

EXHIBIT 3

GARY WHITAKER, 03/27/17

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

CAROL LIOGGHIO AND HARRY LIOGGHIO

Plaintiffs,

Case No. 15-cv-12803
Hon. Denise Page Hood

vs.

SALEM TOWNSHIP, a Municipal Corporation,
GARY WHITTAKER, Individually and in his capacity
As Supervisor of Salem Township,
DALE CONVERSE, Individually and in his capacity
As Treasurer of Salem Township,
DEL WENSLEY, Individually and in his capacity
As Township Clerk,
JOHN DANIEL, Individually and in his capacity
As Township Trustee,
T.J. MCLAUGHLIN, Individually and in his capacity
As Trustee of Salem Township,
MERIBETH SCHMIDT, Individually and in her capacity
As Trustee of Salem Township,
DAVID TRENT, Individually and in his capacity of
Township Clerk and Trustee of Salem Township,

Defendants.

DEPOSITION OF GARY WHITTAKER

taken on March 27, 2017, at the offices of
9600 Six Mile Road, Salem, Michigan, commencing
at or about 10:45 AM.

GARY WHITTAKER, 03/27/17

1 APPEARANCES:
 2 For the Plaintiff: JAMIL AKHTAR, P.C.
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 8
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 24 Reported by: Jacqueline D. Duchene, CSR-4182
 25

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1 March 27, 2017
 2 Salem, Michigan
 3 10:45 AM
 4 * * *
 5 GARY WHITTAKER
 6 a defendant herein was called for examination, and
 7 after having been sworn was examined and testified
 8 as follows:
 9 MR. AKHTAR: Let the record reflect this
 10 is the deposition of Mr. Gary Whittaker. It's being
 11 taken pursuant to Notice and in accordance with the
 12 Federal Rules of Civil Procedure.
 13 EXAMINATION
 14 BY MR. AKHTAR:
 15 Q Mr. Whittaker, during the course of your deposition,
 16 I'll be asking you certain questions and I would
 17 request that you verbalize your answers. By that I
 18 mean you not nod your head or say uh-huh. All
 19 right?
 20 A Yes.
 21 Q Also, if I ask you a question and you don't
 22 understand it or you want me to restate it or
 23 rephrase it, please ask me to do so, otherwise I
 24 will assume that the answers you gave were in full
 25 and complete knowledge of the question asked. Fair

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1 enough?
 2 A Yes.
 3 Q For the record your name, please?
 4 A Gary Whittaker.
 5 Q And have you ever had your deposition taken before?
 6 A Yes.
 7 Q In what type of matters?
 8 A The -- for the township over a discrimination case.
 9 Q And who was the plaintiff?
 10 A Ed Signore.
 11 Q And he was a firefighter?
 12 A Correct.
 13 Q And what was his complaint?
 14 A Of -- of the -- I wasn't the supervisor at the time,
 15 so it was a case on the fire chief's position.
 16 Q Okay. And what was the final disposition on that
 17 case?
 18 A That the -- there was no standing of grounds.
 19 Q It was dismissed?
 20 A Dismissed.
 21 Q Okay. Any other employee lawsuits that you were
 22 involved in, either that were filed before you
 23 became the township supervisor or after?
 24 A Could you rephrase that, please.
 25 Q Sure. Have you been involved in any other

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1 litigation involving employee lawsuits against the
 2 township, and even if the lawsuit was filed before
 3 you became supervisor or after you became
 4 supervisor?
 5 A Yes. There were lawsuits that were left for me when
 6 I became supervisor that I was involved in.
 7 Q And who were those individuals?
 8 A There was the Hamilton case, there was a retirement
 9 plan, 457 they had called it, and -- and there was
 10 Linda Hoppe and Patty Jinkerson.
 11 Q Okay. What was Patty Jinkerson and Linda Hoppe's
 12 case about?
 13 A That were issues of employment of --
 14 Q Discrimination based upon sex?
 15 A No. Not that I'm aware of.
 16 Q What's your understanding of the cases?
 17 A I think there was the case there was, from what I
 18 recall, from -- of employment of -- I have to think
 19 for a second, it was there -- I believe it was an
 20 employment of the way they were -- were treated or
 21 there was some -- a recall campaign that had gone on
 22 before my time, that was -- the issue.
 23 Q And were you involved in the settlement of that
 24 lawsuit?
 25 A Yes.

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1 Q And was the case settled or was it dismissed?
 2 A I really don't recall.
 3 Q And how much did the township end up paying these
 4 two plaintiffs?
 5 A I don't recall that at this time.
 6 Q Okay. When were they settled, what year?
 7 A I would say 2013.
 8 Q The same year you came on board?
 9 A I came on in 2012, November.
 10 Q November 20th?
 11 A Correct.
 12 Q And then this happened shortly after you took over?
 13 A Correct.
 14 Q And what about the Hamilton case?
 15 A And that as far as the date?
 16 Q No. As far as what took -- the case was all about.
 17 A The case was the fire chief being fired.
 18 Q Okay. And what happened in that case?
 19 A They had -- they had sued the township and I was --
 20 this is when I came in after, but it wasn't during
 21 my time, so they had -- there was a settlement on
 22 it.
 23 Q Okay. And I want you to start off by detailing your
 24 educational background, please.
 25 A I just -- a high school diploma.

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1 Q From where?
 2 A Redford High School in Detroit.
 3 Q And when was that?
 4 A 1974.
 5 Q Okay. Did you graduate or did you get a GED?
 6 A I graduated.
 7 Q Okay. And any type of community college, community
 8 college or junior college after that?
 9 A Did I what now?
 10 Q Did you go to any community college, junior college
 11 or university after that?
 12 A No.
 13 Q And that was 1974 you say?
 14 A Yes, sir.
 15 Q How old are you?
 16 A I'm 60.
 17 Q Starting from 1974 and moving forward, give me your
 18 employment history of significant jobs that lasted
 19 over a year.
 20 A I started actually working at a car wash at 18 years
 21 old and worked there for about a year and then I
 22 became employed in the packaging business.
 23 Q What -- what company?
 24 A It was named Al Young Industries in Detroit.
 25 Q And what type of packaging did they do?

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1 A Wood packaging and corrugated products.
 2 Q And how long did you work there?
 3 A For ten years.
 4 Q From 1975 to 1985 approximately?
 5 A Correct.
 6 Q And what was your job duties?
 7 A I had started out in the warehouse assembling boxes
 8 and pallets and worked my way up to -- into
 9 purchasing and then into sales.
 10 Q How big of a company was it, how many employees did
 11 they have and how many different locations?
 12 A It was the one main location in Detroit, and then
 13 there were a lot of subcontractors as far as
 14 sawmills that were up north and down south.
 15 Q Okay. And why did you leave in 1985?
 16 A The business was bought out by a company that I'm
 17 currently employed by, Industrial Packaging
 18 Corporation.
 19 Q And you started there in 1985?
 20 A Correct.
 21 Q And what was your job assignment or job duties then?
 22 A I basically was hired in as vice president, and I
 23 continued the operation with the sawmills and also
 24 selling for the company.
 25 Q What do you mean selling the company?

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1 A Selling for packaging to customers.
 2 Q Sales?
 3 A Correct.
 4 Q And you're still there?
 5 A Yes, sir.
 6 Q And where are they located?
 7 A The office is in Berkley and the warehouse is in
 8 Detroit.
 9 Q And approximately how many hours a week do you work
 10 there?
 11 A Maybe 25 hours. But I do -- don't -- well, I do
 12 have an office there, but I actually work out of my
 13 home, too.
 14 Q And how big is the company now?
 15 A Saleswise?
 16 Q Let's start with employees in Detroit area.
 17 A Seven.
 18 Q Twenty-seven?
 19 A Seven.
 20 Q And how many nationwide?
 21 A There is none nationwide. Just --
 22 Q Just --
 23 A The seven.
 24 Q And what type of packaging do they do now?
 25 A Crating and wood pallets and also corrugated boxes.

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1 Q And who do you report to?
 2 A Myself. I mean, or there's other people -- John you
 3 might say. John Major.
 4 Q What's his title?
 5 A He'd be the CEO.
 6 Q Where is he located?
 7 A In Berkley.
 8 Q Any other employment of a year or more from 1975 to
 9 present?
 10 A Except the township.
 11 Q Okay. What was the first elected office that you
 12 ran for?
 13 A Supervisor.
 14 Q That was in 2012?
 15 A Correct.
 16 Q Now, you also have a business, several businesses, I
 17 understand, that you run out of your house?
 18 A I have my farm there that I run out of my business.
 19 Q Okay. What about lawn mowing?
 20 A No.
 21 Q You don't have a lawn mowing business?
 22 A No.
 23 Q Does your son have a lawn mowing business?
 24 A No.
 25 Q Anybody in your family have a lawn mowing business?

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1 A A son-in-law.
 2 Q Your son-in-law. And where is that business at?
 3 A He is -- he has an office, I believe, in Livonia.
 4 Q What's the name of his company?
 5 A Three Cedars Landscaping, or it might be Three
 6 Cedars Outdoor Services, one or the other.
 7 Q Okay. It's in Livonia you say?
 8 A They have a shop in Livonia. He probably works out
 9 of his house, which is on Brookville.
 10 Q Where is Brookville?
 11 A In Salem.
 12 Q Okay. Oh. That's the street?
 13 A Yes.
 14 Q Okay. It's not a subdivision?
 15 A Right.
 16 Q What type of business is Three Cedars Outdoor
 17 Services?
 18 A Landscaping.
 19 Q Just seasonal?
 20 A Correct. They do snowplowing, too.
 21 Q Okay. Is this strictly in Salem Township?
 22 A No.
 23 Q He has jobs all over southeast Michigan?
 24 A Yes.
 25 Q Okay. Who set him up in business?

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1 MS. AMTSBUECHLER: Foundation.
 2 THE WITNESS: Back when they were in high
 3 school, I mean, it -- I didn't set them up, but I
 4 did help them. My son -- my son and him when they
 5 were in high school started raking leaves and stuff
 6 like that, I bought them a trailer, so...
 7 BY MR. AKHTAR:
 8 Q Okay. And how many people are now employed by Cedar
 9 Outdoor Services?
 10 A I -- I really don't know.
 11 Q Do they use the Salem Township dump to get rid of
 12 their refuse from the lawn business?
 13 A I don't know.
 14 Q Does he -- does he have a pass, a dumping pass or
 15 landfill pass?
 16 A My son-in-law probably does because he lives in the
 17 township.
 18 Q Okay. Where does he store his equipment at?
 19 A It would be Livonia, or he also stored his equipment
 20 at -- they've -- it's on Grand River. They have
 21 actually another yard on Grand River.
 22 Q Does he store it in any private barn?
 23 A Not that I know of.
 24 Q He doesn't use Barber's barn to store --
 25 A No.

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1 Q -- on what May -- Mayview?
2 A No.
3 Q He doesn't?
4 A No.
5 Q Okay. I want to show you what's going to be marked
6 as Exhibit 25.
7 STENOGRAPHER: Twenty-four.
8 (Deposition Exhibit No. 24 marked for
9 identification and attached.)
10 BY MR. AKHTAR:
11 Q You recognize this document?
12 A Yes.
13 Q Under Gary Whittaker, supervisor, there's several
14 paragraphs. Who prepared these paragraphs to be
15 included in the township website?
16 A I did.
17 Q Okay. And it says you're 56, so this was done four
18 years ago?
19 A Yes.
20 Q Okay. In 1986 you moved your family to
21 Salem-South Lyon area?
22 A Yes.
23 Q Okay. The third, fourth paragraph states in 1996
24 was the year that changed our lives when we
25 purchased Three Cedars Farm from the Verran family

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1 after the passing away of my longtime friend Fred
2 Verran. Initially he had offered a space and the
3 ability to care for Sherry's mother as she struggled
4 with Parkinson's disease. Before long our entire
5 family was settled in at the farm and we began
6 enjoying the Salem ever since.
7 MS. AMTSBUECHLER: That was close.
8 MR. AKHTAR: Did I say that right?
9 MS. AMTSBUECHLER: Yeah.
10 MR. PLATO: Life in Salem.
11 MS. AMTSBUECHLER: And been instead of not
12 begin, but...
13 BY MR. AKHTAR:
14 Q Okay. "In 2002 we decided to begin actively farming
15 at Three Cedars when the first crop of pumpkins and
16 corn went into the ground. The following year we
17 began decorating for Christmas and raising funds for
18 charity during the holiday season. This year we
19 will celebrate ten years of being a part of many
20 local family seasonal tradition."
21 What charities do you contribute to?
22 A We contribute to it's called Act of Faith in
23 South Lyon.
24 Q Okay. And how much do you contribute?
25 MS. AMTSBUECHLER: Objection to --

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1 MR. AKHTAR: He opened it up. It's all in
2 here. He says he --
3 MS. AMTSBUECHLER: Oh, come on. It has
4 nothing to do with this case.
5 MR. PLATO: He didn't open it up.
6 MS. AMTSBUECHLER: He didn't open it up.
7 You asked him about it. He doesn't have to give you
8 this information. Really, you're getting way too
9 personal about this. It has nothing to do with this
10 case. He didn't open it up, you brought it to him.
11 MR. AKHTAR: Well --
12 MS. AMTSBUECHLER: How much he donates to
13 charity, I'm sorry.
14 MR. AKHTAR: So your defense is my client
15 did not raise the issue of what's going on at that
16 farm, that's going to be your defense. Right?
17 That -- it's not going to be your defense?
18 MS. AMTSBUECHLER: What? Wait a minute.
19 Your client said she brought up wiring.
20 MR. AKHTAR: At the farm.
21 MS. AMTSBUECHLER: Not about how much he
22 donates to charity. It has nothing to do with it.
23 Nothing to do with it. He doesn't have to give you
24 his personal information about who, what, how much
25 he donates to what charity. That's way outside of

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1 this.
2 MR. AKHTAR: He brought it up. It's right
3 here.
4 MS. AMTSBUECHLER: He didn't bring it up.
5 MR. AKHTAR: He made it a publication.
6 BY MR. AKHTAR:
7 Q Now, your next paragraph --
8 MR. AKHTAR: Are you telling him not to
9 answer?
10 MS. AMTSBUECHLER: Yes.
11 BY MR. AKHTAR:
12 Q Okay. My 38 years -- year professional career in
13 the packaging industry began with Al Young
14 Industries, and that goes on what you testified to.
15 You also put on at this -- at Three Cedar Farm some
16 type of pumpkin festival?
17 A Yes.
18 Q And on your Facebook you said you've had about
19 35,000 people attend per year?
20 A Yes.
21 Q Okay. And it's strictly a cash business, isn't that
22 correct, there's -- you don't allow checks?
23 A We do allow checks.
24 Q What about credit cards?
25 A No.

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1 Q Do you have your own ATM machine at the farm for
2 people to get money?
3 A Yes.
4 Q Okay. In 2012 when did you hold your pumpkin
5 festival? Was it in October?
6 A September.
7 Q September. Did you do any campaigning there?
8 A No.
9 Q No signs and so forth?
10 A No.
11 Q Okay. What about to the entrance to the farm on the
12 road?
13 A The primary was in August. And we didn't open until
14 September.
15 Q Okay.
16 A So it was already over.
17 Q Now, also last year at the end of Mr. Liogghio's
18 driveway you placed campaign signs there. Is that
19 correct?
20 A There were campaign signs, yes.
21 Q Why did you place them at the end of his driveway?
22 A These are the neighbors.
23 Q Huh?
24 A These were the neighbors.
25 Q What do you mean these were the neighbors?

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1 A The neighbors' yards, not his.
2 Q No, no, no. We have photographs of these signs on
3 the public -- on the -- on the road commission right
4 of way at the -- on both sides of the driveway.
5 MS. AMTSBUECHLER: Was that a question or
6 what?
7 BY MR. AKHTAR:
8 Q Okay. Did you put them in a neighbor's drive and
9 put them on the road commission right of way?
10 A No.
11 Q You didn't?
12 A No.
13 Q There were none on the road commission right of way?
14 A Not that I know of.
15 Q Who put -- placed the signs out there?
16 A The neighbors had signs.
17 Q And how did the neighbors get the signs?
18 A I gave them to them.
19 Q Okay. But there were none in the road commission
20 right of way that you placed?
21 A Not that I'm aware of.
22 Q All right. Let's go to Exhibit 23.
23 MS. AMTSBUECHLER: Twenty-three is this
24 one?
25 MR. AKHTAR: No. I thought 23 was the

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1 Complaint.
2 MS. AMTSBUECHLER: Oh. This is still the
3 old 23.
4 MR. AKHTAR: Yeah.
5 MS. AMTSBUECHLER: That was changed to 14.
6 MR. PLATO: Changed.
7 MS. AMTSBUECHLER: Okay. There you go.
8 I'm easily confused.
9 MR. AKHTAR: I think you need to eat.
10 MS. AMTSBUECHLER: Not yet. I had
11 breakfast too late.
12 BY MR. AKHTAR:
13 Q Okay. You read this Complaint?
14 A Yes. Yes.
15 Q And you then worked with your attorney to file a
16 answer to the Complaint. Is that correct?
17 A Yes.
18 Q I'm going to show you what's going to be marked as
19 Exhibit 25.
20 (Deposition Exhibit No. 25 was marked for
21 identification and attached.)
22 MR. AKHTAR: What was 24?
23 MS. AMTSBUECHLER: This is 24.
24 MR. PLATO: Twenty-four is that.
25 MR. AKHTAR: Okay.

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1 MR. PLATO: Right?
2 MR. AKHTAR: Yeah.
3 BY MR. AKHTAR:
4 Q Take a moment and review Exhibit 25.
5 MS. AMTSBUECHLER: That's the answer.
6 MR. AKHTAR: Right.
7 MS. AMTSBUECHLER: Is there a particular
8 section you wanted him to review, I mean?
9 BY MR. AKHTAR:
10 Q All right. If you want to review paragraph 17, 18,
11 19, 26, 27, 43 and 54. So that's 17, 18, 19, 26,
12 27, 43, 54 and the two affidavits. Okay.
13 MR. AKHTAR: Let's go off the record while
14 he does that.
15 (11:09 AM recess taken.)
16 THE WITNESS: Okay.
17 MS. AMTSBUECHLER: You ready?
18 THE WITNESS: Yep.
19 MS. AMTSBUECHLER: We're ready, Jim.
20 MR. AKHTAR: Okay.
21 (11:13 AM back on record.)
22 BY MR. AKHTAR:
23 Q In the Complaint, Exhibit 23, at page 59 upper
24 right-hand corner.
25 MS. AMTSBUECHLER: He's looking at the

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1 pages.
2 BY MR. AKHTAR:
3 Q 58, I'm sorry.
4 A There.
5 MS. AMTSBUECHLER: That's the page. He's
6 looking at these page numbers when he gives you page
7 numbers.
8 THE WITNESS: All right. All right.
9 BY MR. AKHTAR:
10 Q All right. Paragraph 17 states, "shortly after the
11 November 2012 election was certified and prior to
12 Whittaker taking office, comma, Defendant Whittaker
13 requested outgoing supervisor Heyl, H-E-Y-L, to fire
14 plaintiff Carol Liogghio, Exhibit 1, Affidavit of
15 Supervisor Heyl, closed paren, Heyl refused to do
16 so, and then we go to Exhibit 1, which is page ID
17 70. As it relates to paragraph -- now, you've read
18 this affidavit. Is that correct?
19 A Correct.
20 Q Okay. And you know Mr. Heyl?
21 A Correct, yes.
22 Q And he was in his -- he headed the slate that ran
23 against you in 2012?
24 A Yes.
25 Q And he did come by your house and offer assistance.

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1 Is that correct?
2 A Just to congratulate me.
3 Q Well, did he congratulate you and offer assistance
4 or just congratulate you?
5 A Just congratulated me.
6 Q So he didn't offer any assistance?
7 A Correct.
8 Q Okay. Going back to paragraph 17, page ID 58, you
9 do not deny that the -- the conversation took place
10 between you and Mr. Whittaker, do you?
11 MS. AMTSBUECHLER: Objection to form.
12 BY MR. AKHTAR:
13 Q You don't deny that that conversation took place, do
14 you?
15 MS. AMTSBUECHLER: What conversation?
16 THE WITNESS: Yeah, what conversation?
17 BY MR. AKHTAR:
18 Q The conversation in paragraph 17 where Mr. Heyl,
19 where you asked Mr. Heyl to fire Carol, you don't
20 deny that, do you?
21 MS. AMTSBUECHLER: Objection to form.
22 THE WITNESS: Yeah, you have to ask it
23 again. I mean...
24 BY MR. AKHTAR:
25 Q Sure. Paragraph 17, which I read on the record,

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1 states that Mr. Heyl was requested by you to fire
2 Carol. You don't deny making that comment to
3 Mr. Heyl, do you?
4 MS. AMTSBUECHLER: Form.
5 THE WITNESS: I guess I don't understand
6 the question, so...
7 MS. AMTSBUECHLER: It's a double negative.
8 MR. PLATO: It's a negative, it's like a
9 double negative.
10 MS. AMTSBUECHLER: It's confusing because
11 it's a double negative.
12 BY MR. AKHTAR:
13 Q All right. Did you ask Mr. Heyl to fire Carol after
14 the primary election and before you took office?
15 A No.
16 Q You deny you did that?
17 A I deny.
18 Q Go to para -- go to Exhibit 25, page ID 123.
19 MS. AMTSBUECHLER: He wants you to go to
20 the -- go over there.
21 THE WITNESS: This?
22 MS. AMTSBUECHLER: Yeah. He was -- not
23 the exhibit to that, but that exhibit.
24 THE WITNESS: Oh, okay.
25 MS. AMTSBUECHLER: That's -- I know, I did

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1 the same thing. He answered it there, paragraph 17.
2 BY MR. AKHTAR:
3 Q That's your answer, is that correct, you deny it?
4 A I deny it.
5 Q Okay. So what you're, in fact, indicating is that
6 Mr. -- or stating is that Mr. Heyl submitted a false
7 affidavit to the United States District Court. Is
8 that correct?
9 MS. AMTSBUECHLER: Objection to form and
10 foundation.
11 BY MR. AKHTAR:
12 Q Is that your position --
13 MS. AMTSBUECHLER: Object.
14 BY MR. AKHTAR:
15 Q -- that Mr. Heyl's affidavit is false?
16 A It is untrue.
17 Q It's untrue. How is it untrue?
18 A I did not say that.
19 Q Say what?
20 A Ask him to fire Carol.
21 Q Okay. So we now have a conflict between what
22 Mr. Heyl says in his affidavit and what you say in
23 the answer to the Complaint. Is that correct?
24 A Yes.
25 Q Going to paragraph 18 of Exhibit 23 at page 59, it

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1 states, "During the month of November 2012 and prior
 2 to Defendant Whittaker taking office, Defendant
 3 Whittaker had a conversation with township resident
 4 Mr. O'Neill Muirhead wherein Mr. mure -- Muirhead
 5 requested that Whittaker keep the attorney and
 6 plaintiff, comma, Carol Whittaker, semicolon,
 7 Whittaker advised Mr. Muirhead that he was not going
 8 to fire plaintiff Carol Liogghio but instead he was
 9 going to force her to quit".
 10 And then there is an affidavit Exhibit 2
 11 of Mr. Muirhead, which is page 72. Have you read
 12 this affidavit?
 13 A Yes.
 14 Q Okay. Going to page -- or going to Exhibit 25,
 15 page 5, you state in answer to paragraph 18, "These
 16 defendants deny the allegations contained therein
 17 for the reason that they are untrue."
 18 So are you stating -- is that, in fact,
 19 your position, that the statements made by
 20 Mr. Muirhead and attributed to you in that affidavit
 21 are not true?
 22 A Untrue. They are untrue.
 23 Q Untrue. What do you recall saying to Mr. Muirhead
 24 at the cemetery?
 25 A Mr. Muirhead did talk about the attorney and also

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1 Carol, and I had made the statements before that I
 2 was not firing anybody at the township. And that's
 3 the only conversation we had in the cemetery.
 4 Q Okay. So there is a conflict between what
 5 Mr. Muirhead said you told him and what you in fact
 6 told him?
 7 A Yes.
 8 Q And you never told him that you were not going to
 9 fire Carol, you were going to make her quit?
 10 A I never said that.
 11 Q Okay. Now, then, going to paragraph 19, which is
 12 page 59, prior to taking office on November 20th,
 13 2012, Defendant Whittaker and Defendant Trent,
 14 paren, Trent, at the time was the township clerk,
 15 closed paren, Defendant Whittaker and Trent told
 16 plaintiff Carol Liogghio that, quote, he could not
 17 work with her and that it would be very difficult,
 18 end of quote.
 19 During this conversation, Defendant
 20 Whittaker accused Plaintiff Carol Liogghio of making
 21 public statements about his personal farm and the
 22 activities which he conducted at the farm,
 23 semicolon, plaintiff denies such statements took
 24 place."
 25 You deny that a meeting took place as

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1 spelled out in paragraph 19?
 2 MS. AMTSBUECHLER: Objection to form.
 3 THE WITNESS: A meeting did take place.
 4 BY MR. AKHTAR:
 5 Q Where did it take place at?
 6 A Here in the township hall.
 7 Q Did it take place in the room we're having the
 8 deposition taken today?
 9 A Yes.
 10 Q And who set up the meeting?
 11 A I was in the, as they call, the bullpen or whatever,
 12 the other side of the counter, and Carol wanted to
 13 have a meeting to talk about the transition when I
 14 came in to be the township supervisor.
 15 Q So Carol requested the meeting?
 16 A Correct.
 17 Q And how did she go about doing that?
 18 A I was in talking with Bob Heyl, and as I came out of
 19 the office she wanted to know about the letterhead
 20 and business cards and stuff that needed to be
 21 changed for me coming in. And she wanted to talk
 22 about that, and that's -- and David Trent was also
 23 in the office and the three of us came over here to
 24 talk to her about it.
 25 Q Okay. Now, just so we're clear, Trent on the date

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1 of this meeting was, in fact, the township clerk?
 2 A Correct.
 3 Q You on the date of the meeting was not an elected
 4 official of the township at that point in time?
 5 A Correct.
 6 Q You were John Doe citizen?
 7 A Correct.
 8 Q And so what was said at this meeting, who said what
 9 and the best you can recall?
 10 A Just as -- as far as stick -- you know, business
 11 cards, stationery that needed to be changed, and the
 12 one question that had been -- that had arrised was
 13 about the healthcare, about the 28-hour minimum
 14 healthcare.
 15 Carol at the time was working full-time,
 16 and we -- you know, I had asked her about what did
 17 she feel about working the 28-hour work hours that
 18 we were asking everybody as a new administration
 19 coming in, we wanted to put everybody on 28 hours.
 20 That was what was discussed.
 21 Q At any time did you tell her that you wanted her to
 22 quit because you could not work with her and that it
 23 would be very difficult?
 24 A No. I -- the -- during the conversation, which she
 25 brought up was my farm.

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1 Q She brought up your farm?
2 A Right.
3 Q Why did she bring it up? What did she say?
4 A Just about what people had been talking about the
5 farm and the conversation came up talking about the
6 farm. I don't know why she brought it up, but she's
7 the one who brought it up.
8 Q And what did she say about the farm?
9 A She had talked just about, you know, the issues that
10 she felt that that there -- she didn't really -- I
11 can't recall exactly the specific what she was
12 talking about the farm. But, again, my question to
13 her was if there were any issues that she had with
14 the farm that maybe she could not work with me
15 because of the issues that had been up -- about the
16 farm. And that's when she got up and -- and said
17 that I had fired her and -- and walked out.
18 Q She said you had fired her?
19 A Right. Which I have no --
20 Q Now, what issues did she have about the farm?
21 A A lot of the issues in the -- in the beginning were
22 as far as what my farm was is that --
23 MS. AMTSBUECHLER: I think he's asking you
24 at this meeting.
25 THE WITNESS: Right.

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1 MS. AMTSBUECHLER: I just want to make
2 sure we're clear.
3 THE WITNESS: Right.
4 MS. AMTSBUECHLER: Okay. Go ahead.
5 THE WITNESS: She brought up about the
6 farm, and the farm she was talking about issues that
7 the farm she had talked about wiring or other issues
8 at the farm.
9 BY MR. AKHTAR:
10 Q You know, much to my chagrin, she popped out the
11 other day how much she loved the farm, how she loved
12 the doughnuts, how she loved to take her kids there,
13 and now you're saying that all she did was complain
14 about the farm.
15 MS. AMTSBUECHLER: Objection to form.
16 BY MR. AKHTAR:
17 Q What -- what were the specific complaints that she
18 raised to you at this meeting?
19 A There -- there was really nothing, other than, you
20 know, she -- I just wanted to make sure she didn't
21 have issues with the farm.
22 Q Well, why did you want to make sure she didn't have
23 issues with the farm?
24 A Because she had brought it up and was talking about
25 issues at the farm.

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1 Q Okay. You were here when Mr. Trent testified. Is
2 that correct?
3 A Yeah. Yes.
4 Q And you heard him say that she left the meeting
5 crying. Was that --
6 A Right.
7 Q Was that the case, do you remember that?
8 A Yes.
9 Q What did she say while she was crying?
10 A Can you repeat that again?
11 Q What did she say while she was crying?
12 A That I had fired her.
13 Q Okay. So as of that day she was working 80 hours a
14 pay period. Is that correct?
15 A I believe so.
16 Q And you just told her that you're going to -- you're
17 going to cut her hours back to -- back to 32 and
18 you're going to eliminate her medical insurance?
19 MS. AMTSBUECHLER: Objection to form.
20 BY MR. AKHTAR:
21 Q Is that correct?
22 A No, I did not.
23 Q What did you tell her?
24 A I basically told her that we were asking everybody
25 to go on the 28-hour and would she be willing to

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1 work part-time.
2 Q And that only -- losing -- she was the only
3 full-time employee. Is that correct? Office
4 employee?
5 A I believe she was at the time.
6 Q Okay. And so going to 28 hours was really no
7 hardship to the other employees because they were
8 all part-time anyways?
9 A Some were over 28 hours.
10 Q But they weren't over 32 hours?
11 A Correct.
12 Q And you're not entitled to benefits until you work
13 over 32 hours, so your new policy affected just one
14 person as it relates to cutting hours?
15 MS. AMTSBUECHLER: Objection to form,
16 foundation.
17 BY MR. AKHTAR:
18 Q Go ahead.
19 A We were not going to eliminate her healthcare.
20 There was no discussion of that.
21 Q How many elected officials get medical insurance?
22 A Elected officials?
23 Q Uh-huh.
24 A None.
25 Q How many have access to medical insurance through

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1 the township?
2 A I believe all the deputies do, employees of the
3 township --
4 Q Have --
5 A -- have access to it.
6 Q How many get it?
7 A Currently?
8 Q Yeah.
9 A I believe two.
10 Q Who are they?
11 A I believe Janice Radatz, and I'm -- it would be
12 Tim -- Tim -- Kim Taggart, the...
13 Q Okay. So what did Mr. Trent say at this meeting
14 between the three of you?
15 A Again, the beginning of the meeting was to talk
16 about everybody being on part-time and taking the 28
17 hours. There was no discussion of healthcare,
18 eliminating anybody's healthcare. And that was the
19 conversation that started it. Other than changing,
20 you know, the stationery and business cards.
21 Q So at no time did you say to Carol I want you to
22 quit, I can't work with you, or words to that
23 effect?
24 A No.
25 Q Nothing even close to that?

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1 A No. Other than if she had issue, because she had
2 brought up the farm, if she had an issue about the
3 farm, working with me.
4 Q Go to paragraph 26. Paragraph 26 and 27 are
5 basically the same allegations as paragraphs 18 --
6 or 17 and 18. Is that correct?
7 MS. AMTSBUECHLER: I would agree they're
8 basically the same. We don't need to re-cover them.
9 MR. AKHTAR: Okay.
10 BY MR. AKHTAR:
11 Q Page 63, paragraph 43, provides as follows: This is
12 under the civil conspiracy cause of action count 3.
13 It states: "At the time the alleged conspiracy took
14 place, which was shortly before the November 12th --
15 I'm sorry -- November 2012 election and prior to
16 Defendant Whittaker taking place, he and the
17 township clerk, David Trent, ordered plaintiff into
18 a meeting wherein they intimidated her, advised her
19 that she was going to be stripped of most of her job
20 duties and that her work would be reviewed on a
21 daily basis."
22 Did you tell her that, that her work was
23 going to be reviewed on a daily basis?
24 A No.
25 Q Did you tell her that her job duties were going to

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1 be changed?
2 A No.
3 Q Now, you don't deny making these statements in your
4 answer to the Complaint, do you? And you can go to
5 page -- you can go to Exhibit 25, page 127.
6 MS. AMTSBUECHLER: That count was
7 dismissed.
8 MR. AKHTAR: No, it wasn't. It was
9 dismissed as to the -- the board members. It was --
10 he wasn't part of the motion to dismiss.
11 MS. AMTSBUECHLER: Yeah, those counts, we
12 made motions to dismiss those counts as to
13 everybody.
14 MR. AKHTAR: As it relates to the board
15 only.
16 MS. AMTSBUECHLER: No. I'm not going to
17 argue with you. Let me put this on the record,
18 you're interrupting me. No, there were some that
19 were only as to the board and some that were as to
20 him and everybody, and the civil conspiracy claim
21 was one of them that was dismissed outright because
22 the pleadings were insufficient in terms of anybody.
23 MR. AKHTAR: No, my understanding of what
24 you filed was a motion for partial summary judgment
25 as to the board members only.

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1 MS. AMTSBUECHLER: Not on these -- some of
2 these counts -- some of these counts apply -- they
3 pertain to everything, and that's -- but why argue
4 with him about it in the dep? Okay.
5 MR. AKHTAR: I'm not.
6 MS. AMTSBUECHLER: My understanding of my
7 motion and the court's ruling was that the
8 allegations pleading conspiracy were deficient
9 because they did not articulate conspiracy
10 appropriately, that's just generally stating, and
11 that the court dismissed this count in its entirety,
12 not just as to the board members. But why get into
13 it with this witness in this deposition on these
14 issues? I mean, if you want to ask him a question,
15 let's not argue with him -- with him about the
16 pleadings.
17 MR. AKHTAR: I'm not. All I'm saying is
18 that paragraph 43 at page 9 -- at page 127 he does
19 not deny.
20 MS. AMTSBUECHLER: Well, he didn't answer
21 it, that's why.
22 MR. AKHTAR: Well, he --
23 MS. AMTSBUECHLER: Because I didn't answer
24 it, and if you want to argue with him about that,
25 it's kind of pointless. I didn't answer it because

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1 my understanding is that the whole count is
2 dismissed. If you want to ask him if he denies the
3 factual allegations, that's fine, go ahead.
4 MR. AKHTAR: That's all I have for right
5 now. We can take a break and come back at, what,
6 one o'clock, 12:30?
7 MS. AMTSBUECHLER: All right.
8 (11:36 AM recess taken.)
9 (12:59 PM back on record.)
10 BY MR. AKHTAR:
11 Q We're at the meeting that took place just after the
12 general election and before the 20th of November
13 2012, and you indicated that prior to taking office
14 you already decided you were going to cut the
15 employees' salary -- not salaries, but hours. Is
16 that correct?
17 A Correct.
18 Q And who did you have this agreement with?
19 A It was just the strategy between the newly elected
20 officials that everybody was to be put on part-time
21 at 28 hours, so just -- there was just to talk about
22 it with the -- with the current employees.
23 Q And --
24 A And they all were fine with that.
25 Q They were? Carol was fine with that?

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1 A Right. Right.
2 Q She was fine with it?
3 A Correct.
4 Q She was fine from going from 80 to -- 40 hours down
5 to 20?
6 A Correct.
7 Q And she was fine with having her medical insurance
8 done away with?
9 MS. AMTSBUECHLER: Objection to form and
10 foundation.
11 THE WITNESS: We didn't cut her medical
12 insurance and didn't discuss medical insurance.
13 BY MR. AKHTAR:
14 Q Okay. As of today who's getting medical insurance
15 in the township?
16 A I believe it's Janice Radatz and Kim Taggart.
17 Q Okay. And they're both working 40 hours a week?
18 A No.
19 Q Okay. Now, Mr. Trent testified that you took some
20 action in December of 2012 as it relates to the
21 employees' hours. Do you recall exactly what you
22 did?
23 A No, I don't, except the fact is the 20 -- I don't
24 remember specifically, but everybody was put on 28
25 hours of action that was taking place.

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1 Q Does the township have a official policy -- official
2 policy of evaluating its employees, performance
3 reviews?
4 A I believe yes.
5 Q And --
6 A Not 100 percent positive, but...
7 MR. PLATO: Don't guess if you don't know.
8 THE WITNESS: Okay, yeah, yeah.
9 BY MR. AKHTAR:
10 Q Where is that policy to be found?
11 A I believe it's the policy manual that it, you know,
12 but I -- I'm not aware of it.
13 MS. AMTSBUECHLER: Are you talking about
14 personnel policy when you say policy manuals?
15 THE WITNESS: Yeah.
16 BY MR. AKHTAR:
17 Q All right. Now, moving into the year 2013, there
18 came a point in time where Carol Liogghio had to
19 take some time off for a surgery. Do you recall
20 that?
21 A Yes.
22 Q And how -- how long did she take off, as far as you
23 can remember?
24 A I believe three months.
25 Q And do you recall when she went off and when she

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1 came back?
2 A I don't.
3 Q Okay. She said it was more like three weeks. Is
4 that true?
5 A (Indicating.)
6 MS. AMTSBUECHLER: It was --
7 BY MR. AKHTAR:
8 Q Or don't you know?
9 A I believe it was three months.
10 Q I want to show you what's going to be marked as
11 exhibit next.
12 STENOGRAPHER: Twenty-six.
13 MR. AKHTAR: Twenty-six.
14 (Deposition Exhibit No. 26 was marked for
15 identification and attached.)
16 BY MR. AKHTAR:
17 Q Upper right-hand corner pages 186 and 187, this is
18 June of 2013. Do you see that?
19 A Uh-huh.
20 MS. AMTSBUECHLER: You have to do a yes or
21 a no.
22 THE WITNESS: Yes.
23 MS. AMTSBUECHLER: Okay.
24 BY MR. AKHTAR:
25 Q And then item at second page, item No. 2, hire

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1 temporary employee, motion by Mr. Whittaker and
2 second by Mr. Trent to authorize the executive
3 officers of the board of trustees to interview and
4 hire individuals for the position of temporary
5 employee.
6 And who was hired into this temporary
7 position?
8 A I believe the -- the temporary employee would have
9 been Ann Alexander.
10 Q And is Ann Alexander still here today?
11 A Yes.
12 Q And who would Ann Alexander report to as a temporary
13 employee?
14 A To the supervisor.
15 Q And who was the supervisor? Who was the supervisor?
16 A Me.
17 Q Okay. So when you say supervisor, you mean township
18 supervisor?
19 A Correct.
20 Q Okay. And did you know Ann, I'm sorry, what's the
21 last name?
22 A Alexander.
23 Q Alexander. Did anybody else interview for the job
24 besides Ann Alexander?
25 A I don't believe so.

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1 Liogghio's job assignments or job duties?
2 A She was to, you know, take care of any of the duties
3 that Carol had when Carol was not here.
4 Q Okay. Was she to work in the bullpen, as you call
5 it?
6 A Correct.
7 Q All right. Okay. So who was to train her?
8 A At the time in the office there was Donna Krips and
9 Carol, and then were the two people that were in
10 there to give her instruction.
11 Q Okay. So Carol was to train her to do her -- to do
12 Carol's work?
13 A To show what we -- what was going on in there, yep.
14 Q So that's a yes?
15 A Yes.
16 Q Okay. Thank you. Going on to page 1 -- 189,
17 December 2013, item number C2, hire the -- let's
18 see, building department coordinator position. In
19 December two -- prior to December 2013, was Carol
20 the building department coordinator?
21 A No.
22 Q Who was?
23 A Donna Krips.
24 Q Did Carol have anything to do with the building
25 department, Carol Liogghio?

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1 Q Ann Alexander during the August primary worked the
2 polls for you. Isn't that correct?
3 A Can you rephrase that again?
4 Q Ann Alexander during the August 2012 election worked
5 the polls for you, stood at the polls and passed out
6 literature?
7 A I do not recall that.
8 Q She was there with your wife. Do you recall it now?
9 A No, I don't.
10 Q Did your wife work the polls?
11 A Yes.
12 Q Okay. Ann Alexander is a township resident?
13 A Not -- no.
14 Q Was she a township resident when you hired her?
15 A I don't know.
16 Q And so she was the only person that applied for the
17 job?
18 A I believe so.
19 Q Okay. How -- and how did you advertise the job?
20 A We had just -- had told people we're looking for a
21 part -- part-time position, and I believe the policy
22 manual does state that, that it didn't have to go
23 out for, you know, advertise it, in that temporary
24 employee position.
25 Q Okay. And did you assign her any of Carol

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1 A Other -- no, other than permits that would be
2 requested at the front counter.
3 Q It states, "Motion by Trent and second by Converse
4 to approve the hiring of Lori O'Brien for the
5 position of building department coordinator at a
6 starting salary of 16.50 to commence immediately."
7 Did the prior -- prior to December 13th,
8 was there a motion passed to authorize the position
9 and to interview for it?
10 A For the building coordinator?
11 Q Yes.
12 A Yes.
13 Q Do you know when that was?
14 A I don't.
15 Q Would it be reflected in the minutes of the meetings
16 that took place in November or October, in that time
17 period?
18 A I'm not sure.
19 Q But if I were to go on -- on your website --
20 A Yeah.
21 Q -- and pull up those minutes, I would be able to
22 find where the board approved the position and
23 authorized you to fill it?
24 MS. AMTSBUECHLER: Form of the question,
25 because that position was -- existed, so...

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1 MR. AKHTAR: Because what?
2 MS. AMTSBUECHLER: That -- it didn't --
3 that position wasn't created, that position had
4 existed for a long time.
5 MR. AKHTAR: Yeah, Carol did the work.
6 MS. AMTSBUECHLER: No. Bill -- he just
7 testified this morning that Bill Degroot and then
8 Donna Krips had done it, but that's not my point.
9 The form of the objection is compound.
10 MR. AKHTAR: Okay.
11 BY MR. AKHTAR:
12 Q Please take a look at Exhibit 14.
13 MS. AMTSBUECHLER: Do you have it, do you
14 have it there? It's -- looks like this. Might be
15 over there in the stack from --
16 THE WITNESS: No.
17 MS. AMTSBUECHLER: Oh, you know what, this
18 is mine that I re -- well, here you go. That's my
19 copy. That's your copy.
20 BY MR. AKHTAR:
21 Q At page 111, upper right-hand corner, do you agree
22 that the township board in February -- in 2001
23 stated that Carol's duties as it relates to the
24 building department would include, take phone
25 requests for building, plumbing, electrical and

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1 mechanical inspections, issue plumbing, electrical
2 and mechanical permits, 3, assist zoning
3 administrator in secretarial duties, typing, filing,
4 copying, maintain copies of all manuals pertaining
5 to zoning for sale to the public, and last, cover
6 for building coordinator while on vacation or days
7 off, would you agree that those were her duties and
8 responsibilities as established by the township
9 board?
10 MS. AMTSBUECHLER: Objection to
11 foundation.
12 THE WITNESS: I wasn't here at the time,
13 but according to this -- these were what her duties
14 say they were.
15 BY MR. AKHTAR:
16 Q And in December of 2013, at your request, most of
17 those duties were taken away from her and given to
18 Lori O'Brien?
19 MS. AMTSBUECHLER: Objection to form and
20 foundation.
21 BY MR. AKHTAR:
22 Q Is that correct?
23 A No, we didn't. They had been established before I
24 got here what her duties were.
25

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1 Q Well, you agree, don't you, that after
2 December 10th, 2013, she was no longer doing those
3 duties?
4 MS. AMTSBUECHLER: Objection to form and
5 foundation.
6 THE WITNESS: Yeah, I wasn't here in 2010.
7 BY MR. AKHTAR:
8 Q Okay.
9 A But about --
10 Q Well, in that case you -- well, this is 2013.
11 December, I think you were here then?
12 A Right.
13 MS. AMTSBUECHLER: He said December 10th,
14 2013. You just said 2010, two different tens you
15 guys are talking about.
16 MR. AKHTAR: No. I'm talking about
17 December 10th --
18 MS. AMTSBUECHLER: No, you were right, he
19 misinterpreted your question.
20 THE WITNESS: Okay.
21 BY MR. AKHTAR:
22 Q As of December 10th, 2013, many of those duties
23 established in Exhibit 14 were being taken over by
24 Lori O'Brien?
25 MS. AMTSBUECHLER: Objection. Form and

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1 foundation.
2 BY MR. AKHTAR:
3 Q Is that correct?
4 A I just knew between Bill Degroot and Donna Krips
5 they had these duties, and until Donna Krips decided
6 to leave during the winter months that's when the
7 board decided to hire Lori -- Lori O'Brien to do her
8 duties.
9 Q Now, going down further under -- at page 189 under
10 part 2, C2, it states, "Mr. Trent offered another
11 motion to approve the creation of a new part-time
12 office staff position of administrative assistant 2
13 with the following major job responsibilities..."
14 and then it lists administrative support for the
15 fire chief, fire department, administrative support
16 for the --
17 MS. AMTSBUECHLER: He's reading from --
18 BY MR. AKHTAR:
19 Q -- assessing department, website administrator,
20 office con -- counter citizen's assistance, optical
21 scanning project support, temporary office fill-in
22 for the executive departments, other tasks as
23 assigned by the township supervisor, and you're
24 going to take Ann Alexander and promote her to that
25 position. Is that correct?

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1 A Correct.
2 Q And the board passed that. Is that correct?
3 A Correct.
4 Q And many of these duties and responsibilities that
5 were being transferred to Ann Alexander are listed
6 in Exhibit 14 as Ms. Liogghio's duties and
7 responsibilities. Isn't that correct?
8 MS. AMTSBUECHLER: Objection to form and
9 foundation.
10 BY MR. AKHTAR:
11 Q And if you want, we can go through them one by one.
12 MS. AMTSBUECHLER: Perhaps you should.
13 THE WITNESS: Okay.
14 BY MR. AKHTAR:
15 Q Okay. All right. Let's take a look at
16 administrative support to the fire department.
17 A Okay. And the question is?
18 Q Just one second.
19 A Okay.
20 MS. AMTSBUECHLER: He's going to rephrase
21 the question for you, so...
22 THE WITNESS: Okay. All right.
23 BY MR. AKHTAR:
24 Q Prior to December of 2013, who had the
25 responsibility of offering administrative support to

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1 answer.
2 BY MR. AKHTAR:
3 Q Office counter, citizens assistant, whose job was
4 that?
5 A Everybody's as we call the bullpen.
6 Q Everybody?
7 A That was in the bullpen.
8 Q Who is everybody?
9 A Who would be there would be Donna, Lori O'Brien --
10 Q Let's use some last names. Okay?
11 A All right.
12 Q Donna.
13 A So there would be Lori O'Brien.
14 Q Okay.
15 A There would be Donna Krips, Ann Alexander and Carol
16 Liogghio.
17 Q Okay. So this new administrative assistant was to
18 exclusively handle the counter. Is that correct?
19 A No.
20 Q Well, if she was handling the counter before, why
21 would -- why is she giving the job -- why is that
22 part of the job description?
23 A Part of the job description is anyone in the bullpen
24 area. If somebody else is on the phone or if
25 somebody needs some assistant, anybody in that area

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1 the fire department?
2 A The chief actually did all of his support, other
3 than building permits that were when I came into the
4 township, Carol had done the burning permits. But
5 as -- as far as any support, that was the only thing
6 that was done. As far as the fire department.
7 Q Okay. When did the township employ the services of
8 an assessor?
9 A The current -- our current assessor?
10 Q Yes.
11 A I don't know the exact date. I would say it would
12 have to be 2013.
13 Q Okay.
14 MS. AMTSBUECHLER: But you had one before
15 that.
16 THE WITNESS: Right, there was one before
17 that.
18 BY MR. AKHTAR:
19 Q And then there -- let's see, I'm taking the
20 deposition in accordance with the rule 30. So you
21 told --
22 MS. AMTSBUECHLER: I -- I just didn't want
23 him to be misleading to you, because I wasn't sure
24 he answered your question.
25 MR. AKHTAR: No, no, no. You gave him the

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1 would respond to the citizens at the counter.
2 Q All right. Let's go to page 192. This is, "I move
3 the Salem Township Board of Trustees approve the
4 change in the job description of the current
5 administrative assistant Ann Alexander to the
6 position of building coordinator, position effective
7 April 1st, with an hourly rate of 16.50."
8 And who was the building coordinator prior
9 to Ms. Alexander getting the job?
10 A Lori O'Brien.
11 Q Carol had nothing to do with it?
12 A Carol had nothing to do --
13 Q Building department?
14 A No.
15 Q Okay. Now --
16 MS. AMTSBUECHLER: I think you have your
17 own copy over there. This is mine.
18 BY MR. AKHTAR:
19 Q At page 195, on April the 14th, 2015?
20 MS. AMTSBUECHLER: I don't have a 195 on
21 mine. Do you?
22 MR. PLATO: Uh-uh.
23 MR. AKHTAR: No. Well, yeah.
24 MS. AMTSBUECHLER: Oh, you do. I don't.
25 MR. PLATO: I do.

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14 (Pages 50 to 53)

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1 MS. AMTSBUECHLER: Oh, it's just not in
2 order. Got it. Sorry.
3 MR. PLATO: Uh-huh.
4 BY MR. AKHTAR:
5 Q Okay. Who is Barbara Thompson?
6 A She is -- was hired in as a temp in the office.
7 Q Was she hired in prior to April the 14th or after
8 April the 14th, 2015?
9 A I'm not sure on the dates.
10 Q Okay. And this is a temporary employee. Is that
11 person still working here?
12 A Correct, yes.
13 Q So she wasn't temporary?
14 A She was temporary when she was hired in.
15 Q Has she had any breaks in service, has she been laid
16 off?
17 A No.
18 Q Now, it would appear that she is doing the same work
19 as Ann Alexander if you take a look at page 189 and
20 then go to 195, it looks like you have two people
21 doing the same work?
22 MS. AMTSBUECHLER: Objection to form and
23 foundation.
24 BY MR. AKHTAR:
25 Q Is that correct?

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1 A The answer is yes.
2 Q Okay. And what was the rationale for hiring a
3 second administrative assistant 2 performing the
4 same duties as the other administrative assistant?
5 MS. AMTSBUECHLER: Objection. Form and
6 foundation. Go ahead.
7 THE WITNESS: So, Ann Alexander, Lori
8 O'Brien left, Donna Krips had -- was in Florida for
9 the winter months, so Ann was promoted to the
10 building as building started to pick up, and we
11 needed more assistance in the building department,
12 and then Barb replaced some of the issues here as --
13 as stated in the administrative assistant. She was
14 hired as a temp and then she became to replace Ann's
15 job. And Ann was promoted into the building
16 department.
17 Q All right. Are you familiar with a company called
18 Advanced Disposal?
19 A Yes.
20 Q Who are they?
21 A They are a landfill that is in our township.
22 Q Okay. And who are the managers?
23 A Currently?
24 Q (Indicating.)
25 A I believe there's Bob Wahls and Dave Rattell.

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1 Q R-A-T-T-E-L-L?
2 A Yes.
3 Q And who is Tom Flanigan?
4 A He was a manager before that.
5 Q Did you meet with those people on occasion?
6 A Yes.
7 Q What is a landfill host agreement?
8 A The host agreement, I'm not sure what date when it
9 was formed, but it was put together of an agreement
10 between township and the landfill.
11 Q Okay. I want to show you what's marked as Exhibit
12 11.
13 MS. AMTSBUECHLER: He has a copy of all
14 the -- the pleadings we marked. Yeah, I don't --
15 MR. PLATO: I got them.
16 MS. AMTSBUECHLER: Just for the record,
17 that was Exhibit 11 from Carol's deposition I
18 believe is what you're saying. And I don't have a
19 copy, but I think Ed does.
20 MR. PLATO: Okay. There's -- there's the
21 first amendment and this is the second amendment.
22 MS. AMTSBUECHLER: Do you want to see
23 these first?
24 MR. AKHTAR: Yeah. I didn't -- this has
25 been marked.

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1 MS. AMTSBUECHLER: Was that -- I didn't
2 think it -- that wasn't part of it.
3 MR. AKHTAR: I don't remember.
4 MR. PLATO: That wasn't part of the
5 exhibit, no.
6 MS. AMTSBUECHLER: Okay.
7 MR. AKHTAR: This -- I don't want to mess
8 up your documents, but there -- Exhibit 11, and it
9 was in -- this was in front of it.
10 MS. AMTSBUECHLER: Then, yeah, you didn't
11 put it back together, right, yeah. You had the
12 pages apart. That part of it. That might have been
13 at the end of it when you rearranged it.
14 MR. PLATO: Yeah. Yeah, that may be the
15 amend -- yeah, right. You're correct, this goes on
16 the bottom of that.
17 MS. AMTSBUECHLER: Maybe.
18 MR. PLATO: That's the original, and
19 that's the first amendment, this is the second
20 amended host agreement.
21 MS. AMTSBUECHLER: But were -- were they
22 all part of what I had -- I don't remember those
23 were back.
24 MR. PLATO: No, I think the only thing was
25 marked --

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1 MS. AMTSBUECHLER: Were those two.
2 MR. PLATO: -- was the first -- was the
3 original host agreement and the first amended host
4 agreement.
5 MS. AMTSBUECHLER: Yeah, I wasn't focused
6 on that, so I don't know. See that for a second.
7 MR. PLATO: That's dated, what was
8 that? -- 2009.
9 MR. AKHTAR: Let's go off the record just
10 for a moment.
11 (1:31 PM recess taken.)
12 (1:32 PM back on record.)
13 BY MR. AKHTAR:
14 Q Okay. Now, as it relates to residents of the
15 township using the landfill for dumping their trash,
16 do you agree that the person has to be a resident of
17 the township and not a property owner?
18 A Has to be a resident of the township.
19 Q Okay. And that's set forth at page 17 of Exhibit 11
20 to Carol Liogghio's deposition, page 17?
21 A Okay.
22 Q You agree?
23 A Yes.
24 Q And I want to show you what's been marked as Exhibit
25 1 to Ms. Liogghio's deposition. I want that back.

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1 them a resident. Is that correct?
2 A But they have to have permission from the person who
3 owns it, the house, to get a landfill pass.
4 Q Where is that written?
5 A That's just been the policy.
6 Q Would you agree that Carol Liogghio is the most
7 knowledgeable -- was the most knowledgeable person
8 as of January 2015 as to what the township policy
9 was?
10 MS. AMTSBUECHLER: Objection to form and
11 foundation.
12 BY MR. AKHTAR:
13 Q As it relates to landfill passes?
14 MS. AMTSBUECHLER: Same objection.
15 THE WITNESS: Yeah, I -- I did contact,
16 when I became supervisor, contact the landfill to
17 explain what the process, what they expected, from
18 landfill passes.
19 BY MR. AKHTAR:
20 Q Who did you talk to?
21 A Because there had been trouble in the -- before of
22 landfill passes that were issued and people having a
23 problem getting landfill passes and that became an
24 issue and I wanted to make sure I understood what
25 they believed should have been done.

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1 And what is that document?
2 A It's a form that's filled out for Atlanta business.
3 Q Whose form, whose is it? Is it a township form,
4 landfill form?
5 A A township form.
6 Q Okay. And the bottom left-hand corner there's a
7 notation there. Is that correct?
8 A Yes.
9 Q And what does it say?
10 A Copy of driver's license or state ID required.
11 Q Required. What does the word "required" mean?
12 A Just that it's required.
13 Q In order to get a pass, you are required to have a
14 driver's license. Is that correct?
15 MS. AMTSBUECHLER: Form objection.
16 THE WITNESS: No, it's not required. I
17 don't know who made the -- the form up, but that's
18 not what the policy of the landfill is.
19 BY MR. AKHTAR:
20 Q What is the policy of the landfill?
21 A Is that they have to be a resident, and that's not
22 necessarily a property owner or just land, it has to
23 be a resident, where they are creating household
24 ways.
25 Q Person could be renting a home and they had to make

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1 Q And who did you talk to?
2 A I talked to Dave Rattell.
3 Q And what did Mr. Rattell tell you?
4 A And he said that that was all done by Carol.
5 Q What was all done by Carol?
6 A As far as having people come back with an address
7 change that they haven't changed yet, it was done by
8 her, not by the landfill.
9 Q Well, the landfill had nothing to do with issuing
10 new permits. Isn't that correct?
11 A Well, they -- they -- they knew of -- that we had
12 to -- they were involved in the landfill passes
13 and --
14 Q They set --
15 A -- kept a record of it.
16 Q They set the policy as it relates to drivers
17 licenses. Isn't that correct?
18 A No.
19 Q Who set that policy?
20 A I'm not sure.
21 Q Well, it's on a township application. Isn't that
22 correct?
23 A I don't even know who did that application. So if
24 it was either Carol, because she was in -- in charge
25 of it or the township.

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1 Q Okay. Why don't we take a break and you go get one
2 of those and let's see what the current policy is.
3 A I'm sorry, what?
4 Q We're going to take a break. I'm asking you to get
5 a copy of the current policy and see what it says.
6 MS. AMTSBUECHLER: That's -- objection to
7 form. That's not a policy.
8 MR. AKHTAR: All right. Application, I'm
9 sorry.
10 (1:37 PM recess taken.)
11 (1:39 PM back on record.)
12 MR. AKHTAR: All right. This will be 26.
13 STENOGRAPHER: Twenty-seven.
14 (Deposition Exhibit No. 27 was marked for
15 identification and attached.)
16 BY MR. AKHTAR:
17 Q You agree that 27 is the same as Exhibit 1. Is that
18 correct?
19 A Yes.
20 Q Okay. Thank you. All right. Do you recall having
21 a conversation with Carol Liogghio in December of
22 2014 where she advised you that she talked to Tom
23 Flanigan of Advanced Disposal and he confirmed that
24 a driver's license was required in order to get a
25 pass, do you recall having that conversation with

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1 her?
2 A No.
3 Q In your own words tell me what happened on
4 December -- on January 2nd, 2015, as it relates to
5 the issue of the landfill pass that caused you to
6 have a conversation with Miss Liogghio.
7 A So a resident came in.
8 Q A resident?
9 A Correct.
10 Q Okay. And how did you know she -- she was a
11 resident?
12 A A month or two prior to that she had come in the
13 office and when Carol Liogghio was not here
14 introduced herself that she had bought a house on
15 Salem Road, she was from Plymouth Township, and she
16 would be moving in, and we -- I introduced myself to
17 her, gave her a township card with my personal cell
18 number on it, like I do to everybody, and said if I
19 can help you with anything please let me know. This
20 was probably on -- this is -- as time date probably
21 a month after or more she came back in.
22 At that time I was not here but Carol was
23 in the office, and she requested from what I -- what
24 I had heard a landfill pass. She had paid her taxes
25 or brought her tax bill in, I assume, and she had

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1 moved and wanted a landfill pass but did not have
2 her driver's license changed as of yet. So there
3 was a confrontation at the counter of -- of Carol
4 not giving her a landfill pass, and the two of them
5 had gotten into it, and -- and the lady had left.
6 Barb Thompson had called her husband and
7 told me of -- how this was a new resident that had
8 moved in a month or so before.
9 Q Who is Barb Thompson?
10 A Works in the office.
11 Q Okay. She call her husband?
12 A Correct.
13 Q Okay.
14 A And her husband ended up calling me to tell me what
15 happened. And at that time I was at my farm, I had
16 gotten in my truck, went over to the lady's house
17 and asked her what happened, and she had her tax
18 bill there, I said give me your tax bill and I'll be
19 right back.
20 And so I came back and I told Carol I
21 wanted her to issue her a landfill pass and I would
22 stay until it was done to get it.
23 I took the landfill pass and I did tell
24 her that she was no longer in charge of the landfill
25 passes because of her being rude to residents and to

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1 this resident concerning the landfill pass. And I
2 left, and -- and she stood up and said "I don't
3 answer to you, I answer to the board," and, you
4 know, she wanted me to fire her, but I -- I just
5 left and took the landfill pass to the resident.
6 Q Okay. Now, isn't it true that Barbara was the first
7 person to deny her a landfill pass and passed her on
8 to Carol Liogghio to handle the matter?
9 A I do not know that.
10 Q Well, that's what Carol testified to the other day.
11 All right?
12 MS. AMTSBUECHLER: I --
13 THE WITNESS: Yeah.
14 MR. PLATO: I don't recall.
15 MS. AMTSBUECHLER: I don't recall that
16 either.
17 THE WITNESS: I don't recall that.
18 BY MR. AKHTAR:
19 Q Did Barbara, in fact, Barbara Alexander, did she in
20 fact --
21 MR. PLATO: Barbara Thompson.
22 MR. AKHTAR: Thompson. Okay. Sorry.
23 BY MR. AKHTAR:
24 Q Did Barb Thompson, in fact, have the first contact
25 with this woman?

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1 A Two months prior, month and a half prior.
2 Q No, I'm talking about that day, January 2nd.
3 A I do not know.
4 Q Isn't it true that it was Barbara Thompson who had
5 an argument with the woman and that's why she asked
6 Carol to deal with her?
7 A No.
8 Q So Barbara Thompson witnessed the whole thing and
9 she called her husband?
10 A Right.
11 Q Why didn't she call you?
12 A I don't know. She called her husband.
13 Q Who -- do you have any type of working relationship
14 with her husband?
15 A No.
16 Q Was he a supporter of yours?
17 A Yes.
18 Q Worked the polls?
19 A Pardon?
20 Q He worked the polls?
21 A No.
22 Q Oh. Put signs out for you?
23 A Yes.
24 Q Now, there's no question in your mind that Barb --
25 that Carol said she was going to the board. Isn't

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1 that correct?
2 A Correct.
3 Q So this woman knew two months in advance based upon
4 your personal conversation with her that she had to
5 get her driver's license changed and two months
6 later she still hadn't done it?
7 MR. PLATO: Two months later?
8 BY MR. AKHTAR:
9 Q Two months he said. Couple months earlier.
10 A It was a month and a half or two months.
11 Q Okay.
12 A When she came.
13 Q Okay. So she had an opportunity. Now, did you tell
14 Carol that this lady would be coming back in for a
15 pass and to give it to her, that she was moving in?
16 A No.
17 Q So when Carol refused to give her the pass, she was
18 following township policy, no driver's license, no
19 pass?
20 MS. AMTSBUECHLER: Object to form and
21 foundation.
22 BY MR. AKHTAR:
23 Q Is that correct?
24 A The ans -- say it again.
25

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1 Q When Carol -- if Carol, in fact, refused to give the
2 lady a landfill pass because she didn't have a
3 driver's license with a -- with a township address
4 on it, she was, in fact, following township policy?
5 A According to Carol's policy.
6 Q What was the township policy as it relates to no
7 driver's license, no pass?
8 A Okay. Can I explain? So...
9 Q No. I just asked you a question what the policy
10 was. Was the policy --
11 MS. AMTSBUECHLER: Are you going to let
12 him answer or not?
13 MR. AKHTAR: You can ask him and he can
14 answer. All I want is an answer to my question.
15 MS. AMTSBUECHLER: I know, but he's trying
16 to.
17 BY MR. AKHTAR:
18 Q And my question is, was the township policy that you
19 had to have a driver's license with your residence
20 address on it before you got a pass?
21 A No.
22 Q Okay. What was the written policy?
23 A I guess, again, I didn't do this form.
24 Q You talking about Exhibit 1 and Exhibit 27?
25 A Right. I did not -- you know, so when I became

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1 supervisor I had a conversation with the landfill
2 management of what the policy is as far as a
3 resident to be able to use -- have a landfill pass
4 and dump there. It was not required a driver's
5 license because of -- of other reasons, there are
6 people who live in Florida, six, eight months out of
7 a year, their residency is in Florida, but they can
8 still have property, have a home in Salem Township,
9 and therefore they can have a landfill pass fill
10 pass to dump their garbage if they live here three,
11 four, five months out of the year.
12 Q Well, they can have a state identification card,
13 which is also allowed, and that's for part-time
14 residents. Isn't that correct?
15 A Again, the policy was is that you didn't have to
16 have a driver's license.
17 Q Did you raise your voice to her?
18 A No.
19 Q Did you scream at her?
20 A No.
21 Q Did you holler at her?
22 A No.
23 Q Did you yell at her?
24 A No.
25 Q You -- you're -- you talked to her the way we're

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1 talking right now?
2 A Yes, I did.
3 Q Cool, calm and collected?
4 A Yes, I did.
5 Q Okay. I'm going to move on to another subject.
6 MS. AMTSBUECHLER: Let me take that back
7 from you so I can -- not -- yeah.
8 THE WITNESS: See where it's at.
9 MS. AMTSBUECHLER: Just that, right.
10 THE WITNESS: I think it is mine.
11 MS. AMTSBUECHLER: Okay.
12 MR. PLATO: You're messing up my exhibits.
13 MS. AMTSBUECHLER: I'm sorry, what?
14 MR. PLATO: You're messing up my exhibits.
15 MS. AMTSBUECHLER: No, just your --
16 MR. AKHTAR: Can we take a break and get
17 copies of this made?
18 MR. PLATO: Just that one page?
19 MR. AKHTAR: Yeah, just one page.
20 MS. AMTSBUECHLER: What is it?
21 MR. PLATO: Survey.
22 MS. AMTSBUECHLER: Oh, I have it.
23 (1:51 PM recess taken.)
24 (1:54 PM back on record.)
25 (Deposition Exhibit No. 28 was marked for

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1 BY MR. AKHTAR:
2 Q It shows the two highest rating services program.
3 The level of courtesy received from town hall to
4 fire protection.
5 So the citizens were very happy with the
6 person or persons they came in contact with at the
7 township hall. Is that correct?
8 MS. AMTSBUECHLER: Foundation.
9 BY MR. AKHTAR:
10 Q Is that what it says?
11 A Current -- according to the survey, yes.
12 Q Okay. Do you have any reason to disagree with these
13 findings, seeing that the committee consisted of
14 your attorney?
15 MR. PLATO: Well, I wasn't part of the
16 committee.
17 MR. AKHTAR: Oh.
18 THE WITNESS: Other than there were a lot
19 of people in the township that had some issues. But
20 according to the people that filled it out.
21 BY MR. AKHTAR:
22 Q Okay. But in 2011 and 2012, when a person came into
23 the township, generally who was the first person
24 that would greet them at the bullpen?
25 A That would be Carol.

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1 identification and attached.)
2 BY MR. AKHTAR:
3 Q All right. Have you ever seen this document before?
4 A No.
5 Q And this makes reference to a work session that was
6 going to be held on February 2012 that would be
7 before you were elected. Is that correct?
8 A Correct.
9 Q And this is from Wayne Walzy. Who is Wayne Walzy?
10 A He was a former trustee.
11 Q Okay. And this has the -- it makes reference to
12 committee member Sharon Bell, Mary Cowmeadow, Jane
13 Griffin, Jo Ann Heyl, Greg Timmons and Marcy Van
14 Fossen. Do you know those people?
15 A Yes.
16 Q Okay. And there's a community development
17 administrator, Bill Degroot, is that the man you
18 made reference to before?
19 A Yes.
20 Q And some guy named Ed Plato?
21 A Yes.
22 Q Okay.
23 MR. PLATO: You know, I got to thank you
24 publicly.
25

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1 Q Thank you. Now, you talked about the PPO before.
2 Is that correct?
3 A (Indicating.)
4 Q We talked about the PPO that you filed. Is that
5 correct?
6 A Yes.
7 Q And you filled out an affidavit. Isn't that
8 correct?
9 A Yes.
10 Q And you subsequently testified under oath that the
11 affidavit that you filled out was wrong as it
12 relates to Mr. Lee -- Liogghio touching you?
13 A Yes, uh-huh.
14 Q Okay. If you testified that it was wrong, why did
15 you put it in there in the first place?
16 A It's just a matter of him holding my arm or shaking
17 my hand and not letting go, that's where the -- so
18 that's where it came in.
19 Q Well, but you did testify under oath in court that
20 he never had any physical contact with you
21 whatsoever. Isn't that correct?
22 A No. I said he shook my hand and would not let go
23 but he wasn't holding onto my arm.
24 Q Okay. Well, we're going to -- I'm going to show you
25 the video.

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GARY WHITTAKER, 03/27/17

1 MR. AKHTAR: First of all, let's have this
2 marked as Exhibit 28.
3 STENOGRAPHER: Twenty-nine.
4 MR. AKHTAR: Twenty-nine.
5 (Deposition Exhibit No. 29 was marked for
6 identification and attached.)
7 MS. AMTSBUECHLER: The question I had
8 asked while we were off the record was how this has
9 anything to do with this case.
10 MR. AKHTAR: Well, the affidavit clearly
11 states that paragraph 2, Harry and Carrie -- Carol
12 Liogghio are plaintiffs in a pending lawsuit in
13 United States District Court against Salem Township,
14 Mr. Whittaker and several other township trustees.
15 MS. AMTSBUECHLER: All right.
16 MR. AKHTAR: He thought it was important
17 enough to put it in his affidavit, so I guess we're
18 there.
19 BY MR. AKHTAR:
20 Q Okay. Now, do you see in your affidavit, which is
21 the third page but marked page number 1, the last
22 paragraph which is paragraph number 4 states -- or
23 paragraph 4, "Mr. Liogghio approached Mr. Whittaker
24 and extended a hand in an apparent attempt to shake
25 Mr. Whittaker's hand. Mr. Whittaker shook

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1 A Correct.
2 Q You made it under oath. Is that correct?
3 A Correct.
4 Q The police report at the second page in the third
5 paragraph states in part, "Mr. Whittaker stated that
6 Mr. Liogghio never physically assaulted him but he
7 was in fear that he would."
8 That's what you told the police. Is that
9 correct?
10 MS. AMTSBUECHLER: Where are we reading
11 from, I'm sorry?
12 MR. AKHTAR: Third paragraph on page 3 of
13 3.
14 MS. AMTSBUECHLER: Oh, here. This is what
15 he's reading from.
16 BY MR. AKHTAR:
17 Q It's the fourth page from the back.
18 A Okay. What's your question?
19 Q The question is you told the police officer that
20 he -- there was no physical -- he never physically
21 assaulted you?
22 A Yeah, I didn't look at it as an assault, just said
23 that he wouldn't let my hand go.
24 Q So you recanted that in court. Isn't that correct?
25 MR. PLATO: Well --

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1 Mr. Liogghio's hand but then Liogghio refused to let
2 go, held tightly onto Mr. Whittaker's arm and hand,
3 pulled Mr. Whittaker towards him and began shouting
4 obscenities in Mr. Whittaker's face."
5 So the -- you're saying this affidavit is
6 correct that he did shake your hand and then took
7 his other hand and held your arm?
8 MR. PLATO: You're not reading from the
9 affidavit, you're reading from something else.
10 MR. AKHTAR: What is this? So section 4
11 from the petition, I'm sorry, section 4 from the
12 petition.
13 MR. PLATO: He didn't write the petition.
14 MS. AMTSBUECHLER: Well --
15 BY MR. AKHTAR:
16 Q Okay. All right. Then we get to the affidavit.
17 And here again you make reference in the third
18 paragraph as to this lawsuit. And in paragraph 6
19 you state, "I shook Mr. Liogghio's hand in response,
20 but then Mr. Liogghio refused to let go, held
21 tightly onto my arm and hand, pulled me towards him
22 and began shouting obscenities in my face."
23 That's your signature. Is that correct?
24 A Correct.
25 Q This is your statement. Is that correct?

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1 BY MR. AKHTAR:
2 Q You said --
3 A Basically I -- he shook my hand, would not let go of
4 it, but he wasn't actually holding my arm, but he
5 was holding my hand and would not let it go, so I
6 corrected that.
7 Q And that's what you testified to under oath in
8 court?
9 A Correct.
10 MR. AKHTAR: Okay. Let's go off the
11 record so I can cue this up, unless you just --
12 MS. AMTSBUECHLER: I don't know what
13 you've got. I don't know what you're talking about.
14 MR. AKHTAR: You said you have a copy of
15 this.
16 MS. AMTSBUECHLER: I have the transcript.
17 MR. AKHTAR: Oh, you have the transcript?
18 MS. AMTSBUECHLER: No. I've got -- I've
19 got -- what is that?
20 MR. AKHTAR: It's the video of the
21 court --
22 MS. AMTSBUECHLER: Right, right. I
23 thought you meant from Home Depot. I'm like, they
24 don't have a video.
25 MR. AKHTAR: No.

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GARY WHITAKER, 03/27/17

1 MS. AMTSBUECHLER: Yeah, no, no. I don't
2 have a transcript, I've got that.
3 MR. AKHTAR: Yeah, okay.
4 MS. AMTSBUECHLER: I don't know what
5 you're looking for in there, so.
6 MR. AKHTAR: Well, I found it.
7 MS. AMTSBUECHLER: Okay. As I said, the
8 unless I adjust, I didn't know what you were talking
9 about.
10 MR. AKHTAR: Well, I'm ordering a
11 transcript of this tape.
12 MS. AMTSBUECHLER: Okay. I don't have a
13 transcript of that. I've got that.
14 MR. AKHTAR: Okay.
15 MR. PLATO: What good is it going to do?
16 You're only going to show him an excerpt, it doesn't
17 do any good, unless you show him all of it, because
18 it's misleading to show him only part of it.
19 MS. AMTSBUECHLER: I don't even know what
20 part you want to talk about.
21 MR. AKHTAR: I want to talk about the part
22 at 16 minutes and 30 seconds where he stated that
23 the affidavit was wrong, that there was never any
24 physical contact.
25 MS. AMTSBUECHLER: He used the words -- I

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1 mean, it is what it is.
2 MR. PLATO: Yeah, and the testimony was
3 gone over, I mean, he was -- examination by me,
4 examination by you, and the point is the court
5 ultimately found the evidence was sufficient to keep
6 the protection order in place, so I don't know what
7 good, what -- what -- it's -- it's meaningless and
8 without purpose to go through this and show him an
9 excerpt, and it's misleading to only show him only
10 part of it, not to show him all of it.
11 MR. AKHTAR: No, no, I think the court's
12 entitled to under -- under Federal Rules of Evidence
13 708 to weigh the veracity of the deponent.
14 MS. AMTSBUECHLER: Well, if you're going
15 to order a transcript of that, I mean, it is what it
16 is. I don't understand where --
17 MR. AKHTAR: As long as you understand the
18 transcript will decide the issue.
19 MS. AMTSBUECHLER: Whatever issue it is.
20 I mean, he can't decide it today. I don't -- I
21 don't know where you're going to go with it, but the
22 transcript is what it is.
23 MR. PLATO: Yeah.
24 MS. AMTSBUECHLER: I won't stipulate to
25 deciding any issue, because I don't really

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1 understand what you think the issue is.
2 MR. AKHTAR: The issue is --
3 MS. AMTSBUECHLER: But I will agree with
4 you that the transcript, if it's accurate, I mean,
5 it is what it is, the whole thing.
6 MR. PLATO: I --
7 MR. AKHTAR: I'm willing to -- I'm willing
8 to rely upon the transcript.
9 MS. AMTSBUECHLER: I mean, I don't know.
10 MR. AKHTAR: But I am going to make an
11 argument under 708 that --
12 MS. AMTSBUECHLER: Well, you can do that.
13 MR. AKHTAR: -- that his testimony is not
14 to be believed.
15 MS. AMTSBUECHLER: Well, that's fine, you
16 can do that.
17 MR. PLATO: You can always make that
18 argument to credibility.
19 MR. AKHTAR: Thank you.
20 Will you call -- let's go off the record a
21 second.
22 (2:06 PM recess taken.)
23 (2:07 PM back on record.)
24 BY MR. AKHTAR:
25 Q During your testimony in court, as it relates to the

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1 PPO, evidence came out as to Mr. Liogghio being
2 treated for posttraumatic stress disorder. Where
3 did you get that information from?
4 MR. PLATO: Object to the lack of
5 foundation.
6 BY MR. AKHTAR:
7 Q I -- I know I can deal with one attorney, I can't
8 deal with two. So, answer the question, please.
9 MS. AMTSBUECHLER: I'll object to
10 foundation, I mean, whatever.
11 THE WITNESS: I -- I don't believe I
12 talked about that.
13 BY MR. AKHTAR:
14 Q Yes, you did. You testified as to the post --
15 Mr. Liogghio testified as to him being treated for
16 posttraumatic stress disorder. I want to know where
17 you got the information from that he was being
18 treated for posttraumatic stress disorder.
19 MS. AMTSBUECHLER: I think the question
20 was asked by the attorney. I don't think it was
21 something that he testified to.
22 MR. AKHTAR: Right.
23 MR. PLATO: It was asked by me, and
24 Mr. Liogghio -- it wasn't asked.
25 MR. AKHTAR: Not, not, not, not --

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1 MS. AMTSBUECHLER: Look, if you know,
2 answer it.
3 THE WITNESS: Yeah, I don't.
4 MS. AMTSBUECHLER: That's why --
5 BY MR. AKHTAR:
6 Q You don't know. So prior to that date you had no
7 idea that he was being treated for posttraumatic
8 stress disorder?
9 A No.
10 Q Who did you tell in the township that Mr. Liogghio
11 was being treated for posttraumatic stress disorder?
12 A Nobody.
13 Q No one at all?
14 A No one.
15 MR. AKHTAR: I don't think I have anything
16 else. You can go.
17 MS. AMTSBUECHLER: Oh, thanks.
18 THE WITNESS: Do you need these back?
19 MS. AMTSBUECHLER: I think, are you going
20 to keep the originals? I don't -- okay. Well, let
21 me ask -- I've got a couple of questions for you
22 actually in follow-up, Gary.
23 EXAMINATION
24 BY MS. AMTSBUECHLER:
25 Q Couple things just to clear up. The day you met in

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1 here with Carol and David you said that she was in
2 tears and said that you had fired her. Did you
3 respond when she said you had fired her?
4 A The only thing I had said to her I -- that I am not
5 a sitting official, I have no authority to fire her
6 and where she got that from, so I didn't -- wouldn't
7 have said that I fired her. Because I -- so I
8 didn't fire her. I have no authority to fire her.
9 Q Well, what did you say to her was my question.
10 A After she started saying that, that's all I told
11 her, that I can't fire her, but...
12 Q And the day that -- the June 2nd day when you went
13 back in there and told her that you were taking the
14 building -- I mean, the landfill pass permits away
15 from her, the day that Cindy Marriott was there,
16 when you -- you were asked by Mr. Akhtar whether you
17 raised your voice at Carol, did Carol raise her
18 voice at you?
19 A Yes.
20 Q What did she say, when was it in the conversation?
21 A As I was leaving that she's going to the board and
22 to -- that she was going to the board and that fire
23 me and that I was a liar.
24 Q So she had her voice raised during all of those?
25 A Correct.

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1 Q How would you describe the level of her raised
2 voice?
3 A It -- she was just screaming at me as I was going
4 out.
5 Q Okay. All right. What was your response when she
6 was screaming at you?
7 A I just left. I just walked out the door.
8 Q Okay. Thank you.
9 MS. AMTSBUECHLER: Before we conclude, Ed,
10 do you want to talk to me?
11 MR. PLATO: Yeah.
12 (2:11 PM recess taken.)
13 (2:12 PM back on record.)
14 BY MS. AMTSBUECHLER:
15 Q All right. One more thing. I think you testified
16 to this, but we want to make sure, when you were in
17 here with David and Carol before you officially took
18 office and you talked to Carol about cutting her
19 hours to 28 hours, what was her response?
20 A Her response was that she would try it and she had
21 no issues with it.
22 MS. AMTSBUECHLER: Okay. Thank you.
23 That's all. Anything else?
24 RE-EXAMINATION
25

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1 BY MR. AKHTAR:
2 Q Did she say she has no issues with it or because she
3 didn't respond to it you assumed she had no issues
4 with it?
5 A She answered and said she had no issues with it and
6 she would be glad to try everybody being at 28
7 hours.
8 Q Okay.
9
10 (2:16 PM deposition concluded.)
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1 STATE OF MICHIGAN)

2

3 COUNTY OF WASHTENAW)

4

5 I certify that this transcript is a complete, true and
6 correct record of the testimony of GARY WHITTAKER to the
7 best of my ability.

8

9 I also certify that prior to taking this deposition
10 GARY WHITTAKER was duly sworn by me to tell the truth.

11

12 I also certify that I am not a relative or employee of a
13 party, or a relative or employee of an attorney for a
14 party, have a contract with a party, or am financially
15 interested in the aforementioned action.

16

17

18

19 _____
Jacqueline D. Duchene, CSR-4182
20 Chapa Giblin
Farmington Hills, Michigan

21

22 APRIL 20, 2017
Notary Public, Washtenaw County, Michigan
23 My Commission Expires: 12-15-18

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