claim for damages with the County of Riverside.  
17 On March 10, 2014, the Clerk of the Board of Supervisors rejected the claim and issued a letter  
18 indicating that Plaintiff had six months to file suit under California law.

19 32. On February 11, 2014, Plaintiff filed a complaint against Defendants with the Department  
20 of Fair Employment and Housing ("DFEH") alleging multiple violations of California's Fair  
21 Employment and Housing Act ("FEHA"). Plaintiff subsequently received a Right To Sue letter from the  
22 DFEH.

23 FIRST CLAIM FOR RELIEF

24 Violation Of California Labor Code Section 1102.5  
25 (Against All Defendants)

26 33. The preceding paragraphs of this Complaint are realleged and herein incorporated by  
27 reference.  
28





1 40. Defendant County of Riverside is a qualified employer subject to the requirements of  
2 FEHA.

3 41. Defendant County of Riverside discriminated against Plaintiff on the basis of his real or  
4 perceived disability. This disability has caused Plaintiff to suffer significant limitations to major life  
5 activities, including insomnia, unsteady gait, and problems with elimination. On information and belief,  
6 Defendant County of Riverside perceived Plaintiff to have a neurological condition that significantly  
7 interfered with his ability to, among other things, work. The discrimination includes demoting Plaintiff  
8 and placing him on administrative leave, requiring clearance from a doctor to return to work, and the  
9 constructive termination of his employment.

10 42. As a result of the discriminatory acts, Plaintiff suffered from stress and anxiety which has  
11 negatively impacted his physical and emotional condition.

12 43. Plaintiff believes and thereon alleges that any claims of misconduct, necessity, or  
13 performance issues as the basis for any disciplinary actions against Plaintiff are pretextual and meant to  
14 disguise the discriminatory reasons for his treatment.

15 44. As a direct and proximate cause of the discrimination, Plaintiff has suffered and  
16 continues to suffer general, compensatory, and special damages, including lost wages and benefits,  
17 future loss of wages and benefits, and emotional distress and physical illness in an amount unknown, but  
18 according to proof at trial.

19 45. Moreover, Plaintiff is entitled to attorneys' fees and costs for bringing suit alleging these  
20 violations. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees as a result of  
21 his FEHA claims against County of Riverside, and the other defendants. Plaintiff is presently unaware  
22 of the precise amount of these expenses and fees, but seeks an award of attorneys' fees and costs  
23 according to proof at trial.

24 THIRD CAUSE OF ACTION

25 Failure To Engage In the Interactive Process In Violation Of The  
26 Fair Employment And Housing Act  
27 (Against Defendant County of Riverside)  
28

1           46. Plaintiff realleges and incorporates herein by reference each of the allegations set forth  
2 above as if fully set forth herein.

3           47. At all times herein mentioned, the FEHA, embodied in Government Code section 12940  
4 was in full force and effect. This act requires that employers engage employees known to have  
5 disabilities in the interactive process.

6           48. Defendant County of Riverside is a qualified employer subject to the requirements of  
7 FEHA.

8           49. When Plaintiff requested accommodations as alleged above, Defendant County of  
9 Riverside failed to engage Plaintiff in the interactive process. Accordingly, Plaintiff's requests for a  
10 reasonable accommodation were ignored.

11           50. As a result of the County's failure to engage with Plaintiff in the interactive process,  
12 Plaintiff was discriminated against based on his perceived or actual disability and was never given a  
13 reasonable accommodation. Plaintiff has suffered from stress and anxiety which has negatively  
14 impacted his physical and emotional condition due to the County failure to engage in the interactive  
15 process.

16           51. Plaintiff believes and thereon alleges that any claims of misconduct, necessity, or  
17 performance issues as the basis for any disciplinary actions against Plaintiff are pretextual and meant to  
18 disguise the discriminatory reasons for his treatment.

19           52. As a direct and proximate cause of the discrimination, Plaintiff has suffered and  
20 continues to suffer general, compensatory, and special damages, including lost wages and benefits,  
21 future loss of wages and benefits, and emotional distress and physical illness in an amount unknown, but  
22 according to proof at trial.

23           53. Moreover, Plaintiff is entitled to attorneys' fees and costs for bringing suit alleging these  
24 violations. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees as a result of  
25 his FEHA claims against the County. Plaintiff is presently unaware of the precise amount of these  
26 expenses and fees, but seeks an award of attorneys' fees and costs according to proof at trial.  
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FOURTH CAUSE OF ACTION

Failure To Provide A Reasonable Accommodation Under The  
Fair Employment And Housing Act  
(Against Defendant County of Riverside)

54. Plaintiff realleges and incorporates herein by reference each of the allegations set forth above as if fully set forth herein.

55. At all times herein mentioned, the FEHA, embodied in Government Code section 12940 was in full force and effect. This act requires that employers provide reasonable accommodations to employees with actual or perceived disabilities.

56. Defendant County of Riverside is a qualified employer subject to the requirements of FEHA.

57. When Plaintiff requested accommodations as alleged above, Defendant County of Riverside failed to engage Plaintiff in the interactive process. Accordingly, Plaintiff's requests for a reasonable accommodation were ignored.

58. Defendant County of Riverside failed to provide a reasonable accommodation relating to Plaintiff's need for a temporary pause from receiving new case assignments. Due to the County's failure to provide Plaintiff with a reasonable accommodation, Plaintiff has suffered from stress and anxiety which has negatively impacted his physical and emotional condition.

59. Plaintiff believes and thereon alleges that any claims of misconduct, necessity, or performance issues as the basis for any disciplinary actions against Plaintiff are pretextual and meant to disguise the discriminatory reasons for his treatment.

60. As a direct and proximate cause of the discrimination, Plaintiff has suffered and continues to suffer general, compensatory, and special damages, including lost wages and benefits, future loss of wages and benefits, and emotional distress and physical illness in an amount unknown, but according to proof at trial.

61. Moreover, Plaintiff is entitled to attorneys' fees and costs for bringing suit alleging these violations. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees as a result of

1 his FEHA claims against the County. Plaintiff is presently unaware of the precise amount of these  
2 expenses and fees, but seeks an award of attorneys' fees and costs according to proof at trial.

3 FIFTH CAUSE OF ACTION

4 Disability Harassment Under The  
5 Fair Employment And Housing Act

6 (Against Defendants County of Riverside, Lafferty, and Van Wagenen)

7 62. Plaintiff realleges and incorporates herein by reference each of the allegations set forth  
8 above as if fully set forth herein.

9 63. At all times herein mentioned, the FEHA, embodied in Government Code section 12940  
10 was in full force and effect. This act prohibits employees, and nonemployees, from creating a hostile  
11 work environment by harassing their co-workers and subordinates on the basis of an actual or perceived  
12 disability. This act makes employers liable for the harassment of their employees when the employer  
13 knew or should have known of the harassment and failed to prevent it.

14 64. Under the FEHA (Govt. Code Section 12940(j)), individual employees are personally  
15 liable for their acts of harassment. Similarly, an employer for purposes of harassment law is any entity  
16 employing one or more individuals. The County of Riverside is a qualified employer for this purpose.

17 65. As alleged above, Defendants harassed Plaintiff due to his actual or perceived disability  
18 including without limitation by repeatedly asking him to disclose his medical condition, by threatening  
19 him with insubordination, by insisting he waive his HIPPA rights, by attempting to make him take  
20 FMLA leave involuntarily, and by demoting him. The harassment of Plaintiff was both severe and  
21 pervasive. The conduct was not welcomed by Plaintiff.

22 66. As a result of the harassment suffered by Plaintiff, he has suffered from stress and anxiety  
23 which has negatively impacted his physical and emotional condition.

24 67. As a direct and proximate cause of the harassment, Plaintiff has suffered and continues to  
25 suffer general, compensatory, and special damages, including lost wages and benefits, future loss of  
26 wages and benefits, and emotional distress and physical illness in an amount unknown, but according to  
27 proof at trial.  
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1 68. Moreover, Plaintiff is entitled to attorneys' fees and costs under Govt. Code Section  
2 12965(b), which provides that "the court, in its discretion, may award to the prevailing party. . .  
3 reasonable attorney's fees and costs, including expert witness fees." . Plaintiff has incurred and  
4 continues to incur legal expenses and attorneys' fees as a result of his FEHA claims against Defendants.  
5 Plaintiff is presently unaware of the precise amount of these expenses and fees, but seeks an award of  
6 attorneys' fees and costs according to proof at trial.

7 69. The conduct by Defendants was willful and malicious and in conscious disregard of  
8 Plaintiff's rights with the intent to vex, injure and annoy him, such as to constitute oppression, fraud  
9 and/or malice under California Civil Code section 3294. Accordingly, Plaintiff is entitled to punitive  
10 damages in an amount appropriate to punish and make an example of Defendants. Plaintiff seeks  
11 punitive damages only against the individual Defendants and not the County of Riverside.

12 SIXTH CAUSE OF ACTION

13 Failure To Prevent Harassment, Discrimination And Retaliation Under The  
14 Fair Employment And Housing Act  
15 (Against Defendant County of Riverside)

16 70. Plaintiff realleges and incorporates herein by reference each of the allegations set forth  
17 above as if fully set forth herein.

18 71. At all times hereto, the FEHA, in particular Government Code section 12940(k), was in  
19 full force and effect. This subsection imposes a duty on employers to take all reasonable steps necessary  
20 to prevent discrimination, harassment and retaliation from occurring. As alleged above, the County of  
21 Riverside violated this subsection and breached its duty by failing to take all reasonable steps necessary  
22 to prevent harassment, discrimination and retaliation from occurring.

23 72. As alleged above, the County of Riverside's conduct violates the FEHA. As a direct and  
24 proximate cause of said conduct, Plaintiff has suffered and continues to suffer general, compensatory,  
25 and special damages, including past and future lost wages, bonuses and benefits; and emotional distress  
26 and physical illness in an amount unknown, but according to proof at trial.

27 73. Plaintiff also is entitled to attorneys' fees and costs under Govt. Code section 12965(b),  
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1 which provides that "the court, in its discretion, may award to the prevailing party . . . reasonable  
2 attorney's fees and costs, including expert witness fees." . Plaintiff has incurred and continues to incur  
3 legal expenses and attorneys' fees as a result of his FEHA claims against the County of Riverside.  
4 Plaintiff is presently unaware of the precise amount of these expenses and fees, but seeks an award of  
5 attorneys' fees and costs according to proof at trial.

6 SEVENTH CAUSE OF ACTION

7 Intentional Infliction Of Emotional Distress

8 (Against Defendants Zellerbach, Lafferty, Fransdal, and Van Wagenen)

9 74. Plaintiff realleges and incorporates herein by reference each of the allegations set forth  
10 above as if fully set forth herein.

11 75. In perpetuating the wrongful conduct described herein, Defendants Zellerbach, Lafferty,  
12 Fransdal, and Van Wagenen abused the special positions they held in relation to Plaintiff. Defendants  
13 acted with the knowledge that they could manipulate and damage Plaintiff's interest and well-being.

14 76. Plaintiff is informed and believes that Defendants Zellerbach, Lafferty, Fransdal, and Van  
15 Wagenen intended to and did cause Plaintiff to suffer from severe emotional distress due to the  
16 outrageous behavior of Defendants in harassing, discriminating and retaliating against Plaintiff.

17 77. As a result of these acts, Plaintiff suffered from stress and anxiety which negatively  
18 impacted his physical and emotional condition.

19 78. Through their outrageous and unprivileged conduct as described herein and above,  
20 Defendants Zellerbach, Lafferty, Fransdal, and Van Wagenen acted with the intent to cause, or with a  
21 reckless disregard for the probability of causing, Plaintiff to suffer humiliation, isolation, mental  
22 anguish, loss of job opportunities and reputation, and severe physical and emotional distress.

23 79. As a direct and proximate result of Defendants' actions, Plaintiff suffered and continues  
24 to suffer general, compensatory, and special damages, including lost wages and benefits, future loss of  
25 wages and benefits, loss of career opportunities, prejudgment interest, consequential and incidental  
26 damages, plus tort damages including humiliation, isolation, emotional distress and physical injuries in  
27 an amount unknown, but according to proof at trial.  
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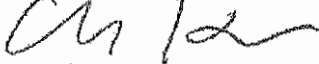
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial of his claims by jury to the extent authorized by law.

Dated: July 9, 2014

AITKEN CAMPBELL HEIKAUS WEAVER, LLP

By   
\_\_\_\_\_  
Chris Heikus Weaver  
Attorney for Plaintiff  
CHRISTOPHER ROSS

COPY

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Chris M. Heikaus Weaver (SBN 231907) Aiken Campbell Heikaus Weaver, LLP 3877 Twelfth St. Riverside, CA 92501 TELEPHONE NO.: 951-530-4840 FAX NO.: 951-344-1762 ATTORNEY FOR (Name): Christopher Ross		FOR COURT USE ONLY          CASE NUMBER: <b>P.S.C. 1403729</b>  JUDGE:  DEPT:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 3255 E. Tahquitz Canyon Way MAILING ADDRESS: CITY AND ZIP CODE: Palm Springs, CA 92262 BRANCH NAME: Palm Springs		
CASE NAME: <b>ROSS v. COUNTY OF RIVERSIDE, ET AL</b>		

**CIVIL CASE COVER SHEET**

Unlimited (Amount demanded exceeds \$25,000)     Limited (Amount demanded is \$25,000 or less)

Complex Case Designation  
 Counter     Joinder  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (45) <b>Other PIP/DIWD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/DIWD (23) <b>Non-PIP/DIWD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (18) <input type="checkbox"/> Fraud (15) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/DIWD tort (36) <b>Employment</b> <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (35) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (34) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (12) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive

4. Number of causes of action (specify): seven

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 9, 2014  
 Chris M. Heikaus Weaver

(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

COPY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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|--|---|
| <input type="checkbox"/> BANNING 135 N. Alessandro Rd., Banning, CA 92220                    | <input type="checkbox"/> MURRIETA 30755-D Auld Rd., Suite 1228, Murrieta, CA 92563        |
| <input type="checkbox"/> BLYTHE 265 N. Broadway, Blythe, CA 92325                            | <input type="checkbox"/> PALM SPRINGS 3255 E. Tahquitz Canyon Way, Palm Springs, CA 92262 |
| <input type="checkbox"/> HEMET 800 N. State St., Hemet, CA 92343                             | <input type="checkbox"/> RIVERSIDE 4050 Main St., Riverside, CA 92501                     |
| <input type="checkbox"/> MORENO VALLEY 13850 Heacock St., Ste. D201, Moreno Valley, CA 92553 | <input type="checkbox"/> TEMECULA 41002 County Center Dr., #100, Temecula, CA 92591       |

RI-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Print Name, State Bar Number and Address) Chris M. Helkaus Weaver (SBN 231907) Aitken Campbell Helkaus Weaver, LLP 3877 Twelfth St. Riverside, CA 92501 TELEPHONE NO.: 951-530-4840 FAX NO. (Optional): 951-344-1762 EMAIL ADDRESS (Optional): chris@achwlaw.com ATTORNEY FOR (Name): Christopher Ross		FOR COURT USE ONLY <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE JUL 10 2014 C. Banda
PLAINTIFF/PETITIONER: Christopher Ross	CASE NUMBER: <b>P.S.C. 1403729</b>	
DEFENDANT/RESPONDENT: County of Riverside		
<b>CERTIFICATE OF COUNSEL</b>		

The undersigned certifies that this matter should be tried or heard in the court identified above for the reasons specified below:

- The action arose in the zip code of: 92201
- The action concerns real property located in the zip code of: \_\_\_\_\_
- The Defendant resides in the zip code of: 92201

For more information on where actions should be filed in the Riverside County Superior Courts, please refer to Local Rule 1.0015 at [www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov).

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date 07/09/14

Chris M. Helkaus Weaver  
(TYPE OR PRINT NAME OF ATTORNEY) (OPTIONAL) (CAPTIONED)



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
3255 E. Tahquitz Cyn Way  
Palm Springs, CA 92262  
[www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov)

NOTICE OF DEPARTMENT ASSIGNMENT FOR ALL PURPOSES

CHRISTOPHER ROSS VS COUNTY OF RIVERSIDE

CASE NO. PSC1403729

This case is assigned to the Honorable Judge David M. Chapman in Department PS2 for case management purposes. The Case Management Conference is scheduled for 01/06/15 at 8:30 in Department PS2.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6 (a) (2) shall be filed in accordance with that section.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Date: 07/10/14

by: 

CINDY M BANDA, Deputy Clerk



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
[www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov)

Self-represented parties: <http://riverside.courts.ca.gov/selfhelp/self-help.shtml>

**ALTERNATIVE DISPUTE RESOLUTION (ADR) –  
INFORMATION PACKAGE**

(California Rules of Court, Rule 3.221; Local Rule, Title 3, Division 2)

**\*\*\* THE PLAINTIFF MUST SERVE THIS INFORMATION PACKAGE  
ON EACH PARTY WITH THE COMPLAINT. \*\*\***

What is ADR?

Alternative Dispute Resolution (ADR) is a way of solving legal disputes without going to trial. The main types are mediation, arbitration and settlement conferences.

Advantages of ADR:

- Faster: ADR can be done in a 1-day session within months after filing the complaint.
- Less expensive: Parties can save court costs and attorneys' and witness fees.
- More control: Parties choose their ADR process and provider.
- Less stressful: ADR is done informally in private offices, not public courtrooms.

Disadvantages of ADR:

- No public trial: Parties do not get a decision by a judge or jury.
- Costs: Parties may have to pay for both ADR and litigation.

Main Types of ADR:

**Mediation:** In mediation, the mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to create a settlement agreement that is acceptable to everyone. If the parties do not wish to settle the case, they go to trial.

Mediation may be appropriate when the parties:

- want to work out a solution but need help from a neutral person; or
- have communication problems or strong emotions that interfere with resolution; or
- have a continuing business or personal relationship.

Mediation is not appropriate when the parties:

- want their public "day in court" or a judicial determination on points of law or fact;
- lack equal bargaining power or have a history of physical/emotional abuse.

**Arbitration:** Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration the arbitrator's decision is final; there is no right to trial. In "non-binding" arbitration, any party can request a trial after the arbitrator's decision. The court's mandatory Judicial Arbitration program is non-binding.

Arbitration may be appropriate when the parties:

- want to avoid trial, but still want a neutral person to decide the outcome of the case.

Arbitration is not appropriate when the parties:

- do not want to risk going through both arbitration and trial (Judicial Arbitration)
- do not want to give up their right to trial (binding arbitration)

**Settlement Conferences:** Settlement conferences are similar to mediation, but the settlement officer usually tries to negotiate an agreement by giving strong opinions about the strengths and weaknesses of the case, its monetary value, and the probable outcome at trial. Settlement conferences often involve attorneys more than the parties and often take place close to the trial date.

**RIVERSIDE COUNTY SUPERIOR COURT ADR REQUIREMENTS**

ADR Information and forms are posted on the ADR website: <http://riverside.courts.ca.gov/adr/adr.shtml>

**General Policy:**

Parties in most general civil cases are expected to participate in an ADR process before requesting a trial date and to participate in a settlement conference before trial. (Local Rule 3200)

**Court-Ordered ADR:**

Certain cases valued at under \$50,000 may be ordered to judicial arbitration or mediation. This order is usually made at the Case Management Conference. See the "Court-Ordered Mediation Information Sheet" on the ADR website for more information.

**Private ADR (for cases not ordered to arbitration or mediation):**

Parties schedule and pay for their ADR process without Court involvement. Parties may schedule private ADR at any time; there is no need to wait until the Case Management Conference. See the "Private Mediation Information Sheet" on the ADR website for more information.

**BEFORE THE CASE MANAGEMENT CONFERENCE (CMC), ALL PARTIES MUST:**

1. Discuss ADR with all parties at least 30 days before the CMC. Discuss:
  - Your preferences for mediation or arbitration.
  - Your schedule for discovery (getting the information you need) to make good decisions about settling the case at mediation or presenting your case at an arbitration.
2. File the attached "Stipulation for ADR" along with the Case Management Statement, if all parties can agree.
3. Be prepared to tell the judge your preference for mediation or arbitration and the date when you could complete it.

(Local Rule 3218)

**RIVERSIDE COUNTY ADR PROVIDERS INCLUDE:**

- The Court's Civil Mediation Panel (available for both Court-Ordered Mediation and Private Mediation). See <http://adr.riverside.courts.ca.gov/adr/civil/panelist.php> or ask for the list in the civil clerk's office, attorney window.
- Riverside County ADR providers funded by DRPA (Dispute Resolution Program Act): Dispute Resolution Service (DRS) Riverside County Bar Association: (951) 682-1015 Dispute Resolution Center, Community Action Partnership (CAP): (951) 955-4900



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE</b> <input type="checkbox"/> Banning - 135 N. Alessandro Road, Banning, CA 92220 <input type="checkbox"/> Hemet - 880 N. State Street, Hemet, CA 92543 <input type="checkbox"/> Indio - 46-200 Oasis Street, Indio, CA 92201 <input type="checkbox"/> Riverside - 4050 Main Street, Riverside, CA 92501 <input type="checkbox"/> Temecula - 41002 County Center Drive, Bldg. C - Suite 100, Temecula, CA 92591	
PLAINTIFF(S): _____  DEFENDANT(S): _____	CASE NUMBER: _____
<b>STIPULATION FOR ALTERNATIVE DISPUTE RESOLUTION (ADR)</b> (CRC 3.2221; Local Rule, Title 3, Division 2)	CASE MANAGEMENT CONFERENCE DATE(S): _____

**Court-Ordered ADR:**

Eligibility for Court-Ordered Mediation or Judicial Arbitration will be determined at the Case Management Conference. If eligible, the parties agree to participate in:

- Mediation                       Judicial Arbitration (non-binding)

**Private ADR:**

If the case is not eligible for Court-Ordered Mediation or Judicial Arbitration, the parties agree to participate in the following ADR process, which they will arrange and pay for without court involvement:

- Mediation                       Judicial Arbitration (non-binding)  
 Binding Arbitration           Other (describe): \_\_\_\_\_

Proposed date to complete ADR: \_\_\_\_\_

**SUBMIT THIS FORM ALONG WITH THE CASE MANAGEMENT STATEMENT.**

PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
PRINT NAME OF PARTY OR ATTORNEY <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	SIGNATURE OF PARTY OR ATTORNEY	DATE
<input type="checkbox"/> Additional signature(s) attached		





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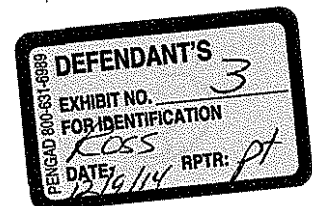
**From:** Ross, Christopher  
**Sent:** Friday, September 27, 2013 5:08 PM  
**To:** Lafferty, Sean  
**Cc:** Greenberg, David; Fransdal, Tricia; Aki, John; Fimbres, Antonio  
**Subject:** Rotation Meeting on September 26  
**Attachments:** Transfer meeting..doc  
  
**Categories:** Important

Hi Sean,

Attached is a document expressing my thoughts on my situation after I have had today to reflect. Please read it and take it into consideration when making your decision on my reassignment. Have a great weekend everyone.

*Christopher Ross*

*Senior Deputy District Attorney  
Homicide Prosecution Unit  
Major Crimes Division  
Riverside County District Attorney's Office  
Phone (760) 863-8216  
Fax (760) 863-8215*



September 27, 2013

Hi Sean,

I just had some reflections on our meeting yesterday morning with you, Dave, Tricia and me regarding my potential reassignment. I really appreciate your consideration for my well-being and trying to accommodate a stress free environment for me while I am currently being treated/evaluated at the Mayo Clinic Hospital for neurological, autoimmune and stress conditions. Thank you all for your patience with me in this matter.

As you all well have known, I have been seeking treatment/evaluations since July of this year. I know the uncertainty of my medical condition is frustrating for you, and, Sean, as you pointed out yesterday in our meeting, it concerns you as it places a burden on the homicide unit. I apologize for any inconvenience that I have caused the Office, but please, I just ask that you be patient until the end of November of this year. As I stated in the meeting, and as I told Dave back in early August, I believe it would be in my best interest and the Office's best interest to keep my in current unit of assignment. As I said yesterday, my cases do not have any last days forcing trial within the next 60 days. Thus, I will be able to appear in court on my cases and prepare them for trial; and at the same time, this will enable me the flexibility required to receive treatment as needed at the Mayo Clinic in Arizona.

What bothers me is that in the meeting you stated that your concern for the Homicide Unit, related to my situation, was that you could only have "productive" members assigned to the Homicide Unit. Hence, by deductive logic, I am currently not a "productive" member of the Homicide Unit. You then clarified that a "productive" member of the Unit is someone who (1) goes to trial and (2) someone who can accept new cases. You then stated your intention in the meeting was to change my assignment from the Homicide Unit to a full time position as a filing deputy. However, you also made it clear that while assigned to a filing position, you expected me to still help out with my currently assigned nine murder cases and two other felony cases. This would in essence, have me work my current full time assignment and simultaneously work a second full time assignment in filings. I feel that this would be far too strenuous and stressful for me, let alone anyone in this Office. This is having me work two full time assignments simultaneously. I will respect your decision in this matter. However, I believe that I am only able to handle a single assignment based upon my current medical conditions.

In the meeting, I am confused about one thing. I told you that I had been informed that the filing requirement was 300 cases per month. I also told you my concerns that the filing requirements of 300 a month would induce too much stress on me during this period of medical treatment and diagnosis. You replied that 300 filings per month was not true. You explained that it was more like 15 case filings per day. We work an average of 20 to 22 days per month. 15 filings per day over 20 days is 300 filings in a one month period. 15 filings per day in a 22 day period is 330 case filings in a month period. This is what confuses me. If I am transferred to this assignment, I will do my very best, but, based upon my current medical conditions and the limitations proscribed by my treating physicians in terms of work load, I am uncertain that I will be able to reach these expectations.

During the meeting you stated that you had no one to assign two current murder cases to at this time and you needed to assign them to me to work on and try (commensurate with being a "productive" homicide team member). I understand this problem that my health situation creates for you and the Homicide Unit. In fact, as I stated in the meeting, when I originally informed Tricia of my medical diagnosis and treatment with the Mayo Clinic in July of this year, I asked to have my cases reassigned while I undergo medical treatment during the rest of this year. Tricia graciously explained to me that my request was not possible because the Office had no one to reassign my cases to.

However, when vetting your indicated reasons for moving me to filings for the next three months, I think such a transfer would not be in the best interest of my health or the Homicide Unit. For example, as you responded to my question in the meeting yesterday morning, even if another prosecutor were available to take my murder cases, her or she would not be able to prepare for or expected to go to trial on my cases within the next three months. As I have previously stated in this communication, none of my cases have last days set for

trial within the next 90 days. Thus, this precludes the requirement of me going to trial in the next 60 days as a factor requiring me to transfer to another unit of assignment.

As you stated yesterday in the meeting and as Tricia told me back July and around September 11, when she gave me her assigned special circumstance murder case to prepare for death penalty staffing, preliminary hearing and trial (BLF12002021-People v. McBeth, Moor, Liday), you have no other attorneys who you can reassign my murder cases to. Also, as you stated yesterday in the meeting, you currently have two unassigned murders that you need me to take because no other prosecutor is available to take them.

Please think and employ your own reasoning. By taking my murder cases from me, you will be further burdening the Homicide Unit. Now you will have 11 murders and two other felony cases to reassign with no available Deputy DA to reassign them to. Transferring me to filings will exacerbate Homicide Unit's problem and fail to alleviate the need for a productive member of the Homicide Unit.

Respectfully, I disagree that I am not a productive member of the Homicide Unit because I cannot go to trial for the next 60 days and cannot have any new homicides assigned to me for that same time period. As I stated during the meeting, it is my position that it would be best for the Homicide Unit and my health to keep me in my current position of assignment and not assign me any new cases until December, when we will know my health concerns. I think that the Homicide Unit can function status quo for 60 without me going to trial or taking on any new cases. Thank you for your consideration.

Best Regards,

Chris



DISTRICT ATTORNEY'S OFFICE  
RIVERSIDE COUNTY

MEMORANDUM

September 16, 2013

TO: All Eastern SDDAs and Deputy District Attorneys  
FROM: Paul E. Zellerbach, District Attorney  
SUBJECT: Rotation Request

We are interested in hearing from you regarding your assignment preferences for the upcoming 2013 rotations, which will take effect November 4, 2013.

Please complete the form below. Return a copy to Silvia Davila no later than September 30, 2013. If you have any questions please do not hesitate to ask.

Thank you.

NAME: Chris Ross DATE: 9-30-13

Misdemeanor DDAs: Please list all of your assignments since you were hired.  
Felony DDAs: Please list all of your assignments since being promoted to a felony assignment.  
SDDAs: Please list *only* your assignments since becoming an SDDA.

	<u>ASSIGNMENT</u>	<u>DATES</u>	<u>SDDA</u>
1.	<u>Homicide</u>	<u>present</u>	<u>Franz</u>
2.	<u>Saca</u>		
3.	<u>serious &amp; violent</u>		
4.	<u>General Felonies</u>		
5.	<u>vehicular manslaughter</u>		
6.	<u>Protein</u>		
7.	<u>misdemeanors</u>		
8.			

Total # of jury trials: 59-0-1 Misd. Jury trials 17-0-0 Felony jury trials 32-0-1  
(W-L-H) (W-L-H) (W-L-H)

Where do you want to go for the next rotation? Please list three choices, even if your 1<sup>st</sup> choice is "Stay where I am."

- Stay where I am: Yes CP No \_\_\_\_\_ Current Unit: \_\_\_\_\_
- Move to: Something with no stress, no quotas, no deadlines, no pressure.
- Move to: \_\_\_\_\_

Comments: \_\_\_\_\_

Dates of currently approved vacation/sabbatical: \_\_\_\_\_

PEZ:ijt

