IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRENT GAY,
Plaintiff,
v.
UNION LOCAL SCHOOL DISTRICT
BOARD OF EDUCATION, ET AL.,
Defendants.

Case No. 2:25-CV-00652

VIDEO DEPOSITION OF
Vaughn Butler
May 22, 2026
St. Clairsville, Ohio
LEAD: Subodh Chandra, Esquire
FIRM: The Chandra Law Firm

FINAL COPY
JANE ROSE REPORTING 1-800-825-3341

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I N D E X

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P R O C E E D I N G S

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THE VIDEOGRAPHER: Good morning. We are on the record at 9:07 a.m. on May 22nd, 2026. The following deposition of Vaughn Butler is being taken at 67400 Betty Lee Way, St. Clairsville, Ohio, 43950, in the matter of Brent Gay versus Union Local School District Board of Education, et al., Case No. 2:25-CV-00652, pending in the United States District Court for the Southern District of Ohio, Eastern Division.

The court reporter is Tammie Trigg, and I'm the videographer, Justin Matheny, here on behalf of Jane Rose Reporting. Will counsel please identify themselves and whom they represent.

MR. CHANDRA: Subodh Chandra and Emily Bohatch for Plaintiff Brent Gay, who is also here.

MR. R. WILLIAMS: Richard Williams for Defendant Vaughn Butler.

MR. C. WILLIAMS: Chris Williams and Brandon Novak for Union Local School District.

THE VIDEOGRAPHER: Thank you. Will the court reporter please swear in the witness.

* * *

VAUGHN BUTLER,

being first duly sworn, was examined and deposed as follows:

* * *

E X A M I N A T I O N

BY MR. CHANDRA:

Q. Mr. Butler, good morning. You were here yesterday for two depositions of witnesses in this case, correct?

A. Yes.

Q. And you heard the instructions about the rules of depositions?

A. Yes.

Q. Okay.

And you had -- I need to hear a little louder --

MR. R. WILLIAMS: You have to verbally --

A. Yes.

BY MR. CHANDRA:

Q. Thank you.

And you're prepared to abide by all of those instructions?

A. Yes.

Q. Okay.

Now, one of the things -- I need to ask you a few questions since we can dispense with the detailed instructions. What did you do to prepare for today's deposition?

A. I talked with my lawyer.

Q. Okay.

How long was that conversation for preparation, or conversations?

A. We've had a couple phone conversations and also a Zoom meeting.

Q. What was the length of them?

A. All the conversations we've had, probably half hour, 45 minutes, approximately. And then Zoom, meeting probably an hour and a half, approximately.

Q. Okay.

Because we have some sort of event going on in this building where there is a loud microphone, I'm going to really need you to speak up so that I can hear you because I'm hearing the sound outside more than I'm hearing you right now. Okay?

MR. CHANDRA: Let's go off the record for a minute.

THE VIDEOGRAPHER: Going off the record at

9:10 a.m.

* * *

(Brief break)

* * *

THE VIDEOGRAPHER: We are back on the record at 9:36 a.m. Please proceed.

BY MR. CHANDRA:

Q. All right. We're back on the record in the hope that some of the background noise in the building has evaded somewhat. There is some sort of graduation event going on with amplification, but they've turned the volume down a little bit. So let's see if we can proceed.

Is there any reason you can't testify truthfully here today?

A. No.

Q. You have to speak up.

MR. R. WILLIAMS: You have to speak up, Vaughn.

A. No.

BY MR. CHANDRA:

Q. Okay.

And are you on any medications that might affect your mental status?

A. No.
Q. All right.
I was asking you, before the break, on what you had done to prepare. You talked about meetings with your lawyer or discussions with your lawyer. Have you reviewed your written discovery responses?
A. Yes.
Q. Okay.
Did you review your statement to the police after the incident?
A. Recently?
Q. Yes.
A. No.
Q. Okay.
When was the last time you reviewed it?
A. It's been -- it was probably right after the incident, when it came out.
Q. Okay.
Did you review the body camera footage?
A. I have.
Q. Including your statements to police at the time?
A. Yeah.
Q. Or your interaction with police at the time?

A. Yes.
Q. Again, I need you to keep your volume up, please.
Did you review your written statement to Superintendent Shutler?
A. Did I review it?
Q. Yes.
A. I gave it to him, yes.
Q. Yeah.
Did you review it in preparation for the deposition?
A. No.
Q. Okay.
Could you please state and spell your full name for the record?
A. Vaughn Butler. V A U G H N, B U T L E R.
Q. Do you have a middle name?
A. Eric, E R I C.
Q. Your age?
A. I am 63 years old.
Q. Okay.
MR. CHANDRA: Now we'll take this information off the record.
THE VIDEOGRAPHER: Going off the record at

9:38 a.m.

* * *

(Whereupon, a discussion was held off the record.)

* * *

THE VIDEOGRAPHER: We are back on the record at 9:39 a.m. Please proceed.

BY MR. CHANDRA:

Q. What is your residential address?

A. 303 Church Street, Morristown, Ohio.

Q. Okay.

Spell the name of the town, please.

A. M O R R I S T O W N.

Q. How long have you worked in education?

A. I worked previously for about three years as a substitute teacher.

Q. And then -- but how long have you been working? Like, give me the years that you started.

A. I'm not in the education field right now.

Q. Okay.

Oh, you're no longer working for Union Local at all?

A. No. I'm not an educator.

Q. I understand.

A. I don't...

Q. How long have you coached?
A. Oh, approximately 30 years.
Q. Okay.
Do you hold any professional licenses?
A. I don't believe so, no.
Q. What is your personal educational background?
A. I have a degree from Fairmont State College.
Q. And what is that in?
A. It's a general admissions -- general -- oh, I can't think. I didn't prepare for this one.
Bachelor's degree.
Q. A bachelor's degree in what subject?
A. General studies.
Q. General studies, okay.
A. Yes.
Q. Is Union Local School District your current employer?
A. It's one of them, yes.
Q. Okay.
And what are your others?
A. I work at Belco Tomorrow's Corner.
Q. I'm sorry, I really can't hear you.
A. Belco Tomorrow's Corner.
Q. Okay.

Can you spell that, please?
A. Spell "Belco"?
Q. Yeah.
A. B E L C O. Tomorrow's Corner. T O M O R R O W S. Corner, C O R N E R.
Q. What kind of business is that?
A. It's an adult day program for adults with disabilities.
Q. And how long have you been working there?
A. Under Belco, I've been working there for approximately eight years.
Q. Any other employers?
A. I worked with Tomorrow's Corner when it was just Tomorrow's Corner for approximately 12 years. Ten to 12 years.
Q. Do you have any other current employers?
A. No.
Q. Now, Union Local School District, that's a public school district, right?
A. I believe so.
Q. Okay.
And what is your role there?
A. My role?
Q. Yes. You're an assistant coach, correct?

A. I'm an assistant coach, yes.
Q. Of the football team at the high school?
A. Yes.
Q. And did you hold that same role on October 25th, 2024?
A. Yes.
Q. How long had you worked for Union Local School District?
A. Approximately 30 years.
Q. Now, given how long you've been coaching, you are accustomed to interacting with students?
A. Student athletes, yes.
Q. Yes.
Interacting with parents.
A. Yes.
Q. Interacting with spectators and fans?
A. At times, yes.
Q. Okay.
And what other educational institutions have you worked for?
A. Shadyside Local Schools, and I believe that's all.
Q. When was that?
A. Wow. Late '80s.

Q. Okay.
In your employment history, have you ever been fired or asked to resign?
A. Say it again, please. I didn't hear.
Q. In your employment history, have you ever been fired or asked to resign?
A. At Union Local?
Q. In your entire employment history.
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. Okay.
And where was that from?
MR. R. WILLIAMS: Objection.
You can answer.
A. A place called Fox Run hospital.
BY MR. CHANDRA:
Q. Fox Run?
A. Fox Run.
Q. F O X, R U N?
A. Yes.
Q. Is that one word?
A. Two words.

Q. Okay.
And where is that?
A. It's -- the address is St. Clairsville, Ohio, I believe.
Q. Okay.
And when were you working there?
A. There again, probably late '80s, early '90s.
Q. Okay.
And were you fired or asked to resign?
MR. R. WILLIAMS: Objection.
You can answer.
A. Oh. Asked to resign.
BY MR. CHANDRA:
Q. Okay.
And for what reason?
A. Downsizing.
Q. Okay.
What was your role there?
A. A couple roles. I worked as an assistant to the teacher, educator there and just a -- kind of a floor -- I don't know what they would call it, at the time, I can't remember, but just a floor worker.
Q. Were you ever fired or asked to resign at any point during your employment with Union Local School

District?
A. No.
Q. Okay.
Now, you worked, at one point, for the Jefferson Behavioral Health System, too, correct?
A. Yes.
Q. And what was that time period?
A. Around 1996, approximately, through 1998.
Q. What was your role there?
A. There, again, I was working as an assistant teacher and also a teacher when that teacher was not there.
Q. And you interacted with minors in that role, right?
A. Yes.
Q. At Jefferson Behavioral Health System, were you ever subject to discipline?
MR. R. WILLIAMS: Objection.
You can answer.
A. No.
BY MR. CHANDRA:
Q. At any of the previous employers, with the exception of Union Local School District, which we'll come to, were you ever subject to any discipline?

MR. R. WILLIAMS: Objection.
You can answer.
A. Not that I can recall.
BY MR. CHANDRA:
Q. Were you ever demoted in any of your previous positions?
A. Explain -- Union Local or somewhere else?
Q. I'm asking about the other places first.
A. No.
Q. Okay.
What about at Union Local?
A. I was a varsity coach at one time, head, and I am now an assistant.
Q. Okay.
So you were a varsity coach at Union Local, and then were demoted to assistant?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. When was that?
A. I can't remember. Around the 2003 year.
BY MR. CHANDRA:
Q. Do you know the reason for that?

MR. R. WILLIAMS: Objection.
You can answer.
A. They were just going in a different direction.
BY MR. CHANDRA:
Q. Were you ever -- have you ever been civilly sued before, other than in this case?
A. Personally, no.
Q. What do you mean? Personally versus what?
A. I mean, me personally was not sued. I have never been personally sued.
Q. Okay.
Have you ever been named as a co-defendant in a lawsuit with someone else?
MR. R. WILLIAMS: Objection.
You can answer.
A. No.
BY MR. CHANDRA:
Q. I'd like you to take a look at Exhibit 11 in the binder in front of you. These are court documents related to the Common Pleas Court in Jefferson County, Ohio case of Lisa Taylor and -- Jack and Lisa Taylor, Plaintiffs, versus Jefferson Behavioral Health System, et al. And if you look -- if you flip through the pages, about halfway through, you'll find the first page

of a civil complaint in which you are named as a civil defendant in that case.

A. I stand corrected. I guess I have.

Q. Okay.

MR. R. WILLIAMS: Counsel, just so the record is clear, can we have a continuing line of objections to this series of questions relative to Exhibit 11 and any questions relative to his employment at Jefferson Behavioral Health Care.

MR. CHANDRA: That's fine. Thank you.

MR. R. WILLIAMS: Okay.

BY MR. CHANDRA:

Q. So what was the nature -- to the best of your recollection, what was the nature of the lawsuit against you? What were you accused of doing?

MR. R. WILLIAMS: Objection.

You can answer.

A. I was disciplining a child for his safety.

BY MR. CHANDRA:

Q. What specifically were you accused of doing that was alleged to have crossed a line?

MR. R. WILLIAMS: Objection.

You can answer.

A. I placed -- I did not place, I ordered a child

into the back of my car.
BY MR. CHANDRA:
Q. When you say "the back" of your car, you don't mean the back seat, do you?
A. No.
Q. Into the trunk, right?
A. It was a hatchback.
Q. Okay.
And then you closed the trunk --
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. -- or the hatchback?
MR. R. WILLIAMS: You can answer.
A. Yes.
BY MR. CHANDRA:
Q. Then you drove with the child in there.
MR. R. WILLIAMS: Objection.
You can answer?
A. To the child's home, yes.
BY MR. CHANDRA:
Q. So the family sued you civilly. Did they also seek criminal charges against you?
MR. R. WILLIAMS: Objection.
You can answer.

A. They did not, I don't believe. I think Jefferson sheriff's department.

BY MR. CHANDRA:

Q. So you were criminally charged?

MR. R. WILLIAMS: Objection.

You can answer.

A. I was -- no.

BY MR. CHANDRA:

Q. Okay.

You were not criminally charged at all?

MR. R. WILLIAMS: Same objection.

A. No.

BY MR. CHANDRA:

Q. Was there any sort of criminal resolution of the case against you? I'm just talking about the criminal side, not the civil side right now. Did you plead to anything?

MR. R. WILLIAMS: Objection.

You can answer.

A. Yes.

BY MR. CHANDRA:

Q. Okay?

What did you plead to?

MR. R. WILLIAMS: Objection.

You can answer.
A. Not guilty.
BY MR. CHANDRA:
Q. Okay.
And did you eventually -- are you saying that the case just completely dismissed against you? So there was a charge. If you pleaded not guilty, there was a charge.
A. I don't remember.
I'll retract that. Yes, I think there was.
Q. There was a criminal charge. What were you charged with?
MR. R. WILLIAMS: Objection.
You can answer.
A. It was a misdemeanor.
BY MR. CHANDRA:
Q. A misdemeanor charge of what?
A. I don't remember. I don't.
Q. What court?
A. Jefferson County.
Q. Court of Common Pleas?
A. I believe so.
Q. Or was it a municipal court? Do you know?
A. I think it was Common Pleas, I think.

Q. So you were charged with a misdemeanor in a county court. You pleaded not guilty. Did you eventually plead no contest to something?

MR. R. WILLIAMS: Objection.

You can answer.

BY MR. CHANDRA:

Q. Or guilty?

MR. R. WILLIAMS: Objection.

You can answer.

A. I don't remember.

BY MR. CHANDRA:

Q. Was there a trial?

MR. R. WILLIAMS: Objection.

You can answer.

A. Just a hearing, I believe.

BY MR. CHANDRA:

Q. In front of a judge --

A. Yes.

Q. -- or a jury?

A. Judge.

Q. Was there a finding?

MR. R. WILLIAMS: Objection.

You can answer.

A. Finding as of?

BY MR. CHANDRA:
Q. Meaning was there a finding of whether you were guilty or not guilty, by a judge?
MR. R. WILLIAMS: Objection.
You can answer.
A. I believe so, yes.
BY MR. CHANDRA:
Q. Okay.
And what was the finding?
MR. R. WILLIAMS: Objection.
You can answer.
A. Misdemeanor.
BY MR. CHANDRA:
Q. So you were found guilty?
MR. R. WILLIAMS: Objection.
You can answer.
A. I believe so.
BY MR. CHANDRA:
Q. And you don't recall what specifically you were charged with? Was it child endangerment?
MR. R. WILLIAMS: Objection.
You can answer.
A. Maybe. Yeah, I think so.
MR. R. WILLIAMS: Do you know?

THE WITNESS: I don't know.
MR. R. WILLIAMS: If you don't know, tell him you don't know.
THE WITNESS: I don't remember.
MR. R. WILLIAMS: Don't guess at your answers.
THE WITNESS: I don't know. I don't remember.
BY MR. CHANDRA:
Q. But whatever the charge was, it was related to your treatment of that child, putting that child in the back of your vehicle, correct?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes. And I did not put him in a vehicle, in the trunk.
BY MR. CHANDRA:
Q. Okay.
Well, direct the child to get into your vehicle, in the back, right?
A. Yes.
Q. All right.
Now, did you face discipline from your employer for your conduct?

MR. R. WILLIAMS: Objection.
You can answer.
A. No.
BY MR. CHANDRA:
Q. How was this -- so let me ask you this: Did you seek to have the criminal proceedings sealed or expunged?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. Okay.
And was it placed under seal?
A. Yes.
Q. Okay.
Do you know if it was expunged?
A. I believe it was, yes.
Q. Okay.
Who was your attorney in that matter?
MR. R. WILLIAMS: You can answer.
A. I can't think of the name. I don't know off the top of my head right now.
BY MR. CHANDRA:
Q. Male or female?

A. Male.
Q. Do you happen to know if that person is still practicing law?
A. He is deceased.
Q. He is deceased?
A. Uh-huh.
Q. Okay.
What was the outcome of the civil suit?
MR. R. WILLIAMS: Objection.
You can answer.
A. That, I do not know.
BY MR. CHANDRA:
Q. Is Jefferson Behavioral Health a public entity or a private entity?
A. I would say public.
Q. Okay.
And do you know -- so you say you don't know the outcome. Were you represented by an attorney in that case?
A. Yes. It was the guy that I just said was deceased.
Q. Oh, the same person who represented you in the criminal matter represented you in the civil matter?
A. I never went to court during the civil

situation.

Q. Okay.

Was your deposition ever taken?

A. No.

Q. Is this the first time you've ever been deposed?

A. Yes.

Q. Okay.

So about how soon -- approximately. I realize it was a while ago. About how soon after you were served the civil complaint were you told that the case was resolved?

MR. R. WILLIAMS: Objection.

You can answer.

BY MR. CHANDRA:

Q. I'm asking, you know, days, months --

A. Months.

Q. -- weeks? Okay.

And do you remember, did you have to produce any sort of civil discovery responses, written discovery responses, in that case before it got resolved?

MR. R. WILLIAMS: Objection.

You can answer.

A. No.

BY MR. CHANDRA:
Q. You don't remember one way or the other?
A. I don't remember --
Q. Okay.
A. -- writing any, no.
Q. All right.
So was it your understanding that the suit was civilly settled?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. Okay.
So it is your understanding that the family was paid something to resolve the allegations about your conduct?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. Okay.
Do you know how much the family was paid?
MR. R. WILLIAMS: Objection.
You can answer.

A. No.
BY MR. CHANDRA:
Q. Approximately?
MR. R. WILLIAMS: Objection.
You can answer.
A. No.
BY MR. CHANDRA:
Q. All right.
Let's turn now to the subject of your job duties at Union Local, as a public high school coach, as of October of 2024. So for all of the following questions, please give the relevant responses for that time period, not your current job duties. Okay?
A. Uh-huh.
Q. All right.
Now, during that time, you were the assistant coach for the Union Local football team, right?
A. Yes.
Q. Can you describe the structure of the coaching staff? How many coaches are there?
A. Approximately six to eight. Maybe five paid positions.
Q. At that time?
A. Yes.

Q. Okay.

And who was responsible for doing what? Meaning what were the different positions among the coaches?

A. We have offense coordinator. We have different coaches for each position. Defense, we have a defensive coordinator, and we have coaches for each position on defense.

Q. And did duties and responsibilities differ widely among the coaches?

A. Explain "widely."

Q. Well, did they differ much at all, other than being responsible for different positions in the team?

A. Unless someone was absent for the day, someone took over their position to do drills and so forth.

Q. Okay.

And to whom did you report as assistant coach?

A. My head coach.

Q. And who was that?

A. Bernie Thompson.

Q. Did the head coach have the ability to review every single one of your decisions, or did you have some discretion?

A. We worked as a team, and we discussed

situations together.
Q. Okay.
What about the athletic director?
A. At the time, it was Nick Nardo.
Q. Okay.
Did he have the ability to review every one of your decisions, or did you have discretion?
MR. C. WILLIAMS: Objection.
You can answer.
A. Repeat the question.
BY MR. CHANDRA:
Q. Did he have the ability to review every one of your decisions, or did you have discretion?
MR. C. WILLIAMS: Objection.
A. What type of decisions are you asking?
BY MR. CHANDRA:
Q. Well, really, I'm leaving that answer to you. Maybe the better way to ask it would be: Were there decisions that you could make as an assistant coach that were really not subject to review by the athletic director?
A. Sure. Yes.
Q. Okay.
And what were those types of things?

A. What defenses we ran. What drills we ran in practice. What weight lifting we did for days and just general everyday football drills.

Q. Okay.

So part of your duties as coach was to make decisions on how to run the team, along the lines of what you just described, right?

A. Run my position, yes.

Q. Yeah.

And that would include how to run your position -- well, let me rephrase this. Okay.

So when you would go to a game as an assistant coach, how you conducted yourself at the game was not something that you would typically see supervisory review over, right, from the athletic director, for example?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: I object.

You can answer. Is your question relating to his actions in terms of assistant football coach?

MR. CHANDRA: Yeah, as an assistant football coach, right.

A. I report to my head coach.

BY MR. CHANDRA:

Q. Right.
A. Yes.
Q. But in terms of -- so when you're at a game, you're not there in a vacuum, right? You've got parents there, spectators, fans. You know, the game is actually happening in that context. Fair enough?
A. Yes.
Q. Right.
And so how you would interact with fans was not something that you would typically see supervisory review over by your athletic director. Fair enough?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer.
A. Yes.
BY MR. CHANDRA:
Q. Okay.
And the same is true as to your head coach?
A. Yes.
Q. Okay.
And so fair to say that, at least implicitly, the School District delegated those kind of duties to you and the other football coaches? It was up to your own discretion and judgment as to how you interact with spectators and fans. Fair enough?

MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
You can answer.
BY MR. CHANDRA:
Q. Go ahead. You can answer.
A. I don't communicate with spectators. I stay away from spectators as much as I can.
Q. Right, but that wasn't the question. The question was: Your exercise of judgment as to how you might interact with spectators and fans was something that the District committed to your own discretion. There was no particular supervision of you with respect to that. Fair enough?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A. No.
BY MR. CHANDRA:
Q. Okay.
So are you saying that you received oversight from the School District on fan interaction?
MR. R. WILLIAMS: Objection.
You can answer.
A. No.
BY MR. CHANDRA:

Q. Okay.

So it was, ultimately, up to your discretion -- what I'm really trying to get at here is you gave me an example of the things that you could do as an assistant football coach, in running your position --

A. Uh-huh.

Q. -- right.

Maybe give me some examples of things that the -- either the coach or the athletic director would weigh in on, where you didn't have discretion.

MR. R. WILLIAMS: Do you mean the head coach?

MR. CHANDRA: Yeah, the head coach.

A. On what I didn't have decisions on.

BY MR. CHANDRA:

Q. Yes.

A. He set the pregame, what we're going to do pregame. I have no control over the offense. Those are just some of the things that I -- yes.

Q. So along the same lines, neither the head coach, nor the athletic director, ever told you, "This is how you should interact with fans," or "This is how you shouldn't interact with fans or spectators." Fair

enough?

A. No. Fair enough, yeah.

Q. Okay. They never told you that.

And so what I'm really trying to get at is, in the way that you and your fellow coaches, assistant coaches conducted yourselves, as far as you were concerned, the School District had delegated you to exercise your own judgment on interactions with spectators at sporting events. Fair enough?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A. No.

BY MR. CHANDRA:

Q. How not?

A. What do you mean, "how not?"

Q. Well, maybe -- I want to make sure that I'm understanding your answer in relation to my question.

A. Okay.

Q. So I'm just trying to make sure that from where you sat, okay, the School District had given you discretion on how you might interact with spectators and fans. There was no interference with your judgment. Fair enough?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. Okay.

And how often would you say -- I understand you testified a little bit earlier that you -- it sounds like you, generally, tried to avoid interacting with spectators.

A. As much as possible, yes.

Q. Okay.

But in 30 years of coaching, "as much as possible" isn't the same as never. Fair enough?

A. There is always going to be incidents that people yell at you and do whatever, but you have to accept that and go on, yes.

Q. Fair enough.

A. Yeah.

Q. And not just that, you can also have perfectly civil, pleasant conversation with fans and spectators, right?

A. Yes. Yes.

Q. It's not that you would go to games over 30 years of coaching and put blinders on and have, like -- be determined to have zero interaction -- positive,

negative or neutral -- with spectators. Fair enough?
A. I do my best to stay away from spectators during the course of the game.
Q. Okay.
A. If they want to talk to me or our coaching staff, it's not during game night.
Q. Okay.
But over the course of 30 years of coaching, you would still have interactions with parents --
A. Sure.
Q. -- during games, right?
A. Yes. Unwanted, yes.
Q. And spectators, right?
A. Uh-huh.
Q. Okay.
And that would be true, also, of just general members of the community coming to observe games. Fair enough?
A. Yes.
Q. Okay.
And at those times that there would be those interactions -- positive, negative or neutral -- you understood that you were acting as a representative of the School District?

A. Yes.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. You also, as an assistant coach, would have to interact with outsiders at fundraisers for the school, right?

A. Yes.

Q. Community events?

A. Yes.

Q. So it's fair to say, whether you want to or not, you, as an assistant coach, would have to interact with people outside of the football program fairly often.

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Fair enough?

A. I wouldn't say "fairly often," no.

Q. Okay.

Once in a while, at least?

A. Maybe.

Q. Okay.

But it would be part of your job, right?

A. I don't think it's part of my job. It

happens.
Q. It would come up during the course of your job?
A. Yes.
Q. So to sum up, it would be fair to say that from the time a football game starts to the time a football game ends, on those occasions when you're interacting with a spectator, you're interacting as Assistant Coach Butler. Fair enough?
A. Unless the topic is off football, yes.
Q. Okay.
And if somebody asks you a question during the game, some spectator, you would be answering as Assistant Coach Butler, if the topic is football?
A. If the topic is football, yes.
Q. Yeah.
You were providing whatever information you had as an assistant coach. Fair enough?
A. I would probably answer the question that they asked, yes.
Q. Okay.
But again, as coach?
A. Sure.
Q. And you were answering in a way -- and you

understood this, that you were answering in a way that represented Union Local's football program, right?

MR. C. WILLIAMS: Objection.

A. If it's a football...

BY MR. CHANDRA:

Q. Sure.

A. Yes.

Q. Okay.

And that would be true in the middle of a game, right?

MR. R. WILLIAMS: Objection.

You can answer.

A. Yes.

BY MR. CHANDRA:

Q. Okay.

And you're -- at that moment, you would be wearing the uniform that the coach wears, right?

A. It's not a uniform, but, yes.

Q. The wrong word.

A. Yes.

Q. And you would know and understand that when you're wearing your coaching attire, people see you as a representative of the school, right?

A. Yes.

MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer.
THE WITNESS: I'm sorry.
BY MR. CHANDRA:
Q. And anything you said or did would reflect back on the school. Fair enough?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
You can answer.
A. It could.
BY MR. CHANDRA:
Q. Would you say Belmont County is a big football region?
A. It's -- yes.
Q. Okay.
It's kind of like a "Friday Night Lights" situation?
A. For certain schools, yes.
Q. Yeah.
Do you often, to the best of your understanding, have spectators who don't even have children or family on the team?
A. Yes.
Q. It's a fan base that goes beyond just people

directly connected to the school, right?
A. Yes.
Q. And you'd say that the community is pretty interested in the team?
A. Yes.
Q. Invested in the team and its success?
A. They want to see success, yes.
Q. So in response to one of the discovery requests in this case, it was something called a request for admission, you wrote that some members of the public were overly invested in the team's performance, right? Do you remember that?
A. I don't think I remember that.
Q. Okay. I'll show it to you. Let's take a look at Plaintiff's Exhibit 4 there, Response No. 5. If you look in the middle of that response, you wrote that "some members of the public were overly invested in the team's performance."
A. Yes.
Q. Right?
A. Uh-huh.
Q. Okay.
And that was your sincere, truthful response to that question, right?

A. Uh-huh. Yes.
Q. And that was your experience in -- you know, by the time October 2024 rolled around, that was your sentiment and feeling that you would go to games, and you were accustomed to some members of the public being overly invested in the team's performance, right? You knew that already by October 2024. Fair enough?
A. Yes.
Q. Okay.
And the community support for the team, I think we've already established, is pretty strong, right?
A. Yes.
Q. And at games is it mostly parents who attend or others from the community?
A. It could be anyone, yes.
Q. And how about boosters? Are they all parents, or is it also folks from the community?
A. Both.
Q. Now you're a Union Local alum, right?
A. Yes.
Q. And are the alumni who are local still pretty involved with the school, too?
A. Somewhat.

Q. And what about Brent Gay? He was pretty involved with the school before October 2024?
A. To my knowledge, no.
Q. Well, what about with the team, though?
A. Brent Gay?
Q. Yeah.
A. I've never saw him at any of our practices or at any of the functions we've had.
Q. He was a booster, wasn't he? You didn't know that?
A. No.
Q. Did you know that he had mentored some of the neighborhood kids, Union Local students?
A. Who?
Q. I'm just asking if you know.
MR. R. WILLIAMS: Mr. Gay. They're asking if you knew that Mr. Gay was a mentor.
BY MR. CHANDRA:
Q. Had mentored neighborhood kids.
A. No.
Q. Okay.
Now, you and he go way back, right?
A. Yeah.
Q. Yeah. I mean, you even played football

together in high school at Union Local?
A. Yes.
Q. You played basketball together at Union Local?
A. We was on the same team, yes.
Q. Yeah.
Would you consider each other friends?
A. Sure.
Q. You had even helped him with a home project?
A. He had helped me, yes.
Q. Okay.
Now, if a spectator at a game did come up and talk to you, did the school have a rule requiring you to tell them to go away, or were you permitted to talk to them?
A. What do you want me to answer?
Q. Well, I want you to answer the truth.
A. You had two questions there.
Q. Okay. Fair enough.
A. Okay.
Q. So let me ask you this: If a spectator came up to talk to you at a game, did the school require you to tell them to go away?
A. No.
Q. There was no rule, right?

A. No.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. And you were permitted by the school to talk to them. Fair enough?

A. Yes.

Q. Okay.

You were certainly not required by the school to get the head coach or the athletic director to talk to them, correct?

A. When?

Q. I'm saying in that scenario.

A. In general?

Q. If a spectator talks to you during a game, there was no rule from the school saying, "You're not allowed to talk to them, you have to have them talk to the head coach or the athletic director"?

A. That depends on the situation, yes.

Q. Okay.

In general, though, if a spectator came up and talked to you, you had the discretion on -- to decide what to say to them. Fair enough?

A. There again, depending on the question at hand. If it was something I couldn't answer, I would

refer them to someone else.
Q. That's fair enough.
A. Yes.
Q. But let's -- maybe give me some examples of the kind of thing you could see yourself saying, You have to talk to the head coach or the athletic director, versus just being able to respond.
A. "Can my son ride home with me after the game?" I can't answer that. I have to go to the head coach and say...
Q. Got you. Yeah, I'm just talking about -- let's use the example of just general spectators who don't have a kid in the school, and it's not related to their kid or an inquiry about their particular kid.
A. Okay.
Q. Just a general spectator from the community comes up and asks you something about the team, the team's performance. In general, you had the discretion to interact with them, unless you thought it was above your pay grade. Fair enough?
A. Yes.
Q. All right.
And, you know, people would talk to you all the time. Like, say things, like, "Good game coach," or

things like that?
A. Yes.
Q. I think you alluded to this earlier. I would imagine people get heated at games sometimes, spectators?
A. Probably. I don't know.
Q. Well, I mean, you must have experienced that in 30 years of coaching. You had to deal with that.
A. I don't -- I'm not in the crowd. I don't know.
Q. Okay.
But you could hear them?
A. Oh, yeah.
Q. Okay.
And you had to deal with criticism before?
A. Daily, probably, yes.
Q. Yeah. For coaching?
A. Sure.
Q. Yeah.
This is even before October of 2024 --
A. Yes.
Q. -- right?
A. Uh-huh.
Q. Okay.

Did you receive any training from the District about how to interact with the public?

A. No.

Q. And there was nothing specifically about interactions with spectators/observers at the football games, right?

A. Right.

Q. No training of any kind and no training specifically on the issue of the First Amendment, the right to free speech, and the need for you to respect that as a government official. Fair enough?

MR. R. WILLIAMS: Objection.

You can answer.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. You can answer.

A. No.

Q. And yesterday you heard some testimony from Former Athletic Director Nardo, and he was talking about some training that Doctor Shutler had organized by Zoom, around the time of the pandemic, on de-escalation and dealing with fans. Do you recall that testimony from yesterday?

A. I remember that, yes.

Q. Yeah.

And so did you attend that training?

A. I don't remember. I was on some of them, but I don't know if I was on all of them.

Q. Okay.

So as you sit here today, you don't recall that training, that you personally underwent that training?

A. True.

Q. Fair enough?

A. Yes.

Q. Okay.

And you might have, you might not have, you just don't know?

A. I don't remember, yes.

Q. Okay.

And was there some -- did you hear about some training being offered maybe only to head coaches, but not assistant coaches?

A. No.

Q. Okay.

So -- but you wouldn't know, one way or the other, whether the training session that was discussed yesterday by Mr. Nardo was really only for head coaches

and not for assistant coaches, you don't know?
A. I think all coaches were involved with the Zoom call meetings, yes.
Q. Okay.
So just to be clear, you don't recall ever receiving from the District any training telling you what to do when you face an upset fan?
A. No.
Q. Yet, this issue of upset fans would come up from time to time, particularly when the team isn't doing well. Fair enough?
A. Yes.
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. It's a predictable occurrence in athletic life?
A. I don't know that.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. Well, I mean, you've been coaching for 30 years.
MR. R. WILLIAMS: Objection. Just because

he's been coaching, doesn't mean he knows the answer to your question, Counsel.

MR. CHANDRA: Please don't do speaking objections.

BY MR. CHANDRA:

Q. Let me say that again. For 30 years you've been coaching. From that 30 years of time, it's a fairly predictable occurrence that there are going to be upset fans. Fair enough?

MR. R. WILLIAMS: Objection.

You can answer.

A. Sure, yes.

BY MR. CHANDRA:

Q. So you don't recall any training telling you, as a public official coach, what to do when you face criticism, correct?

MR. R. WILLIAMS: Objection.

You can answer.

A. Correct.

BY MR. CHANDRA:

Q. And you don't recall any training telling you that if you're facing criticism for your coaching, you should consult with someone higher up at the District, fair?

MR. R. WILLIAMS: Objection.
You can answer.
A. Yeah.
BY MR. CHANDRA:
Q. You don't recall any training telling you that you should not get physical with a spectator?
A. No.
Q. There was never any such training, correct?
You don't recall --
MR. R. WILLIAMS: Wait, he didn't answer that question I don't think. Did you answer that question?
THE WITNESS: Yeah.
MR. R. WILLIAMS: Okay.
What was your answer?
THE WITNESS: No.
MR. R. WILLIAMS: Okay. Sorry. Go ahead.
BY MR. CHANDRA:
Q. You do not recall ever receiving any training telling you not to get violent with a spectator criticizing your performance as a public high school coach, correct?
MR. R. WILLIAMS: Object.
You can answer.

A. No.
BY MR. CHANDRA:
Q. Meaning I'm correct, that you never received any such training, right?
A. Right.
Q. Okay.
You never received any training from Union Local School District that simply said, "Don't get violent with spectators," right?
A. Right.
Q. Nor any training saying, "Don't get violent with spectators who are criticizing your performance as a coach," correct?
A. Unless it was in that Zoom meeting, no, and I attended it.
Q. You don't recall any training telling you, "Do not retaliate in any way against people criticizing your performance as a government employee," correct?
A. Correct.
MR. R. WILLIAMS: Objection.
You can answer.
BY MR. CHANDRA:
Q. And you were left, as a public school assistant coach, trying to figure out how to deal with

critics on your own. Fair enough?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Same objection.
A. Yes.
BY MR. CHANDRA:
Q. Okay.
Union Local failed to prepare you for the very real possibility that a fan may not like all your choices on the field, correct?
MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. I don't consider that a failure.
BY MR. CHANDRA:
Q. Well, they didn't do it. Fair enough?
MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. Yes.
BY MR. CHANDRA:
Q. And without that training, how you conducted yourself in response to spectator criticism was ultimately up to your discretion, correct?
MR. R. WILLIAMS: Objection.

You can answer.

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. Now, are you aware, currently, of whether Union Local has a policy governing how employees interact with the public?

A. I do not know.

Q. And the same answer would be true in October of 2024, you wouldn't have known, right?

A. True.

Q. Do you know whether Union Local has a policy governing how coaches interact with spectators?

A. No.

Q. Do you know, one way or the other, if there is anything in the employee handbook on that topic?

A. No, I don't recall.

Q. So the District -- nobody from the Board of Education or the District was following you around, you know, at a field or a stadium and telling you how to interact with the public, right?

A. Repeat that.

Q. Well, I'm just saying, in a game, there was no official of the District who would be monitoring you and

telling you how to interact with the public, correct?

A. Correct.

Q. So, ultimately, the decision about how to interact with spectators was left, by the District, to the coaches, to your discretion. Fair enough?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: You can answer.

A. Yes.

BY MR. CHANDRA:

Q. That duty is delegated to you --

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. -- right?

MR. R. WILLIAMS: Same objection.

You can answer, Mr. Butler.

A. I don't understand the word "delegate."

BY MR. CHANDRA:

Q. Well, meaning the decision about how -- well, I think you've already answered it. I'll withdraw it. All right.

So -- so if you talked to spectators during a game, you weren't breaking any District rules.

A. No.

Q. Fair enough?
A. True.
Q. Okay.
If you interact with them at all, you weren't breaking any District rules, right?
A. To my knowledge, no.
Q. Did the District or any official at the District ever even give any informal talks to the coaching staff about professionalism and how to present themselves appropriately at games?
A. No.
Q. All right.
So we talked about -- I'm turning to a different topic. Do you need a five-minute break or anything? You good?
MR. R. WILLIAMS: You good?
THE WITNESS: Do you want a break?
MR. R. WILLIAMS: It's up to you. You're the one doing all the work and answering.
THE WITNESS: Yeah. We can take a break.
MR. CHANDRA: Okay. Let's take five.
THE VIDEOGRAPHER: Going off the record at 10:28 a.m.
* * *

(Brief break)

* * *

THE VIDEOGRAPHER: Here marks the beginning of Media No. 2 in the deposition of Vaughn Butler. We're going back on the record at 10:41 a.m. Please proceed.

BY MR. CHANDRA:

Q. Turning now, sir, to the subject of Brent Gay, the plaintiff in this case. You've known each other for over 30 years; is that right?

A. I'd say, yes.

Q. Okay.

And you played on teams together. You said he's worked on projects at your house. He helped you build a patio?

A. Yes. A wall for my patio, yes.

Q. Okay.

Consulted with you on a fireplace project?

A. Yes.

Q. And before this incident in October 2024, you were friendly?

A. Yes. When we saw each other, yes.

Q. Friends?

A. Didn't hang out, but, yes, friends.

Q. Okay.
Did you have any bad blood between you at that time?
A. No.
Q. You didn't have any grudge against him, right?
A. Nope.
Q. And, to your knowledge, he didn't have any grudges against you, right?
A. As far as I know, no.
Q. Did you ever make a joke at his expense in all those years?
A. Not that I know of. Not that I can recall.
Q. Tease him a little, a friendly jab?
A. Possibly back in high school.
Q. Okay.
Did he ever attack you for that?
A. Excuse me?
Q. Did he ever physically attack you for that?
MR. R. WILLIAMS: "For that," you mean the joke or jab in high school?
MR. CHANDRA: Yeah.
A. Oh, no. Not that I recall.
BY MR. CHANDRA:
Q. In all those years of knowing each other and

friendship, he never physically attacked you, right?

MR. C. WILLIAMS: Objection.

A. No.

BY MR. CHANDRA:

Q. Yeah.

He never threatened you, right?

A. Not that I can recall, no.

Q. He was never a danger to you, right?

A. Not to me.

Q. Or to anybody else, as far as you know?

A. I want to not answer that one.

Q. That's fine.

He's been a great supporter of the football program, right?

A. I don't know that.

Q. You don't know if he was a donor to the team?

A. I don't know that.

Q. You don't know if he was a donor for scholarships related to the athletic programs?

A. What type of scholarships you talking about?

Q. That's all right. I'll withdraw it. Let's move on.

In 2024, there was some freshmen considering quitting football, right? You don't know?

A. No, I don't know.
Q. Okay.
So you don't know whether Coach Bernie Thompson met with Brent Gay to discuss the issue, in 2024, of freshmen considering quitting football? You don't have any knowledge of that?
A. No.
Q. You don't have any knowledge about whether Mr. Gay and Mr. Thompson discussed helping those students and convincing them to continue playing football?
A. No.
Q. You don't know whether Brent Gay and Mr. Thompson gave those kids a motivational speech to try to persuade them to stay on the team?
A. No.
Q. And you don't have any knowledge about whether the kids stayed on the team because of Mr. Gay's mentorship to them?
A. No, because I don't know a name, no.
Q. I'm sorry, you're going to have to speak up.
A. Oh. I don't know the name, so I don't know.
Q. Okay.
So in October of 2024, you understood that you

were a public high school assistant coach, working for a public school district, right?

A. Union Local, yes.

Q. Yes.

And you also understood, at that time, that that means that you are a government employee, right?

MR. R. WILLIAMS: Objection.

You can answer.

A. No.

BY MR. CHANDRA:

Q. Well, you didn't understand that Union Local is a local government entity?

A. Yes.

Q. Okay.

And so, therefore, you were working for a government entity, correct?

A. If that's the truth, yes.

Q. And, therefore, you were a government employee, correct?

A. I believe so.

Q. Okay.

And as a public official, when you were acting as a football coach, you were acting with the appearance or the authority of your public job. Fair enough?

MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. Yes.
BY MR. CHANDRA:
Q. And you know, just from being an American citizen -- you are an American citizen, right?
A. Yes.
Q. By birth?
A. Yes.
Q. And you've known since childhood that every American has a First Amendment right to criticize public officials, right?
MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. No.
BY MR. CHANDRA:
Q. You didn't know as an American -- do you even know what the First Amendment is?
A. Yes, but it depends on the context of what's said.
Q. Okay.
But, in general, you understand that the First

Amendment protects our right to free speech --
A. Yes.
Q. -- right?
A. Yes.
Q. And you've known, for many decades, that we have a right to criticize our public officials under the First Amendment, right?
MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. Yes.
BY MR. CHANDRA:
Q. Okay.
And so you would have understood, by October of 2024, that that right applies to you, that you have the right to -- let me withdraw that.
You would have understood, by October of 2024, that you, as an American, have the right to criticize public officials, right?
A. Yes.
Q. And you would have understood that members of the public have the right to criticize you as a public official, right?
MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Same objection.
You can answer, Mr. Butler.
A. Depending on the context of the situation, yes.
BY MR. CHANDRA:
Q. So you keep saying "depending on the context," and let me just ask you something.
A. Uh-huh.
Q. To put this very simply: Members of the public have the right to criticize your performance as a public assistant high school coach, correct?
A. I believe, yeah.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. Do you understand that?
A. Yes.
Q. Did you understand that in October of 2024?
A. Yes.
Q. All right.
But I think we've already established the District you work for, Union Local, has never given you any specific training about free speech rights, correct?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Asked and answered.
You can answer it again, Mr. Butler.
A. Not that I recall.
BY MR. CHANDRA:
Q. And even since the October 2024 incident, Union Local has never given you any training about respecting free speech rights, correct?
MR. R. WILLIAMS: Objection.
You can answer.
A. Right.
BY MR. CHANDRA:
Q. Nor about handling criticism, correct?
MR. C. WILLIAMS: Objection.
A. Correct.
MR. R. WILLIAMS: Same objection.
You can answer, Mr. Butler.
BY MR. CHANDRA:
Q. Now, I'm going to ask you to turn to Exhibit 5 in your binder, and you can turn to Page 9. These are your interrogatories that you responded to -- or the interrogatories from Mr. Gay that you responded to. And if you look at it, it says Page 9 of 11 at the bottom. Exhibit 5.
MR. CHANDRA: Did you find it, Counsel?

BY MR. CHANDRA:

Q. Okay.

And if you look at the first bullet point, I'm not sure what happened to the numbering, but if you look at the first bullet point, it's asking you what training you've had on the First Amendment. Do you see that?

A. Yes.

Q. Okay.

And you responded that you took the Ohio High School Athletic Association's Pupil Activity Validation course?

A. Yes.

Q. But that course doesn't directly address the First Amendment, right?

A. I don't believe so.

Q. Right.

It includes CPR, first aid, concussion training, sudden cardiac arrest training and training on student mental health, correct?

A. I believe so.

Q. Yeah.

But not on the First Amendment, correct?

A. Correct.

Q. Nothing on free speech rights, correct?

A. Correct.
Q. So you've heard the term "armchair quarterbacking"?
A. Uh-huh.
MR. R. WILLIAMS: Is that a yes?
THE WITNESS: Yes, yes.
BY MR. CHANDRA:
Q. Criticism is common in sports, right?
A. Yes.
Q. Everybody is a Monday morning quarterback, right?
A. Yes.
Q. And I'm sure you've had thoughts, every once in a while, about how a game is being run, that you've voiced, correct?
A. Yes.
Q. And you have the right to do that, right?
A. Yes.
Q. As a coach, you know that coaches or referees might think the criticism they receive is unfair, correct?
A. Yes.
Q. But they're supposed to take it, right, the criticism?

A. Are they supposed to? I don't know if they're supposed to, but they do.

Q. Well, most people don't like being criticized. Fair enough?

A. True.

Q. You certainly don't like being criticized, right?

A. True.

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Brent Gay had the right to criticize your performance as a coach in October of 2024, didn't he?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: You can answer, Mr. Butler.

A. Yes.

BY MR. CHANDRA:

Q. And, in fact, at that game that is the subject of this litigation, he did just that, criticize you, correct?

A. Yes.

Q. You understood his comment to you to be criticizing you, correct?

MR. C. WILLIAMS: Objection.

A. Yes.
BY MR. CHANDRA:
Q. He voiced a complaint about your performance, correct?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. And he had the right to say whether he thought you were doing a good job, correct?
A. Yes.
Q. He even had the right to make a joke about your coaching at your expense, correct?
A. I didn't consider it as a joke, but, yes.
Q. He had the right to question your coaching strategy, correct?
A. If he is more knowledgeable than I am, yes.
Q. Well, whether he is more knowledgeable than you or not, I mean, most Monday morning quarterbacks are not more knowledgeable than head coaches of professional football teams. Fair enough?
A. I said yes, yes.
Q. Do you know, one way or the other, whether he would have had the right, under the First Amendment, to

even curse at you while criticizing you?
MR. R. WILLIAMS: Objection.
Answer if you know.
A. No.
BY MR. CHANDRA:
Q. You don't know?
A. No.
Q. Well, let me ask it of you from a different context, whether you know this. Do you know whether people have the right to curse at a police officer, criticize him --
A. Yes.
Q. -- under the First Amendment?
MR. R. WILLIAMS: Objection.
You can answer.
BY MR. CHANDRA:
Q. They do, right?
A. Uh-huh.
Q. Would there be any difference between -- to your knowledge, between a local government employee police officer versus a local government employee coach in terms of whether a member of the public could curse at them while criticizing them?
MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: I object to the form of the question.

You can answer, Mr. Butler.

A. Yes.

BY MR. CHANDRA:

Q. There would be a difference?

A. Yes.

Q. What would the difference be?

MR. R. WILLIAMS: Objection.

You can answer, Mr. Butler.

A. The difference is, there again, the context of how it was presented.

BY MR. CHANDRA:

Q. I'm not sure I understand your answer. Could you please explain?

So I'm not talking about -- let me be clear about something. I'm not talking about this particular incident and Brent Gay, at this point. I'm just asking in very general terms.

A. Oh. Yes.

Q. Okay.

So a person could -- just as a person could curse at a police officer while criticizing their performance, a person could curse at a public school

coach, criticizing their performance, and both of those things would be protected speech, to your knowledge, correct?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

Answer if you know.

A. I don't know that answer.

BY MR. CHANDRA:

Q. You don't know.

And in October of 2024, did you have a belief about that?

MR. R. WILLIAMS: Same objection.

You can answer.

A. No.

BY MR. CHANDRA:

Q. In October of 2024, let's -- I'll ask you about the incident itself. Okay?

October 25th, 2024, this interaction between you and Brent -- and I'm going to come back to it, but I've got a question about this -- at that time, you understood that Brent Gay had the right to criticize your performance, correct?

MR. R. WILLIAMS: Objection.

You can answer.

MR. C. WILLIAMS: Objection.
A. Yes.
BY MR. CHANDRA:
Q. Yeah.
And at that time, Brent Gay didn't call for violence, correct?
MR. R. WILLIAMS: Objection.
You can answer.
BY MR. CHANDRA:
Q. He wasn't inciting violence?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
You can answer.
A. I don't know that answer.
BY MR. CHANDRA:
Q. Well, Brent Gay didn't say, in front of you, "Hey, everybody, let's all be violent"?
A. No, he didn't say that.
Q. Okay.
"Hey, everybody let's go beat somebody up"?
A. No.
Q. Nor did Brent Gay -- let me withdraw that. Okay.
So Brent Gay said to you on October 25th,

2024, "Did you guys happen to watch any films," correct?

MR. R. WILLIAMS: Objection.

You can answer.

A. There was more to that, yes.

BY MR. CHANDRA:

Q. Well, asking you whether you watched any film wasn't a call for violence, correct?

MR. R. WILLIAMS: Objection.

You can answer.

MR. C. WILLIAMS: Objection.

A. No.

BY MR. CHANDRA:

Q. It wasn't a call for immediate or imminent violence, correct?

A. No.

Q. Meaning I'm correct?

A. True.

Q. His words didn't present a clear and present danger to public safety or your safety, correct?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. His tone and approach did.

BY MR. CHANDRA:

Q. His words?

A. The f-word is, yes.
Q. Okay.
So you contend that he used the f-word, correct?
A. Yes, he did.
Q. Okay.
And if he denies that, then you would have a fact dispute with him on that point, correct?
A. Sure.
Q. And when I use the word "material," I just mean important. Okay? Understood?
A. Okay.
Q. And do you consider it to be material that he used the f-word?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer. Objection. You can answer.
A. Was it important?
BY MR. CHANDRA:
Q. Yeah.
A. To me or to him?
Q. To you.
A. It was important as far as -- yes.
Q. Okay.

So if you contend, as you do, that Brent Gay used the f-word when asking you, "Did you guys happen to watch any films?"and he says he didn't, then you have a material fact dispute with him about that issue, correct?

MR. R. WILLIAMS: Objection.

You can answer.

MR. C. WILLIAMS: Objection.

A. Okay.

BY MR. CHANDRA:

Q. Yes?

A. Yes.

Q. Now, back to what he was saying to you. You can agree that he wasn't trying to incite a riot, correct?

A. I don't know that.

Q. Well, there was nothing that he said that would suggest to you that he was trying to incite a riot among the people in the stadium, correct?

A. I don't know what goes through his head. I don't know.

Q. Fair enough.

But there was nothing that you interpreted that way, correct?

A. Correct.
Q. And you didn't perceive that he was inviting you to fight him, correct?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. Was he inviting me to fight him? I think he was looking for a response.
BY MR. CHANDRA:
Q. Now could you answer my question?
A. Yes.
Q. You believe that by asking you whether you guys happened to watch any film, with or without the f-word, that he was inviting you to physically fight with him? That's what you believe?
MR. R. WILLIAMS: Objection.
You may answer.
MR. C. WILLIAMS: Objection.
A. Not physically, no.
BY MR. CHANDRA:
Q. Just words?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:

Q. Okay.

And to be clear about this line of questioning, when I use the word "fight," I was referring to a physical fight. Does that help clear it up for you?

A. It does.

Q. Okay.

You understand there is a big difference between an argument and words and a physical altercation?

A. Yes.

Q. Now, as we've established, you knew Brent Gay, and you had known him a long time. You didn't think, in that moment, when he asked you about whether you had watched any film, that -- you didn't think that your life was in danger from him, correct?

MR. R. WILLIAMS: Objection.

You can answer.

A. I felt threatened, yes.

BY MR. CHANDRA:

Q. You felt your life was in danger?

A. No.

Q. You say you felt physically threatened?

A. Yes.

Q. By Brent Gay?
A. Yes.
Q. From him asking you whether you watched film?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
Go ahead. Answer that, Mr. Butler.
A. Can I add to that? The way he looked, his tone of voice, yes.
BY MR. CHANDRA:
Q. So by him asking you that, you thought that he was about to hit you?
MR. C. WILLIAMS: Objection.
A. I felt threatened.
BY MR. CHANDRA:
Q. And you think that that was reasonable?
MR. R. WILLIAMS: Objection.
You can answer that.
A. What was reasonable?
MR. R. WILLIAMS: Feeling physically threatened.
THE WITNESS: Yes.
BY MR. CHANDRA:
Q. You thought he was about to hit you?
A. I didn't know what he was going to do. I

didn't know.
Q. You thought that was a possibility?
A. Sure.
Q. Yet, you understood Mr. Gay's words to be a criticism of your coaching performance, correct?
A. Yes.
Q. And you understood, in that moment, it was a criticism of how you had performed your duties, correct?
A. Yes.
Q. And as a public official, you understood that you weren't supposed to do anything in reaction to his criticism, correct?
A. Correct.
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. I'm sorry?
A. Yes.
Q. Now, would you agree that if you react to criticism by retaliating, you're sending a message to others not to criticize. Fair enough?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. No, it was an act of safety.

BY MR. CHANDRA:
Q. My question was: If you react to someone's criticism by retaliating, you're sending a message to others. Fair enough?
MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. No.
BY MR. CHANDRA:
Q. Well, somebody would be less likely to criticize you after seeing what you did to Brent Gay, right?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. I don't know that answer.
MR. R. WILLIAMS: Move to strike.
BY MR. CHANDRA:
Q. Somebody would be less likely to speak up?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer. Sorry.
A. Yes.
BY MR. CHANDRA:
Q. Less likely to question your coaching, right?

MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. Irrelevant. No.
BY MR. CHANDRA:
Q. I'm sorry?
A. No.
Q. Well --
A. That's not a coaching matter.
Q. Well, you just acknowledged that he was criticizing your coaching.
A. Sure.
Q. So somebody who sees somebody else getting physically handled after criticizing coaching would be less likely to criticize coaching? An ordinary person.
MR. R. WILLIAMS: Objection.
A. Describe "physically handled."
BY MR. CHANDRA:
Q. Well, you put hands on Brent Gay.
A. I didn't handle him.
MR. R. WILLIAMS: Objection.
Q. You put your hands on him, didn't you?
A. Yes.
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:

Q. Right.
You felt that day that Mr. Gay needed to learn a lesson, right?
A. No.
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
Q. You were trying to send a message, weren't you?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A. No.
BY MR. CHANDRA:
Q. You wanted people to know that it's not okay to criticize coaches anymore, right?
A. No.
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. Just your ordinary person might feel that it's too risky to criticize coaching after watching that interaction, right?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. I don't know that answer.
BY MR. CHANDRA:

Q. Well, you might think twice about criticizing someone if they hit you for criticizing them, right?

MR. R. WILLIAMS: Objection.

You can answer.

A. Yes.

BY MR. CHANDRA:

Q. All right.

So in all the years of coaching, you've been criticized by other spectators for coaching, right?

A. Not in this manner, yes.

Q. Nobody else dropped an f-bomb at you?

A. Not in that close proximity and not with the anger that he approached me with, no.

Q. Nobody else criticized you as to whether you had done your job by watching film, or words to that effect?

A. Not those words, no.

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Anybody else who did criticize you for your coaching, did you touch them?

A. No.

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Physically attack them?
A. No.
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. Had you gotten into any physical altercations with other fans or spectators?
A. To my knowledge, no.
Q. What do you mean, "to your knowledge"? You would remember, wouldn't you?
A. No.
Q. You wouldn't remember?
A. My answer is no.
Q. Meaning what? You've never gotten in any physical altercations with fans or spectators?
A. True.
Q. Other than Brent Gay?
MR. R. WILLIAMS: Objection.
A. Yeah.
BY MR. CHANDRA:
Q. Okay.
So October 25th, 2024, you were coaching the Union Local football game, correct?
A. Yes.
Q. And that was against Barnesville?

A. Yes.
Q. It was an away game?
A. Yes.
Q. Coaching is your job, right?
A. Yes.
Q. There as a coach?
A. Yes.
Q. You were wearing the coaching jacket for your team?
A. Yes.
Q. If you weren't coaching, you wouldn't have needed to be there, right?
If you weren't coaching, you wouldn't have needed to be at that location that day, right?
A. If I wasn't coaching, I'd still be a fan of Union Local. I would be at the game.
Q. Fair enough.
But you might be there as a spectator?
A. Sure.
Q. Okay.
My question was, and maybe it wasn't clear enough, you wouldn't have needed to be there?
A. Yeah. There is no need to be there, sure.
Q. Correct.

And this is a major rivalry match, right?
A. It is.
Q. Tensions were high, right?
MR. R. WILLIAMS: Objection.
A. I don't know what you mean by that.
BY MR. CHANDRA:
Q. Well, I mean there was a lot of pressure on the coaching staff to win. It's a rivalry game, right?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. I don't know if that's called pressure. We want to win, yes, but...
BY MR. CHANDRA:
Q. Stakes are higher in a rivalry game?
A. Yes, I agree.
Q. Okay.
And at halftime things weren't looking good, right?
A. We were getting beat, yes.
Q. Well, the score was 41-0, right?
A. Uh-huh. Yeah.
Q. As a coach, you couldn't have been happy about that, right?
A. I was concerned about our play, yes.

Q. Fans started leaving, right?
A. I don't know that answer.
Q. You were up in the stands, right, in the coaches' box?
A. I was in the press box, yes.
Q. Yeah.
So you could see that fans were leaving.
A. I don't know that answer. I'm focused on the game.
Q. You came down at halftime to go to the locker room, right?
A. Yes.
Q. And as you were walking down, you saw Brent Gay?
A. Yes.
Q. He was standing at the bottom of the bleachers, right?
A. He was near the bleachers, yes.
Q. He had a hand in his pocket, right?
A. I don't know that answer.
Q. If he says he had his hand in his pocket, would you dispute that?
A. No, because I did not see his hands.
Q. His other hand was holding a stadium chair,

right?
A. There again, I don't know that answer.
Q. Okay.
If he were to say that's the position he was in, would you be in a position to dispute it?
A. No.
Q. You noticed that he saw you and the other coaches? You saw him looking at you?
A. I saw him approach us, yes. He was on me before. I didn't see him standing anywhere. He was on my personal space, yes.
Q. And again, just to be clear about what the dispute might be here, he said to you, "Did you happen to watch any film this week"?
MR. R. WILLIAMS: Objection.
You can answer.
A. He said, "Did you guys watch any fucking film this week?"
BY MR. CHANDRA:
Q. Okay.
And then what did he say?
A. Nothing.
Q. He didn't threaten you, right?
MR. R. WILLIAMS: Objection.

You can answer.

MR. C. WILLIAMS: Objection.

A. Him coming up on me without my seeing him, his tone of voice, the look in his face, I felt threatened.

BY MR. CHANDRA:

Q. He didn't threaten you, right?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. I felt threatened.

BY MR. CHANDRA:

Q. Right.

I understand your testimony, that you say you felt threatened. He didn't threaten you, correct?

A. Verbally, yes.

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. What words did he use other than what you just said he used?

A. That's it. It was just those words with an angry voice.

Q. It was halftime, right?

A. Yes.

Q. He didn't interrupt the game, right?

A. Yes, he did.

Q. Well, it was halftime.
A. True. Part of the game is getting prepared for the second half. And if so, he interrupted the game, yes.
Q. Okay.
You were still on duty at that moment?
A. Sure. Yes.
Q. Okay.
He didn't interrupt game play. Fair enough?
A. Yes.
Q. You immediately understood his words to be a criticism of your performance, correct?
MR. R. WILLIAMS: Objection, asked and answered.
A. A threat, yes.
BY MR. CHANDRA:
Q. You immediately understood his words to be a criticism of your performance, correct?
A. Yes.
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. That had to be frustrating to hear, right?
A. No. It was alarming. It wasn't frustrating.
Q. It felt like undeserved criticism?

MR. R. WILLIAMS: Objection.
A. Yes.
BY MR. CHANDRA:
Q. Upsetting?
MR. R. WILLIAMS: Objection.
A. No.
BY MR. CHANDRA:
Q. Mr. Gay was a few feet away, right?
A. From when? When? What time?
Q. When he said those words.
A. He was in my face. He was in my path to get to the locker room.
Q. Okay.
And if he disputes those two things, then you would agree you have a material fact dispute with him --
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. -- on those issues, correct?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer.
A. I would say that he is not telling the truth, yes.
BY MR. CHANDRA:

Q. Okay. Please don't rewrite my question.
If he disputes those two things, then you would have a material fact dispute with him on those two issues, correct?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Wait a minute, objection.
BY MR. CHANDRA:
Q. Go ahead.
MR. R. WILLIAMS: Wait a second, I'm thinking about something.
You can answer the question, Mr. Butler.
A. Yes.
BY MR. CHANDRA:
Q. Now, Mr. Gay didn't have a weapon or anything, right?
A. To my knowledge, no. I don't know that answer.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. He didn't brandish a weapon at you, right?
A. "Brandish" means show one to me?
Q. Yes.
A. No.

Q. He didn't raise his fists to you when he said those words, correct?
A. Correct.
Q. Now, you used the words "in your face." What does "in your face" mean?
A. Personal space, how is that? Does that help?
Q. Well, can you please describe how so?
A. He was within two feet of my path to the locker room.
Q. Two feet?
A. Yes.
Q. So he wasn't -- his face wasn't, like, right in your face, inches away?
A. It was close enough, yes, to be startled, yes.
Q. Two feet from where?
A. Approximately two feet.
From where? From my body.
Q. Well, you actually moved into his personal space, shoving him, correct?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer.
A. No.
BY MR. CHANDRA:

Q. You shoved him, didn't you?
A. I did.
MR. R. WILLIAMS: Objection.
A. Yes.
BY MR. CHANDRA:
Q. And to shove him, you moved toward him, correct?
A. I did not step towards him. I moved my arms towards him.
Q. You made first physical contact with him, correct?
A. Yes.
Q. You didn't ask him words to the effect, "Could you please move out of my way," correct?
A. Correct.
Q. You did not even attempt to walk around him, correct?
A. Correct.
Q. And those were both options that you had in that moment, correct?
MR. R. WILLIAMS: Objection.
A. I had one option, that was get to the locker room.
BY MR. CHANDRA:

Q. You had one option, which was shoving him?
A. No.
MR. R. WILLIAMS: Objection.
Go ahead.
A. Was getting -- was walking in my straight path to the locker room. He impeded my space.
BY MR. CHANDRA:
Q. You're telling me there wasn't enough room in that stadium to be able to walk around him?
A. Sure there was, yes.
Q. You just chose not to, correct?
MR. R. WILLIAMS: Objection.
You can answer.
A. Yes.
BY MR. CHANDRA:
Q. Now, after Mr. Gay made his comment, you came off the steps of the bleachers, right?
A. No. I was off the steps already.
Q. Okay.
And when you shoved Mr. Gay, you shoved him near the collarbone, correct?
MR. R. WILLIAMS: Objection.
You can answer.
A. It was in the chest.

BY MR. CHANDRA:

Q. Close to the collarbone, correct?

A. No, closer to the midsection of his body.

Q. You shoved him pretty hard to move him out of the way, right?

MR. R. WILLIAMS: Objection.

You can answer.

A. No.

BY MR. CHANDRA:

Q. You used both hands, right?

A. I did.

MR. R. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. You didn't try to gently move him aside, correct?

MR. R. WILLIAMS: Objection.

A. I don't know what you're trying to say there.

BY MR. CHANDRA:

Q. I'm asking a question.

A. I know, but what are you asking?

MR. CHANDRA: Let's have it repeated back to you.

* * *

(Whereupon, the reporter read the record as requested.)

* * *

A. Oh, move him gently aside, no.

BY MR. CHANDRA:

Q. Let's talk about the time frame here. You'd agree that you shoved him immediately after he said those words to you, correct?

MR. R. WILLIAMS: Objection.

You can answer.

MR. C. WILLIAMS: Objection.

A. Within time, yes.

BY MR. CHANDRA:

Q. Immediately, correct?

A. Yes.

Q. Yeah. It's not like a few seconds elapsed. Fair enough?

MR. R. WILLIAMS: Objection.

A. Correct.

BY MR. CHANDRA:

Q. It was your immediate reaction to those words, correct?

A. Yes.

Q. Okay.

Now, your decision to shove Mr. Gay wasn't

reviewable by anybody else at the District in that moment, correct?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: You can answer.

BY MR. CHANDRA:

Q. Any other official.

A. I don't know that answer.

Q. Well, because you just said you shoved him immediately after he used those words to you, questioning you about watching film, there was no District official in a position to review or second-guess your decision at that point. Fair enough?

A. Oh, a District official, no.

Q. Okay.

No one at the District -- let me withdraw that.

You didn't consult with anyone at the District before you acted. Fair enough?

A. True.

Q. And there were witnesses to what you did, right?

A. Yes.

Q. And those were witnesses who weren't coaches

or employed by Union Local, right?
A. Probably so.
Q. And to the best of your knowledge, there were witnesses who weren't related to Brent Gay in any way. Fair enough?
A. I don't know that answer.
Q. Okay.
You're not aware of any significant ties or ties at all between Brent Gay and any of those third-party witnesses, right?
A. I don't know that answer.
Q. Well, let's talk about Rebecca Gainer. Rebecca Gainer, you don't have any information that she has any relationship with Brent Gay?
A. Right. I don't know that she does.
Q. You don't know one way or the other, right?
A. No.
Q. Okay.
You don't have any information to suggest that she's somehow close to him, correct?
A. I don't know that answer, right.
Q. You don't -- the question was: You don't have any information to suggest that --
A. True, I don't have that information.

Q. Thank you. Okay.
So have you read Ms. Gainer's affidavit?
A. I've heard it, yes.
Q. When you say you've heard it, you've never read it?
A. Oh, yesterday during -- I heard it.
Q. Okay.
Had you -- until yesterday, had you ever read her affidavit?
A. I believe so, yes.
Q. Okay.
And you understand that when someone signs an affidavit, they're swearing to tell the truth, just as you did in this deposition, right?
A. Sure.
Q. Okay.
And you understand that Ms. Gainer swore, in an affidavit, that she heard Mr. Gay ask whether you watched any film that week, right?
MR. R. WILLIAMS: Objection.
You can answer.
A. And I told you before how he was approached by me. It wasn't what she said. It was different. It was in the context of anger and violence, yes.

BY MR. CHANDRA:

Q. Now, she also testified that you yelled, "Just get out of here. What are you even doing here," words to that effect. Do you recall that?

A. I don't believe I said that.

Q. Okay.

So you dispute that?

A. Yes.

Q. She swore that it looked to her like you were trying to harm Mr. Gay. Do you dispute that?

MR. R. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. She swore that it appeared to her that you shoved Mr. Gay with all your might. Do you dispute that?

MR. R. WILLIAMS: Objection.

You can answer.

A. I shoved him, yes.

BY MR. CHANDRA:

Q. She says you were the aggressor. Do you dispute that?

MR. R. WILLIAMS: Objection.

You can answer.

A. I made first contact, yes.
BY MR. CHANDRA:
Q. Now, she didn't testify that Mr. Gay was in your way, correct?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. Correct.
BY MR. CHANDRA:
Q. Now, she wasn't the only witness to testify in an affidavit about your conduct, correct?
A. I believe so, yes.
Q. Okay.
Have you read David Goodson's affidavit?
A. Yes.
Q. Goodson testified -- first of all, you've read that affidavit? I'm sorry?
A. I believe so, yes.
Q. Okay.
And so you're aware that Goodson also swears that you threw a punch at Mr. Gay?
A. And that's false.
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. So you dispute that?

A. Yes, I do.
Q. Are you aware of any incentive that either Goodson or Gainer have to lie for either one of you?
A. No. But I saw the film, and I saw where the location of Mr. Goodson was, and I don't believe he even saw the incident.
Q. But you don't know one way or the other?
MR. R. WILLIAMS: Objection.
A. Know what?
BY MR. CHANDRA:
Q. Whether he saw it or not?
A. I don't know that.
Q. Neither of those witnesses supported your claim that Mr. Gay got in your face, correct?
MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. Sure. Right. Yes.
BY MR. CHANDRA:
Q. Okay.
Do you claim that Mr. Gay attacked you from behind?
A. Yes.
Q. And neither of those witnesses support that

claim, correct?

MR. R. WILLIAMS: Objection.

You can answer.

A. Evidently not. They didn't state that, yes.

The one did, I believe.

BY MR. CHANDRA:

Q. So if you shoved Mr. Gay and made first contact, when exactly did he attack you from behind?

A. When I start -- when I got him out of my way, I started walking towards the locker room. That's when he attacked me from behind. I took a couple steps away from him.

Q. So you have a material fact dispute not only with Mr. Gay, about what happened, but with these two independent witnesses, correct?

A. True.

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Now, the superintendent is Doctor Shutler, right?

A. Yes.

Q. And Larry Cain is a board member for the District; is that right?

A. Yes.
Q. And you texted Mr. Cain -- I'm sorry. Have you seen a text from Mr. Shutler communicating with Mr. Cain?
A. No.
Q. So you've never seen a text from Mr. Shutler -- have you even heard about a text from Mr. Shutler to Mr. Cain?
A. No.
Q. So you've never heard about a text from Mr. Shutler to Mr. Cain, in which Mr. Shutler said, "Was Vaughn wrong for the shove? Yes." This is the first you're hearing of it?
A. Yes.
Q. Now, Jimmy Hess is -- was he head coach, or was he an assistant coach?
A. He is an assistant. Bernie Thompson is the head coach.
Q. Okay.
And he was right there with you?
A. Yes.
Q. With that interaction with Mr. Gay, right?
A. Yes.
Q. Okay.

And Luke Menges is a coach, too?
A. Luke is a junior high football coach, yes.
Q. Okay.
And he was also there, right?
A. Yes.
Q. Okay.
Dylan Fowkes is the school board member, right?
A. Yes.
Q. Have you seen a text from him -- you heard about it yesterday, during the testimony, anyway -- saying he wouldn't have hired you again, right?
MR. R. WILLIAMS: Objection.
You can answer.
A. I heard that, yes.
BY MR. CHANDRA:
Q. Okay.
Is that the first you were learning of it, or had you heard that before?
A. That's the first I heard of it.
Q. Do you have any kind of knowledge, firsthand or secondhand, about why he would have said that?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.

A. No.
BY MR. CHANDRA:
Q. Okay.
So I'd like to -- we're going to show you the video now from the body cam, and this is Exhibit 10. Go ahead and play it through.
* * *
(Video played)
* * *
BY MR. CHANDRA:
Q. You've seen this body cam footage before, right?
A. Yes.
Q. Okay.
Public record from one of the officers, correct?
A. You asking me?
Q. Yes. To your knowledge?
A. I think so, yes.
MR. C. WILLIAMS: Objection.
Is it possible to play it again? We didn't see it from the beginning.
MS. BOHATCH: I can show you again.
THE WITNESS: Can I show you where

Mr. Goodson was at the time?

MR. CHANDRA: Yeah, just a minute.

* * *

(Video played)

* * *

THE WITNESS: Right there (indicating). He is not seeing anything.

MR. R. WILLIAMS: Don't say anything.

THE WITNESS: Okay. Sorry.

MR. R. WILLIAMS: Clear as mud.

THE WITNESS: I see nothing.

MR. R. WILLIAMS: I was going to say clear as mud.

BY MR. CHANDRA:

Q. So here are my questions: When you -- we've shown the video a couple times to you. Either way, when you made contact with Mr. Gay, he stumbled back, right?

A. I don't know.

Q. I mean, you just saw it, didn't you? He stumbled back?

A. That wasn't clear to anything there. I didn't see anything on that film.

Q. Okay.

You grabbed his coat?

A. No, I did not.
Q. His coat bunched by his throat?
A. No, I did not.
Q. You kept pushing him back, right?
A. No, I did not.
Q. The two of you fell to the ground, right?
A. I did not fall to the ground. My glasses fell to the ground.
Q. Mr. Gay landed face down, right?
A. I don't know that answer. He was behind me.
Q. Barnesville police stepped in, right?
A. I believe so.
Q. In the video, Mr. Gay is not behind you, correct?
A. I don't -- I couldn't see anything through that video. It didn't identify anything.
Q. You did see Mr. Gay backpedaling, stumbling backwards in that video, correct?
A. I didn't see any faces. I don't know who it was.
Q. Okay. All right.
I'll show it to you again.
A. Okay.
* * *

(Video played)

* * *

BY MR. CHANDRA:

Q. Brent Gay here (indicating).

A. You sure?

Q. Well, I'm going to show you. And then you're in the red coaching jacket right in front of him. See? Okay. He is coming backward. And that's you, correct (indicating)?

A. I don't know that answer.

Q. Okay.

A. I can't -- I don't know.

Q. All right.

MR. R. WILLIAMS: That video doesn't show that clearly.

BY MR. CHANDRA:

Q. So if Mr. Gay were to testify that that's him stumbling backward and that's you in the red jacket in front of him, you're not in a position to dispute that, one way or the other, because you don't know, correct?

A. Through that film, no.

Q. While Barnesville Police Lieutenant Tippie was handcuffing Mr. Gay, another coach helped you up, correct?

A. If -- I think it might have been Zach Delman that helped me up. It wasn't a football coach.
Q. Because you were on the ground, correct?
A. No. He helped me from getting my glasses off the ground.
Q. Okay.
Someone grabbed your glasses?
A. I grabbed my own glasses.
Q. Okay.
And you went into the locker room at that point, right?
A. Yes.
Q. You didn't think it was important to stop and talk to the police?
A. Not at that time, no.
Q. You knew Mr. Gay was being handcuffed, and you didn't think it was important to tell the officer what happened?
MR. R. WILLIAMS: Objection.
You can answer.
A. I didn't know he was being handcuffed. I didn't see that.
BY MR. CHANDRA:
Q. If you were attacked, you wouldn't want to

tell the police what happened?
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. If you were threatened?
MR. R. WILLIAMS: Objection.
Answer.
A. Sure. Yes.
BY MR. CHANDRA:
Q. Okay.
So you say you felt threatened, and yet you didn't want to stick around to tell the police what happened?
MR. R. WILLIAMS: Objection.
A. I felt threatened for the moment, yes, and I left the scene. I tried to get away.
BY MR. CHANDRA:
Q. You knew police were there, right?
A. There is police at all ballgames, yes.
Q. And you didn't want to stay to tell them what happened?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. Stay where? I gave --
BY MR. CHANDRA:

Q. To talk to the police.
A. I gave them a statement when the game was over with, yes.
Q. Right.
And yet you didn't want to stick around there, right after that physical altercation, to tell the police what happened, correct?
MR. R. WILLIAMS: Objection.
A. I went to the locker room to address the boys.
BY MR. CHANDRA:
Q. Okay.
Now I need you to answer my question.
A. Okay.
Q. Not rewrite the question.
A. Okay.
Q. So I'm going to have the question read back to you.

* * *

(Whereupon, the reporter read the record as requested.)

* * *

MR. R. WILLIAMS: And that is an objection, please.
Go ahead.
BY MR. CHANDRA:

Q. Answer, please.
A. No, I did not.
Q. Okay.
In your life experience, isn't that what somebody normally would do when they witness a potential crime?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. Yes.
MR. R. WILLIAMS: Move to strike.
BY MR. CHANDRA:
Q. And the same would be true if somebody is a victim of a crime?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. Right?
A. Who is the victim here?
Q. Well, I'm asking you.
A. No.
Q. You thought of yourself as a victim, right?
A. No.
Q. Well, why did you leave the scene?
MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection to the form of the question.

You may answer, Mr. Butler.

A. I had a responsibility to go to the locker room, and that's where I went.

BY MR. CHANDRA:

Q. But when you were in the locker room, a police officer came and tried to talk to you, right?

A. Yes.

Q. But Coach Tyler Grant told them, "Let's do this after the game," right?

A. Yes.

Q. Why didn't you stop what you were doing then to talk to the officer?

MR. R. WILLIAMS: Objection.

You may answer.

A. I was told by Tyler to "Just stay there, I'll handle it, and we'll do it after the game."

BY MR. CHANDRA:

Q. And Tyler is not just a coach, but he also happens to be a sheriff's deputy at that time, right?

A. Yes.

Q. Yeah.

And you didn't stop what you were doing then

to talk to the officer at that moment because you felt guilty, you knew you had done something wrong, correct?

MR. R. WILLIAMS: Objection.

You can answer.

A. The officer was engaged in a conflict with Mr. Gay.

BY MR. CHANDRA:

Q. When the officer came to try to talk to you, you didn't stop what you were doing to talk to him because you felt you had done something wrong, correct?

A. No.

MR. R. WILLIAMS: Objection.

A. No.

BY MR. CHANDRA:

Q. You didn't want to get into trouble, correct?

MR. R. WILLIAMS: Objection.

A. No.

BY MR. CHANDRA:

Q. And that was because you knew, at that moment, that you had started the physical altercation, correct?

MR. R. WILLIAMS: Objection.

A. I believe I started it, yes.

BY MR. CHANDRA:

Q. Do you think it's okay to lay hands on someone

like that?

MR. R. WILLIAMS: Objection.

You may answer.

A. No, but I think it's okay to defend yourself if you're being attacked.

BY MR. CHANDRA:

Q. Mr. Gay had not physically attacked you, correct?

MR. R. WILLIAMS: Objection.

A. Verbally.

BY MR. CHANDRA:

Q. Mr. Gay -- don't rewrite my question, sir.

Mr. Gay had not physically attacked you, correct?

A. Correct.

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Do you think that the way you interacted with Mr. Gay is a proper way to interact with spectators?

MR. R. WILLIAMS: Objection.

You may answer.

MR. C. WILLIAMS: Objection.

A. No.

BY MR. CHANDRA:

Q. And you'd agree it's wrong to retaliate against someone for criticizing you?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

You may answer.

A. Yes.

BY MR. CHANDRA:

Q. You were already upset about the game and how it was going at that moment, correct?

MR. R. WILLIAMS: Objection, asked and answered.

You may answer that again, Mr. Butler.

A. I was not upset.

BY MR. CHANDRA:

Q. Well, you were heated about what Mr. Gay said to you, correct?

MR. R. WILLIAMS: Objection.

A. No.

MR. CHANDRA: Okay. Let's take a ten-minute break or, like, a five-minute break, if that's okay, and then I'm going to turn to another topic and make as much progress as we can before lunch.

THE WITNESS: Okay.

THE VIDEOGRAPHER: Okay.

Going off the record at 11:42 a.m.

* * *

(Brief break)

* * *

THE VIDEOGRAPHER: Here marks the beginning of Media No. 3 in the deposition of Vaughn Butler. Going back on the record at 11:57 a.m. Please proceed.

BY MR. CHANDRA:

Q. Okay.

So I'm going to turn your attention back to the issue of the incident at Jefferson Behavioral Health, and I understand that it's subject to the continuing objection from your counsel. So we'll respect that and honor that so he doesn't have to keep objecting.

MR. R. WILLIAMS: Thank you.

BY MR. CHANDRA:

Q. Sir, when you worked at Jefferson Behavioral Health, you knew as part of that job that children at Jefferson had mental health conditions or behavioral issues, correct?

A. Yes.

Q. And you knew that this child was particularly

vulnerable in that regard, correct?
A. Yes.
Q. Yet, you still put him in the trunk of your car -- or in the back of the hatchback, correct?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer.
A. I directed him back there, yes.
BY MR. CHANDRA:
Q. Yeah.
And you felt that you were justified in putting him there, right?
A. For the situation, yes.
Q. You don't think that directing a child into the back of a car and then operating the vehicle is an act of violence?
MR. R. WILLIAMS: Objection.
You can answer.
A. It was an act of his safety.
BY MR. CHANDRA:
Q. So you thought somehow this kid would be safer being transported in the back of a vehicle that way than being in a back seat, belted in?
A. Yes, because he was threatening the other

kids. The kids were threatening to beat him up. I was looking out for his safety.

Q. And you didn't have any other options like calling for assistance?

A. I did not have a cell phone, no.

Q. Or asking anyone for assistance?

A. No.

Q. Since I asked this question earlier, have you had any refreshed recollection about how much that case settled for?

MR. R. WILLIAMS: Objection.

You can answer.

A. I do not know how much.

BY MR. CHANDRA:

Q. Now, there was newspaper coverage at the time, about your conduct, correct?

A. Yes.

Q. It was fairly public knowledge?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

You can answer.

A. Yes.

BY MR. CHANDRA:

Q. And were you employed at Union Local at the

time?
A. Yes.
Q. And Union Local rehired you anyway, despite that public information?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: You can answer if you know, Mr. Butler.
A. I was not -- rehired at that time?
BY MR. CHANDRA:
Q. Yeah. After that incident became public, Union Local rehired you and rehired you contract after contract, correct?
A. For the following year, yes. Yeah.
Q. During the rehiring process, did you have to fill out any paperwork for background checks?
A. They do a background check on a, what, two-year basis, three-year basis, yes.
Q. My question was: Did you have to fill out any paperwork?
A. No.
Q. Okay.
I'm sorry, what was the answer?
A. No.
Q. Okay.

Were you ever asked, as part of any background check processes after that incident, whether you had been involved in civil litigation?

A. No.

MR. R. WILLIAMS: Object.

You can answer.

A. No.

BY MR. CHANDRA:

Q. Did you ever voluntarily disclose the civil case against you?

A. Disclose it?

Q. Yes.

A. To someone?

Q. As part of a background check process for Union Local at any time.

A. I don't understand the question.

Q. Well, so we heard testimony yesterday, from Athletic Director Nardo, that every three years, there is a refreshed background check process. Are you familiar with that?

A. Uh-huh. Yes.

Q. Okay.

So I'm just asking: After the publicized incident involving this child, did you ever disclose

that there had been a civil case against you?
MR. R. WILLIAMS: Same objection.
You may answer, Mr. Butler.
A. No.
BY MR. CHANDRA:
Q. Did you ever disclose the criminal charges?
MR. R. WILLIAMS: Objection.
You may answer, Mr. Butler.
A. No.
BY MR. CHANDRA:
Q. Or the criminal adjudication.
MR. R. WILLIAMS: Objection.
You may answer, Mr. Butler.
A. No.
BY MR. CHANDRA:
Q. Were you ever asked to disclose them?
A. No.
Q. Okay.
So the District, even while you were employed with it -- let's start with the first renewed background check after this incident with the Taylor family, okay, the District never inquired of you whether there was any criminal charge or conviction against you; is that right?

MR. C. WILLIAMS: Objection.

A. To my knowledge, no.

BY MR. CHANDRA:

Q. And there would have been a window of time, wouldn't there -- let me withdraw that and try to break this into pieces.

Do you recall about how long it was after the criminal adjudication of the charge against you -- which resulted in a conviction, correct?

MR. R. WILLIAMS: Objection.

You can answer.

A. Yes.

BY MR. CHANDRA:

Q. Okay.

So after the conviction, approximately how much time elapsed before that conviction was placed under seal or expunged?

MR. R. WILLIAMS: Object.

You can answer.

MR. C. WILLIAMS: Objection.

A. I don't remember.

BY MR. CHANDRA:

Q. Would it have been --

A. Months.

Q. -- at least five years?
A. No. Within five years. Is that the same?
Q. Speak up.
A. Within five years.
Q. You think it was within five --
A. It was months, I would say, because it was recommended to me by my attorney at the time.
Q. But if there was a conviction, do you have any understanding of how it would have been sealed that fast?
A. No, I don't.
Q. Okay.
Are you certain it was sealed that quickly?
A. I believe so. I don't know for sure. I really don't.
Q. Okay.
Do you recall whether the criminal adjudication received publicity, as well?
MR. R. WILLIAMS: Object.
You can answer.
A. I don't know that answer.
BY MR. CHANDRA:
Q. Okay.
Do you recall the timing of the next

background check after that conviction?

MR. R. WILLIAMS: Object.

You can answer.

A. No, I don't know.

BY MR. CHANDRA:

Q. It would have been three years or less, though. Fair enough?

A. Yeah. Sure.

Q. Did you ever discuss -- since you were employed with Union Local at the time, did you ever discuss, with anyone at Union Local, the incident?

A. Yes.

MR. R. WILLIAMS: Object.

BY MR. CHANDRA:

Q. With whom?

MR. R. WILLIAMS: Object.

You can answer.

A. Jake Olsavsky.

BY MR. CHANDRA:

Q. Who?

A. Coach O, Jake Olsavsky.

Q. You're going to have spell that. I'm sorry.

A. Jake, J A K E. Olsavsky, O L S A V S K Y. Olsavsky.

Q. And that was the head coach at the time?
A. That was the head coach at the time, yes.
Q. Okay.
So you disclosed it to him, that this was going on?
A. Yes.
Q. Discussed it with him?
A. Yes.
Q. Did he say anything about discussing it with anybody else higher up?
A. I don't know that answer.
Q. Did anybody else higher up ask you to provide any information about the circumstances for purposes of that annual background check?
A. I don't remember that.
Q. You heard testimony yesterday from a board member, Fowkes, F O W...
MR. R. WILLIAMS: K E S.
BY MR. CHANDRA:
Q. You heard testimony from him that he had been aware of it for years and years. Did you ever have any conversations with any members of the Board about that incident?
MR. R. WILLIAMS: Object.

You can answer.
A. I don't believe I did.
BY MR. CHANDRA:
Q. Did any members of the Board ask you about that incident in relation to re-upping your contract?
MR. R. WILLIAMS: Object.
You can answer.
A. I don't believe so.
BY MR. CHANDRA:
Q. Nobody from the administration asked, either, right?
MR. R. WILLIAMS: Objection.
You can answer.
MR. C. WILLIAMS: Objection.
A. Correct.
BY MR. CHANDRA:
Q. Superintendent Shutler never asked you about it in connection with your last rehiring before October of 2024, correct?
MR. R. WILLIAMS: Objection.
You may answer.
A. No. I don't know if he knew about it. I really don't.
BY MR. CHANDRA:

Q. Okay.
The principal never asked you --
MR. R. WILLIAMS: Object.
You can answer.
BY MR. CHANDRA:
Q. -- Daley?
MR. R. WILLIAMS: Objection.
A. No.
BY MR. CHANDRA:
Q. That's D A L E Y.
Who else at Union Local, to your knowledge, was aware about that incident?
A. I don't know that answer because it was in the paper. So I don't know.
Q. Okay.
Nobody even suggested that perhaps you should no longer be employed at the District --
A. No.
Q. -- in relation to that incident or the incident with Brent Gay?
MR. R. WILLIAMS: Objection.
You may answer.
A. Two questions there, or one?
BY MR. CHANDRA:

Q. Yeah. I'm just trying to understand. We were asking questions about the incident involving the Taylor boy, and no one at the District ever suggested maybe you shouldn't work here anymore because of the incident, correct?

MR. R. WILLIAMS. Objection.

You can answer.

A. Correct.

BY MR. CHANDRA:

Q. And nor did anybody ever suggest that to you in relation to the incident with Brent Gay, right?

MR. R. WILLIAMS: Objection.

You may answer.

MR. C. WILLIAMS: Objection.

A. Correct.

BY MR. CHANDRA:

Q. Okay.

Now, let's talk about your statement of October 28th, 2024, the e-mail statement you made to Superintendent Zac Shutler, and that is Exhibit 7 in your binder, sir, and the Bates stamp is Union 006. Could you please read that into the record?

MR. R. WILLIAMS: Objection.

You may answer.

A. What would you like me to read?
BY MR. CHANDRA:
Q. Just read your statement about the incident into the record, that begins with, "As I was walking."
A. "As I was walking from the visitors' stands to the locker room, I was confronted by an irate male individual (Brent Gay). He was in the front of me and yelled, 'Do you guys ever watch any fucking film?' At that time, I felt threatened and I removed him out of my way, continuing to walk towards the locker room. As I continued to walk, I was attacked from behind and a struggle occurred. I continued towards the locker room after I was freed from the struggle with the help of bystanders. He (Brent Gay) was seen earlier standing in the crowd making hand gestures towards the press box."
Q. You can verify that this is the statement that you sent Mr. Shutler?
A. Sure, yes.
Q. It's a true and correct copy of the statement, right?
A. Yes.
Q. Okay.
Now, you recall we showed you, a few times, that Exhibit 10, the slow-mo body cam. Is it still your

testimony that you have no idea whether the person wearing the red jacket is you and the person wearing black is Brent Gay?

A. That doesn't identify that, yes.

Q. You can't recognize that that's the two of you; is that right?

A. Correct.

Q. Are you aware of any other incidents or altercations that took place at that game, between someone in a coaching jacket and someone from the public?

A. Not that I know of.

Q. Now, you told Mr. Shutler that Mr. Gay was in your way, right?

A. Yes.

Q. But you didn't say that to the police, right, when you spoke to the police?

MR. R. WILLIAMS: Objection.

You may answer.

A. I don't know that answer.

BY MR. CHANDRA:

Q. Do you recall, one way or the other, what you told them?

A. No, I don't.

Q. And, in fact, I'm going to show you Request for Admission Number 40, Exhibit 4, in your binder. When Mr. Gay asked you, via a request for admission, if you told Shutler you "removed plaintiff out of my way," you wrote, "Deny that I removed him out of my way." Correct?

A. The wording, yes.

Q. Now even if Mr. Gay was in your way -- withdraw that.

Could you tell us about after the incident, when you went back into the locker room, did you speak with any of the other District personnel about what had just occurred?

A. I don't believe I did.

Q. Is this the only written statement you made about what occurred?

A. Yes.

Q. That's the statement to Doctor Shutler, correct?

A. Yes.

Q. No text messages to other people?

A. No.

Q. What about oral statements to other people, conversations?

A. I had talked to my wife about it, yes.
Q. Okay. I'm not going to ask you about communications with your wife.
Other than your wife, anybody else? And other than your lawyer, anybody else?
A. I believe the day after, as a coaching staff, we kind of talked about it a little bit, yes.
Q. And when you were driving home after the game, did you talk to anybody about it?
A. Mike Menges. He is the one who drove me home, yes.
Q. Okay.
What did you tell him about it?
A. What happened.
Q. What did you tell him?
A. What happened.
Q. Right. What did you tell him about what happened?
A. I told him the truth. I told him exactly what happened.
Q. Right. I'm asking you to tell me what words you used to describe what happened. Tell me what the conversation is.
MR. R. WILLIAMS: Given that he is asking

you the specifics, if you can recall your conversation with Mr. Menges.

Is that correct?

MR. CHANDRA: Correct.

A. I can't recall all the words I said, but I gave him what went on. I told him about Brent getting in my face, telling me, you know, "You guys watch any fucking film?" I shoved him out of my way because I was working my way to the locker room, and he attacked me from behind.

BY MR. CHANDRA:

Q. And what did you discuss with the coaching staff the next day?

A. We just talked about the same situation.

Q. Did you communicate with any other witnesses or District personnel about what happened?

A. Besides the -- with Doctor Shutler, no.

Q. What did Menges say in response to what you were telling him in the car?

A. I don't remember. I don't.

Q. Any more details of that conversation you can share?

A. Of Coach Menges?

Q. Yes.

A. No. No.
Q. Who else was in the car?
A. Luke Menges. And their father -- Mike's father-in-law, Mr. Freeman.
Q. You also talked with the rest of the football coaches the next day, but did you talk with the coaches in the locker room about it?
A. In the locker room?
Q. Uh-huh.
A. I believe so, it was there, yes.
Q. Okay.
What did you say there?
A. The same thing, just went over what happened.
Q. What did they say to you?
MR. R. WILLIAMS: Objection.
You may answer.
A. I don't remember. I don't recall.
BY MR. CHANDRA:
Q. What did Tyler Grant say to you?
A. I don't recall.
Q. Did Tyler Grant say words to the effect that he was going to try to get you out of it?
A. No.
MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. All right.

If you could take a look at Exhibit 5 in your binder. Those are your interrogatory responses. Page 7. The numbering is at the bottom. And if you look at the first bullet point, in the last sentence of your response, you said you sometimes used Zac Shutler's school e-mail to send or receive e-mails. Could you please explain that?

A. The one time that he asked for a statement, I returned it to his e-mail.

Q. Okay. I think I understand now. All you were saying was -- if I understand you correctly, all you were trying to say was that you e-mailed him?

A. Yes.

Q. Or he's e-mailed you?

A. Yes.

Q. But you weren't trying to say you've used his e-mail account somehow?

A. No.

Q. Okay. That clears that up.

Did you wind up seeing -- other than through the course of discovery in this litigation, did you wind up seeing any of Doctor Shutler's e-mails with Mr. Gay

or with the School Board?

A. No.

Q. Okay.

Turning to the topic of the District's response to the incident, sir. To the best of your understanding, before yesterday's testimony from Former Athletic Director Nardo, okay, to the best of your understanding, before you heard that testimony yesterday, had you been disciplined by the District in any way for attacking Brent Gay?

MR. R. WILLIAMS: Objection.

You may answer.

A. No.

BY MR. CHANDRA:

Q. Before yesterday's testimony from Nardo, did you have any understanding that you -- that the District had disciplined you for the incident with Mr. Gay?

MR. R. WILLIAMS: Objection.

You may answer.

A. Mr. Shutler had talked to me at the -- after the investigation, yes, told me it was over.

BY MR. CHANDRA:

Q. Okay.

So let's go back to my question, though, and

I'll follow up on what you just said.
A. That wasn't the answer?
Q. No. No, my question was before yesterday --
A. Yes.
Q. -- did you have an understanding that the District had disciplined you for the incident with Mr. Gay?
A. No.
Q. Okay.
So to the best of your knowledge -- and I'm asking you to sort of not take into account what Mr. Nardo said and let that color you. Okay?
A. Uh-huh.
Q. To the best of your knowledge, up through day before yesterday, the District hadn't disciplined you for the incident with Mr. Gay; is that fair?
MR. C. WILLIAMS: Objection.
A. Correct.
BY MR. CHANDRA:
Q. Okay.
So did anyone tell you that a copy of the letter from the prosecutor, that we discussed yesterday in the Nardo deposition, that the copy of that letter from the prosecutor had been put in your personnel file?

A. Mr. Shutler had told me that.
Q. He told you that it was going to be put in your personnel file?
A. Yes.
Q. But he did not characterize it as discipline against you. Fair enough?
A. I think it showed it was case closed on my situation.
Q. Okay.
So, in a way, you viewed it as the opposite of discipline, "I'm not being disciplined" --
A. No.
Q. -- "for this"?
A. It was in my file. So any time anything goes in your file, it's a discipline.
Q. So you think you were disciplined for it?
MR. R. WILLIAMS: Objection.
You can answer.
A. Not the -- how do I word this? Not the discipline as far as any time off, any pay restrictions, anything like that. No restrictions, no discipline in that manner, if that makes sense.
BY MR. CHANDRA:
Q. Maybe let's back up a little bit.

A. Okay.
Q. Okay.
So tell me about all of your conversations with Doctor Shutler, regarding this matter. Let's start with game night. Okay? So game night, October 25th, 2024, did you have any conversation with Doctor Shutler about the incident?
A. That night?
Q. Correct.
A. No.
Q. Okay.
After that, when was your first conversation with him about it, or communication of any kind?
A. I believe it was the following Monday when he asked me to write a statement.
Q. And then you wrote the statement --
A. Uh-huh.
Q. -- and sent it to him?
A. Yes.
Q. Okay.
Tell me about the conversation in which he asked you to write a statement. Was that in person or was that by phone?
A. By phone.

Q. He called you and what did he say?
A. He said, "I'd like to have you write a comment on what happened Friday night."
Q. What else?
A. That was pretty much it.
Q. Okay.
So you then sent him the statement?
A. Uh-huh.
Q. Okay.
After that, what was the next communication you had with him about the incident?
A. Oh, when the incident was, after they had discussed, I don't know what day it was or what it was, but he came to me and said the thing is in my file, and as far as we know, it's over.
Q. Okay.
And what else did he say?
A. That's it. That's pretty much it.
Q. Did you object to the letter from the prosecutor being in the file?
A. No.
Q. And you'd agree the letter from the prosecutor didn't accuse you of anything. Fair?
A. Right.

Q. Right. It had no details about the incident or fact finding at all. Fair enough?

MR. C. WILLIAMS: Objection.

A. Right.

BY MR. CHANDRA:

Q. Correct?

A. Fair enough, yeah.

Q. Yeah.

So there was nothing in there, saying that you put your hands on Mr. Gay, correct?

A. It didn't have to. I was involved in the incident. I knew what happened. So, correct.

Q. And to be clear, Doctor Shutler did not tell you that you did anything wrong, either, correct?

MR. C. WILLIAMS: Objection.

A. Doctor Shutler handled it the way he should have handled it, I agree with that.

BY MR. CHANDRA:

Q. Sir, please answer my question.

MR. R. WILLIAMS: Vaughn, you have to listen to what Mr. Chandra is asking you and just try to answer what he asks you.

THE WITNESS: Okay.

MR. CHANDRA: So I'm going to ask the

court reporter to read back the question and ask you to answer that.

MR. R. WILLIAMS: And this is a question about Doctor Shutler, so listen to the question. Okay. Go ahead and read it.

* * *

(Whereupon, the reporter read the record as requested.)

* * *

A. Correct.

BY MR. CHANDRA:

Q. Nor did Athletic Director Nardo at any point, correct?

A. Correct.

Q. Nor did your immediate supervisor, the head coach, correct?

A. Correct.

Q. Nor did the principal, correct?

A. Correct.

Q. No one at the District ever even orally counseled you that the way you conducted yourself with Brent Gay was wrong in any way, correct?

MR. R. WILLIAMS: Objection.

You may answer.

MR. C. WILLIAMS: Objection.

A. Correct.
BY MR. CHANDRA:
Q. And no one ever said to you, "Listen," words to the effect, "you can't retaliate against somebody for criticizing your performance as a coach," correct?
MR. R. WILLIAMS: Objection.
You may answer.
MR. C. WILLIAMS: Objection.
A. Correct.
BY MR. CHANDRA:
Q. And to the best of your knowledge, as you sit here, testifying under oath today, everything that you did in your interaction with Brent Gay on October 25th, 2024, was consistent with the Union Local School District's policies as you understood them, correct?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
You may answer.
A. Correct.
BY MR. CHANDRA:
Q. And nothing you did was contrary to any training you might have received from the District, correct?
MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Same objection.
You may answer, Mr. Butler.
A. Correct.
BY MR. CHANDRA:
Q. Okay.
You don't believe that you received any kind of even oral reprimand or counseling for your interaction with Brent Gay on October 25th, 2024, correct?
A. Correct.
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection. Asked and answered.
BY MR. CHANDRA:
Q. And, in fact, the District continued to employ you afterward and never even suggested you should leave, right?
A. Right.
Q. Okay.
And to this day, you think that you were in the right, the way that you interacted with Mr. Gay on October 25th, 2024, correct?
MR. R. WILLIAMS: Objection.
You may answer, Mr. Butler.

A. I was in the right to protect myself, yes.
BY MR. CHANDRA:
Q. And you have no regrets about how you handled yourself that day, correct?
MR. R. WILLIAMS: Objection.
You may answer, Mr. Butler.
A. Correct.
BY MR. CHANDRA:
Q. Okay.
Now I'd like to turn your attention to Exhibit 13, which is the post from X. I think this is the video. So we're going to play the video for you. We played it yesterday, but I'll play it for you so you can see it.
MR. R. WILLIAMS: If we had popcorn, we'd give it to you, but I'm sorry we don't.
BY MR. CHANDRA:
Q. So this is the video from Superintendent Shutler, on X, formerly known as Twitter, October 30th, 2024. Let's go ahead and play it. Please?
* * *
(Video played)
* * *
BY MR. CHANDRA:

Q. Okay.

So some questions about this. Did you see this post?

A. No.

Q. You never saw it?

A. No.

Q. Did you hear about it?

A. No.

Q. So when was the first you heard of it?

A. Yesterday.

Q. Okay.

You didn't even read about it in the civil complaint in this case?

A. No.

Q. Did you even read the civil complaint in this case?

A. I don't believe so.

Q. It wasn't important enough to you that you had been sued in the United States District Court for the Southern District of Ohio, in a case involving Constitutional rights, and it wasn't important enough for you to actually read the civil complaint?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. It wasn't presented to me.
BY MR. CHANDRA:
Q. Well, you were served with it.
THE WITNESS: What he sent us?
MR. R. WILLIAMS: The complaint that started the case. Did you read that document?
THE WITNESS: Oh. Yeah. Yes. Okay. I thought there was something different. My bad.
BY MR. CHANDRA:
Q. You thought I was talking about something else?
A. Yeah, I did.
Q. Okay.
MR. R. WILLIAMS: So one second, just so the record is clear, the document that started this case is what's called the complaint.
THE WITNESS: Yes.
MR. R. WILLIAMS: Have you read that?
THE WITNESS: Yes.
MR. R. WILLIAMS: Okay. I'm sorry. Go ahead.
MR. CHANDRA: Thank you. Thank you, Counsel. Okay.
BY MR. CHANDRA:

Q. So just do you recall reading allegations in there about Superintendent Shutler's post on X, this video?

A. I don't recall, but I'm sure I did.

Q. Okay.

Until yesterday, had you ever heard or seen the video?

A. No, I did not.

Q. So this is -- I'll represent to you, there is no dispute about this. This was October 30th, 2024, five days after the incident with Brent Gay. Fair enough?

A. Uh-huh. Yes.

Q. So you understood -- you understand, from listening to this, that this was a reference to that incident. Fair enough?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

Answer if you know.

BY MR. CHANDRA:

Q. This was in reaction to that incident. Fair enough?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection. Same

objection.
A. It was a reaction to the whole season, I believe, not just that one incident.
BY MR. CHANDRA:
Q. Five days after the incident, though, right?
A. The season was over, yes.
Q. And in the video, Doctor Shutler condemned anyone in the community who criticizes coaches publicly, right?
MR. C. WILLIAMS: Objection.
A. That was said, yes.
BY MR. CHANDRA:
Q. Yeah. And he was saying not to criticize Union Local coaches, right?
MR. C. WILLIAMS: Objection.
A. I believe so.
BY MR. CHANDRA:
Q. Coaches like you, right?
A. Uh-huh.
Q. He said that any criticism should take place in private, behind closed doors, right?
MR. C. WILLIAMS: Objection.
A. Yes.
BY MR. CHANDRA:

Q. And you understand, from where you sit as an assistant coach, that as superintendent, he creates and administers policies for the School District, right?

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. He makes the rules, right?

A. With board members, yes.

Q. Yeah. And one of those rules, as you understand it, is Union Local fans should not criticize coaches, right?

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. So a reasonable member of your community -- and you know your community, right?

A. Pretty much.

Q. Yeah. A reasonable person in your community could see this as Doctor Shutler saying that the District has a policy against fans criticizing coaches.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Fair enough?

MR. R. WILLIAMS: Same objection.

A. Identify "reasonable."
BY MR. CHANDRA:
Q. I don't know, you know how reasonable people are around here. I'm just talking about your average Joe or Jane.
A. Okay. Yes.
Q. And, in fact, there are some written policies that directly address this issue of spectator criticism. Did you know that?
A. I didn't know that.
Q. Until yesterday -- you heard us discussing that?
A. Right.
Q. Until yesterday, were you aware that there are actual policies, written policies, addressing the issue of the spectator criticism?
A. When they talked yesterday about -- no, I didn't know.
Q. You hadn't even heard about it?
A. No.
Q. Okay.
So are you familiar with the athletic department handbook?
A. Yeah.

Q. You've been through it?
A. Uh-huh.
Q. Okay.
So let's pull it up, Exhibit 14. And it's Bates No. Union 340 at the bottom.
MR. R. WILLIAMS: This is Union Local Athletic Department Handbook. He wants to talk to you about Page 340.
BY MR. CHANDRA:
Q. Yeah, 340 and 341. Before yesterday's deposition, had you heard of this policy or seen it?
A. No. I don't remember seeing it, no.
Q. Okay.
So the first you heard of it, yesterday probably?
A. Probably, yeah.
Q. Okay.
Well, I don't want to just necessarily retread the things you heard yesterday, but -- especially because you say you hadn't seen this before, but let me do this: Let me ask you to read through the policy, if you would. Just take a couple minutes and read through Pages Union 340 through Union 341 of this policy, and then I'll ask you some questions about it. Okay?

Tell me when you're ready.

MR. R. WILLIAMS: So read this page and then the next page.

* * *

(Short pause)

* * *

BY MR. CHANDRA:

Q. Okay.

So having now read the policy, even though you're saying you don't recall seeing it before or hearing about it before, does it all look familiar to you in terms of what you understood to be the policies there?

A. Uh-huh.

Q. Okay.

MR. R. WILLIAMS: Is that a yes?

THE WITNESS: Yes, yes.

MR. CHANDRA: Thank you.

BY MR. CHANDRA:

Q. So you didn't read any of it and have it take you by surprise, "Oh, I didn't know that was the policy at Union Local"?

A. No.

Q. Okay.

So everything you read was consistent with the policies of the Union Local School District as you understood them even on October 25th, 2024?

A. Yes.

Q. And so you understood, at that time, that the District had a policy about what it is and isn't okay for spectators to say, right?

A. From being around for a while, yes, I knew that, yes.

Q. Okay.

And as you understood it, on October 25th, 2024, Mr. Gay's speech to you would have fit that category of prohibited speech, correct?

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. And in your view at that time, he was violating that policy with his conduct?

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. And his speech, correct?

A. Correct.

Q. Now, do you recall whether the school has a

mechanism for enforcing the rules?
A. A mechanism?
Q. Yeah. Some way of enforcing it.
A. No.
Q. Okay.
Well, in the handbook, it says in that policy that "Students and adults are to police their own ranks and demand proper behavior from fellow students and adults." Do you recall that portion of it?
A. Yes.
Q. Okay.
And you're an adult, obviously, right?
A. Uh-huh.
Q. You were expected to police other adults?
MR. C. WILLIAMS: Objection.
A. No.
BY MR. CHANDRA:
Q. As to this policy.
A. No.
Q. Okay.
A. I was expected to be part of the football team at that time.
Q. Okay. Well, let me ask it a different way.
Would you agree that your conduct with Mr. Gay

on October 25th, 2024, was consistent with Union Local School District policy as you understood it on that day?

MR. R. WILLIAMS: Objection.

You may answer.

A. Yes.

BY MR. CHANDRA:

Q. Okay.

So you were just following District policies, correct?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. Okay.

And the policy lays out consequences for the speech it prohibits, right?

MR. C. WILLIAMS: Objection.

A. Yes.

BY MR. CHANDRA:

Q. Like eviction from an event, right?

A. Yes.

Q. Prohibition from attending future events, right?

A. Yes.

Q. Okay.

Now, back to asking you about the video you just watched of Doctor Shutler on X. In his video, he didn't once criticize you for your actions toward Brent Gay, correct?

A. Correct.

Q. And, in fact, never once, to this day, has he done that either publicly or to you, correct?

A. Correct.

Q. Now, your fellow coaches and District staff and you think this whole situation with Mr. Gay is a joke, right?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. I don't know that answer.

BY MR. CHANDRA:

Q. Well, let's talk about you. You think this whole situation with Mr. Gay is a joke, right?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. I think it's a serious matter.

BY MR. CHANDRA:

Q. Well, I mean, your fellow coaches have made a joke out of Mr. Gay's surname, right?

MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. I can't speak for them.
BY MR. CHANDRA:
Q. Well, you're aware that they've done that, right?
A. Yes.
Q. You haven't tried to stop them, right?
MR. R. WILLIAMS: Objection.
A. Free speech.
BY MR. CHANDRA:
Q. Now answer my question.
A. No.
Q. And you've participated in those jokes, right?
MR. R. WILLIAMS: Objection.
A. No.
MR. CHANDRA: Let's take a little break, and we should be able to wrap up.
MR. R. WILLIAMS: You just going to go through? We're not going to take lunch.
MR. CHANDRA: I think we might be done. Maybe we need a break if he's got questions.
MR. C. WILLIAMS: I do have questions.
MR. R. WILLIAMS: All right.

MR. CHANDRA: Oh, you know what, I'm sorry, I do have some more. Sorry.

THE VIDEOGRAPHER: Do you want to go off the record?

MR. CHANDRA: Off the record.

THE VIDEOGRAPHER: Going off the record at 12:44 p.m.

* * *

(Brief break)

* * *

THE VIDEOGRAPHER: We are back on the record at 12:57 p.m. Please proceed.

BY MR. CHANDRA:

Q. Okay.

Mr. Butler, yesterday, you heard Mr. Nardo, the former athletic director, testify that you had previously been subjected to discipline for cursing. Do you remember that?

A. Yes.

Q. Okay.

Could you please tell us about what that incident was?

A. No. I didn't -- I don't know what it's about.

Q. I'm sorry?

A. I didn't know who, no.
Q. Okay.
So you don't ever recall being disciplined for cursing around students?
A. Correct.
Q. Or at students?
A. Uh-huh.
Q. You don't recall ever -- anyone ever talking to you about a parental complaint about that?
A. No.
Q. So when you say you don't recall it, it could have happened, but you might not remember, or you just don't think this ever happened?
A. Oh, I think it could have happened.
Q. Okay.
So you think it's possible that you were cursing around children?
A. Yes.
MR. R. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. Okay.
You're a member of the Morristown Historical Association; is that right?
A. Yes.

Q. And that organization is involved with moving the Underground Railroad Museum from Flushing to Morristown; is that right?

A. The Underground Railroad is responsible for bringing it over, yes.

Q. Okay.

So the other way around?

A. Yes.

Q. Now, in November 2024, there was supposed to be a meeting about that move; is that right?

A. I don't know that answer.

Q. Okay.

You didn't hear that there was going to be a meeting to discuss that topic --

A. No.

Q. -- of the historical?

Did you know that there was going to be a meeting in around November of 2024, of the Morristown Historical Association?

A. No.

Q. Okay.

You're aware that Brent Gay's wife, Jamie Gay, is a board member for the museum?

A. I had heard that, yes.

Q. And you were -- you expressed to someone, displeasure that she would be coming to a meeting of the association, right?

MR. R. WILLIAMS: Objection.

You can answer.

A. No. I made mention that if she's there, I won't be there.

BY MR. CHANDRA:

Q. Okay.

So you did know there was a meeting?

A. No. I didn't know the time and the date, no. But someone did tell me that she was a member of that, yes. A board member.

Q. So who told you this?

A. I believe it was John Rataiczak.

Q. John what?

A. Rataiczak. Don't tell me how to spell it because I have no idea.

Q. "Rat-a-zak"?

A. Yeah.

Q. We'll do it phonetically.

And who is John Rataiczak?

A. I believe he's vice president of the MHPA.

Q. Okay.

So you had someone with the historical association call somebody named John Mattox; is that right?

A. To my knowledge, no.

Q. Okay.

A. I know John Mattox, yes.

Q. So let's back up. You're telling us that you expressed something about Jamie Gay to someone associated with the museum. Tell us how that came up and what the entire conversation was.

MR. R. WILLIAMS: Objection.

You may answer, Mr. Butler.

A. Someone made mention that we are -- we were going to consolidate the Black Horse once it's finished. The other people were going to come over and fill the museum with artifacts or whatever. Someone mentioned that Jamie was a board member there. And I --

BY MR. CHANDRA:

Q. Who are these someones that you're talking about, please?

A. Probably John, I would say, John Rataiczak. And he is the one who told me that. And I said, "Well, if she's going to be there, I can't be there. I will refuse to be there."

Q. Okay. Yeah.
So you expressed that you weren't comfortable with Jamie Gay coming; is that right?
A. Pretty much, yes.
Q. And that, too, was -- you weren't comfortable with her coming because you didn't like Brent Gay's comment to you at the football game, right?
MR. R. WILLIAMS: Objection.
Go ahead.
MR. C. WILLIAMS: Objection.
A. No. It was the court order that said I was to stay away from him. And to stay away from him, I could stay away from his wife just the same.
BY MR. CHANDRA:
Q. There was no court order that you should stay away from him, correct?
A. Well, it was a recommendation. Was there one in one of the papers?
Q. I think you must be referring to some sort of a comment from a prosecutor.
A. Probably so, yes. And I just didn't want to -- I didn't feel comfortable being around.
Q. Okay.
Well, are you -- what did they tell you? Once

you expressed that, what did they tell you they were going to do about it?

A. They didn't tell me anything.

Q. Okay.

So are you aware that your comments then resulted in communications to Jamie Gay about coming to the meeting?

A. No.

Q. Did anybody ever get back to you about that topic?

A. No.

Q. Did you go to the meeting?

A. No.

Q. Can you at least understand how that would be perceived by Brent and Jamie Gay that there is a communication about whether or not she should come to a meeting --

MR. R. WILLIAMS: Objection.

Q. -- of something she is a board member of?

MR. R. WILLIAMS: Objection. You may answer, Mr. Butler.

MR. C. WILLIAMS: Objection.

A. No, I have no control over that.

BY MR. CHANDRA:

Q. I had been asking you earlier about interactions and conversations you had with Doctor Shutler. Since this litigation started, what -- actually, let me back up.

After the conversation you had with him about the matter being over, what further conversations have you had with him, regarding the incident?

A. None.

Q. Or the litigation.

A. Zero; none.

Q. What about with your coach, head coach?

A. Bernie Thompson?

Q. Yes.

A. Just, in general, what -- nothing major. I mean, I don't recall anything.

Q. And what about with Nardo?

A. None.

Q. Okay.

Do you have an understanding about why Nardo is -- other than what he claimed yesterday in his deposition, did you have a different understanding of why he is no longer athletic director?

MR. R. WILLIAMS: Objection.

You may answer, Mr. Butler, if you know.

MR. C. WILLIAMS: Objection.

A. I don't know that answer.

BY MR. CHANDRA:

Q. Did you have any communications with him about it, him stepping down?

A. No.

Q. How did you find out he was not going to be athletic director anymore?

A. Just through the grapevine-type thing. Someone probably talked about it, and I overheard it, yes.

Q. Okay.

MR. CHANDRA: Just give me a minute here.

* * *

(Short pause)

* * *

MR. CHANDRA: I have no further questions at this time. I'll pass the witness.

MR. R. WILLIAMS: Mr. Williams.

MR. C. WILLIAMS: Thank you.

* * *

E X A M I N A T I O N

BY MR. C. WILLIAMS:

Q. Good afternoon, Mr. Butler.

A. Good afternoon.
Q. As an assistant football coach for Union Local Schools, you would be considered a part-time employee?
A. Yes.
Q. And even as a part-time employee, you don't work year-round as a football coach, it's just for the football season, correct?
A. Football season, yes.
Q. What are you paid to be the assistant coach of football?
A. I don't know for sure. It's direct-deposited. So it's probably 3,000, give or take. I don't know.
Q. And that's for the entire season?
A. That's for the entire season.
Q. Okay.
When you are at an away game for a football game for Union Local High School and you're on the football field, that's your workplace, correct?
A. Yes.
Q. As an assistant football coach?
A. (Witness moves head in an affirmative response).
Q. Similarly, when you're up in the press box, that's your workplace for that game?

A. Yes.
Q. And in the locker room, that's your workplace for the game?
A. Yes.
Q. And if you're walking back and forth from one location to another, football field, press box, locker room, you're still walking within your workplace?
A. Yes.
Q. If you could turn to Exhibit 14 and turn to what says, on the bottom, Union 308.
MR. R. WILLIAMS: Union 308. And I'm sorry, Chris, it's Exhibit 14?
MR. C. WILLIAMS: Yes, Exhibit 14, Bates stamped Union 308.
MR. R. WILLIAMS: Thank you.
BY MR. C. WILLIAMS:
Q. Are you on that page?
A. Yes.
Q. And that page is titled "Responsibility of All Coaches"?
A. Yes.
Q. Can you please read -- you don't have to read it out loud, just read it to yourself -- the 12 items that are listed on the page, as far as responsibilities

of all coaches? Let me know when you're done.

A. (Witness complies).

* * *

(Short pause)

* * *

A. Yes.

BY MR. C. WILLIAMS:

Q. Okay.

The 12 items listed on what is marked as Union 308, would you say that fairly sets forth your job duties as an assistant coach?

A. Yes.

MR. CHANDRA: Objection.

BY MR. C. WILLIAMS:

Q. In reviewing the job duties listed on Union 308, are there any that are missing that you would consider one of your job duties?

A. It's just the day-to-day activities of football, being a football coach, yes.

Q. Okay.

And you'd agree that this is not specific to football?

A. Yes.

Q. This is for any coaching position?

A. Yeah.
Q. So other than setting forth what you would be specifically performing as a football coach --
A. Uh-huh.
Q. -- would you agree that this fairly summarizes your job duties as an assistant coach at Union Local?
A. Yes.
MR. CHANDRA: Objection.
BY MR. C. WILLIAMS:
Q. You would agree, also, that nowhere listed on these job duties does it state your delegated authority to address spectator free speech, does it?
MR. CHANDRA: Objection.
A. No.
BY MR. C. WILLIAMS:
Q. You were asked a number questions about training by Mr. Chandra. You've attended District training as a football coach, correct?
A. Yes.
Q. And in 30 years, I imagine there's been a number of trainings you've attended?
A. Yes.
Q. It would be fair to say that sometimes those tend to, in your mind, at least, run together because

you've attended so many?
A. Yes.
Q. And you were also asked about whether you receive certain trainings regarding whether it's okay to be violent with a spectator. And I believe your answer to that was no?
A. Correct.
Q. Do you feel that you need training to know that as an assistant football coach, that you shouldn't be violent with a spectator?
A. No.
Q. Why not?
A. It's a commonsense thing. I've been involved with football long enough and around people long enough to know that.
Q. So you would agree you don't need training to know that you shouldn't hit a spectator?
A. Correct.
Q. You don't need training to know that you shouldn't slap a spectator or punch a spectator?
A. Correct.
Q. You don't need training to know that you shouldn't push a spectator or kick a spectator?
A. Correct.

MR. CHANDRA: Objection. Continuing objection, form.

BY MR. C. WILLIAMS:

Q. The evening of October 25 of 2024, turning to that incident at this point, and I'd ask you to look, please, at Exhibit 7, Union 006.

MR. R. WILLIAMS: Which page?

MR. C. WILLIAMS: The first page, Union 006.

MR. R. WILLIAMS: Okay.

BY MR. C. WILLIAMS:

Q. I believe you've already identified this as the written statement you provided to Doctor Shutler; is that correct?

A. Yes.

Q. So before I ask a question about this, at that game, where are you specifically standing? Start from the start of the game to the halftime, where are you physically located?

A. When the game starts, I'm up in the press box with probably three other coaches and the film man, yes.

Q. And do you stay there for the entire first half?

A. Yes.

Q. So you don't go down on the field during the first half?
A. No.
Q. And the press box, where is that located in relation to the football field?
A. It's over top -- this one was on the visitors' side, probably a good 20, 25 feet above ground, at least.
Q. So it's -- there is a set of visitor bleachers?
A. Yes.
Q. Where visitors can sit. In this case, "visitors" being the Union Local team --
A. Yes.
Q. -- visitors.
And that would be the spectators for Union Local would typically go sit on the visitors' side?
A. Yes.
Q. And at the top of the stands for the visitors, the bleachers, that's where the press box is located?
A. Yes. Like on the 50 yard line, yes.
Q. And when you're in the press box, what are you doing?
A. Talking to another coach with a headset. I'm

checking things out, making sure everyone is lined up properly, we have the right personnel in, making calls.

Q. So you essentially have, like, a bird's eye view of the football field?

A. Yes.

Q. And with that, you're using your football knowledge to help direct where students should be lined up?

A. Yes.

Q. Now, they call it the press box. Are you dealing with members of the press or giving interviews while you're up there?

A. No, no interviews. There is press at our home one, but there is none at Barnesville. It's so small, the press would not fit in there, no.

Q. Okay.

So you're not responsible for addressing questions from spectators or anything like that while you're in the press box?

A. No.

Q. Did you observe Brent Gay in the visitors' stands while you were in the visitors' press box?

A. I did not.

Q. Okay.

You can now look at Exhibit 7 in front of you, 006. The last line of your statement, you wrote, "He, (Brent Gay) was seen earlier standing in the crowd making hand gestures toward the press box."

A. Yes.

Q. You wrote that?

A. I did. It was a hearsay thing, but, yes.

Q. Okay.

A. And I saw it on film.

Q. Well, you're not an attorney, so we're not getting into hearsay or not.

A. Okay. Right.

Q. Was this told to you by somebody?

A. Yes.

Q. Who told you that?

A. It was presented to me on a film by, I believe, Jimmy Hess' wife.

Q. Jimmy Hess' wife?

A. Yes.

Q. Is Jimmy Hess a coach?

A. Yes.

Q. Or assistant coach?

A. Yes.

Q. What kind of coach is he?

A. He's a wide receivers coach and defensive back coach.

Q. Okay.

And you said his wife had film?

A. Yes. Plus, it was also on the film of our own film that we film from the press box down.

Q. Okay.

Let's start with her film first. What film did she have? Like, with her phone?

A. I think she got the same film from -- I believe she got the same film from -- it's the same picture, the same film, but she got it from the actual film of the game and sent it.

Q. Is that the Huddle camera?

A. Yes.

Q. What is Huddle?

A. It's a racket. What they do, is they -- you buy a program through Huddle, and what they do is we use our own camera and then Huddle -- we send it to Huddle and they -- it's processed to us so we could watch film, yes.

Q. Okay. All right.

But if I understand your testimony, you did not observe Brent Gay in the visitors' stands while you

were in the press box during the first half?
A. I did not, no.
Q. When was the first time you saw him the evening of the 25th?
A. When I came off the bleachers. I come down the bleachers, took a right, the walkway. And then after I stepped down from the bleachers, headed to the locker room.
Q. Okay.
And is that -- when you saw him, what was he doing?
A. Well, he confronted me is when I saw him.
Q. Were you expecting to see him?
A. No.
Q. Were you surprised to see him?
A. I was.
Q. What were his first words to you?
A. "Don't you guys watch any fucking film?"
Q. And I think you've testified this was an angry tone he spoke to you in?
A. Very angry, yes.
Q. Were you startled?
A. Yes, I was.
Q. There has been a characterization of your

reaction to Mr. Gay as being immediate. Would you agree that you immediately reacted to --

A. Yes.

Q. -- his tone and demeanor toward you?

A. Yes.

Q. And how did you react?

A. I got him out of my way because I was headed to the locker room, and I gave him a two-hand shove.

Q. Okay.

What was the reason for giving him the two-hand shove.

A. I was threatened. He was in my direct line of the pathway to the locker room.

Q. And what was threatening about the situation, to you?

A. His tone of voice. The way he acted towards me.

Q. Did you shove him because of the content of his words, about him commenting on the game film?

A. I shoved him to get out of my way so I could get to the locker room.

Q. Okay.

If you could turn to Exhibit 5. Let's go to Page 7. I think you've testified earlier that these

were your responses to the -- your Supplemental Responses to Plaintiff Brent Gay's First Set of Interrogatories, correct?

A. Yes.

Q. Okay.

And your response to the second interrogatory on this page, after the objection, can you read what you responded to that?

A. Here (indicating)?

Q. Yes.

A. "This interrogatory assumes as fact disputed matters in this case."

MR. R. WILLIAMS: One second, Vaughn. You want him to read, Counsel, from "Subject to and waiving said objections"?

MR. C. WILLIAMS: Yes, after the objection.

MR. R. WILLIAMS: The objection is the legal part of my answer saying that we're objecting to the question, but we continue to answer. So he wants you to read from "Subject to and waiving said objections."

A. "Subject to and without waiving said objectives, Defendant Vaughn Butler does not believe it

is ever appropriate to strike a spectator nor does he believe that he struck Plaintiff. Defendant Butler's actions were solely and directly a response to Plaintiff's behavior, demeanor, and tone. The Defendant Butler acted to protect himself and he did not know what Plaintiff's intentions were in the moment that Plaintiff..."

MR. R. WILLIAMS: "Accosted."

A. "Accosted Defendant Butler."

BY MR. CHANDRA:

Q. And your response to that interrogatory, that's the total basis for why you had that physical interaction with Mr. Gay?

MR. CHANDRA: Objection.

A. Yes.

BY MR. C. WILLIAMS:

Q. When Mr. Gay spoke to you in an angry tone, did you tell -- was he slurring his words at all?

MR. CHANDRA: Objection.

A. I couldn't really tell.

BY MR. C. WILLIAMS:

Q. Did you smell alcohol on his breath?

MR. CHANDRA: Objection.

A. Yes.

BY MR. C. WILLIAMS:
Q. You've known Mr. Gay for many years, as you testified, correct?
A. Yes.
Q. Did Mr. Gay have a history of drinking alcohol to excess, to your knowledge?
MR. CHANDRA: Objection.
A. To my knowledge, yes.
BY MR. C. WILLIAMS:
Q. Had you ever observed him in a state where he drank alcohol to excess?
MR. CHANDRA: Objection.
A. I don't believe so.
BY MR. C. WILLIAMS:
Q. Okay.
And do you have any opinion as to whether or not Mr. Gay was under the influence of alcohol on the evening of October 25, 2024?
MR. CHANDRA: Objection.
A. I believe he was -- there was something. He just didn't look -- yes.
BY MR. C. WILLIAMS:
Q. You coached football this past season, the fall of 2025?

A. Yes.
Q. During that season, did you hear any booing at any point in time?
A. This past season?
Q. Yes.
A. Yes, I did.
Q. Okay.
Did you hear any other forms of criticism by fans, of how the football team is doing?
A. Yes.
Q. Any perception that fans were less likely to criticize team performance during this most recent season as compared to prior seasons?
A. We were more successful this year, so, yeah. I believe it wasn't as great, yes.
Q. When you say "more successful," how so?
A. Wins and -- yes.
Q. What was your record this season?
A. We went 8 and 4, I believe.
Q. And the season of 2024?
A. I think we were, like, 7 and 4, I believe. So, yeah.
Q. Okay.
A. 7-5.

MR. R. WILLIAMS: Off the record.
THE VIDEOGRAPHER: One second. Going off the record at 1:22 p.m.
MR. R. WILLIAMS: I'm sorry. Go ahead.
THE VIDEOGRAPHER: We're not off, go ahead.
MR. C. WILLIAMS: Back on or off?
THE VIDEOGRAPHER: I never went off. Go ahead.
MR. C. WILLIAMS: Okay. Thank you. Thank you.
BY MR. C. WILLIAMS:
Q. Mr. Butler, you would agree that when you are working as an assistant coach at a football game, you are not a spectator, correct?
A. Correct.
Q. I want to show you what was previously marked as Exhibit 10. This was the video that was taken from the body camera, as I understand it, that Mr. Chandra's office had slowed down for purposes of being able to observe it.
MR. C. WILLIAMS: Can I take this off (indicating)?
THE VIDEOGRAPHER: Yeah, I'll pick you up

off his.

MR. CHANDRA: I do want to confirm, I forgot to mention that on the record. This is the slow-motion version of that body cam.

MR. C. WILLIAMS: I think you did say that, actually.

MR. CHANDRA: Okay. Thank you.

MR. R. WILLIAMS: Do you want to use mine?

MR. C. WILLIAMS: Sure.

BY MR. C. WILLIAMS:

Q. So looking at Exhibit 10. I'm going to start it, and then I'm going to pause it and ask if you could identify Brett Goodson.

MR. CHANDRA: David Goodson.

MR. C. WILLIAMS: I'm sorry, David Goodson, excuse me.

* * *

(Video played)

* * *

BY MR. C. WILLIAMS:

Q. Where is he?

A. (Indicating).

Q. The gentleman that is walking?

A. Yes.

Q. So at the very beginning of the video, there is a gentleman, it looks like, with a red sweatshirt and white sleeves at the top, red sleeves at the bottom, maybe a white hat. Does that seem an accurate description of the individual?

A. Yes, it is.

Q. And that individual is walking, facing toward the right-hand side of the screen?

A. Yes.

Q. Okay. Press play again.

* * *

(Video played)

* * *

BY MR. C. WILLIAMS:

Q. Okay.

And as he was walking toward the screen, when the altercation occurs, that's depicted on the video, that's when he turns?

A. Yes.

Q. Okay. Thank you.

MR. C. WILLIAMS: Nothing further. Thank you.

MR. R. WILLIAMS: Anything, further Mr. Chandra?

MR. CHANDRA: Yeah, just a couple follow-ups here. Let me put on the microphone. Okay.

* * *

E X A M I N A T I O N

BY MR. CHANDRA:

Q. Following up on a few things that were just raised. You were shown -- you were asked questions about policies of the District. You would agree that in your decades of experience working for Union Local, there might be formal, written policies, but then there are also informal policies or customs as to how things are done. Fair enough?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A. Informal policies?

BY MR. CHANDRA:

Q. Yeah. Just customs as to how things are done.

MR. R. WILLIAMS: Objection.

You can answer.

A. Past practice?

BY MR. CHANDRA:

Q. Yeah. And that aren't necessarily written down.

A. Yes.

Q. Okay.

So not every job duty, not every responsibility, not every policy is necessarily in writing before you know that this is how we're expected to do things as an employee. Fair enough?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: You can answer.

A. Yes.

BY MR. CHANDRA:

Q. It was interesting. Counsel asked you, you don't need training to learn to not be violent, and you confirmed that. Do you recall that?

A. Yes.

Q. Okay.

And that's because a reasonable public official would know, don't be violent towards somebody unless you're really justified in defending yourself, for example, right?

A. Yes.

Q. Okay.

If somebody attacks you, for example, right?

A. Yes.

Q. But you did confirm, earlier when I was asking you questions, that you hadn't received any training

specifically on the issue about not retaliating against a member of the public for their exercise of free speech criticizing your performance as a public official. Do you recall that discussion?

A. Yes.

Q. Okay.

Would it have been helpful to you to have training on the topic, on that topic, as opposed to don't be violent?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Go ahead. You can answer, Mr. Butler.

A. I believe that's just a commonsense thing.

BY MR. CHANDRA:

Q. Okay.

But retaliation can take many forms, right?

A. Yes.

Q. If you had had training that said: Listen, as coaches, we got to have thick skin, and people are going to criticize us, and maybe they're even going to curse when they do so, and you have to be really careful not to retaliate against those critics in any way, would that have at least been helpful to you --

MR. R. WILLIAMS: Objection.
You may answer.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. -- and your fellow coaches?
A. Possibly.
Q. Okay.
You were asked some questions about the statement that you made to Mr. -- Doctor Shutler in your written statement about Mr. Gay being seen in the crowd, making hand gestures. And you acknowledged that that was not something you personally observed at the time, but that you said Jimmy Hess' wife drew that to your attention, right?
A. I believe so, yes.
Q. Okay.
And what's Jimmy Hess' wife's name?
A. I'm drawing a blank.
Michelle.
Q. Also same surname, H E S S?
A. Yes.
Q. And what was the context in which she brought this to your attention? She was trying to be supportive and find something helpful for you?

A. She didn't say anything. She just sent the video.

Q. Okay.

How did she send it to you?

A. Through Twitter or whatever, yes.

Q. Okay.

So you have not produced that to us in this litigation. We've sent you discovery requests for document production for all communications, every single one, through any means, regarding the incident, and you have not produced that to us. Do you still have it?

A. I don't think I do.

Q. When did you delete it?

A. I don't know that answer.

Q. Well, let's go back in time. When did she send it to you relative to October 25th, 2024, the date of the incident?

A. I would say within a month afterwards.

Q. Okay.

So within a month afterwards, she sent it to you. And so let's say by the end of November of 2024. Okay? At what point would you have deleted it relative to that?

A. I don't keep a lot of my messages. I would

probably have deleted it within a month again, yeah.

Q. So at that point, you knew that there was public controversy surrounding what happened at the incident, right?

A. No.

Q. By the end of 2024?

A. Public controversy?

Q. Yeah. There was -- people were talking about it in your community --

A. Oh.

Q. -- what had happened at the game, right?

A. Yes.

Q. Okay.

What other messages did you delete that relate to this incident?

MR. R. WILLIAMS: Objection.

A. I don't believe any.

BY MR. CHANDRA:

Q. Well, but you just said that you delete everything.

A. I do.

Q. Right. So you're telling me that there were no other communications in any way relating to this incident between you and Brent Gay?

A. That's what I'm saying, yes.
Q. So it just so happens that we learned today for the first time about only one communication from Jimmy Hess' wife, that you received, containing video, and that happens to be the one communication that you deleted and that's it?
MR. R. WILLIAMS: Objection. That's not what he said, but you can answer it, Mr. Butler. I'll move to strike it afterwards.
BY MR. CHANDRA:
Q. All right. Let me just break this into pieces.
We really need to know what communications you engaged in, either received or sent to people or were copied on, that in any way relate to the Brent Gay incident.
A. It's been done.
Q. Well, look, other witnesses produced messages to us that you were copied on, that you never produced to us.
A. Okay.
Q. Did you delete those?
A. I don't know. I'd have to look.
Q. So even after subpoenas were sent to third

parties and documents were obtained, we sent them to your counsel, even after that, you didn't go back to look to see whether you had missed anything and failed to produce it?

A. I did not.

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Do you know with certainty whether you deleted the message from Jimmy Hess' wife?

A. I believe I did.

Q. You actually didn't produce a single message. So is that because you never got any, or is that because -- or never sent any?

A. I don't send. I don't use it often.

Q. Well, how did you know to go check your messages? It says -- it sounds like she sent it on X. So you were using the messaging app through X?

A. I believe so, yes.

Q. And you were methodically receiving messages and then deleting them?

MR. R. WILLIAMS: Objection.

A. I did delete that one.

BY MR. CHANDRA:

Q. So you picked that one out to delete, but you

left other messages?
A. There wasn't messages to be sent. If I talked to anybody, it was face-to-face.
Q. What other messaging platforms did you use, sir?
A. I don't use any other messaging.
Q. Well, how did you know to go check -- if you don't use them, how did you know to go check the X messaging app?
A. Because I was told to check this out.
Q. Who told you?
A. Jimmy.
Q. Okay.
So Jimmy told you that his wife had sent you a message?
A. Yes.
Q. Okay.
So the purpose of that, as you understood it, was to show Brent Gay making hand gestures at the press box. What hand gesture are you aware of? Did you wind up seeing the film and you saw hand gestures?
A. I did see the film.
Q. What was the hand gesture?
A. What was the action?

Q. Yeah.
A. Okay.
This (indicating).
Q. Yes.
A. Okay.
Q. So turning to the press box and making a hand gesture signifying like, "What are you doing? What's going on?"
A. I would say so.
Q. Is that what that conveys to you?
A. I don't know that answer, but I'm sure it -- yes.
Q. Tell me. That's not flipping the bird at somebody, right?
A. No.
Q. Yeah. It's a way of expressing your exasperation with the situation. Fair enough?
A. Yes.
Q. At halftime, you guys were down 41 points. 41 to zero, right?
MR. R. WILLIAMS: Objection. Asked and answered.
A. Yeah.
BY MR. CHANDRA:

Q. Nothing wrong with expressing one's self in exasperation, as a spectator at a football game, toward the coaching staff. Fair?
A. Fair. But why us?
Q. Why not you? You're the coaches.
A. We're not all the coaches.
Q. You're coaches up in the press box.
A. There is a few of us up there, yes.
Q. Okay.
So your issue was that he was expressing exasperation to you and not to somebody else?
A. I don't know that answer.
Q. Well, you just asked, "Why us?"
A. Us. I didn't say "me." I said "us."
Q. But it made you unhappy that he was expressing exasperation towards this "us" that includes you, right?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A. I didn't see it during the game.
BY MR. CHANDRA:
Q. Okay.
A. Okay.
Q. I guess what I'm trying to get at, sir, is you seem to be implying -- correct me if I'm wrong, you seem

to be implying that there is something wrong or weird about making the gesture of, "Hey, what's going on (indicating)?" Is that what you're trying to imply?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. I didn't say that, no.

BY MR. CHANDRA:

Q. Well, you found it important enough to put into your statement to Zac Shutler when he -- and you hadn't even seen it, but you found it important enough to add to the end that he was seen making gestures at the press box.

A. That was hearsay, yes.

Q. Right.

Why did you think that was important?

A. That was hearsay.

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. What?

A. That was hearsay.

Q. Well, forget the fact that it was hearsay. Okay? Let's just everybody accepts that he makes an expression at the press box, because I think there is even images of it at some point during the game. A fan

expressing exasperation toward the press box where the coaches are. And what I'm asking you is: Why did you think that was a significant enough thing to communicate to Zac Shutler? What were you thinking about why that was significant?

A. Because evidently that happened at that time, and he confronted us at the bottom of the steps. So was it premeditated?

Q. Premeditated what?

A. To go after us? To make the comments he did?

Q. Okay.

So making the comments was premeditated, to make the comments that he did, criticizing you, that's the idea?

A. I'm just saying it could have been. I'm not saying it was.

Q. Okay.

So let me be clear about this. You think that depicting -- the fact that he makes a gesture at the press box, expressing exasperation, signifies premeditation for the comment that he made to you at the bottom of the steps?

A. I don't know that answer.

Q. Okay.

But that's how you perceived it, potentially, and that's why you wanted to tell Doctor Shutler about it?

A. That's how it potentially could have happened.

Q. Okay.

Premeditated speech. Fair?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A. Just a word I used.

BY MR. CHANDRA:

Q. Okay.

But premeditated speech --

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. -- that's the idea?

MR. R. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. Right?

A. No.

Q. Premeditated what? "Comments" you said, right? Comments are speech, correct?

MR. R. WILLIAMS: Objection.

A. Gesture.

BY MR. CHANDRA:

Q. Now the gesture is premeditated?

A. I don't know.

Ask him. He is right there.

MR. R. WILLIAMS: Stop, Mr. Butler. You're not allowed to ask questions.

THE WITNESS: Okay. Sorry.

BY MR. CHANDRA:

Q. Okay.

The Huddle camera versus Jimmy Hess' video that -- Jimmy Hess' wife's video that she sent you. What was your understanding of who took the video footage that Jimmy Hess' wife sent you?

A. Our cameraman did.

Q. Oh, okay. So that's what I was trying to understand. The -- you believe she was just forwarding you Huddle camera footage through X?

A. Yes.

Q. How would she have gotten her hands on it? Because she's married to Jimmy?

A. Probably so.

Q. Okay.

So we're really only just talking about one video footage angle?

A. Yes.
Q. What I was trying to understand is whether there were multiple videos that you had.
A. No, just the one.
Q. Okay.
A. And it was aimed at the game itself, and it just happened to show up on it.
Q. Got it.
Do you know whether that Huddle camera footage has been produced to us in this litigation?
A. I don't know that answer.
Q. You don't know.
MR. CHANDRA: Counsel, do you know?
MR. C. WILLIAMS: I know that the still from it has. Union 069 and 071.
MS. BOHATCH: Yes. But I don't think we ever received the full video.
MR. CHANDRA: Yeah, if you could just get us the full video.
MR. C. WILLIAMS: I don't know that we have it. I don't know that -- the way it works, I don't know that it exists in the District as opposed to Huddle having it.
MR. NOVAK: It may need to come as a DVD.

MS. BOHATCH: Okay. That's fine.
MR. C. WILLIAMS: A DVD.
MS. BOHATCH: We can roll old school.
MR. CHANDRA: Just rip it to an MP4, which would be fine with us.
MR. NOVAK: I don't know the logistics of it, but we'll work on getting it to you.
MR. CHANDRA: Okay. Thank you.
BY MR. CHANDRA:
Q. One of the things that you mentioned, in response to the questioning from counsel for the District, was Mr. Gay's tone. You'd agree with me that you're not the tone police. Fair enough?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. It's the word you used. So I'm asking you a follow-up question. You'd agree you're not the tone police?
A. I am not police at all.
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
BY MR. CHANDRA:
Q. Right.

So somebody's tone is not a basis for striking them. Fair enough?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: You can answer.

A. No.

BY MR. CHANDRA:

Q. You agree with me, it's not a basis?

A. I think it is.

Q. Oh, you think it is?

A. It somebody attacks me, yes, I think it's a basis to protect myself.

Q. Okay.

You just changed my question. I didn't ask you about somebody attacking you. I asked you about tone.

A. The tone is an attack.

Q. Okay.

So someone's tone that they use when using words with you, you believe can justify you using force against them, correct?

A. I didn't say that.

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:
Q. So then I need to understand what you're saying. You used the word "tone." My question is: Does someone's tone justify you putting hands on them? Yes or no?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection. Asked and answered. You may answer it again, Mr. Butler, and then move to strike.
A. No.
BY MR. CHANDRA:
Q. It does not. Okay.
A. (Witness moves head in a negative response.)
MR. R. WILLIAMS: Move to strike.
MR. CHANDRA: Well, he changed his answer, sir. You know what, wait a minute.
BY MR. CHANDRA:
Q. You've answered this two different ways.
A. You've asked it three different ways.
Q. Well, and you've answered it two different ways.
MR. R. WILLIAMS: It's a three to two.
BY MR. CHANDRA:
Q. So now I need to understand what your final

answer is. Can we agree that someone's tone with the words that they use doesn't justify you putting your hands on them? Yes or no?

MR. R. WILLIAMS: Objection.

Go ahead and answer.

BY MR. CHANDRA:

Q. We agree on that?

A. Yes.

Q. Okay. Thank you.

You were asked questions about the immediacy of your actions after hearing Brent Gay use words with you.

MR. C. WILLIAMS: Objection.

BY MR. CHANDRA:

Q. And can we agree that because you acted so quickly in response to his words, you didn't have a lot of time to think about what you were about to do? Fair enough?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A. I did what I did.

BY MR. CHANDRA:

Q. Now please answer my question.

MR. R. WILLIAMS: Read that question back

to him. Please listen to the question, Mr. Butler.

* * *

(Whereupon, the reporter read the record as requested.)

* * *

MR. R. WILLIAMS: I object to that question.

MR. C. WILLIAMS: I object.

A. Yes. Fair enough.

BY MR. CHANDRA:

Q. Okay.

So let me ask you a little bit more about the immediacy because you testified earlier that Brent Gay was about two feet from you when he uttered the words you say he said. Do you remember that?

A. Yes.

Q. Okay.

And if Brent Gay were to testify that he was somewhere between six to eight feet away from you, you would dispute that, correct?

A. Yes.

Q. And given the immediacy of how you reacted to his words, is it your sworn testimony that in that moment, you also smelled alcohol on him?

A. Yes.

Q. And this all happened so fast, and yet you can distinctively recall smelling alcohol on him?

MR. R. WILLIAMS: Objection, asked and answered.

A. When it's this close, yeah, I know what alcohol smells like (indicating).

BY MR. CHANDRA:

Q. Why did you not put that in your statement to Doctor Shutler?

MR. R. WILLIAMS: Objection.

You can answer.

A. It was never brought up.

BY MR. CHANDRA:

Q. Well, you were the one asked to make a statement.

A. After I was asked, yes.

Q. To make a statement, correct?

A. I was never asked prior to that.

MR. R. WILLIAMS: He didn't understand your question.

BY MR. CHANDRA:

Q. You were asked to make a statement by Doctor Shutler, correct?

A. Okay. Yes.

Q. So you are now writing your complete statement about what transpired, correct?
A. Okay.
Q. Am I right about that? That's what you were writing?
A. Yes.
Q. And you wrote what you believed to be a complete account of what had occurred, right?
A. Yes.
Q. And you said nothing in there about smelling alcohol on Brent Gay, in that statement, correct?
A. Correct.
Q. And did you tell the police that you smelled alcohol on him?
A. I did not.
Q. When is the first time you claimed that you smelled alcohol on Brent Gay?
A. When did I claim it?
Q. When is the first time you claimed that you smelled Brent -- alcohol on Brent Gay in relation to the October 25th, 2024, incident?
A. Right now, today.
Q. How did counsel for the District know to ask you that question?

A. I don't know that answer.
Q. He just somehow magically knew that?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A. I can't answer that question. I don't know.
BY MR. CHANDRA:
Q. It's not in any statement from you to Shutler, correct?
A. Correct.
Q. You never told your fellow coaches that, correct?
A. Correct.
Q. You never told the police that, correct?
A. Correct.
Q. And yet, somehow, for the first time today, you mention it, right?
MR. R. WILLIAMS: Objection.
You can answer.
A. It's the first time it's been asked to me, yes.
BY MR. CHANDRA:
Q. It's the first time you've brought it up, correct?
MR. R. WILLIAMS: No. Objection.

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Go ahead.

A. Yes.

MR. R. WILLIAMS: Move to strike.

MR. CHANDRA: Okay. Hang on one second.

MR. R. WILLIAMS: Let's go off the record.

THE VIDEOGRAPHER: Going off the record at 1:50 p.m.

* * *

(Whereupon, a discussion was held off the record.)

* * *

THE VIDEOGRAPHER: We are back on the record at 1:50. Please proceed.

BY MR. CHANDRA:

Q. So you've claimed a few times here that you were somehow afraid of Mr. Gay in that moment where he asked you about watching film. This is somebody -- Mr. Gay was somebody you had spent time with, right?

A. (Witness moves head in an affirmative response).

Q. Right?

A. Correct.

Q. Played high school sports with, right?

A. Yes.

Q. He had been to your home, right?
A. He's been outside my home, yes.
Q. You've been friends, right?
A. I agree, yes.
Q. He had never threatened you before, right?
A. To my knowledge, no.
Q. He had never physically attacked you before, right?
A. I don't think so, no.
Q. And yet, it's your sworn testimony that somehow in that moment, you were afraid of him, right?
MR. R. WILLIAMS: Objection.
A. I was startled by his reaction or his actions towards me, yes.
BY MR. CHANDRA:
Q. Were you in imminent fear that he was about to physically attack you? Yes or no?
A. Yes.
Q. Somebody you knew?
A. Somebody I knew.
Q. Somebody you were friends with?
A. Yes.
Q. All because he asked you if you had watched any f'n film, right?

MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Not just because of that. Objection, objection.
BY MR. CHANDRA:
Q. Right? Right?
MR. R. WILLIAMS: You can answer.
A. Yes.
MR. CHANDRA: Thank you. No further questions.
MR. R. WILLIAMS: Mr. Williams, anything else?
MR. C. WILLIAMS: Nothing further.
MR. R. WILLIAMS: Okay. Let the record indicate that he will retain his right to signature.
THE VIDEOGRAPHER: Thank you. This concludes the deposition and the end of Media No. 3 of Vaughn Butler. Going off the record at 1:52 p.m.
MR. CHANDRA: We want to order it.
* * *
(Whereupon, this deposition was concluded at 1:52 p.m. and signature was not waived by the witness.)
* * *

THE STATE OF OHIO :
: SS: C E R T I F I C A T E
COUNTY OF BELMONT :

I, TAMMIE TRIGG, Registered Professional Reporter and Notary Public within and for the State of Ohio duly commissioned and qualified, do hereby certify that the within-named witness, VAUGHN BUTLER, was by me first duly sworn to testify to the truth, the whole truth and nothing but the truth in the cause aforesaid.

I do further certify that the within testimony was by me reduced to stenotype in the presence of the witness; afterwards reduced to Computer-Aided Transcription under my direction and control; that the foregoing is a true and correct transcription of the testimony given by said witness.

I do further certify that this testimony was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action. I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office at Martins Ferry, Ohio, on the 8th day of June 2026.

_____
TAMMIE TRIGG, RPR
Notary Public within and for the
State of Ohio
My commission expires September 21, 2028

INSTRUCTIONS FOR ERRATA

NOTARY PUBLIC SIGNATURE

Not required unless agreed upon by counsel that notary public signature is required.

Please return a copy of the signed errata within 30 days of receipt, unless otherwise agreed upon by counsel. Once we receive one signed errata, we will distribute an electronic copy to all parties.

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ACKNOWLEDGMENT OF THE DEPONENT

I, Vaughn Butler, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

_____ _____

(DATE) Vaughn Butler

Signed and subscribed to before me this

_____ day of _____, 2026.

_____

Notary Public

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ATTORNEY ERRATA

Please attach this attorney errata to the transcript

Case: Brent Gay v. Union Local School District Board of Education, et al.
Witness: Vaughn Butler
Date: 05-22-2026

Submitted by: The Chandra Law Firm LLC
Date Submitted: 06-30-2026

PAGE	LINE	CHANGE	REASON
5	22	Should read "Bradley Novak"	Incorrect name
8	10	Should read "has abated somewhat."	Incorrect word
14	7	Should read "How long have you"	Incorrect word
39	21	Should read "Right. Yes."	Incorrect word
73	5	Should read "Sure."	Incorrect word
73	8	Should read "Sure."	Incorrect word
126	23	Should read "seat-belted in?"	Incomplete word

PAGE	LINE	CHANGE	REASON
95	3	See attached	See attached
123	15	See attached	See attached
188	16	See attached	See attached

Corrections to Vaughn Butler Deposition of May 22, 2026
Brent Gay v. Union Local School District

Page 95 Line 3

Original Answer:
Him coming up on me without my seeing him, his tone of voice, the look in his face, I felt threatened.

Correction:
He approached me without my seeing him, stood in very close proximity to my body, spoke in an intimidating tone of voice, and had an expression on his face that caused me to feel threatened.

Reason:
I believed it was important to document his close physical proximity because it was a significant factor in why I felt threatened.

Page 123 Line 15

Original Answer:
Correct.

Correction:
Correct; however, he was standing so close to me that he was invading my personal space, which contributed to my feeling unsafe.

Reason:
To explain why I felt threatened and to document that his close physical proximity was a significant factor.

Page 188 Line 16

Original Answer:
His tone of voice. The way he acted towards me.

Correction:
His tone of voice, the way he interacted with me, and how close he was standing to my body made me feel threatened and uneasy.

Reason:
I felt it was important to explain why I felt that way, as his tone, behavior, and close physical proximity contributed to my discomfort.

ACKNOWLEDGMENT OF THE DEPONENT

I, Vaughn Butler, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

7-7-2026 Vaughn E Butler

(DATE) Vaughn Butler

Signed and subscribed to before me this 7th day of July, 2026.

Lavonne Estep
Notary Public

NOTARIAL SEAL
STATE OF OHIO

Lavonne Estep
Notary Public, State of Ohio
My Commission Expires:
March 13, 2028