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Attorney for Mindy Sturge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,

Plaintiff,

vs.

SEIU-UNITED HEALTHCARE
WORKERS WEST, MARCUS
HATCHER, and DOES 1-10,

Defendants.

RG 18905355

Assigned for all purposes to
Judge Jo-Lynne Lee Dept. 18

DECLARATION OF KYRA
SUBBOTIN IN OPPOSITION TO
SEIU-UHWS MOTION FOR
SUMMARY JUDGMENT/SUMMARY
ADJUDICATION OF ISSUES

Date: October 22, 2019
Time: 3 p.m.
Dept. 18
Trial Date: November 25, 2019

I, Kyra A. Subbotin, declare as follows:

1. I am an attorney licensed to practice in the state of California and before this Court. I am plaintiff's counsel in this matter, and I make this declaration upon personal knowledge and if called upon to testify, I would testify as set forth herein.

2. I have represented plaintiff since the outset of this matter, and I am personally familiar with and reviewed documents produced in this case.

3. Attached hereto and marked as exhibit A is a true and correct copy of the

1 November 9, 2017 Confidential Investigative Report produced by Amy
2 Oppenheimer for SEIU-UHW (UHW). This was produced in discovery pursuant to
3 a protective order. This report was produced to Marcus Hatcher's attorneys in
4 December 2018. I shared this report electronically with my client, Mindy Sturge
5 and nobody else with the exception of my co-counsel, Emily Nugent, Esq., who
6 received a copy within the last two weeks after signing on to the protective order in
7 this matter.

8 4. Attached hereto and marked as exhibit B is a true and correct copy of
9 excerpts from the deposition of former UHW Director Marcus Hatcher, which I took
10 on February 19, 2019.

11 5. Attached hereto and marked as exhibit C is a true and correct copy of
12 excerpts from the deposition of UHW Vice President Stan Lyles, which I took on
13 May 21, 2019.

14 6. Attached hereto and marked as exhibit D is a true and correct copy of
15 excerpts from the deposition of UHW Chief of Staff Greg Pullman, which I took on
16 February 7, 2019.

17 7. Attached hereto and marked as exhibit E is a true and correct copy of
18 excerpts from the deposition of UHW Director of HR Mary Sacramento, which I took
19 on June 5, 2019.

20 8. Attached hereto and marked as exhibit F is a true and correct copy of
21 excerpts from the deposition of UHW Deputy Chief of Staff Triana Siltan, which I
22 took on February 21, 2019.

23 9. Attached hereto and marked as exhibit G is a true and correct copy of
24 excerpts from the deposition of UHW Director and Ethics Liaison Keisha Stewart,
25 which I took on February 22, 2019.

26 10. Attached hereto and marked as exhibit H is a true and correct copy of
27 excerpts from the deposition of UHW HR Specialist Sophideth Hak.

28 11. Attached hereto and marked as exhibit I is a true and correct copy of

1 excerpts from the deposition of UHW Director Chokri Bensaid, which was taken on
2 May 20, 2019.

3 12. Attached hereto and marked as exhibit J is a true and correct copy of an
4 email exchange produced by UHW in this matter and dated 12/11/14 between UHW
5 HR Director Mary Sacramento and Josie Fregoso of UHW regarding the hiring of
6 Pedro Malave.

7 13. Attached hereto and marked as exhibit K are excerpts from the
8 deposition of former SEIU Local 1000 Chief Counsel Paul Harris, Esq., taken by me
9 in on July 22, 2019.

10 14. Attached hereto and marked as exhibit L is a true and correct copy of
11 texts between UHW Chief of Staff Greg Pullman and UHW Deputy Chief of Staff
12 Triana Silton, produced by SEIU-UHW in this case.

13 15. Attached hereto and marked as exhibit M is an August 19, 2015 email
14 from UHW Deputy Chief of Staff Triana Silton to UHW General Counsel Bruce
15 Harland and UHW HR Director Mary Sacramento (Subject: Allegations of
16 Improper Conduct), produced by UHW in this action. Also attached is the UHW
17 Coordinator's Exit Interview, produced by defendant SEIU-UHW with the email.

18 16. Attached hereto and marked as exhibit N is a true and correct copy of a
19 March 18, 2014 declaration of Regina Johnson, which I received in response to a
20 subpoena I served in this case on former UHW member Starla Rollins' attorneys.
21 As the accompanying deposition transcript shows, the declaration was an exhibit to
22 the March 18, 2014 deposition of UHW VP Stan Lyles in the case of Starla Rollins
23 v. UHW et al.. As the transcript indicates, UHW General Counsel Bruce Harland
24 was in attendance at the deposition.

25 17. During discovery in this case, I requested the production of other
26 complaints of inappropriate conduct and related investigatory materials. I never
27 received a copy of the declaration of Regina Johnson, which discusses an incident
28 where UHW VP Stan Lyles allegedly sent photos of his penis to a UHW worker,

1 Starla Rollins. I never received any documents addressing that accusation or
2 reflecting any investigation into that accusation.

3 18. On September 4, 2019, after reviewing UHW's motion and supporting
4 papers, I emailed UHW's counsel to request that UHW withdraw the motion, and I
5 set forth the basis for my request. I also informed UHW that I believed its motion
6 was unsupported by the facts or law and that I believed sanctions were warranted
7 under CCP 128.5. Attached hereto and marked as exhibit O is a true and correct
8 copy of my email.

9 19. Attached hereto and marked as exhibit P is a true and correct copy of
10 pages from SEIU-UHW's document production showing social media pages that HR
11 Director Mary Sacramento testified were printed and put into Director Cbokri
12 Bensaid's personnel file. During discovery in this case, I requested the production
13 of other complaints of inappropriate conduct and related investigatory materials. I
14 never received any documents reflecting an investigation into the allegations made
15 in exhibit P. When I questioned UHW's attorney at the deposition as to why a
16 social media post would be marked "confidential", Mr. Harland informed me that
17 the post had been taken down and was no longer publicly available.

18 20. Attached hereto and marked as exhibit Q is a true and correct copy of
19 spreadsheets produced by SEIU-UHW in this matter, showing sexual harassment
20 training provided to staff.

21 21. Attached hereto and marked as exhibit R is a true and correct copy of an
22 11/12/17 email, produced by SEIU-UHW in this matter, from UHW Chief of Staff
23 Greg Pullman to other UHW staff members, subject "Follow Up".

24 22. Attached hereto and marked as exhibit S is a true and correct copy of the
25 declaration of Justine Fout, along with a September 14, 2018 email she sent to the
26 members of UHW's staff union.

27 23. Attached hereto and marked as exhibit T is a true and correct copy of a
28 12/25/12 post ("Worker's Advice: Keep SEIU-UHW's Stan Lyles out of Your

1 Stockings") that appeared on Stern Burger With Fries, an online blog. In discovery,
2 I asked for the production of any documents relating to investigations of
3 inappropriate conduct by UHW staff. No investigatory materials were produced
4 that relate to the matter referenced in the 12/25/12 blog post.

5 24. Attached hereto and marked as exhibit U is a true and correct copy of
6 excerpts from the August 29, 2019 deposition of Kathryn ("Ryn") Schneider, which I
7 took in this matter.

8 25. Attached hereto and marked as exhibit V is a true and correct copy of an
9 11/10/17 email from Greg Pullman to Director Chokri Bensaid ("Re: Expectations"),
10 produced by UHW in this litigation.

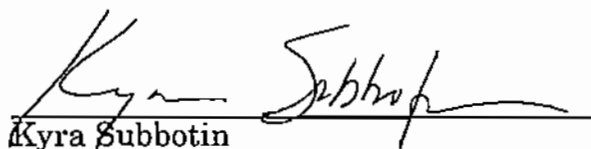
11 26. Attached hereto and marked as exhibit W is a true and correct copy of
12 texts between UHW Director and ethics liaison Keisha Stewart and UHW Director
13 Claudia Rodriguez Krause, produced by UHW in this action.

14 27. Attached hereto and marked as exhibit X is a true and correct copy of
15 UHW's Anti-Harassment Policy, produced by UHW.

16 28. Attached hereto and marked as exhibit Y is a true and correct copy of
17 posts from Stern Burger with Fries, dated November 17, 2017 and July 6, 2018,
18 downloaded from internet.

19 I declare under penalty of perjury under the laws of the state of California
20 that the foregoing is true and correct and that this declaration was signed in
21 Berkeley, CA on the date set forth below.

22
23 October 2, 2019
24 Date

25
26 
27 Kyra Subbotin
28

**INDEX OF EXHIBITS TO SUBBOTIN DECLARATION IN OPPOSITION TO UHW
MOTION FOR SUMMARY JUDGMENT/SUMMARY ADJUDICATION OF ISSUES**

<u>Exhibit</u>	<u>Description</u>
A.	Confidential Investigative Report Concerning Complaint Against Marcus Hatcher (Law Offices of Amy Oppenheimer) November 9, 2017
B.	Excerpts of Deposition of Marcus Hatcher 2/19/19
C.	Excerpts of Deposition of UHW Vice President Stan Lyles 5/21/19
D.	Excerpts of Deposition of UHW Chief of Staff Greg Pullman 2/7/19
E.	Excerpts of Deposition of UHW HR Director Mary Sacramento 6/5/19
F.	Excerpts of Deposition of UHW Deputy Chief of Staff Triana Silton - 2/21/19
G.	Excerpts of Deposition of UHW Director Keisha Stewart 2/22/19
H.	Excerpts of Deposition of UHW HR Specialist Sophi Hak 2/4/19
I.	Excerpts of Deposition of UHW Director Chokri Bensaid 5/20/19
J.	Emails re UHW hired Pedro Malave (11/3/14 email from Pamela Kieffer to Josie Fregoso; 12/11/14 email between Fregoso and HR Director Mary Sacramento)
K.	Excerpts from Deposition of former Local 1000 General Counsel Paul Harris - 7/22/19
L.	Texts between Chief of Staff Greg Pullman and Deputy Chief of Staff Triana Silton [Silton 018-019]

- M. 8/19/15 Siltan email re: Allegations of Improper Conduct and Faith Santilla Exit Interview Notes [Sacramento 000149-154]**
- N. Declaration of Regina Johnson (3/18/14) and Testimony from deposition of Stan Lyles in Rollins v. SEIU-UHW et al, ED CV 5:13-1312 R (OPX), taken 3//18/14.**
- O. 9/4/19 Subbotin email to SEIU-UHW Counsel: Meet and confer re MSJ**
- P. UHW Social Media posts - "Chokri is a predator" [SEIUHW 003570-73]**
- Q. Sexual harassment tracking updated [SEIUHW 001025-26]**
- R. November 12, 2017 Pullman email to managers - "Follow up" SEUHW 000402-403**
- S. Declaration of Justine Fout**
- T. Stern Burger with Fries post - 12/25/12 "Worker's Advice: keep SEIU-UHW's Stan Lyles out of Your Stockings"**
- U. Excerpts of Deposition of UHW Assistant Director Kathryn Schneider - 8/29/19**
- V. 11/10/17 Pullman email to Bensaid - "Expectations" SEUHW 001397**
- W. 7/6/18 and 7/7/18 texts between UHW Director Keisha Stewart and Claudia Rodriguez Krause - Stewart 006-11**
- X. Sexual Harassment Policy - SEUHW 001496-97**
- Y. Stern Burger with Fries posts (11/17/17 and 11/22/17)**

EXHIBIT A



Attorney-at-Law

Workplace Investigations • Training • Mediation • Arbitration • Case Consultation & Testimony

CONFIDENTIAL INVESTIGATIVE REPORT

Report Concerning Complaint Against Marcus Hatcher
SEIU-UHW
Date: November 9, 2017

Law Offices of Amy Oppenheimer
Attorney Client Privileged

November 9, 2017
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CONFIDENTIAL INVESTIGATIVE REPORT

I. INTRODUCTION

On October 1, 2017, the Service Employees International Union – United Health Workers ("SEIU-UHW") retained the Law Offices of Amy Oppenheimer to conduct an impartial investigation into a sexual harassment complaint made by Mindy Sturge, Coordinator at SEIU-UHW, against Marcus Hatcher, Kaiser Division Chief. On September 29, 2017, Sturge told Greg Pullman, Chief of Staff of SEIU-UHW, that Hatcher had behaved inappropriately towards her the previous evening and that she felt her job would have been in jeopardy had she tried to leave the situation earlier. The undersigned was retained to investigate and provide findings of fact as to what happened between Sturge and Hatcher on the evening of September 28, 2017. The Principal Investigator was Amy Oppenheimer.

Once the scope of the investigation was determined and agreed upon, the investigator operated with complete independence as to witness identification, interview content and preparation of findings.

This is a Confidential Investigative Report ("Report"). It contains detailed information, witness accounts, relevant documentation, analyses and findings relating to the allegations. It is anticipated that this Report will be maintained confidentially by the decision-makers and will not be disseminated except as required by law or as determined by the decision-makers.

II. WITNESSES AND DOCUMENTS

A. Witnesses

The investigator conducted interviews of the following individuals:

Witness Name	Position	Interview Date
Mindy Sturge	Coordinator, reports to Mylka Rodriguez who reports to Marcus Hatcher	October 2 (in-person and via telephone), October 24, 2017; October 27, 2017 (via telephone)
Marcus Hatcher	Kaiser Division Chief	October 2 and 5, 2017
Joanne [last name withheld]	Holiday Inn – Concierge Lounge Staff Person	October 2, 2017 (via telephone)
Chokri BenSaid	Division Director of the Hospital Division at SEIU-UHW	October 3 and 26, 2017

The investigator admonished the witnesses to keep the contents of the interview confidential, and explained that the report of findings would be treated as confidential, subject to the limitations of the County's policies and the law. The investigator also informed the witnesses of the governing policies prohibiting retaliation for either bringing a claim or participating in an investigation.

The witnesses did not give their testimony under oath. Nonetheless, the investigation proceeded under the good faith expectation that witnesses would answer truthfully. The investigator has drawn the conclusions in this Report from the totality of the evidence and a thorough analysis of the facts, and where necessary, has made credibility determinations. The investigator considered and gave appropriate weight to information that might be considered to be hearsay in legal proceedings.

CONFIDENTIAL INVESTIGATIVE REPORT

Quotations in this Report are not verbatim recitations of witnesses' statements. Quotations are cited as accurately as possible from the undersigned's notes.

B. Documents

The investigation included a review of documents, including medical files and emails as well as photos.¹ Not all documents reviewed are attached to this report. The following documents are attached to this report:

Index	Description of Document	Date
1.	Pullman's notes regarding meeting with Sturge	9/29/2017
2.	Sturge's medical records from Kaiser	9/29/2017

III. ALLEGATIONS OF MINDY STURGE

Sturge is the Coordinator at SIEU-UHW and reports to Mylka Rodriguez, who reports to Marcus Hatcher.² Sturge and Rodriguez work in Sacramento and Hatcher works in the Los Angeles office. Sturge said she works with Hatcher often and said, "he is a good boss," that they have a good working relationship and are friends. She said the work environment at their office is collegial, with co-workers often going out to dinner and drinks, and, given that employees are based in different cities, it is not unusual to spend time with a co-worker who is staying at a hotel.

A. Wednesday, September 27

Sturge said her interactions with Hatcher related to this complaint began on September 27 when Sturge ran into Hatcher at the office after a meeting with Chief of Staff, Greg Pullman. Sturge already had a one-on-one meeting scheduled with Hatcher for Friday morning, but because they ran into each other, they decided to talk over a few work issues. They went downstairs, had lemonade and discussed those issues. Later, Hatcher asked Sturge if he could meet with her the next evening when he arrived in Sacramento around 8:00 p.m., so that they could have their one-on-one meeting that evening. She told him that she thought that 8:00 p.m. was a bit late, and he responded he would try to get there earlier. Sturge said she thought it was strange he wanted to meet on Thursday evening because they had already spoken the day before and they had a meeting scheduled for Friday morning, but she agreed.

¹ The undersigned also attempted to secure video surveillance of the premises identified by Sturge: The Sports Corner (Sacramento), the rooftop bar at The Nines Hotel (Portland), and the lobby at The Duniway Hotel (Portland). The undersigned was informed by the owner or Security Directors of each location that either the video tape was corrupted because the system malfunctioned, the video no longer existed or no video surveillance was present at the location.

² Sturge began the interview in a very emotional state. She told the undersigned she was concerned coworkers would learn about the situation and said she "wished this incident hadn't happened; she wants to be safe at work."

B. Thursday, September 28: The Concierge Lounge

Sturge said she met Hatcher at his hotel on Thursday, the Holiday Inn on J Street in downtown Sacramento, at about 6:00 p.m. She texted Hatcher at 5:53 p.m.³ when she arrived at the hotel, and he responded that he would be down in "1."

Sturge said Hatcher greeted her by stating, "How are you doing, young lady?" He suggested going to the hotel Concierge Lounge for free drinks and she agreed. They arrived there at approximately 6:00 p.m. Sturge said she had a glass of red wine and Hatcher had white wine. Sturge noticed another man in the lounge and a woman who worked there. According to Sturge, she and Hatcher engaged in small talk and then Hatcher said, "You are a lot of work, you know that." She asked him what he meant by that, as she thought perhaps it had to do with the meetings she had had the day before, but he replied that he had three work things to talk to her about and that when they were done with those topics, they could talk about whatever she wanted.

Sturge said Hatcher began by saying she needed to be nicer to Rodriguez (Sturge's direct supervisor). Sturge noted that she did not understand where this comment was coming from because this was not something Hatcher would normally say. She asked him a couple of times what was he talking about. Sturge said Hatcher responded by saying, very loudly, "Shut up, motherfucker, shut up."⁴ Because of his loud tone and language use, she surmised he must have been drinking on the train. Sturge said that Hatcher confirmed this at some point later in the evening.

Sturge said she continued to let Hatcher talk. He told her that Sturge "could not go around Mylka and talk to Mark." She said she was embarrassed because he loudly said, "shut up" and "motherfucker" five to ten times. She said at some point she started to get angry. Sturge said that the woman who worked in the Concierge Lounge came by and told Hatcher to stop speaking in that manner.⁵ Sturge said when she asked Hatcher if he had been drinking, he responded, "I love the train." He told Sturge he had ridden the train with someone.

Sturge said Hatcher seemed to "vacillate between 'happy Marcus' and 'difficult Marcus.'" She said Hatcher returned to their conversation about Mylka, stating that Sturge should not go around Mylka and that "Mylka is threatened by you." Sturge offered to call Mylka to explain what had happened. Hatcher interrupted her, but Sturge told him it was her turn to talk. She said it was not her job to make sure that Mylka was doing her job. Sturge felt she was barking back at Hatcher, because she wanted him to know that she was upset. She said she spoke strongly to him, but not disrespectfully. She wanted Hatcher to know that it was his job to ensure that Mylka was doing her job.

Sturge said Hatcher changed the topic, asked whether Sturge liked strawberries and got up to get some, saying to Sturge, "You need to put something in your mouth." When he returned, they spoke about the cheese he brought over and according to Sturge, they were speaking to each other normally. Sturge then said to Hatcher, "You can tell you were a cop; you're a bully." She said he grinned at the bully comment.

³ The undersigned viewed and confirmed the text message, and its date and time sent.

⁴ Sturge did not describe Hatcher's manner of speaking as angry or joking but as loud.

⁵ An account by this woman, Joanne, is given later in this Report in section VI.B.

Hatcher said she began speaking about the second thing he wanted to talk about, which was the staffing assistants' campaign, scheduled to begin the following Monday morning. Hatcher told her, "I need you to nail it. I need you to fucking nail it" and that he said this more than once. Sturge explained what she did to prepare for the campaign, and he responded by saying, "You can't fuck this up." She said he told her this "aggressively" and he repeated it approximately five times. He also said, "Everything I do, I do it 100%. I don't trust anyone else but you to do this." She told him she got it. She said he asked whether she was okay with losing. Sturge responded that if it is fair, then she was okay with losing. He said, "I don't lose, I will cheat all the way to the end." She responded that she wanted to win the campaign.

C. Thursday, September 28: The Sports Corner Bar

Sturge said while they were in the Concierge Lounge, Sturge drank approximately a half glass of wine and Hatcher had approximately two glasses of wine. After about 1 to 1.5 hours, they decided to leave. Sturge said Hatcher told her he wanted to go to a sports bar called the Sports Corner, which was down the street, because his "boy" (someone he is friendly with) worked there and he went there all the time. Sturge offered to call Mylka while they were on their way to clear things up and told Hatcher she could put the call on speaker. Hatcher agreed. Sturge called Mylka at 7:12 p.m., but could not get a hold of her.⁶ They walked down the street through the tunnel to the Sports Corner. Sturge said they took their wine from the hotel, but that she threw her wine away before entering the Sports Corner.

At the bar, Sturge went to the ladies room and after she returned, she asked Hatcher if he had eaten anything and whether he had ordered. Hatcher replied by asking what she was drinking and she replied, "red wine." He responded, "Oh, I fucked up." They then told the bartender that she wanted red wine. Sturge said they stayed at the bar for maybe 15 minutes, and during that time, they engaged in small talk. At one point, Sturge said, Hatcher pointed to his cheek as if he were asking Sturge to give him a kiss. She told him, "You're drunk." Sturge saw Hatcher look in the mirror behind the bar and try to sit up straight while pressing his hand against his abdomen as if he were trying to look thinner. He did this repeatedly. She said Hatcher continued to tell her that she was "a lot of work," and she continued to ask what he meant by that. Hatcher also leaned in close to Sturge and put his face next to hers, acting as if to see how they looked together in the mirror.⁷ Sturge said she told Hatcher she needed to go because her daughter was going to be dropped off at her house.

According to Sturge, when they left the Sports Corner, Hatcher was walking as if he were drunk. He asked her to walk with him back to the hotel to make sure he got there okay and he acted as if he wanted her to help him walk. She said she told him, "You're my boss... this looks really bad." She said that Hatcher became "snippy" and said, "Don't tell me, I'm fine." Sturge said she was very uncomfortable.

⁶ This undersigned viewed Sturge's call log on her cell phone and confirmed that the call was made at the time indicated by Sturge.

⁷ The undersigned contacted The Sports Corner and requested the video surveillance of that evening. The manager informed the undersigned that the surveillance system had malfunctioned and no video footage exists from that evening.

D. Thursday, September 28: The Hotel Room

Hatcher was able to open the door to Hatcher's hotel room without assistance. Sturge said she went up to his room because she needed to use his bathroom, but told him she needed to leave right afterward. Sturge said when she came out of the bathroom, Hatcher had put on some R&B music. She said he told her that he needed to talk to her about one more thing. She said it seemed to her that he did not want her to leave, yet he did not speak to her about any topic other than what they had already covered.

She said as she stood by the TV holding her purse and Hatcher was sitting on the bed, he told her, "Your eyes are so beautiful, Mindy." She replied, "You shouldn't be paying that much attention to my eyes, Marcus." She said Hatcher replied, "Goddam it woman, you are a lot of work." She said she asked, "Why are you telling me about my eyes?" He responded, "Shut up." Sturge asked Hatcher why he kept telling her to shut up and told him, "Quit telling me to shut up. I've been told that enough in my life. You shouldn't be saying that. You're my boss." She also noticed he continued to suck in his abdomen and Sturge wondered why he was doing that.

Sturge said Hatcher began to talk about the music and how he loved the song that was playing. He reached out for her and touched her waist. According to Sturge, he continued to say things like, "You're so cute," "You've got an attitude," and "You're a lot of work." She said he stood up and put his hands on her waist and said, "Gimme them lips." Sturge responded, "I've got to get my daughter." He replied, "Mindy..." as she stepped back.

She said she told him, "No, let's dance", because she thought it would distract him. She said she pushed him away so he could dance on his own, without touching her. She said she was not dancing, rather, she felt like she was "drunk babysitting." He said again, "Gimme them lips." Sturge said she backed up when he said this and as she backed up, he tripped and fell into her, causing her to fall backwards. Sturge said she hit her head very hard on the wall and fell to the floor. She said she saw stars and was almost knocked out. She said she had never hit her head like that before. She heard him repeat, "baby" over and over again. She saw him hold his chin as if he had hit his chin during the fall. He was standing over her. She said that she knew she needed to leave, but her head hurt very badly, so she continued to lie on the floor. He told her to get up, but she wanted to stay on the floor. She said she lay there for a long time – about twenty minutes – and felt that she needed just to lie there.

Sturge said that Hatcher wanted her to get up onto the bed. She eventually made her way to the bed, and sat on the edge. She said she told Hatcher that her head hurt really badly. Sturge said although there seemed to be no blood on her scalp, she was wondering whether she was bleeding inside her head. She said Hatcher sat down next to her on the bed and then she lay down on the bed with the pillow pulled under her head.

Sturge said Hatcher asked again if she was okay, but then started talking about her eyes again. He said something about the color of her eyes being blue-gray and said, "You're so cute," and "I'm going to steal you." She could not understand what he meant by that and ignored it at first, but he said it again. She said, "From who?" and he replied, "From your big boyfriend... Is he going to kick my ass?" Sturge said she felt the need to explain to him that she has people in her life who would protect her, so she said, "I

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have ten big brothers, I am a tomboy..." She thought it might scare him a little bit. Sturge said that Hatcher also said three times, "Victoria loves" him.⁸

Sturge said Hatcher then lay down next to her, on his side and put his hands on her waist. She felt his erect penis against her thigh and said to him, "You are my boss, you can't hump me." He said, "I don't want to hump you, I want to fuck you." She told him to get his "weeny" off of her. He said that he did not have a "weeny," he had a "dick." He was clothed the whole time, and they were both on top of the bedspread.

Sturge said she felt nervous and got up to leave after approximately 20 minutes on the bed and one hour of being in the room. It was approximately 9:30 p.m. when she left. As she was getting in her car to leave, Hatcher called her cell phone to ask if she was okay and she told him she was fine. On her way home, she called her boyfriend and her ex-husband to tell them what had happened. She said she arrived home at approximately 10:00 p.m.

E. Friday, September 29

The next day Sturge called in sick and did not go to work. She called her mother and told her what had happened. Sturge sought medical treatment at Kaiser Hospital in Vacaville and was told that she had suffered a concussion. She said she did not take any medication other than Advil, and was not on any medication at the time of the interview.

Sturge said her co-workers now ask whether she can continue to work with Hatcher. She said, "I know I should have left, but I did not want to have any problems at work." She said she worried about coming forward to complain because everyone likes Hatcher and everyone is going to think that she did something wrong. She said she herself has always really liked Hatcher and has always worked well with him. "He has been the best boss." She said he has never screamed at her before, even though he has raised his voice to others. She said she has heard him use profanity before, particularly when he has been drinking and noted that he is known to drink in excess to the point where he needs assistance in getting to his hotel room.

Sturge said although she once felt that she and Hatcher were friends and that they think the same way about work, now, she does not want to see Hatcher again. She said she is angry about this situation, that she has worked very hard to get to her current position and is worried about losing her job.

F. Closing Remarks

When asked if there was anything else she wanted to say, Sturge noted that Hatcher has asked for her advice in the past. As an example she mentioned an exchange in Portland a few weeks before the September 28 incident. She said in Portland, while both were in the lobby of a hotel, he asked if she had a few minutes to talk and then asked her, "When does someone know when it is time to get a divorce?" She said they had a discussion concerning his marriage, and she advised him not to get a divorce.

⁸ This is a reference to a mutual friend of theirs named Victoria who is married to Sturge's boyfriend's sister.

IV. RESPONSE TO ALLEGATIONS BY MARCUS HATCHER

Hatcher is the Kaiser Division Director at SEIU-UHW. Hatcher reports to Greg Pullman, Chief of Staff and his direct reports are Mylka Rodriguez, Claudia Rodriguez, Vicki Jackson and Elaine Geliberte. His home office is in Los Angeles. He was elected to the Executive Committee, and has served on this since 2014.

Asked for his understanding of the complaint, Hatcher responded, "An exchange between Mindy and myself in Sacramento." Hatcher then described his version of events from September 28 through September 29.

A. Thursday, September 28: The Concierge Lounge

Hatcher said he took the train from Oakland to Sacramento on Thursday, September 28 and rode the train with a friend, Caroline Lucas. He said that he drank one Jack Daniels on the train at approximately 4:00 p.m. and that he did not feel inebriated. When he arrived in Sacramento, he walked to the Holiday Inn. He said Sturge texted him when she got to the Holiday Inn, he met her in the lobby and they decided to go to the Concierge Lounge in the hotel for drinks. He said they had a discussion concerning two or three work items occurring that week.

Hatcher said they were in the Lounge for about an hour. He said there was a male guest in the Lounge and a woman who was serving them. He said they left at around 7:00 or 7:30 p.m. and that nothing unusual happened during their discussion at the Lounge.

Hatcher said he and Sturge spoke about an organizing campaign. He said although Sturge was reluctant to work on it, Pullman wanted her to and Hatcher was supportive of Sturge handling the campaign. He said Sturge told him she did not want to report to a specific department, but Hatcher told her he would help her with that. They spoke about another project, a different campaign aimed at bringing an additional 150 members into the organization. Sturge was not reluctant to work on this campaign.

Asked whether he told Sturge to "shut up," Hatcher said he had said this to her during a discussion about Sturge's replacement while she would be out working on the campaign. He explained that Sturge had not communicated directly with her supervisor concerning her replacement, but rather spoke directly to the person whom she thought should be her replacement. Hatcher said he had recommended someone other than Sturge's recommendation, so there was some tension around this issue. Hatcher said he did not raise his voice to Sturge, but acknowledged that he does have a loud voice.

Asked whether he said "motherfucker" to Sturge, Hatcher responded he did not say "motherfucker" at that time, but would likely have said it at some point that evening. Hatcher said that he uses profanity fairly regularly.

Hatcher admitted to saying to Sturge, "You are a lot of work, young lady," because she often takes the initiative and sometimes it turns out poorly. He said she typically works faster than other people and sometimes she is wrong.

According to Hatcher, while in the Concierge Lounge, they each had two glasses of wine and both ate some cheese, but he said there was no other food available. He said nothing of consequence happened

at the Lounge. He said he did not feel inebriated after the wine. He said he had had lunch that day and nothing else to drink prior to the Jack Daniels at 4:00 p.m.

B. Thursday, September 28: The Sports Corner Bar

Asked whose idea it was to leave the Concierge Lounge to go to another bar, Hatcher said he assumed it was his idea, but he could not remember. He said it was a very short walk to the bar. Asked how this bar was chosen, Hatcher said he had been there before. He said he did not know anyone who worked at the bar. According to Hatcher, he and Sturge each had one drink at the bar, and he thought Sturge had a glass of wine but he could not recall what type of drink he had. He recalled paying for two drinks. Hatcher said he could tell that Sturge had been drinking because "she has a booming voice when she [has been] drinking."

Asked what they spoke about at the bar, Hatcher said they discussed a sexual encounter he and Sturge had when they were both in Portland, on August 25, 2017 attending a convention for work. He said they discussed "vulnerability and that alcohol had a role in the sexual encounter." They also discussed that there should not be any relationship going forward because "their reporting structure would complicate it." Hatcher said the sexual encounter in Portland was the only time they had sex.

Asked how the sexual encounter in Portland had come about, Hatcher responded that he and Sturge had gone to a party together and left together. He said it was a quasi-work party because co-workers were there. They left the party for a brief time and went to the lobby of the hotel (the party took place in the Convention Center attached to the hotel). Hatcher said he asked Sturge, "How do you know when you want to get a divorce?" Sturge was helpful and recommended that he should not get a divorce. They went back to the quasi-work party.

As the night progressed, they decided to go to a nightclub within walking distance of the hotel. Hatcher said that Sturge had been there before. Hatcher said he had two drinks and they both had a kamikaze shot, and maybe one other drink. He said Sturge initiated the kiss and invited him to go back to her room to have sex. There were at the bar for less than 30 minutes.

He said Sturge then suggested that he join her in her hotel room. She was staying at a different hotel from where Hatcher was staying. They went together to her hotel and had sex.

Hatcher said that Sturge was sick the next day because she had drunk too much the night before. Hatcher had drunk too much as well. Hatcher said he called her because he discovered that she had taken pictures of both of them on his work phone. They were pictures of them kissing while at the nightclub.⁹ He said he deleted the photos from his work phone. There were four or five photos of them at a nightclub and Hatcher told Sturge that he was going to delete them.¹⁰

Hatcher agreed not to delete anything further from his phone.

In a subsequent interview, Hatcher provided the undersigned with the photos he said Sturge had taken at the rooftop bar in Portland. The photos are shown below.

⁹ This nightclub is also referred to as the "rooftop bar."

¹⁰ However, after the interview Hatcher contacted the investigator saying he had retrieved the pictures on the cloud. They are depicted and discussed below.





Hatcher said he retrieved these pictures from his deleted items folder in Google Pictures.

C. Thursday, September 28: The Hotel Room

Hatcher said after they left the bar in Sacramento they walked to his hotel room. During the walk he asked Sturge how old she was. She told him that she was 40 and was "rocking it." He complimented her.

He said they both went to his hotel room only so he could change his clothes and then they went to a nightclub called The Mix. According to Hatcher, Sturge gave no indication she was opposed to that idea. He said he did not stumble on his way to his hotel room. Hatcher said that there have been times when he has needed assistance walking after drinking, but not that day. He denied that Sturge said at this time that she needed to get home or to be home for her daughter although noted that she had said this later in the evening.

According to Hatcher, while they were in his hotel room they continued the conversation as to why they should not have a relationship and decided not to have any continuing sexual relationship. Sturge asked if he had said anything to anyone about their having sex. He said he had not said anything to anyone, including Victoria de la Cruz, who is married to Sturge's boyfriend's sister and who is a very good friend of Hatcher's. Sturge specifically asked whether Hatcher had said anything to Victoria. Sturge also asked whether Hatcher had said anything to Chokri BenSaid, a common coworker and friend of both Hatcher and Sturge. Hatcher said he had not. Hatcher told the undersigned he did not feel comfortable with this secret, as he was worried it would catch up with him. Hatcher told Sturge he was going to tell his wife and Pullman. Asked what she said in response, Hatcher replied that Sturge had not made a big deal about it. Hatcher said he asked Sturge if she had told Vicki Jackson, and she said no. She said nothing more. Hatcher did not believe she was not going to tell anyone about their sexual encounter.

Hatcher told the undersigned that there was some "aggravation" around Chokri. Asked to explain, Hatcher stated that some time ago, he learned that Sturge had posted a photo on Facebook doing something other than working when she should have been at work. Hatcher told Sturge not to post pictures like that and to take it off of Facebook. Hatcher said while he and Sturge were in his hotel room, Hatcher told Sturge that he had learned that BenSaid had a picture of Sturge's naked bottom and that "having pictures of your ass floating around is not a good idea." Hatcher told the undersigned he

believes Sturge had sent BenSaid pictures of her naked bottom and that Sturge had or is having a sexual relationship with BenSaid.

Hatcher said he knew about BenSaid's relationship with Sturge because BenSaid told him about it some time ago. He said more recently, when Hatcher and BenSaid were sitting next to each other on a plane to Oakland, Hatcher saw a picture of Sturge's "ass" while BenSaid was going through his photos on his phone. Hatcher said he knew it was Sturge because he could see her hair. Hatcher said to BenSaid, "I don't know about you sometimes..." Hatcher admitted saying to BenSaid that he thought Sturge was attractive, but said he never told BenSaid that he was attracted to Sturge.

Hatcher said he and Sturge were in his hotel room for only about 30 to 45 minutes. Hatcher said he put on some music via the Spotify app on his cell phone but said he did not dance to the music. Asked whether he put his hand on Sturge's waist, Hatcher stated "I would not be surprised if I put my hand on her waist."

Hatcher said that at some point while they were in the hotel room, Sturge told Hatcher she needed to leave to meet her daughter at home.

Asked whether he made any comments regarding Sturge's eyes being beautiful, Hatcher responded, "I don't know." He stated again that he did not know whether he said it although he could not deny that he said it. Hatcher denied telling Sturge he wanted to kiss her or that he said, "You're so cute." He did say that in the past, he has "referred to some of her behavioral silliness as cute." Hatcher denied saying to Sturge, "I'm going to steal you."

Asked whether at any point they were lying on the bed next to each other, Hatcher responded, "I don't think so." Hatcher was not sure whether or not Sturge lay down on the bed. He said Sturge did get up and go to the bathroom and when she returned, she may have lay down. He then recalled that she definitely sat back down. When asked whether he lay down next to her, Hatcher said, "I sat down next to her."

When asked if he had rubbed his groin against Sturge's leg, Hatcher said, "This was before."¹¹ Hatcher said that they continued to talk about their previous sexual encounter in Portland and that Sturge's language choices were "humorous," that she had used the term "big cock" and he had not heard that term before.¹² He told Sturge, that her language choice "was funny" when they had been in Portland and Sacramento. He said their conversation about this has continued over a period of time, that he would comment on her language choices and would say he thought her word choices were funny. Asked what other language choices she used that he thought were funny, Hatcher responded that after they had sex in Portland, she told him, "You are not going to just fuck me and leave, you need to give me a kiss." Hatcher stated again that her use of the word "cock" was funny; he said he was not used to that term and had not heard it before.

When asked again whether he rubbed his groin against Sturge's leg, Hatcher responded, "No." He stated again that the only discussion they had had about his groin was when Sturge said, "I know you have a big cock." Hatcher said that Sturge made this comment during the evening in the hotel room in

¹¹ Meaning in Portland.

¹² Hatcher stated repeatedly that he had not heard the term "big cock" before.

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Sacramento, and also previously when they had both been in Portland. Hatcher said, "I've never heard anyone say this."

Hatcher denied that Sturge said, "You're my boss, you are not going to hump me" or that she used the term "weeny" or that she said "get your weeny off of me." Hatcher also denied saying to Sturge, "I want to fuck you" or "I don't have a weeny, I have a dick."

Hatcher said that was all he recalled of their encounter in the hotel room in Sacramento. When asked if Sturge had fallen at some point in the evening, Hatcher responded, "Absolutely." He said he was on the bed and she had her leg on his shins, and when he got up, she fell off the bed and bumped her head on the wall. Hatcher said he could tell that she had bumped her head. He could not recall why he got up from the bed, but he recalled that he was unbalanced when she fell and that she told him he had "dropped" her. Hatcher said that Sturge left the hotel room not long after she fell. He said he had not mentioned the fall earlier because he had forgotten about it.

D. Saturday, September 30: At Home

Hatcher said that on the morning of Saturday, September 30, he told his wife about the sexual encounter in Portland. He said he told her after Pullman called him on Friday, September 29 to tell Hatcher about the complaint involving Sturge, but before he spoke with Pullman on Saturday.

E. Closing Remarks

Asked why Sturge has a different version of events and why he thought she brought a complaint, Hatcher gave four reasons: he believes Sturge is trying to conceal her relationship with BenSaid; he believes Sturge complained because he told her that he was going to tell his wife and Pullman about their sexual encounter in Portland; he thinks Sturge is worried because they have friends in common; and she is concerned about the picture she sent to BenSaid and she does not want to ruin her own household.

V. REBUTTAL BY STURGE

A. Sexual Encounter in Portland

Sturge denied having sex with Hatcher in Portland and was quite upset by this accusation. She said that while both of them were at the rooftop bar in Portland, Hatcher bought Sturge a kamikaze shot that made Sturge sick. She said up until that point, she had been drinking only wine. She said throughout the course of the evening she had approximately three glasses of wine and the kamikaze shot. Sturge repeatedly questioned why he would say that they had sex and stated that his story was made up.¹³

Sturge said she was in Portland for three days, from August 24 through 26. On the second night, Hatcher asked if he could talk to her about something, just the two of them. They were at a big work-

¹³ The undersigned contacted The Nines Hotel and requested the video surveillance from that evening. The Director of Security informed the undersigned that the hotel did not have any video surveillance at the rooftop bar. However, the hotel was in the process of installing a surveillance system at the time of the undersigned's conversation with the Director of Security.

related event, which they left, and went downstairs to the lobby. Hatcher spoke to Sturge about his marriage and said he was going through a rough time. He told Sturge that he and his wife were having problems and were unhappy, but that he has "a huge love affair with his two daughters." He asked Sturge for her advice because he knew that she had been through a divorce. She advised against a divorce. They spoke for about 10 minutes.

At some point, Sturge said, some union members came in and said they had just come from a rooftop bar not far away. Hatcher and Sturge decided to go and walked there. Sturge thought there would be a bunch of union members still at the rooftop bar. She did not recall if there were any members there when she got there. Sturge did not throw up at the rooftop bar, but said she felt like she was going to and left the bar because she felt sick. She said that Hatcher tried to make her feel better by holding her hair and taking care of her. She said that Hatcher walked her back to her hotel, but did not walk her to her room. Sturge recalled going to her room, and looking into her purse – the same purse she brought with her to her interview with the undersigned – and got out her card key. She said she threw up when she got into her room.

Sturge denied that she or Hatcher took pictures of the two of them at the rooftop bar and denied kissing Hatcher. She said she does not like Hatcher in "that way." She said she never felt that he had behaved inappropriately that evening. She asked the undersigned to obtain the video surveillance from the rooftop bar.¹⁴ Sturge added, "That is the biggest lie; how can he make up the biggest lie? This is not fair."

When Sturge was asked a second time about whether she kissed Hatcher, Sturge responded she did not remember kissing him and that she "was very drunk."

The undersigned showed Sturge the photos of her and Hatcher kissing on the rooftop bar, at which point Sturge became very upset. Sturge claimed she did not take the photos because her left hand is in the picture. Sturge said, "If I were kissing him, would I want you to get the videos? Why would I do this if our members are at this bar? Why would I not remember this? Why is it okay for him to get away with this?"

Sturge could not explain the photos and did not remember them at all. Sturge said, "Did he plan this? Why would he take pictures? I don't understand it."

Sturge then found the name of the rooftop bar, "The Nines," and asked the undersigned to seek video surveillance from that night.

B. Sturge's Relationship with BenSaid

At the interview with Hatcher he brought up Sturge having an intimate relationship with another employee – BenSaid. In this regard, Sturge admitted to having an intimate relationship with BenSaid, saying it had been on and off for the last few years.¹⁵ She said it began after her divorce in approximately 2014. Sturge said she and BenSaid broke up for a period of time, and then began to see each other again approximately three to four months ago when they were both in Southern California

¹⁴ Attempts were made to obtain video footage, however the undersigned was told there was no video at that bar.

¹⁵ She first admitted to a relationship with BenSaid during a phone call with the undersigned on October 2, 2017 when Sturge was asked about it directly.

and BenSaid texted her stating he wanted to hang out with her. They went to one of the beach towns in Southern California, possibly Manhattan Beach, and "caught up." BenSaid was "flirty, but nothing happened." After that, they started to spend time together when he came to town. They would go out to dinner and then have sexual intercourse. She said they had sexual intercourse approximately three times in the last few months; one time in San Francisco, another in Oakland and a third time in Sacramento. She said other times, they would not have sex and that their relationship was "more goofy stuff over text, with a lot of banter, but no ensuing action."

BenSaid and Sturge exchanged several text messages on the evening of August 25 while Sturge was in Portland and BenSaid was in Oakland.¹⁶ According to Sturge, the messages were of a sexual nature. Sturge said she wanted BenSaid to come to Portland that evening so they could spend time together. BenSaid ultimately did not go to Portland.

Asked whether she spoke to Hatcher about BenSaid, Sturge responded they did not talk about BenSaid and said "that is an absolute lie. That did not come out one time. He is lying."

Sturge said she last had intimate involvement with BenSaid about one month ago, prior to what happened in Sacramento with Hatcher. Sturge said she did not know that Hatcher knew anything about her relationship with BenSaid. Sturge said she is not in an intimate relationship with anyone else at work.

1. A Question About Sturge Sending Photos to BenSaid

Sturge denied that there is a photo of her partly naked. When asked about this, Sturge said she would not be surprised if Hatcher and BenSaid got together to make something up, as they are very good friends. She noted that unless BenSaid showed the picture to Hatcher, there would have been no way for Hatcher to know about the picture. Sturge stated she sent BenSaid a picture of her in her bathing suit from about one month ago. Sturge said she does not have any issues with BenSaid and this has nothing to do with him.

Asked again if there were any other revealing photos, Sturge admitted she sent BenSaid a picture of her from the ribcage down wearing "cheeky pants." The picture was a side view of her bottom half. She said she sent BenSaid this picture while she was in Portland.¹⁷

C. Closing Remarks

Asked if there was anything Sturge wanted to correct or change in her version of events, Sturge added that when she and Hatcher were in the hotel room together, he attempted to get his hands down her pants to touch her vagina while she was lying on the bed. She said she suffered some bruises on the tops of her thighs, and said she had shown these bruises to her doctor.¹⁸

¹⁶ These messages were retrieved as part of a forensics search of the phones.

¹⁷ The undersigned asked for copies of these photos, but were informed they no longer exist. The cell phone forensics did not reveal any copies of these photos either.

¹⁸ Medical records are found at Exhibit 2. The last page of the medical records states, "Also has healing bruises on her thighs from where her boss grabbed her."

VI. WITNESS AND DOCUMENTARY EVIDENCE

A. Chokri BenSaid

Chokri BenSaid is the Division Director of the Hospital Division at SEIU-UHW. He has worked for SEIU-UHW since 2009, beginning as a lead organizer. He reports to Pullman and has seven direct reports. BenSaid said the two people with whom he has the closest relationship at work are Hatcher and Sturge. He described Hatcher and himself as "co-conspirators" whose success has been intertwined, stating they have had a "friendly rivalry" as to who is a better leader. He said he does not consider Hatcher his best friend and he does not confide in Hatcher because Hatcher "can't keep a secret." However, he has spoken to Hatcher about his financial struggles and asked for his help buying a house (which was provided). Asked if Hatcher was trustworthy (truthful), BenSaid said "generally" but that Hatcher "embellishes a lot."

As to Sturge, BenSaid said it was "complicated" and that they are "very good friends" and talk often. They confide in each other and seek each other's advice about work, family and relationships. BenSaid said they grew into this slowly, beginning as co-workers. He said for a period of about two years in 2013 and 2014 they were "friends with benefits" and "blurred the line" – "it was not just a friendship."¹⁹ Then they both got involved with others and stayed friends, calling each other for relationship advice. Asked about Sturge's credibility BenSaid said he had "never caught Mindy in a lie."

Asked what he knew about this investigation, BenSaid admitted Sturge had called him crying the day before his interview with the undersigned, but he said he could not make out much – she was "hysterical and apologetic," telling him his "name was dragged in and it was not fair." She told him she had filed a complaint and he advised her not to discuss it with him. He said he did not know the details of the complaint.

When asked if Sturge had sent him photos of her naked buttocks, BenSaid said, "absolutely not." He said that at the beginning of this year Hatcher did tell him he had to have a difficult discussion with Sturge about what she posted on her Facebook page, but Hatcher did not show him what was posted or describe it. BenSaid also said that Sturge did send him a photo of herself in a bathing suit from a recent vacation, but "she was not naked and it was not of her rear." He said they commonly send each other vacation pictures from the beach. He said he deleted the photo as he routinely deletes things from his devices.

Asked again, in a follow-up interview, whether Sturge had sent him any other pictures, BenSaid said she sent him a picture of her lower half, from the rib cage down, that depicted her bottom in a G-string or lingerie. She sent him this picture while she was in Portland and he was in Oakland on August 25. BenSaid said that Hatcher knew he and Sturge had a relationship in 2014. BenSaid told Hatcher about the relationship in 2015 in connection with a complaint against BenSaid brought by another co-worker (Faith Santilla) he was seeing that ended badly at the end of 2015. BenSaid had been accused by Santilla of seeing other women at work and thus he discussed this with Hatcher.

BenSaid said his romantic relationship with Sturge ended in 2014 and that they have not had sexual contact since then other than two months ago when they kissed and touched on the beach and in a car

¹⁹ He said they had intimate relations five to ten times over the course of this one to two years.

but did not have sexual intercourse. He said that over the last three to four months, they have spent time together either going to dinner or cuddling in a hotel room while watching TV. He said Sturge would tell him that "she likes the smell of my skin" and he would say he "likes her ass." He said they have not had sexual intercourse or any orgasms, but they have kissed and touched. He said they have exchanged text messages, often of a sexual nature, but very often they do not follow through with what they say in the messages.

BenSaid said he and Sturge have discussed their relationship and decided they should not be intimately involved and that they regretted crossing the line during the occasion in Los Angeles. BenSaid said he did not tell Hatcher about this. He noted that the day after the encounter in Los Angeles, Sturge walked through a room at the hotel where they were all staying (a hotel near LAX) and Hatcher asked BenSaid if she was going to his room. BenSaid said he has not discussed Sturge and his relationship with Hatcher since 2015.

BenSaid said at times Hatcher expressed some attraction to Sturge in that Hatcher would say she was "hot" and would indicate he envied BenSaid having a relationship with her. BenSaid said that on three, four, or more occasions Hatcher texted something to that effect. BenSaid noted one example in which Hatcher texted, "I hate you right now" and when BenSaid asked why, Hatcher responded, "I just saw Mindy, she's really looking good."²⁰

BenSaid said Sturge never indicated romantic interest in Hatcher, but rather "bragged she liked the relationship, working, and explicitly said she didn't see him that way." BenSaid said he had never heard that they had a sexual relationship. He did not go to Portland early this year and did not hear about anything that occurred there between Hatcher and Sturge.

Asked about Sturge and Hatcher's drinking, BenSaid said it was not like Sturge to drink to the point where she did not know what she was doing. He said Hatcher did do this and that he sometimes had to be walked to his room. He said Hatcher would forget his keys or room number and that he could not recall the next morning what he had done the night before.

The undersigned asked BenSaid what words Sturge used when referring to male genitalia and whether she used the word "cock." BenSaid said Sturge would not use the word "cock" and used "little kid vocabulary" like "wiener" for penis and "muffin" for vagina. "She wouldn't even use the word 'fuck.'"

B. Joanne

Joanne works at the Holiday Inn on J Street and was working in the Concierge Lounge on the evening of September 2, 2017.²¹

Joanne said she recalled seeing an African American male with a Caucasian female with red hair.²² She said that the male "seemed very aggressive." Joanne said it appeared that the male and the female

²⁰ Hatcher said although he told BenSaid that he thought Sturge was attractive, he never said he was attracted to Sturge.

²¹ The undersigned reached Joanne by phone and she agreed to be interviewed for this investigation but did not want to give her last name.

²² These descriptions are consistent with the physical attributes of Hatcher and Sturge.

worked together, but that the male "was being very aggressive with the female." She said the male was very loud and used profanity, specifically the "f" word." Joann said she asked him to keep it down and to stop using that kind of language. Asked whether it appeared he was "angry loud," or "inebriated loud," Joann responded that it appeared to her he was trying to make a point. She said it seemed the male was trying to get a point across to his female companion by leaning across the table and saying, "Do you understand?"

Joanne did not recall the male using the word "motherfucker," but she did recall the male saying the word "fuck" approximately three times.

Joanne recalled that the two of them were in the Concierge Lounge for approximately one hour during which time Joanne saw the male pour himself some wine. Asked whether either seemed inebriated, Joann responded, "I don't think so." Joann said she was happy when they left.

VII. FINDINGS AND DISCUSSION

The findings in this Confidential Investigative Report do not reach questions of law as to whether the alleged misconduct supports a violation of laws, but instead are factual findings. The undersigned utilizes a legal analysis in reaching the determinations in this Report. These determinations, however, are not intended to equate to a finding that applicable laws were violated.

The investigator analyzed the facts and determined whether the allegations were with or without merit under a preponderance of the evidence standard. "Preponderance of the evidence," for purposes of this Report, means that the evidence on one side outweighs, or is more likely than, the evidence on the other side. This is a qualitative standard, not a quantitative one.

The investigator has drawn the conclusions in this Report from the totality of the evidence and a thorough analysis of all the facts, and where necessary, has made credibility determinations. The investigator considered and gave appropriate weight to information that might be considered to be hearsay in legal proceedings. Finally, while numerous hours were spent reviewing documents and interviewing witnesses, this Report does not purport to include every detail as described by the individuals involved. Rather, it assesses the important facts as they pertain to the incidents investigated.

A. Credibility Findings

1. Sturge's Credibility

Given the lack of any independent witnesses, a finding in this case comes down to a credibility determination. Sturge and Hatcher gave very different accounts of what had occurred between them. Each of them was credible in some ways, yet not in others. In the end, however, after examining each of their credibility, it is found that Sturge's credibility was greater than Hatcher's. The reasons for this are as follows.

Sturge's credibility was compromised primarily by three things. First, she herself did not tell the undersigned about her relationship with BenSaid. While she may argue it was not directly relevant, had she told the undersigned about this it would have enhanced her credibility. Second, she denied sharing

a "naked" photo²³ of herself but did say that she had sent a photo in which she was wearing "cheeky pants." Lastly, and most significantly, she denied kissing Hatcher at the rooftop bar in Portland. Yet there are photos that refute this.

Even given these concerns, Sturge's account of what happened, both in Portland and Sacramento, is more credible than Hatcher's account. During her interviews, Sturge described the events with clear detail and gave what appeared to be a complete account. She indicated to the undersigned that she was reluctant to come forward because she has had a positive working relationship with Hatcher (he has been a "good boss"). She said many positive things about Hatcher including that he was a nice guy and that they got along very well. The overall positive things she said about Hatcher tended to enhance her credibility. Furthermore, nothing in Hatcher's account contradicted her statements in this regard. The only criticism Hatcher had of Sturge's work was that sometimes she works too fast and comes to the wrong conclusion. He admitted that otherwise she was good at her job.

Next, it appeared to cause Sturge a lot of stress during the interviews to discuss Hatcher and what had happened. She was often very emotional and cried during the interview. She stated she was worried for her job because Hatcher is well liked and respected within the organization and she believes coming forward with her complaint will affect her professional life within the union. Thus it appeared that she was reluctant to complain and that she had nothing to benefit by complaining – for example, it did not appear that her job was in jeopardy, or that she had this type of motive to falsify a complaint. This also enhanced her credibility.

Finally, and most importantly, as stated above, Sturge had less motive to lie about the incident than did Hatcher. Sturge told the undersigned she is very worried about losing her job, as she has worked very hard to get to the position she holds now, and she really enjoys her job. She believes that this incident with Hatcher has compromised all of her efforts. Even though Sturge believes that she is risking her job by coming forward, she still chose to do so because Hatcher's actions in Sacramento were so upsetting to her.

2. Hatcher's Credibility

Hatcher's account had far less detail than Sturge's account and the undersigned had to ask him direct questions about certain aspects of what had occurred. For example, a central part of what happened in the hotel room in Sacramento is that Sturge fell and hit her head. She claimed, and Hatcher ultimately admitted, this was the reason she ended up on the bed. When asked whether she fell in the room, Hatcher did reply, "Absolutely," but only after being asked directly. Thus, Hatcher was forthcoming with facts that, when viewed on their own, could possibly buttress his side of the story, but he was not forthcoming with all of the facts.

Hatcher's credibility was compromised by a series of things he said or did not say; while each of these was small, together these led to an overall questioning of his story. This included the fact that he said Sturges took the photos on the rooftop bar when clearly he took the photos. Additionally, he did not provide much detail about their encounter in Sacramento. There was corroboration for his using

²³ Both Sturge and BenSaid said Sturge was not naked in the photo she sent to BenSaid, but that she was wearing a G-string or lingerie or, as Sturge referred to it, "cheeky pants."

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profanity and speaking angrily at the Lounge in Sacramento. Lastly, his theory on Sturge's motivation to make up this incident was nonsensical.

Hatcher theorized that Sturge made up this complaint to deflect any blame away from her with regard to the sexual encounter in Portland, or to protect her home life so that the encounter would not reach her boyfriend, or to protect her relationship with BenSaid from disclosure. However, this made no sense. If Sturge wanted to protect herself from blame in the Portland incident, making up a complaint against Hatcher, knowing that he would likely tell everyone about the incident in Portland and use it as a defense, does not seem a logical strategy. If she wanted to protect her boyfriend from the knowledge of the sexual encounter, it does not make sense she would complain to Pullman, knowing it would likely trigger an investigation and the greater possibility of others finding out about the incident. It seems more likely that if Sturge's main interest was that no one find out about alleged sexual contact with Hatcher, she would have waited to see if he did tell anyone and if he did, to deny it.

Further, assuming Hatcher did engage in unwanted sexual conduct in Sacramento, Hatcher would have a far greater motive to fabricate a sexual encounter in Portland. Hatcher was aware that he could get into trouble for his inappropriate conduct in the hotel room in Sacramento. He knew that if Sturge complained and his employer found out about it, he could suffer some kind of sanction from his employer or even be terminated. Thus Hatcher's motive to fabricate a consensual sexual encounter in Portland is greater than Sturge's motive to lie about a nonconsensual encounter in Sacramento.

And finally, although Hatcher claimed he was going to tell Pullman about their sexual encounter, he did not do so even though he had ample opportunity. Hatcher had the opportunity to tell Pullman when he called Pullman on Friday afternoon before Sturge called Pullman to complain. (See Exhibit 1, Pullman's notes.) Instead he discussed the work issues he and Sturge had decided the night before. The undersigned concludes that Hatcher did not tell Pullman because it is more likely than not that the events did not occur as Hatcher described – the sexual encounter in Portland did not happen and he did behave inappropriately with Sturge in the hotel room.

Given these credibility findings, it follows that a preponderance of the evidence supports a finding that Sturge's allegations were essentially correct, as is further discussed below.

B. General Findings

1. Did Sturge and Hatcher Have a Sexual Encounter in Portland in August?

Hatcher maintained that Sturge fabricated a complaint about his behavior in Sacramento to absolve herself from culpability in a consensual sexual encounter in Portland and/or to protect her home life, as word about their sexual encounter in Portland might spread among their common friends and then ultimately her boyfriend. He also asserted that she complained about him because she wanted to conceal her relationship with BenSaid.

Sturge denied any sexual encounter with Hatcher in Portland. Because Hatcher claimed there was such an encounter and because there is a connection between that and Sturge's motive to fabricate a complaint, the undersigned had to determine first whether it is more likely than not that the sexual encounter in Portland occurred. If there was a sexual encounter in Portland, as Hatcher claimed, then Sturge's credibility as to the events in Sacramento is at issue. If there was no sexual encounter in

Portland, then Hatcher's credibility is at issue concerning whether he fabricated the sexual encounter in Portland to protect himself from blame in the incident in Sacramento.

Sturge said she went to the rooftop bar in Portland because a few union members who had just returned from there had recommended it. She said she expected to see some union members when she arrived at the bar, but did not recall whether there were any there. The undersigned found Sturge to be credible when she gave this reason for going to the bar with Hatcher. This fact is important because it shows that Sturge went to the bar not because she wanted to be alone with Hatcher, but because she expected to see other work people there. She did not intend to spend time alone with Hatcher at the rooftop bar.

Sturge admitted that she had a kamikaze shot, but said it was Hatcher who bought it for her, as this is not something she normally drinks. BenSaid corroborated Sturge's drinking habits in that he stated that typically she does not drink to the point where she does not know what she is doing. Given this, Sturge's account of feeling very sick after the shot seems likely. It is also corroborated by Hatcher and by the fact that she took the next day off due to illness (as indicated in text messages).

Furthermore, both Sturge and BenSaid told the undersigned, using the same words, that Sturge did not view Hatcher in "that way" — that is, she was not attracted to him — thus, it seems likely that Sturge expressed the idea that she was not interested in Hatcher, sexually. This is indicative of the fact that she would not engage in a consensual sexual encounter with him.

During her interviews, Sturge was asked a few times whether she kissed Hatcher that evening and whether any photos were taken, and each time, Sturge denied it, stating she did not see Hatcher in that way and there were no photos. When the undersigned showed Sturge the photos of her kissing Hatcher, she became visibly upset and began to cry. She said she had no memory of kissing Hatcher or of these pictures being taken, although it is clear in these photos that she is kissing Hatcher. Her response seemed genuine. It also seems unlikely she would have lied about this knowing that the photos could have been recoverable. Moreover, although Hatcher said Sturge took the photos, Sturge maintained she did not. Hatcher stated he "discovered" the photos on his phone the next day and that Sturge took them. Looking at the photos, however, it appears that Hatcher —not Sturge— took the photos. The fact that Hatcher was not being truthful with the undersigned on this point bolsters Sturge's credibility and it is likely that Hatcher took the photos and that Sturge did not recall this.

The question remains about how Sturge could have not known or not recalled the photos being taken. She acknowledged that she was drunk, but said that getting drunk was not something she did normally. It is plausible that Sturge, having drunk an atypical amount of alcohol that night, did not remember kissing Hatcher or the existence of the photos.

In an effort to establish she was not complicit in a sexual encounter with Hatcher, Sturge asked the undersigned to obtain the video surveillance from that bar and from the lobby of her hotel because she felt it would be dispositive of her version of events. The fact Sturge requested this, repeatedly, helps buttress Sturge's credibility concerning her version of events. There would be no reason for her to ask for the surveillance video unless she truly believed that she was *not* complicit in engaging in sexual conduct with Hatcher.

Another piece of evidence that added to Sturge's credibility was a text exchange retrieved from the cell phones between Sturge and BenSaid. That text exchange revealed that Sturge and BenSaid wanted to have sex together on the same night Hatcher stated he and Sturge had sex in Portland. BenSaid was still in Oakland and Sturge encouraged BenSaid to fly up to Portland so they could have sex. BenSaid and Sturge both told the undersigned that sometime during that evening, she sent him a revealing photo of herself wearing only cheeky pants.²⁴ It seems unlikely that while Sturge was exchanging sexually graphic text messages with BenSaid, she had consensual sex with Hatcher.

And finally, after an exhaustive review of the emails between Sturge and Hatcher, as well as the recovered cell phone text messages and other data, there was no mention whatsoever of any sexual encounter in Portland. Indeed, there was no reference to the convention in Portland in any of their communications between the Portland encounter on August 25 and the incident in the hotel room in Sacramento on September 28. The undersigned finds it unlikely that Hatcher or Sturge would not speak or make reference to their sexual encounter in any recovered text or existing email for one month.

2. Did Hatcher Behave Inappropriately In the Sacramento Hotel Room?

As to what happened in Sacramento, there are certain facts that are not in dispute. Hatcher took the train from Oakland to Sacramento, and had at least one drink in route. Both Hatcher and Sturge had some drinks at the Concierge Lounge. Hatcher admitted that there have been times when he has needed assistance after drinking. Hatcher also admitted the following:

- He told Sturge to "shut up" during their conversation at the Concierge Lounge;
- He said "motherfucker" to Sturge sometime that evening;
- He admitted to using profanity fairly regularly;
- He put on some R&B music in his hotel room;
- In his hotel room Sturge told him she needed to leave to meet her daughter;
- He put his hands on Sturge's waist;
- He told Sturge her eyes are beautiful; and
- He saw Sturge fall and hit her head on the wall.

There is independent evidence that Hatcher used profanity while talking with Sturge in the Concierge Lounge and acted aggressively towards her. Joanne, the woman who worked at the Concierge Lounge, was a witness to this behavior. Joanne's account corroborates Sturge's version of events in that Hatcher was using profanity and behaving aggressively towards her. Joanne told the undersigned that Hatcher was loud, that he used the "f" word and that he appeared aggressive with Sturge. Joanne asked Hatcher directly to keep it down and was relieved when they left.

3. Did Hatcher Have Sexual Contact with Sturge in the Sacramento Hotel Room?

The significant allegations that are in dispute are whether Hatcher laid down next to Sturge on the bed in the hotel room, pressed his erect penis against her thigh, tried to move his hands inside her pants, said he wanted "to fuck" her (among other sexually explicit language), and finally, whether any of this conduct was welcomed by Sturge.

²⁴ The undersigned could not recover a copy of this photo, but both Sturge and BenSaid said it existed.

It is more likely than not that Hatcher engaged in this behavior because Hatcher's account and the reasons for going to his hotel room that night are less credible than Sturge's account. There are five reasons to support this conclusion, as follows.

First, Sturge's account of the fall is more plausible than Hatcher's. Sturge stated she was standing next to the bed when Hatcher got up, tripped and fell into her, causing her to fall against the wall and hit her head. Her head hurt badly after the fall and she sought medical treatment the next day, and for several days thereafter. The medical records show she suffered a head contusion and that her head was tender to the touch. (See Exhibit 2.)

In Hatcher's version of events, he said that they were both sitting on the bed, with her legs over his shins, and when he got up, she slid off the bed, twisted around and hit the back of her head on the wall. Hatcher's version of Sturge's fall does not make sense. If Sturge fell as he said, she would have likely hit the side of her head on the wall, not the back of her head. Also, she would not have hit her head particularly hard against the wall, as there would have been less force against the wall because she had been coming from a seated position rather than a standing one.

Second, Hatcher said they agreed to go back to his hotel room so he could change his clothes and go to a nightclub. Hatcher said that they decided to do this after they had decided not to pursue a romantic relationship outside of work. It seems unlikely that Sturge and Hatcher would agree not to have a continuing romantic relationship, but then quickly thereafter decide to go to nightclub late on a Friday night after work. If they had not decided to pursue a relationship as he says, then the idea of the two of them deciding to spend time together outside of work at a night club where there is drinking and dancing seems implausible. Also, he admitted that she brought up having to be home for her daughter. This is another reason it is unlikely she said she wanted to go out clubbing with him.

Third, Hatcher was evasive in his responses to a few key questions posed by the undersigned. During his interview, Hatcher responded clearly and without hesitation to almost all the questions posed to him. But when asked whether he told Sturge that her eyes were beautiful, he was evasive, responding that he "didn't know" whether he said it, but he "wouldn't deny it" either. When asked whether he rubbed his groin against Sturge, Hatcher evaded the question by stating, "This was before," and then continuing to talk about the sexual encounter in Portland. It was only after he was asked this question a second time that he said, "No," but then continued to state Sturge used language he was unaccustomed to when she said to him he had a big "cock." Hatcher's evasive answers, particularly when he responded to these pointed questions, leads to the conclusion that it is more likely than not that the events occurred as Sturge has claimed.

Fourth, Sturge told the undersigned that she told Hatcher to "get his weeny" off of her. During his interview, Hatcher said, multiple times, that he thought Sturge's language choices were "funny." When BenSaid was asked what kind of verbiage Sturge used for male and female anatomy, he corroborated Sturge's use of childlike verbiage for a penis. He said that when they were in a sexual relationship she would use the word "wiener" for penis and "muffin" for vagina. BenSaid's statement leads the undersigned to conclude that it is more likely than not that Sturge said "weeny" that evening – and in doing so, was telling Hatcher to get his "penis" off of her.

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Fifth, Sturge's account of what happened on the evening of September 28 contained many details. Sturge was able to recount specific conversation with clarity and consistency. She recalled comments he made and verbal exchanges they had as well as where they were when the exchanges occurred. In contrast, Hatcher's account was more general when he recounted what happened that day. The undersigned had to ask him direct questions concerning whether Sturge fell in the room, how much he had to drink and what they discussed. His account focused primarily on their purported conversation about the sexual encounter in Portland. The fact that Sturge's account was more detailed and consistent was another reason to credit her version of the events over Hatcher's version.

Because Hatcher denied the sexual contact in the hotel room in Sacramento, and the undersigned has found it is more likely than not that it occurred, it follows that the conduct was not welcomed by Sturge. She said it was not welcome, she had just hit her head and was injured, and – even by Hatcher's account – they had agreed not to have a sexual encounter. Thus, a preponderance of the evidence supports a finding that the sexual contact occurred and was not welcomed.

VIII. CONCLUSION

When viewed in its totality, Hatcher's admissions, his diminished credibility, his motive to lie and the witness accounts all lead to the conclusion that Sturge's version of events is the more likely scenario of what happened between Hatcher and Sturge.

It is therefore determined, based on a preponderance of the evidence, that Hatcher and Sturge did not have a sexual encounter in Portland, even though there are pictures of Sturge kissing Hatcher. Rather, Sturge had three glasses of wine and one kamikaze shot, which was enough to blur her memory of kissing Hatcher. When Hatcher and Sturge met in Sacramento, Hatcher was intoxicated, used profanity while having discussions with Sturge in a public place and appeared aggressive. Sturge went to the hotel in order to help Hatcher get back to his room and because he said he wanted to talk to her some more. While in his hotel room, Sturge told him she needed to leave to meet her daughter. Before leaving, Sturge fell and hit her head hard against the wall. She then lay down on the bed and Hatcher lay next to her, pressed his erect penis against her and said he wanted to have sex with her. Sturge left shortly thereafter and reported it the next day to Pullman, and sought medical treatment for her head.

Respectfully submitted,



Amy Oppenheimer

Caroline Schuyler

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
Plaintiff,)
vs.)
No. RG18905355
SEIU UNITED HEALTHCARE WORKERS)
WEST, MARCUS HATCHER, and DOES)
1-10,)
Defendants.)

DEPOSITION OF MARCUS HATCHER
TUESDAY, FEBRUARY 19, 2019, 9:56 A.M.
SHERMAN OAKS, CALIFORNIA

Stenographically Reported by Claudia Casotti-Stevenson,
CSR No. 13617
CLS Job No. 94669

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ALSO PRESENT:

MINDY STURGE (telephonically)

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
Plaintiff,)
vs.)
No. RG18905355
SEIU UNITED HEALTHCARE WORKERS)
WEST, MARCUS HATCHER, and DOES)
1-10,)
Defendants.)

DEPOSITION OF MARCUS HATCHER, taken on behalf of
the Plaintiff, at 15260 Ventura Boulevard,
Suite 1200, Sherman Oaks, California, commencing at
9:56 a.m., on Tuesday, February 19, 2019, before
Claudia Casotti-Stevenson, CSR No. 13617, a Certified
Shorthand Reporter in and for the County of
Los Angeles, State of California.

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INFORMATION REQUESTED
(None)

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1 (Pages 1 to 4)

1 Do you have any texts or e-mails or anything
2 like that, other than what is marked as Exhibit 3?
3 A I do not.
4 Q Have you ever seen a copy of the investigation
5 report relating to Ms. Sturge's complaint?
6 A I have not.
7 Q And when I say "see," has anyone ever just
8 shown it to you even if you haven't read it?
9 A No.
10 Q Did anyone ever tell you what was in it?
11 A No.
12 Q Did you ever ask anyone what the report said?
13 A Yes.
14 Q Who did you ask?
15 A Greg Pullman and Dave Regan.
16 Q And when did you ask them what was in the
17 report?
18 A November 10th of 2017.
19 Q Is that the only time you've discussed the
20 report with those two individuals?
21 A I wouldn't call it a discussion, but that's
22 when I asked them what the details were.
23 Q Okay. Did anyone, other than Mr. Pullman or
24 Mr. Regan, ever tell you that they had seen a copy of
25 the report?

21

1 A No.
2 Q Did you ever discuss the report with
3 Mr. Bensaid?
4 A No.
5 Q Did your lawyers ever tell you they had a copy
6 of the report?
7 MR. LOPEZ: Objection on the grounds of
8 privilege.
9 THE WITNESS: I don't know they did tell me
10 that, no. I know they received lots of information. I
11 don't think I asked specifically about the report,
12 though.
13 BY MS. SUBBOTIN:
14 Q Weren't you curious to know what was in the
15 report?
16 MR. LOPEZ: Same objection.
17 THE WITNESS: No.
18 BY MS. SUBBOTIN:
19 Q Okay. Let's look at what we've marked as
20 Exhibit 2. You can put Exhibit 1 away. Here, I'll take
21 it.
22 Exhibit 2 is the one-page document that is the
23 resumé you put together. It mentions a position with
24 Clark County as an air transportation specialist. Can
25 you tell me what your job was there?

22

1 A So, again, I don't know the relevance of what
2 this -- the details of this job are. Again, I'm trying
3 to be as useful to this process as I can. But going
4 through a position that I had 20 years -- 15 to 20 years
5 ago, I just don't know it's helpful. But if that's the
6 use of time -- I just wouldn't encourage it. I'm just
7 being honest about it.
8 Q Can you answer the question?
9 A I don't remember what the duties were for a
10 transportation specialist. It's --
11 Q What was your -- you don't remember what --
12 what you did on the job?
13 A It was help the flow of the traffic in an
14 airport, among other things.
15 Q Was it a security position of some sort?
16 A No.
17 Q And Clark County is Las Vegas?
18 A It is.
19 Q Did you leave that job voluntarily?
20 A Yes.
21 Q Was the job that you held before that the job
22 you mentioned earlier with the sheriff's department?
23 A I don't remember.
24 Q Did you leave the air transportation specialist
25 job to take the position with SEIU Nevada?

23

1 A Yes.
2 Q There's no break in employment there?
3 A If it was, it was weeks.
4 Q And what was your -- it listed, I think, two
5 different jobs here on this resumé.
6 Director of representation, is that one job?
7 A It is.
8 Q How long did you have that?
9 A Some amount of years. I don't remember
10 exactly.
11 Q Where was your office?
12 A I don't know the address, but it was in
13 Las Vegas.
14 Q That's fine.
15 A Right. Okay.
16 Q That's fine.
17 What was your job -- what were your job duties
18 as director of representation?
19 A To oversee the grievance process and enforce
20 contracts and negotiate contracts and manage some amount
21 of staff.
22 Q Is it similar to the job you eventually took
23 with UHW as director of representational excellence?
24 A Similar, but scale is different, yes.
25 Q What -- when you say the "scale is different,"

24

1 A Again, I -- some vague memory. I believe
2 Pullman didn't believe that I would do that.
3 Q Did he tell you that he had told people in the
4 staff union that you should not be hired?
5 A No.
6 Q Did Mr. Bensaid tell you that Mr. Pullman had
7 said he wouldn't let you in the building?
8 A No.
9 Q Do you still communicate with Mr. Bensaid?
10 A I guess.
11 Q When was the last time you had any
12 communication with him?
13 A I'm not sure if it was last year or -- my
14 assumption is late last year.
15 Q Late 2018?
16 A 2018.
17 Q What was the subject of that -- your last
18 communication?
19 A We had a mutual person who had passed away.
20 Q Who reached out to whom?
21 A I think I called Chokri.
22 Q Was this somebody you had worked with at UHW?
23 A She was a member, yes.
24 Q Who was it?
25 A Earlene Person.

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1 Q And that can be chest bumping or pushing or
2 anything --
3 A In an aggressive manner?
4 Q Yes.
5 A No.
6 Q Did you ever see Dave Regan become physically
7 aggressive with somebody while you were employed at UHW?
8 A I have seen -- I've never seen Dave strike or
9 push anyone, no.
10 Q Have you seen him become physically aggressive
11 in another manner with anybody?
12 A You would have to describe what you mean by
13 "physically aggressive."
14 Q Other than striking or pushing, did you ever
15 see him do something that you felt was physically
16 aggressive?
17 A No.
18 Q You're aware of reports where he is accused of
19 becoming physically aggressive with other people; right?
20 A Again, I'm not trying to evade your question,
21 but I guess your definition of physically aggressive and
22 my definition of physically aggressive are probably
23 different. I've never seen Dave strike, push anyone at
24 all. Have I seen Dave raise his voice? I have.
25 Q Have you ever seen him bump chests with

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1 Q And she had just passed away?
2 A Yes.
3 Q Did you discuss anything about the litigation
4 with him?
5 A No.
6 Q Did you discuss anything about Mindy Sturge
7 with him?
8 A No.
9 Q How tall are you?
10 A 5'11".
11 Q And how much do you weigh?
12 A 200 pounds.
13 Q How much did you weigh in September of 2017,
14 about the same?
15 A Approximately, I imagine.
16 Q Did you ever get into a physical altercation
17 with anyone while you were employed at UHW?
18 A Are you asking me if I ever got into a fight
19 when I was at UHW.
20 Q Well, I'm not asking about a fight. And I'm
21 putting aside what happened with Ms. Sturge for the
22 moment. I'm asking about a situation in which you
23 became physically involved in an adversarial way with
24 somebody.
25 A No.

66

1 anybody?
2 A No, I haven't. Just -- the seeing of chest
3 hump implies something different to me maybe. But I
4 have never seen him strike or push anyone, which is what
5 I think you're trying to ask me.
6 Q Have you -- are you aware of press reports
7 where Mr. Regan has been accused of pushing or becoming
8 physically aggressive with people?
9 A Yes.
10 Q More than one?
11 A Yes.
12 Q Can you describe those events, the ones that
13 you've read about in the press?
14 A Again, "press" is a loose term. But the only
15 one I've read about has to do with something that
16 happened before I knew who Dave Regan was, something in,
17 I think, Michigan or something like that.
18 Q When he was at a prior union?
19 A That's my assumption.
20 Q Before he was put in as -- in the trusteeship?
21 A That's my assumption.
22 Q Did you ever read any press reports about his
23 altercation with a process server?
24 A Yes, I have.
25 Q And that was a situation in which he -- it was

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1 Q Did you tell her why?
 2 A Yes.
 3 Q What did you tell her?
 4 A I told her I received a document that said I
 5 was terminated for fraternization and harassment.
 6 Q Did you tell JJ Straight anything about the
 7 circumstances -- well, strike that.
 8 Did you tell JJ Straight that you thought the
 9 basis for your termination was wrong?
 10 A No.
 11 Q Did you ever -- when did you talk to
 12 JJ Straight about the -- the circumstances surrounding
 13 your termination?
 14 A Again, I would just characterize it
 15 differently. I don't know if I would say "the
 16 circumstances surrounding it," but I told her what
 17 document I received circa the -- approximately within
 18 days or so after the termination.
 19 Q Did you call her, or did she call you?
 20 A She called me.
 21 Q Where was she working at the time?
 22 A I don't know.
 23 Q But not at UHW; right?
 24 A Absolutely not.
 25 Q Did you tell her that Mindy Sturge had made a

45

1 the truth about your relationship?
 2 A No. I didn't know what Mindy had said.
 3 Q Did you believe that you had sexually harassed
 4 Mindy Sturge?
 5 A No.
 6 Q Did you understand that your termination had to
 7 do with your conduct relating to Mindy Sturge?
 8 A Yes.
 9 Q So did you tell JJ Straight that you believed
 10 that it was not true what had happened or what -- the
 11 basis for your termination?
 12 A Can you say the question again?
 13 Q Well, did you tell JJ Straight that you had
 14 been treated unfairly?
 15 A No.
 16 Q Did you feel at that point that you had been
 17 treated unfairly?
 18 A No.
 19 Q I may have asked this already. The job offer
 20 from Ventura County, was that in writing?
 21 A Yes.
 22 Q Have you ever read Stern Burger with Fries?
 23 A Unfortunately.
 24 Q Many times?
 25 A No. Not many times.

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1 claim against you?
 2 A No.
 3 Q Did she ask you why you had been terminated, in
 4 part, for sexual harassment?
 5 A I didn't know I had been terminated for sexual
 6 harassment.
 7 Q Well, why --
 8 A Still don't.
 9 Q Okay. So you just told her you had been
 10 terminated, and you told her what was in the document
 11 you had been given?
 12 A I believe the document said "harassment and
 13 fraternization."
 14 Q Did she ask you any questions about what had
 15 happened?
 16 A Yes.
 17 Q What did she ask you?
 18 A I believe she said that. "What happened?"
 19 Q And what did you tell her?
 20 A Again, I told her what I thought had occurred
 21 and what the situation was.
 22 Q What did you tell her?
 23 A Had an inappropriate relationship with Mindy
 24 Sturge. Here's where we're at.
 25 Q Did you tell her that Mindy Sturge had not told

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1 Q Had you read Stern Burger with Fries before it
 2 began reporting on the circumstances surrounding your
 3 termination?
 4 A Yes.
 5 Q Do -- other people at UHW also read Stern
 6 Burger with Fries; correct?
 7 A That's my assumption.
 8 Q Have you ever had any conversations, while you
 9 were employed at UHW, with people there about something
 10 that had come up in Stern Burger with Fries?
 11 A I don't know that's the exact name of it. But
 12 I understand we're talking about the same thing, and the
 13 answer to your question is yes.
 14 Q Have you talked with -- who have you talked
 15 with about Stern Burger before you were fired?
 16 A The first time I had heard of him, the -- I
 17 don't remember her name, but it was -- the
 18 communications director at the time said that there was
 19 an article about me some years ago in Stern Burger and
 20 Fries.
 21 Q Did you look it up?
 22 A No. She showed it -- came and showed it to me.
 23 Q This was -- you don't remember the name of the
 24 person who did this?
 25 A I don't. She's -- hasn't worked there for some

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1 A I don't remember who said it. But that was
 2 gossip, office gossip.
 3 Q So it was staff members?
 4 A Yes. I assume.
 5 Q Did they tell you why they thought she was
 6 having a sexual affair with Dave Regan?
 7 A I don't remember hearing that.
 8 Q Did anyone ever tell you that Mindy Sturge had
 9 gotten promoted because she slept with people in the
 10 office?
 11 A That was conversation, yes.
 12 Q And that was amongst staff people?
 13 A Yes.
 14 Q Who?
 15 A The only person I can remember who said that --
 16 again, this is office gossip -- is Daniella Sapic, who
 17 no longer works there.
 18 Q Sapic?
 19 A S-a-p-i-c.
 20 Q What was her job?
 21 A I don't know exactly what her title was, but
 22 she assisted in the grievance process.
 23 Q Where was her office?
 24 A Oakland.
 25 Q Did anyone ever tell you that they believed

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1 that Mindy Sturge had misused member dues?
 2 A No. I don't believe I ever heard that.
 3 Q Do you have any reason to believe that Mindy
 4 Sturge ever misused member dues?
 5 A I want to make sure I understand what you're
 6 asking. Mindy wouldn't have access to funds, and she
 7 didn't have a bank account that she could draw from from
 8 members.
 9 I'm just not sure what you're asking. By the
 10 way, I'm making the assumption that you know that that
 11 is true, that she doesn't have that kind of access.
 12 Q I didn't, but thank you.
 13 A Okay. All right.
 14 Q Do you have any reason to believe that she
 15 misused union money for some purpose of her own?
 16 A No.
 17 Q When you had conversations with people after
 18 you were fired, did anybody tell you that they had heard
 19 Mindy had been fired too?
 20 A No. I'm to understand that it was in some blog
 21 or something. But they saw Mindy in the office. So
 22 they knew she wasn't fired.
 23 Q Well, she was in Northern California. And
 24 there are a quite a bit of staff in Southern California
 25 too. So -- so I'm -- I'm wondering if anybody you spoke

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1 with, members or staff --
 2 A Never came up.
 3 Q Okay. Thank you.
 4 I read in one of the press reports -- or one of
 5 the press reports referred to you as having been a close
 6 confidant of Mr. Regan.
 7 Do you agree with that statement?
 8 A I disagree with calling it a press report, but
 9 what I would say is that, yes, I was a close confidant
 10 of Dave Regan.
 11 Q Did you ever see Mr. Regan at a union event
 12 where you felt he had had too much to drink?
 13 A Yes.
 14 Q More than once?
 15 A Maybe.
 16 Q Were there times when you had to help him out
 17 of a situation or to another room when he had had too
 18 much to drink?
 19 A Can you just -- I'm sorry. I'm not sure what
 20 you're asking.
 21 Q Well, were you ever -- did you ever feel like
 22 you needed to assist him because he had too much drink?
 23 A No.
 24 Q Did you ever see anybody else help him when he
 25 had had too much to drink?

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1 A The implication that I'm taking from you is
 2 that he was unable to walk. That has never happened.
 3 I've never seen where I had to physically assist him to
 4 his room or anyone else has had to do that either.
 5 Q Did you ever see him in a situation where he
 6 needed to be extricated from a conversation because he
 7 had too much to drink?
 8 A I don't know if the basis is because he had too
 9 much to drink. But I've definitely pulled him out of
 10 conversations before.
 11 Q And were those situations in which he was
 12 drinking?
 13 A At least one, yeah. Sure.
 14 Q When was that one?
 15 A I'm just guessing, 2017.
 16 Q And what was the situation that you're
 17 remembering?
 18 A Again, I don't know -- again, extricate him out
 19 of a conversation might be an exaggeration. But it was
 20 getting late, and I had someone else drive Dave home.
 21 Q Who was that?
 22 A Stephanie Gildo.
 23 Q Where were you?
 24 A Oakland.
 25 Q And where were you where he had to be driven

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1 home from?
 2 A It was a hotel.
 3 Q And was it in connection with a union event?
 4 A It was.
 5 Q What was the event?
 6 A I don't remember.
 7 Q When you attended E-board meetings, did you
 8 receive extra pay for that?
 9 A No.
 10 Q Or was that just part of your salary?
 11 A Correct.
 12 Q Did you ever attend any international events?
 13 A Yes.
 14 Q How many occasions?
 15 A Half a dozen or more.
 16 Q Where were they?
 17 A Various cities.
 18 Q Would you go with Mr. Regan?
 19 A I would meet him there if that's what you're
 20 asking me.
 21 Q Right.
 22 A Uh-huh.
 23 Q Who else from the union would be there, from
 24 UHW?
 25 A Senior staff. It just rotated who went. But

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1 some portion of senior staff would go there.
 2 Q Did you ever hear Mr. Lyles talk about female
 3 coworkers and the way they looked?
 4 A I believe I have.
 5 Q What have you heard Mr. Lyles say about female
 6 coworkers?
 7 A Complimentary, that they were attractive.
 8 Q Do you remember specifically who he made these
 9 comments about?
 10 A I don't.
 11 Q More than one person?
 12 A I believe.
 13 Q And would he comment on their figure?
 14 A I don't remember, but he was complimentary.
 15 Q Did he -- do you remember any of the comments
 16 he would make?
 17 A I don't.
 18 Q Did he also make negative comments about the
 19 women that he worked with?
 20 A I've never heard Stan do that.
 21 Q Did you ever hear him make any comments about
 22 Mindy Sturge?
 23 A Not that I remember.
 24 Q I want to talk to you a little bit about
 25 Mr. Bensaid and your relationship with him prior to

122

1 September of 2017.
 2 Did you socialize with Mr. Bensaid outside of
 3 work events?
 4 A On occasion.
 5 Q What would you do, what kinds of activities?
 6 A Chokri has been to my house for a party or two.
 7 Chokri and I have been out to dinner or to get a
 8 cocktail outside of work on a couple occasions.
 9 Q Did you loan him money?
 10 A I did.
 11 Q When did you loan him money?
 12 A I don't remember the year, but I remember the
 13 purpose.
 14 Q What -- what was the purpose?
 15 A He was buying a house.
 16 Q Did he ask you for the loan?
 17 A He did.
 18 Q How much did you loan him?
 19 A I don't remember. It was a few thousand
 20 dollars or so.
 21 Q Has he paid you back?
 22 A Yes.
 23 Q Was that before 2017?
 24 A I believe it was.
 25 Q Did you ever borrow money from him?

123

1 A No.
 2 (Telephonic interruption.)
 3 BY MS. SUBBOTIN:
 4 Q Mr. Bensaid -- strike that.
 5 Were you aware that Mr. Bensaid was interviewed
 6 in the investigation of Ms. Sturge's complaint?
 7 A Yes.
 8 Q He described your relationship as
 9 coconspirators or friendly rivals.
 10 Do you agree with that description?
 11 A That's not terribly off.
 12 Q Did you have a rivalry with him?
 13 A Yeah. I would say so.
 14 Q And what was it about?
 15 A Again, we -- we oversaw divisions, and there
 16 was some rivalry between the Kaiser division and the
 17 hospital division, and it extended probably because of
 18 Chokri and I in terms of reaching goals and et cetera.
 19 Q Did you have any other kinds of rivalries?
 20 A No.
 21 Q Other than work related?
 22 A No.
 23 Q Mr. Bensaid said you can't keep a secret.
 24 Do you agree with that description?
 25 A No.

124

1 Q He also told the investigator that you
2 embellish a lot.
3 Is -- is that true?
4 A No.
5 Q Do you believe Mr. Bensaid is a truthful
6 person?
7 A I don't know.
8 Q Did you ever catch him in a lie?
9 A I don't know I have, nor was I trying.
10 Q Did you ever talk to him about something
11 Ms. Sturge had posted on Facebook?
12 A Chokri had told me things she had posted on
13 Facebook.
14 Q And what did he tell you about what she had
15 posted on Facebook?
16 A I'm sorry. I'm not positive it was a posting
17 on Facebook. But, again, that she was in Hawaii or
18 something was going on.
19 Q This is while you were still employed?
20 A Yes.
21 Q And what -- what did he tell you -- what did he
22 tell you about that?
23 A I'm not sure this has anything to do with
24 Facebook. But it was a picture or something of Mindy
25 while she was, I assume, in Hawaii.

125

1 Q And Mr. Bensaid showed that to you?
2 A Yeah.
3 Q On his phone?
4 A Yeah.
5 Q And was there anything inappropriate about the
6 photo?
7 A It was a picture of her ass.
8 Q In a bathing suit?
9 A I don't know that for sure.
10 Q Did you believe that there was something
11 inappropriate about what she was doing?
12 A In terms of sending Chokri a picture.
13 Q Yes.
14 A I didn't think much of it.
15 Q Did you ever see a photo on Facebook that you
16 believe depicted Ms. Sturge and was inappropriate?
17 A No.
18 Q And you never talked to Mr. Bensaid about an
19 inappropriate photo that you had seen?
20 A Inappropriate -- I've never seen Mindy Sturge's
21 Facebook --
22 Q You're not Facebook friends?
23 A -- portfolio.
24 Q Are -- are you on Facebook?
25 A I am.

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1 Q What's your Facebook user name?
2 A I couldn't begin to tell you.
3 Q Why?
4 A I don't know it.
5 Q Don't you have to set up your own Facebook
6 account?
7 A This was probably set up, and I haven't
8 accessed it in many, many years.
9 Q And -- so you were not Facebook friends with
10 Mindy Sturge?
11 A If I am, I certainly don't know it.
12 Q Did Mr. -- why was Mr. Bensaid showing you a
13 photo of Mindy Sturge?
14 A You'd have to ask Mr. Bensaid.
15 Q Did you share photos of -- from -- with each
16 other of women?
17 A No.
18 Q Did Mr. Bensaid show you photos of other women
19 who were naked?
20 A I think so.
21 Q Suggestive photos too?
22 A I think so.
23 Q And were these members?
24 A Again, I think that's a generalization.
25 Q Did he show you suggestive or naked photos of

127

1 members that were on his phone?
2 A I believe he has. Or I would believe they were
3 members. I don't know that to be true.
4 Q He said they were members?
5 A He may have not. But maybe it was implied. I
6 don't know that for sure.
7 Q Did he also show you photos of women who were
8 either naked or in suggestive ways that -- that were
9 staff members?
10 A No.
11 Q He told you at some point that he had a
12 relationship with Ms. Sturge; right?
13 A Correct.
14 Q When did he tell you that?
15 A I don't remember. But it was -- again, this is
16 office chatter, and he said -- he didn't deny that that
17 was true.
18 Q So other people were talking about it as well?
19 A It was -- again, I think it was known. I don't
20 remember if anyone was talking about it or not.
21 Q And he told you that he was, in fact, having a
22 relationship with Ms. Sturge?
23 A Again, I'm not certain if he classified it as a
24 relationship, but I knew that they had sexual
25 encounters, at least per him.

128

1 Q Did he also tell you about other relationships
2 he had with staff?

3 A Yes.

4 Q What other staff members did he have
5 relationships with, according to him?

6 A I believe Faith was her name.

7 Q Faith Santilla?

8 A Could be it.

9 Q Anybody else?

10 A Not that I'm aware of or remember.

11 Q When did he tell you about his relationship
12 with Faith?

13 A This is many years ago.

14 Q Did he tell you about any relationship with
15 members?

16 A He implied it. I don't know if he told me this
17 or not.

18 Q What did he -- who were the members?

19 A I don't remember these people's names now.

20 Q Did he mention Easa Lewis?

21 A There was definitely chatter that he had a
22 relationship with Easa Lewis.

23 Q When you say "chatter," was it from him?

24 A It could have been but definitely others.

25 Q Who else?

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1 very, very well. Very, very close friends. Again,
2 that's offensive that -- I was not even going to answer
3 it, but I already did.

4 Q And the answer is, no, you never had any sexual
5 relationship with her at all?

6 A No.

7 Q She is married to the sister of James Carrion;
8 right?

9 A I'm not sure who -- I know she's married to
10 Kim. I'm not -- I know Kim has a brother. I'm not
11 positive what his name is.

12 Q And Victoria de la Cruz was a member of UHW;
13 correct?

14 A Yes.

15 Q Is she still a member?

16 A Yes.

17 Q When was the last time you communicated with
18 her?

19 A Victoria and I are close friends. I've talked
20 to her some part of every other week or maybe a little
21 less.

22 Q Do you know a women named Devir or Debir?

23 A I do know Debir.

24 Q Who is Debir?

25 A Debir is -- or was a member at -- I think -- I

131

1 A I don't remember. I think Triana Silton asked
2 me about it.

3 Q When?

4 A 2016. Because it was a Presidential election.

5 Q How do you remember because of the Presidential
6 election?

7 A Because I was in Las Vegas at the time when
8 Triana told me.

9 Q Did you also have a relationship with Easa
10 Lewis?

11 A Easa and I were friends.

12 Q Did you have a sexual relationship at any point
13 in time?

14 A I don't understand the -- I don't understand
15 the relevance of the question. It's -- again, it's
16 offensive. But the answer is flat no.

17 Q Did you have a relationship with a woman named
18 Victoria?

19 A No.

20 Q And when I say "relationship," maybe I'm being
21 too subtle about it.

22 Did you ever have sex with Victoria?

23 A No.

24 Q Do you know a woman named Victoria de la Cruz?

25 A I know many women -- Victoria de la Cruz I know

130

1 think she worked at a nursing home. She was a member
2 and on the executive committee some years ago.

3 Q Did you ever have a relationship -- personal
4 relationship with her?

5 A I am familiar with Debir, and, you know, we're
6 friendly. I've never talked to her outside of work.

7 Q Did you ever have a sexual relationship with
8 her?

9 A No. Debir is transgender, and I just -- I
10 mean, I don't know if people even know that. But her
11 and I talk a lot about that.

12 Q Did -- did Triana Silton ever have a
13 conversation with you about your conduct vis-à-vis other
14 women, be it members or staff?

15 A Maybe.

16 Q You don't remember one way or the other or
17 you --

18 A No. Triana has never had a formal conversation
19 with me about anything like that, no. But she may have
20 said that, you know, "people are flirting with you,"
21 something to that extent. So I didn't want to rule
22 everything in the world out of the realm of possibility.
23 But nothing serious.

24 Q When did that happen?

25 A I don't remember. I don't know it did happen,

132

1 OPPENHEIMER_000604.

2 Can you take a look at this.

3 A I'm there.

4 Q The first question I have is have you seen this
5 before?

6 A Never.

7 Q This was produced by the investigator. Well,
8 actually it was produced by UHW. But it appears to be
9 from the investigator's file. The investigator being
10 Ms. Oppenheimer. And it is a telephone log.

11 Did anyone tell you that -- well, strike that.

12 You had to turn in your work cell phone;
13 correct?

14 A That's correct.

15 Q What was your work cell phone number?

16 A This appears to be (213) 321-4506.

17 Q That -- was that your number?

18 A I believe so.

19 Q So the first message in this Exhibit 7 appears
20 to be from that number, and it says, "I think I might
21 want to fuck Georgette first." Who were you sending
22 this to?

23 A My belief is this went to Chokri.

24 Q And who is the Georgette that is being referred
25 to here?

149

1 you and Chokri had texted about women and the way they
2 looked, was it?

3 A I'm certain. I don't know if it's the first,
4 but there are other occasions.

5 Q And you did that about women staff members too,
6 didn't you?

7 A I wouldn't be surprised.

8 (Exhibit 8 was marked for identification
9 by the certified shorthand reporter.)

10 MS. SUBBOTIN: Exhibit 8 is OPPENHEIMER_000617.

11 MR. LOPEZ: Mine has a photo on the back.

12 MS. SUBBOTIN: I'll switch with you.

13 BY MS. SUBBOTIN:

14 Q This also is a phone log. This is
15 September 22, at the top, 2017. And it appears, again,
16 to be a message from that same number, which you've
17 identified as yours. And it's good -- the message is
18 "Good work."

19 And then short -- a minute later it's --
20 appears to be a message from Chokri, "Fuck you man."

21 Do you remember what you were talking about on
22 September 22, 2017?

23 A I have no idea.

24 Q Do you know where you were on that date?

25 A I have no idea.

151

1 A She was a member in Sacramento.

2 Q And did you -- was this -- were you joking when
3 you said this? Or did you intend -- was this really
4 what you wanted to do?

5 A This was -- very crude and obviously very -- in
6 joking. Georgette is not an attractive person, and it
7 was poor humor.

8 Q Where were you when you and Chokri were
9 exchanging these messages?

10 A I have no idea.

11 Q The next message down appears to be one minute
12 later. And it appears to be 10:00 in the morning. And
13 the only reason why I concluded that is because they're
14 using military time on these logs.

15 And is that -- do you recognize that as
16 Mr. Bensaid's work cell number?

17 A I have no idea.

18 Q Do you remember getting a message from him, "A
19 threesome that weighs exactly as much as an orgy." Do
20 you remember getting that?

21 A I don't.

22 Q So he was making a reference to the fact that
23 Georgette is a heavyset person?

24 A My assumption.

25 Q This wasn't the first time you had texted --

150

1 Q You also -- it also shows a text from Dave

2 Regan. And do you recognize that 202 number as his cell
3 phone?

4 A I don't recognize the number, but I can see
5 that it is, I guess.

6 Q He texted you frequently, right?

7 A Yeah.

8 Q And you texted back to him frequently?

9 A I wouldn't necessarily say frequently, but yes.

10 Q Did Mr. Regan ever send you texts in which he
11 made comments about women coworkers or members?

12 A Not that I remember.

13 Q Down further on Exhibit 8 is a message from
14 Chokri. It's at 17:55. Do you see that?

15 A I do.

16 Q And it says, "Did you get talked to about my
17 behavior lol."

18 Do you know what that's a reference to?

19 A I have no idea.

20 (Exhibit 9 was marked for identification
21 by the certified shorthand reporter.)

22 MS. SUBBOTIN: Exhibit 9, OPPENHEIMER_000547,
23 one page.

24 BY MS. SUBBOTIN:

25 Q And again, there seems to be messages between

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1 you and Mr. Bensaid because it shows the number that
 2 you've identified as your own and then his. You see
 3 that?
 4 A I do.
 5 Q And I can't tell who is saying what to -- whose
 6 messages these are. Did you message Mr. Bensaid, "Can
 7 you get them to pay for my weed please?"
 8 A I'm certain not because I don't smoke.
 9 Q So was that Mr. Bensaid's message?
 10 A This is my assumption, yes.
 11 Q And he smoked weed?
 12 A He does.
 13 Q Does he smoke weed on the job?
 14 A I've never seen it.
 15 Q Have you ever seen him smoke weed at a union
 16 event?
 17 A Yes.
 18 Q Which union events have you seen him?
 19 A I don't know, but he has.
 20 Q And this would be -- when you say "union
 21 events," one of the meetings that we've discussed?
 22 A That was the assumption I was making we were
 23 talking about.
 24 Q Okay. Would it have been a -- an E-board
 25 meeting?

153

1 A I'm not saying it's not. I don't know. But
 2 I've definitely seen him at a union event.
 3 Q Have you seen him use other drugs at a union
 4 event?
 5 A Never.
 6 Q And you responded to Mr. Bensaid, "Yup,"
 7 meaning "yes."
 8 Was that a joke?
 9 A I'm certain it was.
 10 Q Okay. Actually, the earliest message on this
 11 document is the one on the bottom. It says, "Less black
 12 more green lol."
 13 Do you know what that's a reference to?
 14 A I do.
 15 Q What?
 16 A Chokri was -- he and I had had conversations
 17 that people of color in the organization didn't make as
 18 much as the white guys. And there was discussion
 19 about -- there was -- this terminology was used in
 20 describing a -- I believe a Medicaid lawsuit.
 21 Q And what's that got to do with what people make
 22 in the --
 23 A The terminology used has absolutely nothing to
 24 do with it. But Chokri was implying that -- when he
 25 says "less black," meaning the people who are white make

154

1 "more green." I forget what the exact --
 2 Q Oh, you mean -- excuse me. I'm sorry.
 3 A I didn't -- I don't remember what the exact
 4 slogan was with the Medicaid program or -- but it was
 5 something like -- like that. And that was, you know,
 6 Chokri's response because he had some concerns about it.
 7 Q So he agreed that people in the organization
 8 who were nonwhite made less money?
 9 A Yes.
 10 Q And you believed that too?
 11 A It's true.
 12 Q So just so I'm clear about what this phrase
 13 means -- is meant to mean, "The less black you are, the
 14 more green you make?"
 15 A Correct.
 16 Q Thank you.
 17 So the next message up says, "Hahaha. Just
 18 like to spin her on my dick lol."
 19 And, again, this seems to be a message from
 20 Mr. Bensaid to you; is that right?
 21 A It appears to be. You know, I --
 22 Q Do you know who he was referring to?
 23 A I have no idea. And, again, I can't tell by
 24 the sequence of these what actually is happening. So
 25 I -- I don't know.

155

1 Q Do you believe you were with him at some
 2 meeting?
 3 A I don't know.
 4 Q As you go up these messages, you jump to the
 5 afternoon, it looks like. No. Do you? It's kind of
 6 hard to tell from these. And then you jump to the 14th.
 7 And then you are at the 17th. And there's a Justine
 8 Fout referenced there.
 9 Do you know why she was being referenced in
 10 this text?
 11 A I don't.
 12 Q Do you know why Mr. Bensaid is saying, "I
 13 can't. She is bigger than me lol?"
 14 A I have no idea.
 15 Q Did you ever text back and forth with
 16 Mr. Bensaid about Ryn Schneider?
 17 A I believe we did.
 18 Q Do you recall what you were texting about?
 19 A I don't recall exactly. But during the
 20 investigation Chokri mentioned it to me. He reminded me
 21 that we had text back and forth about Ryn.
 22 Q So you and he had a conversation during the
 23 investigation about the texts that you had exchanged?
 24 A I believe it was post investigation, but yes.
 25 Q And what -- it was after the investigation was

156

1 right?

2 A She said she did not.

3 Q Did you ever share these photographs with
4 Victoria de la Cruz?

5 A No.

6 Q And when I say "share," I meant show them to
7 her.

8 A No.

9 Q When you met Ms. Sturge on September 28, 2017,
10 in Sacramento, you were meeting her to -- for the
11 purpose of discussing some work-related issues; right?

12 A Correct.

13 Q What were those issues?

14 A I believe it was a -- a temporary reassignment
15 to the organizing department. Again, that's loosely
16 what the conversation was about.

17 Q And that's what you discussed in the Concierge
18 bar, among other topics?

19 A Yes.

20 Q Any other work-related topics that you
21 discussed?

22 A Transition, I'm sure, about -- she had a team
23 of -- again, I'm making an assumption -- but a team of
24 four or five folks and what that transition of the work
25 would look like.

169

1 was it Mr. Pullman who told you about it?

2 A Yes.

3 Q And did he tell you it involved an incident in
4 Sacramento with Mindy Sturge?

5 A I don't know he said that, but he said it
6 involved Mindy.

7 Q At any point in time, did anyone tell you that
8 the investigation involved your conduct toward other
9 people, other than Mindy?

10 A Never.

11 Q Were you ever asked any questions about your
12 conduct toward Mindy other than what happened in
13 Portland and what happened in Sacramento?

14 A Never.

15 Q Did anyone ever tell you that your conduct
16 toward other women was going to be addressed in the
17 investigation?

18 A No.

19 Q In fact, that subject never came up, did it?

20 A Not to me.

21 Q After you were informed of this investigation,
22 were your job duties changed in any way? That is,
23 between the time you were told you were being
24 investigated and the time you were fired, did anybody
25 change your job duties?

171

1 Q Was it unusual to discuss work-related matters
2 in a bar?

3 A Not at all.

4 Q That happened quite a bit, didn't it?

5 A It did.

6 Q And in restaurants; right?

7 A Yes.

8 Q And in hotel lobbies?

9 A Yeah.

10 Q In fact, would you agree that a lot of union
11 business gets handled or discussed in -- outside the
12 office?

13 MR. LOPEZ: That's a leading question.

14 THE WITNESS: I don't know if I would say a lot
15 of it, but it happens, yes.

16 BY MS. SUBBOTIN:

17 Q And it happens frequently doesn't it?

18 A Again, I don't know that I would say
19 frequently. But, again, I'm not denying that it takes
20 place.

21 Q When did you first learn that you were going to
22 be involved in an investigation?

23 A I mean, just looking at the dates here, I
24 assume it was Friday, September 29th.

25 Q When you were told about this investigation,

170

1 A No.

2 Q Did anyone tell you you couldn't go to a
3 meeting you had planned or couldn't -- you know,
4 couldn't do anything related to your job?

5 A No.

6 Q You were interviewed face-to-face; correct?

7 A Yes.

8 Q Where was that?

9 A I believe they were all face-to-face, yes. One
10 was in Oakland, and one other one was in Burbank.

11 Q Who interviewed you?

12 A I don't remember their names, but I'm assuming
13 it's Oppenheimer and somebody else.

14 Q Was there one meeting where there were two
15 people present?

16 A Yes.

17 Q And the Oakland one, was that in the SEIU
18 office?

19 A No.

20 Q Where was it?

21 A It was an office building in the Berkeley area.

22 Q During those interviews -- two interviews
23 face-to-face?

24 A I believe.

25 Q Did you feel like you had the opportunity to

172

1 Q It's one of those free -- free places?
 2 A I believe so.
 3 Q What about the Sports Corner Bar? Did you have
 4 to pay for your --
 5 A I'm sure I did.
 6 Q -- drinks there?
 7 A Yeah.
 8 Q And that's the kind of expense that you would
 9 put on an expense account?
 10 A Never.
 11 Q Why not?
 12 A I would never put alcohol on an expense -- I
 13 can't think of a situation -- I can think of one
 14 situation where that's happened, but no.
 15 Q Is that against union rules?
 16 A I don't know that that's against union rules,
 17 but I've never done that in that situation.
 18 Q Were you doing something in Sacramento the
 19 following day?
 20 A Yes.
 21 Q What were you doing?
 22 A Meeting with the Sacramento staff and Mylka
 23 Rodriguez.
 24 Q And did you go forward with that meeting?
 25 A I did.

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1 been times when he has needed assistance walking after
 2 drinking." Do you see that? It's in the same
 3 paragraph, third sentence.
 4 A Yes.
 5 Q And those were at work events; correct?
 6 A No. They asked me, and I told them no.
 7 Q So that's inaccurate?
 8 A It is not inaccurate that I've ever needed
 9 assistance. They asked me if I've ever been so -- had
 10 so many drinks that I could not walk. I told them that
 11 is true, that has happened before. It has not happened
 12 at a work event.
 13 Q And the last paragraph on this page says --
 14 second sentence, refers to you learning that "Sturge had
 15 posted a photo on Facebook doing something other than
 16 working when she would have been at work."
 17 What is that a reference to?
 18 A I was told that she was -- again, this is prior
 19 to Mindy coming to the Kaiser division, at least when I
 20 was there. And I'm not sure what division she was in.
 21 But she was out on leave for some period of time on --
 22 I'm not exactly sure what kind of leave, but I believe
 23 it was a protected leave. And she had pictures of her
 24 posted in Hawaii while she was on this protected leave.
 25 Mindy and I had a conversation before she came back to

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1 Q So the union paid for your room that night;
 2 correct?
 3 A Yes.
 4 Q And the union paid for your train ticket to go
 5 up to Sacramento; right?
 6 A Whether they paid it initially, or I got
 7 reimbursed, one of the two.
 8 Q I'm sort of puzzled by something in this
 9 investigation report. There's a reference on 424 which
 10 is --
 11 A I'm there.
 12 Q And the first full paragraph to the -- you
 13 mentioning that you and Ms. Sturge went to a nightclub
 14 called The Mix. You see that?
 15 A Yes. I see that.
 16 Q Where is The Mix located?
 17 A We didn't go to The Mix. But it is in
 18 Sacramento.
 19 Q So this is -- this piece of this report is
 20 inaccurate? Because it says "then they went to a
 21 nightclub called The Mix."
 22 A True.
 23 Q That's not accurate?
 24 A That did not happen.
 25 Q And it says here, "Hatcher said that there have

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1 the Kaiser division generally about these type of
 2 things.
 3 Q What was she doing that you felt she shouldn't
 4 have been doing because she should have been at work?
 5 A I don't know if I said she should have been at
 6 work. But she was on some kind of workers' comp. And
 7 instead of, you know, doing whatever she was supposed to
 8 be doing on workers' comp, I was told that she had some
 9 kind of post on Facebook. I told her I had never seen
 10 it. She knows that. But that's what I was told. Mindy
 11 and I had a conversation before she came back to the
 12 Kaiser division about those type of things.
 13 Q But it wasn't an inappropriate picture?
 14 A No.
 15 Q Okay.
 16 A At least that's not what was described to me.
 17 Q Who described it to you?
 18 A I don't remember now. But it may have been
 19 Victoria de la Cruz. And I definitely said something to
 20 Mindy about it, though.
 21 Q So Victoria de la Cruz follows Mindy Sturge on
 22 Facebook? Can we assume that from what you just said?
 23 A I don't know.
 24 Q Well, has she told you other things that Mindy
 25 Sturge has posted on Facebook?

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1 you receiving?

2 A Other than this document was read and it --
3 things just -- just were untrue. It was Stern Burger
4 assumptions that were discussed on this call.

5 Q Are you saying that Stern Burger had already
6 posted something?

7 A No. I don't believe it -- I don't know that
8 for sure. But the things that were discussed on the
9 call had to do with, you know, three women fighting
10 and -- these kind of things were discussed on the phone
11 is what I was told.

12 Q And you don't remember any of the names of the
13 people who told you that?

14 A Again, I don't want to misstate who said what.
15 But I -- I -- I did get calls and text -- mostly calls.
16 But I'm certain I got text messages as well.

17 Q And these were from people who had been on the
18 E-board call and said women had been talking about you
19 and having relationships with you?

20 A No. What was said is that -- again, I'm not
21 sure who's running the call, but my belief is that Dave
22 was running the call. And Dave was not clear about the
23 purposes -- the reasons for the termination. And then
24 other people began to just insert why they thought I was
25 terminated because he was very vague.

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1 A I don't remember.

2 Q Which staff?

3 A I don't remember.

4 Q Which members?

5 A I don't remember at this time what this was
6 about.

7 Q Do you believe that you were being defamed by
8 some of these comments?

9 A Yes.

10 Q And then below he says, "Thanks for the call -
11 you are right."

12 What's that a reference to? Did Mr. Pullman
13 call you?

14 A I'm sure he did.

15 Q So on the next page, 1228, it's not quite clear
16 to me what date this is. But it's a reference to
17 "untrue blogs." Do you see that?

18 A Yes.

19 Q And then later in that text -- and, again, this
20 is to Greg Pullman, "Please let me know why the status
21 of my marriage that we are trying to rebuild is a ppt in
22 the financial meeting."

23 What was that a reference to?

24 A There was a financial meeting, and I was told
25 that a public record divorce was on -- was on -- either

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1 Q Did anyone tell you that they had heard a rumor
2 that you had had a consensual affair with Mindy Sturge?

3 A No.

4 Q Okay. If you turn to 1227, there is an
5 exchange on Tuesday, November 14. And it's you reaching
6 out to Greg, I believe. "Can you talk?"

7 And then he responds, "With my kids."

8 He has kids?

9 A He does.

10 Q How many?

11 A I believe two. But I don't know.

12 MR. LOPEZ: Calls for speculation.

13 BY MS. SUBBOTIN:

14 Q "What's up?"

15 And you respond, "I would prefer to talk but
16 I'm getting terrible calls about staff making really
17 inappropriate calls to members."

18 A Uh-huh.

19 Q What was that all about? What -- what did you
20 mean there, "I'm getting terrible calls"?

21 A I don't know exactly what it was.

22 Q But you believed that staff were making really
23 inappropriate calls to members?

24 A Correct.

25 Q Who told you that?

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1 on the PowerPoint -- I know now that it was not
2 necessarily on the PowerPoint, but it was being
3 distributed among the financial committee, or at least
4 that's what was suggested to me.

5 Q And you believe that Keisha Stewart put the
6 filings of divorce on screen or had passed them out at
7 the finance committee meeting?

8 A That's what I was told.

9 Q Who told you that?

10 A Rasheda Anthony.

11 Q Was she in the meeting?

12 A She was not.

13 Q How did she hear it?

14 A She heard it from someone else in the meeting.
15 I don't remember her name. She's passed away.

16 Q So the finance committee -- so was this a
17 member or a staff who passed away?

18 A It was a staff member who passed away.

19 Q Who?

20 A I don't remember her name. She was in charge
21 of data. I'm sorry. She was in charge of membership.

22 Q And Rasheda Anthony told you that this staff
23 member, now dead, had passed around the financial
24 committee filings from your divorce?

25 A No. Rasheda Anthony told me that she was

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1 because of an assault on Mindy Sturge?
 2 A No.
 3 Q What did you tell her?
 4 A I told her because I had an inappropriate
 5 relationship with Mindy Sturge.
 6 Q Did you tell her it was consensual?
 7 A Yes.
 8 Q Did you tell her that Mindy Sturge had lied
 9 about it during an investigation?
 10 A I didn't know that Mindy had; so no.
 11 Q When was the last time you saw Arianna Jimenez?
 12 A Fall of last year.
 13 Q Did you -- did you -- was that face-to-face?
 14 A Yes.
 15 Q Okay. What were you guys doing?
 16 A We went to -- I'm not certain if it was a
 17 breakfast or lunch, but we went to a meal.
 18 Q And what did you discuss during that meal?
 19 A Arianna quit, and she told me what she was
 20 going to do next. And she asked about me. She asked
 21 about the kids. Just had a conversation.
 22 Q Why did she quit?
 23 A She didn't want to work there.
 24 Q Why?
 25 A I don't know. Again, it's only a supposition

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1 and she said he made comments.
 2 Q I'm sorry?
 3 A I think she said that she was generally -- she
 4 thought he was sexist, and that he made comments. I
 5 don't know if she told me any specific comments that he
 6 made.
 7 Q Did she tell you that he made her feel
 8 uncomfortable as a woman?
 9 A Not that way, no. She -- she didn't appreciate
 10 the things that he said. I don't know that Arianna
 11 would feel uncomfortable, though.
 12 Q Did you ever hear him make comments about women
 13 that you thought were inappropriate?
 14 A Yes.
 15 Q And what were those comments?
 16 A He would -- again, there are people who he
 17 doesn't like who he would say negative things about
 18 them.
 19 Q Such as?
 20 A I -- I can't think of an example of what he
 21 would say but he would -- he was -- has been negative
 22 about people, men and woman.
 23 Q I'm talking about women, comments about women
 24 in particular and their looks, whether positive or
 25 negative.

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1 that I can tell you.
 2 Q What's your belief as to why she quit?
 3 A She didn't enjoy doing the work for Dave Regan.
 4 Q Had she told you that Dave Regan had engaged in
 5 inappropriate conduct around her?
 6 A Yes.
 7 Q And what did she tell you in that regard?
 8 A She told me that he had yelled. They had a
 9 senior staff meeting that I left early, and there was
 10 a -- some kind of shouting match. I'm not exactly sure
 11 of the details, but she was definitely offended by it.
 12 Q Did she also tell you that he made
 13 inappropriate comments about women in general?
 14 A Yes.
 15 Q When did she tell you that, before or after she
 16 left?
 17 A She has told me that before she left.
 18 Q And remind me when she left.
 19 A I don't know when she left exactly.
 20 Q It was spring or summer of 2017?
 21 A I don't know exactly.
 22 Q What did she tell you about his inappropriate
 23 comments?
 24 A I don't believe she told me any specific
 25 comments. But she thought Dave was generally sexist,

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1 Did you ever hear him make comments that you
 2 felt were inappropriate?
 3 A About their looks, no.
 4 Q Did you ever hear him call anybody fat?
 5 A Yes, I have. I take that back, yes.
 6 Q Who did he call fat?
 7 A I don't remember the person's name.
 8 Q Was it the wife of an employer?
 9 A I don't think so. I don't -- I don't know
 10 that.
 11 Q But you were -- you were present when he made a
 12 comment about a woman and how fat she was?
 13 A Yes.
 14 Q Do you believe that Arianna left, in part,
 15 because of Mr. Regan's inappropriate comments about
 16 women?
 17 A No.
 18 Q Other than this one conversation you said you
 19 had with Mr. Pullman on the phone where he asked you if
 20 you knew some woman's name, did you have any contact
 21 with anyone at UHW after you were fired about anonymous
 22 messages that were being sent about Ms. Sturge?
 23 A No.
 24 Q Did anyone ever show you one of these messages?
 25 A No.

208

1 by the certified shorthand reporter.)
 2 BY MS. SUBBOTIN:
 3 Q Exhibit 14 is a two-page document, p-207 and
 4 208.
 5 Have you seen this article before?
 6 A I believe so.
 7 Q Did you read it when it was on Stern Burger?
 8 A I believe so.
 9 Q And this is an article that people called you
 10 about after it appeared; right?
 11 A I believe so.
 12 Q About halfway down the page there's a reference
 13 to one source reporting, "At a recent meeting of the
 14 union's Executive Board, a dispute erupted among three
 15 female board members who were each 'intimately involved'
 16 with Hatcher."
 17 Do you see that?
 18 A I do.
 19 Q Do you know who that's a reference to, those —
 20 the three female board members?
 21 A I have no idea.
 22 Q Did anyone tell you about this?
 23 A Never. I'm sorry. Can you say the question
 24 again.
 25 Q Did anyone tell you about this executive board

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1 meeting and — and a discussion about you in the
 2 executive board meeting?
 3 A Never.
 4 Q Further down it says, "According to the first
 5 source, Hatcher is not the only SEIU-UHW official who
 6 has had sexual affairs with staffers and members." And
 7 it goes on to allege that Mr. Bensaid and Mr. Regan "are
 8 and have been perpetrators of the same conduct, sleeping
 9 around with staff and members."
 10 Do you believe that to be true?
 11 A I have no idea.
 12 Q Do you know if Dave Regan has ever had a sexual
 13 encounter with a member while at UHW?
 14 A I have no idea.
 15 Q Did you ever hear rumors to that effect?
 16 A No.
 17 Q Did you ever hear rumors that he was sleeping
 18 with a staff member?
 19 A Yes.
 20 Q Where did you hear those rumors?
 21 A I don't remember. But again, I heard that
 22 about Mindy and I think it was one other person.
 23 Q Who was the other person?
 24 A I think her name was Kathy.
 25 Q Which Kathy?

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1 A I don't remember her last name.
 2 Q And what was her position at the union?
 3 A I don't know I know what her position was. I
 4 thought she did some kind of research work. I'm not
 5 positive of that.
 6 Q Did you ever ask Dave Regan if he was sleeping
 7 with Mindy Sturge?
 8 A No.
 9 Q Did you ever ask him if he was sleeping with
 10 Kathy?
 11 A No.
 12 Q Where did you hear the rumors?
 13 A I don't remember.
 14 Q On page 2 of this exhibit, at the top it says,
 15 in 2006 — "2016" — excuse me — "there three
 16 individuals were ranked among the highest paid official
 17 at UHW."
 18 Do you see that?
 19 A I do.
 20 Q It's the first paragraph on the second page.
 21 A I see it, uh-huh.
 22 Q Is that, in fact, the salary you were making in
 23 2016?
 24 A I would guess.
 25 Q You're just guessing? You don't know?

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1 A I don't know exactly. But I wouldn't dispute
 2 it.
 3 Q Is that about what you were making?
 4 A I assume, yeah.
 5 Q And Mr. Bensaid was making approximately
 6 \$25,000 more?
 7 A Correct.
 8 Q Do you know why?
 9 A We had different positions.
 10 Q Weren't you both division directors at the
 11 time?
 12 A Not in 2016.
 13 Q So when did you become a division director?
 14 A 2017.
 15 Q Okay. What was your salary as — when you
 16 became a division director?
 17 A I'm guessing about a hundred and fifty
 18 something thousand dollars.
 19 Q And is that what Mr. Regan makes?
 20 A I have no idea.
 21 Q Further on in this article, it says "Staffers
 22 and board members have alleged, for example, that
 23 Mr. Regan had an affair with a staffer in the union's
 24 Hospital Division."
 25 Do you see that?

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1 Q Did Mr. Pullman, in that one conversation you
2 had, read to you the message that Ms. Sturge's –
3 A No.
4 Q -- that was about Ms. Sturge?
5 A No.
6 (Exhibit 13 was marked for identification
7 by the certified shorthand reporter.)
8 MR. LOPEZ: Exhibit 13?
9 THE REPORTER: Yes.
10 MR. LOPEZ: Thank you.
11 BY MS. SUBBOTIN:
12 Q Exhibit 13 is SEUHW_000401. Have you ever seen
13 this message before?
14 A Never.
15 Q Do you know anyone named Kathy Wright?
16 A I don't. I checked that day.
17 Q Is that the name that Mr. Pullman –
18 A I couldn't swear to it, but it probably is.
19 Q Do you have any knowledge as to who might have
20 sent this?
21 A No idea.
22 Q Did anyone tell you that they had sent an
23 anonymous message to either Ms. Sturge or Ms. Sturge's
24 boyfriend, James Carrion?
25 A No.

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1 Q Have you ever met James Carrion?
2 A No.
3 Q You know – you knew his name, though; right?
4 A I – I'm sure I forgot it, and I know it when I
5 hear it.
6 Q Have you ever had his cell phone number?
7 A No.
8 Q Do you know if Victoria de la Cruz has his cell
9 phone number?
10 A I assume.
11 Q Have you ever asked her for it?
12 A No.
13 Q So tell me what Mr. Pullman asked you when he
14 called you. Did he tell you that there were anonymous
15 messages being sent to Ms. Sturge's boyfriend?
16 A I don't know if – if he said that. Again, he
17 asked me if I knew who this person – I'm making the
18 assumption he asked me if I knew who Kathy Wright was.
19 I told him I didn't. "Who is she?"
20 Then he said that – I don't know if he said it
21 was sent to her boyfriend or to her. I don't remember
22 that. But he said that something – that Kathy Wright
23 had sent bad messages – again, I'm paraphrasing – bad
24 messages to Mindy. Again, he could have said her
25 boyfriend. I just – I didn't know. And I was like,

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1 "What can I do to be helpful."
2 Q Did he ask you if you had sent them?
3 A No, he didn't. He actually said, "I know you
4 wouldn't do anything like this."
5 Q Did he ask you if you knew who might have sent
6 them?
7 A He may have. I don't -- again, I didn't know.
8 Again, I assume Kathy Wright is a fictitious person. So
9 I don't know anyone by that name.
10 Q Have you read this message?
11 A Just now.
12 Q Do you believe that – well, strike that.
13 Ms. Sturge was not having an affair with you,
14 was she?
15 A She was not.
16 Q And she wasn't coming down to Southern
17 California on occasion, and you weren't going up there
18 to see her, were you?
19 A I was not, nor was she.
20 Q And Ms. Sturge has not destroyed your life, has
21 she?
22 A So far I'm here. I'm pretty good.
23 Q That would be a "no"?
24 A That would be a "no."
25 Q And she hasn't destroyed your career, has she?

211

1 A I don't believe she has.
2 Q Who do you believe might be sending those
3 messages?
4 A I don't know. Again, I did have some thought
5 about it. Like, you know, I don't know if an
6 overzealous member is doing this, but that's just my
7 assumption.
8 Q But it would have to be an overzealous member
9 who knew all about you and the affair with Ms. Sturge.
10 Have you ever shared that information with –
11 or the fact that you had sex with Ms. Sturge with any
12 member?
13 A No. There were people who made suppositions,
14 and I just did not respond.
15 Q And it would have to be a member who had access
16 to Mr. Carrion's Facebook; right?
17 A If that's where it went, I'd imagine.
18 Q Did you ever ask someone to make a complaint
19 about Chokri Bensaid?
20 A No.
21 Q Do you remember being in a hotel restaurant in
22 Sacramento where Dave Regan made a comment about
23 sniffing a woman's panties?
24 A No.
25 (Exhibit 14 was marked for identification)

212

1 conversation?
 2 A It did not.
 3 Q Okay. And I'm referring to any of the
 4 conversations you had with Ms. Woods -- or Njoki.
 5 A No. Never.
 6 Q You never spoke about Mindy Sturge?
 7 A No.
 8 Q Okay. When you mentioned Myriam, is that
 9 Myriam Escamilla?
 10 A No. Myriam Escamilla is the previous division
 11 director who was gone. Myriam -- I can't think of
 12 her -- Insueta. Insueata is her name.
 13 Q What is Myriam Insueta's position?
 14 A She's an organizer.
 15 Q Is her last spelled U-n-s-u-e-t-a?
 16 A I believe it's I-n.
 17 Q Okay. She's an organizer?
 18 A Yes.
 19 Q And when did you speak with Myriam Unzueta?
 20 A I don't know. Better part -- it may or may not
 21 have been 2018. But it would have been the early part
 22 of 2018.
 23 Q Okay. And what was the -- did you talk in
 24 person or --
 25 A Yes. She came to my house.

233

1 Q Okay. And how did that come about?
 2 A I'm sure she called me. But she came over.
 3 She was pregnant. She was having a baby. We had some
 4 clothes and items, and I made her lunch and gave her
 5 some baby items.
 6 Q Okay. She called -- so you were friend -- why
 7 would she call you?
 8 A We're friendly.
 9 Q Okay.
 10 A Yeah.
 11 Q Did the topic of Mindy Sturge ever come up in
 12 your conversation?
 13 A Never.
 14 Q You mentioned a time when you had -- I think
 15 you had asked Stephanie Gildo to drive Dave Regan home
 16 from the hotel --
 17 A Correct.
 18 Q -- in Oakland. Why did you want Stephanie to
 19 drive him home?
 20 A Stephanie had not been drinking at all, and I
 21 would rather Dave take a ride home.
 22 Q So you were just concerned that he shouldn't
 23 drive because he might have drank too much alcohol?
 24 A Correct. He disagreed with me, but he did it
 25 anyway.

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1 Q Okay. At that time, did you see Dave Regan do
 2 any -- any inappropriate conduct toward any women?
 3 A Not that I remember.
 4 Q Okay. I think you mentioned in your earlier
 5 testimony that there was some chatter about a
 6 relationship, I believe, between Easa Lewis and Chokri
 7 Bensaid; is that right?
 8 A Correct.
 9 Q And you heard about it from -- from Triana?
 10 A I believe it was from Triana, yes.
 11 Q Okay. And when you had the conversation with
 12 Triana, to the best of your recollection, can you
 13 describe what she said to you? And we're talking about
 14 Triana Siltan?
 15 A Correct. I'm not sure if it was on the phone
 16 or in person. My assumption is in person. She said
 17 that Faith had accused Chokri of having a relationship
 18 with Easa Lewis, and she asked me my thoughts about it.
 19 Q Did -- was she asking whether you thought he
 20 really did have a relationship with Easa?
 21 A I don't think she was asking that, no.
 22 Q What did she want to know from you?
 23 A I think it was more so, you know, had I heard
 24 anything like that before? You know, is Faith credible,
 25 things of that -- and my relationship with Easa as well.

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1 She knew I knew Easa well.
 2 Q I see. And Faith Santilla --
 3 A I believe that's her last name, yes.
 4 Q And she wasn't working at UHW at the time; is
 5 that right?
 6 A This was right upon her exit.
 7 Q Around the time that she left?
 8 A Correct.
 9 Q Do you recall what you said to Triana?
 10 A I don't, no.
 11 Q Do you recall when Greg Pullman informed you
 12 that there would be an investigation pertaining to Mindy
 13 Sturge?
 14 A Generally, yes.
 15 Q Okay. Was that -- if you recall, was the --
 16 was the -- did he inform you by phone or by text?
 17 A Phone.
 18 Q So a verbal conversation?
 19 A He called me.
 20 Q Okay. Did he give you any kind of instructions
 21 about what to do, you know, who --
 22 A It was a Friday. And I'm not sure -- I think
 23 we talked Friday and Saturday. And he asked me if I
 24 could come to Oakland on Monday. And I -- I assume I
 25 was like, "If I have to go, then I will go on Monday."

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1 A Yes.
 2 Q Do you recall when that was?
 3 A The next night. Mindy was off and on during
 4 the course of the day. On the Saturday -- on Saturday
 5 night I was going to take all of the coordinators out.
 6 Mindy did not come. I'm not sure if I texted Mindy or
 7 called her. But I was in her hotel, and I went upstairs
 8 to her hotel to take a shower. And we -- you know, it
 9 was like, "How do you feel?" "How do you feel?" And we
 10 generally both were okay.
 11 Q You took a shower in her hotel room the next
 12 Saturday?
 13 A The -- yes. The next day was Saturday. But
 14 yes. 24 hours later.
 15 Q And was that in the evening before you were
 16 going to go out to dinner?
 17 A It was.
 18 Q And she said she felt okay?
 19 A Yeah.
 20 Q But she didn't go to dinner with you and the
 21 coordinators?
 22 A She did not.
 23 Q Why not?
 24 A Didn't want to go, I guess.
 25 Q Did all the other coordinators go?

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1 into going to take a new assignment.
 2 Q And why did you have to do that?
 3 A Greg asked me to.
 4 Q Okay. And the -- you don't recall what that
 5 new assignment was right now?
 6 A It was in organizing.
 7 Q Okay. And did you invite her to meet you at
 8 the hotel that you were staying at in Sacramento?
 9 A No. Mindy picked me up from the train station.
 10 Q Okay. And how did you decide where to go?
 11 A I -- I think I went and just dropped my bags
 12 off at the hotel. And she met me in the -- it's called
 13 the Concierge area of the hotel.
 14 Q Okay. And how long were you there?
 15 A No more than an hour.
 16 Q Okay. And what did you talk about?
 17 A The assignment and, you know, what -- the
 18 transition process as well.
 19 Q And you had had a drink when you were on the
 20 train prior to that; is that right?
 21 A I don't remember.
 22 Q But you do remember that Carol --
 23 A Caroline.
 24 Q -- Caroline Lucas was there?
 25 A She rode the train with me, yes.

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1 A No.
 2 Q Do you recall who did go?
 3 A It was not to dinner, but it was to get a
 4 cocktail.
 5 Q Okay.
 6 A And it was -- I don't remember. I know at
 7 least Hector and Kim and Chante were there.
 8 Q Do you recall who didn't go other than Mindy?
 9 A I couldn't -- I don't recall. But I don't
 10 remember seeing Fola, and I don't necessarily remember
 11 seeing Robin.
 12 Q All right. So on that day you talked about
 13 your -- your sexual interaction or --
 14 A Yes.
 15 Q What did you say?
 16 A I think it was more cryptic -- it was, like,
 17 "Are you okay?" meaning "Mentally, are you good?" And
 18 both responses were in the affirmative.
 19 Q Okay. After the Saturday evening when you
 20 showered in her hotel room, did you ever see her again
 21 before September 28, 2017?
 22 A I don't -- I don't know for sure.
 23 Q Okay. Okay. Getting to September 28, 2017,
 24 why were you meeting Ms. Sturge on that day?
 25 A I had to confirm that she -- to get her to buy

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1 Q Do you know if she had a drink?
 2 A I don't remember.
 3 Q Okay. When you were in the Concierge, you had
 4 a drink, though?
 5 A I did.
 6 Q Do you recall what you drank?
 7 A I believe it was wine.
 8 Q And did you also have something to eat?
 9 A Whatever the hors d'oeuvres there were.
 10 Q Okay. And what did you discuss with Mindy in
 11 the Concierge?
 12 A The temporary assignment. Mindy was very
 13 reluctant to take the temporary assignment. I'm not
 14 entirely sure why. And Mindy gave me the impression
 15 that -- I think she thought I knew the reason why. But
 16 she was reluctant to take the -- the organizing
 17 assignment. And I had to assure her it was temporary.
 18 She had some concerns about her reporting structure in
 19 the organizing department. That was generally it.
 20 And then we started to talk about what a
 21 transition would look like and -- I was going to have a
 22 conversation with -- and I told her I had already talked
 23 to Mylka about it, and then how to transition some other
 24 work.
 25 Q Some other work off her plate or onto it?

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DECLARATION UNDER PENALTY OF PERJURY

I, Marcus Hatcher, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on February 19, 2019; that I have made such corrections as appear noted herein; that my testimony as contained herein, as corrected, is true and correct.

DATED this _____ day of _____, 2019,
at _____, California.

Marcus Hatcher

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REPORTER'S CERTIFICATE

I, Claudia Casotti-Stevenson, CSR No. 13617, a
Certified Shorthand Reporter in and for the State of
California, do hereby certify:

That prior to being examined, the witness named in the foregoing proceedings declared under penalty of perjury to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken by me in shorthand at the time and place herein named and thereafter transcribed into typewriting under my direction, said transcript being a true and correct transcription of my shorthand notes.

I further certify that I have no interest in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name
on this date: March 4, 2019

Claudia Casotti-Stevenson
CSR NO. 13617

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ERRATA SHEET

Printed Name _____ Date _____

Signature _____

Page/Line	Correction	Reason
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[illegible]

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EXHIBIT C

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
Plaintiff,)
vs.) No. RG18905355
SEIU UNITED HEALTHCARE WORKERS)
WEST, MARCUS HATCHER, and DOES)
1-10,)
Defendants.)

DEPOSITION OF STANLEY LYLES
TUESDAY, MAY 21, 2019
SHERMAN OAKS, CALIFORNIA

Stenographically Reported by Claudia Casotti-Stevenson,
CSR No. 13617

CLS Job No. 100708

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APPEARANCES:

FOR PLAINTIFF:

LAW OFFICES OF KYRA A. SUBBOTIN
BY: KYRA A. SUBBOTIN, ESQ.
2625 Alcatraz Avenue
No. 152
Berkeley, California 94705
510.923.0451
Kyras@lmi.net

FOR DEFENDANT SEIU UNITED HEALTHCARE WORKERS WEST AND
THE WITNESS:

WEINBERG, ROGER & ROSENFELD
BY: BRUCE HARLAND, ESQ.
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Suite 200
Alameda, California 94501
510.337.1001
Bhrland@unioncounsel.net

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
Plaintiff,)
vs.) No. RG18905355
SEIU UNITED HEALTHCARE WORKERS)
WEST, MARCUS HATCHER, and DOES)
1-10,)
Defendants.)

DEPOSITION OF STANLEY LYLES, taken on behalf of the
Plaintiff, at 15260 Ventura Boulevard, Suite 1200,
Sherman Oaks, California, commencing at 9:53 a.m., on
Tuesday, May 21, 2019, before Claudia
Casotti-Stevenson, CSR No. 13617, a Certified
Shorthand Reporter in and for the County of
Los Angeles, State of California.

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WITNESS: Stanley Lyles

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By Ms. Subbotin 6

INFORMATION REQUESTED
(None)

QUESTIONS INSTRUCTED NOT TO ANSWER
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4

1 (Pages 1 to 4)

1 A Yes.
 2 Q What were the allegations against you?
 3 A It's been so long ago. But I believe it was
 4 because she thought that I was in cahoots with the
 5 physicians.
 6 Q When you say "in cahoots," what do you mean?
 7 A Against her with the physicians, against her.
 8 Q Was this a case involving allegations of
 9 inappropriate conduct?
 10 A No.
 11 Q And was it a wrongful termination case?
 12 A No.
 13 Q What were the allegations against the doctors?
 14 A I -- I don't remember. It's been so long ago.
 15 Q How long ago was this?
 16 A In the '80s.
 17 Q How was that matter resolved?
 18 A Through a jury trial.
 19 Q And what was the outcome?
 20 A The hospital was found not guilty.
 21 Q And what about you?
 22 A I was found not guilty.
 23 Q What was the name of the plaintiff?
 24 A Oh, Sonia Bell.
 25 Q B-e-l-l?

9

1 she felt that she was wrongfully denied a position at
 2 the hospital that she worked at, and so she was upset
 3 with the employer and the union.
 4 Q So was there a claim of breach of the duty of
 5 fair representation?
 6 A Yes.
 7 Q And what was your involvement in that action?
 8 What were -- were you a witness to some events?
 9 A I was there at the mediation, and I was -- I
 10 didn't want to settle.
 11 Q Well, you said your deposition was taken.
 12 A Right. I was there for the mediation, as I
 13 recall, and I didn't want to settle, and next thing I
 14 know that -- I was deposed.
 15 Q And what was -- what were you questioned about?
 16 A About how long that I was in the union, some of
 17 my roles and responsibility in the union. She said that,
 18 I sent her a picture of my private parts.
 19 Q Were you -- when was that allegation made? In
 20 her lawsuit?
 21 MR. HARLAND: Objection. The question is a
 22 little bit vague.
 23 BY MS. SUBBOTIN:
 24 Q Did she make that allegation in her lawsuit?
 25 A I don't recall where she made that -- that

11

1 A Yes.
 2 Q What hospital was involved in that case?
 3 A Northridge Hospital Medical Center.
 4 Q What about the other depositions? What types
 5 of cases were those in?
 6 A One was -- the other one was about the
 7 trusteeship that -- that we went through, and I was
 8 asked a series of questions.
 9 Q What about the other depositions?
 10 A One was -- I believe it was a termination of
 11 one of our members. And this one here.
 12 Q In the termination of a member, was there a
 13 lawsuit?
 14 A Yes.
 15 Q Were you named in that lawsuit?
 16 A I don't -- I don't remember. I don't think so,
 17 but I don't remember.
 18 Q Who was the member?
 19 A What's her name? Starler (phonetic).
 20 Q Is that matter still ongoing?
 21 A No.
 22 Q How was that resolved?
 23 A I believe it was settled out of court.
 24 Q What were the allegations made by this woman?
 25 A I -- to the best of my recollection, I think

10

1 allegation, but I know when they took my deposition,
 2 they asked me that question.
 3 Q And did you -- how did you respond to that
 4 question?
 5 A No.
 6 Q Were you ever shown a photograph of your -- of
 7 private parts and asked if they were yours?
 8 A No.
 9 Q Were you defended in that deposition by
 10 Mr. Harland or his firm?
 11 A Yes.
 12 Q Was it Mr. Harland?
 13 A Yes.
 14 Q You mentioned a deposition taken during the
 15 trusteeship or related to the trusteeship.
 16 Why was your deposition taken then?
 17 A Because I was a member at the time and so -- I
 18 don't remember the questions. They were just asking me
 19 questions about -- about what was going on during that
 20 time at the union, during the trusteeship.
 21 Q Were you sued by SEIU?
 22 A See, I don't remember. Was I -- not that I
 23 recall.
 24 Q Have you ever had to hire an attorney on your
 25 own to defend your conduct in any way?

12

1 removed all offices.
 2 Q The international?
 3 A The international.
 4 Q That was the period of time when the
 5 international came in and removed the managers that were
 6 in charge of the union?
 7 A The prior leadership.
 8 Q And is that also when the international
 9 installed Mr. Regan as a trustee?
 10 A I don't know if it was he -- him first or it
 11 was Eliseo first, or they could have come around the
 12 same time.
 13 Q That was during that same period, 2009 to 2011?
 14 A Correct.
 15 Q You've been a representative on the union's
 16 bylaws committee?
 17 A Yes.
 18 Q What does that do, the bylaws committee?
 19 A We come up -- we came up with the bylaws that
 20 we wanted to -- to come out of trusteeship to be able to
 21 govern the union.
 22 Q Was Mr. Regan involved in that process?
 23 A He was not on the committee.
 24 Q He was the trustee at the time?
 25 A Correct.

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1 Q Did he have to approve the bylaws?
 2 A The members approved the bylaws.
 3 Q Did he also have to approve the bylaws?
 4 A He had to present them to the members for
 5 approval.
 6 Q And did he endorse the bylaws?
 7 A Yes.
 8 Q You were also on a union wide organizing
 9 committee. What was that about?
 10 A It was when we were in trusteeship. We didn't
 11 have an executive board. So they call it the union wide
 12 organizing committee. So we had members from all over
 13 the union that was part of that board, that committee.
 14 Q So was it in lieu of an E-board?
 15 A It was a committee that was appointed.
 16 Q Who appointed the committee?
 17 A The president. I mean -- not the president.
 18 I'm sorry. The trustees.
 19 Q And that would be Mr. Regan?
 20 A Correct. And Eliseo Medina.
 21 Q Had you met Mr. Regan before he became a
 22 trustee?
 23 A No.
 24 Q During your tenure at Northridge Hospital
 25 Medical Center, were you ever accused of inappropriate

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1 conduct?
 2 A No.
 3 Q Prior to joining UHW, had you ever been accused
 4 of inappropriate conduct?
 5 A No.
 6 Q At a meeting last year where there was a
 7 discussion of sexual harassment, did you stand up in
 8 front of people in the union and discuss the fact that
 9 you've been falsely accused of sexual harassment?
 10 A No.
 11 Q Have you ever discussed that with anyone in the
 12 union?
 13 A No.
 14 Q Have you ever been falsely accused of sexual
 15 harassment?
 16 A I've never been accused of sexual harassment.
 17 Q Have you ever been accused of inappropriate
 18 conduct with a woman coworker?
 19 A I don't understand.
 20 Q What don't you understand about the question?
 21 A I mean, you -- you -- inappropriate --
 22 Q You don't understand the question?
 23 A No. I mean, have I ever disrespected or did
 24 something -- the answer would be no.
 25 Q Was the job of vice president with UHW the

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1 first job you had as an employee of the union?
 2 A Yes.
 3 Q What's your salary?
 4 A I'm about to tell you.
 5 MR. HARLAND: Stan, if you don't know.
 6 THE WITNESS: I don't know.
 7 MR. HARLAND: Put that down. If you don't
 8 know, then you don't know. If you have some idea, you
 9 can tell her.
 10 THE WITNESS: About 150.
 11 BY MS. SUBBOTIN:
 12 Q When did you last receive a raise?
 13 A I want to say the last time the other -- the
 14 staff received a raise. So I think it was August.
 15 Q Do all staff get a raise at the same time?
 16 A Yes.
 17 Q Was that a cost of living raise?
 18 A Yes.
 19 Q And you've received one every year?
 20 A Yes.
 21 Q Has UHW sent you to any leadership trainings
 22 since becoming vice president?
 23 A We've had leadership trainings come to us.
 24 Q What leaderships trainings have you had come to
 25 you?

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1 Q Did he say anything else about the complaint?
 2 A No.
 3 Q Did he tell you -- did he give you any
 4 instruction about how to change your behavior?
 5 A I don't recall.
 6 Q Did Mary Sacramento ever talk to you about the
 7 complaint that Ms. Anthony had against you?
 8 A No.
 9 Q Did Mr. Pullman ever talk to you about the
 10 complaint?
 11 A I don't recall.
 12 Q So all you recall about Ms. Anthony's complaint
 13 was Dave Regan saying "She's got a complaint against
 14 you, and the complaint is you don't talk to her"?
 15 A Something like that.
 16 Q Do you recall a complaint against you by Esther
 17 Hurtado?
 18 A I remember the name.
 19 Q Do you remember anything about a complaint by
 20 her?
 21 A I remember something about a text message.
 22 Q Was it your understanding that she had made a
 23 complaint that you had engaged in inappropriate conduct?
 24 A No.
 25 Q What was your understanding of what the

89

1 there.
 2 Q Did you try and ask Ms. Hurtado to go out and
 3 have a meal with you?
 4 A No.
 5 Q Were you trying to arrange a meeting with her
 6 outside the office?
 7 A No.
 8 Q What was the text message that you sent?
 9 A I don't remember.
 10 Q So -- so Mr. Regan told you that it had made
 11 her feel uncomfortable?
 12 A I can't exactly remember his words, but I got
 13 that impression that whatever it was, you know -- I
 14 couldn't -- I racked my brain what the text message
 15 said, but I can't imagine putting anything that would be
 16 disrespectful or derogatory to anybody.
 17 Q She didn't work for you directly did she?
 18 A No.
 19 Q She worked in Sacramento?
 20 A Yes.
 21 Q Did Mr. Regan tell you that you had violated
 22 any policies?
 23 A No.
 24 Q Did anyone ever tell you that you had violated
 25 any policies?

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1 complaint was?
 2 A My -- my understanding was -- is that -- is
 3 that she felt I was speaking to her or saying something
 4 she -- for some reason she felt uncomfortable about it,
 5 and so I remember Dave mentioning it to me, and I said,
 6 "Okay." I didn't have anything to say since. I mean --
 7 Q Did Mr. Pullman talk to you about that?
 8 A No.
 9 Q Did Mr. Regan tell you not to communicate with
 10 her anymore?
 11 A I can't recall exactly what he said. I don't
 12 remember exactly what he said.
 13 Q Did he -- was this in a face-to-face
 14 conversation?
 15 A No.
 16 Q Was it on the phone?
 17 A Yes.
 18 Q And did he call you?
 19 A Yes.
 20 Q And what do you remember about him -- what did
 21 he say to you?
 22 A I can't remember. It's been so long ago. But
 23 I know it was something about -- there was a text
 24 message. So -- I can't remember exactly. I really
 25 can't because I know I wouldn't have put anything in

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1 A No.
 2 Q And you didn't feel like you had violated any
 3 policies; right?
 4 A I don't recall violating any -- any policies.
 5 If I did, I would definitely have apologized.
 6 Q Did you ever apologize to her?
 7 A No.
 8 Q Did you ever tell Ms. Hurtado, "If you scratch
 9 my back, I'll scratch yours"?
 10 A No.
 11 Q Did you ever use that phrase with anybody?
 12 A No.
 13 Q Did you consider what Mr. Regan -- his call to
 14 you to be a verbal warning?
 15 A I reviewed -- as a -- you know, somebody was --
 16 one of our staff was feeling uncomfortable, and so --
 17 and I would never want our staff to feel uncomfortable.
 18 So I didn't have any communication that would continue
 19 to make her feel uncomfortable. I -- I just don't
 20 recall.
 21 Q The call that Mr. Regan made to you about this
 22 complaint, that was the purpose of his call, wasn't it,
 23 to talk to you about what had happened with Ms. Hurtado?
 24 A Yes.
 25 Q Did you consider that call to be a verbal

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1 Q Has anyone told you that Mr. Bensaid had a
2 relationship with any members?

3 A No.

4 MR. HARLAND: Counsel, can we take a
5 five-minute break?

6 MS. SUBBOTIN: Sure.

7 (Break taken.)

8 MS. SUBBOTIN: Back on the record.

9 BY MS. SUBBOTIN:

10 Q Other than the complaint by Rasheda and Esther
11 Hurtado, are you aware of any other complaints that have
12 been made against you?

13 A No.

14 Q You're aware that Mindy Sturge is alleging that
15 you made inappropriate comments to her?

16 A No.

17 Q Nobody has told you that?

18 A No.

19 Q Are you aware that she is alleging that you
20 touched her inappropriately?

21 A No.

22 Q You deny that; right?

23 A Yes.

24 Q I'm done. Go home. Thank you.

25 THE REPORTER: Do you need a certified copy,

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1 DECLARATION UNDER PENALTY OF PERJURY

2
3 I, STANLEY LYLES, do hereby certify under
4 penalty of perjury that I have read the foregoing
5 transcript of my deposition taken on May 21, 2019;
6 that I have made such corrections as appear noted
7 herein; that my testimony as contained herein, as
8 corrected, is true and correct.
9

10
11 DATED this _____ day of _____, 2019,
12 at _____, California.
13
14
15
16

17 _____
18 STANLEY LYLES
19
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1 Counsel?

2 MR. HARLAND: Yes.

3 (The deposition concluded at: 1:19 p.m.)
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1 ERRATA SHEET

2 Printed Name _____ Date _____

3 Signature _____

4 Page/Line Correction Reason

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EXHIBIT D

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1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 IN AND FOR THE COUNTY OF ALAMEDA
 3 --oOo--
 4 MINDY STURGE,)
 5)
 6 Plaintiff,)
 7)
 8 vs.) Case No. RG18905155
 9)
 10 SEIU UNITED HEALTHCARE)
 11 WORKERS WEST, et al.,)
 12)
 13 Defendants.)
 14 _____)
 15
 16
 17 DEPOSITION OF GREG PULLMAN
 18 Oakland, California
 19 Thursday, February 7, 2019
 20
 21
 22 REPORTED BY:
 23 DENISE A. FORD
 24 CSR 7525
 25 JOB NO. 10051690

Page 3

1 A P P E A R A N C E S
 2 FOR THE PLAINTIFF: LAW OFFICES OF KYRA A. SUBBOTIN,
 3 2625 Alcatraz Avenue, No. 152, Berkeley, CA 94705, KYRA
 4 A. SUBBOTIN, ESQ.
 5
 6 FOR SEIU UNITED HEALTHCARE WORKERS WEST:
 7 WEINBERG, ROGER & ROSENFELD, 1001 Marina Village
 8 Parkway, Suite 200, Alameda, CA 94501, BRUCE A. HARLAND,
 9 ESQ.
 10
 11 VIA TELEPHONE FOR MARCUS HATCHER: LAW OFFICES OF NIGEL
 12 BURNS, 800 West 1st Street, Suite 401-12, Los Angeles,
 13 CA 90012, NICHOLAS STAHL, ESQ.
 14
 15 ALSO PRESENT: Mindy Sturge
 16
 17
 18 --oOo--
 19
 20
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 22
 23
 24
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 23 G. Pullman
 24
 25

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1
 2
 3 --oOo--
 4 BE IT REMEMBERED that pursuant to Notice and on
 5 Thursday, February 7, 2019, commencing at 9:30 a.m.
 6 thereof, at the Offices of Jane Grossman Reporting
 7 Services, 1939 Harrison Street, Oakland, CA, before me,
 8 Denise A. Ford, a Certified Shorthand Reporter,
 9 personally appeared
 10 GREG PULLMAN
 11 called as a witness herein, who, having been first duly
 12 sworn, was examined and testified as follows:
 13 --oOo--
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EXHIBIT D

1 blog, right?

2 A. I don't know.

3 Q. Have you ever e-mailed Stern Burger with

4 Fries to dispute or contradict something that you saw in

5 that blog?

6 A. Not that I recall, no.

7 Q. Did you ever instruct anybody else to

8 contact Stern Burger with Fries and ask for a correction

9 or contradict something that appeared in Stern Burger?

10 A. No.

11 Q. You saw the Stern Burger with Fries

12 articles about Mr. Hatcher's termination, right?

13 A. Yes.

14 Q. And you also saw the posts that referred

15 to Ms. Sturge being fired, right?

16 A. Yes.

17 Q. Did you have any discussions with anyone

18 about those posts?

19 A. Yes.

20 Q. Who did you discuss those posts with?

21 A. Bruce, I believe, Bruce Harland, and I

22 e-mailed some guidance about how people should respond

23 to it, people on the senior leadership.

24 Q. Because you understood that people would

25 be reading it and talking about what was posted, right?

1 recall the exact date.

2 Q. Where was it?

3 A. I believe it was in Los Angeles.

4 Q. Who conducted the training?

5 A. It was Emily -- I am not remembering her

6 last name at the moment.

7 Q. Austin?

8 A. Yes, and one of her associates. I don't

9 remember which one.

10 Q. Who was in that training?

11 A. Myself, Sarah Steck, Gabriel Montoya, I

12 think Mary Sacramento, I think Jennifer Green, and there

13 were other people there but I don't recall beyond that.

14 Q. So this training focused on how to conduct

15 investigations of sexual harassment complaints?

16 A. No. It was specifically how to take

17 complaints.

18 Q. Were there handouts that you were given or

19 were they PowerPoint slides?

20 A. I don't recall.

21 Q. Have you ever had any training at any

22 point in your career regarding how to conduct an

23 investigation of a sexual harassment complaint?

24 A. I have had numerous trainings about the

25 issue of sexual harassment. I don't recall how much

1 A. Some people.

2 Q. Yes?

3 A. I thought it was possible that some people

4 might be talking about it, yes.

5 Q. Have you ever read Payday Report?

6 A. Yes.

7 Q. What is Payday Report?

8 A. I don't really know.

9 Q. Did you read the article in Payday Report

10 regarding Mr. Hatcher's termination?

11 A. I don't recall if I did.

12 Q. And we talked just before the break about

13 your training and you mentioned you had some training

14 from CALCASA.

15 What kind of training did you receive from

16 CALCASA?

17 A. One training about how to conduct

18 investigations, one training for managers about

19 harassment and discrimination, and one -- and multiple

20 trainings that I took a role in for all of our staff

21 around harassment, discrimination.

22 Q. Let's talk about the one about how to

23 conduct investigations.

24 When was that training?

25 A. It was approximately a year ago. I don't

1 they got into the process of taking complaints and

2 conducting investigations.

3 Q. As you sit here today you don't remember

4 any training about how to conduct an investigation of

5 sexual harassment?

6 MR. HARLAND: Objection, misstates his

7 testimony.

8 Go ahead, you can answer the question.

9 THE WITNESS: Certainly the issue of

10 investigations was discussed in some of the trainings I

11 was in. There was some level of guidance but I don't

12 recall the amount of focus and detail on that.

13 MS. SUBBOTIN: Q. Since Ms. Sturge

14 complained against Mr. Hatcher have you undertaken any

15 self-study to learn more about how to conduct an

16 investigation of sexual harassment?

17 A. What do you mean by "self-study"?

18 Q. On your own without someone like Emily

19 Austin conducting the process.

20 A. I am not sure I understand.

21 Q. Have you read anything on your own about

22 how to conduct an investigation of a sexual harassment

23 complaint since September 28 of 2017?

24 A. I have read many things that have talked

25 about sexual harassment investigations.

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Page 178

1 32BJ after --
 2 (Interruption. Break taken.)
 3 Q. -- after Mr. Malave was fired by UHW?
 4 A. Immediately after or any time after?
 5 Q. Any time after.
 6 A. No.
 7 Q. In November of 2017 did you know the chief
 8 of staff at 32BJ?
 9 A. No.
 10 Q. Did you have any contacts there at that
 11 point in time?
 12 A. I mean, I knew those two people, but I
 13 don't know what their role was. I didn't know them
 14 well.
 15 Q. You would have liked to have known about
 16 Mr. Malave's background before you hired him, right?
 17 A. I certainly would have liked to know more
 18 than no red flags.
 19 Q. You would have liked to have known that he
 20 had engaged in inappropriate contact with coworkers,
 21 right?
 22 A. Yes.
 23 Q. And that probably would have prevented you
 24 from hiring him?
 25 A. Yes.

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1 from Ms. Valles did you make any effort to try and
 2 figure out what had happened to him at 32BJ?
 3 A. No.
 4 Q. Then you asked Ms. Fregoso to tell you
 5 what the reference check had been?
 6 A. Yes.
 7 Q. Who is Pamela Kieffer?
 8 A. Pamela Kieffer works or worked, I don't
 9 know if she still does, for the international doing some
 10 kind of recruitment work. Josie often gets leads from
 11 Pamela.
 12 Q. Do you know Pamela Kieffer?
 13 A. Not personally, no.
 14 Q. He had already been turned down for a job
 15 for the Fight For 15 Lead.
 16 Is that an international project?
 17 A. I am sorry, I --
 18 Q. I am looking at the first -- second
 19 paragraph. He was referred to us by Pamela Kieffer. He
 20 had applied for the Fight For 15 Lead and they decided
 21 not to hire.
 22 A. Yes, that's an international position.
 23 Q. Who is Susana Nuava?
 24 A. She is a former employee.
 25 Q. What was she doing as of November 2017?

1 Q. Because you had an obligation to protect
 2 your employees?
 3 A. Yes.
 4 Q. Did Ms. Valles say anything else other
 5 than a reporter called, I should have listened to you?
 6 A. I don't recall much of the specifics of
 7 the conversation. She just told me what the general
 8 line of story was that was going to come out, and she
 9 told me she had terminated him.
 10 Q. Based on the story?
 11 A. Yes.
 12 Q. Actually the story wasn't out yet, was it?
 13 A. Yes, but she had been called by the
 14 reporter.
 15 Q. And the reporter had told her about
 16 Mr. Malave's background at 32BJ?
 17 A. Right.
 18 Q. Did she try and confirm what the reporter
 19 was telling her?
 20 A. I have no idea.
 21 Q. Did you make any effort to confirm what
 22 had happened with Mr. Malave at 32BJ?
 23 A. I didn't know about what happened at 32BJ
 24 when he worked at UHW.
 25 Q. I realize that. After you got this call

Page 180

1 A. I don't know. She left well before then.
 2 Q. And the Myriam reference in here is Myriam
 3 Escamilla, right?
 4 A. Yes.
 5 Q. And the fourth paragraph on page 2
 6 references a woman named Roxane Rivera.
 7 Who was Roxane Rivera?
 8 A. Roxana Rivera worked for 32BJ I believe in
 9 Boston.
 10 Q. What was her position there?
 11 A. I don't know. Leadership position.
 12 Q. Triana -- this goes on.
 13 Triana doesn't remember speaking to Roxana
 14 Rivera but vaguely remembers you saying that you would
 15 speak to her.
 16 Did you speak to Roxana Rivera?
 17 A. I don't remember.
 18 Q. Would it be your practice to write down
 19 what a reference said for a potential applicant?
 20 A. No, because if I was speaking to them it
 21 would be beyond the formal reference check. I knew
 22 Roxana.
 23 Q. To your knowledge did Myriam Escamilla
 24 check any references for Mr. Malave?
 25 A. I don't know.

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Page 202

1 about it.

2 It was later when it became drama between them
3 and the breakup and that became disruptive that I had a
4 conversation with him and said this can't happen and you
5 should not be having relationships with people at work.

6 I don't remember if there was something signed
7 or not.

8 Q. If there was something signed, it would
9 have been put in his personnel file?

10 A. I don't think there was something signed.
11 It was a long time ago though.

12 MS. SUBBOTIN: Do you want to stop for
13 the day?

(Whereupon, the deposition was
adjourned at 4:50 p.m.)

--oOo--

CERTIFICATE OF REPORTER

1 I, DENISE A. FORD, a Certified Shorthand
2 Reporter, hereby certify that the witness in the
3 foregoing deposition was by me duly sworn to tell the
4 truth, the whole truth, and nothing but the truth in the
5 within-entitled cause;

6 That said deposition was taken down in
7 shorthand by me, a disinterested person, at the time and
8 place therein stated, and that the testimony of the said
9 witness was thereafter reduced to typewriting, by
10 computer, under my direction and supervision;

11 I further certify that I am not of counsel or
12 attorney for either or any of the parties to the said
13 deposition, nor in any way interested in the event of
14 this cause, and that I am not related to any of the
15 parties thereto.

DATED: February 18, 2019.

Denise Ford

DENISE A. FORD, CSR No. 7525

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DECLARATION UNDER PENALTY OF PERJURY

1 Case Name: Sturge vs. SEIU-UHW

2 Date of Deposition: 02/07/2019

3 Job No.: 10051690

4 I, GREG PULLMAN, hereby certify
5 under penalty of perjury under the laws of the State of
6 _____ that the foregoing is true and correct.
7 Executed this _____ day of
8 _____, 2019, at _____.

GREG PULLMAN

NOTARIZATION (If Required)

17 State of _____

18 County of _____

19 Subscribed and sworn to (or affirmed) before me on
20 this _____ day of _____, 20__.

21 by _____, proved to me on the
22 basis of satisfactory evidence to be the person
23 who appeared before me.

24 Signature: _____ (Seal)

DEPOSITION ERRATA SHEET

2 Case Name: Sturge vs. SEIU-UHW

3 Name of Witness: Greg Pullman

4 Date of Deposition: 02/07/2019

5 Job No.: 10051690

6 Reason Codes: 1. To clarify the record.
7 2. To conform to the facts.
8 3. To correct transcription errors.

9 Page _____ Line _____ Reason _____

10 From _____ to _____

11 Page _____ Line _____ Reason _____

12 From _____ to _____

13 Page _____ Line _____ Reason _____

14 From _____ to _____

15 Page _____ Line _____ Reason _____

16 From _____ to _____

17 Page _____ Line _____ Reason _____

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20 From _____ to _____

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24 From _____ to _____

25 Page _____ Line _____ Reason _____

26 From _____ to _____

EXHIBIT E

Page 1

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF ALAMEDA

3 --oOo--

4 MINDY STURGE,)

5)

6 Plaintiff,)

7)

8 vs.) Case No. RG18905355

9)

10 SEIU UNITED HEALTHCARE)

11 WORKERS WEST, et al..)

12)

13 Defendants.)

14)

15

16

17

18 DEPOSITION OF MARY SACRAMENTO

19 Oakland, California

20 Wednesday, June 5, 2019

21

22

23 REPORTED BY:

24 DENISE A. FORD, CSR 7525

25 JOB NO. 10054565

Page 3

1 A P P E A R A N C E S

2 FOR THE PLAINTIFF: LAW OFFICES OF KYRA A. SUBBOTIN,

3 KYRA SUBBOTIN, ESQ., 2625 Alcatraz

4 Ave, No. 152, Berkeley, CA 94705.

5

6

7 FOR SEIU: WEINBERG, ROGER & ROSENFELD, 1001 Marina

8 Village Parkway, Suite 200, Alameda, CA 94501, ROBERTA

9 D. PERKINS, ESQ.

10

11 --oOo--

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Page 2

1 --oOo--

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3

4 BE IT REMEMBERED that pursuant to Notice and on

5 Wednesday, June 5, 2019, commencing at 9:40 a.m.,

6 thereof, at the offices of Jane Grossman Reporting, 1939

7 Harrison Street, Oakland, CA, before me, Denise A. Ford,

8 a Certified Shorthand Reporter, personally appeared

9 MARY SACRAMENTO

10 called as a witness herein, who, having been first duly

11 sworn, was examined and testified as follows:

12 --oOo--

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Page 4

1 I N D E X

2 INDEX OF EXAMINATIONS

3

4 EXAMINATION BY MS. SUBBOTIN

5

6

7 PLAINTIFF'S EXHIBITS MARKED FOR IDENTIFICATION

No.	Description	Page
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10	Exhibit 2 LinkedIn document	29
11	Exhibit 3 Duties and Responsibilities Human	44
12	Resources Director	
13	Exhibit 4 Defining Terms	65
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15	Exhibit 6 2018.02.21 List of Attendees	84
16	for Mandatory Training	
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18	Exhibit 8 E-mail from G. Pullman and	114
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23	C. Bensaid	
24	Exhibit 11 E-mails from T. Sifton	141
25	Exhibit 12 E-mail from M. Sacramento	147

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1 A. Yes.
 2 Q. Anybody else from UHW attend?
 3 A. Jennifer Green, Sophi Hak, Stella
 4 Fung-Wong, from accounting.
 5 Q. And what was the focus of that conference?
 6 A. It is a variety of HR and accounting
 7 stuff.
 8 Q. Did any of the HR address sexual
 9 harassment?
 10 A. I think so, to the best of my
 11 recollection.
 12 Q. Any other trainings that you remember
 13 during the past three years?
 14 A. Not that I recall at this time.
 15 Q. When you first became HR director, were
 16 you given any training by UHW?
 17 A. In terms of what?
 18 Q. Taking over that role as HR director.
 19 A. No, no specific training.
 20 Q. Who held the position of statewide HR
 21 director before you had it?
 22 A. Leslie Meyer.
 23 Q. Was there a period of time during which
 24 the union did not have an HR director?
 25 A. I don't know.

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1 Q. So between 2009 when she left and the time
 2 that you took that role over, was there anybody else
 3 serving as HR director?
 4 A. No.
 5 Q. As HR director did you -- do you have the
 6 power to sign contracts on behalf of UHW?
 7 MS. PERKINS: Vague and ambiguous as to
 8 "contracts."
 9 Do you mean like collective bargaining
 10 agreements as opposed to contracts for copy machines?
 11 Could you clarify "contracts"?
 12 MS. SUBBOTIN: Q. Do you understand the
 13 question?
 14 A. I was going to ask the same thing.
 15 Q. Have you ever signed a contract on behalf
 16 of UHW?
 17 MS. PERKINS: Objection, vague and
 18 ambiguous as to "contract."
 19 THE WITNESS: Which contracts
 20 specifically?
 21 MS. SUBBOTIN: Q. A contract of any
 22 kind.
 23 A. I have signed the collective bargaining
 24 agreement contract.
 25 Q. On behalf of UHW?

1 Q. Was Ms. Mayer the HR director -- for what
 2 period of time was she the HR director?
 3 A. I don't know specific dates. She left in
 4 2009.
 5 Q. So between 2009 and 2013 was there an HR
 6 director for UHW?
 7 A. Did you say --
 8 MS. PERKINS: 2009 to 2013.
 9 THE WITNESS: No.
 10 MS. SUBBOTIN: Q. So just so I am clear,
 11 Ms. Meyer left in 2009?
 12 A. Correct.
 13 Q. From 2009 to 2013 there was no HR director
 14 and then in 2013 you became the HR director?
 15 A. In terms of -- let me just clarify. She
 16 was the HR director and then I was the next HR director.
 17 Q. Right.
 18 A. I just wanted to make sure I am confirming
 19 dates. I don't want to mess up the dates.
 20 Q. Right. I am just trying to -- you have
 21 said she left in 2009?
 22 A. Correct. To the best of my knowledge she
 23 left around that year.
 24 Q. And then in 2013 you became HR director?
 25 A. Yes.

Page 60

1 A. Yes.
 2 Q. And what was the subject of that CBA?
 3 A. What do you mean "subject"?
 4 Q. Was it a CBA in connection with the staff
 5 union?
 6 A. Correct. Yes.
 7 Q. And you signed that on behalf of the
 8 organization?
 9 A. Yes.
 10 Q. UHW?
 11 A. Yes.
 12 Q. Did you also help negotiate that contract?
 13 A. I was part of the bargaining team.
 14 Q. Who else was on the bargaining team?
 15 A. Most recent is Greg Pullman, Dulce,
 16 Hector. There was another guy. I forgot his name. It
 17 should be in the collective bargaining agreement.
 18 Q. And Dulce was bargaining on behalf of the
 19 staff, right?
 20 A. On behalf of management.
 21 Q. What is her title?
 22 A. I don't know at this point. I don't
 23 recall.
 24 Q. But she is a management-level employee?
 25 A. I believe so, during that time.

Page 77

1 A. Yes.

2 Q. And has a commitment to honesty and

3 accountability, right?

4 A. Yes.

5 Q. Commitment to justice?

6 A. Yes.

7 Q. A commitment to professionalism?

8 A. Yes.

9 Q. Would you agree that one of the most

10 important roles you have in HR is to ensure the safety

11 of the employees who work for the union?

12 A. Say that again. I am sorry.

13 Q. Would you agree that one of your most

14 important roles as HR director is to ensure the safety

15 of the people who work for the union?

16 A. I would say one of my responsibilities is

17 to ensure that there is a safe environment for the

18 employees.

19 Q. Isn't that one of the most important

20 roles?

21 A. Yes.

22 (Whereupon Exhibit 5 was marked for identification.)

23 Q. Exhibit 5 is SEUHW 001515 through 1518.

24 You have seen these before?

25 A. Yes. I signed it.

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1 A. I don't recall off the top of my head if

2 it is the current policy in effect.

3 Q. Throughout your tenure with UHW the

4 anti-harassment policy has applied to everyone from the

5 president on down, correct?

6 A. Correct.

7 Q. On these policies it states that all

8 harassment complaints will be referred to the president.

9 Have you ever referred a harassment complaint to the

10 president?

11 A. No.

12 Q. This policy also prohibits retaliation by

13 staff or coworkers for making a complaint of harassment.

14 What is your understanding of what is

15 prohibited?

16 What is the retaliation that is prohibited?

17 A. My understanding would be if you harass me

18 and I reported it and you found out that I reported it,

19 you cannot retaliate against me.

20 Q. And what does that mean "retaliate"?

21 What is it that is prohibited?

22 A. It depends.

23 Q. What kind of conduct is considered

24 retaliation?

25 A. Anything against policy that affects your

Page 78

1 Q. That was my first question.

2 That's your signature on 1516 and 1518, correct?

3 A. Correct.

4 Q. And you signed it on the dates that are

5 indicated?

6 A. Yes.

7 Q. This anti-harassment policy that is 1515

8 through 1516 was in effect at the time the trusteeship

9 took over, correct?

10 A. I signed this when I was hired, so no.

11 Q. Was there a new policy that came into

12 effect with the trusteeship?

13 A. I don't recall. I am not sure if it is

14 the same policy during the trusteeship.

15 Q. There was an anti-harassment policy that

16 was in effect throughout your employment with UHW,

17 correct?

18 A. Yes.

19 Q. And also during the trusteeship, right?

20 A. Yes.

21 Q. And also when it was Local 250, right?

22 A. Correct.

23 Q. On the second of these harassment

24 policies, this is the policy that is still in effect,

25 correct?

Page 80

1 job.

2 Q. Can that be -- can that include things

3 such as derogatory comments?

4 A. It can.

5 Q. Shunning somebody in the workplace?

6 A. It can. It depends.

7 Q. Treating someone badly for making a

8 complaint?

9 A. It depends.

10 Q. Is the definition of "retaliation" set

11 forth anywhere in UHW policies or procedures?

12 A. I don't recall exactly.

13 Q. I am going to show you a document that was

14 marked in a prior exhibit of Triana Sifton, and it was

15 Exhibit 2, SEUHW 001028.

16 Have you seen this before?

17 A. Yes.

18 Q. And what is this?

19 A. It is an Excel spreadsheet of who attended

20 harassment training.

21 Q. Who puts this together?

22 A. Jennifer Green mostly.

23 Q. Why is this document maintained?

24 A. Because we need to make sure that people

25 take the training.

1 A. It depends because, see, this is where it
 2 is throwing me off. It is not a defense. I could agree
 3 on sexual conduct was voluntary, meaning you are not
 4 forced to participate. I don't know. It depends on the
 5 situation if it is not a defense or not.
 6 Q. You can't answer that question whether you
 7 agree or not?
 8 A. It is a statement. I mean, are you just
 9 making me -- asking if I agree with this particular
 10 bullet point and not tied up to any scenarios or
 11 situation?
 12 Q. Right.
 13 A. It could be.
 14 Q. Can you take a look at SEUHW 005595?
 15 You have seen this before?
 16 A. I have seen it before.
 17 Q. Is bullying as described in this document
 18 against UHW policy?
 19 A. There is no policy for bullying at UHW.
 20 Is that what you are referring to?
 21 Q. No.
 22 My question is, is it against UHW policy to
 23 engage in the type of behavior that is described in this
 24 document?
 25 A. It is typically depending on the

1 situation, but this could be described as not being
 2 okay.
 3 Q. It is inappropriate conduct, right?
 4 A. Yes.
 5 Q. Could you take a look at SEUHW 005574,
 6 Harassment through Social Media Websites?
 7 Have you seen this before?
 8 A. Yes.
 9 Q. Do you remember when you first saw this?
 10 A. No.
 11 Q. Was it before you went on maternity leave?
 12 A. Yes.
 13 Q. Was it before Ms. Sturge was assaulted by
 14 Marcus Hatcher?
 15 A. I don't know specifically.
 16 Q. Was it part of a training that was
 17 provided by the Weinberg law firm?
 18 A. I don't recall. It could be. I don't
 19 know.
 20 Q. Did you ever have any harassment training
 21 from anyone other than the Weinberg law firm or CAL
 22 CASA?
 23 A. Just seminars or conferences I attended
 24 that talked about harassment.
 25 Q. If this was provided to everybody at UHW,

1 that would have been by the Weinberg law firm?
 2 MS. PERKINS: Objection, calls for
 3 speculation, lack of foundation.
 4 THE WITNESS: I don't know specifically
 5 at this time.
 6 MS. SUBBOTIN: Q. Do you know where you
 7 saw this?
 8 A. It is probably in one of our trainings. I
 9 don't recall at this time.
 10 Q. Would you agree that harassment can occur
 11 even if it involves acts occurring outside of the
 12 workplace?
 13 A. Yes.
 14 Q. Would you also agree that actions that are
 15 taken outside the workplace can have consequences in the
 16 workplace?
 17 A. Yes.
 18 Q. SEUHW 003975, do you recognize this?
 19 A. I have seen it.
 20 Q. Do you know where you have seen it?
 21 A. Possibly in one of the trainings.
 22 Q. And when you say "trainings," are you
 23 referring to a training that was given to you by the
 24 Weinberg law firm?
 25 A. I couldn't say specifically if it was from

1 Weinberg.
 2 Q. Do you agree that a hostile work
 3 environment can occur even when it does not result in an
 4 adverse employment action?
 5 MS. PERKINS: Misstates the document.
 6 THE WITNESS: Say that again. I am
 7 sorry.
 8 MS. SUBBOTIN: Q. Do you agree that a
 9 hostile work environment can occur even when it does not
 10 result in an adverse employment action?
 11 A. Yes.
 12 Q. Do you also agree that a single incident,
 13 may be enough to state a claim for sexual harassment?
 14 A. Yes.
 15 Q. Were you present at any sexual harassment
 16 trainings when Bruce Harland presented to UHW employees?
 17 A. I don't recall.
 18 Q. Were you present at any trainings where
 19 Xochitl Lopez presented?
 20 A. I believe one. I don't recall
 21 specifically.
 22 Q. Would you agree based on your training and
 23 experience as an HR professional -- you consider
 24 yourself an HR professional, correct?
 25 A. Yes.

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Page 170

1 A. She is from Southern California.
 2 Q. What was her position?
 3 A. I believe she is an organizer.
 4 Q. Were you aware that she was recently fired
 5 by the union?
 6 A. I am not sure because I just got back.
 7 Q. Did anyone tell you that she had been
 8 fired?
 9 A. I know she longer works for us.
 10 Q. Did you ever read anything about Ms. Woods
 11 online?
 12 A. No.
 13 Q. Did anyone tell you that there had been
 14 articles written by Ma. Woods and allegations she was
 15 making against people in the union?
 16 A. No.
 17 Q. Do you believe that if there are
 18 allegations published in the press about inappropriate
 19 behavior by employees, that the union has an obligation
 20 to investigate those allegations?
 21 A. Say it again. I am sorry. I am going to
 22 make sure I understand your question.
 23 MS. SUBBOTIN: Can you please re-read it?
 24 (Record read.)
 25 THE WITNESS: Allegations regarding what?

Page 171

1 A. I don't recall the specifics.
 2 Q. Was there an investigation?
 3 A. Yes.
 4 Q. And what was the outcome of that
 5 investigation?
 6 A. I have to see my conclusion. It has been
 7 a long time.
 8 Q. She no longer works for the union, right?
 9 A. Yes.
 10 Q. Was she fired?
 11 A. I don't remember.
 12 Q. Are you aware of any complaint made
 13 against Chokri Benseid by a woman named Mercy?
 14 A. No, I don't recall of any.
 15 Mercy?
 16 Q. Do you know somebody named Mercy?
 17 A. We used to have an employee named Mercy.
 18 Q. Who was that?
 19 A. I even forgot her last name.
 20 Q. What was her position?
 21 A. She was an organizer.
 22 Q. Where?
 23 A. I don't remember anymore.
 24 Q. You don't remember anything about any
 25 complaints involving Mercy?

1 MS. SUBBOTIN: Q. Inappropriate behavior
 2 by employees in the union.
 3 A. If there is an allegation -- I am trying
 4 to understand the scenario here. If there is an
 5 allegation online regarding an employee or anybody from
 6 the union, we have an obligation to investigate; is that
 7 your question?
 8 Q. Yes.
 9 A. It is something that can be looked into.
 10 Q. Do you believe that the union has an
 11 obligation to follow up on allegations if they appear in
 12 the press?
 13 A. It depends on what the allegations are.
 14 Q. Allegations of inappropriate sexual
 15 conduct.
 16 A. Yes.
 17 Q. Are you aware of any investigations that
 18 have arisen out of allegations made by Njoki Woods?
 19 A. Not at this time.
 20 Q. Are you aware of any allegations of
 21 inappropriate conduct brought against Carlos Padilla?
 22 A. Yes.
 23 Q. Who brought those allegations?
 24 A. Jeneva Washington.
 25 Q. What did she allege Mr. Padilla had done?

Page 172

1 A. I don't know. You asked me if I know a
 2 Mercy. That's what I was referring to.
 3 Q. Did Chokri Benseid ever have a complaint
 4 against someone named Mercy?
 5 A. Chokri complaining?
 6 Q. Yes.
 7 A. I don't remember.
 8 Q. Mr. Hatcher testified that there was a
 9 complaint by someone named Mercy against Mr. Benseid and
 10 that he interviewed -- he did interviews and wrote up
 11 the interview.
 12 Does that ring a bell?
 13 A. I don't know. That would be Marcus'
 14 notes, not mine.
 15 Q. If there was an investigation of that
 16 sort, would that end up in HR?
 17 A. The practice is for those types of things
 18 to end up in HR.
 19 Q. Mr. Hatcher also testified that Mr. Lyles
 20 had been accused of sending a photo of his penis to
 21 someone.
 22 Does that ring a bell?
 23 MS. PERKINS: I am -- unless you can
 24 point to the specific testimony I will object on the
 25 grounds it misstates the testimony.

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1 MS. SUBBOTIN: Q. Does that ring a bell?

2 A. No, I don't even know.

3 Q. I don't need to do that.

4 You don't know anything about that?

5 A. No.

6 Q. Were you present at a meeting in Los

7 Angeles on March 2 of 2018 where Dave got up and spoke

8 in front of people?

9 A. No.

10 Q. Has anyone told you that Mr. Regen yelled

11 at Ms. Sturge at a meeting in Los Angeles?

12 A. No.

13 Q. If Mr. Regen had yelled at Mindy Sturge

14 "Don't fucking lecture me" after she raised concerns

15 about the focus of his discussion on sexual harassment,

16 would that be a violation of the sexual harassment

17 policy?

18 A. Yes.

19 Q. Would you agree that it takes a lot of

20 courage to stand up to the president of the union?

21 A. What do you mean?

22 Q. To question what he was doing.

23 A. Why would it be hard to question what the

24 president is doing?

25 Q. Have you ever questioned something to his

Page 175

1 A. I think I have seen it before. I don't

2 follow. I don't recall following UHW's Instagram.

3 Q. Is the Instagram page public?

4 A. I don't know. I am not sure. I am not

5 the keeper of it.

6 Q. Who is the keeper of the Instagram page?

7 A. The communications department.

8 Q. Who would that be in the communications

9 department?

10 A. I don't know the specific person in charge

11 of it.

12 Q. Who is in charge of communications for

13 UHW?

14 A. The director is Nathan Seltzer.

15 Q. What is Steve Trossman's role at the

16 union?

17 A. His title is director, I believe. I am

18 not sure specifically. I would have to look at records.

19 Q. Director of what?

20 A. He is senior management. I have to look

21 and check.

22 Q. Have you ever had any interactions with

23 him?

24 A. No. I rarely see him.

25 Q. What is Flannery Hawck's role at the

Page 174

1 face?

2 A. I didn't have to do that at any point of

3 my tenure at UHW.

4 Q. You have never done it?

5 A. I never had to. I wasn't in any situation

6 where I had to.

7 Q. Do you consider Mr. Regen to be an

8 intimidating person?

9 A. No.

10 Q. Have you ever read any online reports that

11 he has had physical altercations with people?

12 A. I have seen some.

13 Q. And what have you seen in that regard?

14 A. Negative blogs is what I consider it. I

15 don't read it often.

16 Q. Did you ever see the television report

17 about an altercation -- he had a physical altercation?

18 A. About?

19 Q. With a process server.

20 A. I have seen it.

21 Q. So it is not just online blogs, is it?

22 A. It is the news.

23 Q. UHW has an Instagram page; is that right?

24 A. I am not sure. I think so.

25 Q. Have you ever seen it?

Page 176

1 union?

2 A. She is one of the directors, I believe. I

3 am not sure right now.

4 Q. Director of what?

5 A. I don't recall specifically what

6 department she is at right now.

7 Q. Do you know what she does on a day-to-day

8 basis?

9 A. No. They are field people. I don't ask

10 what they do every day.

11 (Whereupon Exhibit 18 was marked for identification.)

12 Q. 18 is SEUHW 003570 through 73..

13 Have you seen this before?

14 A. Yes.

15 Q. What is this?

16 A. I had it in our file. It looks like an --

17 is it a tweet or an Instagram? I am not sure.

18 Q. What file did you have it in?

19 A. It was in his personnel file.

20 Q. And did you put it in his personnel file?

21 A. Either me or Sophi would have put it

22 there.

23 Q. You are referring to Mr. Bensald, right?

24 A. Yes.

25 Q. And that's the person who is depicted in

DECLARATION UNDER PENALTY OF PERJURY

Case Name: Sturge vs. SBIU-UHW
Date of Deposition: 06/05/2019
Job No.: 10054565

I, MARY SACRAMENTO, hereby certify
under penalty of perjury under the laws of the State of
_____ that the foregoing is true and correct.
Executed this _____ day of
_____, 2019, at _____.

MARY SACRAMENTO

NOTARIZATION (If Required)

State of _____

County of _____

Subscribed and sworn to (or affirmed) before me on

this day of , 20 ,

by _____, proved to me on the

basis of satisfactory evidence to be the person

who appeared before me.

Signature: _____ (Seal)

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 transcript is true and correct

_____ No changes have been made. I certify that the transcript is true and correct.

MARY SACRAMENTO

Page _____ Line _____ Reason _____

EXHIBIT F

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF ALAMEDA
3
4 MINDY STURGE,)
5 Plaintiff,)
6 vs.) Case No. RG18905355
7 SEUI UNITED HEALTHCARE)
8 WORKERS WEST, MARCUS HATCHER,)
9 and DOES 1-10,)
10 Defendants.)
11
12
13
14
15 DEPOSITION OF TRIANA SILTON
16 THURSDAY, FEBRUARY 21, 2019, 9:58 A.M.
17 SHERMAN OAKS, CALIFORNIA
18
19
20
21
22 Reported by Michelle Somers, CSR No. 13674
23 CLS Job No. 94817
24
25 CENTEXTLEGAL.COM - 855.CENTEXT

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF ALAMEDA
3 MINDY STURGE,)
4 Plaintiff,)
5 vs.) Case No. RG18905355
6 SEUI UNITED HEALTHCARE)
7 WORKERS WEST, MARCUS HATCHER,)
8 and DOES 1-10,)
9 Defendants.)
10
11
12
13
14
15 DEPOSITION OF TRIANA SILTON, taken at 15260
16 Ventura Boulevard, Suite 1200, Sherman Oaks,
17 California, on Thursday, February 21, 2019, at
18 9:58 A.M., before Michelle Somers, Certified
19 Shorthand Reporter in and for the State of
20 California.
21
22
23
24
25

1 INDEX
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3
4 EXAMINATION PAGE
5 By Ms. Subbotin: 5
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25 PAGE LINE
205 13

1 Q And then in the column 2013 it says, "need";
2 do you see that?
3 A Yes.
4 Q And then again in 2014?
5 A Uh-huh.
6 Q And 2015?
7 A Uh-huh.
8 Q Yes?
9 A Yes.
10 Q Does that refresh your recollection as to
11 whether or not you received sexual harassment training
12 in 2013 or 2014?
13 A No.
14 Q You do recall receiving some training,
15 correct?
16 A Yes.
17 Q Do you know who would have prepared this
18 document, Exhibit 2?
19 A No.
20 Q Did anyone ever tell you that there is a
21 legal requirement to provide sexual harassment training
22 to managers every two years?
23 A Yes.
24 Q You're aware of that?
25 A Correct.

41

1 Q And that's one way of showing a commitment to
2 preventing sexual harassment in the workplace, correct;
3 would you agree with that?
4 A Repeat the question.
5 Q Would you agree that providing sexual
6 harassment training to management is one way of showing
7 a commitment to preventing sexual harassment in the
8 workplace?
9 A Yes.
10 Q You're aware that employers have an obligation
11 to prevent sexual harassment?
12 A Yes.
13 Q When you did receive sexual harassment
14 training at UHW, was this training online, or was it in
15 person?
16 A In person.
17 Q Who provided that training?
18 A Counsel.
19 Q Which counsel are you referring to?
20 A Union counsel.
21 Q And is that the law firm that Mr. Harland is
22 part of?
23 A Yes.
24 Q Was Mr. Harland ever one of the people to
25 provide sexual harassment training to you?

42

1 A Not that I recall.
2 Q Do you remember the name of anybody from his
3 law firm that provided sexual harassment training?
4 A No.
5 Q How long did these trainings last?
6 A Multiple hours.
7 Q Were there also handouts?
8 A Yes.
9 Q Does Mr. Harland have an office in the
10 Commerce office?
11 A Not that I'm aware of.
12 Q Have you seen him in the Commerce office?
13 A Yes.
14 Q How often does he come to Commerce?
15 A I don't know.
16 Q More than once a month?
17 A I don't know.
18 Q Do you work primarily out of the office in
19 Commerce?
20 A Yes.
21 Q Do you also work from — or have you worked in
22 the past from the Oakland office?
23 A Yes.
24 Q How often would you come to Oakland?
25 A Once or twice a month.

43

1 Q How often would you go to the Sacramento
2 office as deputy chief of staff?
3 A Infrequently.
4 Q What would you do in the Oakland office when
5 you came once to twice a month?
6 A Attend meetings.
7 Q With Mr. Pullman?
8 A Sometimes.
9 Q How many staff members are in the Commerce
10 office?
11 A I don't know.
12 Q Can you give me a ballpark?
13 A I'm not good with numbers.
14 Q Okay. I'll do the — what lawyers do, which
15 is more than 20?
16 A Yes.
17 Q More than 50?
18 A I don't know.
19 Q Are you the most senior manager in the
20 Commerce office?
21 A Yes.
22 Q Is it part of your job as deputy chief of
23 staff to take or receive staff complaints about how
24 they're being treated on the job?
25 A Can you repeat the question.

44

1 A On the other side of the building.
 2 Q Same floor?
 3 A Correct.
 4 Q Did you ever learn the outcome of that
 5 investigation?
 6 A No, not the specifics.
 7 Q Did you learn generally what the outcome of
 8 the investigation was?
 9 A Yes.
 10 Q What did you learn?
 11 A I learned that we had finished a thorough
 12 investigation is what I had learned.
 13 Q Did you learn whether there had been a finding
 14 that Mr. Bensaid had violated the harassment policy?
 15 A No.
 16 Q Nobody ever told you one way or the other
 17 whether he had violated the harassment policy?
 18 A Not that I recall at this time.
 19 Q Did you ever ask anyone whether he had
 20 violated the policy?
 21 A I did not, no.
 22 Q Did you ever see any texts that went back and
 23 forth between Ms. Santilla and Mr. Bensaid?
 24 A No, not that I'm aware of.
 25 Q Did Ms. Santilla tell you that she felt unsafe

69

1 around Mr. Bensaid?
 2 A Yes.
 3 Q Did she tell you that she felt he was stalking
 4 her or words to that effect?
 5 A I don't recall at this time.
 6 Q Do you have a staff member who had told
 7 you -- who made a complaint of harassment against a
 8 coworker who was leaving UHW and who had told you she
 9 felt unsafe around Mr. Bensaid, and you never inquired
 10 as to whether the outcome of the investigation of that
 11 complaint; is that right?
 12 A She was no longer employed. That's not the
 13 same question you asked me before.
 14 Q Right.
 15 A Can you try to clarify the question.
 16 Q Yeah, you had a woman who worked in your
 17 office --
 18 A Uh-huh.
 19 Q -- who had made a complaint of harassment
 20 against a director --
 21 A Uh-huh.
 22 Q -- right?
 23 A Yes.
 24 Q She had told you that she felt unsafe, she
 25 left but he remained, correct?

70

1 A Correct.
 2 Q There was an investigation?
 3 A Correct.
 4 Q And it's your testimony that you never found
 5 out the outcome of that investigation?
 6 A Can you define what you mean by "outcome"?
 7 Q Did you ever ask anyone whether there had been
 8 a finding of -- a violation of the harassment policy?
 9 A I did not ask that question.
 10 Q Did you ever ask anyone whether Mr. Bensaid
 11 was being disciplined in any way?
 12 A Yes.
 13 Q Who did you ask?
 14 A If I recall correct, Greg Pullman.
 15 Q And what specifically did you ask Mr. Pullman?
 16 A I don't recall.
 17 Q And what did he tell you?
 18 A That at -- at that point there was no basis
 19 for issuing discipline.
 20 Q Did you agree with that?
 21 A I didn't have a basis for having an opinion.
 22 Q Did you ever ask to see the investigation that
 23 had been done into your coworker that worked in your
 24 office?
 25 A No.

71

1 Q Under the policy that you signed in 2017, you
 2 understood that retaliation for making a complaint of
 3 sexual harassment is not tolerated by the Union?
 4 A Correct.
 5 Q You also understand it's against the law?
 6 A Yes.
 7 Q What's your understanding of what constitutes
 8 retaliation?
 9 MR. HARLAND: I'm going to object as vague.
 10 Do you mean under the policy or under the law?
 11 BY MS. SUBBOTIN:
 12 Q Under the policy, we'll start there.
 13 A The policy doesn't define retaliation.
 14 Q What's your understanding of what constitutes
 15 retaliation under the policy?
 16 A Change in work assignment, discipline, things
 17 of that nature.
 18 Q Would shunning an employee after that she made
 19 a complaint of harassment also constitute retaliation?
 20 A I don't know what you mean by shunning.
 21 Q Avoiding them, refusing to talk to them,
 22 moving your seat when they sat down next to you, that
 23 sort of behavior?
 24 A Between whom?
 25 Q Would that kind of conduct amount to

72

1 policy?
2 A The policy states unwanted comments.
3 Q You're looking at Exhibit 3?
4 A Uh-huh.
5 Q Yes?
6 A Yes.
7 Q Would you agree that if that kind of comment
8 was unwanted, that that would be a violation of the
9 policy?
10 A Yes.
11 Q Would you also agree that calling a woman
12 "young lady," would be inappropriate in the workplace?
13 A No.
14 Q Have you been referred to as young lady by any
15 of your coworkers?
16 A Yes.
17 Q Who?
18 A Josie.
19 Q Have you ever been referred to as young lady
20 by a male coworker?
21 A Not that I recall at this time.
22 Q Would you consider that inappropriate?
23 A Not necessarily.
24 Q Have you ever been referred to as baby by a
25 male coworker?

77

1 A No.
2 Q Do you find that kind of language demeaning to
3 women?
4 A Can you define that kind of language?
5 Q Baby in the workplace by a male coworker.
6 A I find it inappropriate.
7 Q I'm sorry?
8 A I find it inappropriate.
9 Q Did you ever hear Marcus Hatcher refer to any
10 of his female coworkers as baby?
11 A No.
12 Q Did you ever hear him refer to any members as
13 baby?
14 A No.
15 Q Would you agree that expressing a desire to
16 have a sexual relationship with a coworker would be
17 inappropriate and a violation of the antiharassment
18 policy?
19 A No.
20 Q No?
21 A No.
22 Q What if it was unwanted?
23 A Then yes.
24 Q Would you agree that sharing photographs of
25 partially clad or naked members or coworkers would be

78

1 violation of the antiharassment policy?
2 THE WITNESS: Can you read back the question.
3 THE REPORTER: "Would you agree that sharing
4 photographs of partially clad or naked members or
5 coworkers would be violation of the antiharassment
6 policy?"
7 THE WITNESS: Can you define "partially clad."
8 BY MS. SUBBOTIN:
9 Q Semi-naked.
10 A What do you mean by semi-naked, can you be
11 more specific.
12 Q Not in work clothes and not in revealing
13 outfits.
14 A It depends.
15 Q What does it depend on?
16 A It depends on what your definition of a
17 revealing outfit is.
18 Q Did anyone ever tell you that Marcus Hatcher
19 and Chokri Bensaid were sharing photos of semi-naked
20 members with each other?
21 A No, not that I recall.
22 Q If that were true, would that be a violation
23 of the antiharassment policy?
24 A That would be a cause for investigation.
25 Q You would agree that an assault would be a

79

1 violation of the antiharassment policy, correct?
2 A Correct.
3 Q And unwanted touching, correct?
4 A Yes.
5 Q And blocking someone's normal movement, that
6 would also be a violation of the antiharassment policy,
7 right?
8 A It's a very -- can you be more specific, I
9 don't know what you mean by normal movement.
10 Q Well, if you look at Exhibit 3, sub C,
11 "physical conduct, such as assault, unwanted touching,
12 lacking normal movement"; do you see that?
13 A Uh-huh.
14 Q You would agree that's a violation of the
15 antiharassment policy, correct?
16 A If it's because of sex, race or any other
17 protected basis.
18 Q Yes, it's based on that.
19 A Yes.
20 MR. HARLAND: Can we go off record for a
21 moment?
22 MS. SUBBOTIN: Sure.
23 (Brief break taken.)
24 MS. SUBBOTIN: Back on the record.
25 ///

80

1 exact sentence.
2 Q Well, I'm not asking about that exact
3 sentence. Do you recall telling her that either
4 Estrella or other women felt safer in the workplace or
5 words to that effect?
6 A No, that I recall.
7 Q Did you believe that because Ms. Sturge had
8 reported the assault by Mr. Hatcher, that she had
9 brought about a safer workplace at UHW?
10 A Yes.
11 Q Things have gotten better at UHW since then?
12 A I don't know what you mean by that question.
13 Q That the policies regarding sexual harassment
14 have been emphasized more since the assault was
15 reported?
16 A Yes.
17 Q Did Estrella Sanchez have a complaint against
18 Marcus Hatcher?
19 A No.
20 Q Did you ever hear that she had had
21 some -- something happen at work that had made her feel
22 unsafe?
23 A No.
24 Q Had she ever made a complaint of inappropriate
25 conduct while at UHW?

105

1 A Yes.
2 Q Against whom?
3 A She didn't lodge a complaint.
4 Q What did she say about -- if it wasn't a
5 lodged complaint, you answered yes to my last question.
6 A Yeah, she -- Estrella shared that there had
7 been inappropriate advances towards her.
8 Q By whom?
9 A: By Marcus Hatcher.
10 Q When did she share that?
11 A After he was terminated.
12 Q Where did she share that information?
13 A At an executive meeting.
14 Q Was that the executive committee meeting in
15 November, shortly after Mr. Hatcher was terminated?
16 A I don't recall which meeting it was.
17 Q Were you present?
18 A I was present.
19 Q What specifically did she say about the
20 inappropriate advances by Mr. Hatcher?
21 A That he had followed her in a hotel and that
22 she had said that -- said no, and that that had not
23 felt good. I don't recall the exact words, but it was
24 an unwanted advance that she rebuffed.
25 Q Did she say where that had happened?

106

1 A In the hallway of a hotel.
2 Q Did she say when?
3 A I don't recall.
4 Q At that ECOM meeting, do you remember it being
5 in November of 2017?
6 A We have monthly ECOM meetings. I do not
7 remember which one this was.
8 Q Was it after Mr. Hatcher was fired?
9 A Correct.
10 Q Was it the first meeting after he was fired?
11 A Yes.
12 Q And Estrella Sanchez, is she a member?
13 A Yes.
14 Q Did anybody else make a similar charge about
15 Mr. Hatcher, that is, that he had engaged in
16 inappropriate conduct with them?
17 A I don't recall.
18 Q Weren't there several women at that meeting
19 who came forward and talked about Mr. Hatcher's conduct
20 with them?
21 A Not that I recall.
22 Q You take minutes for those meetings, don't
23 you?
24 A Yes.
25 Q And you did in --

107

1 A I don't take minutes.
2 Q Who takes minutes?
3 A Sarah Steck. They're not minutes by the way.
4 Q What are they?
5 A Notes.
6 Q Do you prepare a summary of the meetings
7 afterward?
8 A Broad strokes, yes.
9 Q There's nothing in your summary, is there, of
10 that meeting regarding the comments about Mr. Hatcher,
11 correct?
12 A No.
13 Q Do you know if there's anything in the meeting
14 minutes taken by Ms. -- or notes from Ms. Steck
15 regarding the comments of Estrella Sanchez?
16 A No.
17 Q You don't know, or there isn't?
18 A I don't know.
19 Q Have you seen the notes that she took of that
20 meeting?
21 A I don't recall.
22 Q Would that be normal practice for her to share
23 the minutes or the notes that she took from meeting
24 with you?
25 A Yes.

108

1 A I don't remember.
2 Q Did you ever ask Mr. Bensaid if he was having
3 a relationship with any members?
4 A I don't recall any conversation where I asked
5 him that.
6 Q Did you ever see Marcus Hatcher -- strike
7 that.
8 Did you ever hear that Mr. Regan was involved
9 with any members?
10 A No.
11 Q Did you ever hear rumors that he was involved
12 with any staff members?
13 A No.
14 Q Did you ever hear that had a relationship, a
15 personal relationship with Mindy Sturge?
16 A No.
17 Q Who is the member or members that Mr. Bensaid
18 was rumored to have had affair with?
19 A I don't remember.
20 Q Did you ask anyone to investigate that?
21 A I informed Greg Pullman of it.
22 Q When did you inform Greg Pullman of that?
23 A It was right around the time the relationship
24 policy came out, so the end of 2017.
25 Q And was that also about when you heard that

113

1 he -- Mr. Bensaid was rumored to have relationships
2 with members?
3 A I'm sorry, can you repeat that.
4 Q Yeah. I'm -- yeah, I just asked you when you
5 had informed Mr. Pullman.
6 A Uh-huh.
7 Q And you said it was around the time the
8 relationship policy was --
9 A Yes.
10 Q -- enacted?
11 A Correct.
12 Q I want know when you first learned of it?
13 A Around the same time.
14 Q Thank you. Do you read Stern Burger with
15 Fries?
16 A No.
17 Q Have you ever read Stern Burger with Fries?
18 A Yes.
19 Q When did you read it?
20 A 2009, 2010.
21 Q Did people talk about -- is that the last time
22 you read it, 2010?
23 A To the best of my recollection, the last time
24 I read it was 2010.
25 Q Did you ever read the Stern Burger post

114

1 regarding Mr. Hatcher's termination?
2 A I don't recall reading a Stern Burger post
3 regarding Mr. Hatcher's termination.
4 Q Did anyone ever tell you that there was a
5 Stern Burger post that was about -- or discussed
6 Mr. Hatcher's termination?
7 A I do believe I heard that.
8 Q Who told you about that post?
9 A I have no idea.
10 Q Somebody on staff?
11 A I don't remember.
12 Q Did anyone ever tell you that Stern Burger had
13 reported that Mindy Sturge had also been fired?
14 A I do recall hearing that.
15 Q Was that from someone on staff?
16 A I have no idea and no way of knowing.
17 Q Do you know who writes Stern Burger with
18 Fries?
19 A No.
20 Q Is there speculation at UHW who is the author
21 of Stern Burger with Fries?
22 A Who is?
23 Q Is there speculation at UHW about who is
24 behind Stern Burger with Fries?
25 A I don't know if there is speculation.

115

1 Q Have you ever heard Mr. Regan discuss Stern
2 Burger with Fries?
3 A Yes.
4 Q Has he ever told you he think he knows who is
5 writing Stern Burger with Fries?
6 A No.
7 Q So Mr. Regan has talked to you about Stern
8 Burger with Fries?
9 A Yes.
10 Q What has he said about it?
11 A Can you be more specific.
12 Q Well, you said he's mentioned Stern Burger
13 with Fries in what content?
14 A During the trusteeship.
15 Q Have they talked about Stern Burger with Fries
16 in the last two years?
17 A Not with me that I recall at this time.
18 Q You mentioned this incident at the March 2018
19 meeting in Los Angeles where Ms. Sturge broke down in
20 tears?
21 A Uh-huh.
22 Q And we said Ms. Jackson was there?
23 A Correct.
24 Q Did you have any conversation with Ms. Jackson
25 about Mr. Regan's comments?

116

1 A No.
2 Q You just sort of wing it when you're on the
3 phone?
4 A I do it very infrequently, yes.
5 Q Was this an unusual situation where you
6 actually called references on somebody?
7 A I called a reference.
8 Q How many times had you called a reference
9 since you've been at UHW?
10 A Maybe four times.
11 Q Do you recall what Roxanna Rivera told you
12 about Mr. Malave?
13 A I remember that she was highly complimentary
14 of his organizing skills.
15 Q Did she ever mention that he had gotten into
16 trouble with a coworker?
17 A No.
18 Q You would have wanted to know if he had had a
19 problem with a coworker at 32BJ, right?
20 A Correct.
21 Q Were you Josie Fregosos' supervisor in
22 December of 2014?
23 A Yes.
24 Q Are you still her supervisor?
25 A Yes.

137

1 Q Have you ever been called for a reference for
2 somebody who worked at UHW?
3 A Not that I recall.
4 Q Did Marcus Hatcher ever ask you to serve as a
5 reference for him?
6 A No.
7 Q Has anyone called you asking for a reference
8 for him?
9 A No.
10 Q To your knowledge, has anyone at UHW provided
11 a reference for Mr. Hatcher since he left?
12 A I have no way of knowing.
13 Q Well, has anyone told you that they received a
14 call?
15 A No.
16 MR. HARLAND: Can we take a five-minute break?
17 MS. SUBBOTIN: Sure. Five minutes.
18 (Brief break taken.)
19 MS. SUBBOTIN: Back on the record.
20 BY MS. SUBBOTIN:
21 Q You're still under oath, you understand that,
22 right?
23 A Yes.
24 Q I want to back up to the November E-Committee
25 meeting that we talked about. Do you remember that

138

1 Mylka Rodriguez --
2 MR. HARLAND: I just -- is your client still
3 on the phone?
4 MS. SUBBOTIN: Yes.
5 MR. HARLAND: Okay. All right. I -- I
6 don't -- I didn't know. I mean, the phone is over
7 there. And it's only -- she, she's the only one that's
8 on the phone, right?
9 MS. SUBBOTIN: As far as I know.
10 MR. HARLAND: All right. Just checking.
11 BY MS. SUBBOTIN:
12 Q Was Milka Rodriguez at that meeting?
13 A I don't recall.
14 Q Do you remember Georgette Bradford being
15 there?
16 A I don't recall.
17 Q All three of those women are E-Committee
18 members right, in November of 2017?
19 A No.
20 Q Who was not on the E-Committee with those
21 three?
22 A Milka and Vicky are not on the executive
23 committee.
24 Q Did they attend?
25 A Yes.

139

1 Q Was there a woman named Availa there?
2 A I don't recall everyone that was there at that
3 meeting.
4 Q Who is Availa?
5 A Availa Rodriguez is an executive committee
6 member.
7 Q And she's a member not staff, right?
8 A Correct.
9 Q Did she make a statement about Mr. Hatcher at
10 that meeting?
11 A I don't recall.
12 Q Do you remember Estrella Sanchez also saying
13 at that meeting that she had reported Mr. Hatcher's
14 behavior previously and nothing had been done about it?
15 A No.
16 Q Do you remember her saying that she was afraid
17 she was going to be raped by him?
18 A I don't remember her language.
19 Q But she was in fear of a sexual behavior.
20 right? The complaint involved sexual behavior?
21 A Correct.
22 Q Do you remember Claudia Rodriguez being there?
23 A No, I don't recall whether or not she was
24 there.
25 Q Did you participate in the hiring of

140

1 A Uh-huh.
2 Q Yes?
3 A Yes.
4 Q So he controlled her day-to-day work when
5 he -- she was on loan to him?
6 A I wouldn't use the word "control," but he was
7 responsible for directing her work.
8 Q And he made work assignments for her, correct?
9 A Yes.
10 Q Did she ever report to you, either when she
11 was directly under your supervision or with Mr.
12 Bensaid, that she felt Dave Regan made inappropriate
13 comments about women?
14 A I don't recall a conversation of that nature.
15 Q Did she ever tell you that she had made a
16 comment about a woman and called her a fat bitch?
17 A I don't recall having that conversation with
18 her?
19 Q Did you ever hear Mr. Regan call anybody a fat
20 bitch?
21 A Not that I recall.
22 Q Did you ever hear him make inappropriate comments
23 about women?
24 A Yes.
25 Q What kind of comments would he make that were

145

1 Q Who was that directed at?
2 A Trump, employers, a number of different people
3 that are in our Union.
4 Q Did you ever hear him make comments about what
5 a woman was wearing?
6 A Yes.
7 Q What do you remember him saying about what a
8 woman was wearing?
9 A I recall him saying that's a nice shirt. I
10 don't remember who was it to. That's what occurs to me
11 right now.
12 Q Did you ever hear him make remarks about a
13 woman's breasts?
14 A No.
15 Q Did you ever hear him make remarks about a
16 woman's butt?
17 A Not that I recall at this time.
18 Q What about a woman's legs?
19 A Not that I recall at this time.
20 Q Were you ever with Dave Regan when you would
21 see him turn and watch a woman go by?
22 A Yes.
23 Q Did that happen frequently?
24 A When there were people in his line of sight
25 just like when men walked by.

147

1 inappropriate, in your opinion?
2 A Comment referring to people's weight.
3 Q Who did he make those comments about?
4 A Lisa Goud (phonetic).
5 Q Who is Lisa Goud?
6 A She was a staff person at another SEIU local.
7 Q What did he say about her?
8 A Something disparaging about her weight, I
9 don't recall.
10 Q Anybody else he made disparaging comments
11 about?
12 A Yes.
13 Q Who?
14 A I don't recall, but I heard him refer to
15 people as stupid which I would consider disparaging
16 remarks.
17 Q Any other disparaging remarks that you recall
18 Mr. Regan making?
19 A I have heard him make disparaging remarks
20 about people's intellect, I've heard him make
21 disparaging remarks about people's strategy. Those are
22 the ones I recall.
23 Q Did you ever -- the remark about people being
24 stupid, was that directed at staff?
25 A I don't recall that being a staff person.

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1 Q Did you ever see him turn and stare at a
2 woman -- an attractive woman go by and feel like he was
3 watching her because she's an attractive woman?
4 A I would then be speculating as to why he's
5 watching her.
6 Q Well, I've talked to number of people who have
7 relayed to me that he would do that frequently, that
8 is, turn from a conversation and watch an attractive
9 woman go by. Did you ever experience that?
10 A I did not.
11 Q Did Mr. Regan ever make any comments about
12 what you were wearing?
13 A Yes.
14 Q What kind of comments would he make?
15 A I just remember one comment about -- I just
16 remember one comment.
17 Q And what was the comment?
18 A It was in response to something that Mindy
19 said, and he said those jeans look fine on you or
20 something of that nature. I don't remember what it was
21 exactly.
22 Q It was in response to something Mindy said to
23 you?
24 A Uh-huh.
25 Q Yes?

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1 Q Is that Mr. Harland?
2 A Correct.
3 Q Do you socialize with Julie Lesbeth
4 (phonetic)?
5 A No.
6 Q Have you ever done anything outside of work
7 with her?
8 A Not that I recall.
9 Q Does she work in Los Angeles?
10 A No.
11 Q Where does she work?
12 A In Oakland.
13 Q Did you ever hear her make any negative
14 comments about Ms. Sturge?
15 A Not that I recall at this time.
16 Q Your relationship with
17 Ms. Sturge – well, strike that.
18 Did you ever ask Ms. Sturge to train other
19 people in the Union?
20 A Yes.
21 Q When did you do that?
22 A I don't recall. I don't think it's been just
23 once.
24 Q When was the last time you asked her to train
25 somebody?

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1 A I don't remember the last time I asked her to
2 do a training.
3 Q It's been years?
4 A No.
5 Q Did you ever see or hear her do anything that
6 you felt was against UHW policy?
7 A Can you repeat the question.
8 Q Did you ever see or hear her do anything that
9 you felt was against UHW policy?
10 A No.
11 Q Did you ever see or hear her doing anything
12 that you thought was inappropriate?
13 A Yes.
14 Q When?
15 A I don't recall the specifics.
16 Q What was the behavior?
17 A It was a member interaction, I don't remember
18 what it was. It was insignificant, it happens with
19 everybody, but I don't remember if there was anything.
20 Q Did you talk to her about it at the time?
21 A I don't recall if I spoke to her or I asked
22 her supervisor to speak to her.
23 Q Who was her supervisor at the time?
24 A I don't recall.
25 Q And you don't remember what the conduct was?

154

1 A No.
2 Q Was it more than a couple of years ago?
3 A I don't remember.
4 Q Do you remember where this conduct occurred?
5 A It was an executive board meeting.
6 Q Any other details you can give me about that
7 circumstance?
8 A Not that I can recall.
9 Q Did anyone ever come to you and say they
10 believed that Mindy Sturge was lying about being
11 assaulted by Marcus Hatcher?
12 A No.
13 Q Did you ever talk to Mr. Hatcher about his
14 behavior, either his drinking or behavior with women?
15 MR. HARLAND: Objection. Compound.
16 THE WITNESS: Can you clarify your question,
17 please.
18 BY MS. SUBBOTIN:
19 Q Sure. I'll break it down to make it easier.
20 Did you ever talk to Mr. Hatcher about his drinking?
21 A Yes.
22 Q On more than one occasion?
23 A I don't recall at this time.
24 Q When did you talk to him about his drinking?
25 A I don't remember exactly when it was, it's

155

1 been – it was before his termination.
2 Q Was it more than a month before his
3 termination?
4 A Yes.
5 Q More than two months before his termination?
6 A Yes.
7 Q Where were you when you talked to him about
8 his drinking?
9 A At a meeting, I don't recall which meeting.
10 Q Do you remember where?
11 A I remember in a hotel. I do not remember
12 which city.
13 Q What prompted you to talk to him about his
14 drinking?
15 A I saw him slurring his words.
16 Q Was this a meeting at which members were
17 present?
18 A No.
19 Q It was just staff meetings?
20 A Uh-huh.
21 Q Yes?
22 A I think so.
23 Q What did you talk to him about, what did you
24 say to him?
25 A I told him that I don't care what he does when

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1 he is not around the workpeople, but when he's around
2 workpeople it impacts his leadership, and it impacts
3 how people think of him when he's slurring his words.
4 Q Was he engaging in any other behavior besides
5 slurring his words, in other words, that you felt was
6 related to his drinking?
7 A No.
8 Q What did he say when you confronted him?
9 A He acknowledged.
10 Q He acknowledged what?
11 A He acknowledged what I said, and that he would
12 not do that.
13 Q Was that the first time you had seen him
14 drinking to the point where he was slurring his words?
15 A The first time I noticed it.
16 Q Did you notice it, or did someone else bring
17 it to your attention?
18 A I noticed it.
19 Q Were you concerned that his drinking would
20 negatively reflect on the Union?
21 A Yes.
22 Q Did you consider yourself to be his direct
23 supervisor when you?
24 A No.
25 Q Who was his director supervisor?

157

1 A Greg Pullman.
2 Q Did you discuss with Mr. Pullman the fact that
3 you had talked to Mr. Hatcher about his drinking?
4 A I don't recall at this time.
5 Q Was that the only time you talked to him about
6 his drinking?
7 A I don't recall at this time.
8 Q Did you ever talk to Mr. Hatcher about his
9 behavior with women?
10 A Not that I recall at this time.
11 Q Did you ever see him in a situation where you
12 felt he was being inappropriate with either members or
13 staff?
14 A No, I do not.
15 Q Mr. Hatcher testified that he was a close
16 confidant of David. Regan, do you agree with that
17 statement?
18 A I don't know.
19 Q Based on your observation, were they close?
20 MR. HARLAND: Calls for speculation.
21 THE WITNESS: I don't know.
22 BY MS. SUBBOTIN:
23 Q Did you ever see them together at meetings?
24 A Yes.
25 Q Talking together?

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1 A Yes.
2 Q Did they always -- did the two often sit
3 together at meetings?
4 A Not that I recall.
5 Q How would you describe the relationship
6 between Mr. Bensaid and Mr. Hatcher?
7 MR. HARLAND: Asked and answered. You can
8 answer.
9 THE WITNESS: Professional.
10 BY MS. SUBBOTIN:
11 Q Were they friends?
12 A I don't know.
13 Q Did Mr. Hatcher ever tell you that he and
14 Mr. Bensaid socialized outside of work?
15 A Yeah.
16 Q Did you ever see Mr. Regan when you felt like
17 he had too much to drink?
18 A Yes.
19 Q On more than one occasion?-
20 A Yes.
21 Q How many times did you see him where you felt
22 like he had too much to drink?
23 A Defining as too much to drink and slurring his
24 words, twice.
25 Q When were those incidents?

159

1 A I don't recall.
2 Q Were they UHW events?
3 A What do you mean by "UHW events"?
4 Q An event at which UHW members or staff were
5 present?
6 A Yes.
7 Q And what events were they at?
8 A I don't recall.
9 Q Were these some of the meetings that were
10 held?
11 A Could have been.
12 Q Did you talk to Mr. Regan and tell him that
13 you felt like he had too much to drink?
14 A Yes.
15 Q On both times?
16 A Yes.
17 Q What did he respond?
18 A I don't recall.
19 Q Did he get upset with you?
20 A No.
21 Q Did you ever see Mr. Bensaid when you thought
22 he had too much to drink?
23 A Defining "too much to drink" as slurring his
24 words, no.
25 Q Are you aware of any complaints against Carlos

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1 recall Mindy telling me about messages.
 2 Q When did she tell you about the messages?
 3 A I don't remember at this time.
 4 Q What did she tell you?
 5 A That she had received them and she was
 6 extremely upset by them, and that it was unfair.
 7 Q Did she tell you what was in the messages?
 8 A No.
 9 Q Did she tell you that she held the Union
 10 responsible for the messages?
 11 A I don't remember her saying that.
 12 Q Did you learn that she'd also received a
 13 threatening anonymous phone call?
 14 A I don't recall at this time.
 15 Q Did Mr. Bensaid ever tell you that he knew he
 16 was part of the investigation into Mindy Sturge's
 17 complaint?
 18 A I don't recall him telling me that he was part
 19 of the investigation.
 20 Q Did you know that Mr. Bensaid had been
 21 interviewed as part of the investigation?
 22 A I did.
 23 Q Did you know that at the time he was being
 24 interviewed?
 25 A No.

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1 Q When did you find out he was part of the
 2 investigation?
 3 A I don't recall.
 4 Q Did Ariana Jimenez ever complain to you about
 5 Dave Regan's comments?
 6 A Yes.
 7 Q And what did she say about it?
 8 A That she found him to be abusive and a bully.
 9 Q When did she complain to you about him?
 10 A I don't recall.
 11 Q Did she tell you why she thought he was
 12 abusive?
 13 A Yes.
 14 Q What did she say?
 15 A The way that she talked -- the way that he
 16 talked to her.
 17 Q Did she give you any specifics?
 18 A I remember that she gave me specifics. I
 19 don't recall what they are at this time.
 20 Q Did she -- what did she say about him being a
 21 bully?
 22 A That she felt like he was bullying.
 23 Q Did she give you examples of that?
 24 A I am pretty sure she did. I don't recall what
 25 they are at this time.

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1 Q Did she ever tell you that she thought he was
 2 sexist?
 3 A Yes.
 4 Q What's your definition of sexist?
 5 A Someone who would discriminate on the basis of
 6 gender.
 7 Q Did she ever tell you that he had done or said
 8 something inappropriate to her?
 9 A Yes.
 10 Q What did she say?
 11 A Again, I think she gave me specifics, and I
 12 don't recall what they are.
 13 Q Did you ever talk to Dave Regan about what she
 14 had told you?
 15 A I don't think so.
 16 Q Did any of the other women directors tell you
 17 that they thought Dave Regan was sexist?
 18 A Not that I recall at this time.
 19 Q When you had these conversations with
 20 Ms. Jimenez, was it before she went on leave in 2017?
 21 A Yes.
 22 Q She was a director at the time?
 23 A Correct.
 24 Q Did you work directly with her?
 25 A What do you mean by "directly"?

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1 Q Well, she worked in L.A., right?
 2 A Correct.
 3 Q Does she have an office in your building?
 4 A Yes.
 5 Q Did you interact with her frequently?
 6 A Can you define "frequently."
 7 Q Sure. Do you work with her on any Union
 8 business?
 9 A Yes.
 10 Q What did you work together on?
 11 A The political reports for executive committee
 12 meetings, political reports for executive board
 13 meetings, campaigns.
 14 Q And how long were you two -- how long did you
 15 two work together, how long were they there?
 16 A I don't remember.
 17 Q She came after you?
 18 A Correct.
 19 Q Did any of your male coworkers ever tell you
 20 that they thought Dave Regan was sexist?
 21 A I don't recall hearing that at this time.
 22 Q Do you believe he's sexist?
 23 A No.
 24 MS. SUBBOTIN: Exhibit 15 is two pages, P97
 25 and 98.

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REPORTER'S CERTIFICATION

I, Michelle Somers, Certified Shorthand
Reporter in and for the State of California, do hereby
certify:

That the foregoing witness was by me duly
sworn; that the deposition was then taken before me at
the time and place herein set forth; that the testimony
and proceedings were reported stenographically by me
and later transcribed into typewriting under my
direction; that the foregoing is a true record of the
testimony and proceedings at that time.

IN WITNESS WHEREOF, I have subscribed my name
on this date: March 8, 2019.

Michelle Somers, CSR No. 13674

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EXHIBIT G

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
)
 Plaintiff,)
)
 v.) Case No. RG18905355
)
 SEIU UNITED HEALTHCARE)
 WORKERS WEST, MARCUS)
 HATCHER, and DOES 1-10,)
)
 Defendants.)

DEPOSITION OF KEISHA STEWART
 FRIDAY, FEBRUARY 22, 2019, 9:56 A.M.
 SHERMAN OAKS, CALIFORNIA

Reported By Susan Marie Boggs, CSR 5170, RPR
 CLS Job No. 95821

CENTEXTLEGAL.COM - 855.CENTEXT

APPEARANCES:

For Plaintiff:

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Also Present:

MINDY STURGE
 (Appearing Telephonically)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
)
 Plaintiff,)
)
 v.) Case No. RG18905355
)
 SEIU UNITED HEALTHCARE)
 WORKERS WEST, MARCUS)
 HATCHER, and DOES 1-10,)
)
 Defendants.)

DEPOSITION OF KEISHA STEWART, taken at
 15260 Ventura Boulevard, Sherman Oaks, California, on
 Friday, February 22, 2019, at 9:56 A.M., before Susan
 Marie Boggs, Certified Shorthand Reporter, in and for
 the State of California.

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WITNESS: Keisha Stewart

EXAMINATION
 By Ms. Subbotin

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Exhibit 2 Anti-Harassment Policy	54

1 questions, please show it to her.

2 MS. SUBBOTIN: I have no obligation to show a
3 document to the witness.

4 MR. HARLAND: You certainly do.

5 MS. SUBBOTIN: No, I don't.

6 MR. HARLAND: Okay.

7 BY MS. SUBBOTIN:

8 Q Were you aware that the constitution and bylaws
9 state that there should be four ethics officers, one
10 elected from each division? Were you aware of that?

11 MR. HARLAND: Answer even though you don't have the
12 document. Do your best.

13 THE WITNESS: Not that I'm aware of.

14 BY MS. SUBBOTIN:

15 Q How many divisions are there at UHW at present?

16 A Two.

17 Q What are those two divisions?

18 A The Kaiser division and the hospital division.

19 Q Is ODD a division?

20 A No.

21 Q Is Ms. Alvarez part of the hospital division?

22 A Yes.

23 Q So at present there is no ethics officer for
24 the Kaiser division; correct?

25 A Yes.

41

1 Q Was the posting that you saw the one that
2 talked about Mindy Sturge's being fired by the union?

3 A Yes.

4 Q And what did you discuss with Miss Rodriguez
5 about that -- about the posting?

6 A I can't recall the specific details.

7 Q Can you give me generally what you two
8 discussed?

9 A "Did you see this on the blog?"

10 I said, "No. Let me go read it."

11 And then it was like "Wow."

12 Q At that point in time did you know whether
13 Mindy Sturge had been fired?

14 A I did not.

15 Q So it raised a question in your mind as to
16 whether or not she had been fired?

17 MR. HARLAND: Objection. Misstates her testimony.

18 BY MS. SUBBOTIN:

19 Q Did you wonder whether she had been fired?

20 A Yes.

21 Q Is that what you and Miss Rodriguez discussed?

22 A Yes.

23 Q Did you discuss that with anybody else at UHW?

24 A Not that I could recall at this time.

25 Q Did you make any phone calls to find out

43

1 Q Have you ever read the publication called Stern
2 Burger with Fries?

3 A Yes.

4 Q When did you first read the publication Stern
5 Burger with Fries?

6 A 2009.

7 Q Have you read it since then?

8 A Yes.

9 Q Do you read it on a regular basis?

10 A No.

11 Q Have you ever discussed anything that appeared
12 on Stern Burger with Fries with anyone at UHW?

13 A Yes.

14 Q Is it fair to say that people talk about what's
15 posted on Stern Burger with Fries at work?

16 MR. HARLAND: Objection. Calls for speculation.

17 THE WITNESS: I don't know.

18 BY MS. SUBBOTIN:

19 Q But you've spoken to coworkers about postings
20 that appeared on Stern Burger with Fries; right?

21 A I've spoken to one coworker.

22 Q Who?

23 A Claudia Rodriguez.

24 Q And which posting did you discuss with her?

25 A The lawsuit.

42

1 whether Miss Sturge had been fired?

2 A No, I did not.

3 Q Did you talk to anybody outside of UHW about
4 that posting?

5 A No.

6 Q Did you ever read any other online publications
7 that talked about Marcus Hatcher's termination?

8 A No.

9 Q Have you ever read Payday Report?

10 A Not that I could recall.

11 Q Did anyone ever tell you that there were other
12 publications online talking about Mr. Hatcher's
13 termination?

14 A No.

15 Q Did anyone ever tell you that Miss Sturge had
16 received anonymous messages after Mr. Hatcher was fired?

17 A No.

18 Q Did anyone ever tell you that Miss Sturge had
19 received a threatening phone call after Mr. Hatcher was
20 fired?

21 A No.

22 Q Do you, in your position as ethics liaison,
23 provide training to other UHW employees on ethics?

24 A Yes.

25 Q Okay. And what kind of training do you

44

1 provide?
 2 A An online-guided multiple choice questionnaire
 3 regarding the code and the ethics policy.
 4 Q Did you put together that online training?
 5 A No.
 6 Q Did that come from the International?
 7 A Yes.
 8 Q Do you provide that training when you onboard
 9 employees?
 10 A Yes.
 11 Q And that's part of your job now -- correct? --
 12 onboarding employees?
 13 A Yes.
 14 Q What else do you do for new employees besides
 15 provide this training?
 16 A Do trainings.
 17 Q What type of trainings?
 18 A New staff training.
 19 Q And what type of training do you provide to
 20 these new staff members?
 21 A It's not all staff members. It's the field
 22 staff that works in the Kaiser division and the hospital
 23 division, and so the trainings include building
 24 relationships, how to have effective conversation,
 25 building leadership teams, working with your executive

45

1 board, organizing one on one, doing list work.
 2 Q Anything else?
 3 A I shadow them in the field and give them
 4 in-time feedback.
 5 Q Do you do this statewide?
 6 A Yes.
 7 Q Does any of the training you provide to new
 8 staff involve training on the anti-harassment policy?
 9 A No.
 10 Q Does any of the training involve discussion of
 11 the alcohol and drug use policy?
 12 A No.
 13 Q Have you ever had to investigate an ethics
 14 violation since you were ethics liaison at UHW?
 15 A Yes.
 16 Q On more than one occasion?
 17 A Yes.
 18 Q What types of ethics violations have you
 19 investigated?
 20 A If someone misused dues.
 21 Q When was the most recent investigation that you
 22 performed?
 23 A It's been a while.
 24 Q More than five years?
 25 A Yes.

46

1 Q More than -- I guess it wouldn't be more than
 2 ten years. More than five years.
 3 And can you describe what kind of conduct was
 4 involved in your most recent investigation?
 5 A It had to do with somebody renting a car that
 6 wasn't supposed to be renting a car.
 7 Q And you did the investigation of that?
 8 A Yes.
 9 Q Did you discipline the employee?
 10 A It was actually a member.
 11 Q Did you take any action as a result of your
 12 investigation?
 13 A They ended up quitting.
 14 Q What role were they performing that led to this
 15 car rental? In other words, there was UHW money;
 16 correct?
 17 A Yes.
 18 Q So they were doing -- engaged in some activity
 19 on behalf of UHW; correct?
 20 A Yes.
 21 Q Did you find that they had misused member dues?
 22 A Yes.
 23 Q What did they quit from?
 24 A Being a part of the member leadership body.
 25 Q Misuse of member dues is a serious accusation;

47

1 correct?
 2 A Yes.
 3 Q And it would be a violation of the code of
 4 ethics?
 5 A Yes.
 6 Q Do you equate it with stealing?
 7 A Yes.
 8 Q Has anyone ever made a complaint to you
 9 regarding Mindy Sturge misusing member dues?
 10 A No.
 11 Q Are you aware of any instance in which you felt
 12 she had misused member dues?
 13 A I'm not aware.
 14 Q Has anyone ever made a complaint to you
 15 regarding Mr. Bensaid misusing member dues?
 16 A No.
 17 Q You're not aware of any such complaint?
 18 A I'm not aware.
 19 Q Same question for Marcus Hatcher. Are you
 20 aware of any complaint by anyone that Mr. Hatcher had
 21 misused member dues?
 22 A I'm not aware.
 23 Q And if such a thing had come -- been -- if such
 24 a claim had been made, it should come to you for
 25 investigation?

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1 A Just what it says — that if I'm reporting
2 something regarding harassment, I won't be retaliated
3 against.
4 Q And my question is what is your understanding
5 of what constitutes retaliation?
6 MR. HARLAND: Objection. Asked and answered.
7 THE WITNESS: Retaliation — like something that's
8 going to happen against me because I have brought
9 something forward.
10 BY MS. SUBBOTIN:
11 Q In your understanding of what retaliation means
12 under this policy, can it include shunning somebody in
13 the workplace for making a complaint?
14 A I don't know.
15 Q Can it include yelling at somebody after they
16 made a complaint?
17 A I don't know.
18 Q Could it include calling somebody a name — a
19 derogatory name because they made a complaint?
20 A Yeah. I don't know.
21 Q Are you aware of any place in UHW's written
22 policies, be it the personnel manual or any other
23 policy, where retaliation is defined for the employee?
24 A I'm not aware of that.
25 Q I'm going to show you a document I just

57

1 A At an E-board meeting.
2 Q When was this?
3 A I can't recall the specific dates.
4 Q Within the last two years?
5 A Yes.
6 Q Where was the event?
7 A I can't recall at this time.
8 Q That's the only time you remember seeing him
9 under the influence of alcohol?
10 A Yes.
11 Q And what was he doing that led you to believe
12 he was under the influence of alcohol?
13 A Drinking alcohol.
14 Q And what made you think he was under the
15 influence of the alcohol? Was there some behavior he
16 was exhibiting?
17 A Your question was vague. He was drinking. I
18 saw him drinking so —
19 Q Did you see him under the influence of alcohol?
20 MR. HARLAND: Objection. Asked and answered.
21 THE WITNESS: I don't know what you mean by "under
22 the influence." He was drinking alcohol so —
23 BY MS. SUBBOTIN:
24 Q You've seen him drink alcohol more than once,
25 have you not?

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1 received this morning, Stewart 004, and ask you if
2 that's your signature at the bottom.
3 A Yes, it is.
4 Q When did you sign this?
5 A July 28, 2009.
6 Q Did you ever observe any UHW employee under the
7 influence of alcohol during working hours?
8 A Yes.
9 Q Who?
10 A Marcus Hatcher.
11 Q Anyone else?
12 A Not that I can recall at this time.
13 Q Yesterday Miss Siltan testified that she saw
14 Mr. Regan slurring his words at a union event.
15 Have you ever seen Mr. Regan under the
16 influence of alcohol at a union event?
17 A What was your question?
18 Q Have you ever seen Mr. Regan under the
19 influence of alcohol at a union event?
20 A Yes.
21 Q On more than one occasion?
22 A Not that I can recall at this time.
23 Q When was that occasion that you recall?
24 A At a party.
25 Q When?

58

1 A I have.
2 Q What was it about this particular incident that
3 made you respond that, yes, you had seen him under the
4 influence of alcohol?
5 A I've seen him drinking alcohol.
6 Q Okay. You've seen him drinking alcohol many
7 times; right?
8 A No.
9 Q You've only seen him drink alcohol once at a
10 union meeting?
11 MR. HARLAND: Objection.
12 THE WITNESS: No.
13 MR. HARLAND: Objection. Misstates her testimony.
14 BY MS. SUBBOTIN:
15 Q Have you seen him in a situation where he was
16 drinking alcohol and he was under the influence of
17 alcohol?
18 MR. HARLAND: Objection. Asked and answered and
19 vague in terms of what you mean by "under the
20 influence."
21 BY MS. SUBBOTIN:
22 Q Well, what did you mean by "yes" when you
23 answered that question originally?
24 A I seen him drinking alcohol.
25 Q But you identified only one time that you saw

60

1 this -- correct? -- when he was drinking alcohol?
 2 A No.
 3 Q Okay. You mentioned one incident at a party at
 4 an E-board meeting. What was it about that incident
 5 that made you respond that you had seen him under the
 6 influence of alcohol?
 7 A I seen him drinking alcohol.
 8 Q Did you ever see him slurring his words?
 9 A I can't recall that at this time.
 10 Q Did you ever see him engage in any behavior
 11 that led you to believe that he had had too much to
 12 drink?
 13 A I can't recall at this time.
 14 Q You testified a few minutes ago that you had
 15 seen Marcus Hatcher under the influence of alcohol.
 16 When did you see him under the influence of
 17 alcohol?
 18 A At an E-board meeting.
 19 Q When was that?
 20 A Probably 2017.
 21 Q Where was it?
 22 A At the party.
 23 Q Where geographically was it? In other words,
 24 was it in Southern California? Was it in Northern
 25 California? Do you remember what city it was in?

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1 A Both Northern and Southern California.
 2 Q ~~So you've seen him under the influence of~~
 3 ~~alcohol more than once?~~
 4 A Yes.
 5 Q How many times have you observed him under the
 6 influence of alcohol at a union-related event?
 7 A I can't recall the exact number.
 8 Q More than five times?
 9 A More than two.
 10 Q More than five times?
 11 A I can't recall at this time.
 12 Q And these were at union-related events?
 13 A Yes.
 14 Q What behavior did you observe in him that led
 15 you to believe he was under the influence of alcohol?
 16 A I've seen him be louder than usual.
 17 Q Any other behavior?
 18 A A little wild.
 19 Q What do you mean by "a little wild"?
 20 A It's at a party. So people could get -- I've
 21 seen him get like a little wild dancing.
 22 Q This --
 23 A And --
 24 Q Go ahead.
 25 A And like talking loud.

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1 Q Did this happen more than once?
 2 MR. HARLAND: I'm sorry. Objection. Vague and
 3 confusing. I don't know what you're referring to. The
 4 wild or the loud or both?
 5 MS. SUBBOTIN: That's what's called a speaking
 6 objection.
 7 MR. HARLAND: No. I'm explaining to you what I
 8 think is confusing.
 9 MS. SUBBOTIN: "Objection. Vague."
 10 Q Can you answer the question?
 11 A What's your question?
 12 Q What do you mean by "a little wild"?
 13 MR. HARLAND: That's a different question.
 14 MS. SUBBOTIN: Thank you, Counsel.
 15 MR. HARLAND: It was a better question too.
 16 MS. SUBBOTIN: Thank you so much.
 17 THE WITNESS: A little wild is I don't know how to
 18 kind of describe it. You've got to be there to see it.
 19 In terms of if he -- if you're normally quiet and then
 20 now you're not quiet.
 21 BY MS. SUBBOTIN:
 22 Q What was he doing physically?
 23 A Dancing.
 24 Q Wildly dancing?
 25 A Uh-huh.

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1 Q "Yes"?
 2 A Yes.
 3 Q Did anyone come up to you when these events
 4 happened and he was wildly dancing and complain to you
 5 about his behavior?
 6 A No.
 7 Q Were these at events where other staff were
 8 present?
 9 A Yes.
 10 Q Including other managers?
 11 A Yes.
 12 Q And members were present?
 13 A Yes.
 14 Q Any other behavior that he exhibited that led
 15 you to believe that he was under the influence of
 16 alcohol?
 17 A Not that I can recall at this time.
 18 Q Do you recall an incident in 2017 where Mindy
 19 Sturge came up and -- to you and Claudia Rodriguez to
 20 express concern about Mr. Hatcher's behavior?
 21 A No.
 22 Q Do you recall being at a board meeting at a
 23 Marriott in Burbank in 2017?
 24 A Yes.
 25 Q Was this one of the incidents where you saw

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1 A I had the training. I can't recall if it was
 2 July.
 3 Q And you understand what upstander refers to?
 4 A Yes.
 5 Q Do you know who wrote the next text, "I think
 6 they cannot fire her because she is suing UHW. Can
 7 Marcus go to jail?"
 8 A That's Claudia.
 9 Q And then "LOL" -- is that you?
 10 A Uh-huh. Yes.
 11 Q And then it says, "I thought it said she was
 12 fired."
 13 So that's a reference to something in the blog;
 14 correct?
 15 A Yes.
 16 Q And you thought that Mindy Sturge had been
 17 fired at that point?
 18 MR. HARLAND: Objection. Misstates her testimony.
 19 The document speaks for itself.
 20 Go ahead. You can answer.
 21 THE WITNESS: Yeah, from what the blog said. I
 22 didn't know one way or the other.
 23 BY MS. SUBBOTIN:
 24 Q Okay.
 25 A I'm just referring to the blog.

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1 Q And then it says, "I think he could. Battery."
 2 And are you referring to go to jail?
 3 A Yes.
 4 Q And "Wow" is also you; right?
 5 A Yes.
 6 Q And then is this you or is this Claudia -- "Was
 7 that when y'all was in Seattle?"
 8 A That's me.
 9 Q And what are you referring to when you say "Was
 10 that"? Are you referring to --
 11 A The incident in the blog.
 12 Q The next page that was produced this morning
 13 doesn't have a date on it.
 14 Do you know if this is just a continuation of
 15 the same conversation, or was this a new conversation?
 16 A It's all one conversation.
 17 Q The first text up here, I don't understand
 18 what's being said here. Is it yours?
 19 A No.
 20 Q Or is it hers?
 21 Do you understand what she was saying there?
 22 A They were in Seattle in August.
 23 Q So you're trying -- I apologize. I misspoke.
 24 The first text is above that.
 25 So who wrote "What about Dave though"?

90

1 A I did.
 2 Q And why were you asking that question?
 3 A The next entry explains it.
 4 Q And that's Claudia?
 5 A No. This here (indicating).
 6 Q "He was mentioned too for misconduct," question
 7 mark, question mark.
 8 So that's a reference to the blog?
 9 A Yes.
 10 Q And who wrote "She wants compensation"?
 11 A Looks like I did.
 12 Q And who wrote the four dollar signs?
 13 A I did, as well.
 14 Q Why did you write four dollar signs?
 15 Can you answer the question?
 16 A No, I cannot.
 17 Q You don't remember why you wrote it?
 18 A I do not.
 19 Q Did you think she was out just for money?
 20 A I didn't know exactly.
 21 Q As you sit here today, do you think this is
 22 just a lawsuit about money?
 23 A I don't know.
 24 Q So who wrote the next one, "Yes. This is
 25 really alarming"?

91

1 Is that Claudia or you?
 2 A That's Claudia.
 3 Q "Of course, millions probably."
 4 That's a reference to the compensation that she
 5 supposedly wants?
 6 A Yes.
 7 Q And then there's a statement "That is why she
 8 keeps acting up."
 9 That's Claudia as well; right?
 10 A Yes.
 11 Q And then is this your response or hers?
 12 A That's Claudia.
 13 Q Do you know if you were at work when you were
 14 having this exchange with Miss Krause?
 15 A I can't recall.
 16 Q Who wrote "So she can buy a house in Hawaii"
 17 and then continuing through this text on Stewart 009?
 18 Is that you or Claudia?
 19 A Claudia.
 20 Q And this next text that starts with "Right" --
 21 is that you?
 22 A Yes.
 23 Q So you believe that Mindy Sturge loved to be
 24 always hanging around with the male leadership?
 25 A I did not write that.

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1 Q What were you saying "right" to?
 2 A I don't know.
 3 Q Then you wrote "No one should be assaulted."
 4 You agree with that, don't you?
 5 A Yes.
 6 Q "But remember how protective she was of him at
 7 that one meeting and how close they were."
 8 What meeting are you referring to?
 9 A That one meeting.
 10 Q Do you remember which one you're referring to?
 11 A I believe the meeting in Burbank.
 12 Q And when you say "She was protective of him,"
 13 are you referring to Mr. Hatcher?
 14 A Yes.
 15 Q And how was she protective of Mr. Hatcher?
 16 A Her actions.
 17 Q And what were the actions that led you to
 18 believe that she was protective of him?
 19 A She was close to him.
 20 Q Was this at the time when he was -- had
 21 exhibited signs of having too much to drink?
 22 A Yes.
 23 Q Did you believe that she had been close to
 24 Marcus Hatcher?
 25 A That's what I observed.

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1 Q And he was her direct supervisor; correct?
 2 MR. HARLAND: Objection. Calls for speculation.
 3 THE WITNESS: Not that I'm aware of.
 4 BY MS. SUBBOTIN:
 5 Q He was a supervisor in her division; correct?
 6 A Yes.
 7 Q And he was above her; correct?
 8 A Yes, sir.
 9 Q So this is Claudia again in Burbank; correct?
 10 A Yes.
 11 Q Moving on to 010. This first text is from
 12 Claudia?
 13 A Yes.
 14 Q What's the reference to "When Ton was fired"?
 15 Who's that?
 16 A Another employee.
 17 Q Who was Ton?
 18 A That wasn't his name. I can't remember what
 19 his name was.
 20 Q Is that you when you say "yes"?
 21 A Yes.
 22 Q So at the time you wrote this, you understood
 23 who she was referring to; correct?
 24 A Yes.
 25 Q Who wrote "I just pray she is honest"?

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1 A I did.
 2 Q And who wrote "Maybe she had a plan all along
 3 to use this fool with huge ego and saw the opportunity"?
 4 Is that Claudia?
 5 A Yes.
 6 Q Who is the fool with the huge ego she's
 7 referring to?
 8 A Marcus.
 9 Q Did you agree with her description of
 10 Mr. Hatcher -- that he was a fool with a huge ego?
 11 A I didn't agree or disagree.
 12 Q And you wrote "Maybe"?
 13 A Yes.
 14 Q And this last text on 010, is that Claudia?
 15 A Yes.
 16 Q There's a reference to -- she also mentions a
 17 manager that didn't do anything. Do you know who she
 18 was referring to?
 19 A It continues. I responded "Greg probably," but
 20 I didn't know.
 21 Q Why did you guess that the manager she was
 22 referring to was Greg?
 23 A He's a chief of staff.
 24 Q That's the only reason why you guessed that she
 25 was referring to Greg?

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1 A Yes.
 2 Q Because he has the ultimate authority to do
 3 something about Mr. Hatcher?
 4 A Yes.
 5 Q Then this next text, "But she says that the
 6 manager didn't do anything."
 7 That's Claudia?
 8 A Yes.
 9 Q Did you have a conversation with Claudia later
 10 about who might be referred to in that statement about a
 11 manager that didn't do anything?
 12 A No. We didn't talk about it anymore after this
 13 exchange.
 14 Q Is this your text, "At first"?
 15 A Yes.
 16 Q "Somehow it was reported and advised and he was
 17 let go."
 18 That's yours?
 19 A Yes.
 20 Q And then it goes on, "Mimi Kebede" -- let's go
 21 to the next page because it was cut off. This is
 22 Stewart 012, also produced this morning.
 23 "Mimi Kebede saw this yesterday in the blog and
 24 told me." Who is Mimi Kebede?
 25 A She is the union organizer, but at the time

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1 A Indirectly, yes.
 2 Q Did you ever discipline her?
 3 A No.
 4 Q Did you have any problems working with her?
 5 A No.
 6 Q Did you ever believe that she was not truthful?
 7 A In what regard?
 8 Q Did you ever catch her in a situation where you
 9 thought she wasn't being truthful?
 10 A Yes.
 11 Q And what was that?
 12 A As part of onboarding, you have to go out and
 13 spend field time with the staff and do a report. And I
 14 didn't think that she was spending as much time in the
 15 field with the staff that was being reported.
 16 Q Did you talk to her about that?
 17 A I talked to Triana about it.
 18 Q Did you talk to Miss Santilla about it?
 19 A I did not.
 20 Q Why not?
 21 A Because Triana is her direct supervisor. So I
 22 talked to her supervisor about it.
 23 Q But she was doing onboarding on behalf of you;
 24 right? She was working under you?
 25 A We were working together.

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1 Q Did you get along with her okay?
 2 A Yes.
 3 Q Have you communicated with her since she left
 4 UHW?
 5 A I have not.
 6 Q Are you aware of any rumors of Mr. Regan
 7 sleeping around with staff or members?
 8 A Yes.
 9 Q What have you heard in that regard?
 10 A It was rumored that he slept with a member when
 11 he was back in Ohio.
 12 Q Where did you hear that rumor?
 13 A Around the office.
 14 Q From whom?
 15 A I can't recall specifically.
 16 Q If a staff member had a relationship with --
 17 strike that.
 18 If a staff person had a relationship with a
 19 member, would that be a violation of the ethics policy?
 20 A No.
 21 Q Would it be a violation of the
 22 anti-fraternization policy?
 23 A Yeah. Like I asked you earlier, I would have
 24 to look at it. Because I can't recall specifically. I
 25 don't have it to memory what that policy is. I would

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1 have to look at it. I don't know.
 2 Q You don't know one way or the other?
 3 A If that is in that policy, I would have to have
 4 something to refresh my memory.
 5 Q Would it be a violation of the anti-harassment
 6 policy?
 7 A I don't recall seeing that in the harassment
 8 policy.
 9 Q If a staff member had a relationship -- strike
 10 that.
 11 If a UHW employee had a relationship with a
 12 member and got that member pregnant, would that be a
 13 violation of the ethics policy?
 14 MR. HARLAND: Objection. Calls for speculation and
 15 legal conclusion.
 16 THE WITNESS: The ethics policy, no.
 17 BY MS. SUBBOTIN:
 18 Q Would it be a violation of the code of conduct?
 19 MR. HARLAND: Objection. Vague as to what you mean
 20 by "the code of conduct."
 21 THE WITNESS: Yeah. I don't know what the code of
 22 conduct is.
 23 BY MS. SUBBOTIN:
 24 Q Would it be a violation of the
 25 anti-fraternization policy?

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1 A I would have to refresh my memory about what's
 2 in that policy.
 3 Q Are you aware of any policy at UHW that would
 4 be violated by that scenario?
 5 A I'm not aware that that language as how you
 6 stated it is in a UHW policy. I recall reading
 7 something that says relationships with members are not
 8 recommended or strongly against it. But not like you
 9 can't not do it. But that UHW strongly -- you shouldn't
 10 do it.
 11 Q I'm going to ask you a couple names of people.
 12 You mentioned Kathy Ochoa. What was her job at UHW?
 13 A She was the assistant to the president, I
 14 believe.
 15 Q When you say "president," you're talking about
 16 Dave; right? Dave Regan?
 17 A Dave Regan.
 18 Q When did she leave?
 19 A I can't recall the exact time.
 20 Q Have you had any interactions with her since
 21 she left UHW?
 22 A Yes.
 23 Q When have you interacted with her?
 24 A I want to say probably about a month ago.
 25 Q And what -- what brought that about?

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ERRATA SHEET

Printed Name _____ Date _____

Signature _____

Page/Line	Correction	Reason
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REPORTER'S CERTIFICATION

I, Susan Marie Boggs, Certified Shorthand
Reporter, License No. 5170, RPR, do hereby certify:

That the foregoing witness was by me duly
sworn; that the deposition was then taken before me at
the time and place herein set forth; that the testimony
and proceedings were reported stenographically by me and
later transcribed into typewriting under my direction;
that the foregoing is a true record of the testimony and
proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name
on this date: March 8, 2018

Susan Marie Boggs, CSR No. 5170, RPR

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EXHIBIT H

Page 1

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 COUNTY OF ALAMEDA
 3
 4
 5 MINDY STURGE,
 6 Plaintiff,
 7 No. RG 18905355
 8 vs.
 9
 10 SEIU UNITED HEALTHCARE WORKERS WEST,
 11 MARCUS HATCHER, and DOES 1 through 10,
 12 Defendants.
 13
 14 DEPOSITION OF
 15 SOPHI HAK
 16 1939 Harrison Street
 17 Oakland, California
 18 February 4, 2019
 19 9:39 a.m.
 20
 21
 22
 23
 24 Reported By:
 Jean M. Ferrario, CSR No. 5655
 25 Job No. 10051431

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1 INDEX OF EXAMINATION
 2
 3
 4 WITNESS: Sophi Hak
 5
 6 EXAMINATION PAGE
 7 MS. SUBBOTIN 6
 8 * * *
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Page 2

1 A P P E A R A N C E S
 2
 3
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 (213) 687-8080
 18 Nstahl@burnsattorneys.com
 (Mr. Stahl appeared via telephone)
 19
 20 ALSO PRESENT VIA TELEPHONE: Mindy Sturge
 21
 22 --oOo--
 23
 24
 25

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1 INDEX TO EXHIBITS
 2
 3
 4 DEPOSITION EXHIBITS PAGE
 5 EXHIBIT 1 Notice of Deposition of Sophi 9
 Hak
 6 EXHIBIT 2 Resume of Sophideth Hak 13
 7 EXHIBIT 3 Job Description for Human 30
 Resource Specialist, Bates
 HAK 014-016
 8 EXHIBIT 4 Reference Check - Organizers, 54
 Bates SEUHW 001176
 9
 10 EXHIBIT 5 Anti-Harassment Policy, Bates 66
 SEUHW 000128, 127, 117, 116
 11 EXHIBIT 6 Verification dated January 8, 92
 2019
 12
 13 EXHIBIT 7 Policy Regarding the Use of 93
 Alcohol and/or Controlled
 Substances, Bates SEUHW 000129
 14
 15 EXHIBIT 8 Harassment/Discrimination 104
 Complaint Form, Bates SEUHW
 000249
 16
 17 EXHIBIT 9 E-Mail dated June 18, 2015 107
 from Escamilla to Hak with
 copy of driver's license
 18 attached, Bates SEUHW
 001154-55
 19
 20 EXHIBIT 10 Letter dated October 18, 2016 113
 and E-Mail Thread re
 Extension of Leave, Bates
 21 SEUHW 000026-29
 22 EXHIBIT 11 E-Mail dated November 29, 120
 2016 from Pullman to
 Sacramento with PAF attached,
 23 Bates SEUHW 000023, 22, 20
 24
 25 EXHIBIT 12 E-Mail dated January 17, 2019 132

EXHIBIT # Page 1 of 4

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1 MS. LOPEZ: Objection, question is vague, you
 2 can answer if you understand it.
 3 THE WITNESS: Can you repeat the question?
 4 MS. SUBBOTIN: Sure.
 5 Q. As a membership associate, were you part of
 6 the human resources department?
 7 A. No.
 8 Q. What was your next position after
 9 membership associate?
 10 A. I was the membership associate lead.
 11 Q. For how long?
 12 A. I don't remember the time frame.
 13 Q. Can you give me a ballpark?
 14 A. Less than a year.
 15 Q. And after that what was your position?
 16 A. The HR assistant.
 17 Q. Do you remember when you became an HR
 18 assistant?
 19 A. Don't remember the exact date but I know it
 20 was around two years after I was in the membership
 21 department. After two years from being the
 22 membership associate and lead together.
 23 Q. So sometime in 2010?
 24 A. 2009, 9 or 10, yeah.
 25 Q. Okay, thanks. What was your job as HR

Page 19

1 Q. Right?
 2 A. Around that, yes.
 3 Q. Did you continue to report to Mary
 4 Sacramento?
 5 A. Yes, I did.
 6 Q. Who took your position as HR assistant?
 7 A. Like I said, I just changed the job title,
 8 there is not, we didn't open that up.
 9 Q. Was there a difference between your job as
 10 HR assistant versus HR specialist?
 11 A. Yes, I was hourly, then became exempt.
 12 Q. But in terms of job duties or
 13 responsibilities, what is the difference between
 14 those two positions?
 15 A. Basically I have to do more of the
 16 technical part of the running reports, maintaining
 17 our HR system, Salesforce system, updating it.
 18 Q. So that was a promotion?
 19 A. Yes.
 20 Q. Including an increase in pay?
 21 A. Yes.
 22 Q. Is that the same position you hold now?
 23 A. Yes.
 24 Q. Do any employees report directly to you?
 25 A. No.

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1 assistant?
 2 A. Process all the new hire documents, the
 3 benefit forms. Testing for the job position that we
 4 have.
 5 Q. What do you mean by testing?
 6 A. So certain job require you to come in, for
 7 the candidate to come in for testing.
 8 For example, if you are applying for
 9 administrative assistant you would have to test for
 10 Excel, Word, see that you pass those tests. So I
 11 would be the one administering it.
 12 Q. Who did you report to as HR assistant?
 13 A. Mary Sacramento.
 14 Q. How long did you have this position?
 15 A. Couple of years, I don't remember the date,
 16 I know it was a couple of years.
 17 Q. What was your next position?
 18 A. HR specialist.
 19 Q. So could you estimate for me when you were
 20 -- that was a promotion I take it?
 21 A. Yes.
 22 Q. Can you estimate when that happened?
 23 A. I would say three or four years.
 24 Q. So 2013 to 2014?
 25 A. Yeah.

Page 20

1 Q. Are there any other employees in the HR
 2 department other than you and Mary Sacramento?
 3 A. Yes, there is.
 4 Q. Who else is considered part of the HR
 5 department?
 6 A. Jennifer Green.
 7 Q. What is her job title?
 8 A. She is also an HR specialist. But in the
 9 south, in L.A.
 10 Q. How long has she been with UHW?
 11 MS. LOPEZ: Calls for speculation, you can
 12 answer if you know.
 13 THE WITNESS: I would estimate five years.
 14 MS. SUBBOTIN: Q. Prior to becoming HR
 15 specialist, did you receive any HR training of any
 16 kind, either through your work or outside of work?
 17 MS. LOPEZ: Objection, the question is vague as
 18 to HR training. You can answer if you understand
 19 the question.
 20 THE WITNESS: Can you specify what you mean by
 21 training?
 22 MS. SUBBOTIN: Q. Well, did you attend any
 23 courses or seminars or lectures, any -- or take any
 24 classes relating to HR practices prior to becoming
 25 an HR specialist in 2013, 2014?

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1 Q. Including questions about the sexual
2 harassment policy? Have you ever had somebody come
3 and ask you for clarification about this policy?
4 A. No.
5 Q. Never?
6 A. I don't remember that.
7 Q. Okay. Do you understand this policy?
8 MS. LOPEZ: The question is vague but you can
9 answer to the extent you understand.
10 THE WITNESS: The general, yes.
11 MS. SUBBOTIN: Q. This policy asks somebody who
12 believes they have been harassed to report the
13 complaint to the human resources director or to
14 their supervisor.
15 The human resources director is not around right
16 now, correct?
17 A. Yes.
18 Q. So in the absence of the human resource
19 director, to whom is an individual to report? If for
20 example, their supervisor was harassing them?
21 MS. LOPEZ: Calls for speculation. You can
22 answer if you know the answer.
23 THE WITNESS: I haven't had any experience, but
24 Greg Pullman is the one who is taking over Mary's
25 position.

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1 Q. Are you aware of anyplace where that term,
2 retaliation, is explained in writing to employees?
3 A. No.
4 Q. Would you consider shunning somebody to be
5 retaliatory behavior?
6 MS. LOPEZ: Question is vague, you can
7 understand if you understand it.
8 THE WITNESS: Can you repeat the question?
9 MS. SUBBOTIN: Q. Would you consider shunning
10 someone after they reported a hostile work
11 environment to be retaliatory behavior?
12 A. Yes.
13 Q. Would you consider swearing at someone who
14 raises issues about reporting sexual harassment to
15 be retaliatory behavior?
16 A. Yes.
17 Q. If you turn to the third page of Exhibit 5,
18 this appears to be another anti-harassment policy
19 and the fourth page shows a signature by Ms. Sturge
20 on March 23, 2017.
21 MS. LOPEZ: Can you identify the page since they
22 are stapled together, by Bates number?
23 MS. SUBBOTIN: Q. Sure. I am referring to the
24 anti-harassment policy SEUHW 000017 and 000016.
25 Was there a change in the union's

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1 MS. SUBBOTIN: Q. So you would assume that
2 somebody would come to Greg Pullman with their
3 complaint?
4 A. I would assume, yes.
5 Q. Was there ever any memo put out or any
6 e-mail sent informing people where to take their
7 complaints regarding harassment while Miss
8 Sacramento was on leave?
9 A. No.
10 Q. On page 2 of this exhibit, SEUHW 127, the
11 end of the first paragraph states, "The union will
12 not retaliate against you for filing a complaint and
13 will not tolerate or permit retaliation by staff or
14 other co-workers."
15 Do you have an understanding of what is meant by
16 the term "retaliate"?
17 A. Yes.
18 Q. What is your understanding?
19 A. There is no backlash for reporting a
20 complaint.
21 Q. What do you mean by backlash?
22 A. You are not going -- how to put it? There
23 is no consequence for reporting a complaint, there
24 is no, I can't think of a specific word for it. I
25 just know the word "retaliation," you know.

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1 anti-harassment policy over the years?
2 A. Yes.
3 Q. And what was that change?
4 A. Protected class.
5 Q. That is the only change that was made?
6 MS. LOPEZ: Calls for speculation, you can
7 answer if you know the answer.
8 THE WITNESS: I am assuming, yes.
9 MS. SUBBOTIN: Q. And you had to sign these
10 policies too, right?
11 A. Yes.
12 Q. And when you signed that you read and
13 understood them, correct?
14 A. Yes.
15 Q. Would you agree that as a member of the HR
16 department it's particularly important that you
17 understand the policies that people might come to
18 you with questions about?
19 A. Yes.
20 Q. We are going to take a five minute break.
21 (Brief recess taken).
22 MS. SUBBOTIN: Q. I just had a follow-up
23 question about Exhibit 4 which is the document Bates
24 stamped SEUHW 001176.
25 If a reference check was done with this

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1 comment about a woman's butt made by a male
 2 co-worker would be a violation of that policy.
 3 **Q. And you can answer "I don't know."**
 4 MS. LOPEZ: And the question is vague.
 5 THE WITNESS: I don't know.
 6 MS. SUBBOTIN: O. So you don't know whether
 7 that would fall into the purview of the
 8 anti-harassment policy?
 9 MS. LOPEZ: Again the question is vague, calls
 10 for speculation, it's totally without context. You
 11 can answer if you know.
 12 THE WITNESS: I don't know.
 13 MS. SUBBOTIN: Q. Would you consider that
 14 repeated leering at a woman would be inappropriate
 15 behavior in the workplace?
 16 A. What do you mean by repeated leering? I
 17 don't understand the question.
 18 **Q. Staring at a woman's body repeatedly, would**
 19 **that be inappropriate conduct in the workplace?**
 20 A. I am not sure.
 21 **Q. Would putting a hand on a woman's thigh be**
 22 **inappropriate conduct in the workplace?**
 23 A. Yes.
 24 **Q. Would that be a violation of UHW's**
 25 **anti-harassment policy?**

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1 "baby"?
 2 MS. LOPEZ: Same objection.
 3 THE WITNESS: Can you repeat the question again?
 4 MS. SUBBOTIN: Q. Would it be inappropriate
 5 conduct for a male co-worker to refer to his female
 6 co-worker as "baby"?
 7 MS. LOPEZ: Same objection.
 8 THE WITNESS: Really just depends on the --
 9 yeah, it depends.
 10 MS. SUBBOTIN: Q. Would it be inappropriate
 11 conduct for a male co-worker to pressure a woman for
 12 dates repeatedly?
 13 A. That would be inappropriate.
 14 **Q. Would that be a violation of UHW's policy**
 15 **on harassment?**
 16 A. I don't know.
 17 **Q. If you had a question about interpreting a**
 18 **policy, who would you consult with in the workplace?**
 19 A. Mary Sacramento.
 20 **Q. So she is the person who should be able to**
 21 **answer your questions about policies?**
 22 A. I go to her, yes, if I have questions.
 23 **Q. Do you believe that she has a good grasp of**
 24 **how to interpret UHW policies?**
 25 A. I would think so, yes.

1 A. I don't know.
 2 **Q. Would telling a co-worker that you wanted**
 3 **to have sex with her, would that be a violation of**
 4 **UHW's anti-harassment policy?**
 5 MS. LOPEZ: I am just going to restate the
 6 objection that I have made repeatedly with these
 7 questions.
 8 They are without context and they call for
 9 speculation. You are asking the witness to testify
 10 about an event that has not happened, an event in
 11 the future without any context, with only specific
 12 selected details.
 13 So to the extent that you feel you can answer
 14 the question, you are welcome to answer it.
 15 MS. SUBBOTIN: Talk about speaking objections,
 16 Counsel.
 17 **Q. Do you understand my question?**
 18 A. Whether that is inappropriate, yes, I
 19 understand that it's inappropriate.
 20 **Q. Do you believe it would be a violation of**
 21 **UHW's anti-harassment policy?**
 22 MS. LOPEZ: Same objection.
 23 THE WITNESS: I don't know.
 24 MS. SUBBOTIN: Q. Would it be inappropriate for
 25 a male co-worker to refer to his female co-worker as

Page 16

1 **Q. Has she been there longer than you?**
 2 A. Yes.
 3 **Q. Have you ever helped draft any policies**
 4 **while you have been at UHW?**
 5 A. No.
 6 **Q. Do you know who drafted the anti-harassment**
 7 **policy?**
 8 A. No.
 9 **Q. Do you know who prepared the revision that**
 10 **was part of exhibit, I think it's 4? 5. Excuse me.**
 11 **Do you know who prepared the revision to the**
 12 **anti-harassment policy that we have marked as**
 13 **Exhibit 5?**
 14 A. It was given to me by Mary Sacramento.
 15 **Q. Do you know who prepared the revision?**
 16 A. I don't know.
 17 **Q. It's after noon, I am going to be going at**
 18 **least another hour I would think. We can go off the**
 19 **record.**
 20 (Brief recess taken)
 21 (Whereupon, Exhibit Number 8 was marked
 22 for identification)
 23 MS. SUBBOTIN: Q. Back on the record. We have
 24 marked as Exhibit 8 SEUHW 000249, it's a one page
 25 Appendix E, harassment slash discrimination

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1 Q. What did she tell you?

2 A. Esther Hurtado made some claim or something

3 but I don't remember exactly, she mentioned

4 something about Esther but I didn't really pay

5 attention because it wasn't my thing to do.

6 Q. Do you know whether Stan Lyles was ever

7 disciplined or spoken to as a result of Esther

8 Hurtado's complaint?

9 A. I don't know.

10 Q. Did you ever hear that he had been spoken

11 to about it?

12 A. I did not hear anything.

13 Q. Did you ever talk to Esther Hurtado about

14 that incident?

15 A. No.

16 Q. In the course of this December 17th

17 interview that you were present at with Mr. Pullman

18 and Ms. Sturge, you learned that Miss Sturge was

19 claiming that Julie Loza had called her a whore. Do

20 you remember that?

21 A. Yes.

22 Q. Did you ever go to Julie Loza and say did

23 you do this?

24 A. No.

25 Q. Did you ever talk to Louisa Padilla about

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1 A. No.

2 MS. LOPEZ: It's 2:00 o'clock, Counsel.

3 MS. SUBBOTIN: Thank you, I have a watch.

4 MS. LOPEZ: Just want to make sure you are

5 checking it.

6 MS. SUBBOTIN: Q. When did you first learn that

7 Marcus Hatcher had been terminated?

8 A. When Mary informed me that we are cutting a

9 check for him.

10 Q. Did she say why he was being terminated?

11 A. No.

12 Q. Did you ever hear from anyone why

13 Mr. Hatcher was being terminated?

14 A. No.

15 Q. Were you ever on a phone call where that

16 subject was discussed?

17 A. No.

18 Q. Nobody ever discussed the reason why Marcus

19 Hatcher was being terminated with you?

20 A. No.

21 Q. Did you ever ask anyone?

22 A. No.

23 Q. Does UHW have an anonymous hotline for

24 reporting complaints?

25 A. I don't know, I don't think so.

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1 It?

2 A. No.

3 Q. Did you ever talk to Carlos Padilla about

4 it?

5 A. No.

6 Q. During this interview on December 17th you

7 also learned that Ms. Sturge had received a

8 threatening phone call, do you remember that?

9 A. Yes.

10 Q. And that somebody had called her to say, "I

11 am going to get you, bitch."

12 Did you ever ask Greg Pullman what the union was

13 going to do to try and find out who that might be?

14 A. No.

15 Q. There is, also in that meeting there is a

16 reference to the Oppenheimer report. Do you know

17 what the Oppenheimer report was?

18 A. No.

19 Q. Were you aware that the union had hired an

20 outside investigator to look into Ms. Sturge's

21 accusation against Marcus Hatcher?

22 A. No.

23 Q. Prior to the December 17th meeting were you

24 aware that Ms. Sturge had been receiving anonymous

25 texts and messages, both herself and her friend?

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1 Q. Have you ever socialized with Mary

2 Sacramento outside the office?

3 A. Yes.

4 Q. In what capacity have you socialized with

5 her? Where, when?

6 A. We go to lunch or when we have those

7 leadership assembly, go out to eat.

8 Q. Have you ever been to her house?

9 A. Yes, I just went to visit her because of

10 the baby.

11 Q. Have you ever socialized with Greg Pullman

12 outside the office?

13 A. When we have function, the holiday parties,

14 he is there.

15 Q. Have you been out to a restaurant with him?

16 A. No.

17 Q. Ever been to his house?

18 A. No.

19 Q. Has he ever been to yours?

20 A. No.

21 Q. Have any UHW members been to your house?

22 A. No.

23 Q. Who is your closest work friend?

24 A. I don't --

25 MS. LOPEZ: You can answer if you understand it.

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1 THE WITNESS: I don't have work friends, just
 2 co-workers.
 3 MS. SUBBOTIN: Q. Who is your closest
 4 co-worker?
 5 A. Mary Sacramento.
 6 Q. And I may have asked this before, has she
 7 been there longer than you?
 8 A. Yes, she has.
 9 Q. Okay. Go get your child.
 10 A. Thank you.
 11 THE REPORTER: Counsel, do you want a copy?
 12 MS. LOPEZ: I do, yes.
 13 (Whereupon, the proceedings were
 14 adjourned at 2:05 p.m.)
 15 --oOo--

REPORTER'S CERTIFICATE

1
 2
 3
 4
 5 I, JEAN M. PERRARIO, Certified Shorthand
 6 Reporter, in and for the State of California, do
 7 hereby certify:
 8
 9 That the foregoing witness was by me duly
 10 sworn, that the deposition was then taken before me
 11 at the time and place herein set forth; that the
 12 testimony and proceedings were reported
 13 stenographically by me and later transcribed into
 14 typewriting under my direction; that the foregoing
 15 is a true record of the testimony and proceedings
 16 taken at that time.

17
 18 IN WITNESS WHEREOF, I have subscribed my
 19 name this 8th day of February, 2019.
 20

21 *Jean M. Perrario*
 22
 23 JEAN M. PERRARIO, CSR No. 5655
 24
 25

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DECLARATION UNDER PENALTY OF PERJURY

1
 2 Case Name: Sturge vs. SEIU-UHW
 3 Date of Deposition: 02/04/2019
 4 Job No.: 10051431
 5
 6 I, SOPHI HAK, hereby certify
 7 under penalty of perjury under the laws of the State of
 8 _____ that the foregoing is true and correct.
 9 Executed this _____ day of
 10 _____, 2019, at _____.

11
 12
 13
 14 SOPHI HAK

NOTARIZATION (If Required)

16 State of _____
 17 County of _____
 18 Subscribed and sworn to (or affirmed) before me on
 19 this _____ day of _____, 20____,
 20 by _____, proved to me on the
 21 basis of satisfactory evidence to be the person
 22 who appeared before me.
 23 Signature: _____ (Seal)
 24
 25

DEPOSITION ERRATA SHEET

2 Case Name: Sturge vs. SEIU-UHW
 Name of Witness: Sophi Hak
 3 Date of Deposition: 02/04/2019
 Job No.: 10051431
 4 Reason Codes: 1. To clarify the record.
 2. To conform to the facts.
 3. To correct transcription errors.
 5
 6 Page _____ Line _____ Reason _____
 7 From _____ to _____
 8 Page _____ Line _____ Reason _____
 9 From _____ to _____
 10 Page _____ Line _____ Reason _____
 11 From _____ to _____
 12 Page _____ Line _____ Reason _____
 13 From _____ to _____
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 21 From _____ to _____
 22 Page _____ Line _____ Reason _____
 23 From _____ to _____
 24 Page _____ Line _____ Reason _____
 25 From _____ to _____

EXHIBIT I

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
)
Plaintiff,)
)
vs.) No. RG18905355
)
SEIU UNITED HEALTHCARE WORKERS)
WEST, MARCUS HATCHER, and DOES)
1-10,)
)
Defendants.)

DEPOSITION OF CHOKRI BENSaid
MONDAY, MAY 20, 2019
SHERMAN OAKS, CALIFORNIA

Stenographically Reported by Claudia Casotti-Stevenson,
CSR No. 13617
CLS Job No. 100746

CENTEXTLEGAL.COM - 855.CENTEXT

1

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FOR PLAINTIFF:
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FOR DEFENDANT SEIU UNITED HEALTHCARE WORKERS WEST AND
THE WITNESS:

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Suite 200
Alameda, California 94501
510.337.1001
Bharland@unioncounsel.net

Also Present:

MINDY STURGE

3

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MINDY STURGE,)
)
Plaintiff,)
)
vs.) No. RG18905355
)
SEIU UNITED HEALTHCARE WORKERS)
WEST, MARCUS HATCHER, and DOES)
1-10,)
)
Defendants.)

DEPOSITION OF CHOKRI BENSaid, taken on behalf of
the Plaintiff, at 15260 Ventura Boulevard,
Suite 1200, Sherman Oaks, California, commencing at
10:08 a.m., on Monday, May 20, 2019, before Claudia
Casotti-Stevenson, CSR No. 13617, a Certified
Shorthand Reporter in and for the County of
Los Angeles, State of California.

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WITNESS: Chokri Bensaid

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By Ms. Subbotin 6

INFORMATION REQUESTED
(None)

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4

1 (Pages 1 to 4)

1 BY MS. SUBBOTIN:
 2 Q Did you ever pursue a relationship with any of
 3 your female coworkers?
 4 MR. HARLAND: Same objection.
 5 MS. SUBBOTIN: Same instruction?
 6 MR. HARLAND: And same instruction.
 7 BY MS. SUBBOTIN:
 8 Q Did you ever tell anybody at UHW that you had
 9 been terminated for -- because of a false accusation
 10 against you by a female coworker?
 11 A No.
 12 Q Did you ever tell anybody anything about the
 13 circumstances surrounding your termination by
 14 Local 1000?
 15 A Yes.
 16 Q Who did you tell?
 17 A My attorney.
 18 Q I'm sorry?
 19 A My attorney, Mr. Harland.
 20 Q Did you ever discuss the circumstances
 21 surrounding your termination with Ms. Sturge?
 22 A No.
 23 Q Did you ever discuss them with Triana Silton?
 24 A No.
 25 Q Did you tell Ms. Silton that you had been

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1 fired?
 2 A Yes.
 3 Q When did you tell her that?
 4 A Like, within a week.
 5 Q And at that point in time she had left 1000 and
 6 gone to UHW; correct?
 7 A Correct.
 8 Q What did you tell her about your termination?
 9 A That it was weird, that I'm still processing
 10 it.
 11 Q Anything else?
 12 A And that I got a call from Nick Builder.
 13 Q Who is Nick Builder?
 14 A Someone we both used to work with.
 15 Q At Local 1000?
 16 A Yes.
 17 Q And what was the call from Nick Builder about?
 18 A He called to tell me that it may feel like the
 19 end of the world right now with all the confusion, but
 20 Local 1000 did me a favor, and that I had too much
 21 talent to work there.
 22 Q Who was Nick Builder?
 23 A He was Triana's supervisor when she worked at
 24 Local 1000. So he was the statewide field director.
 25 Q And what did you understand the "all the

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1 confusion" to mean?
 2 A That -- me not having a reason.
 3 Q Did you think that your termination was unfair?
 4 A Yes.
 5 Q Did you ever appeal it to the union?
 6 A No.
 7 Q Why not?
 8 A I don't have any appeal rights.
 9 Q Did you ever protest in any way by a letter,
 10 e-mail, text?
 11 A No. Yes. I called the chief of staff, but I
 12 never got an answer back.
 13 Q When you say you called the chief of staff, who
 14 are you referring to?
 15 A Michael Baratz.
 16 Q Did you ever purchase any clothing for a female
 17 coworker while you were at Local 1000?
 18 MR. HARLAND: Objection. It's not relevant.
 19 It invades his privacy, and it's another form of
 20 harassment. And I'm not going to let him answer the
 21 question. I'm instructing the witness not to answer.
 22 BY MS. SUBBOTIN:
 23 Q Just so we're clear, you're following all of
 24 his instructions today; correct?
 25 A Yes.

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1 Q Okay. Did someone at UHW reach out to you to
 2 suggest that you apply for a job with UHW?
 3 A Yes.
 4 Q Who?
 5 A I can't remember specific names. But I
 6 remember several people in 2009 asked me if I wanted to
 7 go work for UHW. They were recruiting for a massive
 8 campaign, but I can't remember any, like, specific
 9 person.
 10 Q Was Triana Silton one of those people?
 11 A I don't recall at this moment.
 12 Q Did she encourage you to apply for a job?
 13 A I don't recall. But several people were
 14 calling me to go to UHW.
 15 Q To encourage you to apply?
 16 A Yes.
 17 Q So you were essentially recruited to come to
 18 UHW?
 19 MR. HARLAND: Objection. Calls for
 20 speculation, misstates his testimony.
 21 You can answer if you know how to.
 22 THE WITNESS: I -- so -- what do you mean?
 23 BY MS. SUBBOTIN:
 24 Q Would you consider that you were recruited to
 25 join UHW?

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1 Q Did you report the outcome of that
2 investigation to HR?
3 A Yes.
4 Q Did you take notes or create any written record
5 of that investigation?
6 A Yes.
7 Q Did you provide that to HR?
8 A Yes.
9 Q Was there any discipline that came out of that
10 investigation?
11 A Yes.
12 Q And what was the discipline?
13 A Suspension.
14 Q Who was suspended?
15 A Grisel.
16 Q For how long?
17 A It was less than three days. I can't remember
18 the exact number. For three days or less.
19 Q And when did that investigation take place?
20 A I don't recall.
21 Q When you suspended Ms. Rodriguez, was that a
22 result of you finding she had violated a UHW policy?
23 A Yes.
24 Q Which policy had she violated?
25 A The relationship policy.

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1 A I don't recall.
2 (Exhibit 5 was marked for identification
3 by the certified shorthand reporter.)
4 BY MS. SUBBOTIN:
5 Q Exhibit 5 is SEUHW_004792 through 94.
6 Can you take a look at this and let me know
7 when you're ready to answer some questions.
8 A Okay.
9 Q Was this the first or the second time that you
10 had been involved in a matter with Calvin Skinner?
11 A I believe this to be the second time. I'm
12 sorry. Which one are you referring to?
13 Q Well, I believe that this is — these documents
14 all relate to one complaint. Am I right?
15 A I don't believe so, no.
16 Q Okay. Did you prepare the written warning?
17 A Yes.
18 Q Did you run it by Mr. Pullman before you
19 presented it to Mr. Skinner?
20 A Yes.
21 Q And does this summarize all of the complaints
22 that you're aware of that were made against Calvin
23 Skinner?
24 A In this particular instance, yes.
25 Q Okay. And there was another instance you

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1 Q Are you referring to the code of conduct?
2 A I'm referring to the relationship policy.
3 Q We'll get to that in a minute.
4 Did you — did you also perform an
5 investigation of Calvin Skinner?
6 A Yes.
7 Q What was Mr. Skinner's job title at the time
8 you investigated him?
9 A I'm not sure which investigation you're
10 referring to.
11 Q Did you investigate him more than once?
12 A Yes.
13 Q What was his job title in the first
14 investigation?
15 A Union rep organizer.
16 Q Do you remember when you investigated him the
17 first time?
18 A No.
19 Q What was the first investigation about?
20 A Inappropriate comments.
21 Q What type of inappropriate comments?
22 A He made, like, a comment about a body part.
23 Q Who reported it?
24 A I don't recall.
25 Q And that was reported to you verbally?

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1 talked about?
2 A There was at least two more.
3 Q Okay. Were they before or after this one?
4 A One before, one after.
5 Q Did those — strike that.
6 The first page of this Exhibit 5 shows an
7 e-mail from Mr. Pullman to you dated December 16, 2017.
8 Does that refresh your memory as to when you were
9 engaged in an investigation with — or rather involving
10 Mr. Skinner?
11 A Yes.
12 Q And you performed that investigation; correct?
13 A Yes.
14 Q You interviewed people?
15 A Yes.
16 Q Did anyone participate in those interviews with
17 you?
18 A I don't recall.
19 Q Did you decide what level of discipline to give
20 Mr. Skinner?
21 A Yes. In consultation with HR and the chief of
22 staff.
23 Q Did you sit down with Mr. Skinner and go over
24 his written warning with him?
25 A Yes.

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1 Q Did Mr. Pullman ever ask you what she might be
2 referring to in terms of abusive behavior?
3 A No.
4 Q Did anybody at UHW ever ask you what this might
5 mean?
6 A No.
7 Q Did Mr. Pullman ever share with you, either by
8 showing you or by describing, the anonymous messages
9 that Ms. Sturge received after reporting Marcus
10 Hatcher's assault?
11 A No.
12 Q Did he ever tell you that she had received
13 anonymous messages?
14 A No.
15 Q Did Triana Sifton ever discuss with you the
16 fact that she wanted to leave UHW?
17 A No.
18 Q Did she ever say she was thinking of leaving
19 UHW?
20 A No.
21 Q Did she ever discuss with you any of her
22 concerns about the behavior of Dave Regan?
23 A No.
24 Q Did she ever tell you that she thought he had
25 acted inappropriately?

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1 A No.
2 Q Did Greg Pullman --
3 A Yes, yes. I'm sorry. Yes.
4 Q Okay. What did she say?
5 A He was -- Dave was running a conversation from
6 the front of the room, and she thought he handled that
7 conversation not in the best way possible, that he
8 should have let the debate go on a little longer and not
9 cut it short. And she thought his intervention was
10 inappropriate in terms of the richness of the dialogue
11 and the quality of the discourse.
12 Q What was the subject matter being discussed?
13 A I think we were talking about allocating some
14 funds for campaigns and, you know, Dave told the room
15 that, you know, basically we don't need this big of a
16 room to pass a budget but to make leadership decisions
17 and that, you know, we shouldn't get hung up on
18 allocation of -- spend more time talking about
19 allocation of funds than talking about program. And I
20 remember Triana saying she felt like she thought he
21 should have let the dialogue go on a little longer.
22 Q So -- and the dialogue was amongst staff or
23 members or both?
24 A Both. Anyone can go up to the mic and ask a
25 question.

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1 Q And so she complained that he had shut down the
2 conversation?
3 A That -- yeah. In her assessment he should have
4 let it go a little longer.
5 Q Did she ever tell you that she had trouble
6 standing up to Dave Regan?
7 A No.
8 Q Did you ever have any trouble standing up to
9 him if -- on anything?
10 A I mean, yes. When there is a disagreement on
11 strategy, I tend to concede to him and not be as
12 assertive as I can be sometimes.
13 MS. SUBBOTIN: I need to take a break and use
14 the bathroom. Five minutes.
15 THE REPORTER: Counsel?
16 MR. HARLAND: Yes.
17 (Break taken.)
18 MR. HARLAND: Okay. The first thing, you
19 mentioned about Eric Kizzie and a reference to him in
20 the rogs. I know -- I went back. I checked. I don't
21 see any reference of Eric Kizzie in the rogs. You
22 don't need to tell me now, but if -- if he is in the
23 rogs, please let me know after this deposition.
24 Second, Mr. Bensaid has something he wants to
25 clear up about a question that you asked.

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1 THE WITNESS: Yeah. You asked me about EEO.
2 BY MS. SUBBOTIN:
3 Q Yes.
4 A The name I gave you is a ethics officer. So
5 I'm not sure if I'm mixing up things here. I just want
6 to make sure I'm clear. She doesn't go by EEO officer.
7 She's our ethics officer.
8 Q You're talking about Keisha Stewart?
9 A Keisha Stewart, yes.
10 Q Do you know who the EEO officer is for the
11 union?
12 A No.
13 Q Anything else you want to clear up?
14 A No.
15 Q Thank you.
16 A Thank you.
17 Q Were you present at the March 2, 2018, meeting
18 that was presided over by Dave Regan, and there was a
19 discussion of the new code of conduct?
20 A I'm not sure if it was March 2nd, but I was
21 present at a meeting as you described. I'm just not
22 sure if the date was March 2nd.
23 Q Do you remember hearing that -- well, strike
24 that.
25 Did you hear Mr. Regan have an altercation with

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1 Q When did you delete it?
 2 A I didn't.
 3 Q When did it disappear from your phone?
 4 A I lost my phone.
 5 Q Did you ever back up that phone?
 6 A No.
 7 Q Did Mr. Hatcher ever show you photographs of
 8 members or staff naked or partially naked on his phone?
 9 A No.
 10 Q Did he ever tell you he had them?
 11 A No.
 12 Q When was the last time you communicated in any
 13 form with him?
 14 MR. HARLAND: Asked and answered.
 15 You can answer it again.
 16 THE WITNESS: Say eight, nine months ago.
 17 BY MS. SUBBOTIN:
 18 Q And what was that communication about?
 19 A We drove past each other, and we waved.
 20 Q Where were you?
 21 A I was picking up my kids.
 22 Q Do you live near each other?
 23 A He lives near where my kids go to school.
 24 Q Have you discussed this lawsuit with him?
 25 A No.

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1 Q Have you communicated in any way with him about
 2 the lawsuit?
 3 A No.
 4 Q Have you communicated with him in any way about
 5 Mindy Sturge since he left the union?
 6 A No.
 7 Q And that includes the time you went to pick up
 8 his computer at his house. Did you discuss Mindy Sturge
 9 at that time?
 10 A No.
 11 Q During the investigation of his assault, you
 12 told the union's investigator that Mr. Hatcher was one
 13 of two people you were closest to at the union. Is that
 14 true?
 15 A Yes.
 16 Q And the other one was Ms. Sturge?
 17 A Yes.
 18 Q Who are you closest to at the union now?
 19 A Triana.
 20 Q That's Ms. Silton?
 21 A Yes.
 22 Q During the investigation you referred to your
 23 relationship with Mr. Hatcher as "co-conspirators."
 24 What did you mean by that?
 25 A We conspire a lot about strategy and work and

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1 moving the field program.
 2 Q That was true in August of 2017?
 3 A You said something about August 2017?
 4 Q Was that true in August of 2017, that you were
 5 close, and you conspired about those matters with him?
 6 A Yes.
 7 Q Would you say that in August 2017, he was your
 8 best friend at the union?
 9 A No.
 10 Q Who was your best friend -
 11 A He was not working for the union.
 12 Q - at the union?
 13 A I didn't have a best friend in the union.
 14 Q I'm talking about who you were closest to at
 15 the union -
 16 A That would be Mindy then.
 17 Q Did Mr. Hatcher use profanity frequently?
 18 A What's frequently?
 19 Q On a regular basis?
 20 A No.
 21 Q Did you ever hear him refer to a coworker as
 22 young lady?
 23 A I don't recall.
 24 Q Do you know what his employment background was
 25 prior to coming to UHW?

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1 A Parts of it.
 2 Q Do you know why he left Local 721?
 3 A No.
 4 Q Did he ever tell you why he left Local 721?
 5 A No.
 6 Q Did you ever ask him?
 7 A No.
 8 Q Did he ever ask you why you left Local 1000?
 9 A No.
 10 Q Did you know that he had a law enforcement
 11 background?
 12 A Yes.
 13 Q What had he told you in that regard?
 14 A That he worked for corrections, I believe.
 15 Q Where?
 16 A I think it was Las Vegas.
 17 Q Did he tell you what he did in corrections?
 18 A No.
 19 Q Did he ever tell you that he had sued his
 20 former employer?
 21 A No.
 22 Q Did you ever see Mr. Hatcher at a union event
 23 where he had had too much to drink?
 24 A Yes.
 25 Q On more than one occasion?

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1 A Yes.
 2 Q More than ten occasions?
 3 A No.
 4 Q Did you ever see him engage in conduct towards
 5 a woman member or staff that you felt was inappropriate?
 6 A No.
 7 Q Did you ever see him with his arms around a
 8 member?
 9 A Yes.
 10 Q More than one occasion?
 11 A Yes.
 12 Q At a union event?
 13 A Yes.
 14 Q Did you ever -- did he ever tell you that he
 15 had had a relationship with a UHW member?
 16 A No.
 17 Q Did he have a relationship with Victoria de la
 18 Cruz?
 19 A I don't know.
 20 Q Did you ever pick him up at her house?
 21 A No.
 22 Q Did you ever pick him up at a member's house?
 23 A No.
 24 Q Did you ever pick him up at a staff member -- a
 25 staff employee's house?

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1 A No.
 2 Q Tell me where you saw him where he had had too
 3 much to drink, which events.
 4 A After -- after the board meetings there's
 5 usually, you know, like, a party one of the nights, and
 6 typically that's when I find him with a few drinks.
 7 Q Did you ever have to show him to his room?
 8 A Yes.
 9 Q More than one occasion?
 10 A Yes.
 11 Q Were there occasions when he was unable to find
 12 his key to his room?
 13 A Yes.
 14 Q Did -- do you remember an occasion when Mindy
 15 Sturge came to you and said, "You need to take care of
 16 Marcus because he's had too much to drink?"
 17 A Yes.
 18 Q And that he was acting inappropriately?
 19 A I don't remember the last part, but I remember
 20 the first part.
 21 Q And was that in Southern California?
 22 A I think it was Burbank.
 23 Q Was that in spring of 2017?
 24 A Sounds about right. I'm not sure, though.
 25 Q Did she tell you she was worried he was going

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1 to get the union in trouble or words to that effect?
 2 A I don't recall.
 3 Q What did you do in that situation?
 4 A Got dressed, came back downstairs, found
 5 Marcus, Mindy, and Claudia sitting somewhere by the
 6 front desk by the reception.
 7 Q And when you say Claudia, you're talking about?
 8 A Claudia Rodriguez.
 9 Q What is her position?
 10 A She's an assistant director for Kaiser.
 11 Q And what did you do when you came over to them?
 12 A I walked over. I asked Marcus if he was okay.
 13 He said he was fine. He just wanted to go home. I told
 14 him he shouldn't drive.
 15 Then he said, "Fine. Let me at least go get
 16 something to eat."
 17 I said, "You stay here, and I'll order you
 18 food."
 19 Then he thought about it for a moment, and then
 20 he said, no, he still needed to go home. So I ordered
 21 him an Uber.
 22 Q Because you felt he shouldn't drive?
 23 A Yes.
 24 Q Because he had had too much to drink?
 25 A I don't know. His condition was not to drive.

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1 He looked intoxicated. I couldn't tell you what he had
 2 to drink.
 3 Q And did Mindy thank you for taking care of him?
 4 A I don't recall.
 5 Q And he ended up taking an Uber home?
 6 A Yes.
 7 Q Was that paid for by the union?
 8 A No. It was paid for by Marcus Hatcher.
 9 Q And you were staying at the hotel?
 10 A Yes.
 11 Q Did he have a hotel room too?
 12 A I'm not sure.
 13 MS. SUBBOTIN: Excuse me for a minute.
 14 MR. HARLAND: Can we go off the record?
 15 MS. SUBBOTIN: Sure.
 16 (Break taken.)
 17 MS. SUBBOTIN: Back on the record.
 18 BY MS. SUBBOTIN:
 19 Q Did you ever discuss with Marcus Hatcher
 20 wanting to have sex with a coworker?
 21 A No.
 22 Q Did you ever hear him express a desire to have
 23 sex with one of your coworkers?
 24 A No.
 25 Q Even joking?

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1 A No.
 2 Q Did he ask you for a reference?
 3 A No.
 4 Q Do you know what he's been doing since he's
 5 been fired?
 6 A I'm not sure.
 7 Q Have you heard anything about --
 8 A I heard consultant.
 9 Q Did you hear that he had been asked to
 10 represent the staff in union negotiations?
 11 A Yeah. I heard that.
 12 Q Who did you hear that from?
 13 A I'm not sure.
 14 Q Someone within the union?
 15 A Has to be.
 16 Q Did anyone come to you after Mr. Hatcher was
 17 fired and tell you that they felt he had been treated
 18 unfairly?
 19 A Yes.
 20 Q Who?
 21 A Several people. Primarily Kaiser stewards.
 22 Q He was a popular --
 23 A Yes.
 24 Q -- union member -- excuse me -- union staff?
 25 A Particularly amongst the African American

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1 Q Did you ever see her crying at meetings after
 2 the investigation was over?
 3 A No.
 4 Q Did you -- did anybody ever tell you they had
 5 seen her break down at a meeting?
 6 A Mindy. I've asked her where she -- she left
 7 early I think one time, and I asked her where she went,
 8 and she said she couldn't take the rest of the meeting.
 9 She walked away.
 10 Q Did she tell you anything else about the
 11 symptoms she was experiencing?
 12 A Yeah, she did.
 13 Q What did she tell you?
 14 A That she was having flashes; that she will go
 15 from being okay and functional to, you know, days
 16 where -- where the events are -- reliving the events in
 17 her head will cause her to feel less than capable of
 18 being effective at work and, you know, not wanting to be
 19 around certain people, and usually complained of the
 20 lack of contact, like why am I not calling her or why am
 21 I not calling to her, that I was the only person that
 22 would objectively hear her and I was the only person who
 23 seemed to be on her side, and she needed to feel that
 24 more often.
 25 Q Did you ever ask her to go out to dinner with

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1 community.
 2 Q Did anyone, either within the union or
 3 membership, tell you that they thought Mindy Sturge had
 4 lied about what had happened?
 5 A Yes.
 6 Q Who told you that?
 7 A Several people. Usually the same people who
 8 say Marcus was treated unfairly go on to say because
 9 they think Mindy's claim was unjustified, unwarranted.
 10 Q Did anybody within the union say that to you?
 11 A I don't remember anyone in particular. But I
 12 remember several people.
 13 Q Within the -- staff members of the union?
 14 A Including Mindy frankly.
 15 Q Mindy said --
 16 A Yeah.
 17 Q -- what?
 18 A That several people were telling her that and
 19 she was hearing people in the bathroom talking about it.
 20 Q Did she ever tell you that people were treating
 21 her badly afterward?
 22 A Yes.
 23 Q Did she tell you that people had been calling
 24 her names?
 25 A No.

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1 her after this happened?
 2 A No.
 3 Q Did you ever ask her to change her flight to
 4 stay longer in L.A.?
 5 A No.
 6 Q Did you consider what she did in reporting
 7 Mr. Hatcher's conduct to be a brave act?
 8 A Yes.
 9 Q Was it a particularly brave act because he was
 10 a popular manager at UHW?
 11 A No.
 12 Q He was very popular; right?
 13 A Again, with the African American community he
 14 was, yes.
 15 Q When you say "African American community," are
 16 you referring to staff and members?
 17 A Yes.
 18 Q Did anyone tell you that his termination was
 19 race related?
 20 A Not directly, no.
 21 Q What about indirectly?
 22 A No. Not that I can recall, no.
 23 Q Did you believe that race played any part in
 24 the investigation or his termination?
 25 A No.

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1 it was sometime after May of 2018?

2 A Could have been around that time.

3 Q Did anyone tell you that they thought Mindy
4 Sturge was being dishonest?

5 A Yes.

6 Q Who?

7 A Marcus.

8 Q When did he say that?

9 A A long time ago.

10 Q After the assault?

11 A Yes.

12 Q While he was still employed?

13 A And after, yes.

14 Q Did he also tell you that he thought she was
15 trying to undermine the union?

16 A No.

17 Q Were you on any conference calls when
18 Mr. Hatcher's firing was announced?

19 A Yes.

20 Q And what conference call were you on? What
21 type of conference call was it? Was it for a specific
22 group of people?

23 A I think it was the senior team, yes.

24 Q When was that?

25 A I believe it was November 10th.

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1 e-mail?

2 A Yes. I believe so.

3 Q There's a reference to "the hard day we had on
4 Friday." Was that the day you were --

5 A Sunday is the 12th. Friday is the 10th.

6 Q So that's a reference to the day that

7 Mr. Hatcher was fired?

8 A I believe so, yes.

9 Q And the same day you were given that
10 one-page --

11 A The expectation memo, and the same day we had a
12 conference call.

13 Q And when you say "expectation memo," you're
14 referring to exhibit --

15 A It's this. Yeah. 12.

16 Q -- 12. What do you recall being said during
17 this conversation that you had about Mr. Hatcher's
18 termination, the conversation with leadership?

19 MR. HARLAND: Again, I'm objecting. That call
20 was --

21 MS. SUBBOTIN: You're right. I apologize,
22 Counsel. You're absolutely right. I'm sorry. I forgot
23 you were on that phone conversation. You're also on
24 this memo, though.

25 MR. HARLAND: Yeah. This -- as far as I can

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1 Q And who was on that conference call? Just the
2 senior people?

3 A Yes.

4 Q Who spoke during that phone call?

5 A Greg Pullman, Dave, Nathan. I can't remember
6 who else. I remember those three saying something. I
7 can't remember who else.

8 Q And what was said during that call, to the best
9 of your memory?

10 MR. HARLAND: I'm going to object because that
11 was an attorney-client privileged call, and I'm going to
12 instruct the witness not to answer.

13 (Exhibit 14 was marked for identification
14 by the certified shorthand reporter.)

15 MS. SUBBOTIN: Exhibit 14 is a two-page
16 redacted e-mail stream, SEUHW_402 to 403.

17 BY MS. SUBBOTIN:

18 Q Have you seen this before?

19 A I'm on the distribution list. So I'm assuming
20 yes.

21 Q Do you remember receiving it on November 12th?

22 A I don't recall.

23 Q There's a reference in the first paragraph --
24 well, strike that.

25 Are these the senior leadership team on this

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1 tell -- you want to get in an argument about whether
2 this is attorney-client privileged or not?

3 MS. SUBBOTIN: No.

4 MR. HARLAND: There's no seeking of any legal
5 information or legal advice from me. So that's why we
6 produced it to you.

7 MS. SUBBOTIN: Okay.

8 MR. HARLAND: I don't know if that was your
9 point or not.

10 MS. SUBBOTIN: No. It does reference a bunch
11 of discussions with people. So I'm assuming that refers
12 to the earlier conversations.

13 BY MS. SUBBOTIN:

14 Q Did you have a discussion with Dave Regan
15 outside of counsel's presence about the termination of
16 Mr. Hatcher?

17 A Yes. When I met with him and Greg.

18 Q So you also discussed Mr. Hatcher's termination
19 in that conversation?

20 A He informed me that they just terminated
21 Marcus.

22 Q Okay. Have you had any other -- did you have
23 any other discussions with Mr. Regan other than the one
24 on November 10th?

25 A No.

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1 A Yes.
 2 Q That's it. Thank you.
 3 A Thank you.
 4 MS. SUBBOTIN: Was that quick enough for you,
 5 Bruce?
 6 MR. HARLAND: I was just asking when you
 7 thought you were going to end.
 8 MS. SUBBOTIN: We can go off the record.
 9 MR. HARLAND: We can go off the record.
 10 THE REPORTER: Counsel, did you need a copy?
 11 MR. HARLAND: Yes, I do, please.
 12 (The deposition concluded at: 4:55 p.m.)
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ERRATA SHEET

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DECLARATION UNDER PENALTY OF PERJURY

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 2
 3 I, CHOKRI BENSAID, do hereby certify under
 4 penalty of perjury that I have read the foregoing
 5 transcript of my deposition taken on May 20, 2019;
 6 that I have made such corrections as appear noted
 7 herein; that my testimony as contained herein, as
 8 corrected, is true and correct.
 9
 10

11 DATED this _____ day of _____, 2019,
 12 at _____, California.
 13
 14
 15
 16

17 _____
 18 CHOKRI BENSAID
 19
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REPORTER'S CERTIFICATE

1
 2
 3
 4 I, CLAUDIA CASOTTI-STEVENSON, CSR No. 13617, a
 5 Certified Shorthand Reporter in and for the State of
 6 California, do hereby certify:

7 That prior to being examined, the witness named
 8 in the foregoing proceedings declared under penalty of
 9 perjury to testify to the truth, the whole truth, and
 10 nothing but the truth;

11 That said proceedings were taken by me in
 12 shorthand at the time and place herein named and
 13 thereafter transcribed into typewriting under my
 14 direction, said transcript being a true and correct
 15 transcription of my shorthand notes.

16 I further certify that I have no interest in
 17 the outcome of this action.

18 IN WITNESS WHEREOF, I have subscribed my name
 19 on this date: June 6, 2019
 20
 21
 22
 23
 24
 25

 CLAUDIA CASOTTI-STEVENSON
 CSR NO. 13617

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EXHIBIT J

From: Pamela Kleffer [<mailto:seiu+autoreply@agents.icims.com>]

Sent: Monday, November 03, 2014 9:53 AM

To: Josie Fregoso

Subject: Candidate - Luis Rivas, Pedro Malave, Tamel McKinney,

Dear Josie,

They applied for a lead organizer position on Fight for 15, but they have decided not to hire right now.
Please review the attached resume(s) for the candidate(s) listed below:

Luis Rivas

Pedro Malave

Tamel McKinney ,

Take care.
Recruitment.

Attachments:

If you experience difficulties opening an attachment, please select the option to "Save" the file to your Desktop and then open the file from there.

22443 Tamel McKinney 37808 Resume.doc



From: Josie Fregoso
Sent: Thursday, December 11, 2014 7:10 PM
To: Mary Sacramento
Subject: Re: Pedro Malva

I know what's wrong 😊

He has two more interview for AD and D but I asked him to meet with Myriam. Triana and I checked his references they are good.

32BJ is SEIU in NY

I will call HR tomorrow and let u know.

I will call u when I have numbers for u

Josie Fregoso-Luna


On Dec 11, 2014, at 7:05 PM, Mary Sacramento <msacramento@seiu-uhw.org> wrote:

Im normally never this picky in salary offer like the background

Left local in aug 2014 why? He was AD and now will take coord position and move to CA.

Did you guys talk abt it?

In general we match their salary if theyre coming from seiu..

Why do i feel like we need to double check on salary..

SEUHW_001383

CONFIDENTIAL

EXHIBIT K

MINDY STURGE vs SEIU-UHW, ET AL.
Paul Harris on 07/22/2019

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF ALAMEDA

3 ---oOo---

4 _____)
5 MINDY STURGE,)
6 Plaintiff,)
7 vs.)
8 SEIU-UHW and MARCUS HATCHER,)
9 Defendants.)
10 _____)

**CERTIFIED
COPY**

Case No. RG 18905355

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DEPOSITION OF PAUL HARRIS

19 DATE: JULY 22, 2019 (MONDAY)
20 TIME: 10:01 A.M.
21 LOCATION: HUSEBY COURT REPORTERS
22 700 Webster Street
23 Fairfield, CA 94533
24 DEPOSITION REPORTER: CINDY J. KAISER, CSR
25 Certified Shorthand Reporter, #7647

<p style="text-align: right;">Page 26</p> <p>1 THE WITNESS: Vice-president of organizing, as 2 I recall. 3 BY MS. SUBBOTIN: 4 Q. What did that job entail? 5 A. It wasn't a job. 6 Q. What was it? 7 A. It was an office she held. 8 Q. What was her relation to Local 1000 in that 9 role? 10 A. She was the vice-president for organizing. 11 Q. What does that mean? 12 A. It means she was elected by the members to the 13 position of vice-president for organizing. 14 Q. Did the vice-president of organizing have a 15 role in Local 1000? 16 A. Yes. 17 Q. What was that role? 18 A. To work with the field, to develop programs, to 19 build the strength of the union, to win victories for 20 working people. 21 Q. Have you ever had any interactions with Tamika 22 Robinson? 23 MR. HARLAND: Objection. Relevance. You're 24 harassing the witness. 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Yes. 2 Q. Who? 3 A. Brian Schroeder. 4 Q. What was Mr. Schroeder's job title at the time? 5 A. Talent management director. 6 Q. Where was he located? 7 A. Sacramento. 8 Q. At the time you did this investigation, was 9 Mr. BenSaid based out of the Rancho Cucamonga office? 10 A. Yes. 11 Q. What prompted this investigation? 12 A. A complaint from an employee. 13 Q. Who was the employee? 14 A. I don't recall her name. It was a female 15 employee who had a secretarial job in the Rancho 16 Cucamonga office. 17 Q. Was it Harmony Powell? 18 A. That sounds right. 19 Q. Was that a written complaint that you received? 20 A. I don't recall. 21 Q. Was there a formal grievance in connection with 22 that complaint? 23 A. I don't recall. 24 Q. If there had been a grievance, would that have 25 been in writing?</p>
<p style="text-align: right;">Page 27</p> <p>1 BY MS. SUBBOTIN: 2 Q. In what context? 3 A. In the context of work. 4 Q. Did she ever make any complaints to you about 5 coworkers? 6 MR. HARLAND: Objection. Relevance. 7 MS. WITHERSPOON: And to the extent that he was 8 providing legal advice to management or the leaders of 9 the union, that would be privileged and I would instruct 10 him not to answer on those topics. 11 BY MS. SUBBOTIN: 12 Q. Did you ever provide her with legal advice? 13 A. Yes. 14 Q. Did you ever investigate Chokri BenSaid in 15 connection with a claim of inappropriate conduct in the 16 workplace? 17 A. Yes. 18 Q. When did you do that? 19 A. I don't recall. 20 Q. What did you do to investigate him? 21 A. I spoke to people, I took notes, I asked 22 questions of Chokri and of the person who had complained 23 about his conduct. 24 Q. Did anybody else participate in this 25 investigation with you?</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes. 2 Q. Would that have been made by -- on Ms. Powell's 3 behalf by a shop steward? 4 A. I have no idea. 5 Q. What was the complaint that this individual, 6 Ms. Powell, made about Mr. BenSaid? 7 A. That he had invited her to come to his home 8 during a workday. 9 Q. Did she make any other complaints about 10 Mr. BenSaid's conduct? 11 A. Yes. 12 Q. What were the other complaints she made about 13 his conduct? 14 A. Actually, complaints, no. That was the only 15 complaint she made about his conduct. 16 Q. Did she bring up any other actions he had 17 taken, vis-a-vis her? 18 A. Yes. 19 Q. What other actions did she bring up? 20 A. That he had asked her to deliver materials from 21 the office to a hotel room. 22 Q. Did she bring up any other conduct? 23 A. No. Not that I recall. 24 Q. Did you interview Ms. Powell? 25 A. Yes.</p>

Page 30	Page 32
<p>1 Q. Who else was present when you interviewed her?</p> <p>2 A. Mr. Schroeder.</p> <p>3 Q. Was this a face-to-face interview?</p> <p>4 A. Yes.</p> <p>5 Q. Where did you conduct the interview?</p> <p>6 A. At a hotel.</p> <p>7 Q. Was that near the Rancho Cucamonga office?</p> <p>8 A. Yes.</p> <p>9 Q. Did you record the interview?</p> <p>10 A. No.</p> <p>11 Q. You took notes, though?</p> <p>12 A. I believe so.</p> <p>13 Q. Did Mr. Schroeder take notes?</p> <p>14 A. I don't know.</p> <p>15 Q. Did Ms. Powell bring up anything relating to a</p> <p>16 camera during this interview?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Who else did you speak with in connection with</p> <p>19 Ms. Powell's complaint?</p> <p>20 MS. WITHERSPOON: Just object as to any</p> <p>21 privileged communication that he had as chief counsel.</p> <p>22 I'd instruct not to answer with respect to those topics.</p> <p>23 THE WITNESS: Chokri is the only other person I</p> <p>24 remember.</p> <p>25 BY MS. SUBBOTIN:</p>	<p>1 Hernandez?</p> <p>2 A. No.</p> <p>3 Q. Do you remember a woman named Brenda Farley?</p> <p>4 A. Yes.</p> <p>5 Q. Did you speak to Ms. Farley about this matter?</p> <p>6 A. I don't recall.</p> <p>7 Q. So the only two people you remember speaking</p> <p>8 with are Harmony Powell and Chokri BenSaid?</p> <p>9 A. Correct.</p> <p>10 Q. Harmony Powell was a member of the staff union</p> <p>11 at the time. Correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did she have a representative present during</p> <p>14 your interview?</p> <p>15 A. Not that I recall.</p> <p>16 Q. What did you do after you interviewed</p> <p>17 Mr. BenSaid and Ms. Powell?</p> <p>18 A. What did I do? I probably had lunch. What do</p> <p>19 you mean, what did I do?</p> <p>20 Q. <u>Did you reach any conclusions based on your</u></p> <p>21 <u>investigation?</u></p> <p>22 A. Yes.</p> <p>23 Q. <u>What did you conclude?</u></p> <p>24 MS. WITHERSPOON: I would object to the extent</p> <p>25 that these are legal advice that he is providing to the</p>
Page 31	Page 33
<p>1 Q. Was that a face-to-face interview?</p> <p>2 A. I don't recall.</p> <p>3 Q. Did you take notes?</p> <p>4 A. Of what?</p> <p>5 Q. Your discussion with Mr. BenSaid.</p> <p>6 A. I don't recollect at this point.</p> <p>7 Q. Do you recall talking to any other staff</p> <p>8 members in connection with your investigation?</p> <p>9 A. I do not.</p> <p>10 Q. Do you remember the names of any of the staff</p> <p>11 members in the Rancho Cucamonga office?</p> <p>12 A. Yes.</p> <p>13 Q. Who do you remember being there at the time?</p> <p>14 A. Being there?</p> <p>15 Q. Yes, in the Rancho Cucamonga office at the time</p> <p>16 you were engaged in this investigation.</p> <p>17 A. Being assigned to work there during the time of</p> <p>18 this investigation?</p> <p>19 Q. Yes.</p> <p>20 A. Ted Burnett.</p> <p>21 Q. What was his role?</p> <p>22 A. He's a field manager.</p> <p>23 Q. Anybody else?</p> <p>24 A. Not that I recall today.</p> <p>25 Q. Do you remember a gentleman named Frank</p>	<p>1 union and that was privileged, and instruct not to</p> <p>2 answer to that extent.</p> <p>3 THE WITNESS: <u>Concluded it was more likely than</u></p> <p>4 <u>not that the misconduct had occurred.</u></p> <p>5 BY MS. SUBBOTIN:</p> <p>6 Q. <u>The misconduct was what?</u></p> <p>7 A. <u>Harassing behavior.</u></p> <p>8 Q. <u>Did Mr. Schroeder agree with your conclusion?</u></p> <p>9 A. Yes.</p> <p>10 Q. <u>Was Mr. BenSaid disciplined as a result of</u></p> <p>11 <u>this?</u></p> <p>12 A. Yes.</p> <p>13 Q. <u>Was he fired because of it?</u></p> <p>14 A. Yes.</p> <p>15 Q. <u>Did you tell Mr. BenSaid that you had concluded</u></p> <p>16 <u>that it was more likely than not that he had harassed</u></p> <p>17 <u>Ms. Powell?</u></p> <p>18 A. <u>I don't recall that.</u></p> <p>19 Q. <u>Did you share the outcome of your investigation</u></p> <p>20 <u>with him?</u></p> <p>21 A. <u>I don't recall that.</u></p> <p>22 Q. <u>Would that have been your practice, to tell</u></p> <p>23 <u>somebody what the result of the investigation was?</u></p> <p>24 A. Yes.</p> <p>25 Q. That would have been good HR practice?</p>

Page 34	Page 36
<p>1 MS. WITHERSPOON: Objection. Relevance.</p> <p>2 THE WITNESS: I don't know how to answer that</p> <p>3 question. Chokri had been through interviews, he had</p> <p>4 been asked questions about very delicate matters, and</p> <p>5 then he was terminated. I don't think he was confused.</p> <p>6 MS. SUBBOTIN: 2.</p> <p>7 (Plaintiff's Exhibit 2 was marked for</p> <p>8 identification.)</p> <p>9 BY MS. SUBBOTIN:</p> <p>10 Q. Exhibit 2 is a one-page letter on Local 1000's</p> <p>11 stationery, dated September 10th, 2009, sent via UPS</p> <p>12 overnight to Mr. BenSaid, and it's over Paul E. Harris,</p> <p>13 the Third.</p> <p>14 That's your signature on this letter?</p> <p>15 A. It is.</p> <p>16 Q. You remember sending Mr. BenSaid this letter?</p> <p>17 A. I do not.</p> <p>18 Q. Did you make the decision that he should be</p> <p>19 terminated?</p> <p>20 MS. WITHERSPOON: Objection to the extent that</p> <p>21 the testimony would require communication, privileged</p> <p>22 communication. I would instruct not to answer.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MS. SUBBOTIN:</p> <p>25 Q. Do you know who did?</p>	<p>1 A. No. No. No one ever told me that.</p> <p>2 Q. If there had been a grievance made in</p> <p>3 connection with Ms. Powell's complaint, where would that</p> <p>4 have been kept?</p> <p>5 A. I don't recall.</p> <p>6 Q. Were there grievance files kept by Local 1000?</p> <p>7 A. Yes.</p> <p>8 Q. And those were separate from personnel files?</p> <p>9 A. I don't recall if they were separate.</p> <p>10 Q. Did you maintain any personnel files in your</p> <p>11 role as chief counsel for Local 1000?</p> <p>12 A. No.</p> <p>13 Q. Who maintained those files?</p> <p>14 A. The talent management.</p> <p>15 Q. That would be Mr. Schroeder?</p> <p>16 A. He is a member of the department.</p> <p>17 Q. He was the director of the department.</p> <p>18 Correct?</p> <p>19 A. Correct.</p> <p>20 Q. So it would have been somebody, either</p> <p>21 Mr. Schroeder or somebody under Mr. Schroeder?</p> <p>22 A. I believe so.</p> <p>23 Q. Those files would be maintained in Sacramento?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know if the notes you took in connection</p>
Page 35	Page 37
<p>1 A. Yes.</p> <p>2 Q. Who?</p> <p>3 MS. WITHERSPOON: I'd object as to privileged</p> <p>4 communications and instruct not to answer.</p> <p>5 MS. SUBBOTIN: Counsel, this is a personnel</p> <p>6 decision, not a legal advice. I'm asking him who made</p> <p>7 the decision.</p> <p>8 MS. WITHERSPOON: But if he's making legal</p> <p>9 advice with respect to legal terminations, then that</p> <p>10 would be legal advice, and he can probably clarify if</p> <p>11 that was part of his role as chief counsel.</p> <p>12 BY MS. SUBBOTIN:</p> <p>13 Q. Well, my question was, who made the decision to</p> <p>14 terminate Mr. BenSaid?</p> <p>15 A. Yvonne Walker.</p> <p>16 Q. She was the president of Local 1000?</p> <p>17 A. Correct.</p> <p>18 Q. She had an office in Sacramento?</p> <p>19 A. Correct.</p> <p>20 Q. Did Mr. BenSaid ever contact you after he</p> <p>21 received this letter to discuss the decision?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Did anyone ever tell you that he had reached</p> <p>24 out to somebody at Local 1000 to ask why he had been</p> <p>25 fired?</p>	<p>1 with this investigation were placed in Mr. BenSaid's</p> <p>2 personnel file?</p> <p>3 A. I have no idea.</p> <p>4 Q. Did anyone at UHW ever -- strike that.</p> <p>5 Between the time that Mr. BenSaid was fired and</p> <p>6 the time you ran into him at this event that you</p> <p>7 described earlier, did you have any conversations with</p> <p>8 him at all?</p> <p>9 A. No.</p> <p>10 Q. Did you ever have occasion to observe him</p> <p>11 interacting with staff when he was at Local 1000?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever see him do anything you felt was</p> <p>14 inappropriate or say anything that you felt was</p> <p>15 inappropriate?</p> <p>16 A. No.</p> <p>17 Q. Did anyone other than Harmony Powell ever make</p> <p>18 a complaint of inappropriate conduct of Mr. BenSaid?</p> <p>19 A. Not to my recollection.</p> <p>20 Q. Did anyone at UHW ever reach out to you to ask</p> <p>21 about Mr. BenSaid's conduct while he was at Local 1000?</p> <p>22 A. No.</p> <p>23 Q. Did you ever provide any references to anybody</p> <p>24 who had worked at Local 1000, for a future job?</p> <p>25 A. To anyone who had ever worked -- have I ever</p>

Page 38	Page 40
<p>1 provided a reference for anyone ever that worked at 2 Local 1000? 3 MS. SUBBOTIN: Yes. 4 MS. WITHERSPOON: Object as to relevancy. 5 THE WITNESS: Can I get her question read back 6 here? 7 BY MS. SUBBOTIN: 8 Q. It was actually your question and I agreed to 9 it. 10 A. So the question is -- 11 Q. Have you ever provided a reference for somebody 12 who worked at Local 1000 in connection with them seeking 13 a job at another employer? 14 A. Yes. 15 Q. Are you familiar with an individual named Eric 16 Kissy? 17 A. Yes. 18 Q. He worked for Local 1000? 19 A. Yes. 20 Q. What was his job? 21 A. I don't recall. 22 Q. Was he terminated from Local 1000? 23 MS. WITHERSPOON: Object as to relevancy. 24 THE WITNESS: I don't recall. 25 BY MS. SUBBOTIN:</p>	<p>1 from one union to the next? 2 A. Yes. 3 Q. Have you ever had any training on sexual 4 harassment law? 5 A. Yes. 6 MS. WITHERSPOON: Objection. Relevance. 7 BY MS. SUBBOTIN: 8 Q. When have you had that training? 9 A. Every other year. 10 Q. And it's your understanding that an employer 11 has a duty to prevent sexual harassment from occurring 12 in the workplace? 13 MS. WITHERSPOON: Objection. Relevance as to 14 what this witness has to say about the duties of the 15 employer in this case. 16 THE WITNESS: That's correct. 17 BY MS. SUBBOTIN: 18 Q. Is it also your understanding that an employer 19 must take all reasonable steps to prevent sexual 20 harassment from occurring in the workplace? 21 A. Correct. 22 Q. Is it your understanding that an employer 23 should document any problems that they are having with 24 an employee with respect to inappropriate conduct in the 25 workplace?</p>
Page 39	Page 41
<p>1 Q. Was he ever accused of inappropriate conduct 2 while he was at Local 1000? 3 A. I don't recall. 4 Q. Did you ever provide a reference for anyone 5 from Local 1000 who was going to UHW? 6 A. No. 7 Q. Did Local 1000 have a policy regarding how 8 references would be provided to their employees? 9 A. I don't know. And I want to clarify, when you 10 asked me if I had ever given anyone a reference, there 11 was never anyone calling Local 1000 and the line got 12 transferred to me. This was me helping friends of mine 13 or former colleagues of mine getting jobs in the labor 14 movement. 15 Q. Have you done that more than once? 16 A. Yes. 17 Q. Is it your experience -- how many years have 18 you been in the labor movement? 19 A. Since 1991. 20 Q. So in your many years, decades, in the labor 21 movement, is it common to pick up the phone and give 22 people references to help people move from one union to 23 the next? 24 A. No. It's common -- no, that's not common. 25 Q. You've given references to help people move</p>	<p>1 MS. WITHERSPOON: Same objection as to 2 relevance with this witness. 3 THE WITNESS: I wouldn't say that. I would say 4 there's some behaviors that you don't need to document. 5 If you see something sufficiently egregious, no 6 documentation is necessary. But typically if someone 7 makes a complaint, you should keep a record of it. 8 BY MS. SUBBOTIN: 9 Q. <u>In the situation that involved Mr. BenSaid, was</u> 10 <u>that a situation you felt it was very clear that his</u> 11 <u>inappropriate conduct merited termination?</u> 12 A. <u>I've already said that.</u> 13 Q. <u>Yes?</u> 14 A. <u>Yes.</u> 15 Q. Looking back at Exhibit 2, why is it -- strike 16 that. 17 Did you draft this letter? 18 A. I believe so. 19 Q. Why is it that you didn't put in this letter 20 the reason why, the specific reason why, Mr. BenSaid was 21 being fired? 22 A. I don't know. This letter is from 2009. I 23 can't tell you my state of mind in September 10, 2009. 24 Q. <u>But it's your testimony that you're confident</u> 25 <u>Mr. BenSaid understood he was being terminated because</u></p>

Page 42

1 of what had happened with Ms. Powell?

2 A. Correct.

3 Q. Was it part of her allegation that he had

4 raised his voice at her for being late?

5 A. I don't recall that.

6 MS. SUBBOTIN: Thank you. I'm done.

7 THE WITNESS: Great.

8 MR. HARLAND: I do have a question. I'm sorry.

9 EXAMINATION BY MR. HARLAND, ESQ.

10 BY MR. HARLAND:

11 Q. Just a few questions.

12 You were asked some questions about the Harmony

13 Powell complaint, and I think you said, Mr. Harris, that

14 you were investigating an allegation that he invited her

15 to come to his home during the workday.

16 My question is, was it he invited her to come

17 to his home while work -- during that workday, you know,

18 go to the home during the workday, or did he ask her

19 that during the workday? Do you understand the

20 distinction?

21 A. Yes. He asked her to come to his home while

22 she was working and he was not.

23 Q. Okay.

24 MR. HARLAND: No other questions. Thanks.

25 MS. SUBBOTIN: I just have one follow-up

Page 43

1 question.

2 FURTHER EXAMINATION BY MS. SUBBOTIN, ESQ.

3 BY MS. SUBBOTIN:

4 Q. Was Mr. BenSaid Ms. Powell's supervisor?

5 A. I don't recall.

6 Q. He was a manager, though?

7 A. Correct.

8 Q. And she was not?

9 A. Correct.

10 COURT REPORTER: Do you want a copy?

11 MR. HARLAND: I do.

12 MS. WITHERSPOON: I do not need it.

13 (Whereupon, the proceedings were concluded at

14 10:56 a.m.)

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Page 44

1 STATE OF CALIFORNIA)

2) ss.

3 COUNTY OF SONOMA)

4

5 The witness, PAUL HARRIS, in the foregoing

6 deposition appeared before me, Cindy J. Kaiser a

7 Certified Shorthand Reporter in and for the State of

8 California.

9

10 Said witness was then and there at the time and

11 place previously stated, by me placed under oath to tell

12 the truth, the whole truth and nothing but the truth in

13 the testimony given on the date of the within

14 deposition.

15

16 The testimony of the witness and all questions

17 and remarks requested by Counsel and reported

18 thereafter, under my direction and control, caused to be

19 transcribed into typewritten form by means of

20 Computer-Aided Transcription.

21

22 I am a Certified Shorthand Reporter licensed by

23 the State of California. I further certify that I am

24 not of counsel or attorney for either or any of the

25 parties to the case named in the within caption, and

that I am not related to any party thereto.

IN WITNESS WHEREOF, I have hereunto affixed my

signature this 11st day of July, 2019.

Cindy J. Kaiser

Cindy J. Kaiser, CSR

Certified Shorthand Reporter #7647

Page 45

1 ERRATA SHEET

2

3 Page ____ Line ____ Correction: _____

4 Reason: _____

5 Page ____ Line ____ Correction: _____

6 Reason: _____

7 Page ____ Line ____ Correction: _____

8 Reason: _____

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19 Page ____ Line ____ Correction: _____

20 Reason: _____

21 Page ____ Line ____ Correction: _____

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23 Page ____ Line ____ Correction: _____

24 Reason: _____

25 Signature of Witness _____

EXHIBIT L

to: Greg Pullman

Grissell wants to move to AZ.

Thirline she will load effort
3/3/18, 1:24:54 PM
ther_, ... with Lis C
for first 3-6 months.

Chokri and Noemi want to fire
Ferdinand. I'm insisting they
give him a demote option since
he has been here for so long and
is a decent person.

EXHIBIT 7

Details

o: Greg Pullman

Please. Your leadership is the only thing keeping us on track on harassment. Fran was wonderful and very appreciated by all. Our original panel idea was right too and is still sound. Your point about Marcus shadow is right too and needs to be considered. Mindy is getting help and has been from the beginning. She has a therapist, meds and support group options she hasn't taken. Part of her recovery will be taking initiative to get more if she needs it. I actually think she is making great progress. She's 1000 times better then when I was picking her up off the floor after 2 hours of the last meeting. She was so impressive standing there throughout the debate and confronting Dave. She's also doing much better at work. It will take time but I believe she is gonna be ok. We all struggle with courage and Dave on a daily basis. It's not on you. We should both work on him for the staff training. We also have to be realistic about what we have the ability to change in him and others.

EXHIBIT M

Mary Sacramento

From: Triana Siltan
Sent: Wednesday, August 19, 2015 8:34 PM
To: Bruce Harland; Mary Sacramento
Subject: Allegations of improper conduct

Faith Santilla raised issues regarding inappropriate conduct by Chokri this afternoon. They are, to the best of my recollection, as follows:

- 1) inappropriate pictures on his phone of a contract specialist from No Cal (Issa? And on the bargaining team) when Faith raised a question about it she said that Chokri said he could get the person sent back. This was supposedly on Chokri's personal phone. She also alleged that she had seen inappropriate pictures of Veronica Hernandez, another Kaiser member on Chokri's phone;
- 2) Faith said that Chokri had used inappropriate and insulting language towards her on the drive from Bakersfield to Sacramento on June 2nd including language like slut, whore and bitch. She described in the context of Chokri expressing jealousy and saying he thought she was sleeping with someone else;
- 3) Faith said she was supposed to have a meeting at the office with Chokri and Mary Corson on Friday August 7 th. She says that Chokri told her that she needed to fill out her divorce paperwork instead of coming to the meeting and so he changed the meeting location and Faith was not invited as a result and the meeting took place without her.

These are the allegations from the conversation that prompted the need to report based on our sexual harassment policy. Feel free to call me for more details.

The conversation took place with Faith at 3 pm in her office.

Sent from my iPhone

FAITH SANTILLA - COORDINATOR ODD Exit Interview

- Why have you decided (did you decide) to leave UHW? Was a single event a turning point in your decision?

Had to talk to Triana about it yesterday. I am leaving because of Chokri, it's gotten extremely abusive in every way possible.

Few things that happened at work:

2 Fridays ago I was assigned to work with Mary Corson on a campaign and was supposed to meet at the office by 1pm. He had texted me in the morning. "can I kidnap you after the meeting. I responded that I have to work and work on my next round of divorce papers. " he texted me " you bitch you are supposed to handle this" He thought that was the deadline for me to submit it to the court. NO you need to go the court house. "you need to get that done and I am relieving you from this meeting. He through accusations and said you do not need to be in this meeting no I will meet with Mary offsite.

Couple of days later, I don't know what my status is on this campaign can I work with Mary. C? CB: your last day is Friday; you pick a perfect time to resign. No you don't need to do the campaign.

Before that, around on July While he was on vacation. We we're flying back to Miami. a text pop up, 2 inappropriate conversations with 2 other women. One of them exchanging I love you, Mi Amor, you gave me an infection? I was a CS right now her name is ISSA. I didn't know at that time that she was a member. She sent him a picture of herself with her underwear. He admitted to me that he was having inappropriate interaction her. There was a back and forth.

Veronica Hernandez naked picture. He said it was sent to him. According to Chokri , Bruce Greg and Triana knew about it. And to keep it in case there will be a sexual harassment case next time.

He called Issa in front of me. He said to her the conversation was inappropriate and we can just be colleagues. I know they spoke the next day.

Before he called the other woman I need to tell you something. She is pregnant. Then 2 days after he said I only said it to see your reactions. I was very upset I said why are putting me through this. CB: I'll make sure she (CS) gets fired and send her back to work. I will call Kaiser.

I told him you need to maintain your boundaries.

Before that Triana asked me to work on the staff assistant campaign, I did not get a call from Pat; Pat said I am not going. So I asked Chokri why, he said why I would send you there if I am not there.

On June 1 I was assign to cover Bakersfield, June 2nd I have to drive to Bakersfield. He got upset and accused me of hooking up with someone in Bakersfield. Chokri ended up going with me to Bakersfield. On our way to Sacramento 4 hours of him yelling at me 2 times bitch etc.

It's just difficult to work here. He told me in March that Renee Sebeny told him to pick up on someone so they can have a threesome.

He also told me Mindy Sturge wanted to sleep with him.

Arianna and someone from the coalition trying to sleep with him.

Lion having sex - Allyn sent it to him.

I know that Chokri would talk to Renee about Allyn

He would call Allyn and complain about Me.

Hard to go to work and see the women that he claims who wants to sleep with him., Just hard to deal with at work. Hard to come to work Chokri would text my husband. Just call me "bitch, whore, some in public".

Double Tree Incident – was calling me whore

I would start working from home. flowers, he was watching me. Driven by her I house, my ex house , just general comments. “ she's prettier than you”

I'm afraid of Chokri. I just don't think I can work here anymore. My boss didn't believe me. I'm not comfortable if I am in the room with Arianna, Renee, members he has pictures of.

- What does your new organization offer that encouraged you to accept their offer?

I won't have anything.

- What do you value about UHW?

I believe in the work that we are doing. I've been in the labor movement for 15 years and never seen an organization who wants to change a culture. It's something that I am proud of.

- What did you dislike about UHW?

I think we have serious problems in supporting people's work-life balance. There's something with the way we do work where people feel like they are getting pushed out. I think we need mental health help seriously.

Abby Reeve wanted to take her own life

I heard Jesus wanted to take his own life which led to the heart attack.

- The quality of supervision is important to most people at work. How was your relationship with your manager?

It used to be good. I think I learned a lot from Triana. I am extremely thankful for the opportunity and the chances she gave me. The way she handled my attempt to talk to her about Chokri was devastating to me. Other than that I learned a lot from her.

- What could your supervisor do to improve his or her management style and skill?

If one of your staff shares with you that they are afraid of their partner I think she should take that seriously. When she is stressed out then the whole department is in the bad mood. If she manages her moods then it will not transfer to staff.

- What are your views about management and leadership, in general, in UHW?

I think they are all visionary. I am thankful and impressed with the way the organization has changed and the direction we are going. I think it is extremely sexist.

Chokri told me who Marcus is sleeping with in the organization I don't know if Chokri is lying or telling me the truth. 2 members are Victoria Dela Cruz (Kaiser) and Debir.

- What did you like most about your job?

I really enjoy Working with Staff. I like having different projects. I like how we are given a chance to work across divisions.

- What did you dislike about your job?

It says the obvious. Same reasons why I am leaving

- Do you feel you had the resources and support necessary to accomplish your job? If not, what was missing?

Through the most part. Except the when I did not feel supported by Triana on the Chokri.

- What is your experience of staff morale and motivation in UHW?

Pretty low and bad staff morale in general. I still don't think we do a good job in looking at numerical goals differently. It's not that I don't agree with the goals. But I think the morale has something to do with the goals. People look at the numerical goals as numbers rather than teach people on how to look at their numbers and have an analysis of what is going on in the facility. How to develop a strategy based on the numbers

- Did you have clear goals and know what was expected of you in your job?

Yes

- Did you feel a part of the accomplishment of UHW mission and goals?

Yes

- Describe your experience of UHW's commitment to its members.

Deeply committed to look at members as whole people, I think the way we do our work is different and special because we are trying to fix things that don't just exist in people's job and try to fix issues that affect our member's communities and families.

- What would you recommend to help us create a better workplace?

I think helping people develop an analysis about the members. Instead of just people are just ask give me your numbers. Then we don't ask any more questions beyond that.

Ryn does a really good job on that one. Coordinators can learn from that,

- Describe the qualities and characteristics of the person who is most likely to succeed in this organization.

Single, NO kids, self-motivated, willing to work long hours and someone who is not a scary cat or someone who is not afraid of conflict. Also someone who doesn't take things personally.

- Do you have any recommendations regarding reward and recognition efforts including our compensation and benefits.

For people that are performing well they don't necessary need an award but give them more responsibility over in a way that they are actually leading their peers. Give them more opportunities.

If staff is a high performer. Create space so they can mentor their peers. Staff generally do not want to see their co works fail. Maximize someone skills for another staff person.

- What would make you consider working for this organization again in the future?

Not sure yet...

- Can you offer any other comments that will enable us to understand why you are leaving, how we can improve, and what we can do to become a better organization?

I think that's it.

EXHIBIT N

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EXHIBIT NO. 1
R. Leonard

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3

4 CERTIFIED
5 COPY

6 STARLA ROLLINS, AN INDIVIDUAL,)
7)
8 PLAINTIFF,)

9 VS.

) CASE NO.
) ED CV 5:13-1312 R(OPX)
)

10 COMMUNITY HOSPITAL OF SAN)
11 BERNARDINO, A CALIFORNIA)
12 CORPORATION; SERVICE EMPLOYEES)
13 INTERNATIONAL UNION-UNITED)
14 HEALTHCARE WORKERS WEST)
15 (SEIU-UHW), A CALIFORNIA UNION,)
16 AND DOES 1 THROUGH 70, INCLUSIVE)
17)
18 DEFENDANTS.)
19)
20)

21 DEPOSITION OF STANLEY ALAN LYLES
22 TUESDAY, MARCH 18, 2014
23

24 REPORTED BY:
25 ROBIN LEONARD
CSR NO. 3334

R. LEONARD, C.S.R., INC.
CERTIFIED SHORTHAND REPORTERS
4142 MEADOW RIDGE PLACE
ENCINO, CALIFORNIA 91436
(818) 995-2449
FILE NO.: 38378

10:48 1 Q DID YOU HAVE ANY -- DID YOU EVER HAVE ANY
2 SEXUAL INTEREST IN MISS ROLLINS?

10:49 3 A NO.

10:49 4 Q DID YOU EVER HAVE ANY DATING OR ROMANTIC
5 INTEREST IN MISS ROLLINS?

10:49 6 A NO.

10:49 7 MR. JACOB: MARK AS EXHIBIT NO. 1 A DECLARATION OF
8 REGINA JOHNSON.

10:49 9 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT WAS
10 MARKED FOR IDENTIFICATION BY THE SHORTHAND REPORTER AND
11 ATTACHED HERETO).

10:49 12 Q BY MR. JACOB: IF YOU JUST TAKE A MOMENT TO
13 REVIEW THE DECLARATION.

10:50 14 MR. HARLAND: THERE'S NO QUESTION.

10:50 15 Q BY MR. JACOB: HAVE YOU HAD AN OPPORTUNITY TO
16 AT LEAST REVIEW THE DECLARATION?

10:50 17 A YES.

10:51 18 Q AND IS IT CORRECT THAT YOU DON'T WANT TO CHANGE
19 ANY TESTIMONY THAT YOU'VE GIVEN THUS FAR TODAY?

10:51 20 A CORRECT.

10:51 21 Q DO YOU KNOW REGINA JOHNSON?

10:51 22 A NO.

10:51 23 Q HAVE YOU EVER -- WITHDRAWN.

10:51 24 HAVE YOU EVER MET ANYONE NAMED REGINA JOHNSON
25 AT CHW?

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF LOS ANGELES)
4

5 I, ROBIN LEONARD, A CERTIFIED SHORTHAND
6 REPORTER LICENSED BY THE STATE OF CALIFORNIA, CERTIFY:
7 THAT THE FOREGOING DEPOSITION OF STANLEY ALAN
8 LYLES WAS TAKEN BEFORE ME PURSUANT TO NOTICE
9 AT THE TIME AND PLACE THEREIN SET FORTH, AT WHICH TIME
10 THE WITNESS WAS PUT UNDER OATH BY ME;

11 THAT THE TESTIMONY OF THE WITNESS AND ALL
12 OBJECTIONS MADE AT THE TIME OF THE EXAMINATION WERE
13 RECORDED STENOGRAPHICALLY BY ME AND WERE THEREAFTER
14 TRANSCRIBED;

15 THAT THE FOREGOING IS A TRUE RECORD OF THE
16 TESTIMONY AND OF ALL OBJECTIONS AT THE TIME OF THE
17 EXAMINATION.

18 IN WITNESS THEREOF, I HAVE SUBSCRIBED MY NAME
19 THIS 19TH DAY OF MARCH, 2014.
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CSR NO. 3334

EXHIBIT O

Kyra Subbotin

From: Kyra Subbotin <kyras@lmi.net>
Sent: Wednesday, September 04, 2019 3:00 PM
To: bharland@unioncounsel.net; Caitlin E. Gray (CGray@unioncounsel.net); Roberta Perkins
Subject: Meet and confer - MSJ

Counsel: This email is intended as a meet and confer attempt before I undertake the task of responding to the motion for summary judgment and UHW's 267 "undisputed facts". Here are just a few of the problems:

1. UHW's Separate Statement violates CCP §437c(b)(1) in that it fails to set forth "plainly and concisely" all material facts necessary to evaluate UHW's arguments, let alone determine that it is entitled to summary adjudication. Many of UHW's "plain and concise" statements of "fact" involve mini-paragraphs of background information that is often not material to resolution of the issues raised by this motion. Of course, this necessitates undue time by counsel and the Court as the facts are sifted and the evidence reviewed on matters unrelated to the core issues raised by the motion.
2. UHW has also failed to comply with C.R.C. 3.1350(f)(2) by failing to cite to the exhibit, title, page and line number quoted. [see, e.g., Nos. 9, 31, 35, 55-56, 61-62, 71, 93, 100, etc] This undermines the purpose of a separate statement, which is to "provide[] a convenient and expeditious vehicle permitting the trial court to hone in on the truly disputed facts." Collins v. Hertz Corp., 144 Cal. App. 4th 64, 74 (2006).
3. Certain "facts" are nothing more than observations as to what plaintiff "contends", "alleges", or "claims". [See, e.g., Fact Nos. 38, 40] Allegations are not facts. This type of proffer was criticized in two cases, Reeves v. Safeway Stores, Inc., 121 Cal. App. 4th 95 (2004)(unanimous) and Nazir v. United Airlines, Inc., 178 Cal. App. 4th 243 (2009). In Reeves, the appellate court noted that what a witness said, or what she acknowledged is not a material fact properly included in a separate statement. [See,

e.g., “Facts” 3, 7, and 8] Id., 121 Cal. App. 4th at 105-106 (what plaintiff said about events “is not, as such, a ‘material fact.’”)

4. The motion violates the “rule of completeness” -- the precept that the moving party must set forth all material evidence on point, not just evidence favorable to it. Failure to do so may be treated as an attempt to mislead the Court as to the state of the discovery record. See Rio Linda Unified School District v. Superior Court, 52 Cal. App. 4th 732, 740 (1997). The most obvious example: UHW chose to disclose only portions of a report it initially considered highly confidential to present photos from which it argues that plaintiff had an intimate relationship with defendant Marcus Hatcher. But the report itself, prepared by UHW’s own investigator, concluded that no such relationship existed -- a fact confirmed by UHW Director Chokri Bensaid -- and further concluded that Hatcher had lied about the relationship. Moreover, UHW continued to pretend that there was no sexual assault by ignoring the finding in its own investigator’s report.
5. The California Legislature has decreed that “harassment cases are rarely appropriate for disposition on summary judgment.” Cal. Govt. Code 12923. That’s because they involve issues “not determinable on paper.” Id.
6. The California Legislature has decreed that “a single incident of harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work environment.” Cal. Govt. Code 12923 (b). And your argument regarding “stray remarks” was also dismissed by the Legislature. See 12923(c), yet you made it anyway.

I respectfully request that UHW withdraw its motion before plaintiff incurs the time and expense of responding and before the Court has to expend the considerable time it will take to sift through the voluminous papers. If UHW refuses, I will seek sanctions under CCP 128.5. UHW’s papers do not meet the requirements of CCP 128.7. Your legal contentions are not warranted by existing law or the facts presented in the full record developed during discovery

Kyra Subbotin, Esq.
Law Offices of Kyra Subbotin
2625 Alcatraz Avenue, No. 152
Berkeley, CA 94705
Phone: 510 923-0451
Fax: 510 923-0565
kyras@lmi.net

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EXHIBIT P



"THIS IS BOTH THE PROMISE AND THE
POWER OF OUR UNITY. THE UNION IS
THE VEHICLE BY WHICH ORDINARY
PEOPLE CAN ACCOMPLISH
EXTRAORDINARY THINGS. WE DON'T
SIT ON THE STATUS QUD OR SETTLE
FOR BUSINESS AS USUAL."

--Chokri Bonsaid
SEIU-UHW Kaiser Division Director

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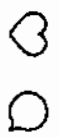


seiuuhw



mchadburn Chokri is a predator.
Standing with him is to stand against
women. Talk about hostile working
environment. Extraordinary is right.

seiuuhw @mchadburn SEIU-UHW takes
harassment very seriously, and has a
thorough sexual harassment policy and
process. Have you or the person



andersen.olga, angela.tomato,
ericmonacelli, burtveracruz,
suzannejimenez, sundevilmom_805,
leah0611, greenliq and sisepuede26
like this

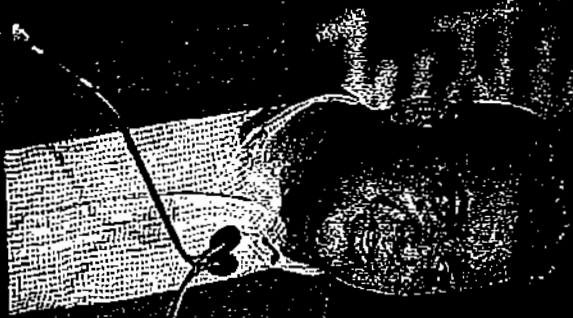
SEPTEMBER 9, 2016

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SEUHW_003570

EXHIBIT P



**"THIS IS BOTH THE PROMISE AND THE
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SIT ON THE STATUS QUO OR SETTLE
FOR BUSINESS AS USUAL."**

—Chokri Bensaid
SEIU-UHW Kaiser Division Director

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seiuuhw



seiuuhw @mchadburn SEIU-UHW takes harassment very seriously, and has a thorough sexual harassment policy and process. Have you or the person affected filed a complaint or spoken with anyone in management or HR about this?

mchadburn @seiuuhw surely HR is familiar as to the reasons Chokri had to



andersen.olga, angela.tomato, ericmonacelli, burtveracruz, suzannejimenez, sundevilmon_805, leah0611, greenlique and sisepuede26 like this

SEPTEMBER 9, 2016

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SEUHW_003571



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—Chokri Bensaid
SEIU-UHW Kaiser Division Director

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seiuuhw



mchadburn @seiuuhw surely HR is

familiar as to the reasons Chokri had to

leave seiu 1000 and I'm confident Triana

Silton is aware of his abusive behavior. I

wish people weren't promoted to officers

of an institution that is supposed to

protect working families when they do

vile things themselves. I think this policy

that union leaders are in relation too harmful...



andersen.olga, angela.tomato,

ericmonacelli, burtveracruz,

suzannejimenez, sundevilmon_805,

leah0611, greenlique and sisepuede26

like this

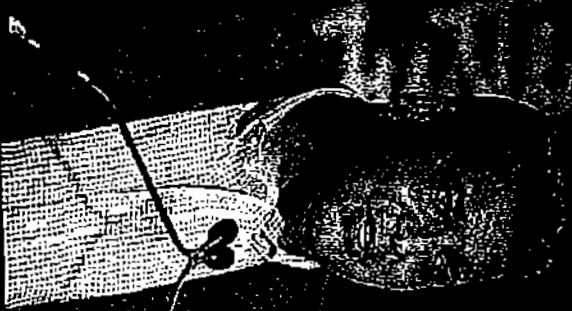
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**"THIS IS BOTH THE PROMISE AND THE
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FOR BUSINESS AS USUAL."**

—Chokri Bensaid
SEIU-UHW Kaiser Division Director

UNITED FOR
#HealthcareJustice



seiuuhw



wish people weren't promoted to officers of an institution that is supposed to protect working families when they do vile things themselves. I think this policy that you speak of is relying too heavily on victims of abuse to come forward and file complaints rather than the employer do their due diligence.



andersen.oiga, angela.tomato,
ericmonacelli, burtyveracruz,
suzannejimenez, sundevilmom_805,
leah0611, greenlique and sisepuede26
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SEPTEMBER 9, 2016

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...

SEUHW_003573

EXHIBIT Q

1

CONFIDENTIAL

EXHIBIT R

REDACTED

From: Greg Pullman

Sent: Sunday, November 12, 2017 2:32 PM

To: Triana Siltan; Chokri Bensaid; Cass Gualvez; Arianna Jimenez; Nathan Selzer; David Miller; Liza Leyva; Flannery Hauck; Hortencia Armendariz

Cc: Dave Regan; Stanley Lyles; Bruce Harland

Subject: Follow Up

Hi everyone, I wanted to go over some immediate follow-up from the unfortunate events that lead up to the hard day we had on Friday. First, this is the official statement we are making to staff and members and allies when asked about Marcus:

After a thorough investigation, conducted by an outside, independent professional, we have terminated the employment of Marcus Hatcher for violation of our fraternization and harassment policies.

I ask that you stick that statement.

Next, Dave and I have been through a bunch of discussions with people about this and there is a range of emotions from shock to anger to anxiety about the work ahead to sadness, devastation and loss. I want to ensure that we are respecting that these are all legitimate feelings for people to have and we have to help them through it while getting them re-focused on the work. If there is anyone, staff or leader, who

you think would benefit from a call from me, Dave, Stan or Triana, please let us know right away. Also, I ask that you keep me informed of any problems that you see emerging from staff or member reactions.

Finally, some are stepping back from the specifics of this matter to look at what more we can do to prevent it in the future. There have been a number of good ideas about training and policy changes. We will have that discussion at our next Steering Committee meeting and I encourage you to think about ideas you have in that regard. In the meantime, there is the E Board meeting and some year end staff retreats coming up. The combination of overnight gatherings and alcohol consumption is posing challenges. I'm asking that everyone who is responsible for one of these events take these steps:

1) Someone in leadership should make this statement that incorporates the following concepts at the beginning of each of these meetings:

I want to remind everyone that this is a work event, paid for with the dues money of UHW members. In the evening, when we are done with our official meetings, it will still be a work event. That means, while it is fine to relax, socialize and have fun- we expect everyone to continue to behave in a professional manner. If you drink, it should be in moderation and you need to maintain professional behavior. Nobody should view this as an opportunity to get wasted, hook up or party into the wee hours of the morning. We expect all our staff to treat everyone you interact with here with total respect. We expect you to be on time in the morning in a condition to fully engage. We want everyone to leave this event proud of the way they conducted themselves at all times and knowing that it was consistent with UHW's values.

2) Someone in leadership should be designated as "in charge" of any evening social event. That person should not drink and they should be empowered to tell anyone, regardless of title, that they have had enough to drink or are behaving inappropriately and need to go to bed.

3) Evening social gatherings should be shut down no later than 11:30pm. People who then want to go out to bars or have parties in hotel rooms should be asked not to.

All this is subject to change after we discuss things further but I wanted to put some preventive measures in place for gatherings that happen before we finish this process. Please acknowledge that you have read this. Thank you.

EXHIBIT S

DECLARATION OF JUSTINE FOUT

I, Justine Fout, declare as follows:

1. I make this declaration upon personal knowledge and if called upon to testify, I would testify as set forth herein.

2. I am an employee of SEIU-UHW and have been employed since approximately mid-2009. I have served in many different roles while working at SEIU-UHW. I now serve as Political Capacity Organizer and help run the COPE program, which is an education program for UHW members.

3. During my 10 years with UHW, I have worked directly with Mindy Sturge, and I consider her a friend as well as a work colleague. I have had an opportunity to talk with and observe her both before and after she was assaulted in 2017 by UHW Director Marcus Hatcher.

4. Mindy's demeanor changed significantly since the assault. Before it happened, she was confident, outgoing, and totally committed to the work we do at UHW. After the assault, I saw her become self-conscious and paranoid. She became fearful, lost her self-confidence and felt betrayed by the organization.

5. In the immediate aftermath of the assault, Mindy disappeared on me: She would not return phone calls and this went on for a couple of weeks. I finally left her messages telling her that if she didn't respond, I was coming over to her house to find out what was going on. She came to my house and broke down, crying in my arms. She was so distraught that I told her she needed therapy. I also told her she should take medication to help her cope with what she was going through, but she was extremely reluctant to do

EXHIBIT 5

so. Based on my observations and my previous career as a drug and alcohol counselor, it appeared to me that she was suffering from PTSD from the events surrounding the assault.

6. Mindy called me several times a day in those first months. She was so hurt and emotionally devastated by these events. At the time, Mindy could not sleep well, she was not able to eat and was just depressed and in shock. Mindy is not a person who stuffs her feelings and she was overwhelmed by the feelings that came from being physically violated by this man, who was her boss, and yet angry at the abuse of trust. The process of Mindy's healing from the trauma has been long and hard. Mindy has been through so much as a result of this because Mr. Hatcher told people they were in a consensual relationship many people have blamed her for his termination and treated her badly. All these events are re-traumatizing to Mindy and have taken a terrible toll on her life.

7. During my employment, I had an opportunity to observe Marcus Hatcher's behavior at union events. I saw him drunk at Eboard meetings, and he would be leaning or hanging on women members in an inappropriate manner. It was very obvious. I also saw Chokri Bensaid drinking or possibly high at union events. I also saw him talking with one of my co-workers in Los Angeles in a way I thought was inappropriate. He sat too close to her and talked with her too long, and she looked uncomfortable. I later talked with her and she confirmed that she felt uncomfortable.

8. The way Dave Regan announced Mr. Hatcher's termination made it appear that he had been fired for violating the anti-fraternization policy, not that he had committed an assault on a co-worker. This fueled the lies that Marcus told about Mindy and him being

in a consensual relationship and more angst towards Mindy came as people believed she got him fired.

9. I attended a sexual harassment training led by someone from CA CASA in 2018 in the Sacramento office. Greg Pullman our chief of staff was present at that training. At some point during the training, the CA CASA trainer asked why everyone was so quiet. I spoke out, telling her that everyone was scared and no one believes that a change will be made until management learns to behave. The next day, I was called by Triana Silton, who tried to reassure me that things really would change, but I pointed out that there was ongoing inappropriate conduct and no one was doing anything about it. Triana tried to organize me to get back on program around the organization changing and that it is all our responsibility to call things out when it happens to make change. I told when the person who got traumatized (Mindy) tried to call the President out on his presentation of the new policy and then he screamed at her in public then the organization is still an unsafe place for staff.

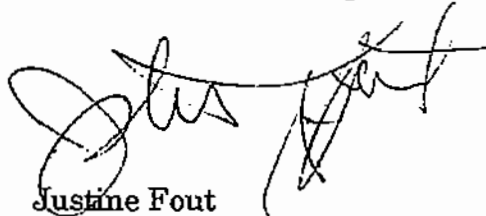
10. On September 14, 2018, after UHW president Dave Regan had made what I considered to be sexist and inappropriate comments at the Leadership Assembly and Eboard meetings, I sent an email to the members of the staff union (SWU 2599), describing the offensive comments and suggesting that the staff union send a complaint about Dave's conduct. A true and correct copy of that email is attached as Ex. A. While I got many email responses to that email from other staff members, nothing formal was done by the staff union leadership. I believe that many of my co-workers are afraid of speaking out because, of course, they could lose their jobs.

11. I believe that my email was shared with UHW management (Greg Pullman). No one in management has talked to me about the email or the issues raised in it. It was shared in the staff union meeting by the North Vice President that Greg Pullman had called the President of our staff union and told him that everyone who commented on my email chain could be called to testify. This scare tactic shut everything down and nothing was done by the staff union after that.

12. Since sending that email, I have been demoted from a "lead" position in my department.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was signed in Fairfield, California.

8/20/19
Date


Justine Fout

From: Justine Fout <justinefout@yahoo.com>
Date: September 14, 2018 at 4:42:49 PM PDT
To: Mindy <mmsturge@aol.com>
Subject: Fwd: Sexist remarks

Begin forwarded message:

From: Justine Fout <justinefout@yahoo.com>
Subject: Sexist remarks
Date: September 14, 2018 at 4:42:16 PM PDT
To: SWU 2599 General Membership <swu-2599-general-membership@googlegroups.com>

Hi my Sisters and Brothers

I feel very upset and offended that our President is making sexist and derogatory comments about Women's issues. I have 2 recent examples I am referring to.

At Leadership he said - ex. 1 We are so distracted by Stormy Daniels and Harassment we can't get anything done - women are over 50% of the population and workplace and personal harassment is rampant in our country and in our own organization....I'm sorry this is not a distraction it is a real issue. We have a large majority of women staff and mostly women members - this is not a distraction for us. So was the union wide trainings about harassment we all went to a "distraction" from the work? WE all know this has been and continues to be an issue here at UHW.

At the Eboard he said - ex. 2. The money for the Fairness project is not debatable (resolution to be voted on) if you want to heat all the whining you should go work at the women's voters organization. Besides what this means about our president's views on our member leaders concerns.... I'm sorry but to compare a women's organization as a place where whining is so prevalent...what does that say about us as women. What is our president trying to say about women's leadership in organizations? The League of Women's voters is one of the most prominent voter education groups in the country.

I am tired of our president making sexist and demeaning comments to our members and staff. **I would like the staff union to send a complaint or cease and desist to Dave to stop these offensive comments and comparisons about women and our issues/organization.** Hello Dave you represent an organization where the majority of our members are women.

Please respond to this request.

Justine Fout
justinefout@yahoo.com

EXHIBIT T

Get Those Ballots In!



Some links you might wanna check out..

PEACE SKEIN NEEDS AWE. The 1994 Nobel Peace Prize was awarded to the 100th anniversary of the birth of the late Dr. Martin Luther King Jr. The award was given to the late Dr. King for his leadership in the struggle for racial equality in the United States. The award was given to the late Dr. King for his leadership in the struggle for racial equality in the United States. The award was given to the late Dr. King for his leadership in the struggle for racial equality in the United States.

Welcoming

Welcome to Stuenkel with Fries, the funniest blog about SEU, MUHV, the struggle in California and the hilarious characters involved in this mess!

Please check out this site and enjoy what we have to share, and share what you know

Email me at: lastyjanaburgess@gmail.com

If it's a lasty enough month, you just might find it up on this blog

Search This Blog

Search

Blog Archive

Tuesday, December 25, 2012

Worker's Advice: Keep SEIU-UHW's Stan Lyles out of Your Stockings



As visitors of major plants delve through the haze of holiday revelry, workers tell *T&E* that a very different image is making through the brains of **SEIU-UNITE's** top officials.

This alternative vision also involves stockpiling...but, um, the kind you'd see in a Victorian's Secret catalog. According to members, SELL's and-of-year parties have further stimulated the already hefty hormonal production of SELL's-uff's president and vice president, Dave Baglan and Stan Lytle.

Regan's extra-marital escapades with union members and staffers are already well known. But hey.. don't tell Stan Short. Lykes appears to be equally homonymously turbo-charged. And he's constantly on the prowl, say workaholic.

Check out this Facebook post from a rank-and-file SEIU-UHW member, who offers the following warning about Lyons: "Today, watch your pants! I really has ruined our live workers name to protect her identity. Click on image to enlarge it."

3 Jan is all I had, but nothing comes out!! Take
down 5 Jan (11) before we and ladies watch your ponies
officers!! 13 at 12:00!! 18

And that's not all. A former female staffer at SEU-LHYW describes the following riposting scene: During an SEU-LHYW staff meeting "where Lyers was supposed to be paying attention to the discussion," the staffer suddenly felt a burning from her cellphone and pulled it out to reveal a text message from him: "I look really nice in that blouse, pretty!"

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Labels: $U = (u_1, \dots, u_n)$, $V = (v_1, \dots, v_n)$, $W = (w_1, \dots, w_n)$

Phosphor P 25

Kosten

Older men

EXHIBIT

EXHIBIT U

Page 1

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 2 IN AND FOR THE COUNTY OF ALAMEDA
 3 --oOo--
 4 MINDY STURGE,)
 5)
 6 Plaintiff,)
 7)
 8 vs.) Case No. RG18905155
 9)
 10 SEIU UNITED HEALTHCARE)
 11 WORKERS WEST, et al.,)
 12)
 13 Defendants.)
 14 _____)
 15
 16
 17
 18 DEPOSITION OF KATHRYN SCHNEIDER
 19 Oakland, CALIFORNIA
 20 Thursday, August 29, 2019
 21
 22
 23 REPORTED BY:
 24 DENISE A. FORD, CSR 7525
 25 JOB NO. 10059209

Page 3

1 FOR THE PLAINTIFF: KYRA SUBBOTIN, ESQ., 2625 Alcatraz
 2 Ave. No. 152, Berkeley, CA 94705.
 3
 4 FOR SEIU: WEINBERG, ROGER & ROSENFELD, 1001 Marina
 5 Village Parkway, Suite 200, Alameda, CA 94501, BRUCE A.
 6 HARLAND, ESQ.
 7
 8
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 10 --oOo--
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Page 2

I N D E X

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Page 4

1
 2
 3 --oOo--
 4 BE IT REMEMBERED that pursuant to Notice and on
 5 Thursday, August 29, 2019, commencing at 10:04 a.m.,
 6 thereof, at the offices of Jane Grossman Reporting, 1939
 7 Harrison Street, Oakland, CA, before me, Denise A. Ford,
 8 a Certified Shorthand Reporter, personally appeared
 9 KATHRYN SCHNEIDER
 10 called as a witness herein, who, having been first duly
 11 sworn, was examined and testified as follows:
 12 --oOo--
 13
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EXHIBIT

u

1 A. On average, two days a week.
 2 Q. The rest of the time what are you doing?
 3 A. I have, as I stated before, from Mt.
 4 Shasta to Santa Cruz, so I will spend time in our
 5 Sacramento office, our San Jose office and hospitals
 6 that I oversee and sometimes the L.A. office.
 7 Q. And when you go to the hospitals that you
 8 oversee, do you have a – do you sit down in the
 9 hospital and meet with people?
 10 A. It depends.
 11 Q. Do you have meetings when you are
 12 travelling?
 13 A. What do you mean?
 14 Q. Do you sit down and meet with people and
 15 talk to them?
 16 A. Yes.
 17 Q. And where do you hold those meetings?
 18 A. Meetings that I have at the office or
 19 meetings that I have at the hospital?
 20 Q. At the hospital or on the road.
 21 A. Well, on the road if I am driving it is a
 22 phone call. In the hospital it is either walking
 23 through the facility or in the cafeteria or conference
 24 room.
 25 Q. When did you get your last raise?

1 of alcohol?
 2 A. I don't – to the best of my knowledge, an
 3 executive board meeting in San Francisco. I don't
 4 recall if it was an executive board or leadership
 5 assembly, but one of the two.
 6 Q. Do you remember when?
 7 A. Clarify "when"?
 8 Like the date or when --
 9 Q. If you can give me a date, that would be
 10 great, or if you can't, just a general time frame.
 11 A. If it was in San Francisco it was likely
 12 at our leadership assembly which was in August.
 13 Q. Was that the last leadership assembly he
 14 was at?
 15 A. That I recall, yes.
 16 Q. What do you remember seeing at that time?
 17 A. "Seeing," clarify.
 18 Q. You said you saw him under the influence
 19 of alcohol.
 20 How did you know he was that way?
 21 A. He exhibited signs of being inebriated,
 22 swaying, slurring words.
 23 Q. Was he with anyone at the time?
 24 A. I don't recall. The bar area, so there
 25 were a lot of people there.

1 A. October of 2018.
 2 Q. Cost of living?
 3 A. Yes.
 4 Q. When was the last time you had a raise
 5 that wasn't a cost of living raise?
 6 A. When I moved to Northern California in
 7 April of 2017.
 8 Q. Was that a merit raise?
 9 A. I don't know.
 10 Q. Your job title did not change?
 11 A. No.
 12 Q. You have never worked directly under
 13 Marcus Hatcher, have you?
 14 A. No.
 15 Q. You have seen him at e-board events
 16 though?
 17 A. Yes.
 18 Q. Several witnesses have testified that they
 19 have seen him under the influence of alcohol at union
 20 events.
 21 Did you ever see him like that?
 22 A. Yes.
 23 Q. More than once?
 24 A. I don't know. Possibly.
 25 Q. When did you see him under the influence

1 Q. Were you concerned about his condition?
 2 A. No.
 3 Q. Do you recall any other times when you saw
 4 him under the influence of alcohol?
 5 A. In Sacramento at another executive board
 6 meeting – I don't recall a year – at a bar.
 7 Q. Was it a bar that was in connection with
 8 whatever the meeting was?
 9 A. Yes.
 10 Q. And there were other union people there?
 11 A. Yes.
 12 Q. Other staff members?
 13 A. Yes.
 14 Q. Do you recall who was with him?
 15 A. Myself, Sarah Steck, Bill Rhodes, Alex
 16 Aguilera.
 17 That's all I recall at this time.
 18 Q. And what kind of behavior was he
 19 exhibiting at that meeting?
 20 A. At the meeting?
 21 Q. No, when you saw him.
 22 A. When I saw him where?
 23 Q. In the Sacramento e-board meeting?
 24 MR. HARLAND: Objection, misstates her
 25 testimony. They weren't at a meeting. They were at a

Page 97

1 describing that one incident and saying she was ashamed?

2 A. I don't recall.

3 Q. What was her title at the time?

4 A. Organizing director.

5 Q. Do you have an understanding as to who she

6 was referring to in that description?

7 A. No.

8 Q. Were you -- do you remember a meeting in

9 November, meaning several months prior, where Estrella

10 stood up and talked about Marcus Hatcher and said she

11 had warned UHW about him?

12 A. I recall the meeting, but that's not what

13 happened.

14 Q. What did happen?

15 A. She said it to me, not to the room.

16 Q. She did?

17 A. Yes, directly to me.

18 Q. What did she say?

19 A. Marcus Hatcher grabbed her butt.

20 Q. Was anybody else there when she said that

21 to you?

22 A. Yes.

23 Q. Who else was there?

24 A. A lot of people.

25 Q. Was there other people standing right

Page 99

1 Can we take a break?

2 (Break taken.)

3 Q. The witness has announced that she has

4 three things she wants to clarify.

5 A. I recall something I wanted to just make

6 sure is on the record. You had asked earlier, aside

7 from the investigations we had already spoken of that I

8 was involved in if there was anything else, and I recall

9 that I was involved in an investigation with Estrella

10 Sanchez.

11 Q. And what's the second thing you want to

12 clarify?

13 A. The second thing is I do recall -- excuse

14 me. I recall when Cass was talking about the person

15 chasing down the hallway, I knew who that was because I

16 was involved in the investigation with Estrella.

17 Q. What's the third thing?

18 A. I know who was chasing down the hall, who

19 that person she was talking about was.

20 Q. That's the third thing?

21 A. Yes.

22 Q. And that person was?

23 A. James Dade, D-a-d-e.

24 Q. When was this investigation involving

25 Estrella?

Page 98

1 around?

2 A. Not at that time.

3 Q. And Estrella is who?

4 A. Can you clarify?

5 Q. What is her last name?

6 A. Sanchez.

7 Q. What was her position at the time she told

8 you this?

9 A. Executive committee member for UHW.

10 Q. So was this a comment she said to you at

11 an executive committee meeting?

12 A. Yes.

13 Q. Where was it?

14 Where was the meeting?

15 A. The Executive Inn Suites in Oakland on the

16 Embarcadero.

17 Q. When was that?

18 A. It was our executive committee meeting the

19 month after Marcus was terminated.

20 Q. Did she tell you when he had grabbed her

21 butt?

22 A. No.

23 Q. Do you remember her saying something to

24 the effect that I had told somebody about this before?

25 A. No. I don't recall that.

Page 100

1 A. Following the executive committee meeting

2 I spoke of earlier the month after Marcus was fired, the

3 same meeting where she told me he grabbed her butt.

4 Q. Marcus?

5 A. Yes.

6 Q. So how did you become involved in the

7 investigation?

8 A. She told me directly of those two

9 incidents.

10 Q. Who is James Dade?

11 A. An executive board member.

12 Q. And what had he done to her?

13 A. She told me that he chased her down the

14 hallway to her hotel room.

15 Q. When did that incident allegedly happen?

16 A. I don't recall.

17 Q. Was it before Marcus Hatcher was

18 terminated?

19 A. Yes.

20 Q. So you did an investigation of this?

21 A. Yes.

22 Q. Because the union feels it needs to ensure

23 that members abide by the sexual harassment policy?

24 A. No.

25 Q. Why did you investigate it?

Page 117

1 that she conducted?

2 A. Yes.

3 Q. What kinds of trainings?

4 A. Mostly management leadership development

5 training.

6 Q. Where she was presenting?

7 A. Yes.

8 Q. And you were in the audience, so to speak?

9 A. I was coordinator, yes.

10 Q. So you were there to learn from what she

11 was saying?

12 A. Yes.

13 Q. So the next page, 164, the dark text is

14 from Ms. Sturge, correct?

15 A. Yes.

16 Q. And the lighter texts are yours?

17 A. Yes.

18 Q. Do you know when you sent these, when this

19 exchange occurred?

20 A. Yes. It was after the June board meeting

21 of 2018.

22 Q. Did you have a conversation – strike

23 that.

24 There is a reference from Ms. Sturge, "Thank you

25 for last night."

Page 119

1 A. Yes.

2 Q. Who else was there?

3 A. Sarah Steck, Grisell Rodriguez, Suzanne

4 Jimenez and Flannery Hauck.

5 Q. And did they all express support?

6 A. Yes.

7 Q. This is your text below where you offered

8 to meet her when you were in Sacramento?

9 A. Yes.

10 Q. You state in this text, "This shit is

11 hard, cruel, not fair and we can only get through it

12 together."

13 What "shit" were you referring to?

14 A. To my knowledge this was when the Me Too

15 movement was in its infancy, so I was referring to the

16 multitude of stories.

17 Q. Were you including her situation in the Me

18 Too movement?

19 A. Yes.

20 Q. And below, after she thanks you, you

21 state, "After what I went through in my early years at

22 UHW I am both disgusted and relieved we're finally

23 talking about this."

24 What are you referring to there?

25 A. Erik Kizzisee.

Page 118

1 Do you know when she is referring to?

2 A. Yes.

3 Q. What is that?

4 A. We were at an executive board meeting, and

5 she is referring to Friday night at the dance.

6 Q. Did you have a conversation with her then?

7 A. Yes.

8 Q. And what was the conversation about?

9 A. She – it wasn't a conversation. She was

10 crying.

11 Q. And this was in June of 2018?

12 A. To the best of my knowledge, yes.

13 Q. And –

14 A. I have it on my phone.

15 Q. The date of the meeting?

16 A. The time stamp.

17 Q. Did you have a discussion with her about

18 what she was going through?

19 A. Yes.

20 Q. And what did she tell you?

21 A. That it has been hard, and she feels like

22 she is the scapegoat and being blamed, and it is really

23 hard to face people at work.

24 Q. Was anyone else there when you were having

25 this conversation with her?

Page 120

1 Q. Did you equate what you had gone through

2 with Erik to what she had gone through?

3 A. No.

4 Q. Did you feel that at the time you had gone

5 through what you went through with Erik that you had not

6 been listened to?

7 A. Yes.

8 Q. And you state you are inspired by her

9 courage.

10 Were you in fact inspired by what she had done?

11 A. What do you mean "what she had done"?

12 Q. Well, let me ask it this way, you state in

13 your text, "I'm inspired by your courage Mindy."

14 What were you referring to?

15 A. Her speaking out.

16 Q. When you say "speaking out," what are you

17 referring to?

18 A. To my knowledge, because I didn't have a

19 direct conversation about it, that she had spoken out

20 about the harassment she had experienced.

21 Q. That takes a lot of courage, right?

22 A. Yes.

23 Q. Do you think it takes a particularly lot

24 of courage when the person involved is a high-level

25 manager?

Page 129

Page 130

1 request.
 2 MS. SUBBOTIN: Okay. I will make a new
 3 request then.
 4 Thank you. I am done.
 5 (Discussion off the record.)
 6 EXAMINATION BY MR. HARLAND
 7 MR. HARLAND: Q. I just have a couple of
 8 questions, and I want to clear a couple of things up.
 9 You were asked a question about executive board
 10 meetings and non-staff employee executive board members
 11 who attend those meetings.
 12 Do you recall that?
 13 A. Yes.
 14 Q. You were asked whether or not they were
 15 paid to attend those meetings.
 16 Do you recall that?
 17 A. Yes.
 18 Q. And I think you said it depends or you
 19 weren't sure.
 20 If a non-staff employee does receive some form
 21 of compensation to attend the executive board meeting,
 22 who would have paid that person?
 23 A. It would be lost time if they were on the
 24 schedule.
 25 Q. So it would be through the contract with

1 their employer that they would be reimbursed lost time?
 2 A. Yes.
 3 Q. And then you were asked some questions
 4 about the Sacramento executive board meeting and a bar
 5 that you were at during that – and a bar that you
 6 attended during that meeting. That was with you, Bill
 7 Rhodes, Sarah Steck and I think Marcus.
 8 Do you remember that?
 9 A. Yes.
 10 Q. Was that during working hours?
 11 A. No.
 12 MR. HARLAND: I don't have anything
 13 further. Thank you.
 14 (Whereupon, the deposition was
 15 adjourned at 2:25 p.m.)
 16 –oOo–
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 131

Page 132

1 CERTIFICATE OF REPORTER
 2
 3 I, DENISE A. FORD, a Certified Shorthand
 4 Reporter, hereby certify that the witness in the
 5 foregoing deposition was by me duly sworn to tell the
 6 truth, the whole truth, and nothing but the truth in the
 7 within-entitled cause;
 8 That said deposition was taken down in
 9 shorthand by me, a disinterested person, at the time and
 10 place therein stated, and that the testimony of the said
 11 witness was thereafter reduced to typewriting, by
 12 computer, under my direction and supervision;
 13 I further certify that I am not of counsel or
 14 attorney for either or any of the parties to the said
 15 deposition, nor in any way interested in the event of
 16 this cause, and that I am not related to any of the
 17 parties thereto.
 18
 19 DATED: September 10, 2019.
 20
 21 Denise Ford
 22
 23 DENISE A. FORD, CSR No. 7525
 24
 25

1 DECLARATION UNDER PENALTY OF PERJURY
 2 Case Name: Sturge vs SEIU-UHW
 3 Date of Deposition: 08/29/2019
 4 Job No.: 10059209
 5
 6 I, KATHRYN SCHNEIDER, hereby certify
 7 under penalty of perjury under the laws of the State of
 8 _____ that the foregoing is true and correct.
 9 Executed this _____ day of
 10 _____, 2019, at _____.
 11
 12
 13
 14 KATHRYN SCHNEIDER
 15
 16 NOTARIZATION (If Required)
 17 State of _____
 18 County of _____
 19 Subscribed and sworn to (or affirmed) before me on
 20 this _____ day of _____, 20____,
 21 by _____, proved to me on the
 22 basis of satisfactory evidence to be the person
 23 who appeared before me.
 24 Signature: _____ (Seal)
 25

EXHIBIT V

To: Chokri Bensaid
Fr: Greg Pullman
Da: 11/10/17
Re: Expectations

On two separate occasions since you have worked at SEIU-UHW in a leadership position, you have become involved in intimate relationships with employees of the organization. In both cases, those relationships became distractions to the mission of the union and opened up the possibility of damage to our team and liability to the organization.


After the first instance, we had a discussion and I explained to you that you could not have that type of relationship with employees of the union and be in the position of leadership you are in. You agreed and made the commitment that it would not happen again. It did happen again, and you failed to bring it to my attention until after it was surfaced by another person.

You have been entrusted with a very visible, high responsibility, leadership role in our organization. Your behavior and character is inextricable in the eyes of many members, staff, employers and others from that of the organization. It is important that you are seen as a serious, responsible, ethical and fair leader of the organization.

Intimate relationships with employees or members of the organization undermine your ability to do that. They result in emotion, conflict and gossip that distracts from the critically important work we are doing on behalf of healthcare workers. They create an impression that employees can expect positive or negative outcomes based on relationships that are outside the professional sphere. They reduce confidence in the ethics, fairness and commitment to equity within the organization. They limit the organization's ability to deploy staff resources in the most strategic manner. They expose the union to unacceptable legal liability. They undermine trust and cohesion within our team.

I want to make the following expectations explicitly clear:

- 1) I expect you to refrain from engaging in any type of romantic, sexual or intimate relationship with any employee or member of the organization.
- 2) I expect you to take affirmative steps to ensure you are not giving the impression that you are open to any kind of relationship described above and to act in a professional responsible manner at all times when you are in a leadership position in the organization.
- 3) I expect you to share with me, immediately, any lapse in judgment by yourself or any other employee that compromises the values, culture or legal standing of the organization.

Signature  _____

Date 11/10/2017

11/10/2017
Date

CONFIDENTIAL

EXHIBIT W

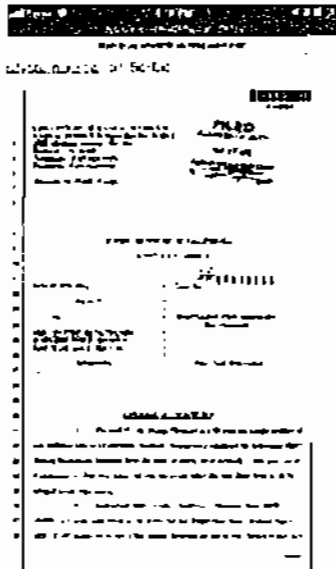


Claudia Krause

REDACTED



Jul 6, 2018



10:46 PM

Wow!!!

10:46 PM

Did you read it all

10:47 PM

I did not vwill go on blph

11:07 PM

Blog

11:14 PM

Jul 7, 2018

Enter message



CONFIDENTIAL

EXHIBIT W

STEWART-006



Jul 7, 2018

Sept 28??

7:48 AM

I just saw her at Eboard right

7:50 AM

Girls she was at the training

7:56 AM

I think they cannot fire her
because she is suing UHW.
Can Marcus go to jail?

8:04 AM

Lol. I thought it said she was
fired. I think he could. Battery.

Wow.

8:07 AM

Was that when y'all was in
Seattle

9:07 AM

Enter message





What about Dave tho

8:08 AM

Ni se were in Seattle In
August. What about Dave

8:10 AM

He was mentioned too for
misconduct??

8:11 AM

She wants compensation.

8:11 AM

\$\$\$\$

8:12 AM

Yes- this is really alarming. Of
course millions probably. That
is why she keeps acting up

8:12 AM

Yes a lot of money.

8:12 AM

Enter message





Claudia Krause

REDACTED



Yes a lot of money.

8:13 AM

So she can buy a house in
Hawaii!!

Look I feel for her as a
woman but I would say
that she loved to be always
hanging around with the male
leadership

8:16 AM

Right. No one should be
assaulted but remember how
protected she was of him at
that one meeting and how
close they were

8:19 AM

Yes in Burbank! When Ton

Enter message





Claudia Krause

REDACTED



Yes in Burbank! When Ton
was fired

8:20 AM

Yes

8:20 AM

I just pray she is honest

8:20 AM

Maybe she had a plan all
along to use this fool with
huge ego and saw the
opportunity

8:21 AM

Maybe?.

8:22 AM

You they cannot fire her. She
also mentions a manager
that didn't do anything. I'm

Enter message





Claudia Krause

REDACTED



You they cannot fire her. She also mentions a manager that didn't do anything. I'm wondering who she told

8:23 AM

Greg probably

8:28 AM

But she says that the manager didn't do anything

8:29 AM

At first.....some how it was reported and investigated and he was let go

8:30 AM

Mimi Kebede saw this yesterday in the blog and told me. I have to read the Starla

Enter message



EXHIBIT X

ANTI-HARASSMENT POLICY

(Page 1 of 2)

The Union is committed to providing a work environment free of harassment. Union policy prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religion, color, gender, gender identity, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state, or local law or ordinance or regulation. All such harassment is unlawful. The Union's anti-harassment policy applies to all persons involved in the operation of the Union and prohibits harassment by any employee of the Union, as well as clients, vendors or other persons with whom the Union does business.

Harassment can include, but is not limited to the following behavior:

- a. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- b. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- c. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
- d. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits, in return for sexual favors; and
- c. Retaliation for having reported or threatened to report harassment.

If you believe that you have been harassed, report your complaint to the Human Resources Director, or to your supervisor as soon as possible after the incident. Your complaint should include as much detail as possible, including details of the incident or incidents, names of the individuals involved and names of any witnesses. All Harassment complaints will be referred to the President. The Union will immediately undertake an effective, thorough and objective investigation of the harassment allegations in as confidential a manner as is possible under the circumstances presented by the complaint.

ANTI-HARASSMENT POLICY

(Page 2 of 2)

If the Union determines that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Union to be responsible for harassment will be subject to appropriate disciplinary action, up to and including termination. The President will advise all parties concerned of the results of the investigation. The Union will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by staff or other co-workers.

The Union encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. You also should be aware that the Federal Equal Employment and Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency.

I, Dave Regan, acknowledge that I received, read, understand and fully agree to comply with the Anti-Harassment Policy.

Signed: _____

Dated: _____

*Original to Personnel File

EXHIBIT Y

Stern Burger with Fries

Get Those Results!



Some links you might wanna check out...

[illegible]

Wellcome

Welcome to Stenbarger with Frien, the latest blog about SCU, RUHW, the struggle in California and the hilarious characters involved in this mess!

Please check out this site and enjoy what we have to share, and share what you know.

Email me at: calystaernberg@gmail.com

If it's a lazy enough moment, you just might find it up on this blog.

Search: Thin-Body

Search

Blog Archive

**EMERGENCY
MEETING
POINT**

Sources Describe Fallout at SEIU-UHW over Sexual Misconduct Scandal

According to Tasty's sources, here's what's happening inside SEIU-ILWU leadership: In 2007, "a group of Marcus Huelscher, a top union official, over the alleged efforts of three members of the union's Executive Board

SEUL-UHY President Dave Reagan told an emergency conference call with Executive Board members who work at Kaiser Permanente. During the call, Reagan denounced the circumstances surrounding Hatcher's firing.

Until just days ago, Holcher was the director of SEIU-UNITE's Kaiser Division and also served on the union's Executive Committee.

Yesterday, following the publication of Tass's report about Kuchma's firing, Rykun convened a meeting of top union leaders and members of the Executive Committee. Sources describe the meeting, which included discussion of the actual misconduct and the overall culture inside SIEU-UHH, as intense and emotional.

During the meeting, *inside-the* members of the Executive Committee suggested that the union hire a third-party expert to conduct an independent investigation into these issues. Top union staffers reportedly said they take more problems seriously, but the Executive Committee's rank-and-file members in the meeting feeling concerned that "this is all part of the current bad PR and that no real investigation will take place."

Intelligence sources also report that a second Soviet, Minny Sturge, was fired this week soon after Marcus Halchuk got paid. Sturge, a longtime manager at the union, currently works as a colorist in the Organizing Department and formerly served as an Assistant Director in the Hospital Union at that point. It's unclear why she was fired, although the timing of her firing is telling: she follows into Joe SEIU-UP.

Forrest, D. G. (1998) *Journal of the Royal Society of New Zealand* 28, 1-10.

110

4.2.7

Chickens, 2004

Sturge, who filed the lawsuit, alleges that SEIU-UHW and its top managers violated California law by “fostering a discriminatory workplace” that

might find it up on this blog!

Search This Blog

Search

Blog Archive

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- ▶ August (6)
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Former SEIU-UHW Staffer Names Dave Regan in Lawsui...

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About Me



SteinBurger

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subjected women staffers and union members to sexual harassment.

Here's an excerpt from the lawsuit:

"SEIU-UHW fostered a discriminatory workplace... Specifically, Sturge, other women employees, and union members were the subject of inappropriate remarks that address their looks, their bodies, and their availability/interest in relationships. Sturge was also subject to offensive touching, and she and others were discussed in inappropriate texts and comments heard by or related to Sturge. This conduct was engaged in by senior SEIU-UHW managers and directors, including but expressly not limited to Hatcher and [Dave] Regan. This conduct, which was unwelcome, regular, and pervasive, continued throughout Sturge's employment and was personally experienced or witnessed by Sturge and directly affected her work environment. Sturge (and others) reported some of this inappropriate conduct to SEIU-UHW management when it occurred, but SEIU-UHW took no action to prevent or address this conduct until after Sturge was assaulted by Hatcher in September 2017."

Why might SEIU-UHW have failed to hold staffers accountable for sexual misconduct?

The lawsuit seems to offer an answer. Under SEIU-UHW's policies, all harassment complaints are delivered to Regan.

What about the allegation of battery?

According to the lawsuit, Sturge was allegedly battered by Hatcher during a work meeting on September 28, 2017. "As a direct and proximate result of Hatcher's actions," says the lawsuit, "Sturge suffered a head injury and bruising for which she sought medical attention."



Dave in his office

"Sturge was subjected to a hostile work environment created by Hatcher's inappropriate behavior toward women, as well as other inappropriate behavior by co-workers, including other managers with whom Sturge worked. This behavior included unwanted flirting, pressure to engage in personal relationships, and remarks that were demeaning toward Sturge and other women..."

"Despite her reports of this behavior (and other reports of prior unethical behavior by Hatcher and other SEIU-UHW employees), SEIU-UHW took no action to discipline Hatcher or others who created a hostile work environment, nor did SEIU-UHW undertake an investigation of Hatcher's behavior until Sturge had been assaulted by him. SEIU-UHW had a pattern of accepting such behavior and even went so far as to hire male staff members who had previously been fired from other unions

for assaulting and/or harassing women, all of which SEIU-UHW knew or should have known at the time of hiring. One such member was hired to work directly with Sturge and engaged in unwanted and inappropriate behavior with Sturge and women co-workers."

After Hatcher's firing, Regan and other SEIU-UHW officials reportedly held a meeting of top union staffers and members of the Executive Committee to discuss sexual misconduct and "the overall culture" inside SEIU-UHW.

The lawsuit alleges that Regan verbally abused and then shunned Sturge following such a meeting. The lawsuit alleges:

"Most recently, Regan verbally abused Sturge in front of co-workers (including other managers) after Sturge expressed concern about Regan's comments during a meeting that addressed inappropriate workplace conduct. Regan also shunned Sturge after she reported Hatcher's assault."

At some point after this incident, Sturge was fired.

Next, Sturge claims, both Hatcher and SEIU-UHW made false and defamatory statements "that impugned her integrity and her morals." She alleges that Hatcher mounted a campaign of false statements -- some posted on Facebook -- attacking Sturge by saying, for example, she had lied about the assault by Hatcher.

Sturge also alleges SEIU-UHW lied to other staff by saying she'd violated the union's non-fraternization policy by "engaging in a relationship with another union manager." According to the lawsuit, "The unprivileged statements made about Sturge were false and defamatory, and were made without any reasonable belief in their truth."

After she was fired, Sturge filed a complaint with the California Department of Fair Employment and Housing, which issued a right-to-sue letter in April 2018.

Here's a copy of the lawsuit.

Sturge vs SEIU United Healthcare Workers West: May 17, 2018 by tastysternburger on Scribd

Posted by SternBurger at 4:57 PM
Labels: Dave Regan, Marcus Hatcher, Mindy Sturge, SEIU-UHW

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Stern Burger with Fries

Get Those Ballots In!

Some links you might wanna check out...

A Workers Guide to Workplace Wellness Programs

SEIU's Tyrone Freeman Convicted on 14 Counts

CNA and SEIU-UHW Battle Over Labor's Future

Unions in CA Split Over Nurse-to-Patient Ratios

On Left Criticism of Unions

NLRB Overturns Kaiser Election

Perez Stern website

Hospital Wkrs Launch Counterattack vs Execs

SEIU's Violations in the Kaiser Election

SEIU Leader Sentenced to Prison for Fraud

The SEIU Stern Leaves Behind

Welcome!

Welcome to Sternburger with Fries, the tastiest blog about SEIU, NUHW, the struggle in California and the hilarious characters involved in this mess!

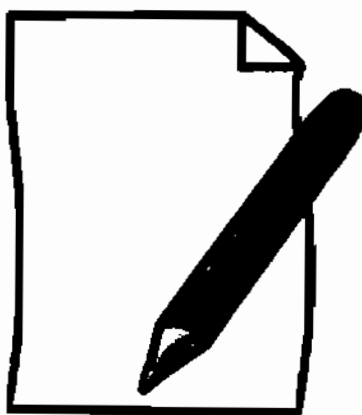
Please check out this site and enjoy what we have to share, and share what we know.

Email me at:
tastysternburger@gmail.com

If its a tasty enough morsel, you just

Wednesday, November 22, 2017

SEIU-UHW Member: 'I'm disgusted. This is what happened to me.'



Tasty got the following e-mail from a longtime rank-and-file leader and shop steward at SEIU-UHW, who says s/he recently walked away from all involvement in the union because of its huge internal problems.

I am an avid reader and fan of your blog. I just knew I had to drop you a line after I read the Marcus Hatcher firing post.

I once upon a time was a labor leader within SEIU-UHW and held

various leadership positions as a steward and... over [many years]. I [recently] walked away from all labor involvement. I resigned due to the behaviors you have spotlighted. I spoke out in my area for a long time about the unethical, racist, sexist, and outright disgusting behaviors that were openly acceptable within the Union. I was targeted at work and home for speaking out. I have been so disgusted by my Union's lack of leadership and shady financial dealings that for the 1st time in years of employment I became a fee payer in objection. Many of my coworkers felt the same, and also became beck objectors.

I have a paper trail with lots of tasty treats showing the harassment I went through for speaking the truth and calling out bad leaders. (car door keyed, followed/chased home, harassed on the unit multiple times by organizers, home egged, police reports, etc) Sadly, I know I am not the only member who was targeted and harassed for not blindly following and openly questioning corrupt, inept, and unethical labor "leaders", and what they do with our hard earned money. Also, please know that this destructive and greedy leadership mentality within the Union, is not just contained within UHW. This is a culture also existing within our good ole Coalition of KP Unions, as well as the half

might find it up on this blog!

Search This Blog

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About Me



SternBurger

Legal Statement:

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assed (and quite frankly embarrassing) Labor Management Partnership. I have witnessed and experienced many things in working directly with these people. It is 100% why I walked away and will never support any of these entities again. Your blogs are wonderful and hitting ALL the truth points!

I just would like to say, THANK YOU THANK YOU and THANK YOU for posting the truth and exposing for front-line members and others what really goes on at the purple palace! A lot of us have known for many years just how real and very serious these actions by leadership have been. There are so many people that have been terrorized and victimized by these people over the years. I can only hope that this validation brings some hope for accountability, change, and healing for those harmed by those who abused their titles and power. I knew many within the Union that turned a blind eye and deaf ear to the well known predatory and discriminatory actions of leadership in order to protect their cush, overpaid jobs. Shame on all of them!!

Goodbye and good riddance to egomaniacs like Marcus Hatcher and Mindy Sturge and any others involved! Hope this is the start of a domino effect and more firings are in the works. It's long overdue to expose the truths about just how widespread the greed, self entitlement, and frat boy pay to play mentalities that exist and are very much happening in SEIU UHW. - the overpaid salaries and benefits for these people that members pay for, and have shoved down our throats as the exemplary great Gods of the Union we should all be honored and expected to worship.... (insert total sarcasm ;)

You are a voice for members like myself who can't openly say these things for fear of more retaliation and terror for speaking out.

In reading this member's account, you get a taste of the toxic culture that President **Dave Regan** has brewed inside SEIU-UHW... including sexual misconduct by top officials, overpaid and unaccountable union officials, and a culture that targets internal critics with harassment, bullying and even physical attacks.

Tasty is reminded of many earlier posts about Regan's "old school ways," SEIU-UHW staffers' shout-downs designed to intimidate its own members, "World War III" strategies, attacks against labor legend Dolores Huerta, death threats targeting the union's own members, and Regan's infamous physical assault against a process server in 2016.

If SEIU's top officials sincerely want to reform their union and make it democratic and accountable to workers, they need to fix these problems. Now!

Posted by SternBurger at 4:58 PM

Labels: Coalition of Kaiser Permanente Unions, Dave Regan, Dolores Huerta, Marcus Hatcher, Mindy Sturge, partnership, SEIU-UHW

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