

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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		* CIVIL ACTION NO.
NEWTON MCNEALY		* 2:14-cv-02181-SM-JCW
		*
VERSUS		* JUDGE SUSIE MORGAN
		*
DARRYL J. BECNEL, ET AL		* MAGISTRATE JUDGE
		* JOSEPH WILKINSON
* * * * *	* * * *	

VOLUME II

Continuation of the Videotaped

Deposition of NEWTON T. McNEALY, JR., taken on
Thursday, November 17, 2016, commencing at 8:59
a.m., in the offices of Robein, Urann, Spencer,
Picard & Cangemi, Attorneys at Law, 2540 Severn
Avenue, Suite 400, Metairie, Louisiana, 70002.

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24 State of Louisiana

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Certified Court Reporter

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S T I P U L A T I O N

1
2
3 It is stipulated and agreed by and among
4 counsel that the continuation of the videotaped
5 deposition of NEWTON T. McNEALY, JR., is hereby
6 being taken under the Federal Rules of Civil
7 Procedure in accordance with the Rules.

8 The formalities of sealing and
9 certification are hereby waived. The witness
10 reserves the right to read and sign the
11 deposition. The party responsible for service
12 of the discovery material shall retain the
13 original.

14 All objections, save those as to the form
15 of the questions, are hereby reserved until such
16 time as this deposition, or any part thereof,
17 may be used or sought to be used in evidence,
18 and are to be made in accordance with the
19 Federal Rules of Civil Procedure.

20 * * * * *

21 KAY E. DONNELLY, Certified Court Reporter,
22 in and for the State of Louisiana, officiated in
23 administering the oath to the witness.

24
25

1 NEWTON T. McNEALY, JR., 39392 Highway 74,
2 Gonzales, Louisiana, 70737, after having been
3 first duly sworn, testified on his oath as
4 follows:

5 THE VIDEOGRAPHER:

6 We are now back on the Record. The
7 time is 8:59.

8 And this is the beginning of Tape 1
9 to the continuation of the videotaped deposition
10 of Mr. Newton T. McNealy, Jr., on November the
11 17th, 2016.

12 I would ask Madam Court Reporter
13 would you please swear in the witness.

14 (Witness sworn.)

15 EXAMINATION BY MS. RICHARD-SPENCER:

16 Q. So, Mr. McNealy, I'm going to pick up
17 with where I was yesterday, except I -- I'm
18 going to go back and just ask a few background
19 questions since it is a new day.

20 Yesterday you described for Mr. McGoey
21 medications that you had taken that day and that
22 you were un -- had in your system during that
23 deposition.

24 Did you take that same medication today?

25 A. Yes, I did.

1 Q. Did you take any different medication?

2 A. No, I did not.

3 Q. All right. Today do you feel able to
4 testify and to do so truthfully and to the best
5 of your recollection?

6 A. A lot clearer than yesterday.

7 Q. Okay. Is there a reason why you are
8 a --

9 A. Because --

10 Q. -- lot --

11 A. Because I -- my memory has been
12 refreshed on all the things that occurred.

13 Q. Okay. Thank you for telling me why you
14 feel a little clearer today. And I appreciate
15 that.

16 Again, the same rules apply that as I
17 told you yesterday. If you don't understand my
18 question or you need me to restate it or
19 rephrase it or you can't get context because I'm
20 moving around, please tell me and I will help
21 get you some context.

22 I want to make sure you understand my
23 question. Is that okay?

24 A. Yes.

25 Q. All right. Did you review any documents

1 last night related to this case?

2 A. No.

3 Q. Did you talk to anyone last night other
4 than your Counsel about your deposition?

5 A. Yes. I talked to several people.

6 Q. Did you -- what did you discuss with
7 them?

8 A. The whole thing.

9 Q. So, just what had happened?

10 A. Yes.

11 Q. The question -- some of the questions
12 you were asked?

13 A. Yes.

14 Q. Some of the answers you gave?

15 A. Yes.

16 Q. And I am sure you couldn't remember
17 everything?

18 A. No.

19 Q. But what you remembered, you talked to
20 them about?

21 A. Right. I vented.

22 Q. Okay. Did any individual tell you
23 anything that you should have said or should
24 have said differently?

25 A. No.

1 Q. So, just a matter of you talking to
2 family or friends and, as you said, venting?

3 A. Exactly.

4 Q. Okay. All right. So, let's move
5 forward with where we were. And I am going to
6 move back to just a few general questions about
7 your regular schedule.

8 Your normal schedule, when you were not
9 on a turnaround, I know that you have described
10 you were 7a to 3:30 p.m.; is that correct?

11 A. On a normal schedule.

12 Q. And did you work Monday through Friday?

13 A. Yes.

14 Q. Did you have to on occasion work
15 overtime, even on your normal schedule?

16 A. Frequently.

17 Q. And is that -- would you be held over at
18 the end of your schedule?

19 A. Exactly.

20 Q. Were you ever called out?

21 A. Yes.

22 Q. And you were paid the minimum callout
23 pay or however long you were called out?

24 A. Right.

25 Q. So, you never had any complaints that

1 you were improperly called out or improperly
2 paid for callouts?

3 A. No.

4 Q. And you never had any complaints that
5 you were forced to work overtime improperly?

6 A. No.

7 Q. Did you volunteer for overtime?

8 A. Yes, I did.

9 Q. You said earlier you wanted overtime?

10 A. Somewhat, yes.

11 Q. Overtime means more money?

12 A. Right.

13 Q. Okay. Did you -- you mentioned that you
14 worked -- that there were 30 Motiva machinists.

15 A. Approximately.

16 Q. About. Did you work with all of those
17 machinists?

18 A. No.

19 Q. So, was there a certain group that you
20 worked with?

21 A. Yes.

22 Q. Who was in that group that you regularly
23 worked with? Not on the turnaround, but just
24 your regular workgroup.

25 A. It consisted of guys mainly of lesser

1 seniority.

2 Q. Do you remember their names?

3 A. No, not to -- Reeves. Robert Reeves,
4 Gerard. I can't think of the Gerard's last
5 name.

6 It has been so long. I can't think of
7 names. But if you put a list in front of me, I
8 can look at the list -- that list and see.

9 But they were the guys that -- that they
10 were mainly less senior, less experienced, less
11 knowledgeable. Because the senior guys weren't
12 forced to work overtime.

13 Q. So, this is -- you are talking about
14 when you were working overtime?

15 A. Right.

16 Q. Did you have -- how did it work -- did
17 you have a partner that you were assigned to
18 regularly, not on the turnaround, or did you
19 work independently?

20 A. Because of the structure of the
21 workload, anybody could be my partner. Any
22 number of those guys could be my work partner.
23 But the senior guys paired off with one guy
24 specifically.

25 Q. Did the senior guys pair off with

1 someone less senior?

2 A. No.

3 Q. Not necessarily that way?

4 A. They paired off with who they wanted to.

5 Q. Did you have someone who you typically
6 paired off with?

7 A. No.

8 Q. Did you -- you -- you mentioned that you
9 knew Ivory -- I'm sorry. I'm forgetting his
10 last name -- Ivory Brown. But you didn't know
11 him well?

12 A. I -- I worked with him on occasions.

13 Q. Did you work well with him?

14 A. Yes.

15 Q. Did he ever do or say anything to you
16 that you considered discriminatory?

17 A. No.

18 Q. How did you get your work assignments?

19 A. They were handed out in the morning
20 immediately after a brief meeting. Safety
21 meeting, safety huddle.

22 Q. Who would hand them out?

23 A. To me, Clay Threadgill.

24 Q. Can we agree that work assignments were
25 determined by Management employees or Staff

1 employees?

2 A. Yes.

3 Q. So, the Union did not play a role in
4 making work assignments, did they?

5 A. Not visually, no.

6 Q. You don't have any evidence that any
7 Union officer ever decided who would get a
8 particular work assignment, do you?

9 A. I don't have proof of it, but -- no.

10 Q. Okay. All right. Was the Union steward
11 in your work area?

12 A. They didn't have one directly, but Steve
13 Hernandez was -- was a part of that group.

14 Q. I --

15 A. I don't know. I don't know. He moved
16 around. He had different responsibilities in
17 there.

18 Q. At one -- I -- I'm sorry. I can't
19 remember if you said this or if I read it. So
20 if I ask you if you said and you don't remember
21 saying it, correct me.

22 Did you say, at one point, that you
23 thought Steve Hernandez was a trustee?

24 A. Yes, at one time. That is an elected
25 position.

1 Q. Do you know what trustees in the Union
2 do specifically?

3 A. No.

4 Q. You also said, at one point, you thought
5 he was a steward?

6 A. Right.

7 Q. Do you know what stewards do?

8 A. Yes.

9 Q. Tell me what a steward does.

10 A. Sit in on meetings representing the
11 employees, gathering the facts, stuff like that.

12 Q. Had you ever talked to Steve Hernandez
13 about issues in your workplace?

14 A. Yes.

15 Q. When did you do that?

16 A. Steve Hernandez worked with me for
17 several -- all the -- the entire time I was
18 there. He and I took that lateral move to
19 Motiva at the same time.

20 He wasn't on that list I noticed the
21 other day. Yesterday when you all showed it to
22 me as an -- he -- he -- he had -- he had ears to
23 hear what was going on. And he understood what
24 was happening, but he was helpless to do
25 anything about it.

1 Q. Why do you say he was helpless?

2 A. He is just like Bill LeBoeuf in the
3 investigation when he said, "I saw him wrapped
4 up in that truck at 3:30 a.m., but I didn't want
5 to get involved."

6 Q. So, that is what Mr. LeBoeuf said?

7 A. That is right. And that is how
8 everything felt. They didn't want to get
9 involved.

10 Q. Did Mr. Hernandez tell you that he
11 didn't want to get involved?

12 A. His action told me.

13 Q. So, you --

14 A. He took no action.

15 Q. So, you made that conclusion from what
16 you saw him fail to do?

17 A. No. I saw him. It wasn't a conclusion
18 I made. He did not take any actions in my
19 behalf.

20 Q. Well, he did call you on the phone when
21 you were wrapped to check on you.

22 A. Because Marty Poche told him. They --
23 they -- they order -- they can only do what is
24 they are told to do.

25 Q. Okay. So when the phone -- you said

1 your phone vibrated and you knew. Did you later
2 find out that it was Mr. Hernandez?

3 A. I knew it immediately once I looked at
4 it.

5 Q. Okay. So when you looked at it, his
6 name was on your phone?

7 A. It -- it -- right.

8 Q. Did you answer the phone?

9 A. Yes, I did. I had to.

10 Q. Tell me what you said to him and what he
11 said to you.

12 A. I couldn't say nothing. I was just
13 coming up out of a coma.

14 Q. Okay. And so what did he say to you?

15 A. He said, "Marty said clean that mess up
16 before somebody takes a picture of it. Clean it
17 up now before somebody takes a picture of it."

18 Q. All right. And we will get back to that
19 interaction between you and Mr. Poche in a
20 minute.

21 A. They both came and saw me wrapped up in
22 that truck. And they didn't approach it. They
23 -- from a distance and from a phone call not
24 knowing if I was dead or alive in there.

25 That is the Union that I paid dues to

1 every month for that type of protection and they
2 did nothing.

3 Q. So, you said --

4 A. This reoccurring nightmare is going to
5 stop today. Somebody has going to learn.

6 Q. Sir, I'm just going to ask you
7 questions --

8 A. Go ahead with the questions --

9 Q. -- and ask --

10 A. -- ma'am. Because you are the first
11 person I heard from once I filed that complaint
12 in protection of the Company and the Union and
13 all the other defendants.

14 I just remembered who you were when I
15 left here. You are the first one to popped up
16 and defended them. I paid dues to that Union
17 for protection, and you, the Union lawyer, are
18 defending -- defender of the Union and everybody
19 else.

20 I didn't realize who you were until I
21 left here yesterday.

22 Q. I've always told you that I'm the
23 attorney for the Union, haven't I, sir?

24 A. That is right. And you are the number
25 one person to pop their head up and defend this

1 whole lawsuit.

2 Q. You filed this lawsuit?

3 A. I filed it.

4 Q. Okay. Do you understand that the Union
5 is going to defend the lawsuit?

6 A. They got to because -- listen --

7 Q. Okay.

8 A. But I paid dues. They should have been
9 defending me the whole time instead of silencing
10 me and making sure -- my case was never heard on
11 the first level.

12 They silenced me. "Don't say nothing in
13 this meeting. Let's talk about attendance and
14 go on."

15 Q. Are you ready to answer my questions?

16 A. Absolutely.

17 Q. Okay. So you said that -- I want to go
18 back to the incident where you were hit -- hit
19 with the -- with the crane box. Do you recall
20 your testimony yesterday about that incident?

21 A. Every bit of it.

22 Q. You said --

23 A. I recall it often.

24 Q. Sir, I'm going to need you to answer my
25 questions.

1 A. Okay. Okay.

2 Q. You said yesterday that you talked to a
3 contractor after it happened. You said from a
4 distance, he said that he saw what was happening
5 and that he thought it was intentional.

6 A. That contractor made one statement, "I
7 will be your witness, if you need one."

8 Q. Okay.

9 A. And I didn't say anything back to him.
10 I couldn't.

11 Q. All right.

12 A. I'm dazed and walking out of the shop at
13 that time when I heard that.

14 Q. Do you remember what that contractor
15 looked like?

16 A. He was a younger guy working for Sulzer.

17 Q. Was he -- do you remember whether he was
18 Caucasian or --

19 A. He --

20 Q. -- African-American?

21 A. Everybody on that shift except for me
22 were Caucasian.

23 Q. All right. Do you remember was he
24 heavy-set or thin?

25 A. I didn't even get a good look at him.

1 Thin. Kind of slender guy. I don't
2 know. I really don't know. At that time, I
3 been hit -- vision and everything was blurred.

4 Q. Do you -- do I understand right that
5 that is the only time that he said anything to
6 you?

7 A. I think the next day he wanted to know
8 did I -- "Were you -- were you wrapped in that
9 truck?"

10 Q. Okay. But I am talking about getting
11 hit in the head. Did he talk to you later that
12 same day?

13 A. He didn't say a word about that. All of
14 this was in passing and from of distance.
15 Hollering almost.

16 Q. All right.

17 A. I didn't have a direct conversation with
18 that guy.

19 Q. So -- but you said you -- did you talk
20 -- did you -- he said two things to you. First,
21 "I will be your witness," and then later, he
22 hollered something to you from a distance?

23 A. Yes.

24 Q. Was it the same man?

25 A. It -- it -- it may have been the same

1 man. I -- like I said, when I got hit,
2 everything stopped. My vision was blurred. My
3 hearing was off.

4 I -- my thing was just get to the safe
5 spot out of harm's way because nobody there was
6 going to help me or protect me.

7 Q. I don't know if you were asked
8 yesterday. Do you remember if there was anybody
9 else in the shop who was a Motiva or a Shell
10 employee?

11 A. I can't remember. No, I don't know.

12 Q. Do you remember if Marty Poche was in
13 the shop when that --

14 A. Definitely --

15 Q. -- happened?

16 A. -- not.

17 Q. "Not" you said?

18 A. Yes.

19 Q. Okay.

20 A. That was 11:30 at night. Marty Poche
21 don't come to work until at 5:30 in the morning.

22 Q. So if in -- if in one of your complaints
23 it alleges that Marty Poche was there and
24 witnessed the incident, that is incorrect?

25 A. That is absolutely incorrect, and I

1 never said it.

2 Q. Did you -- do you -- did you review the
3 complaints before they were filed, sir?

4 A. No.

5 Q. Okay. Now, you said that the reason the
6 Sulzer employees were there is because they were
7 waiting for some of that equipment?

8 A. Yes.

9 Q. To be able to perform the tasks they
10 were being asked to perform?

11 A. That -- that is right.

12 Q. So, did the Sulzer employees stay in
13 that area throughout the day or where --

14 A. No.

15 Q. -- did they go?

16 A. No. They went -- they were -- they were
17 -- they went to the -- the compressor they was
18 rebuilding.

19 Q. And -- and did they have -- were they --
20 did they have occasions to come back to the
21 shop, if you know?

22 A. They had occasions to come back if
23 needed to.

24 Q. All right. So, were they sort of
25 centered out of the same shop that you all were

1 for purposes of performing that project?

2 A. No. They just were there to pick up
3 parts.

4 Q. And so if they needed to pick up other
5 parts, they would come back to that same shop?

6 A. That is right. And immediately after
7 this turnaround, they put signs in that shop,
8 all over that shop, "no contractors allowed."

9 Q. And then the contractors had to use the
10 contractor tent?

11 A. What -- whatever they brought with them.
12 That was the only shelter they had. They made
13 sure that they didn't have access to that
14 central shop anymore after those incidents
15 happened.

16 Q. Well, do you know, sir, if that has long
17 been an issue between -- a Union/Management
18 issue that contractors not be in the shops used
19 by Bargaining Unit employees?

20 A. Look, that was never enforced.
21 Contractors are in there all the time until that
22 happened.

23 Q. So, you are saying that the reason
24 contractors were moved out of our Bargaining
25 Unit facility shops and into contractor tents

1 was because of this incident?

2 A. That is right. It was --

3 Q. Okay.

4 A. It was enforced. Because they --
5 because they were a good witness. They did
6 witness, and it was about six to 12 guys
7 standing there.

8 Q. When you met with Management, did you
9 tell them -- to tell them about what had
10 happened and you getting hit in the head, did
11 you tell them that those contractors had been
12 present?

13 A. Look, I was silenced by your Union
14 officials.

15 Q. Okay. I understand.

16 A. "Don't say nothing." Now is my time to
17 talk.

18 Q. You said that when you were wrapped in
19 the vehicle, you couldn't distinguish time, that
20 five hours seemed --

21 A. That is --

22 Q. -- like five minutes?

23 A. That -- after -- after the fact, that
24 five hours was like five minutes.

25 Q. Okay. So after the incident happened

1 and you got the phone call -- and you got the
2 phone call from Mr. Hernandez, you got out of
3 the vehicle and you cleaned the vehicle; is that
4 correct?

5 A. As best I could.

6 Q. And then you went into the shop?

7 A. Yes.

8 Q. And when you went into the shop, you had
9 a conversation. Mr. Poche was there?

10 A. Exactly.

11 Q. And you had a conversation with him?

12 A. Yes.

13 Q. And he told you that even before he got
14 there that day, he had received five complaints
15 about you; is that correct?

16 A. He should have come right to me, if he
17 had that. He told --

18 Q. Can you --

19 A. He told that lie, but it wasn't true.

20 Q. Okay.

21 A. You ain't got five different people on
22 that crew. How could it be five different
23 complaints?

24 Q. So, you don't agree that that happened.
25 But he did tell you that --

1 A. He did --

2 Q. -- happened?

3 A. -- tell me that. And while I was trying
4 to explain to him I got hit in the head, he was
5 ignoring my plea for help.

6 Q. Did you ask him to file a grievance?

7 A. Listen, he saw me wrapped in the truck.
8 Why should I have to ask him anything?

9 Q. Can you answer my question? Did you ask
10 him to --

11 A. I asked --

12 Q. -- file a --

13 A. -- him for --

14 Q. -- grievance?

15 A. -- help.

16 Q. What did you specifically ask him to do
17 for you?

18 A. I said, "Listen" -- and then Pat Meche
19 showed up right away.

20 I said, "Listen. One of three of these
21 guys hit me with that crane." And I thought --
22 at that time, I was thinking it was Pat Meche.

23 But if he couldn't see that was the
24 grievance -- that was the complaint right there.
25 And he saw it himself and didn't -- he chose to

1 do nothing about it. Ignored it.

2 I should have been brought to medical or
3 somewhere after I told him I had a head -- I --
4 I had been -- had a blow upside the head with
5 that crane.

6 Q. So, I will ask you again. You are --
7 and I want to be sure I understand.

8 You didn't ask him to file a grievance
9 for you?

10 MS. HUNT:

11 Objection. Asked and answered.

12 MS. RICHARD-SPENCER:

13 It was not answered. He has never
14 answered the question.

15 EXAMINATION BY MS. RICHARD-SPENCER:

16 Q. You did not ask him to file the
17 grievance?

18 A. In those exact words -- he saw me in
19 pain and agony. What more can I do?

20 Q. I need you to answer my question. Did
21 you --

22 A. I -- how can I -- what -- what -- I
23 need --

24 MS. RICHARD-SPENCER:

25 Can you ask him --

1 THE WITNESS:

2 -- to put it in writing?

3 MS. HUNT:

4 He said he asked for help.

5 MS. RICHARD-SPENCER:

6 That is --

7 THE WITNESS:

8 That is right.

9 MS. RICHARD-SPENCER:

10 -- not --

11 MS. HUNT:

12 He didn't use those words, but he --

13 MS. RICHARD-SPENCER:

14 It is not the same thing.

15 MS. HUNT:

16 -- asked for help.

17 MS. RICHARD-SPENCER:

18 And I'm -- and I need to clarify.

19 EXAMINATION BY MS. RICHARD-SPENCER:

20 Q. Did you ask him to file a grievance?

21 A. What -- I mean, what -- yeah, I -- he --
22 he knew I was in -- in destitute.

23 Q. You still haven't answered my question,
24 so we will try it a different way. What -- what
25 did you ask him to do for you?

1 A. I needed protection against the
2 harassment.

3 Q. I know that is what you needed. Did you
4 say to Mr. Poche, "I need protection against
5 harassment"?

6 A. Look, I'm just right out of a -- a -- in
7 and out of consciousness. What do you think --
8 I don't know what I asked him. I don't know
9 what I didn't ask him.

10 Q. I understand that.

11 A. He saw the distress and ignored it.

12 Q. Did Mr. Poche tell you that if
13 Management had come upon you in that truck, they
14 would have fired you because they would have
15 thought you were sleeping on the job?

16 A. That is speculation. They don't know.

17 Q. No. I am asking: Did he tell you --

18 A. With shaving --

19 Q. -- that?

20 A. -- cream all over there and all that?

21 They -- they -- they looked at -- they should
22 have looked at that as, "Hey, something silly is
23 going on here."

24 Q. I understand that is how you feel.

25 My question is: What did Mr. Poche say

1 to you? Did he say --

2 A. I don't remember exactly what he said.

3 It didn't matter at that time.

4 Q. Did you ask anyone to take you to
5 Medical?

6 A. At that time, Medical wasn't even open.

7 Q. Can you answer my question?

8 A. No.

9 Q. Did you ask --

10 A. No. I couldn't.

11 Q. Did you ask anyone to take you to the
12 hospital?

13 A. No, I did not.

14 Q. Did you ask anyone to take you to an
15 Urgent Care facility?

16 A. And that -- at that state, I didn't -- I
17 wasn't even thinking properly.

18 Q. All right. So, at some point in this
19 process -- and I am not sure when, and so I
20 would like you to help me figure that out -- you
21 went and talked to Armond Thomatis about what
22 was happening, about the fact that they were --
23 that they were playing pranks on you?

24 A. I did not go. I did not seek out Armond
25 Thomatis. He just happened to be there on a

1 four-hour callout one night as an electrician.

2 Q. Do you remember when that was in
3 relation to the things --

4 A. That was --

5 Q. -- that happened?

6 A. -- before all this stuff happened. They
7 had ample time to stop playing. He went to
8 every -- all five of them and told them, "This
9 man don't want to play. You all stop playing
10 with him."

11 Q. All right. So what --

12 A. It is over with: And he -- he
13 continued.

14 Q. So, let's back up. I want to talk about
15 your conversation with Mr. Thomatis.

16 You said he was on a four-hour callout,
17 and you just sort of happened to see him?

18 A. Exactly.

19 Q. And so did you and he have a
20 conversation?

21 A. Yes.

22 Q. Tell me, as best you can remember, what
23 you and he discussed.

24 A. The harassment. The -- the -- the
25 hazing. The -- the treatment. The

1 mistreatment.

2 Q. So --

3 A. And the games they were playing.

4 Q. So, you said it was before -- I just
5 want to be sure. You said it was before the
6 crane incident and the wrapping of the Saran
7 wrap?

8 A. That is right.

9 Q. And it was before Mr. Louque touched you
10 on the butt, is that correct, or put the antenna
11 in your butt area, is that correct?

12 A. It was --

13 Q. Was it before all of that happened, sir?

14 A. It was before every bit of it.

15 Q. Okay. So, do you need to take a break,
16 sir?

17 A. No.

18 Q. Okay. So, you had the conversation with
19 Mr. Thomatis and you described for him things
20 that were happening.

21 Are those the other things that you have
22 described, like your heel being missing off of
23 your boot, your --

24 A. It is a lot of things.

25 Q. -- goggles --

1 A. I can't --

2 Q. -- and --

3 A. -- even remember. It was so much. It
4 was piling up, and that should have put a stop
5 to it right then. And there was a Union
6 official that talked to all of those guys.

7 Q. So, let's back up.

8 So, you made the -- you made -- raised
9 the issue with Mr. Thomatis, and you asked him
10 to do something, to go and try to stop the
11 behavior?

12 A. That is right. He was aware --

13 Q. Okay.

14 A. -- of it. He was made aware of it.

15 Q. So, Mr. Thomatis, you said, went and
16 talked to the men?

17 A. That is right. He --

18 Q. How do you --

19 A. Each and every one.

20 Q. -- know that that happened? Did he tell
21 you he did it? Or --

22 A. He came back to me and reported to me
23 saying that "All is going to stop, man. It will
24 be better now. You -- you won't have that
25 problem anymore."

1 Q. All right.

2 A. And it got worse.

3 Q. So, he came back and told you, "I talked
4 to them"?

5 A. Right.

6 Q. Did he tell you who he talked to?

7 A. All five of them: George, David, Matt,
8 Pat Meche. All of them.

9 Q. All right. So, those are the ones you
10 can remember that he told you he specifically
11 talked to?

12 A. Right.

13 Q. And he told you that -- did he tell you
14 what he told them?

15 A. He told -- he say he told them, "The man
16 don't want to play. You all stop playing with
17 him." That is what he told me he -- he told
18 them. One of the things.

19 Q. Did you think that Mr. Thomatis was
20 sincere in trying to stop them from -- and to
21 use the word he used -- playing with you?

22 A. As best as possible. He happened to be
23 an African -- he happened to be an
24 African-American. They wasn't going to listen
25 to him.

1 Q. And so when Mr. Thomatis came back to
2 you and reported this, you were -- were you
3 hopeful that it would improve?

4 A. I kind of knew it wasn't, but it got
5 worse.

6 Q. All right. Did you ever reach out to
7 try to talk to Mr. Thomatis again?

8 A. No. There is no way. I am working 7:00
9 to 7:00 a.m. Them people don't go to work until
10 7:00 to 3:30. It is over -- you know, by the
11 time they get to work, I'm leaving. That -- all
12 of that, I couldn't -- and nothing could be
13 followed up on.

14 Q. Did you ever try to call Mr. Thomatis?

15 A. I don't have -- I didn't have their
16 numbers and stuff. And I didn't talk to him on
17 -- I never spoke to him over the phone, really.

18 Q. Did you ever go -- try to go to the --
19 did you know that the Union had a website?

20 A. No.

21 Q. And so you didn't ever attempt to go
22 there to try to communicate with Mr. Thomatis?

23 A. No. I don't -- and I never heard
24 anybody talk about speaking to the Union on a
25 website.

1 Q. Did you -- and you are saying you didn't
2 have Mr. Thomatis' phone number, so you couldn't
3 -- you didn't --

4 A. Absolutely --

5 Q. -- know how to reach him?

6 A. -- not.

7 Q. So, I want to understand. From that
8 conversation with Mr. Thomatis, are you saying
9 you don't ever remember talking to him again?

10 A. Never.

11 Q. So even when you were out of work, you
12 don't have any recollection of --

13 A. Never.

14 Q. -- speaking to him?

15 Now, I know that yesterday you were very
16 emphatic that you don't ever have any -- you
17 have no recollection of ever sleeping on the
18 job.

19 Do you ever recall Mr. Poche, before any
20 of this happened, coming to you and telling you
21 that your co-workers were complaining to him
22 that you were sleeping on the job?

23 A. No.

24 Q. Do you have any recollection of Mr.
25 Poche coming to you before any of this stuff

1 happened and telling you that your -- whether it
2 was true or not that, your co-employees were
3 saying that you would disappear?

4 A. No.

5 Q. So, you have no recollection of any of
6 those conversations if they occurred?

7 A. No.

8 Q. All right. Let's talk about the
9 communications or the times when you went in
10 with the Company.

11 Do you remember that there were -- that
12 there were multiple meetings that you attended
13 with Management in the mid part of November?

14 A. I don't remember that.

15 Q. All right. Well, let's try to go
16 through individually.

17 Do you remember that there was a meeting
18 that you had with Mr. Munce and Mr. Dufrene
19 where it was just you and the two of them, no
20 Union representative was present?

21 A. Never happened.

22 Q. You don't remember that meeting?

23 A. That never happened.

24 Q. All right. So, you don't have a
25 recollection of having that --

1 A. As far --

2 Q. -- meeting?

3 A. As far as I'm concerned, it never
4 happened.

5 Q. Okay. Do you recall if you had a
6 meeting with Management where they called you in
7 and Mr. Ledet was present with you and Mary
8 Snyder was present, the HR representative?

9 A. I don't recall.

10 Q. All right. Do you remember that there
11 was a meeting that you had with Management where
12 you were -- where you raised the things that
13 were happening, and you outlined what had
14 happened to you and what you had experienced?

15 A. About these things that happened in
16 November?

17 Q. Yes.

18 A. No, it never happened.

19 Q. Okay. So if Mr. Ledet has notes from
20 meetings that he attended with you where you
21 outlined the incident involving the crane box,
22 the incident involving the Saran wrap, the
23 incident involving Mr. Louque, you are -- you
24 don't recall that happening, that meeting?

25 A. No.

1 Q. Now, you have testified --

2 A. Do you -- do you know what date that
3 was?

4 Q. Yes. November the 14th. Does that
5 sound right to you, that you would have had a
6 meeting on November the 14th? You were not at
7 work. You came in to attend this meeting in HR.

8 A. I must have been heavily medicated if
9 that happened.

10 Q. And -- and you did tell us that that was
11 a particularly difficult time for you. And I
12 know that you have said already that your recall
13 is -- that is some difficulty for you, is
14 recall.

15 If Mr. Ledet has notes that reflect what
16 was said, do you have any reason to believe that
17 you wouldn't have attended that meeting?

18 MS. HUNT:

19 Objection. Asked and answered.
20 Calls for speculation and he --

21 MS. RICHARD-SPENCER:

22 I will try it a different way.

23 EXAMINATION BY MS. RICHARD-SPENCER:

24 Q. Do you remember if -- can you even
25 remember if you attended more than one meeting

1 in November?

2 A. More than one?

3 Q. With -- with Management.

4 A. It depends on who you considered
5 Management. I had a meeting with -- I know I
6 had a meeting with George Kestler and Perry
7 Munce.

8 Q. Okay. So, you had that --

9 A. And that wasn't a meeting.

10 Q. -- meeting?

11 A. That was a tongue-lashing.

12 Q. All right.

13 A. And I -- and I had a meeting with David
14 Naquin and Brandon Dufrene. And those are the
15 only two meetings I recall.

16 Q. Okay. And in those meetings was Mr.
17 Ledet present?

18 A. Neither one of them.

19 Q. To your recollection, in neither of
20 them?

21 A. I know he wasn't there.

22 Q. Okay. Now, do you remember having any
23 meetings after that where Human Resources was
24 present?

25 A. Not after that at all because I -- it

1 couldn't have been because I didn't even show
2 back up until February the 29th.

3 Q. Do you recall that on February the 29th
4 when you returned to work, you were told by the
5 Union represent -- you were met by the Union
6 representative when you were brought to the
7 front office?

8 A. Exactly. I remember that.

9 Q. And he met you outside, Mr. Ledet?

10 A. Right.

11 Q. And did he tell you that he anticipated
12 that the Company was going to discipline you?

13 A. He didn't say anything about discipline
14 and all of that about anything. He said -- he
15 stressed one time -- one thing and one thing
16 only, "Now is not the time to -- to fight.
17 Don't say nothing."

18 Q. Did he say to you, "We are not going to
19 say anything in this meeting at all. We are
20 just going to listen"?

21 A. He told me, "Don't say nothing."

22 Q. Now, you --

23 A. "Now, is not the time to fight." And
24 that is all that little 30-second meeting, you
25 are calling a meeting, was about.

1 Q. So, you did speak in that meeting
2 despite what he told you?

3 A. I spoke about attendance. What they
4 brought up, I tried to answer their questions as
5 best as possible.

6 Q. You also told them in that meeting,
7 didn't you -- do you remember that you had these
8 concerns, some of the same ones you have
9 expressed yesterday, that you were afraid to go
10 back to work, that you thought somebody might
11 try to hurt you? You said that during that
12 meeting, do you remember that?

13 A. Oh, I said that. I remember saying
14 that.

15 Q. And you told them that you had concerns
16 about the fact that your co-worker -- no one in
17 the shop had talked to you that day.

18 A. Exactly.

19 Q. So you spoke during that meeting about a
20 number of issues.

21 A. And -- yes, but never nothing -- and the
22 -- and the meeting began where we are not going
23 to discuss anything about those events that
24 happened in November.

25 Q. Isn't one of the first things they said

1 to you in that meeting, "We investigated the
2 complaints that you have made and we have taken
3 action against parties"?

4 A. I don't remember saying that.

5 Q. All right. Do you remember at the end
6 of that meeting you were not disciplined; is
7 that correct?

8 A. No.

9 Q. So, you were never disciplined related
10 to any of these events; is that correct?

11 A. They -- they -- they spoke -- they --
12 the investigation talked about being
13 disciplined, but it never -- I never received
14 it.

15 Q. That is exactly what I was trying to ask
16 you.

17 I know you have seen the investigation
18 report. And it says that you got a written
19 reminder, but you never actually got that?

20 A. No.

21 Q. Okay.

22 A. When I was taken to the front office by
23 Brandon Dufrene, I was -- I was under the
24 impression that I was -- because my doctor had
25 asked that I be transferred out of that hostile

1 work environment.

2 And I was under the impression that they
3 were going to give me a transfer in that
4 meeting. But, instead, I got a tongue-lashing.

5 And you put me back in the same
6 environment, just a different supervisor, Ivory
7 Brown, and -- and showing the racist epithet and
8 -- and the discrimination and the -- and that
9 was going to make it better.

10 Q. And that --

11 A. But I was expecting a -- a transfer out
12 of that shop completely.

13 Q. In that meeting, did you ask them for --

14 A. That is what I expected --

15 Q. -- a transfer?

16 A. -- when I was going there. That -- that
17 -- I -- listen, I didn't say anything because
18 they --

19 Q. Okay.

20 A. They had all the cards. I was told,
21 "Don't say nothing." I didn't have a voice in
22 the matter, as far I am concerned.

23 Q. Who -- do you remember who spoke for the
24 Company in that meeting, in that February
25 meeting?

1 A. I don't -- I don't remember. It might
2 have been Cavalier or Steve France, one of them
3 two. I don't remember. It was a male figure.
4 Mary Snyder didn't say very much of anything.

5 Q. Okay. So, one of the men from Human
6 Resources spoke?

7 A. Right.

8 Q. Okay. Did you know that the Company had
9 a hotline where you could complain to someone at
10 Corporate office and go over the heads of
11 everyone in Norco?

12 A. At the time, I'm getting busted upside
13 the head. You think I'm thinking about a
14 hotline?

15 Q. That -- I -- I understand.

16 A. I know at no -- at no time did that even
17 cross my mind. I -- I remembered that from
18 orientation, but it never crossed my mind or
19 came up ever again.

20 Q. So, let me make sure I understand. You
21 knew about it at some point, but --

22 A. At some point --

23 Q. -- you didn't think about it at --

24 A. -- but in the --

25 Q. -- the time?

1 A. -- in the heat of the moment, I would --
2 I didn't even think about it.

3 Q. Okay.

4 A. Even the site supervisor, I didn't think
5 about them.

6 Q. Now, at some point in time, you received
7 the notice from the Company that you were being
8 separated from the Company because you were
9 physically unable to return to work?

10 A. Yes, at some point in time.

11 Q. When that occurred, did you contact
12 anyone from the Union about that separation?

13 A. No. I didn't have -- at that time, I
14 had disconnected all the phone numbers, changed
15 phones. I didn't have no contact there.

16 Q. So, you didn't -- you didn't speak to
17 Mr. Poche about the fact that you had been
18 separated?

19 A. No.

20 Q. Or Mr. Thomatis?

21 A. No.

22 Q. Or Mr. Ledet?

23 A. No, I did not.

24 Q. Okay. Now, you have also sued the
25 International Union, as part of this case. And

1 so I have a few questions for you about whether
2 you made any efforts to reach out to those
3 folks.

4 Did you ever attempt to contact the
5 International Union in Pittsburgh?

6 A. I have no idea how that -- that -- that
7 -- that Union operated in that place like an
8 entity owned by Shell.

9 Q. So the answer is that, no, that you
10 didn't --

11 A. And don't even --

12 Q. -- contact --

13 A. -- know how or where or what about no
14 International -- no -- no location anywhere.

15 Q. Do you know -- did you ever file a
16 grievance?

17 A. No.

18 Q. Okay. Did you ever know anyone or have
19 a friend who filed a grievance?

20 A. No.

21 Q. So, you didn't understand exactly how
22 that process worked when a grievance was filed?

23 A. No.

24 Q. Do you know or have any evidence that
25 the International plays any role in grievance

1 filing?

2 A. I don't know nothing about the
3 International.

4 Q. All right. And there is nobody that you
5 spoke to at the International who said that they
6 would do something for you and didn't?

7 A. I never -- no. I don't even know
8 anything about the International.

9 Q. And do you have any information that the
10 International even knew about what was happening
11 to you in your workplace?

12 A. No.

13 MS. HUNT:

14 Objection. Calls for speculation.

15 EXAMINATION BY MS. RICHARD-SPENCER:

16 Q. Do you know if the International
17 encouraged any of the activity that happened to
18 you?

19 A. They are doing a lot of encouragement if
20 they going to get you to represent them and
21 defend the Company and all the other defendants.

22 Q. I don't represent the Company in this
23 case, sir.

24 A. Yeah. Oh, yeah, you did in that first
25 answer you put --

1 Q. Absolutely not.

2 A. -- in.

3 Q. I do not and have never represented
4 corporations.

5 A. Yes, you did.

6 Q. Okay. Fine.

7 A. You answered for all of them.

8 Q. Have you ever spoken to anyone from the
9 United Steel Workers International Union
10 regarding any of the allegations in this case?

11 A. I don't know --

12 MS. HUNT:

13 Objection. Asked and --

14 THE WITNESS:

15 -- anything.

16 MS. HUNT:

17 -- answered.

18 MS. RICHARD-SPENCER:

19 Okay. All right.

20 EXAMINATION BY MS. RICHARD-SPENCER:

21 Q. Yesterday you described a conversation
22 that Mr. Mendel had in the shop before these
23 incidents happened that had something to do with
24 the sign that was in his neighborhood?

25 MS. HUNT:

1 Objection. Counsel, can you be
2 clear about which incidence?

3 This was a hostile work environment
4 that spread over a long period of time.

5 MS. RICHARD-SPENCER:

6 The --

7 MR. MCGOEY:

8 It was --

9 MS. RICHARD-SPENCER:

10 Okay. I will be clear.

11 EXAMINATION BY MS. RICHARD-SPENCER:

12 Q. Yesterday I think you testified that
13 there was a conversation that occurred in the
14 shop area that David Mendel participated in and
15 that that had happened before the incident with
16 the crane and all -- the three -- the three
17 incidents that followed: the crane, the Louque
18 incident and the Saran wrap incident.

19 And I'm just trying to get some
20 clarification about what you remember about that
21 conversation with Mr. Mendel.

22 And I may have misunderstood you, but I
23 thought you said he said something about there
24 being an offensive sign in his neighborhood or
25 in his city.

1 Do you remember that from yesterday? Am
2 I miss -- am I misremembering what you said?

3 A. You remember exactly what I said.

4 Q. Can --

5 A. His exact words was the sign read,
6 "N-word, don't let the sun catch your black ass
7 still in town."

8 Q. And he -- and he said that he saw that
9 in his neighborhood?

10 A. It -- the -- he said it was just a few
11 days or a few years ago they have taken that
12 down, wherever community he live in. But the --
13 but in that case, the N-word happened to be
14 Newton. And I was on the nightshift job that he
15 didn't want me on.

16 Q. Now, he didn't say that to you?

17 A. But that is paraphrasing --

18 Q. Okay.

19 A. -- what was being said.

20 Q. That is how you interpreted what he did
21 to you?

22 A. Well, he didn't do it. It was all of
23 them standing there. They made it clear.

24 Q. Okay. Tell me what the nature of the
25 conversation was. What were they saying that

1 caused this to come up?

2 A. I don't remember the details. I -- I
3 picked up that little moment there that -- that
4 I -- I was chastised for being on that
5 nightshift turnaround that was desirable by all
6 their friends.

7 Q. And did he -- did he tell you -- do you
8 know what town it was that he was describing?

9 A. Wherever he lived or grew up at or
10 whatever. He said that just a few years they
11 took that big old -- it was a big old billboard
12 sign.

13 It wasn't a sign just in a neighborhood.
14 It was some kind of big sign that everybody --
15 you had to leave before dark if you happened to
16 be a black man. And that is the message he was
17 sending to me about that nightshift schedule
18 change.

19 Q. Okay.

20 A. And that is when it first started, too.

21 Q. Okay. So, that is when you understood
22 -- that is the message you got from him -- from
23 him saying that was -- that you weren't welcome
24 during that nightshift?

25 A. Exactly.

1 Q. Okay. Now, you mentioned that you had
2 some ability to continue treatment because
3 doctor -- for some of your health conditions
4 because your doctors were able to give you
5 samples of prescriptions. Is that -- is that a
6 pretty accurate recollection from what you said
7 yesterday?

8 A. That is what I -- I survived off when
9 the Company -- when they dropped all the
10 insurance, medical coverage and everything --

11 Q. Okay. And so --

12 A. -- paid medical. You know, I couldn't
13 even pay for the prescriptions.

14 Q. Okay. So when that happened, did your
15 doctors also give you medication to treat your
16 diabetic condition, sir?

17 A. Yes.

18 Q. So, you had -- so, the doctors were just
19 giving you that in order to make sure you
20 survived --

21 A. Exactly.

22 Q. -- you had --

23 A. That is when it turned into my mind
24 attempted murder when they -- they knew I was
25 sick and then cut everything off.

1 Q. And so during that time, your doctors
2 gave you your medication for like your heart
3 condition, hypertension, diabetes, those types
4 of medicines?

5 A. All of them.

6 Q. Were you able to continue taking the
7 medication for your -- for your diagnosis of
8 anxiety and --

9 A. They didn't --

10 Q. -- major depression?

11 A. They -- I got -- I happened to get
12 samples for that, too.

13 Q. So --

14 A. But it wasn't the same medicine, and it
15 affected me. It was different than what -- you
16 -- you know, what I was able to buy with the
17 insurance.

18 Q. In your mind, it wasn't as -- it didn't
19 give you as good a result?

20 A. It -- it -- it affected -- it was a
21 setback.

22 Q. Okay. When did you -- when were you
23 able to resume your regular medication? Was
24 that when you got on Obamacare?

25 A. Yes.

1 Q. Okay.

2 A. It was sporadic, though. Sometimes they
3 pay and sometimes they wouldn't. I couldn't
4 pinpoint my income. My income was zero. And
5 they wanted income verification. I couldn't
6 even verify the zero.

7 You are making something. You got money
8 from somewhere. Where -- you know, but I was
9 living off the proceeds from -- not the
10 proceeds, but the withdrawal from the 401(k).

11 Q. And then in 2015, I know that you
12 settled your workers' compensation case?

13 A. Right.

14 Q. So, did you live off of that money, as
15 well --

16 A. Yes.

17 Q. -- sir?

18 A. I got relief then.

19 Q. And then in 2016, you received some
20 backpay from Social Security?

21 A. Yes.

22 Q. So, you were able -- then things were a
23 little easier; is that correct?

24 A. It was a little easier, but it still
25 wouldn't pay for everything because I needed --

1 they gave me Part A and B. You need C and D to
2 get the medicine.

3 Q. Okay.

4 A. Drug and -- and co-pay and all that
5 stuff. So, I needed a supplement. And that is
6 500 and something dollars a month.

7 Q. So, you were buying that yourself --

8 A. Right.

9 Q. -- then? Okay.

10 And then now you are receiving Social
11 Security Disability?

12 A. Yes.

13 Q. Okay. All right. You had mentioned --
14 or I am sorry. Your attorney has provided us
15 with a list of doctors who you -- who have
16 treated you. Some of which you have already
17 talked about, and I'm not going to ask you.

18 You may not recall what these doctors
19 treated you for, but I would like to go through
20 the list. And if you know or remember the
21 doctor, I would like you to tell me what they
22 treated you for.

23 Lance Bullock. Do you know a Lance
24 Bullock?

25 A. Yeah, he -- that is Behavior -- St.

1 James Behavior Health. I was in an outpatient
2 care facility there for about three months.

3 Q. So, he was the doctor that treated you
4 when you were in that program?

5 A. Outpatient, yes.

6 Q. All right. What about Francis Adeboye?

7 A. I don't know. Where are they located?

8 Q. I -- maybe at Optimal Health Clinic.

9 A. I don't remember them.

10 Q. That is fair.

11 Richard Fredrick. He was mentioned
12 yesterday. Do you remember seeing a Dr.
13 Fredrick?

14 A. I saw Social Security's doctors. A lot
15 of different people's doctors. They were only
16 one-time visits.

17 Q. So, it is possible that that was one of
18 the doctors who evaluated you in either the comp
19 case or the Social Security case?

20 A. Right. And Shell sent me to a doctor,
21 too -- to some doctors, too.

22 Q. What about a man named Dr. Marc
23 Zimmermann?

24 A. That was a psychiatrist that did some
25 testing in Baton Rouge. I -- I remember him.

1 Q. Was he a doctor you consulted or was he
2 part of some of the other litigation?

3 A. It was some of the other litigation
4 pertaining to workmen's comp.

5 Q. Linda LeBourgeois?

6 A. She is a neurosurgeon in Baton Rouge
7 when I was suffering with bad headaches.

8 Q. Dr. Nowakowski?

9 A. That is the sleep apnea doctor.

10 Q. Okay. Dr. Rogers. John Rogers?

11 A. I don't know him.

12 Q. Okay. And Larry Warner?

13 A. I don't know.

14 Q. Okay. All right. Thank you.

15 All right. Yesterday when the Company
16 asked you about your responses to discovery that
17 you provided in this case, you indicated that
18 your recollection of how you did that was that
19 you gave verbal responses to your Counsel, and
20 then you never reviewed the written document
21 after you gave those verbal responses.

22 Is that a good description of what you
23 did, sir?

24 A. As far as I remember, yes.

25 Q. Is the same thing true with the document

1 -- the discovery that was sent to you from the
2 Union? Did you follow that same process? Did
3 you give verbal answers to your lawyer, and then
4 not review the final documents?

5 A. I didn't even know that there was two
6 separate ones.

7 Q. Okay. Do ever remember reviewing any
8 responses to interrogatories on paper?

9 A. Uh-uh. That -- that word is not even
10 clear in my mind --

11 Q. All right.

12 A. -- the meaning of it.

13 Q. And I will show you that document
14 because I'm not -- I don't want you to have to
15 guess. Let me find it.

16 MS. RICHARD-SPENCER:

17 What number are we on?

18 MR. McGOEY:

19 13 is next.

20 MS. RICHARD-SPENCER:

21 So I'm going to show you what I will
22 mark as number -- or Kay, can you mark it for me
23 as 13 and hand it to him?

24 THE WITNESS:

25 (Reviewing document.)

1 EXAMINATION BY MS. RICHARD-SPENCER:

2 Q. Sir, my question is -- take your time
3 and review it. And my question is: Have you
4 ever seen this document before today?

5 A. (Reviewing document.) If I took my time
6 and -- and reviewed this. And to -- with
7 understanding with a purpose of being clear
8 about it, I would have to have it for a week.
9 It is too much legal -- legal language in here
10 that ain't -- there is no way I could
11 understand.

12 Q. So, let me ask: Do you remember seeing
13 this before? Are you -- and an answer is "I am
14 not sure." So if you are not sure, that is a
15 fair answer.

16 A. Fair answer.

17 MS. RICHARD-SPENCER:

18 Hello? Okay. Sorry I just wanted
19 to make sure no one from my office was wandering
20 in.

21 MR. PRICE:

22 Pardon me for being late, ladies and
23 gentlemen.

24 MS. RICHARD-SPENCER:

25 That is okay.

1 EXAMINATION BY MS. RICHARD-SPENCER:

2 Q. Are you unsure if you have seen this
3 before?

4 A. I am unsure.

5 Q. That is a fair answer. Thank you, sir.

6 When is the first time that you saw the
7 Company's investigation report related to all of
8 the incidents that you have raised in this case?

9 A. It was a -- a short while after and
10 before I filed this federal lawsuit.

11 Q. Okay.

12 A. Short while before. Probably --
13 probably a month before I filed this -- I filed
14 it.

15 MS. RICHARD-SPENCER:

16 Give me a moment. I'm just going
17 through my notes. I may be close to being
18 finished.

19 (Reviewing notes.)

20 I think I'm done. If I could have a
21 minute. Can we take a quick break and let me
22 make sure? Is that acceptable?

23 THE VIDEOGRAPHER:

24 This is the end of Tape 1.

25 We are now off the Record at 9:57.

1 (Off the Record.)

2 THE VIDEOGRAPHER:

3 This is beginning of Tape 2.

4 We are now back on the Record. The
5 time is 10:14.

6 MS. RICHARD-SPENCER:

7 I don't have any further questions.

8 MR. McGOEY:

9 Can I go ahead and go now?

10 MS. HUNT:

11 Uh-huh.

12 EXAMINATION BY MR. McGOEY:

13 Q. Mr. McNealy, I have just a few more.

14 So you mentioned this morning something
15 about Bill LeBoeuf and the Saran wrap incident.
16 And you said something about Bill LeBoeuf and
17 3:30 a.m.?

18 A. Exactly.

19 Q. Do you recall that --

20 A. Yeah.

21 Q. -- testimony?

22 A. Yes.

23 Q. Where -- where did you get information
24 about that?

25 A. On that investigative report.

1 Q. Okay. Which investigative --

2 A. Motiva's, Shell's internal investigation
3 report.

4 Q. Okay. I am going to show you the
5 investigation report. No, you know what? I am
6 changing my mind. We don't need to do that.

7 That is where you -- that is where you
8 think you saw that information?

9 A. Yes.

10 Q. Okay. At the end of the shift when the
11 Saran wrap incident happened, did you drive
12 yourself home that day?

13 A. Yes, I did.

14 Q. I am going to show you a document which
15 I'm marking as Exhibit 14. It is an April 12th,
16 2011 discipline notice regarding you being AWOL.

17 Take a look at it for a minute and then
18 we can talk about it. You let me know when you
19 are ready.

20 A. (Reviewing document.) Okay.

21 Q. So, it is my understanding that you
22 received this letter after you missed days of
23 work because of being arrested over the cattle
24 theft allegation; is that accurate?

25 A. That -- that appears to be accurate to

1 me.

2 Q. Okay.

3 A. April the 12th.

4 Q. So, we were talking yesterday about the
5 -- about the year when the cattle theft arrest
6 happened. And I think you testified that you
7 thought it might have been 2010.

8 And I asked you if it really hadn't been
9 2011. And you may not have been sure, but now
10 that you see this document, does that refresh
11 your recollection on when the cattle theft
12 arrest occurred?

13 A. If -- if the date is accurate on there.

14 Q. Well, let me -- let me try to help. Let
15 me show you a document I'm going to mark as
16 Exhibit 15. It is a printout of a very brief
17 news article.

18 It is titled Louisiana Man Arrested For
19 Stealing Cattle. Take a look at that, if you
20 would, and please let me know when you finish
21 reading it.

22 A. (Reviewing document.) Yes. That has
23 the -- those dates coincide.

24 Q. Okay.

25 A. '11.

1 Q. So, are you comfortable now that the
2 cattle theft arrest was in 2011?

3 A. I am pretty -- pretty comfortable with
4 that.

5 MS. HUNT:

6 And objection. It calls for
7 speculation. This could have been written after
8 -- long after. The articles are not always
9 written right away.

10 MR. McGOEY:

11 Counsel, you -- that is an argument.

12 MS. HUNT:

13 Okay.

14 MR. McGOEY:

15 I mean, the witness has to do the
16 testifying.

17 EXAMINATION BY MR. McGOEY:

18 Q. So, let me ask you again, Mr. McNealy.

19 I mean, now that you have seen the AWOL
20 letter, which is Exhibit 14, and you have seen
21 this article, which is Exhibit 15, do you
22 believe that you were arrested for cattle theft
23 in 2011?

24 A. You know, I -- in 2011 was when the blow
25 on the head and my perception of time has been

1 distorted since then. This is so vague to me.

2 A date could have been switched or dates could
3 have been switched. I wouldn't swear to it, but
4 it appears to be --

5 Q. Okay.

6 A. -- accurate.

7 Q. All right.

8 A. But it could not be because I -- I
9 almost know it was in 2010.

10 Q. Okay. Let me --

11 A. And it was two years, 24-months in the
12 file for that -- in that program. I remember
13 that.

14 Q. What program?

15 A. This absent with leave -- without leave.
16 The AW -- you know, this is --

17 Q. Okay. All right. You are talking about
18 a discipline program related to being AWOL?

19 A. This is a -- this is the official notice
20 for the discipline program.

21 Q. And when you say "this," you are
22 referring to Exhibit 14?

23 A. Right.

24 Q. Okay. I am going to show you one more
25 document, Exhibit 16. It is headed Crime

1 Reports: May 23rd, 2011. It is from the
2 Natchez Democrat (dot) com website.

3 I'm going to direct your attention to
4 the third page down at the bottom. You will see
5 a heading Adams County Justice Court Cases, Week
6 of May 13, dash, 19. Do you see that?

7 A. The second page. No, it is the third.

8 Q. Do you see that heading?

9 A. Yes.

10 Q. Do you see where it says Newton T.
11 McNealy charged with cattle theft, period, case
12 bound over to a grand jury, period?

13 A. Yes.

14 Q. Okay. So, was your cattle theft case
15 bound over to a grand jury?

16 A. As far as I know, I just walked in there
17 and it -- it will -- it wasn't no case. And,
18 listen, the arrest and the cattle theft, I had
19 sold those cows in 2010.

20 How could I steal cows and it would be
21 10 months before somebody realize it after they
22 are missing and then charge -- with an arrest
23 charge? That -- that ain't no cattle arrest.

24 And cattle arrest ain't got a -- a damn
25 thing to do with them sticking something up my

1 butt trying to take my manhood. This ain't got
2 nothing to do with it. Way prior to that.

3 It is about like that frivolous stuff
4 she talked about with Emerson yesterday that has
5 got me all upset. That ain't got nothing to do
6 with being molested at work. Those were my own
7 cows I sold.

8 Q. All I wanted to do --

9 A. Why are you bringing that up in this
10 meeting?

11 Q. Because I am trying to clarify the
12 timeline, Mr. McNealy.

13 A. You got a -- you -- the timeline is
14 already there in November of 2011. This -- this
15 is May. You going way back reaching for straw.
16 You all are so guilty, it is a damn shame.

17 You can't change the fact. They stuck
18 me in the ass and tried to take my manhood with
19 all witnesses right there. And I am -- I'm
20 about sick of it. This a reoccurring nightmare,
21 and it is coming back daily because of this --
22 you all trying to defend some guilty people.
23 Please, man. Go on and get it over with.

24 Q. One last question. I am going to show
25 you what I'm marking as Exhibit 17.

1 A. It better be pertaining to what we
2 talking about here today.

3 MS. HUNT:

4 McNealy, you need --

5 EXAMINATION BY MR. McGOEY:

6 Q. It -- it is your fourth amended
7 complaint in this lawsuit, Mr. McNealy. And my
8 only --

9 A. Good thing it is up to the -- up to the
10 date.

11 Q. My only question is -- this was filed
12 11-10-2016. This was filed last week. My only
13 question is: Did you read it before it was
14 filed?

15 A. Listen, just like I'm refusing -- I
16 can't deal with this from yesterday to today. I
17 don't read that paperwork. I give that
18 responsibility to that attorney.

19 Something that I didn't have throughout
20 my whole life, somebody to defend me. I thank
21 God for her because he sent her to try to
22 protect me from this stuff.

23 This stuff will upset me for weeks on
24 end if I read everything that is -- that is
25 Emailed to me.

1 Q. All right. So, is it fair to say
2 that --

3 A. You -- it is fair to say whatever you
4 want to say because that is what you all are
5 doing. It is fair -- it is fair to say that I
6 was molested at work, too.

7 Q. And you are -- when you say that, you
8 are referring to the incident with Matt Louque
9 and the radio antenna?

10 A. I was raped at work.

11 Q. Is -- is that the Matt Louque incident
12 that you are talking about?

13 A. Exactly. And you want to talk about did
14 it tear your underwear and all that kind of
15 stuff. He could have had on rubber gloves or
16 anything.

17 It was a plastic feeling object. It
18 felt like his finger. And I am no punk. I
19 ain't no gay person. I ain't no sissy. And you
20 ain't going to convert me and -- and recruit me
21 to be that.

22 MR. McGOEY:

23 I don't have any further questions,
24 Mr. McNealy.

25 THE WITNESS:

1 I'm sick of this. Boy, I --

2 MS. HUNT:

3 McNealy, please.

4 THE WITNESS:

5 Oh, Lord.

6 MS. HUNT:

7 May I, Counsel?

8 MR. McGOEY:

9 Sure.

10 MS. RICHARD-SPENCER:

11 Do you need a break before you
12 begin?

13 MS. HUNT:

14 I just need to get it over with.

15 EXAMINATION BY MS. HUNT:

16 Q. Mr. McNealy, prior to the incidents that
17 happened in November, were you experiencing a
18 hostile work environment and other
19 discrimination?

20 MR. McGOEY:

21 Object to the form of the question.

22 MS. RICHARD-SPENCER:

23 Same objection.

24 THE WITNESS:

25 It -- it was always continuous.

1 That is why they knew they could get away with
2 this.

3 EXAMINATION BY MS. HUNT:

4 Q. And you said it mainly -- yesterday you
5 testified that mainly it started after the
6 cattle incident?

7 A. That is when it got real aggressive.
8 Because they knew I was behind the eight-ball by
9 being in that absentee program. They knew I
10 couldn't miss any more work.

11 Q. When you returned to work after, and
12 tried to return to work I think it was in 2012
13 in February and you were summoned to the
14 meeting, what did you think you were going to
15 the meeting to discuss?

16 A. I said that today. I was -- I thought I
17 was going there because the doctor -- my doctor
18 requested a transfer out of the hostile work
19 environment.

20 Dr. Ravengi Reddy trans -- asked for
21 that transfer in a medical cert form because he
22 knew what happened to me. And I was -- thought
23 I was going there to receive a transfer to a
24 different site, shop location, anywhere but
25 right there to face the guys that did that.

1 Q. Okay. Did any Union member see you in
2 the truck?

3 A. Like I stated before, Marty Poche and
4 Steve Hernandez walked up on the truck and
5 ignored it, went the other way and made a phone
6 call to try to alert me.

7 Q. After you told Mr. Thomatis about the
8 things that were going on on the job and he
9 confronted the perpetrators, you testified that
10 things got worse.

11 How did that make you feel about talking
12 to the Union representatives?

13 A. That was -- that was a -- that was an
14 object lesson that I learned from trying to get
15 help with any issues there through the Union.

16 It got worse. That is -- those three
17 major incidents happened after I spoke to Armond
18 Thomatis. They escalated it.

19 Q. So, it is safe to say you were afraid?

20 A. Absolutely. Because there is many ways
21 to die on that refinery. It is not an ice cream
22 factory.

23 Q. Okay. I want to bring your attention to
24 Exhibit 2 that we -- you looked at yesterday.
25 You can have a minute to review it.

1 A. (Reviewing document.)

2 Q. And I'm going to bring your attention to
3 this line here (indicating).

4 What is important about this line? What
5 stands out to you about this line (indicating)?

6 MR. McGOEY:

7 Counsel, can you identify for the
8 Record what line you are talking about?

9 MS. HUNT:

10 Under "explain the reason for the
11 separation."

12 MS. RICHARD-SPENCER:

13 Okay.

14 MR. McGOEY:

15 Okay.

16 THE WITNESS:

17 That -- that line states that I was
18 on nonoccupational disability.

19 MS. HUNT:

20 Okay.

21 EXAMINATION BY MS. HUNT:

22 Q. And you testified yesterday that you --
23 according to the letter that they showed you in
24 Exhibit 1, that there was a two-year period if
25 you were absent from work, and according to the

1 letter, that the policy would be that you would
2 be terminated.

3 Would that still be the same policy if
4 you were placed on an occupational disability
5 being injured on the job? Would you still be
6 able to be fired within two years?

7 MR. McGOEY:

8 Object to the form of the question.

9 MS. RICHARD-SPENCER:

10 Same objection.

11 THE WITNESS:

12 They had to classify everything as
13 nonoccupational because one day on an
14 occupational absence, they took -- they
15 explained it to me.

16 And they explained it to me in a way
17 -- and these were just people on the floor. If
18 a guy had a broke arm and he -- and he broke it
19 at work, he could not miss that next day work.
20 Get the arm set, come in with the cast on, clock
21 in and maybe clock back out. No lost time
22 accident.

23 But there is no way he could work
24 with his arm broke. And that is why they made
25 sure there was no lost time occupational

1 absences. It looks good for the contract with
2 the government and all of -- they -- that is how
3 it was explained to me by somebody down -- up
4 and down the line before all this stuff even
5 happened.

6 If something happen to you out here
7 and you get hurt at this job, we can't -- we
8 can't declare that an occupational absence. It
9 needs to be nonoccupational.

10 And we will do anything -- if we got
11 to bring you in here on a stretcher after you
12 done have a stroke out here the next day just to
13 clock in and clock back out. You didn't miss no
14 work.

15 And that is what they -- that is
16 what this whole thing is about. It -- they
17 never -- and the disability that I got from
18 MetLife stated that our -- our -- it was granted
19 to me on worsening sleep apnea. And none of the
20 facts of this case were mentioned. Worsening
21 sleep apnea is the reason why they paid me.

22 And the Union let all of that slide.
23 It never brought up -- it never -- that is the
24 reason for the absence for the -- for the
25 disability.

1 MS. HUNT:

2 Okay.

3 EXAMINATION BY MS. HUNT:

4 Q. And were your benefits the same whether
5 you were placed on nonoccupational or
6 occupational, to the best of your knowledge?

7 A. Yes. They should -- as far as I know
8 and trying to understand your question, I think
9 so. But even at -- with a -- with a
10 nonoccupational, it -- they shouldn't have been
11 able to drop the ball the way they did.

12 Q. Okay.

13 A. But all of this was -- all of this stuff
14 happened because of the events that happened in
15 November and nothing else. But --

16 Q. Okay. All right. Yesterday you
17 testified that the other workers would play
18 around with each other, too.

19 Were the type of -- was the type of play
20 that they played with each other the same type
21 of play that they played with you?

22 A. It wasn't the same. It is -- it is --
23 this play that happened in November to me was
24 life-threatening. I could have -- I could have
25 suffocated in that truck or anything.

1 Q. Did they treat each other how they
2 treated you?

3 A. No.

4 Q. Okay. And it was your testimony that
5 they singled you out because -- and played with
6 you in that way as they classified as playing
7 because you were black?

8 MS. RICHARD-SPENCER:

9 Objection. Form.

10 MR. McGOEY:

11 Same objection.

12 THE WITNESS:

13 I was a black man in the wrong
14 place.

15 EXAMINATION BY MS. HUNT:

16 Q. Okay.

17 A. I should have been -- I shouldn't have
18 been on that nightshift schedule change.

19 Q. All right.

20 A. That is their cookie. That is their
21 play toy. You are not welcome.

22 Q. Okay. And yesterday you talked about
23 the recording with the EEOC. Did you start that
24 recording prior to her entering the room?

25 A. No.

1 Q. When did you start recording?

2 A. I -- I went there -- I didn't go there
3 to record her. I went there to get the
4 documents, proof that I went to EEOC on several
5 occasions.

6 And she came out of the back with those
7 documents -- documents in her hand. And she --
8 it is like taunting me. Just, she have to do
9 it.

10 Yeah, you came here. Yeah. But the
11 statutes -- you know, you got 300 days. We
12 destroy all the records. And she was showing me
13 the records right in front of her in her hand.

14 And when I saw that I -- I pushed -- I
15 -- I pushed the record button on my phone right
16 in front of her.

17 Q. So, you said that you didn't tell her
18 yesterday that you were recording, but did she
19 know you were recording?

20 A. If she --

21 MR. McGOEY:

22 Objection. Calls for speculation.

23 MS. RICHARD-SPENCER:

24 Same objection.

25 THE WITNESS:

1 She could have known because I
2 didn't try to hide any of my movements.

3 EXAMINATION BY MS. HUNT:

4 Q. Okay.

5 A. And when -- because like she didn't try
6 to hide any of hers or the paperwork that I went
7 there to try to get.

8 Q. And -- and did you see any signs up that
9 said that you could not record?

10 A. No.

11 Q. All right. Let's -- let's go back to
12 the question about: Did you ask the Union for
13 help?

14 A. Yes. I asked them for help with Armond
15 Thomatis. That was a continuous event where I
16 -- I begged for help with Armond Thomatis and
17 saw what happened.

18 It made me wonder how much -- how much
19 would that -- help would they give me. It was
20 going to only get worse. Could only get worse.

21 Q. Okay. And yesterday you were hesitant
22 to name some of the people that you talked to
23 about your case. Why is that?

24 A. I fear for them. I fear for -- of them
25 being involved in this.

1 Q. Why?

2 A. Because it is a hateful situation. And
3 just like they hate me or -- they will hate
4 anybody that is associated with me. Family
5 members, friends or whoever.

6 Q. Yesterday you saw a document requesting
7 an appeal with the name Ann E. Dow on the top of
8 the document?

9 A. Yes. Ann -- Anna Dow.

10 Q. Did you consult with her about this
11 case?

12 A. Yes, I did.

13 Q. And did she take your case?

14 A. No.

15 Q. Yesterday you said that there was no
16 penetration. Can you explain to me exactly how
17 it felt when -- exactly what happened while you
18 were bent over in regards to when you felt the
19 antenna or finger and when you jumped up and
20 told them to stop playing? Did you feel the
21 antenna on your anus?

22 MS. RICHARD-SPENCER:

23 Objection. Form.

24 MR. McGOEY:

25 Same objection.

1 THE WITNESS:

2 They were trying to recruit me.

3 Make a punk out of me.

4 EXAMINATION BY MS. HUNT:

5 Q. Did you feel --

6 A. With witnesses. Yes, it pushed forward
7 on my rectum.

8 Q. Okay.

9 A. And it hit my balls before it got there.

10 Q. All right. Okay. How did you find out
11 about the --

12 A. It -- go ahead.

13 Q. How did you find out about the
14 turnaround?

15 A. They posted it.

16 Q. On what?

17 A. On the bulletin board.

18 Q. In where?

19 A. In the central shop.

20 Q. The central stop of what? Or, what
21 employer?

22 A. Of what? Of -- of Shell's.

23 Q. Okay. Mr. McNealy, do I Email you
24 documents?

25 A. Yes.

1 Q. How often do you check your Email?

2 A. Not as often as I should.

3 Q. And when you read the documents, if you
4 read them, could you please reiterate what it
5 does to you?

6 MR. McGOEY:

7 Object to the form of the question.

8 THE WITNESS:

9 It is a deposition like this all
10 over again every time I read one and try to read
11 -- and it takes me a long period of time to try
12 to understand it and comprehend it.

13 EXAMINATION BY MS. HUNT:

14 Q. And after you read the documents, does
15 it make you relive the incident?

16 MS. RICHARD-SPENCER:

17 Objection. Form.

18 THE WITNESS:

19 Every bit of it. That is why
20 this --

21 MS. HUNT:

22 Did you have --

23 THE WITNESS:

24 -- nightmare needs to stop today.

25 MS. HUNT:

1 Okay. It is almost done.

2 EXAMINATION BY MS. HUNT:

3 Q. Did you have any problem with absences
4 in regards to missing work?

5 A. No.

6 Q. When you were placed in the absentee
7 program, was it because of it was a
8 no-call/no-show?

9 A. Yes.

10 Q. I will bring your attention to the
11 deposition that you had in the workers'
12 compensation in regards to you going to the EEOC
13 on Page 143. I think it was exhibit --

14 MR. McGOEY:

15 It is Exhibit 3.

16 MS. HUNT:

17 -- 3.

18 EXAMINATION BY MS. HUNT:

19 Q. And Line 5 where it says, "Have you
20 filed any EEOC claims" -- wait. I'm sorry.

21 "Have you filed an EEOC claim in
22 connection with your employment at Motiva?" And
23 you say, "No." What -- what did you understand
24 that they were asking you?

25 A. They wanted -- I -- I was under the

1 impression that they wanted to know had I
2 received the right-to-sue letter, and which at
3 that time, I didn't.

4 And I don't -- I don't know what the
5 close time, but I had -- you know, I definitely
6 had been to EEOC I think prior to that.

7 Q. I will bring your attention to Exhibit
8 12. The first paragraph, the last sentence,
9 "This document is regarding your termination."
10 What does it say that you were being terminated
11 for?

12 MR. McGOEY:
13 Object to the form.

14 MS. RICHARD-SPENCER:
15 Same objection.

16 MR. McGOEY:
17 This is not a termination letter.

18 MS. HUNT:
19 Okay. The letter dated September
20 4th, 2012.

21 MR. McGOEY:
22 Correct.

23 EXAMINATION BY MS. HUNT:

24 Q. What does it say? Could you -- this
25 sentence right here (indicating)?

1 A. Yeah, this -- "This absence is
2 considered an absence without leave AWOL."

3 Q. So would this -- this would be the
4 program that you were in. So this would be the
5 first date that you were absent since --

6 A. It may have been regarding --
7 referencing the program that I was. It may have
8 been in the -- in the -- I know they -- it was
9 -- it was harassment.

10 And this letter came to the house on
11 certified mail, trying to force me to come back
12 to work even though I was under doctor's care.

13 Q. But it says that it was absent without
14 leave, right?

15 A. Right.

16 Q. Which is on the program that you
17 couldn't miss any days without leave?

18 A. Right. But I was -- you know, I was
19 under doctor's care at that time for sure. And
20 I had medical -- that was harassment.

21 Q. And you testified that they placed you
22 on a nonoccupational disability leave?

23 A. Because of worsening sleep apnea. Sleep
24 apnea didn't come up in any of the complaints
25 that I made to anybody.

1 That was MetLife who was working with
2 cahoosion with Shell to figure out a way to pay
3 me without showing guilt to -- to the events of
4 November 2011.

5 Q. Were any of the guys that were working
6 with you on this turnaround ever wrapped in a
7 truck that you saw?

8 A. I never see anybody ever.

9 Q. Did you ever see any of them be hit in
10 the head with a crane control box?

11 A. Never. There --

12 Q. Were any of them stuck in the anus with
13 a pen -- with a radio antenna?

14 A. Never.

15 Q. All right.

16 A. Never. Never the play went that.

17 Q. I am going to draw your attention to
18 exhibit -- the exhibit concerning a workers'
19 compensation order. And the handwritten --

20 MR. MCGOEY:

21 It is Exhibit 9.

22 EXAMINATION BY MS. HUNT:

23 Q. Exhibit 9, the handwritten note on the
24 letter.

25 A. Uh-huh.

1 Q. What are the initials under -- what is
2 -- what initials are signed underneath the
3 handwriting?

4 A. Elizabeth Lanier.

5 Q. Okay. So what are the other initials?

6 A. EL.

7 Q. Okay. And is that the same judge who
8 ordered this?

9 A. Yes.

10 MR. McGOEY:

11 Object to the form of the question.

12 EXAMINATION BY MS. HUNT:

13 Q. I'm going to bring your attention to
14 Exhibit 6, the handwritten note. It says --
15 where it says, "This is a Letter of Intent to
16 Appeal," there is a scratch-off before intent?

17 A. Uh-huh.

18 Q. And then you have, "per conversation
19 with Vicky Grenier." What did Vicky Grenier
20 exactly tell you, you needed to do in order to
21 appeal?

22 A. Send a notice -- a Notice of Appeal in
23 writing just stating that I intend to appeal.

24 Q. Okay. Yesterday and today you have
25 testified that you were afraid to get fired if

1 they found out about what was going on with you
2 or if you pushed the issue.

3 In your Emerson case, when you
4 complained, were you fired?

5 MR. McGOEY:

6 Object to the form.

7 MS. RICHARD-SPENCER:

8 Same objection.

9 THE WITNESS:

10 Yes. I was fired twice.

11 EXAMINATION BY MS. HUNT:

12 Q. Okay.

13 A. They got me back, and then they fired me
14 again because everybody in the shop stood up for
15 me. Everybody in that location stood up for me.

16 MS. HUNT:

17 Okay. No further questions.

18 MR. McGOEY:

19 I don't have anymore.

20 THE VIDEOGRAPHER:

21 Today's deposition consists of two
22 tapes. This is the end of Tape 2.

23 We are now off the Record at 10:46.

24 * * * * *

25

1 WITNESS' ATTESTATION

2 I have read or have had the foregoing
3 testimony read to me, pursuant to Rule 30(e) of
4 the Federal Rules of Civil Procedure and/or
5 Article 1445 of the Louisiana Code Civil
6 Procedure, and hereby attest that, to the best
7 of my ability and understanding, it is a true
8 and correct transcription of my testimony, with
9 the exception of any attached corrections or
10 changes, complete with reasons for changes, on
11 the Witness' Amendment Pages;

12 I have in no way altered the printed
13 transcript pages containing testimony herein,
14 tampered with the seal on the last numbered page
15 herein, or tampered with the security strip on
16 the binder hereof. The integrity of this
17 certified transcript has been maintained in the
18 identical form as it was received by me, with
19 the exception of any changes on the Witness'
20 Amendment Pages.

21 -----
22 Date

23
24 _____
NEWTON T. McNEALY, JR.
(Signature)
25

1 REPORTER'S PAGE

2 I, KAY E. DONNELLY, Certified Court
3 Reporter in and for the State of Louisiana, the
4 officer, as defined in Rule 28 of the Federal
5 Rules of Civil Procedure and/or Article 1434(B)
6 of the Louisiana Code of Civil Procedure, before
7 whom this proceeding was taken, do hereby state
8 on the Record:

9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
12 in thought, and/or talkovers; that same is the
13 proper method for a Court Reporter's
14 transcription of proceeding, and that the dashes
15 (--) do not indicate that words or phrases have
16 been left out of this transcript;

17 That any words and/or names which could
18 not be verified through reference material have
19 been denoted with the phrased "(spelled
20 phonetically)."

21

22 _____
KAY E. DONNELLY
23 Certified Court Reporter
State of Louisiana
24 Certificate No. 87008

25

1 C E R T I F I C A T E

2 This certification is valid only for a
3 transcript accompanied by my original signature
4 and original required seal on this page.

5 I, KAY E. DONNELLY, Certified Court
6 Reporter in and for the State of Louisiana, as
7 the officer before whom this testimony was
8 taken, do hereby certify that NEWTON T. McNEALY,
9 JR., to whom oath was administered, after having
10 been duly sworn by me upon authority of R.S.
11 37:2554, did testify as hereinbefore set forth
12 in the foregoing ninety-four (94) pages; that
13 this testimony was reported by me in the
14 stenotype reporting method, was prepared and
15 transcribed by me or under my personal direction
16 and supervision, and is a true and correct
17 transcript to the best of my ability and
18 understanding; that the transcript has been
19 prepared in compliance with transcript format
20 guidelines required by statute or by rules of
21 the board; and that I am informed about the
22 complete arrangement, financial or otherwise,
23 with the person or entity making arrangements
24 for deposition services; that I have acted in
25 compliance with the prohibition on contractual
relationships, as defined by Louisiana Code of
Civil Procedure Article 1434 and in rules and
advisory opinions of the board; that I have no
actual acknowledge of any prohibited employment
or contractual relationship, direct or indirect,
between a court reporting firm and any party
litigant in this matter nor is there any such
relationship between myself and a party litigant
in this matter. I am not related to counsel or
to the parties herein, nor am I otherwise
interested in the outcome of this matter.

22 KAY E. DONNELLY
23 Certified Court Reporter
24 State of Louisiana
25 Certificate No. 87008
December 2, 2016