

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
3

4 M. REBECCA DOWNING, et al.,)
5 Plaintiffs)

6 VS)

7 Civil Action - Law
8 No. 1:CV-05-0351
9)

10 YORK COUNTY DISTRICT ATTORNEY)
11 H. STANLEY REBERT, et al.)
12 Defendants)
13

14 --oOo--
15

16 DEPONENT: Sharon Luker
17

18 TAKEN BY: Plaintiffs
19

20 DATE: Monday, April 24, 2006
21

22 TIME: 11:50 a.m.
23

24 PLACE: Blakey Yost Bupp & Rausch
25 17 East Market Street
York, Pennsylvania

REPORTER: Karen J. Meister
Reporter, Notary Public

--oOo--

KEY REPORTERS
keyreporters@suscom.net

1300 Garrison Drive, York, PA 17404
(717) 764-7801 Fax (717) 764-6367

1 job scenario with Chuck Noll, Sharon Luker and
 2 their laborer counsel. At this point since the
 3 union does not yet have a contract, anything
 4 other than a full-time position, eight hours per
 5 day for a five-day week, cannot be accomplished.
 6 Do you recall a discussion of the
 7 hiring of Mr. Daryman in the D.A.'s office?
 8 A Not of the hiring, no.
 9 Q What discussions do you recall, then?
 10 Aside from discussions you had with labor
 11 counsel, but just within York County, what were
 12 the issues that were discussed in regard to John
 13 Daryman back in April of 2003?
 14 MR. HUTCHINSON: Objection.
 15 THE DEPONENT: Can you repeat the
 16 question?
 17 BY MR. JACOB:
 18 Q Yes. What issues were being
 19 discussed about John Daryman's employment with
 20 York County or future employment with York
 21 County in April of 2003?
 22 A I'm unaware that I was part of
 23 discussions about his hiring or future
 24 employment. I was aware of discussions on
 25 modification of the schedule after I believe he

1 was hired.
 2 Q Okay. So, prior to May of '03, I
 3 believe was when he became an official county
 4 detective. You don't recall discussions about
 5 how or what position he would fill in May of
 6 2003?
 7 A There were discussions about -- From
 8 my recollection, there were discussions about
 9 him coming in as a county detective, but they
 10 were discussions on, really, him holding a
 11 different schedule.
 12 Q Okay. Labor issues; is that correct?
 13 A That's correct.
 14 Q Okay. Who were these -- Who would
 15 partake in these discussions that you remember?
 16 A To the best my knowledge, some were
 17 with Commissioner Donahue. The ones that I
 18 would have been in participation would have been
 19 with Durrant and Noll and myself; possibly
 20 Donahue.
 21 Q What would be the labor issue? What
 22 was the problem with this scheduling?
 23 MR. HUTCHINSON: Objection.
 24 THE DEPONENT: I believe that there
 25 had been a certification by the detectives to

1 form a collective bargaining unit. The policies
 2 and procedures that were in effect at that time
 3 then cannot be unilaterally changed.
 4 BY MR. JACOB:
 5 Q Let me just clarify for the record.
 6 Which policies and procedures are you referring
 7 to?
 8 A Terms and conditions of employment.
 9 Q York County?
 10 A Um-hm.
 11 Q And how about --
 12 A Or the District Attorney's.
 13 Q So were there two sets?
 14 A There's one written set I'm aware of.
 15 Q I guess my question is not really
 16 proper. There's a York -- There are York County
 17 rules and regulations, correct?
 18 A Correct.
 19 Q And there's also the D.A.'s office
 20 general orders; am I correct?
 21 A I don't know.
 22 (Mr. Hutchinson and Deponent confer
 23 privately.)
 24 Q Are you aware of York County
 25 Detective Office general orders?

1 A Yes.
 2 Q Okay. Were those in effect at the
 3 time as well?
 4 A I believe so.
 5 Q So then there were two sets of what
 6 we'll call rules and regulations in effect, York
 7 County's and the detectives' offices; is that
 8 correct?
 9 A That's correct.
 10 Q Okay. You can continue with your
 11 answer then. You were explaining --
 12 A I forget the question.
 13 Q I'm sorry. You were explaining what
 14 the labor issue was in regard to the schedule.
 15 A Essentially we were to maintain
 16 status quo, because we would be going into
 17 negotiations.
 18 Q Was the county already involved in
 19 negotiations for a contract at that time?
 20 A I believe they may have started.
 21 Honestly, I don't know.
 22 Q Okay. That's fair. And why would it
 23 be important to retain status quo?
 24 MR. HUTCHINSON: Objection.
 25 BY MR. JACOB:

1 Q What's the reason for maintaining
 2 status quo?
 3 A Well, I believe that we would have an
 4 issue with the PLRB if we didn't maintain status
 5 quo.
 6 Q And PLRB is?
 7 A Pennsylvania Labor Relations Board?
 8 Q Okay. And why is that?
 9 MR. HUTCHINSON: Objection.
 10 THE DEPONENT: I believe it would be
 11 viewed as either a positive or a negative change
 12 to influence votes with respect to the
 13 certification of the union and/or the terms and
 14 conditions of employment.
 15 BY MR. JACOB:
 16 Q Could that create an unfair labor
 17 practice --
 18 MR. HUTCHINSON: Objection.
 19 BY MR. JACOB:
 20 Q -- in your opinion?
 21 MR. HUTCHINSON: Objection.
 22 THE DEPONENT: Anything can create an
 23 unfair labor practice charge.
 24 BY MR. JACOB:
 25 Q Okay, fair enough. Do you believe

1 MR. JACOB: She's authorized to give
 2 her opinion on such matters.
 3 MR. HUTCHINSON: No, she's not.
 4 MR. JACOB: Yeah, actually she is.
 5 MR. HUTCHINSON: No, she's not.
 6 MR. JACOB: Fine. Then it will be
 7 improperly struck by the judge at a later time.
 8 MR. HUTCHINSON: Great.
 9 BY MR. JACOB:
 10 Q In your opinion at that time had
 11 there been a change in the status quo,
 12 would that be an unfair labor practice?
 13 MR. HUTCHINSON: Objection.
 14 THE DEPONENT: An actual change does
 15 not automatically have an unfair labor practice
 16 charge.
 17 BY MR. JACOB:
 18 Q I don't understand what you mean.
 19 A How do I explain that? Changes are
 20 made all the time to certain things. Whether or
 21 not the union attempts to file an unfair labor
 22 practice charge, I have no control over that.
 23 And then once it's filed, as to whether or not
 24 it truly meets the criteria established by the
 25 PLRB, I wouldn't know that either.

1 that it would be an unfair labor practice in the
 2 event that that occurred?
 3 MR. HUTCHINSON: Objection. I'm
 4 going to instruct her not to answer that. I
 5 mean, you're asking her to give to you
 6 information that may have come from labor
 7 counsel and things like that, her opinion on
 8 what is or is not, and I'm --
 9 MR. JACOB: I specifically excluded
 10 any advice from counsel in that. I want to know
 11 hers as a human resource director's--
 12 MR. HUTCHINSON: Well, it's pretty
 13 hard, though, when she had that the discussions
 14 took place with labor counsel, and then asking
 15 her about the specific subject matter and then
 16 simply say, don't pay attention what labor
 17 counsel said.
 18 MR. JACOB: Her personal opinion is
 19 completely different than that of --
 20 MR. HUTCHINSON: Her personal opinion
 21 is one hundred percent totally irrelevant.
 22 MR. JACOB: No. She's the Human
 23 Resource Director for the county. Therefore --
 24 MR. HUTCHINSON: It's still one
 25 hundred percent totally irrelevant.

1 Q You don't know what the criteria are
 2 for the PLRB?
 3 A I may know about what they are, but
 4 I'm not attorney. And I have not sat there and
 5 studied or presented any cases, if you will --
 6 Q Okay, fair enough.
 7 A -- in front of the PLRB.
 8 Q Fair enough. And I'm not asking you
 9 for a legal opinion here. Just so you
 10 understand that.
 11 A Thank you. I'm not an attorney.
 12 Q No, I'm not asking you for that. I
 13 don't want you to think that I am, and I'm not
 14 asking you for any conversations with your
 15 counsel. However, you did detail an extensive,
 16 I think it was 20 something years in human
 17 resources, at least five of which as a director.
 18 And I'm asking you in your opinion,
 19 though, if an unfair labor practice was filed
 20 over the very issue that had come up, in your
 21 opinion would that be an unfair labor practice?
 22 MR. HUTCHINSON: At this point you're
 23 getting way beyond anything that's remotely
 24 relevant to this case. I'm not going to have
 25 her speculate on what the PLRB might do in the

1 case of a charge being filed.
 2 MR. JACOB: I agree. That's fine.
 3 I'm not either.
 4 MR. HUTCHINSON: Well, that's what
 5 you're asking.
 6 MR. JACOB: No, I asked her --
 7 MR. HUTCHINSON: She just said --
 8 MR. JACOB: -- her opinion.
 9 MR. HUTCHINSON: She just said it's
 10 up to them.
 11 MR. JACOB: You know what? I'm just
 12 going to move on to a different topic.
 13 MR. HUTCHINSON: Please.
 14 BY MR. JACOB:
 15 Q There were complaints, am I correct,
 16 about the issue of John Daryman possibly coming
 17 on as a detective with a schedule that differed
 18 from the other detectives already working in the
 19 detective's office; is that correct?
 20 MR. HUTCHINSON: Objection.
 21 THE DEPONENT: Yes.
 22 BY MR. JACOB:
 23 Q And who were those complaints coming
 24 after?
 25 A Other detectives.

1 Q You're aware of them. You just
 2 indicated you were. So such as?
 3 A I indicated that I'm aware of
 4 discussions that occurred. I did not indicate
 5 what they were.
 6 Q I know. I'm asking you what they
 7 were.
 8 A I don't recall.
 9 Q Do you know who would partake in
 10 these conversations?
 11 A It was common discussion around the
 12 county. I could not tell you any one
 13 individual, no.
 14 Q So the whole county then was talking
 15 about the issue that this could be a labor
 16 issue?
 17 MR. HUTCHINSON: Objection.
 18 THE DEPONENT: No, not this specific
 19 issue.
 20 BY MR. JACOB:
 21 Q Then what was the general talk?
 22 A I can't answer that.
 23 Q Why not?
 24 A Because it's two years ago and I
 25 can't recall.

1 Q Such as?
 2 A I don't recall, but there were
 3 numerous.
 4 Q Fair enough. Numerous complaints
 5 from the detectives. Anybody else?
 6 A (Pause.) Complaints, no, but not
 7 that I can recall.
 8 Q You say complaints, no. It seems
 9 like you're recalling some other type of
 10 communication in that regard.
 11 MR. HUTCHINSON: Objection, if that's
 12 a question.
 13 BY MR. JACOB:
 14 Q Is there something else that would be
 15 similar to a complaint that you're thinking
 16 about?
 17 MR. HUTCHINSON: Objection.
 18 THE DEPONENT: None that was directly
 19 brought to me.
 20 BY MR. JACOB:
 21 Q How about that were indirectly, that
 22 you're simply aware of?
 23 A Water-fountain conversations.
 24 Q Such as?
 25 A I couldn't tell you.

1 Q If you don't remember, that's fine.
 2 Just say you don't remember.
 3 A I don't remember.
 4 Q That's fine. Do you recall any
 5 conversations with Miss Downing about the
 6 possible labor issue?
 7 A Yes.
 8 Q And what were those conversations?
 9 A I better ask for clarification. When
 10 you say the possible labor issue, the possible
 11 issue with his schedule being different?
 12 Q No. You say -- Yes. What labor
 13 issue did she raise, if any?
 14 A We had --
 15 MR. HUTCHINSON: Objection.
 16 BY MR. JACOB:
 17 Q You can answer.
 18 MR. HUTCHINSON: Maybe we ought to
 19 have a definition of labor issue. I mean, that
 20 covers --
 21 BY MR. JACOB:
 22 Q What's your understanding of a labor
 23 issue?
 24 MR. HUTCHINSON: I mean, labor issue
 25 is not because --

1 MR. JACOB: That's fair enough.
 2 MR. HUTCHINSON: -- another employee
 3 raises an issue.
 4 MR. JACOB: That's fair enough.
 5 We'll ask her to clarify.
 6 MR. HUTCHINSON: Okay.
 7 BY MR. JACOB:
 8 Q What's your understanding of a labor
 9 issue?
 10 A My answer was in the context of, with
 11 respect to the collective bargaining agreement
 12 we had discussions on it.
 13 Q Okay. And when I'm saying labor
 14 issue, I'm saying something that could lead to a
 15 grievance or an unfair labor practice, just so
 16 you understand where I'm coming from.
 17 A That would have been with respect to
 18 any terms and conditions that might have been
 19 being negotiated, and yes, we had discussions on
 20 that.
 21 Q Okay. With Becky?
 22 A Yes.
 23 Q Okay. And do you remember generally
 24 what the substance of those discussions?
 25 A Yes.

1 something about trying to avoid a labor issue?
 2 A It's an either/or. Can you ask the
 3 question again?
 4 Q I'm asking --
 5 A I'm sorry.
 6 Q From your conversations with Miss
 7 Downing, did you think that this was something
 8 personal between her and Mr. Daryman, or did you
 9 think that this was always geared towards, we
 10 need to avoid a labor issue here or a possible
 11 labor issue here?
 12 MR. HUTCHINSON: Objection.
 13 BY MR. JACOB:
 14 Q You can answer.
 15 A Geared toward following rules and
 16 procedures appropriately so that we would have a
 17 defense in case of a labor issue.
 18 Q Okay. So did it appear to you then
 19 that Miss Downing had York County's interest in
 20 mind when she entered into these discussions
 21 with you?
 22 MR. HUTCHINSON: Objection.
 23 THE DEPONENT: Her behavior would
 24 indicate that.
 25 BY MR. JACOB:

1 Q And what were they?
 2 A How we could work something out that
 3 everybody could be happy about.
 4 Q Okay. Did Miss Downing ever express
 5 to you that she didn't like John Daryman, the
 6 man, and that's why she didn't want him to work
 7 there?
 8 A No.
 9 Q Or was the context of her
 10 conversation something to the effect of, this
 11 could create some sort of labor issue. Let's
 12 figure out a way to hire him properly so we can
 13 avoid a labor issue?
 14 A There was nothing discussed with
 15 respect to hiring.
 16 Q Okay. And in fairness to you, you
 17 did say you don't recall it in terms of hiring;
 18 just in terms of a schedule. Do you recall the
 19 conversations with Miss Downing about the
 20 schedule; basically, an issue of trying to avoid
 21 a labor issue with his schedule?
 22 A Yes.
 23 Q Did it ever appear to you that Miss
 24 Downing just simply did not like Mr. Daryman and
 25 that it was something personal, or was it always

1 Q Her behavior? Okay. And how about
 2 just the things she was discussing with you? I
 3 mean, could you get a feel for what you believed
 4 her intentions to be?
 5 MR. HUTCHINSON: Objection.
 6 THE DEPONENT: Other than what she
 7 stated, I can't tell you what her intentions
 8 were.
 9 BY MR. JACOB:
 10 Q Okay. But you never came to believe
 11 that she didn't have York County's best interest
 12 in mind; am I correct?
 13 A No, I did not.
 14 Q When an employee -- Or let me rewind.
 15 Did you ever come to learn that John Daryman was
 16 performing any services to the D.A.'s office
 17 between January of '03 and May of '03?
 18 A I have no direct knowledge of that.
 19 Q Do you have any indirect knowledge?
 20 A Rumor.
 21 Q And what was the rumor?
 22 MR. HUTCHINSON: Objection.
 23 THE DEPONENT: That Daryman was
 24 performing services.
 25 BY MR. JACOB:

1 compensation issue for York County?
 2 MR. HUTCHINSON: Objection.
 3 THE DEPONENT: Risk management.
 4 BY MR. JACOB:
 5 Q And who's risk management?
 6 A A department.
 7 Q In York County?
 8 A Yes.
 9 Q I see there are certain policies
 10 listed here, equal opportunity, sexual
 11 harassment. Those are policies of York County;
 12 am I correct?
 13 A Correct.
 14 Q Are those policies that an employee
 15 of York County working in the D.A.'s office
 16 would be bound by?
 17 MR. HUTCHINSON: Objection.
 18 THE DEPONENT: They would be bound by
 19 the law. I'm not sure they would be bound
 20 necessarily by York County policy.
 21 BY MR. JACOB:
 22 Q Okay. Is this something, though,
 23 that the Director of Human Resources for York
 24 County is involved with, decisions such as this,
 25 such as what policies apply to who within York

1 County?
 2 MR. HUTCHINSON: Objection.
 3 THE DEPONENT: Yeah.
 4 BY MR. JACOB:
 5 Q Okay. But you're not sure, am I
 6 correct, whether sexual harassment policy and
 7 equal opportunity policy, things of that nature,
 8 whether they apply to an employee working in the
 9 D.A.'s office?
 10 MR. HUTCHINSON: Objection.
 11 THE DEPONENT: Again, the row
 12 officers have 1620 rights. And with respect to
 13 hiring, firing, discipline, discharging and the
 14 running of their offices, I have absolutely no
 15 control, say over in any way, shape or form.
 16 BY MR. JACOB:
 17 Q So an employee hired through the
 18 D.A.'s use of 1620 rights, is it your testimony
 19 then that they're not bound by the sexual
 20 harassment policy of York County?
 21 MR. HUTCHINSON: Objection.
 22 BY MR. JACOB:
 23 Q That they're not obligated to follow
 24 that policy?
 25 A No.

1 Q They're not obligated to follow that
 2 policy?
 3 A It's not my testimony that they are
 4 or they aren't. The D.A. makes the
 5 determination.
 6 Q I'm asking you as the human
 7 resource --
 8 MR. HUTCHINSON: I think she's told
 9 you.
 10 MR. JACOB: No, no, no.
 11 BY MR. JACOB:
 12 Q I'm asking you as the Human Resource
 13 Director whether an employee who's been hired
 14 through the D.A.'s use of 1620 rights is
 15 obligated to follow York County's sexual
 16 harassment policy?
 17 MR. HUTCHINSON: Objection.
 18 THE DEPONENT: You have to ask the
 19 courts that one.
 20 BY MR. JACOB:
 21 Q So, does that mean you're not sure?
 22 A What I'm sure of is his 1620 rights
 23 and what he has the ability to do within his
 24 office. As far as whether they're obligated,
 25 obligated by who? The D.A.?

1 Q I'm asking you, does York County
 2 require that employees hired by the D.A. through
 3 use of 1620 rights, does York County require
 4 that those employees abide by the county sexual
 5 harassment policy?
 6 MR. HUTCHINSON: Objection.
 7 (Miss Downing returns to the
 8 deposition room.)
 9 THE DEPONENT: We suggest that to all
 10 row officers.
 11 BY MR. JACOB:
 12 Q I understand you suggest it. Do you
 13 know, yes or no, whether that employee that we
 14 just discussed would be obligated to follow York
 15 County's policy? If you don't know, you can
 16 just say you don't know?
 17 MR. HUTCHINSON: Objection.
 18 THE DEPONENT: What employee?
 19 BY MR. JACOB:
 20 Q I'll start again. I'll just keep
 21 asking the questions. An employee is hired by
 22 the D.A. through the use of his 1620 rights,
 23 that employee is working in the D.A.'s office;
 24 again, hired by the D.A. through an act of his
 25 1620 rights, is that employee obligated by York

1 Q Of how the separation occurs. Is
 2 there a procedure that's followed, such as, we
 3 discuss issues of vacation time, comp time,
 4 workers' compensation benefits, health insurance
 5 issues? Who handles all these aspects for York
 6 County?
 7 MR. HUTCHINSON: Objection.
 8 THE DEPONENT: Is your question do we
 9 meet with people that terminate?
 10 BY MR. JACOB:
 11 Q No. I'm just wondering who is
 12 responsible for coordinating all these issues,
 13 for making sure that all those issues are
 14 handled correctly upon the separation of an
 15 employee from York County.
 16 MR. HUTCHINSON: Objection.
 17 THE DEPONENT: To the best of my
 18 knowledge, the individual departments or
 19 individual managers.
 20 (County Exhibit Number 19 was marked
 21 for identification)
 22 BY MR. JACOB:
 23 Q I'll show you a document that's been
 24 marked as Exhibit Number 19. I'm just going to
 25 ask you generally, forget the writing on this,

1 office; is that correct?
 2 A That's correct.
 3 Q And what was the condition -- What
 4 caused her to be fired?
 5 MR. HUTCHINSON: Objection.
 6 BY MR. JACOB:
 7 Q What was the reason given for her
 8 being fired?
 9 A I honestly don't recall.
 10 Q Do you recall Miss Dorm raising
 11 issues that there was possible a mishandling of
 12 grants within the district attorney's office?
 13 A Yes.
 14 Q And do you recall her raising those
 15 issues just before she was fired?
 16 A I believe so.
 17 Q And do you recall that Miss Dorm has
 18 subsequently filed a lawsuit against York County
 19 in regard to her termination?
 20 A I'm aware of that.
 21 Q And what's the status of her lawsuit?
 22 MR. HUTCHINSON: Objection.
 23 BY MR. JACOB:
 24 Q If you know.
 25 A I don't know.

1 the typed document if it were blank, do you
 2 recognize what that document is?
 3 A No.
 4 Q Okay. You've never seen any of these
 5 documents while you have been in your position
 6 of Director of Human Resources? Is that your
 7 testimony?
 8 A I don't think so.
 9 (Mr. Jacob and Miss Downing confer
 10 privately.)
 11 (Mr. Hutchinson and Deponent confer
 12 privately.)
 13 BY MR. JACOB:
 14 Q Do you know an individual by the name
 15 of Samantha Dorm?
 16 A Yes.
 17 Q Who is Samantha Dorm?
 18 A She is a grant writer for the County
 19 of York.
 20 Q At one point did Samantha Dorm work
 21 for the district attorney's office?
 22 A Yes, she did.
 23 Q And in what capacity?
 24 A I believe she was a grant writer.
 25 Q And she was fired from the D.A.'s

1 Q Okay. Miss Dorm was subsequently
 2 hired by York County again; is that correct?
 3 A Yes.
 4 Q In fact, she was hired immediately
 5 after being terminated from the D.A.'s office;
 6 is that correct?
 7 MR. HUTCHINSON: Objection.
 8 THE DEPONENT: Yes.
 9 BY MR. JACOB:
 10 Q And, in fact, she was hired because,
 11 if I'm correct, York County did not believe that
 12 she was fired for proper purpose --
 13 MR. HUTCHINSON: Objection.
 14 BY MR. JACOB:
 15 Q -- am I correct?
 16 A That's incorrect.
 17 Q What's the reason she was hired?
 18 A Because they thought she could do a
 19 good job.
 20 Q But, in fact, she was just fired for
 21 allegedly mishandling the grants; is that
 22 correct?
 23 MR. HUTCHINSON: Objection.
 24 THE DEPONENT: I don't know that.
 25 BY MR. JACOB:

1 Q And, in fact, when she was rehired by
2 York County, she was placed right back into a
3 position dealing with grants; is that correct?

4 A I don't believe so.

5 Q And currently, what's her position
6 with York County?

7 A She's a grant writer.

8 Q In fact, doesn't she oversee all
9 grants for York County?

10 A That's to the best of my knowledge.

11 Q Doesn't she answer directly to the
12 commissioners?

13 A I don't know.

14 Q And when was she promoted into that
15 current position?

16 A I believe at the beginning of this
17 year.

18 Q I believe so as well. Did you or
19 your office ever investigate the allegations of
20 Miss Dorm?

21 MR. HUTCHINSON: Objection.

22 THE DEPONENT: No.

23 BY MR. JACOB:

24 Q Why is that?

25 MR. HUTCHINSON: Objection.

1 complaining, and this is -- Let me rephrase.

2 Prior to Miss Downing's termination--

3 The next set of questions will be in that

4 regard--did you ever become aware that Miss

5 Downing was complaining that the District

6 Attorney be participating in some unlawful

7 conduct?

8 A Did I become aware -- I'm sorry.

9 Q Prior to Miss Downing being fired--So

10 we're pre-termination here--did you become aware

11 that Miss Downing was alleging and complaining,

12 speaking out, that the District Attorney may be

13 involved in some unlawful conduct?

14 A I believe so.

15 Q Okay. What time did you become aware

16 of that?

17 A Well, not knowing if it was lawful or

18 unlawful, you need to give me a specific

19 request. I couldn't --

20 Q You may have misunderstood my

21 question. You learned of Miss Downing's

22 complaints in that regard just prior to her

23 being fired; am I correct?

24 A Yes.

25 Q Okay. And am I also correct that you

1 THE DEPONENT: Because I provided the
2 information given to me to the commissioners.

3 BY MR. JACOB:

4 Q Do you know if the commissioners ever

5 requested an investigation into the

6 circumstances under which Miss Dorm was

7 terminated?

8 MR. HUTCHINSON: Objection.

9 THE DEPONENT: I have no direct

10 knowledge of that.

11 BY MR. JACOB:

12 Q In fact, do you know whether there

13 was a mishandling of grant funds in the district

14 attorney's office?

15 MR. HUTCHINSON: Objection.

16 THE DEPONENT: I would have no idea.

17 BY MR. JACOB:

18 Q Do you know if Miss Dorm was

19 responsible for any irregularities that may have

20 appeared in any grants in the D.A.'s office?

21 MR. HUTCHINSON: Objection.

22 THE DEPONENT: I would have no idea.

23 BY MR. JACOB:

24 Q Fair enough. At some point in time

25 did you become aware that Miss Downing was

1 learned just before Miss Downing was fired that

2 she had raised an issue with the District

3 Attorney receiving free York Fair tickets in

4 what she said was an exchange for free law

5 enforcement; am I correct?

6 A What do you mean by just before?

7 Q Meaning within, let's just say --

8 Actually, hold on a minute. Let me try to

9 narrow this down for you.

10 (Mr. Jacob and Miss Downing confer

11 privately.)

12 Q Let's just say in October of 2004, am

13 I correct you learned of Miss Downing's

14 complaint that she was alleging that the D.A.

15 was possibly participating in unlawful conduct;

16 am I correct?

17 MR. HUTCHINSON: Objection.

18 BY MR. JACOB:

19 Q I'm just trying to put a time frame

20 on your earlier admission that yes, you did

21 learn of that. I just want to bring you back

22 to, it was October of '04 when Miss Downing was

23 raising these complaints, correct?

24 (Pause.) And to put it in

25 perspective, she was fired in December of 2004.

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1 MR. LEBER: Objection.
 2 MR. JACOB: I think we can stipulate
 3 that termination took place in December of '04.
 4 MR. HUTCHINSON: No, we can't.
 5 MR. LEBER: No, we can't stipulate to
 6 that.
 7 MR. JACOB: All right. My apologies.
 8 I guess we're not going to stipulate.
 9 BY MR. JACOB:
 10 Q Assuming the termination occurred in
 11 December of '04, do you recall that the
 12 complaints that Miss Downing was raising in
 13 regard to possible unlawful conduct by the D.A.
 14 that those were occurring in October of 2004?
 15 A I don't know that it's been
 16 determined that anything has been unlawful.
 17 Q I'm not saying that there is. I'm
 18 saying she was simply alleging that. She was
 19 simply speaking out saying, I believe this is
 20 happening.
 21 A In October?
 22 Q Um-hm.
 23 A Yes.
 24 Q Okay. And if I correct, in October
 25 of 2004 -- Again, I'm not saying this happened.

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1 I'm just saying that at that time Miss Downing
 2 was speaking out about the issue of whether Mr.
 3 Rebert was improperly receiving free fair passes
 4 in exchange for York County providing free law
 5 enforcement to the fair; am I correct?
 6 A I believe so.
 7 Q Okay. And am I also correct that
 8 during October of 2004, Miss Downing--and again,
 9 I'm not saying this happened--but that Miss
 10 Downing was complaining and speaking out that
 11 she felt that the District Attorney was
 12 improperly intervening in criminal
 13 investigations on behalf or to benefit political
 14 supporters, friends or family; is that correct?
 15 MR. HUTCHINSON: Objection.
 16 BY MR. JACOB:
 17 Q You can answer.
 18 A Yes.
 19 Q And, in fact, did you not also come
 20 to learn in October of 2004, that Miss Downing
 21 was speaking out about the improper use or
 22 alleged improper use of drug task force funds to
 23 pay for things such as cell phones for the
 24 District Attorney's wife; am I correct?
 25 MR. HUTCHINSON: Objection.

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1 THE DEPONENT: She made that
 2 complaint.
 3 BY MR. JACOB:
 4 Q And she made it to you; am I correct?
 5 A That's correct.
 6 Q Okay. And, in fact, Miss Downing at
 7 that time again reiterated the labor issues that
 8 she believed were occurring in regard to John
 9 Daryman; am I correct?
 10 MR. HUTCHINSON: Objection.
 11 THE DEPONENT: At sometime she did.
 12 BY MR. JACOB:
 13 Q Okay. But you're not sure if it
 14 occurred --
 15 A I'm not sure on exact dates.
 16 Q That's fine. No, that's absolutely
 17 fine.
 18 And do you recall Miss Downing
 19 raising an issue about the fact that John
 20 Daryman was performing as a detective during
 21 January of '03 and in May of '03, and that she
 22 found that to be improper?
 23 MR. HUTCHINSON: Objection.
 24 THE DEPONENT: Yes.
 25 BY MR. JACOB:

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1 Q And that was in October of 2004 when
 2 she raised this issue again with you; am I
 3 correct?
 4 A I don't know when she raised it.
 5 Q Fair enough. And knowing these
 6 complaints, did you perform any investigation to
 7 find out whether what Miss Downing was saying to
 8 you was, in fact, correct?
 9 A No, I did not.
 10 Q Did Miss Downing express to you that
 11 she was being asked to resign because of her
 12 making such complaints?
 13 A Miss Downing expressed that she was
 14 asked to resign.
 15 Q And was it your belief that Miss
 16 Downing believed, based on the conversation she
 17 had with you, that the reason she was being
 18 asked to resign was because she was speaking out
 19 about such matters?
 20 MR. HUTCHINSON: Objection.
 21 (Pause.)
 22 BY MR. JACOB:
 23 Q I'm not saying it's true or not. I'm
 24 just saying whether, after talking to her, did
 25 you believe that Miss Downing felt that she was

1 being asked to resign simply because she was
 2 speaking out about all these different issues?
 3 A I don't know what she felt.
 4 Q Did she convey to you that she
 5 believed that the reason I am being asked to
 6 resign is because I spoke out about these
 7 things?
 8 A Yes.
 9 Q And knowing that as the Director of
 10 Human Resources, did you turn around and say, we
 11 need to find out if, in fact, this is what's
 12 occurring? That this employee is only being
 13 fired because she spoke out about these matters?
 14 MR. HUTCHINSON: Objection.
 15 THE DEPONENT: Can you repeat the
 16 question?
 17 BY MR. JACOB:
 18 Q Yes. Knowing that, knowing that that
 19 was Miss Downing's complaint before she was
 20 fired, did you do anything, direct an
 21 investigation to occur, talk to Mr. Rebert and
 22 say, we need to find out why we're really firing
 23 this employee? Did you direct such an
 24 investigation?
 25 A I directed no investigation.

1 THE DEPONENT: I don't know.
 2 BY MR. JACOB:
 3 Q Have you since learned whether the
 4 commissioners took any action in regard to the
 5 anticipated termination?
 6 MR. HUTCHINSON: Objection.
 7 BY MR. JACOB:
 8 Q Meaning, before it took place, did
 9 you know whether the commissioners said, hold
 10 on, don't do anything, we need to do an
 11 investigation? Do you know if they did anything
 12 in that regard?
 13 A I don't know.
 14 Q How about once the termination took
 15 place, do you know if the commissioners said, we
 16 need to investigate what happened here?
 17 A I don't know.
 18 Q How about in regard to the workers'
 19 compensation benefits? Have you ever come to
 20 learn why there was not payment made on an open
 21 claim once Miss Downing was terminated?
 22 MR. HUTCHINSON: Objection.
 23 THE DEPONENT: No. I would have no
 24 knowledge.
 25 BY MR. JACOB:

1 Q Okay. Did you report to the
 2 commissioners your concerns?
 3 MR. HUTCHINSON: Objection.
 4 THE DEPONENT: Yes, I did.
 5 BY MR. JACOB:
 6 Q And what were those concerns?
 7 MR. HUTCHINSON: Objection.
 8 THE DEPONENT: My concerns were, when
 9 there's a complaint brought to our office that
 10 somewhere, somehow it should be looked at.
 11 BY MR. JACOB:
 12 Q So, in your opinion then you did your
 13 job? You took the Complaint that you received
 14 from Miss Downing that she was being fired for
 15 speaking about -- for speaking out about these
 16 matters, you took that to the commissioners and
 17 did your job; am I correct?
 18 MR. HUTCHINSON: Objection.
 19 THE DEPONENT: Correct.
 20 BY MR. JACOB:
 21 Q Once the commissioners received this
 22 information, what actions, if any, did they take
 23 in regard to Miss Downing's termination or
 24 future anticipated termination?
 25 MR. HUTCHINSON: Objection.

1 Q Do you know why Miss Downing was, in
 2 fact, terminated from the D.A.'s office?
 3 MR. HUTCHINSON: Objection.
 4 THE DEPONENT: No.
 5 BY MR. JACOB:
 6 Q You are Human Resources for York
 7 County, though, correct?
 8 A That's correct.
 9 Q And is there any obligation for the
 10 heads of agencies to report the reasons for
 11 terminating a York County employee?
 12 A Row officers do not have to do that
 13 under 1620.
 14 Q So it says in 1620 that row officers
 15 don't need to report to the Human Resource
 16 Department the reason for a --
 17 A No, it --
 18 Q -- termination?
 19 A -- does not say that.
 20 Q Okay. So I'm asking you, did --
 21 Number 1, did Mr. Rebert report to Human
 22 Resources the reasons why he was terminating
 23 Miss Downing's employment?
 24 A No.
 25 Q And did Human Resources ever inquire

1 of Mr. Rebert to find out what is the specific
 2 reason why you are firing this employee?
 3 A No.
 4 Q Okay. When an employee is fired,
 5 what information is disseminated to the public
 6 in regard to the reasons, if any, why the
 7 employee was fired?
 8 MR. HUTCHINSON: Objection.
 9 THE DEPONENT: Disseminated by who?
 10 BY MR. JACOB:
 11 Q By anybody. Is there a reason why
 12 York County -- anybody in York County would
 13 disseminate any information in regard to the
 14 reasons why an employee is fired?
 15 MR. HUTCHINSON: Objection.
 16 THE DEPONENT: I have no clue.
 17 BY MR. JACOB:
 18 Q Okay. In Human Resources is there
 19 any policy, practice governing the release of
 20 information in regard to an employee's
 21 employment history with the county?
 22 A Yes.
 23 Q And what is that policy or practice?
 24 A The practice is that we will confirm
 25 dates of hire and pay range.

1 not as opposed to they could not. It's possibly
 2 they could because you couldn't control that.
 3 But I'm saying, though, under the
 4 practices and policies of December 2004, it was
 5 your understanding that somebody who calls up to
 6 York County should not be able to receive the
 7 fact that somebody was fired; am I correct?
 8 MR. HUTCHINSON: Objection.
 9 THE DEPONENT: In my department they
 10 should not.
 11 BY MR. JACOB:
 12 Q Okay. Now, I believe in Human
 13 Resources that you probably had the opportunity
 14 to solicit for applicants for vacant positions
 15 in York County; is that correct?
 16 A Yes.
 17 Q Okay. And when you do that, do you
 18 put in the solicitation, whatever -- be it an
 19 advertisement, anything, do you put in there the
 20 reasons why the previous person left the
 21 position?
 22 MR. HUTCHINSON: Objection.
 23 THE DEPONENT: No.
 24 BY MR. JACOB:
 25 Q Okay. Why is that?

1 Q Will you give the reason for the
 2 separation from the county?
 3 A No.
 4 Q So if an employee is terminated,
 5 fired, and someone from the public calls and
 6 says, was this employee fired, you will not
 7 release that information?
 8 MR. HUTCHINSON: Objection.
 9 THE DEPONENT: At the time of this
 10 issue, no.
 11 BY MR. JACOB:
 12 Q Okay. So in December of 2004, the
 13 practice was that if somebody from the general
 14 public inquired as to whether an employee was
 15 fired, they could not receive that information;
 16 is that correct?
 17 MR. HUTCHINSON: Objection.
 18 BY MR. JACOB:
 19 Q Or should not receive that
 20 information; is that correct?
 21 MR. HUTCHINSON: Same objection.
 22 THE DEPONENT: I can't tell you what
 23 somebody would tell them.
 24 BY MR. JACOB:
 25 Q No. That's why I said they should

1 A It's irrelevant.
 2 Q Okay. So all you need then in a
 3 solicitation for applicants is simply that you
 4 have an open position and the terms and
 5 conditions of that position; am I correct?
 6 A Correct.
 7 Q Are you familiar with Kenneth Ingle?
 8 A I don't know him.
 9 Q All right. Do you know who he is,
 10 though?
 11 A I don't know who he is.
 12 Q Do you know a position he formerly
 13 held with York County?
 14 A Yes.
 15 Q What was that position?
 16 A I believe it was the chief county
 17 detective.
 18 Q Do you know the conditions under
 19 which Mr. Ingle ended up being separated from
 20 York County?
 21 A I was not employed at that time.
 22 Q That wasn't the question. I
 23 appreciate that, though.
 24 A No.
 25 Q Did you ever come to learn that he

1 supposed to be consulted about how to go about
2 soliciting on behalf of York County for
3 applicants?

4 A For row officers it is recommended.

5 Q Recommended, okay. And who
6 recommends this?

7 A I guess I do and the commissioners.

8 Q Did you recommend this by memo, by
9 rule, by regulation? How does the
10 recommendation get conveyed to the row officers?

11 A It was conveyed through a
12 presentation that I did--But I couldn't tell you
13 if the row officers were there or not--to the
14 county when I first came on board.

15 Q Fair enough. In this case was the
16 recommendation followed?

17 MR. HUTCHINSON: Objection.

18 THE DEPONENT: In what case?

19 BY MR. JACOB:

20 Q In this case, the January 7, 2005
21 memo. Are you telling me, then, that your
22 recommendation was not followed? That Human
23 Resources was not first consulted before this
24 document was circulated?

25 A We were not consulted about this

1 whatever it was.

2 Q Okay. I'll submit to you that this
3 was circulated to the chief (sic) county
4 detectives in the D.A.'s office. If you want to
5 take a moment to review the document, if you
6 haven't seen it, that's fine with me. I'll
7 represent to you that only the middle paragraph
8 is different from the previous exhibit.

9 A It couldn't have been sent to the
10 chief county detectives because there weren't
11 any.

12 Q No, I may have misspoken. To the
13 county detectives within the D.A.'s office.

14 A Okay.

15 Q I may have been looking at the
16 reference line when I was trying to speak.

17 A And was there a question?

18 Q Yeah. I want you to be familiar with
19 the middle paragraph there.

20 MR. HUTCHINSON: I don't believe
21 that's a question.

22 MR. JACOB: You're right, it's not.
23 I'm making sure she's familiar with the
24 paragraph before I ask the question.

25 (Deponent reviews document.)

1 document.

2 Q In the beginning part of the document
3 it says: In the latter part of September the
4 District Attorney requested the resignation of
5 then Chief County Detective M. Rebecca Downing.
6 Miss Downing declined and was subsequently
7 terminated for cause effective December 15,
8 2004.

9 Is there any reason as the Director
10 of Human Resources that you can think of that
11 that language would need to be contained in a
12 document that's circulated to all of the York
13 County police departments soliciting applicants
14 for the position of chief counsel detective?

15 MR. HUTCHINSON: Objection.

16 THE DEPONENT: No.

17 BY MR. JACOB:

18 Q If you could take a look at Exhibit
19 Number 9, have you ever seen Exhibit Number 9?

20 A Yes.

21 Q So when did you see Exhibit Number 9?

22 A I can't recall a date.

23 Q Approximately.

24 A Probably at the time or shortly
25 thereafter that it was issued or posted, or

1 THE DEPONENT: I read it.

2 BY MR. JACOB:

3 Q Okay. Is there any reason as the
4 Director of Human Resources that you could think
5 that a document of this nature would need to be
6 circulated throughout the D.A.'s office after
7 Miss Downing's termination?

8 MR. HUTCHINSON: Objection.

9 THE DEPONENT: That's the D.A.'s
10 prerogative.

11 BY MR. JACOB:

12 Q Okay. If somebody is fired in York
13 County, is it the normal practice, does Human
14 Resources -- Is it your normal practice that a
15 document should be circulated throughout the
16 office explaining the reasons why the person was
17 terminated?

18 MR. HUTCHINSON: Objection.

19 THE DEPONENT: Human Resource does
20 not circulate that type of information.

21 BY MR. JACOB:

22 Q Do you instruct anybody or any
23 division head that that's a process they should
24 do; that's a procedure they should do upon the
25 termination of an employee?

1 was -- schedule was going to be adjusted,
2 changed, for him being hired in 2003, around
3 that time? We're talking April, May of 2003
4 just to put it in context.

5 And if I'm correct, she expressed a
6 concern about the D.A.'s 1620 rights and the
7 provisions of the detectives' contract; am I
8 correct?

9 MR. HUTCHINSON: Objection.
10 THE DEPONENT: It wouldn't have been
11 in April.

12 BY MR. JACOB:

13 Q Okay. When do you recall it?

14 A I'll say May. Probably May or June.

15 Q May of 2003. And am I correct that
16 her concern was that, possibly, the 1620 rights
17 and the provision of the contract were in
18 conflict; is that correct?

19 A Yes.

20 Q And, in fact, you yourself indicated
21 that you weren't sure which one controlled; am I
22 correct?

23 A That's correct.

24 Q And, in fact, you indicated to her
25 that she should call Bob Durrant to get a

1 one. That was my question.

2 A No.

3 Q Do you recall a meeting prior to Miss
4 Downing's termination during which the possible
5 termination of Miss Downing's workers'
6 compensation benefits was discussed?

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

8 Q No, that's fine.

9 A I'm listening intently.

10 Q It's been a long day. You are.

11 You've been very forthcoming. I appreciate
12 that. It's hard because this takes us back
13 years.

14 So, what I'm asking you is, do you
15 recall a meeting prior to Miss Downing being
16 terminated, so we're prior to December 2004
17 let's say. And during that meeting it was
18 discussed that Miss Downing's workers'
19 compensation benefits should be terminated?

20 MR. HUTCHINSON: Objection.

21 THE DEPONENT: I don't know when
22 it -- I don't know.

23 BY MR. JACOB:

24 Q You don't know when the conversation
25 took place?

1 clarification as far as which one would control;
2 am I correct?

3 A Yes.

4 Q And, in fact, that is what occurred;
5 am I correct?

6 A Yes.

7 Q Okay. And is it your belief that is
8 the only time that Miss Downing did speak to Mr.
9 Durrant about -- I should clarify that.

10 Is the only time that Miss Downing
11 spoke to Mr. Durrant about the labor
12 negotiations, labor issues going on in the
13 D.A.'s office; am I correct? This is to the
14 best of your knowledge.

15 A Repeat the question.

16 Q Yes. To the best of your knowledge
17 is it your belief that this is the only time
18 that Miss Downing spoke to Bob Durrant about
19 labor issues regarding York County or the
20 district attorney's office; is that correct?

21 MR. HUTCHINSON: Objection.

22 THE DEPONENT: It's the only one I
23 know of.

24 BY MR. JACOB:

25 Q Okay. So you don't know of any other

1 A Correct.

2 Q Okay. So the conversation did take
3 place then, correct?

4 A What conversation?

5 Q That the workers' compensation
6 benefits should be terminated at the same time
7 that her employment was terminated; am I
8 correct?

9 MR. HUTCHINSON: Objection.

10 THE DEPONENT: There was no
11 conversation.

12 BY MR. JACOB:

13 Q But you did receive information that
14 that was the plan; am I correct?

15 A I was told that, yes.

16 Q And who told you that?

17 A Keith Wentz.

18 Q And what did Keith Wentz specifically
19 tell you?

20 A That her benefits would be
21 terminated.

22 Q And what was the reason he gave for
23 the termination of the workers' compensation
24 benefits?

25 A I don't recall he gave one.

1 Q He just simply said, when she's fired
2 her worker's compensation benefits will be
3 terminated, correct?

4 MR. HUTCHINSON: Objection.
5 THE DEPONENT: He didn't say that.
6 BY MR. JACOB:

7 Q What did he say then?
8 A If she's no longer employed -- Well,
9 I don't even know if he said that. He just
10 indicated that her workers' compensation
11 benefits were going to be terminated.

12 Q At the same time that she was
13 terminated in December of 2004, correct?

14 A I believe he would have said at the
15 time she's no longer employed, maybe. I don't
16 recall exactly what he said.

17 Q What I mean is, did he indicate to
18 you that when Miss Downing was to go off payroll
19 that her workers' compensation benefits would be
20 terminated?

21 A He indicated to me that her workers'
22 comp benefits would be terminated, but I don't
23 know that I can say that he gave a date or
24 anything specific. I don't recall.

25 Q Without a specific date then, was it

1 going to be terminated?

2 MR. HUTCHINSON: Objection.

3 THE DEPONENT: I don't know if he
4 equated it to her leaving the county or not.

5 BY MR. JACOB:

6 Q Okay. Did he equate it to anything?

7 A I don't recall.

8 Q Okay. And from that conversation,
9 did you have an understanding as to when you
10 believed that that was going to take place? Did
11 you think it was going to be terminated a year
12 down the road, or did you think when she loses
13 her employment her benefits are going to be
14 terminated?

15 MR. HUTCHINSON: Objection.

16 THE DEPONENT: To the best of my
17 recollection, they were going to be terminated
18 soon.

19 BY MR. JACOB:

20 Q Okay, soon. And the conversation you
21 had with Mr. Wentz was in the time frame of, I
22 think you've already said before December of
23 2004, correct?

24 A I believe so.

25 MR. HUTCHINSON: Objection.

1 roughly around December of 2004, at the time
2 Miss Downing's employment was being terminated?

3 A I believe at the time of the
4 conversation I don't know that that had been
5 established yet. If it had, then I would say
6 yes.

7 Q So you're saying before it was even
8 established that Miss Downing would be
9 terminated; that in the event that she resigned
10 or was separated from employment from York
11 County for any reason, that Mr. Wentz indicated
12 that her workers' compensation benefits would be
13 terminated; is that correct?

14 MR. HUTCHINSON: Objection.

15 THE DEPONENT: You have me confused.
16 I honestly don't recall. I know he said her
17 workers' comp would be terminated.

18 BY MR. JACOB:

19 Q Okay. Let me rephrase it. I
20 actually confused myself on that one.

21 Was the substance of the conversation
22 essentially that, at the time Miss Downing is
23 separated from employment with York County for
24 whatever reason, termination, resignation,
25 whatever, her workers' compensation benefits are

1 BY MR. JACOB:

2 Q You believe so?

3 A (Affirmative head gesture.)

4 Q Okay. Did you ever do an
5 investigation as to why the workers'
6 compensation benefits were going to be
7 terminated?

8 A No.

9 Q Do you know if you ever reported that
10 to the commissioners, that Mr. Wentz intended to
11 terminate the workers' compensation benefits? I
12 would assume that you did as the Human Resource
13 Director.

14 MR. HUTCHINSON: Objection.

15 THE DEPONENT: I honestly don't
16 recall.

17 BY MR. JACOB:

18 Q Do you know if the commissioners ever
19 learned around that period of time that Mr.
20 Wentz intended to terminate the workers'
21 compensation benefits?

22 MR. HUTCHINSON: Objection.

23 THE DEPONENT: I don't personally
24 know. I don't think.

25 BY MR. JACOB:

1 Q But it sounds like you have some
 2 indirect knowledge?
 3 A No. I would have assumptions, but I
 4 don't know that I have any knowledge whether
 5 they were --
 6 Q That's fair.
 7 A I mean, if I -- I may have told him,
 8 but I may not have. I don't know.
 9 Q So it's possible then that you told
 10 them?
 11 A It's possible.
 12 Q Okay. Is it probable?
 13 MR. HUTCHINSON: Objection.
 14 THE DEPONENT: I don't recall. I
 15 just don't know.
 16 MR. JACOB: If that's your answer,
 17 you don't recall, that's fine.
 18 BY MR. JACOB:
 19 Q Do you know if the commissioners ever
 20 asked you or anybody else in York County to look
 21 into the issue of why Miss Downing's benefits
 22 would be terminated; or to be more proper, that
 23 there -- that York County would not begin to pay
 24 out on an open workers' compensation claim at
 25 the time of Miss Downing's separation?

1 MR. HUTCHINSON: Objection.
 2 THE DEPONENT: I don't know if he's
 3 made any policies or not, so to speak.
 4 MR. JACOB: That's all I have.
 5 MR. LEBER: I don't have any.
 6 (At or about 2 p.m., the deposition
 7 concluded.)
 8 * * * *

1 MR. HUTCHINSON: Objection.
 2 THE DEPONENT: Do I know -- Let me
 3 understand the question. Do I know if they
 4 asked anyone to look into it?
 5 BY MR. JACOB:
 6 Q Right.
 7 A No, I do not know.
 8 Q To the best of your knowledge, who is
 9 the person who would set policy for York County
 10 in the district attorney's office?
 11 A The District Attorney.
 12 Q And that would be policy on behalf of
 13 York County; am I correct?
 14 A That would be policy on behalf of the
 15 District Attorney.
 16 Q All right. But as far as a head
 17 policy maker for York County in that office,
 18 there's nobody above him; am I correct?
 19 MR. HUTCHINSON: Objection.
 20 THE DEPONENT: To the time best of my
 21 knowledge there isn't.
 22 BY MR. JACOB:
 23 Q And, in fact, he does make policy for
 24 York County in certain respects, such as hiring
 25 and firing within his office, correct?

1 CERTIFICATE
 2 I, Karen J. Meister, Reporter, Notary
 3 Public, duly commissioned and qualified in and
 4 for the County of York, Commonwealth of
 5 Pennsylvania, certify that there came before me
 6 the witnesses, who were duly sworn by me to
 7 testify to the truth of his/her knowledge
 8 concerning the matters in controversy in this
 9 cause.
 10 The questions and answers were recorded
 11 by me in stenotype and subsequently reduced to
 12 computer printout under my supervision. This
 13 transcript is a true and correct record of the
 14 testimony given by the witnesses at the time and
 15 place indicated herein.
 16 I further certify that I am not a
 17 relative or employee of counsel or the parties
 18 hereto, nor financially or otherwise interested
 19 in the outcome of this action.
 20 Dated this 18th day of May, 2006.
 21
 22
 23 Karen J. Meister - Reporter
 24 Notary Public
 25 My commission expires
 10/19/06