

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

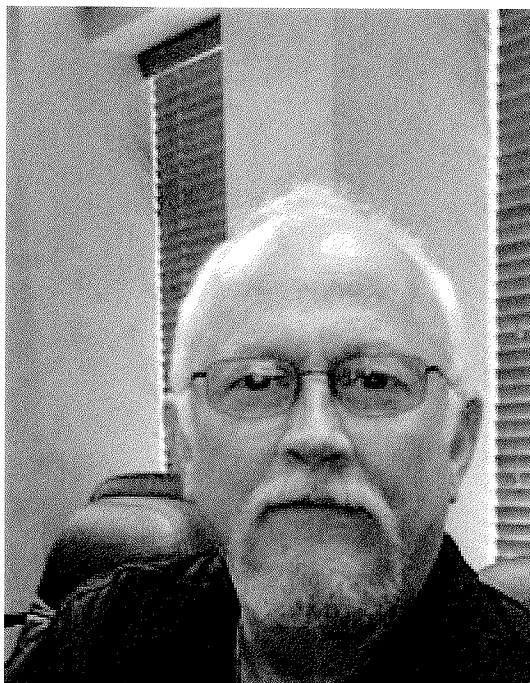
BETHANY A. GAUTHREAUX

NO. 640700

VS.

SECTION 24

STATE OF LOUISIANA,
THROUGH THE DEPARTMENT
OF HEALTH AND HOSPITALS, ET AL



DEPOSITION OF WELDON HILL

TAKEN ON WEDNESDAY, SEPTEMBER 21, 2016
AT THE LAW OFFICE OF KEOGH, COX & WILSON
701 MAIN STREET
BATON ROUGE, LOUISIANA

ORIGINAL

REPORTED BY: KIMBERLY L. GIBNEY, RPR

Court Reporters of Louisiana, LLC

Office: (225)-201-9650 Baton Rouge, Louisiana Fax: (225)-201-9651
Conference Room Available www.courtreportersla.com Video Depositions
E-Transcripts ASCII Disks/CD Roms Digital Audio CD Roms Realtime Transcripts Deponent Photo ID

I N D E X

Page

1		
2		
3		
4		
5	Caption	1
6	Appearances	4
7	Agreement of Counsel	5
8	Reporter's Certificate	106
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1

2

INDEX TO WITNESSES

3

Witness

Page

4

WELDON HILL

5

By Ms. Bounds

6

6

7

INDEX TO EXHIBITS

8

Exhibit

Description

Page

9

Exhibit 1

6-25-2014 Handwritten Notes

45

10

Exhibit 2

7-7-2014 Handwritten Notes

70

11

Exhibit 3

6-12-2014 E-mail from W. Hill
to B. Gauthreaux

72

12

Exhibit 4

6-25-2014 E-mail from Carol
Hill to B. Gauthreaux

74

13

14

Exhibit 5

12-5-2014 E-mail from W. Hill
to Ed Shamis, Jr., etc.

76

15

Exhibit 6

Third Party Litigation Section
Attorney Directory

78

16

17

Exhibit 7

7-7-2014 E-mail from W. Hill
to K. Kaufman

79

18

Exhibit 8

6-17-2014 E-mail from B.
Gauthreaux to W. Hill

83

19

20

Exhibit 9

5-7-2014 E-mail from W. Hill
to D. Duhon

85

21

Exhibit 10

6-1-2014 E-mail from K.
Humbles to W. Hill

90

22

23

24

25

1 APPEARANCES:

2 Representing the Plaintiff:

3 LAW OFFICE OF
4 JILL CRAFT & CRYSTAL BOUNDS
5 509 St. Louis Street
6 Baton Rouge, LA 70802
7 225-663-2612
8 clafleur@craftlaw.net

9 BY: CRYSTAL BOUNDS, ESQ.

10 Representing the Defendants:

11 SPECIAL ASSISTANT ATTORNEY GENERAL
12 KEOGH, COX & WILSON
13 701 Main Street
14 Baton Rouge, LA 70821
15 225-383-3796
16 ablanchfield@keoghcox.com

17 BY: ANDREW BLANCHFIELD, ESQ.

18 Also Present:

19 Representing Weldon Hill:

20 ROEDEL PARSONS KOCH
21 BLACHE BALHOFF & MCCOLLISTER
22 8440 Jefferson Highway
23 Suite 301
24 Baton Rouge, LA 70809
25 225-929-7033
lroedel@roedelparsons.com

BY: LARRY M. ROEDEL, ESQ.

KIMBERLY L. HUMBLE, ESQ.
STEPHEN RUSSO, ESQ.

Reported by:
Kim L. Gibney, RPR

1 S T I P U L A T I O N

2

3 It is stipulated and agreed by and among
4 Counsel that the deposition of WELDON HILL, on
5 Wednesday, September 21, 2016, is hereby being
6 taken under the Louisiana Code of Civil
7 Procedure for all purposes as permitted under
8 law.

9 The witness reserves the right to read and
10 sign the deposition. The original is to be
11 delivered to and retained by Crystal Bounds,
12 Esq., for proper filing with the Clerk of Court.

13 All objections, except those as to the form
14 of the questions and/or the responsiveness of
15 the answers, are reserved until the time of the
16 trial of this cause.

17

18

19

20

21

22

23

24

25

1 WELDON HILL,
2 4040 Hundred Oaks Avenue, Baton Rouge, Louisiana
3 70785, having been called as a witness, being
4 duly sworn, testified as follows:

5 EXAMINATION

6 BY MS. BOUNDS: (Commencing at 1:15 p.m.)

7 Q. Mr. Hill, can you please state your name
8 and address for the record?

9 A. It's Weldon Hill. And my home address
10 is 4040 Hundred Oaks Avenue, Baton Rouge.

11 Q. Do you have a son that goes by Weldon
12 Hill?

13 A. He's Weldon Travis.

14 Q. Can you give me then your full legal
15 name, please?

16 A. Weldon John Hill.

17 Q. Thank you.

18 A. The Second.

19 Q. All right. Do you go by any other
20 names?

21 A. No.

22 Q. Okay. And you've sat in on all the
23 depositions thus far in this case, correct?

24 A. I have, yes.

25 Q. So you do recall the instructions

1 earlier that, if you don't understand a
2 question, please ask; if you provide an answer,
3 I'll assume you understood the question, okay?

4 A. Right.

5 Q. And just a reminder, first, try not to
6 talk over each other with the questions and
7 answers.

8 A. Okay.

9 Q. Can you give me the -- at least the
10 month and the year of your date of birth?

11 A. February 5. I'll give you the year,
12 '49.

13 Q. All right. Thank you.

14 How long have you resided at the
15 4040 Hundred Oaks?

16 A. Since 1977. So is that 39 years?

17 Q. Do you have any intentions of moving in
18 the near future?

19 A. No.

20 Q. And are you married?

21 A. I am.

22 Q. And to whom?

23 A. Her name is Carol.

24 Q. I believe I saw an e-mail that you sent
25 from a Carol Hill e-mail address. Did you

1 sometimes use your wife's e-mail address?

2 A. That's our home e-mail --

3 Q. That's your home --

4 A. -- address.

5 Q. -- address, okay.

6 And your current employer,
7 please?

8 A. It's the Louisiana Department of Health.

9 Q. And when were you first hired with the
10 Department of Health?

11 A. October 2005.

12 Q. And have you had continuous employment
13 since then?

14 A. I have.

15 Q. Where were you employed prior to DHH?

16 A. Going backwards?

17 Q. Yes, sir.

18 A. Roedel Parsons Koch Blache Balhoff &
19 McCollister. And then prior to that, I had my
20 own law firm.

21 Q. All right.

22 A. And then prior to that I was an
23 associate with Joel Dickinson & Associates. And
24 then law school prior to the Joel Dickinson.

25 Q. What period were you employed with

1 Roedel Parsons?

2 A. Back up 12 years from 2005. No, back
3 up. I was at Roedel Parsons 12 years. So I
4 left them in May. So I'll let you, you know,
5 figure that one out.

6 Q. What was the reason for leaving Roedel
7 Parsons?

8 A. It was time to move. The -- when I
9 joined -- I merged my law practice with Roedel
10 Parsons. And over the course of a period of
11 time, the practice that I brought to the firm
12 had transitioned to where I was now dependent on
13 other lawyers to provide me work. And 16 years
14 I had my own practice, and I was not tied to a
15 time sheet. And so when all of my clients faded
16 away, I was doing time sheets after 28 years of
17 not having done it. So that's why I left the
18 firm. It was time to move on.

19 Q. Did you voluntarily resign?

20 A. I retired. Voluntarily, yes.

21 Q. Did anyone ask you to retire or resign
22 your employment with Roedel Parsons?

23 A. No.

24 Q. Did any employees ever make a complaint
25 against you while you were at Roedel Parsons?

1 A. No.

2 Q. And were you ever disciplined during
3 your employment with Roedel Parsons?

4 A. When you say disciplined, I'm kind of
5 like Steve. No, I was never disciplined. But
6 there was a time when I was at Roedel Parsons
7 where I did take a 60-day sabbatical imposed on
8 me by the partners.

9 Q. Do you recall what year that was?

10 A. Gosh, no, ma'am. No, I can't. It was
11 probably maybe 2008, 2009.

12 Q. What was the reason for the sabbatical?

13 A. They saw that the pressures of my having
14 left my own private practice to come into a firm
15 and my ability to adjust and the things going on
16 in my life was getting to be where I couldn't
17 hide them anymore, but I thought I was doing a
18 good job of hiding it. And so the major
19 partners came to me and said, We see things in
20 your life that you need to back up and
21 re-evaluate. And gave me a 60-day paid
22 sabbatical.

23 Q. Did they give you any notice in writing
24 regarding the sabbatical?

25 A. No. They shut up.

1 Q. I may not need to get into much detail,
2 but just generally speaking, what was going on
3 in your life that you're referring to?

4 A. Well, my practice was changing to where
5 the clients that I brought to the firm -- I
6 brought Our Lady of the Lake to the firm. They
7 pulled out. I was doing the collection work for
8 Our Lady of the Lake. They moved away from me.
9 Just the sheer adjustment of having been 16
10 years on your own to go to a law firm where you
11 were a named partner in the law firm -- because
12 the name changed to Roedel Parsons Hill and
13 Coke -- and then expected to generate a level of
14 income that you had when you brought to the firm
15 was beginning to, mentally, play mind games with
16 me.

17 Q. Anything going on in your personal life
18 at the time that played into the sabbatical?

19 A. No, no. Pure work. Pure work.

20 Q. All right. And then you had your own
21 practice for 16 years. Was it just under your
22 name?

23 A. Weldon J. Hill, II and Associates.

24 Q. All right. Who did you report to while
25 you were employed with Roedel Parsons?

1 A. Well, being a named partner, I guess it
2 would have been to -- I didn't have a chain of
3 command like that. There was really no one I
4 reported to other than the other partners.

5 Q. So you were hired on as a partner?

6 A. Um-huh. Yes.

7 Q. And at the time you left, you were still
8 a partner or --

9 A. I was.

10 Q. Let me finish -- or did that status
11 change?

12 A. No, it did not.

13 Q. What year did you graduate law school?

14 A. '74.

15 Q. From what law school?

16 A. LSU.

17 Q. All right. And have you maintained your
18 law license since you acquired it in '74, '75?

19 A. Yeah. Yes. October '74 is when I was
20 sworn in.

21 Q. Have you ever had adverse action against
22 your license?

23 A. No.

24 Q. And then you were hired with DHH in
25 October of 2005; is that correct?

1 A. Correct.

2 Q. I'm going to get into more detail about
3 that employment, a couple of background
4 questions.

5 Have you ever been arrested?

6 A. No.

7 Q. Have you ever been terminated from a
8 job?

9 A. No.

10 Q. And are you under any medication that
11 would affect your ability to testify?

12 A. No.

13 Q. Have you ever been a party to a
14 litigation other than this one?

15 A. I -- my son was involved in an
16 automobile accident while driving my car. Or he
17 was still living at home, still in high school.
18 I think I might have been named as the owner of
19 the car. But that's been the only one that I'm
20 aware of.

21 Q. Okay. Very good.

22 Have you ever been a witness in
23 a lawsuit?

24 A. No.

25 Q. Have you ever given a deposition?

1 A. No.

2 Q. In either your private practice or prior
3 employment, have you ever handled an employment
4 harassment case?

5 A. No.

6 Q. What about employment discrimination?

7 A. I did corporate law as part of my
8 practice at Roedel Parsons. And one of the
9 clients had an EEOC Complaint filed against
10 them. And I assisted with preparing, the
11 interviewing the witnesses at the employer and
12 preparing responses to the Complaint. That's
13 the only one I can think of. That was many,
14 many years ago.

15 Q. And what was the nature of the EEO
16 Complaint? Was that race discrimination or some
17 other form of --

18 A. I do not remember.

19 Q. Was it sexual harassment?

20 A. No. I think it was -- I think it was
21 more of a racial, but I don't know for sure.
22 That's coming to memory as I think about it.

23 Q. Let's start with your employment at DHH.
24 What position were you hired into? I'm looking
25 for your job titles and the period of time, and

1 then we can go from there.

2 A. Hired as an Attorney 3. And two or
3 three years later promoted to the Attorney
4 Supervisor position. And I've held that
5 position since then. I say two or three years,
6 I don't know for sure.

7 Q. Has it always been in the Bureau of
8 Legal Services?

9 A. It has.

10 Q. Who do you currently report to?

11 A. Neal Elliott.

12 Q. Has that been the case for the past
13 several years?

14 A. No. Neal is my second supervisor I have
15 reported to. The first supervisor I reported to
16 when I started was Lavon Raymond Johnson. And
17 when that changed, I'm not sure.

18 Q. Okay. Since 2013, since most of the
19 allegations contained here were in that period
20 of time to 2015, who did you report to?

21 A. Neal.

22 Q. All right. Have you ever been
23 disciplined in your employment with DHH?

24 A. Other than that Letter of Improvement.

25 Q. Have you received any other Letters of

1 Improvement?

2 A. No.

3 Q. Have you ever been counseled about your
4 conduct in the workplace aside from this
5 litigation?

6 A. No.

7 Q. Have you ever been placed on
8 administrative leave?

9 A. No.

10 Q. All right. Who interviewed you for your
11 position at DHH, if you recall?

12 A. Probably Lavon Raymond Johnson. Oh,
13 excuse me, Frank Perez, Lavon Johnson, and there
14 might have been another person in the room.
15 There were those two for sure, maybe a third and
16 fourth, but I don't recall 'cause Frank Perez
17 was General Counsel. He was doing most of the
18 interviewing.

19 Q. And when you first started your
20 employment with DHH, were you provided with any
21 sexual harassment policies?

22 A. Probably, but I can't -- you know, we
23 were required to take that training online. But
24 what was given me when I initially got there, I
25 don't remember.

1 Q. Okay. Have you been given any policy
2 updates on any sexual harassment policy since
3 you started?

4 A. Yes. The Department does provide the
5 policy manual. And we take the training for
6 sexual harassment once a year online.

7 Q. And have you read the policy manual?

8 A. Um-huh.

9 Q. Is that a yes for the record?

10 A. I'm sorry, yes, I have.

11 Q. When was the last time?

12 A. When I had to take the class. And it's
13 in those documents you have as to the date I
14 took the sexual harassment.

15 Q. Prior to the training that's referenced
16 in your improvement letter, when was the last
17 time you had sexual harassment class or
18 training?

19 A. They're yearly. So, Crystal, I don't
20 recall the dates, but I think you have my
21 training transcript and documents that we
22 produced.

23 Q. And those classes are online?

24 A. Sexual harassment classes are online.

25 Q. And approximately how long does that

1 class last?

2 A. It's about an hour's class. You listen
3 to tape and then you have to complete questions
4 at the end.

5 Q. So it's an audio tape?

6 A. It's on a computer. It's a video. You
7 do it at your desk.

8 Q. Do you know if it tracks whether or not
9 the video -- the entire video plays at your
10 desk?

11 A. I do not know that.

12 Q. All right. Let's start with currently.
13 Do you supervise employees and, if so, who?

14 A. Currently? The answer's yes.
15 Currently, Daniel Duhon and Ryan Hart, H-a-r-t.

16 Q. When was Ryan Hart hired?

17 A. He started his first day December 7th,
18 2015.

19 Q. Okay. Who was hired in place of
20 Ms. Gauthreaux's position?

21 A. Ryan.

22 Q. Okay. Have you ever disciplined Ryan?

23 A. No.

24 Q. What about Daniel Duhon?

25 A. Daniel and I have had sessions, you

1 know, when I do the PPR. And we've had
2 conversations. But have I had to formally
3 discipline him? The answer is no.

4 Q. Have you ever issued him a Letter of
5 Improvement?

6 A. No.

7 Q. And what about Mr. Hart, a Letter of
8 Improvement?

9 A. No.

10 Q. Did you ever go to HR to lodge a
11 complaint that you may have had of Daniel
12 Duhon?

13 A. No.

14 Q. Who is Krystal Airs?

15 A. She was the -- well, back up. She was
16 the lawyer that replaced Bethany, I'm sorry.

17 Q. So it wasn't Ryan Hart?

18 A. No. I misspoke. Ryan replaced Krystal.

19 Q. What happened with Krystal?

20 A. Krystal wanted to do -- this is what I'm
21 told -- wanted to do litigation in the child --
22 with children. She liked to deal with the
23 juvenile matters.

24 Q. And who told you that?

25 A. I don't know. I don't recall. I mean,

1 it's just information that came to me. It was
2 not Krystal. I can tell you that.

3 Q. All right. Did she resign her
4 position?

5 A. I don't know.

6 Q. Is she still with DHH?

7 A. Yes. I mean, I was told by Kim, I
8 believe it was, that Krystal was now going to be
9 doing juvenile matters.

10 Q. Kim Humbles?

11 A. Yes.

12 Q. Did Krystal Aires, to your knowledge, ask
13 to be transferred?

14 A. I don't know. No one ever talked to me
15 about the transfer.

16 Q. Did Krystal Aires, to your knowledge,
17 make any complaints about you?

18 A. To my knowledge, no.

19 Q. Did she voice any issues that she had
20 with you to your knowledge?

21 A. No.

22 Q. How long was she under your supervision?

23 A. Krystal left in October of '15.

24 Q. Okay.

25 A. I don't know how long before that she

1 was under my supervision.

2 Q. And so from October of 2015 when she
3 left and Curt was hired in December, was there
4 anybody who had the position?

5 A. No. No, it was...

6 Q. Did you ever discipline Krystal Airs?

7 A. No.

8 Q. Issue her a Letter of Improvement?

9 A. No.

10 Q. Did you conduct any of Bethany's
11 performance evaluations?

12 A. I did one.

13 Q. Do you recall what the outcome of that
14 was?

15 A. It was a good review. It was done in
16 January of '14. And you have a copy of the
17 discovery that was produced. Bethany and I
18 discussed, you know, her performance. I thought
19 it was good. She was on a learning curve. I
20 think I -- there's a note in there about her
21 confidence level, it being 70 to 75 percent.
22 That was an agreed-upon number.

23 Q. Agreed upon by whom?

24 A. Her and I.

25 Q. How did you measure the confidence

1 level?

2 A. Simply talking to her like this across
3 the table. Going, Bethany, do you have any --
4 you know, where do you think you are? I kind of
5 assess you around 70, 75 percent there.

6 She said, Yeah, you know, I
7 agree.

8 Q. But how did you assess her at 70 to 75
9 percent versus 80 percent, 50 percent? Was it
10 subjective?

11 A. It was subjective. Basically
12 subjective, yeah. Just based on my many years
13 of practicing, having, you know, worked with
14 people for 30-something years. I thought that's
15 where she probably was.

16 Q. Has any employee prior to Bethany
17 accused you of inappropriate conduct?

18 A. Not that I know of. No.

19 Q. Has any employee prior to Bethany with
20 DHH made a complaint about you, whether it's
21 verbal or in writing?

22 A. Yes. There have been other people.

23 But I'm going to back up to the
24 previous question about inappropriate comments.
25 Being that term is, in my opinion, a wide-open

1 kind of term. But as far as have I ever been,
2 you know, called forth to explain my actions,
3 there's only been one incident -- two. That's
4 Ashley Clark. And you referenced earlier in
5 Kim's deposition, Wanda Yates. And that's been
6 the only -- I think there's a third one.

7 But if there is a third one,
8 I'll let you know. I'll tell you. But right
9 now I think that's been the two.

10 Q. Okay. So my question was if any
11 employee ever voiced any concerns about
12 inappropriate conduct on your behalf, and you
13 said that's a wide-open deal. So let me try to
14 ask some different questions then.

15 To your knowledge, did any
16 employee complain about any statements that you
17 made in their presence?

18 A. Bethany.

19 Q. Other than her?

20 A. If you have a specific, I'll respond yes
21 or no. Bethany's the only one about the
22 inappropriate comments that I'm recalling right
23 now, yes.

24 Q. Any other employee make or complain
25 about or raise an issue with any comments that

1 you made in their presence?

2 A. No. Not that I'm aware of. That's what
3 I'm saying.

4 Q. That's fair enough. I'm just asking you
5 the question.

6 All right. What was the
7 complaint by Ashley Clark?

8 A. Ashley was the --

9 Q. As you understand it, I'm sorry.

10 A. Ashley -- well, there was about three
11 incidents with Ashley. Ashley was the paralegal
12 for the whole -- of the legal section. And the
13 way the Third-Party Liability Section works,
14 TPL, we have to get -- we receive checks on
15 behalf of the Department. And the three
16 attorneys that were doing TPL would process the
17 checks and give them to Ashley, who was then to
18 process them and bring them to the -- what we
19 call the Recovery Section.

20 Well, it got to where the
21 Recovery Section was calling me, asking did we
22 have any checks because they hadn't gotten any.
23 We did not have a policy in place about
24 processing TPL checks.

25 So I got with Ashley and the

1 other two attorneys in the section at the time.
2 I think it was Nancy Grush, and I'm not sure who
3 the third one was. And we put together a policy
4 of when checks -- when the lawyers were supposed
5 to give the checks to Ashley, when Ashley was
6 supposed to get the checks to the Third-Party
7 Liability Recovery Section.

8 It was in 2013, if I remember
9 correctly, I received an e-mail from Ann Cheek
10 in the Recovery Section and said we haven't --
11 we didn't receive any checks from you by the
12 deadline. I think it was a Thursday morning
13 deadline. And I asked Ashley, I said, Did we
14 have any checks? And her response was, I just
15 didn't get to them. I had more important things
16 to do.

17 And so, you know -- I don't
18 know if I reported that to anybody. I'd have to
19 go back and look. But that was one incident
20 with Ashley.

21 Another incident was --

22 Q. May I pause you for a moment?

23 A. Yes.

24 Q. I want to make sure you understood the
25 question. The question was any complaints that

1 an employee had about you. And so you said
2 there were three incidents with Ashley, and it's
3 fine for you to tell me about that. But what
4 complaint did she have about you?

5 A. That I was being, you know, unfair about
6 it.

7 Q. Go ahead.

8 A. And so when we give Ashley the checks,
9 we put a memorandum with the check whether to
10 close the file or to return the file. The file
11 gets returned if it is a partial payment. The
12 file gets closed if it is a full payment. You
13 give your file to Ashley and you wouldn't need
14 it again until it came up. It was a partial
15 payment. I went looking for a couple of my
16 files one time, and I had not -- I couldn't find
17 them. So I asked Ashley. Ashley, did you
18 return the files? And the next thing I know
19 she's found them because she had closed them.
20 And I asked her, Well, did you not see on the
21 memorandum where it says, Please return the
22 file? And she said, I don't read your
23 memorandums.

24 So, I mean --

25 Q. Was this also in 2013 or what time

1 frame?

2 A. I think so. I'm not sure.

3 And then the third time was
4 when -- Steve gets a lot of e-mails, and he'll
5 put a little sticky note on them to so-and-so,
6 and he'll send it down through the mail. And he
7 gave a motion to turn over funds per a
8 garnishment. And so I don't do garnishments in
9 TPL. And because it ended up TPL, it was
10 directed to me.

11 And I went back to Ashley and I
12 said, Ashley, this is not mine, you know, please
13 get it to the garnishment folks over in DVA or
14 somewhere, I don't even know where it is.

15 She said, Well, Steve said for
16 you to do it.

17 I said, No, Steve asked me to
18 handle it. I'm asking you as paralegal, you
19 know, just get it over to -- it became a big
20 pooh-rah-rah, and she sent me an e-mail, I'm not
21 going to do it. It went back through her
22 supervisors and ended up with a meeting with
23 Ms. Humbles to resolve the issue.

24 Q. And the Steve you're referring to, for
25 the record, is Steve Russo?

1 A. Steve Russo.

2 Q. And who was Ashley's supervisor at the
3 time?

4 A. It might have been Judy Dreher. It
5 might have been Krystal Kaufman, depending on
6 when the time period was.

7 Q. Did Judy Dreher report to you as a
8 supervisor?

9 A. No.

10 Q. What about Krystal Kaufman?

11 A. No.

12 Q. Tell me about the meeting you had with
13 Ms. Humbles.

14 A. Well, it was all of us. It was Ashley.
15 And I remember it was me, Ashley and Kim. Who
16 else was there? There was some others, but I'm
17 not sure. Ashley's supervisor was probably
18 there. I don't remember when the meeting was.
19 But the outcome was Ashley works for all of the
20 legal -- all of the attorneys in legal. And if
21 they give her reasonable instructions, she's to
22 follow those instructions.

23 Q. And was that the extent of the complaint
24 regarding Ashley Clark?

25 A. Um-huh.

1 Q. Is that a yes?

2 A. Yes, ma'am.

3 Q. I have to ask you. I'm not trying to be
4 difficult.

5 A. I know.

6 Q. You also mentioned Wanda Yates. What
7 complaint did Wanda Yates make regarding you?

8 A. Wanda was WAE. I think that's what the
9 term is. I don't remember her exact
10 terminology, but she was part time. Third-Party
11 Liability is a lot of follow-up to attorneys,
12 conversation with lawyers, setting up cases, a
13 lot of paperwork. And the Section needed
14 someone who could assist us with that paperwork.
15 And Wanda came on scene. I didn't have anything
16 to do with hiring Wanda, you know. Ms. Humbles
17 said, We'll see if we can't find you somebody.
18 And Wanda Yates was the person.

19 Q. So what was her position?

20 A. Is it WAE? I don't really know.

21 Q. That was her job title?

22 A. I don't know.

23 Q. Who was her supervisor at the time?

24 A. Again, it was probably Krystal Kaufman.
25 I think it was Krystal. And Krystal came to me

1 one day after Wanda had been there a while and
2 said, Are you having problems with Wanda about
3 getting her work done?

4 I said, Well, it takes her a
5 long time to get, you know, stuff back to Daniel
6 and I.

7 And that precipitated -- I think
8 Krystal must have met with her. I never met
9 with Wanda, Crystal. You know, I just said,
10 Yeah, we have an issue with her calling on the
11 phone. She had a t-shirt business. And she was
12 on the phone a lot doing the -- the cell phone,
13 doing her t-shirt business and not devoting, you
14 know, what I thought what was sufficient enough
15 time to the TPL files, so.

16 Q. Did you conduct pro bono work while you
17 were employed at TPL?

18 A. Part of my job description -- and I'm
19 not sure what you mean by pro bono work. Part
20 of my job description is to do Medicaid
21 presentations around the state. And I could
22 also be a member of, you know, committees of the
23 local bar. But as far as pro bono work, not
24 that I recall.

25 Q. Did you ever conduct legal work outside

1 of your job duties with DHH while on DHH time?

2 A. I have, yes. We were free to do that.

3 Q. What do you mean by that? Is that a
4 written policy?

5 A. We can maintain an outside practice.
6 And I've handled successions for a former client
7 of mine when I was in private practice with the
8 law firm. I had done the man's will and the
9 heirs came to me to handle his estate.

10 Q. So I'm not clear on -- did Wanda Yates
11 have a complaint about you; and if so, what were
12 the allegations?

13 A. She did not make a formal complaint. It
14 came up when I was asked by, like I said, I
15 believe it was Krystal, Are you having issues
16 with Wanda getting your work done?

17 Q. Did she ever tell you that Wanda voiced
18 concerns or issues she had with you?

19 A. No.

20 Q. And is Wanda Yates still employed with
21 DHH?

22 A. No.

23 Q. Was she fired?

24 A. I don't know.

25 Q. Do you know why Ashley Clark's

1 employment ended with DHH?

2 A. No. Wait. Ashley got a job with
3 Revenue.

4 Q. All right. Was Ashley Clark ever
5 reprimanded or disciplined in her employment
6 with DHH?

7 A. I do not know.

8 Q. Were you ever subject to an
9 investigation by HR other than with
10 Ms. Gauthreaux?

11 A. No, no.

12 Q. Did you ever raise your voice when
13 speaking to Ms. Gauthreaux?

14 A. Not that I can recall.

15 Q. You heard some testimony about the
16 meeting on June 11th, 2014 throughout these
17 depositions.

18 A. Correct.

19 Q. Did you follow Ms. Gauthreaux back to
20 her office after the 6/11 meeting?

21 A. Follow back?

22 Q. Yes.

23 A. We went back to our offices together.

24 Q. Did you follow her back to her office
25 and close the door and have a conversation with

1 her?

2 A. I'll answer it this way. In my opinion,
3 I was not following her back to her office. Our
4 offices are across the hall from one another.
5 We were both going back to our offices. And I
6 said, Ashley, would you like -- can we debrief
7 from the meeting? I said, Do you have time? I
8 thought it was a good meeting. Do you mind if
9 we debrief?

10 Because I wanted to make sure
11 that Ms. Gauthreaux was okay with everything.
12 And so she said okay. So I went into her
13 office. I closed the door and we had a debrief
14 meeting. I said, How did you think it went? I
15 said, Ashley, I think it went great. She said,
16 I thought it was too.

17 Now, this is my recollection of
18 the conversation. She said -- I said, Well, you
19 know, Ashley -- I mean, I said, Bethany, I
20 thought it was a good meeting. I said, We
21 talked about all the issues. Do you have any
22 concerns? No. I said, You know -- and I'm
23 going to -- we talked about our faith. I am a
24 Christian. And I said, Ashley, I don't know
25 about where you stand with your faith, but there

1 were a lot of folks on their knees praying about
2 this was a good meeting. And her remarks to me
3 were, So was my mother at the same time.

4 And I said, Well, this is
5 awesome.

6 Her voice was happy. I think
7 the meeting lasted maybe 30 minutes, 35, 40
8 minutes. And it was like I said. It was just a
9 debrief meeting so I could make sure we were
10 cool, that we were good.

11 Q. Did anyone witness you, to your
12 knowledge, ask her to have a debriefing meeting
13 outside the office?

14 A. Not -- not that I'm aware of, no.

15 Q. Was anyone else present that you
16 recall?

17 A. No. Just she and I in the meeting.

18 Q. Okay. And during the meeting, did you
19 tell her that it was -- the meeting that you
20 just had with everyone was inappropriate?

21 A. Did I tell her what again?

22 Q. Did you tell her it was inappropriate?

23 A. No.

24 Q. Did you tell her anything that she had
25 voiced in the meeting was inappropriate?

1 A. During the meeting --

2 Q. Which meeting are you talking about?

3 Let's be specific.

4 A. The June 11th meeting when we met with
5 Steve -- okay, that's what I thought the meeting
6 you were asking me about.

7 Q. I was asking you after that June 11th
8 meeting with Steve and others, did you go back
9 into Bethany's office, close the door, and have
10 a discussion with her?

11 A. I did, yes.

12 Q. And did you ever tell her that anything
13 she said or did was inappropriate in that
14 conversation?

15 A. Not that I recall. I did not -- I was
16 not writing notes on the meeting or anything.

17 Q. And during that conversation with
18 Bethany in her office, that one lasted 30 to 40
19 minutes?

20 A. That's the best of my recollection, yes.

21 Q. Did you ever record anyone in the
22 workplace?

23 A. No, ma'am.

24 Q. You don't have any recordings of
25 Ms. Gauthreaux?

1 A. No, ma'am.

2 Q. Have you told me everything you recall
3 being stated in the meeting with only
4 Ms. Gauthreaux in her office?

5 A. Yes, as far as I recall. There's an
6 e-mail that I sent to Lavon in response to hers.
7 It should be in the discovery packet. It
8 summarize my conversations or the tone of the
9 conversation, should I say.

10 Q. All right. Have you ever planned or
11 taken a vacation with Ms. Kim Humbles or her
12 family?

13 A. No, ma'am.

14 Q. Have you socialized with Ms. Humbles
15 outside of work; and if so, how many times?

16 A. I heard Kim testify one time when it was
17 office personnel. There were two others that I
18 recall. She had a birthday with her sisters.
19 All the legal -- I was there. And then there
20 was a time when we went with office personnel --
21 and this may be the same one Kim's talking
22 about -- to the restaurant that was on Jefferson
23 Highway where Bergeron's is now. Not
24 Bergeron's, where Las Palmas used to be. There
25 was about six or seven people from Health

1 Standards. And then there was another -- I was
2 there, my wife was there, Kim was there. I'm
3 not sure if Dwayne -- that's her husband -- was
4 there. There were two other people there I
5 believe from Health Standards.

6 And then the other meeting that
7 I recall was when we -- my wife and I, Kim and
8 Dwayne, and the head of Health Standards -- we
9 went to Sullivan's. Because it was somebody's
10 anniversary or what. It was a reason to
11 celebrate. And that's been the only two times,
12 three times that I've been outside socializing.

13 Q. Have you socialized with Steve Russo?

14 A. He and I used to go to lunch. And then
15 he had a birthday party and legal -- I was at
16 the birthday party with my wife. That's been
17 the only time that Steve and I socialized
18 outside the office.

19 Q. Did you ever ask Ms. Gauthreaux out to
20 lunch?

21 A. I've read her Complaint. Yes. She
22 missed the -- it was either Christmas or
23 Thanksgiving party. And, I mean, she's
24 brand-new lawyer. Always my custom to say, It's
25 an occasion, would you like me to take you to

1 lunch? She said no.

2 Q. How many times did you ask her to go to
3 lunch?

4 A. I don't recall. But at best it would
5 have been like maybe Christmas, Thanksgiving.
6 It wasn't a frequent ask.

7 Q. Did you ask all new attorneys out to
8 lunch in your division?

9 A. I made it a practice, yes, to bring new
10 attorneys to lunch to -- you know, to talk to
11 them, welcome them on board and, you know, hope
12 you do good. That comes from 30-something years
13 of private practice where it was customary to do
14 that.

15 Q. All right. Is it your sworn testimony
16 that you've asked Stanley Bordelon out to
17 lunch?

18 A. I have taken Stanley to lunch, yes.

19 Q. And Ryan Hart?

20 A. Yes.

21 Q. And Daniel Duhon?

22 A. Um-huh.

23 Q. Is that a yes for the record?

24 A. That's a yes, I'm sorry, yes.

25 Q. What about Krystal Aires?

1 A. I don't -- that's a maybe. I don't
2 recall specifically that I had. I said earlier
3 it was my practice to do that --

4 Q. Yes, sir.

5 A. -- to make them feel welcome.

6 Q. Have you ever had an EEOC Complaint
7 filed whereby you were named as a harasser or
8 discriminator other than with Ms. Gauthreaux?

9 A. No.

10 Q. You've heard some testimony about
11 Ms. Gauthreaux's computer. Do you know why she
12 wasn't allowed to take her computer independent
13 of what you may have heard today whenever she
14 transferred to under Ms. Sullivan?

15 MR. BLANCHFIELD: Object to the
16 form.

17 But you can answer.

18 A. Well, she calls it "my computer." It
19 really actually belongs to the State. But in
20 TPL, the volume of the caseload is such that the
21 computer stays because it's got all the TPL
22 caseload on it. Ms. Gauthreaux probably had a
23 case referral of anywhere from upwards of maybe
24 2- to 300 cases that are logged into that
25 computer. And all of the software from the

1 Recovery Section, all of the case information
2 should be in that computer when she opens the
3 case.

4 So in the interest of preserving
5 the information for the next lawyer, the
6 computer stayed.

7 Q. Y'all don't share files?

8 A. No.

9 Q. You don't operate on a network server?

10 A. You're talking to me, that's way beyond
11 my ability of whether I -- to know that. But as
12 far as I know, I can't get to Daniel's files.
13 Daniel can't get to my files in the TPL Section.
14 I can't get to Ryan's files in the TPL Section.
15 So we're not set up like that.

16 Q. Do you know if the files on the computer
17 that Bethany worked on were ever copied to a
18 flash drive, thumb drive?

19 A. I do not know.

20 Q. Do you know if the hardware was ever
21 mirrored on another hard drive?

22 A. I do not know.

23 Q. Did you request that she not be allowed
24 to take that work computer with her to the 5th
25 floor?

1 A. Not that I recall.

2 Q. Did you have conversations with anyone
3 about it?

4 A. The computer?

5 Q. Yes.

6 A. No. Not that I recall. Like I said
7 earlier, the computer -- it's the -- the TPL
8 person working the computer, it stays for the
9 next attorney so that they can pick up, you
10 know, hit the ground running, so to speak, and
11 not have to worry about it.

12 Because we did have an incident
13 with IT where my computer went down and they
14 couldn't -- they didn't restore all of the
15 files, and they couldn't tell me which ones they
16 had lost, which ones couldn't be restored. So
17 out of a cautionary manner, the computer stays.

18 Q. Do you know of any issues that Bethany
19 had with the computer she was assigned on the
20 5th floor?

21 A. No, ma'am.

22 Q. Who was Brandy Hamilton?

23 A. I'm -- she worked in legal, I think,
24 before -- before Ashley, but I recognize the
25 name. I can't associate what she did for legal.

1 She might have been the secretary -- the
2 overall -- no, I don't recall. I know the name.
3 I can't recall the position right now.

4 Q. Do you recall ever making a comment
5 about the dress she wore?

6 A. No.

7 Q. Did you ever make a comment to the
8 effect that dress you wore the other day, who --
9 gave me a woody?

10 A. No. Don't recall.

11 Q. Did you ever record a conversation in
12 the workplace? I think I already asked you with
13 regards to Ms. Gauthreaux that involved Daniel
14 Duhon.

15 A. Did I record? I've never recorded
16 conversations in the workplace.

17 Q. Did you ever overhear a conversation in
18 the workplace and then take notes about what you
19 heard?

20 A. Probably, yes.

21 Q. Did you do so in a conversation you
22 heard between Bethany and Daniel?

23 A. Specifically, what are you talking
24 about? You give me the specifics and I will
25 tell you whether I did or not.

1 Q. Did you ever allege that they -- one of
2 them made a comment about wanting to get you
3 fired?

4 A. Yes.

5 Q. And where did you hear that?

6 A. Coming into my office. I had left -- I
7 go to a dentist for 7 o'clock in the morning.
8 And I had let Bethany and Daniel know that I had
9 a dental appointment. My usual get-there time
10 is 7:30. And I came around to go to my office
11 about 7:45. And I was stopped dead in my tracks
12 by the copier, which is very close proximity to
13 Bethany's office, and I heard the words "he
14 bitches like a little girl" coming from
15 Ms. Gauthreaux. And I stopped at the copy
16 machine.

17 Q. How far were you from Ms. Gauthreaux
18 when you stopped at the copy machine?

19 A. They were -- Ms. Gauthreaux and Daniel
20 Duhon were in her office. And here to that door
21 may be a good approximation of where I was. I
22 could clearly hear what they were saying. And
23 you're marking a document that has my recorded
24 conversations.

25 Q. I'm trying to estimate how many feet was

1 it from you to Ms. Gauthreaux at the time you
2 stopped at the copier.

3 A. It was from her doorway. They were in
4 her office. 15 feet.

5 Q. And you could hear clearly what they
6 were saying?

7 A. I could hear clearly what they were
8 saying.

9 Q. Did you record it?

10 A. Yes, I wrote it down.

11 Q. You audio or video record the
12 conversation?

13 A. I had to find a pen 'cause I don't carry
14 a pen. There's usually one by the copier and
15 there wasn't. And I had to go scramble to find
16 a pen just to start writing the conversations
17 down, the comments that I heard.

18 Q. Okay. So did you leave your position at
19 the copier and go to your office to get a pen?

20 A. No. I went to another -- there was
21 another attorney, Kristie Haydel, was there.
22 Because the only ones that get there at 7:30
23 usually were Kristie, Stanley, Daniel, Bethany.
24 Stanley wasn't there that morning. Kristie was.

25 Q. So did you ever move from the copier?

1 A. Yes, I went from the copier to get the
2 pen --

3 Q. Where?

4 A. -- to Kristie Haydel's office, ten feet
5 from the copier maybe, 12 feet.

6 Q. And was Kristie Haydel in her office?

7 A. She was.

8 Q. Did you ask her to go stand with you to
9 hear the conversation?

10 A. No.

11 Q. Did you tell her what you were doing?

12 A. No.

13 Q. All right. I'm going to hand you what
14 I've marked as Exhibit 1 to the deposition and
15 ask you if that's your handwriting?

16 A. Yes, ma'am.

17 (Exhibit No. 1 marked for
18 identification.)

19 Q. All right. If you look on the second
20 page, it says "tape recorder."

21 A. Yes, ma'am.

22 Q. What does that refer to?

23 A. Ms. Gauthreaux's comments were coming in
24 such rapid-fire succession. And that's some of
25 the last -- I heard the word "tape recorder,"

1 and when I heard tape recorder, I was trying to
2 finish my comments from above. It's like trying
3 to take notes during these depositions. You
4 don't catch them all. But that was the last
5 words I heard, tape recorder. I did not know
6 what it meant, but that's what I heard.

7 Q. All right. Did you compile all of these
8 notes standing there by the copier?

9 A. I did, yes.

10 Q. There are some writing that appears to
11 me to be a little bit lighter than some of the
12 other darker writing. So my question is: Is
13 everything on this page notes that you took
14 contemporaneously with what you were hearing at
15 the copier?

16 A. Okay.

17 Q. Or did you add some later?

18 A. Five minutes later when I got to my
19 office -- the conversation stopped. And when I
20 went to my office, which was, you know, ten feet
21 away, I added this is the conversation between
22 Bethany and Daniel in Bethany's office that I
23 overhead. I added this was a harshness -- there
24 was a harshness in Bethany's voice and attitude.
25 Somewhat mean-spirited. I added Daniel said

1 something about my working 'til I was 70 years
2 old. I added down at the bottom something about
3 salary not be reduced. I added, could not
4 understand the remainder. I added something
5 about coming into her office when she had missed
6 an office party and inviting her to go to lunch.
7 And it's cut off.

8 I added Daniel said something
9 about showing Charles Daspit something. I could
10 not hear the comments. Also something about
11 what Charles said to him. I added, he says he
12 can't remember things in relationship to the
13 incompetent remarks. I added tape recorder.
14 And then at Bethany out of office was added
15 within five or ten, 15 minutes after I heard the
16 conversations. Because, like I said, I couldn't
17 write them fast enough, but I remembered them
18 and then wrote them down.

19 Q. So you couldn't hear everything clearly,
20 right? Because you do make a comment, "I could
21 not hear the comments."

22 A. I could hear everything clearly. I
23 couldn't remember them. While I'm writing, they
24 think I'm incompetent, sensitive [sic] person.
25 Does went to law school. The thoughts, I

1 couldn't comprehend or keep the whole of the
2 sentence in my mind while I was furiously
3 writing, trying to keep up.

4 Q. But in the second page, you say, "I
5 could not hear the comments," right?

6 A. I couldn't hear Daniel's comments
7 because Bethany was talking like this. She was
8 mad. It was mean. It was harsh. Daniel talks
9 in a softer voice. And Bethany was projecting
10 towards the hallway. Daniel probably -- well,
11 like I said, couldn't see him. But Daniel was
12 probably sitting in Bethany's chair projecting
13 this way. Just like you and I are sitting here
14 and the hallway is over my shoulder, Bethany was
15 projecting towards the hallway. Daniel was
16 projecting into the office.

17 Q. On the bottom of the second page,
18 "Bethany out of office 9 o'clock to 9:26," what
19 was the purpose of you making that note?

20 A. Just a note that she was out of the
21 office.

22 Q. Were you tracking her ins and outs of
23 the office?

24 A. As part of my superv- -- yes, I was
25 supervisory duties, yeah.

1 Q. How were you tracking it?

2 A. On a -- on a log, a time log.

3 Q. A handwritten time log, notepad?

4 A. On my computer.

5 Q. And you saved it as a file?

6 A. Yes.

7 Q. What's the file name?

8 A. It says "Bethany time tracking."

9 Q. When did you start the time tracking?

10 A. I can't tell you. I don't remember.

11 Q. So if it's something that I want to
12 request in discovery, I'm going to refer to it
13 as "Bethany time-tracking log" --

14 A. Um-huh.

15 Q. -- will you understand that that's what
16 we're referring to?

17 A. Yes.

18 Q. Did you ever stop time tracking Bethany?

19 A. Um-huh.

20 Q. Yes?

21 A. Yes. I'm sorry, yes.

22 Q. When?

23 A. When she was out of my supervision.

24 Q. Do you also have a time-tracking log for
25 Daniel Duhon?

1 A. I do.

2 Q. And when did you begin that?

3 A. When he came into my -- under my
4 supervision.

5 Q. And so was that a daily time-tracking
6 log for each workday?

7 A. No.

8 Q. What about Bethany's, was that for each
9 workday?

10 A. No. Crystal, let me tell you how I did
11 it.

12 Bethany -- you know, it's one of
13 the seminars -- let me back up.

14 I would keep -- and it wasn't
15 every time. I would keep it when she would go
16 to -- with Zoey to the doctor, you know, or when
17 she would be out. It was for purposes of, like,
18 what am I trying to say, when she comes -- comp
19 time. B leave, that was my way of keeping
20 whether it was B leave or, you know, just
21 tracking activities as part of my supervisory
22 position.

23 Q. Did she add her leave to her calendar?

24 A. I'm sorry?

25 Q. Did she add her leave to her calendar

1 when she was going to be out of the office? Did
2 she note that on her calendar?

3 A. I don't know.

4 Q. Did she advise you when she was going to
5 be out of the office?

6 A. Yes.

7 Q. For example, to take Zoey to the doctor,
8 did she send you notification when she would be
9 doing that?

10 A. Yes. She was very good about doing
11 that.

12 Q. Do you have a time-tracking log on
13 Krystal Airs?

14 A. No.

15 Q. Do you have a time-tracking log on Ryan
16 Hart?

17 A. No.

18 Q. Okay. Going back to your notes, I'll
19 admit it's a little hard to understand your
20 handwriting at times. So I'm going to ask you,
21 on the first page, it says "incompetent." Then
22 two lines down, is that two years?

23 A. Yeah.

24 Q. Okay. What does it say after two years?

25 A. "Can't we get him fired." These are

1 Bethany's words.

2 Q. Okay. So it's your testimony that she
3 said that in reference to you?

4 A. Yes, ma'am.

5 Q. And do you know if that allegation was
6 able to be substantiated in the investigation?

7 A. What do you mean, substantiated?

8 Q. Was Bethany disciplined or result in any
9 adverse action for making such alleged
10 statement?

11 A. Not that I'm aware of. But these notes
12 are part of Larry Gill's investigative report.

13 Q. Do you know if Daniel Duhon was asked if
14 Ms. Bethany made that statement "can't we get
15 him fired"?

16 A. I don't know. I was not shared what the
17 investigation was with Daniel or what they
18 talked about with Daniel or any of the other
19 witnesses.

20 Q. All right. Can you read what the next
21 line says?

22 A. "Threw the paper across the desk at the
23 meeting and said, 'What was the deadline about?'
24 Lavon said, 'It would also freak her out.'"

25 Q. Okay. And whose statement are you

1 jotting down?

2 A. These are Bethany's comments. All of
3 these are Bethany's comments on the first page.
4 And that comment about "threw the paper across
5 the desk" is at one of the meetings that Neal,
6 Lavon, Bethany, and I were attending post June
7 11.

8 Q. Did you ever throw papers across the
9 desk to her?

10 A. No.

11 Q. There's a statement -- and I think I'm
12 reading it correctly -- "he keeps moving his
13 chair around her office."

14 A. My office.

15 Q. Around his office? Maybe I don't
16 understand.

17 A. "He keeps moving his chair around his
18 office."

19 Q. Thank you.

20 A. Would you like -- I can explain.

21 Q. Just wanted to know what it said, thank
22 you.

23 A. All right.

24 Q. Did you think Ms. Gauthreaux was
25 incompetent?

1 A. No.

2 Q. Did you ever tell her or anyone else
3 that you thought she was incompetent?

4 A. Not that I recall. I thought
5 Ms. Gauthreaux lacked experience. I thought
6 Ms. Gauthreaux had no -- she had no legal
7 experience, but I didn't think she was
8 incompetent. I gave her a good review because
9 she did do the work she needed to do before she
10 went on maternity leave. And I did not have
11 a -- I was not perceiving any problems with
12 Ms. Gauthreaux's work.

13 Q. Were you upset during the interview that
14 you conducted of Ms. Gauthreaux that she didn't
15 disclose that she was pregnant?

16 A. No, ma'am. I was not upset.

17 Q. Looking at the third -- the last page,
18 are those your notes as well?

19 A. Yes, ma'am.

20 Q. What was the purpose for you noting July
21 9th, Elijah Connelly?

22 A. I can't recall just out of that, but
23 Elijah Connelly was one of the cases assigned to
24 Bethany. This -- the 6/24 meeting was one of
25 the follow-up meetings where we were discussing

1 cases. Oh, it says, "Hearing, July 9 hearing,
2 Elijah Connelly." I think it was a concursus
3 hearing. Ms. Gauthreaux has this meeting
4 recorded, if I remember correctly. And she and
5 I and Neal and Lavon were talking about
6 determining a reimbursement rate to Medicaid
7 from the funds. And that's the 50/50 split, you
8 know. 60/40 DHH. Home cooked. We were talking
9 about being in a local courtroom with monies in
10 the registry. DHH had the potential of getting
11 home cooked. It would be best that the case be
12 settled.

13 Q. So I guess my question is: Were these
14 notes taken during the 6/24/14 meeting?

15 A. Yes, ma'am.

16 Q. So it's not something that you were
17 writing down at the time you heard the
18 conversation --

19 A. No.

20 Q. -- between Bethany and Daniel?

21 A. No, ma'am.

22 Q. Just wanted to clarify.

23 A. They're just hooked on here. They're
24 not connected with the six --

25 Q. Then you reference a need to prepare

1 bullet points. I don't know what that says.

2 What items?

3 A. Diary items.

4 Q. What was that referring to?

5 A. I would have to listen to the tape
6 again, but these are the notes that I was
7 writing down during the meeting. As you can
8 see, I don't take complete notes.

9 Q. All right. And then it says, in
10 brackets, "pissing on you, stop saying."

11 A. Yes.

12 Q. What's that referring to?

13 A. That was the meeting where
14 Ms. Gauthreaux said she was offended by that
15 statement. And that's the first time I had
16 heard she was offended by that statement.

17 Q. What's the reference to "flat rock
18 contest"?

19 A. That was another analogy about -- I
20 asked her, had I ever used the flat rock contest
21 analogy. She said I had not. And so --

22 Q. What is the flat rock contest analogy?

23 A. It's a reference to where if you pour
24 water or anything on flat rock, it just -- it
25 spreads out to everybody's feet. And nobody

1 wins, everybody loses. It --

2 Q. Ah, I may have heard a reference
3 something like -- it's like a cow or a horse
4 pissing on a flat rock. Is that what you're
5 referring to?

6 A. Yes.

7 Q. Did you ever use that in the
8 workplace?

9 A. Not that I'm aware of, no.

10 Q. Can you --

11 A. It was never brought to my attention
12 that I have.

13 Q. I'm sorry, can you read the sentence
14 below flat rock contest, please?

15 A. "Bethany needs to have the WOS article
16 read for discussion at next meeting."

17 Q. And do you know what was written at the
18 bottom of that page? Because it's covered and I
19 don't have it.

20 A. No, I don't. It's on legal-sized paper.
21 And I guess whatever they were copying for
22 response to discovery, they didn't unfold it.

23 Q. Well, does it refer to a meeting that
24 you had involving Bethany on 6/25/14?

25 A. I can't tell you.

1 Q. Okay. Did you ever discipline Mr. Duhon
2 for any statements that he made that you
3 overhead that we just talked about?

4 A. No. Because Daniel and I had a
5 follow-up meeting and Daniel was doing
6 listening. The only statement that I heard
7 Daniel make was where he said something about
8 showing Charles Daspit something. I could not
9 hear the comment. Also something about what
10 Charles said to him. Daniel was a listener in
11 that conversation.

12 Q. All right. You said you and Daniel had
13 a follow-up meeting?

14 A. Yes.

15 Q. When was that? After the 6/25
16 meeting?

17 A. I'd have to look. Neal -- I believe
18 Neal was present. I told Daniel -- I said
19 Daniel -- Daniel and Bethany knew I had overhead
20 the conversation because I walked -- they quit.
21 Daniel's office is right across the hall from
22 Bethany next to mine. And when I came around
23 the corner, they both saw me. And so the next
24 day or shortly thereafter -- I don't recall
25 exactly when -- I met with Daniel, and Neal may

1 have been present. I said, Daniel, you and I
2 have been working together for a while and I
3 have always been able to resolve our
4 differences. And I said, I can continue to work
5 with you. Can you continue to work with me?

6 And he said affirmatively he
7 could.

8 Q. Anything else you recall Daniel telling
9 you at that meeting?

10 A. It might have been, but I don't recall
11 it. I mean, my point was to clear the air with
12 Daniel, that I saw him in that meeting as a
13 listener since Ms. Gauthreaux was doing all the
14 talking.

15 Q. Did you ever refer to Daniel as
16 Danielle?

17 A. I have.

18 Q. Why?

19 A. You've heard testimony in these
20 depositions that Daniel tends to disappear for
21 periods of time. And he would be gone and just
22 without me knowing where.

23 Q. Was he ever disciplined for that?

24 A. No. It never rose to the level of
25 discipline. He is -- in my PP -- in one of

1 Daniel's PPR's or in all of them since 2012, you
2 will see a note in there that says Daniel is a
3 communicative person. He will engage you in a
4 conversation, and it can continue for a longer
5 period of time than it needs. Daniel is aware.
6 And I have talked -- and he's cycleable with his
7 actions, with that propensity. So it's not
8 disciplinary action for Daniel at the moment.

9 Q. Okay. Let's get back to why you
10 referred to him as Danielle.

11 A. Because he likes to take care of
12 everybody else's business. And he likes to, you
13 know, be in the middle of the gossip. So it's
14 kind of like I said. You're like a Danielle.
15 And I used -- go ahead.

16 Q. Go ahead.

17 A. And I've used it with Daniel maybe
18 twice, two or three times. He's aware. He came
19 to me shortly thereafter when it was made, when
20 this investigation went on with Larry Gill, he
21 came to me thereafter, maybe two or three days,
22 and said he did not mind me calling him that. I
23 have since been told never to do it again. I
24 have not. He said his uncles used to kid him a
25 lot. He worked in the oil field, oil business

1 before it went bust. He said it's just used to
2 kidding and it did not bother him.

3 Q. Who told you not to use it again?

4 A. Ms. Humbles.

5 Q. And approximately when was that?

6 A. Whenever that investigation went down
7 with Larry Gill because I think it came up in
8 the conversations with -- between Kim, Steve,
9 and Daniel.

10 Q. So you decided to call Daniel a female
11 name because he got in the middle of gossip
12 because women tend to gossip?

13 A. More so than men, yes, ma'am.

14 Q. Who's Adrienne Bordelon?

15 A. She used to be an attorney with the
16 Department of Health and Hospitals.

17 Q. And did you associate with Ms. Bordelon
18 outside of work?

19 A. Adrienne and I used to go birthday
20 luncheon when she was with the Department. She
21 and I -- when I joined the Department, she was
22 one of the -- we were off site, and Adrienne was
23 one of the attorneys that was off site with us.
24 Her birthday is like December 30th or something
25 like that. And so my birthday is February 5th.

1 Q. So other than birthday lunches, did you
2 socialize outside of work with Ms. Bordelon?

3 A. I did not, no.

4 Q. Did you ever accuse Ms. Gauthreaux of
5 taking -- of using her work time
6 inappropriately?

7 A. I don't know what you mean by the
8 question. Can you rephrase it?

9 Q. Did you ever accuse her of stealing time
10 from DHH?

11 A. The way you phrase it, my answer is no.
12 I did not ever accuse her of stealing time from
13 the Department.

14 Q. Did you ever accuse her of payroll
15 fraud?

16 A. No.

17 Q. We've heard some testimony about the
18 Cathy case. Were you served with a notice of
19 trial in that case?

20 A. I don't know when I was served with
21 notice of trial.

22 Q. But you were served with notice of
23 trial?

24 A. I think we probably were. The Cathy
25 case came up during Ms. Gauthreaux's maternity

1 leave.

2 Q. Do you recall that being mid-March that
3 you were served with notice of trial?

4 A. No, I don't recall specifics about when
5 I was served notice of trial with Cathy case.

6 Q. When were you first made aware of a
7 trial date in the Cathy case?

8 A. I don't know. Because that's not
9 important.

10 Q. All right. Did you ever accuse
11 Ms. Gauthreaux of doing something wrong with
12 regards to the Cathy case or the trial date of
13 the Cathy case?

14 A. No. Cathy case settled. And it
15 settled, Crystal, after Ms. Gauthreaux returned
16 to work. It settled in June.

17 Q. Did you ever accuse Ms. Gauthreaux of
18 not providing you with notice of a trial date?

19 A. Oh, gosh. Specific, please? Because I
20 can't answer a general question like that. I
21 don't --

22 Q. If your answer is that you don't recall,
23 that's fine.

24 A. I don't recall.

25 Q. I just want to know what you recall --

1 A. I don't recall.

2 Q. -- sitting here today. Part of the
3 deposition is to get your testimony of what you
4 remember today so that I don't get a different
5 story after today. Okay?

6 A. I understand.

7 MR. BLANCHFIELD: Object to the
8 form of the question.

9 Q. All right. Did you ever accuse
10 Ms. Gauthreaux of having mommy issues?

11 A. Not in those words, no.

12 Q. All right. Anything to the effect of
13 those words? And you can explain.

14 A. Yes. Bethany returned to work on April
15 the 28th of, what, 2014. This was her first
16 child. The first day that Ms. Gauthreaux was
17 back you've heard the testimony that I was
18 approached by, what is it, Michelle Christopher,
19 about Bethany needing to, you know, have time
20 with her child or can she work from home. And
21 so I brought it to Ms. Humbles. 'Cause I had
22 told Bethany, I said, Bethany, I don't believe
23 you have the option of working from home, but I
24 will ask Kim 'cause I think Kim's policy in
25 Legal is lawyers needed to work from the office.

1 Now, as the days went by, I
2 began to be concerned that maybe Bethany wanted
3 to stay at home with her child because Bethany
4 was told that she had to work at the Department.
5 She had to work at home. So I'm not sure when I
6 had the conversation with her. But she and I
7 did have the conversation. And I related to her
8 I can sympathize -- I can empathize because my
9 wife, when she had our first child -- she was a
10 manager at a savings and loan here in town --
11 thought she wanted to go back to work and did
12 but could not find -- did not find that it was
13 the right thing for her to do.

14 So I told -- I advised
15 Ms. Gauthreaux, I said, Bethany, no one, no one
16 will find fault with you if you want to stay at
17 home with your child. You know, you have a
18 decision either to stay at home with your child
19 or work full time. And that was the extent of
20 the conversation.

21 Q. Was anyone else a witness or party to
22 that conversation besides and you Bethany?

23 A. No, not that I'm aware.

24 Q. All right. Were there any attorneys in
25 the Bureau of Legal Services who worked from

1 home on a temporary basis during normal work
2 hours?

3 A. If there were, I'm not aware of it.

4 Q. You've heard some allegations regarding
5 Ms. Gauthreaux and mail, okay?

6 A. Yes.

7 Q. M-a-i-l, mail.

8 A. Yes.

9 Q. Did you ever pull any mail or instruct
10 another employee to pull her mail?

11 A. You're referring to the incident in July
12 of 2014?

13 Q. In June, July, or August of 2014.

14 A. All right. Here's -- the answer is yes
15 with this explanation: I was told around July
16 the 1st, July the 3rd, 2014 that Ms. Gauthreaux
17 was not going to be assigned to the TPL Section
18 any longer. And that no further cases were to
19 be referred to her.

20 So when the mail would come in,
21 if it didn't -- if it was, you know, a case that
22 was not -- that I didn't think that Bethany
23 should continue to work on for the next two to
24 three weeks, the mail was rerouted. Because I
25 did not see the reason to direct mail to

1 Ms. Gauthreaux when in a couple of weeks she
2 wasn't going to be the attorney.

3 Because at the time it was my
4 understanding that she was -- you know, the move
5 was going to be before the end of July. So yes,
6 mail was, you know, rerouted.

7 Q. Now, she was not reassigned on 7/1 or
8 7/3 yet, correct?

9 A. I was told by Ms. Humbles that no
10 further cases are to be referred to Bethany
11 around July the 3rd.

12 Q. No new cases?

13 A. No new cases.

14 Q. But she still had her existing caseload,
15 correct?

16 A. Correct.

17 Q. And the mail you rerouted was not just
18 for new cases but for existing cases as well?

19 A. I can't tell you whether they were
20 existing cases, new cases. There's e-mails in
21 the discovery that was produced to you as to
22 what cases are identified. And I -- I don't
23 recall the details of which cases were rerouted.

24 Q. So did you personally get her mail? Did
25 you have someone else get her mail?

1 A. No. Ashley Clark got the mail as far as
2 I remember.

3 Q. And you instructed Ashley how to route
4 it?

5 A. I may have. The details of how it got
6 rerouted, I don't know.

7 Q. And where was Ms. Gauthreaux physically
8 working on 7/1 through 7/3?

9 A. She was still in the office across the
10 hall from me.

11 Q. Did you ever go into Ms. Gauthreaux's
12 office and kneel next to her at the computer?

13 A. Yes.

14 Q. And did you ever put your hand on her
15 hand?

16 A. I recall an incident one time when she
17 and I were reaching for her mouse and they both
18 ended up there at the same time, yes. 'Cause
19 what I would do is, when I would go in to talk
20 to Ms. Gauthreaux about a case and we would need
21 to see documents on the computer screen, I had
22 to get close enough to where I could see the
23 computer screen. So I would lean in and I would
24 be -- I wouldn't be hanging on her shoulder, but
25 I would be in so I could see the screen.

1 And I remember one time she
2 turned to go back to her desk and I reached for
3 the mouse to move it. About that time she
4 reached over too, and that was the extent.

5 Q. And that was on one occasion?

6 A. As far as I can recall, it was just one
7 occasion.

8 Q. Did you ever send e-mails to
9 Ms. Gauthreaux that were not -- that was not
10 related to DHH business?

11 A. Not that I recall.

12 Q. Did you keep a journal, diary, or
13 planner with regards to the ongoings at the
14 office?

15 A. Other than what I've told you, this
16 diarying, that's it.

17 Q. So you have the tracking log that we
18 talked about, and you've got the notes that
19 we've talking about as well. Did you keep any
20 other kinds of journal or diary entries that
21 referred to Ms. Gauthreaux?

22 A. No.

23 Q. All right. I have another document that
24 I'll show you. I'm not sure, but I think it's
25 your handwriting, but I will certainly ask you.

1 I will mark this one as Exhibit 2. It begins
2 with a handwritten note, the date of 7/7/2014.

3 (Exhibit No. 2 marked for
4 identification.)

5 Q. Is this your handwriting, sir, once you
6 have a chance to review it?

7 A. Yes, ma'am.

8 Q. When did you make this note?

9 A. It says July 7, 2014.

10 Q. So that would have been the same day
11 that you wrote it or were you just memorializing
12 something that happened?

13 A. In all likelihood, it would have been
14 the same day that I wrote it.

15 Q. And can you read it, please, for the
16 record?

17 A. "07/07/2014, Daniel talked to Claire
18 Bergeron. Steve called me about why she would
19 not want to work with him. Claire was in
20 Daniel's offices this afternoon. Last met with
21 Daniel 07 of '2.

22 Q. What was your reference at the bottom,
23 the date you last met with Daniel or that Claire
24 did?

25 A. The last date that I met with Daniel.

1 Q. All right. Claire Bergeron, did she
2 ever volunteer to swap with Ms. Gauthreaux?

3 A. Not that I'm aware of. I never talked
4 to Ms. Bergeron about any change of jobs.

5 Q. Okay. And did you speak to Daniel about
6 any change of jobs of Ms. Gauthreaux other than
7 to, obviously, inform him perhaps of her move?

8 A. Not that I'm aware of, no.

9 Q. Why are you making a notation of this?

10 A. Just my habit of doing -- doing stuff.
11 'Cause at this time, you know, I had these
12 comments from the 6/25. And I knew they were
13 trying to fill the TPL spot. And I -- I tracked
14 things. It's just one of my ways of doing
15 things over the years. I've made notes, and
16 that's just one note that I made.

17 Q. Okay. Do you have handwritten notes
18 aside from a tracking log of times of
19 Ms. Gauthreaux coming to work and leaving
20 work --

21 A. No.

22 Q. Let me finish, I'm sorry -- do you have
23 other handwritten notes about Ms. Gauthreaux?

24 A. No.

25 Q. You say "Steve." Again, for the record

1 Steve Russo?

2 A. Correct.

3 Q. "Called you about why she," and who's
4 the she?

5 A. Claire.

6 Q. "Wouldn't want to work with," and who's
7 the him?

8 A. It might be Daniel.

9 Q. Do you know?

10 A. It's not me. No. I think it might be
11 Daniel. I don't know. Because I wouldn't refer
12 to me as him.

13 (Exhibit No. 3 marked for
14 identification.)

15 Q. I'll hand you what I'll mark as Exhibit
16 3, which is an e-mail from you to Bethany
17 Gauthreaux dated June 12th, 2014, if you'll
18 review that. Is that an e-mail that you sent,
19 sir?

20 A. Yes, ma'am, it is.

21 Q. And what was, again, the purpose of the
22 meeting on Tuesday at 10:00 a.m. that you
23 reference?

24 A. One of the six points that came out of
25 that June the 11th meeting was to meet weekly

1 with Bethany. And Kim left it open as to what
2 day we would meet. And so I'm sending an e-mail
3 saying how about if we do it Tuesday at 10:00.

4 Q. Okay. And how many meetings did you
5 have after --

6 A. To my recollection --

7 Q. Let me finish, 'cause I don't want to
8 confuse you.

9 How many meetings did you have
10 with Bethany and Neal after June 12th
11 approximately?

12 A. I had two meetings with Bethany. One
13 meeting included Lavon, Neal and I and Bethany.
14 The other meeting was Bethany, Neal, and myself.
15 So I met two times.

16 Q. And did you continue to have contact
17 with Bethany during this period of time, June
18 11th, 2014, until at least June 25th, 2014?

19 A. Yes.

20 Q. When were you first told by anyone not
21 to have contact with her?

22 A. After Larry Gill's report came down
23 around July the 3rd, I was told. I don't
24 remember what date Larry Gill's report is. I
25 think it's June the 27th or something like that.

1 But as a result of Larry Gill's report.

2 Q. And who informed you that you were not
3 to have contact?

4 A. Ms. Humbles.

5 (Exhibit No. 4 marked for
6 identification.)

7 Q. All right. I'll hand you what I'll mark
8 as Exhibit 4.

9 A. Yes.

10 Q. Is this an e-mail that you sent to
11 Ms. Gauthreaux? It states that it's from Carol
12 Hill, dated June 25th, 2014.

13 A. Yes.

14 Q. Okay. And so the cahill16@cox.net is
15 you and your wife's personal e-mail address?

16 A. Correct.

17 Q. But you did author this e-mail,
18 correct?

19 A. Yes.

20 Q. So at least June 25th, 2014 you were
21 still having contact with Ms. Gauthreaux?

22 A. Yes. 'Cause that was the morning of the
23 meeting that I heard, the 25th.

24 Q. The morning of the meeting that you
25 heard what, sir, I'm sorry?

1 A. This e-mail is sent at 5:37 a.m. It's
2 7:40 of the same day is when I heard the
3 comments -- overheard the comments between
4 Daniel and Bethany.

5 Q. Okay, those. I didn't know what you
6 were referencing.

7 A. And this e-mail references the Paulsell
8 case, and Cali was one of our -- no, she was a
9 part-time worker. And hold up, you know, hold
10 up having Cali make copies of the brief. I may
11 have a couple of needed changes.

12 Q. Okay. Did you ever refer to any
13 employees in the workplace as being your work
14 wife?

15 A. Affectionately, yes.

16 Q. Who?

17 A. I don't recall.

18 Q. Who were you stating it to?

19 A. Gosh, it may have been Krystal Kaufman.
20 Because she and I had a joking relationship.
21 You know, it was like -- it was not meant to be
22 derogatory. You know, you're my work wife. I
23 have got another.

24 Q. And you were referring to -- you told
25 that to Krystal, but you were referring to

1 Krystal as being your work wife or someone
2 else?

3 A. No. Krystal. In other words, it was a
4 joke. Whoever I said it to -- and I think it
5 was Krystal Kaufman -- it was meant like, golly,
6 you know, you're like my working wife, you know.
7 Like my wife at home. It may have been
8 Ms. Humbles. I just don't recall who it was
9 that I said it to.

10 Q. Okay. Do you recall any other occasions
11 that you used that term?

12 A. Not that I recall.

13 Q. Do you recall how many times in the
14 workplace you used the phrase "sex is good" or
15 "sex is fun until the baby"?

16 A. Once.

17 Q. One time. And that was in the presence
18 of Ms. Gauthreaux?

19 A. And Mr. Elliott. And that conversation
20 has been recorded by Ms. Gauthreaux.

21 (Exhibit No. 5 marked for
22 identification.)

23 Q. And I'll hand you what I've marked as
24 Exhibit 5, which starts, if you would, at the
25 bottom, an e-mail from yourself dated December

1 5th, 2014 to Ed Shamis, Jr., and others.

2 A. Um-huh.

3 Q. Is that an e-mail you sent?

4 A. Yes.

5 Q. And you copied Bethany Gauthreaux on it,
6 correct?

7 A. Yes.

8 Q. And December 5th, 2014, at least you
9 were instructed not to have contact with
10 Ms. Gauthreaux, correct?

11 A. Ms. Gauthreaux -- yes, yes. Can I
12 explain?

13 Q. All right. You can explain your answer
14 if you want to, but.

15 A. Bethany would continue to get e-mails
16 from these lawyers when she was no longer
17 assigned. I did not think it to be
18 inappropriate to at least let Bethany know that
19 I had told Ed not to send her any more e-mails
20 because she's not the assigned. Bethany no
21 longer handles TPL matters. It was a
22 transitional matter because Ed had sent her an
23 e-mail and said -- or Ms. Sparks and cc'd me and
24 cc'd Bethany.

25 Q. But the e-mail from Ed was directly to

1 Janelle Sparks, correct?

2 A. And cc'd me and cc'd Bethany on December
3 the 4, 2014.

4 Q. And who does he address in his e-mail,
5 "hello, Mrs." --

6 A. Sparks.

7 Q. And did you get --

8 A. I'm sorry. She is in the Third-Party
9 Liability Recovery Section.

10 Q. Did you get a response from Ed Shamis to
11 your e-mail?

12 A. I don't know.

13 Q. All right. Next I'll mark as Exhibit 6
14 entitled Third-Party Litigation Section, and it
15 purports to be some sort of chart or table. I'm
16 going to ask you if you prepared this or gave
17 any input in its preparation?

18 A. I prepared this.

19 (Exhibit No. 6 marked for
20 identification.)

21 Q. You prepared this?

22 A. Yes, ma'am.

23 Q. And what was the purpose of you
24 preparing it?

25 A. This is the way Third-Party Liability

1 cases are assigned.

2 Q. Who did you provide this to?

3 A. It went to me, Daniel, the Recovery
4 Section. And it's provided to attorneys and
5 anyone who needs it on an as-needed basis.
6 Because it's dated -- was prepared July 3rd,
7 2014. That's the day I was told Ms. Gauthreaux
8 would not be referred any further cases.

9 Q. Did you have a Third-Party Litigation
10 Section directory like this prior to
11 Ms. Gauthreaux's reassignment?

12 A. I did.

13 Q. And did it have Ms. Gauthreaux's name on
14 it?

15 A. It did.

16 Q. And you prepared this on 7/3/2014?

17 A. Correct.

18 (Exhibit No. 7 marked for
19 identification.)

20 Q. All right. I'm going to show you an
21 e-mail I'll mark as Exhibit 7, which is from you
22 to Krystal Kaufman dated July 7th, 2014. Did
23 you author that e-mail?

24 A. Yes.

25 Q. All right. And it's regarding

1 reassigned case number 115714?

2 A. Yes.

3 Q. And how do you pronounce that?

4 A. Epeka.

5 Q. Epeka Caston. E-p-e-k-a, C-a-s --

6 A. M-hm, Epeka.

7 Q. C-a-s-t-o-n. I was just spelling it for

8 her.

9 What was the reason for -- was

10 this a new case?

11 A. No.

12 Q. Okay. It was an existing case. And who

13 was it assigned to?

14 A. It would have been a Bethany Gauthreaux

15 case. That's C. C case.

16 Q. And what posture was the case as of July

17 7th, 2014?

18 A. Best I can recall, it was going to

19 mediation. Charles Moore's office.

20 Q. When reassigning a case from one lawyer

21 to another, is there a particular procedure or

22 process that DHH uses?

23 A. Well, yes.

24 Q. What is that?

25 A. I have the ability as attorney

1 supervisor to reassign cases through what we
2 call the LMMIS, Louisiana Medicaid Management
3 Information System. And so I can go into the
4 system and reassign cases amongst the TPL
5 attorneys.

6 Q. Are there requirements or criteria that
7 need to be met before reassignment?

8 A. Well, if we go back to Exhibit 6, see
9 where it says "area of responsibility," I handle
10 the TPL recovery for mass tort, class action,
11 state recovery, recipient recovery, and other
12 collections. Daniel does straight TPL recovery.

13 I also do all cases that are
14 handled by the Office of Risk Management. So
15 those are how the cases are assigned initially.
16 And so if there's a case that, say, involves a
17 state agency and happens to be a C case, the
18 system is going to first assign it to the
19 attorney responsible for C's. And so when it
20 gets to the person, the attorney, and in this
21 case it would be Ryan, Ryan lets me know that
22 this is a risk management case. I reassign it
23 through the LMMIS system to me because it's my
24 responsibility.

25 Q. Okay. Once it's assigned to an

1 attorney, is there a criteria that's used or
2 certain requirements that have to be met before
3 it's reassigned to another lawyer?

4 A. It's entirely up to me as attorney
5 supervisor that if I would like to reassign it
6 because -- back up.

7 If its companion case -- in
8 other words, if you have two cases and, say, I
9 have -- we go back to Exhibit 6, if it's an A
10 case and there's also an H case involved, the A
11 case is going to come to me via the computer.
12 The H case is going to come to Daniel via the
13 computer. We don't want two lawyers handling
14 two different cases if they're related,
15 passenger/driver. So the attorney that has been
16 assigned the highest value case for recovery
17 will get assigned all of the lower value cases.

18 Q. Okay. Is there any written document
19 that lays out how cases are to be assigned or
20 reassigned?

21 A. Just the initial assignment and the
22 reassignment is what I've told you. There's no
23 written policy that I'm aware of.

24 Q. Okay. Did the Epeka Caston case, was
25 that a companion case to anything else?

1 A. No.

2 (Exhibit No. 8 marked for
3 identification.)

4 Q. I'll hand you what I've marked as
5 Exhibit 8, which is an e-mail from Bethany to
6 yourself dated June 17th, 2014. Is that your
7 handwriting on the side?

8 A. Yes.

9 Q. And what does that refer to?

10 A. Bethany came in at 7:03, left at 10:00,
11 minus 2.50 hours.

12 Q. Why did you write it on this e-mail?

13 A. Because at the end of the time period
14 Bethany has to account for her time. She either
15 has to submit it as comp time, sick leave time,
16 or leave without pay. And this is my way of
17 remembering that we need -- she needs to submit
18 her time that she missed from work or came in at
19 8:00 and left at 10:00.

20 Q. So on 6/17/2014, you were noting she
21 left the office at 10:00 a.m.?

22 A. It says came in at 7:03. Left at 10:00.
23 It's a minus 2.5. So that's my notes. I'm
24 looking at them, trying to figure out what I
25 wrote. 'Cause -- if she had a doctor's

1 appointment at 8:15, you know.

2 Q. Well, the doctor's appointment, it
3 refers to 6/18 as being the doctor's
4 appointment.

5 A. Um-huh. That is my handwriting. What
6 it now means, I can't necessarily tell you.

7 Q. That's fair enough. But at least this
8 is an e-mail that you received from Bethany
9 notifying you of her daughter's appointment,
10 correct?

11 A. Correct.

12 Q. And did she make a practice of notifying
13 you whenever there were doctor's appointments?

14 A. She did.

15 Q. Did you have any reason to suspect that
16 she was at a doctor's appointment and didn't let
17 you know where she was?

18 A. No.

19 Q. Did you ever ask her what the doctor
20 said at any appointment she went to?

21 A. It's an object of an EEOC Complaint that
22 I was asking her about how long she's going to
23 be going to doctors, you know. I may have made
24 conversation with her about how did it go with
25 the doctors, is Zoey okay, you know,

1 conversation, you know. But that would be the
2 extent of it. I can't recall every conversation
3 that I had with Bethany.

4 (Exhibit No. 9 marked for
5 identification.)

6 Q. All right. I'm going to hand you what
7 I've marked as Exhibit 9, which is an email from
8 you to Daniel Duhon dated May 7, 2014. Is this
9 an e-mail you sent to Mr. Duhon?

10 A. It is.

11 Q. And it says, "FYI, if Bethany comes to
12 you, do not, in bold, provide advice or
13 guidance." Why didn't you want Mr. Duhon to
14 provide her with any guidance?

15 A. Because at that time I was beginning to
16 think that Bethany might need a little more
17 detailed supervision about what needs to be
18 done. I'm trying to put it in reference to a
19 time frame. I was becoming concerned about
20 her -- let's see, this is May.

21 Q. She had come back from maternity
22 leave --

23 A. In April.

24 Q. Wait -- April 28th, I think you said
25 earlier, 2014?

1 A. Um-huh.

2 Q. Is that a yes?

3 A. That's a yes. That's correct.

4 Q. And so what were you concerned about for
5 the maybe one week that she had been back to
6 work?

7 A. You remember the 70 to 75 percent that
8 we said that she had of confidence level? I was
9 beginning to wonder if maybe that was not
10 exactly an accurate number any longer. She'd
11 been off three months. And I was concerned that
12 I wanted to be the one as her supervisor to know
13 where her level of competence was. And so I
14 asked Daniel don't provide advice or guidance.
15 I want her to come to me. I need to know how
16 much she has grasped TPL.

17 Q. Well, why didn't you just go to Bethany
18 and ask her to go to you whenever she had a
19 question or concerns?

20 A. I did.

21 Q. Then why were you concerned about her
22 going to Daniel?

23 A. Because Ms. Gauthreaux rarely ever came
24 to me with questions, concerns, or issues. And
25 I wanted to make sure that she wasn't going to

1 Daniel and that she was coming to me as her
2 supervisor to ask. Because I was the one that
3 was responsible for seeing her succeed.

4 Q. Did Daniel complain to you that she was
5 going to him too often?

6 A. No, I don't think so, no.

7 Q. And Daniel at this time in May of '14
8 was an Attorney 4, correct?

9 A. That's correct, I believe, yes.

10 Q. Is it typical for an Attorney 4 to
11 report to an attorney supervisor?

12 A. Yes. Daniel was under my supervision.

13 Q. So how much experience did he have in
14 TPL?

15 A. Oh, gosh.

16 Q. How many years?

17 A. It's in the discovery. I'm thinking
18 seven he'd been under -- I don't recall when
19 Daniel was placed under my supervision, but it
20 was four, five, six, seven years maybe he'd had
21 TPL experience. But I did not want her --
22 because I wanted to evaluate Ms. Gauthreaux as
23 her supervisor as to where her grasp of TPL was
24 in May of this year.

25 Q. And is it your testimony you wouldn't be

1 able to evaluate her if she went to Daniel for
2 guidance?

3 A. That's correct.

4 Q. Did you ever instruct any other employee
5 not to go to another employee for guidance?

6 MR. BLANCHFIELD: When you get
7 to a spot.

8 A. I, as a general rule, will tell new
9 attorneys that whenever they have questions,
10 comments, criticisms, come to me as your
11 supervisor and I will deal with them. I would
12 have probably told that to Krystal. I know I've
13 told it to Ryan. Come to me first, you know.

14 MS. BOUNDS: Can you read back
15 my question, please.

16 (The record was read.)

17 A. I thought I answered it.

18 Q. No, you didn't. What you said and what
19 I understood you saying -- correct me if I'm
20 wrong -- that it was your general practice to
21 tell employees if they had a question or concern
22 to go to you.

23 A. Yeah.

24 Q. My question is: Did you ever tell an
25 employee aside from this e-mail to not --

1 A. Probably --

2 Q. Wait, let me finish -- to not, the
3 negative, to not go to another employee for
4 guidance?

5 A. I have probably told Ryan that, and I've
6 probably told Krystal Airs that.

7 Q. Okay. You say "probably." Are you sure
8 that you told them that?

9 A. No, I'm not.

10 Q. Okay. Did you ever tell Mr. Duhon not
11 to talk to Ms. Gauthreaux after June 11, 2014?

12 A. After what date?

13 Q. June 11, 2014.

14 A. Somewhere in there when Ms. Gauthreaux
15 was going out of the TPL Section I had a
16 conversation with Daniel that says: Bethany
17 will no longer be doing TPL duties, please do
18 not talk to her regarding TPL matters because
19 she's no longer doing TPL duties.

20 Q. So is it your testimony you told him not
21 to talk to her about TPL matters specifically?

22 A. I recall that that was the gist of the
23 conversation, that's correct.

24 Q. Did you ever tell him not to talk to her
25 at all?

1 A. Not to my recollection, no.

2 MS. BOUNDS: Thank you. Now is
3 a good time. We can take a break.

4 (Brief recess.)

5 (Exhibit No. 10 marked for
6 identification.)

7 Q. Mr. Hill, I'll hand you what I've marked
8 as Exhibit 10 that I asked Ms. Humbles about.
9 It's an e-mail -- I apologize, let me get the
10 date for the record -- dated June 11, 2014. Did
11 you receive that e-mail from her?

12 A. I think I did, yes.

13 Q. Okay. Thank you.

14 A. Excuse me. I received it -- yes, I did
15 receive this e-mail and it says it's from
16 Kimberly Humbles.

17 Q. Okay. Thank you.

18 Did you ever make the statement
19 to Ms. Gauthreaux that other attorneys were
20 pissing on her?

21 A. I did.

22 Q. How often did you make that statement
23 during your supervision of her?

24 A. She testified -- the best I can -- she
25 testified three times. That's probably an

1 accurate reflection of how many times.

2 Q. Is that what you recall, approximately
3 three times?

4 A. I recall once.

5 Q. Did you ever comment about sex in the
6 presence of Ms. Gauthreaux other than the
7 comment "sex is fun until the baby"?

8 A. Not that I recall.

9 Q. Did you ever tell Mr. Duhon that you had
10 a Jenna Jameson room?

11 A. I have made reference to Daniel, yes.
12 Yes. I said that one day I'm going to have me a
13 Jenna Jameson room. I do not have a Jenna
14 Jameson room.

15 Q. Do you recall when you told that to
16 Mr. Duhon?

17 A. I do not.

18 Q. What did you mean by that?

19 A. What did I mean by that? I didn't mean
20 anything by it other than he and I were having a
21 conversation, you know.

22 Q. And Jenna Jameson is a porn star?

23 A. That's correct.

24 Q. Was anyone else present during that
25 conversation?

1 A. Not that I recall.

2 Q. Did you tell anybody else that?

3 A. Not that I recall.

4 Q. Did you have a requirement for
5 calendaring that all TPL payments be put in red
6 on the calendar?

7 A. I had -- yes, that is a requirement.
8 I'm very liberal about enforcing that because
9 Daniel keeps his -- let me back up.

10 We settle cases within the TPL
11 Section. And it takes a time period before the
12 checks -- settlement checks get received. I
13 look upon it as the duty of the TPL attorney to
14 maintain a system of diary to remember to reach
15 out after about 45 or 60 days in order to, hey,
16 where is the payment? We haven't gotten it.

17 It was -- my suggestion is -- I
18 do it with a red calendar diary. Daniel does it
19 by putting his files in a certain place in his
20 office. Bethany did it by putting a certain
21 place -- files in a certain place in her office,
22 which was fine with me as long as I knew where
23 those files were. And I did, so.

24 Q. But did you ever tell her she was
25 required to put those payments in red on the

1 calendar?

2 A. No. I told her that was a suggestion.
3 Because as an inexperienced lawyer that I would
4 recommend that she do. And she told me, Well, I
5 keep them right here on my desk, or wherever it
6 was that she kept them. And I said, Well, as
7 long as you keep them there, Bev- -- Bethany, it
8 will be okay.

9 Q. Did you call her Beverly from time to
10 time?

11 A. I just did. Don't ask me why.

12 Q. But did you ever call her Beverly in the
13 workplace?

14 A. Yes, as a joke. Not anything to be --
15 come of it, no.

16 Q. Why didn't you call her by her name?

17 A. Because I have a joking personality. I
18 think I read -- what I read in discovery was she
19 had -- her hair was down or something. It was
20 different than what she normally wears it. And
21 I said, You remind me of a Beverly, or something
22 to that effect. It was a joke in conversation.

23 Q. Why did you pick the name Beverly versus
24 Mary or Krystal or --

25 A. No rhyme or reason.

1 Q. Did you ever remind Bethany she needed
2 to remind you to check her calendar?

3 A. I did.

4 Q. Did you instruct Daniel to do the
5 same?

6 A. Yes.

7 Q. To remind you to check his calendar?

8 A. The rule is in the TPL Section, the
9 professionalism is let the other attorney -- if
10 you're not going to be there, please let me know
11 or the other attorney know that you may have an
12 important date on your calendar such as
13 mediation or a deposition. And if you're not
14 going to be there, let someone know.

15 Q. Did Bethany share her electronic
16 calendar with you?

17 A. We did it for a certain period of time,
18 yes.

19 Q. Did Daniel keep an electronic
20 calendar?

21 A. For a certain period of time, yes.

22 Q. What period of time?

23 A. Whenever that e-mail went out with Kim
24 Humbles saying we need to share calendars, we
25 tried to get the shared calendars. For some

1 reason, they didn't work that well or there were
2 glitches, and there was just three of us in the
3 TPL Section. You know, we were right across the
4 hall from one another.

5 Q. Did Daniel input dates or deadlines on
6 an electronic calendar?

7 A. He's not real good at doing that, no.

8 Q. Why did you ask Ms. Gauthreaux if it
9 hurt to pump for breast milk?

10 A. That's what she said I said. I don't
11 recall saying that.

12 Q. Do you recall having a conversation with
13 Ms. Gauthreaux about having problems dialing
14 long distance?

15 A. No, I do not.

16 Q. Do you recall making a statement to the
17 effect, quote, it's just like a woman to assume
18 something's broken?

19 A. No.

20 Q. Did you ever make the statement that her
21 PPR was coming up and it didn't look good?

22 A. In a joking manner with this
23 explanation.

24 Q. Did you tell her you were joking?

25 A. She knew I was joking, yes.

1 Q. Did you tell her you were joking? Did
2 you say "I'm joking"?

3 A. Yes.

4 Q. And that was on or about June 3rd,
5 2014?

6 A. I don't know the date. Here's how that
7 came up in the context. When I first started
8 working at the Department -- then the Department
9 of Health and Hospitals -- Lavon Raymond Johnson
10 was my supervisor. She and I have a personality
11 of the same. We joke. We fun around. And she
12 would use the phrase in a joking manner, hey,
13 Weldon. Or when I would say something glib or,
14 you know, like a come-back, she would say, Hey,
15 your PPR's not looking real good.

16 Q. What was her name?

17 A. Lavon Johnson.

18 Bethany was relayed that.

19 Bethany, Hey, when I first started working,
20 Lavon used to tell me, PPR's not looking real
21 good. And I would joke with Bethany and say,
22 Hey, PPR's not looking good. Bethany knew it
23 was not a threat and it was a joke. If she
24 thought it was a threat, she never told me,
25 never let me know. She assumed it to be a

1 threat. But it was never intended to be a
2 threat.

3 Q. And it's your testimony that after you
4 said -- made that kind of comment, you said "I'm
5 just joking"?

6 A. No. I never said "I'm just joking." I
7 explained to Bethany somewhere in all these
8 conversations that we've had my experience with
9 Lavon using that, "hey, PPR's coming about" in a
10 joking manner. I can't remember the exact
11 words, but it was explained to Bethany that this
12 was a joke. This was not meant to be
13 intimidating or harassing or anything.

14 Q. Did you ever require Bethany to read
15 Title 46:446 daily?

16 A. I made that suggestion when she first
17 got there and maybe after she returned from work
18 because that is the basic TPL statute. And I
19 would ask Bethany, What does 446 say about the
20 Department being able to file a lawsuit?

21 I would get no answer. And I
22 would say, Bethany, if you're in a courtroom and
23 the judge asks you, he's not going to give you
24 time to go look. You're going to need to know
25 off the top of your head. So it might be a good

1 idea that you read 446, you know, daily or
2 weekly or whatever you do, just read it
3 frequently. Put it in your computer, pull it
4 up, and look at it because that is the
5 foundational building block of Third-Party
6 Liability.

7 Q. Did you quiz her about it?

8 A. I did.

9 Q. How often did you quiz her about
10 46:446?

11 A. Whenever I thought she was not aware of
12 what the rights of the Department were, I would
13 quiz her about it.

14 Q. Give me an indication how often. Was
15 that weekly, monthly?

16 A. Crystal, it could have been anywhere
17 from twice a day to once a week to once a month.
18 It would come up in discussions.

19 Q. Did you quiz Daniel about it?

20 A. Daniel knew it.

21 Q. Mr. Hart, did you quiz Ryan Hart about
22 it?

23 A. Yes.

24 Q. How often?

25 A. I can't tell you. If I -- if I don't

1 think he knows, then I will quiz him. As their
2 attorney supervisor, I am trying to measure
3 their progress as an attorney. As their
4 progress or their ability to represent the
5 Department, the only way I can do that is by
6 asking them questions about this 446, you know,
7 46:143 and the two or three others that apply to
8 the rights of the Department.

9 Q. How often would you say you quizzed Ryan
10 Hart about it since October 2015 -- I'm sorry,
11 December 2015?

12 A. I can't tell you. I don't keep track of
13 it.

14 Q. Do you recall a meeting with
15 Ms. Gauthreaux about the Cathy case where you
16 said, The things he saw in your office made you
17 want to, quote, piss your pants?

18 A. No, I don't recall.

19 Q. Did anyone with HR ever take a statement
20 from you?

21 A. In regards to the Gauthreaux matter?

22 Q. I'm sorry, yes.

23 A. I don't think so. The only person that
24 I ever met with was Larry Gill. Maybe Debbie
25 Efferson was in the meeting, but I don't recall.

1 Q. Did Ms. Efferson or Mr. Gill take a
2 written statement from you?

3 A. Yes.

4 Q. And that statement is something that you
5 prepared?

6 A. Correct. It's attached to Larry Gill's
7 investigative report.

8 Q. Other than that one, any other
9 statements that HR requested of you?

10 A. No.

11 Q. Did HR ever request copies of any e-mail
12 correspondence or other documents in connection
13 with the investigation of Ms. Gauthreaux's
14 complaint?

15 A. HR?

16 Q. Yes, sir.

17 A. No.

18 Q. Did Ms. Humbles or Mr. Russo ever
19 request documentation other than -- well, ever
20 request documentation of you in connection with
21 their investigation?

22 A. No.

23 Q. After Ms. Gauthreaux was moved to the
24 supervision of Ms. Sullivan, did you ever ask
25 someone if you could bring her mail?

1 A. Bring whose mail?

2 Q. Bring Ms. Gauthreaux some mail?

3 A. Not that I recall.

4 Q. Did you ever attempt to make contact
5 with Ms. Gauthreaux?

6 A. When?

7 Q. After she was moved under Ms. Sullivan's
8 supervision other than copying her on an e-mail.

9 A. No. The last time -- to further answer
10 your question, the last time I had any contact
11 with Ms. Gauthreaux was about July the 10th
12 'cause she was in the process of moving offices
13 on the 10th and the 11th. I think that's
14 Thursday and Friday. I was on vacation from
15 11 -- July 11 through 16. And when I came back,
16 Bethany had been moved. So last time I had any
17 contact with her would be June 10 -- July 10th.

18 Q. What are lien reductions?

19 A. That is where a settlement is not
20 enough -- there's not enough money in the
21 settlement or the insurance policy to fully
22 reimburse the Medicaid reimbursement. So we
23 reduce the lien.

24 Q. Who did you assign lien reductions to?

25 A. Each lawyer was responsible for the case

1 in lien reductions. Except for new attorneys,
2 they had to come through me. Bethany had to
3 come through me on lien reduction because no
4 experience in the third-party litigation.

5 Q. Okay. Did you ever train her on how to
6 do a lien reduction?

7 A. Yes. When you say "train," we discussed
8 how you do it, you know, what to talk about.

9 Q. Did you ever allow her to do a lien
10 reduction?

11 A. The case that we talked about in
12 Exhibit -- Exhibit 1, Elijah Connelly, she did
13 that lien reduction probably. Because you see
14 the guidance was 50/50 split, goes as low as
15 60/40 DHH.

16 Q. Okay. You use the qualification
17 "probably." Do you have a specific recollection
18 of her doing that lien reduction as you --

19 A. I do not.

20 Q. -- sit under oath today?

21 A. I do not have a specific recollection.

22 Q. Did you have discussions with anyone
23 about Bethany being or not being promoted to an
24 Attorney 2?

25 A. Not specific conversations, no.

1 Q. What do you recall generally on that
2 topic?

3 A. I remember Kim Sullivan coming to me and
4 saying, When did Bethany start? 'Cause she was
5 looking to get an Attorney 2 designation. And I
6 told Kim Sullivan, You know, Bethany started
7 June of 2013 and this was her first employment
8 as an attorney. And that would have been the
9 context in which I had any conversation.

10 Q. Wouldn't personnel records have the
11 start date or hire date?

12 A. I would assume so, yes.

13 Q. What else did you discuss with
14 Ms. Sullivan in that conversation?

15 A. I can't -- that was it. Two years is
16 actual, what I understand, practical lawyering.
17 Bethany had graduated law school October 2012.

18 Q. But did you discuss -- I'm just asking
19 first what you discussed with Ms. Sullivan.

20 A. How much actual practice of law Bethany
21 had had with the Department.

22 Q. Did she ask you for your opinion about
23 whether or not she should be promoted to
24 Attorney 2?

25 A. No.

1 Q. Did she ask you about Ms. Gauthreaux's
2 performance under your supervision?

3 A. No, ma'am.

4 MS. BOUNDS: Okay. All right.
5 I don't have anything further.

6 MR. BLANCHFIELD: We're done.

7 (Deposition concluded at 3:17
8 p.m.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 WITNESS'S CERTIFICATE

2
3 I, WELDON HILL, the undersigned, do hereby
4 certify that I have read the foregoing
5 deposition taken on September 21, 2016, and it
6 contains a true and accurate transcript of the
7 testimony given by me:

8
9
10 () Without corrections

11
12 () With corrections as reflected on the
13 Errata Sheet(s) prepared by me and attached
14 hereto consisting of _____pages.

15
16
17 _____
18 WELDON HILL

19 _____
20 Date

21
22
23
24 Reported By Kimberly Gibney, RPR
25 No. 95990

1 R E P O R T E R ' S C E R T I F I C A T E

2

3 I, Kimberly L. Gibney,

4 Registered Professional Reporter, Certificate

5 No. 95990, as the officer before whom this

6 testimony was taken, do hereby certify that

7 WELDON HILL, after having been duly sworn by me

8 upon authority of R.S. 37:2554, did testify as

9 hereinbefore set forth in the foregoing 104

10 pages on September 21, 2016; that this testimony

11 was reported by me in stenographic machine

12 shorthand, was prepared and transcribed by me or

13 under my personal direction and supervision, and

14 is a true and correct transcript to the best of

15 my ability and understanding; that the

16 transcript has been prepared in compliance with

17 transcript format guidelines required by statute

18 or by the rules of the board and that I am

19 informed about the complete arrangement,

20 financial or otherwise, with the person or

21 entity making arrangements for deposition

22 services; that I have acted in compliance with

23 the prohibition on contractual relationships, as

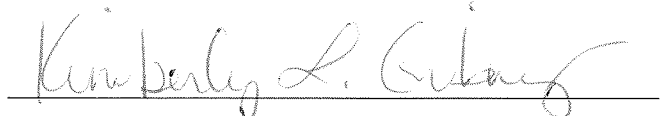
24 defined by Louisiana Code of Civil Procedure

25 Article 1434 and in the rules and advisory

1 opinions of the board; that I have no actual any
2 prohibited employment or contractual
3 relationship, direct or indirect, between a
4 court reporting firm and any party litigant in
5 this matter nor is there any such relationship
6 between myself and a party litigant in this
7 matter; that I am not related to counsel or to
8 the parties herein, nor am I otherwise
9 interested in the outcome of this matter.

10 This certification is valid only
11 for a transcript accompanied by my original
12 signature and original required seal on this
13 page.

14 Signed: October 1, 2016

15
16 

17 Kimberly L. Gibney, RPR,
18 No. 95990
19
20
21
22
23
24
25