

JASON HAWK

IN THE COURT OF COMMON PLEAS
OF LORAIN COUNTY, OHIO

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GIBSON BROS., INC., et al.,  
Plaintiffs,

vs. Case No. 17CV193761

OBERLIN COLLEGE, etc., et al.,  
Defendants.

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Videotaped Deposition of
JASON HAWK

Wednesday, June 27, 2018
10:10 a.m.

Taken at:
Wickens, Herzer, Panza, Cook & Batista
35765 Chester Road
Avon, Ohio

Michelle L. Harper, RPR

FILED
LORAIN COUNTY

2018 AUG -9 P 1:33

COUNTY OF LORAIN CLERK
TOM ORLANDO

8

17CV193761

1 APPEARANCES:
2 On behalf of the Plaintiffs:
3 Kruglak, Wilkins, Griffiths & Dougherty,
4 Co., L.P.A., by
5 OWEN J. RARRIC, ESQ.
6 4775 Munson Street NW
7 P.O. Box 36963
8 330.497.0700 ext. 123
9 orarric@kwgd.com
10
11 On behalf of the Defendants:
12 Taft Stettinius & Hollister LLP, by
13 CARY M. SNYDER, ESQ.
14 RONALD D. HOLMAN, II, ESQ.
15 JULIE A. CROCKER, ESQ.
16 200 Public Square, Suite 3500
17 Cleveland, Ohio 44114
18 216.241.3141
19 csnyder@taftlaw.com
20 rholman@taftlaw.com
21 jcrocker@taftlaw.com
22 On behalf of Jason Hawk:
23 Cory Meredith, by
24 STEVEN A. KESLAR, ESQ.
25 101 N. Elizabeth Street, 6th Floor
Lima, OH 45801
419.228.6365
skeslar@corylpa.com
And
Bussian Law Firm, by
JOHN A. BUSSIAN, ESQ. (Via Teleconference)
150 Fayetteville Street, 17th FL.
Raleigh, NC 27601
919.306.3319
~~~~~

ALSO PRESENT:

Mr. Frank Stanek, Videographer  
Mr. David Gibson  
Ms. Lysette Roman  
Dr. Meredith Raimondo (via Teleconference)  
~~~~~  
Molnar Reporting Services, LLC (440) 340-6161

1 -----
2 (Thereupon, Hawk Deposition Exhibits 1 and 2 were
3 marked for purposes of identification.)
4 -----
5 VIDEOGRAPHER: On the record, 10:10.
6 JASON HAWK, of lawful age, called for
7 examination, as provided by the Ohio Rules of
8 Civil Procedure, being by me first duly sworn, as
9 hereinafter certified, deposed and said as
10 follows: 10:11:30
11 MR. KESLAR: Counsel, before we begin,
12 can I put something on the record?
13 MR. HOLMAN: Absolutely.
14 MR. KESLAR: Mr. Hawk is appearing today
15 in response to a subpoena issued to him by 10:11:57
16 counsel for defendants. Leading up to that, I
17 had some back and forth with counsel for
18 defendants about some of the privileges that
19 Mr. Hawk was intending to enforce today, those
20 privileges being the Ohio Shield Law and Revised 10:12:02
21 Code 2739.12 and the qualified privileges
22 afforded to him by the First Amendment to the
23 U.S. Constitution, which are also provided to him
24 by the Ohio Constitution at Article 2, Section
25 11. 10:12:17
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1 So Mr. Hawk intends to enforce those
2 privileges today. With that understanding, we're
3 ready to proceed.
4 MR. HOLMAN: Great. Thank you.
5 EXAMINATION OF JASON HAWK 10:12:25
6 BY MR. HOLMAN:
7 Q. Good morning, Mr. Hawk.
8 A. Good morning.
9 Q. Please state your full name for the
10 record. 10:12:56
11 A. Jason Richard Hawk.
12 Q. Thank you. The record should reflect
13 that this is the deposition of Jason Hawk, which
14 is being taken today in the case of Gibson
15 Brothers, Inc., et al., versus Oberlin College, 10:13:12
16 et al., and the deposition is going forward today
17 pursuant to a subpoena that was served on
18 Mr. Hawk by and through his attorneys, Cory,
19 Meredith, Witter & Smith, LPA.
20 The deposition is also occurring today 10:13:31
21 pursuant to a notice of deposition of Jason Hawk
22 and the agreement of counsel in this litigation.
23 The subpoena has been marked as Exhibit 1 and the
24 notice of deposition has been marked as
25 Exhibit 2. 10:13:48
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<p style="text-align: right;">Page 6</p> <p>1 Have you ever met David Gibson before?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. When did you first meet</p> <p>4 Mr. Gibson?</p> <p>5 A. I don't recall. 10:13:58</p> <p>6 Q. Okay. And I should say, too, that if at</p> <p>7 any point you don't hear a question because my</p> <p>8 voice has dropped, please let me know and I will</p> <p>9 restate the question. Is that fair?</p> <p>10 A. Sounds fair. 10:14:13</p> <p>11 Q. Okay. And likewise, if you do not</p> <p>12 understand a question, do not answer it. Is that</p> <p>13 fair?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And, in fact, if you do not understand a 10:14:20</p> <p>16 question, please ask me to restate it and I'll do</p> <p>17 my best to ask a question that you do understand.</p> <p>18 Is that fair?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And one of the things you will 10:14:30</p> <p>21 have to do for our madam court reporter, as you</p> <p>22 know from talking to your counsel, is to give</p> <p>23 verbal responses to all of my questions so that</p> <p>24 she can write down all of your answers in</p> <p>25 addition to all of my questions. Unfortunately, 10:14:43</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Yes.</p> <p>2 Q. Did you first meet Mr. Gibson in 2018?</p> <p>3 A. No.</p> <p>4 Q. Do you believe you first met Mr. Gibson</p> <p>5 in 2017? 10:16:02</p> <p>6 A. It's possible.</p> <p>7 Q. Okay. Do you believe you met Mr. Gibson</p> <p>8 in 2016?</p> <p>9 A. It's also possible.</p> <p>10 Q. Okay. What about 2015? 10:16:14</p> <p>11 A. Also possible.</p> <p>12 Q. Okay. 2014?</p> <p>13 A. Also possible.</p> <p>14 Q. Okay. 2013?</p> <p>15 A. Also possible. 10:16:26</p> <p>16 Q. 2012?</p> <p>17 A. Also possible.</p> <p>18 Q. 2011?</p> <p>19 A. Also possible.</p> <p>20 Q. 2010? 10:16:34</p> <p>21 A. Also possible.</p> <p>22 Q. 2009?</p> <p>23 A. Also possible.</p> <p>24 Q. 2008?</p> <p>25 A. Also possible. 10:16:41</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 7</p> <p>1 she cannot write down nods of the head or body</p> <p>2 movements. Is that fair?</p> <p>3 A. Yes.</p> <p>4 Q. So if I ask you a question and you</p> <p>5 answer it, we will all assume that you have heard 10:14:56</p> <p>6 the question, you have understood the question,</p> <p>7 and that you are testifying truthfully. Is that</p> <p>8 fair?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Great. Thank you. So you said 10:15:06</p> <p>11 that you have met Mr. Gibson before but you don't</p> <p>12 remember when you met him for the first time; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Is Mr. Gibson in the room today? 10:15:16</p> <p>16 A. Yes.</p> <p>17 Q. Okay. He's the gentleman with the suit</p> <p>18 and the white shirt without a tie sitting at the</p> <p>19 end of the table; is that correct?</p> <p>20 A. Yes. 10:15:31</p> <p>21 Q. Can you estimate for me when you first</p> <p>22 met Mr. Gibson?</p> <p>23 A. No.</p> <p>24 Q. Did you first meet Gibson, Mr. Gibson,</p> <p>25 prior to today? 10:15:47</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. 2007?</p> <p>2 A. Also possible.</p> <p>3 Q. 2006?</p> <p>4 A. Also possible.</p> <p>5 Q. 2005? 10:16:51</p> <p>6 A. Also possible.</p> <p>7 Q. 2004?</p> <p>8 A. Also possible.</p> <p>9 Q. 2003?</p> <p>10 A. Also possible. 10:17:03</p> <p>11 Q. 2002?</p> <p>12 A. Also possible.</p> <p>13 Q. 2001?</p> <p>14 A. No.</p> <p>15 Q. Okay. So it's your testimony today that 10:17:08</p> <p>16 you met Mr. Gibson, David Gibson, at some point</p> <p>17 between 2002 and 2017; is that correct?</p> <p>18 A. Between 2002 and 2018, I believe, based</p> <p>19 on the range you provided.</p> <p>20 Q. Okay. So it's your testimony today that 10:17:27</p> <p>21 you first met David Gibson somewhere between 2002</p> <p>22 and 2018, correct?</p> <p>23 MR. KESLAR: Objection to form. That's</p> <p>24 a mischaracterization.</p> <p>25 You can answer. 10:17:36</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 A. Yes.</p> <p>2 Q. Can you describe for me the</p> <p>3 circumstances under which you first met David</p> <p>4 Gibson?</p> <p>5 MR. KESLAR: Objection. He's here today 10:17:42</p> <p>6 as a newspaper reporter and that would -- because</p> <p>7 that did not -- was not printed in the news</p> <p>8 articles that is subject to this case, it's</p> <p>9 privileged information.</p> <p>10 MR. HOLMAN: The circumstances of him 10:18:00</p> <p>11 meeting Mr. Gibson? Okay.</p> <p>12 Q. Did you first meet Mr. Gibson in</p> <p>13 connection with a news story?</p> <p>14 A. I don't know.</p> <p>15 Q. Okay. Is there anything that you could 10:18:13</p> <p>16 look at that would refresh your recollection</p> <p>17 about the circumstances under which you first met</p> <p>18 Mr. Gibson?</p> <p>19 A. No.</p> <p>20 Q. Have you exchanged any e-mails with 10:18:25</p> <p>21 Mr. Gibson?</p> <p>22 MR. KESLAR: Objection. That's</p> <p>23 privileged information. It's unpublished in the</p> <p>24 news articles.</p> <p>25 MR. HOLMAN: Well, I'm not trying to 10:18:35</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 it?</p> <p>2 MR. KESLAR: That's our position, yes,</p> <p>3 that there's a First Amendment privilege for</p> <p>4 that.</p> <p>5 MR. HOLMAN: Yeah, I don't think that's 10:19:37</p> <p>6 right. So you're instructing him not to answer</p> <p>7 the question?</p> <p>8 MR. KESLAR: Yes.</p> <p>9 MR. HOLMAN: Okay.</p> <p>10 Q. On how many occasions have you talked to 10:19:43</p> <p>11 Mr. Gibson?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you have any idea on how many</p> <p>14 occasions you've talked to Mr. Gibson?</p> <p>15 A. That appears to be the same question I 10:19:54</p> <p>16 answered.</p> <p>17 Q. Okay. You don't know?</p> <p>18 A. No.</p> <p>19 Q. Okay. What did you do to prepare for</p> <p>20 today's deposition? 10:20:02</p> <p>21 A. Spoke with my attorney.</p> <p>22 Q. Okay. And who is your attorney?</p> <p>23 A. Steve.</p> <p>24 Q. Okay. Steve who?</p> <p>25 A. Keslar. 10:20:08</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 identify a source. I'm just asking what his</p> <p>2 personal knowledge is.</p> <p>3 MR. KESLAR: Whether he received</p> <p>4 information or not, if he did, then it would be</p> <p>5 privileged because it was not disclosed in the 10:18:45</p> <p>6 news articles.</p> <p>7 MR. HOLMAN: So you're saying if it's</p> <p>8 disclosed in the news articles, I can't ask about</p> <p>9 any contact --</p> <p>10 MR. KESLAR: Undisclosed. 10:18:59</p> <p>11 MR. HOLMAN: Undisclosed.</p> <p>12 MR. KESLAR: Yeah.</p> <p>13 MR. HOLMAN: So if it's not disclosed,</p> <p>14 so if a conversation is not disclosed, then I</p> <p>15 can't ask him about it? 10:19:09</p> <p>16 MR. KESLAR: That's our position, yes.</p> <p>17 MR. HOLMAN: But if it is disclosed in a</p> <p>18 newspaper article, I can ask him about it?</p> <p>19 MR. KESLAR: If it's disclosed in the</p> <p>20 two newspaper articles that -- I guess that this 10:19:16</p> <p>21 deposition concerns, then yeah, you can ask about</p> <p>22 it.</p> <p>23 MR. HOLMAN: But if it's not disclosed</p> <p>24 in those two newspaper articles or other</p> <p>25 newspaper articles, then I can't examine him on 10:19:32</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. Okay. What else did you do to prepare</p> <p>2 for your deposition today?</p> <p>3 A. A number of things.</p> <p>4 Q. Okay. Such as?</p> <p>5 A. Spoke to my other attorney, John 10:20:16</p> <p>6 Bussian.</p> <p>7 Q. Okay. What else did you do to prepare</p> <p>8 for your deposition today?</p> <p>9 A. Briefly looked at some news articles.</p> <p>10 Q. Which news articles? 10:20:31</p> <p>11 A. One article that was published online</p> <p>12 and another article that was published in print.</p> <p>13 Q. Did you look at any other articles?</p> <p>14 A. In preparation for today's deposition?</p> <p>15 Q. Correct. 10:20:45</p> <p>16 A. No.</p> <p>17 Q. Okay. What else did you do to prepare</p> <p>18 for today's deposition?</p> <p>19 A. Could you be more specific?</p> <p>20 Q. Sure. You've talked about how you 10:20:53</p> <p>21 reviewed two articles, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. You also talked about how you</p> <p>24 talked to your two lawyers, correct?</p> <p>25 A. Yes. 10:21:02</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. So other than talking to your two 2 lawyers and other than reviewing the two 3 articles, what else have you done to prepare for 4 today's deposition? 5 A. Brushed my teeth. 10:21:14 6 Q. Okay. Good. That's good. I'm happy 7 you did that. Did you do anything else to 8 prepare for today's deposition? 9 A. Could you be more specific? 10 Q. Sure. So other than brushing your teeth 10:21:25 11 and other than reviewing two articles and other 12 than talking to your two lawyers, did you do 13 anything else in order to appear today and give 14 testimony in connection with the Gibson Brothers 15 case? 10:21:42 16 A. Again, could you be more specific? 17 Q. Sure. Did you talk to anyone regarding 18 your deposition today other than your two 19 lawyers? 20 A. I mentioned to several people that it 10:21:50 21 was happening, yes. 22 Q. Okay. And who did you -- 23 A. But that was not preparatory. 24 Q. Okay. And who did you mention that to? 25 A. My wife. 10:22:01 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 16</p> <p>1 MR. KESLAR: I'm instructing you not to 2 answer. 3 Q. Have you received any e-mails from Terry 4 Moore regarding Gibson's Bakery? 5 MR. KESLAR: Same objection, and I'm 10:24:13 6 going to instruct you not to answer. 7 Q. Have you received any e-mails from 8 Matthew Onest regarding Gibson's Bakery? 9 MR. KESLAR: Same objection, and I'm 10 going to instruct you not to answer. 10:24:27 11 Q. Have you received any e-mails from Lee 12 Plakas regarding Gibson's Bakery? 13 MR. KESLAR: Same objection. 14 I'm going to instruct you not to answer. 15 Q. Have you received any e-mails from 10:24:38 16 Brandon McHugh regarding Gibson's Bakery? 17 MR. KESLAR: Same objection. 18 I'm going to instruct you not to answer. 19 Q. Have you received any e-mails from James 20 Taylor regarding Gibson's Bakery? 10:24:48 21 MR. KESLAR: Same objection. 22 I'm going to instruct you not to answer. 23 Q. Okay. You mentioned earlier that you 24 reviewed two newspaper articles in preparation 25 for today's deposition, correct? 10:25:03 Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. And what's her name? 2 A. Lisa Hawk. 3 Q. Okay. Who else did you talk to? 4 A. In preparation for the deposition? 5 Q. Yes. 10:22:10 6 A. No one. 7 Q. No one. Okay. Did you review any -- 8 you understand what the word preparation means, 9 correct? 10 A. Well, I think that mentioning that it 10:22:18 11 was happening today and preparing for it are two 12 different things. 13 Q. Okay. So my question is, other than 14 brushing your teeth and other than talking to 15 your two lawyers and other than reviewing two 10:22:30 16 newspaper articles, did you do anything else to 17 prepare to give testimony in this case today? 18 A. Nothing stands out in my mind. 19 Q. Okay. Have you received any e-mails 20 from Owen Rarric regarding Gibson's Bakery? 10:23:45 21 MR. KESLAR: Objection. That would go 22 to the -- potentially, it goes to the editorial 23 process, which is privileged under the First 24 Amendment to the U.S. Constitution. 25 Q. Okay. You can answer. 10:24:03 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No. 2 Q. Okay. So what was your testimony? 3 A. I said that I reviewed one news article 4 and another news article. One was published 5 online. One was published in print. They were 10:25:16 6 not both newspaper articles. 7 Q. Okay. But you referred to the second 8 one as a news article that appeared online? 9 A. I referred to the first one as a news 10 article that appeared online. 10:25:20 11 Q. Okay. So the first one was a news 12 article. What was the date of that news article? 13 A. Without looking, I wouldn't be able to 14 recall. 15 Q. Okay. Who was the author of that news 10:25:31 16 article? 17 A. I was. 18 Q. Okay. Do you know about when it was 19 published? 20 A. In November 2016. 10:25:38 21 Q. Okay. And so we're clear, how do you 22 refer to the second document that you looked at? 23 A. It's a second news article, a follow-up, 24 that was published in print. 25 Q. So would you agree with me that the 10:25:55 Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 18</p> <p>1 first article that appeared was a news article?</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree with me that the second</p> <p>4 article that was published online was also a news</p> <p>5 article? 10:26:11</p> <p>6 A. Yes.</p> <p>7 Q. Okay. It was a follow-up news article,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. What do you mean by "follow-up news 10:26:18</p> <p>11 article"?</p> <p>12 MR. KESLAR: Objection. Gets to that</p> <p>13 editorial process, which is privileged</p> <p>14 information.</p> <p>15 MR. HOLMAN: Well, the witness described 10:26:29</p> <p>16 it as a follow-up news article. I think it's</p> <p>17 fair to me for me to ask what do you mean by a</p> <p>18 follow-up news article. I don't think it gets to</p> <p>19 any editorial process.</p> <p>20 MR. KESLAR: To the extent that it calls 10:26:40</p> <p>21 for him to characterize the intent of the second</p> <p>22 article, it does get to the editorial process,</p> <p>23 which is privileged information.</p> <p>24 Q. Why did you use the phrase "follow-up</p> <p>25 news article"? 10:26:52</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 20</p> <p>1 article, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. What was the date of the</p> <p>4 follow-up news article?</p> <p>5 A. I don't recall the specific date. 10:28:12</p> <p>6 Q. Okay. Have you ever received an e-mail</p> <p>7 from the law firm of Krugliak, Wilkins, Griffiths</p> <p>8 & Dougherty, Co., L.P.A.?</p> <p>9 MR. KESLAR: Objection. First Amendment</p> <p>10 privilege. 10:29:05</p> <p>11 You don't have to respond.</p> <p>12 Q. Have you ever received an e-mail from</p> <p>13 Tzangas Plakas Mannos, Ltd.?</p> <p>14 MR. KESLAR: Same objection.</p> <p>15 You don't have to answer. 10:29:17</p> <p>16 Q. Have you ever received an e-mail from</p> <p>17 James N. Taylor, Co., L.P.A.?</p> <p>18 MR. KESLAR: Same objection.</p> <p>19 You don't have to answer.</p> <p>20 Q. Have you received any written 10:29:25</p> <p>21 communication or document of any kind from</p> <p>22 Krugliak, Wilkins, Griffiths & Dougherty, Co.,</p> <p>23 L.P.A.?</p> <p>24 MR. KESLAR: Same objection.</p> <p>25 You don't have to answer. 10:29:36</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 19</p> <p>1 A. It was a separate article.</p> <p>2 Q. So a follow-up article is a separate</p> <p>3 article?</p> <p>4 A. Yes.</p> <p>5 Q. Why did you use the phrase "follow-up" 10:27:06</p> <p>6 in connection with that second news article?</p> <p>7 A. It was a second news article.</p> <p>8 Q. Okay. Are you saying it was a second</p> <p>9 news article that followed the first news</p> <p>10 article? 10:27:25</p> <p>11 A. Chronologically, yes.</p> <p>12 Q. Okay. And because of that chronological</p> <p>13 relationship, you're referring to the second news</p> <p>14 article as a follow-up news article?</p> <p>15 A. Yes. 10:27:36</p> <p>16 Q. Okay. Is there any other reason why you</p> <p>17 referred to the second news article as a</p> <p>18 follow-up news article?</p> <p>19 MR. KESLAR: Objection. First Amendment</p> <p>20 privilege. Goes to the editorial process. 10:27:47</p> <p>21 You don't have to answer.</p> <p>22 Q. Who wrote the follow-up news article?</p> <p>23 A. I did.</p> <p>24 Q. Okay. So you authored both the first</p> <p>25 news article and the second follow-up news 10:28:01</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Have you ever received any written</p> <p>2 communication or document from Tzangas Plakas</p> <p>3 Mannos, LTD?</p> <p>4 MR. KESLAR: Same objection.</p> <p>5 You don't have to answer. 10:29:47</p> <p>6 Q. Have you ever received any written</p> <p>7 communication or document from the firm of James</p> <p>8 N. Taylor Co., L.P.A.?</p> <p>9 MR. KESLAR: Same objection.</p> <p>10 You don't have to answer. 10:29:57</p> <p>11 Q. Have you received or seen any written</p> <p>12 communication or document from Owen Rarric?</p> <p>13 MR. KESLAR: Objection. First Amendment</p> <p>14 privilege.</p> <p>15 You don't have to answer that. 10:31:50</p> <p>16 MR. HOLMAN: Okay. Now, getting to your</p> <p>17 objection, Counselor, Owen Rarric is quoted in a</p> <p>18 newspaper article here.</p> <p>19 MR. KESLAR: Okay. Do you have the</p> <p>20 specific article? 10:32:04</p> <p>21 MR. HOLMAN: Yeah, I do.</p> <p>22 MR. KESLAR: So I know what you're</p> <p>23 talking about?</p> <p>24 MR. HOLMAN: Sure. I'll show it to you.</p> <p>25 If you look at page 2 - let's go off the record 10:32:05</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 22</p> <p>1 for a second, please.</p> <p>2 VIDEOGRAPHER: Off the record, 10:31.</p> <p>3 (Discussion off record.)</p> <p>4 VIDEOGRAPHER: On the record, 10:41.</p> <p>5 MR. HOLMAN: So before we continue with 10:41:54</p> <p>6 the examination, I just want to make clear, and</p> <p>7 I'm sure you know this already, but we have asked</p> <p>8 Mr. Hawk to appear here and to give testimony</p> <p>9 because he is a reporter, but also because he is</p> <p>10 a fact witness. He has, in fact, been identified 10:42:12</p> <p>11 as a fact witness by the plaintiffs in this case.</p> <p>12 And so the line of questioning that I'm exploring</p> <p>13 this morning relates to matters that relate to</p> <p>14 his -- his work as a reporter, but also, again,</p> <p>15 as a fact witness. 10:42:31</p> <p>16 MR. KESLAR: I understand that. I think</p> <p>17 that the two, it's a distinction without meaning,</p> <p>18 especially in this case, because all of his</p> <p>19 conduct was in both his capacity as a reporter</p> <p>20 and as an editor, and so he can't waive that 10:42:46</p> <p>21 privilege -- he can't speak about it as a fact</p> <p>22 witness without also waiving the privileges</p> <p>23 afforded to him by the First Amendment of the</p> <p>24 U.S. Constitution, so I'm just going to have to</p> <p>25 keep enforcing those privileges to maintain them. 10:42:59</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Okay. Thank you. On approximately how</p> <p>2 many occasions have you walked inside Gibson's</p> <p>3 Bakery?</p> <p>4 A. I can't estimate that for you.</p> <p>5 Q. Okay. Have you been there approximately 10:44:39</p> <p>6 100 times?</p> <p>7 A. I don't know.</p> <p>8 Q. Okay. What about this: Have you been</p> <p>9 there approximately 1,000 times?</p> <p>10 A. Fewer than that. 10:44:48</p> <p>11 Q. Okay. 500 times?</p> <p>12 A. Probably fewer than that.</p> <p>13 Q. Okay. 250 times?</p> <p>14 A. Probably fewer than that as well.</p> <p>15 Q. Okay. What about 100 times? 10:45:00</p> <p>16 A. Probably fewer than that as well.</p> <p>17 Q. Okay. What about 50 times?</p> <p>18 A. I really don't know.</p> <p>19 Q. Okay. So your best testimony today is</p> <p>20 that you have walked inside Gibson's Bakery fewer 10:45:12</p> <p>21 than 150 times?</p> <p>22 A. That seems reasonable.</p> <p>23 Q. Okay. Have you purchased merchandise at</p> <p>24 Gibson's Bakery?</p> <p>25 A. Yes. 10:45:43</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Have you ever walked inside Gibson's</p> <p>2 Bakery?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. When was the first time that you</p> <p>5 walked inside Gibson's Bakery? 10:43:11</p> <p>6 A. I don't recall.</p> <p>7 Q. Okay. Was it in 2018?</p> <p>8 A. No.</p> <p>9 Q. 2017?</p> <p>10 A. No. 10:43:25</p> <p>11 Q. 2016?</p> <p>12 A. No.</p> <p>13 Q. 2015?</p> <p>14 A. Probably not.</p> <p>15 Q. Okay. 2014? 10:43:41</p> <p>16 A. I don't know.</p> <p>17 Q. 2013?</p> <p>18 A. Sir, I worked a large number of years in</p> <p>19 Oberlin about a block and a half from Gibson's</p> <p>20 Bakery. I don't know when the first time was. 10:44:05</p> <p>21 It could be anytime dating back to 2002.</p> <p>22 Q. Okay. So it's your testimony that you</p> <p>23 may have first walked into Gibson's Bakery</p> <p>24 sometime between 2002 and what year?</p> <p>25 A. Maybe 2015, but it's unlikely. 10:44:21</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. What types of merchandise have you</p> <p>2 purchased at the bakery?</p> <p>3 A. Soda, chocolate, pastries, I believe.</p> <p>4 Q. Does that include donuts?</p> <p>5 A. I'm a fat man, sir. It's probably going 10:46:05</p> <p>6 to include donuts.</p> <p>7 Q. How are the donuts?</p> <p>8 A. I -- I like donuts.</p> <p>9 Q. Okay. So do I.</p> <p>10 MS. CROCKER: Who doesn't? Let's be 10:46:19</p> <p>11 honest.</p> <p>12 Q. So other than soda, chocolate, and</p> <p>13 pastries, including donuts, can you identify any</p> <p>14 other goods that you've purchased from Gibson's</p> <p>15 Bakery? 10:46:32</p> <p>16 A. I believe I've purchased magazines and</p> <p>17 newspapers there as well.</p> <p>18 Q. Anything else?</p> <p>19 A. Assorted sweets from under the counter.</p> <p>20 Q. Have you shopped at Gibson's Bakery this 10:46:57</p> <p>21 month, meaning June 2018?</p> <p>22 A. No.</p> <p>23 Q. Okay. May 2018?</p> <p>24 A. To save us all time, is it your</p> <p>25 intention to go back chronologically and ask 10:47:19</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

1 month by month?

2 Q. I'm not sure what my intention is.
3 Have you shopped at Gibson's Bakery in
4 May 2018?

5 A. No. 10:47:33

6 Q. April 2018?

7 A. No.

8 Q. March 2018?

9 A. No.

10 Q. February 2018? 10:47:37

11 A. I don't believe so. I can say with
12 certainty the months that you've already listed.
13 Beyond that, I don't recall.

14 Q. What about January 2018?

15 A. It's beyond that. 10:47:57

16 Q. Okay. Have you stopped shopping at
17 Gibson's Bakery?

18 A. Is your question that I've consciously
19 made a decision not to shop there?

20 Q. Yeah, I'll reask the question. Sure. 10:48:08

21 Have you made a conscious decision to
22 stop shopping at Gibson's Bakery?

23 A. No.

24 Q. Okay. Have you seen David Gibson inside
25 Gibson's Bakery? 10:48:26

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1 A. Could -- I mean, is your question
2 specific to a time frame?

3 Q. No. And let's back up.

4 You've identified Mr. Gibson as the
5 gentleman with the white coffee cup at the end of 10:48:42
6 the table, correct?

7 A. Yes.

8 Q. So my question is, during any of your
9 stops inside Gibson's Bakery, have you seen

10 Mr. Gibson inside the store? 10:48:52

11 A. I can't recall a specific time that I
12 would have.

13 Q. Okay. So you have no recollection of
14 ever seeing Mr. Gibson inside Gibson's Bakery?

15 A. I have no positive date that I can name 10:49:04
16 where I would have seen Mr. Gibson inside the
17 bakery.

18 Q. Setting aside the specific date, have
19 you ever seen Mr. Gibson inside Gibson's Bakery?

20 A. I don't know. 10:49:17

21 Q. Okay. Have you ever talked to
22 Mr. Gibson inside Gibson's Bakery?

23 A. Again, I don't know.

24 Q. Do you know who Allyn W. Gibson is?

25 A. I believe he's Mr. Gibson's son. 10:49:38
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1 Q. Okay. That's actually Allyn D.

2 A. Okay.

3 Q. So Allyn D., I'll represent to you,
4 unless Mr. Gibson corrects me, Allyn -- Allyn D.

5 Gibson is the son of David Gibson, so my question 10:49:52
6 relates to Allyn W. Gibson.

7 Do you know who that is?

8 A. I wouldn't be able to pick him out of a
9 lineup, no.

10 Q. Okay. I'll represent to you, and 10:50:04

11 Mr. Gibson can certainly correct me, but I
12 believe that Allyn W. Gibson is the father of
13 David Gibson.

14 Have you ever seen Allyn W. Gibson

15 inside the bakery? 10:50:16

16 A. Not -- not for sure.

17 Q. Okay. I'll also represent to you that
18 Allyn D. Gibson is the son of David Gibson and
19 the grandson of Allyn W. Gibson.

20 Do you know who Allyn D. Gibson is? 10:50:32

21 A. Only insofar as you've described it.

22 Q. Okay. You don't recall ever seeing him
23 inside the bakery?

24 A. Not to my knowledge.

25 Q. Okay. And do you recall ever talking to 10:50:46
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1 Allyn D. Gibson?

2 A. Not to my knowledge.

3 Q. Okay. During your visits to Gibson's
4 Bakery, how have you been treated -- or strike
5 that. 10:51:10

6 What are your impressions of Gibson's
7 Bakery?

8 MR. KESLAR: Objection. The question as
9 phrased invades on the editorial process, which
10 is protected by the First Amendment of the U.S. 10:51:20

11 Constitution, and therefore, it's privileged
12 information to the extent that he's been -- it
13 calls for his characterization of Gibson's
14 Bakery, which, you know, as we're here about in
15 this lawsuit and these articles. 10:51:34

16 So I'm going to instruct you not to
17 answer that question.

18 MR. HOLMAN: I disagree vehemently with
19 your assertion of the privilege.

20 Q. So let's go back. So you've testified 10:51:43
21 that you have actually walked inside Gibson's
22 Bakery less than 150 times, correct?

23 A. Yes.

24 Q. Okay. So my question is what are your
25 impressions of Gibson's Bakery based upon your 10:52:06
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<p>1 personal visits to Gibson's Bakery as a shopper?</p> <p>2 A. They have nice food.</p> <p>3 Q. Okay. Any other observations?</p> <p>4 A. It appears to be well-kept.</p> <p>5 Q. Any other observations? 10:52:33</p> <p>6 A. Not particularly.</p> <p>7 Q. Okay. Any observations on customer</p> <p>8 service?</p> <p>9 A. No.</p> <p>10 Q. Okay. Any observations on the 10:52:45</p> <p>11 friendliness or lack of friendliness of people</p> <p>12 working in the store?</p> <p>13 A. No.</p> <p>14 Q. Have you ever had any complaints about</p> <p>15 anything connected to Gibson's Bakery? 10:53:01</p> <p>16 A. Soda's price is a little bit high.</p> <p>17 Q. Okay. Any other complaints?</p> <p>18 A. No.</p> <p>19 Q. Okay. The prices have not deterred you</p> <p>20 from shopping from time to time at Gibson's 10:53:22</p> <p>21 Bakery, correct?</p> <p>22 A. I might buy soda somewhere else.</p> <p>23 Q. Do you believe that you have been</p> <p>24 treated fairly at Gibson's Bakery?</p> <p>25 A. Would you mind clarifying whether we're 10:53:36</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 reporter and an editor. To the contrary, it</p> <p>2 relates solely to his shopping experience and his</p> <p>3 numerous shopping experiences at Gibson's Bakery.</p> <p>4 So I'll restate the question.</p> <p>5 Q. During the many times that you've 10:54:51</p> <p>6 shopped at Gibson's Bakery, have you seen the</p> <p>7 staff at Gibson's Bakery treat anyone in a way</p> <p>8 that you believed was unfair?</p> <p>9 A. No.</p> <p>10 Q. During your many experiences as a 10:55:10</p> <p>11 shopper at Gibson's Bakery, did you see the staff</p> <p>12 at Gibson's Bakery treat anyone in a way that you</p> <p>13 thought was discriminatory in nature?</p> <p>14 A. No.</p> <p>15 Q. Did you -- strike that. 10:55:25</p> <p>16 During the many times you have been to</p> <p>17 Gibson's Bakery, have you seen the staff at</p> <p>18 Gibson's Bakery treat shoppers at the store</p> <p>19 differently based upon race?</p> <p>20 A. No. 10:55:41</p> <p>21 Q. Based upon skin color?</p> <p>22 A. No.</p> <p>23 Q. Based upon age?</p> <p>24 A. No.</p> <p>25 Q. Based upon whether they're a student or 10:55:49</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 still talking about my interactions there as a</p> <p>2 shopper?</p> <p>3 Q. Yes. So all of my questions right now</p> <p>4 relate to your contacts with Gibson's Bakery as a</p> <p>5 shopper. 10:53:49</p> <p>6 A. I have no complaints.</p> <p>7 Q. Correct. So let me rephrase the</p> <p>8 question.</p> <p>9 MR. HOLMAN: What was the question? Can</p> <p>10 you restate it, please? 10:54:03</p> <p>11 (Record read.)</p> <p>12 Q. So I'll repeat the question.</p> <p>13 Do you believe that you've been treated</p> <p>14 fairly as a shopper at Gibson's Bakery?</p> <p>15 A. Yes. 10:54:08</p> <p>16 Q. Have you observed anything taking place</p> <p>17 at Gibson's Bakery to suggest that other shoppers</p> <p>18 were treated unfairly for any reason?</p> <p>19 MR. KESLAR: Objection. Because that</p> <p>20 goes to the reporter's privilege, First Amendment 10:54:21</p> <p>21 of the U.S. Constitution.</p> <p>22 You don't have to answer that.</p> <p>23 MR. HOLMAN: And again, I think the</p> <p>24 assertion of the privilege is misplaced. This</p> <p>25 has absolutely nothing to do with his duties as a 10:54:34</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 faculty member or a member of the community?</p> <p>2 A. I'm unaware of who was a student or</p> <p>3 faculty member during my shopping experiences.</p> <p>4 Q. Okay. So is it your testimony today</p> <p>5 that, and again, we're looking at your less than 10:56:05</p> <p>6 150 experiences at Gibson's Bakery, have you ever</p> <p>7 seen the staff treat people differently?</p> <p>8 A. No.</p> <p>9 Q. Okay. Does your wife -- strike that.</p> <p>10 Does Lisa shop at Gibson's Bakery? 10:56:26</p> <p>11 A. Again, you're assuming -- I'm assuming</p> <p>12 you're referring to my wife?</p> <p>13 Q. Yes. Lisa Hawk, yeah.</p> <p>14 A. I don't know when my wife would shop at</p> <p>15 Gibson's Bakery. 10:56:42</p> <p>16 MR. HOLMAN: All right. Let's go off</p> <p>17 the record for a second. Come on in.</p> <p>18 VIDEOGRAPHER: Off the record, 10:56.</p> <p>19 (Discussion off record.)</p> <p>20 (Whereupon, Ms. Roman entered the</p> <p>21 conference room.)</p> <p>22 MR. HOLMAN: Let's go back on the</p> <p>23 record.</p> <p>24 VIDEOGRAPHER: On the record, 10:56.</p> <p>25 (Record read.) 10:57:51</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

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1 Q. So my question is, has your wife, Lisa
 2 Hawk, ever shopped at Gibson's Bakery?
 3 A. Yes.
 4 Q. Okay. Do you know for how long she has
 5 shopped at Gibson's Bakery? 10:58:02
 6 A. No.
 7 Q. Do you know when she first started to
 8 shop at Gibson's Bakery?
 9 A. No.
 10 Q. Okay. Does she -- strike that. 10:58:11
 11 Has she shopped at Gibson's Bakery in
 12 2018?
 13 A. I don't know.
 14 Q. Okay. Do you have any knowledge as to
 15 how many times she has shopped at Gibson's 10:58:26
 16 Bakery?
 17 A. No.
 18 Q. Have you had any discussions with her
 19 regarding Gibson's Bakery?
 20 A. Yes. 10:58:36
 21 Q. Okay. What has she told you?
 22 A. I don't recall.
 23 Q. Okay.
 24 A. I'll amend that. She does like their
 25 pastries. 10:58:59
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1 Q. Okay. Good.
 2 A. As gifts.
 3 Q. As gifts?
 4 A. As gifts.
 5 Q. Okay. So are you saying that you've 10:59:05
 6 purchased pastries for her as a gift?
 7 A. Yes.
 8 Q. Okay. Which pastry does she like?
 9 A. She prefers coconut.
 10 Q. Okay. Coconut what? Coconut -- 10:59:17
 11 A. Coconut haystacks. Coconut whatever.
 12 Q. Okay. Do you recall any comments that
 13 your wife has ever made about Gibson's Bakery?
 14 A. I don't recall any specific comments,
 15 no. 10:59:32
 16 Q. Has your wife ever made any comments
 17 regarding David Gibson?
 18 A. No.
 19 Q. Allyn W. Gibson?
 20 A. Not to my memory, no. 10:59:41
 21 Q. Allyn D. Gibson?
 22 A. Again, not to my memory, no.
 23 Q. Any person on the staff of Gibson's
 24 Bakery?
 25 A. No. 10:59:50
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1 Q. Setting aside the demonstrations that
 2 we're going to get to that I believe you have
 3 some knowledge about, have you ever heard anybody
 4 complain about Gibson's Bakery?
 5 MR. KESLAR: Objection. As -- as 11:00:33
 6 phrased, the question invades into the editorial
 7 process, and therefore, could call for privileged
 8 information.
 9 So we're going to -- I'm going to assert
 10 the First Amendment privilege and instruct you 11:00:49
 11 not to answer.
 12 Q. Has anyone ever made any comments to you
 13 about Gibson's Bakery upon learning that you have
 14 shopped at Gibson's Bakery?
 15 A. Not to my knowledge. 11:01:09
 16 Q. Okay. Nothing positive?
 17 A. I'm sorry. Is that --
 18 Q. Sure, that's a question. Sure.
 19 So you don't recall anything positive or
 20 negative or otherwise. Is that your testimony? 11:01:23
 21 A. I don't remember any specific comments
 22 that anyone has made to me.
 23 Q. Okay. Do you remember any general
 24 comments that people have made to you?
 25 A. Are you asking if I know anyone who 11:01:39
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1 likes shopping at Gibson's Bakery?
 2 Q. No, no, no. My question is you have
 3 said that you shop at Gibson's Bakery, correct?
 4 A. I've said that I have shopped at
 5 Gibson's Bakery, sure. 11:01:54
 6 Q. Sure. And so my question is has anyone
 7 ever made any comments to you about Gibson's
 8 Bakery based upon their knowledge that you shop
 9 at Gibson's Bakery?
 10 A. I mean, I can only assume that along the 11:02:11
 11 path sometime, we've come into a conversation,
 12 but I don't have any recollection of what
 13 specific conversations or who they were with.
 14 Q. Okay. Is there anything that would
 15 refresh your recollection as to any specific 11:02:31
 16 conversations you may have had with people who
 17 commented upon Gibson's Bakery?
 18 A. I can't think of anything.
 19 Q. Okay. Have you ever seen any written
 20 statements or comments from Owen Rarric? 11:02:48
 21 A. Could you rephrase the question?
 22 Q. Sure. Have you ever seen any documents
 23 or statements or e-mails from Owen Rarric?
 24 A. I believe I've seen them in news
 25 coverage, yes. 11:03:29
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<p style="text-align: right;">Page 38</p> <p>1 Q. When you say "in news coverage," are you 2 saying in news articles? 3 A. I believe so. 4 Q. Okay. And what was the news article or 5 news articles where you saw something attributed 11:03:41 6 to Mr. Rarric? 7 A. I don't recall. 8 Q. Okay. Do you know on how many 9 occasions, if more than once, you have seen news 10 articles referencing Owen Rarric? 11:04:02 11 A. No. 12 Q. Have you ever seen a press release 13 issued by -- strike that. 14 You know what a press release is, 15 correct? 11:04:25 16 A. Correct. 17 Q. Okay. Have you ever seen a press 18 release or a press statement of any kind that 19 Owen Rarric provided to the news media? 20 A. I don't recall. 11:04:36 21 Q. Okay. In any of the articles that 22 you've written for the paper, have you ever cited 23 a press release or written statement issued by 24 Mr. Rarric? 25 A. I don't know. 11:04:55 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 40</p> <p>1 I'm going to represent to you that the 2 gentleman who just nodded is Mr. Rarric. 3 A. Okay. 4 Q. Did you speak to him today? 5 A. Yes. 11:07:04 6 Q. Okay. And you met him today when you 7 were coming to your deposition, correct? 8 A. We talked this morning, yes. 9 Q. Okay. As you look at him now, have you 10 ever met him in person before? 11:07:16 11 A. I don't recall. 12 Q. Okay. What did he say to you this 13 morning? 14 A. So far as I recall, we exchanged 15 pleasantries and a handshake. 11:07:28 16 Q. Okay. Anything else? 17 A. No. 18 Q. Seeing him today sitting at this table, 19 does that refresh your recollection as to whether 20 you've ever met him in person before? 11:07:39 21 A. I've met a lot of people. I'm sorry. 22 Q. Okay. But my question is not about a 23 lot of people. My question is about him. 24 Having seen him, having seen him today 25 and looking at him right now, have you ever seen 11:07:51 Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Have you ever talked to Owen Rarric? 2 MR. KESLAR: Objection. Reporter's 3 privilege, First Amendment of the U.S. 4 Constitution. 5 You don't have to answer that. 11:05:28 6 Q. Has Mr. Rarric ever reached out to you? 7 MR. KESLAR: Objection. Goes to the 8 editorial process, which is covered by the First 9 Amendment privilege. 10 I'm going to instruct you not to answer. 11:05:42 11 Q. Have you ever met Mr. Rarric in person? 12 A. I don't know. 13 Q. Were you talking to Mr. Rarric inside 14 this law firm prior to the start of your 15 deposition today? 11:06:24 16 A. I don't know. 17 Q. Do you know if Mr. Rarric is in this 18 conference room now? 19 A. I don't remember who all the people at 20 the table are, no. 11:06:48 21 Q. Okay. 22 A. Honestly, sir, if pressed for your name, 23 I wouldn't be able to produce it. 24 Q. Well, I'm offended, but I'll get over 25 it. 11:06:57 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 41</p> <p>1 Mr. Rarric today, before this deposition? 2 A. I'm unsure. 3 Q. Okay. So let's go to November 2016, 4 okay? 5 A. Yes, sir. 11:08:39 6 Q. You were a reporter, editor at that 7 time, correct? 8 A. Yes. 9 Q. Okay. Who were you working for? 10 A. At the time, it was called Civitas 11:08:49 11 Media. 12 Q. Can you spell that for me? 13 A. C-I-V-I-T-A-S. 14 Q. Media? 15 A. Correct. 11:09:02 16 Q. At that time, where was Civitas Media 17 located? 18 A. Our office was a Civitas Media office. 19 If you're asking about the headquarters, it was 20 in the Carolinas. 11:09:23 21 Q. Okay. Do you know where in the 22 Carolinas? 23 A. I don't remember. I never went there. 24 Q. Okay. Did Civitas Media publish any 25 newspapers in Ohio in November of 2016? 11:09:38 Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. Which ones?</p> <p>3 A. The Amherst News Times.</p> <p>4 Q. I'm sorry?</p> <p>5 A. The Amherst News Times, the Oberlin News 11:09:51</p> <p>6 Tribune, the Wellington Enterprise, the Lorain</p> <p>7 County Community Guide, the Lima News.</p> <p>8 Q. Lima?</p> <p>9 A. L-I-M-A.</p> <p>10 Q. Um-hum. 11:10:22</p> <p>11 A. And various others. I'm sorry. I don't</p> <p>12 have a list.</p> <p>13 Q. In Ohio?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. In November 2016, were you 11:10:28</p> <p>16 assigned to work for one or more of those</p> <p>17 newspapers?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Which one or which ones?</p> <p>20 A. The Amherst News Times, Oberlin News 11:10:49</p> <p>21 Tribune, Wellington Enterprise, and the Lorain</p> <p>22 County Community Guide.</p> <p>23 Q. What population does the Amherst News</p> <p>24 Times serve?</p> <p>25 A. The population of Amherst. 11:11:22</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 MR. HOLMAN: Again, I would vehemently</p> <p>2 disagree. I don't believe that that privilege</p> <p>3 protects such an innocent question as what were</p> <p>4 your responsibilities as editor.</p> <p>5 MR. KESLAR: And I think that the 11:12:50</p> <p>6 question at this size of a newspaper goes much</p> <p>7 farther than that.</p> <p>8 Q. Can you describe generally for me what</p> <p>9 an editor does?</p> <p>10 A. It might vary from location to location 11:13:05</p> <p>11 based on the employer.</p> <p>12 Q. Okay. And for your particular employer,</p> <p>13 what were the general responsibilities of an</p> <p>14 editor?</p> <p>15 A. It might vary from location to location. 11:13:17</p> <p>16 Q. Let's say that the editor worked in</p> <p>17 Lorain County. How would you describe the</p> <p>18 general responsibilities of an editor working for</p> <p>19 Civitas Media?</p> <p>20 A. I'm unclear on whether your question is 11:13:39</p> <p>21 specific to Civitas Media or general.</p> <p>22 Q. Okay. I'll rephrase it then.</p> <p>23 So as an editor for Civitas Media, did</p> <p>24 your duties include going to news events?</p> <p>25 A. Yes. 11:14:08</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 Q. Okay.</p> <p>2 A. As well as Amherst Township, surrounding</p> <p>3 townships, and parts of Lorain.</p> <p>4 Q. What population does the Oberlin News</p> <p>5 Tribune serve? 11:11:42</p> <p>6 A. The Oberlin population as well as</p> <p>7 surrounding townships.</p> <p>8 Q. What about Wellington Enterprise?</p> <p>9 A. The Village of Wellington and its</p> <p>10 surrounding townships. 11:11:59</p> <p>11 Q. Where is Wellington?</p> <p>12 A. In Lorain County.</p> <p>13 Q. What about Lorain County Community</p> <p>14 Guide?</p> <p>15 A. It's distributed to the southern half of 11:12:11</p> <p>16 the county.</p> <p>17 Q. In November 2016, what was your position</p> <p>18 with Civitas Media?</p> <p>19 A. Editor.</p> <p>20 Q. Can you describe for me what your 11:12:23</p> <p>21 responsibilities were in November 2016 as editor?</p> <p>22 MR. KESLAR: Objection. That gets to</p> <p>23 the editorial process and therefore is protected</p> <p>24 by the First Amendment to the U.S. Constitution.</p> <p>25 You don't have to answer that. 11:12:35</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. As an editor with Civitas Media, did</p> <p>2 your duties include talking to people whom you</p> <p>3 believed had newsworthy information?</p> <p>4 A. Yes.</p> <p>5 Q. As an editor, did your job include 11:14:34</p> <p>6 editing potential news articles that might appear</p> <p>7 in one or more newspapers?</p> <p>8 A. Yes.</p> <p>9 Q. As an editor, did your job include</p> <p>10 deciding or participating in deciding which 11:14:58</p> <p>11 articles appeared and were published or not</p> <p>12 published?</p> <p>13 MR. KESLAR: Objection. Question calls</p> <p>14 for -- or invades on the editorial process. It</p> <p>15 goes to the state of mind and is protected by the 11:15:14</p> <p>16 First Amendment to the U.S. Constitution.</p> <p>17 You don't have to answer that question.</p> <p>18 Q. As an editor, did your job include</p> <p>19 deciding which articles were published and which</p> <p>20 articles were not published? 11:15:27</p> <p>21 MR. KESLAR: Same objection.</p> <p>22 I'm instructing you not to answer.</p> <p>23 Q. So who at Civitas Media would play a</p> <p>24 role in deciding whether or not to publish any</p> <p>25 newspaper article? 11:15:40</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 46</p> <p>1 MR. KESLAR: It's the same objection. 2 It invades the editorial process. 3 You don't have to answer that question. 4 Q. As an editor at the paper, would you 5 help to write news articles? 11:15:54 6 A. Yes. 7 Q. As an editor, would you talk to people 8 person to person for news information? 9 A. Yes. 10 Q. As an editor, would you have 11:16:24 11 conversations with people on the telephone to 12 gather information about potential news stories? 13 A. Yes. 14 Q. As an editor, would you e-mail people 15 and invite them to e-mail you in order to gather 11:16:42 16 information for potential news articles? 17 A. Yes. 18 Q. Okay. Did Mr. Rarric ever e-mail you? 19 MR. KESLAR: Objection. Same objection 20 as I had the last time you asked this same 11:17:02 21 question, which it goes to the editorial process 22 and his news gathering. It's protected by the 23 First Amendment of the U.S. Constitution. 24 You don't have to answer that question. 25 Q. Did you ever e-mail Mr. Rarric? 11:17:15 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 48</p> <p>1 the Oberlin campus. 2 Q. Okay. We'll say in front of Gibson's 3 Bakery? 4 A. For sure, yes. 5 Q. Okay. So let me just rephrase the 11:20:23 6 question. Are you aware -- well, let's go back. 7 So there is a robbery that took place at 8 Gibson's Bakery -- strike that. 9 There is a shoplifting incident that 10 took place at Gibson's Bakery on Wednesday, 11:20:39 11 November 9, 2016. Do you -- 12 A. I believe it was actually eventually 13 ruled a robbery, was it not? 14 Q. Well, let me just ask the question here. 15 So let's turn to Wednesday, November 9, 11:20:54 16 2016, okay? 17 A. Sure. 18 Q. Would you agree with me that there was a 19 shoplifting incident that occurred at Gibson's 20 Bakery on Wednesday, November 9, 2016? 11:21:05 21 A. Again, I'd have to look at the police 22 report, but that sounds like a plausible date. 23 Q. Okay. Do you know whether there were 24 demonstrations that took place in front of 25 Gibson's Bakery and around Gibson's Bakery on the 11:21:23 Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. KESLAR: Same objection because it 2 goes to his reporting. It's unpublished. First 3 Amendment of the U.S. Constitution. 4 You don't have to answer that question. 5 Q. So let's turn again -- let's turn again 11:19:07 6 to November 2016, okay? 7 A. Fine. 8 Q. So I will represent to you that Tuesday, 9 November 8, 2016, was Election Day. Would you 10 agree with me? 11:19:25 11 A. Yes, sir. 12 Q. Okay. And cutting to the chase here, 13 would you agree with me that the shoplifting 14 incident about which you have written took place 15 on Wednesday, November 9, 2016? 11:19:40 16 A. I'd have to look at the police report 17 again to be sure, but it sounds plausible. 18 Q. Okay. You are aware that there were 19 demonstrations that occurred in Oberlin and 20 around the Oberlin campus on Thursday, November 11:19:59 21 10th, correct? 22 A. Again, I'd have to refresh my memory 23 about exactly what the date was. 24 Q. Okay. 25 A. Also, I'm not entirely sure about around 11:20:14 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 49</p> <p>1 next day, which would be Thursday, November 10th, 2 2016? 3 A. Again, I'd have to look at the dates, 4 but that seems plausible. 5 Q. Okay. Do you know if there were 11:21:34 6 demonstrations that occurred in front of Gibson's 7 Bakery and around Gibson's Bakery on Friday, 8 November, 11, 2016? 9 A. Assuming that they started on Thursday, 10 yes, they did continue for more than one day. 11:21:51 11 Q. Okay. So I want to turn your attention 12 now to the events that took place on Friday, 13 November 11, 2016, okay? 14 A. Yes, sir. 15 Q. And all of my questions that I'm going 11:22:08 16 to ask you now relate to what occurred on Friday, 17 November 11, 2016. Can we agree to that? 18 A. Sir. Sure. Sorry, my throat is dry. 19 Q. By the way, the other agreement that we 20 didn't talk about is if you need to take a break 11:22:28 21 at any time, we can do that, or if you need to 22 step away for any reason at all, you can do that, 23 so long as a question is not pending. 24 A. I might request a restroom break soon. 25 Q. Good. Let's take a break now. Does 11:22:45 Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 that sound good?</p> <p>2 A. If that's okay with you.</p> <p>3 MR. HOLMAN: Of course. Of course.</p> <p>4 We're off the record.</p> <p>5 VIDEOGRAPHER: Off the record, 11:22. 11:22:52</p> <p>6 (Recess taken.)</p> <p>7 VIDEOGRAPHER: On the record, 11:36.</p> <p>8 Q. So we're back on the record. You've had</p> <p>9 a break, you've had some water, right?</p> <p>10 A. Thank you. 11:37:29</p> <p>11 Q. Good. You're welcome. And again, we</p> <p>12 can take a break whenever you would like to take</p> <p>13 a break, okay?</p> <p>14 A. I appreciate that.</p> <p>15 Q. Sure. So let's turn to Friday, November 11:37:38</p> <p>16 11, 2016, and I will represent to you that that</p> <p>17 date was a Friday.</p> <p>18 Did you somehow become aware that there</p> <p>19 were demonstrations taking place or going to take</p> <p>20 place in front of or around Gibson's Bakery on 11:37:56</p> <p>21 that date?</p> <p>22 A. Didn't the demonstrations start the day</p> <p>23 prior?</p> <p>24 Q. That's correct, yes.</p> <p>25 A. Okay. 11:38:07</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And it was on your drive to work</p> <p>3 on Friday, November 11th, that you noticed that</p> <p>4 there were demonstrations occurring?</p> <p>5 A. To the best of my recollection, yes. 11:39:50</p> <p>6 Q. About what time were you driving to work</p> <p>7 when you saw the demonstrations on West College</p> <p>8 Street?</p> <p>9 A. That would be pure speculation.</p> <p>10 Q. Was it in the afternoon? 11:40:08</p> <p>11 A. No.</p> <p>12 Q. Okay. It was sometime in the morning?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Can you estimate for me about</p> <p>15 what time in the morning? 11:40:24</p> <p>16 A. No.</p> <p>17 Q. Okay. About what time do you typically</p> <p>18 go to work?</p> <p>19 A. I typically go to work between eight and</p> <p>20 nine o'clock. 11:40:39</p> <p>21 Q. Okay. Would you estimate for me that</p> <p>22 you were driving past West College Street between</p> <p>23 8:00 and 9:00 a.m. that morning?</p> <p>24 A. It's very hard to say. My schedule does</p> <p>25 fluctuate. 11:40:53</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 Q. So your answer is yes?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So to be clear, so you became</p> <p>4 aware at some point that there would be</p> <p>5 demonstrations in front of Gibson's Bakery and 11:38:19</p> <p>6 around the bakery on Friday, November 11, 2016,</p> <p>7 correct?</p> <p>8 A. Well, I didn't have pre-knowledge.</p> <p>9 Q. Okay. But at some point you learned, so</p> <p>10 at some point on November 11th, you learned that 11:38:29</p> <p>11 demonstrations were actually occurring in and</p> <p>12 around Gibson's Bakery?</p> <p>13 A. That they were continuing, sure. Yes.</p> <p>14 Q. Okay. When did you first learn that?</p> <p>15 A. I believe it was on my drive to work. 11:38:43</p> <p>16 Q. Okay. How did you become aware of the</p> <p>17 demonstrations on November 11?</p> <p>18 A. I saw them out of the car window.</p> <p>19 Q. Does your drive from home to work take</p> <p>20 you past Oberlin's campus? 11:39:03</p> <p>21 A. It's hard to say. Some -- the campus</p> <p>22 owns a lot of the land. It takes me down Route</p> <p>23 58 most days.</p> <p>24 Q. Does your drive from home to work take</p> <p>25 you past West College Street? 11:39:32</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. Okay. So you were driving to work,</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. You were by yourself?</p> <p>5 A. Correct. 11:40:59</p> <p>6 Q. And what street were you on when you</p> <p>7 first noticed that there were demonstrations</p> <p>8 occurring on November 11th?</p> <p>9 A. I don't remember.</p> <p>10 Q. So we're clear, as you were driving to 11:41:19</p> <p>11 work, you actually saw demonstrations occurring</p> <p>12 on West College Street?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. But you don't recall what street</p> <p>15 you were on when you first observed those 11:41:32</p> <p>16 demonstrations?</p> <p>17 A. I take different routes to work</p> <p>18 sometimes. It's impossible to say with 100</p> <p>19 percent certainty.</p> <p>20 Q. So on the morning of November 11, you 11:41:48</p> <p>21 saw demonstrations taking place on West College</p> <p>22 Street, correct?</p> <p>23 A. Yes.</p> <p>24 Q. So what did you do after seeing that</p> <p>25 there were demonstrations taking place that 11:42:01</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 54</p> <p>1 morning?</p> <p>2 A. I arrived at work.</p> <p>3 Q. Okay. Where is the newspaper located?</p> <p>4 A. 42 South Main Street in Oberlin.</p> <p>5 Q. Can you draw a map that shows generally 11:42:22</p> <p>6 speaking where West College Street is in relation</p> <p>7 to the street where your newspaper is located?</p> <p>8 A. I believe I could, yes.</p> <p>9 Q. Okay. I'm going to give you a piece of</p> <p>10 paper. We're going to mark this as Exhibit – 11:42:40</p> <p>11 MS. CROCKER: 3.</p> <p>12 Q. Three. If you could just draw a general</p> <p>13 diagram of West College Street in relation to the</p> <p>14 street where your newspaper is located, that</p> <p>15 would be helpful. 11:42:59</p> <p>16 A. Stipulating that it's not to scale?</p> <p>17 Q. Yes, we can stipulate that it's not to</p> <p>18 scale. We can also stipulate that you're not an</p> <p>19 artist, unless you are an artist.</p> <p>20 A. Okay. 11:43:16</p> <p>21 Q. Okay.</p> <p>22 A. Again, stipulating that the buildings</p> <p>23 are merely representations, that I'm not actually</p> <p>24 counting out the numbers of buildings, that I'm</p> <p>25 just drawing them, but – 11:44:23</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 56</p> <p>1 wanted to point out, you've mentioned a row of</p> <p>2 historical buildings. Are those buildings</p> <p>3 represented by the buildings in the direction of</p> <p>4 the arrow for Number 1 there?</p> <p>5 A. I'm sorry? 11:45:26</p> <p>6 Q. Okay. Do you see the Number 1 here?</p> <p>7 A. Yes.</p> <p>8 Q. Are these the historic buildings that</p> <p>9 you were referencing?</p> <p>10 A. Yes, these crude squares here are the 11:45:33</p> <p>11 row of historic buildings, as are these that go</p> <p>12 west on West College.</p> <p>13 Q. Oh, okay. So the historic buildings are</p> <p>14 those that are reflected in the direction of the</p> <p>15 one and the two that I've made? 11:45:43</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Can you identify with an X,</p> <p>18 again, not to scale and not to perfection, where</p> <p>19 Gibson's Bakery is located?</p> <p>20 A. It's roughly located here. 11:45:56</p> <p>21 Q. Okay. So the X marks the spot of</p> <p>22 Gibson's Bakery?</p> <p>23 MR. KESLAR: And I would just note that</p> <p>24 there looks like an X there already.</p> <p>25 A. I did place an X here. We can make it 11:46:08</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. I can agree with that.</p> <p>2 A. You said a rough map and there is a very</p> <p>3 rough map, sir.</p> <p>4 Q. Well, that's – I appreciate it.</p> <p>5 So you have just made some markings on 11:44:33</p> <p>6 Exhibit 3, and maybe you can describe what you</p> <p>7 have drawn for us this morning.</p> <p>8 - - - - -</p> <p>9 (Thereupon, Hawk Deposition Exhibit 3 was marked</p> <p>10 for purposes of identification.) 11:44:39</p> <p>11 - - - - -</p> <p>12 A. College Street and Route 58 are</p> <p>13 crossroads that happen roughly in the center of</p> <p>14 Oberlin in what's called the downtown area. This</p> <p>15 is a row of historical buildings. So is this, 11:44:48</p> <p>16 although there's some new construction toward the</p> <p>17 end.</p> <p>18 Q. Okay. And let's – just to clarify</p> <p>19 this, can I have the pen, please?</p> <p>20 A. Yes, sir. 11:44:56</p> <p>21 Q. So, and again, I'm – I am no artist</p> <p>22 either, so we're both on the same playing field</p> <p>23 here.</p> <p>24 So I have just written a Number 1 and 2</p> <p>25 and both are surrounded by circles, and I just 11:45:10</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 57</p> <p>1 an O for Oberlin News Tribune if you'd like.</p> <p>2 Q. Okay. That's helpful. So the O on</p> <p>3 Exhibit A, Exhibit 3 – strike that.</p> <p>4 So O on Exhibit 3 reflects where the</p> <p>5 Oberlin – 11:46:17</p> <p>6 MR. KESLAR: News Tribune.</p> <p>7 Q. – News Tribune is located, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay.</p> <p>10 A. And also, I've drawn a little thing 11:46:29</p> <p>11 here's that's Tappan Square.</p> <p>12 Q. Okay.</p> <p>13 A. Again, not to – not to scale.</p> <p>14 Q. Sure. Can you mark a T there?</p> <p>15 A. I can. 11:46:36</p> <p>16 Q. So T represents Tappan Square?</p> <p>17 A. Correct.</p> <p>18 Q. So is it your best recollection that you</p> <p>19 were driving on Route 58 on the morning of</p> <p>20 Friday, November 11, 2016? 11:46:48</p> <p>21 A. There is a slim possibility that I used</p> <p>22 East College Street, but to the best of my</p> <p>23 recollection, yes, it was Route 58.</p> <p>24 Q. Okay. Can you write East College Street</p> <p>25 on your diagram? 11:47:10</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

1 A. Yes, sir.
 2 Q. Okay. So is it your testimony that you
 3 would have first seen demonstrations on West
 4 College Street either while driving on Route 58
 5 or East College Street? 11:47:30
 6 A. Also possibly from the corner of 58 and
 7 Lorain.
 8 Q. Can you identify where that is on the
 9 map?
 10 A. Lorain, also known as Route 511. Lorain 11:47:42
 11 Street or Route 511 intersects Route 58
 12 perpendicularly on the far side of Tappan Square.
 13 Q. Okay. So is it your testimony that you
 14 likely would have seen the demonstrations on West
 15 College Street either from Route 58 or East 11:48:10
 16 College Street or Lorain Street/Route 51?
 17 A. Yes, sir.
 18 Q. Okay. So you're driving to work. You
 19 see demonstrations taking place on West College
 20 Street. What exactly do you see? 11:48:33
 21 A. Again, on which date?
 22 Q. Friday.
 23 A. On Friday?
 24 Q. And to be clear, all the questions I'm
 25 going to ask relate now solely to just Friday, 11:48:41
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1 November 11, 2016, okay?
 2 A. Which I believe we've agreed, and I'm
 3 not sure whether you checked, but that's the
 4 second day of protests?
 5 Q. I will represent that is the second day 11:48:51
 6 of protests, yes. So all of my questions relate
 7 to the second day of protests, which I think you
 8 and I have now agreed is Friday, November 11,
 9 2016, correct?
 10 A. Yes. 11:49:01
 11 Q. Okay. So what did you see?
 12 A. Protestors.
 13 Q. Okay. How many protestors?
 14 A. I didn't count them.
 15 Q. Okay. I know you didn't count them, but 11:49:11
 16 can you estimate for me how many protestors were
 17 out there?
 18 A. No.
 19 Q. Okay. Were there a thousand protestors
 20 out there? 11:49:22
 21 A. No.
 22 Q. Okay. Approximately 500?
 23 A. I don't know.
 24 Q. Okay. Approximately 250?
 25 A. Again, I didn't count them. 11:49:36
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1 Q. Okay. And I know. I'm not asking
 2 whether you counted them. You're driving to
 3 work. You see that -- actually, let's go back a
 4 little bit.
 5 Before Friday, November 11th, had you 11:49:51
 6 driven to work and ever seen protestors on West
 7 College Street before?
 8 A. During my commute?
 9 Q. Yes.
 10 A. I don't recall ever seeing protestors 11:50:03
 11 during my commute.
 12 Q. Okay. When you saw protestors out there
 13 on West College Street on Friday, November 11th,
 14 would you agree with me that was an unusual
 15 sight? 11:50:17
 16 A. I mean, it was preceded by protests the
 17 day before, so it wasn't surprising, no.
 18 Q. Okay. Seeing protestors on West College
 19 Street on Friday, November 11th, is not something
 20 that you typically see when you're driving to 11:50:31
 21 work, correct?
 22 A. Correct.
 23 Q. Okay. So it's your testimony that there
 24 were some number less than 1,000 protestors there
 25 on November 11th, correct? 11:50:48
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1 A. Yes.
 2 Q. Can you give me any range of how many
 3 protestors were present that morning as you were
 4 driving to work?
 5 A. It would be pure speculation. 11:50:59
 6 Q. Were there ten demonstrators out there?
 7 A. There were.
 8 Q. Okay. Were there 20?
 9 A. I don't know.
 10 Q. Okay. So it's your testimony there were 11:51:13
 11 somewhere between 10 and under 1,000 protestors
 12 out on West College Street when you drove to
 13 work?
 14 A. Again, I'm not going to speculate on how
 15 many there were. 11:51:27
 16 Q. Okay. Well, I understand. I'm not
 17 asking you to speculate, but you said there were
 18 less than 1,000 demonstrators out there, correct?
 19 A. Yes.
 20 Q. And you also said that there were at 11:51:37
 21 least ten demonstrators out there, correct?
 22 A. Yes.
 23 Q. So is your best testimony this morning
 24 that the number of demonstrators outside on West
 25 College Street were somewhere between ten and 11:51:50
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<p>1 less than a thousand?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And that's your best</p> <p>4 recollection?</p> <p>5 A. I could speculate closer, but I'm not 11:51:59</p> <p>6 going to.</p> <p>7 Q. Okay. And again, I don't want you to</p> <p>8 speculate.</p> <p>9 So your best testimony this morning is</p> <p>10 that there were somewhere between ten and some 11:52:06</p> <p>11 number under 1,000 protestors on West College</p> <p>12 Street on November 11th, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. As you were driving into work and</p> <p>15 you saw these demonstrators, did you see signs? 11:52:19</p> <p>16 A. Yes.</p> <p>17 Q. Were you able to read any of the signs?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. What did the signs say?</p> <p>20 A. I don't remember. 11:52:32</p> <p>21 Q. Can you estimate for me how many people</p> <p>22 were carrying signs or holding signs?</p> <p>23 A. No.</p> <p>24 Q. And you can't recall what the signs</p> <p>25 said; is that true? 11:52:48</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. Yes.</p> <p>2 Q. Approximately for how long were you able</p> <p>3 to see that these demonstrations were taking</p> <p>4 place there?</p> <p>5 A. Strictly during my commute? 11:54:32</p> <p>6 Q. Yes.</p> <p>7 A. Until my car passed the line of sight</p> <p>8 that would have been blocked by buildings.</p> <p>9 Q. Did you actually stop your car at all to</p> <p>10 get a better look as to what was going on? 11:54:44</p> <p>11 A. I parked at my office.</p> <p>12 Q. Okay. But let me just – prior to</p> <p>13 parking at your office, did you stop your car</p> <p>14 when you saw that there were demonstrations going</p> <p>15 on to get a better look at the demonstrations? 11:55:01</p> <p>16 A. I don't know.</p> <p>17 Q. Okay. Did you slow your car down in</p> <p>18 order to get a better look at the demonstrations</p> <p>19 that morning?</p> <p>20 A. I don't know. 11:55:20</p> <p>21 Q. Did you take any type of detour from</p> <p>22 your path of travel to work in order to get a</p> <p>23 better look at the demonstrators?</p> <p>24 A. I don't remember.</p> <p>25 Q. Did you roll down your window to hear 11:55:35</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 A. That is true.</p> <p>2 Q. Okay. As you were driving to work on</p> <p>3 November 11, were you able to identify any of the</p> <p>4 protestors?</p> <p>5 A. No. 11:53:10</p> <p>6 Q. Okay. Do you know whether any of the</p> <p>7 protestors that morning were students?</p> <p>8 A. No.</p> <p>9 Q. Do you know if any of the – strike</p> <p>10 that. 11:53:27</p> <p>11 Do you know if any of the protestors</p> <p>12 were faculty members?</p> <p>13 A. No.</p> <p>14 Q. Do you know if any of the protestors</p> <p>15 were staff members associated with Oberlin 11:53:42</p> <p>16 College?</p> <p>17 A. No.</p> <p>18 Q. As you were driving to work that</p> <p>19 morning, and again we're talking about Friday,</p> <p>20 November 11th, did you see Meredith Raimondo 11:54:00</p> <p>21 outside?</p> <p>22 A. I don't recall.</p> <p>23 Q. Okay. So you're driving to work and you</p> <p>24 see that there were demonstrations occurring on</p> <p>25 West College Street, correct? 11:54:20</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 what, if anything, the demonstrators might be</p> <p>2 saying?</p> <p>3 A. No.</p> <p>4 Q. Okay. So you've testified that you saw</p> <p>5 signs that morning, correct? 11:55:47</p> <p>6 A. Yes.</p> <p>7 Q. Did you hear anything?</p> <p>8 MR. KESLAR: Objection. Invades the</p> <p>9 reporter's privilege. To the extent that it</p> <p>10 calls for unpublished information gathered during 11:56:00</p> <p>11 the reporting process, it's protected by the</p> <p>12 First Amendment to the U.S. Constitution. You</p> <p>13 don't have to answer that question.</p> <p>14 MR. HOLMAN: Again, I think the</p> <p>15 assertion of the privilege is entirely misplaced 11:56:13</p> <p>16 without any foundation whatsoever.</p> <p>17 Q. So you're driving to work, you see that</p> <p>18 there are demonstrators out there. Did you hear</p> <p>19 any noise or sounds coming from the</p> <p>20 demonstrators? 11:56:31</p> <p>21 A. I don't remember whether I did.</p> <p>22 Q. Okay. Did you make any observations</p> <p>23 about the racial composition of the</p> <p>24 demonstrators?</p> <p>25 A. Not that I recall. 11:56:50</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. So it's your sworn testimony today that 2 as you were driving to work, you did not identify 3 any specific person who was part of this protest, 4 correct? 5 A. No, that's not correct. 11:57:05 6 Q. Okay. So who did you identify? 7 A. I don't know. 8 Q. So can you identify anyone who you saw 9 as you were driving to work and saw that there 10 was a demonstration taking place that morning? 11:57:19 11 A. No. 12 Q. Okay. So again, it's your sworn 13 testimony today that as you were driving past the 14 demonstration on November 11th, you cannot 15 identify anyone that you recognized, correct? 11:57:31 16 A. That's a slightly different question 17 than your one before, but yes. 18 Q. Okay. So I'll ask it another way. 19 Did you recognize anyone on November 20 11th as you were going to work? 11:57:45 21 A. Not to my recollection. 22 Q. Did you identify anyone as you were 23 going to work on November 11th? 24 A. I don't believe so, no. 25 Q. Did you try to identify anyone on 11:58:03 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 68</p> <p>1 creating a dangerous driving situation for others 2 on the road? 3 A. No. 4 Q. Okay. So you arrived at work, and what 5 did you do next? 11:59:10 6 A. I don't recall. 7 Q. Okay. Did you stay -- by the way, what 8 floor is the newspaper on? 9 A. It's currently on a single floor, and it 10 was at the time as well. 11:59:25 11 Q. Okay. Which floor is that? 12 A. The first floor. 13 Q. The first floor. Okay. Did you stay in 14 your office the entire day? 15 A. No. 11:59:34 16 Q. Okay. So at some point in the day, you 17 left your office, correct? 18 A. Yes. 19 Q. Did you leave the office in the morning 20 or in the afternoon? 11:59:45 21 MR. KESLAR: Just so I know, are you 22 talking about his specific office within the 23 building or are you talking about office 24 generally, the Oberlin news times building? 25 MR. HOLMAN: Oh, okay. Good. That's a 11:59:56 Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 67</p> <p>1 November 11th? 2 A. As I was going to work? 3 Q. Yes. 4 A. No, I was safely operating my vehicle. 5 Q. Okay. Did you look at the 11:58:17 6 demonstrations while you were driving your 7 vehicle? 8 A. Yes. 9 Q. Okay. Is that safe? 10 A. Within limited parameters, yes. 11:58:26 11 Q. Okay. Do you believe that you were 12 operating within such limited safe parameters? 13 A. So as to see the people who were out on 14 the sidewalk within plain view, yes. 15 Q. Okay. You don't believe that you were 11:58:40 16 creating a dangerous situation for yourself? 17 A. I was not craning my neck or slamming on 18 my brakes or creating a traffic hazard in any 19 way. I was keeping my eyes on the road and still 20 was able to see what was happening. 11:58:50 21 Q. Okay. My question is you didn't think 22 that you were creating a dangerous driving 23 situation for yourself? 24 A. No. 25 Q. Okay. You didn't think that you were 11:58:59 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 69</p> <p>1 good point. So let's back up. 2 Q. So on November 11th, you went to your 3 office building, correct? 4 A. Yes. 5 Q. And on November 11th, you actually went 12:00:04 6 into -- first of all, do you have a private 7 office? 8 A. No. 9 Q. Okay. So you work in an office inside 10 the building, correct? 12:00:16 11 A. Yes. 12 Q. How many other people work with you 13 inside that same space? 14 A. Currently? 15 Q. Let's go back to November of 2016. 12:00:24 16 A. When you say inside the same space, you 17 mean the open space at the front of the office? 18 Q. Okay. Let's back up a little bit. 19 What is the address again of the Oberlin 20 News Tribune? 12:00:45 21 A. 42 South Main Street. 22 Q. Okay. Thank you. And in November 2016, 23 the Tribune had an office on the first floor, 24 correct? 25 A. Yes. 12:01:00 Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 70</p> <p>1 Q. How many different, discrete offices 2 made up the Tribune in November 2016? 3 A. You mean workspaces? 4 Q. Yes. 5 A. There are three discrete workspaces. 12:01:11 6 Q. Okay. 7 A. Then and now. 8 Q. And back in November 2016, you worked at 9 one of those three workspaces, correct? 10 A. Yes. 12:01:24 11 Q. Okay. In November 2016, did you share 12 the space that you worked in with anyone else? 13 A. Yes. 14 Q. Okay. And who else did you share that 15 space with? 12:01:34 16 MR. KESLAR: That question goes to the 17 editorial process. It's protected by the First 18 Amendment to the U.S. Constitution. 19 You don't have to answer that question. 20 Q. So did you stay in your workspace the 12:01:44 21 entire day? 22 A. No. 23 Q. Okay. Did you go into the other 24 workspaces that day? 25 A. Yes. 12:01:59 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 72</p> <p>1 reporter's privilege and the editorial process. 2 It's definitely protected by the First Amendment 3 of the U.S. Constitution. 4 You don't have to answer that question. 5 Q. So where did you go? 12:03:14 6 A. Obviously, at one point, I went home. I 7 assume that we're talking about during the 8 workday, though. 9 Q. I just want to know why you left at any 10 point during the day. 12:03:28 11 A. I did go to look at the protesting, 12 yeah. 13 Q. Okay. About what time was that? 14 A. I don't know. 15 Q. Okay. And how did you get to the 12:03:39 16 protests? 17 A. By foot. 18 Q. Can you estimate for me the distance 19 between your office and where the protests were 20 taking place? 12:03:51 21 A. We're on the same block. I don't know. 22 I'm not really good with distances. 23 Q. How long did it take you to walk there? 24 A. Three, four minutes. 25 Q. Did you walk down Route 58 and then turn 12:04:12 Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. Did you leave the building that 2 you've identified as 42 South Main Street at any 3 point during the day? 4 A. Yes. 5 Q. When did you leave the building? 12:02:12 6 A. I don't know. 7 Q. Okay. Was it in the morning? 8 A. Again, I don't recall. 9 Q. Was it in the afternoon? 10 A. That's the same question. 12:02:22 11 Q. It's a different question. 12 Did you leave the building in the 13 morning? 14 A. I don't know. 15 Q. Okay. Did you leave it in the 12:02:29 16 afternoon? 17 A. I don't know. 18 Q. Okay. Did you leave it at night? 19 A. I don't know. 20 Q. Okay. So at some point on November 12:02:39 21 11th, you left the paper's office at 42 South 22 Main Street, correct? 23 A. Yes. 24 Q. Why did you leave? 25 MR. KESLAR: That question goes to both 12:02:59 Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 73</p> <p>1 left on West College Street? 2 A. Yes. 3 Q. Were you alone? 4 MR. KESLAR: Objection. That goes to 5 the reporter's privilege and the editorial 12:04:30 6 process. You don't have to answer that question. 7 Q. Were you carrying paper with you? 8 A. Yes. 9 Q. Did you have a pen on your person? 10 A. Yes. 12:04:50 11 Q. Did you have a recording device of any 12 kind with you? 13 A. Yes. 14 Q. Did you have a camera? 15 A. Yes. 12:05:05 16 Q. Was it a single-lens reflex? 17 A. You know, I'm unsure. 18 Q. Okay. Did you have a microphone with 19 you? 20 A. No. 12:05:26 21 Q. Did you have any type of - 22 A. Well, actually, my phone does have a 23 microphone in it, yes. 24 Q. Okay. 25 A. But as far as a handheld microphone, is 12:05:35 Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 that what you're asking?</p> <p>2 Q. Yes.</p> <p>3 A. No.</p> <p>4 Q. Okay. Did you carry with you any type</p> <p>5 of dictation device? 12:05:43</p> <p>6 A. Again, my phone is capable of taking</p> <p>7 dictation.</p> <p>8 Q. Okay. So other than your phone, did you</p> <p>9 carry on your person any other type of recording</p> <p>10 device that morning? 12:05:52</p> <p>11 A. A camera, yes.</p> <p>12 Q. Okay. Anything else to record audio?</p> <p>13 A. In addition to the phone or the camera?</p> <p>14 Q. Yes.</p> <p>15 A. No. 12:06:01</p> <p>16 Q. Anything else to record video?</p> <p>17 A. In addition to the phone or the camera?</p> <p>18 Q. Yes.</p> <p>19 A. No.</p> <p>20 Q. Okay. So you walked to where the 12:06:08</p> <p>21 demonstrations were occurring.</p> <p>22 What did you see upon arriving there?</p> <p>23 A. There was a protest going on.</p> <p>24 Q. About how many demonstrators were there?</p> <p>25 A. I - I'm not going to speculate on it. 12:06:25</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. I don't recall.</p> <p>2 Q. When you arrived on November 11th at the</p> <p>3 site of the demonstrations, did you recognize</p> <p>4 anyone that you knew?</p> <p>5 A. I'm sorry, but the lines between what 12:08:39</p> <p>6 happened on that Thursday and that Friday are</p> <p>7 very blurred, so I don't recall.</p> <p>8 Q. Okay. So you don't recall seeing anyone</p> <p>9 that you recognize on Friday, November 11th? Is</p> <p>10 that your testimony? 12:08:55</p> <p>11 MR. KESLAR: Objection. That's a</p> <p>12 mischaracterization of his testimony.</p> <p>13 You can go ahead and answer.</p> <p>14 A. I don't recall specifically which day I</p> <p>15 saw people and which day I didn't see people. 12:09:04</p> <p>16 Q. Okay. But my question is more specific</p> <p>17 than that.</p> <p>18 Can you identify anyone who you saw with</p> <p>19 certainty on Friday, November 11th, at the</p> <p>20 demonstration? 12:09:24</p> <p>21 A. With certainty that I saw them on the</p> <p>22 11th? No.</p> <p>23 Q. So how long did you stay at the</p> <p>24 demonstrations on November 11th?</p> <p>25 A. I don't know. 12:09:37</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 Q. Okay. 1,000?</p> <p>2 A. Probably not.</p> <p>3 Q. Okay. 500?</p> <p>4 A. Probably not as well.</p> <p>5 Q. 250? 12:06:40</p> <p>6 A. That seems reasonable.</p> <p>7 Q. Okay. So as you saw -- strike that.</p> <p>8 So you arrived at where the protests</p> <p>9 were taking place. You saw approximately 250</p> <p>10 people demonstrating. 12:07:00</p> <p>11 Were some of those individuals carrying</p> <p>12 signs?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What did the signs say?</p> <p>15 A. I don't recall. 12:07:14</p> <p>16 Q. So you don't recall what any of the</p> <p>17 signs said?</p> <p>18 A. No.</p> <p>19 Q. Okay. Were the demonstrators chanting?</p> <p>20 A. Yes. 12:07:33</p> <p>21 Q. What were they chanting?</p> <p>22 A. I don't recall.</p> <p>23 Q. Were the demonstrators singing?</p> <p>24 A. You know, I don't know.</p> <p>25 Q. Did you hear any speeches? 12:08:05</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. Did you stay an hour?</p> <p>2 A. I don't know.</p> <p>3 Q. Two hours?</p> <p>4 A. I don't know.</p> <p>5 Q. Three hours? 12:09:47</p> <p>6 A. No.</p> <p>7 Q. Okay. So you stayed less than three</p> <p>8 hours on Friday, November 11th?</p> <p>9 A. Yes.</p> <p>10 Q. Why did you go to the demonstrations on 12:10:01</p> <p>11 that day?</p> <p>12 MR. KESLAR: Objection. That goes to</p> <p>13 the reporter's privilege and the editorial</p> <p>14 process, protected by the U.S. Constitution First</p> <p>15 Amendment. 12:10:08</p> <p>16 You don't have to answer that.</p> <p>17 Q. Did you attend the demonstrations on</p> <p>18 November 11th as a member of the community?</p> <p>19 A. The newspaper is a member of the</p> <p>20 community, yes. 12:10:24</p> <p>21 Q. Okay. So you were there in your</p> <p>22 capacity as an editor of the Tribune?</p> <p>23 A. As my capacity as an employee of the</p> <p>24 News Tribune, yes.</p> <p>25 Q. Okay. Did you talk to people on 12:10:36</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 78</p> <p>1 November 11th?</p> <p>2 MR. KESLAR: Objection. That goes to</p> <p>3 unpublished information covered by the reporter's</p> <p>4 privilege.</p> <p>5 You don't have to answer that question. 12:10:45</p> <p>6 Q. Did you interview people on November</p> <p>7 11th?</p> <p>8 MR. KESLAR: Again, objection. That</p> <p>9 broad of a question goes to the reporter's</p> <p>10 privilege. It's privileged information. You 12:10:59</p> <p>11 don't have to answer that question.</p> <p>12 Q. Did you take any pictures on November</p> <p>13 11th?</p> <p>14 MR. KESLAR: Same objection as stated,</p> <p>15 and so you don't have to answer that question, 12:11:06</p> <p>16 pursuant to the First Amendment of the U.S.</p> <p>17 Constitution.</p> <p>18 Q. Did you use your cell phone to record</p> <p>19 any audio on November 11th?</p> <p>20 MR. KESLAR: Same objection. That broad 12:11:17</p> <p>21 of a question is covered by the reporter's</p> <p>22 privilege of the First Amendment of the U.S.</p> <p>23 Constitution.</p> <p>24 You don't have to answer that question.</p> <p>25 Q. Did you use your camera to record any 12:11:25</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Yes.</p> <p>2 Q. Bystanders?</p> <p>3 A. Yes.</p> <p>4 Q. Anti-protestors?</p> <p>5 A. Yes. 12:13:10</p> <p>6 Q. So tell me about the anti-protestors.</p> <p>7 How many were there?</p> <p>8 A. It's really impossible for me to say</p> <p>9 that.</p> <p>10 Q. Okay. 12:13:25</p> <p>11 A. But as far as telling you about the</p> <p>12 anti-protestors, there was a movement that I</p> <p>13 believe was conducted mainly online in response</p> <p>14 to the prior day's demonstrations. They seemed</p> <p>15 to be motivated mainly by political divisions at 12:13:40</p> <p>16 the time. Folks were going to Gibson's Bakery to</p> <p>17 buy items to support the bakery. There were also</p> <p>18 people driving by honking horns, either for or</p> <p>19 against, and yelling. I mean, obviously, I can't</p> <p>20 tell whether they were honking their horns for or 12:14:12</p> <p>21 against, but they were accompanied by yells from</p> <p>22 cars, some for and some against the demonstrators</p> <p>23 on both sides.</p> <p>24 Q. Since you were present on November 11th</p> <p>25 and I wasn't at all, what's your best estimate of 12:14:25</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 79</p> <p>1 audio on November 11th?</p> <p>2 MR. KESLAR: Same objection.</p> <p>3 You don't have to answer that question.</p> <p>4 Q. Did you use your camera to record any</p> <p>5 images, visual, still, or otherwise, on November 12:11:36</p> <p>6 11th?</p> <p>7 MR. KESLAR: That broad of a question,</p> <p>8 it's the same objection.</p> <p>9 You don't have to answer that question.</p> <p>10 Q. Did you walk inside Gibson's Bakery on 12:11:44</p> <p>11 November 11th?</p> <p>12 A. I don't recall.</p> <p>13 Q. So while you were at the demonstration</p> <p>14 on November 11th, what did you do?</p> <p>15 A. Honestly, sir, I don't remember what the 12:12:17</p> <p>16 different news-gathering techniques were between</p> <p>17 the days that I was at the demonstration.</p> <p>18 Q. Okay. When you were at the protests on</p> <p>19 November 11th, were there students there?</p> <p>20 A. Yes. 12:12:37</p> <p>21 Q. Were there administrators there?</p> <p>22 A. I don't know.</p> <p>23 Q. Faculty members?</p> <p>24 A. I don't know.</p> <p>25 Q. Members of the Oberlin community? 12:12:54</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 81</p> <p>1 the numbers of people that you saw who seemed to</p> <p>2 be opposed to the demonstrations taking place</p> <p>3 there?</p> <p>4 MR. KESLAR: Objection. Asked and</p> <p>5 answered. 12:14:41</p> <p>6 If you can answer, go ahead.</p> <p>7 A. I really can't estimate how many people</p> <p>8 were involved in both sides.</p> <p>9 Q. Okay. But I'm talking about the</p> <p>10 anti-protestors. 12:14:48</p> <p>11 Now, let's back up. So there were</p> <p>12 protests there who were opposed to Gibson's</p> <p>13 Bakery, correct?</p> <p>14 A. Opposed to Gibson's Bakery?</p> <p>15 Q. Yeah. How would you -- how would you 12:14:57</p> <p>16 characterize -- it sounds like you're saying that</p> <p>17 there were two groups of demonstrators there.</p> <p>18 How would you characterize both sides?</p> <p>19 MR. KESLAR: Objection. It goes to both</p> <p>20 reporter's privilege and editorial process as to 12:15:12</p> <p>21 his characterization. It's unpublished</p> <p>22 information. It's protected by the First</p> <p>23 Amendment of the U.S. Constitution.</p> <p>24 You don't have to answer that question.</p> <p>25 Q. When I use the phrase anti-protestors, 12:15:21</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

1 do you know what I mean?
 2 A. I believe you're talking about people
 3 who are there to take an opposite approach from
 4 the demonstrators who showed up on the first day.
 5 Q. Correct. 12:15:27
 6 A. Yes.
 7 Q. Okay. Can you give me any estimate as
 8 to the size of the anti-protestors?
 9 A. No.
 10 Q. Okay. Were there a thousand 12:15:37
 11 anti-protestors there?
 12 A. The protestors were -- or I'm sorry, the
 13 anti-protestors, as you've chosen to call them,
 14 were generally there to support the store by
 15 buying things, so they were moving in and out. 12:15:51
 16 It wasn't a discrete group that was standing on
 17 the sidewalk.
 18 Q. Okay. About how many people did you see
 19 who would make up this group of, as we've now
 20 called them, anti-protestors? 12:16:03
 21 A. It's impossible to say.
 22 Q. Okay. Would you say there were a
 23 thousand that you saw during the time that you
 24 were there?
 25 A. No. 12:16:12
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1 Q. 500?
 2 A. Likely not.
 3 Q. Okay. 250?
 4 A. It's possible.
 5 Q. Okay. Were any of the individuals who 12:16:27
 6 were there to support Gibson's Bakery carrying
 7 signs?
 8 A. Not that I recall.
 9 Q. Did anyone making up that group sing at
 10 all? 12:16:46
 11 A. Again, not that I recall.
 12 Q. Was there any chanting by that group?
 13 A. Organized chants together, no.
 14 Q. Okay. Were there any speeches?
 15 A. In the traditional sense that one person 12:17:07
 16 would talk to a large number who were all
 17 receiving them at the same time?
 18 Q. Yes.
 19 A. No.
 20 Q. Okay. 12:17:16
 21 A. I mean, there were definitely people who
 22 were speechifying, but --
 23 Q. I'm sorry. There were obviously people
 24 who were --
 25 A. Speechifying. 12:17:21
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1 Q. Speechifying?
 2 A. Sure. If I get up on my soap box and
 3 give a speech, regardless of whether someone is
 4 listening. There were people who were there to
 5 be visible. 12:17:32
 6 Q. Okay. Speechifying.
 7 A. Yes.
 8 Q. Okay. I learned a new word today.
 9 That's a verb?
 10 A. We can make it one. 12:17:35
 11 Q. Okay. I learned a new word today.
 12 Good.
 13 A. It's a great thing about the English
 14 language is that the rules change all the time.
 15 Q. And there are more words than anyone can 12:17:44
 16 possibly know, I suppose, right?
 17 A. Yes, sir.
 18 Q. Did you recognize anyone who seemed to
 19 be present in support of Gibson's Bakery?
 20 A. I wouldn't be able to say what their -- 12:17:55
 21 I wouldn't be able to say what their motivations
 22 were.
 23 Q. Let's go back. So you've testified that
 24 there were people there who wanted to counter the
 25 message of the large group of demonstrators, 12:18:12
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1 correct?
 2 A. Yes.
 3 Q. Okay. My question is did you identify
 4 anybody or recognize anyone?
 5 A. Did I recognize any of the people who I 12:18:21
 6 believe were there specifically to be
 7 anti-protestors?
 8 Q. No. Did you recognize -- well, let's be
 9 clear. Did you recognize anyone there who seemed
 10 to oppose the message of the large group of 12:18:33
 11 roughly 250 people who you said were present?
 12 A. I don't remember seeing anyone that I
 13 identified specifically.
 14 Q. So during the three hours that you were
 15 at the demonstration, did you see any police 12:18:54
 16 there?
 17 A. Well, I didn't say that I was there for
 18 three hours.
 19 Q. I think you testified that you were
 20 there for about three hours. 12:19:01
 21 A. That's incorrect.
 22 MR. KESLAR: Objection. That's a
 23 mischaracterization.
 24 MS. CROCKER: Less than three hours.
 25 Q. Okay. Less than three. So you were 12:19:08
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1 there – so we're clear, you were there for less
 2 than three hours, correct?
 3 A. Yes.
 4 Q. Okay. Thank you. During that time, did
 5 you see any police? 12:19:15
 6 A. Yes.
 7 Q. Okay. How many officers?
 8 A. I don't know.
 9 Q. Can you approximate how many officers
 10 were there? 12:19:21
 11 A. No.
 12 Q. What were the police doing?
 13 A. The ones that I saw were driving by.
 14 Q. Okay. Were there – strike that.
 15 The demonstrations that were going on, 12:19:33
 16 those took place on the sidewalk?
 17 A. Yes.
 18 Q. Did you see any police officers on the
 19 sidewalk that day?
 20 A. Not that I recall. The ones I saw were 12:19:45
 21 in patrol cars.
 22 Q. And how many individuals were in
 23 those – strike that.
 24 As you saw the various patrol cars, were
 25 these cars with one or two individuals inside? 12:19:56
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1 A. I don't know.
 2 Q. Did you see any violence on November
 3 11th?
 4 A. When you say "violence," you're
 5 characterizing it as physical violence? 12:20:15
 6 Q. Correct.
 7 A. No.
 8 Q. Did you see any property damage?
 9 A. Not intentional, no.
 10 Q. Did you see any of the protestors engage 12:20:29
 11 in any violence?
 12 A. Again, physical?
 13 Q. Yes.
 14 A. No.
 15 Q. Did you see any of the protestors damage 12:20:39
 16 any property?
 17 A. I don't recall seeing anybody
 18 intentionally damage any property.
 19 Q. Did you see the protestors break any
 20 windows at Gibson's Bakery? 12:21:03
 21 A. No.
 22 Q. Did you see the protestors break any
 23 windows of any of the surrounding storefronts?
 24 A. No.
 25 Q. Did you see any of the protestors 12:21:13
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1 assault anyone?
 2 A. Again, physically?
 3 Q. Yes.
 4 A. No.
 5 Q. So were the demonstrations peaceful on 12:21:21
 6 November 11th?
 7 MR. KESLAR: Objection. Goes to the
 8 editorial process, state of mind. It's covered
 9 by the First Amendment of the U.S. Constitution.
 10 You don't have to answer that question. 12:21:34
 11 Q. Did the demonstrators allow shoppers to
 12 walk inside and walk back out of Gibson's Bakery?
 13 A. Yes.
 14 Q. Did the demonstrators allow shoppers to
 15 have ingress to Gibson's Bakery? 12:21:54
 16 A. Yes.
 17 Q. Egress to Gibson's, or from Gibson's
 18 Bakery?
 19 A. Yes.
 20 Q. Did you see any of the protestors break 12:22:11
 21 the law?
 22 MR. KESLAR: Objection. Foundation as
 23 to his legal qualifications.
 24 But to the extent you can answer, go
 25 ahead. 12:22:27
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1 A. I was going to recommend that you talk
 2 to a legal professional about that.
 3 Q. Okay. No one was arrested, correct?
 4 A. I didn't see anyone be arrested.
 5 Q. Okay. That's my question. 12:22:40
 6 Did you see anyone get arrested on
 7 November 11th?
 8 A. No.
 9 Q. Did you call the police on November
 10 11th? 12:22:50
 11 A. I don't know.
 12 Q. Okay. You're not sure?
 13 A. I frequently call a lot of people. I'm
 14 not sure who I called that day.
 15 Q. Okay. Did you call the police at the 12:23:00
 16 demonstration because you felt that you were in
 17 fear of physical harm or physical injury?
 18 MR. KESLAR: Objection. Again, it goes
 19 right to the state of mind. It's protected by
 20 the First Amendment. 12:23:14
 21 You don't have to answer that.
 22 Q. Did you talk to any of the police
 23 officers who were driving by that day?
 24 A. No.
 25 Q. Do you recall anyone who you talked to 12:23:26
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<p style="text-align: right;">Page 90</p> <p>1 that day on November 11th?</p> <p>2 MR. KESLAR: Goes to an undisclosed</p> <p>3 source. Unpublished information is protected by</p> <p>4 the First Amendment.</p> <p>5 You don't have to answer that question. 12:23:39</p> <p>6 Q. So after spending less than three hours</p> <p>7 at the demonstration, you left, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Where did you go?</p> <p>10 A. Back to the office. 12:23:49</p> <p>11 Q. Okay. And for how long did you stay at</p> <p>12 the office?</p> <p>13 A. I don't know.</p> <p>14 Q. Okay. About what time did you – strike</p> <p>15 that. 12:24:00</p> <p>16 Did you go back out to the demonstration</p> <p>17 a second time?</p> <p>18 A. I believe I drove by it on the way home.</p> <p>19 Q. What did you see as you were driving by?</p> <p>20 A. Demonstrators. 12:24:14</p> <p>21 Q. Had the size of the crowd increased or</p> <p>22 stayed the same or decreased?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. So were you present when the –</p> <p>25 strike that. 12:24:45</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yes.</p> <p>2 Q. Okay. You would agree with me, right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And some have characterized it as</p> <p>5 a shoplifting incident, correct? 12:25:36</p> <p>6 A. That's how it was characterized at</p> <p>7 first, yes.</p> <p>8 Q. Okay. And some may characterize it in</p> <p>9 some other way, correct?</p> <p>10 A. Yes. 12:25:47</p> <p>11 Q. But the incident at its core involved an</p> <p>12 Oberlin student who came into the store and tried</p> <p>13 to take wine out of the store. Agree?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Were you present when that 12:25:57</p> <p>16 incident occurred, again, on November 9, 2016?</p> <p>17 A. No.</p> <p>18 Q. Do you have any personal knowledge of</p> <p>19 what took place during that incident?</p> <p>20 A. No. 12:26:14</p> <p>21 Q. Okay. So would you agree that anything</p> <p>22 that you know about the incident is something</p> <p>23 that you learned from talking to other</p> <p>24 individuals? Agree?</p> <p>25 A. No. 12:26:25</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 91</p> <p>1 You've confirmed that there was a</p> <p>2 incident that occurred at Gibson's Bakery on</p> <p>3 November 9, 2016, correct?</p> <p>4 A. Again, if that's the date on the police</p> <p>5 report, then yes. 12:24:57</p> <p>6 Q. Yes, and it is. And I'll represent to</p> <p>7 you that that was the date where there was a</p> <p>8 shoplifting incident that occurred at Gibson's</p> <p>9 Bakery, okay?</p> <p>10 A. No, I don't believe so. 12:25:06</p> <p>11 MR. KESLAR: It wasn't a question. He</p> <p>12 was just – he wants you to assume that that's</p> <p>13 the date. For the purposes of these questions,</p> <p>14 he said he's going to represent that that's the</p> <p>15 date. 12:25:19</p> <p>16 A. Oh.</p> <p>17 Q. Yeah. So I'm –</p> <p>18 A. But I'm also not sure whether we're</p> <p>19 characterizing it as a shoplifting event?</p> <p>20 Q. Okay. We'll get – 12:25:19</p> <p>21 A. Was it not ruled a robbery?</p> <p>22 Q. Well, we'll get to that.</p> <p>23 A. Okay.</p> <p>24 Q. So there was an incident that took place</p> <p>25 at Gibson's Bakery on November 9? 12:25:29</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. Okay. And why do you disagree with me?</p> <p>2 A. It would have also been informed by</p> <p>3 public documents.</p> <p>4 Q. Okay. So let's go back.</p> <p>5 So you have no personal knowledge of 12:26:37</p> <p>6 what transpired on November 9, 2016, inside</p> <p>7 Gibson's Bakery, correct?</p> <p>8 A. I have no firsthand knowledge.</p> <p>9 Q. Yes. You have no firsthand knowledge,</p> <p>10 right? 12:26:48</p> <p>11 A. Correct.</p> <p>12 Q. And you have no personal knowledge,</p> <p>13 right?</p> <p>14 A. Well, firsthand.</p> <p>15 Q. Okay. You have no firsthand knowledge 12:26:52</p> <p>16 because you were not actually in the store,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. You have no idea from a firsthand</p> <p>20 perspective what happened in the store, correct? 12:27:00</p> <p>21 A. Yes, that's correct.</p> <p>22 Q. And you have no idea what didn't happen</p> <p>23 in the store from a firsthand perspective, right?</p> <p>24 Correct?</p> <p>25 A. I can't confirm logical fallacies, no. 12:27:13</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

MR. HOLMAN: Could you read back the question and the answer, please?

(Record read.)

MR. HOLMAN: Could you read back the answer one more time, please?

(Record read.)

Q. So you did not personally observe the incident that occurred at Gibson's Bakery on November 9, 2016, correct?

A. That's correct. 12:28:09

Q. Okay. And is it your testimony today that everything that you know about what, in fact, happened during that incident came from public records and conversations you've had with individuals?

A. Yes. 12:28:30

MR. HOLMAN: Okay. Oh, we have just a few minutes left on the tape, so why don't we go off the record and allow our videographer to change tapes, if that's okay.

12:28:50

VIDEOGRAPHER: Off the record, 12:28.

(Recess taken.)

MR. HOLMAN: So let's go back on the record.

VIDEOGRAPHER: On the record, 12:46. 12:47:17
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Q. So you were testifying earlier that when you were at the demonstration on November 11th, you saw various cruisers driving by, right?

A. Yes.

Q. Did you recognize anyone? 12:47:31

A. You mean as far as in the police cruisers?

Q. I'm sorry, yes. Do you – did you recognize any of the police officers?

A. No. 12:47:41

Q. Do you know people who work at the Oberlin Police Department?

A. A few, yes.

Q. Which ones do you know?

A. The captain of the auxiliary, which I'm sure that he would take his – he has a different title that he uses. I'm sorry. Henry Wallace, the Captain. Mike McCloskey. Those are my two primary folks that I interact with at the Oberlin Police Department. 12:47:49 12:48:14

Q. Okay. How often do you talk to them?

A. It varies.

Q. Do you know them personally?

A. No. Only through work.

Q. Do you have a personal relationship with 12:48:19
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either gentleman?

A. No.

Q. Okay. So your relationship is solely professional?

A. Correct. 12:48:26

Q. Okay. Is there anyone else that you know by name at the Oberlin Police Department?

A. Yes.

Q. Okay. Who is that?

A. Billie Neadham. 12:48:36

Q. Who is he?

A. He's typically assigned as the school resource officer.

Q. Which school does he work at?

A. To the best of my knowledge, he rotates through all of them. 12:48:52

Q. Okay.

A. In the Oberlin City Schools.

Q. So other than Henry, Mike, and Billie, do you know the names of any other police officers from Oberlin? 12:49:00

A. I would recognize them, but off the top of my head, I wouldn't be able to list anyone else on the roster.

Q. Okay. And do you know Billie 12:49:13
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personally?

A. No.

Q. Okay. You testified before, Mr. Hawk, that your knowledge of the incident on November 9 came in part from police documents. Do you recall saying that? 12:49:24

A. Yes.

Q. Who gave you those police documents?

MR. KESLAR: Objection. It goes to both the source and it's covered by the editorial process. It's privileged information under the U.S. Constitution First Amendment. 12:49:38

You don't have to answer that.

Q. Were the police reports given to you?

MR. KESLAR: Objection. It's really the same question another way. It goes at least to the same subject matter that's privileged. 12:49:56

You don't have to answer that.

Q. Moments ago, we talked about contacts that you have with the Oberlin Police Department, right? 12:50:09

A. Yes.

Q. Do you have contacts with anyone at Oberlin College?

A. Yes. 12:50:21
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<p style="text-align: right;">Page 98</p> <p>1 Q. Okay. Who would your contacts be?</p> <p>2 A. The media liaison is Scott Wargo.</p> <p>3 Q. Anyone else?</p> <p>4 A. I'm familiar with Amanda Nagy, who also</p> <p>5 works under Scott. 12:50:38</p> <p>6 Q. Anyone else?</p> <p>7 A. Typically, our queries go through those,</p> <p>8 through the media office.</p> <p>9 Q. Okay. Do you know who Ben Jones is?</p> <p>10 A. Off the top of my head, no. 12:50:53</p> <p>11 Q. Okay. So most of your contacts</p> <p>12 involving Oberlin would go through either Scott</p> <p>13 Wargo or Amanda Nagy?</p> <p>14 MR. KESLAR: Objection. That question</p> <p>15 as phrased goes to reporter's privilege and asks 12:51:06</p> <p>16 for sources of information that are potentially</p> <p>17 undisclosed in these articles that we're here</p> <p>18 about. It's protected by the First Amendment</p> <p>19 privilege.</p> <p>20 You don't have to answer. 12:51:18</p> <p>21 MR. HOLMAN: Right. And so the record</p> <p>22 is clear for the context of my questions, the</p> <p>23 individuals that Mr. Hawk has just identified are</p> <p>24 Oberlin people, they are Oberlin employees, and</p> <p>25 so I don't think there's any privilege that would 12:51:47</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 100</p> <p>1 A. She's usually a backup.</p> <p>2 Q. Okay. When you speak to Scott, is it</p> <p>3 usually on the phone or in person?</p> <p>4 A. It's been mainly on the phone.</p> <p>5 Q. Okay. What with – what about with 12:53:04</p> <p>6 Amanda?</p> <p>7 A. It's infrequent enough that there's not</p> <p>8 really a pattern there.</p> <p>9 Q. Okay.</p> <p>10 A. With the exception of e-mails that she 12:53:17</p> <p>11 sends out on behalf of the college as press</p> <p>12 releases for wide release.</p> <p>13 MR. HOLMAN: Okay. Oh, you know, I</p> <p>14 forgot to ring in Dr. Raimondo, so let me do that</p> <p>15 here. 12:53:34</p> <p>16 I'll try again in just a second here.</p> <p>17 Q. You would agree with me there is a</p> <p>18 parking lot in back of Gibson's Bakery, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Has that parking lot been there 12:54:21</p> <p>21 during the time that you've worked as a reporter</p> <p>22 or editor at the paper?</p> <p>23 A. Yes.</p> <p>24 Q. Do you ever park in that parking lot?</p> <p>25 A. No. 12:54:35</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 99</p> <p>1 attach to him identifying these Oberlin</p> <p>2 individuals or answering questions about his</p> <p>3 contacts with these Oberlin individuals.</p> <p>4 MR. KESLAR: And I would disagree on a</p> <p>5 couple bases, one of which is they're an 12:52:04</p> <p>6 alternative readily available source that they</p> <p>7 can provide the same information. You don't need</p> <p>8 to invade his privilege to obtain that</p> <p>9 information. And your question asks -- it's</p> <p>10 broad enough that it asks about potential 12:52:15</p> <p>11 information that they might have given him for</p> <p>12 both these articles and other articles.</p> <p>13 MR. HOLMAN: But I haven't even asked –</p> <p>14 I haven't asked a question about what information</p> <p>15 they gave to him yet. 12:52:27</p> <p>16 MR. KESLAR: Whether they gave him</p> <p>17 information or not is itself privileged.</p> <p>18 Q. How often do you have contact with Scott</p> <p>19 Wargo?</p> <p>20 A. Infrequently. 12:52:38</p> <p>21 Q. What does that mean?</p> <p>22 A. A few times a year, maybe.</p> <p>23 Q. What about Amanda Nagy?</p> <p>24 A. Less.</p> <p>25 Q. Less? 12:52:51</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. Do you know of individuals who do park</p> <p>2 in that parking lot?</p> <p>3 A. No.</p> <p>4 Q. Have you ever seen any – strike that.</p> <p>5 Have you ever heard of complaints about 12:54:48</p> <p>6 the accessibility of parking spaces in that</p> <p>7 parking lot?</p> <p>8 A. Parking availability is a general</p> <p>9 concern that people have in Oberlin, yes.</p> <p>10 Q. Okay. Have you had conversations with 12:55:07</p> <p>11 people who are concerned about parking</p> <p>12 availability in this particular parking lot?</p> <p>13 MR. KESLAR: Objection. That goes to</p> <p>14 unpublished information. It's readily available</p> <p>15 from other sources. It's protected by the First 12:55:26</p> <p>16 Amendment of the U.S. Constitution.</p> <p>17 You don't have to answer that.</p> <p>18 Q. Have people criticized parking</p> <p>19 availability in the parking lot in the back of</p> <p>20 Gibson's Bakery? 12:55:43</p> <p>21 MR. KESLAR: Same objection, and I'll</p> <p>22 instruct you not to answer.</p> <p>23 Q. Have you ever seen any construction</p> <p>24 vehicles in that parking lot?</p> <p>25 A. Yes. 12:55:52</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

<p style="text-align: right;">Page 102</p> <p>1 Q. Okay. What types of vehicles?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. When did you see those vehicles?</p> <p>4 A. Primarily in and around construction of</p> <p>5 the Kohl Jazz building. 12:56:09</p> <p>6 Q. When did that take place?</p> <p>7 A. I don't know off the top of my head.</p> <p>8 Q. Can you approximate for me what year</p> <p>9 that would have been?</p> <p>10 A. It's in the last ten years. 12:56:18</p> <p>11 MR. HOLMAN: Okay. Hello, Doctor.</p> <p>12 Excuse me. Let's go off the record for a second.</p> <p>13 VIDEOGRAPHER: Off the record, 12:55.</p> <p>14 (Discussion off record.)</p> <p>15 (Whereupon, Mr. Gibson left the 12:56:34</p> <p>16 conference room.)</p> <p>17 VIDEOGRAPHER: On the record, 12:56.</p> <p>18 Q. Can you describe for me the construction</p> <p>19 vehicles that you have seen in the parking lot?</p> <p>20 A. No. 12:57:07</p> <p>21 Q. Are these trucks or are these actual</p> <p>22 construction vehicles?</p> <p>23 A. I recall there being yellow construction</p> <p>24 vehicles, but I'm not an expert on what kind they</p> <p>25 are. 12:57:24</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Do any of your colleagues at the</p> <p>2 newspaper park in the lot?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Do you know anyone who parks in the lot?</p> <p>5 A. Specifically? 12:58:35</p> <p>6 Q. Yes.</p> <p>7 A. No.</p> <p>8 MR. HOLMAN: Okay. Are you there?</p> <p>9 Hello? He's not there.</p> <p>10 MS. CROCKER: I'll step outside one 12:58:48</p> <p>11 second.</p> <p>12 MR. HOLMAN: Okay. Sure.</p> <p>13 (Whereupon, Ms. Crocker left the</p> <p>14 conference room.)</p> <p>15 Q. Going back to the protest on November 12:59:24</p> <p>16 11th, did you see any other members of the media</p> <p>17 there?</p> <p>18 MR. KESLAR: Objection. That goes to</p> <p>19 the reporter's privilege. First Amendment.</p> <p>20 You don't have to answer that. 12:59:39</p> <p>21 Q. Did you recognize any other members of</p> <p>22 the media at the protest on November 11?</p> <p>23 MR. KESLAR: It's the same question.</p> <p>24 Calls for the same privileged information.</p> <p>25 You don't have to answer that. 12:59:54</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. Okay. Do you recall for what period of</p> <p>2 time you saw these yellow vehicles there?</p> <p>3 A. No. Other than to say during the</p> <p>4 construction of the Kohl Jazz building.</p> <p>5 (Whereupon, Mr. Gibson entered the 12:57:32</p> <p>6 conference room.)</p> <p>7 Q. Do you have any idea what's charged –</p> <p>8 what's charged – strike that.</p> <p>9 Do you know how much money – strike</p> <p>10 that. 12:57:51</p> <p>11 Do you know what it costs to park in the</p> <p>12 parking lot?</p> <p>13 A. I don't have that at my disposal right</p> <p>14 now.</p> <p>15 Q. Okay. Have you ever known what it costs 12:57:59</p> <p>16 to park in the parking lot?</p> <p>17 A. Yes, I've had those numbers.</p> <p>18 Q. Okay. And what's your understanding of</p> <p>19 what's been charged?</p> <p>20 A. I don't have those figures in front of 12:58:09</p> <p>21 me.</p> <p>22 Q. Okay. Do you know who owns the parking</p> <p>23 lot?</p> <p>24 A. I remember having that information, but</p> <p>25 I don't recall right now. 12:58:19</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Did you see anyone that you knew at the</p> <p>2 protest on November 11? Again, that was Friday.</p> <p>3 A. It's possible, but I don't recall</p> <p>4 whether the person I saw was there on the 11th or</p> <p>5 the 10th. 13:00:19</p> <p>6 Q. Okay. Would you agree with me that</p> <p>7 there were criminal proceedings involving the</p> <p>8 three Oberlin students who were accused, among</p> <p>9 other things, of shoplifting?</p> <p>10 A. Yes. 13:00:37</p> <p>11 Q. Okay. Did you attend any of the</p> <p>12 criminal proceedings?</p> <p>13 A. No.</p> <p>14 Q. Do you know if any of your colleagues at</p> <p>15 the Tribune attended any of the proceedings? 13:00:48</p> <p>16 MR. KESLAR: Objection. That goes to</p> <p>17 the editorial process.</p> <p>18 You don't have to answer that question.</p> <p>19 It's protected by the First Amendment to the U.S.</p> <p>20 Constitution. 13:00:56</p> <p>21 Q. Do you know whether the Tribune covered</p> <p>22 at all the criminal proceedings involving the</p> <p>23 three students?</p> <p>24 MR. KESLAR: That again goes to the</p> <p>25 editorial process. 13:01:07</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

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1 You don't have to answer that question.
2 Q. Did the Oberlin News Tribune publish any
3 articles that discuss the criminal proceedings
4 involving the three students?
5 A. Yes. 13:01:26
6 Q. Do you know how many articles discuss
7 the criminal proceedings?
8 A. No.
9 Q. Do you know the reporter who – strike
10 that. 13:01:40
11 Do you know the name of the reporter
12 whose byline appeared on the Tribune's newspaper
13 articles which discuss the criminal proceedings?
14 (Whereupon, Ms. Crocker entered the
15 conference room.) 13:01:55
16 A. I would have to look at our records and
17 see what bylines appeared.
18 Q. Okay. So you don't – you don't
19 remember?
20 A. No. 13:02:03
21 Q. Okay. And you can't testify here today,
22 correct?
23 MS. CROCKER: Can you talk? Is there –
24 MR. HOLMAN: Yes, we can go off the
25 record. Go off the record, yes. 13:02:10
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1 VIDEOGRAPHER: Off the record, 1:01.
2 (Discussion off record.)
3 (Recess taken.)
4 (Whereupon, Dr. Raimondo joined the
5 deposition via teleconference.) 13:13:01
6 MR. HOLMAN: Go back on the record.
7 VIDEOGRAPHER: On the record, 1:12.
8 Q. So, Mr. Hawk, we've previously talked
9 about the incident that took place at Gibson's
10 Bakery on Wednesday, November 9th, correct? 13:13:19
11 A. Yes.
12 Q. And you've testified that you have no
13 firsthand knowledge of that incident; is that
14 correct?
15 A. Yes. 13:13:31
16 Q. You've also testified about the
17 demonstration that you came across and that you
18 visited for less than three hours on Friday,
19 November 11th, correct?
20 A. Yes. But before we go on, can I go back 13:13:44
21 and amend an answer?
22 Q. Sure. Please.
23 A. Actually, can you remind me what the
24 last question was that you asked?
25 Q. Well, we're going to have to ask our 13:13:54
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1 madam court reporter to do that.
2 (Record read.)
3 A. Due to the break and after confirming
4 with Mr. Keslar, I did have a chance to recall
5 the name of the reporter that was reporting on 13:14:36
6 some of those stories.
7 Q. Okay. Who was that?
8 A. Evan Goodenow.
9 Q. How do you spell his last name?
10 A. G-E, I'm sorry, G-O-O-D-E-N-O-W, if 13:14:46
11 memory serves.
12 Q. Is he the only reporter from the Tribune
13 who reported on the criminal proceedings in
14 various newspaper articles?
15 A. That, I can't recall, but I did recall 13:15:01
16 that he was reporting on some of them.
17 Q. Okay. You've also testified that you
18 were aware of demonstrations that took place
19 around Gibson's Bakery on Thursday, November
20 10th, 2016, correct? 13:15:15
21 A. Yes.
22 Q. When did you first become aware that
23 there were demonstrations taking place outside
24 the bakery that day?
25 MR. KESLAR: Which day? 13:15:27
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1 MR. HOLMAN: Thursday, November 10th,
2 2016.
3 Q. And so we're clear, too, all of the
4 questions that I'm going to ask until I state
5 otherwise relate solely to Thursday, November 10, 13:15:38
6 2016.
7 A. Thank you.
8 Q. Agreed?
9 A. Yes.
10 Q. Okay. So when did you first become 13:15:44
11 aware that there were demonstrations taking place
12 around Gibson's Bakery on November 10th?
13 A. I don't recall the time, but I do recall
14 that it was due to scanner traffic.
15 Q. Okay. What's scanner traffic? 13:16:00
16 A. A police scanner that monitors any
17 number of frequencies that are public, used by
18 emergency personnel.
19 Q. And by members of the news media?
20 A. Well, we receive them. We don't 13:16:12
21 transmit them.
22 Q. Okay. And is that something that you
23 and/or others monitor as part of being a news
24 reporter?
25 A. Yes. 13:16:22
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<p>1 Q. Okay. So it's your testimony that at 2 some point on November 10th, you heard scanner 3 traffic talking about demonstrations? 4 A. Yes. 5 Q. Do you recall what the scanner traffic 13:16:31 6 said? 7 A. No. 8 Q. Do you recall anything about the scanner 9 traffic that you heard on November 10th? 10 A. No, just that it prompted us to go and 13:16:44 11 look. 12 Q. Okay. And who is the "us"? 13 A. Myself. 14 Q. Okay. So the "us" that you just 15 mentioned refers to you and you alone? 13:16:54 16 A. No. 17 Q. Okay. Because you're -- you said that 18 the scanner traffic prompted, quote, "us" to go 19 and look. Who is the other person who went with 20 you? 13:17:14 21 A. The publisher. 22 Q. Okay. Who is that? 23 A. At the time, it was Tom Hutson. 24 Q. H-U-D-S-O-N? 25 A. H-U-T-S-O-N. 13:17:40 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. Do you know where he has an office? 2 A. No. 3 Q. Do you know where he's located? 4 A. No. 5 Q. Do you know what city he lives in? 13:19:03 6 A. No. 7 Q. Do you have any knowledge at all 8 regarding his whereabouts? 9 A. He's in Ohio. 10 Q. He's in Ohio? Okay. Is he in the 13:19:12 11 Columbus area? 12 A. I don't know. 13 Q. Okay. Cincinnati area? 14 A. I also don't know. 15 Q. Toledo area? 13:19:22 16 A. I don't know. 17 Q. The Dayton area? 18 A. I really don't know. 19 Q. The Cleveland, Ohio, area? 20 A. I continue to not know. 13:19:31 21 Q. When was the last time that you talked 22 to Mr. Hutson? 23 A. I wouldn't be able to accurately say. 24 Q. Do you know what his responsibilities 25 are? 13:19:48 Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 Q. Oh, H-U-T -- 2 A. Yes, sir. 3 Q. -- S-O-N. Hutson. 4 A. Hutson. 5 Q. Great. Thank you. During what period 13:17:46 6 of time was he the publisher? 7 A. I believe he was brought in sometime 8 around 2007 and left our office in 2017. 9 Q. For what papers did Mr. Hutson serve as 10 publisher? 13:18:15 11 A. The Amherst News Times, Oberlin News 12 Tribune, Wellington Enterprise, and the Lorain 13 County Community Guide. 14 Q. Do you know where Mr. Hutson had worked 15 prior to joining the papers that you were 13:18:26 16 associated with? 17 A. No. 18 Q. Do you know where Mr. Hutson went after 19 2017? 20 A. Yes. 13:18:39 21 Q. Okay. Where did he go? 22 A. He was promoted to vice president within 23 AIM Media Midwest, our current company. 24 Q. Do you know where his primary office is? 25 A. No. 13:18:56 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. He oversees production of several 2 newspapers. 3 Q. Does that include the newspapers that 4 you've previously discussed and identified? 5 A. You mean the ones for which I'm 13:20:05 6 currently employed? 7 Q. Yes. 8 A. No. 9 Q. Okay. Do you know which newspapers he 10 oversees? 13:20:12 11 A. I believe he's in charge of the Troy 12 Daily News. 13 Q. Would that be Troy, Michigan? 14 A. Troy, Ohio. 15 Q. Troy, Ohio. Okay. Are there any other 13:20:25 16 papers? 17 A. Yes. 18 Q. Okay. Which ones? 19 A. I don't know. 20 Q. So there was scanner traffic about a 13:20:32 21 demonstration on November 10 and that prompted 22 you and Mr. Hutson to leave your newspaper 23 office; is that correct? 24 A. Yes. 25 Q. Okay. And that prompted both of you to 13:20:48 Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 go to the demonstrations, correct?</p> <p>2 A. Yes.</p> <p>3 Q. How did you get there?</p> <p>4 A. By foot.</p> <p>5 Q. By foot. And how long did it take you 13:20:57</p> <p>6 and Mr. Hutson to walk there?</p> <p>7 A. Two, three, four minutes.</p> <p>8 Q. What kind of day was it, by the way?</p> <p>9 A. Could you be more specific?</p> <p>10 Q. Sure. In terms of the weather, what 13:21:09</p> <p>11 kind of day was it?</p> <p>12 A. It wasn't raining. It was a nice day.</p> <p>13 Q. Okay. Temperature-wise, what would you</p> <p>14 estimate?</p> <p>15 A. I don't remember. 13:21:20</p> <p>16 Q. Was it sunny?</p> <p>17 A. Yes.</p> <p>18 Q. Or cloudy?</p> <p>19 A. There might have been clouds. I don't</p> <p>20 know. 13:21:26</p> <p>21 Q. Okay. What were you wearing that day?</p> <p>22 A. I really don't know.</p> <p>23 Q. Okay. You have no idea what you were</p> <p>24 wearing that day?</p> <p>25 A. No. 13:21:33</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. Okay. No idea?</p> <p>2 A. Not really, no.</p> <p>3 Q. Okay. So you're in the business of</p> <p>4 gathering news, correct?</p> <p>5 A. Yes. 13:22:39</p> <p>6 Q. And reporting on your observations,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And reporting on interviews that you</p> <p>10 have with people, correct? 13:22:47</p> <p>11 A. Yes.</p> <p>12 Q. And as a news reporter, it's important</p> <p>13 to be as precise as possible, both in describing</p> <p>14 events, correct?</p> <p>15 MR. KESLAR: Objection. That goes to 13:23:00</p> <p>16 state of mind, editorial process. You don't have</p> <p>17 to answer that.</p> <p>18 And also, it calls for potentially a</p> <p>19 legal conclusion, which he's not qualified to</p> <p>20 provide. But based on the privilege, you don't 13:23:12</p> <p>21 have to answer that.</p> <p>22 Q. So in November of 2016, you were an</p> <p>23 editor, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Do you think it's important for editors 13:23:24</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 Q. Okay. What was Mr. Hutson wearing that</p> <p>2 day?</p> <p>3 A. I don't know.</p> <p>4 Q. No recollection at all?</p> <p>5 A. No. 13:21:38</p> <p>6 Q. Okay. So when you left the newspaper</p> <p>7 that day with Mr. Hutson, did you have your cell</p> <p>8 phone with you?</p> <p>9 A. Yes.</p> <p>10 Q. Your camera? 13:21:49</p> <p>11 A. Yes.</p> <p>12 Q. At least one pen?</p> <p>13 A. At least.</p> <p>14 Q. Okay. Paper to write on?</p> <p>15 A. Yes, sir. 13:22:01</p> <p>16 Q. Okay. So you and -- strike that.</p> <p>17 So which way did you go when you were</p> <p>18 walking over there?</p> <p>19 A. Down South Main Street north toward West</p> <p>20 College Street and west on West College Street. 13:22:17</p> <p>21 Q. So when you arrived at the</p> <p>22 demonstration, what did you observe?</p> <p>23 A. Protestors.</p> <p>24 Q. How many protestors?</p> <p>25 A. I don't know. 13:22:27</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 to be accurate in reporting their observations?</p> <p>2 MR. KESLAR: Objection. First Amendment</p> <p>3 privilege.</p> <p>4 You don't have to answer that.</p> <p>5 Q. As an editor, do you think it's 13:23:35</p> <p>6 important to report what you learn as accurately</p> <p>7 as possible?</p> <p>8 MR. KESLAR: Same objection.</p> <p>9 Goes to your state of mind. You don't</p> <p>10 have to answer that. It's covered by the First 13:23:49</p> <p>11 Amendment to the U.S. Constitution.</p> <p>12 Q. As an editor, is it important to you to</p> <p>13 be accurate in reporting your observations</p> <p>14 regarding an event?</p> <p>15 MR. KESLAR: Same objection regarding 13:23:59</p> <p>16 privilege.</p> <p>17 I'm instructing you not to answer.</p> <p>18 Q. As an editor, do you try to mislead the</p> <p>19 public as to what you've observed?</p> <p>20 MR. KESLAR: Objection. Same argument 13:24:09</p> <p>21 for privilege.</p> <p>22 I'm instructing you not to answer.</p> <p>23 Q. As an editor, do you ever purposefully</p> <p>24 mislead the public as to the contents of your</p> <p>25 newspaper articles? 13:24:21</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 MR. KESLAR: Objection. Same argument 2 for privilege. 3 I'm instructing you not to answer. 4 Q. So there is a group gathered that were 5 demonstrating. Where did you find this group 13:24:32 6 demonstrating? 7 A. On West Main Street. I'm sorry. On 8 West College Street. 9 Q. On West College Street? 10 A. Yes. 13:24:43 11 Q. Okay. And it's your testimony that you 12 have no idea how many people you saw on November 13 10th? 14 A. It's my testimony that I don't recall at 15 this point. 13:24:52 16 Q. Don't recall. Is there anything that 17 would refresh your recollection as to the size of 18 the group that you saw that day? 19 A. If you would provide photos, I could 20 estimate based on photos. 13:25:02 21 Q. If -- would you agree or disagree with 22 me that there were 5,000 people present that day? 23 A. I'd disagree. 24 Q. Okay. What about if I said that there 25 were 2,500 people that day? 13:25:14 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. Yes. 2 Q. Okay. You agree with the number 250? 3 That's your number, right? 4 A. No. Actually, you suggested that 5 number. 13:26:10 6 Q. Okay. But do you agree or disagree with 7 that number? 8 A. I agree that 250 is reasonable. 9 Q. So -- 10 A. Also, you stipulated an entire time 13:26:17 11 period of the entire day. I don't know how many 12 people that were there the entire day. 13 Q. Okay. So let's be clear. 14 So when you and Mr. Hutson arrived, is 15 it your testimony that there were approximately 13:26:29 16 250 demonstrators present? 17 MR. KESLAR: Objection. 18 Mischaracterization. 19 Go ahead. 20 A. No. 13:26:36 21 Q. Okay. So what is your testimony? 22 A. That 250 would be a fair assessment, a 23 fair estimate, but I don't know how many people 24 were there. 25 Q. Sure. Of course you don't. And I'm not 13:26:46 Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 A. I'd disagree. 2 Q. What about 1,125 people? 3 A. For the entire duration of the day? 4 Q. Yes. 5 A. It's hard to say. 13:25:25 6 Q. Okay. What about 1,000 people? 7 A. It's also hard to say. 8 Q. Okay. 500? 9 A. I don't know. 10 Q. 250? 13:25:33 11 A. I'd say that that's extremely fair. 12 Q. Okay. So your best estimate is that 13 there were approximately 250 people present at 14 the demonstration on November 10, correct? 15 A. No -- 13:25:49 16 MR. KESLAR: Objection to 17 mischaracterization. 18 I'm sorry. Go ahead. 19 A. No, it's not my testimony. 20 Q. Okay. So is it your testimony that it's 13:25:53 21 fair to say that there were approximately 250 22 people who were at some or all of the 23 demonstration on November 10th? 24 A. At some of the demonstration? 25 Q. Yes. 13:26:02 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 asking you to -- I know you didn't count. At 2 least I don't think you counted. 3 So 250 would be a fair estimate of the 4 number of people that you saw on November 10? 5 A. No. 13:26:56 6 Q. Okay. 7 A. It would be a fair estimate of the 8 number of people who were there when we 9 arrived -- 10 Q. Okay. 13:27:02 11 A. -- which was your question. 12 Q. Fine. Okay. So when you arrived, it's 13 your testimony that you saw approximately 250 14 individuals at the demonstration, correct? 15 A. That's seems fair. 13:27:12 16 Q. Okay. So when you arrived, what else 17 did you see going on? 18 A. Could you be more specific? 19 (Whereupon, Ms. Crocker left the 20 conference room.) 13:27:27 21 Q. Sure. So you and Mr. Hutson arrived at 22 the demonstration, right? 23 A. Correct. 24 Q. Where did you walk to? 25 A. I believe we ended up standing, at least 13:27:34 Molnar Reporting Services, LLC (440) 340-6161</p>

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1 initially, pretty much right in front of the door
 2 but more toward the road.
 3 Q. When you say "the door," are you
 4 referring to, what, Gibson's Bakery door?
 5 A. Yes, sir. 13:27:46
 6 Q. So when you and Mr. Hutson arrived,
 7 approximately how far were you, at least
 8 initially, from Gibson's Bakery's door?
 9 A. Whatever the setback to the curb is.
 10 Q. Are you saying that you and Mr. Hutson 13:27:57
 11 were standing on the curb when you arrived
 12 initially?
 13 A. Mr. Hutson peeled off. I'm not entirely
 14 sure where he went for a little while.
 15 Q. Okay. 13:28:08
 16 A. But yes, I was standing on the curb.
 17 Q. Okay. When you initially arrived, was
 18 Mr. Hutson there on the curb with you?
 19 (Whereupon, Ms. Crocker entered the
 20 conference room.) 13:28:20
 21 A. No, I don't believe so.
 22 Q. So approximately what is the distance
 23 between the Gibson's Bakery storefront and the
 24 curb where you were standing?
 25 A. 20 feet, maybe. 13:28:33
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1 Q. Okay. So you were there standing at the
 2 curb. You just arrived from leaving your office,
 3 correct?
 4 A. Yes.
 5 Q. And I presume you looked around? 13:28:41
 6 A. Yes.
 7 Q. What did you see?
 8 A. Could you be more specific?
 9 Q. Sure. Did you see people holding signs?
 10 A. Yes, I did. 13:28:52
 11 Q. Okay. What did the signs say?
 12 A. I don't recall.
 13 Q. Okay. So you have no recollection of
 14 what the signs said that day?
 15 A. I didn't memorize any specific signs, 13:29:00
 16 no.
 17 Q. I'm not asking if you -- I'm just asking
 18 do you recall what you -- what -- strike that.
 19 Do you recall what signs you observed as
 20 you were standing there on the curb? 13:29:09
 21 A. No, I don't remember what the signs said
 22 specifically a year and a half ago.
 23 Q. Did you recognize anyone that you knew
 24 as you were standing on the curb?
 25 A. I don't recall whether I saw the person 13:29:33
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1 that I recognized on the 10th or the 11th.
 2 Q. Okay. When you arrived and were
 3 standing on the curb, were the demonstrators
 4 singing?
 5 A. I don't know that they were singing 13:29:55
 6 right then.
 7 Q. Okay. Were they chanting anything?
 8 A. During the duration that I was there,
 9 yes, they were chanting.
 10 Q. Okay. What about when you actually 13:30:06
 11 arrived initially and were standing on the curb?
 12 Was there chanting going on at that time?
 13 A. I don't recall what happened at that
 14 exact moment.
 15 Q. By the way, when you walked over to the 13:30:17
 16 demonstration, were you wearing any press
 17 credentials?
 18 A. No.
 19 Q. Okay. Do you understand what I'm saying
 20 when I say press credentials? 13:30:27
 21 A. Yes.
 22 Q. And let me just rephrase.
 23 When you and Mr. Hutson walked over to
 24 the demonstration on November 10, were you
 25 carrying any badges that identified you as a 13:30:36
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1 member of the media?
 2 A. No.
 3 Q. Okay. What about Mr. Hutson?
 4 A. No.
 5 Q. Okay. As you were standing on the curb 13:30:44
 6 looking around, about how many signs did you see?
 7 A. I don't have an accurate way to estimate
 8 that.
 9 Q. Okay. As you were standing on the curb,
 10 were there speeches being made? 13:31:03
 11 A. I wouldn't say that there were speeches
 12 being made. There was one person with a
 13 megaphone.
 14 Q. Okay. Do you know who that person was?
 15 A. No. 13:31:23
 16 Q. Do you have any personal knowledge as to
 17 where that megaphone came from?
 18 A. No.
 19 Q. Do you recall what that person was
 20 saying who held the megaphone? 13:31:37
 21 MR. KESLAR: Objection. That would be
 22 unpublished information gathered during the
 23 reporting process. It falls within the First
 24 Amendment privilege.
 25 You don't have to answer that. 13:31:50
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1 Q. Was the person with the megaphone using
2 the megaphone?
3 A. Yes.
4 Q. Okay. What was that person saying with
5 the megaphone? 13:32:05
6 MR. KESLAR: Objection. Calls for
7 unpublished information gathered during the news
8 reporting process.
9 You don't have to answer that question.
10 It's protected by the First Amendment. 13:32:14
11 Q. So you said that there was one
12 individual who you recognize, but you're not sure
13 whether it was November 10 or 11th, correct?
14 A. Yes, sir.
15 Q. Okay. Who is that person? 13:32:23
16 A. Frank Carlson.
17 Q. Who is he?
18 A. At the time, he served as a prosecutor
19 for the municipal court and also as assistant law
20 director for the City of Amherst. 13:32:41
21 Q. I take it this is someone that you've
22 known probably for some time?
23 A. I'd recognize him, yes. I see him in
24 public meetings.
25 Q. Did you speak to Mr. Carlson? 13:32:53
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1 A. No.
2 Q. Okay. Did he speak to you?
3 A. No.
4 Q. Did he acknowledge your presence in any
5 way? 13:33:07
6 A. No.
7 Q. Did you acknowledge his presence in any
8 way?
9 A. No.
10 Q. What was he doing? 13:33:11
11 A. He pushed through the crowd of
12 protestors to get to the door.
13 Q. When you say "he pushed through the
14 crowd," can you further describe what you
15 observed? 13:33:27
16 A. Without physically touching anyone,
17 Mr. Carlson made his way to the door, but
18 continually said don't touch me, don't come near
19 me, and used his body to project a bubble around
20 himself, I guess, is a way to say it. He made 13:33:47
21 sure that he knew that people weren't going to be
22 coming near him.
23 Q. What else did he say as he was pushing
24 his way through the crowd?
25 A. That's really all I saw before he went 13:33:59
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1 into the bakery.
2 Q. Did anyone in the crowd direct any
3 comments to him?
4 A. The crowd was directing comments to
5 everyone on the sidewalk. 13:34:09
6 Q. Okay. Did anyone as far as you saw
7 purposefully impede his access to the door and
8 the bakery?
9 A. They didn't physically bar him by
10 touching him, no. 13:34:22
11 Q. Did anyone refuse to allow him to go
12 past and into the bakery?
13 A. No. He made his entry into the bakery.
14 Q. So is Frank Carlson the only person who
15 you recognized on either November 10 or 11? 13:34:36
16 A. Yes.
17 Q. So approximately -- strike that.
18 So you've arrived at the demonstration.
19 You're standing on the curb. You're looking
20 around. How long did you stay there at the curb 13:34:51
21 itself?
22 A. Most of the reporting was done from
23 there.
24 Q. Okay. Did you try to interview people
25 when you were there? 13:35:12
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1 MR. KESLAR: Objection. That goes to
2 his methods of reporting, which is protected by
3 the First Amendment. It also calls for a
4 response about what might have been said, which
5 is also privileged information for both reasons. 13:35:23
6 I'm going to instruct you not to answer.
7 Q. Did you talk to anyone at the
8 demonstration on November 10?
9 MR. KESLAR: Objection to the extent
10 that it calls for information that's not 13:35:35
11 previously disclosed in the news articles that
12 we're here about. It's protected by the
13 reporter's privilege.
14 I'm going to instruct you not to answer.
15 Q. And I'll ask again. Did you talk to 13:35:47
16 anyone at the demonstration on November 10, 2016?
17 MR. KESLAR: And I'd caution you not
18 to -- not to provide any information in response
19 to that question that wasn't printed in the news
20 articles as it would be privileged. To the 13:36:04
21 extent that it was printed in the news articles,
22 you can respond.
23 A. Yes.
24 Q. Okay. Who did you speak to?
25 A. Meredith Raimondo. 13:36:17
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1 Q. Okay. Who is that?
 2 A. The dean of students for Oberlin
 3 College.
 4 Q. When did you become aware that she was
 5 the dean of students? 13:36:26
 6 A. She introduced herself.
 7 Q. Okay. About how long after your arrival
 8 at the demonstration on November 10 did you have
 9 contact with Meredith Raimondo?
 10 A. Relatively soon after arriving. 13:36:45
 11 Q. Within 30 minutes after your arrival?
 12 A. Yes, definitely.
 13 Q. Okay. Can you describe for us your
 14 contact with Meredith Raimondo?
 15 MR. KESLAR: Objection. Calls for 13:37:01
 16 privileged information protected by the First
 17 Amendment.
 18 I'm going to instruct you not to answer
 19 that broad of a question.
 20 Q. Did you speak to Meredith Raimondo? 13:37:10
 21 A. Yes.
 22 Q. Okay. What did you say to Dr. Raimondo?
 23 A. I don't recall exactly what was said.
 24 Q. Okay. What did Dr. Raimondo say to you?
 25 MR. KESLAR: Objection. Calls for 13:37:28
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1 previously undisclosed information gathered
 2 during his reporting process and is protected by
 3 the First Amendment.
 4 I'm going to instruct you not to answer.
 5 Q. So you don't recall what Dr. Raimondo 13:37:38
 6 said to you, correct?
 7 MR. KESLAR: That's a
 8 mischaracterization, and to the extent it calls
 9 for -- it asks Mr. Hawk to explain what was said
 10 to him, which is previously undisclosed 13:37:47
 11 information, it's privileged, and you don't have
 12 to answer that question.
 13 Q. Are you going to testify about what you
 14 said to Dr. Raimondo?
 15 MR. KESLAR: He's -- he is not a party 13:37:58
 16 to this lawsuit. He's not planning on -- there's
 17 no reason for him to be testifying at this point
 18 as he's not a party to this lawsuit. It's an
 19 improper question. It calls for potentially
 20 legal conclusions and I'm going to instruct you 13:38:12
 21 not to answer that, either.
 22 Q. What did you say to Dr. Raimondo?
 23 MR. KESLAR: Asked and answered, but to
 24 the extent you have a different answer, go ahead.
 25 THE WITNESS: I'm sorry. Can you repeat 13:38:25
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1 what you just said?
 2 MR. KESLAR: I said asked and answered,
 3 but to the extent that you remember something
 4 different, go ahead.
 5 THE WITNESS: Do you mind if I have a 13:38:44
 6 moment to talk to Mr. Keslar?
 7 MR. HOLMAN: No, not at all. Of course.
 8 We'll go off the record. We're going off the
 9 record.
 10 VIDEOGRAPHER: Off the record, 1:38. 13:38:47
 11 (Recess taken.)
 12 VIDEOGRAPHER: On the record, 1:53.
 13 Q. Meredith, are you on the line?
 14 DR. RAIMONDO: Yes, I am.
 15 MR. HOLMAN: Good, thank you. John, are 13:53:49
 16 you on the line?
 17 MR. BUSSIAN: On the line.
 18 MR. HOLMAN: Great. That's very good
 19 news, too. So we are back on the record.
 20 Q. So you've testified, Mr. Hawk, that you 13:54:00
 21 talked to Meredith Raimondo at the demonstration
 22 on November 10th, correct?
 23 A. Correct.
 24 Q. Where did this conversation take place?
 25 A. On the sidewalk on West College Street. 13:54:19
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1 Q. Okay. Can you describe what part of the
 2 sidewalk you were on when you talked to her?
 3 A. Close to the curb, cars just behind,
 4 probably six or seven feet away from the
 5 protestors. 13:54:38
 6 Q. Okay.
 7 A. Maybe a little bit more.
 8 Q. Where were you standing in relation to
 9 Gibson's Bakery?
 10 A. Fairly close to the entrance. 13:54:48
 11 Q. Did you talk to her actually in front of
 12 Gibson's Bakery?
 13 A. It might be slightly to the east.
 14 Q. Okay. So I'm bad with directions, so if
 15 you're looking at Gibson's Bakery, would that be 13:55:04
 16 to the left or to the right?
 17 A. To the left.
 18 Q. Okay. And how long did your
 19 conversation with her last?
 20 MR. KESLAR: That's undisclosed 13:55:19
 21 information. It really invades the reporter's
 22 state of mind. It calls for information
 23 protected by the reporter's privilege.
 24 I'm going to instruct you not to answer.
 25 Q. Can you describe for me how you came 13:55:33
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1 into having a conversation with Dr. Raimondo?
 2 MR. KESLAR: To the extent -- I'm going
 3 to object just to the extent it calls for
 4 anything that was said, which I think is
 5 privileged information. 13:55:56
 6 To the extent it calls for your specific
 7 conduct, you can answer, but I'm going to
 8 instruct you not to answer beyond that.
 9 A. Would you mind repeating the question?
 10 Q. We'll ask our madam court reporter to 13:56:03
 11 repeat it.
 12 (Record read.)
 13 A. Yes.
 14 Q. Okay. What happened?
 15 A. She approached me. 13:56:18
 16 Q. Um-hum. How did she approach you?
 17 A. She walked up to me and stood directly
 18 in front of me where I was shooting photos.
 19 Q. Okay. So you were using your camera to
 20 photograph the demonstrations? 13:56:41
 21 A. Yes.
 22 Q. And she walked up to you, correct?
 23 A. In front of me, yes.
 24 Q. In front of you. When she walked in
 25 front of you, how far away was she from you? 13:56:49
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1 A. Directly, so as to block the shots.
 2 Q. Okay. In terms of inches or feet, how
 3 far away was she?
 4 A. Feet.
 5 Q. Feet. Okay. How many feet? 13:57:05
 6 A. Again, pure speculation.
 7 Q. Okay.
 8 A. Maybe two.
 9 Q. When she walked in front of you, did you
 10 have the camera to your face or was it in your 13:57:18
 11 hands or by your side?
 12 A. To my face.
 13 Q. Okay. So the camera was up to your face
 14 and she approached you. What happened next?
 15 MR. KESLAR: And just to the extent that 13:57:40
 16 it's such a broad question, if it calls for you
 17 to provide any information about what might have
 18 been said to you or what you said, we're
 19 asserting privilege on that and I'll instruct you
 20 not to answer, not to answer the question, 13:57:50
 21 because it's stated so broadly.
 22 So don't answer the question.
 23 MR. HOLMAN: The question is not broad.
 24 Q. So you've testified that you were in
 25 front of Gibson's Bakery, correct? 13:58:04
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1 A. Or slightly to the east.
 2 Q. Or slightly to the east, correct?
 3 A. Yes.
 4 Q. You were taking pictures, correct?
 5 A. Yes. 13:58:12
 6 Q. Meredith Raimondo approached you,
 7 correct?
 8 A. Yes.
 9 Q. And she stood in front of you blocking
 10 your ability to take pictures, correct? 13:58:21
 11 A. Yes.
 12 Q. What happened next?
 13 A. I moved slightly to attempt to take more
 14 photos.
 15 Q. Okay. Now, which way did you move 13:58:33
 16 slightly to try to take more pictures?
 17 A. Around her.
 18 Q. Did you move to her right or to her
 19 left?
 20 A. I don't recall. 13:58:46
 21 Q. And how far around her did you move?
 22 A. A couple of feet.
 23 Q. A couple of feet. By the way, what was
 24 Meredith Raimondo wearing that day?
 25 A. I don't recall. 13:58:56
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1 Q. Do you recall what shoes she had on?
 2 A. No.
 3 Q. Do you recall anything about her
 4 clothes?
 5 A. No. 13:59:05
 6 Q. Okay. Did she have a backpack with her?
 7 A. I don't know.
 8 Q. Did she have anything in her hands?
 9 A. I don't know.
 10 Q. How would you describe her face? 13:59:18
 11 A. I'm unclear what you're asking.
 12 Q. Sure. Did she -- was she a blonde or a
 13 brunette or a redhead or something else?
 14 A. You mean the hair on her head?
 15 Q. Yes. Okay. Can you describe her -- 13:59:47
 16 well, I'll restate the question, too, yes. So
 17 strike that.
 18 Can you describe her physical
 19 appearance?
 20 A. She's a white female of approximate 13:59:58
 21 middle age. Brown hair.
 22 Q. What do you consider to be middle age?
 23 A. Anywhere between 30 and 60.
 24 Q. Does she wear glasses?
 25 A. I've seen pictures of her with glasses. 14:00:17
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1 I'm unclear of whether she was wearing them at
2 the time.
3 Q. Okay. What was her height?
4 A. Shorter than me.
5 Q. How tall are you? 14:00:34
6 A. Five foot ten, five foot eleven,
7 somewhere in that range.
8 Q. About how much shorter than you is she?
9 A. A head or so, I believe.
10 Q. And what do you consider to be a head or 14:00:47
11 so?
12 A. (Indicating.) Maybe 18 inches, 12
13 inches.
14 Q. Okay. So you believe that she may be
15 about 18 inches shorter than you? 14:00:58
16 A. 18 to 12 inches shorter than me,
17 possibly.
18 Q. Thank you. Is her hair all brown or are
19 there other colors?
20 A. I don't know how she wears her hair. 14:01:11
21 Q. Was she wearing a coat?
22 A. I don't recall.
23 Q. Did she have a cell phone with her?
24 A. I don't know what she might have had
25 with her. 14:01:19
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1 Q. Okay. So you don't know what she had
2 with her, if anything?
3 A. I didn't conduct any kind of questioning
4 along those lines.
5 Q. No, and I understand. 14:01:29
6 My question is when you observed her and
7 when you interacted with her, what did she have
8 on her person?
9 A. I don't know what she was carrying.
10 Q. Okay. So she approached you and 14:01:43
11 allegedly blocked your view and then you moved to
12 the side. What happened after that?
13 A. She moved again to block it.
14 Q. Okay. And how did she block you the
15 second time? 14:01:56
16 A. Also using her body.
17 Q. Okay. And how close was she to you the
18 second time she tried to block you?
19 A. Again, within a matter of feet.
20 Q. Okay. Did she say -- strike that. 14:02:11
21 Did she say anything when she approached
22 you the first time?
23 MR. KESLAR: Objection. First Amendment
24 privilege. Undisclosed information on the --
25 gathered during the news reporting process. 14:02:27
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1 You don't have to answer that question.
2 Q. Did Dr. Raimondo say anything to you as
3 she approached you and blocked your view the
4 first time?
5 MR. KESLAR: Same objection. 14:02:38
6 I'm going to instruct you not to answer.
7 Q. Did Dr. Raimondo say anything to you
8 when she blocked your view a second time?
9 MR. KESLAR: Same objection.
10 Same instruction. Do not answer. 14:02:47
11 Q. So when Dr. Raimondo blocked you a
12 second time, what did you do?
13 A. At that point in time, we had a
14 conversation.
15 Q. Okay. Who spoke first? 14:03:01
16 MR. KESLAR: Part of the news-gathering
17 process. The question calls for privileged
18 information.
19 Don't answer.
20 Q. So you had a conversation with 14:03:14
21 Dr. Raimondo, correct?
22 A. Yes, sir.
23 Q. Okay. Who spoke first?
24 MR. KESLAR: Same objection.
25 I'm going to instruct you not to answer. 14:03:22
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1 Q. So as part of this conversation, what
2 did you say to Dr. Raimondo?
3 MR. KESLAR: Again, it calls for
4 testimony that's privileged because it was part
5 of the news-gathering process. 14:03:35
6 I'm going to instruct you not to answer.
7 Q. As part of this conversation, did
8 Dr. Raimondo speak to you?
9 A. Yes.
10 Q. Okay. What did Dr. Raimondo say to you? 14:03:47
11 MR. KESLAR: Same objection.
12 I'm going to instruct you not to answer.
13 Q. During this conversation, did you speak
14 to Dr. Raimondo?
15 A. Yes. 14:04:05
16 Q. Did she speak to you?
17 A. Yes.
18 Q. How long did this exchange last?
19 MR. KESLAR: Asked and answered. I'm
20 going to assert the same objection. It's part of 14:04:14
21 the reporter's privilege as the information
22 that's gathered or occurred during the process of
23 reporting the news, and so I'm going to instruct
24 you not to answer.
25 Q. So are you going to testify today about 14:04:26
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1 what you said to Dr. Raimondo?
 2 MR. KESLAR: So I understand your
 3 question, are you saying testify today meaning at
 4 this deposition?
 5 MR. HOLMAN: Yes, yeah. 14:04:40
 6 MR. KESLAR: Or do you mean at trial,
 7 should that ever happen?
 8 MR. HOLMAN: I'm saying today, and I'll
 9 restate the question. Yeah.
 10 Q. So what did Dr. Raimondo - strike that. 14:04:43
 11 So what did you say to Dr. Raimondo?
 12 MR. KESLAR: I'm going to instruct you
 13 not to answer based on the First Amendment
 14 privilege.
 15 MR. HOLMAN: I will instruct the madam 14:04:55
 16 court reporter to instruct the witness to answer
 17 the question.
 18 THE REPORTER: Would you please answer
 19 the question, sir?
 20 MR. KESLAR: I'm going to instruct him 14:05:02
 21 not to based on the first amendment privilege,
 22 which if not asserted will be waived.
 23 Q. What did Dr. Raimondo say to you?
 24 MR. KESLAR: Again, I'm going to
 25 instruct you not to answer based on the First 14:05:13
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1 Amendment privilege. It's undisclosed
 2 information gathered during the news reporter --
 3 reporting process.
 4 MR. HOLMAN: I'm going to direct the
 5 court reporter to direct the witness to answer 14:05:21
 6 the question.
 7 THE REPORTER: Sir, would you please
 8 answer the question.
 9 MR. KESLAR: And again, I'm going to
 10 instruct you not to answer based on your First 14:05:28
 11 Amendment privilege, which if not asserted would
 12 be waived.
 13 Q. So at some point, did your conversation
 14 with Dr. Raimondo end?
 15 A. Yes. 14:05:42
 16 Q. How did it end?
 17 A. I'm unclear what you're asking.
 18 Q. Okay. So it's your testimony today that
 19 you had a conversation with Dr. Raimondo,
 20 correct? 14:05:55
 21 A. Yes, sir.
 22 Q. I presume, correct me if I'm wrong, but
 23 at some point, you stopped conversing with her,
 24 correct?
 25 A. Yes, sir. 14:06:05
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1 Q. Okay. So what did you do after you
 2 stopped conversing with Dr. Raimondo?
 3 A. I remained on the scene and continued to
 4 report.
 5 Q. Okay. Did you continue to take pictures 14:06:17
 6 from the spot that you were at?
 7 A. Yes.
 8 Q. Okay. Did you move away from
 9 Dr. Raimondo?
 10 A. No. 14:06:37
 11 Q. When your conversation with Dr. Raimondo
 12 stopped, did she move away from you?
 13 A. Yes.
 14 Q. Where did she go?
 15 A. I wouldn't be able to tell you. 14:06:51
 16 I'm sorry. She did stay on the scene
 17 for quite some time.
 18 Q. Okay. Did she attempt to block your
 19 view again?
 20 A. Is your question whether she attempted 14:07:12
 21 to block the view after she left initially?
 22 Q. Let me restate the question.
 23 A. Sure.
 24 Q. So you've testified that initially,
 25 Dr. Raimondo approached you and blocked your view 14:07:27
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1 as you were taking pictures, correct?
 2 A. Yes.
 3 Q. You've also testified that you moved
 4 several feet away, and that in response, she
 5 moved several feet away to block your view a 14:07:40
 6 second time, correct?
 7 A. Yes.
 8 Q. So my question simply is did Meredith
 9 Raimondo that day attempt to block your view a
 10 third time? 14:07:54
 11 A. She didn't attempt to use her body to do
 12 it, no.
 13 Q. Did she attempt to use anything to block
 14 your view?
 15 A. She attempted to argue that we should 14:08:06
 16 not be taking photos.
 17 Q. So when did she say that you should not
 18 be taking photos?
 19 A. During the conversation that we had
 20 after she attempted to block my view. 14:08:26
 21 Q. Okay. So during your conversation with
 22 her where she was trying to block your view, she
 23 said that you should not be taking pictures?
 24 A. Yes, sir.
 25 Q. What exactly did she say? 14:08:41
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1 MR. KESLAR: I would instruct you only
2 to answer to the extent that the question
3 pertains to exactly the statement you just made.
4 Anything about – otherwise about your
5 conversation, I'm going to instruct you not to 14:08:59
6 answer that question.
7 A. She argued that we didn't have the right
8 to take photos of the protest.
9 Q. Okay. What did she say exactly?
10 A. I don't know. 14:09:20
11 Q. Can you paraphrase what she said?
12 MR. KESLAR: And I would object on the
13 basis of the First Amendment privilege to
14 anything beyond what you already testified to.
15 So I would instruct you not to answer it to the 14:09:35
16 extent that it exceeds what you've already
17 testified to.
18 Q. Is there anything you can add about her
19 alleged statement that you should not be taking
20 photos? 14:09:47
21 MR. KESLAR: I'm going to instruct you
22 not to answer that question based on the First
23 Amendment privilege.
24 MR. HOLMAN: Okay. Would you instruct
25 the witness to answer the question? 14:10:01
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1 THE REPORTER: Sir, would you please
2 answer the question?
3 MR. KESLAR: And I'm going to instruct
4 you not to answer the question based on the First
5 Amendment privilege, which if not asserted would 14:10:09
6 be waived.
7 Q. So on how many occasions on November 10
8 did you speak to Meredith Raimondo?
9 A. Once.
10 Q. Okay. And that one occasion is the 14:10:31
11 discussion that you've just described in part,
12 correct?
13 A. That is part of it, yes.
14 Q. Okay. Is there another part of it?
15 A. The conversation exceeded that, yes. 14:10:46
16 Q. Okay. Got it. And you are unwilling to
17 testify about any more of that conversation?
18 MR. KESLAR: I'm going to instruct you
19 not to answer based on the privilege that I've
20 asserted for you today and the instructions I've 14:11:03
21 given you not to answer.
22 Q. Did you have any other contact of any
23 kind with Meredith Raimondo after your
24 conversation with her?
25 A. I don't recall any, no. 14:11:29
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1 Q. Okay. Is there any reason why you would
2 not be able to recall today whether you had more
3 than one contact with Dr. Raimondo on November
4 10, 2016?
5 A. Is there any reason – I'm sorry. Can 14:11:41
6 you ask the question again?
7 Q. Sure. So you don't know if you spoke to
8 Dr. Raimondo a second time that day, correct?
9 A. I don't recall speaking to her that day,
10 no. 14:11:52
11 Q. Okay.
12 A. Again.
13 Q. After your first conversation, did
14 Dr. Raimondo attempt to block your view again?
15 A. I'm sorry. One more time? 14:12:04
16 Q. Sure. You've testified about your
17 conversation with Dr. Raimondo, correct?
18 A. Yes.
19 Q. And I should probably say you have
20 testified in part to your conversation and you 14:12:13
21 have not testified in full based upon the
22 assertion of privilege.
23 So my question is after Dr. Raimondo
24 allegedly blocked your view during that
25 conversation, did she attempt to do so again 14:12:29
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1 later on during the day?
2 A. No.
3 Q. Okay. Did you use any profanity with
4 Dr. Raimondo?
5 MR. KESLAR: Objection. That goes to 14:12:44
6 the reporter's privilege. The content of his
7 conversation with Dr. Raimondo is nondisclosed
8 and it is a First Amendment privilege for that.
9 I'm going to instruct you not to answer.
10 Q. Did you call Dr. Raimondo any names? 14:12:56
11 MR. KESLAR: Same objection.
12 Same instruction not to answer.
13 Q. Did Dr. Raimondo use any profanity with
14 you?
15 MR. KESLAR: Same objection. 14:13:05
16 Same instruction not to answer.
17 Q. Did Dr. Raimondo call you any names?
18 MR. KESLAR: Same instruction – same
19 instruction not to answer. Same objection,
20 excuse me. 14:13:11
21 Same instruction not to answer.
22 Q. Did you touch Dr. Raimondo?
23 A. Not to my recollection, no.
24 Q. Okay. Did you assault Dr. Raimondo?
25 MR. KESLAR: Objection to the extent it 14:13:27
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1 calls for a legal conclusion, which he's not
2 qualified to provide.
3 Q. Do you know what an assault is?
4 A. I know that there's a legal definition
5 and a colloquial definition. 14:13:39
6 Q. Okay. What's the colloquial definition?
7 A. To beat someone.
8 Q. Okay. Did you assault Dr. Raimondo?
9 A. No.
10 Q. Okay. Did Dr. Raimondo touch you? 14:13:48
11 A. I don't recall whether she did.
12 Q. Okay. If she did touch you, that's
13 something you would remember, right?
14 A. Not necessarily.
15 Q. Okay. If she touched you during the 14:14:01
16 course of this conversation, would that have been
17 offensive to you?
18 A. Likely not.
19 Q. Okay. Did Dr. Raimondo assault you?
20 A. No. 14:14:14
21 Q. Did you contact the police because of
22 anything that was said or occurred during your
23 conversation with Dr. Raimondo?
24 MR. KESLAR: Objection. It goes to the
25 reporting process, what he may have or may have 14:14:26
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1 not done during his reporting on this incident,
2 so I'm going to instruct you not to answer to the
3 extent it's nondisclosed in your news articles.
4 I'll instruct you not to answer.
5 Q. Did you threaten Dr. Raimondo in any 14:14:40
6 way?
7 MR. KESLAR: Objection. First Amendment
8 privilege.
9 I'm going to instruct you not to answer.
10 Q. Did Dr. Raimondo threaten you in any 14:14:47
11 way?
12 MR. KESLAR: Objection. First Amendment
13 privilege.
14 I'm going to instruct you not to answer.
15 Q. So at the time that Dr. Raimondo first 14:14:55
16 approached you, you were involved in a
17 confrontation with one or more of the
18 demonstrators; is that true?
19 A. Can you tell me what you're thinking of?
20 Q. Sure. I'll restate the question. 14:15:19
21 So you've testified that Dr. Raimondo
22 approached you, correct?
23 A. Yes.
24 Q. At that time, were you involved in a
25 discussion or even a confrontation with one or 14:15:29
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1 more students?
2 A. The behavior of the students was
3 confrontational. I wouldn't say that I was in a
4 one-on-one confrontation with anyone.
5 Q. Okay. Would you say that they were in a 14:15:46
6 confrontation with you?
7 A. I would say that their behavior was
8 confrontational to everyone with a camera
9 especially.
10 Q. Okay. So I want to focus like a laser 14:15:53
11 beam on that moment when Dr. Raimondo approached
12 you, okay?
13 A. All right.
14 Q. I want to exclude every other moment.
15 But let's focus on that moment when Dr. Raimondo 14:16:04
16 approached you, okay?
17 A. Yes, sir.
18 Q. What was going on?
19 A. The crowd was very, very upset. By the
20 crowd, I mean the protestors. They were yelling 14:16:13
21 and screaming and they were extremely unhappy
22 that the camera was there.
23 Q. Was that unhappiness directed to you?
24 A. Yes.
25 Q. Okay. At that moment when Dr. Raimondo 14:16:25
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1 approached you, how many individuals were
2 expressing their unhappiness with your taking
3 pictures?
4 A. Many.
5 Q. Many? Could you estimate the number for 14:16:39
6 me?
7 A. No.
8 Q. Okay. Were there a thousand people
9 confronting you?
10 A. No. 14:16:49
11 Q. Okay. Ten?
12 A. At least.
13 Q. Okay. Again, at the moment that
14 Dr. Raimondo was approaching you, what were they
15 saying to you? 14:17:01
16 MR. KESLAR: Objection. First Amendment
17 privilege. Reporting privilege.
18 You don't have to answer that.
19 Q. As Dr. Raimondo approached you and the
20 students were confronting you, what did you say 14:17:10
21 to them?
22 MR. KESLAR: Same objection.
23 You don't have to answer that. Under
24 the First Amendment.
25 Q. Did you call the police that day? 14:17:18
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1 MR. KESLAR: Again, same objection. To
2 the extent it calls for his reporting on this
3 incident, methods he may or may not have used in
4 gathering news information, I'm asserting First
5 Amendment privilege and instructing you not to 14:17:34
6 answer.

7 Q. Did any of the protestors threaten you
8 with bodily harm?

9 A. Yes.

10 Q. Okay. What was the threat? 14:17:44

11 A. General threats coming from various
12 students.

13 Q. Okay. What's a general threat? Or
14 strike that.

15 What precisely did the protestors say in 14:17:56
16 threatening you?

17 MR. KESLAR: I'm going to assert a First
18 Amendment privilege on the precise language used
19 as it was undisclosed information not included in
20 his reporting on this incident. Thus, it carries 14:18:17
21 with it a First Amendment privilege.

22 So I'm going to instruct you not to
23 answer.

24 Q. Do you recall the specific threats that
25 were made to you? 14:18:23

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1 A. No.

2 Q. Okay. So you don't recall verbatim the
3 threats that were directed to you, correct?

4 A. That's correct, sir.

5 Q. Can you generally describe the threats 14:18:37
6 that you believe were directed to you?

7 MR. KESLAR: I'm going to assert a First
8 Amendment privilege on that. It's part of the
9 reporting process.

10 I'm going to instruct you not to answer. 14:19:00

11 Q. Did anyone try to take your camera away?

12 A. No.

13 Q. Did anyone damage your camera?

14 A. No.

15 Q. Did anyone try to knock you down? 14:19:14

16 A. No, sir.

17 Q. Did anyone try to assault you?

18 MR. KESLAR: Objection just on the legal
19 basis of assault. I think you've established a
20 colloquial term. 14:19:30

21 Q. Sure. Let's use your colloquial
22 definition.

23 Did anyone try to assault you?

24 A. No one did exercise any physical
25 violence against me. 14:19:42

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1 Q. Okay. Did anyone spit at you?

2 A. Yes, there were a couple people who spit
3 at -- in my direction.

4 Q. Okay. Were they spitting at you?

5 A. I would assume. It was in my direction. 14:19:51

6 Q. Okay. How many people spat at you?

7 A. It's unclear.

8 Q. Are we talking about more than one?

9 A. Yes.

10 Q. You've testified that there were 250 14:20:04
11 people that made up this group when you initially
12 arrived. Did all 250 people spit at you?

13 MR. KESLAR: I'll object just as a
14 mischaracterization of the amount of people
15 there. 14:20:20

16 To the extent you can answer, go ahead.

17 A. Everyone present did not spit at me, no.

18 Q. Okay. Can you estimate for me, because
19 you were there and I wasn't, how many individuals
20 spat in your direction, to use your phrase? 14:20:30

21 A. Three or four.

22 Q. Three or four. How far away were those
23 individuals when they spat in your direction?

24 A. 15 or 20 feet.

25 Q. Okay. So 15 or 20 feet. That's 14:20:47
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1 probably -- using this table as a guide, can you
2 estimate for me what you consider to be 15 or 20
3 feet?

4 A. To about where Mr. Gibson is sitting.

5 Q. Okay. From where Mr. Gibson is sitting 14:21:08
6 there to where you're sitting?

7 A. Yes, sir.

8 Q. That's approximately 15 or 20 feet?

9 A. I may be off, but sure.

10 Q. Okay. 14:21:17

11 A. That's about the distance.

12 MR. HOLMAN: Can the videographer, can
13 you take a picture of where, show us where
14 Mr. Gibson is, please. And then span -- pan back
15 to Mr. Hawk. 14:21:29

16 Q. So it's your sworn testimony that three
17 or four people who were 15 to 20 feet away from
18 you, or about the distance from Mr. Gibson there
19 to you, spat in your direction?

20 A. That's true. 14:21:56

21 Q. That's a pretty big distance, don't you
22 think?

23 A. For spit to fly?

24 Q. Yeah.

25 A. I doubt that it was intended to actually 14:22:04
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1 hit me.
 2 Q. Oh, okay. Did anyone say anything to
 3 you as they were spitting at you?
 4 MR. KESLAR: Objection. First Amendment
 5 privilege. 14:22:16
 6 I'm going to instruct you not to answer that.
 7 Q. Did any of these three or four people
 8 say anything to you as they spat in your
 9 direction?
 10 A. Yes. 14:22:30
 11 Q. Okay. What did they say?
 12 MR. KESLAR: Objection on the First
 13 Amendment privilege.
 14 I'm going to instruct you not to answer.
 15 Q. Did these individuals say anything to 14:22:36
 16 you as they were spitting in your direction?
 17 A. Yes.
 18 Q. Okay. What did they say?
 19 MR. KESLAR: Same objection. First
 20 Amendment privilege. 14:22:50
 21 I'm going to instruct you not to answer.
 22 Q. Did any of these three or four
 23 individuals say anything to you after they had
 24 spat in your direction?
 25 A. Yes. 14:22:58
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1 Q. Okay. What did they say?
 2 MR. KESLAR: Same objection. First
 3 Amendment privilege.
 4 I'm going to instruct you not to answer.
 5 Q. Did any of these three individuals, 14:23:06
 6 three or four individuals -- strike that.
 7 Any of these three or four individuals
 8 threaten to harm you?
 9 A. No.
 10 Q. Did any of these three or four 14:23:23
 11 individuals attempt to hurt you?
 12 A. No.
 13 Q. Did any of these three or four
 14 individuals threaten to kill you?
 15 A. No. 14:23:34
 16 Q. Did any of these three or four
 17 individuals threaten to take your camera?
 18 A. I don't recall.
 19 Q. Okay. Break your camera?
 20 A. Those specific individuals? 14:23:49
 21 Q. Um-hum.
 22 A. I don't recall whether they did.
 23 Q. Destroy your camera?
 24 A. Again, I don't recall.
 25 Q. You've described some students who you 14:24:00
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1 perceive to be confrontational toward you,
 2 correct?
 3 A. Yes, sir.
 4 Q. Do you know why those students were
 5 acting in such a manner towards you? 14:24:14
 6 MR. KESLAR: Objection. Goes to the
 7 editorial process and your state of mind. It's a
 8 First Amendment privilege, so I'm going to
 9 instruct you not to answer that question.
 10 Q. When you perceived these students to 14:24:27
 11 be -- and actually, were these students or were
 12 these protestors, do you know?
 13 A. I can't speak for every single person
 14 who was there.
 15 Q. Okay. But let's focus again like a 14:24:38
 16 laser beam on the individuals who you believe
 17 were acting in a confrontational manner towards
 18 you.
 19 A. Okay.
 20 Q. Okay? Do you have any knowledge as to 14:24:48
 21 whether these individuals were students or not?
 22 A. No.
 23 Q. Okay. Would you agree that they were
 24 demonstrators that day?
 25 A. Yes. 14:24:59
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1 Q. Did the students who you thought were
 2 being confrontational tell you in any way that
 3 they did not want their pictures taken?
 4 MR. KESLAR: There's a First Amendment
 5 privilege to the response to that question, so 14:25:25
 6 I'm going to instruct you not to answer.
 7 Q. Do you have any understanding as to why
 8 certain protestors were acting in a
 9 confrontational manner towards you?
 10 MR. KESLAR: Again, to the extent that 14:25:39
 11 that question calls for unpublished information
 12 gathered in the news-reporting process, we're
 13 asserting First Amendment privilege. I'm going
 14 to instruct you not to answer.
 15 Q. Were you wearing your badge identifying 14:25:52
 16 yourself as a member of the media at all time?
 17 A. No.
 18 Q. When you arrived at the demonstration on
 19 November 10, were you wearing it?
 20 A. I don't recall. 14:26:07
 21 Q. Was Mr. Hutson wearing his media badge
 22 when he arrived?
 23 A. No.
 24 Q. At some point, did you put on your
 25 badge? 14:26:20
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1 A. I don't recall.
 2 Q. Okay. Were you wearing your media badge
 3 at any point in time on November 10, 2016?
 4 A. I don't recall.
 5 Q. Okay. Is it your practice when you're 14:26:34
 6 covering an event that you believe to have some
 7 news value to actually wear a badge that
 8 identifies yourself as a member of the news
 9 media?
 10 MR. KESLAR: Objection. It goes to the 14:26:50
 11 editorial process. It's a First Amendment
 12 privilege.
 13 I'll instruct you not to answer.
 14 Q. So to be clear, you don't remember
 15 whether you were wearing your badge at any time 14:26:57
 16 on November 10. Is that your sworn testimony
 17 today?
 18 A. Yes.
 19 Q. Okay. Did you see Mr. Hutson wear his
 20 media badge at any time on November 10? 14:27:08
 21 A. No.
 22 Q. Did Meredith Raimondo touch you in any
 23 offensive way when you were talking to her?
 24 A. No.
 25 Q. Did Meredith Raimondo attempt to take 14:27:32
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1 anything from you?
 2 A. Only opportunity.
 3 Q. Now, what does that mean?
 4 A. Well, she deprived me of the ability to
 5 take photos at first. 14:27:48
 6 Q. She deprived you of the ability. How
 7 did she do that?
 8 A. By standing in front of the camera.
 9 Q. Okay. And for how long did she deprive
 10 you of that opportunity? 14:28:01
 11 A. Until I moved.
 12 Q. Okay. How much time are we talking
 13 about?
 14 A. That she was directly in front of the
 15 lens? 14:28:09
 16 Q. Um-hum.
 17 A. A few seconds until I moved.
 18 Q. Okay. So when she first approached you,
 19 she says, according to you -- strike that.
 20 When she first approached you, it's your 14:28:18
 21 testimony that she blocked your view once and
 22 then a second time, correct?
 23 A. Yes.
 24 Q. So when Dr. Raimondo blocked your view
 25 the first time, how many seconds did that last? 14:28:28
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1 A. I have no accurate way to answer that
 2 question.
 3 Q. Okay. Again, you were there, right?
 4 A. Sure.
 5 Q. I was not there, right? 14:28:38
 6 A. That's correct.
 7 Q. So can you estimate for me how much time
 8 and -- strike that.
 9 For how long did Dr. Raimondo block your
 10 view the first time? 14:28:48
 11 A. I don't know.
 12 Q. A few seconds?
 13 A. Until I moved, yes.
 14 Q. Okay. So is it your sworn testimony
 15 today that when Dr. Raimondo approached you the 14:28:58
 16 first time, she blocked your view for a few
 17 seconds?
 18 A. Yes.
 19 Q. And a few to me means two or three
 20 seconds. Would you agree with that? 14:29:10
 21 A. Yeah. I wouldn't have stood there very
 22 long.
 23 Q. Okay. And then it's your sworn
 24 testimony that you moved and then Dr. Raimondo
 25 blocked your view a second time, correct? 14:29:19
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1 A. That's correct.
 2 Q. For how long did she block your view a
 3 second time?
 4 A. Another few seconds.
 5 Q. Another few seconds. Okay. Did you 14:29:27
 6 complain that she was blocking your view?
 7 MR. KESLAR: Objection. First Amendment
 8 privilege.
 9 You don't have to answer that.
 10 Q. Did you ask Dr. Raimondo any questions? 14:29:40
 11 A. Yes.
 12 Q. Okay. What did you ask Dr. Raimondo?
 13 MR. KESLAR: First Amendment privilege.
 14 I'm going to instruct you not to answer
 15 that question. 14:29:52
 16 Q. What did Dr. Raimondo say in response to
 17 those questions?
 18 MR. KESLAR: Again, the First Amendment
 19 privilege.
 20 I'm going to instruct you not to answer 14:29:58
 21 those questions.
 22 Q. Did you receive anything in writing from
 23 Dr. Raimondo?
 24 A. Yes.
 25 MR. HOLMAN: Okay. Let's take a short 14:30:13
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<p>1 break. I think we've lost Dr. Raimondo?</p> <p>2 MS. CROCKER: Yes.</p> <p>3 MR. HOLMAN: We've lost Dr. Raimondo.</p> <p>4 Okay. We're going to take a quick break, please.</p> <p>5 VIDEOGRAPHER: Off the record, 2:29. 14:30:19</p> <p>6 (Recess taken.)</p> <p>7 VIDEOGRAPHER: On the record, 2:50.</p> <p>8 MR. HOLMAN: We are back on the record.</p> <p>9 Q. So Mr. Hawk, when you were talking to</p> <p>10 Dr. Raimondo, do you know whether or not there 14:50:46</p> <p>11 were people taking pictures of you two?</p> <p>12 MR. KESLAR: Objection. State of mind.</p> <p>13 Editorial process. First Amendment privilege.</p> <p>14 I instruct you not to answer.</p> <p>15 MR. HOLMAN: I don't understand. What's 14:51:13</p> <p>16 the editorial part of this and what's the state</p> <p>17 of mind? I'm just asking for him to state</p> <p>18 whether or not a certain fact took place. Were</p> <p>19 there people taking pictures of him and</p> <p>20 Dr. Raimondo? 14:51:30</p> <p>21 MR. KESLAR: The way the question was</p> <p>22 phrased, you asked him for his state of mind.</p> <p>23 You asked for what he might know or might not</p> <p>24 know. None of that was published in the news</p> <p>25 articles. 14:51:40</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 taking pictures of Mr. Hawk and Dr. Raimondo is</p> <p>2 not only proper, but obviously very relevant</p> <p>3 today.</p> <p>4 MR. KESLAR: Mr. Holman, just since you</p> <p>5 just gave a dissertation for the record, I'd like 14:55:59</p> <p>6 to do so as well. First, this e-mail, I think</p> <p>7 it's totally improper in the middle of this</p> <p>8 deposition for you to be quoting portions of this</p> <p>9 e-mail that I had with a colleague of yours. To</p> <p>10 the extent that you're going to claim that this 14:56:08</p> <p>11 e-mail constitutes a waiver of any privilege, I</p> <p>12 also think that's improper because the privilege</p> <p>13 is Mr. Hawk's to waive and not mine to waive for</p> <p>14 him.</p> <p>15 I also think that the question that 14:56:19</p> <p>16 you're asking regards only Ohio Shield Law and it</p> <p>17 doesn't concern the First Amendment privilege,</p> <p>18 which is much broader than the Ohio Shield Law.</p> <p>19 The Ohio Shield Law concerns sources of</p> <p>20 information, not -- which there's a lot more that 14:56:33</p> <p>21 the First Amendment and the Ohio Constitution</p> <p>22 protects than just sources of information, which</p> <p>23 is protected by Ohio Shield Law.</p> <p>24 So to the extent that you're arguing</p> <p>25 that through this e-mail, that I'm somehow making 14:56:46</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 MR. HOLMAN: Where are the exhibits,</p> <p>2 Exhibits 1 and 2? Here's 2. Okay. Thank you.</p> <p>3 THE REPORTER: I'm sorry. Can we take a</p> <p>4 brief break? My computer just froze.</p> <p>5 MR. HOLMAN: No apology. No, of course.</p> <p>6 VIDEOGRAPHER: Off the record, 2:52.</p> <p>7 (Discussion off record.)</p> <p>8 VIDEOGRAPHER: On the record, 2:52.</p> <p>9 MR. HOLMAN: Would you read back my</p> <p>10 question, please. 14:53:29</p> <p>11 (Record read.)</p> <p>12 MR. HOLMAN: Okay. For the record here,</p> <p>13 I think the objection is respectfully misplaced.</p> <p>14 I want to read an e-mail, Mr. Keslar, from you to</p> <p>15 Mr. Snyder dated Monday, April 16, 2018. The 14:54:53</p> <p>16 e-mail is attached to Exhibit 1, and again, this</p> <p>17 is an e-mail from you to Mr. Snyder, and it says,</p> <p>18 quote, "I generally do not disagree with your</p> <p>19 understanding of Ohio's Shield Law, in that</p> <p>20 Mr. Hawk's personal observations related to the 14:55:20</p> <p>21 alleged shoplifting incident and public</p> <p>22 demonstrations are subject to deposition</p> <p>23 questioning."</p> <p>24 So setting aside what the law says, I</p> <p>25 think the question about whether people were 14:55:40</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 an improper objection, I would respectfully</p> <p>2 disagree. I think your question did not ask for</p> <p>3 what Mr. Hawk saw, but rather what he knows. And</p> <p>4 so I would draw a distinction there because it</p> <p>5 calls for information he might have learned from 14:57:02</p> <p>6 somebody else as opposed to what he personally</p> <p>7 saw.</p> <p>8 MR. HOLMAN: Well, you know, I think</p> <p>9 that it's entirely proper to rely upon the e-mail</p> <p>10 and communications that you and Mr. Snyder 14:57:14</p> <p>11 exchanged, because obviously, the point of you</p> <p>12 two talking was to come to some understanding on</p> <p>13 the scope, the proper scope of the examination</p> <p>14 and the proper assertion of the privilege. And</p> <p>15 here, you know, again, you state verbatim that 14:57:31</p> <p>16 there are no issues essentially with us asking</p> <p>17 questions about Mr. Hawk's personal observations,</p> <p>18 and that's all I'm asking is for him to share</p> <p>19 with us his personal observations. So I'll</p> <p>20 restate the question. 14:57:49</p> <p>21 Q. When you were talking to Dr. Raimondo,</p> <p>22 did you observe people taking your picture?</p> <p>23 A. I don't recall seeing anyone take my</p> <p>24 picture.</p> <p>25 Q. Okay. As you were at the event that 14:58:03</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 entire day, did you observe people taking your 2 picture? 3 A. I don't recall seeing anyone taking my 4 picture. 5 Q. Okay. Did David Gibson take your 14:58:15 6 picture that day? 7 A. I have no way of knowing that. 8 Q. Okay. What about Allyn D. Gibson? 9 A. I also have no way of knowing that. 10 Q. What about Allyn W. Gibson? 14:58:26 11 A. I also have no way of knowing that. 12 Q. You took pictures that day, correct? 13 A. Yes. 14 Q. Okay. Did your colleague take pictures? 15 A. No. 14:58:39 16 Q. Okay. What kind of camera do you shoot 17 with? 18 A. Usually, it's a Nikon D70. 19 Q. Okay. What kind of lens do you carry? 20 A. General kit lenses and a zoom. 14:58:50 21 Q. I'm sorry. General -- 22 A. A 35 to 70 millimeter lens as well as a 23 zoom lens. 24 Q. Okay. What's the zoom capacity? 25 A. I think it's 180. I'd have to look at 14:59:04 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 hand you anything? 2 A. Yes. 3 Q. Okay. What? 4 A. She handed me a flyer. 5 Q. What kind of flyer? 15:00:50 6 A. A flyer that insinuated that Gibson's 7 Bakery was a racist institution. 8 Q. Do you recall any of the exact words 9 that appeared on the flyer? 10 A. Racist was one of them. 15:01:12 11 Q. Are there any other words that you 12 recall specifically seeing on the flyer? 13 A. I don't recall any specific passages of 14 the flyer, no. 15 Q. Can you describe the size of this flyer? 15:01:26 16 A. I believe it was eight and a half by 17 eleven. 18 Q. Was it a color or black-and-white flyer? 19 A. I don't recall off the top of my head. 20 Q. Did you ask Dr. Raimondo for the flyer? 15:01:54 21 MR. KESLAR: Objection. First Amendment 22 privilege on the same basis previous -- 23 previously stated. Reporter's privilege. 24 You don't have to answer that question. 25 Q. Did you ask Dr. Raimondo about the 15:02:16 Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 the lens. 2 Q. Is that the -- is that the end focal 3 length of the lens? 4 A. Yes. 5 Q. Okay. Is it a 70 to 180? 14:59:12 6 A. I believe so. 7 Q. What's the aperture of the 30 to 70 zoom 8 that you use? 9 A. It depends on what setting you're using. 10 Q. Sure. What's the widest aperture? 14:59:23 11 A. I honestly wouldn't look -- or know 12 without looking at the specs. 13 Q. Okay. What's the widest aperture of the 14 zoom that has a capacity up to 180? 15 A. For -- I don't know. 14:59:37 16 Q. Okay. So before the break, we were 17 talking about your contact with Dr. Raimondo. 18 Strike that, please. 19 All right. So when you were talking to 20 Dr. Raimondo, did you ask her any questions? 15:00:20 21 MR. KESLAR: Objection. First Amendment 22 privilege. 23 I'm going to instruct you not to answer 24 that. And asked and answered. 25 Q. When you talked to Dr. Raimondo, did she 15:00:35 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 student protest? 2 MR. KESLAR: Same objection. 3 I'm going to instruct you not to answer. 4 Q. Did you ask Dr. Raimondo why the 5 students were protesting? 15:02:31 6 MR. KESLAR: Same objection. 7 I'm going to instruct you not to answer. 8 Q. Did you ask Dr. Raimondo about the 9 purpose of the student protests? 10 MR. KESLAR: Same objection. 15:02:42 11 I'm going to instruct you not to answer. 12 Q. From where did Dr. Raimondo get this 13 flyer? 14 MR. KESLAR: Objection. Calls for 15 information gathered during the reporting process 15:03:09 16 not including in his news articles, so it carries 17 with it a First Amendment privilege, reporter's 18 privilege, so I'm going to instruct you not to 19 answer. 20 Q. Did Dr. Raimondo pull this flyer out of 15:03:21 21 her pocket? 22 A. No. 23 Q. Where was it? 24 MR. KESLAR: Again, I'm going to 25 instruct you not to answer based on the 15:03:38 Molnar Reporting Services, LLC (440) 340-6161</p>

1 reporter's privilege as I've previously stated.
 2 Q. So if Dr. Raimondo did not pull it out
 3 of her pocket, where was it immediately before
 4 she handed it to you?
 5 MR. KESLAR: On the same basis of 15:03:53
 6 privilege, I'm going to instruct you not to
 7 answer.
 8 Q. Did Dr. Raimondo have more than one copy
 9 of this flyer on her?
 10 A. Not to my knowledge. 15:04:12
 11 Q. Okay. Did Dr. Raimondo tell you that an
 12 Oberlin student had given her the flyer?
 13 MR. KESLAR: Objection. First Amendment
 14 privilege.
 15 I'm going to instruct you not to answer. 15:04:25
 16 Q. Did Dr. Raimondo tell you that the flyer
 17 described why the students were protesting?
 18 MR. KESLAR: Same objection.
 19 Same instruction. Do not answer.
 20 Q. Did Dr. Raimondo tell you that you could 15:04:39
 21 have the flyer if you wanted it?
 22 MR. KESLAR: Same objection.
 23 Same instruction. Do not answer.
 24 Q. Did Dr. Raimondo make clear to you that
 25 she was not speaking on behalf of the Oberlin 15:04:54
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1 students?
 2 MR. KESLAR: Same objection.
 3 I'm going to instruct you not to answer.
 4 Q. So what did Dr. Raimondo say to you as
 5 she handed you the flyer? 15:05:06
 6 MR. KESLAR: Same objection. First
 7 Amendment privilege.
 8 I'm instructing you not to answer.
 9 Q. Did you take the flyer?
 10 A. Yes. 15:05:15
 11 Q. Okay. Which hand did you use to accept
 12 the flyer?
 13 A. I have no way of knowing that for sure.
 14 Q. Are you right-handed or left-handed?
 15 A. I'm right-handed. 15:05:32
 16 Q. Okay. Does that mean you write with
 17 your right hand?
 18 A. Yes, I do.
 19 Q. Do you use your right hand more than
 20 your left hand in terms of normal day-to-day 15:05:40
 21 living activities?
 22 A. Yes, I do.
 23 Q. Okay. So when Dr. Raimondo handed you
 24 this flower -- flyer -- strike that.
 25 When Dr. Raimondo handed you this flyer, 15:05:52
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1 how close or far away was she from you?
 2 A. I have no way of accurately measuring
 3 that.
 4 Q. Okay. Can you estimate for me the
 5 distance that she stood from you when she handed 15:06:06
 6 you this flyer?
 7 A. A couple of feet.
 8 Q. A couple of feet. When she was standing
 9 a few feet away from you, did you feel that she
 10 was invading your personal space? 15:06:17
 11 A. No.
 12 Q. Are you aware of people taking pictures
 13 when Dr. Raimondo handed you the flyer?
 14 MR. KESLAR: Same objection that I made
 15 previously, because it calls for information he 15:06:39
 16 might have gathered from other previously
 17 undisclosed sources as currently phrased.
 18 So I'm going to instruct you not to
 19 answer.
 20 Q. Did you personally observe individuals 15:06:49
 21 taking your picture as you were talking to
 22 Dr. Raimondo?
 23 A. No.
 24 Q. Did you personally observe individuals
 25 taking your picture as Dr. Raimondo handed you 15:07:03
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1 the flyer?
 2 A. No.
 3 Q. So you were given this flyer by
 4 Dr. Raimondo, correct?
 5 A. Yes. 15:07:16
 6 Q. Did you read it?
 7 A. Yes.
 8 Q. Okay. Did you read the entire flyer?
 9 A. Yes.
 10 Q. Okay. Do you recall any specific words 15:07:26
 11 that were contained on the flyer?
 12 A. Yes.
 13 Q. Okay. What words?
 14 A. It indicated that Gibson's is a racist
 15 establishment. 15:07:42
 16 Q. So which of those words appeared on the
 17 flyer?
 18 A. I'm not able to give you the verbatim
 19 wording of the flyer.
 20 Q. Okay. Can you give me any verbatim or 15:07:54
 21 any quotations from the flyer?
 22 A. Not off the top of my head without a
 23 source document, no.
 24 Q. By "a source document," are you talking
 25 about the actual flyer itself? 15:08:06
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1 A. If you gave me the flyer, I could read
2 it. Yes, sir.
3 Q. Okay. But my question is, without the
4 flyer in hand, you don't recall specifically any
5 of the words that the flyer used; is that 15:08:16
6 correct?
7 A. Yes.
8 Q. Did you read every sentence of the
9 flyer?
10 A. Yes. 15:08:27
11 Q. Did Dr. Raimondo allow you to read the
12 flyer?
13 A. Yes.
14 Q. What did you do after reading the flyer?
15 A. Could you be more specific? 15:08:50
16 Q. Sure. So you've testified that
17 Dr. Raimondo gave you the flyer, correct?
18 A. Yes, sir.
19 Q. Then you read it, correct?
20 A. Yes, sir. 15:09:05
21 Q. So after reading the flyer, what
22 happened next?
23 A. I don't recall the order of events.
24 Q. Did you put the flyer in your pocket?
25 A. I don't know. 15:09:23
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1 Q. Did you tear up the flyer?
2 A. No, sir.
3 Q. Did you give the flyer to someone else?
4 MR. KESLAR: Objection. That calls for
5 two privileges, both the reporter's privilege and 15:09:39
6 potentially the editorial process privilege as to
7 what he did with the information that he gathered
8 during a news-gathering process. It's a First
9 Amendment privilege.
10 I instruct you not to answer that one. 15:09:51
11 Q. Did you write on the flyer?
12 A. I don't recall doing so.
13 Q. So how long after you received this
14 flyer did you end your conversation with
15 Dr. Raimondo? 15:10:06
16 A. A short time.
17 Q. What do you consider to be a short time?
18 A. A few minutes.
19 Q. Okay. In your interaction with
20 Dr. Raimondo, was she polite? 15:10:28
21 A. With the exception of blocking the
22 camera.
23 Q. Okay. Do you believe that Dr. Raimondo
24 was professional?
25 A. Again, with the exception of blocking my 15:10:44
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1 camera.
2 Q. Do you believe that in her capacity as
3 dean of students at Oberlin College she acted
4 appropriately?
5 MR. KESLAR: Objection. Goes to state 15:10:56
6 of mind, editorial process, First Amendment
7 privilege.
8 I'm going to instruct you not to answer
9 that.
10 Q. Did you tell Dr. Raimondo to stop 15:11:02
11 blocking your view?
12 MR. KESLAR: Again, what you said during
13 that conversation is protected by the First
14 Amendment privilege, so I'm going to instruct you
15 not to answer. 15:11:18
16 Q. Did you tell Dr. Raimondo that you did
17 not want to speak to her?
18 MR. KESLAR: The question calls for
19 First Amendment privilege information, so I'm
20 going to instruct you not to answer. 15:11:29
21 Q. Did you tell Dr. Raimondo that she was
22 interfering with your attempt to do your job as
23 an editor?
24 MR. KESLAR: Same objection.
25 Instruct you not to answer. 15:11:40
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1 Q. Did you tell Dr. Raimondo that she was
2 frustrating your efforts to cover a newsworthy
3 event?
4 MR. KESLAR: Same objection.
5 Instruct you not to answer. 15:11:52
6 Q. Have you seen any pictures of you and
7 Dr. Raimondo?
8 A. No.
9 Q. Have you seen any video of you and
10 Dr. Raimondo? 15:12:13
11 A. No.
12 Q. Do you know where that flyer is today
13 that you were handed by Dr. Raimondo?
14 MR. KESLAR: Objection. Goes to the
15 editorial process, what might have been done with 15:12:36
16 source information.
17 So I'm going to instruct you not to
18 answer that based on your First Amendment
19 privilege.
20 Q. So other than the fact that Dr. Raimondo 15:12:45
21 twice blocked your view with her body, you don't
22 take exception with how she conducted herself; is
23 that correct?
24 MR. KESLAR: Objection. That goes to
25 the state of mind. It goes to broader than just 15:12:59
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1 his observations that day. It goes to his state
 2 of mind as an editor, and so I'm going to
 3 instruct him not to answer based on his First
 4 Amendment privilege.
 5 Q. Did you call the police on Dr. Raimondo? 15:13:16
 6 A. No.
 7 Q. As she was talking to you, did you
 8 believe that she possessed a First Amendment
 9 right?
 10 MR. KESLAR: Objection to what he 15:13:31
 11 believed. Within the editorial process, his
 12 state of mind is protected by the First
 13 Amendment.
 14 So I'll instruct you not to answer.
 15 Q. So again, we've spent some time talking 15:13:41
 16 about all the events that took place on Thursday,
 17 November 10th, correct?
 18 A. Yes, sir.
 19 Q. Do you recall anything else that you
 20 personally observed when you were at the 15:13:52
 21 demonstration on November 10th?
 22 MR. KESLAR: I'm going to object because
 23 it calls for -- it potentially calls for
 24 information that's not included within his news
 25 articles and has also been the subject of many 15:14:06
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1 objections here today.
 2 And so I'm going to instruct you not to
 3 answer that.
 4 Q. Did you recognize on November 10th any
 5 other members of the news media who were present 15:14:17
 6 for the demonstration?
 7 MR. KESLAR: To the extent the question
 8 calls for anybody with the Oberlin news times you
 9 haven't previously identified, I'm going to
 10 instruct you not to answer that. To the extent 15:14:36
 11 it's somebody outside of your own editorial group
 12 of people, you can answer that question.
 13 A. Yes.
 14 Q. Okay. Who did you personally observe?
 15 A. Bruce Bishop. 15:14:49
 16 Q. B-I-S-H-O-P?
 17 A. I believe that's how he spells it.
 18 Q. Okay. Who is he?
 19 A. He is a photographer for the Chronicle
 20 Telegram. 15:15:05
 21 Q. Do you know for how long he's been with
 22 the Chronicle Telegram?
 23 A. No.
 24 Q. Do you know Bruce Bishop from seeing him
 25 out on other assignments and at other events? 15:15:26
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1 A. Yes.
 2 Q. How well do you know Bruce Bishop?
 3 A. Not well.
 4 Q. Okay. You're not friends with him?
 5 A. No. 15:15:37
 6 Q. Okay. Have you ever socialized with
 7 him?
 8 A. What do you mean by socialize?
 9 Q. Have you ever had dinner with him?
 10 A. No. 15:15:48
 11 Q. Had a drink?
 12 A. Possibly.
 13 Q. Gone to a baseball game?
 14 A. Also possible, but I don't know for
 15 sure. 15:16:09
 16 Q. Basketball game?
 17 A. Not to my knowledge.
 18 Q. Football game?
 19 A. Not to my knowledge.
 20 Q. Breakfast? 15:16:18
 21 A. No.
 22 Q. Lunch?
 23 A. It is possible, but I don't know for
 24 sure.
 25 Q. Did Bruce show you any of his pictures 15:16:27
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1 that he had taken on November 10th?
 2 A. No.
 3 Q. Did you two talk about the demonstration
 4 on November 10th?
 5 MR. KESLAR: I'm going to object based 15:16:44
 6 on the First Amendment privilege, and I'm going
 7 to instruct you not to answer that.
 8 Q. Did you two talk about the demonstration
 9 after November 10th?
 10 MR. KESLAR: Same objection, so I'm 15:16:56
 11 going to instruct you not to answer.
 12 Q. Other than Bruce Bishop, did you
 13 personally observe other members of the media
 14 present at the demonstration on November 10th?
 15 A. No. 15:17:12
 16 Q. Was there someone from the media
 17 live-streaming the event?
 18 A. I don't know.
 19 Q. Can you describe for me the racial
 20 composition of the demonstrators on November 10? 15:17:33
 21 A. It was mixed.
 22 Q. Okay. Mixed in what way?
 23 A. There were people of different races
 24 there.
 25 Q. Can you give me an estimate as to how 15:17:49
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1 you would break down the specific races of the
2 people who were present on November 10th?
3 A. The composition was more diversified
4 than the City of Oberlin's population is.
5 Q. What can you tell me about the diversity 15:18:11
6 of Oberlin's city population?
7 A. I believe according to the last census
8 it was somewhere around 12 or 15 percent black,
9 with the vast majority being white.
10 Q. Okay. So if I understand your testimony 15:18:33
11 correctly, you're saying that the demonstrators
12 were comprised of some percentage of black
13 protestors that exceeded 15 percent?
14 A. Yes.
15 Q. Okay. And the percentage of white 15:18:54
16 participants as demonstrators were below the city
17 average?
18 A. Yes.
19 Q. Was it 50/50 in terms of 50 percent
20 black and 50 percent white? 15:19:12
21 A. I'd say it was closer to 50/50 than it
22 was to 15/85.
23 Q. Okay.
24 A. And there were people of other races
25 there as well. Or, I'm sorry, ethnicities. 15:19:27
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1 Q. Do you recall any of the specific signs
2 that you saw?
3 A. No.
4 Q. Did the protestors block ingress and
5 egress to Gibson's Bakery? 15:19:44
6 A. No.
7 Q. Were people going in to shop at Gibson's
8 Bakery on November 10?
9 A. Yes. I saw a few go in and out.
10 Q. Okay. Were the demonstrators using 15:20:06
11 profanity?
12 A. Yes.
13 Q. What were they saying?
14 MR. KESLAR: I'm going to object, except
15 to the extent that you already disclosed that 15:20:21
16 information in a news article. Anything that was
17 not previously disclosed, I'm going to instruct
18 you not to answer, but to the extent that you did
19 disclose something in a news article, you can
20 respond. 15:20:30
21 A. Yes, they were using profanity.
22 Q. Okay. You personally observed some of
23 the protestors using profanity?
24 A. Yes, sir.
25 Q. What exactly did they say? 15:20:40
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1 MR. KESLAR: For my edification, you
2 were regarding the profanity, right?
3 MR. HOLMAN: Yes. Uh-huh.
4 MR. KESLAR: Okay.
5 A. I wouldn't be able to tell you a year 15:20:55
6 and a half later the exact words that they used.
7 Q. So you don't recall any of the profane
8 language that they used?
9 A. Now that you put it a separate way, I
10 can recall several people using the F-word toward 15:21:13
11 me, specifically.
12 Q. Okay. And what exactly did they say to
13 you?
14 A. There were many people shouting many
15 things. 15:21:28
16 Q. Okay. What were they shouting?
17 MR. KESLAR: To the extent that you
18 haven't already disclosed it and it hasn't been
19 disclosed in a news article, I'm going to assert
20 a First Amendment privilege and instruct you not 15:21:40
21 to answer anything further.
22 Q. Okay. So you believe that there was
23 profanity directed to you, correct?
24 A. Yes, sir.
25 Q. Can you identify what those statements 15:21:49
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1 were?
2 A. Is that -- is that not the same question
3 that was just asked?
4 MR. KESLAR: This question is restricted
5 just to the profanity, and so I would instruct 15:22:04
6 you not to go beyond the profanity.
7 A. They were yelling things such as F you,
8 F off, et cetera.
9 Q. So F you and F off, correct?
10 A. Yes. 15:22:21
11 Q. Okay. Do you recall any other things of
12 a profane nature that were being directed to you?
13 A. I was called a honky, which was
14 interesting.
15 Q. Okay. What other comments were directed 15:22:37
16 at you that you took offense to?
17 MR. KESLAR: I'm going to instruct you
18 to limit your answer to profanity. Anything
19 beyond that is privileged.
20 A. Middle fingers, that sort of thing. 15:22:59
21 Q. Okay. So other than F --
22 A. And for the record, I didn't
23 particularly take offense to much of it, but --
24 Q. Okay.
25 A. -- they're generally considered to be 15:23:14
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<p style="text-align: right;">Page 190</p> <p>1 offensive.</p> <p>2 Q. Right. But you weren't offended?</p> <p>3 A. Not particularly.</p> <p>4 Q. Okay. So some of the demonstrators told</p> <p>5 you to F you, they told you to F off, and they 15:23:25</p> <p>6 gave you a middle finger.</p> <p>7 Is there anything else that the</p> <p>8 protestors said or did that one might consider to</p> <p>9 be of a profane nature?</p> <p>10 MR. KESLAR: I'm going to object, 15:23:43</p> <p>11 because that question calls for your state of</p> <p>12 mind, which invades on the editorial process.</p> <p>13 So I'm going to instruct you not to</p> <p>14 answer that question.</p> <p>15 Q. Have you talked to Lisa Hawk, your wife, 15:24:04</p> <p>16 about what took place at the demonstration on</p> <p>17 November 10th?</p> <p>18 MR. KESLAR: Objection. I think there's</p> <p>19 certainly marital privilege about what might get</p> <p>20 discussed among spouses, and so we're going to 15:24:18</p> <p>21 assert that privilege now, too.</p> <p>22 Q. Okay. Have you talked to Lisa Hawk</p> <p>23 about what happened on November 11th?</p> <p>24 MR. KESLAR: Same objection.</p> <p>25 Same instruction not to answer. 15:24:31</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 192</p> <p>1 the record, 3:25.</p> <p>2 (Discussion off record.)</p> <p>3 (Whereupon, Ms. Crocker left the</p> <p>4 conference room.)</p> <p>5 MR. HOLMAN: Let's go back on the 15:28:18</p> <p>6 record, please.</p> <p>7 VIDEOGRAPHER: On the record, 3:27.</p> <p>8 Q. So, Mr. Hawk, prior to the shoplifting</p> <p>9 incident at Gibson's Bakery, November 2016, had</p> <p>10 you seen any other news articles in the Tribune 15:28:33</p> <p>11 regarding Gibson's Bakery?</p> <p>12 A. I may have.</p> <p>13 Q. Prior to that date, had you seen</p> <p>14 articles in other newspapers regarding the</p> <p>15 bakery? 15:29:00</p> <p>16 A. Not to my knowledge.</p> <p>17 Q. Prior to November 2016, had you seen any</p> <p>18 articles in the Tribune that referenced David</p> <p>19 Gibson in the Tribune?</p> <p>20 A. Not to my knowledge. 15:29:22</p> <p>21 Q. What about Allyn W. Gibson?</p> <p>22 A. I'm also unsure.</p> <p>23 (Whereupon, Ms. Crocker entered the</p> <p>24 conference room.)</p> <p>25 Q. Okay. Allyn D. Gibson? 15:29:34</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. So what else did you personally observe</p> <p>2 on November 10th that you have not previously</p> <p>3 described?</p> <p>4 MR. KESLAR: I'm going to object just</p> <p>5 because the question as stated is so broad that 15:24:47</p> <p>6 it would require him to disclose privileged</p> <p>7 information, and therefore, cannot be -- cannot</p> <p>8 be responded to without waiving his privilege,</p> <p>9 which I'm instructing him not to do.</p> <p>10 Q. For how long were you present at the 15:24:59</p> <p>11 demonstration on November 10?</p> <p>12 A. I don't have a definitive length of time</p> <p>13 to give you.</p> <p>14 THE REPORTER: I'm sorry?</p> <p>15 A. I don't have a definitive length of time 15:25:09</p> <p>16 to give you.</p> <p>17 Q. Can you estimate for us how long you</p> <p>18 stayed at the demonstration on November 10?</p> <p>19 A. It was probably in the neighborhood of</p> <p>20 90 to 120 minutes. 15:25:29</p> <p>21 Q. Why did you decide to leave?</p> <p>22 A. It had become repetitious.</p> <p>23 MR. HOLMAN: We're going to stop and</p> <p>24 change the tape. Thank you.</p> <p>25 VIDEOGRAPHER: Thank you very much. Off 15:26:05</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 193</p> <p>1 A. I'm also unsure about that.</p> <p>2 Q. How close do you live to the bakery?</p> <p>3 A. I live in Carlisle Township.</p> <p>4 Q. About how far away is that from the</p> <p>5 bakery? 15:29:59</p> <p>6 A. Ten or so miles.</p> <p>7 Q. When the Tribune covers a story, does it</p> <p>8 do so at least in part because it believes that</p> <p>9 that story is a matter of interest to the public?</p> <p>10 MR. KESLAR: I'm going to object because 15:30:30</p> <p>11 it goes to the editorial process, state of mind,</p> <p>12 his First Amendment privilege.</p> <p>13 So I'm going to instruct you not to</p> <p>14 answer that.</p> <p>15 Q. When the Tribune covers a story, does it 15:30:39</p> <p>16 do so at least in part because it believes the</p> <p>17 matter is something the public has some interest</p> <p>18 in?</p> <p>19 MR. KESLAR: Same objection.</p> <p>20 I'm going to instruct you again not to 15:30:50</p> <p>21 answer.</p> <p>22 Q. You've been an editor with the Tribune</p> <p>23 for how many years?</p> <p>24 A. When was it? I'd have to look at my</p> <p>25 resume. It's more than -- more than six years. 15:31:08</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

1 Q. Okay. Do you like your position?
 2 A. I do. Very much.
 3 Q. What do you like about being an editor?
 4 MR. KESLAR: We're going to assert
 5 privilege based on it's really calling for state 15:31:26
 6 of mind, it really has nothing to do with any of
 7 the issues we're here about, and it goes directly
 8 to his state of mind as an editor for the Oberlin
 9 News Tribune. So to the extent that it invades
 10 on his First Amendment privilege regarding the 15:31:41
 11 editorial process, I'm going to instruct him not
 12 to answer.
 13 Q. Do you believe that newspapers have an
 14 important purpose?
 15 MR. KESLAR: Same objection. Goes right 15:31:52
 16 to the editorial process. First Amendment
 17 privilege.
 18 I instruct you not to answer.
 19 Q. Do you care whether anybody reads the
 20 paper? 15:32:08
 21 MR. KESLAR: Objection. Same objection.
 22 Instruct you not to answer that.
 23 Q. Have you ever received any e-mails
 24 either about the demonstrations that took place
 25 outside Gibson's Bakery or the shoplifting 15:32:25
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1 incident at Gibson's Bakery?
 2 MR. KESLAR: Objection, because it calls
 3 for undisclosed sources and it calls for
 4 information you might have gathered but not --
 5 during your reporting process but not disclosed. 15:32:39
 6 And so I'm going to instruct you not to
 7 answer that question.
 8 Q. Have you received any letters either
 9 about the shoplifting incident or the
 10 demonstrations that took place outside the 15:32:52
 11 bakery?
 12 MR. KESLAR: Same objection.
 13 Same instruction not to answer.
 14 MR. HOLMAN: Thank you. Do you have the
 15 other one? Thank you. You read my mind. Thank 15:33:25
 16 you.
 17 Q. I'm going to show you -- we're going to
 18 mark this Number 4. Thank you. Exhibit
 19 Number 4.
 20 - - - - - 15:34:14
 21 (Thereupon, Hawk Deposition Exhibit 4 was marked
 22 for purposes of identification.)
 23 - - - - -
 24 Q. Take a look at that, please.
 25 Would you describe Exhibit 4 for me? 15:36:07
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1 A. It appears to be an e-mail between
 2 myself and someone named Clyde Owan claiming to
 3 be an Oberlin College graduate.
 4 Q. Okay. Have you seen the e-mails that
 5 make up this exhibit before? 15:36:26
 6 A. Yes.
 7 Q. Okay. Prior to November 11, 2016, had
 8 you had any communication with Clyde Owan, which
 9 is O-W-A-N?
 10 MR. KESLAR: Excuse me. Can you 15:36:41
 11 repeat -- can you repeat that question? I missed
 12 the date that you said.
 13 Q. November 11. So I'll repeat the
 14 question, yeah.
 15 So, Mr. Hawk, prior to November 11, 15:36:50
 16 2016, had you exchanged e-mails with Mr. Clyde
 17 Owan?
 18 A. I don't recall ever doing so.
 19 Q. Do you know Clyde Owan?
 20 A. No. 15:37:13
 21 Q. Do you know whether he's an alumnus of
 22 Oberlin College?
 23 A. Only that he claims to be.
 24 Q. Okay. Do you know anything else about
 25 him, whether it's claimed or factual? 15:37:30
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1 A. No.
 2 Q. So he writes you an e-mail that purports
 3 to be from one of your news articles; is that
 4 correct?
 5 A. Yes. 15:37:53
 6 Q. Okay. And at the bottom of Exhibit 4,
 7 did he accurately repeat what appears in one of
 8 your news articles?
 9 A. It appears so, but I can't tell for sure
 10 without comparing them side by side. 15:38:22
 11 Q. Okay. So the next paragraph has a
 12 series of questions for you, right?
 13 A. Yes.
 14 Q. Okay. And I'm not going to bother to
 15 read that into the record, but it appears that 15:38:38
 16 you responded to his e-mail, correct?
 17 A. Yes.
 18 Q. And, in fact, it looks like you
 19 responded quickly to his e-mail, correct?
 20 A. The next morning, yes. 15:38:55
 21 Q. Actually, it looks like the same day.
 22 It appears to me that Mr. Owan wrote you an
 23 e-mail at 9:02 in the morning, and according to
 24 your e-mail above, you responded at 9:35 that
 25 same morning, or 33 minutes later; is that 15:39:18
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<p style="text-align: right;">Page 198</p> <p>1 correct?</p> <p>2 A. You're correct. I'm sorry. I misread</p> <p>3 the time stamp as 2:33 a.m.</p> <p>4 Q. Okay. So you responded quickly to his</p> <p>5 e-mail, correct? 15:39:30</p> <p>6 A. Yes.</p> <p>7 Q. Why did you respond to his e-mail?</p> <p>8 MR. KESLAR: Objection. That goes to</p> <p>9 your state of mind as an editor. It's protected</p> <p>10 by the First Amendment. You don't have to answer 15:39:41</p> <p>11 that question.</p> <p>12 Q. Was this the first comment you've ever</p> <p>13 received from someone who has read your articles?</p> <p>14 MR. KESLAR: Objection. It's overly</p> <p>15 broad and therefore invades the editorial process 15:39:52</p> <p>16 and your First Amendment privilege.</p> <p>17 I'm going to instruct you not to answer</p> <p>18 that question.</p> <p>19 Q. So the middle of the page contains an</p> <p>20 e-mail from you to Mr. Owan, correct? 15:40:03</p> <p>21 A. Yes.</p> <p>22 Q. And you identified yourself as Jason</p> <p>23 Hawk, editor of the Lorain County Community</p> <p>24 Newspapers, correct?</p> <p>25 A. Yes. 15:40:15</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. Yeah. What did you mean by the phrase</p> <p>2 "stood with them authoritatively"?</p> <p>3 MR. KESLAR: Again, it goes to your</p> <p>4 state of mind as an editor of the newspaper.</p> <p>5 It's protected by the First Amendment privilege, 15:41:27</p> <p>6 and so I'm going to instruct you not to answer.</p> <p>7 Q. Your e-mail goes on to say that she was,</p> <p>8 quote, "Advocating for them directly by</p> <p>9 attempting to convince media and passersby not to</p> <p>10 take photographs of the demonstration, which was 15:41:43</p> <p>11 held in public."</p> <p>12 Did I read that correctly?</p> <p>13 A. Yes. There's no quotation mark, but</p> <p>14 yes.</p> <p>15 Q. Right. And the quotation mark just 15:41:59</p> <p>16 refers to the point for the benefit of the court</p> <p>17 reporter and future readers of this transcript</p> <p>18 that we are actually quoting from your e-mail,</p> <p>19 okay?</p> <p>20 A. Thank you. 15:42:09</p> <p>21 Q. Why did you write that sentence?</p> <p>22 MR. KESLAR: Same objection as before.</p> <p>23 I'm going to instruct you not to answer.</p> <p>24 Q. Why did you use the phrase "advocating</p> <p>25 for them"? 15:42:20</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>
<p style="text-align: right;">Page 199</p> <p>1 Q. And you also further indicate that</p> <p>2 you're associated with Civitas Media, right?</p> <p>3 A. Correct.</p> <p>4 Q. So your e-mail response starts with,</p> <p>5 "The dean stood physically with the protestors." 15:40:27</p> <p>6 Do you see that?</p> <p>7 A. I see that.</p> <p>8 Q. Does that sentence refer to</p> <p>9 Dr. Raimondo?</p> <p>10 A. Yes. 15:40:36</p> <p>11 Q. Why did you write that sentence?</p> <p>12 MR. KESLAR: Objection. Editorial</p> <p>13 privilege.</p> <p>14 You don't have to respond to that.</p> <p>15 Q. Can you explain what you meant by the 15:40:47</p> <p>16 sentence, "The dean stood physically with the</p> <p>17 protestors"?</p> <p>18 MR. KESLAR: Same objection. Calls for</p> <p>19 your state of mind, and so I'm going to instruct</p> <p>20 you not to answer. 15:41:02</p> <p>21 Q. Let's move on to the next paragraph,</p> <p>22 which says in part, "She also stood with them</p> <p>23 authoritatively."</p> <p>24 Do you see that?</p> <p>25 A. I see it. 15:41:15</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>	<p style="text-align: right;">Page 201</p> <p>1 MR. KESLAR: Again, goes right to the</p> <p>2 editorial process, your state of mind, and it's</p> <p>3 protected by the First Amendment privilege, so</p> <p>4 I'm instructing you not to answer.</p> <p>5 Q. You've testified at length that 15:42:29</p> <p>6 Dr. Raimondo blocked you on two occasions from</p> <p>7 taking photographs, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Did you personally observe Dr. Raimondo</p> <p>10 attempt to block other members of the media from 15:42:44</p> <p>11 taking photographs at the demonstration on</p> <p>12 November 10, 2016?</p> <p>13 A. No.</p> <p>14 Q. Did you personally observe Dr. Raimondo</p> <p>15 attempt to stop passersby from photographing the 15:43:01</p> <p>16 demonstrators on November 10, 2016?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Describe for me what you</p> <p>19 personally observed.</p> <p>20 A. I saw her approach people and ask them 15:43:21</p> <p>21 to put their cameras away and say that they</p> <p>22 couldn't take pictures.</p> <p>23 Q. So you saw her approach people, correct?</p> <p>24 A. Correct.</p> <p>25 Q. How many people? 15:43:34</p> <p style="text-align: right;">Molnar Reporting Services, LLC (440) 340-6161</p>

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<p>1 A. I recall two instances.</p> <p>2 Q. Can you describe the first instance</p> <p>3 to – for me?</p> <p>4 A. No.</p> <p>5 Q. Do you remember the first instance? 15:43:48</p> <p>6 A. She approached people and she asked them</p> <p>7 to put their cameras away.</p> <p>8 Q. Okay.</p> <p>9 A. And told them that they didn't have the</p> <p>10 right to take pictures of the protest. 15:43:59</p> <p>11 Q. So that was the first incident?</p> <p>12 A. It happened in the second incident as</p> <p>13 well.</p> <p>14 Q. Okay. Let's talk about just the first</p> <p>15 incident. About what time did the first incident 15:44:08</p> <p>16 take place?</p> <p>17 A. I don't know.</p> <p>18 Q. Did it take place shortly after you</p> <p>19 arrived at the demonstration on November 10?</p> <p>20 A. I don't know. 15:44:16</p> <p>21 Q. Okay. About how far away were you from</p> <p>22 Dr. Raimondo when you personally observed her</p> <p>23 approaching someone the first time?</p> <p>24 A. I don't know.</p> <p>25 Q. Okay. You have no recollection 15:44:28</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. Okay. What exactly did Dr. Raimondo say</p> <p>2 to this person?</p> <p>3 MR. KESLAR: Objection. Information</p> <p>4 that you might have encountered during the 15:45:46</p> <p>5 news-gathering process not disclosed in your</p> <p>6 articles, and so it's protected by the First</p> <p>7 Amendment, so I'm going to instruct you not to</p> <p>8 answer that question.</p> <p>9 Q. So you've testified that you personally</p> <p>10 observed Dr. Raimondo on two occasions 15:45:56</p> <p>11 approaching individuals asking them not to take</p> <p>12 photographs, correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Did you personally hear what</p> <p>15 Dr. Raimondo said to the first protestor? 15:46:09</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What did she say?</p> <p>18 MR. KESLAR: I've got to stop you. The</p> <p>19 first protestor? I'm not sure I'm following.</p> <p>20 Q. Okay. So we're talking about two 15:46:24</p> <p>21 incidents, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And was the person taking pictures in</p> <p>24 the first incident a protestor?</p> <p>25 A. No. I missed that as well. I'm sorry. 15:46:33</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 whatsoever?</p> <p>2 A. No.</p> <p>3 Q. Okay. Who was the person that she</p> <p>4 approached?</p> <p>5 A. I have no way of knowing that. 15:44:39</p> <p>6 Q. Was the person a man?</p> <p>7 A. I don't know.</p> <p>8 Q. Was the person a woman?</p> <p>9 A. I don't know.</p> <p>10 Q. Can you describe the person that 15:44:52</p> <p>11 Dr. Raimondo approached?</p> <p>12 A. No.</p> <p>13 Q. What was the person's race?</p> <p>14 A. I don't know.</p> <p>15 Q. Height? 15:45:05</p> <p>16 A. I also don't know.</p> <p>17 Q. Can you describe the person's clothing</p> <p>18 in any way?</p> <p>19 A. No.</p> <p>20 Q. Can you identify the camera that the 15:45:14</p> <p>21 person was using?</p> <p>22 A. No.</p> <p>23 Q. Did you personally observe Dr. Raimondo</p> <p>24 walk up to this individual?</p> <p>25 A. Yes. 15:45:35</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 Q. Okay. That's fine. So let's go back.</p> <p>2 So you personally observed Dr. Raimondo</p> <p>3 approaching an individual who was taking</p> <p>4 pictures, correct?</p> <p>5 A. Yes. 15:46:47</p> <p>6 Q. Do you have any knowledge as to why that</p> <p>7 person was taking pictures?</p> <p>8 A. No.</p> <p>9 Q. Do you know if that person was a</p> <p>10 student? 15:46:51</p> <p>11 A. No.</p> <p>12 Q. Faculty member?</p> <p>13 A. No.</p> <p>14 Q. Administrator?</p> <p>15 A. No. 15:46:58</p> <p>16 Q. Staff member at Oberlin College?</p> <p>17 A. No.</p> <p>18 Q. A member of the public at large?</p> <p>19 A. No.</p> <p>20 Q. So what exactly did Dr. Raimondo say to 15:47:08</p> <p>21 that individual?</p> <p>22 MR. KESLAR: Again, I'm going to</p> <p>23 instruct you not to answer that question based on</p> <p>24 your First Amendment privilege.</p> <p>25 Q. So you've testified earlier that you saw 15:47:16</p> <p>Molnar Reporting Services, LLC (440) 340-6161</p>

1 Dr. Raimondo on two occasions tell people to stop
2 taking pictures.
3 Can you tell me specifically what word
4 she used to communicate that message?
5 MR. KESLAR: I'm going to instruct you 15:47:33
6 not to answer that question based on your First
7 Amendment privilege.
8 Q. Okay. So let's go to the second
9 incident. About what time did that incident take
10 place? And again, we're referring to an instance 15:47:46
11 where you saw Dr. Raimondo approach an individual
12 and indicate that they should not photograph the
13 demonstrations.
14 A. I don't know.
15 Q. Okay. About how far away were you from 15:48:00
16 Dr. Raimondo when you observed this?
17 A. I don't recall.
18 Q. Who was this individual?
19 A. I have no way of knowing that.
20 Q. Was it a man? 15:48:18
21 A. I don't recall.
22 Q. A woman?
23 A. I also don't recall.
24 Q. Was the person black?
25 A. I have no idea. 15:48:26
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1 Q. White?
2 A. Again, I have no idea.
3 Q. Some other race?
4 A. I have no way to tell.
5 Q. What was the approximate age of the 15:48:34
6 person that Dr. Raimondo approached?
7 A. I don't know.
8 Q. Did the person have a camera on his or
9 her person?
10 A. Yes. 15:48:48
11 Q. What kind of camera?
12 A. I really don't know.
13 Q. How far did Dr. Raimondo walk in order
14 to approach this person?
15 A. I don't know. 15:49:01
16 Q. Okay. What -- strike that.
17 What exactly did Dr. Raimondo say to
18 this second individual?
19 A. I don't recall her exact wording.
20 Q. Okay. Do you recall her general 15:49:21
21 wording?
22 A. Yes.
23 Q. Okay. What was it?
24 MR. KESLAR: I'm going to instruct you
25 not to answer that question based on your First 15:49:34
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1 Amendment privilege.
2 Q. So as you stood and observed the
3 protests on November 10th, you personally
4 observed two instances when Dr. Raimondo asked
5 people to stop taking pictures, correct? 15:49:51
6 A. Yes.
7 Q. And just two instances?
8 A. I don't recall further instances.
9 Q. Okay. Your e-mail to Mr. Owan says,
10 "While I do not know her stance on the Gibson's 15:50:08
11 issue."
12 Why did you write that?
13 MR. KESLAR: Objection. Goes to the
14 editorial process, state of mind, First Amendment
15 privilege. 15:50:19
16 I'm going to instruct you not to answer.
17 Q. You also write, "She was more than a
18 passive observer."
19 Why did you write that?
20 MR. KESLAR: Same objection. 15:50:26
21 Same instruction not to answer.
22 Q. That same sentence goes on, and I'll
23 quote, "Positioning herself with students both
24 physically and authoritatively when confronting
25 me (very nicely, but still shoulder-to-shoulder 15:50:41
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1 with protestors) over my use of a camera in the
2 public right-of-way."
3 Did I read that correctly?
4 A. Yes.
5 Q. Why did you write that to Mr. Owan? 15:50:56
6 MR. KESLAR: Same objection.
7 Same instruction not to answer.
8 Q. The next paragraph reads, "Later,
9 organizers pointed to her."
10 Did I read that correctly? 15:51:10
11 A. That's part of the sentence, yes.
12 Q. During what part of the day did
13 organizers point to Dr. Raimondo?
14 A. I don't recall.
15 Q. Was it shortly after you arrived or was 15:51:26
16 it later in the day?
17 A. It was within the span that I was there.
18 Q. Okay. Did that event take place closer
19 to your arrival or closure to your departure from
20 the demonstration? 15:51:51
21 A. I would say closer to my departure.
22 Q. Okay. Was your colleague with you at
23 that time?
24 A. I don't recall.
25 Q. Did you recognize any of the, quote, 15:52:00
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<p>1 "organizers," again, using the word that you use 2 here? 3 A. I didn't know any of them. 4 Q. Okay. When you left, did you know the 5 identity of any of the organizers? 15:52:16 6 A. They did not give names. 7 Q. Okay. This sentence also says that you 8 used -- I'm sorry. 9 That the organizers, quote, "used a 10 microphone to say the administration was present 15:52:30 11 to support the crowd." 12 Is that what it says? 13 A. Yes. 14 Q. Okay. Is this sentence accurate? 15 MR. KESLAR: Objection. Goes to the 15:52:43 16 state of mind. It also calls in for -- yeah, it 17 goes to his state of mind as an editor when 18 you're asking about the accuracy of information 19 delivered as an editor of the newspaper, and so 20 I'm going to assert the First Amendment 15:53:00 21 privilege. 22 Q. Did you write this e-mail by yourself? 23 MR. KESLAR: That goes directly to the 24 editorial process, and therefore, I'm going to 25 instruct you not to answer that question. 15:53:10 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 him not to answer. 2 Q. Do you stand by this statement today? 3 MR. KESLAR: Same objection. 4 Same instruction not to answer. 5 Q. So the last paragraph reads, "She also 15:54:24 6 stood logistically with students by facilitating 7 the protest, by which I mean she arranged 8 accommodations for them, including food, drinks, 9 and an inside rest area, and offering the above 10 to protestors through a megaphone provided by 15:54:43 11 organizers." 12 Do you see that? 13 A. I see it. 14 Q. Okay. Is that true? 15 MR. KESLAR: Calls for his state of 15:54:53 16 mind, and therefore, I'm going to instruct you 17 not to answer that based on your First Amendment 18 privilege. 19 Q. Did you personally observe Meredith 20 Raimondo using a megaphone on November 10? 15:55:06 21 A. Yes. 22 Q. At what point in the day did you see 23 this? 24 A. I don't recall. 25 Q. For how long did she have a megaphone? 15:55:28 Molnar Reporting Services, LLC (440) 340-6161</p>
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<p>1 Q. Do you agree with all the statements 2 that are here in this e-mail? 3 MR. KESLAR: That goes to his state of 4 mind, so I'm going to instruct him not to answer. 5 Q. Is there anything in this e-mail that 15:53:22 6 you now see that you now believe is inaccurate or 7 warrants a correction? 8 MR. KESLAR: Objection. Same basis. 9 First Amendment privilege. 10 I'm going to instruct you not to answer 15:53:34 11 that. 12 Q. When you responded to Mr. Owan on 13 November 11th, did you have any obligation to 14 send him an e-mail? 15 MR. KESLAR: That goes right to his 15:53:48 16 state of mind as an editor of this newspaper, and 17 therefore, I'm going to instruct him not to 18 answer that question based on his First Amendment 19 privilege. 20 Q. When you responded to Mr. Owan, do you 15:54:00 21 believe that you were under an obligation of any 22 kind to respond to his e-mail? 23 MR. KESLAR: Again, that goes directly 24 to his state of mind as an editor of this 25 newspaper, and therefore, I'm going to instruct 15:54:14 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. A brief time. 2 Q. Okay. When you talked to her -- strike 3 that. 4 You've testified regarding a 5 conversation that you had with her at another 15:55:44 6 point during the day, correct? 7 A. Yes, sir. 8 Q. When you observed Dr. Raimondo using the 9 megaphone, was it before or after your 10 conversation with her? 15:55:58 11 A. I observed her using the microphone 12 after our conversation. 13 Q. What did Dr. Raimondo say specifically? 14 MR. KESLAR: Objection. First Amendment 15 privilege. 15:56:13 16 I'm going to instruct you not to answer 17 that question. 18 Q. So you heard Dr. Raimondo using a 19 megaphone to say something, right? 20 A. Yes, sir. 15:56:26 21 Q. Okay. Do you recall what she said 22 exactly using the megaphone? 23 A. No. I can't reconstruct her exact 24 wordage. 25 Q. Okay. Can you paraphrase her message 15:56:40 Molnar Reporting Services, LLC (440) 340-6161</p>

1 using the megaphone?
 2 A. She indicated to the crowd that -- I'm
 3 sorry. She indicated to the protestors that were
 4 there that there was a space provided for them to
 5 rest and for food and for water, and that they 15:57:04
 6 could go there to -- anytime, at any time. Yes.
 7 Q. Did she identify the space?
 8 A. Yes, she did.
 9 Q. Okay. What space was it?
 10 A. I don't recall. 15:57:27
 11 Q. Did she identify with any specificity
 12 what food was available?
 13 A. I also don't recall.
 14 Q. Okay. Do you recall anything else that
 15 Dr. Raimondo said when she was using the 15:57:44
 16 megaphone?
 17 MR. KESLAR: To the extent that it's not
 18 previously been disclosed, I'm going to instruct
 19 you not to answer that question based on your
 20 First Amendment privilege. 15:58:04
 21 Q. When Dr. Raimondo was using the
 22 megaphone, did she attack Gibson's Bakery?
 23 MR. KESLAR: Same objection, and so I'm
 24 going to instruct you not to answer that.
 25 Q. When she was using the megaphone, did 15:58:16
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1 she attack David Gibson?
 2 MR. KESLAR: Same objection.
 3 Same instruction not to answer that.
 4 Q. Allyn W. Gibson?
 5 MR. KESLAR: Same objection. 15:58:26
 6 Same instruction not to answer.
 7 Q. Allyn D. Gibson?
 8 MR. KESLAR: Same objection.
 9 Same instruction not to answer.
 10 Q. When Dr. Raimondo was using the 15:58:35
 11 megaphone, did she call Gibson's Bakery a racist
 12 establishment?
 13 MR. KESLAR: Same objection.
 14 Same instruction not to answer that
 15 question. 15:58:45
 16 Q. Did she indicate that David Gibson and
 17 Allyn Gibson and Allyn D. Gibson worked for a
 18 racist establishment?
 19 MR. KESLAR: Same objection.
 20 Same instruction not to answer that 15:58:57
 21 question.
 22 Q. When Dr. Raimondo had the megaphone, did
 23 she suggest or even state that David Gibson was
 24 involved in racial profiling?
 25 MR. KESLAR: Same objection. 15:59:07
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1 Same instruction not to answer.
 2 Q. What about Allyn W. Gibson?
 3 MR. KESLAR: Same objection.
 4 Same instruction not to answer.
 5 Q. Allyn D. Gibson? 15:59:18
 6 MR. KESLAR: Same objection.
 7 Same obstruction not to answer.
 8 Instruction. Excuse me.
 9 Q. When Dr. Raimondo was using the
 10 megaphone, did she tell the protestors that they 15:59:26
 11 should boycott Gibson's Bakery?
 12 MR. KESLAR: Same objection.
 13 Same instruction not to answer.
 14 Q. When Dr. Raimondo was using the
 15 megaphone, did she encourage the crowd to use 15:59:37
 16 physical violence against David Gibson?
 17 MR. KESLAR: Same objection.
 18 Same instruction not to answer.
 19 Q. Allyn W. Gibson?
 20 MR. KESLAR: Same objection. 15:59:48
 21 Same instruction not to answer.
 22 Q. Allyn D. Gibson?
 23 MR. KESLAR: Same objection.
 24 Same instruction not to answer.
 25 Q. Did you call the police after hearing 15:59:54
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1 what Dr. Raimondo had to say?
 2 A. I don't believe that I called them in
 3 reference to our conversation, no.
 4 Q. Okay. Well, my question is different.
 5 When Dr. Raimondo was using the 16:00:20
 6 megaphone, or after she used the megaphone, did
 7 you call the police based upon what you heard her
 8 saying?
 9 A. Thank you for clarifying.
 10 Q. Sure. 16:00:32
 11 A. No.
 12 Q. Okay. When Dr. Raimondo was using the
 13 megaphone, what did she have in her hands other
 14 than a megaphone, if anything?
 15 A. I don't know. 16:00:47
 16 Q. Okay. When Dr. Raimondo was using the
 17 megaphone to talk to the demonstrators, did you
 18 see her holding the flyer that she had handed to
 19 you earlier?
 20 A. I mean, obviously, it wasn't the one 16:01:07
 21 that she had handed to me, and no, I don't recall
 22 her holding anything else.
 23 Q. Okay. When Dr. Raimondo was using the
 24 megaphone, did you see her waving a copy of the
 25 flyer that she had handed you? 16:01:20
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1 A. I -- I don't recall that, no.
 2 Q. When Dr. Raimondo was using the
 3 megaphone, did she state her endorsement of the
 4 message that was on the flyer?
 5 A. I don't recall that. 16:01:40
 6 Q. Did Dr. Raimondo state that she approved
 7 of the protestors standing outside and chanting
 8 and singing and holding signs?
 9 MR. KESLAR: This question calls -- it
 10 invades into the editorial process, because 16:01:59
 11 really, it calls for his interpretations of --
 12 which goes to his state of mind. Therefore, it's
 13 protected by the First Amendment.
 14 So I'm going to instruct you not to
 15 answer that. 16:02:11
 16 Q. So if I understand your testimony today,
 17 you spoke briefly to Dr. Raimondo, correct?
 18 A. Yes.
 19 Q. You also heard her speak to two
 20 individuals about taking pictures, correct? 16:02:24
 21 A. Yes.
 22 Q. And you also heard her and observed her
 23 using a megaphone to talk to the demonstrators,
 24 correct?
 25 A. Correct. 16:02:39
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1 Q. Did you personally hear or overhear
 2 Dr. Raimondo say anything else to anybody else on
 3 November 10?
 4 MR. KESLAR: I'm going to instruct you
 5 not to answer about any -- anything else that she 16:02:57
 6 said to you which we've previously objected to as
 7 privileged.
 8 Q. Do you have any personal knowledge of
 9 anything else that Dr. Raimondo said on November
 10 10 other than what you heard in your personal 16:03:14
 11 conversation with her, what you overheard her
 12 saying to two individuals about taking pictures,
 13 and what you've heard her say through the use of
 14 a megaphone?
 15 MR. KESLAR: Do you need to talk about 16:03:42
 16 whether there's something privileged? We can
 17 confer.
 18 THE WITNESS: Yeah, I think that would
 19 be a good idea.
 20 MR. HOLMAN: Okay. We'll take a break. 16:03:51
 21 Off the record.
 22 VIDEOGRAPHER: Off the record, 4:03.
 23 (Recess taken.)
 24 MR. HOLMAN: We're going back on the
 25 record. Thank you. 16:17:58
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1 MR. KESLAR: I think there was a
 2 question pending when we took that break.
 3 VIDEOGRAPHER: On the record, 4:17.
 4 MR. HOLMAN: Would you read back the
 5 question, please. 16:18:04
 6 (Record read.)
 7 MR. KESLAR: I'm going to assert the
 8 First Amendment privilege on that, and therefore,
 9 I'm going to instruct you not to answer.
 10 Q. During the time that you were at the 16:18:33
 11 protest, and again, we're focusing solely on
 12 November 10, 2016, was Dr. Raimondo there during
 13 the entirety of the time that you were present at
 14 the demonstration?
 15 A. I can't say for sure. 16:18:53
 16 Q. Okay. On November 10, approximately how
 17 many different times did you observe Dr. Raimondo
 18 at the demonstration?
 19 A. I'm not sure what that question means.
 20 Q. Sure. So you can certainly agree with 16:19:14
 21 me that Dr. Raimondo was present for at least
 22 part of the time that you were there at the
 23 demonstration, correct?
 24 A. Yes, sir.
 25 Q. And you have identified so far four 16:19:26
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1 instances when you saw Dr. Raimondo, correct?
 2 A. Would you mind recapping them?
 3 Q. Sure. One was your conversation with
 4 Dr. Raimondo. That was one instance, correct?
 5 A. Yes. 16:19:45
 6 Q. The other instance was when you saw her
 7 approach two people who were taking pictures.
 8 Actually, those are two -- two instances when you
 9 observed her taking pictures or -- strike --
 10 let's start over again. 16:19:58
 11 So you actually saw Dr. Raimondo when
 12 you two were talking, correct?
 13 A. Yes.
 14 Q. You also saw her on two separate
 15 occasions talking to people who were taking 16:20:11
 16 pictures, correct?
 17 A. Yes.
 18 Q. And you also observed her using a
 19 megaphone, correct?
 20 A. Correct. 16:20:20
 21 Q. So from what you've testified to so far,
 22 there were at least four separate or discrete
 23 times when you observed Dr. Raimondo, correct?
 24 A. That's correct, sir.
 25 Q. So thinking back to November 10, 2016, 16:20:34
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<p>1 on how many separate occasions did you personally 2 observe Dr. Raimondo? 3 A. At least four. 4 Q. At least four. Do you recall any other 5 instances when you observed Dr. Raimondo? 16:20:53 6 A. I don't recall any right now. 7 Q. Did you ever see Dr. Raimondo carrying a 8 sign? 9 A. I don't believe so, no. 10 Q. Did you see Dr. Raimondo waving a sign? 16:21:11 11 A. I don't believe so. 12 Q. Did you see Dr. Raimondo creating a 13 sign? 14 A. No. 15 Q. Did you see Dr. Raimondo passing out a 16:21:28 16 sign? 17 A. No. 18 Q. Did you ever see Dr. Raimondo passing 19 out a flyer? 20 A. Yes. 16:21:59 21 Q. Okay. And when was that? 22 A. The one that she gave to me. 23 Q. Okay. Other than the flyer that 24 Dr. Raimondo handed to you, did you see her give 25 a copy of any flyer to anyone else? 16:22:12 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. From time to time. 2 Q. Okay. Does your wife Lisa shop there as 3 well? 4 A. I don't believe so. 5 Q. Do you know whether or not shoplifting 16:24:17 6 is an issue or a problem for the merchants in 7 Oberlin? 8 MR. KESLAR: I'm going to object because 9 it calls for his state of mind or what he knows 16:24:33 10 about certain things as opposed to what might 11 have been published in the newspaper, and 12 therefore, it's clouded in the First Amendment 13 privilege and I'm going to instruct him not to 14 answer that question. 15 Q. Do you have an understanding as to 16:24:46 16 whether shoplifting is a problem or a concern in 17 Oberlin? 18 MR. KESLAR: Same objection. 19 Same instruction not to answer. 20 Q. Does the Oberlin News Tribune publish 16:24:58 21 police reports? 22 A. Yes. 23 Q. Okay. What types of police reports? 24 A. Initial incident reports. 25 Q. And what are those? 16:25:14 Molnar Reporting Services, LLC (440) 340-6161</p>
Page 223	Page 225
<p>1 MR. KESLAR: I'm going to object to that 2 because it calls for information you might have 3 gathered during your reporting process not 4 previously disclosed in your news article, and 5 therefore, there's a First Amendment privilege to 16:22:26 6 it that I'm going to instruct you not to answer. 7 Q. Okay. During your observations of 8 Dr. Raimondo, did you ever see her singing? 9 A. I don't recall that, no. 10 Q. Chanting? 16:22:44 11 A. I also don't recall that. 12 Q. Attacking Gibson's Bakery in any way? 13 MR. KESLAR: Objection. I think that 14 the characterization would call for Mr. Hawk to 15 testify to his state of mind, which is protected 16:22:59 16 as part of the editorial process. Therefore, I'm 17 going to instruct him not to answer that 18 question. 19 Q. Did you see Meredith Raimondo blocking 20 the door to Gibson's Bakery? 16:23:13 21 A. No. 22 Q. Did you see Dr. Raimondo talking to the 23 police? 24 A. No. 25 Q. Do you shop in Oberlin? 16:23:24 Molnar Reporting Services, LLC (440) 340-6161</p>	<p>1 A. Under Ohio law, investigatory content 2 created by law enforcement officers isn't 3 necessarily public record. Police generally have 4 to hand over information saying what they saw 5 when they arrived on the scene, who's charged, 16:25:27 6 that sort of information. 7 Q. So do you publish those reports in full 8 or just summaries of the reports? 9 MR. KESLAR: Objection. That gets to 10 the editorial process, decisions as to what 16:25:40 11 content to put in and what not to put in the 12 newspaper. 13 Therefore, I'm going to instruct you not 14 to answer that question. 15 Q. So what are these reports called again? 16:25:44 16 Initial - 17 A. Initial incident reports. 18 Q. Okay. So if one of your readers looks 19 in the paper, will he or she find the entire 20 report or just portions of the report? 16:25:58 21 MR. KESLAR: That's really just another 22 way of asking the same question. Therefore, I'm 23 going to object and instruct you not to answer 24 that question. 25 Q. What are the subjects that are covered 16:26:06 Molnar Reporting Services, LLC (440) 340-6161</p>

1 by the police reports that are published in the
2 newspaper?

3 MR. KESLAR: That question goes --
4 objection. That question goes to the editorial
5 process, decisions on what content to put and 16:26:19
6 what not to put into the newspaper, and
7 therefore, I'm going to instruct you not to
8 answer that question because it's protected by
9 the First Amendment.

10 Q. So the News Tribune does publish police 16:26:27
11 reports?

12 A. Yes.

13 Q. Okay. So I'm clear, these are reports
14 that are in the newspaper?

15 A. What do you mean by that? 16:26:38

16 Q. Well, you've just said that the News
17 Tribune publishes police reports, correct?

18 A. Yes.

19 Q. So are you telling me that these police
20 reports appear in the News Tribune? 16:26:51

21 A. Yes.

22 Q. How often does the paper publish these
23 police reports?

24 MR. KESLAR: Objection. That goes to
25 the editorial process, decisions on what content 16:26:59
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1 to put and what not to put in, and maybe how
2 often to do it. Therefore, it's clouded in the
3 First Amendment. You do not have to answer that
4 question.

5 Q. What are the subjects covered by these 16:27:12
6 police reports that are published in the Oberlin
7 News Tribune?

8 MR. KESLAR: I'm going to object on two
9 bases. First, the First Amendment privilege that
10 was just -- the same objection I just made, but 16:27:25
11 also because that question is vague, and in its
12 vagueness, it does call for privileged
13 information.

14 Therefore, I'm going to instruct you not
15 to answer. 16:27:36

16 Q. Does the Oberlin News Tribune publish
17 police reports involving shoplifting?

18 MR. KESLAR: Same objection regarding
19 editorial process privilege, and therefore, I'm
20 going to instruct you not to answer. 16:27:50

21 Q. You've been at the Oberlin News Tribune
22 for about six years, correct?

23 A. No. I believe it's been longer than
24 that.

25 Q. Okay. How long has it been? 16:28:00
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1 A. I'd have to look at my resume to be
2 absolutely sure, but I believe since 2010.

3 Q. Okay. So that's roughly eight years?

4 A. Yes, as well as time before that.

5 Q. Okay. So in the roughly eight years 16:28:17
6 plus that you've been at the Oberlin News
7 Tribune -- strike that.

8 Do you read what's in the newspaper,
9 your newspaper?

10 MR. KESLAR: That gets -- objection. 16:28:29

11 That gets to the editorial process, and
12 therefore, it's really the same way of asking --
13 a different way of asking the same question over
14 and over, which we've objected to on the basis of
15 privilege. 16:28:39

16 And therefore, I'm going to instruct you
17 not to answer.

18 Q. Have you ever read the Oberlin News
19 Tribune?

20 A. Yes. 16:28:50

21 Q. Okay. How often do you read the Oberlin
22 News Tribune?

23 MR. KESLAR: I'm going to object to this
24 whole line of questioning, because it's beyond
25 the scope of what this deposition is about in 16:29:04
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1 this case. It invades on the editorial process
2 and it calls for Mr. Hawk to waive his First
3 Amendment privilege.

4 Therefore, I'm going to instruct you not
5 to answer. 16:29:16

6 Q. As someone who has read the Oberlin News
7 Tribune in the past, have you ever seen the paper
8 publish police reports that involve shoplifting?

9 MR. KESLAR: Same objection.

10 Same instruction. 16:29:27

11 Q. During the time that you have worked at
12 the Oberlin News Tribune and read the Oberlin
13 News Tribune, have you ever seen police reports
14 involving robberies in the newspaper?

15 MR. KESLAR: Same objection. 16:29:42

16 Same instruction. Unless it references
17 a specific article, it calls for privileged
18 information, so I'm going to instruct you not to
19 answer.

20 Q. Have you ever heard of an instance where 16:29:51
21 an Oberlin store employee has run after a
22 suspected shoplifter?

23 MR. KESLAR: Same objection.

24 Same instruction.

25 Q. Is shoplifting a subject that is of 16:30:08
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1 interest to the readers of the Oberlin News
2 Tribune?

3 MR. KESLAR: Objection on the basis it
4 calls for speculation, and to the extent it goes
5 to the state of mind as to what content you may 16:30:22
6 or may not want to put in the newspaper.

7 Therefore, I'm going to instruct you not
8 to answer.

9 Q. Do you believe incidents that involve
10 robbery are matters of interest to the readership 16:30:32
11 of the Oberlin News Tribune?

12 MR. KESLAR: Same objection.

13 Same instruction not to answer.

14 Q. Was the November 9, 2016, shoplifting
15 incident involving the three Oberlin students 16:30:55
16 something that the newspaper considered to be of
17 public interest?

18 MR. KESLAR: Objection. Goes to state
19 of mind, editorial process, First Amendment
20 privilege. I instruct you not to answer. 16:31:08

21 MR. HOLMAN: Just a few more questions,
22 then we'll break for the day if that's good.

23 MR. KESLAR: That -- yeah, sounds good.

24 Thank you.

25 MR. HOLMAN: Sure. Of course. 16:31:29
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1 Okay. Why don't we, per our prior
2 discussions, why don't we adjourn for the day.
3 And I think we've all agreed that we are going to
4 continue this deposition, and we can do it a
5 couple of different ways. We can pick a date now 16:32:35
6 or we can exchange dates over the next few days
7 that work for everybody.

8 MR. KESLAR: I'd prefer to exchange
9 dates over the next few days.

10 MR. RARRIC: Why don't we do that, yeah. 16:32:50

11 MR. HOLMAN: Okay. So why don't we
12 exchange dates over the next few days, and why
13 don't we all agree that we will strive to
14 continue the deposition during the month of July.
15 Does that sound good? 16:32:58

16 MR. RARRIC: That's fair.

17 MR. KESLAR: Sounds fair.

18 MR. HOLMAN: Great. Thank you very much
19 for your time, Mr. Hawk.

20 THE WITNESS: Thank you. 16:32:58

21 VIDEOGRAPHER: Off the record, 4:32.
22 (Deposition adjourned at 4:32 p.m.)
23 ~ ~ ~ ~ ~
24
25

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1 CERTIFICATE

2 The State of Ohio,)

SS:

3 County of Medina)

4 I, Michelle L. Harper, a Notary Public
5 within and for the State of Ohio, duly commissioned
6 and qualified, do hereby certify that the within
7 named witness, JASON HAWK, was by me first duly
8 sworn to testify the truth, the whole truth and
9 nothing but the truth in the cause aforesaid; that
10 the testimony then given by the above-referenced
11 witness was by me reduced to stenotypy in the
12 presence of said witness, afterwards transcribed,
13 and that the foregoing is a true and correct
14 transcription of the testimony so given by the
15 above-referenced witness.

16 I do further certify that this deposition
17 was taken at the time and place in the foregoing
18 caption specified and was completed without
19 adjournment.

20 I do further certify that I am not a
21 relative, counsel or attorney for either party, or
22 otherwise interested in the event of this action.

23 IN WITNESS WHEREOF, I have hereunto set my
24 hand and affixed my seal of office at Brunswick,
25 Ohio, on this 9th day of July, 2018.

Michelle L. Harper, Notary Public

Within and for the State of Ohio

My commission expires December 25, 2018

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1 AFFIDAVIT

2 The State of Ohio,)

) SS:

3 County of)

4
5
6 Before me, a Notary Public in and for said
7 County and State, personally appeared JASON HAWK,
8 who acknowledged that he did read transcript his in
9 the above-captioned matter, listed any necessary
10 corrections on the accompanying errata sheet, and
11 did sign the foregoing sworn statement and that the
12 same is his free act and deed.

13 In the TESTIMONY WHEREOF, I have hereunto
14 affixed my name and official seal at this
15 day of _____ A.D. 2018.
16
17

18
19 Notary Public

20
21
22 My Commission Expires:
23
24
25

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DEPOSITION ERRATA SHEET

RE: GIBSON BROS., INC., et al., vs. OBERLIN
COLLEGE, etc., et al.
Case No.: 17CV193761
Deponent: JASON HAWK
Deposition Date: 06/27/2018

To the Reporter:

I have read the entire transcript of my Deposition
taken in the captioned matter or the same has been
read to me. I request that the following changes
be entered upon the record for the reasons
indicated. I have signed my name to the Errata
Sheet and the appropriate Certificate and authorize
you to attach both to the original transcript.

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PAGE	LINE	CORRECTION
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NO CHANGES

JASON HAWK

Molnar Reporting Services, LLC (440) 340-6161

1 CERTIFICATE

2 The State of Ohio,)

SS:

3 County of Medina.)

4 I, Michelle L. Harper, a Notary Public
5 within and for the State of Ohio, duly commissioned
6 and qualified, do hereby certify that the within
7 named witness, JASON HAWK, was by me first duly
8 sworn to testify the truth, the whole truth and
9 nothing but the truth in the cause aforesaid; that
10 the testimony then given by the above-referenced
11 witness was by me reduced to stenotypy in the
12 presence of said witness; afterwards transcribed,
13 and that the foregoing is a true and correct
14 transcription of the testimony so given by the
15 above-referenced witness.

16 I do further certify that this deposition
17 was taken at the time and place in the foregoing
18 caption specified and was completed without
19 adjournment.

20 I do further certify that I am not a
21 relative, counsel or attorney for either party, or
22 otherwise interested in the event of this action.

23 IN WITNESS WHEREOF, I have hereunto set my
24 hand and affixed my seal of office at Brunswick,
25 Ohio, on this 9th day of July, 2018.



Michelle L. Harper, Notary Public
Within and for the State of Ohio

My commission expires December 25, 2018

JASON HAWK

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1 PAGE LINE CORRECTION

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NO CHANGES

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JASON HAWK

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