

1 MARY PHILLIPS, * IN THE
 2 Plaintiff, * UNITED STATES
 3 vs. * DISTRICT COURT
 4 DAVID RUBENSTEIN, * FOR THE
 5 et al., * DISTRICT OF COLUMBIA
 6 Defendants. * CASE NUMBER:
 7 * 1:05 CV-00862 (ESH)

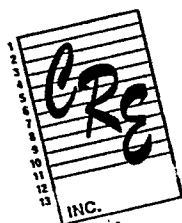
8 * * * * *

9 DEPOSITION OF:

10 MARY PIPITONE,
 11 was taken on Monday, February 5, 2007, commencing
 12 at 12:10 p.m., at the Attorney General's Office,
 13 441 Fourth Street, N.W., Room 1060 North,
 14 Washington, D.C., before Okeemah Henderson,
 15 Notary Public.

16 * * * * *

EXHIBIT
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1 here whose going to take down your responses to
2 my questions, and those responses may be used in
3 further proceedings relating to the lawsuit
4 involving Mary Phillips.

5 If you don't understand something I
6 have said, you're free to ask me to repeat and
7 ask me to keep repeating until you understand
8 because, otherwise, I won't know that the
9 question you're answering may be different from
10 the question that I asked. And if you need a
11 break -- I don't think we'll be going long, but
12 if you need a break, don't hesitate to ask.

13 A. Okay.

14 Q. Where are you employed now?

15 A. I'm not employed.

16 Q. And were you -- at some point you were
17 employed by the office of the corporation
18 counsel?

19 A. That's right.

20 Q. And when did you begin working at OCC?

21 A. March 16, 1992.

1 Q. When did you leave?

2 A. July of 2000. I don't know the exact
3 date, it was either July or August of 2000.

4 Q. What was your initial title in the
5 office?

6 A. Assistant corporation counsel.

7 Q. Were you ever promoted?

8 A. I was promoted to assistant section
9 chief in the juvenile section.

10 Q. Is that the position that you had when
11 you left the corporation counsel?

12 A. Yes.

13 Q. Do you remember when you received that
14 promotion?

15 A. I think it was about August of 1998.

16 Q. How did that promotion come about,
17 meaning, did you apply for a position and go
18 through an application process or were you
19 appointed to that position?

20 A. I think I was just appointed to that
21 position.

1 why. I learned later it was because it was
2 sexual harassment issues or just some of Paul's
3 professional conduct in the office when he was
4 papering supervisor. And I don't remember ever
5 really learning, officially learning any other
6 details. No one was really told what happened.

7 At that point Dave Rosenthal was made
8 the -- actually I take that back. Paul was the
9 section chief when he was -- he wasn't the
10 papering supervisor. There had been at some
11 point in the mid-'90s Paul became the section
12 chief, that's when Mike Cobb got that other title
13 which was like an in-between, I don't know, a
14 deputy or something, and Dave Rosenthal became
15 the papering supervisor. So that had occurred
16 sometime in the mid-'90s, I don't remember
17 exactly when.

18 In 1997, in the fall, that's when Paul
19 was removed to the civil division by Robert
20 Rogsby.

21 Q. What was Paul's relationship with the

1 position, the other position, there were two at
2 one point, and Andy held one of them and I know
3 Mary held the other one.

4 Q. Was he a supervisor?

5 A. Not while I was there. No. Almost
6 everybody else was. Big on supervisors. They
7 seemed to find a need for one for every other
8 thing that someone did.

9 Q. David Rubenstein, I presume you know
10 him?

11 A. Yes.

12 Q. And how do you know him?

13 A. He was hired in '96 by Paul Alper, I
14 think, or whatever the group is that looks at
15 people that bring attorneys on. But he was
16 brought in as a trial attorney along with, I
17 think that was the same time that people like
18 Eric Gallun and Christy and that group, I think
19 they all came in about that time.

20 Q. Do you remember anything about the
21 interactions between David Rubenstein and Mary

1 really matter.

2 Then in 1997 when Paul left, Dave was
3 made to be the acting section chief and I was
4 made to be the papering supervisor at that point.
5 At that point my relationship with Dave was
6 different, professionally, because not only was I
7 the papering supervisor, but I was doing just
8 about, I mean, I was doing a lot of other things.
9 I was doing work that I thought -- when Paul was
10 the section chief, he handled all these other
11 things, like probation hearings. And we had had
12 all new attorneys, none of them knew how to do
13 probation revocation hearings, they didn't know
14 how to -- they really didn't know how to do basic
15 things because they were inexperienced.

16 Well, we didn't have any manuals for
17 any of these attorneys. When I took over
18 papering supervision from Dave, it was just all
19 disorganization, there was no organization, so I
20 dealt with that, I dealt with probation issues
21 and Dave was the section chief and I could never

1 figure out what he was doing. He wasn't doing
2 what Paul did as the section chief. He was
3 attending a lot of meetings, he was the acting
4 section chief for a while. Attending a lot of
5 meetings and, you know, the relationship was not
6 an easy one.

7 Q. Did you ever have any negative
8 interactions with Dave Rosenthal?

9 A. I'm sure I did. I'm sure I did. I
10 mean, you know, I mean, I didn't make it a secret
11 that I thought that Dave could do a little more
12 work and a little less meeting.

13 Q. I guess to the extent that you did
14 have negative interactions, were they differences
15 of opinion as it relates to work-related things
16 or was it based on something else?

17 A. No, it was work related. It was
18 definitely work related.

19 Q. Papering supervisor, when you got that
20 position, was that an increase in income for you?

21 A. No.

1 while you were there?

2 A. A lot. I mean, Mary was always in
3 court. She was always trying cases and she was
4 before, I think Judge Souter was the all trials
5 trial calendars, and you could do two, three
6 trials a day with Judge Souter. And I would see
7 Mary waiting for a probation revocation hearing
8 or something, so you're sitting in a courtroom.
9 And I would see Mary try cases. And she was
10 deceiving, because if you would look at Mary's
11 office you would see cases everywhere, I mean,
12 just -- you know, we all had these huge offices
13 in that old building and she would have files
14 everywhere. And you would think, oh, my God, how
15 is she ever going to have all or facts together
16 to try a case. And then she would try a case and
17 it would be zip, zip, zip, conviction,
18 conviction. And that's how Mary tried cases.
19 She got it all done. She got the right witnesses
20 and got them convicted. It didn't seem to be
21 that big of a deal. I was surprised, I was

1 section, blamed Mary as being responsible for the
2 removal of Paul Alper?

3 A. I think that was the sense. Yes.
4 That Mary's complaint about the on-scene jokes
5 was what got Paul transferred out of that
6 section.

7 Q. Why do you think that is the sense?

8 A. Well, you know, I don't know if there
9 was a meeting soon after Paul got transferred out
10 or if it was just during the discussion about the
11 letter. I have a vague recollection of this
12 letter, and I think I may have in fact signed it,
13 but I honestly don't know. It was just the way
14 they would comment.

15 Q. When you saw "they," could you --

16 A. Dave Rubenstein, Tom Gillice. They're
17 the two that I remember being the most upset. I
18 don't remember -- I think Laura Daily was working
19 there then, although I'm not certain. Kristy
20 Kennisten. Eric Gallun, I think he was working
21 there at that point. I don't remember them being

1 in the office?

2 A. He was still there, he was the section
3 chief at that point.

4 Q. Do you know whether or not Dave
5 Rosenthal had gotten an increase in pay as a
6 result of his assuming the duties of papering
7 supervisor?

8 A. I don't know. I assumed he did.

9 Q. Why do you make such an assumption?

10 A. I think that was the reason -- I think
11 he said he'd do it if he got more money.

12 Q. When you became papering supervisor
13 you didn't initially get an additional --

14 A. No.

15 Q. It was only until a year later when
16 you went to Cobb?

17 A. Well, I had gone -- I think after, in
18 '97, when I first took over, in fall of '97, the
19 papering supervisor I did it. And after about
20 five or six months I said, you know, this isn't
21 going to last if I'm not paid. And then finally

1 another six months later, it just doesn't happen
2 overnight, I went to them on a couple of
3 occasions.

4 And then finally after a year, it was
5 about a year, I said, you know, I'm not going to
6 do it. Because they said, okay, well, we'll give
7 you a promotion. And I said, well, does this --
8 approve me to assistant section chief, and I said
9 does this promotion entail more money? And they
10 said, well, I think it does. I said, no think, I
11 said I don't want the title if I'm not going to
12 get the money.

13 And he said, then he came back to me
14 later on and he said he'd either talked to the
15 corporation counsel, who was John Ferren at the
16 time, and he gave him his word that it would be a
17 raise in step or grade or whatever it was. And I
18 said, okay I'll do it then. But I waited until
19 it was confirmed -- well, I was already doing it,
20 but let's just say I didn't stop doing it.

21 Q. During the time that you worked in

1 probation issues and those kinds of things. And
2 Dave is the section chief, and you're going get
3 the pay raise that you said you wanted. So
4 that's when all that happened.

5 Sometime after that was when
6 somebody -- and I'm just assuming it was Dave
7 because he was the section chief, created the
8 position of trial supervisor. And I think the
9 first person to hold that position was Tom
10 Gillice.

11 Tom had been, prior to that, just
12 doing sex offense cases, and I just remember it
13 being somewhat upsetting to some of the other
14 trial attorneys because Tom had like eleven case
15 on his caseload and everybody else had a lot,
16 whatever they were at that time. When I started
17 there was 150 that you had.

18 Then it dwindled down because police
19 stopped arresting juveniles. But I think Tom was
20 the trial supervisor and Dave Rubenstein took
21 over the sex offense cases. So it kind of just,

1 A. Not while I was there. He was --

2 Q. Was he ever assistant section chief?

3 A. Not while I was there.

4 Q. Going back to Mary being blamed for
5 Paul Alper's transfer, you said that the sense
6 was that David Rubenstein and Tom Gillice may
7 have blamed Mary for Paul Alper's transfer.
8 Could you, I guess, speak to why do you believe
9 that Tom Gillice may have blamed Mary?

10 A. Tom, he was the one bringing around
11 the letter for people to look at. He was -- I
12 think he's the one that -- I don't know if he
13 rewrote the letter by himself, but came around
14 with another version of the letter. Tom -- what
15 was the question again? Why did he blame Mary.

16 Q. Yes. Why did you believe that Tom
17 blamed Mary?

18 A. Because they said it. They said that,
19 you know, it was Mary's complaint about Paul's
20 off-color jokes that got him transferred. They,
21 being David Rubenstein and Tom Gillice.

Last Name		gillice		Last Name		HR		779	
First Name		Thomas		Job Series		DS 905		Job Series	
Middle		A		Acct		1650		Code Division	
Birth Dt		09/07/64		CUB		BOA		Service	
SSN		104446027		Pay Sch				Pay/Sched	
2806 1st Road North		Step Inc Dt		09/23/01		Due		09/22/02	
City		Arlington		Type Appt		Legal Serv		Type Appt	
State		VA		NTE Dt					
Zip		22201		Discipline		0		Documents	
Hm Phone		703-351-1074		FT/PT		FT		Resp Ctr	
Marital		Married		Hrs		80		Ofc Code	
WF		Male		Office		Office of Public Protection and Enfor		CB 0111	
Ethnic		Caucasian		Division		Criminal Division		4000	
Group				Section		Juvenile			
Active		No		ImSuperv		David Rosenth		Superv	
Union		AFGE		O/Phone		727-6381		Room	
History		SF		Ofc Title		Trial Attorney		#4, 4th Flo	
Org Title		Acting Chief		Expiration Dt					
Name1		Michelle Gillice		Name2		Sondra Gillice			
Relationship		Wife		Relationship2		Mother and Relationshi			
HmPhone		703/351/1074		Phone		703/521/0002			
OfcPhone		202/639/7503		Phone2		703/521/0004			
Other				Other					
BUDG Grade		14		BUDG Step		03			
Base Sal		64355		ARA Amt		13647		Total Sal	
Prev Grade		14		Prev Step		01		0018245	
Prev B/Sal		58148		Prev ARA		13122		Prev Sal	
1) Last Name = Gillice				Sub		0		F5	

