

19TH JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

\*\*\*\*\*

BETHANY A. GAUTHREAUX

NUMBER: 640700

VS.

SECTION: 24

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

\*\*\*\*\*



**DEPOSITION OF STEPHEN RUSSO**

TAKEN ON TUESDAY, SEPTEMBER 20, 2016  
AT THE OFFICES OF KEOGH, COX & WILSON, LTD.  
701 MAIN STREET  
BATON ROUGE, LOUISIANA

ORIGINAL

REPORTED BY: RITA A. DEROUEN, CCR

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1 APPEARANCES:

2

3 Representing the Plaintiff:

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6 Baton Rouge, Louisiana 70802  
7 (BY: CRYSTAL BOUNDS, ESQ.)

7

8 Representing the Defendants:

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11 Baton Rouge, Louisiana 70802  
12 (BY: ANDREW BLANCHFIELD, ESQ.)

12

13 Also Present:

14 Bethany A. Gauthreaux  
15 Kimberly L. Humbles  
16 Weldon J. Hill

16

17

18

19 Reported by:

19

20 Rita A. DeRouen, Certified  
21 Court Reporter No. 2014018  
22 in and for the State of  
23 Louisiana

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

2 It is stipulated and agreed by and among  
3 Counsel that the deposition of STEPHEN RUSSO, taken on  
4 Tuesday, September 20, 2016, is hereby being taken  
5 under the Louisiana Code of Civil Procedure for all  
6 purposes as permitted under law.

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

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

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23 Rita A. DeRouen, Certified Court Reporter in  
24 and for the State of Louisiana, officiated in  
25 administering the oath to the witness.

1                               STEPHEN RUSSO,  
2     having been first duly sworn, was examined and  
3     testified as follows:

4                               EXAMINATION

5     BY MS. BOUNDS: (Commencing at 9:25 a.m.)

6               Q.     Good morning, Mr. Russo. We've been  
7     introduced off the record yesterday at the deposition  
8     of Bethany Gauthreaux. You sat in on that entire  
9     deposition, correct?

10            A.     Yes, ma'am.

11            Q.     I want to first start off with a little bit  
12     of background information. I'm not going to delve  
13     into it too much. Please state your full name and  
14     address.

15            A.     Sure. Stephen Robert Russo. My address is  
16     628 North 4th Street, Baton Rouge, Louisiana 70821, is  
17     the mailing.

18            Q.     Is that your work address?

19            A.     That's the work address, yes, ma'am.

20            Q.     Are you comfortable giving your residence  
21     address for the purposes of a possible subpoena?

22            A.     Sure. It's 3084 Hudson Park Drive -- two  
23     words, Hudson Park -- Drive, Baton Rouge, 70810.

24            Q.     Thank you. What did you review in  
25     preparation for your deposition today?

1           A.    Other than, of course, sitting in yesterday,  
2   as you're aware, I looked at my sworn statement on the  
3   EEOC complaint. I briefly glanced at the EEOC  
4   complaint. I also briefly glanced at the internal  
5   investigation report. Those were the three main  
6   things I looked at.

7           Q.    Thank you. The internal investigation report  
8   was authored by Mr. Gill?

9           A.    Yes, ma'am. The stuff, though, that I was  
10  looking at was basically just the notes from people,  
11  not necessarily Mr. Gill's writings but just the whole  
12  file.

13          Q.    Did you also submit any handwritten notes  
14  that were attached to that report?

15          A.    I don't know.

16          Q.    Did you take notes during any meetings about  
17  Bethany Gauthreaux's complaint?

18          A.    I don't believe, because I think there was  
19  only three meetings, and I don't think I did.

20          Q.    You say there were three meetings where you  
21  were present?

22          A.    Yeah, there was only three, I think, that I  
23  recall.

24          Q.    Do you recall taking notes during those  
25  meetings?

1           A.    I don't believe so. It wouldn't have been my  
2 nature to take notes on those three meetings, but I  
3 can go back and check for you. I surely want to be  
4 accurate with you.

5           Q.    And I want to be clear with my questions too.  
6 So even if it was after the meeting had concluded and  
7 you went back to your office and made some notes about  
8 the meeting, do you have notes of that nature?

9           A.    I don't think I do. I don't think I do.

10          Q.    And I'm sure Mr. Blanchfield has advised you,  
11 and you were certainly present through  
12 Ms. Gauthreaux's deposition, so I don't think we need  
13 to go through the ground rules in detail. But at any  
14 time if you need clarification about a question or you  
15 don't understand, please ask me and I'll try to  
16 explain it or rephrase it. Otherwise, if you provide  
17 an answer, I'll assume that you understood the  
18 question. Is that fair?

19          A.    Sure, yeah. And please let the record  
20 reflect I'll go back and look to make sure I have any  
21 notes and, if I do, I'll get them to Mr. Blanchfield.

22          Q.    Thank you. Have you ever been named as a  
23 plaintiff or defendant in a lawsuit?

24          A.    Other than a divorce, no, ma'am.

25          Q.    And you weren't named as a party in the CNSI

1 case, right?

2 A. No, ma'am.

3 Q. Have you ever been arrested?

4 A. No, ma'am, other than a speeding ticket.

5 Q. Are you on any medication that would affect  
6 your memory or ability to testify today?

7 A. No, ma'am.

8 Q. Do you hold any professional licenses?

9 A. Yes. Attorney.

10 Q. Any others?

11 A. No, that's it.

12 Q. When did you obtain that license?

13 A. I graduated in 1994 from LSU. So I was sworn  
14 in that year, October, I believe, of '94.

15 Q. Has your license ever been suspended?

16 A. No, ma'am.

17 Q. Any adverse actions on your bar license?

18 A. No, ma'am.

19 Q. And where did you -- you said you attended  
20 law school at LSU?

21 A. LSU, yes, ma'am.

22 Q. Other than law school, any other formal  
23 education besides your undergraduate degree?

24 A. No. Undergraduate degree at LSU, finished  
25 that in accounting in '91. And then I went to law



1 school straight after that, graduated law school in  
2 '94.

3 Q. What areas of law have you practiced as a  
4 lawyer?

5 A. I started out -- right after law school I was  
6 in a private practice I think for about a year and a  
7 half over in Baker and then got an opportunity to come  
8 over to DHH. So I came over to DHH, I believe it was  
9 February of '96.

10 Q. During the period of your private practice,  
11 what types of cases did you handle?

12 A. It was over in Baker, so literally anything  
13 that walked in the door. You name it, personal  
14 injury, some family law, doing some wills,  
15 successions, that type of stuff.

16 Q. Did you happen to litigate any employment  
17 cases?

18 A. I might have done some briefings on some  
19 workers' comp maybe, but that was a long time ago.  
20 That's the only thing -- did I do anything like a  
21 sexual harassment or anything like that, no. I know I  
22 had one that was a toxic tort suit where a lady had  
23 allegedly been exposed to some chemicals in a plant,  
24 so I guess that would be employment related. But that  
25 was not my specialty or anything I would delve into,

1 no.

2 Q. But no sexual harassment claims?

3 A. No, not that I can think of. Not that I can  
4 remember.

5 Q. Did you happen to handle any employment  
6 retaliation claims?

7 A. No. That wasn't the nature of the practice,  
8 so I'd be surprised.

9 Q. Thank you. Your employment with DHH began in  
10 February 1996?

11 A. Yes.

12 Q. Are you currently employed with DHH?

13 A. Yes, ma'am, I am.

14 Q. Have you had any breaks in service since  
15 1996?

16 A. No, ma'am.

17 Q. That makes my job easier. Can you take me  
18 through, if you would, please, the positions that you  
19 held with DHH.

20 A. Sure. I started off there in a special  
21 reimbursement section that was formed by  
22 then-secretary Bobby Jindal. Jerry Phillips was the  
23 head of that section. He's the person that called me  
24 up in Baker. I came and did an interview with Jerry,  
25 got offered the job, took that job.

1 Q. What was the job position?

2 A. The job position was just an Attorney 1. I  
3 think it would be started on job appointments, I  
4 believe, which is how a lot of people start in that  
5 special section. I worked in that special section  
6 doing all kinds of cases, mainly Medicaid  
7 reimbursement claims, psych hospital recoveries, that  
8 type of stuff. That's really what that unit was  
9 formed to do, was to go back and try to recover a few  
10 hundred million dollars of overpayments from psych  
11 hospitals. So we did that.

12 I handled some other cases when I was in  
13 there, just general health law cases. I guess about  
14 six months into that job appointment, a job opened up,  
15 an actual real permanent job with DHH. And  
16 Mr. Phillips asked if I'd be interested in  
17 transferring over to that job, which meant leaving  
18 that section and going into the main Medicaid section  
19 at DHH. I, of course, took that opportunity to become  
20 permanent.

21 I worked over there doing basically any kind  
22 of cases. My supervisor at that point, we would get  
23 in 21 cases or so, he would call three or four of us  
24 lawyers in there, turn them upside down, shuffle them  
25 around, and say, Start picking.

1 Q. They were all Medicaid though?

2 A. Yeah, they were all Medicaid. Some were what  
3 we called CNA appeals. That's when there's an  
4 allegation of abuse by a nurse aide. Then we'd kind  
5 of have a trial on that to try to establish whether or  
6 not there was actual neglect, abuse. But the rest of  
7 them were all either Medicaid or health law like, for  
8 instance, licensing, license revocations, suspensions.  
9 So that's really outside of Medicaid some.

10 I did that for a while, moved up through the  
11 career progression relatively quickly. There was a  
12 time probably, just to give you a complete picture,  
13 like about two weeks, it might have been a little  
14 longer than that, that I took over the recovery  
15 section. I didn't really like that so I went back  
16 into Medicaid. Then I ended up going up -- just going  
17 up through the paces. They made me deputy general  
18 counsel, then I became acting general counsel, I think  
19 probably one of the youngest ones in DHH.

20 Q. Can I pause you?

21 A. Sure.

22 Q. When did you become deputy general counsel in  
23 the Medicaid section?

24 A. Gosh, you're going to take me -- I'm horrible  
25 with dates.

1 Q. Approximately.

2 A. I've been executive counsel about eight years  
3 because I came on when Alan Levine came on as  
4 secretary. I was probably acting general for maybe  
5 three years. So let's try to go back. It was  
6 probably 15 years ago maybe. And that's just a guess.  
7 I'm terrible with dates. It's a guess.

8 Q. Approximately the past 15 years you've been  
9 assigned to the Medicaid section?

10 A. Yes, ma'am, uh-huh, doing either -- either in  
11 a deputy general capacity, an acting general counsel  
12 capacity, or executive counsel capacity.

13 Q. And for the past eight years you've been  
14 executive counsel?

15 A. Since Alan Levine took over, right.

16 Q. What is your official title? Is it executive  
17 counsel over what?

18 A. It is just executive counsel. The way that I  
19 understand my role is that I'm a lawyer to the  
20 secretary, first of all, giving advice directly to the  
21 secretary. I'm also appointing authority over the  
22 Bureau of Legal Services and I have supervision over  
23 that section. There was some time when I was  
24 executive counsel under Bruce Greenstein that he had  
25 me in charge of the health standards section and the

1 SURS section, the Medicaid fraud section of DHH.

2 Q. Tell me about your authority to provide legal  
3 advice to DHH employees. Is that limited? Are you  
4 authorized to provide legal advice to any DHH employee  
5 who might approach you for legal advice?

6 A. If it's in the context of DHH, yes.

7 Q. If it's in the context of their employment?

8 A. Yes, I would say that's correct.

9 Q. I'm sure it's probably extensive, but can you  
10 give me a summary of your job duties as executive  
11 counsel?

12 A. Sure. It's, number one, to advise the  
13 secretary; number two, to maintain the running of the  
14 Bureau of Legal Services in an orderly manner, assign  
15 cases. Mainly I supervise Kim Humbles to ensure that  
16 she is assigning cases and running the bureau  
17 downstairs as well as she can. As executive counsel,  
18 my direct cases that I will be involved in are really  
19 your high-profile cases. Like currently we're doing  
20 these public-private partnerships; I was involved with  
21 that. Any of your contract negotiations, large  
22 Medicaid cases, abortion cases, things that would be  
23 in the public eye. I go over and do legislative --  
24 testifying with the legislature, that type of stuff.

25 Q. When did you first come to know Ms. Bethany?

1           A.    Again, I'm horrible with dates.  It would  
2   have been right after she come on that I probably  
3   would have been introduced to her.  That would have  
4   been the normal course with job appointments.

5           Q.    Did you have any other substantive  
6   interaction with her prior to the meetings about the  
7   complaints that we're here about?

8           A.    Not that I'm aware.  Just so you know the  
9   layout of legal, the executive counsel is housed on  
10  the ninth floor.  The rest of legal is on the eighth  
11  floor.  Due to some -- I know some people don't like  
12  this, but I ended up giving a few of my offices to  
13  human resources so that human resources could be all  
14  together.  They were on the eighth floor too.  And so  
15  by doing that, I had to take a few offices on the  
16  fifth floor, which meant that I had to put three  
17  people or so down on the fifth floor.  So that gives  
18  you like just a layout.

19                Since I'm on the ninth floor, unless there's  
20  a reason that I specifically would need an attorney,  
21  like an Attorney 1, 2, or 3 or, you know, a job  
22  appointment or something, most of my interaction would  
23  be with general counsels, deputy general counsels,  
24  maybe the attorney supervisors.

25           Q.    So the HR department is on the ninth floor

1 with legal?

2 A. They're on the eighth floor with legal. I'm  
3 on the ninth floor.

4 Q. Who's on the fifth floor?

5 A. Fifth floor currently, right now, will be  
6 Douglas Cade, because he came back from -- he was  
7 doing a job appointment or a job detail with our SURS  
8 Medicaid fraud. So he ended up coming back because he  
9 didn't like that job, so they transferred him back  
10 into legal. Then I have -- I believe Sarah Aycock is  
11 down there and Sandra Jelks is down there. They're my  
12 SURS staff. They're -- the Medicaid fraud SURS staff  
13 is down there.

14 Q. What does SURS stand for?

15 A. It's Surveillance Utilization Review System.  
16 It's kind of like the civil side of Medicaid fraud,  
17 recovery of overpayments. So before Doug Cade was in  
18 that office, I believe that was Kathleen Callaghan.  
19 So we had all of that section down there.

20 Q. And what was Kathleen Callaghan's position at  
21 that time?

22 A. She was attorney supervisor over that  
23 section, that SURS section. And then SURS is always  
24 located on five, so it kind of made for a natural  
25 split, I guess. When I gave those offices up to human



1 resources, it kind of made sense that those were the  
2 three that would go down there because the actual  
3 program staff is on that floor.

4 Q. So in 2014, 2015, would it have been the same  
5 positions on the fifth floor, the SURS staff?

6 A. Prior to Ms. Gauthreaux going down there,  
7 yes, ma'am, I believe, to the best of my knowledge,  
8 those were the three. It would have been Jelks,  
9 Aycock, Kathleen Callaghan. I know we had a Claire  
10 Bergeron come in, and I don't remember where  
11 Mr. Bergeron was. I don't remember whether she ever  
12 spent time on the fifth floor or not.

13 Q. During your tenure with DHH, have you been  
14 subject to any discipline?

15 A. Define discipline. I'm not trying to play  
16 games with you. The way we see discipline, it's  
17 something that you have a right to appeal to civil  
18 service, something of that nature. I was asked -- a  
19 long time ago I was asked to -- I was in a civil  
20 service training and allegedly some folks sitting  
21 behind me thought that I was talking a little too loud  
22 during the thing so they went to the general counsel  
23 and I was made to write an apology for allegedly  
24 talking too loud. I didn't think I was talking too  
25 loud. To me that's not discipline. You don't have a

1 right to appeal, there's no reduction in pay. It was  
2 like, Hey, go write them an apology. So I wrote them  
3 an apology.

4 Q. Any other discipline along the lines of  
5 counseling, whether it be verbal or in writing?

6 A. No, ma'am.

7 Q. Reprimands? Write-ups? Suspensions?

8 A. Not that I can recall, no, ma'am.

9 Q. Thank you. Can you tell me about your  
10 relationship with Mr. Hill?

11 A. Yeah. It's a very cordial relationship.  
12 Prior to the incident involving Ms. Gauthreaux, I  
13 believe it's been documented that Weldon and I would  
14 go to lunch together I would say, to be fair,  
15 frequently.

16 Q. Did you socialize outside of the workplace?

17 A. No, ma'am.

18 Q. Were you friends?

19 A. We were work friends. I always joked that  
20 outside of work he would not have been somebody that I  
21 would have called to help me out. So, I mean, he was  
22 a work friend. I try, bad as it may sound, to really  
23 separate work from my personal life. I mean, I have  
24 enough friends to where I don't need work friends.

25 Q. Why do you say he's not somebody you would

1 have called on outside of work?

2 A. I don't socialize -- I don't really have  
3 interaction with the people I work with outside of  
4 work. The only people that I really had a lot of  
5 contact that I can remember outside of work is with  
6 Ms. Humbles and then Mr. Duhon, Daniel Duhon, whose  
7 name came up yesterday. Since we came in at the exact  
8 same time with DHH, you know, we used to always go to  
9 lunch together.

10 So, I mean, that was a -- that was more of  
11 probably work and a little bit of an outside-of-work  
12 friendship. I know he had come over to my house once  
13 or twice. I believe I've went over to Kim Sullivan's  
14 house maybe once or twice because I'm friends with her  
15 and her husband.

16 Q. Tell me about the outside-of-work interaction  
17 you've had with Ms. Humbles.

18 A. Ms. Humbles and I go back a long way. She  
19 used to be the paralegal for my brother.

20 Q. Who is your brother, just for the record?

21 A. Anthony Russo. And so prior to Ms. Humbles  
22 even becoming a lawyer, she would be around my  
23 brother. So I knew her from then. We kind of -- I  
24 don't know whether we lost contact with each other,  
25 but it's a weird story. When I left to go and work

1 for the main office -- what I was telling you about, I  
2 worked six months and then I transferred over to the  
3 other deal -- Jerry Phillips had called me over and  
4 said, Hey, you've got to come meet my new employee, I  
5 think this person is really great and she's smart and  
6 seems to be on the stick. Well, I walk over there and  
7 it was Ms. Humbles. So it's a small world.

8 So that -- so my office -- I mean, my  
9 interaction with her would have been like -- before  
10 she worked here would have been parties at like my  
11 brother's house. We have gone out to I know at least  
12 one dinner outside of the office with my wife and her  
13 husband.

14 Q. What about after she began work with DHH,  
15 have you had any socializing with her outside of work?

16 A. Man, just two things jump out. One would  
17 have been that wine dinner that we had. Number two, I  
18 believe she's going to kill me if I say this and I  
19 mess it up, but I think she had a 40th birthday party,  
20 I believe, off site that I attended.

21 Q. Anything else come to mind?

22 A. Nothing comes to mind. But to drill to your  
23 point, I think it's safe to say that I am friends with  
24 Ms. Sullivan -- I mean, with Ms. Humbles.

25 Q. And Ms. Sullivan?

1           A.    Yeah, right, and Ms. Sullivan. I think  
2   that's fair to say.

3           Q.    Aside from Ms. Bethany, do you have knowledge  
4   of any other employee complaints regarding Mr. Hill?

5           A.    Yes.

6           Q.    What do you have knowledge of?

7           A.    I have knowledge of -- Ashley Clark had came  
8   up to me and had complained about Mr. Hill. Mr. Hill  
9   -- pretty much the subject matter of her complaints as  
10   best I can recall is that Mr. Hill was asking her to  
11   do stuff for him. She didn't feel like Mr. Hill was  
12   in her chain of command so she didn't have to listen  
13   to what Mr. Hill said.

14                   And he was being very pushy about getting  
15   stuff done, and so she wanted to file a complaint that  
16   -- and I don't know what the proper words for it were.  
17   I don't want to use the buzz words about, you know,  
18   hostile work environment, but basically that was the  
19   substance of her complaint, that she shouldn't have to  
20   answer to him because, using civil service  
21   terminology, he's not in her chain of command or  
22   appointing authority.

23                   At that time I told her, to the best of my  
24   recollection, Look, you're a paralegal, these are all  
25   lawyers, if he's not in your specific chain of

1     command, you still need to listen to what lawyers are  
2     telling you to do down there because that's basically  
3     what your job is as a paralegal. But I said, If you  
4     have any specific things that you want to do, you need  
5     to give it to me in writing. And we take every  
6     complaint extremely seriously. If you give it to me  
7     in writing, we'll run this thing to the ground and  
8     cause an investigation to be done. She never got back  
9     to me with anything in writing.

10        Q.    And her complaint was all verbal to you?

11        A.    Yes. To the best of my knowledge, yes. I  
12     don't think she sent any e-mails.

13        Q.    So Ashley Clark, what was her position at the  
14     time?

15        A.    She was a paralegal.

16        Q.    In what section or department?

17        A.    It was department-wide. So that was kind of  
18     the -- that was the thrust of the conversation.

19        Q.    Who was her immediate supervisor at that  
20     time?

21        A.    I believe the way he had it set up is she  
22     answered to -- Crystal Kaufman was technically the  
23     person over her. And that was the office manager,  
24     administrative assistant. I don't know what her  
25     official title is, but that's -- that's what I always

1 referred to her as.

2 Q. Approximately when did Ms. Ashley Clark come  
3 to you with that complaint?

4 A. Man, again, I'm horrible with dates. I'm  
5 guessing here maybe six months before the June meeting  
6 and when I was made aware of Ms. Gauthreaux's issues.  
7 Probably six months. I'm really just guessing. I'm  
8 guessing. I hate to do that.

9 Q. And you're referring to the June 11, 2014  
10 meeting with --

11 A. Yes. First the June 4 meeting and then the  
12 June 11 meeting. And I'm just using that as a  
13 reference in my head. It was probably six months  
14 before that. But please don't hold me to that. I'm  
15 guessing.

16 Q. Did Ms. Clark make any complaints regarding  
17 Mr. Hill using inappropriate comments?

18 A. Not that I can recall.

19 Q. Do you recall her complaints including  
20 anything related to inappropriate gestures?

21 A. No. It was mainly just his tone and him,  
22 quote, unquote, directing and ordering her to do  
23 stuff.

24 Q. Do you know if Ms. Clark was issued an  
25 improvement letter after your conversation with her?

1           A.    For that conduct, I don't think so.  She -- I  
2   believe she was potentially issued some sort of letter  
3   after that, but, of course, it had nothing to do with  
4   that issue.

5           Q.    Do you know what it had to do with?

6           A.    Yeah.  There was two things that just jump  
7   out in my mind that I have knowledge of with  
8   Ms. Clark.  One of them is pure hearsay but I'll tell  
9   you anyway.  Supposedly the administrative assistant  
10  office manager lady that I was referring to --

11          Q.    Crystal Kaufman?

12          A.    Yes.  She had problems with Ms. Clark coming  
13  in on time and letting her know where she was.  She  
14  would kind of just either not show up or disappear for  
15  long periods of time.  Again, I don't have any  
16  personal knowledge of that because, like I said, I'm  
17  on nine, they're on eight.  The only thing I had  
18  personal knowledge of is one of the assignments  
19  Ms. Clark was supposed to do for me is -- that between  
20  the hours of -- I have an outbox that has all the mail  
21  in it.

22                    So I asked, Hey, look, a lot of stuff in  
23  there is important, needs to get out on a daily basis,  
24  so you need to make sure you come by the office no  
25  earlier than 4 and no later than 4:15, you know, come



1 in that 15-minute window because I'll make sure that I  
2 have all the daily stuff in there by then; if you come  
3 before that, I may not have anything in there, so make  
4 sure you come between 4 and 4:15. I came into my  
5 office one day in the morning and the in-box was still  
6 filled -- I mean, the out-box was still filled from  
7 the day before.

8 I asked Ms. Clark, Hey, what happened, why  
9 didn't you get this mail? Ms. Clark informed me that  
10 she had come by and there was nothing in the mailbox.  
11 She picked a bad day to tell me that because I  
12 happened to be in my office from probably around 3:30  
13 to 4:30 with the door open that day and no one came by  
14 my office. So I said, That's extremely important.  
15 The one task -- the only task that I ever gave  
16 Ms. Clark, make sure you get that done, and that's how  
17 important that was. So that's something that I  
18 related to Ms. Kaufman that I had a problem with that  
19 needed to get fixed. And I think I talked directly to  
20 Ms. Clark that that needed to get fixed.

21 Q. Did you write her up or discipline her?

22 A. Again, in civil service terms, no, we didn't  
23 discipline her. She might have gotten a letter of  
24 improvement. I don't recall if that was in the letter  
25 of improvement or if it was mainly the not showing up

1 to work on time.

2 Q. Who told you about her coming in late, was  
3 that Crystal Kaufman?

4 A. Yeah, you know, that's who it could have  
5 been. Crystal Kaufman and then Judy Drier. Judy  
6 Drier was I think an office manager too before  
7 Ms. Kaufman. I think she was there when Ms. Clark was  
8 there as well.

9 Q. So who issued Ms. Clark the improvement  
10 letter or letter of improvement, as you might say?

11 A. The letter of improvement would have come  
12 from me, if she got it, as the appointing authority.  
13 It should have been signed by me. I just don't  
14 actually recall it. I mean, the file will surely  
15 speak for itself. I surely don't want to deny that I  
16 did one when I surely may have done one.

17 Q. After your conversation with Ms. Clark that  
18 you just described, did you then make any contact with  
19 Mr. Hill about the substance of that conversation?

20 A. Oh, yeah, I'm sure that I did. I don't  
21 specifically recall it, but I'm sure that I got both  
22 sides of the story. I mean, that would have been my  
23 normal course. But I don't specifically recall.

24 Q. Did you take any notes regarding your  
25 conversation with Ms. Clark?

1           A.    I may have.  I don't recall.

2           Q.    Do you recall documenting that complaint in  
3 any other fashion?

4           A.    Other than telling people about it, no.  I  
5 know I talked to Ms. Humbles about it.  I'm sure I  
6 talked to Ms. Kaufman about it.  I can go back and  
7 check.  I mean, I might have had a notepad that I  
8 would have scribbled notes on but then it's underneath  
9 a million things that I've never thought to look at  
10 again since then.

11          Q.    I understand.  Tell me about your  
12 conversation with Ms. Humbles about Ms. Clark's  
13 complaint.

14          A.    I don't specifically recall that  
15 conversation.  But it would have been, you know,  
16 something to the effect of, you know, Hey, what's her  
17 job duties, what duties -- she shouldn't have to  
18 answer to all the attorneys down there, something to  
19 that nature.  But I don't remember a specific  
20 conversation.  In my mind, again, it wasn't that big  
21 of a deal.

22                It would have been a big deal -- if she would  
23 have given it to me in writing I, of course, would  
24 have turned it over to human resources or I would have  
25 begun a complaint investigation myself to try to

1 deduce how significant of an issue we were dealing  
2 with and then probably gotten HR involved or internal  
3 audit involved, although I don't know whether we had  
4 an internal audit section at the time Ms. Clark made  
5 her complaint.

6 Q. Did Ms. Clark e-mail you about her complaint?

7 A. Yeah, you asked that before, and I don't  
8 recall her e-mailing me about the complaint. That's  
9 not to say she didn't.

10 Q. Other than Ms. Clark, were there any other  
11 employees who complained about Mr. Hill to your  
12 knowledge, whether you have first-hand knowledge or  
13 have heard about it, other than Ms. Gauthreaux,  
14 obviously?

15 A. I had heard -- now we're just talking pure  
16 rumor and scuttlebutt, that Ms. Yates had potentially  
17 had a similar problem with Mr. Hill.

18 Q. Wanda Yates?

19 A. Yes. Telling her to what to do, directing  
20 her to do things.

21 Q. Did any of Ms. Yates' complaints have to do  
22 with inappropriate comments or gestures in the  
23 workplace?

24 A. Not that I know of. That was a pure third-  
25 party type of deal.

1 Q. Who did you hear that from?

2 A. Oh, gosh. I don't recall. It would have  
3 probably been during my investigation that I did  
4 between the 4th and the 11th of June.

5 Q. Of 2014, correct?

6 A. It's date in question. Like I said, I'm  
7 terrible with dates. It was the dates that we met  
8 with Bethany, with Ms. Gauthreaux.

9 Q. Did you do anything with that information  
10 that was given to you by Ms. Yates?

11 A. I may have. You know, it may be in that file  
12 if I took any handwritten notes when I was meeting  
13 folks or not. I know Ms. Callaghan didn't -- I know  
14 she relayed third-party stuff to me that she thought  
15 Mr. Hill was outspoken and whatnot. But her relay was  
16 hearsay too. I mean, she didn't report any personal  
17 problems that -- I mean, any personal knowledge of  
18 issues that she had with Mr. Hill.

19 I'm thinking the only three folks that I can  
20 recall -- well, no. There's -- no. And then there's  
21 Mr. Duhon. Mr. Duhon had made complaints about  
22 Mr. Hill.

23 Q. When?

24 A. I don't know whether he made them directly to  
25 me in the form of a complaint. I had heard about

1     those complaints in the context of, when the issues  
2     with Ms. Gauthreaux came about, Mr. Duhon had made  
3     statements that Mr. Hill had a bullying type of  
4     supervision, was a micromanager, that type of stuff.

5           Q.     Prior to Ms. Gauthreaux's complaint,  
6     Mr. Duhon had not made any complaints about Mr. Hill,  
7     correct?

8           A.     I don't know. I know he was not happy being  
9     under Mr. Hill.

10          Q.     How do you know that and when did you --

11          A.     I'm trying to just remember how I knew it.  
12     I'm trying to get the specific things. I mean, the  
13     deal with Mr. Duhon is Mr. Duhon -- I had numerous  
14     complaints about Mr. Duhon from various people within  
15     DHH that -- unprepared for hearings.

16          Q.     About Mr. Duhon?

17          A.     Yeah, about Mr. Duhon.

18          Q.     I'm --

19          A.     I know. I'm trying to get you to the deal,  
20     so please bear with me, if you don't mind. So about  
21     Mr. Duhon, I had complaints that he was visiting with  
22     people outside of legal, he'd go spend idle time in  
23     people's cubes, that he'd go spend idle time by the  
24     coffee machine. And when you added up his day, the  
25     allegations were he spent very, very little time

1 working. And I had heard this from enough of a cross-  
2 section outside of legal to believe there was some  
3 truth to it.

4 So I moved Mr. Duhon laterally under Mr. Hill  
5 to do third-party liability work because I figured it  
6 was more form-driven, number one; number two, there  
7 was more, I guess -- what's the word I'm looking  
8 for -- objective measures so that we could tell that  
9 he was actually getting work done that would be not as  
10 much preparation and litigation that -- you know, so I  
11 thought third-party liability would be more to his  
12 skill set. And then I placed him next to Mr. Hill  
13 because I knew Mr. Hill would ensure that he was  
14 getting his work done and would not be visiting with  
15 folks and would not be wasting time.

16 Q. When did you move him under Mr. Hill?

17 A. I don't know. The records will show it.  
18 It's in personnel. I don't recall.

19 Q. Isn't it true that Daniel Duhon did not make  
20 complaints about Mr. Hill until after Ms. Gauthreaux  
21 did, the complaints you're characterizing as bullying  
22 and supervision?

23 A. I don't know. And I don't think he ever made  
24 complaints directly to me, I want to be clear about  
25 that. I don't think he did. This was just office

1 scuttlebutt that I would hear from.

2 Q. From who?

3 A. Just office rumor. I mean, I can't even tell  
4 you who. It really wasn't anything that bothered me,  
5 to be honest with you, so it wasn't something that I  
6 ingrained in my head.

7 Q. You mentioned statements that Mr. Duhon made  
8 about Mr. Hill about bullying.

9 A. Now, those statements were after  
10 Ms. Gauthreaux complained.

11 Q. And weren't they in connection with an  
12 interview by HR or someone who was investigating  
13 Ms. Gauthreaux's complaint?

14 A. Yes. That was -- that was when I had heard  
15 directly from Mr. Duhon's mouth that I have personal  
16 knowledge of him making those complaints was during  
17 the -- it was maybe the June 24 meeting. I'm horrible  
18 with dates.

19 Q. Point being, Mr. Duhon did not voluntarily  
20 come to anyone with DHH to complain that Mr. Hill was  
21 bullying him, correct?

22 A. I don't recall, no. I think that's a fair  
23 statement. I do not recall him ever making a formal  
24 complaint.

25 Q. What do you recall along the lines of



1 Mr. Duhon's statement regarding bullying?

2 A. Just that -- it was a meeting we had in  
3 Courtney Phillips' office, who was the deputy  
4 secretary. This was after -- I'm getting kind of out  
5 of sequence but that's fine, I guess a little bit out  
6 of date sequence. But it was the meeting when we  
7 decided that we were going to do a formal internal  
8 investigation independently, outside of legal. I was  
9 in the office when Ms. Phillips called up Mr. Duhon  
10 with HR in the room.

11 I'm trying to remember who else was around.  
12 I know it was me. I don't know if Ms. Humbles was in  
13 there or not. I know Lauren Guttzeit was in there.  
14 The deputy secretary was in there, Courtney Phillips.  
15 And they basically asked Mr. Duhon whether he had any  
16 problems with Mr. Hill. And that's when Mr. Duhon --

17 Q. What did he say to your recollection?

18 A. He used those terms. I mean, I can't  
19 remember verbatim what he said, but used those terms,  
20 that Mr. Hill was a micromanager, you know, bullying  
21 tactics, that type of stuff.

22 Q. Do you recall any specifics about bullying  
23 tactics?

24 A. No, ma'am, I don't.

25 Q. Did he give examples of micromanaging?

1           A.    He may have, but I don't specifically recall  
2   them.

3           Q.    Did he say that he was being harassed by  
4   Mr. Hill?

5           A.    I don't recall if he used those words.

6           Q.    Did he say he was threatened by Mr. Hill?

7           A.    I don't recall him ever using those words.

8           Q.    Did he say that Mr. Hill was using any  
9   sexually connotative comments in the workplace?

10          A.    Not that I can recall. The only thing  
11   Mr. Duhon did confirm to my knowledge was that  
12   Mr. Hill had made the comment along the lines of,  
13   Ms. Gauthreaux's child-like voice and good looks. He  
14   did confirm that Mr. Hill had made that comment about  
15   Ms. Gauthreaux.

16          Q.    Any other employees that you're aware of who  
17   made any complaints about Mr. Hill?

18          A.    Not that I'm aware.

19          Q.    Did Wanda Yates ever submit anything in  
20   writing to you or your subordinates regarding a  
21   complaint of Mr. Hill.

22          A.    Not that I'm aware.

23          Q.    What about Mr. Duhon, did he submit anything  
24   in writing about Mr. Hill?

25          A.    He may have done something in regards to the

1 investigation. Like he may have submitted either a  
2 statement or there may be notes in there about his  
3 discussions with either the deputy secretary or  
4 Mr. Gill.

5 Q. Prior to June 2014, did Mr. Duhon submit  
6 anything in writing regarding any complaints he  
7 allegedly had?

8 A. Not that I can recall, no, ma'am.

9 Q. Did you ever personally conduct an EEO  
10 investigation? Do you know what I mean by EEO?

11 A. Equal Employment Opportunity.

12 Q. I can be more specific.

13 A. Yes, please.

14 Q. Did you ever personally conduct any  
15 investigation of workplace discrimination or  
16 harassment?

17 A. I conducted an investigation after I became  
18 aware of Ms. Gauthreaux's complaints on or around June  
19 4 of 2014. I talked to individuals within legal to  
20 try to assess how bad the issue was and get their  
21 perceptions of it since I'm on nine, like I said, and  
22 I'm not down there. So I don't know if I'd  
23 characterize that as an EEO investigation or not. I  
24 don't know.

25 Q. Aside from that, did you ever personally

1     conduct an investigation of discrimination or  
2     harassment?

3           A.     Not that I'm aware of to that level, no,  
4     ma'am.

5           Q.     I'm going to hand you some handwritten notes  
6     that were produced in discovery. I'll ask you to take  
7     a look at that. But my question is: Do you know  
8     whose handwritten notes these are?

9           A.     No, ma'am. They're a lot better handwriting  
10    than I have.

11          Q.     If you look at the top of the first page it  
12    says, for example, Meeting with Courtney. Do you know  
13    who that is?

14          A.     Yes. Courtney Phillips, deputy secretary.

15          Q.     Who's the second name?

16          A.     Calder. That would be Calder Lynch.

17          Q.     HR?

18          A.     That would have been Lauren Guttzeit and  
19    potentially Tammy Brown.

20          Q.     And SR would be yourself?

21          A.     That would have been myself.

22          Q.     And who is the last name?

23          A.     It looks like it's Keith. I know we have a  
24    Keith Fitzgerald.

25          Q.     Did he do interviewing in connection with the

1       purported investigation of Ms. Gauthreaux's complaint?

2           A.     I would be shocked.

3           Q.     Go to page 4. That name is up at the top  
4       again and I'm trying to figure out who it is. It  
5       begins with a K, looks like, notes. Do you know who  
6       it is?

7                   MR. BLANCHFIELD: I do.

8                   MS. BOUNDS: Is it Kurt?

9                   MR. BLANCHFIELD: No.

10                  THE WITNESS: Should I know who it is?

11                  MS. BOUNDS: I'm going to ask all the  
12       other witnesses, so I'm either going to find out now  
13       or later.

14                  MS. HUMBLE: It's my initials, KLH.

15                  MS. BOUNDS: I'll ask Ms. Humble about  
16       that.

17       BY MS. BOUNDS:

18           Q.     But I do want to ask you some questions  
19       related to this, so just keep it in front of you, with  
20       regards to some meetings that you probably were  
21       involved in.

22           A.     I don't know if I should be embarrassed by  
23       that or not. I didn't know that.

24           Q.     First I want to ask you about -- you said you  
25       did an investigation of Ms. Bethany's complaints and

1     you talked to individuals in legal. Who did you speak  
2     to in legal?

3           A.    I can recall speaking to the people that had  
4     the offices around there because, you know, in my  
5     mind, right or wrong, the first thing that popped into  
6     my mind, if it was a hostile work environment, you  
7     know, potentially there would have been like loud  
8     talking, yelling. So that would have definitely  
9     raised up, you know, a radar on me. So I believe I  
10    talked to people whose offices were around there,  
11    Sherry King, Daniel Duhon, Michelle Christopher,  
12    Kathleen Callaghan I know I talked to. I'd have to go  
13    back and recreate whose offices were around there. I  
14    tried to get everybody within about a two-office  
15    radius.

16           Q.    And did you document your conversations with  
17    those individuals you just named?

18           A.    I may have. It would have been out of  
19    character for me. I'm not a big note taker. But I  
20    may have. And then being -- not being the best  
21    organized person, they may have found their way into  
22    the bottom of a stack or a garbage can, to be honest  
23    with you.

24           Q.    Did you memorialize those conversations with  
25    individuals in any form, whether it be an e-mail to

1 someone, a memo?

2 A. I don't recall that I did or didn't.

3 Q. What was the reason you talked to Ms. --

4 A. Probably conversations. Let me go back.

5 Probably conversations. I mean, Ms. Humbles and I,  
6 I'm sure, talked about this at length after I had  
7 those interactions with those folks.

8 Q. All right.

9 A. So, yes, we talked as general counsel,  
10 executive counsel.

11 Q. I'm talking about the memorializing in  
12 writing of any kind --

13 A. The writing, I don't think I did.

14 Q. I'm just going to remind you to not talk over  
15 each other. Let me finish the question. I know I've  
16 cut you off a couple of times, but if you would bear  
17 with me.

18 A. I apologize.

19 Q. It's okay. Go ahead.

20 A. I don't think that I memorialized anything.  
21 If I did, I would have turned it over and it would  
22 have made its way into the formal independent  
23 investigation.

24 Q. Tell me what, if anything, else you did in  
25 connection with an investigation other than talk to

1 the individuals you listed.

2 A. That is pretty much I think what took place  
3 until the next phase. I mean, we had a -- after I  
4 talked to all those people, I then reached the  
5 conclusion that, Hey, we need a meeting with, you  
6 know, Ms. Gauthreaux, Mr. Hill, their supervisors, and  
7 Ms. Humbles to try to get, you know, this thing  
8 settled out. I didn't think it had raised to the  
9 point in my mind of any hostile work environment,  
10 sexual harassment, anything like that from what I had  
11 known at that stage.

12 So we did get -- I think there was two  
13 corroborations that Mr. Hill, yes, did use the phrase,  
14 Child-like voice and good looks would not get you out  
15 of trouble, or something to that effect. And then he  
16 did use a phraseology, Lawyers are pissing on you and  
17 that -- so we did get corroboration of those two  
18 statements. I didn't get any corroboration, personal  
19 knowledge from anybody, that they heard any yelling or  
20 screaming or loud talk, anything like that.

21 You know, the only person that really had  
22 anything derogatory to say about the whole situation  
23 was Ms. Callaghan. And it was nothing of her personal  
24 knowledge, just hearsay and her views that those two  
25 phrases, in her mind, should get somebody fired and



1 she was --

2 Q. Did Ms. Callaghan say she felt it was sexual  
3 harassment?

4 A. I think she might have used those words.

5 Q. And this, you're talking about your  
6 investigation prior to --

7 A. Yes, that was my investigation. So that led  
8 up to the, Hey, let's see whether we can nip this  
9 thing in the bud and have this June 11 meeting. So  
10 that led up to the June 11 meeting.

11 Q. So what was your opinion prior to the June 11  
12 meeting about Ms. Bethany's complaint of a hostile  
13 work environment?

14 A. My opinion was that there was generally --  
15 generational differences, gaps, that I don't think  
16 those two phrases and the context they were used in  
17 were a hostile work environment. I did think that  
18 they needed to be addressed. They needed to be toned  
19 down. But I did not think that they raised to  
20 anything that surely someone should get fired for or  
21 that raised to the level of hostile work environment  
22 or sexual harassment.

23 Q. As you sit here today after the other  
24 investigation that took place, do you feel that there  
25 was a hostile work environment?

1 A. Absolutely not.

2 Q. Do you feel that there had to be some yelling  
3 and talking in order for there to be a hostile work  
4 environment claim?

5 A. No.

6 Q. Are you familiar with DHH's policies  
7 regarding harassment and discrimination?

8 A. I have taken the classes. Is it something  
9 that I focus on, no, ma'am.

10 Q. Are you -- I'm sorry, I don't want to get --

11 A. I am familiar with them. I just didn't want  
12 you to think I could quote them to you.

13 Q. I understand. When is the last time you had  
14 the training you mentioned?

15 A. I think we're required to have it yearly.

16 Q. Do you have any yearly training or classes on  
17 sexual harassment?

18 A. Yes, ma'am. To my knowledge, it is yearly.  
19 So we learn things like it doesn't have to be, you  
20 know, overt; it can be covert. It can be if two  
21 people are talking and this person is overhearing it,  
22 so it doesn't have to be directly at the person. It  
23 can be same sex, different sex. Those are the key  
24 things I recall from that training.

25 Q. In your investigation of Ms. Bethany's

1 complaints, you had Ms. Gauthreaux's statements of  
2 what occurred but you felt you needed additional  
3 corroboration?

4 A. Yes. I wanted to do -- I mean, it's  
5 something dang serious when you make those types of  
6 allegations. So we jumped right on it right after the  
7 4th. And I started to conduct those -- the interviews  
8 with folks so I could get a viewpoint as to how overt  
9 the situation was down there, was it more covert, was  
10 it overt, was there any corroboration from people, did  
11 they hear anything.

12 Q. And you did get corroboration on the  
13 child-like voice, the good looks, and the pissing on  
14 you, correct?

15 A. Yes, the child-like voice and the good looks  
16 I think was one phrase I think he said in regards to  
17 some breach of confidentiality. She was doing  
18 something, I forgot what it was now.

19 Q. But there was no corroboration on the  
20 yelling?

21 A. No. Nobody that I know of that I can recall  
22 mentioned any loud yelling, heated exchanges back and  
23 forth.

24 Q. And you felt that was required in order to  
25 have a hostile work environment claim?

1           A.    No, I did not feel that was required. I was  
2   just trying to get a temperature as to how covert or  
3   overt the situation was, just to try to get a lay of  
4   the land. Obviously, if people came to me and said,  
5   Yes, they yell and scream at each other on a daily  
6   basis, then I know that I would have had, in my mind  
7   at least, a very serious situation if I had  
8   corroboration that they were yelling. But by no means  
9   am I saying that you have to have yelling to have a  
10  hostile work environment.

11          Q.    Prior to June 11, what was your understanding  
12  of Ms. Gauthreaux's complaint?

13          A.    Prior to June 11?

14          Q.    Yes, prior to any June 11 -- prior to any  
15  June 11 subsequent investigation, what was your  
16  understanding?

17          A.    My understanding was that she had issues with  
18  Mr. Hill using the words pissing -- don't let other  
19  lawyers piss on you. And the context is when you're  
20  doing these TPLs and they're trying to get off as  
21  cheap as they possibly can, they're going to come on  
22  very strong to you and try to get you to take pennies  
23  on the dollar, you know, you need to come back very  
24  strong to them and say, I'm not going to take pennies  
25  on the dollar. So it was like, Don't let them piss on

1     you.

2                   And then she had issues with him referring to  
3     her child-like voice and her good looks and she felt  
4     that was not appropriate. She also had issues, I  
5     believe I was aware at that time, with just how  
6     Mr. Hill supervised his employees, including her and  
7     Mr. Duhon, with micromanagement and I guess bullying.

8           Q.     What specifically do you recall  
9     Ms. Gauthreaux telling you along the lines of issues  
10    with supervision?

11          A.     I don't recall specifics. Most of it was  
12    stuff that, to be honest with you, I think I thought  
13    was ticky tacky and did not concern me.

14          Q.     In your investigation you did not require  
15    that the parties refrain from contacting each other,  
16    correct?

17          A.     I don't recall. I don't think I would have.  
18    Because at that point in time, my frame of mind was,  
19    Let's get to this June 11 meeting and try to nip this  
20    thing dead in the bud to where Ms. Gauthreaux is happy  
21    at work and can move forward with it. That was my  
22    mindset going into the June 11 meeting.

23          Q.     We'll get to the June 11 meeting.

24          A.     Sure.

25          Q.     Just a general question. You mentioned that

1     there was a second investigation or an alleged  
2     independent investigation. Who was heading that  
3     investigation?

4           A.     That took place after -- and I'm sure we'll  
5     get to it -- after the allegations were made by  
6     Mr. Hill that Ms. Gauthreaux and Mr. Duhon -- he  
7     allegedly overheard them talking about ways to  
8     potentially get him fired. So then the allegations  
9     were that potentially I'm -- and I'm talking my  
10    mindset here, is that my mindset was, Well, now, the  
11    allegations are potentially this whole thing is cooked  
12    up and made worse than it is to try to get Mr. Hill  
13    fired. So at that stage I was like, This is out of my  
14    league now.

15           I mean, we need to -- we need to now turn --  
16    and this was after the June 11 meeting where we had  
17    tried to solve it, you know, inside of legal with as  
18    little fanfare as possible. But at that point my  
19    mindset was, Let's turn it over to internal audit and  
20    go talk to Courtney Phillips and get it out of legal.

21           Q.     I just want to know who was in charge of that  
22    investigation?

23           A.     It would have been Larry Gill, is who -- we  
24    reported this to Courtney Phillips. Courtney  
25    Phillips, I believe, went to Bill Root, which was in

1 charge of that overall section. And I believe  
2 Mr. Root, to the best of my knowledge, then delegated  
3 it to Larry Gill.

4 Q. And Larry Gill is in internal audit?

5 A. That's what I call it, yeah. It's an  
6 internal audit section. It's in there with the  
7 Medicaid fraud unit that Mr. Root was totally over.  
8 So part of it's Medicaid fraud, part of it's internal  
9 audit.

10 Q. So the decision was made to have an  
11 independent investigation done by internal audit only  
12 after Mr. Hill complained about Ms. Gauthreaux,  
13 correct?

14 A. Yes. And it doesn't look like the June 11  
15 meeting had the results that I was hoping the June 11  
16 meeting would have.

17 Q. The June 11 meeting, that meeting was  
18 attended by yourself, Kim Humbles, Neal Elliott, Lavon  
19 Raymond, Mr. Hill, and Ms. Gauthreaux, correct?

20 A. Correct.

21 Q. Do you know whether after that meeting on  
22 June 11 Ms. Gauthreaux and Mr. Hill continued to have  
23 contact?

24 A. Yes, I believe they did still have contact.  
25 Because I know one of the things that I know came out

1 of the meeting was they would have weekly meetings  
2 with Mr. Elliott to try to get this environment to  
3 where everybody is happy. Because regardless of  
4 whether I thought it was a hostile work environment or  
5 sexual harassment, my goal is for people to be happy  
6 in going to their jobs. So that was the main thrust  
7 of the June 11 meeting was -- I know I started off the  
8 meeting by basically saying, you know, Ms. Gauthreaux,  
9 what can we do, we're not going to leave here until  
10 you're 100 percent happy.

11 Q. Did you believe Ms. Gauthreaux had cooked up  
12 allegations regarding Mr. Hill?

13 A. Oh, no. We had corroborated at least two of  
14 those statements. And I think Mr. Hill -- when I say  
15 corroboration, I think he admitted to saying like --  
16 to saying I believe, Don't let other lawyers piss on  
17 you. So, I mean, no. I obviously believed those two  
18 statements to be true. So, no, I did not think that  
19 she was, at that stage, cooking anything up.

20 Q. In the meeting on June 11, did you say that  
21 you had one person during the investigation mention  
22 hostile work environment?

23 A. I'm sorry, can you say it again?

24 Q. In the June 11 meeting, did you state that  
25 you had another person other than Ms. Gauthreaux, one



1 person during the investigation mention hostile work  
2 environment?

3 A. Not during the June 11 meeting. I think the  
4 only person that ever mentioned that to me was  
5 Ms. Callaghan in my face-to-face with her.

6 Q. Would that have been prior to the June 11  
7 meeting?

8 A. Yes, ma'am. That would have been in the week  
9 like -- that would have been -- June 4 is when I  
10 became aware of it. I started talking to people, you  
11 know, during that week. And that culminated in the  
12 June 11 meeting to try to solve the situation.

13 Q. Did you take Ms. Callaghan mentioning that as  
14 a serious issue?

15 A. Yeah, I did. I also had to take it in the  
16 context of the person who was -- who was giving me the  
17 information, whether they had any personal knowledge  
18 of what actually was going on.

19 Q. Did anyone tell you that Mr. Hill had yelled  
20 at Ms. Gauthreaux?

21 A. No. I did not know -- no one could  
22 corroborate to me to the best of my knowledge during  
23 those interviews that they heard loud talking or  
24 yelling. As a matter of fact, most of them were -- I  
25 mean, they were not surprised that I was asking the

1 question but were kind of like -- they didn't really  
2 know what was going on.

3 Q. Did you consider at or prior to the June 11  
4 meeting moving Ms. Gauthreaux or transferring her  
5 position?

6 A. I don't know if it was prior to the June 11  
7 meeting or after the June 11 meeting. One of the  
8 avenues that I did look at to potentially resolve the  
9 situation was to move Ms. Gauthreaux.

10 Q. But you don't recall when?

11 A. I don't recall when it was, no, ma'am.

12 Q. So what avenues did you look at? What did  
13 you do?

14 A. The main thing that I did before the  
15 independent investigation was to -- like I said, I  
16 always want people to be happy regardless of what I  
17 feel the situation is. Ms. Gauthreaux to me appeared  
18 that she was not happy. So it was either during the  
19 course of the interviews that I was doing or  
20 afterwards, and that's the reason -- I'm horrible with  
21 dates.

22 I did ask people, Hey, are you happy with  
23 your current job; if not, would you think you might  
24 want to do TPL and switch and go under Mr. Hill and  
25 work TPL? And everybody expressed that they were

1 happy with what they were doing so, therefore, I  
2 didn't want to move somebody out of a happy job just  
3 because of, you know, this situation. So we wanted to  
4 see whether we could fix the situation rather than,  
5 you know, move somebody out of a happy job.

6 Q. And you thought Ms. Gauthreaux did good work?

7 A. I didn't really get any complaints about her  
8 work, to be honest with you. I never reviewed her  
9 work.

10 Q. In the June 11 meeting do you recall saying  
11 that Ms. Gauthreaux did good work?

12 A. Yeah, I probably did. I don't believe  
13 anybody ever had any complaints about Ms. Gauthreaux's  
14 work or her work ethic.

15 Q. Did Mr. Hill ever provide his opinion about  
16 Ms. Gauthreaux's work to you?

17 A. That would have had to have been where -- to  
18 be honest, I don't recall. But that would have had to  
19 have been where I got that from, because I don't have  
20 any knowledge of any of the work Ms. Gauthreaux did,  
21 any personal knowledge. So it would have had to come  
22 up through the chain, which would have been from  
23 Weldon, up the supervisory chain, to me. Because I  
24 certainly did not have any personal knowledge.

25 Q. And Ms. Gauthreaux did communicate that

1 Mr. Hill had talked about her PPR and said it wasn't  
2 looking good. Do you recall that?

3 A. I can recall those statements being made.  
4 I'm not sure when they were made, whether they were  
5 made at the June 11 meeting or not. I think that was  
6 one of the meetings that was taped maybe, so I  
7 certainly won't deny anything that I'm on there  
8 saying, that's for sure.

9 Q. When were you first made aware of any issues  
10 Ms. Gauthreaux had regarding Mr. Hill's comments of  
11 her pumping breast milk?

12 A. I don't recall. But it would have had to  
13 have been part of the June 4 meeting. But I don't  
14 specifically recall.

15 Q. Were you able to corroborate any of the  
16 statements that Mr. Hill made about pumping breast  
17 milk?

18 A. No. The only statements that I got  
19 corroboration on was the ones that I told you.

20 Q. And you were present at the June 4 meeting,  
21 correct?

22 A. The June 4 meeting was in my office, yes, I  
23 believe.

24 Q. And who was present for that meeting?

25 A. Oh, gosh. I don't recall.

1 Q. Ms. Gauthreaux?

2 A. I don't know whether she was in that meeting  
3 or not.

4 Q. Ms. Humbles?

5 A. I know Ms. Humbles was in the meeting. I  
6 just don't know whether we had it at a high level and  
7 had the people in the room or not at the June 4  
8 meeting. I just don't remember.

9 Q. And at the June 4 meeting, did it come up  
10 that Mr. Hill had asked Ms. Gauthreaux about her  
11 pumping breast milk, asking, Does it hurt when the  
12 milk comes in, how long are you going to do that?

13 A. I don't recall when I was made aware of all  
14 that, whether it was during that week or at the June 4  
15 meeting.

16 Q. But certainly after the June 11 meeting it  
17 was your opinion that Ms. Gauthreaux, Mr. Hill, and  
18 Neal had weekly meetings, correct?

19 A. Yes. That was -- Ms. Humbles came up with  
20 six -- I believe six points that we left that meeting  
21 with. And I ratified those six points that she came  
22 up with and thought that that would be a good idea to  
23 try to get this situation resolved.

24 Q. So at what point did you go to internal audit  
25 to conduct an investigation?

1           A.    The point where I did, it would have been I  
2   believe somewhere around late June is when Mr. Hill  
3   came up to my office. And I think Ms. Humbles was  
4   there as well. And he said that he had walked back  
5   in, I believe from lunch, when Ms. Gauthreaux and  
6   Mr. Duhon thought he wasn't going to be in the office  
7   or maybe from a doctor's appointment or something, I  
8   don't really recall why, that he had overheard them  
9   talking about getting him fired, seeing what they  
10  could do to get him fired. I mean, that was kind of  
11  the context of what Mr. Hill told me. I don't recall  
12  the exact words.

13           Q.    Were you ever able to corroborate that  
14  Ms. Gauthreaux had made any such statement about  
15  wanting to get him fired?

16           A.    I don't believe so. I think they were just  
17  allegations.

18           Q.    Were you interviewed by Mr. Gill in  
19  connection with his internal audit investigation?

20           A.    I don't recall. That's what's making me  
21  think that I had supplied him potentially with  
22  something and he used what I supplied him in that  
23  meeting -- I mean, in his investigation, because I'm  
24  sure they would have gotten background as to what I  
25  did. I mean, that would have been normal. In my mind

1 at least, that would have been something that they  
2 should have done.

3 Q. But not that you recall?

4 A. Yeah, not that I recall.

5 Q. Do you recall being interviewed in person?

6 A. No, I don't recall.

7 Q. During the periods that you conducted your  
8 investigation, did you consult with anyone in the  
9 human resources department?

10 A. I don't know at what stage that I was talking  
11 to Ms. Guttzeit. I remember talking to Ms. Guttzeit  
12 though throughout the process. I don't know whether I  
13 got her involved on or after June 4 or if it was after  
14 the June 11 meeting. Like I said, I'm terrible,  
15 terrible with dates.

16 Q. What did you speak to Ms. Guttzeit about?

17 A. Just what she thought, you know, her views on  
18 sexual harassment and that type of stuff, and, you  
19 know, what we should be on the lookout for, general  
20 stuff like that. I can't remember anything specific.

21 Q. Did you report back to her after you finished  
22 your investigation?

23 A. I don't recall.

24 Q. What did Ms. Guttzeit tell you?

25 A. I don't recall.

1 Q. Did you have any e-mail correspondence with  
2 Ms. Guttzeit about Bethany's complaints?

3 A. There very well may be some e-mail traffic.  
4 I don't want to deny that. There could be, yeah.  
5 Because, you know, there was kind of a dual track kind  
6 of going on here in my mind that, you know, we had  
7 this complaint. So of course I was trying to get to  
8 the bottom of it. But I'm also thinking with my legal  
9 hat on there that there's a potential for a potential  
10 lawsuit down the road.

11 Q. Do you have any knowledge, first-hand or  
12 otherwise, of Mr. Hill being disciplined during his  
13 employment with DHH?

14 A. Again, disciplined to where he has a right to  
15 appeal, I don't think -- I don't recall him having  
16 formal discipline against him.

17 Q. Does DHH have a policy regarding employee  
18 discipline in the workplace?

19 A. We should, yes.

20 Q. Do you have an understanding of that?

21 A. No, not really. Because I -- if I ever had a  
22 case to where I would have to discipline somebody to  
23 the level of a civil service discipline to where they  
24 would have a right to appeal and all that kind of  
25 stuff, I would go to my HR lawyer, go to my civil



1 services lawyer. That's who I would rely on heavily  
2 at that stage, when it reached the point to where we  
3 would potentially have to Loudermill somebody.

4 Q. Do you have knowledge as to whether letters  
5 of improvement are contained within DHH policies on  
6 employee discipline?

7 A. Do you mean just like a form letter?

8 Q. No. Whether a letter of improvement is  
9 mentioned as part of the policies.

10 A. Yes, I think that's one of the policies,  
11 yeah.

12 Q. Do you know whether Mr. Hill ever received a  
13 letter of improvement?

14 A. In regarding this issue, he --

15 Q. Regarding anything.

16 A. This one I know of. This is the only one I  
17 know of.

18 Q. Then tell me about this one.

19 A. This one we did feel after the independent  
20 review had came down that -- and the corroboration of  
21 the two statements that Mr. Hill made, there was also  
22 corroboration of a third statement that he had made  
23 about sex is good until the baby comes after the June  
24 11 -- like towards the end of June, I believe, or  
25 maybe even at the first meeting they had after the

1 June 11 meeting. So the recommendation came from the  
2 independent investigation that he be given a letter of  
3 improvement and be required to take certain civil  
4 services courses and modify his conduct.

5 Q. Did you sign the letter of improvement?

6 A. I should have because I'm the appointing  
7 authority.

8 Q. What, to the best of your recollection, did  
9 the letter of improvement state?

10 A. I think what I just said. That's what it  
11 should have said, is improve your conduct and take  
12 these courses.

13 Q. Which courses?

14 A. I do not recall which ones they were.

15 Q. Do you know if he took courses?

16 A. My understanding is yes, they were tracking  
17 to make sure he took the courses.

18 Q. How many courses?

19 A. I want to say three or four. I can't really  
20 specifically recall though.

21 Q. Did any of them deal with sexual harassment?

22 A. I can't recall. The letter is going to have  
23 to speak for itself. I don't know.

24 Q. Do you know if Mr. Hill was ever counseled or  
25 reprimanded during his employment with DHH?

1           A.    Other than that, there's no other formal -- I  
2    mean, I talk to employees all the time and give them  
3    guidance, tips. I don't know -- so I don't think so,  
4    no.

5           Q.    And I've already asked you about any  
6    complaints that employees had about Mr. Hill and I  
7    think you've told me all of them. Is there anything  
8    else?

9           A.    I think those are the only -- I think I  
10   mentioned those four. It was Wanda Yates, Kathleen  
11   Callaghan, Daniel Duhon, Ashley Clark. I think those  
12   were the four that I can remember.

13          Q.    Are you aware of, other than this case, any  
14   other investigations by internal audit or HR involving  
15   Mr. Hill?

16          A.    No, ma'am.

17          Q.    What about by the Governmental Board of  
18   Ethics, do you know of any investigations regarding  
19   Mr. Hill?

20          A.    Not that I can recall.

21          Q.    Who made the decision with regards to  
22   Ms. Gauthreaux's transfer?

23          A.    That came as a result of the independent  
24   investigation, Ms. Phillips, who was the deputy  
25   secretary at the time.

1 Q. So Ms. Phillips made the decision?

2 A. Yes, that they needed to be separated, that  
3 the relationship -- I think Mr. Gill's advice was that  
4 the relationship was close to if not irreparable and  
5 they needed to be separated and, if so, put on  
6 different floors to where there would be as little  
7 contact between those two as possible. So that's what  
8 we did.

9 Q. Did you play a role in that decision-making  
10 process?

11 A. When you say decision-making process, do you  
12 mean how to transfer her, where to go, or the actual  
13 transfer and move them? The actual transfer, that  
14 came as a result of the independent investigation, and  
15 we followed Ms. Phillips to the letter.

16 Q. So what did you do with regards to finding a  
17 position or options on transferring Ms. Gauthreaux?

18 A. Ms. Humbles and I talked and tried to  
19 determine where we needed the help at, number one.  
20 That was kind of the main focus. Number two, the  
21 focus was to try to put Ms. Gauthreaux somewhere where  
22 she could succeed and be happy where she was.

23 Q. Did you ever consider keeping Ms. Gauthreaux  
24 as an attorney for TPL but moving her chain of command  
25 under someone else?

1           A.    We may have considered it, but that wouldn't  
2    -- I mean, to me, that would have been not an option.  
3    And I can -- because Mr. Hill has extensive knowledge,  
4    really, at this stage, he could probably run -- with  
5    the level of cases we have in TPL, he could probably  
6    do it by himself. So I think that would have been a  
7    foolish decision on my part to take a new attorney and  
8    keep her in TPL and move the specialist that all he  
9    really knows is TPL out of TPL. That was my thought  
10   process.

11           Q.    Was Mr. Duhon moved out of Mr. Hill's  
12   supervision?

13           A.    No.

14           Q.    He was never moved to Ms. Sullivan's  
15   supervision?

16           A.    Not that I'm aware.

17           Q.    Okay.

18           A.    I mean, the records will show that. But I  
19   don't recall him being moved.

20           Q.    So he still reports directly to Mr. Hill?

21           A.    I thought so.

22           Q.    Okay.

23           A.    I'm sorry to answer it that way. But it  
24   seems like -- to the best of my knowledge, he still  
25   reports to Mr. Hill.

1 Q. So how did you determine where the need was  
2 to move Ms. Gauthreaux? What did you do?

3 A. Yeah, the first -- we look at those -- I  
4 think y'all had looked at them the other day, these  
5 activity reports, to kind of -- you know, and then, of  
6 course, talk to the supervisors. I mean, I'm not  
7 really aware of -- you know, on a day-to-day basis  
8 since I'm up on the ninth floor, I'm not really aware  
9 of the day-to-day caseloads down there. So I lean  
10 heavily on the deputy generals and the attorney  
11 supervisors and them down there to in good faith let  
12 me know where we believe we needed the help at.

13 Q. So did you personally talk to those  
14 supervisors with regards to finding a place for  
15 Ms. Gauthreaux?

16 A. I think I just -- I think I just talked to  
17 Kim Humbles and Kim Sullivan to try to find the best  
18 spot that I thought she could succeed in and would be  
19 happy at.

20 Q. What options did you consider?

21 A. The first option was moving her under  
22 Kathleen Callaghan and doing SURS work. At this time  
23 -- I mean, we felt, number one, that probably the  
24 activity -- the amount of work there may or may not  
25 justify it. We kind of had a feeling that, Well,

1     since they're on the fifth floor, that's where she  
2     would go, is on the fifth floor. And we knew or had a  
3     good feeling that her and Kathleen Callaghan got along  
4     well. However, looking at activity reports and  
5     whatnot, we made the decision that, Yeah, go ahead and  
6     move her down there on the fifth floor so she wouldn't  
7     have contact with Mr. Hill and Mr. Hill wouldn't have  
8     contact with her; however, where we really need help  
9     at is Medicaid.

10           And to be honest with you, that's like the  
11     plum job, I mean, that's where people want to be. If  
12     you want to be, in my mind, the next deputy general  
13     counsel, general counsel, or executive counsel -- why  
14     you'd ever want to do my job, I don't know -- but  
15     that's where you want to get in, you want to get into  
16     Medicaid. That has the biggest ceiling.

17           Q.     At the time you looked at these options, tell  
18     me about the organization of the SURS section.

19           A.     I know Kathleen Callaghan was the attorney  
20     supervisor. I know Sara Aycock was an attorney, staff  
21     attorney underneath there. And then at one point -- I  
22     think at that point it was Claire Bergeron. And then  
23     when Claire left and got another job, we brought in  
24     Sandra Jelks. I think that's how it went. But I  
25     would defer to whatever the personnel records say.

1           Q.    So according to your recollection, though, at  
2   the time you were considering these options, there was  
3   an attorney supervisor position and then two  
4   attorneys?

5           A.    Yes.   So this would have made three.   And I  
6   can't remember whether we were going to take some  
7   duties away from one of the other ones.   I don't  
8   recall how the thought process totally worked out.

9           Q.    So did you have any communication with  
10   Ms. Callaghan about the option and the work that her  
11   section was doing?

12          A.    I don't recall before the decision was made  
13   talking to her.   After we had made the decision, I  
14   think we probably did.

15          Q.    What decision are we talking about?

16          A.    The decision to move her down onto five and  
17   the fact that we were probably going to move her into  
18   TPL.   Because I think we had made that decision to  
19   move her into TPL, and then the day after or shortly  
20   thereafter we said, No, Medicaid is really the spot  
21   she needs to be because TPL -- the workload just  
22   doesn't support it.

23                    TPL and SURS, the more we move towards  
24   managed care -- and we've probably got, I went to say,  
25   like close to a million if not more than a million



1 people in the managed care -- the lesser and lesser  
2 we're going to need TPL and the SURS sections. They  
3 may, in fact, within another year, disappear. There  
4 probably will not be a TPL stand-alone section. So  
5 that tells you the thought process of how much the  
6 work is ratcheting down in SURS and in TPL because the  
7 managed care plans do it now themselves.

8 They do fraud abuse themselves. We just  
9 monitor what they do. They do third-party recovery.  
10 We just monitor what they do. We're pivoting more  
11 into a monitoring role than a doing role.

12 Q. Tell me what you discussed with Ms. Callaghan  
13 about the transfer of Ms. Bethany.

14 A. I don't recall the specific conversation.  
15 I'm not even sure we had one. It would have been my  
16 normal course to have one, I think that's what I  
17 testified to hopefully.

18 Q. So the first option you considered was SURS.  
19 What was the second option?

20 A. The second option and what we eventually put  
21 her in was Medicaid, general Medicaid. There's always  
22 work to be done in Medicaid, number one; number two,  
23 it gives the best opportunity for advancement.

24 Q. Tell me about the Medicaid division. How is  
25 that divided up?

1           A.    How do we do it now?  Gosh.

2           Q.    At the time in question.

3           A.    Yeah, I'm trying to remember.  Kim Sullivan  
4    is my deputy general counsel over Medicaid.  She's the  
5    one I lean on the hardest to make sure Medicaid is  
6    going well.  I know we've got an attorney supervisor  
7    over eligibility.

8           Q.    Let me ask you this, if it would help.  How  
9    is the Medicaid -- is it called Medicaid section?  
10   Medicaid department?

11          A.    I'm not really sure what we're calling it now  
12   or what we called it back then.  We were in a little  
13   bit of a state of flux and probably we're still in a  
14   bit of a state of flux as we deal with managed care.  
15   You know, we're thinking about making a Medicaid  
16   managed care section and a Medicaid eligibility and a  
17   Medicaid -- so we were in a state of flux then, we  
18   still are now.  That's the reason I'm kind of -- I  
19   mean, if I could see an org chart, I could lay it out.

20               Kim knows this is as well as me.  Whenever we  
21   talk about who's deputy general over what sections and  
22   whatnot, I always have to look at that org chart to be  
23   able to tell.

24          Q.    Were there sections, divisions, or  
25   departments under the umbrella Medicaid?

1           A.    Yeah.  There would have been a deputy general  
2   counsel and at least two attorney supervisors, I  
3   believe, under that umbrella, because that's what it  
4   takes for me to have a deputy general over that area.  
5   But the org chart will tell me how it's broken down.  
6   I really don't know that well at all.

7           Q.    You identified -- you said general Medicaid?

8           A.    Yeah, that's what we had wanted her to do.  I  
9   mean, you know, we just say general Medicaid because  
10  we're going to bring her into Medicaid.  Medicaid is a  
11  very complex -- it is the most complex deal in the  
12  department.  You have to realize -- and the secretary  
13  may not like folks saying this.  You know, the  
14  Department of Health, we do a lot of things other than  
15  Medicaid.  But you're talking about -- Medicaid is  
16  like billions and billions of dollars, complex Federal  
17  regulations.  It's really the bread and butter of the  
18  Department of Health, where most of the work is.

19                   So that's where we always need the help.  We  
20  always need people.  So we were going to bring along  
21  -- the plan was to put Ms. Gauthreaux in there, bring  
22  her along slowly in Medicaid.  And that's a spot where  
23  she would have been working under Ms. Sullivan, who's  
24  one of my best Medicaid if not -- you know, is one of  
25  my best Medicaid folks currently right now.  And we

1 thought that was a spot where she'd have a place to  
2 advance up the chain once she learned Medicaid.

3 Q. You said you had two attorney supervisors at  
4 the time. Who were those people?

5 A. I know Mike Coleman is my supervisor over  
6 Medicaid eligibility public records. I know Brandon  
7 Babineaux is over there over health standards and  
8 licensing. I don't know if that's under Medicaid now  
9 or not because of the state of flux we were in. I  
10 would really defer to the org chart. That's the best  
11 way for me to answer that.

12 Q. Approximately how many subsections did you  
13 have in Medicaid? You've already identified general  
14 Medicaid section, Medicaid eligibility public records,  
15 and health standards and licensing possibly.

16 A. Yeah. And I want to correct. I'm not  
17 positive it's labeled general Medicaid, the section.  
18 I'd have to look at the org chart, the job duties, the  
19 attorney supervisors.

20 Q. I understand.

21 A. This is just -- I mean, HR and the split-up  
22 of the sections and that type of stuff, it's not my  
23 day-to-day job, my bread and butter.

24 Q. I understand you have to look at an org  
25 chart. But approximately how many sections are we

1 talking about?

2 A. Two or three, I believe, at the most. But I  
3 would have to defer to that org chart. I want to be  
4 100 percent accurate with you, so I'd have to defer to  
5 that org chart.

6 Q. You said at about the time you were looking  
7 at the transfer, you said Coleman was one of the  
8 supervisors. Who was the other?

9 A. I think Brandon Babineaux is an attorney  
10 supervisor over health standards and licensing.  
11 Without butchering it up, I'd have to look at the org  
12 chart.

13 Q. Why wasn't Ms. Gauthreaux made to report to  
14 an attorney supervisor?

15 A. Because we wanted to bring her along slowly  
16 and, in my mind, make sure that she would be working  
17 with somebody that knew Medicaid backwards and  
18 forwards. And currently, that's how we currently have  
19 it broken up now. I think the attorney that came in  
20 to take Ms. Gauthreaux's spot, he may on paper report  
21 to an attorney supervisor, but he pretty much deals  
22 directly with Ms. Sullivan; he kind of shadows her  
23 around basically.

24 Q. What other Attorney ls report directly to a  
25 deputy general counsel?

1           A.    Again, not sure. I'd have to look at the org  
2    chart, because the org chart is going to lay out the  
3    actual lines of supervision and then -- but then there  
4    may be -- functionally, there may be somebody, for  
5    instance, shadowing something around. For instance,  
6    we've got Sandra Jelks who's working in SURS right  
7    now, however, we think she wants to take over for  
8    David McKay in Office of Public Health. So right now  
9    she's shadowing David McKay around to all of his  
10   meetings and kind of learning the ropes for public  
11   health.

12          Q.    On paper, do you know who she reports to  
13   directly?

14          A.    On paper she reports to Kathleen Callaghan.  
15   But now that Kathleen Callaghan has retired, I'm not  
16   sure how it's broken down now. I'd have to look at  
17   the most current org chart because all of this  
18   happened very recently. To be honest with you, it's  
19   probably still in a state of flux waiting for  
20   paperwork to be sent over to civil service or civil  
21   service already has some paperwork to change it all up  
22   right now.

23          Q.    Nonetheless, Ms. Callaghan was an attorney  
24   supervisor, right?

25          A.    Yes.

1 Q. And the org chart you're saying that you have  
2 to look at, is that the DHH org chart or an org chart  
3 of a specific department or division?

4 A. Bureau of Legal Services org chart.

5 Q. What was your understanding as to the work  
6 Ms. Gauthreaux would be performing in this new  
7 position?

8 A. She would be basically doing anything that  
9 Ms. Sullivan needed help with. She would be doing  
10 reimbursement issues. She would be doing potential  
11 help on public private partnerships. She would be  
12 doing basically anything Ms. Sullivan -- they  
13 delegated to Ms. Sullivan. From my end, she would be  
14 handling any of the overflow from Ms. Sullivan.  
15 Managed care situations, MCO compliance, that type of  
16 stuff. But anything Ms. Sullivan needed help with. I  
17 mean, we knew -- we always know we have more Medicaid  
18 or should -- at least it's represented to me that we  
19 have more Medicaid work than we can do and there's  
20 always overflow.

21 Q. Were you present during Mr. Gill's interviews  
22 of witnesses?

23 A. No, ma'am.

24 Q. Did you ever indicate to anyone, including  
25 Ms. Bethany, that she was 50 percent at fault?

1           A.    I don't recall that. And that would have not  
2    been in my nature to apportion fault. I mean, I might  
3    have said, you know, You both had a part to play or  
4    something like that. But it would have been out of my  
5    nature to say 50 percent like a judge. I'm not saying  
6    I didn't, I just don't recall it.

7           Q.    Did you ever witness any inappropriate  
8    comments made by Mr. Hill in the workplace?

9           A.    No, I have not.

10          Q.    So what was your involvement with  
11    Ms. Gauthreaux after the decision was made to transfer  
12    her under Ms. Sullivan?

13          A.    It went back to what my relationship always  
14    was, I mean, probably outside of Ms. Gauthreaux's  
15    complaint. And I probably saw Ms. Gauthreaux coming  
16    into the building, maybe leaving the building  
17    occasionally, and would say hi.

18          Q.    So you had no more follow-up after that  
19    point?

20          A.    I did not. I think this may be just me being  
21    cc'd on some e-mails about how are things going and  
22    that type of stuff. In my mind, the situation was  
23    kind of resolved. So I would not have had any contact  
24    with Ms. Gauthreaux.

25          Q.    Did you have any knowledge about an



1 allegation that Mr. Hill was using a phrase directed  
2 to Ms. Gauthreaux about having mommy issues?

3 A. That was brought up either, to the best of my  
4 knowledge, at the June 4 or the June 11 meeting.

5 Q. And were you able to corroborate those  
6 comments?

7 A. Not from an independent party, no.

8 Q. Did you believe Ms. Gauthreaux?

9 A. I'm not sure at the time, to be honest. I  
10 mean, you're asking me to go back.

11 Q. What about at any other time?

12 A. You're asking me to go back -- what my point  
13 to that is, is that there were some obvious instances  
14 where Ms. Gauthreaux had told untruths and lied,  
15 therefore, it's tough for me to go back and now say,  
16 three years ago, two years ago, do I believe her,  
17 would I have believed her, was I sitting there  
18 believing her. With the backdrop that I now have,  
19 it's very tough.

20 Q. Tell me about the instances where she  
21 allegedly told untruths.

22 A. The main issue that I'm aware of is after the  
23 June 11 meeting we had said like -- I had walked into  
24 that meeting. I was sitting at one head of the table,  
25 Lavon and Neal were at another head, Kim and Weldon

1     were at this side, and Bethany was on this side. And  
2     I can remember walking into that meeting. I'm not  
3     sure whether that meeting is taped; if it is, it would  
4     be good to listen to it.

5             I walked into that meeting, and my main theme  
6     in that meeting was, We're not going to leave here  
7     until you're 100 percent comfortable with this  
8     situation and where this situation is going forward.  
9     We finally, after what I thought was a very good, open  
10    meeting, got to the point where I asked Ms. Gauthreaux  
11    where she was at. And she relayed that she was at  
12    about 90 percent. I think I questioned her as to what  
13    could get her to that extra 10 percent. And we left  
14    with the understanding that we were going to have  
15    these weekly meetings.

16            I went back and I reviewed something in the  
17    interim that I believe Ms. Gauthreaux had stated to  
18    where the meeting was a very intimidating meeting and  
19    she just lied to us so she could get out of the  
20    meeting. I mean, I can't help somebody that's going  
21    to lie to me when I'm trying to help, I just can't.

22            Q.    But you said, We're not going to leave the  
23    meeting until we get to 100 percent, correct?

24            A.    That's exactly what I said.

25            Q.    Any other instances?

1           A.    Not really an untruth, I don't guess.  You  
2    know, you're under no duty to tell us, but the  
3    pregnancy situation was a situation to where my  
4    understanding is she knew she was pregnant when she  
5    was interviewing for the job, knew we had a definite  
6    need for that job, and then didn't tell us that she  
7    was pregnant and then went out on maternity leave.

8           Q.    Did that upset you?

9           A.    No, not really.

10          Q.    But you --

11          A.    I don't have to do the work, so it doesn't --  
12    it doesn't affect me one way or another.

13          Q.    Was anyone else upset about that, that she  
14    didn't disclose that she was pregnant?

15          A.    Not that I can recall.

16          Q.    You mentioned it as a -- you said not really  
17    an untruth but as an issue.  So you have an issue with  
18    it?

19          A.    No.  It's an issue in my mind because, you  
20    know, listening to the testimony yesterday,  
21    Ms. Gauthreaux was expounding like there was a  
22    conspiracy theory to get rid of her and all this what  
23    I consider to be nonsense.  And if that was the case,  
24    we had the opportunity to where we could have cut her  
25    loose without any repercussions, just terminated the

1     job appointment when she went out on maternity leave  
2     and called it a day.

3           Q.     You think you could have fired her --

4                   MR. BLANCHFIELD:   Let him finish.

5           A.     And we didn't do it.  And it's not something  
6     I would have done.  It's not in my nature.  It was  
7     fine with me.

8     BY MS. BOUNDS:

9           Q.     Are you done?

10          A.     I'm done.

11          Q.     Do you think it was within DHH's legal rights  
12     to terminate Ms. Gauthreaux while she was out on  
13     maternity leave?

14          A.     I don't know.  I never researched it because  
15     I would have never done it.  So I never even looked at  
16     it.  It's not in my nature.

17          Q.     You said y'all could have terminated her  
18     while she was out on leave.

19          A.     Right.  That was my understanding.  I'm only  
20     going with that understanding because that's what  
21     Ms. Gauthreaux testified to yesterday.  I don't know  
22     employment law as you've laid that foundation.  I  
23     really don't know.

24          Q.     And Ms. Gauthreaux certainly didn't have an  
25     obligation to tell you she was pregnant during the

1 interview; is that correct?

2 A. Absolutely not.

3 Q. Could the interviewers have asked her if she  
4 was pregnant during the interview to your knowledge?

5 A. To my understanding, no, that was a no-no  
6 question.

7 Q. And was there ever part of an agreement in a  
8 meeting that Mr. Hill would not be condescending?

9 A. I believe that was in the 11th meeting. We  
10 were trying to get Ms. Gauthreaux, in my mind, like I  
11 said, to 100 percent. So either at that meeting or  
12 definitely as a result of the meeting of the main  
13 meeting with Courtney Phillips, it was that he -- you  
14 know, Mr. Hill needed to work on changing his  
15 management style.

16 Q. Did you also, you or anyone else in the  
17 meeting, instruct Mr. Hill that he would ease up on  
18 the no-closed-door policy?

19 A. Yeah, either Kim or I did. The closed-door  
20 policy -- I mean, people close their doors, in my  
21 mind, for various reasons. I mean, the only -- my  
22 only knowledge of the reason why the door being closed  
23 was even a remote issue is that supposedly  
24 Ms. Gauthreaux was breast-feeding. And, of course, we  
25 have prisoners that come in there and open up the

1 trash and put the trash out, so they'll knock on the  
2 door one time and open it. So the issue was let's try  
3 to avoid a situation if we can.

4 Q. Was she able to lock her door?

5 A. In my mind she could have.

6 Q. How would an inmate get in with a locked  
7 door?

8 A. I wouldn't have had an issue with her locking  
9 it, so I don't know if she locked it or not.  
10 Obviously, they could not get in a locked door.

11 Q. Go to page 7 of the handwritten notes,  
12 please.

13 A. All right.

14 Q. There's an entry for 6-24-14 where  
15 Ms. Humbles states at the bottom, We'll need to do  
16 improvement letter to Weldon since we just had the  
17 6-11-14 meeting with Bethany and Weldon and had six  
18 points of resolution, but Weldon is still not watching  
19 language.

20 A. Where am I looking at?

21 Q. The last paragraph of the page.

22 A. We'll need to do improvement letter to Weldon  
23 -- will need to do improvement letter to Weldon since  
24 we just had 6-11-14 meeting with Bethany and Weldon  
25 and had six points of resolution but Weldon still not

1 watching his language.

2 Q. What knowledge do you have about Weldon still  
3 not watching his language after 6-11?

4 A. I believe it happened after 6-11, was the  
5 comment about sex is fun until the baby comes or  
6 something like that. And I still don't understand, to  
7 be honest with you, the context it was given in.  
8 People have told me the context.

9 Q. Regardless of the context, is that something  
10 appropriate to say in the workplace in front of a  
11 female employee?

12 A. That is not something I would say, let me put  
13 it that way.

14 Q. Do you know if it's an appropriate statement  
15 in the workplace?

16 MR. BLANCHFIELD: Object to the form.

17 BY MS. BOUNDS:

18 Q. In your mind, do you think it's an  
19 appropriate statement to make in the workplace?

20 A. It's not something I would say.

21 Q. Because you don't feel it's appropriate to  
22 say in the workplace?

23 A. It would not be something I would say in the  
24 workplace.

25 Q. Can you answer the question? Do you feel

1 it's something --

2 A. Well, I mean --

3 Q. How you feel. Do you feel it is something  
4 that is appropriate to say in the workplace in the  
5 presence of female workers, your opinion?

6 A. No, I would not say it.

7 Q. And your answer is no, you don't feel it's  
8 appropriate?

9 MR. BLANCHFIELD: Object to the nature  
10 of the question.

11 MS. BOUNDS: He's not answering the  
12 question, that's why I keep repeating it.

13 MR. BLANCHFIELD: He did answer the  
14 question. He said, no, he wouldn't say it. That's  
15 his answer. You don't have to like it. Move on.

16 BY MS. BOUNDS:

17 Q. My question is yes or no, then you can  
18 explain your answer all day long. Do you feel it's  
19 appropriate to say, Sex is fun until the baby comes,  
20 in the workplace in the presence of female workers?

21 MR. BLANCHFIELD: Asked and answered.

22 MS. BOUNDS: It's not asked and  
23 answered.

24 MR. BLANCHFIELD: Yes, it is.

25 BY MS. BOUNDS:



1 Q. Yes or no? You can answer.

2 A. No.

3 Q. Thank you.

4 A. And to explain --

5 Q. Go ahead.

6 A. -- it is not something I would say. And the  
7 reason I was hedging is, being a lawyer myself, does  
8 it rise to the level of sexual harassment in a judge's  
9 eyes or a jury's eyes, I don't know. It's not  
10 something that I would have used.

11 Q. At what point was the letter of improvement  
12 given to Mr. Hill?

13 A. I thought it was after the meeting with  
14 Courtney Phillips.

15 Q. Which took place when?

16 A. I think that meeting took place on like the  
17 24th. So I thought that's when we did it. But the  
18 letter is going to have to speak for itself. But  
19 that's when I thought we did it.

20 Q. If you go on the page prior, which is page 6,  
21 but I know it's not numbered, it has an entry of  
22 6-25-14. And if you'll look in the margin, Note, per  
23 Courtney, hold letter of improvement to Weldon until  
24 we do independent investigation. May need to add to  
25 letter or change. Does that help refresh your

1 recollection as to when the letter of improvement --

2 A. Yes, it definitely does. We obviously held  
3 it until after the investigation, the independent  
4 investigation, because we wanted a full independent  
5 picture as to what was going on. So, yes, it does.  
6 Thank you.

7 Q. The page going back, there's an entry of  
8 6-26-14, Discussion with Russo. And I think it says,  
9 correct me if you have a different understanding, and  
10 Lavon, re: Alt supervision, office location,  
11 depending upon report conclusions. Russo will talk  
12 with Courtney.

13 A. Yes.

14 Q. Tell me about your conversation with  
15 Ms. Phillips about the change in supervision or office  
16 location?

17 A. I don't specifically recall the conversation  
18 and have specific knowledge of what was said. I know  
19 the result of the independent investigation was to  
20 move her out from Mr. Hill's supervision and move her  
21 to another floor. And those were our directions, and  
22 so we followed them.

23 Q. Did Ms. Phillips tell you about any action  
24 that she wanted taken as regarding Mr. Hill or his  
25 position?

1           A.    I'm pretty sure that it was her direction to  
2   also give the letter of improvement as well. I think  
3   at that point, when it was back and forth, you know,  
4   the allegation -- I think at that stage we made the  
5   determination that, you know, legal -- my training at  
6   least, if I can recall from the sexual harassment  
7   classes, was in a hostile work environment, an  
8   employee comes to complain, you try to handle the  
9   situation internally. If you can't handle it  
10   internally, then it's kind of, you know, not wash your  
11   hands of it, I don't mean it in that way, but turn it  
12   over to an independent body, you know, to HR, and let  
13   them work it out.

14                In my mind, that's what we were trying to do  
15   when we went the independent investigation route and  
16   turned it over to the deputy secretary. It's like,  
17   these are two lawyers within the Bureau of Legal  
18   Services that are now throwing some allegations back  
19   and forth, y'all handle it.

20           Q.    At the end of that internal audit  
21   investigation, did you have communications with  
22   Courtney Phillips about what action to take?

23           A.    I don't recall anything specific other than I  
24   surely told her what we did to satisfy the directive.

25           Q.    What was her directive, so we're clear for

1 the record, as regards Mr. Hill?

2 A. My understanding with Mr. Hill was to give  
3 him a letter of improvement, you know, get him to  
4 change and alter his management style, and to go take  
5 these three to four classes, whatever was in the  
6 letter.

7 Q. Since that investigation, have you heard of  
8 or received any complaints about Mr. Hill?

9 A. I'm horrible with dates. But do you mean  
10 like, for instance, after this lawsuit was filed,  
11 after this Bethany Gauthreaux situation? Because  
12 there was obviously further complaint after the June 1  
13 meeting when he said the sex is better.

14 Q. After the internal audit had concluded their  
15 investigation and there was a transfer of  
16 Ms. Gauthreaux, do you have knowledge or have you  
17 received any complaints about Mr. Hill after that?

18 A. Not to my knowledge.

19 Q. Looking on the same page, there's an entry  
20 for 6-25-14, five lines down, Told Weldon and Bethany  
21 to have no contact. Was this the first time that  
22 either you or, to your knowledge, Ms. Humbles told  
23 Mr. Hill and Ms. Bethany not to have contact?

24 A. To the best of my recollection, we told them  
25 not to have contact once the independent investigation

1 started. Because, obviously, we were trying to work  
2 out the problem. She was still under Weldon. And so  
3 I -- it would have been out of character for us to say  
4 not to have contact at that stage. So I'm thinking --  
5 I'm thinking the answer to your question is yes.

6 Q. Because the independent investigation began  
7 late June, correct?

8 A. Right, right, that's what I'm going off of.  
9 So that's -- to the best of my recollection, yes.

10 Q. Go to the next page going backwards though,  
11 the date order is backwards, there's an entry for  
12 6-30-14. Spoke with Courtney. Were you part of that  
13 conversation referenced on that day? And she says,  
14 She is reviewing report and will get with Russo and  
15 me. She knows of plan that we had proposed.

16 A. I don't recall being a part of that. It  
17 looks like it was a conversation without me.

18 Q. What is the plan that you and Ms. Humbles had  
19 proposed that's referenced here on 6-30?

20 A. At that stage, I'm not even sure she's  
21 talking about me. She is reviewing report and will  
22 get with Russo and me. She knows of plan that we had  
23 proposed.

24 Q. Let me ask you this predicate question: Did  
25 you-all propose a plan as of 6-30-14?

1           A.    I don't recall whether there was a formal  
2    plan or proposed plan.  I don't remember, would be the  
3    best answer.

4           Q.    Did you speak to any DHH employees about  
5    Ms. Bethany's separation of employment?

6           A.    Other than the fact that she was supposed  
7    to -- if I can recall correctly, she was coming off of  
8    FMLA, and so we were preparing for her to come back.  
9    And then they told -- "they" being -- I think it was  
10   either Kim Humbles or Kim Sullivan saying that she  
11   sent in an e-mail saying she's resigning.  Of course,  
12   we talked about when she was coming back and that type  
13   of stuff.  I don't remember specifics.

14          Q.    What did Ms. Sullivan tell you along the  
15   lines of her e-mail resigning?

16          A.    I don't recall.

17          Q.    Did you discuss that with anyone else, the  
18   resignation?

19          A.    I don't recall.  The normal procedure would  
20   have been to get with HR and say, Hey, we have a  
21   resignation from Ms. Gauthreaux, how do we proceed.  I  
22   think there's a form you have to fill out for notice  
23   of resignation and that type of stuff and your  
24   acceptance of the resignation.

25          Q.    Did Ms. Sullivan have any discussion with you

1 about Ms. Gauthreaux's work performance?

2 A. Nothing substantive that I can recall. I  
3 mean, I wouldn't have been involved, or it would have  
4 been out of character for me to have been involved,  
5 but she may have.

6 MS. BOUNDS: I'm just going through my  
7 notes.

8 MR. BLANCHFIELD: Why don't we take a  
9 five-minute break.

10 MS. BOUNDS: Sure.

11 (A break was taken.)

12 MS. BOUNDS: Before I forget, let me go  
13 ahead and mark, because we did reference them, those  
14 notes as Exhibit #1.

15 (Exhibit #1 was marked.)

16 BY MS. BOUNDS:

17 Q. Mr. Russo, are you aware of any complaints or  
18 issues being brought about Mr. Hill from Crystal  
19 Ayers?

20 A. No, I'm not.

21 Q. Did you know whether Mr. Hill kept a record  
22 of Ms. Bethany's comings and goings in the office?

23 A. I heard about it just through the course of  
24 this. Did I have personal knowledge of it, no.

25 Q. Who did you hear it from?

1           A.     Just in testimony and just from  
2     Ms. Gauthreaux in discussing the case, the matter.

3           Q.     So you heard it from Ms. Gauthreaux?

4           A.     I think that's who I heard it from, either  
5     that or Mr. Duhon, one of the two.

6           Q.     Do you have any knowledge about the ninth  
7     floor asking legal to start tracking activities  
8     through monthly reports?

9           A.     I don't know if it came through the ninth  
10    floor or if it came through me.

11          Q.     All right.

12          A.     But we wanted to start tracking so that we  
13    knew -- I mean, the more and more we were getting  
14    squeezed and the more and more we get budget cuts, the  
15    issue of layoffs constantly comes up. So in my mind,  
16    it was a good idea to be doing it so we could see,  
17    number one, where the work is bulging at, where the  
18    work is slacking at; and then, number two, in my mind,  
19    if we ever got back into a budget-cutting layoff  
20    scenario, you know, the way these things go is you'll  
21    have one unit will come in and say, Don't cut any of  
22    my people because I'm overworked but legal doesn't  
23    have a lot of work.

24                 So, of course, I wanted to be able to go and  
25    look at all the stuff legal is doing. So did those --



1 so it either came from me or I don't know if it  
2 actually came -- when I think ninth floor, I'm  
3 thinking the secretary made a directive to do these  
4 things. I don't think that's what happened, but I  
5 could be proven wrong.

6 Q. So you think you gave that directive?

7 A. I either gave it or I thought it was a good  
8 idea.

9 Q. And what sections were required to submit  
10 monthly reports?

11 A. I think all sections. I don't know why we  
12 wouldn't have done all sections.

13 Q. And do you know if each attorney in the  
14 section had to submit their own monthly report?

15 A. To my knowledge they did.

16 Q. And did that begin in September of 2014?

17 A. I'm not sure when it began.

18 Q. You say we wanted to start tracking. Who's  
19 the "we"?

20 A. Kim Humbles and myself.

21 Q. Was there a form for the monthly reports that  
22 you --

23 A. To my --

24 Q. -- that you wanted to implement?

25 A. Like I said, it wasn't -- I mean, I'm not

1     sure that it was my idea or if I directed it. What I  
2     said is I thought that whoever did it, it was a good  
3     idea. If I did it, it was a great idea. But, no, the  
4     form didn't come from me. I'm not sure. I mean, I  
5     don't review the forms on like a monthly basis. They  
6     may get sent up to me.

7           Q.     But to your knowledge, there would be monthly  
8     reports from each attorney in DHH?

9           A.     That's how I think it works, yes, ma'am.

10          Q.     Have you personally seen monthly reports of  
11     that nature?

12          A.     I think I've seen a few. It's not something  
13     that I review in the normal course.

14          Q.     Do you know if Mr. Duhon had ever been  
15     disciplined in his employment with DHH?

16          A.     Again, when you're talking discipline, I  
17     don't think any actions were ever taken against  
18     Mr. Duhon upon which he would have a civil service  
19     appeal, for instance, on. I know on a couple to  
20     several occasions Mr. Duhon has had to get talked to.  
21     And it may have -- one or two of them may have even  
22     risen to the level of a written reprimand, which to me  
23     is not formal civil service discipline. But I don't  
24     know if that's what you're driving at.

25          Q.     Can the letters of improvements be used to

1     enhance penalties for formal civil services discipline  
2     to your knowledge?

3           A.     My understanding is, yes, they can. I think  
4     there's a sentence at the end that says, This can be  
5     used.

6                         MS. BOUNDS: Thank you. I don't have  
7     anything further.

8                         MR. BLANCHFIELD: No questions here.

9                         (End of testimony at 11:28 a.m.)  
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## 1 R E P O R T E R ' S C E R T I F I C A T E

2

3 I, Rita A. DeRouen, Certified Court  
4 Reporter, Certificate #2014018, in and for the State  
5 of Louisiana, as the officer before whom this  
6 testimony was taken, do hereby certify that STEPHEN  
7 RUSSO, after having been duly sworn by me upon  
8 authority of R.S. 37:2554, did testify as set forth in  
9 the foregoing 91 pages on September 20, 2016; that  
10 this testimony was reported by me in stenographic  
11 machine shorthand, was prepared and transcribed by  
12 Computer-Aided Transcription by me or under my  
13 personal direction and supervision, and is a true and  
14 correct transcript to the best of my ability and  
15 understanding; that the transcript has been prepared  
16 in compliance with transcript format guidelines  
17 required by statute or by the rules of the board; that  
18 I have acted in compliance with the prohibition on  
19 contractual relationships, as defined by Louisiana  
20 Code of Civil Procedure Article 1434 and in the rules  
21 and advisory opinions of the board; that I am not  
22 related to counsel or the parties herein, nor am I  
23 otherwise interested in the outcome of this matter.

24 This certification is valid only for a  
25 transcript accompanied by my original signature and

1 original required seal on this page.

2 Signed: September 29, 2016

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Rita DeRouen, CCR, RPR

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## 1 WITNESS CERTIFICATION

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3  
4 I, STEPHEN RUSSO, the undersigned, do hereby  
5 certify that I have read the foregoing deposition  
6 taken on September 20, 2016, and it contains a true  
7 and accurate transcript of the testimony given by me:  
8

9 ( ) Witness corrections  
10

11 ( ) With corrections as reflected on the  
12 Errata Sheet(s) prepared by me and attached hereto  
13 consisting of \_\_\_\_\_ pages.  
14  
15  
16

17 \_\_\_\_\_  
STEPHEN RUSSO

18 \_\_\_\_\_  
19 DATE  
20  
21  
22  
23

24 Reported by: Rita A. DeRouen, CCR, RPR  
25