

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYDIA VEGA,)
)
Plaintiff,)
)
v.) No. 13 C 451
)
CHICAGO PARK DISTRICT,) Chicago, Illinois
) March 6, 2017
Defendant.) 2:49 p.m.

EXCERPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE JORGE L. ALONSO AND A JURY

APPEARANCES:

For the Plaintiff: OFFICES OF CATHERINE SIMMONS-GILL,
LLC
BY: MS. CATHERINE SIMMONS-GILL
MR. MATTHEW CHRISTIAN DOUGLAS
MR. KYLE AURAND
MS. BERNADETTE COPPOLA
111 West Washington Street
Suite 1051
Chicago, Illinois 60602
(312) 324-4124

For the Defendant: McGARRY & McGARRY, LLC
BY: MS. ANNETTE MICHELE McGARRY
MS. MARIANNE C. HOLZHALL
120 North LaSalle Street
Suite 1100
Chicago, Illinois 60602
(312) 345-4600

1 A. Yes. Can you? Because I'm not sure.

2 Q. You were recreation leader is what you started at,
3 correct?

4 A. A summer recreational leader.

5 Q. Okay. Then you went to a full-time recreation leader?

6 A. That's correct.

7 Q. Then you went to a physical instructor, correct?

8 A. Hourly.

9 Q. Then you went to a physical instructor --

10 A. Monthly.

11 Q. Monthly.

12 Then you went to playground supervisor, correct?

13 A. That's correct.

14 Q. Then park supervisor?

15 A. Yes, in two facilities.

16 Q. Okay. Then area manager?

17 A. That's correct.

18 Q. And then you ended your career as regional manager,
19 correct?

20 A. Yes.

21 Q. So you were promoted quite often, weren't you?

22 A. Yes.

23 Q. Yes.

24 Retiring was your decision; isn't that correct?

25 A. That is correct.

1 And Ms. Millan was your supervisor until she retired
2 in 2012?

3 A. Yes.

4 Q. Okay. To whom have you reported as -- who is the new
5 regional manager after Ms. Millan retired?

6 A. That's Maya Solis.

7 Q. Maya --

8 A. I'm sorry, I'm sorry. After Ms. Millan retired, it was
9 Daphne Johnson.

10 Q. Daphne Johnson? And for how long was she the regional
11 manager?

12 A. Maybe four years.

13 Q. Okay. So from 2012 until about 2016?

14 A. No, that would be now, right? Okay.

15 Q. No, we're now in 2017.

16 A. Okay. That could be right.

17 Q. Okay. And what ethnic origin was Daphne -- sorry --

18 A. She's black.

19 Q. -- Johnson? Daphne Johnson was black?

20 A. Yes.

21 Q. Thank you. And she replaced Ms. Millan, correct?

22 A. Yes.

23 Q. Thank you.

24 And is it correct that the Chicago Park District does
25 not give regular oral or written performance reviews for park

1 Q. Okay. So if a park supervisor arrived at their park at
2 9:50, they could spend 10, 15 or 20 minutes in a park as large
3 as Bessemer Park, driving around or getting out of their car
4 and walking around?

5 A. Yes.

6 Q. And that would be part of their responsibilities as a park
7 supervisor, correct?

8 A. Yes, it would.

9 Q. And they would be on duty while they were doing that,
10 correct?

11 A. Yes.

12 MS. SIMMONS-GILL: I have no further questions, your
13 Honor.

14 THE COURT: Ms. Holzhall?

15 CROSS-EXAMINATION

16 BY MS. HOLZHALL:

17 Q. Hi, Ms. Gilkey.

18 A. Hi.

19 Q. When Ms. Simmons-Gill was questioning you, you mentioned
20 that the regional manager of the south region is now Mia
21 Solis?

22 A. Maya Solis.

23 Q. Maya Solis. Do you know her ethnic background?

24 A. Yes. She's Hispanic.

25 Q. Were you ever trained how to fill out a time sheet when

1 Q. I'd like you -- Ms. Simmons-Gill had showed you
2 Plaintiff's Exhibit 224. Those were the time sheets.

3 And you said that you had signed off on some but not
4 all of them?

5 A. Yes.

6 Q. Did you have independent knowledge of the accuracy of
7 these time sheets when you signed off on them?

8 A. I have to take their word for it that they're accurate.

9 Q. So you rely on them being accurate?

10 A. Yes.

11 Q. Ms. Simmons-Gill had touched on the meeting you had with
12 Ms. Vega and one of the investigators at Bessemer Park.

13 A. Yes.

14 Q. What was the atmosphere of that meeting? What was the
15 tone?

16 A. I would just consider it a neutral tone, like we're
17 talking now and discussing issues.

18 Q. Did the investigator say anything that you would consider
19 hostile?

20 A. Not that I recall.

21 Q. Did the investigator say anything that you would consider
22 discriminatory?

23 A. Not that I recall.

24 Q. Did you attend the corrective action meeting for Ms. Vega?

25 A. No.

1 Q. During that time period, did you typically attend
2 corrective action meetings for employees that were going
3 through the disciplinary process?

4 A. Not at that time I don't believe.

5 Q. Did you put -- did you have input into the disciplinary
6 actions against other employees during this time period?

7 A. No.

8 Q. That would have all been human resources?

9 A. Human resources, yes.

10 Q. Did you at any time speak with Ms. Saieva or Mr. Simpkins
11 regarding Ms. Vega during her disciplinary process?

12 A. No.

13 Q. Was there anything about the investigation and discipline
14 of Ms. Vega that you saw that you would consider
15 discriminatory?

16 MS. SIMMONS-GILL: Object to foundation. There is no
17 testimony that this witness knows anything about the
18 investigation or discipline.

19 THE COURT: Overruled.

20 BY THE WITNESS:

21 A. Can you repeat that?

22 BY MS. HOLZHALL:

23 Q. Sure.

24 Was there anything that you saw about the
25 investigation and discipline of Ms. Vega that you thought was

1 discriminatory against her based on her status as a Hispanic?

2 A. No, not that I saw.

3 Q. As an area manager, did you have any authority to
4 discipline or discharge employees?

5 A. No.

6 Q. Did the Park District, to your knowledge, have any policy
7 concerning discrimination based on race or gender or other
8 classes?

9 A. Yes.

10 Q. Do you know where that policy was published or available
11 to employees?

12 A. The policy is either in the -- the code of conduct,
13 employee discipline book, or the union book.

14 Q. Does the Park District have any policy concerning
15 retaliation against employees?

16 A. I just know that we can't do it.

17 Q. Did Ms. Vega at any time while she was still employed by
18 the Park District tell you that she thought she was being
19 discriminated against because she was Hispanic?

20 A. No, not that I recall.

21 Q. Did she ever tell you during that time that she thought
22 that the Park District was retaliating against her?

23 A. No, not that I recall.

24 Q. Have you had other Hispanic park supervisors in your area?

25 A. Yes.

1 Q. Have any of them complained to you that they felt they
2 were being discriminated against because of their national
3 origin?

4 A. No.

5 Q. Have any of them been disciplined?

6 MS. SIMMONS-GILL: Object, relevance.

7 THE COURT: Overruled.

8 BY THE WITNESS:

9 A. Not to my knowledge.

10 BY MS. HOLZHALL:

11 Q. Do you know what kind of car Ms. Vega drove when she drove
12 to Bessemer Park?

13 A. Yes.

14 Q. What kind was it?

15 A. It was a maroon Chevy Trail Blazer.

16 Q. Did you ever see her driving a different car?

17 A. Not that I can recall.

18 Q. Did you ever give Ms. Vega permission to work from home?

19 A. No.

20 Q. Why not?

21 A. It's not allowed. It's -- work should be done at work.

22 Q. You had mentioned -- you had testified earlier that the
23 duties of a park supervisor would frequently take them away
24 from the park to which they were assigned. Do you remember
25 that?

1 A. Sure.

2 Q. If they were away from the park, how would other people at
3 the park know where they were?

4 A. They would -- they would let their staff know, but they
5 would make sure it's in the logbook. The logbook indicates
6 where they're going, what time and who's going.

7 Q. So that they know where -- where each employee is during
8 the course of the day?

9 A. Yes.

10 Q. What have you told your supervisors about use of the
11 logbook?

12 A. Just that the logbook is like the Bible -- I've always
13 learned it was the Bible of the park. Any time you step off
14 of park grounds, you need to put yourself in the logbook so
15 people know where you're going.

16 Q. Do you know any details of the surveillance of Ms. Vega?

17 A. No.

18 Q. Do you know anything about any other interviews of
19 Ms. Vega other than the one that you sat in on?

20 A. No.

21 Q. And, again, you didn't sit in on any of her corrective
22 action meetings or the disciplinary proceedings?

23 A. No.

24 Q. Were you on good terms with Ms. Vega --

25 A. Yes.

1 Q. -- during her period as a park supervisor?

2 A. Yes.

3 Q. As Ms. Vega's supervisor or her area manager, are you the
4 one that she would have come to if she had any complaints or
5 concerns?

6 A. If it were an HR matter, she would have said something to
7 HR. If it was something to talk about, then, yes, she
8 probably would have come to me.

9 Q. I -- if there were any complaints about discrimination,
10 would those be made to you, or would those be made to HR, or
11 would they be made to some other person within the Park
12 District?

13 MS. SIMMONS-GILL: Object, foundation.

14 THE COURT: Overruled.

15 BY THE WITNESS:

16 A. Those probably would have gone to HR. I may or may not
17 have been told about that.

18 BY MS. HOLZHALL:

19 Q. But if you -- if you received one, would you pass it on to
20 HR?

21 A. Yes.

22 MS. HOLZHALL: I think that's all I have, Ms. Gilkey.

23 THE WITNESS: Okay.

24 REDIRECT EXAMINATION

25 BY MS. SIMMONS-GILL:

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYDIA VEGA,
Plaintiff,
v.
CHICAGO PARK DISTRICT,
Defendant.

)
)
)
)
) No. 13 C 451
)
) Chicago, Illinois
) March 7, 2017
) 9:45 a.m.

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE JORGE L. ALONSO AND A JURY

APPEARANCES:

For the Plaintiff: OFFICES OF CATHERINE SIMMONS-GILL,
LLC
BY: MS. CATHERINE SIMMONS-GILL
MR. MATTHEW CHRISTIAN DOUGLAS
MR. KYLE AURAND
MS. BERNADETTE COPPOLA
111 West Washington Street
Suite 1051
Chicago, Illinois 60602
(312) 324-4124

For the Defendant: McGARRY & McGARRY, LLC
BY: MS. ANNETTE MICHELE McGARRY
MS. MARIANNE C. HOLZHALL
120 North LaSalle Street
Suite 1100
Chicago, Illinois 60602
(312) 345-4600

1 THE COURT: Go ahead.

2 MARTHA RAMIREZ, PLAINTIFF'S WITNESS, SWORN

3 DIRECT EXAMINATION

4 BY MS. SIMMONS-GILL:

5 Q. Good morning, Ms. Ramirez. Would you please tell the jury
6 your name.

7 A. My name is Martha Ramirez.

8 Q. Where do you currently live?

9 A. I live in Hammond, Indiana.

10 Q. Thank you.

11 Are you currently employed?

12 A. No, I am retired from the Chicago Park District.

13 Q. Okay. And that was your last employer before you retired?

14 A. Yes.

15 Q. Thank you.

16 And what was your last position with the Chicago Park
17 District?

18 A. I worked as a supervisor at Rowan Park.

19 Q. Thank you.

20 And for how long did you work for the Chicago Park
21 District?

22 A. I approximately worked 35 years with the Park District.

23 Q. Did you work all in one continuous stretch or in two
24 separate?

25 A. I worked two different. I worked 15 years and then I left

1 for six months and then I came back.

2 Q. And when did you retire?

3 A. I retired on September 30th, 2011.

4 Q. And who was your area manager?

5 A. Anita Gilkey.

6 Q. Okay. Can you -- when you were at the Chicago Park

7 District, did you fill out time sheets?

8 A. Yes, time sheets were filled out.

9 Q. And can you tell me what your general practice was in
10 filling them out?

11 A. We would fill them out on Wednesday -- Tuesday or
12 Wednesday and turn them in on Thursday every other week.

13 Q. Okay. And did you -- how did you record your time? Was
14 it exact or --

15 A. No. Our time sheets, we would sign in 9:00 to 5:00. It
16 always had to be an hour, but we might have worked 8:45 to
17 4:45 but we would sign 9:00 to 5:00.

18 Q. And why did you sign in just 9:00 to 5:00 or --

19 A. Just the practice that was always taught to us.

20 Q. Okay. Did you some weeks work overtime?

21 A. I always worked overtime.

22 Q. And did you record that on your time sheets?

23 A. No, it was not recorded on time sheets.

24 Q. Why not?

25 A. Because we were salary I guess. We had to work whatever

1 Q. Have you ever seen Lydia Vega's time sheets?

2 A. Not really, no.

3 Q. So you have no idea if they were accurate or not, correct?

4 A. No. Her supervisor would see them, not me.

5 Q. While you were employed, were you ever investigated for
6 anything?

7 A. No. Well --

8 Q. Okay.

9 A. -- they were questioning some signs that were up, but they
10 found out it was a group that was there that was putting the
11 signs up. It wasn't me so --

12 Q. That was --

13 A. They kind of --

14 Q. -- not an investigation directed towards you at --

15 A. No, they were wondering who was putting the signs up.
16 That's all.

17 Q. So you have never been investigated for --

18 A. No.

19 Q. -- any disciplinary --

20 A. No.

21 Q. -- action --

22 THE COURT REPORTER: Hold on.

23 BY MS. McGARRY:

24 Q. We have to be careful not to speak over each other here.

25 You retired, correct? You were not terminated by the

1 Park District?

2 A. I retired.

3 Q. Okay. Now, at one point in time you testified that you
4 became aware that there were two men surveilling Rowan Park,
5 correct?

6 A. Yes.

7 Q. And you never personally spoke to these men yourself; is
8 that correct?

9 A. No.

10 Q. So all you knew was what the beat cop had told you,
11 correct?

12 A. Well, yes, but I seen them. I seen them. I just -- I
13 didn't talk to them.

14 Q. Okay. So you saw them, but --

15 A. I saw --

16 Q. -- you have no idea what they were --

17 A. No, I --

18 THE COURT REPORTER: Hold on.

19 THE COURT: Ms. Ramirez, please wait until the
20 question is finished before you start answering.

21 THE WITNESS: Okay. Sorry.

22 BY MS. McGARRY:

23 Q. You never spoke to them yourself, correct?

24 A. No.

25 Q. Is it possible that these two men were CPD investigators

1 MS. SIMMONS-GILL: -- project.

2 THE COURT: The problem is with the questions more
3 than the answers?

4 MS. MCGARRY: It's actually the answers, Your Honor.

5 THE COURT: Ms. Vega, if you could keep your voice up
6 also, please.

7 THE WITNESS: Yes, sir.

8 THE COURT: Thank you.

9 BY MS. SIMMONS-GILL:

10 Q. You worked for the Chicago Park District; is that correct?

11 A. I did.

12 Q. And for how long?

13 A. 22 years.

14 Q. And when did you start?

15 A. I started working as a seasonal rec leader around 1987.

16 Q. And what -- do you count that in the 22 years?

17 A. No.

18 Q. When did you start full-time?

19 A. I started full-time as all-year-around rec leader in 1990.

20 Q. 1990?

21 A. Yes.

22 Q. Thank you.

23 And what position was that? Full-time rec leader?

24 A. Full-time rec leader.

25 Q. And was that hourly or salary?

1 A. Hourly.

2 Q. And what was your next position?

3 A. Hourly instructor.

4 Q. And approximately when did that second position occur?

5 A. A couple of years later.

6 Q. And what was your next position?

7 A. Monthly physical instructor.

8 Q. And that was salaried?

9 A. That was salary.

10 Q. Yes. And your next position?

11 A. Playground supervisor.

12 Q. And what playground, please?

13 A. Madero playground.

14 Q. Where was Madero?

15 A. Madero was around -- close to -- between 27th Street and
16 31st Street. I don't remember the exact address. But it was
17 south of where I lived.

18 Q. And that was your first playground?

19 A. That was my first playground.

20 Q. And was there a problem with your salary when you went to
21 that playground?

22 A. Yes. The previous playground supervisor had two
23 playgrounds that she was taking care of, and there was a
24 salary discrepancy.

25 Q. And what was the discrepancy?

1 A. She was getting paid as a park supervisor, and it was
2 supposed to be a playground supervisor.

3 Q. And what -- how did you find out -- then did you get the
4 park salary supervisor?

5 A. Yes. I was pretty impressed that I was getting so much
6 money. I didn't know. But I asked my area manager that I was
7 getting a little bit too much I thought because my other
8 friends were not getting the same amount, so I told her if she
9 could look into it.

10 Q. And what happened next?

11 A. She said she would. And she tried several times, and she
12 didn't succeed. I was still getting the salary.

13 Q. She did not succeed in getting your salary reduced, which
14 is what you were requesting?

15 A. Yes.

16 Q. And so what happened next?

17 A. Then I took it upon myself to go speak to Yvonne. She was
18 the HR manager at the time in the central region. And speak
19 to Betty -- I don't know her last name now -- who was the
20 finance manager. And I went back and forth between them.

21 Q. And was it resolved working with the two of them?

22 A. Eventually they resolved it after probably six times that
23 I asked them.

24 Q. Okay. So you were -- if I'm correct in summarizing --
25 asking them to reduce your salary and you had to make repeated

1 requests for that to occur?

2 MS. McGARRY: Objection, Your Honor, leading.

3 THE COURT: Overruled.

4 BY THE WITNESS:

5 A. Yes.

6 THE COURT: Next question.

7 BY MS. SIMMONS-GILL:

8 Q. Where did you go after Madero?

9 A. After Madero, I was -- went to Kedvale playground.

10 Q. That's another playground?

11 A. Yes.

12 Q. What kind of playground is that?

13 A. It was a box in a really bad neighborhood, similar to what
14 Bessemer was, graffiti and gangs.

15 Q. And how long did you work there?

16 A. I worked there for a couple of years.

17 Q. And what did you do next?

18 A. I was promoted to park supervisor at Bessemer Park.

19 Q. And how did that come about?

20 A. It was posted. I had been in the park for a while, and my
21 dream job was to be a park supervisor.

22 Q. And when it was posted, did you do anything else?

23 A. Once it was posted and I applied, I went to visit Bessemer
24 Park. I solicited the help of a friend. We went to Bessemer
25 Park, which was in the south side. We eventually found the

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYDIA VEGA,)
)
Plaintiff,)
)
v.) No. 13 C 451
)
CHICAGO PARK DISTRICT,) Chicago, Illinois
) March 8, 2017
Defendant.) 10:08 a.m.

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE JORGE L. ALONSO AND A JURY

APPEARANCES:

For the Plaintiff: OFFICES OF CATHERINE SIMMONS-GILL,
LLC
BY: MS. CATHERINE SIMMONS-GILL
MR. MATTHEW CHRISTIAN DOUGLAS
MR. KYLE AURAND
MS. BERNADETTE COPPOLA
111 West Washington Street
Suite 1051
Chicago, Illinois 60602
(312) 324-4124

For the Defendant: McGARRY & McGARRY, LLC
BY: MS. ANNETTE MICHELE McGARRY
MS. MARIANNE C. HOLZHALL
120 North LaSalle Street
Suite 1100
Chicago, Illinois 60602
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1 A. To make our investigation thorough, so I would have the
2 right person who I was investigating.

3 Q. And she had shown you several other LEADS reports that you
4 pulled, for instance, in October. Why were those pulled?

5 A. To thoroughly investigate the investigation to make sure
6 that the person who I was looking for, the vehicles I was
7 looking for, the address for the person at the time was
8 residing at, that all of that was the same.

9 Q. When investigating other employees for time-related
10 violations or when you're doing surveillance, would you
11 typically pull more than one LEADS report?

12 A. Yes.

13 Q. I'd like you to turn to Exhibit 47, Plaintiff's
14 Exhibit 47.

15 A. Yes.

16 Q. Could you turn to the summary of surveillance. It starts
17 at Page 00838.

18 A. I have it, yes.

19 Q. Did you prepare this portion of the report?

20 A. No, I didn't.

21 Q. Do you know who did?

22 A. Investigator Hester.

23 Q. When performing time sheet investigations or others
24 involving surveillance, do you typically know what the
25 employee looks like when you commence surveillance?

1 A. No.

2 Q. In Ms. Vega's case, did you eventually learn what she
3 looked like?

4 A. Yes.

5 Q. And was she the same person that you had seen during the
6 course of your surveillance?

7 A. Yes.

8 Q. When you're conducting surveillance, you said you first
9 pull information about the vehicle that the person is driving.

10 When you're conducting surveillance, do you typically
11 look for the vehicle?

12 A. Yes.

13 Q. And do you make any assumptions about that vehicle?

14 A. No.

15 Q. You had testified that there were at least some
16 surveillances where you saw Ms. Vega or the vehicle leave the
17 residence and then arrive at Bessemer Park; is that correct?

18 A. That's correct.

19 MS. SIMMONS-GILL: Object, leading, your Honor.

20 THE COURT: Overruled.

21 BY MS. HOLZHALL:

22 Q. When you were surveilling Ms. Vega, was it your experience
23 that she typically parked in the same place at Bessemer Park?

24 A. Majority of the time, yes.

25 Q. Ms. Simmons-Gill had asked if you had consulted with Lydia

1 Vega's area manager or her regional manager prior to
2 completing your investigation. Do you recall that?

3 A. Yes, I do.

4 Q. Do you typically do that when investigating employees for
5 time sheet violations?

6 A. No.

7 Q. Do you consider any time sheet falsification to be a theft
8 of time?

9 A. At the beginning of our investigation, we can't assume
10 anything. We just gather the information, gather the facts.
11 And once we get that, we just pass it over to HR.

12 Q. Do you determine what charges an employee is given a
13 corrective action meeting on if that's what it comes to?

14 A. No, we don't.

15 Q. Do you have any input into the discipline that's given to
16 an employee?

17 A. No, we don't.

18 Q. Do you have any personal knowledge of what happened to
19 Ms. Vega after you submitted the report?

20 A. No, I don't.

21 Q. Ms. Simmons-Gill had asked you about a number of other
22 employees that you had investigated.

23 A. Yes, she did.

24 Q. There was Mr. Rivers?

25 A. Yes.

1 Q. And his report is Exhibit 195, Plaintiff's Exhibit 195?

2 A. Yes, I see it.

3 Q. Now, did you prepare this report?

4 A. Yes, I did.

5 Q. And does the report include a summary of surveillance?

6 A. Yes, there are.

7 Q. Did you -- did you prepare that summary of surveillance?

8 If you turn to, it's in the lower left, CPD 06268.

9 A. I have it.

10 Q. Did you prepare that?

11 A. Yes, I did.

12 Q. Is that a little bit different format than is on

13 Exhibit 47 --

14 A. It is.

15 Q. -- that Mr. Hester performed or prepared?

16 A. It is.

17 Q. What was Mr. Rivers' ethnicity?

18 A. African-American.

19 Q. And did you sustain the charge of time sheet falsification
20 against Mr. Rivers?

21 A. Yes, I did.

22 Q. Did you have any input into whether he would be
23 disciplined?

24 A. No.

25 Q. What did you do with your report about Mr. Rivers once it

1 had been completed?

2 A. Once I completed it, I hand it over to my director, Maria
3 Garcia. And from there, I don't know where it went, HR. But
4 I handed my investigation, once it was completed to Maria
5 Garcia, who was the general counsel for Chicago Park District
6 at that time.

7 Q. And when you investigated Mr. Rivers, did you pull his
8 time sheets?

9 A. Yes, I did.

10 Q. Did you pull the time sheets before you began the
11 investigation?

12 A. No.

13 Q. And did you go to his park after you completed the
14 surveillance?

15 A. Yes, yes.

16 Q. And did you ask him for the logbook?

17 A. Yes, we did.

18 Q. And was Mr. Rivers' investigation typical of the
19 investigations you would conduct into time sheet issues?

20 A. Standard, typical, yes.

21 Q. Did you run a LEADS report on Mr. Rivers?

22 A. Yes, I did.

23 Q. And is that in your report that's Exhibit 195?

24 A. Yes, it is.

25 Q. And that's at CPD 06267?

1 A. She did.

2 Q. How did Ms. Vega react to you? Did she seem upset?

3 A. No, she didn't.

4 Q. Did she seem frightened?

5 A. No, she didn't.

6 Q. Did you find the complaint against her to be sustained?

7 A. It was not sustained.

8 Q. How many other investigations were you conducting while
9 you were investigating Ms. Vega for time sheet issues?

10 A. About six to seven other ones.

11 Q. Did your investigation of Ms. Vega vary from others you've
12 done because of her Hispanic heritage?

13 A. No.

14 Q. Did you follow the same general procedure you would for an
15 African-American?

16 A. Yes.

17 Q. Did you follow the same procedure you would for a
18 Caucasian?

19 A. Yes.

20 Q. Same general procedure you would for an Asian or native
21 American?

22 A. Same procedure.

23 Q. How many surveillances did you typically conduct when
24 conducting a time sheet investigation?

25 A. Pardon me?

1 receiving a piece of paper like this?

2 A. It's possible. We can get word without this actual paper
3 being in front of us.

4 Q. Okay. Is it correct that you -- that in the Lydia Vega
5 investigation, do you recall whether you entered a sustained
6 report in connection with time sheet falsification?

7 A. No, because I didn't write this, and I didn't have this
8 sheet.

9 Q. So you don't know whether this was sustained or not?

10 A. It was referred to management, and I found out later that
11 she was terminated.

12 Q. Okay. So you don't know why she was terminated?

13 A. She was terminated based off of investigation of time
14 sheet fraud regarding our reports, but as far as this -- me
15 putting sustained and writing this on here, I did not do that.

16 Q. Okay. Is there anything in the report that's before you,
17 PX 47, that indicates to you that you sustained a finding of
18 time sheet falsification or --

19 A. Regardless of our findings, it still has to be looked
20 upon. We just pass the information. So I'll say it again.
21 It was referred to management. I didn't write this sustained
22 with this sheet here.

23 Q. You didn't -- you did not write Exhibit 58. I understand
24 that, sir.

25 You did enter all of the dates and times on Exhibit

1 H, the last three pages of Exhibit 47, correct?

2 A. Yes.

3 Q. And those were dates on which you found -- what did you --
4 what did you find on those dates?

5 A. Those were dates that were in question regarding Ms. Lydia
6 Vega.

7 Q. So they were just in question?

8 A. In question, meaning that we had a problem with either
9 finding her or discrepancies with her time sheet regarding the
10 videos and what we actually saw.

11 Q. So do you have any idea whether Ms. Vega was not at work
12 on the times she signed in on any of these days?

13 A. According to when we saw her leaving XSport and the time
14 that she put on her time sheet, yes.

15 Q. On which days would that be, sir?

16 A. Okay. For instance, I guess, attachment H, I'm just going
17 to give you an example.

18 Q. Let's go -- attachment H? That's fine. First page or the
19 second page.

20 A. Are there two pages?

21 Q. I'm sorry, there are three pages actually.

22 A. I'm sorry, okay, well --

23 Q. 892, 893 and 894.

24 A. Okay. For instance, January 18th, 2012, it shows 10:41
25 she departs XSport, and it takes approximately 40 to

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYDIA VEGA,)
)
Plaintiff,)
)
v.) No. 13 C 451
)
CHICAGO PARK DISTRICT,) Chicago, Illinois
) March 9, 2017
Defendant.) 10:07 a.m.

EXCERPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE JORGE L. ALONSO AND A JURY

APPEARANCES:

For the Plaintiff: OFFICES OF CATHERINE SIMMONS-GILL,
LLC
BY: MS. CATHERINE SIMMONS-GILL
MR. MATTHEW CHRISTIAN DOUGLAS
MR. KYLE AURAND
MS. BERNADETTE COPPOLA
111 West Washington Street
Suite 1051
Chicago, Illinois 60602
(312) 324-4124

For the Defendant: McGARRY & McGARRY, LLC
BY: MS. ANNETTE MICHELE McGARRY
MS. MARIANNE C. HOLZHALL
120 North LaSalle Street
Suite 1100
Chicago, Illinois 60602
(312) 345-4600

1 MS. SIMMONS-GILL: Object, leading.

2 THE COURT: Overruled.

3 BY THE WITNESS:

4 A. I'm sorry. Say it again.

5 BY MS. HOLZHALL:

6 Q. So you wouldn't be likely to mistake another maroon Chevy
7 TrailBlazer for Ms. Vega's during the course of surveillance?

8 A. That's correct.

9 Q. Were there any dates when you followed Ms. Vega from her
10 residence or XSport Fitness all the way to Bessemer Park?

11 A. Yes.

12 Q. Do you recall when those were?

13 A. I don't recall the exact dates, but I do remember on two
14 occasions that we followed her straight to the park because I
15 believe one of the part-time guys wasn't working that day.
16 They usually on the other end surveilling. And we went
17 straight through, didn't lose sight of her vehicle the whole
18 time.

19 Q. And what route did she take?

20 A. I believe it's the Kennedy and then she got on Lake Shore
21 Drive. So it's quite a drive. It takes about 40 to
22 45 minutes. There's no way you can get there in 15 or
23 20 minutes even if there was no traffic.

24 Q. Was there any construction that day you followed her?

25 A. Yes.

1 Q. Did you ever learn who made the hotline calls about
2 Ms. Vega's time sheet issues?

3 A. No.

4 Q. Do you know a person by the name of Shreece Childs?

5 A. Yes.

6 Q. Did you know her at the time that you were investigating
7 Ms. Vega?

8 A. No.

9 Q. When did you meet her, if you recall?

10 A. I met Shreece -- she was at another park as a supervisor
11 at the time. And it was a -- regarding an employee, so I had
12 to speak to her regarding an employee.

13 Q. That was not when she was at Bessemer Park; is that
14 correct?

15 A. That's correct.

16 Q. Did you know Lydia Vega when you began the investigation?

17 A. No.

18 Q. Did you know who she was?

19 A. No.

20 Q. Did you contact her to say we're going to be investigating
21 you for time sheet issues?

22 A. No.

23 Q. Would you ever contact somebody that you were
24 investigating for time sheet or residency or the like to let
25 them know that they were under investigation?

1 A. Yes.

2 Q. So you passed that on to management, correct?

3 A. That's correct.

4 Q. Do you consider your investigation of Ms. Vega to be
5 relatively typical of time sheet investigations you've done?

6 A. Yes.

7 Q. Would you -- did it begin in the standard fashion or
8 typical fashion?

9 A. Yes.

10 Q. For a time sheet investigation, would you do surveillance
11 of the employee?

12 A. Yes.

13 Q. Would that -- would it matter whether they were white or
14 African American or Hispanic or Asian?

15 A. No.

16 Q. Is there any set number of surveillances you do?

17 A. No.

18 Q. What would dictate the number of surveillances you might
19 do for any given employee?

20 A. Well, it just varies because a lot of times, you don't
21 find them right away. Sometimes you really don't know where
22 they are. And that could be a month, two months before you
23 actually see them.

24 Q. Was that one of the difficulties with surveilling
25 Ms. Vega?

1 A. Yes.

2 Q. What specifically was creating that difficulty?

3 A. Well, it was a few reasons. She was parked across from a
4 school, which there was no parking during school hours, so
5 there was really only one side you could park on. That was
6 the east side of the street. And it was limited parking. So
7 I guess she elected to park in the garage, which was initially
8 the problem at first in finding her. I believe Leroi couldn't
9 find her. I guess he was on one side of the alley and then
10 that's when I end up staying on the other side of the alley.
11 That's when we actually saw her.

12 Q. So the garage was located in an alley?

13 A. Yes.

14 Q. When conducting a time sheet investigation, would you
15 typically pull Secretary of State information about the
16 employee's vehicle?

17 A. Yes.

18 Q. Would you periodically do that throughout the
19 investigation?

20 A. Yes.

21 Q. Why?

22 A. They might change vehicles, maybe get a new license plate.
23 It just varies.

24 Q. And you would perform these check-up pulls of Secretary of
25 State information regardless of the race or ethnic background

1 looking at.

2 Q. Okay. So Leroi wrote that one?

3 A. Yes.

4 Q. And he wrote the report for Ms. Vega; is that correct?

5 A. That's correct.

6 Q. How many times did you surveil Mr. Rivers?

7 (Brief pause.)

8 BY THE WITNESS:

9 A. 20 surveillances.

10 BY MS. HOLZHALL:

11 Q. And how many -- and how many times did you determine that
12 there were discrepancies on his time sheets?

13 A. On 14 occasions.

14 Q. Do you recall what happened to Mr. Rivers?

15 A. He was terminated.

16 Q. Was Mr. Rivers African American?

17 A. Yes, he was.

18 Q. Do you recall investigating a Dina Rutledge?

19 A. Yes, I do.

20 Q. What was Ms. Rutledge's position with the Park District,
21 if you recall?

22 A. I believe she was a park supervisor.

23 Q. And do you recall when you investigated her?

24 A. No, I don't.

25 Q. I'm going to hand you -- and this is just to refresh your

1 recollection. I'd like you to take a look at it and tell me
2 if that does refresh your recollection about Ms. Rutledge?

3 A. Yes, it does.

4 THE COURT: Ms. Holzhall, you handed him exhibit?

5 MS. HOLZHALL: It's just to refresh his recollection.

6 THE COURT: And is it marked?

7 MS. HOLZHALL: No, it's not marked. We can --

8 THE COURT: So Defense No. 1?

9 MS. HOLZHALL: Sure. Defense No. 1 actually is not
10 being used right now.

11 BY MS. HOLZHALL:

12 Q. Please take a look at Defense No. 1 and tell me if that
13 refreshes your recollection about Ms. Rutledge?

14 A. Yes.

15 Q. And was Ms. Rutledge -- what race or ethnicity was she?

16 A. African American.

17 Q. Did you follow the same general procedures investigating
18 Ms. Rutledge as you did investigating Ms. Vega?

19 A. Yes.

20 Q. Did you get Oracle information about her residence?

21 A. It was pulled. I didn't actually pull it, but I did
22 receive information about where she does live.

23 Q. Is that typical in investigations, that you do get Oracle
24 information maintained by the Park District?

25 A. Correct.

1 Q. Did you check Secretary of State records?

2 A. Yes.

3 Q. Did you conduct surveillance?

4 A. Yes.

5 Q. Did you check the log book from her park?

6 A. Yes.

7 Q. And her -- you pulled her time sheets and looked at those?

8 A. Yes.

9 Q. Did you interview her?

10 A. Yes.

11 Q. And then did you prepare a report?

12 A. Yes.

13 Q. How many surveillances did you conduct of Ms. Rutledge?

14 A. 27.

15 Q. And how many times did you find that there were
16 discrepancies on her time sheets?

17 A. Four occasions.

18 Q. What did you do once you had completed your report on
19 Ms. Rutledge?

20 A. I turned it over to -- I believe it was Alison Perona at
21 the time. It was a new counsel.

22 Q. So did she take over for Ms. Garcia?

23 A. Yes, she did.

24 Q. Do you know if Ms. Rutledge is still employed by the Park
25 District?

1 A. No. Well, I'm not there anymore; but while I was there,
2 she was not employed.

3 Q. Ms. Simmons-Gill had asked you about portions of videos
4 that weren't reflected in your report for Ms. Vega,
5 Plaintiff's Exhibit 47?

6 A. Yes.

7 Q. Did you rely on those pieces of video at all in preparing
8 your report?

9 A. No.

10 Q. And you never gave information about those videos to
11 management with your report?

12 A. No.

13 MS. HOLZHALL: One moment, please.

14 (Brief pause.)

15 MS. HOLZHALL: That's all I have for you, Officer
16 Hester.

17 THE WITNESS: Thank you.

18 MS. HOLZHALL: For the record, Defendant's 1 is Bates
19 stamped 05462 CPD through 05478 CPD.

20 THE COURT: Ms. Simmons-Gill, whenever you're ready.

21 MS. SIMMONS-GILL: Yes.

22 REDIRECT EXAMINATION

23 BY MS. SIMMONS-GILL:

24 Q. Officer Hester --

25 A. Yes.

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LYDIA VEGA,)
)
Plaintiff,)
)
v.) No. 13 C 451
)
CHICAGO PARK DISTRICT,) Chicago, Illinois
) March 10, 2017
Defendant.) 3:21 p.m.

EXCERPT TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE JORGE L. ALONSO AND A JURY

APPEARANCES:

For the Plaintiff: OFFICES OF CATHERINE SIMMONS-GILL,
LLC
BY: MS. CATHERINE SIMMONS-GILL
MR. MATTHEW CHRISTIAN DOUGLAS
MR. KYLE AURAND
MS. BERNADETTE COPPOLA
111 West Washington Street
Suite 1051
Chicago, Illinois 60602
(312) 324-4124

For the Defendant: McGARRY & McGARRY, LLC
BY: MS. ANNETTE MICHELE McGARRY
MS. MARIANNE C. HOLZHALL
120 North LaSalle Street
Suite 1100
Chicago, Illinois 60602
(312) 345-4600

1 these actions and go to places and participate in meetings and
2 tournaments and things like that and procure items for the
3 park.

4 Q. And what was Ms. Saieva's attitude?

5 A. Accusatory, as if this was a foregone conclusion because
6 investigators had made statements to her.

7 Q. Was she interested in the packet of information?

8 A. She was not engrossed in the packet of information, I can
9 say that.

10 Q. Thank you.

11 It was your impression that it was a foregone
12 conclusion that Ms. Vega was going to be -- that some
13 discipline was going to be issued?

14 A. Yes.

15 Q. Have you been in many investigative meetings with -- I'm
16 sorry -- many CAMs with Ms. Saieva?

17 A. Yes.

18 Q. Does she have different attitudes toward different
19 employees, or is it all the same?

20 A. I can say it can vary.

21 Q. Pardon?

22 A. It can vary.

23 Q. It can vary?

24 A. Yes.

25 Q. I think terminology I once heard you use was picks and

1 seen somewhere else very specifically. It wasn't just a
2 random date or a random time. So there was a -- some sort of
3 foundation for the allegation, if you will.

4 Q. Have you represented other employees accused of time sheet
5 irregularities in hearings?

6 A. Yes.

7 Q. What is the typical time that such investigation would
8 take?

9 A. I don't believe there is a standard typical time.

10 Q. Thank you.

11 During the meeting you had with Ms. Vega and
12 Mr. Hester and Mr. Catlin that you testified about, do you
13 recall that?

14 A. Yes.

15 Q. The investigative meeting, it was on the third floor?

16 A. Yes.

17 Q. Okay. You are not aware of anything that the
18 investigators said that would make you believe they were
19 prejudiced towards Hispanics, were you?

20 A. That I can recall from them saying in that meeting?

21 Q. Correct.

22 A. I don't know.

23 Q. Can I please direct your attention to your deposition
24 again, Page 74.

25 A. Sure.

1 Q. Okay. Page 74, line 2: Question, asked by Mr. Brown:

2 "At this meeting with Vega and the investigators, did
3 they say anything that you took to believe that these
4 investigators were prejudiced towards Ms. Vega as a
5 Hispanic?

6 "Answer: Not to me, but I don't know what they said
7 to each other."

8 Were you asked that question, and was that your
9 answer during your deposition?

10 A. Yes. I don't know what they said to each other, yes.

11 Q. Thank you.

12 Was that your answer --

13 A. Yes, it was my answer, yes.

14 Q. Thank you.

15 Do you have any idea if the Park District ever
16 followed up on the information that Ms. Vega provided to them
17 regarding her whereabouts during her CAM meetings?

18 A. There was no good-faith effort by the Park District to
19 show us that there was any further investigation into what
20 Ms. Vega had offered.

21 Q. Do you have any personal knowledge if they did anything or
22 not?

23 A. No.

24 Q. Thank you.

25 Ms. Vega, you said you met with Ms. Vega before you

1 had the meeting with the investigators. Do you recall that?

2 A. Yes.

3 Q. And during that meeting, she handed you or showed you
4 Exhibit 61, correct?

5 A. Correct.

6 Q. Did you do anything to confirm the information that is
7 found in Exhibit 61 to know if it was truthful?

8 A. I believe I called some of the people mentioned in there.
9 I do not believe that I got witness statements written.

10 Q. Who did you call?

11 A. I don't recall who I called. There are multiple people
12 who responded to multiple meetings. There are area meetings
13 in here. There are people who would be supervisors from all
14 over the district.

15 Q. And you're testifying today that you called all these
16 people to confirm --

17 A. Well, I don't say I called all of them.

18 Q. Okay.

19 A. No.

20 Q. Do you know how many you called?

21 A. I do not.

22 Q. Do you know when you called them?

23 A. I could not give you a date.

24 Q. Do you remember what they said to you?

25 A. I remember speaking to Ms. Vega and people confirming