

EXHIBIT

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(Bodner 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 DEBORAH HUNTINGTON BODNER,
 19 taken in the above-entitled cause before Denise Moorfoot,
 20 (CSR-2275), Court Reporter and Notary Public for the County
 21 of Oakland, State of Michigan, at Clinton-Macomb Public Library,
 22 40900 Romeo Plank Road, Clinton Township, Michigan, on Tuesday,
 23 January 25, 2011, commencing at or about the hour of 1:58 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

DEBORAH HUNTINGTON BODNER

Examination by Mr. Kuhn 4

Examination by Mr. Peacock 12

Reexamination by Mr. Kuhn 13

DEPOSITION EXHIBITS

NONE OFFERED

Clinton Township, Michigan

Tuesday, January 25, 2011

1:58 p.m.

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D E B O R A H H U N T I N G T O N B O D N E R

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

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EXAMINATION

BY MR. KUHN:

Q Ma'am, could you state your full name for the record, please?

A Deborah Huntington Bodner. D-E-B-O-R-A-H, H-U-N-T-I-N-G-T-O-N, B-O-D-N-E-R.

MR. KUHN: Hi. My name is Tom Kuhn. I represent the plaintiff in this case. This deposition is being taken pursuant to Notice and may be used for any purpose allowable under the Federal or State Court Rules. Pursuant to agreement between Mr. Peacock and I, the deposition may be used for either the federal case or the state case.

MR. PEACOCK: So stipulated.

BY MR. KUHN:

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

1 A Yes.

2 Q A few general background questions. Can you give me a brief
3 chronology of your formal -- Well, first of all, Mr.
4 Nickerson doesn't want us asking about your home address, but
5 in lieu of asking for your home address, would you agree or
6 stipulate that if we need you as a witness at trial, we'll be
7 able to get you by serving a subpoena on Mr. Nickerson? Is
8 that okay with you?

9 A Yes.

10 Q Thank you. A brief chronology of your formal education
11 starting with high school, where you attended, degrees,
12 programs, dates, that sort of thing.

13 A I graduated from high school from Manhasset High School in
14 Manhasset, New York. I went to Iowa Wesleyan College for two
15 years in Mount Pleasant, Iowa, and graduated with a BA degree
16 from State University of New York at New Paltz. I attended
17 the University of North Carolina and received a master's in
18 library science from them.

19 Q And can you give us a brief chronology of your career here at
20 this library, when you were hired, any positions you have
21 held?

22 A I was hired as the children's librarian in 1999 and became
23 the head of the children's department in two thousand -- When
24 did we open this building? 2003?

25 Q Okay. And that's your current position?

- 1 A That's my current position.
- 2 Q All righty. Do you remember this incident on April 12th,
3 2008, involving Mr. D'Angelo in the computer labs?
- 4 A I remember some of the incident.
- 5 Q Okay. And have you had a chance to review any records
6 concerning that incident prior to your deposition?
- 7 A No.
- 8 Q Okay. And you testified at trial on September 8th, 2008; is
9 that a fair statement?
- 10 A Yes.
- 11 Q On reflection, was there any part of your trial testimony
12 that you thought was inaccurate after you had given it?
- 13 A I don't remember.
- 14 Q Okay. How were you first informed of this incident with
15 regard to Mr. D'Angelo or the complaint by Mr. Parent?
- 16 A One of the adult services librarians came and found me in my
17 office. I was librarian in charge that day.
- 18 Q And where was your office?
- 19 A It's on the second floor.
- 20 Q Okay. Do you recall which of the librarians came to you at
21 that time?
- 22 A I believe it was Janine Taylor.
- 23 Q Do you recall what she told you?
- 24 A Not specifically.
- 25 Q What in general do you recall about her, whatever she told

1 you?

2 A That there was a patron making a complaint about another
3 patron and wanting the police to be called.

4 Q What did you do once Janine Taylor informed you of that?

5 A I went out to see what the situation was.

6 Q And what did you do once you went out?

7 A I remember bits and pieces but not in any specific order.

8 Q Okay. Well, what do you recall?

9 A I believe I talked to the patron first and then walked by the
10 computer lab where the person he was complaining about was
11 working on one of the computers to see if I could observe
12 what his complaint was and then went back to the complaining
13 patron. I did not see anything that made me feel it
14 necessary to call the police, and I told him that.

15 Q Okay. And what happened next?

16 A He was very insistent that we do call the police. I told him
17 that he was welcome to call the police himself but that we
18 were not going to do so for him.

19 Q Okay. And what happened next?

20 A There was back and forth in that vein, and then another
21 librarian stepped in and said, yes, we would call the police.

22 Q Okay. And who was this other librarian?

23 A Ellen McNally.

24 Q Does Ellen still work here?

25 A Yes.

- 1 Q And what was her position at the library at that time?
- 2 A She's an adult services librarian.
- 3 Q Would she typically be working up on the second floor?
- 4 A Yes.
- 5 Q Okay. So what happened next then?
- 6 A The police were called.
- 7 Q Do you know who called the police?
- 8 A I believe Janine placed the phone call.
- 9 Q Okay. And were you present when she made that phone call?
- 10 A Yes, I was present. I do not recall what she actually said.
- 11 Q Okay. And so what happened next? What was your next
- 12 contact? I take it the police came.
- 13 A Yes.
- 14 Q Did you have any discussion with the police officers?
- 15 A Yes. I came downstairs to greet them. The complaining
- 16 patron was also downstairs, and I accompanied them upstairs.
- 17 I don't remember what exchange, what I actually said to them,
- 18 but I did accompany them upstairs.
- 19 Q Okay. Do you recall anything that Mr. Parent told them at
- 20 that time?
- 21 A No, I don't.
- 22 Q Did you ever tell the police that you could see Mr.
- 23 D'Angelo's left hand moving back and forth inside his pants
- 24 as if he were masturbating?
- 25 A That's an incorrect statement. I never said that.

- 1 Q Did you ever send a computer message to Mr. D'Angelo advising
2 him to stop what he was doing due to a complaint?
- 3 A I did not.
- 4 Q Do you know if anyone else did?
- 5 A Yes.
- 6 Q Do you know who did?
- 7 A Janine Taylor did.
- 8 Q Now, once you went upstairs, what do you recall about your
9 interaction with the police up there? Anything more than
10 what you have already told us?
- 11 A Not really, other than as they were -- I don't remember the
12 order of things. I do know that at least one of them stopped
13 to ask my name.
- 14 Q Now, at any later time, did anyone from the police department
15 ever contact you concerning this incident?
- 16 A No.
- 17 Q Do you know if any report was generated within the library
18 concerning this incident?
- 19 A I did not -- I don't remember, actually.
- 20 Q Do you recall any other conversation with Mr. Parent
21 concerning this incident?
- 22 A No.
- 23 Q Prior to the date of this incident, do you recall having any
24 contact with Mr. Parent?
- 25 A Not really. I'm not in a department that he would normally

1 come into.

2 Q Okay. And how about with Mr. D'Angelo? Do you recall having
3 any contact with him prior to this incident?

4 A Yes.

5 Q And what contact do you recall?

6 A He was a regular patron at the South Branch when I worked
7 there, so I was acquainted with him.

8 Q Can you give us a general time frame that you worked at the
9 South Branch?

10 A From 2004 to -- Wait. No. From 2000 to when this building
11 opened.

12 Q Was there any discussion that you recall with anyone in the
13 library concerning this incident after it had occurred?

14 A Run that by me again.

15 Q Yeah. Let me try that again. After the incident, do you
16 recall any meetings or discussions concerning this incident
17 with other librarians or with the head librarian, library
18 director?

19 A Probably. I don't specifically remember.

20 Q As a manager, would you typically inform the library director
21 of any incident that occurred while you were in charge?

22 A I would.

23 Q But --

24 A It may have been that I asked the adult services librarians
25 to make the report, and I did inform the head of the adult

1 services department.

2 Q And who was that at that time?

3 A Kathy Champieux.

4 Q Can you spell that?

5 A C-H-A-M-P-I-E-U-X.

6 Q Is she still employed here?

7 A Yes.

8 Q After the incident, did you have any further contact with Mr.
9 Parent?

10 A No.

11 Q After the incident, did you have any further contact with Mr.
12 D'Angelo?

13 A Yes.

14 Q And what further contact did you have with him after the
15 incident?

16 A He contacted me at least once after the trial.

17 Q Okay. Do you recall what that contact was about at that
18 time?

19 A I believe he was asking for support if he was to sue Mr.
20 Parent.

21 Q Okay. And other than that, any other contact with Mr.
22 D'Angelo after this incident?

23 A Not that I recall.

24 Q And were you served with a subpoena for purposes of the
25 criminal trial?

1 A Yes.

2 MR. KUHN: I don't have any further questions at
3 this point.

4 EXAMINATION

5 BY MR. PEACOCK:

6 Q Miss Bodner, what exactly did Mr. D'Angelo ask you when he
7 was asking you for your support if he were to sue Mr. Parent?

8 A I don't recall exactly. I believe he wanted to know if I
9 would be a witness for him.

10 Q And did you respond to that request?

11 A I most likely said I would need to talk with my director.

12 Q And you never had any contact with Mr. D'Angelo after that,
13 is that correct, relative to that request?

14 A I don't think so, but he was in the library. Actually, he
15 came in one other time that I do remember on the pretext of
16 getting books for a nephew, and I helped him find the books.
17 He may have brought up the question of the incident, and I
18 probably declined to discuss it.

19 Q When you say "the incident," you're talking about his request
20 to have you support him if he sued Mr. Parent?

21 A No. About the --

22 Q The arrest?

23 A Well, just the whole -- yeah, everything.

24 Q You indicated that you greeted the Clinton Township Police
25 Department on the first floor; is that correct?

1 A Yes.

2 Q And then you escorted them upstairs, correct?

3 A Yes.

4 Q You did have some conversation with a police officer; is that
5 fair?

6 A Yes.

7 Q Did you indicate to the police officer that you saw Mr.
8 D'Angelo's hand on his leg or in his lap at all?

9 A I believe what I indicated was that I could see that he had
10 one hand on the desk, and the other hand was probably in his
11 lap, and I probably said that.

12 Q Did you instruct Janine to call the police department, or did
13 she take direction from the other librarian?

14 A She took the direction from the other librarian.

15 Q And that was at the insistence of Mr. Parent; is that
16 correct?

17 A Yes.

18 Q Was he rather insistent?

19 A Very insistent.

20 MR. PEACOCK: That's all I have. Thank you very
21 much.

22 REEXAMINATION

23 BY MR. KUHN:

24 Q Just a couple other questions, ma'am.

25 Do you recall the police asking if you could assure

1 that no one else would use Mr. D'Angelo's computer until the
2 library's IT tech could examine it? Do you remember any
3 conversation like that?

4 A Not specifically. I don't recall.

5 Q Do you know if that particular computer was secured after the
6 arrest?

7 A I don't recall.

8 Q And do you recall any discussions with any techs, IT techs,
9 about that particular computer?

10 A I don't recall. I don't think I had any contact with the IT
11 person.

12 Q Okay. And after this incident, did you have any contact with
13 any police officer concerning this arrest?

14 A No.

15 MR. KUHN: Thank you. I appreciate it.

16 MR. PEACOCK: Thank you.

17 (Deposition concluded at 2:12 p.m.)

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