

EXHIBIT

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(Taylor Deposition Transcript)

1 STATE OF MICHIGAN
 2 IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB
 3 THOMAS D'ANGELO,
 4 Plaintiff,
 5 -vs- No. 2010-000944-NO
 Hon. Matthew S. Switalski
 6 PAUL PARENT, CLINTON TOWNSHIP,
 a municipal entity, NICHOLAS DYKAS,
 7 JASON FIGURSKI and KEITH WATSON,
 in their official and individual capacities,
 8 jointly and severally,
 9 Defendants.

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF MICHIGAN
 12 SOUTHERN DIVISION
 13 THOMAS D'ANGELO,
 14 Plaintiff, Case No. 10-12195
 15 -vs- Hon. Lawrence P. Zatkoff
 16 CLINTON, TOWNSHIP OF, et al, Hon. Mona K. Majzoub
 17 Defendants.

18 The Deposition of JANINE TAYLOR,
 19
 20 taken in the above-entitled cause before Denise Moorfoot,
 21 (CSR-2275), Court Reporter and Notary Public for the County
 22 of Oakland, State of Michigan, at Clinton-Macomb Public Library,
 23 40900 Romeo Plank Road, Clinton Township, Michigan, on Tuesday,
 24 January 25, 2011, commencing at or about the hour of 2:15 p.m.
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APPEARANCES:

MR. THOMAS E. KUHN
Amos E. Williams, P.C.
615 Griswold, Suite 1115
Detroit, Michigan 48226
Appearing on behalf of the Plaintiff.

MR. PETER W. PEACOCK
Plunkett Cooney
10 South Main Street, Suite 400
Mount Clemens, Michigan 48043
Appearing on behalf of Defendants Clinton Township,
Dykas, Figurski, and Watson.

ALSO PRESENT:

MR. MICHAEL J. NICKERSON
Michael J. Nickerson & Associates, P.C.
38700 Garfield, Suite 110
Clinton Township, Michigan 48038
Appearing on behalf of Clinton-Macomb Public Library.

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T A B L E O F C O N T E N T S

WITNESS PAGE

JANINE TAYLOR

Examination by Mr. Kuhn 4

DEPOSITION EXHIBITS

NONE OFFERED

1 Clinton Township, Michigan

2 Tuesday, January 25, 2011

3 2:15 p.m.

4 - - -

5 J A N I N E T A Y L O R

6 was thereupon called as a witness herein and, after
7 having been first duly sworn to tell the truth, was examined
8 and testified as follows:

9 - - -

10 EXAMINATION

11 BY MR. KUHN:

12 Q Can you state your full name for the record, please?

13 A Janine Michelle Taylor.

14 MR. KUHN: Hi. My name is Tom Kuhn. I represent
15 the Plaintiff. This deposition is being taken pursuant to
16 Notice and may be used for any purpose allowable under either
17 Federal or State Court Rules. And pursuant to agreement of
18 Mr. Peacock and myself, we're going to be able to use these
19 depositions for purposes of both the state case and the
20 federal case.

21 MR. PEACOCK: So stipulated.

22 BY MR. KUHN:

23 Q If there are any questions that are unclear to you or you
24 don't understand what I'm trying to ask, please have me
25 restate the questions. Okay?

- 1 A Okay. Can I ask, federal case?
- 2 Q There's just two cases, but they are both on the same matter.
- 3 A Okay.
- 4 Q It's just, you know, a legal deal.
- 5 A Okay.
- 6 Q Mr. Nickerson doesn't want me asking you about your home
7 address, but in lieu of getting your home address, if we need
8 you as a witness at trial, can we serve Mr. Nickerson a
9 subpoena to compel your attendance?
- 10 A Yes.
- 11 Q Thank you. A few general background questions. Can you give
12 me a brief chronology of your experience, work experience
13 here at the library, when you were hired, and what positions
14 you have held?
- 15 A I was hired May 29th, 2001. Right. So I'll have ten years
16 this year. I started out as a general librarian in the main
17 library which at that time was at Nineteen and Garfield, and
18 then, when we moved into this -- I was hired as the teen
19 librarian and the local history librarian, and then we moved
20 into this library, and I was put in the adult nonfiction
21 department, also still doing teen librarian work and local
22 history librarian work. And then maybe about four years ago
23 they took the teen away from me, and now I'm adult nonfiction
24 and local history.
- 25 Q Okay. And have you had a chance to review any records

1 concerning this April 12th, 2008, incident?

2 A No.

3 Q Do you recall this incident back on April 12th of 2008?

4 A Yes.

5 Q Okay. And what first brought your attention to the
6 situation?

7 A I was on desk. That means I was at the reference desk.

8 Q Can I just ask this follow-up? Where was the reference desk
9 at that time?

10 A It's in the middle of the adult nonfiction area. It's
11 outside of the computer lab, probably about maybe twenty
12 feet.

13 Q Okay. And what happened while you were at that desk?

14 A Mr. Parent came up to me stating that the person that was
15 sitting next to him was rubbing himself and making noises,
16 and this had been going on for forty-five minutes and that he
17 was fed up with it, and would I please call the police.

18 Q Okay. And let me ask this: Did you know Mr. Parent prior to
19 that, him coming up to you?

20 A Not personally, no.

21 Q Had you seen him in the library?

22 A Yes.

23 Q All right. And what happened next after Mr. Parent informed
24 you of that?

25 A I said that I could not call the police because I had not

1 witnessed the gentleman he was referring to doing anything,
2 and then that's when I went to -- I found out who the manager
3 in charge for that day was, which was Deb Bodner, who was Deb
4 Bodner, and I went to her and explained the situation.

5 Q Okay. And when you went to her to explain the situation, did
6 you basically relay the information that Mr. Parent had just
7 relayed to you?

8 A Yes.

9 Q Where was Deb Bodner at the time?

10 A In her office.

11 Q Okay. And that was up on the second floor, also?

12 A Yes.

13 Q What happened once you informed Deb Bodner of that
14 information?

15 A She said, "Okay. I'll be out in a couple minutes." I went
16 back to the desk, and Mr. Parent continued to complain, and I
17 said, "Well, just a moment. I talked to the manager, and she
18 will be out in a moment."

19 Q And so what happened next?

20 A We have the capability of sending messages to the computers,
21 and it was my understanding our policy was to try -- I mean,
22 I hadn't seen anything. I was just trying to stop whatever
23 was going on.

24 Q Okay.

25 A And so I sent a message to computer number 24, which is where

1 the gentleman was, and I said, "There's been a complaint.

2 Please stop whatever you might be doing."

3 Q Okay.

4 A And when Deb came out, I told her what I had done. She said,

5 "Okay." She goes, "I'm going to go in there and take a

6 look." So she walked by, but I don't recall her going into

7 the computer lab. And then she walked over to the desk where

8 Mr. Parent was, myself, and by this time another librarian

9 had come out. We were all standing there, and he -- you

10 know, Deb was trying to, you know, calm him down. She said,

11 "I didn't see him doing anything," and Mr. Parent insisted

12 that he was and that we call the police. And we said, "Well,

13 we really can't do that. That's up to you," because Deb

14 said, "I didn't see anything." And she looked at me, and I

15 said, "I didn't see anything." And based on the fact that

16 neither one of us had seen anything, that it was not our

17 responsibility to call the police, at which point he became

18 very irate and said, "No. It is your responsibility." So

19 Deb said, "Okay, Janine. Just call the police."

20 Q You mentioned there was another librarian there?

21 A Yes.

22 Q Do you recall who that was?

23 A Ellen McNally.

24 Q And what was Ellen's position at the library at that time if

25 you recall?

1 A She's an adult nonfiction librarian.

2 Q But she wasn't working at the same area that you were, the
3 same desk area?

4 A I think she was coming out to give me a break. I'm not sure
5 exactly why she was at the desk, but as Paul became more
6 irate, she just kept telling him to settle down. You know,
7 we will take care of it, you know. She was interacting more
8 with him, I think, than even Deb, just trying to calm him
9 down, because he was very upset.

10 Q Okay. And were you present when Deb Bodner called the
11 police?

12 A I called the police.

13 Q Oh, you called the police? And do you recall what you told
14 the police at that point?

15 A I said, "We have a customer here who claims that there is a
16 gentleman playing with himself or whatever in our computer
17 lab, and he would like you to come out here so he can file a
18 complaint," something to that nature. I don't know exactly
19 what I said, but it was to that nature. She informed me that
20 she was sending the police, and she asked me if he was still
21 there. I said, "Yes." I said, "He seems like he's not going
22 anywhere." And she said, "If he tries to leave, will you
23 please call back?" And I said, "Okay."

24 Q Okay. And so what happened next? Did Mr. Parent stay with
25 you?

1 A No. Ellen, because he kept going on, Ellen said, "Since
2 you're going to file the complaint and you want the police
3 here, I will escort you downstairs to the front doors where
4 you will stay until the police come, because this is your
5 complaint, not ours."

6 Q And so is that what Ellen did, escort him down?

7 A Yes, to my knowledge.

8 Q They left your area --

9 A Yes.

10 Q -- which was up there on the second floor; is that a fair
11 statement?

12 A Yes.

13 Q So what was the next contact that you had with anyone related
14 to this incident?

15 A Probably about ten, fifteen minutes later three police
16 officers came up the stairs. I don't know who they asked,
17 you know, where the gentleman was that was supposedly doing
18 something, and we told him he was on computer number 24, and
19 they went in there.

20 Q Okay. Did you have any discussion with the officers when
21 they came to the library?

22 A When they were leaving, yes.

23 Q Okay. What do you recall of your discussion with them at
24 that time?

25 A He asked me -- Honestly, I don't remember. I think he just

1 asked me if I had seen anything. Yeah. Other than that, I
2 don't remember to be honest with you. I know he talked to us
3 for a couple minutes before he left.

4 Q Okay.

5 A Oh, he asked if we had records of what he had been looking
6 at.

7 Q Okay. And what did you respond?

8 A I said to my knowledge, no; that our system was set up for
9 privacy, and that once he turns the computer off, there's no
10 way of knowing, that it's wiped from the network. That was
11 my understanding.

12 Q Okay. And when he asked if you had seen anything, what did
13 you tell him?

14 A No.

15 Q Now, when the three officers came up, did Mr. Parent come up
16 with them?

17 A Yes.

18 Q Do you recall anything else that Mr. Parent said concerning
19 this incident?

20 A No.

21 Q Anything else that the police said concerning this incident?

22 A No.

23 Q Did you have any discussion with the police after they had
24 left? Did they call back to the library, or did they make a
25 subsequent visit?

- 1 A No, not to me. I did not see them.
- 2 Q Did you have any further contact with Mr. Parent?
- 3 A He's here all --
- 4 Q Oh, you see him on a regular basis?
- 5 A Yes.
- 6 Q He's a regular patron here?
- 7 A Yes.
- 8 Q Okay. Have you had any discussion with him about this
9 incident after the date of the incident?
- 10 A No.
- 11 Q Now, prior to this incident, had you had any contact with Mr.
12 D'Angelo?
- 13 A No.
- 14 Q Have you had any contact with him since this incident?
- 15 A No. Honestly, I could have. I don't even remember what he
16 looks like.
- 17 Q Okay. Do you know if you generated a report or an e-mail to
18 Larry Neal or anyone in the library concerning this incident?
- 19 A Yes.
- 20 Q What do you recall about the report or e-mail that you
21 generated?
- 22 A Oh, God, it was so long ago, I can't remember. I think
23 pretty much what I told you, that Paul Parent had been in and
24 had a complaint about a customer that he was sitting next to
25 and demanded that we call the police.

1 Q Okay. And did you have any further discussions within the
2 library after the time of this arrest concerning what
3 happened?

4 A Not really.

5 Q Other than you, Ellen, and Deb, do you recall any other
6 library employees who were present up there on the second
7 floor with Mr. Parent or Mr. D'Angelo?

8 A No.

9 MR. KUHN: I don't have any further questions.

10 MR PEACOCK: I have no questions for you. Thank
11 you, ma'am.

12 MR. KUHN: Thank you very much.

13 (Deposition concluded at 2:30 p.m.)

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2 STATE OF MICHIGAN)
3) ss.
4 COUNTY OF OAKLAND)
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6 I, Denise Moorfoot, a Notary Public in and for the
7 above county and state, do hereby certify that the witness,
8 whose attached deposition was taken before me in the entitled
9 cause on the date and the time and place hereinbefore set
10 forth, was by me first duly sworn to testify to the truth,
11 the whole truth and nothing but the truth; that the testimony
12 contained in said deposition was by me reduced to writing in
13 the presence of said witness by means of stenography; that
14 said testimony was thereafter reduced to written form by
15 mechanical means; and that the deposition is, to the best of
16 my knowledge and belief, a true and correct transcript of my
17 stenographic notes so taken.

18 I further certify that I am not of counsel to
19 either party nor interested in the event of this cause.
20

21 _____
22 Denise Moorfoot
23 Notary Public, Oakland County
24 Acting in the County of Macomb
25 My commission expires: 10-30-11