

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

Case No.: 9:16-cv-80655-RLR

JAMES TRACY,

Plaintiff,

vs.

FLORIDA ATLANTIC UNIVERSITY BOARD OF TRUSTEES,
a/k/a FLORIDA ATLANTIC UNIVERSITY, et al.,

Defendants.

/

VOLUME II

VIDEOTAPED DEPOSITION OF DOUG MCGETCHIN
APRIL 4, 2017
10:58 A.M. TO 5:07 P.M.

301 YAMATO ROAD
SUITE 1240
BOCA RATON, FLORIDA 33431

REPORTED BY:

JESSICA COOPER, FPR, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA



UNIVERSAL
COURT REPORTING

877.291.3376
www.UCRinc.com

1 APPEARANCES OF COUNSEL 2 ON BEHALF OF THE PLAINTIFF: 3 LOUIS LEO, ESQUIRE and JOEL MEDGEBLOW, ESQUIRE 4 MEDGEBOW LAW, P.A. 4171 W HILLSBORO BLVD STE 9 5 COCONUT CREEK, FL 33073 954-478-4223 6 JOEL@MEDGEBOLAW.COM LOUIS@MEDGEBOLAW.COM 7 8 MATT BENZION, ESQUIRE 9 MATT BENZION, P.A. 4171 W HILLSBORO BLVD STE 9 COCONUT CREEK, FL 33073 561-306-5949 10 MAB@BENZIONLAW.COM 11 ON BEHALF OF THE DEFENDANTS: 12 KATHERINE HEFFNER, ESQUIRE CAIR FLORIDA 13 8076 N 56TH ST TAMPA, FL 33617 14 813-514-1414 KHEFFNER@CAIR.COM 15 16 HOLLY GRIFFIN, ESQUIRE GUNSTER 200 S ORANGE AVE STE 1400 ORLANDO, FL 32801 17 407-406-5246 SHUFF@GUNSTER.COM 18 19 ALSO PRESENT: 20 ANTHONY MAROUN, INTERN 21 22 JAMES TRACY, PLAINTIFF 23 24 25	186 1 INDEX OF EXHIBITS 2 EXHIBIT DESCRIPTION PAGE 3 PM-1 ARTICLE 19 13 4 PM-2 COLLECTIVE BARGAINING AGREEMENT 14 5 PM-3 EMAIL 29 6 PM-4 EMAIL 29 7 PM-5 OUTSIDE ACTIVITY FORM 30 8 PM-6 NOTICE OF DISCIPLINE 33 9 PM-7 GRIEVANCE 66 10 PM-8 5.2(D). POLICY 75 11 PM-9 EMAIL MESSAGE 125 12 PM-10 EMAIL 126 13 PM-11 EMAIL 136 14 PM-12 EMAIL 165 15 PM-13 EMAIL 168 16 PM-14 NOTICE OF TERMINATION 169 17 PM-15 E-MAIL 181 18 PM-16 E-MAIL 214 19 PM-17 E-MAIL 218 20 21 22 23 24 25	188
1 INDEX OF EXAMINATION 2 WITNESS: DOUG MCGETCHIN PAGE 3 DIRECT EXAMINATION BY: MR. LEO 6 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	187 1 VOLUME II 2 VIDEOTAPED DEPOSITION OF DOUG MCGETCHIN 3 APRIL 4, 2017 4 THEREUPON, 5 Q (By Mr. Leo) Do you recognize this exchange or 6 communication? 7 A So, that's the thing I was just reading. So, 8 they are talking about that passage right there, it 9 looks like -- 10 Q Let's just -- for the record PM-15, this is an 11 e-mail dated December 17th, 2015 at the top, right? 12 A Right. 13 Q Is this an e-mail that you received? 14 MS. HEFFNER: Objection as to form, you can 15 answer. 16 A I don't specifically remember it but that's 17 the right e-mail. 18 Q (By Mr. Leo) And then below that e-mail is an 19 e-mail dated December 16th also from the same party, in 20 this case it's president of UFF-FAU, so that would be 21 Zoeller, right? 22 A Right. 23 Q Do you recall this e-mail? Do you recall 24 seeing this e-mail? 25 A I don't remember it specifically but --	189

<p>1 Q Was this the -- was this the e-mail that you 2 were responding to when you wrote to Zoeller later that 3 day not too long after the time on this e-mail at the 4 top? 5 A Yeah, because this is the end of the day. 6 Q Do you see at the top of the e-mail that e- 7 mail is 6:00 in the morning on December 17th? 8 A Okay. 9 Q And then your e-mail looks like it's dated 10 just about an hour and 40 minutes later? 11 A Yeah. 12 Q In the e-mail you say that Professor Tracy is 13 kryptonite. Was that your response to Zoeller asking 14 you if his strategy was one worth pursuing? 15 MS. HEFFNER: Objection as to form. 16 A It looks like that's -- those are connected. 17 Q (By Mr. Leo) Okay. What did you mean by Jim 18 Tracy as kryptonite? 19 A I was referring to the public out -- uproar 20 media attention. 21 Q And going back to your e-mail if we can just 22 take a look at the first statement after you said, "I 23 don't want to represent him." You wrote, "He is a 24 liability to the Union and FAU and/or world good 25 riddance". How was Professor Tracy a liability to the </p>	<p>190</p> <p>1 Professor Tracy? 2 A I don't know specifically. I know -- yeah. 3 Q How about liability to FAU? How is Professor 4 Tracy or how was Professor Tracy a liability to FAU? 5 A Negative press -- 6 Q Negative press? 7 A -- attention which is not right for me to say. 8 Q It's not right for you to say what? 9 A I'm just saying if I -- Deandre Poole that 10 Stomp on Jesus Incident is another example of negative 11 press. Although that one yeah, provided itself I guess. 12 THE COURT REPORTER: You said Deandre Poole 13 what? 14 THE WITNESS: Stomp on Jesus Incident. 15 Q (By Mr. Leo) Would you agree that your fears 16 of representing Professor Tracy outweighed your 17 responsibility to defend Professor Tracy? 18 MS. HEFFNER: Objection as to form, you can 19 answer. 20 A At this point the fears outweighed my duty to 21 represent him. 22 Q (By Mr. Leo) Is that why the Union brought in 23 a lawyer? 24 MS. HEFFNER: Objection as to form, you can 25 answer. </p> <p>192</p>
<p>1 Union? 2 MS. HEFFNER: Objection as to form, you can 3 answer. 4 A I guess I'd imagine if we -- the Union 5 defended him then Union would be targeted with public 6 scrutiny. 7 Q (By Mr. Leo) Knowing that the Union had 8 defended Professor Tracy in 2013 under similar threats 9 of discipline, can you point to any harm that was caused 10 to the Union in 2013 or afterward as a result of the 11 defending of Professor Tracy? 12 MS. HEFFNER: Objection as to form, you can 13 answer. 14 A I know faculty members who left the Union 15 because of that. 16 Q (By Mr. Leo) How many? 17 A I don't know statistics. I know there are 18 people. 19 Q Who? 20 A There is a faculty member in my department who 21 left because of that. But I don't know about statistics 22 across the university. 23 Q Other than one faculty member who left the 24 Union because of Professor Tracy do you know if any 25 other faculty member who left the Union because of </p>	<p>191</p> <p>193</p> <p>1 A I don't think so I mean because -- and Bob 2 called me after this and said we need to represent him 3 and talked me into it so I was ready to do that. 4 Q (By Mr. Leo) But did you represent Professor 5 Tracy? 6 A I represent Tracy now, not long after that the 7 lawyer was involved. So, it became -- so the grievance 8 issue became moot. 9 Q What issue became moot? 10 A The -- this -- whether to represent or not 11 so -- 12 Q Earlier you testified that grievances can be 13 filed by the chapter without the grievant being on 14 board, is that an accurate -- 15 MS. HEFFNER: Objection as to form. 16 A I haven't -- 17 Q (By Mr. Leo) -- characterization of what you 18 said? 19 MS. HEFFNER: Objection as to form. 20 A I haven't seen that. It's the reverse. The 21 grievant can file either using their own representative 22 or representing themselves. 23 Q (By Mr. Leo) Can the chapter file a grievance 24 for a grievant without the authorization or permission 25 of a grievant? </p>



<p>1 MS. HEFFNER: Objection as to form, you can 2 answer. 3 A I don't -- there is a place for the grievant 4 to sign on a grievance form. So, I don't think that 5 could happen although the chapter could -- could do a 6 chapter grievance. So-- but then they like ran into 7 this with the administration where they want names of 8 particular people, but there is a way to do it I think. 9 Q (By Mr. Leo) So, for example, could Professor 10 Tracy have been the subject of a chapter grievance 11 signed by yourself or Zoeller on behalf of UFF-FAU? 12 MS. HEFFNER: Objection as to form, you can 13 answer. 14 A I guess if the -- if the issue like with the - 15 - that April 19th, the one with the -- whatever it was 16 about the -- if there is a chapter issue and it's part 17 of certain class action kind of thing, yes, I think. 18 Q (By Mr. Leo) Like a class action? 19 A Basically, yeah, chapter grievance on behalf 20 of everyone. 21 Q So, in December of 2015 going back to early 22 December within that window of the 30 days after the 23 November 10th, Notice of Discipline, UFF-FAU could have 24 filed a chapter grievance in response to the Notice of 25 Discipline against Professor Tracy, right?</p>	<p>194</p> <p>1 do with the fall, tightening requirements for the -- for 2 the disclosure, what did you say prior restraint that 3 was issue in the senate. 4 Q (By Mr. Leo) Even though that April 2016 5 grievance made no mention of freedom of speech or 6 constitutional rights of faculty members? 7 MS. HEFFNER: Objection as to form, you can 8 answer. 9 A It does talk about outside activity, but it 10 doesn't talk specifically about freedom of speech, but 11 it does say changes which is a little -- which is vague 12 and then it has some examples so there are -- that might 13 have been part of it. 14 Q (By Mr. Leo) So, going back to my question 15 about debility of the chapter, the file a chapter 16 grievance in response to use of the outside activities 17 policy in any way in early December 2015 that was 18 possible. 19 MS. HEFFNER: Objection as -- 20 A I think so. 21 Q (By Mr. Leo) It was possible to file a chapter 22 grievance the first week of December for example? 23 MS. HEFFNER: Objection as to form. 24 A I don't know about that timing because -- 25 Q (By Mr. Leo) Well, I'm saying within the 30-</p> <p>196</p>
<p>1 MS. HEFFNER: Objection as to form, you can 2 answer. 3 A About this -- about like the issue of not 4 submitting these outside employment forms whether that 5 would be. So, for the whole chapter I supposed that 6 could have happened. 7 Q (By Mr. Leo) Right. So for example in this 8 case Professor Tracy was being directed to submit 9 outside activities forms for his personal blogging. The 10 chapter could have filed a chapter grievance in response 11 to use of the outside activities policy to require 12 personal blogging for example, be disclosed to the 13 administration pursuant to Article 19, right? 14 MS. HEFFNER: Objection as to form, you can 15 answer. 16 A I can see that, and I think that's basically 17 what happened but later, not specifically from this but 18 I think more from the -- that other activity that was 19 going on. 20 Q (By Mr. Leo) Are you saying that the April 21 2016 grievance had something to do with Professor 22 Tracy's discipline? 23 MS. HEFFNER: Objection as to form, you can 24 answer. 25 A That I don't know. I mean I think it had to</p>	<p>195</p> <p>1 day window of the November 10th, 2015 Notice of 2 Discipline? 3 MS. HEFFNER: Objection as to form, you can 4 answer. 5 A Theoretically one could file a grievance any 6 time -- 7 Q (By Mr. Leo) It was possible. 8 MS. HEFFNER: Objection as to form. 9 A So -- 10 Q (By Mr. Leo) So, you would agree this Notice 11 of Discipline was grievable not only by Professor Tracy 12 on his own but also by the chapter? 13 MS. HEFFNER: Objection as to form, you can 14 answer. 15 A So, this was -- so the chapter could have 16 grieved it. Sure. 17 Q Yes? 18 A Sure. Yes. 19 MS. HEFFNER: Objection as to form. 20 Q (By Mr. Leo) Just so we're clear for the 21 record UFF-FAU could have grieved as a chapter the 22 November 10th, 2015 Notice of Discipline? 23 MS. HEFFNER: Objection as to form. 24 A Well, if it was grievable -- if there is a 25 determination that it was grievable and then chapter --</p> <p>197</p>



<p>1 usually there needs to be a couple cases, so usually 2 it's not an individual and then a chapter grievance 3 doesn't come from an individual case. And then the 4 chapter grievance goes at the step 2, not the step 1 5 also.</p> <p>6 Q (By Mr. Leo) So, the chapter could have filed 7 a step 2 grievance on behalf of the entire chapter to 8 protect the rights of all of the UFF-FAU members 9 concerning the outside activities policy within 30 days 10 of the November 10th, 2015 Notice of Discipline?</p> <p>11 MS. HEFFNER: Objection as to form.</p> <p>12 A That's potential.</p> <p>13 Q (By Mr. Leo) Yes?</p> <p>14 A I could see that happening, sure, yes.</p> <p>15 Q It was possible?</p> <p>16 MS. HEFFNER: Objection as to form, you can 17 answer.</p> <p>18 A No, I don't know. I'm not clear if you're 19 asking me on this, like -- I'm thinking more like --</p> <p>20 Q (By Mr. Leo) I'm just asking you whether it 21 was possible, whether a chapter grievance could have 22 been filed within 30 days of the November 10th Notice of 23 Discipline?</p> <p>24 MS. HEFFNER: Objection as to form.</p> <p>25 A Sure. Yes.</p>	<p>198</p> <p>1 A -- then --</p> <p>2 Q -- it is not possible?</p> <p>3 A One can file a grievance, a chapter grievance.</p> <p>4 One can file a chapter grievance so.</p> <p>5 Q In response to the notice of proposed 6 discipline termination from December 16th, 2015?</p> <p>7 MS. HEFFNER: Objection as to form, you can 8 answer.</p> <p>9 A Okay. So, the deadline would be January 16th.</p> <p>10 Q Would it?</p> <p>11 A 15th for that to file a grievance so it's 30 12 days --</p> <p>13 Q Would it be 30 days -- would it be 30 days or 14 would it be 10 days because of the discipline that's 15 been chosen?</p> <p>16 A I would think it would 30 days -- I guess does 17 this say 10 days? "You have 10 days to respond in 18 writing". Then it says "It's subject to Article 20" and 19 Article 20 has the timeline on it for 30 days. I don't 20 know that there is an exception for that for the type of 21 grievance that it is, I think it's just 30 days for any 22 type of grievance. I mean that 10 days is just 23 responding to the letter. And then Article 20 filing 24 -- yeah, so 20.8(a) is, "In all cases a grievance must 25 be filed within 30 days following the act or omission</p>
<p>199</p> <p>1 Q (By Mr. Leo) Your answer is yes?</p> <p>2 A Yes.</p> <p>3 Q Okay. Now, after the 30 days passes could a 4 chapter grievance be filed in response to the November 5 10th Notice of Discipline?</p> <p>6 MS. HEFFNER: Objection as to form, you can 7 answer.</p> <p>8 A No, because the 30 days is the limit and now 9 it's gone.</p> <p>10 Q (By Mr. Leo) Right. Now, looking at the 11 December notice of proposed discipline termination, 12 could a chapter grievance have been filed in response to 13 the notice of proposed discipline termination issued on 14 December 16th, 2015?</p> <p>15 MS. HEFFNER: Objection as to form.</p> <p>16 A Could a chapter grievance -- could a chapter 17 grievance have been filed on this? I guess, I mean I 18 don't know.</p> <p>19 Q (By Mr. Leo) You don't know?</p> <p>20 A Theoretically I suppose it violates this and 21 everyone agrees then it could be filed. But I don't 22 know. I don't know specifically if this is grievable.</p> <p>23 Q So, just so the record is clear --</p> <p>24 A If it's grievable --</p> <p>25 Q -- is it possible or --</p>	<p>201</p> <p>1 being grieved, or the date on which the employee knew or 2 reasonably should have known of the act." So, that says 3 that's 30 days for the grievance and I think the 10 days 4 here just talks about the response for this. So, I 5 don't think -- so I guess they're asking for 10 days. 6 So, he should respond within 10 days, right? But I 7 don't think that would conclude filing a grievance 8 within 30 days.</p> <p>9 Q So, it would be possible to file a chapter 10 grievance in response to the December notice of proposed 11 discipline?</p> <p>12 MS. HEFFNER: Objection as to form, you can 13 answer.</p> <p>14 A I would think so.</p> <p>15 Q (By Mr. Leo) You could have filed a chapter 16 grievance?</p> <p>17 MS. HEFFNER: Objection as to form, you can 18 answer.</p> <p>19 A If it's grievable, yes.</p> <p>20 Q (By Mr. Leo) Zoeller could have filed a 21 grievance?</p> <p>22 A Or if -- if there is some issue. If there is 23 an issue one could and you're within the 30 days then 24 one can file chapter grievance.</p> <p>25 Q You could have filed a grievance?</p>



202	204
<p>1 MS. HEFFNER: Objection as to form.</p> <p>2 A He has to sign the form.</p> <p>3 Q (By Mr. Leo) Who?</p> <p>4 A Bob Zoeller.</p> <p>5 Q Zoeller. So, Zoeller could have filed a grievance?</p> <p>6 MS. HEFFNER: Objection as to form, you can answer.</p> <p>7 A He could have. I think I have to sign it too as a chair.</p> <p>8 Q (By Mr. Leo) Okay. But you indicated back in December of 2015 that you didn't want to sign anything for Professor Tracy?</p> <p>9 MS. HEFFNER: Objection as to form.</p> <p>10 A That was in that e-mail, so we get the letter. Bob sent the thing to me. I said I didn't want to do it. Then he called me saying we need to do it. So, at that point I could have gone forward and I was prepared to go forward with a grievance.</p> <p>11 Q (By Mr. Leo) Let's talk about this e-mail that you're referring to. If you can go to the second page of that e-mail. And if you can look it towards the middle of the page you say after the issue at hand is termination just below that you say, "I think our first position should be it is not grievable." Why would you</p>	<p>1 it.</p> <p>2 Q (By Mr. Leo) Does that mean that no faculty member after that 30-day window could grieve the use of the outside activities policy in the way in which it was being used against Professor Tracy?</p> <p>3 MS. HEFFNER: Objection as to form, you can answer.</p> <p>4 A Unless there was another case of it so. But you're asking me about this specific.</p> <p>5 Q (By Mr. Leo) I'm saying in general. Professor Tracy is asked to submit outside activities forms for his personal blogging. He had 30 days from the Notice of Discipline dated November 10th, 2015 to grieve that. Did the entire faculty also have 30 days to grieve as a chapter?</p> <p>6 MS. HEFFNER: Objection as to form.</p> <p>7 Q (By Mr. Leo) In the same respect?</p> <p>8 MS. HEFFNER: Objection as to form.</p> <p>9 A No, I don't think so.</p> <p>10 Q (By Mr. Leo) You see what I'm asking?</p> <p>11 A Not entirely but --</p> <p>12 Q What I'm asking is, is the failure to file a chapter grievance by UFF-FAU in response to the November 10th, 2015 Notice of Discipline, did that also cause a waiver of the rights of other UFF-FAU members with</p>
203	205
<p>1 say that? After what you just testified to particularly -- I'm a little confused so maybe you can help me understand that.</p> <p>2 A I don't know.</p> <p>3 Q If you continue reading after that line, you write, "I started filling out the step 2 draft and I can't see a cause to push back against the termination letter. I guess those arguments would need to come from James Tracy." What do you mean by that?</p> <p>4 A So -- so, I didn't see reasons for that to do the grievance.</p> <p>5 Q You didn't see reasons for what?</p> <p>6 A So, I guess, I didn't understand or see the reasons to file grievance.</p> <p>7 Q You didn't see a reason to file a chapter grievance or a grievance for Tracy individually?</p> <p>8 A We never talked about chapter grievance but -- so individual grievance.</p> <p>9 Q Okay. I just want to be clear also on how this window -- a grievability window works. After 30 days from the November 10th, 2015 Notice of Discipline you said after 30 days the ship is sailed on being able to grieve?</p> <p>10 MS. HEFFNER: Objection as to form.</p> <p>11 A It says, yeah, 30 days then you can't grieve</p>	<p>1 respect to use of the policy in this way?</p> <p>2 MS. HEFFNER: Objection as to form, you can answer.</p> <p>3 A I would think -- I would think if there were other people, if other violations occurred then one could object so I don't think --</p> <p>4 Q (By Mr. Leo) Other violations of what?</p> <p>5 A Of -- of -- what article 19 I guess, so -- so if this is a violation then other violations could come up and then you could object, you could file grievances for future.</p> <p>6 Q But this directive to have personal blogging be submitted to the University pursuant to the outside activities policy, that's this directive that's issued November 2015. Once no grievance is filed by Professor Tracy or the chapter, are you saying that it's grievable if it happens again later?</p> <p>7 MS. HEFFNER: Objection as to form, you can answer.</p> <p>8 Q (By Mr. Leo) Use of the policy in this way, is that grievable after you missed the window to file as a chapter on the November 10th notice?</p> <p>9 A If it's a violation of a contract then, yeah --</p> <p>10 Q For example, let's say the same exact letter.</p>

<p>1 Submit your forms. Let's say it goes to you, for your 2 Twitter. Submit the forms for your personal online 3 activities. Have your rights been waived because nobody 4 grieved a directive that was identical back in November 5 of 2015?</p> <p>6 MS. HEFFNER: Objection as to form, you can 7 answer.</p> <p>8 A So I guess for that to be the case then if 9 that happened and then I agree the Twitter situation and 10 then the administration says, "No, you don't have a 11 right to object to that because there was this prior 12 case and no one objected to it." So, you're saying 13 there is a build of case law for it?</p> <p>14 Q (By Mr. Leo) That's exactly what I'm asking 15 you. If the failure to grieve a directive is precedent 16 setting for your chapter and for all faculty at the 17 university.</p> <p>18 MS. HEFFNER: Objection as to form, you can 19 answer.</p> <p>20 Q (By Mr. Leo) If you know.</p> <p>21 A I don't think so because it seems like -- I 22 mean it's the contract that matters the most and 23 precedent doesn't seem to be a factor in that. I 24 don't --</p> <p>25 Q Are you saying you don't know?</p>	<p>206</p> <p>1 A I would not think so. I would think --</p> <p>2 Q (By Mr. Leo) I'm not asking what you think.</p> <p>3 I'm asking whether you know.</p> <p>4 A So I don't know.</p> <p>5 Q Okay. So, it's possible that UFF-FAU by 6 failing to file a chapter grievance with respect to 7 directives that were made to one of their members it's 8 possible that there could have been a waiver of all of 9 the member's rights to challenge future directives that 10 are identical or nearly identical?</p> <p>11 MS. HEFFNER: Objection as to form, you can 12 answer.</p> <p>13 A I don't -- I don't think. I'm not quite sure 14 how the case law aspect of it works. How much --</p> <p>15 Q (By Mr. Leo) So you don't know?</p> <p>16 A -- that impacts -- I know I don't -- yeah, I 17 basically don't know but --</p> <p>18 Q Has anybody ever asked you about that before 19 today?</p> <p>20 A I don't think so. I know it's important to 21 protect the contract umm--</p> <p>22 Q Let's stop right there. Did you protect the 23 contract with respect to Professor Tracy?</p> <p>24 MS. HEFFNER: Objection as to form, you can 25 answer.</p>
<p>1 A I don't think so. I mean precedent doesn't 2 seem to come up.</p> <p>3 Q What if tomorrow FAU sent a directive just 4 like that to every single faculty member and said, 5 "Submit your blog, your Twitter, your Facebook page", 6 all of that. Do you have the right to challenge it now 7 that Professor Tracy was disciplined and terminated 8 without any opposition from your chapter in any way 9 within any timetable, any window, not within the 30-day 10 window from November 10th, not within the 30-day window 11 from December 16th, 2015, if you know.</p> <p>12 MS. HEFFNER: Objection as to form, you can 13 answer.</p> <p>14 A My understanding was there was a lawyer from 15 the Union defending him, that's why there was a 16 grievance on the termination letter.</p> <p>17 Q (By Mr. Leo) I'm sorry.</p> <p>18 A So --</p> <p>19 Q Are you -- are you answering my question?</p> <p>20 A Okay, so --</p> <p>21 Q The question is whether you know if the 22 chapter has waived everybody's rights at UFF-FAU by 23 failing to grieve this directive from November 2010?</p> <p>24 MS. HEFFNER: Objection as to form, you can 25 answer.</p>	<p>207</p> <p>1 A I don't know.</p> <p>2 Q (By Mr. Leo) Did you do anything to protect 3 the contract?</p> <p>4 MS. HEFFNER: Objection as to form, you can 5 answer.</p> <p>6 Q (By Mr. Leo) When it came to Professor Tracy's 7 rights under the contract did you do anything to protect 8 the contract?</p> <p>9 MS. HEFFNER: Objection as to form, you can 10 answer.</p> <p>11 A Did I do anything? Not very much, so no, I 12 guess.</p> <p>13 Q (By Mr. Leo) To your knowledge did anybody at 14 UFF-FAU do anything to protect the contract with respect 15 to Professor Tracy's rights under the contract?</p> <p>16 MS. HEFFNER: Objection as to form, you can 17 answer.</p> <p>18 A So, to my knowledge there was a UFF state 19 level attorney working on this issue of the termination 20 so --</p> <p>21 Q (By Mr. Leo) Do you know if whether that 22 attorney did anything to protect the contract concerning 23 Professor Tracy?</p> <p>24 A I don't know the details of his interaction 25 with Professor Tracy, but my understanding was they were</p>

<p>1 working on it. So, state level was defending him. 2 Q Did this attorney -- do you know his name? 3 A I know there is a McKee. I don't know if 4 that's the attorney. Bob was the one who was relaying 5 this information. 6 Q You're saying Zoeller? 7 A Right. I don't know if it was McKee but there 8 was another, it might have been a different attorney, 9 but I know he, Tracy had representation. 10 Q How do you know that he had representation? 11 A President of the Union said he did. 12 Q Zoeller? Zoeller told you that he was being 13 represented? 14 A Right. 15 Q Did Zoeller tell you what was being done to 16 represent Tracy? 17 MS. HEFFNER: Objection as to form, you can 18 answer. 19 Q (By Mr. Leo) Or to defend Tracy? 20 A That Tracy was in contact with this lawyer, 21 and I -- we didn't really talk about the details of. I 22 would assume that he was figuring out to do the 23 grievance or a lawsuit or some sort of -- 24 Q Would you agree that Zoeller followed your 25 advice and letting the lawyer -- Tracy's lawyer deal</p>	<p>210</p> <p>1 chapter members or to the officers of the chapter or the 2 senators of the chapter, we should be monitoring Tracy's 3 defense or response to the discipline? 4 MS. HEFFNER: Objection as to form, you can 5 answer. 6 A I never said that. 7 Q (By Mr. Leo) Did anybody at the chapter 8 suggest that or say that they were monitoring, for 9 example, the whole process? 10 MS. HEFFNER: Objection as to form. 11 A I didn't hear anything like that. 12 Q (By Mr. Leo) Would you agree that that would 13 be something that the chapter should do? 14 MS. HEFFNER: Objection as to form. 15 Q (By Mr. Leo) I'll rephrase. 16 A Yeah. 17 Q Should the chapter monitor the members, former 18 members, you know, any faculty members grievance process 19 even if they've handed it off to a lawyer? 20 MS. HEFFNER: Objection as to form, you can 21 answer. 22 A Now, monitor, we -- I can think of like 23 Kajuira and Babbar have private grievances going on. 24 So, monitoring I have no like docking or tracking system 25 really they will sometimes contact but usually they</p> <p>212</p>
<p>1 with this grievance process or this issue? 2 MS. HEFFNER: Objection as to form, you can 3 answer. 4 A I don't know what he specifically. Bob was 5 doing, that was my understanding was the lawyer was 6 handling it so it's -- 7 Q (By Mr. Leo) And that's what you told Zoeller, 8 right? 9 A It's kind of out of our hands or it's -- 10 Q Didn't you tell Zoeller, "let him figure it 11 out with his lawyers", you're referring to Tracy? 12 A Right. 13 Q I'm referring to your e-mail dated 12/17 at 14 10:15. 15 MS. HEFFNER: Objection as to form. 16 MS. HEFFNER: Objection. 17 A So, I guess -- I guess he had lawyers at that 18 point. 19 Q (By Mr. Leo) Right. 20 A So -- 21 Q And you said, "Let him figure it out with his 22 lawyers." So, was that the end of it for you as far as 23 Professor Tracy was concerned? 24 A I would -- yeah, I mean -- 25 Q So, you never said to the -- any of the other</p>	<p>211</p> <p>1 don't. So, if we happen to bump into them then I'll see 2 how it's going or we'll get news but no, we don't have 3 like a tracking monitoring system. So -- 4 Q (By Mr. Leo) Those two examples you gave, 5 they're represented by Union lawyers or do they have 6 private counsel? 7 A I think they have private because the Union is 8 the grievance so they have their own private counsel. 9 Q So, who at UFF or UFF-FAU or FEA is involved 10 in dealing with Union lawyers that are brought into a 11 faculty member's disciplinary action grievance process? 12 MS. HEFFNER: Objection as to form, you can 13 answer. 14 A So, who at the chapter, at the local -- 15 Q (By Mr. Leo) Anywhere up the ladder. Starting 16 at your chapter going all the way up to UFF and FEA? 17 A As far as I know, president and then Michael 18 Moats. But I don't know the other chapter members would 19 have, I guess if they have reason to consult but I don't 20 know about any of those. 21 Q Were other chapter members concerned about the 22 way that Professor Tracy's grievance was being handled? 23 MS. HEFFNER: Objection as to form. 24 A I haven't heard any complaints about that or 25 concerns.</p> <p>213</p>

<p>214</p> <p>1 Q (By Mr. Leo) Do you recall Mike Budd's 2 concerns about the way the grievance was being handled? 3 MS. HEFFNER: Objection as to form. 4 A No. 5 MR. LEO: Let me just mark this. 6 THE COURT REPORTER: This is 16. 7 MR. LEO: 16? 8 (Thereupon, Plaintiff's Exhibit PM-16 was 9 entered into the record.) 10 Q (By Mr. Leo) This is PM 16 for today. I 11 believe this may have been another e-mail that you've 12 already seen. Does this refresh your recollection as to 13 whether other chapter members expressed concerns about 14 the way Professor Tracy's grievance was being handled? 15 MS. HEFFNER: Objection as to form, you can 16 answer. 17 A So, it looks like he is expressing concern. 18 Q (By Mr. Leo) And when he says, "Hi, Bob, Doug 19 and Chris," is he talking to you? 20 A Yes, I think so. 21 Q Did you receive this message? 22 A I don't -- it doesn't ring a bell. 23 Q Looking at what he said in this message today 24 when he says here at the end, "I bring this up because 25 the dean and the admin may go after him further and try</p>	<p>216</p> <p>1 look at it. 2 Q Today? When you say, "Look at it," I'm just 3 trying to understand -- 4 A Well, I guess review it. 5 Q -- you're saying you would want them to look 6 at it? 7 A -- review it, right. 8 Q Are you familiar with the University and the 9 Union's position in this case? 10 MS. HEFFNER: Objection as to form, you can 11 answer. 12 A That it's what not -- that it's justified 13 right. 14 Q (By Mr. Leo) I'm asking if you know. 15 A I think that's the position. I understand -- 16 Q Have you talked to anybody about this case 17 since the termination? 18 A Bob Zoeller I've talked to. 19 Q What has Zoeller told you about the case? 20 A That it's the conspiracy, I think the -- that 21 it's alleging that there is a conspiracy between the 22 administration. I think -- I would say, what's his 23 name? Glick and him. 24 Q Zoeller told you that he was involved in the 25 conspiracy?</p>
<p>215</p> <p>1 to fire a tenured faculty member regardless of what 2 happens with the SPE. Are we okay with that?" You 3 don't remember this statement? 4 A I don't -- I don't remember it. 5 Q And looking at the date of this e-mail, this 6 is dated December 2nd, 2015, that was within the window 7 to respond to the November 10th Notice of Discipline, 8 right? 9 A Yeah. 10 Q But you're saying you don't remember receiving 11 this e-mail? 12 A I don't remember that. 13 Q Did you ever respond to this e-mail? 14 A This is before this the other e-mail I sent 15 but I don't -- I don't remember responding. 16 Q And looking at what he's saying today and 17 after all of the things that we've talked about, are you 18 okay with what the university did with respect to 19 Professor Tracy's tenured employment? 20 MS. HEFFNER: Objection as to form, you can 21 answer. 22 A I guess I would want everyone to look at it 23 closely. 24 Q (By Mr. Leo) You would want everyone, who? 25 A The University lawyers, Union, everyone to</p>	<p>217</p> <p>1 MS. HEFFNER: Objection as to form. 2 A That's the allegation I believe. 3 Q (By Mr. Leo) Okay. So, he told you what was 4 alleged. Did Zoeller ever tell you that he ever met 5 with Larry Glick before? 6 A Not -- no, he didn't. He said he did not. 7 Q Did Zoeller indicate that he ever talked to 8 Glick about Professor Tracy prior to the termination? 9 A No, he said he did not do that. 10 Q Did Zoeller ever indicate that he talked to 11 anybody else at the University within the administration 12 about Professor Tracy? 13 A No. 14 Q Such as the president of the university? 15 A He didn't mention that to me. 16 Q Did Zoeller ever tell you not to talk to 17 anybody about your role or involvement in Professor 18 Tracy's disciplinary action? 19 MS. HEFFNER: Objection as to form, you can 20 answer. 21 A No, other than grievances are inherently 22 private, you know, you don't -- I don't talk to people 23 about them. 24 Q (By Mr. Leo) Did Zoeller ever tell you not to 25 talk to Professor Tracy?</p>

<p>1 A No. I think – yeah, I don't think he told me 2 not to talk to him.</p> <p>3 Q Did he ever tell anybody else at United 4 Faculty of Florida not to communicate with Professor 5 Tracy about his grievance?</p> <p>6 MS. HEFFNER: Objection as to form, you can 7 answer.</p> <p>8 A So, did he talk to other people and say not to 9 talk to about it?</p> <p>10 Q (By Mr. Leo) Are you aware of any directive 11 issued by Defendant Zoeller not to talk to Professor 12 Tracy about anything?</p> <p>13 MS. HEFFNER: Objection as to form, you can 14 answer.</p> <p>15 A That I'm not -- I'm not aware of that.</p> <p>16 Q I'm going to show you one more thing.</p> <p>17 (Thereupon, a short discussion was held off 18 record.)</p> <p>19 (Deposition resumed.)</p> <p>20 (Thereupon, Plaintiff's Exhibit PM-17 was 21 entered into the record.)</p> <p>22 Q (By Mr. Leo) I'm going to show you what's been 23 marked as PM-17 for today. Just take a look at that and 24 let me know if this rings a bell.</p> <p>25 A What about it?</p>	<p>218</p> <p>1 answer.</p> <p>2 A Yes, it looks like he is saying do not 3 communicate with Jim Tracy.</p> <p>4 Q (By Mr. Leo) Okay. Do you have a problem with 5 how Zoeller and Moats handled Professor Tracy's 6 discipline?</p> <p>7 MS. HEFFNER: Objection as to form, you can 8 answer.</p> <p>9 A Do I have a problem with it? I think as far 10 as I know I don't really have a problem with it, no.</p> <p>11 So, I don't have a problem.</p> <p>12 Q (By Mr. Leo) You don't have a problem with the 13 failure of UFF-FAU to file a grievance within 30 days of 14 the November 10th Notice of Discipline?</p> <p>15 MS. HEFFNER: Objection as to form, you can 16 answer.</p> <p>17 A Let's see. So, my understanding was that was 18 not was not grievable so he is supposed to sign those 19 forms. So, they advised that he sign the forms. That 20 was my understanding.</p> <p>21 Q (By Mr. Leo) Right. My question was --</p> <p>22 A So --</p> <p>23 Q -- do you have a problem with the chapter's 24 failure to file a grievance within 30 days of that 25 Notice of Discipline?</p> <p>220</p>
<p>1 Q Were you included on this exchange?</p> <p>2 A I don't specifically remember it but I may 3 have been.</p> <p>4 Q Does this refresh your recollection as to 5 whether Defendant Zoeller instructed anybody at UFF-FAU 6 not to communicate with Professor Tracy?</p> <p>7 MS. HEFFNER: Objection as to form, you can 8 answer.</p> <p>9 A I'm not really clear on what the relationship 10 was between Jim's friends from when he was president. I 11 don't know of --</p> <p>12 Q (By Mr. Leo) My question is whether or not 13 this communication, do you see what it says there at the 14 top?</p> <p>15 A "Should not be discussed".</p> <p>16 Q Does this refresh your recollection as to 17 whether or not Zoeller gave any directives to UFF-FAU 18 not to communicate with Professor Tracy?</p> <p>19 MS. HEFFNER: Objection as to form, you can 20 answer.</p> <p>21 A Well, that says that they shouldn't discuss 22 them so -- it's right there.</p> <p>23 Q (By Mr. Leo) So, that refreshes your 24 recollection as to directives issued by Zoeller?</p> <p>25 MS. HEFFNER: Objection as to form, you can</p>	<p>219</p> <p>1 MS. HEFFNER: Objection as to form, you can 2 answer.</p> <p>3 A Okay, so you're asking me if --</p> <p>4 Q (By Mr. Leo) I'm asking you how you feel about 5 it.</p> <p>6 MS. HEFFNER: Objection as to form, you can 7 answer.</p> <p>8 A If -- so it seems for not filing a form, I 9 could see how you say that was a petty thing to fire 10 someone for. So --</p> <p>11 Q (By Mr. Leo) Right. But my question is more 12 direct to that the failure of the chapter and Zoeller 13 and Moats to file a grievance for Professor Tracy after 14 he receives a Notice of Discipline on November 10th.</p> <p>15 MS. HEFFNER: Objection as to form, you can 16 answer.</p> <p>17 A I think --</p> <p>18 Q (By Mr. Leo) Do you see a problem with that?</p> <p>19 MS. HEFFNER: Objection as to form.</p> <p>20 A -- we considered it and then determined that 21 it wasn't so I don't --</p> <p>22 Q (By Mr. Leo) When you say we, when you say we, 23 earlier you testified that --</p> <p>24 A Collectively yes.</p> <p>25 Q Earlier you testified that it was Zoeller and</p> <p>221</p>



<p>222</p> <p>1 Moats who made that decision and you just went along 2 with it. 3 MS. HEFFNER: Objection as to form, you can 4 answer. 5 Q (By Mr. Leo) Is -- which one is it? Is it 6 what you said earlier or was it "we" who -- were you 7 involved in that decision? 8 MS. HEFFNER: Objection as to form. 9 A I was at the meeting. I don't think I had the 10 much to say and or much input into determining whether 11 it would be objectionable or not. 12 Q (By Mr. Leo) Was it Zoeller or Moats who was 13 the first to say it wasn't grievable? 14 A I'm not sure which. 15 Q During this discussion about the grievability 16 of the November 2015 Notice of Discipline, was there any 17 discussion about Professor Tracy's blogging? 18 A I don't remember specifically talking about 19 that. 20 Q Did anybody say they didn't like Professor 21 Tracy? 22 A No. 23 Q Did anybody express a complaint or problem 24 that they had with Professor Tracy? 25 A I remember Bob saying, "He has kids, why is he</p>	<p>224</p> <p>1 Professor Tracy an ultimatum? 2 MS. HEFFNER: Objection as to form, you can 3 answer. 4 Q (By Mr. Leo) And it's the same ultimatum that 5 FAU gave Professor Tracy? 6 MS. HEFFNER: Objection as to form, you can 7 answer. 8 A I don't -- I wouldn't call it an ultimatum, I 9 would say it was advice. 10 Q (By Mr. Leo) The advice was to fill out the 11 form -- 12 A And then file a grievance afterwards. 13 Q Is that not an ultimatum? 14 MS. HEFFNER: Objection as to form, you can 15 answer. 16 A An ultimatum would be the last part of an 17 interaction so he could come back with the counter I 18 guess to that. 19 Q (By Mr. Leo) According to the internet it's "A 20 demand whose fulfillment is requested in a specified 21 period of time which is backed up by a threat to be 22 followed through in case of noncompliance." 23 MS. HEFFNER: Objection as to form. 24 Q (By Mr. Leo) Using that definition would that 25 be an ultimatum?</p>
<p>223</p> <p>1 doing this?" that kind of thing. 2 Q Why is he blogging? 3 A No, why is this an issue, I guess. Why is -- 4 Q Can you elaborate? 5 A Why is -- should sign the form and then not 6 have it become a discipline problem. 7 Q Is it safe to say that Zoeller was instructing 8 Professor Tracy to comply with FAU's directives? 9 MS. HEFFNER: Objection as to form, you can 10 answer. 11 A I think that was -- that was the consensus out 12 of the meeting, it was for him to sign -- that was the 13 advice to sign the form. 14 Q (By Mr. Leo) Did Zoeller have any intention of 15 filing grievance -- 16 MS. HEFFNER: Objection as to form. 17 MS. HEFFNER: Objection as to form. 18 Q (By Mr. Leo) -- that you know of? 19 A That I don't know and I would -- if the 20 grievant -- coming out of that meeting it was putting 21 the ball back in Tracy's court. So -- 22 Q How was that putting the ball in his court? 23 A To decide to sign the form or I guess to 24 pursue a grievance if he wanted to. 25 Q Would you agree with me that Zoeller gave</p>	<p>225</p> <p>1 MS. HEFFNER: Objection as to form. 2 A I don't see a -- I don't see a threat there. 3 Q (By Mr. Leo) Do you see conditions in that 4 advice? 5 A Conditions that he should sign it, that's 6 the -- 7 Q As -- or a condition that we're not going to 8 grieve unless you sign the forms that are being demanded 9 by the administration? 10 MS. HEFFNER: Objection as to form. 11 A I don't think that's part of it. 12 Q (By Mr. Leo) You don't think that that's a 13 conditional -- conditional advice or he is not being 14 given a take or leave it type of choice? 15 MS. HEFFNER: Objection as to form. 16 A I think that's the -- that's the advice given 17 to sign the form and then to grieve it after signing. 18 Q (By Mr. Leo) Is that bad advice? 19 MS. HEFFNER: Objection as to form, you can 20 answer. 21 A Well, I guess it -- I know the Weingarten 22 Rights, you're not supposed to leave the meeting. So, I 23 know there is -- there is other situations where you 24 don't want to -- don't want to be in violation or -- you 25 don't want to - what's the word? Um --</p>

<p>226</p> <p>1 Q (By Mr. Leo) I'm not sure what Weingarten is. 2 Tell me what's Weingarten is. 3 A It's a case for -- if there is ever a 4 disciplinary, potential of a disciplinary agreement or a 5 situation with one supervisor, employee or faculty 6 member can invoke the Weingarten Rights, which means 7 there needs to be a Union representative there if it's a 8 different-- 9 Q Okay. How does that have any connection with 10 the directive that was or advice that was issued by 11 Zoeller concerning the Notice of Discipline in 2015? 12 A I think the -- well, the advice to not be 13 insubordinate, I think that's the term to comply with 14 it, but then if you disagree with it then grieve against 15 that later so not -- not to directly disobey but to 16 comply with the orders and then later go against or file 17 a grievance against it. So, I don't see that as an 18 ultimatum really. I mean -- 19 Q You don't see the conditioning a grievance on 20 the compliance with an unlawful directive as like a 21 threat or a condition? 22 MS. HEFFNER: Objection as to form. 23 A No, because then -- sign the form and then you 24 can grieve later. 25 Q (By Mr. Leo) Where is that rule in UFF-FAU,</p>	<p>228</p> <p>1 and the grievance chair Doug Broadfield, they 2 immediately filed a grievance in response to a Notice of 3 Discipline that was issued. So, I'll ask you again, 4 when did the "fill out of the form and then we'll grieve 5 it," when did that come into the picture at UFF-FAU 6 since in 2013 that was not the advice that they gave 7 Professor Tracy or any other faculty member that we 8 know of? 9 MS. HEFFNER: Objection as to form, you can 10 answer. 11 A I don't know when that -- if there was a 12 change. I don't know. I can't answer that. 13 Q (By Mr. Leo) Do you know if it came from 14 somebody above Michael Moats? 15 MS. HEFFNER: Objection as to form. 16 A I don't know where that's coming from. 17 Q (By Mr. Leo) If what I just said is true about 18 the advice that was given to Professor Tracy in 2013 19 that led to a grievance that was successfully filed and 20 resolved in 2013. Would that change your testimony 21 about whether the advice that was given by Zoeller and 22 Moats in 2015 was bad advice? 23 MS. HEFFNER: Objection as to form. 24 A If it's exactly the same, I don't know if 25 there are other conditions that would affect it. As you</p>
<p>227</p> <p>1 UFF-FEA where is this advice, where is this coming from 2 other than Zoeller or Moats, where did this come from? 3 MS. HEFFNER: Objection as to form. 4 Q (By Mr. Leo) Who made it up? 5 A I guess Moats is the main source. I don't 6 know if there is a portion of the collective bargaining 7 agreement in subordination. 8 Q Why didn't anybody at UFF-FAU tell Professor 9 Tracy that advice in 2013? 10 MS. HEFFNER: Objection as to form, you can 11 answer. 12 A To sign the form? 13 Q (By Mr. Leo) Right. In 2013 -- 14 A See, I don't know. 15 Q -- they didn't give that advice, did they? 16 MS. HEFFNER: Objection as to form. 17 A I don't know what they did. So I guess I 18 would expect them to say sign the form but then he 19 grieved but I guess in that case he never signed the 20 forms and then they had a dispute -- 21 Q (By Mr. Leo) In 2013 Professor Tracy was given 22 the same exact directive from FAU, sign these outside 23 activities forms or complete them with your personal 24 blog and submit them to your supervisor. And when it 25 went to Moats and to the UFF-FAU president then was Robe</p>	<p>229</p> <p>1 just described it it sounds like one should object all, 2 file a grievance although -- 3 Q (By Mr. Leo) Without waiting for the forms to 4 be filled out? 5 MS. HEFFNER: Objection as to form. 6 A If that was the precedent -- 7 Q (By Mr. Leo) In your Collective Bargaining 8 Agreement that you got there and the outside activities 9 policy all of that, where in the Collective Bargaining 10 Agreement does it say you have to submit anything before 11 filing a grievance? And if you want you can take a 12 minute so you can look through it. 13 (Thereupon, a short discussion was held off 14 record.) 15 (Deposition resumed.) 16 Q (By Mr. Leo) Where we left off you were 17 looking for wherein in the CBA it says that you should 18 submit outside activities forms before grieving? 19 A No, that was the 19. I think you were asking 20 if the sign -- sign it now grieve it later that policy. 21 Q Sure. 22 A And I am not finding it in here other than 23 maybe responsibilities -- 24 Q Would you -- 25 A -- so I'd have to look.</p>



<p>230</p> <p>1 Q Would you agree that it's not a policy that's 2 in the collective bargaining agreement?</p> <p>3 MS. HEFFNER: Objection as to form.</p> <p>4 A I don't -- I don't know if it is in there.</p> <p>5 Q (By Mr. Leo) Let me just say this, if it's not 6 in the collective bargaining agreement would you agree 7 that it's not part of your agreement or a condition of 8 employment at UFF -- I'm sorry, FAU?</p> <p>9 MS. HEFFNER: Objection as to form. You can 10 answer.</p> <p>11 A There's the faculty policy. There is 12 university regulations that talk about insubordination 13 or some of the reasons for being terminated right -- 14 misconduct that kind of thing and that list in detail 15 all the various kinds of misconducts so some of those 16 are the insubordination. It's part of that and I think 17 that's -- that's what that advice is trying to avoid 18 appearing insubordinate.</p> <p>19 Q (By Mr. Leo) Okay. Does it say anywhere in 20 the collective bargaining agreement that if a directive 21 is grievable one must comply with the directive before 22 being able to grieve?</p> <p>23 MS. HEFFNER: Objection as to form. You can 24 answer.</p> <p>25 A Let's see. So, Article 20 talks about the</p>	<p>232</p> <p>1 where he's supposed to go to a workshop and -- so that 2 same issue comes up that should he go to workshop or 3 should he grieve, because he doesn't agree with the 4 disciplinary letter.</p> <p>5 Q So, in this example, Babbar was given a 6 directive to go somewhere?</p> <p>7 A Exactly.</p> <p>8 Q And what was UFF-FAU's advice?</p> <p>9 A Go to the workshop.</p> <p>10 Q And then grieve?</p> <p>11 A And then grieve it if -- if he thinks it's 12 grievable --</p> <p>13 Q But could Babbar or whoever this professor is 14 could he grieve without waiting to comply with the 15 directive?</p> <p>16 MS. HEFFNER: Objection as to form. You can 17 respond.</p> <p>18 Q (By Mr. Leo) Under his agreement, I'm 19 referring to the collective bargaining agreement. Does 20 he have the right, does Babbar have the right to grieve 21 before the directive is complied with?</p> <p>22 A That's a good question. I don't think so.</p> <p>23 Q You don't think so what?</p> <p>24 A To not -- I mean he can -- if he doesn't go 25 then I think he would be subjected to further</p>
<p>231</p> <p>1 grieving -- the process of grieving and that would be a 2 logical place for something like that to be -- it does 3 talk about working towards resolving it informally 4 before the formal grievance is necessary. I don't know 5 if -- so that I mean that may not be part of the 6 agreement or the collective bargaining agreement.</p> <p>7 Q (By Mr. Leo) Right.</p> <p>8 A So that might just be advice to avoid to 9 getting in this situation in the first place that you 10 would then need to grieve it.</p> <p>11 Q Is this advice that is given to all faculty 12 members by UFF-FAU?</p> <p>13 MS. HEFFNER: Objection as to form. You can 14 answer.</p> <p>15 A That's consistent to not put one self in a 16 position to being insubordinate. But --</p> <p>17 Q (By Mr. Leo) And this is advice that you 18 learned of when?</p> <p>19 A There were a couple grievances, Sunil Babbar's 20 grievance with the evaluation files.</p> <p>21 Q So, Babbar was advised to submit something or 22 to follow a directive?</p> <p>23 A Well, he had meetings with his chair and then 24 there is a recent one -- am I allowed to talk about 25 grievances currently? So, there is a current grievance</p>	<p>233</p> <p>1 discipline.</p> <p>2 Q If he does agree or if he didn't agree?</p> <p>3 A If he doesn't do the action.</p> <p>4 Q What if he filed a grievance before the 5 workshop, in this example, are you saying that he would 6 be deemed insubordinate for not --</p> <p>7 A I think --</p> <p>8 Q -- for grieving or for not going to the 9 workshop?</p> <p>10 MS. HEFFNER: Objection as to form. You can 11 answer.</p> <p>12 A Well, there's a -- that should be in here but, 13 yeah what happens to like the status of say a suspension 14 or some sort of disciplinary procedure to somebody. 15 That's it. I think in the cases they have had they've 16 all -- they've been evaluations which are already done. 17 Then there is alteration between chair and faculty 18 member and then there was a suspension and so a fine 19 like a one day and a fine and that was imposed -- that 20 that was -- that wasn't something that faculty member 21 had to do. So, I can't think of a case where there was 22 this kind of situation --</p> <p>23 Q Where a directives --</p> <p>24 A -- voluntarily not complying with it I guess.</p> <p>25 Q Where a directives been issued for a future</p>



<p>234</p> <p>1 event?</p> <p>2 A And then the choice of whether to comply with</p> <p>3 it or not --</p> <p>4 Q What about Wagner?</p> <p>5 A Okay -- that never got to be a grievance.</p> <p>6 Q In Wagner's case was Wagner advised to fill</p> <p>7 out an outside activity form before grieving?</p> <p>8 MS. HEFFNER: Objection as to form. You can</p> <p>9 answer.</p> <p>10 A So, you've said that I believe he got -- there</p> <p>11 were these letters -- there were these letters issued</p> <p>12 -- letter to him I think, which was kind of muzzling or</p> <p>13 caution -- cautionary letter, it is again informal</p> <p>14 disciplinary letter but that it never went to the</p> <p>15 grievance that it was never grieved. I think he handled</p> <p>16 it with the senate.</p> <p>17 Q (By Mr. Leo) It was resolved without</p> <p>18 disciplinary action by FAU?</p> <p>19 MS. HEFFNER: Objection as to form. You can</p> <p>20 answer.</p> <p>21 A Right.</p> <p>22 Q (By Mr. Leo) And without the need for a</p> <p>23 grievance?</p> <p>24 A Exactly.</p> <p>25 Q Unlike Professor Tracy's case?</p>	<p>236</p> <p>1 A -- but --</p> <p>2 Q Going back to 2013 that's exactly what UFF-FAU</p> <p>3 did for Professor Tracy. So, you didn't tell him to</p> <p>4 fill out paperwork as you're being directed to they</p> <p>5 filed a grievance and resolved it?</p> <p>6 MS. HEFFNER: Objection as to form. You can</p> <p>7 answer.</p> <p>8 Q (By Mr. Leo) Right? You're not against it?</p> <p>9 A That's interesting. Okay, so that looks like</p> <p>10 a difference.</p> <p>11 Q You agree that there was no advice in 2013,</p> <p>12 like the advice that was given to Professor Tracy in</p> <p>13 2015?</p> <p>14 MS. HEFFNER: Objection as to form.</p> <p>15 A I don't know. I have no idea what happened in</p> <p>16 2013.</p> <p>17 Q (By Mr. Leo) Because you didn't ask anybody?</p> <p>18 MS. HEFFNER: Objection as to form.</p> <p>19 A No.</p> <p>20 Q (By Mr. Leo) Do you believe that Professor</p> <p>21 Tracy was disciplined for his blogging?</p> <p>22 MS. HEFFNER: Objection as to form.</p> <p>23 A So, you're asking me what the intent of the</p> <p>24 administration was?</p> <p>25 Q (By Mr. Leo) I'm asking what your personal</p>
<p>235</p> <p>1 MS. HEFFNER: Objection as to form.</p> <p>2 A Right.</p> <p>3 Q (By Mr. Leo) But there is no provision in the</p> <p>4 collective bargaining agreement particularly Article 20</p> <p>5 pertaining to grievances which requires a grievant to do</p> <p>6 anything before filing a grievance?</p> <p>7 MS. HEFFNER: Objection as to form. You can</p> <p>8 answer.</p> <p>9 A Not that I'm aware of.</p> <p>10 Q (By Mr. Leo) And so just so we are clear</p> <p>11 Professor Tracy didn't have to submit outside activities</p> <p>12 forms before grieving a directive that was issued to him</p> <p>13 by the university to submit outside activities forms?</p> <p>14 MS. HEFFNER: Objection as to form. You can</p> <p>15 answer.</p> <p>16 Q (By Mr. Leo) He could have grieved right away</p> <p>17 after the directive?</p> <p>18 MS. HEFFNER: Objection as to form. You can</p> <p>19 answer.</p> <p>20 Q (By Mr. Leo) Right?</p> <p>21 A Yeah, I would think you get the letter and</p> <p>22 then you grieve it I think, wasn't there an issue of not</p> <p>23 receiving the letter. I think there was a gap of time I</p> <p>24 don't know --</p> <p>25 Q Maybe --</p>	<p>237</p> <p>1 knowledge is and your beliefs based upon what you</p> <p>2 reviewed not only here today but in the past?</p> <p>3 MS. HEFFNER: Objection as to form. You can</p> <p>4 answer.</p> <p>5 Q (By Mr. Leo) Do you believe that Professor</p> <p>6 Tracy was disciplined by Florida Atlantic University</p> <p>7 because of his personal blogging?</p> <p>8 MS. HEFFNER: Objection as to form..</p> <p>9 Q (By Mr. Leo) Yes or no?</p> <p>10 A That was not on the letter. Maybe --</p> <p>11 Q Regardless of what was on paper I'm asking</p> <p>12 about your own beliefs. Do you have an opinion on this?</p> <p>13 A I guess it would have -- maybe it might have</p> <p>14 some impact.</p> <p>15 Q Professor Tracy in 2015 was being asked to</p> <p>16 submit outside activities form for his blogging, right?</p> <p>17 MS. HEFFNER: Objection as to form.</p> <p>18 A Was it -- I think there were, blogging was one</p> <p>19 of the things because it was related to professional</p> <p>20 activities and then I don't know if there was a</p> <p>21 financial exchange --</p> <p>22 Q (By Mr. Leo) I'm not asking -- I'm not asking</p> <p>23 you about what FAU put into their self-serving letters.</p> <p>24 I'm asking you about what your opinion is as to whether</p> <p>25 FAU was actually disciplining Professor Tracy for his</p>

238	240
<p>1 blog?</p> <p>2 MS. HEFFNER: Objection as to form. You can</p> <p>3 answer.</p> <p>4 Q (By Mr. Leo) Is that a fair question?</p> <p>5 MS. HEFFNER: Objection as to form.</p> <p>6 A What's the reason behind the question?</p> <p>7 Q (By Mr. Leo) I'm asking you if you have an</p> <p>8 opinion about whether Professor Tracy was being</p> <p>9 disciplined for his blogging?</p> <p>10 MS. HEFFNER: Objection as to form. You can</p> <p>11 answer.</p> <p>12 A That had -- there was pressure from the</p> <p>13 community and I've seen that pressure have an impact in</p> <p>14 other cases so I think it would be reasonable to see a</p> <p>15 connection that there would more pressure to discipline</p> <p>16 him specifically. I don't know if there was, but --</p> <p>17 Q (By Mr. Leo) Do you recall in December 10th</p> <p>18 publication in the Sunset Mall about Professor Tracy's</p> <p>19 blogging?</p> <p>20 MS. HEFFNER: Objection as to form. You can</p> <p>21 answer.</p> <p>22 A There was an arti-- I think I remember reading</p> <p>23 an article about potential discipline against him. That</p> <p>24 sounds familiar.</p> <p>25 Q (By Mr. Leo) You remember an article that</p>	<p>1 disciplinary action that we've talked about today?</p> <p>2 MS. HEFFNER: Objection as to form. You can</p> <p>3 respond.</p> <p>4 A It doesn't talk about that.</p> <p>5 Q (By Mr. Leo) I'm not talking about letters.</p> <p>6 I'm talking about the disciplinary action. Was the</p> <p>7 basis for this disciplinary action was it Professor</p> <p>8 Tracy's blogging?</p> <p>9 MS. HEFFNER: Objection as to form.</p> <p>10 A My understanding it's specifically the letters</p> <p>11 that lead to it, not the blogging. The blogging -- I</p> <p>12 mean there was the animosity and the earlier, the 2013.</p> <p>13 So, that that is a big part of the whole animosity I</p> <p>14 guess. So there is a longer history there.</p> <p>15 Q (By Mr. Leo) Had Professor Tracy not been</p> <p>16 blogging do you think FAU would have disciplined him?</p> <p>17 MS. HEFFNER: Objection as to form.</p> <p>18 A I guess. Yeah, I would wonder have others</p> <p>19 been fired for not filing these forms. And actually</p> <p>20 there was in the biology the Kajuira case he was getting</p> <p>21 -- he was disciplined for not filing forms for his -- he</p> <p>22 had a separate business and they went back in time on</p> <p>23 that one too. So, I have seen other cases of that.</p> <p>24 But --</p> <p>25 Q (By Mr. Leo) Have you ever seen an example of</p>
239	241
<p>1 said, "FAU should fire Professor Tracy" around that</p> <p>2 time?</p> <p>3 MS. HEFFNER: Objection as to form.</p> <p>4 A I think there were articles about that, yeah.</p> <p>5 Q (By Mr. Leo) And would you agree that within a</p> <p>6 week of that publication Professor Tracy was going to be</p> <p>7 terminated?</p> <p>8 MS. HEFFNER: Objection as to form.</p> <p>9 A So -- yes, he would have that, the letter of</p> <p>10 termination.</p> <p>11 Q (By Mr. Leo) So, in your opinion, was</p> <p>12 Professor Tracy fired for his speech?</p> <p>13 A I would say it played a part -- it may have</p> <p>14 played a part in it but it doesn't look like it on the</p> <p>15 surface.</p> <p>16 Q It doesn't look like it on paper?</p> <p>17 A Right.</p> <p>18 Q Would you agree that Florida Atlantic</p> <p>19 University wrote self-serving letters to make it look</p> <p>20 like he was being fired for something other than his</p> <p>21 blogging?</p> <p>22 MS. HEFFNER: Objection as to form.</p> <p>23 A I supposed someone could do that.</p> <p>24 Q (By Mr. Leo) Is there any question in your</p> <p>25 mind whether or not the blog was the subject of this</p>	<p>1 somebody being fired for uncompensated activity or being</p> <p>2 disciplined for uncompensated activity by Florida</p> <p>3 Atlantic University?</p> <p>4 A I haven't seen that. I don't know.</p> <p>5 Q Do you know if any other professors have been</p> <p>6 sent letters concerning their online activities by</p> <p>7 Florida Atlantic University?</p> <p>8 MS. HEFFNER: Objection as to form. You can</p> <p>9 answer.</p> <p>10 A Kevin Wagner, and currently there were others</p> <p>11 who got these letters, which were I think it was unclear</p> <p>12 who was sending them some -- from which office, some</p> <p>13 communication vice president. So there were letters</p> <p>14 there sent out, but none of those came to grievances. I</p> <p>15 think that forms a basis of that chapter grievance.</p> <p>16 Q (By Mr. Leo) For April 2016.</p> <p>17 A Right. That - that kind of informs the</p> <p>18 chapter grievance although because I believe that was</p> <p>19 mostly resolved.</p> <p>20 Q Now, all these letters that you're talking</p> <p>21 about, letters to faculty members or and concerns about</p> <p>22 the outside activities policy, did all of these begin</p> <p>23 after President Kelly took office or was this going on</p> <p>24 before President Kelly took office?</p> <p>25 MS. HEFFNER: Objection as to form. You can</p>

242	244
<p>1 answer.</p> <p>2 A I think it's after he took over because MJ was</p> <p>3 the president before him, and there was several</p> <p>4 incidents that were embarrassing for the university.</p> <p>5 So, I think they're in response to that. There was some</p> <p>6 more of a tighter control on people. So, it's in under</p> <p>7 Kelly's.</p> <p>8 Q So, in your opinion would you state that</p> <p>9 President Kelly has been more controlling of faculty</p> <p>10 expression in speech than his predecessors?</p> <p>11 MS. HEFFNER: Objection as to form.</p> <p>12 A Up to that the senate pushed back? Yes, up to</p> <p>13 that but then that seemed to have gone away.</p> <p>14 Q (By Mr. Leo) You're referring to the senate</p> <p>15 faculty meeting 2015?</p> <p>16 A Right.</p> <p>17 Q President Kelly was at that meeting, right?</p> <p>18 A Yeah, I guess he was.</p> <p>19 Q Could you see him on the video conference?</p> <p>20 A Yeah, I think he addressed people.</p> <p>21 Q He gave a speech?</p> <p>22 A I believe so.</p> <p>23 Q Okay. But that's shortly before Professor</p> <p>24 Tracy's terminated under the outside activities policy?</p> <p>25 A Right.</p>	<p>1 December 2015, and this one goes through '15 but I think</p> <p>2 the bargaining was after so that may have been after --</p> <p>3 Q (By Mr. Leo) And what was the increase in</p> <p>4 salary for the faculty members?</p> <p>5 A I believe it was like 3% a couple of times</p> <p>6 over, so I think it's like 10% over a couple of years I</p> <p>7 think. 10% over a couple of years I think.</p> <p>8 Q It's pretty good?</p> <p>9 A I might -- I might be wrong about that.</p> <p>10 MS. HEFFNER: Objection as to form.</p> <p>11 Q (By Mr. Leo) Is that a pretty good raise?</p> <p>12 MS. HEFFNER: Objection as to form. You can</p> <p>13 answer.</p> <p>14 A Well, FAU is very underpaid so umm -- it's --</p> <p>15 historically speaking that's good for FAU.</p> <p>16 Q (By Mr. Leo) When was the last time before</p> <p>17 2016 that the faculty at FAU got raised?</p> <p>18 A I'm not sure if five years.</p> <p>19 Q Five years?</p> <p>20 A I'm guessing, I don't know.</p> <p>21 Q Before the raise in 2016 which you said was</p> <p>22 what, 3%?</p> <p>23 A I think it was. I think it's 3% over a couple</p> <p>24 of years. I'm not quite sure with the numbers.</p> <p>25 Q Prior to that five years before that or</p>



<p>1 MS. HEFFNER: Objection as to form. 2 A No, I never heard that. 3 Q (By Mr. Leo) He never told you that? 4 MS. HEFFNER: Objection as to form. 5 A Yes. 6 Q (By Mr. Leo) How about if anybody else at UFF-FAU? Did anybody else say, "You know what? Professor Tracy is going to be the end of UFF-FAU -- 7 A No. 8 Q -- if we don't -- do not do something."? 9 MS. HEFFNER: Objection as to form. 10 A No, never, no. 11 Q (By Mr. Leo) Nothing like that? 12 A No. 13 MR. LEO: I think I have no more. You guys have any? 14 MS. HEFFNER: I don't have any questions. 15 (Thereupon, a short discussion was held off record.) 16 (Deposition resumed.) 17 THE COURT REPORTER: You have the option to read this transcript or waive it and just trust that I took down everything correctly. If they do order it we would give you an option, you can just come down to our office if we call you. You would</p>	<p>246</p> <p>1 DATE: APRIL 17, 2017 2 TO: Doug McGetchin 2 561-222-4861 3 IN RE: James Tracy v. Florida Atlantic University 4 CASE NO: 9:16-cv-80655-RLR 5 Dear DOUG MCGETCHIN, 6 Please take notice that on APRIL 4TH, 2017 you gave your deposition in the above-referenced matter. At that time, you did not waive signature. It is now necessary that you sign your deposition. You may do so by contacting your own attorney or the attorney who took your deposition and make an appointment to do so at their office. You may also contact our office at the below number, Monday - Friday, 9:00 AM - 5:00 PM, for further information and assistance. 7 If you do not read and sign your deposition within thirty (30) days, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court. 8 If you wish to waive your signature, sign your name in the blank at the bottom of this letter and promptly return it to us. 9 10 Very truly yours, 11 12 13 14 15 16 17 18 Jessica Cooper 19 Universal Court Reporting 19 (954)712-2600 20 I do hereby waive my signature. 21 22 DOUG MCGETCHIN 22 Cc: via transcript: LOUIS LEO, ESQUIRE 23 KATHERINE HEFFNER, ESQUIRE 24 HOLLY GRIFFIN, ESQUIRE 25</p>
<p>1 have to tell me right now if you want to have that option to read it or waive it. 2 3 THE WITNESS: I guess I'll keep the option. 4 THE COURT REPORTER: To read it. Okay. A phone number I can contact you? 5 THE WITNESS: 561-222-4861. 6 (Deposition concluded at 5:07 p.m.) 7 (Reading and signing of the deposition by the witness has been reserved.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>247</p> <p>1 CERTIFICATE OF REPORTER 2 STATE OF FLORIDA 3 COUNTY OF PALM BEACH 4 5 I, JESSICA COOPER, Court Reporter and Notary Public for the State of Florida, do hereby certify that I was authorized to and did digitally report and transcribe the foregoing proceedings, and that the transcript is a true and complete record of my digital notes. 6 I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action. 7 Witness my hand and official seal this 17TH day of APRIL, 2017. 8 9 10 11 12 13 14 15 16 17 18 19 20 JESSICA COOPER, FPR, COURT REPORTER 21 NOTARY PUBLIC, STATE OF FLORIDA 22 Commission No.: FF 943563 23 Commission Exp: 12/15/19 24 25</p>

250

1 CERTIFICATE OF OATH
2 STATE OF FLORIDA
3 COUNTY OF PALM BEACH
4
5 I, JESSICA COOPER, the undersigned authority,
6 certify that DOUG MCGETCHIN personally appeared before
7 me and was duly sworn.
8 Witness my hand and official seal this 4TH day of
9 APRIL, 2017.

10
11
12
13 _____
14 JESSICA COOPER, FPR, COURT REPORTER
15 NOTARY PUBLIC, STATE OF FLORIDA
Commission No.: FF 943563
16 Commission Exp: 12/15/19
17
18
19
20
21
22
23
24
25

251

1 ERRATA SHEET
2 I wish to make the following changes, for the following
reasons:
3 PAGE NO. LINE NO.
4 _____ CHANGE _____
5 REASON _____
6 _____ CHANGE _____
7 REASON _____
8 _____ CHANGE _____
9 REASON _____
10 _____ CHANGE _____
11 REASON _____
12 _____ CHANGE _____
13 REASON _____
14 _____ CHANGE _____
15 REASON _____
16 _____ CHANGE _____
17 REASON _____
18 _____ CHANGE _____
19 REASON _____
20 _____ CHANGE _____
21 REASON _____
22 _____ CHANGE _____
23 REASON _____
24
25 SIGNATURE _____ DATE _____



UNIVERSAL
COURT REPORTING

877.291.3376
www.UCRinc.com

1	19th 194:15	203:20,22,25 204:12,14 220:13,24 248:11	8076 186:13 813-514-1414 186:14
1 198:4	<hr/> 2	301 185:17	<hr/> 9
10 200:14,17,22 201:3,5,6	20 200:18,19,23 230:25 235:4	30-day 204:3 207:9,10	9 186:4,8
10% 244:6,7	20.8(a) 200:24	32801 186:16	9:00 248:9
10:15 211:14	200 186:16	33 188:8	9:16-cv-80655- RLR 185:3 248:4
10:58 185:16	2010 207:23	33073 186:5,9	943563 249:21 250:14
10th 194:23 197:1,22 198:10,22 199:5 203:21 204:13,24 205:22 207:10 215:7 220:14 221:14 238:17	2013 191:8,10 227:9,13,21 228:6,18,20 236:2,11,16 240:12	33431 185:18 33617 186:13	954)712-2600 248:18
12/15/19 249:21 250:15	2015 189:11 194:21 196:17 197:1,22	<hr/> 4 4 185:16 189:3	954-478-4223 186:5
12/17 211:13	198:10 199:14	40 190:10	<hr/> A
1240 185:18	200:6 202:12	407-406-5246 186:17	A.M 185:16
125 188:11	203:21 204:13,24	4171 186:4,8	a/k/a 185:7
126 188:12	205:15 206:5	4TH 248:6 250:8	able 203:22 230:22 245:21
13 188:3	207:11 215:6	<hr/> 5	above-referenced 248:6
136 188:13	222:16 226:11	5.2(D) 188:10	According 224:19
14 188:4	228:22 236:13	5:00 248:9	accurate 193:14
1400 186:16	237:15 242:15	5:07 185:16 247:7	across 191:22 245:20
15 244:1	244:1	50% 245:15	act 200:25 201:2
15th 200:11	2016 195:21 196:4 241:16 244:17,21	561-222-4861 247:6 248:2	action 194:17,18 213:11 217:18 233:3 234:18 240:1,6,7 249:13,14
16 214:6,7,10	2017 185:16 189:3 248:1,6 249:16 250:9	561-306-5949 186:9	activities 195:9,11 196:16 198:9
165 188:14	214 188:18	56TH 186:13	204:4,11 205:14
168 188:15	218 188:19	<hr/> 6	206:3 227:23 229:8,18
169 188:16	29 188:5,6	6 187:3	235:11,13 237:16,20
16th 189:19 199:14 200:6,9 207:11	2nd 215:6	6:00 190:7	241:6,22 242:24
17 248:1	<hr/> 3	66 188:9	activity 188:7
17th 189:11 190:7 249:15	3% 244:5,22,23	<hr/> 7	
181 188:17	30 188:7 194:22 196:25 198:9,22 199:3,8	75 188:10	
19 188:3 195:13 205:8 229:19	200:11,13,16,19,2 1,25 201:3,8,23	<hr/> 8	



195:18 196:9 234:7 241:1,2	already 214:12 233:16 248:11	222:20,23 227:8 236:17 246:6,7	authorized 249:7 AVE 186:16
actually 237:25 240:19	altercation 233:17	anything 202:12 209:2,7,11,14,22 212:11 218:12 229:10 235:6	avoid 230:17 231:8
addressed 242:20	am 229:22 231:24 248:9 249:10,12,13	anywhere 213:15 230:19	aware 218:10,15 235:9
admin 214:25	and/or 190:24	APPEARANCES 186:1	awareness 243:7
administration 194:7 195:13 206:10 216:22 217:11 225:9 236:24 243:10	animosity 240:12,13	appeared 250:6	away 235:16 242:13 243:7
advice 210:25 223:13 224:9,10 225:4,13,16,18 226:10,12 227:1,9,15 228:6,18,21,22 230:17 231:8,11,17 232:8 236:11,12	answer 189:15 191:3,13 192:19,25 194:2,13 195:2,15,24 196:8 197:4,14 198:17 199:1,7 200:8 201:13,18 202:8 204:7 205:3,19 206:7,19 207:13,25 208:12,25 209:5,10,17 210:18 211:3	appearing 230:18	<hr/> B
advised 220:19 231:21 234:6	212:5,21 213:13 214:16 215:21 216:11 217:20 218:7,14 219:8,20 220:1,8,16 221:2,7,16 222:4 223:10 224:3,7,15 225:20 227:11 228:10,12	appointment 248:8	Babbar 212:23 231:21 232:5,13,20
affect 228:25 245:24	230:10,24 231:14 233:11 234:9,20 235:8,15,19 236:7 237:4 238:3,11,21 241:9 242:1 243:5,15,21 244:13 245:8	April 185:16 189:3 194:15 195:20 196:4 241:16 248:1,6 249:16 250:9	Babbar's 231:19
afterward 191:10	arguments 203:8	arguments 203:8	backed 224:21
afterwards 224:12	arti 238:22	article 188:3 195:13 200:18,19,23 205:8 230:25 235:4 238:23,25	bad 225:18 228:22
against 194:25 203:7 204:5 226:14,16,17 236:8 238:23	articles 239:4	articles 239:4	ball 223:21,22
agreement 188:4 226:4 227:7 229:8,10 230:2,6,7,20 231:6 232:18,19 235:4 243:22,23	aspect 208:14	aspect 208:14	bargaining 188:4 227:6 229:7,9 230:2,6,20 231:6 232:19 235:4 243:23 244:2
al 185:7	assistance 248:10	assume 210:22	based 237:1
allegation 217:2	Atlantic 185:7 237:6 239:18 241:3,7 248:3	attention 190:20 192:7	basically 194:19 195:16 208:17
alleged 217:4	attorney 209:19,22 210:2,4,8 248:8,12 249:11,12	attorney 209:19,22 210:2,4,8 248:8,12 249:11,12	basis 240:7 241:15
alleging 216:21	authority 250:5	authority 250:5	BEACH 185:2 249:3 250:3
allowed 231:24	authorization 193:24	authorization 193:24	became 193:7,8,9 become 223:6



244:5 245:3	227:19 233:21	241:15,18	226:13,16 230:21
bell 214:22 218:24	234:6,25 240:20	chapter's 220:23	232:14 234:2
BENZION 186:7,8	248:4	characterization	complying 233:24
bills 245:14	cases 198:1 200:24	193:17	concern 214:17
biology 240:20	233:15 238:14	choice 225:14 234:2	245:10,23
blank 248:14	240:23	chosen 200:15	concerned 211:23
blog 207:5 227:24	cause 203:7 204:24	Chris 214:19	213:21
238:1 239:25	caused 191:9	class 194:17,18	concerning 198:9
blogging 195:9,12	caution 234:13	clear 197:20 198:18	209:22 226:11
204:12 205:12	cautionary 234:13	199:23 203:19	241:6 243:10
222:17 223:2	CBA 229:17	219:9 235:10	concerns 213:25
236:21	Cc 248:22	Clerk 248:12	214:2,13 241:21
237:7,16,18	certain 194:17	closely 215:23	conclude 201:7
238:9,19 239:21	CERTIFICATE	COCONUT	concluded 247:7
240:8,11,16	249:1 250:1	186:5,9	condition 225:7
BLVD 186:4,8	certify 245:22	collective 188:4	226:21 230:7
board 185:7 193:14	249:6,10 250:6	227:6 229:7,9	conditional 225:13
Bob 193:1 202:4,16	chair 202:10 228:1	230:2,6,20 231:6	conditioning
210:4 211:4	231:23 233:17	232:19 235:4	226:19
214:18 216:18	challenge 207:6	243:23	conditions 225:3,5
222:25	208:9	Collectively 221:24	228:25
BOCA 185:18	change 228:12,20	comes 232:2	conference 242:19
bottom 248:14	251:4,6,8,10,12,1	coming 223:20	confused 203:2
bring 214:24	4,16,18,20,22	227:1 228:16	connected 190:16
Broadfield 228:1	changes 196:11	Commission	249:13
brought 192:22	251:2	249:21 250:14,15	connection 226:9
213:10	chapter 193:13,23	communicate 218:4	238:15
Budd's 214:1	194:5,6,10,16,19,	219:6,18 220:3	consensus 223:11
build 206:13	24 195:5,10	communication	considered 221:20
bump 213:1	196:15,21	189:6 219:13	consistent 231:15
business 240:22	197:12,15,21,25	241:13	conspiracy
<hr/>	198:2,4,6,7,21	community 238:13	216:20,21,25
C	199:4,12,16	complaint 222:23	constitutional
CAIR 186:12	200:3,4	complaints 213:24	196:6
case 185:3 189:20	201:9,15,24	complete 227:23	consult 213:19
195:8 198:3 204:8	203:15,17	249:9	contact 210:20
206:8,12,13	204:15,23	compliance 226:20	212:25 247:5
208:14	205:16,22 206:16	complied 232:21	248:9
216:9,16,19	207:8,22 208:6	comply 223:8	contacting 248:8
224:22 226:3	212:1,2,7,13,17		
	213:14,16,18,21		
	214:13 221:12		



continue 203:5	198:9,22 199:3,8	189:2 218:19	195:22	
continued 243:2	200:12,13,14,16,1	229:15 246:20	197:2,11,22	
contract 205:23	7,19,21,22,25	247:7,8	198:10,23	
206:22 208:21,23	201:3,5,6,8,23	248:6,7,8,11	199:5,11,13	
209:3,7,8,14,15,2	203:21,22,25	described 229:1	200:6,14 201:11	
2	204:12,14	DESCRIPTION	203:21 204:13,24	
	220:13,24 248:11	188:2	212:3 215:7	
control 242:6	deadline 200:9	detail 230:14	220:6,14,25	
controlling 242:9	deal 210:25	details 209:24	221:14 222:16	
Cooper 185:24	dealing 213:10	210:21	223:6 226:11	
248:17 249:5,20	dean 214:25	determination	228:3 233:1	
250:5,13	Deandre 192:9,12	197:25	238:15,23	
correctly 246:23	Dear 248:5	determined 221:20	disciplined 207:7	
counsel 186:1	debility 196:15	determining 222:10	236:21 237:6	
213:6,8 249:11,13	December	difference 236:10	238:9 240:16,21	
counter 224:17	189:11,19 190:7	different 210:8	241:2	
COUNTY 249:3	194:21,22	226:8	disciplining 237:25	
250:3	196:17,22	digital 249:9	disclosed 195:12	
couple 198:1	199:11,14 200:6	digitally 249:7	disclosure 196:2	
231:19	201:10 202:12	direct 187:3 221:12	discuss 219:21	
244:5,6,7,23	207:11 215:6	directed 195:8	discussed 219:15	
245:4	238:17 244:1	236:4	discussion 218:17	
court 185:1,24	decide 223:23	directive 205:12,14	222:15,17 229:13	
192:12 214:6	decision 222:1,7	206:4,15 207:3,23	246:18	
223:21,22 246:21	deemed 233:6	218:10 226:10,20	disobey 226:15	
247:4 248:12,18	defend 192:17	227:22 230:20,21	dispute 227:20	
249:5,20 250:13	210:19	231:22	DISTRICT 185:1	
CREEK 186:5,9	Defendant 218:11	232:6,15,21	DIVISION 185:2	
current 231:25	219:5	235:12,17	docking 212:24	
currently 231:25	Defendants 185:8	directives 208:7,9	done 210:15 233:16	
241:10	186:11	219:17,24 223:8	Doug 185:15 187:2	
<hr/>		233:23,25	189:2 214:18	
date 201:1 215:5	defended 191:5,8	directly 226:15	228:1 248:1,5,21	
248:1 251:25	defending 191:11	disagree 226:14	250:6	
dated 189:11,19	207:15 210:1	disciplinary 213:11	draft 203:6	
190:9 204:13	defense 212:3	217:18 226:4	duly 250:7	
211:13 215:6	definition 224:24	232:4 233:14	During 222:15	
day 190:3,5 197:1	demand 224:20	234:14,18	duty 192:20	
233:19 249:15	demanded 225:8	240:1,6,7	<hr/>	
250:8	department 191:20	discipline 188:8	E	
days 194:22	deposition 185:15	191:9 194:23,25	earlier 193:12	



221:23,25 222:6 240:12 early 194:21 196:17 either 193:21 elaborate 223:4 else 217:11 218:3 246:6,7 e-mail 189:11,13,17,18,1 9,23,24 190:1,3,6,9,12,21 202:15,20,22 211:13 214:11 215:5,11,13,14 EMAIL 188:5,6,11,12,13, 14,15 E-MAIL 188:17,18,19 embarrassing 242:4 employee 201:1 226:5 249:11,12 employment 195:4 215:19 230:8 243:11,13 entered 214:9 218:21 entire 198:7 204:14 entirely 204:21 ERRATA 251:1 ESQUIRE 186:3,7,12,15 248:22,23 et 185:7 evaluation 231:20 evaluations 233:16 event 234:1 everybody's 207:22 everyone 194:20	example 192:10 194:9 195:7,12 196:22 205:25 212:9 232:5 233:5 240:25 examples 196:12 213:4 exception 200:20 exchange 189:5 219:1 237:21 Exhibit 188:2 214:8 218:20 EXHIBITS 188:1 existence 245:25 Exp 249:21 250:15 expect 227:18 express 222:23 expressed 214:13 245:23 expressing 214:17 expression 242:10 <hr/> F Facebook 207:5 factor 206:23 faculty 191:14,20,23,25 196:6 204:2,14 206:16 207:4 212:18 213:11 215:1 218:4 226:5	228:7 230:11 231:11 233:17,20 241:21 242:9,15 243:3,10,18 244:4,17 245:2,6 failing 207:23 208:6 failure 204:22 206:15 220:13,24 221:12 fair 238:4 fall 196:1 familiar 216:8 238:24 FAU 190:24 192:3,4 207:3 224:5 227:22 230:8 234:18 237:23,25 239:1 240:16 244:14,15,17 245:9,10,21 246:7 FAU's 223:8 FEA 213:9,16 fears 192:15,20 feel 221:4 FF 249:21 250:14 figure 211:10,21 figuring 210:22 file 193:21,23 196:15,21 197:5 200:3,4,11 201:9,24 203:14,15 204:22 205:10,21 208:6 220:13,24 221:13 224:12 226:16 229:2 filed 193:13 194:24 195:10 198:6,22 199:4,12,17,21 200:25 201:15,20,25	202:5 205:15 228:2,19 233:4 236:5 248:12 files 231:20 filng 200:23 201:7 221:8 223:15 229:11 235:6 240:19,21 fill 224:10 228:4 234:6 236:4 filled 229:4 fillng 203:6 financial 237:21 financially 249:14 finding 229:22 fine 233:18,19 fire 215:1 221:9 239:1 fired 239:12,20 240:19 241:1 243:19 first 190:22 196:22 202:24 222:13 231:9 five 244:18,19,25 FL 186:5,9,13,16 Florida 185:1,7,18,25 186:12 218:4 237:6 239:18 241:2,7 248:3 249:2,6,20 250:2,14 foregoing 249:8 form 188:7 189:14 190:15 191:2,12 192:18,24 193:15,19 194:1,4,12 195:1,14,23 196:7,23
--	--	---	---



197:3,8,13,19,23 198:11,16,24 199:6,15 200:7 201:12,17 202:1,2,7,14 203:24 204:6,16,18 205:2,18 206:6,18 207:12,24 208:11,24 209:4,9,16 210:17 211:2,15 212:4,10,14,20 213:12,23 214:3,15 215:20 216:10 217:1,19 218:6,13 219:7,19,25 220:7,15 221:1,6,8,15,19 222:3,8 223:5,9,13,16,17, 23 224:2,6,11,14,23 225:1,10,15,17,19 226:22,23 227:3,10,12,16,18 228:4,9,15,23 229:5 230:3,9,23 231:13 232:16 233:10 234:7,8,19 235:1,7,14,18 236:6,14,18,22 237:3,8,16,17 238:2,5,10,20 239:3,8,22 240:2,9,17 241:8,25 242:11 243:4,14,20 244:10,12 245:7,12,18 246:1,4,11 formal 231:4 former 212:17 forms 195:4,9 204:11 206:1,2	220:19 225:8 227:20,23 229:3,18 235:12,13 240:19,21 241:15 forward 202:18,19 forwarded 248:12 FPR 185:24 249:20 250:13 freedom 196:5,10 Friday 248:9 friends 219:10 fulfillment 224:20 future 205:11 208:9 233:25 <hr/> gap 235:23 general 204:10 getting 231:9 240:20 given 225:14,16 227:21 228:18,21 231:11 232:5 236:12 Glick 216:23 217:5,8 gone 199:9 202:18 242:13 243:7 grievability 203:20 222:15 grievable 197:11,24,25 199:22,24 201:19 202:25 205:16,21 220:18 222:13 230:21 232:12 grievance 188:9 193:7,23 194:4,6,10,19,24 195:10,21	196:5,16,22 197:5 198:2,4,7,21 199:4,12,16,17 200:3,4,11,21,22, 24 201:3,7,10,16,21, 24,25 202:6,19 203:11,14,16,17,1 8 204:23 205:15 207:16 208:6 210:23 211:1 212:18 213:8,11,22 214:2,14 218:5 220:13,24 221:13 223:15,24 224:12 226:17,19 228:1,2,19 229:2,11 231:4,20,25 233:4 234:5,15,23 235:6 236:5 241:15,18 grievances 193:12 205:10 212:23 217:21 231:19,25 235:5 241:14 243:8 grievant 193:13,21,24,25 194:3 223:20 235:5 grieve 203:23,25 204:3,13,14 206:15 207:23 225:8,17 226:14,24 228:4 229:20 230:22 231:10 232:3,10,11,14,20 235:22 grieved 197:16,21 201:1 206:4 227:19 234:15 235:16 grieving 229:18 231:1 233:8 234:7	235:12 GRiffin 186:15 248:23 guess 191:4 192:11 194:14 199:17 200:16 201:5 203:8,13 205:8 206:8 209:12 211:17 213:19 215:22 216:4 223:3,23 224:18 225:21 227:5,17,19 233:24 237:13 240:14,18 242:18 247:3 guessing 244:20 GUNSTER 186:16 guys 246:15 <hr/> H hand 202:23 249:15 250:8 handed 212:19 handled 213:22 214:2,14 220:5 234:15 handling 211:6 hands 211:9 happen 194:5 213:1 happened 195:6,17 206:9 236:15 happens 205:17 215:2 233:13 harm 191:9 haven't 193:16,20 213:24 241:4 243:7 hear 212:11 heard 213:24 243:1,6 246:2
---	---	--	--



HEFFNER 186:12 189:14 190:15 191:2,12 192:18,24 193:15,19 194:1,12 195:1,14,23 196:7,19,23 197:3,8,13,19,23 198:11,16,24 199:6,15 200:7 201:12,17 202:1,7,14 203:24 204:6,16,18 205:2,18 206:6,18 207:12,24 208:11,24 209:4,9,16 210:17 211:2,15,16 212:4,10,14,20 213:12,23 214:3,15 215:20 216:10 217:1,19 218:6,13 219:7,19,25 220:7,15 221:1,6,15,19 222:3,8 223:9,16,17 224:2,6,14,23 225:1,10,15,19 226:22 227:3,10,16 228:9,15,23 229:5 230:3,9,23 231:13 232:16 233:10 234:8,19 235:1,7,14,18 236:6,14,18,22 237:3,8,17 238:2,5,10,20 239:3,8,22 240:2,9,17 241:8,25 242:11 243:4,12,14,20 244:10,12 245:7,12,18	246:1,4,11,17 248:22 held 218:17 229:13 246:18 help 203:2 hereby 248:19 249:6 he's 215:16 232:1 Hi 214:18 highest 245:5 HILLSBORO 186:4,8 historically 244:15 history 240:14 HOLLY 186:15 248:23 hour 190:10 house 245:17 hurdle 245:22 hurt 245:20 <hr/> I I'd 191:4 229:25 idea 236:15 identical 206:4 208:10 II 185:14 189:1 I'll 212:15 213:1 228:3 247:3 I'm 192:9 196:25 198:18,19,20 203:2 204:10,20,22 206:14 207:17 208:2,3,13 211:13 216:2,14 218:15,16,22 219:9 221:4 222:14 226:1 230:8 232:18	235:9 236:25 237:11,22,24 238:7 240:5,6 243:23 244:18,20,24 245:4 imagine 191:4 immediately 228:2 impact 237:14 238:13 impacts 208:16 important 208:20 imposed 233:19 Incident 192:10,14 incidents 242:4 included 219:1 increase 244:3 INDEX 187:1 188:1 indicate 217:7,10 indicated 202:11 individual 198:2,3 203:18 individually 203:16 informal 234:13 informally 231:3 information 210:5 248:10 informs 241:17 inherently 217:21 input 222:10 instructed 219:5 instructing 223:7 insubordinate 226:13 230:18 231:16 233:6 insubordination 230:12,16 intent 236:23	intention 223:14 interaction 209:24 224:17 interested 249:14 interesting 236:9 INTERN 186:19 internet 224:19 invoke 226:6 involved 193:7 213:9 216:24 222:7 involvement 217:17 issue 193:8,9 194:14,16 195:3 196:3 201:22,23 202:23 209:19 211:1 223:3 232:2 235:22 issued 199:13 205:14 218:11 219:24 226:10 228:3 233:25 234:11 235:12 it's 189:20 190:9 192:8 193:20 194:16 198:2 199:9,24 200:11,18,21 201:19 205:16,23 206:22 208:5,7,20 211:6,9 213:2 216:12,20,21 219:22 224:4,19 226:3,7 228:24 230:1,5,7,16 232:11 240:10 242:2,6 244:6,8,14,23 245:3,22 I've 216:18 238:13 245:9 <hr/> J
---	---	--	---



James 185:4 186:20 203:9 248:3 January 200:9 Jessica 185:24 248:17 249:5,20 250:5,13 Jesus 192:10,14 Jim 190:17 220:3 Jim's 219:10 JOEL 186:3 JOEL@MEDGEB OWLAW.COM 186:6 justified 216:12	245:5 later 190:2,10 195:17 205:17 226:15,16,24 229:20 law 186:4 206:13 208:14 lawsuit 210:23 lawyer 192:23 193:7 207:14 210:20,25 211:5 212:19 lawyers 211:11,17,22 213:5,10 215:25 lead 240:11 learned 231:18 leave 225:14,22 led 228:19 legislature 245:13 Leo 186:3 187:3 189:5,18 190:17 191:7,16 192:15,22 193:4,17,23 194:9,18 195:7,20 196:4,14,21,25 197:7,10,20 198:6,13,20 199:1,10,19 201:15,20 202:3,11,20 204:2,10,17,20 205:7,20 206:14,20 207:17 208:2,15 209:2,6,13,21 210:19 211:7,19 212:7,12,15 213:4,15 214:1,5,7,10,18 215:24 216:14 217:3,24 218:10,22	219:12,23 220:4,12,21 221:4,11,18,22 222:5,12 223:14,18 224:4,10,19,24 225:3,12,18 226:1,25 227:4,13,21 228:13,17 229:3,7,16 230:5,19 231:7,17 232:18 234:17,22 235:3,10,16,20 236:8,17,20,25 237:5,9,22 238:4,7,17,25 239:5,11,24 240:5,15,25 241:16 242:14 243:9,13,18 244:3,11,16 245:10,16,23 246:3,6,13,15 248:22 less 245:3 let's 189:10 202:20 205:25 206:1 208:22 220:17 230:25	limit 199:8 line 203:5 251:3 list 230:14 little 196:11 203:2 local 213:14 logical 231:2 long 190:3 193:6 longer 240:14 loss 243:13 LOUIS 186:3 248:22 LOUIS@MEDGEB BOWLAW.COM 186:6
K Kajuria 212:23 240:20 KATHERINE 186:12 248:22 Kelly 241:23,24 242:9,17 Kelly's 242:7 Kevin 241:10 KHEFFNER@CAI R.COM 186:14 kids 222:25 kinds 230:15 knew 201:1 knowledge 209:13,18 237:1 known 201:2 kryptonite 190:13,18	lead 240:11 learned 231:18 leave 225:14,22 led 228:19 legislature 245:13 Leo 186:3 187:3 189:5,18 190:17 191:7,16 192:15,22 193:4,17,23 194:9,18 195:7,20 196:4,14,21,25 197:7,10,20 198:6,13,20 199:1,10,19 201:15,20 202:3,11,20 204:2,10,17,20 205:7,20 206:14,20 207:17 208:2,15 209:2,6,13,21 210:19 211:7,19 212:7,12,15 213:4,15 214:1,5,7,10,18 215:24 216:14 217:3,24 218:10,22	less 245:3 letter 200:23 202:15 203:8 205:25 207:16 232:4 234:12,13,14 235:21,23 237:10 239:9 248:14 letters 234:11 237:23 239:19 240:5,10 241:6,11,13,20,21 letting 210:25 level 209:19 210:1 liability 190:24,25 192:3,4	M MAB@BENZION LAW.COM 186:10 mail 190:7 main 227:5 Mall 238:18 mark 214:5 marked 218:23 MAROUN 186:19 MATT 186:7,8 matter 248:6 matters 206:22 may 214:11,25 219:2 231:5 239:13 244:2 248:7,9,12 maybe 203:2 229:23 235:25 237:10,13 McGetchin 185:15 187:2 189:2 248:1,5,21 250:6 McKee 210:3,7



mean 190:17 193:1 195:25 199:17 200:22 203:9 204:2 206:22 207:1 211:24 226:18 231:5 232:24 240:12 means 226:6 MEDGEBLOW 186:3 MEDGEBOW 186:4 media 190:20 meeting 222:9 223:12,20 225:22 242:15,17 meetings 231:23 member 191:20,23,25 204:3 207:4 215:1 226:6 228:7 233:18,20 members 191:14 196:6 198:8 204:25 208:7 212:1,17,18 213:18,21 214:13 231:12 241:21 244:4 member's 208:9 213:11 membership 245:15 mention 196:5 217:15 message 188:11 214:21,23 met 217:4 Michael 213:17 228:14 middle 202:23	 Mike 214:1 mind 239:25 minute 229:12 minutes 190:10 misconduct 230:14 misconducts 230:15 missed 205:21 MJ 242:2 Moats 213:18 220:5 221:13 222:1,12 227:2,5,25 228:14,22 Monday 248:9 monitor 212:17,22 monitoring 212:2,8,24 213:3 moot 193:8,9 morning 190:7 mostly 241:19 muzzling 234:12 <hr/> nearly 208:10 necessary 231:4 248:7 negative 192:5,6,10 news 213:2 nobody 206:3 noncompliance 224:22 none 241:14 nor 249:11,13 Notary 185:25 249:5,20 250:14 notes 249:9 Nothing 246:13 notice 188:8,16	 194:23,24 197:1,10,22 198:10,22 199:5,11,13 200:5 201:10 203:21 204:12,24 205:22 215:7 220:14,25 221:14 222:16 226:11 228:2 248:6 November 194:23 197:1,22 198:10,22 199:4 203:21 204:13,23 205:15,22 206:4 207:10,23 215:7 220:14 221:14 222:16 <hr/> O OATH 250:1 object 205:6,10 206:11 229:1 objectionable 222:11 objected 206:12 Objection 189:14 190:15 191:2,12 192:18,24 193:15,19 194:1,12 195:1,14,23 196:7,19,23 197:3,8,13,19,23 198:11,16,24 199:6,15 200:7 201:12,17 202:1,7,14 203:24 204:6,16,18 205:2,18 206:6,18 207:12,24 208:11,24 209:4,9,16 210:17 211:2,15,16 212:4,10,14,20 213:12,23	 214:3,15 215:20 216:10 217:1,19 218:6,13 219:7,19,25 220:7,15 221:1,6,15,19 222:3,8 223:9,16,17 224:2,6,14,23 225:1,10,15,19 226:22 227:3,10,16 228:9,15,23 229:5 230:3,9,23 231:13 232:16 233:10 234:8,19 235:1,7,14,18 236:6,14,18,22 237:3,8,17 238:2,5,10,20 239:3,8,22 240:2,9,17 241:8,25 242:11 243:4,12,14,20 244:10,12 245:7,12,18 246:1,4,11 occurred 205:5 243:23 office 241:12,23,24 246:25 248:9 officers 212:1 official 249:15 250:8 okay 190:8,17 199:3 200:9 202:11 203:19 207:20 208:5 215:2,18 217:3 220:4 221:3 226:9 230:19 234:5 236:9 242:23 247:4 omission 200:25 online 206:2 241:6
---	---	--	--



opinion 237:12,24 238:8 239:11 242:8	235:4	189:10	210:11 213:17 217:14 219:10 227:25 241:13,23,24 242:3,9,17
opposition 207:8	parties 249:11,12	PM-16 188:18 214:8	press 192:5,6,11
option 246:21,24 247:2,3	party 189:19	PM-17 188:19 218:20,23	pressure 238:12,13,15
ORANGE 186:16	passage 189:8	PM-2 188:4	pretty 244:8,11
order 246:24	passes 199:3	PM-3 188:5	prior 196:2 206:11 217:8 244:25
ordering 248:12	past 237:2	PM-4 188:6	private 212:23 213:6,7,8 217:22
orders 226:16	people 191:18 194:8 205:5 217:22 218:8 242:6,20	PM-5 188:7	pro 243:9
organization 245:20	percentage 245:1	PM-6 188:8	problem 220:4,9,10,11,12, 23 221:18 222:23 223:6 243:6 245:16
original 248:11	percentages 245:4	PM-7 188:9	problematic 243:3
ORLANDO 186:16	period 224:21	PM-8 188:10	procedure 233:14
others 240:18 241:10	permission 193:24	PM-9 188:11	proceedings 249:8
outside 188:7 195:4,9,11 196:9,16 198:9 204:4,11 205:13 227:22 229:8,18 234:7 235:11,13 237:16 241:22 242:24	personal 195:9,12 204:12 205:12 206:2 227:23 236:25 237:7	point 191:9 192:20 202:18 211:18	process 211:1 212:9,18 213:11 231:1
outweighed 192:16,20	personally 250:6	policy 188:10 195:11 196:17 198:9 204:4 205:1,14,20 229:9,20 230:1,11 241:22 242:24 243:2	professional 237:19
<hr/> P <hr/>	pertaining 235:5	Poole 192:9,12	professor 190:12,25 191:8,11,24 192:1,3,4,16,17
P.A 186:4,8	petty 221:9	portion 227:6	193:4 194:9,25 195:8,21 197:11 202:13 204:5,10 205:15 207:7 208:23
p.m 185:16 247:7	phone 247:5	position 202:25 216:9,15 231:16	209:6,15,23,25 211:23 213:22 214:14 215:19
page 187:2 188:2 202:21,23 207:5 251:3	picture 228:5	possible 196:18,21 197:7 198:15,21 199:25 200:2 201:9 208:5,8	217:8,12,17,25 218:4,11 219:6,18
PALM 185:2 249:3 250:3	Plaintiff 185:5 186:2,20	potential 198:12 226:4 238:23	220:5 221:13 222:17,20,24
paper 237:11 239:16	Plaintiff's 214:8 218:20	precedent 206:15,23 207:1 229:6	223:8 224:1,5 227:8,21 228:7,18
paperwork 236:4	Please 248:6	predecessors 242:10	
particular 194:8	PM 214:10 248:9	prepared 202:18	
particularly 203:1	PM-1 188:3	PRESENT 186:18	
	PM-10 188:12	president 189:20	
	PM-11 188:13		
	PM-12 188:14		
	PM-13 188:15		
	PM-14 188:16		
	PM-15 188:17		



<p>232:13 234:25 235:11 236:3,12,20 237:5,15,25 238:8,18 239:1,6,12 240:7,15 242:23 243:11,19 245:24 246:7 professors 241:5 promptly 248:14 proposed 199:11,13 200:5 201:10 protect 198:8 208:21,22 209:2,7,14,22 provided 192:11 provision 235:3 public 185:25 190:19 191:5 249:5,20 250:14 publication 238:18 239:6 pursuant 195:13 205:13 pursue 223:24 pursuing 190:14 push 203:7 pushed 242:12 putting 223:20,22</p> <p>Q</p> <p>question 196:14 207:19,21 219:12 220:21 221:11 232:22 238:4,6 239:24 questions 246:17 quid 243:9 quite 208:13 244:24 245:4</p>	<p>quo 243:9</p> <hr/> <p>R</p> <p>raise 243:22 244:11,21 245:1,5,14</p> <p>raised 244:17</p> <p>raises 243:18</p> <p>ran 194:6</p> <p>RATON 185:18</p> <p>RE 248:3</p> <p>reading 189:7 203:5 238:22 247:8</p> <p>ready 193:3</p> <p>really 210:21 212:25 219:9 220:10 226:18</p> <p>reason 203:15 213:19 238:6 251:5,7,9,11,13,1 5,17,19,21,23</p> <p>reasonable 238:14</p> <p>reasonably 201:2</p> <p>reasons</p> <p> 203:10,12,14 230:13 251:2</p> <p>recall 189:23 214:1 238:17</p> <p>receive 214:21</p> <p>received 189:13 243:18 245:2</p> <p>receives 221:14</p> <p>receiving 215:10 235:23</p> <p>recent 231:24</p> <p>recertification 245:19</p> <p>recognize 189:5</p> <p>recollection 214:12</p>	<p>219:4,16,24</p> <p>record 189:10 197:21 199:23 214:9 218:18,21 229:14 246:19 249:9</p> <p>referring 190:19 202:21 211:11,13 232:19 242:14</p> <p>refresh 214:12 219:4,16</p> <p>refreshes 219:23</p> <p>regardless 215:1 237:11</p> <p>regulations 230:12</p> <p>related 237:19</p> <p>relationship 219:9</p> <p>relative 249:10,12</p> <p>relaying 210:4</p> <p>remember</p> <p> 189:16,25 215:3,4,10,12,15 219:2 222:18,25 238:22,25</p> <p>rephrase 212:15</p> <p>report 249:7</p> <p>REPORTED 185:24</p> <p>Reporter 185:24 192:12 214:6 246:21 247:4 249:1,5,20 250:13</p> <p>Reporting 248:18</p> <p>represent 190:23 192:21 193:2,4,6,10 210:16</p> <p>representation 210:9,10</p>	<p>193:21 226:7</p> <p>represented 210:13 213:5</p> <p>representing 192:16 193:22</p> <p>requested 224:20</p> <p>require 195:11</p> <p>requirement 245:15</p> <p>requirements 196:1</p> <p>requires 235:5 245:19</p> <p>reserved 247:9</p> <p>resolved 228:20 234:17 236:5 241:19</p> <p>resolving 231:3</p> <p>respect 204:17 205:1 208:6,23 209:14 215:18</p> <p>respond 200:17 201:6 215:7,13 232:17 240:3</p> <p>responding 190:2 200:23 215:15</p> <p>response 190:13 194:24 195:10 196:16 199:4,12 200:5 201:4,10 204:23 212:3 228:2 242:5</p> <p>responsibilities 229:23</p> <p>responsibility 192:17</p> <p>restraint 196:2</p> <p>result 191:10</p> <p>resumed 218:19 229:15 246:20</p> <p>return 248:14</p>
--	--	--	--



reverse 193:20	245:14,17	somewhere 232:6	strategy 190:14	
review 216:4,7	senators 212:2	sorry 207:17 230:8	subject 194:10	
reviewed 237:2	sending 241:12	sort 210:23 233:14	200:18 239:25	
rid 245:11	sent 202:16 207:3	sounds 229:1	subjected 232:25	
riddance 190:25	215:14 241:6,14	238:24	submit 195:8	
rights 196:6 198:8	separate 240:22	source 227:5	204:11 206:1,2	
204:25 206:3	setting 206:16	SOUTHERN 185:1	207:5 227:24	
207:22 208:9	several 242:3	SPE 215:2	229:10,18 231:21	
209:7,15 225:22	SHEET 251:1	speak 243:10	235:11,13 237:16	
226:6	ship 203:22	speaking 244:15	submitted 205:13	
ring 214:22	short 218:17 229:13	specific 204:9	submitting 195:4	
rings 218:24	246:18	specifically	subordination	
ROAD 185:17	shortly 242:23	189:16,25 192:2	227:7	
Robe 227:25	SHUFF@GUNSTE	195:17 196:10	successfully 228:19	
role 217:17	R.COM 186:17	199:22 211:4	suggest 212:8	
rule 226:25	sign 194:4	219:2 222:18	SUITE 185:18	
rumblings 243:8	202:2,9,12	238:16 240:10	Sunil 231:19	
<hr/>			Sunset 238:18	
S	220:18,19	specified 224:20	supervisor 226:5	
safe 223:7	223:5,12,13,23	speech 196:5,10	227:24	
sailed 203:22	225:5,8,17 226:23	239:12 242:10,21	suppose 199:20	
salary 244:4	227:12,18,22	ST 186:13	supposed 195:5	
scrutiny 191:6	229:20	started 203:6	220:18 225:22	
seal 249:15 250:8	248:7,11,13	Starting 213:15	232:1 239:23	
second 202:21	signature	state 185:25 209:18	sure 197:16,18	
seeing 189:24	248:7,13,19	210:1 242:8	198:14,25 208:13	
seem 206:23 207:2	251:25	245:13,20	222:14 226:1	
seemed 242:13	signed 194:11	249:2,6,20	229:21 243:24	
seems 206:21 221:8	227:19	250:2,14	244:18,24 245:4	
243:6 245:13	signing 225:17	statement 190:22	surface 239:15	
seen 193:20 214:12	247:8	215:3	suspension	
238:13 240:23,25	similar 191:8	STATES 185:1	233:13,18	
241:4 243:8 245:6	single 207:4	statewide 245:19	sworn 250:7	
self 231:15	situation 206:9	statistics 191:17,21	system 212:24	
self-serving 237:23	226:5 231:9	status 233:13	213:3	
239:19	233:22	STE 186:4,8,16	<hr/>	
senate 196:3 234:16	situations 225:23	step 198:4,7 203:6	T	
242:12,14	somebody 228:14	Stomp 192:10,14	talk 196:9,10	
	233:14 241:1	stop 208:22	202:20 210:21	
	someone 221:10		217:16,22,25	
	239:23			



<p>218:2,8,9,11 230:12 231:3,24 240:4</p> <p>talked 193:3 203:17 215:17 216:16,18 217:7,10 240:1</p> <p>talking 189:8 214:19 222:18 240:5,6 241:20</p> <p>talks 201:4 230:25</p> <p>TAMPA 186:13</p> <p>targeted 191:5</p> <p>tenured 215:1,19</p> <p>term 226:13</p> <p>terminated 207:7 230:13 239:7 242:24</p> <p>termination 188:16 199:11,13 200:6 202:24 203:7 207:16 209:19 216:17 217:8 239:10 243:1</p> <p>testified 193:12 203:1 221:23,25</p> <p>testimony 228:20</p> <p>that's 189:7,16 190:16 195:16 198:12 200:14 201:3 205:14 206:14 207:15 210:4 211:7 216:15 217:2 225:5,11,12,16 226:13 228:16 230:1,17 231:15 232:22 233:15 236:2,9 242:23 244:15</p> <p>themselves 193:22</p> <p>Theoretically 197:5 199:20</p>	<p>there's 230:11 233:12 245:14</p> <p>Thereupon 189:4 214:8 218:17,20 229:13 246:18</p> <p>they're 201:5 213:5 242:5</p> <p>they've 212:19 233:15,16</p> <p>thirty 248:11</p> <p>threat 224:21 225:2 226:21</p> <p>threats 191:8</p> <p>tightening 196:1</p> <p>tighter 242:6</p> <p>timeline 200:19</p> <p>timetable 207:9</p> <p>today 208:19 214:10,23 215:16 216:2 218:23 237:2 240:1</p> <p>tomorrow 207:3</p> <p>top 189:11 190:4,6 219:14</p> <p>tough 245:22</p> <p>towards 202:22 231:3</p> <p>tracking 212:24 213:3</p> <p>Tracy 185:4 186:20 190:12,18,25 191:8,11,24 192:1,4,16,17 193:5,6 194:10,25 195:8 197:11 202:13 203:9,16 204:5,11 205:16 207:7 208:23 209:23,25 210:9,16,19,20 211:11,23</p>	<p>217:8,12,25 218:5,12 219:6,18 220:3 221:13 222:21,24 223:8 224:1,5 227:9,21 228:7,18 235:11 236:3,12,21 237:6,15,25 238:8 239:1,6,12 240:15 243:19,25 246:8 248:3</p> <p>Tracy's 195:22 209:6,15 210:25 212:2 213:22 214:14 215:19 217:18 220:5 222:17 223:21 234:25 238:18 240:8 242:24 243:1,11 245:24</p> <p>transcribe 249:7</p> <p>transcript 246:22 248:22 249:8</p> <p>true 228:17 249:9</p> <p>truly 248:15</p> <p>trust 246:22</p> <p>TRUSTEES 185:7</p> <p>try 214:25 245:14</p> <p>trying 216:3 230:17 245:11</p> <p>Twitter 206:2,9 207:5</p> <p>type 200:20,22 225:14</p> <hr/> <p style="text-align: center;">U</p> <p>UFF 209:18 213:9,16 230:8 246:6</p> <p>UFF-FAU 189:20 194:11,23 197:21 198:8 204:23,25 207:22 208:5</p>	<p>209:14 213:9 219:5,17 220:13 226:25 227:8,25 228:5 231:12 236:2 245:11,25 246:8</p> <p>UFF-FAU's 232:8</p> <p>UFF-FEA 227:1</p> <p>ultimatum 224:1,4,8,13,16,2 5 226:18</p> <p>Um 225:25</p> <p>umm 208:21 244:14</p> <p>unclear 241:11</p> <p>uncompensated 241:1,2</p> <p>underpaid 244:14</p> <p>undersigned 250:5</p> <p>understand 203:3,13 216:3,15</p> <p>understanding 207:14 209:25 211:5 220:17,20 240:10</p> <p>Union 190:24 191:1,4,5,7,10,14, 24,25 192:22 207:15 210:11 213:5,7,10 215:25 226:7</p> <p>Union's 216:9</p> <p>United 185:1 218:3</p> <p>Universal 248:18</p> <p>universities 245:21</p> <p>university 185:7 191:22 205:13 206:17 215:18,25 216:8 217:11,14 230:12 235:13 237:6 239:19 241:3,7 242:4</p>
---	--	---	---



<p>245:11 248:3 unlawful 226:20 unless 204:8 225:8 Unlike 234:25 upon 237:1 uproar 190:19 usually 198:1 212:25</p>	<p>222:13 233:20 235:22 week 196:22 239:6 Weingarten 225:21 226:1,2,6 we'll 213:2 228:4 we're 197:20 225:7 WEST 185:2 we've 215:17 240:1 whatever 194:15 whenever 245:1 wherein 229:17 whether 193:10 195:4 198:20,21 207:21 208:3 209:21 214:13 219:5,12,17 222:10 228:21 234:2 237:24 238:8 239:25</p>	<p>worth 190:14 write 203:6 writing 200:18 wrong 244:9 wrote 190:2,23 239:19</p>	
<p>V</p> <p>vague 196:11 various 230:15 via 248:22 vice 241:13 video 242:19 VIDEOTAPED 185:15 189:2 violates 199:20 violation 205:9,23 225:24 violations 205:5,7,9 VOLUME 185:14 189:1 voluntarily 233:24 vs 185:6</p>	<p>whatever 194:15 whenever 245:1 wherein 229:17 whether 193:10 195:4 198:20,21 207:21 208:3 209:21 214:13 219:5,12,17 222:10 228:21 234:2 237:24 238:8 239:25</p> <p>whoever 232:13 whole 195:5 212:9 240:13 whose 224:20 window 194:22 197:1 203:20 204:3 205:21 207:9,10 215:6</p>	<p>Y</p> <p>YAMATO 185:17 yours 248:15 yourself 194:11 you've 214:11 234:10</p>	
<p>W</p> <p>Wagner 234:4,6 241:10 Wagner's 234:6 waiting 229:3 232:14 waive 246:22 247:2 248:7,13,19 waived 206:3 207:22 waiver 204:25 208:8 wasn't 221:21</p>	<p>wish 248:13 251:2 witness 187:2 192:14 247:3,6,9 249:15 250:8 wonder 240:18 working 209:19 210:1 231:3 works 203:20 208:14 workshop 232:1,2,9 233:5,9 world 190:24</p>	<p>Z</p> <p>Zoeller 189:21 190:2,13 194:11 201:20 202:4,5 210:6,12,15,24 211:7,10 216:18,19,24 217:4,7,10,16,24 218:11 219:5,17,24 220:5 221:12,25 222:12 223:7,14,25 226:11 227:2 228:21 245:24</p>	

