

1 A. Yes.
 2 Q. Did his father, Rich, ever make that request to you?
 3 A. I don't recall if it was him, or his wife, or both.
 4 Q. Micah's request, did he make that prior to the filing of
 5 this lawsuit?
 6 A. I don't remember the time and the place when that was going
 7 on, and I really don't recall when the lawsuit was filed.
 8 And so Micah definitely was vocal that he wanted to live in
 9 a residence house, but was that before the lawsuit. I will
 10 be honest, I can't recollect exactly the time and place.
 11 Q. If I told you the lawsuit was filed in November of 2008, a
 12 year after the application had been submitted.
 13 A. Uh-huh.
 14 Q. Would you recall any, if Micah made his request any time
 15 prior to November of 2008?
 16 A. Yes.
 17 Q. You said you weren't sure if it was Rich Feldman or Janis
 18 Fialka, or if it was them together, do you recall the
 19 parents making that request prior to November of 2008?
 20 A. I can't, I can't, to my, to the best of my recollection I
 21 can't remember the exact time and place.
 22 Q. What granting, if you had granted his requested to waiver,
 23 what problems would that have caused for you as director of
 24 housing and administering the program?
 25 A. I can't speculate as to what that process would be because
 6 1

1 the OPTIONS students did not qualify to live in the
 2 residential facilities.
 3 Q. You didn't make any inquiry into what that would look like,
 4 or you just pretty much said, that's the policy, it's not
 5 changing, I'm not making any further inquiry into it?
 6 A. I think we discussed earlier as to how that process
 7 occurred with Mary Beth and, you know, my question going to
 8 Mary Beth, and that's the process that I followed and that
 9 was the extent of the process.
 10 Q. Did you ever talk with anybody from disability support
 11 services in that department at all about this?
 12 A. Yes.
 13 Q. Who did you talk with here?
 14 A. Linda Sisson.
 15 Q. And what did you discuss with Linda?
 16 A. That meeting, whether or not, whether or not Micah met the
 17 enrollment, met the enrollment guidelines or policies and
 18 procedures and process to be a matriculated student at the
 19 university.
 20 Q. But did you discuss at all waiving that policy with her as
 21 an accommodation of a disability or anything of that
 22 nature?
 23 A. To the best of my knowledge at this current time I do not
 24 remember.
 25 Q. Did you ever discuss with any organization, outside of
 6 2

1 Oakland University, the possibility of on campus housing
 2 for participants in the OPTIONS Program?
 3 A. To the best of my knowledge, no.
 4 Q. Did you discuss with any organizations about off campus
 5 housing for participants in the OPTIONS Program?
 6 A. No.
 7 Q. What about the transitions program?
 8 A. When you say outside organizations.
 9 Q. Any organization outside of Oakland University, did you
 10 discuss the possibility of off campus housing with them,
 11 either for the OPTIONS Program or the transitions program?
 12 A. To the best of my knowledge, no.
 13 Q. I'm going to ask you to look at your deposition exhibit,
 14 again, I believe it was marked as Exhibit 1. And in there
 15 on paragraph fifteen it talks, give you a moment to look at
 16 that. What I want to direct your attention to, it makes
 17 mention of other colleges or universities that have an
 18 affiliation agreement with the university. Are there any
 19 such colleges or universities while you were the housing
 20 director?
 21 A. Other colleges or universities that have affiliation
 22 agreements?
 23 Q. For housing.
 24 A. Agreements for housing?
 25 Q. For housing students of those universities or colleges?
 6 3

1 A. For students attending academic programs, and of course as
 2 students, those students would be housed in, or could be
 3 housed in our residential facilities because they were
 4 matriculating students.
 5 Q. My question was, do you have any such agreements?
 6 A. Do I have an agreement with another housing program?
 7 Q. Does Oakland University, when you were the housing director
 8 at Oakland University housing department --
 9 A. Have an agreement?
 10 Q. -- with any other college or university?
 11 A. Oakland University housing department have an agreement
 12 with another university housing program or just university
 13 period?
 14 Q. It was your affidavit. You're referring there to a degree
 15 program at another college or university has an affiliation
 16 agreement with the university, I'm assuming the university
 17 means Oakland University, correct?
 18 A. Yes, the university had an affiliation agreement.
 19 Q. Oakland University?
 20 A. To the best of my knowledge, yes.
 21 Q. Who did they have affiliation agreements with?
 22 A. I cannot recall all of those affiliation agreements.
 23 Q. Did you ever --
 24 A. The process.
 25 Q. As you are the housing director, have you ever signed any
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 24 A. The process.
 25 Q. As you are the housing director, have you ever signed any
 6 4

1 of those agreements?
 2 A. That would not have been under my jurisdiction.
 3 Q. Who would?
 4 A. I'm not for certain exactly who.
 5 Q. Do you recall how many other students from other colleges
 6 or universities were housed in the housing department?
 7 A. Yes.
 8 Q. How many?
 9 A. I'm not for certain of exact numbers, I can't give you an
 10 actual number.
 11 Q. In lets say your last year at the university 2007, 2008
 12 2009.
 13 A. Uh-huh.
 14 Q. Academic year. Do you recall if there were more than ten,
 15 less than ten?
 16 A. The number will have to be verified. I think it was more
 17 than ten, Cooley students.
 18 Q. Cooley students, Cooley College of Law?
 19 A. I'm not for certain the exact title, but yes, it was a law
 20 program.
 21 Q. Do you recall any other students from any other colleges or
 22 universities being in the housing, being housed at Oakland
 23 University?
 24 A. To the best of my, to the best of my knowledge at this
 25 current time I can't think of any other.

1 MR. DAVIS: I think that's all I have to ask.
 2 MR. BOONIN: I have nothing. Thank you very much.
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 8 (WHEREUPON THE DEPOSITION CONCLUDED AT 12:27 P.M.)
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1 MR. DAVIS: Why don't we take a little break and
 2 then I think we're going to wrap up.
 3 (BREAK HAD AT 12:18 P.M. TO 12:25 P.M.)
 4 Q. (Continuing by Mr. Davis:) We're back on the record. In
 5 your current employment at the University of Texas, are
 6 there any programs similar to the OPTIONS Program?
 7 A. None have been brought to my attention.
 8 Q. In the previous universities and colleges where you've
 9 worked, did they have any programs similar to the OPTIONS
 10 Program?
 11 A. I do not recall any at this time.
 12 Q. When Micah brought up waiving the matriculating student
 13 role, did you consider that an accommodation request at all
 14 regarding his disability?
 15 A. No.
 16 Q. But you did talk with the disability support services
 17 department, correct?
 18 A. Linda Sisson in the department, yes.
 19 Q. Did you discuss disability issues at all, or accommodations
 20 at all?
 21 MR. BOONIN: Regarding?
 22 Q. (Continuing by Mr. Davis:) Regarding Micah.
 23 A. To the best of my recollection, the discussion was centered
 24 on whether or not Micah was a student and entitled to the
 25 services of the institution.

1 CERTIFICATE
 2 STATE OF MICHIGAN)
 3 COUNTY OF MACOMB } ss:
 4
 5 I, Amanda L. Grosshans, Certified Court Reporter,
 6 Registered Professional Reporter, a notary public in and for the
 7 aforesaid county and state, do hereby certify that the witness,
 8 LIONEL MATEN, was duly sworn by me prior to the taking of
 9 testimony as to the truth of the matters attested to and
 10 contained therein, that the testimony of said witness was taken
 11 by me in machine shorthand and was thereafter reduced to
 12 typewritten form by me or under my direction and supervision,
 13 that the foregoing transcript is a true and accurate record of
 14 the testimony given to the best of my understanding and ability.
 15
 16 I FURTHER CERTIFY that I am neither counsel for, related
 17 to, nor employed by any of the parties to the action in which
 18 this proceeding was taken; and, further, that I am not a
 19 relative or employee of any attorney or counsel employed by the
 20 parties hereto, nor financially interested, or otherwise, in the
 21 outcome of this action; and that I have no contract with the
 22 parties, attorneys, or persons with an interest in the action
 23 that affects or has a substantial tendency to affect
 24 impartiality, that requires me to relinquish control of an
 25 original deposition transcription or copies of the transcript
 attorney, or that requires me to provide any service not made
 available to all parties to the action.

 Amanda L. Grosshans, CSR 3853
 Notary Public

My commission expires: 9/20/2010