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

BRENT GAY, Plaintiff,	Case No. 2:25-cv-00652
vs.	
UNION LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, ET AL., Defendants.	

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THE VIDEOTAPE 30(B)(6)DEPOSITION OF UNION LOCAL SCHOOL DISTRICT BOARD OF EDUCATION
MONDAY, JUNE 22, 2026

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The 30(B)(6) deposition of UNION LOCAL SCHOOL DISTRICT BOARD OF EDUCATION, through its representative, DR. ZACHARY SHUTLER, called by the Plaintiff for examination pursuant to the Federal Rules of Civil Procedure, taken before me, the undersigned, Aimee N. Szinte, Notary Public within and for the State of Ohio, taken remotely via Zoom, commencing at 2:29 p.m. the day and date above set forth.

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APPEARANCES:

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ALSO PRESENT:

Brent Gay, Plaintiff
Ivan Bercian, Videographer

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THE VIDEOGRAPHER: We're now on the record.

Today's date is June 22, 2026. The time is approximately 2:29 p.m.

This is the Zoom deposition of 30(b)6 Union Local School District Board Of Education, Dr. Zac Shutler, in the matter of Brent Gay versus Union Local School District Board Of Education, et al., Case Number 2:25-CV-00652 in the United States District Court For The Southern District of Ohio, Eastern Division.

Will counsel please state their names for the record starting with the Plaintiff.

MR. CHANDRA: Subodh Chandra and Emily Bohatch for Plaintiff, Brent Gay.

MR. C. WILLIAMS: Chris Williams with Pepple & Waggoner here on behalf Union Local School District Board Of Education.

MR. R. WILLIAMS: Richard Williams on behalf of Defendant, Vaughn Butler.

MR. CHANDRA: And I should also note for the record that we have several interns and law clerks observing for educational purposes today's deposition.

DR. ZACHARY SHUTLER, of lawful age,

called by the Plaintiff for examination pursuant to the Federal Rules of Civil Procedure, having been first duly sworn, as hereinafter certified, was examined and testified as follows:

EXAMINATION OF DR. ZACHARY SHUTLER

BY-MR.CHANDRA:

Q If I heard correctly when I was coming in the room, Dr. Shutler, you're not in Ohio today?

A I am in Ohio today.

Q You are. Okay.

A I think there were some other folks talking about where they needed to be or where they were going.

Q Okay. Thank you.

All right. Dr. Shutler, we've met and you had the opportunity to observe other depositions in this case, correct?

A Correct.

Q So I'm not going to go over the rules that you heard over and over again in deposition after deposition and I understand that you will abide by the rules of deposition taking. Fair enough?

A Fair enough.

Q Okay. Could you please tell me, sir, what your -- first, spell your full name for the record and then state your position and your years at the Union Local School District.

A My full name is Zachary Edmund Shutler. Z A C H A R Y, Edmund, E D M U N D, Shutler, S H U T L E R.

I am the current Superintendent of the Union Local School District and consecutively I've been the Superintendent for about four years. There was about two, two-and-a-half month window where I was the Interim Superintendent when the previous Superintendent took a leave of absence.

Q What was your position at that time?

A I was a High School Principal at that time.

Q Within the School District?

A Within this District. Yes. I've been here from 2019 -- June or July of 2019 to present.

Q Do you have a Doctorate?

A I have a Doctorate in Leadership from the University of Findlay.

Q Okay. But not a Doctorate in Education?

A Yeah. Leadership education.

Q I see.

And then could you walk us through your educational history, please?

A I have a Bachelor's degree in integrative social studies from the University of Mount Union, a minor in adolescent ed. I have a Master's degree in academic administration from Franciscan University of Steubenville where I also earned my Superintendent licensure. And earned my Doctorate from the University of Findlay in Ohio.

Q Was that an in-person program? All of those were in-person programs?

A My undergrad was in-person. My Master's was in-person. My Doctoral degree was online and then I had to do residency requirements on campus each summer.

Q When did you complete your education?

A I think it was -- I mean I would be guessing. It would be probably 2022 I think I earned my Doctorate.

Q What did you do to prepare for today's deposition?

A I had a briefing with our legal counsel about a month ago.

Q How long did that last?

A Probably a couple hours.
Q What documents and materials did you review?
A I reviewed the text messages predominantly. Throughout the course of this investigation being present at each deposition I had the opportunity to review several e-mails just by being present for everything.
Q Have you reviewed the -- I'm sorry. Was somebody speaking up?
A I did not hear anybody.
Q Okay. I'm sorry. I thought I heard some background noise.

Did you review the Civil Complaint, the Federal Civil Complaint?
A The entire -- are we talking about the entire document?
Q Yes. Or even portions of it.
A I would have reviewed the entire document when it was sent to us. I haven't reviewed it in its entirety for quite some time, but, you know, the relevant pieces.
Q How about the District's Answer to the Complaint?
A I reviewed that prior to the deposition starting I think when I was supposed to go --

let me clarify. Those are where the District responded to the questions that your law firm asked?

Q Yeah. Those are discovery responses. I mean the actual official Answer to the Complaint that either admits or denies particular allegations of the Complaint.

A I believe I reviewed that if we're talking about the same thing.

Q Okay. And then it sounds like you did review the written discovery responses in response to questions in the discovery process of the federal case?

A I believe so.

Q Anything else that you reviewed that you recall?

A Not offhand. Being part of these depositions I've seen a lot of different documents.

Q Sure.

And that includes the video that you posted on X which you saw in a deposition earlier today of Board member Larry Cain, correct?

A That is correct.

Q And it came up a few times in prior

depositions, right?
A Correct.
Q Okay. So when did you say you started as Superintendent after the acting stint?
A Would have been October of '22, I believe.
Q So you had been Superintendent for at least two years by the time of the October 25, 2024 incident between Coach Butler and Mr. Gay, correct?
A If I'm correct about 2022, it would have been almost two years to the dot.
Q And you were the High School Principal for Union Local before Superintendent?
A Correct. That is correct. I took over as the High School Principal in 2019.
Q And were you a teacher before that?
A Prior to that -- how far back are we going?
Q Well, I'm just trying to understand what your job immediately before Principal was.
A My job immediately before Principal, I was Superintendent of Bridgeport Exempted Village School District for four years from 2015 to 2019.
Q Did you have any other positions within the Union Local District before becoming Principal?

A I did not.
Q Did you grow up in the Union Local community?
A I grew up in Belmont County.
Q Okay.
A So no, not Union Local specific, but in the same county.
Q Got it.
Have you ever -- you've been a teacher, I take it?
A I started my career as a teacher.
Q In public school?
A In public school, yes.
Q All right. And have you ever coached before?
A Yes. I have coached.
Q What have you coached?
A I started my career as a head football coach for the 7th and 8th grade football team and I was an assistant on the varsity staff. I helped coach track. And since we've had our own children, I've coached a variety of my sons' and daughters' sports voluntarily.
Q How long have you known Coach Butler?
A Since 2019.
Q And that was through your association in coming to be the Principal?

A Correct. I did not know Mr. Butler prior to working at Union Local.
Q Do you have any kind of friendship relationship with him out of the school?
A I do not.
Q How long have you been acquainted with Mr. Gay?
A I did not know Mr. Gay prior to this incident. I believe he sent one e-mail to me after a graduation ceremony maybe in 2022.
Q What was that about?
A If I recall, it was about trying to -- I think he was disappointed in the number of teachers that showed up to graduation.
Q And he was just expressing that to you?
A Correct.
Q Did you respond to that e-mail?
A I did.
Q And what did you say? Tell me about the exchange.
A I can't recall specifics, but it was cordial and it was pleasant. I don't think anything moved forward, but it was just a cordial pleasant exchange with someone. But I did not know him outside of that. I wouldn't have known him if I had walked by him somewhere.

Q I see.

So if I understand the context of those communications, it was basically you were hearing from a concerned alum about teachers not showing up to graduation and you responded to it?

A Yeah. Pretty basic. Not much more depth than that.

Q You didn't see anything untoward about the communication or the expression of concern?

A No. Not at all.

Q Was your impression from that early communication with Mr. Gay that this was an interested member of the community who cares about the School District?

A I mean I would say it was neutral. It was probably a week or so after graduation. Didn't know him personally.

Q You said you didn't know Mr. Gay other than that before the incident between him and Coach Butler.

Had you at least heard of him as somebody who was a supporter or booster of the local schools?

A I had heard his name. As far as level of

involvement, no.
Q You hadn't heard about him providing financial support for football-related activities or anything like that?
A No.
Q And I take it from that that you hadn't been somebody that either as Principal or Superintendent had engaged with Mr. Gay seeking financial or other assistance for District programming?
A Never.
Q You were present for former Athletic Director Nick Nardo's deposition, is that right?
A Correct.
Q And to the best of your knowledge as Superintendent when you were observing that deposition, you believe that he answered all the questions he was asked honestly, correct?
A From his perspective, yes.
Q Accurately?
MR. C. WILLIAMS: Objection.
A He answered them from his perspective accurately.
Q And from where you sat as Superintendent, he demonstrated accurate knowledge of the

District's policies, correct?
A He demonstrated knowledge. I think when you talk about two people that observe the same situation, there's going to be slight variances.
Q Okay. But I'm speaking specifically of the District's policies that he discussed in his deposition.
A What policy are we talking about specifically? Because I know we've covered a lot of ground.
Q Sure.
Is there anything as you sit here right now, we may go into more depth later, but as you sit here right now, do you look back at the testimony you observed from former Athletic Director Nardo and say he was just wrong about his testimony regarding District policies? Does anything stand out in your mind right now?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A If we're referring to -- are we referring to the Policy Manual that you had him and Vaughn Butler read?
Q Any policies including those.
MR. C. WILLIAMS: Same objection

to all policies.

MR. R. WILLIAMS: Objection.

A I mean that specific policy that they read was a policy that went back I think decades, so I don't believe that policy was in use or referenced in this specific case. So if you're talking about that specific one, I don't know, you know, how much accuracy it held.

Q All right. Well, let's look at a particular policy. Let's look at Plaintiff's Exhibit 26 and let me ask you if you recognize this policy.

This is --

MR. CHANDRA: Please don't scroll down yet.

Q This is the document -- sorry. I seem to have lost it.

Is it still up? Are you seeing it?

A I can see it.

Q Now I'm not. There we go. I can see it now.

It says at the top, "Book Policy Manual. Section; Section K. School Community Relations. Title; Public Complaints. Code; KL. Status; active. Adopted; January 11, 2001."

Do you see where I read that accurately?
A Yes.
Q And then the title of the policy is entitled Public Complaints and there's a discussion after that.
Do you see that?
A I do.
Q Okay. Now, this is from -- although it was adopted on January 11, 2001, this is from the currently operative District Policy Manual, correct?
A I believe so.
Q And this would have been operative at the time of the incident on October 25, 2024 between Coach Butler and Brent Gay, correct?
A I believe so.
Q And that's a true and correct copy of the policy on public complaints, correct?
A It looks like it. Yes.
Q Did all District employees receive this, to the best of your knowledge?
A I don't know how to answer that question.
Q So you don't know whether Coach Butler would have received this in the course of his duties?
A I do not know that.

Q Now, this policy gives staff authority to deal with complaints, right?
A I think it gives them authority to deal with complaints in their realm.
Q Okay. And it actually says, "Constructive criticism of the District is welcomed by the Board." Right?
A Yes.
Q So the policy is addressing criticism, correct?
MR. C. WILLIAMS: Objection.
A It's discussing criticism, yes.
Q And the policy also states, "The Board believes that complaints and grievances are best handled and resolved as close to their origin as possible." Right?
A Correct.
Q And it says, "The staff should be given the opportunity to consider the issues and attempt to resolve the problem prior to involvement by the Board." Correct?
A Which paragraph is that located in?
Q I'm going to ask my colleague to point that out.
A All right. I see it.
Q Did I read that accurately?

A "The Board believes that complaints and grievances are best handled and resolved as close to their origin as possible." Yes.
Q It's the next sentence.
A "The staff should being given the opportunity to consider the issues and attempt to resolve the problems prior to involvement by the Board."
Q Okay. Now, so under this policy the staff have the authority to try to resolve the problem within their realm. Fair enough?
A Within their realm.
Q And it's only if it can't be resolved that the Board or higher District leadership would step in, right?
A If the problem is within their realm, within their capacity, within their job description to resolve.
Q And, again, I'm just trying to understand generally speaking this policy is addressing how to deal with complaints and criticism, right?
A Yes.
Q And it was your understanding based on -- let me withdraw that.

Were you at the game on October 25, 2024?
A I was not.
Q It was your understanding from your investigation and inquiries afterward that Mr. Gay with his comment was criticizing the performance of your public school's coaches, correct?
A Could you repeat the question again to make sure I understand it in its full capacity?
Q Sure. I'll have it read back to you.
A Thank you.
(Record read.)
A I disagree with the description of the event.
Q Well, you understood based on your investigation that Mr. Gay made a comment about whether the coaches had watched film, correct?
A Would you please repeat the question?
Q You understood following your inquiries and investigation that Mr. Gay had made a comment about whether the coaches had watched film, correct?
A The investigation concluded that their words addressed towards our coaching staff that referenced watching film. There were other things that were involved with that, so it

wasn't just an offhand question or comment. And that's where I kind of disagree with how it's framed.

Q Right.

My question was just simply not about all those other things. It was that as part of what Mr. Gay was alleged to have done, was asking a question about whether the coaches had watched film, correct?

A Fans and the Plaintiff are more than welcome to ask questions. If it was just merely a question that was expressed towards a coach, we wouldn't be here right now.

Q You seem to be rewriting my questions.

I am asking you whether as a result of your inquiry and investigation you understood that Brent Gay had asked a question about whether the coaches had watched film; yes or no?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A After conducting the investigation, the preponderance of the evidence indicated that it was much more than just a question. So I'm beholden to tell the truth and I can't agree

with the way that it's being shaped.
Q I did not ask you whether that was the only thing that you concluded Brent Gay did, did I?
A I'm attempting to answer the question to the best of my ability.
Q Did I ask you whether that was the only thing that you concluded he did; yes or no?
A I'll need you to repeat the question again because I'm --
Q I'm going to ask you this question one last time, sir.

After your investigation you learned that Brent Gay had asked a question about whether the coaches had watched film; yes or no?
A It wasn't after the investigation. It was through the process of the investigation. If we're going to speak just perfectly literally, you know, I guess that's a question.
Q During the investigation you gathered information that Mr. Gay had asked a question about whether the coaches had watched film, correct?
A In multiple witness statements there was some type of comment that would have ended in a question mark, yes, amongst other things that

took place.
Q So all I'm trying to establish is that you understood from that as you were investigating that that question, at least implied in it, was a criticism of the coaching, correct?
A I understand the question, but we can't look at this -- I can't look at this in a vacuum.
So I mean I understand you're trying to isolate it to just this one specific thing, but it didn't happen in one specific instance, you know, as it's being framed.
I mean I took an oath to tell the truth and I'm trying to do my best to tell the truth.
Q Dr. Shutler, what you did not do is take an oath to rewrite my questions.
Do you comprehend that?
MR. C. WILLIAMS: Objection. Move to strike.
A I think I comprehend, yes.
Q So I'm going to ask you to listen to the question that's asked and answer only that question and not rewrite the question to your liking. Okay?
A Okay.
Q I am not asking you about anything other than

the question that you have finally after probably 20 questions acknowledged was asked based on your investigation. I am asking you only about Brent Gay's comment or question as you understood it during the course of your investigation from witnesses.

Do you understand that?

A I think there's evidence to support that that was said.

Q And that's where we're stopping. Okay? We are focused only on the question or comment right now, not on other things that you want to talk about. Okay?

A Sure.

Q Can you agree?

So I am asking you to confine your answer only to what you learned during the investigation to the question or comment made by Brent Gay.

Do you agree to confine your answer to that?

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

A Moving forward or are we going --

Q In response to the question I'm about to ask

you, I'm about to ask you a question that is limited only to Brent Gay's question or comment as you learned about it during the course of your investigation.

Do you understand what I am about to do?

A I do understand. Yes.

Q So I'm going to ask you to commit if I'm asking you only about that and not about other alleged conduct by Brent Gay to confine your answer only to that which I am asking you.

Will you commit to doing that?

A I need to hear the question first.

Q Well, all right. So here is the question.

You understood during the course of the investigation when you learned about Brent Gay's question or comment to Vaughn Butler about watching film, you understood during the investigation that that question or comment was a criticism of the coaching, correct?

MR. C. WILLIAMS: Objection.

A I believe the Plaintiff was trying to get a certain point across. I am not sure the investigation concludes that it was a basic question, let's sit down and talk and figure this out type of question.

Q The point that he was trying to get across, as you understood it, was a criticism and not a compliment, correct?
A I don't think the investigation showed that it was a compliment, no. So in that vein, yes, it was a pointed criticism.
Q Thank you.

Now, if you look back at the policy, the exhibit we were looking at, which again is Exhibit 26, you see that the policy further states -- we're going to point you to the quote, "The Board expects the staff to receive complaints courteously and to make a proper reply to the complainant."

Do you see that?
A I do. Yes.
Q So the Board expects staff to receive complaints within their realm and make a reply, right?
A Within their realm, yes.
Q Yeah.

It does not say that the Board expects staff to receive complaints and bring them to the Board or -- to the Board for resolution, right?

A Not if it's within their realm. And I think we try to be a very good customer service organization, so that would be the proper way to handle things if you can help the customer at your area, at your service point.
Q Right.
And it doesn't say that the Board expects staff to bring complaints to the Superintendent if it's within their realm to address it, right?
A Correct.
Q Okay. So it gives the staff the explicit authority to deal with complaints, correct?
A Within realm. Within reason.
Q And this policy would apply to coaches too, right?
A It's a Board policy. Yes.
Q And the Board expects a coach to exercise some discretion when interacting, say, with a complaining spectator at a game, right?
MR. C. WILLIAMS: Objection.
A It says within the policy to be courteous, yes.
Q And because a Board member -- let me withdraw that.

As a practical matter, Board members and you, a Superintendent, can't be present for every interaction between coaches and spectators at games. Fair enough?

A We cannot be.

Q Okay. So I'm going to turn your attention now to a different topic, which is the topic of employee misconduct generally and investigations of allegations of misconduct and how investigations are conducted. Okay?

So when the District hears about an allegation against one of its staff, what steps generally does it take to investigate?

A Are you talking about at any level or at the District level?

Q At the District level.

A I know that if we look at the text message, I know that's part of the evidence and findings. I believe I provided what I think is a solid outline of how an investigation should be conducted. Try to interview as many witnesses as you can, get things documented, and then try to take the preponderance of the evidence and make a decision.

Of course, if it relates to student

safety or if it's a child abuse situation, then you want to report it because we're a mandated reporter. So it varies depending on the nature of the incident.

But if we're talking about employee misconduct, I think the exhibit from my text message clearly shows how I would expect it to be handled.

Q Oh, I see. When you're referring to the exhibit regarding your text message --

A Yeah.

Q -- you're talking about that exhibit, a text message that was discussed in an earlier deposition I believe with Athletic Director Nardo where you were giving instructions on how you wanted the investigation conducted.

Is that what you're referring to?

A That is what I'm referring to. That would be how I would want something like this, you know, handled.

Q Okay. And without reference to the exhibit right now, could you just lay out what those steps would be?

A Do we have the exhibit?

Q We can bring that up if necessary, but I'm just

asking for your recollection in general about -- because my question isn't about specifically this particular incident yet. Okay.

I'm just asking in general as Superintendent when you hear about an allegation that points to the staff, what are the steps that you expect to be taken for an investigation?

MR. C. WILLIAMS: Objection. Go ahead. You can answer.

A I mean I don't have my texts in front of me, so I might misspeak, but I'll try to recollect to the best of my ability.

I think the first step is always to isolate as many witnesses as can you as soon as you can so that you have solid interpretations of what did happen.

Anytime there's an event that takes place and there's multiple witnesses, there is not always an objective truth. People perceive things through their individual lenses. So if you can get whether oral or written testimony to what they saw, I think it gives you the best chance to figure out what exactly took place.

Q Okay. You just used the word isolate the

witnesses, so I'm going to follow-up on that.

What steps does the District take to ensure that witnesses don't talk to each other before their statements can be obtained, either oral or written?

A We are a school district. You know, we're not law enforcement, so there are limitations.

If you reference that text, I think time is the most important thing. I believe in that text I ask for written statements to be brought into me by Monday, so I think the best thing is to try to get those as quickly as possible.

Q The game was on a Friday night?

A Correct.

Q You wanted statements by Monday?

A Correct.

Q But you didn't instruct anyone -- now referring to this particular instance, you didn't instruct anyone to instruct the witnesses not to talk to each other over the weekend, right?

A I didn't instruct any witness to say or not say anything.

Q Right. But please don't rewrite my question.

My specific question was you didn't give instructions to those that you charged with

investigating to instruct the witnesses not to speak with one another about the facts before their statements were gathered, correct?

MR. C. WILLIAMS: Objection.

A I do not believe that was explicitly stated.

Q Nor was it implicitly stated, was it?

A I can't answer that. You know, Mr. Daley, he's a veteran Principal. I think he has a pretty good understanding how to conduct an investigation. So I can't honestly say it wasn't implicitly stated, no. I can't agree to that.

Q Other than the text message, was there any further oral instruction that you gave to Principal Daley or to Athletic Director Nardo, make sure those witnesses don't talk to each other before you gather their statements?

A Mr. Daley called me that evening at the game and so there was a conversation where verbally we discussed how we wanted things handled. I can't recall all of the specifics of that conversation, but I felt like we had an very professional, very transparent plan to do the best that we could to try to move through the

fallout of the event of that night and try to discern as much truth as possible.

Q Okay. Now please answer my question.

Do you remember what it was?

A Please repeat it.

Q I'm going to have it read back to you.

(Record read.)

A I believe I answered the question by saying that I spoke with Mr. Daley and we walked through how we wanted the investigation conducted.

And I'll go back to the original thing that was mentioned; explicitly, no, but I cannot say implicitly that that wasn't understood.

Q Okay. How does the District weigh an outside third-party witness' statement against that of a fellow staff member that might have an interest in the outcome of an investigation?

A We look at the preponderance of the evidence. We had multiple statements from multiple different people. We had people that gave us oral testimony that explained what they saw. And we take all of that and we combine it and try to come up with the best decision that we

can given the facts that we have.
Q My question again was how does the District weigh an outside third-party witness' statement against that of a staff member who might have an interest in the outcome of the investigation?
A It has a high level of value.
Q That of the outside witness?
A Correct.
Q And when an investigation concludes, what ordinarily happens next?
A When an investigation concludes?
Q Yes.
A When an investigation concludes, you render your decision. Typically in Executive Session explain what the decision would be to the Board to make sure that everybody is abreast as to what's going to take place.

If you're going to have to issue any type of discipline, you notify the employee of what's going to take place.

If it's a union member, there might be some union protocols that go into place. It depends.
Q Does the Board have to vote on whether to

discipline someone or does the decision lie with you?
A It depends on what level that we're at. You know, Principals have disciplined employees before. It doesn't necessarily go directly through me.
You know, the Board can do some type of termination, of course, that has to be voted upon. It depends on what level it is.
Q Okay. So if I understand your answer, for termination purposes the Board would need to ultimately vote on it, is that right?
A Correct.
Q But anything shy of termination, is that something the Board has to vote on?
A I can't recall offhand, so I can't answer without kind of reviewing things, so I can't answer that honestly. I don't know.
Q And to the best of your understanding though, if the disciplinary decision is shy of termination, does the ultimate final authority rest with you as Superintendent subject to any union processes after that that might apply?
A The final authority?
Q Yeah. In the ordinary course of business for

discipline.

It sounds like from your testimony if there's going to be a firing, the Board has to be involved, is that right?

A Yes. I mean we're terminating a contract. I mean the contract is between the Board and the employee.

But it we're talking about a write-up at the elementary school, that doesn't need to be necessarily run through me. That could be handled at the building level.

Q Gotcha.

So the Board would have to be involved in firing because that is a contractual decision, but anything shy of that could happen at any level within the chain of command that you, as Superintendent, deem appropriate?

A I would have to review the paperwork, but I believe so.

Q Okay. When is it comes to courses of action, you are able to make recommendations to the Board though. Fair enough?

A I can make recommendations to the Board on discipline. Yes.

Q And in your experience as Superintendent these

last several years, the Board has generally relied on your recommendations. Fair enough?
A In most instances. I don't think in every instance. Not everything necessarily might be voted on. But I think in Executive Session there's discussions about, you know, hirings and things that are going or not going to take place where there's discussion before things move forward to a vote.
Q Have there been instances where since you've been Superintendent since 2022 where the Board has disregarded a recommendation that you've made with respect to discipline?
A To discipline? Are we talking discipline specifically or are we talking about hiring or firing?
Q Right now my question was confined to discipline.
A Discipline. I don't think so. Not offhand.
Q Since you've been Superintendent since around October of 2022 has the Board disregarded recommendations that you've made with respect to hiring or rehiring?
A Yes.
Q Would you please -- and we don't necessarily

need to hear names at this point in your answer, but could you please identify what some of those instances might have been in general terms?

A I can only think of one on hand -- offhand.

We were going to make a hiring for a potential administrative position. I had made the recommendation.

When we looked at some of that person's background, I think the Board and myself, we had some trepidation, so we went into Executive Session a few times and talked about it. And collectively, with a lot of their input too, we mutually agreed to rescind the offer.

So that's one where there was definitely some collaboration based on some things that we were concerned of that they brought to my attention, we discussed in Executive Session and decided not to move forward with the hiring.

Q Okay. But it sounds to me with respect to the question that I was asking that was more of a consensus decision based on a process of discussion and not the Board ultimately disagreeing with a final recommendation you

were making and doing the opposite of what you recommended. Fair enough?

A If I'm understanding correctly, fair enough.

I believe you're talking about, I put something on the agenda, we show up at a Board meeting and without any consultation with me, they vote it down. Is that what you're discussing?

Q Well, minus the without any consultation with you. There might be consultation. But where there's a disagreement at the end and the Board is overruling a recommendation that you've made and are standing by it.

A I can't think of anything offhand that I've put on the agenda that -- well, I can think of something offhand.

There was a union contract that they voted down or they tabled, I think it was tabled.

Q Right now I'm just talking about hiring and rehiring.

A No. I can't think of any.

Q All right. So between you and the Board, would it be fair to say to sum up your testimony that the Board would make the final decision on

firing an employee because it's a contractual issue, but that's always been since you've been Superintendent an implementation of a recommendation that you have made?

A Could you repeat the question?

Q Sure. I'm going to have it read back to you and see if we both understand it.

A Thank you.

(Record read.)

MR. R. WILLIAMS: Objection as to the form.

A I would make the recommendation for termination and then the Board would vote on it. If that's what that is saying, that is correct.

Q Right.

But what I'm really speaking to with that is your experience as Superintendant, that's the way it's always been. Fair enough?

A That process is the way it's always been since I've been Superintendent?

Q That result; that the Board has always followed your recommendation --

A You're talking about like --

Q -- with respect to firing an employee or not.

A Are you inferring that whatever I put on the

agenda is essentially a rubber stamp? Is that --

Q I didn't say that. I didn't say that.

I asked whether since you've been Superintendent the Board has always followed your recommendation with respect to whether to fire an employee one way or the other?

A I don't know offhand if we've ever reached the point of the Board voting on a termination. So if I'm remembering correctly, then I wouldn't know the answer to that question because it never reached that level. I mean we've had employees that have made the decision to resign prior to being placed on the Board agenda.

Q Okay. So since you've been Superintendent there has not been an instance where the Board has overruled a recommendation that you've made to fire somebody. Fair enough?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A If I've never made one, is that --

Q Yeah.

A So correct. If I've never made one, they've never voted against it or for it, yes.

Q Right.

And there's never been an instance where you've recommended that somebody be fired and then they've said no because you haven't made any recommendations to fire anybody since you've been Superintendent, correct?

A I can't recall any.

Q Okay. Now, let's move on to a different topic, which is the topic of allegations of violence against any Board employee or official from 2014 to present.

Aside from Mr. Butler, from 2014 to present have any other Board or District employees been accused of violent misconduct?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A The only one I can think of offhand would have been Assistant Coach Barr. That was probably back in like '20 or '21 with the allegation of him and a student from the basketball team.

Q Okay. And this is Joby, J O B Y, Barr, B A R R?

A That's correct.

Q And about when was that approximately?

A 2020, 2021, probably in the fall because I

remember it was distinctly during football season.

Q And maybe it might help sharpen your recollection time-wise if the start of the serious aspects of the pandemic was in early 2020, if I remember correctly, would it have been during the pandemic or --

MR. C. WILLIAMS: Object to the form.

A We shut down with the pandemic would have been, what, March of 2020, and then we were back in session in the fall of 2020, right?

I would be guessing. It was either 2020 or 2021, but it was in the fall because I remember we did have a football game that night when it came to light.

Q And Joby Barr was a football coach?

A No. He was an assistant girls basketball coach.

Q And what was alleged about him?

A Allegedly he was having -- it might not even be alleged because I know he went to jail. He was having a relationship with a former player.

Q Okay. And did Union Local terminate his contract?

A I believe his contract had been expired because he was on a one-year contract, but because he was in a position of authority as a coach, the relationship had started to some degree. And so as mandated reporters, I believe it was Superintendent Porter that called the authorities to get that process started.
Q So he just wasn't rehired, but his contract wasn't terminated?
A His contract was not in existence to be terminated.
Q Because he hadn't been --
A Yeah.
Q -- put in motion for rehiring?
A Correct.
Q Did anyone at the School District know about his misconduct before he was prosecuted for his crimes?
A I just kind of want you to tease out how you asked that question.

You said before he was prosecuted for his crimes. Obviously there would be time in between the notification to us calling the police to actual prosecution, so if you could clarify that for me.

Q Well, maybe let me back up then. I appreciate that.

Were you at the School District at the time that information about his misconduct came to light?

A Came to light, yes. I was the High School Principal at the time.

Q Okay. And were you a part of internally investigating the allegations surrounding his conduct?

A I was not. I was not.

Q What is your understanding of the earliest that anyone at the School District became aware about Joby Barr's misconduct?

A I believe it all happened in the same day.

Q And when was that relative to criminal charges being filed, approximately?

A I mean I don't know when criminal charges were filed. I know that -- I can only speak to what I know.

And what I know is the student confided in one of our prevention folks, basically a social worker. She came and told Mr. Porter, the Superintendent at the time. And the Superintendent immediately fulfilled his duty

as a mandated reporter and contacted the Sheriff's Office and I believe the Sheriffs cars were here that afternoon.

So everything moved very quickly. As soon as we knew, the authorities were notified and their criminal investigation began.

Q And you don't know or do you know whether before the student reported this herself in the manner that you've just described whether anyone else at the District was aware about the conduct? Do you know one way or the other?

A I do not know one way or another.

Q All right.

MR. R. WILLIAMS: I withdraw that last objection.

Q Have any other coaches been accused during this time period of 2014 to present other than Butler and Joby Barr, are you aware of any other coaches who have been accused formally or informally of violent behavior?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Join the objection.

A Of violent behavior?

Q Yes.

A I mean could you narrow that a little bit for me and explain what violent behavior entails?
Q Any sort of involuntary physical conduct and let's include within that where children don't have capacity to consent. So any sort of improper physical contact.
MR. C. WILLIAMS: Objection.
A Any type of -- I know, again, I was the High School Principal. Coach Hess, I believe, was coaching reserve football and he was suspended I think for a game for when he was talking to a student, kind of grabbing her shoulder pad or something to talk to them or face mask.
I can't recall the specifics. It was about five years ago. But he was disciplined for that.
Q Yeah.
Was it just a suspension for a game or any other type of disciplinary action taken from that?
A I think he was suspended for whatever was left of the season, of the reserve football season. It might have been a game or two. I think it's in his file.
Q Was any coach, to the best of your

understanding in the time period I've been asking about, disciplined over an interaction they had with a spectator?

A So you're going back to 2014, is that correct?

Q Yes. I'm trying to understand the institutional knowledge of the District. If you know, you know.

A Yeah. I mean I can't speak of anything from '14 to '19. I can't think of anything offhand where there were any major ordeals between a coach and a fan or citizen.

Q When it comes to student conduct, does Union Local have a no tolerance rule for fighting?

A Define no tolerance.

Q Well, I mean I believe that that's -- my understanding is that's the District's own policy. There would be a rule that punishes both kids for fighting regardless of who started it.

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

A There is nuance and discretion in how students are punished when there's a physical altercation, because not all physical altercations are equal. Some are battery where

a kid is defending himself. Some are mutual fights. There's a lot of nuance and variance to that.

Q Okay. So you would disagree that there's a rule at Union Local that would punish both kids for fighting regardless of who started it?

A I would disagree that punishments are exactly mirrored.

Q Now let's turn to a different topic, which is the retention of employees after reports of misconduct.

So, generally speaking, if an employee at Union Local is accused of misconduct and the allegations are deemed founded, what happens? What happens after that?

A I mean it depends on what the incident is. Is it lack of performance as far as job duties? Is it something that would be deemed criminal? Would it be something that might not be criminal but not ethical?

Again, there's a lot of nuance to that question that I'm not sure exactly what you're asking.

Q Fair enough. Well, let me just come at this a different way.

What is in your mind as a person who has to be involved in these decisions about what to do about allegations of employee misconduct, what do you consider and how would you define the bar for considering whether an allegation is founded or not?

A The preponderance of the evidence.

Q What does that mean to you?

A You're going to talk to the person that was involved. Oftentimes you'll talk to them after you gain some idea of what took place so it doesn't skew your judgement. And you'll take everybody's statement and you will try to lay all of the facts out.

You'll talk to the people that were closest to the situation; in this case, you know, Mr. Daley, Mr. Nardo, a few other employees, and you'll weigh everything out.

I think if you look at this specific incident, a big piece that we were missing was the Plaintiff's testimony because he refused to provide that testimony, so that made it very challenging for us. And he wanted it to go the route of the Prosecutor's Office, so that left us in a unique situation to where we didn't

have that version of the story, so we had to rely on making a decision without the firsthand account of the Plaintiff.

Q Well, you had firsthand observation accounts of the third-party witnesses, didn't you?

A If we're talking about the Gainer and Goodson testimony?

Q Yes.

A Correct.

Q All right. Let's take a look at Plaintiff's Exhibit 24, paragraph 58 of it.

A If this is a natural pause, am I able to take about a five-minute break?

Q Oh, sure. Absolutely.

A I wanted to make sure, I didn't want to interrupt a question.

THE VIDEOGRAPHER: We're off the record. The time is now 3:29.

(Recess taken.)

THE VIDEOGRAPHER: We're back on the record. The time is now 3:38.

Q All right. Let's resume. We're not going to need to introduce Exhibit 24. Let's keep moving.

Now, when did you as Superintendent

become aware of allegations against Coach Butler associated with his time at Jefferson Behavioral Health?

MR. R. WILLIAMS: Objection.

A Are we referencing the 1996 incident that comes up throughout this process?

Q Yes.

MR. R. WILLIAMS: Objection.

A Sometime after the events at the Barnesville game and sometime before today.

Q You had not heard about it before that?

A Never.

Q You've heard testimony from various officials that they had heard about it before.

Is that something that just had never been brought to your attention?

MR. C. WILLIAMS: Objection.

A It was never brought to my attention prior to this lawsuit.

Q If you had known about it, would you have had any concerns about renewing Mr. Butler's contract?

MR. R. WILLIAMS: Objection.

A We're talking about the 1996 issue, correct?

Q Yes.

MR. R. WILLIAMS: Objection.
A And then are we talking about renewing him prior to October 25, 2024 or are we talking about post that date?
Q At any time.
A I think if I --
MR. R. WILLIAMS: Objection.
A If I had known about it, I would have looked into it.
Q Okay. Well, even knowing about it since the incident with Mr. Gay, you haven't looked into it, right?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A I can't agree to that statement.
Q Well, we don't have any records that have been produced in this litigation of you investigating that matter.
A I can't discuss something that's attorney/client privilege.
Q Well, I'm not asking you to discuss anything that you've discussed with your attorney. But I'm just saying you haven't produced any records to us indicating that you conducted any sort of investigation about that incident,

correct?

MR. R. WILLIAMS: Objection.

A Correct. But I can't agree that I haven't learned more about it since.

Q Well, you've learned that there was a civil suit against Mr. Butler, Coach Butler, right?

MR. R. WILLIAMS: Objection.

A I learned about that during these depositions, yes.

Q You've learned that there were at one point criminal charges against Coach Butler associated with that incident?

MR. R. WILLIAMS: Objection.

Q In fact, you heard that from his own mouth during his testimony, didn't you?

MR. R. WILLIAMS: Objection.

A Yes.

Q And you've learned that he was criminally convicted --

MR. R. WILLIAMS: Objection.

Q -- in relation to his conduct with that child, correct?

MR. R. WILLIAMS: Objection.

A Yes. That was stated during his deposition, I believe.

Q Yeah.
And even since then you've done nothing to investigate that matter further, correct?
A I disagree with that statement.
Q Well, you have a continuing obligation on behalf of the District to continue to produce documents in this matter.
MR. C. WILLIAMS: Objection.
Q And you haven't supplemented with any documents showing any records of investigation associated with that incident, right?
MR. C. WILLIAMS: Objection.
A There's no records to produce.
Q Okay. Now let's talk about -- let's turn back to the investigation that you asked for in relation to the incident between Coach Butler and Mr. Gay. We've looked through all of the documents that the District has produced, you've produced personally, individual witnesses have produced.
Correct me if I'm wrong, there is no final written report of investigative findings by the District regarding Coach Butler's conduct, correct?
A We have all of the investigative pieces

including the written statements all gathered. I believe you had access to all of that. If you're talking about some type of like Summary Judgement type documents, no.

Q I don't know what you mean by Summary Judgement type of documents, so I'm going to ask the court reporter to read back my question to you and ask you to answer that question.

(Record read.)

A I'm not sure exactly what you're asking. We've given every piece of information to you that provides a full and total narrative of the event.

If you're asking for like a specific, you know, one paragraph summary of everything, you know, then no.

Q There is no final written report that lays out all of the findings of fact and conclusions that the District reached regarding the incident between Coach Butler and Mr. Gay, correct?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A I can't agree to that phrased that way. No. I can't agree to that.

Q Well, so please identify that document for me. Describe for me that document, that final report.
A Well, I mean there's hundreds of pages that, if you read through, you'll have a complete understanding of the entire narrative and all of the facts and all of the things that were used to make the final decision in this matter. Plus you have everything from Barnesville PD. You have everything from the Prosecutor's Office. You have everything from the Judge.

So I adamantly disagree that there's not evidence to show how the final decision was made. Again, if you're asking for like a one paragraph or one page summary of everything, then no.

Q Did I say one paragraph at any point in my question?
A I'm just providing context.

MR. C. WILLIAMS: Objection. But you asked for a report.

Q Did I -- now I want to understand your comprehension of the question, sir.

Did I say one paragraph anywhere in my question?

A No.
Q Did I say one page anywhere in my question?
A No.
Q So I'm going to ask you again to stop rewriting my questions.

I really need to understand, sir, the answer to my question and my question is there is no final written report that takes together all of the strands of information gathered in the investigation and puts them into a final report, correct?

A I disagree with the way that's stated.
Q Tell me where that document is.
A You have them.
Q We have multiple pieces of information. You're correct.

We do not have a final written report tying it altogether, correct?

A Correct. And I believe I answered that by saying there isn't -- whether we want to say it should have been one page or one paragraph, I mean no, there's not a specific stand-alone document. I believe I answered that.
Q So is that normal to you? Is that a normal part of the process of investigation in the

District that no one writes a final report analyzing all the evidence, tying it together and laying out final conclusions and findings? Is that normal?

A There was nothing about this that was normal starting with the Plaintiff not giving his side of the story.

Q Now will you answer my question? Do you need it read back to you?

A No. Because I'm going to stand by my answer. There was nothing about this situation normal starting with the Plaintiff refusing to help with the investigation.

Q All right. I'm going to ask the court reporter to read back the question and ask you to answer that question and not rewrite the question and not try to answer some question that you want to answer and not try to get in some point that is irrelevant to the question.

There is a question that is asked of you, sir. You have an obligation as a witness to answer my questions and not just to do and say whatever you want to.

MR. C. WILLIAMS: I want an objection noted to counsel's last colloquy on

the record.

The witness is trying to answer the questions as best as he can and it is improper for this opposing counsel to browbeat this witness because he doesn't like the answers that this witness is giving. Therefore, I move to strike that entire matter by Mr. Chandra and move onto the next question for this witness so we can proceed with this deposition.

MR. R. WILLIAMS: I join in that objection.

MR. CHANDRA: We're going to have the question read back to the witness.

(Record read.)

A My answer stands that there was nothing normal about how this was handled beginning with the Plaintiff not helping with the investigation.

Q So if I understand your answer, because I still don't think it responds to my question, if I understand your answer, you're saying it was not normal to fail to write a final report, correct?

A I disagree. I mean you used the term fail. I don't think we failed in thoroughly, professionally, objectively trying to find out

what happened.
Q Was it normal to not write a final investigative report; yes or no?
A We took the evidence, we compiled it, we shared it with you through Freedom Of Information requests and we made the determination that the employee was going to be reprimanded through the Prosecutor's letter that summarized that he could have handled it better and said to stay away from the Plaintiff and then I met with him to tell him that was going in his file. So I do not agree with the term that we failed.
Q You're getting one last chance to answer the question that was asked of you.

Was it normal, yes or no, to not write a report?

MR. C. WILLIAMS: Objection.

A Again, I'll reiterate my same statement.

The way this took place and having to combine our investigation with law enforcement was not a normal setup compared to other investigations we've done.
Q Let me ask you something. Imagine for a moment a jury reading this back and forth. I have now asked you the question numerous times whether

it was normal to write a final report or not. You just won't answer that question.

Why won't you answer the question about whether it was a normal part of the process to not write a final report regarding all of the evidence and the conclusions of the investigation? Why?

MR. C. WILLIAMS: Objection.

A I believe I answered the question.

Q And what's the answer, yes or no? Was it normal or not?

A I already answered it.

Q What's the answer, yes or no? Was it normal or not?

MR. C. WILLIAMS: Objection.

A I'm going to stay consistent with my answer that this was not a normal investigation given the totality of the circumstances.

Q I would like to now -- go ahead. Finish your answer.

A No. I'm done.

Q I would like you now to identify since you've been Superintendent any other investigation of employee misconduct in which there was a final report discussing the evidence and reaching

final conclusions about the evidence.
A I can't recall off the top of my head the various times that we've had employees make mistakes and I can't say with any certainty whether we wrote a summary of everything before we moved forward with a write-up, a suspension or a possible termination. So I can't answer that with any type of honesty or clarity.
Q As you sit here today testifying on behalf of the District, you can't identify a single instance in which the District, as part of its normal process, wrote a report tying together the evidence and putting in writing what the conclusion of the investigation are, correct?
MR. C. WILLIAMS: Objection.
A At this point I'm not even 100 percent sure what you're asking.
Q All right. Now, in any case, the investigation of the District concluded that Mr. Butler initiated physical contact with Mr. Gray, correct?
MR. C. WILLIAMS: Objection.
A Did you say Mr. Gay or Mr. Gray?
Q Mr. Butler, Coach Butler. Let me just start over.

In any case, the investigation that you oversaw concluded that Coach Butler initiated physical contact with Mr. Gay, correct?

A I believe in Mr. Butler's own written statement he said that there was -- he either removed or shoved him when he was standing in his path, so based on the evidence, that supports that.

Q My question was what the District's investigation concluded.

Are you agreeing that the investigation of the District concluded that Coach Butler initiated physical contact with Mr. Gay?

A You're talking about physical contact?

Q Yes.

A Not everything that led up to it. We're just confining it to that, correct?

Q Yes.

A Based on eyewitness statements, the Plaintiff was standing in front of Mr. Butler in an aggressive manner and Mr. Butler shoved him on his way to get to the locker room. I believe the investigation does support some -- some -- something in that realm. Yes.

Q And as you just acknowledged, Butler himself told you that he was the one to initiate

physical contact, correct?
A Yeah. I think that was my first answer.
Q And you've now claimed that Coach Butler was disciplined for that, correct?
A Correct.
Q He still works at Union Local, right?
A Correct.
Q He got rehired in mid May of 2025?
A Correct.
Q After the incident, correct?
A That is correct.
Q And you recommended that the Board rehire him, right?
A It was my final recommendation, but through consultation with our football coach and Mr. Thompson, yeah, who are one in the same.
Q To the best of your knowledge, had you fully apprised the Board about details of the altercation with Mr. Gay?
A Yes.
Q And we have no written communications from you to the Board laying out the investigative findings, correct?
A I believe most of that was done, if not all of it was done, in Executive Session.

Q But you didn't document it in writing, correct?
A I don't recall.
Q Well, you certainly haven't produced any such document to us, right?
A I mean I was present when you deposed Mr. Cain and I know he referenced that he thought he might have received something in an e-mail. So I also know that you closed by saying that, you know, asking our attorney to re-canvas, so I'm sure we'll certainly do that. But I don't recall any specific e-mails where I laid out everything in writing.
Q Beyond the text messages that have been produced that you've already seen discussed during the depositions, outside of those, did any Board member discuss Coach Butler's conduct with you?
MR. C. WILLIAMS: Objection. Go ahead.
A I'm sure it came up in conversation at some point.
Q Tell us about that.
A I mean I can't recall. I would be guessing and speculating. This is an event that happened 18 months ago, 19 months ago, 20 months ago at

this point. I can't recall conversations. It would just be guessing.

Q Did any Board member ever voice any concerns about the incident to you?

A I think we all had concerns about the incident from the very first night trying to figure out exactly what happened.

As a Superintendent I was prepared to do what we needed to do, whether it be firing, suspension, written write-up, whatever the evidence supported. There was no hesitation that if it was just an act of retaliation and that was clear-cut, that Vaughn would not have been terminated. But the evidence simply didn't support that he ran into the stands or ran after somebody. There was no evidence to support that.

There were a lot of, a myriad of other factors that led to this. And as the judge said, the Plaintiff was axiomatic in the event.

Q What was the question that I had asked? What was the question you were asked that you just gave that response to?

A You'll have to repeat it.

Q Did any Board member ever voice any concerns

about the incident to you?
A And I answered the question by saying we all had concerns. Yes.
Q Did any Board member voice any concerns about the incident to you?
A I answered the question.
Q Which Board members voiced concerns about the incident to you?
A I can't recall or remember individual Board members, but we talked about this in Executive Session. And in these jobs you're trying to do the best you can for the students, the staff, the community, the citizens that support us. So yes, we all discussed concerns to make sure that we handled this ethically and appropriately from start to finish.

So as a whole, yes, there were concerns about this event.
Q You're unable to identify any Board member who voiced concerns to you about Butler's conduct, correct?
A Could you repeat or rephrase the question?
Q You are unable to identify any Board member who voiced concerns about Coach Butler's conduct to you, correct?

MR. R. WILLIAMS: Objection.

A I don't think I can agree to that statement. No.

Q Then identify the person or persons.

A They would have been conversations, so I can't recall the specific conversation.

I can say collectively as a Board we all in Executive Session discussed the best way to handle this and there were always going to be concerns to make sure we handled it appropriately.

Q You are unable to identify any individual Board member, correct?

A I disagree with that statement.

Q Then identify them one by one.

A Dr. Rowe, Larry Cain. Who am I missing? Dylan Fowkes, Dave Taylor. Those would be the four that are still on the Board.

Q And it's your sworn testimony that every single one of those people voiced concerns about Coach Butler's conduct?

MR. R. WILLIAMS: Objection.

A It would be my sworn testimony that in our Executive Sessions we did our best to discuss the case from all angles.

Q I beg of you to stop rewriting my questions. Please answer the particular question that you are asked and don't rewrite it. Don't give speeches.

I'm going to have the court reporter read this question back to you one last time and I am asking you to answer the question and only the question that was asked.

(Record read.)

A Was that the question?

MR. R. WILLIAMS: And I objected.

(Record read.)

A I feel like I answered the question.

Q Let's move on. The jury will be the decider on that.

Now, in terms of the end result, let's take a look at Plaintiff's Exhibit 31.

All you did ultimately as Superintendent as an end result of consequences for Coach Butler was put a letter in his employment file with the District, correct?

A This is in his file, as well as I believe the Barnesville Police Report.

Q This letter is on the letterhead of Kevin Flanagan, Belmont County Prosecuting Attorney,

right?
A That is correct.
Q It's a letter to Butler, right?
A That is correct.
Q The letter itself doesn't document at all what is alleged to have happened, right?
A This specific letter does not. Correct.
Q And, again, there's no investigative report attached to it from the Prosecutor, correct?
A Not to this specific letter. No.
Q And, indeed, you didn't put any investigative report containing the findings of the District about Butler's conduct in his file, right?
A I believe the report from Barnesville Police Department is in his file.
Q Okay. Now answer my question.
A Your question was?
Q There is no investigative report containing the findings and conclusions of the District regarding Coach Butler's conduct placed in his file, correct?
MR. R. WILLIAMS: Objection.
A From the District, no. This served as the disciplinary write-up for that incident.
Q Nobody obtaining this file, no third-party

member of the public could obtain this file and have any clue from this document about what Coach Butler is alleged to have done wrong, correct?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A I disagree.

Q So read me the sentence in here that tells me what Coach Butler is both accused of and found by the District to have done wrong. Read me the sentence.

MR. C. WILLIAMS: Objection. Compound.

A Well, again, not everything can be looked at in a vacuum or with a broad brush, painted with a broad brush.

The police report is in there and then the second paragraph, "The purpose of this letter is to put you on notice that the complaining party has requested some action be taken against you. Please do not have any contact with Brent Gay. If this conduct should continue, criminal charges could be filed against you in the future." That's what it says.

Q Read me any portion of it that specifies what conduct Vaughn Butler was accused of engaging in.
A I read what the letter stated.
Q Now answer my question.
Read me the sentence that tells us what Vaughn Butler is accused of doing.
MR. R. WILLIAMS: Objection.
A The letter was to serve as a written reprimand to Mr. Butler with the intent for him to improve his behavior going forward. That was the intent of the letter being placed in his file. No, it does not specifically lay out the details of the incident from October 25, 2024.
Q Indeed, it doesn't even in one sentence summarize what Vaughn Butler was accused of doing on October 25, 2024, does it?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A I believe I answered that question.
Q Now answer my question.
MR. R. WILLIAMS: Objection. He just did.
MR. C. WILLIAMS: Objection.
Q I'm simply asking you to agree that it doesn't

even have one sentence summarizing what Vaughn Butler was found to have done wrong, correct?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A And I believe I already agreed to that.

Q Thank you.

Now, this letter doesn't even say that the District disciplined Vaughn Butler, correct?

MR. C. WILLIAMS: Objection.

A As a District we determined that this would serve as the written disciplinary action. I believe it's the District's discretion to determine what is considered a disciplinary write-up.

Q Dr. Shutler, as counsel for my client I'm entitled to get answers to my questions. You're not permitted to just rewrite the question every time you don't like the question and don't want to answer yes or no to something that is clearly a yes or no question.

MR. C. WILLIAMS: I move to strike all of this by counsel.

MR. CHANDRA: Why don't I just

stipulate that you're moving to strike all of my questions throughout the deposition because that's not a thing, all right.

MR. C. WILLIAMS: I'm not willing to do that and that's not proper.

MR. CHANDRA: Let me conduct my deposition.

MR. C. WILLIAMS: You have to conduct your deposition properly.

MR. CHANDRA: You have to stop the speaking objections.

MR. C. WILLIAMS: And you're giving speaking objections in your questions. You're not asking questions. You're making speeches and then you're saying is that correct.

Ask a valid question and you won't get an improper objection.

MR. R. WILLIAMS: And he's identified the letter speaks for itself.

MR. CHANDRA: That's not a thing either, so just stop it with the speaking objections and stop coaching the witness, counsel.

MR. C. WILLIAMS: Move to strike.

Q I'm going to go back to the question I asked and it is a simple yes or no question. You must answer it.

MR. C. WILLIAMS: Objection.

Q This letter doesn't say that the District disciplined Vaughn Butler, correct?

A I disagree with the way that you're phrasing that. Again, these issues are much more nuanced.

We have the discretion to determine what is discipline. So although it doesn't specifically say it, it is in his personnel file. He was notified it was going in his personnel file. It is viewed by the District as discipline and that is my answer. And no, it doesn't explicitly say it on the letter.

Q Now, your claim on behalf of the District is that the letter is a form of discipline, correct?

A Correct.

Q And, yet, no one at the District ever actually told Coach Butler that he was being disciplined, correct?

A Incorrect.

Q Well, you heard his sworn testimony saying just

that, correct?

MR. C. WILLIAMS: Objection as to the form of the question.

A I heard Mr. Butler's testimony. Again, I think this has been something that's been part of this case; how two people interpret something, I have no control of.

I can control my aspect of it and I explained to Mr. Butler that we expected him to handle situations better in the future and that this was going in his personnel file. So I can attest that I spoke to him.

Q My question again, and I really would appreciate it if you would confine your answer to my actual question, was you heard Vaughn Butler testify on the subject about whether he was aware that he was disciplined or not, right? You were sitting in the room when he testified on that subject, correct?

A I was.

Q And you heard him testify that he did not believe that he was disciplined over this incident by the District. You heard him say that, correct?

MR. R. WILLIAMS: Objection as to

the form of the question.

THE WITNESS: Am I allowed to answer?

MR. R. WILLIAMS: Yeah.

A I heard him say that. Then I also heard him circle back around and say that he misunderstood was discipline was and thought it was, you know, a suspension or a fine or termination.

So, again, the way that that question is shaped, I cannot agree with.

Q Now, you would agree that in general if you're going to discipline a District employee for something that you believe they did wrong, that it would only be fair to them that they know it, right?

A Yeah.

MR. C. WILLIAMS: Was that a yes, Dr. Shutler?

THE WITNESS: That was a yes. I apologize for just saying yeah. That would be a yes, yes.

Q And you would agree that because this is a public employer, you're required to give some semblance of due process to employees that

you're disciplining, notice and an opportunity to respond. Fair enough?

MR. C. WILLIAMS: Objection.

A I think I can issue a written or verbal reprimand at any time. I don't know if due process necessarily fully applies in that case.

Q Some level of notice and an opportunity to respond if you're disciplining them. Fair enough?

MR. C. WILLIAMS: Objection.

A Yeah. I believe Mr. Butler received that.

Again, as we've stated, nothing about this case was normal. And because it rose to my ranks, I personally spoke to Mr. Butler.

Q You didn't invite Coach Butler to submit any sort of response or rebuttal if he wanted to to this alleged discipline, correct?

A He provided a written statement at the beginning of this investigation.

Q I'm saying in response to the alleged discipline to put in any sort of letter or written response saying, "I disagree with this", you just didn't invite him to do that, right?

A You would have to talk to Mr. Butler. I don't

believe he disagreed with it going in his file.
Q That's not my question.
My question is you didn't invite him to do that, correct?
MR. C. WILLIAMS: Objection.
A What would you consider an invitation?
Q You didn't tell him he had the opportunity to submit some sort of response to this alleged discipline, correct?
A I asked him if he understood why we were placing this in his personnel file.
Q And it's your testimony that you made it -- you had an actual face to face meeting with him about this, right?
A Correct. Correct.
Q And you informed him that this was going to be placed in his personnel file?
A Correct.
Q And it's your testimony that when you sat with him, you explicitly told him that you were putting this letter from the Prosecutor in his file as an act of discipline, is that right?
MR. C. WILLIAMS: Objection.
A Based on my recollection, I met with

Mr. Butler. I explained to him that this letter would be part of his personnel file and would serve as his written reprimand.

Q So you characterized it as a written reprimand to him, is that right?

A That's the best of my recollection.

Q And if he doesn't recall you characterizing it as a written reprimand, then you think he is just incorrect, is that right?

MR. C. WILLIAMS: Objection. Misinformed.

A No. Mr. Butler is a part-time coach that works outside of the field. I can't get inside his mind and say how exactly he interpreted it. So no, I'm not calling Mr. Butler a liar. I'm not saying he's being dishonest. I'm just explaining the facts from my perspective.

Q And that's not what I asked.

What I asked was that if he says that you didn't characterize this as a written reprimand, that he would be incorrect because you were explicit about that, is that right?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection.

A I think I already answered that question.

Q So which is it?
A Which is what? There's two people in a room. They're not going to both recollect the facts identical.
I'm telling you what was said by me. How Mr. Butler interpreted that, I cannot attest to it.
Q You're certain you used the words written reprimand?
MR. C. WILLIAMS: Objection.
A I told you, to the best of my recollection. There's not a transcript of it.
I know that I told him this letter would serve as a written warning, reprimand, verbal warning, you know, whatever you want to call it. I'm not attesting to exactly word for word what I said, but I believe and know I made it pretty clear this was going to serve as written documentation that he could improve things in the future.
Q So what were you giving him a written reprimand for? Since it's not documented in the letter, please describe in detail what you were giving him a written reprimand for.
A You want all of the details?

Q I want the details from your perspective about what he did wrong that would merit a written reprimand by the District.
A So you would like me to exclude everything regarding the Plaintiff, is that correct?
Q I want you to tell me what he did wrong and not adorn your answer with information irrelevant to that.
MR. C. WILLIAMS: Objection.
Q So please explain to me what you believe you were giving him a written reprimand for doing that was wrong.
A Well, I just want to make sure that I answer your question. And it's, again, hard to answer questions in a vacuum because they weren't isolated incidents, so I'll do my best.
So based on the preponderance of the evidence, we had a fan that was acting very aggressive and very loud for a large part of the first half. That said fan chose to confront a coach while he was working on his way to the locker room.
He approached the coach in an aggressive manner, even from the third-party witness that does clearly say that he moved toward the

coach, put the coach in a very uncomfortable position. I believe the coaches words were even something like startled or felt cornered.

And the coach reacted. Not as a District employee. He reacted to a perceived threat for being startled as a human being.

We are educators. We can always do better. And the written reprimand was to -- you know, we've trained on calm. We've trained on, you know, trying to -- trying to regulate ourselves to handle things better.

So part of my job as Superintendent is to always look at situations objectively. Even though he didn't create the situation, even though he was approached by a very aggressive and angry fan, and there's support to show that, I felt like he still needed some type of written reprimand.

Q In your entire answer you have yet to answer my question about what he did that was wrong.

Are you unable to tell me that?

A I mean I thought I did. He, again --

Q Tell me what actions Vaughn Butler did that were wrong.

A We would have liked for him to find a way not

to shove the Plaintiff very clearly.
Q So shoving Brent Gay was what Vaughn Butler did wrong, correct?
A Correct.
Q What else did he do that was wrong? Anything else?
MR. R. WILLIAMS: Objection.
A What are we referring to? I mean whose affidavit are we referring to? Because I mean it depends on what you're referring to.
Q Well, because you have no investigative conclusions or report, I am unable to walk through an analysis from you and say this is what you have found. So that's why I'm having to ask you this now, sir.
I'm asking you to tell me what conclusions you've reached as Superintendent beyond what you've now already identified, which is shoving Brent Gay, I'm asking you to tell me what you believe on behalf of the District Vaughn Butler did wrong for which he was being reprimanded.
A I believe I answered that question.
MR. R. WILLIAMS: Objection.
Q So it is only the shove and nothing else?

A Well, I mean, again, my job is to answer the questions honestly and clearly.

If we want to go down, you know, the affidavit of Ms. Gainer, I believe her next statement is, "The Plaintiff punches him in the face."

So I mean we could have discussions after that, but if we're just sticking to what he was written up for, we would have liked for him to find a way out of a situation he didn't create without the physical contact. That's about as clear as I can be.

Q Now, you seem to have added a lot of information to Ms. Gainer's statement that actually isn't there, so I'm going to ask you questions about that.

A Sure.

Q First of all, she never used the word aggressive, correct?

A Where is the statement? I would like to see it.

Q Well, I'm asking you from your memory now. And the jury can look at the document and can hear her testimony and compare it to what you're saying.

I'm asking you as the person who made the recommendation here about how to handle this, I am asking you to tell me, testifying here under oath on behalf of the District, did Ms. Gainer ever use the word aggressive or not? Can you tell me that without having to look at her statement?

A I mean I would like to see the statement.

Q So the answer is you cannot tell me that without looking at her statement, is that correct?

A I don't believe the term aggressive is in there. I think the actual terminology is that he took a step toward Coach Butler.

Q So the word aggressive, which you've used repeatedly throughout this deposition even in response to questions that weren't asking you about it, that word aggressive is coming from you, is that right?

A No. It's coming from eyewitnesses that were there. There's more witnesses than just the two witnesses that completed the affidavit.

Q Ms. Gainer said that Mr. Gay took a couple of steps toward Coach Butler, correct?

A I believe that's what it says.

Q She did not say that Mr. Gay got in Coach Butler's face, correct?
A I don't believe it says that.
Q There was nothing in that statement that suggested that Mr. Gay was physically threatening Coach Butler, correct?
MR. R. WILLIAMS: Objection.
A If you look at that statement in a vacuum.
Q I'm asking you in that statement. There was nothing in that statement that suggested that or that said that Brent Gay physically threatened Coach Butler, correct?
MR. R. WILLIAMS: Objection.
A There was nothing in that specific statement.
Q Thank you.
Now, there was nothing in that statement that even described what the physical distance was between Brent Gay and Coach Butler at that moment that Brent Gay asked his question, correct?
MR. R. WILLIAMS: Objection.
A Could you repeat the question?
Q There was nothing in Rebecca Gainer's statement that described how far the physical distance was between Coach Butler and Brent Gay when

Brent Gay asked his question, correct?

MR. R. WILLIAMS: Objection.

A There was no -- there were no measurements listed before the Plaintiff made the decision to confront the coach. No.

Q Now, let's talk about David Goodson's statement.

David Goodson also never used the word aggressive describing Mr. Gay's conduct, correct?

A I would have to see Mr. Goodson's statement.

Q As you sit here today, you don't recall that he did so, correct?

A It's been a while since I read his statement. I would be guessing.

Q All right. Let's go back in time to when this investigation was going on.

A I need to go to the restroom. I need to take about a five-minute break.

Q Sure. That's fine. Thanks.

A I appreciate it. Thank you.

THE VIDEOGRAPHER: We're off the record. The time is now 4:27.

(Recess taken.)

THE VIDEOGRAPHER: We're back on

the record. The time is now 4:37.
Q All right. Let's go back to the time during the investigation that the investigation is concluded and there was testimony that you saw about a meeting between you and then Athletic Director Nardo and Principal Daley, D A L E Y, about whether Coach Butler should be disciplined. Okay.
When was that conversation?
A I can't recall an exact date.
Q But it was before the Board meeting discussing the topic?
A I would be speculating. I honestly don't know.
Q But there was such a meeting?
A The reality is there were probably multiple meetings.
Q Multiple meetings after all of the information was gathered?
A During and after.
Q Did anyone in the discussions between or among you, Nardo and Daley argue that Butler should be suspended?
A I think everything was discussed from termination to suspension to a written reprimand throughout the process. Not all of

the evidence surfaced at once. As I stated at the beginning, everything was on the table and if something needed to be done, it was going to be done.

Q My question is after all of the information was in, did anyone among those weighing in on the decision argue that Butler should be suspended; yes or no?

A I don't know.

Q Did anyone argue that he should be fired; yes or no?

A Are we talking about a specific period in time?

Q Yes. After all of the information that you wanted to gather was gathered. Investigation complete, let's put it that way.

A So we're talking about after the Prosecutor's Office made their determination, because before we made a final decision, if you look back at the e-mail, we were waiting to see if any other evidence had surfaced, and that's when we deemed we had everything.

Q That's fine.

I'm talking about that time period in which you believe you had everything that you wanted to gather and could gather. Okay. So

now you have everything. Your investigation is completed.
A So at two points in time prior to having all of the evidence, termination was definitely discussed. After we had all of the evidence, we were much more leaning towards some type of written reprimand or written write-up.
Q Did anyone advocate that Butler should be suspended or fired?
A Once we had all of the evidence or at least what we thought was all of the evidence?
Q Once you had all of the evidence, that's what we're talking about.
A I believe, if my memory holds correct, that once we had all of the evidence, there was a consensus that a written reprimand, specifically the letter from the Prosecutor's Office, would suffice to correct the behavior in the future.
Q And just to sum up, no one -- you're talking about a consensus -- no one argued or advocated for Butler to be suspended or fired, correct?
A I want it to be clear on the record after we thought we had all of the evidence, no. Before we had all of the evidence, yes.

Q And who before you supposedly had all of the evidence, who was it that was advocating for suspension or termination?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection as to the word advocating.

A Yeah. I don't think advocating is the right word.

I think that I, myself, I can only speak for me, my memory of me is better than my memory of other people, that if the evidence was strong enough that Mr. Butler simply went to the extreme because a polite, calm question was asked of him, then yes, he would have been terminated.

The evidence did not support that. So yes, I had that discussion with my team.

Q So that what tipped the balance was a decision about whether the question by Mr. Gay was polite or calm?

A No. What tipped the balance is that a fan chose to create a confrontation with an employee while they were working and it was aggressive from my opinion based on the evidence. It was hostile. It was not a simple

question.

The question was part of it. The question was not what led to this situation.

Mr. Butler reacted as Mr. Butler. He did not react based on any type of policy or any type of implied policy. He reacted as a citizen based on what transpired.

Q What was the evidence of, "Aggression"?

A We had several witness statements. Besides the witness statements, there were discussions with people that might not have wrote their statements. And then we had what transpired, you know, after the fact.

Larry Cain was here prior to that said that the Plaintiff was angry and aggressive beforehand. And then we have the video of him screaming at our locker room using language addressed at our coaches and how they should be embarrassed.

So when you took everything into account, the eyewitness statements, the behavior beforehand and the behavior post the event with the Barnesville Police Tippy report, I think a preponderance of the evidence showed that the Plaintiff was angry and aggressive, so it did

support our coach's statement.
Q This is your chance and this is the last time I'm going to ask it, to specify the sources of evidence of aggression with specificity. Don't make any more general statements that there were statements.
I want you to identify the statements. I want you to identify every piece of evidence that suggests that Brent Gay was aggressive to a point that it would mitigate discipline against Butler.
MR. R. WILLIAMS: Objection as to the form and the characterization of the question as stated.
A Zach Delman described how the Plaintiff was acting prior to, which he deemed as aggressive.
Q Spell the last name, please.
A Delman, D E L M A N.
Q And are you talking about the gesture toward the press box? Is that what you're talking about?
A No. I mean that might be included in that.
I'm talking about the Plaintiff screaming about the quarterback play. Just over the top yelling in general that made --

Q Where is that? I don't think we have that statement.
A I think it's in a text. I think it's in a text that was shared.
Q Keep going. Keep identifying the aggression that you think justified lesser discipline.
A We had our coaches that gave statements, Tyler Grant would be one. Coach Hess would be one.
Spoke with Mr. Mangus. He talked about what his son had witnessed. His son is very reputable. He had the video evidence after the fact.
Q Did you interview the son?
A We ended up interviewing the son. Yes.
Q Do we have that?
A I think so. I believe so. I would say I know so.
MR. R. WILLIAMS: I believe so as well.
A So I talked about Coach Hess. We had his statement. We had Tyler Grant's statement. Got a statement eventually from Ms. Mangus. Had a verbal statement from Zach Delman.
Had some Facebook posts of fans that were at the game that supported that he was

acting in an extreme way for somebody that was just partaking in a youth football game.

I have the body cam footage of him screaming at our coaches. I have the Prosecutor's report. There's the text message from the Prosecutor to me that states that they were closer to charging the Plaintiff than they were the coach.

And then after the Citizens Affidavit was filed, we have the ruling from Judge Coste that it's very definitive in the fact that the Plaintiff was axiomatic, meaning nothing would have taken place without the Plaintiff's aggressive actions, so. And I don't know if it says aggressive in his report, so I'm just recalling from memory.

So that's probably not everything, but that's a good bit.

Talked to Mr. Daley that night. He was trying to kind of sort everything out. He called me and told me that, you know, while he didn't see the beginning of the event, the handcuffing by Tippy was very aggressive and he could see that the Plaintiff would probably have abrasions and injuries from the

handcuffing.

I think the words Mr. Daley used was that whatever restraint they used, the Plaintiff's face was buried pretty deep into the gravel and he's probably going to have some cuts and scrapes from that. So that's just off the top of my head all of the various factual points that we used.

And, of course, we used Ms. Gainer's testimony, her affidavit. And then Mr. Goodson's testimony, the back end of it. The front end of it, it's on video that he's well past the event and he describes it like he witnessed it from beginning to the end, which I don't know if that would have been physically possible.

Q Let's turn to the topic of training.

Does Union Local have official policies on the First Amendment right to freedom of speech?

A Official policy on First Amendment? I don't believe it's explicitly written as First Amendment training.

Q What about unofficial policies?

A Unofficial? We've always thought that it was

important to invest heavily in our coaches because we know how charged the environment can be. So when I took over as Superintendent, we created the SOR program, Staff Orientation and Retention program, and we began training our coaches or the various people that have experience in athletics; youth athletics, college athletics, professional athletics. And we had a specific training I think in the August prior to this game that talked about trigger warnings and how things can be heated and fans and parents are going to say certain things that you might disagree with, but they have the right to say them and it's up to us to understand why they could be triggered. And it's also important for us to understand how their behavior can trigger behaviors in us that might lead to situations not going the way that we want that align with our core values.

Q Well, we've not seen any policies or training produced to us that says what you just said, that critics of the football program have the right to say what they want to say.

So is there something that you haven't produced to us?

A I think if you look at that book, The Coaches Revolution, as I've said, it doesn't say explicitly First Amendment, but it talks about everybody has their triggers and it's up to us as professionals to navigate that in a professional and productive way.
Q But you've acknowledged that there is no training specifically on the First Amendment right to free speech. Fair?
A That would be fair. There's nothing at the top of the paper that's going to say, "First Amendment training." That would be fair.
Q And nothing that's going to say -- talk about the right to free speech and to criticize government officials, correct?
A You're talking about it being explicitly written that way?
Q Yes. Or even explicitly presented orally in a formal training, that people have the right to criticize government employees.
A Again, I mean going back to that August training where we talked to our coaches about trigger warnings of parents and students and trying to de-escalate situations because things will be said, it doesn't say that explicitly,

but I think it hits on some of those areas.

So I mean I'll concede that it doesn't say, "First Amendment training." I think that's a concession I can make.

I'll disagree that we've never talked to our coaches about parents and community members having the right to criticize us.

MR. CHANDRA: Could I have the last portion of the answer read back to me, please, by the court reporter after the words, "I'll concede."

THE NOTARY: After the word what?

MR. CHANDRA: "I'll concede."

(Record read.)

Q And so you can't produce any documentation to us showing training to your coaches that says that they have a right to criticize you, correct?

MR. C. WILLIAMS: Objection.

A I mean I think we have that in a policy.

Q Have you produced that to us?

A I can't remember. I know that we have things in policies that talks about like handling criticism, being courteous and respectful and treating the public well. I think we submitted

those, didn't we?

I mean I'm just trying to recall from memory, so I may not be exactly right, but I'm pretty sure we have policies that talks about how we are public officials and we are to be polite and understanding of the public and that there are consequences if we should not be.

Q Let's take a look now at the Exhibit 13, which is the video you posted on X, along with the transcript of that, Exhibit 13 and Exhibit 13-T.

And you've seen the video several times throughout these depositions, right? Do I need to play it for you again?

A Not unless anybody really wants to see it.

Q Okay. I mean we played it earlier today, so.

A Yeah.

Q All right. And that's -- what you've seen is a true and accurate copy of the video that you made and posted, right?

A Correct.

Q You're authorized as Superintendent to speak on the District's behalf, right?

A Correct.

Q You run its day-to-day operations?

A Correct.
Q And in the video you express concern about those in the community who might criticize coaches publicly, right?
A Can I have a few seconds to re-read this again?
Q Sure.
A Thank you.
Q You say that it's not helpful criticizing coaches publicly, right?
A Correct.
Q And then let's look beyond that toward a little bit later in the statement where you suggest that criticism should take place, "In private behind closed doors." Right?
A Yes. I see that.
Q Now, this was just five days after the incident between Coach Butler and Brent Gay, correct?
A If that's what the date shows.
Q October 30, 2024, right? That's when that post was?
A I have no reason to believe that wouldn't be correct.
Q And so obviously that was the incident you had on your mind when you made this statement, correct?

A It was not the only incident that I had on my mind.
Q Well, that's what sparked you making this post, right?
A It was not the only incident that I had on my mind. We had another incident that took place just a few weeks before this.

We had a natural conclusion of most of our fall sports seasons and, as Superintendent, I wanted to encourage constructive discourse. I wanted to let people know that it's important to have discussions. If you have a concern with a coach or playing time or anything, we want to talk to you. We encourage those conversations.

But we also want to call for decorum. We want things to be productive. We want these conversations and things to move forward in a way that supports our athletes and not tears down our athletes.

So in no way was I trying to shut down speech and I definitely wasn't specifically talking about this one incident.

Q This incident that took place five days earlier was at least part of the catalyst that led you

to releasing this statement, right?
A This amongst other issues.
Q And you were calling for criticism to take place behind close doors, right?
MR. C. WILLIAMS: Objection.
A I said it wasn't helpful.
Q Well, you said it wasn't helpful for the criticism to be public, right?
A My opinion was that it was not helpful. I didn't say that it could not and it should not take place or that there be any consequence tied to it.
Q Now, Union Local is a public school district, right?
A We are.
Q A local government entity, right?
A Correct.
Q And the District understands that the restrictions on government actors established in the Constitution apply to the District and its employees, right?
A I know most of our -- I know our administrators do. I would assume most do.
Q Now, you were here for Athletic Director Nardo's deposition, right?

A I was.
Q And you heard him say that the First Amendment was never discussed in District training, right?
MR. C. WILLIAMS: Objection as to the form of the question.
A I don't recall that specific answer.
Q If he -- if the record shows that that's what he said, are you saying you would have a fact dispute with him about that?
MR. C. WILLIAMS: Objection as to the form of the question.
A If his transcript says that he said it, then he said it. So are we asking if he said it or are we asking if the training occurred? I'm not sure which we're asking.
Q I'm just asking if he said it, would you have a fact dispute with him?
MR. C. WILLIAMS: Objection.
A I'm not sure if I entirely understand.
Are we asking if he definitively said it in his deposition or are we asking if First Amendment training took place? I apologize. I'm legitimately confused as to what your asking.

Q I'm asking what I literally asked. I'm saying you're saying you don't recall -- if I understand you correctly, you're saying you don't recall what he testified about that.

And I'm asking you if he did say it, the record shows that he did, in fact, say the First Amendment was never discussed in District training, would you have a fact dispute with that testimony?

MR. C. WILLIAMS: I object.

A Can I ask my attorney for -- because I'm not sure -- I genuinely don't understand what he's asking.

MR. C. WILLIAMS: He's asking would you disagree with Nick Nardo's testimony that there was First Amendment training.

A I would go back to what I said earlier, that there is nothing that says specifically, "First Amendment training." So if that's what Nick was referring to, then he would be correct in what he stated.

Q And, similarly, when Coach Benny Thompson testified that he didn't recall the First Amendment coming up at all during training, you don't have any dispute with him about that,

right?
A No. I remembered his testimony.
Q And no dispute?
A Correct.
Q Okay.
A I think he added some nuance to that. I don't think he just objectively said it was never discussed.

I remember him specifically saying that he talks to his coaches about letting things go that are said from the stands. So I don't think it was just a universal, nope, we never talked about that.

Q Well, that's very different, wouldn't you agree that -- well, I shouldn't say very different.

There's a difference between what you're talking about, right, being calm, being chill, de-escalating, and having an obligation as a government official to tolerate criticism. Wouldn't you agree those are a little bit different?

MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.

A I would agree they're a little bit different. I think they're very closely related.

Q Okay. Now, you would agree that based on the information you have as the District's representative in this deposition, you're not aware of any First Amendment free speech training that Vaughn Butler received, correct?
A I am not aware of any training that explicitly states that it was First Amendment training. I am not aware of any of that.
Q Indeed, you can't even tell us with certainty that Vaughn Butler attended the training that you've described that you say might be related?
A The one that -- so I can say that there was a date where we switched our training sessions to head coaches only, because so many of our coaches don't work for the District, and then it was the responsibility of the head coaches to share that information with their assistants.

So the training that I'm describing about understanding triggers of fans and students and yourself, Coach Thompson would have been present at that.

Q Right.

But you don't -- just going back to my question, you have no information on behalf of

the District that Vaughn Butler then received that training directly or indirectly, correct?

A Vaughn Butler would not have been in that training. There would be no explicit documentation that Coach Thompson shared that, other than the fact that I think in his deposition he attested to it, but that would be for him to verify.

Q All right. Now, has the District produced all records it has of the District providing training regarding the First Amendment, all documents and videos to the best of your knowledge?

A I mean I thought we agreed that there was no specific First Amendment training.

Q Right.

So there's just nothing along those lines. I'm just trying to confirm that for our discovery purposes.

A I mean if we're both talking about the same thing, explicit training that clearly states it's about First Amendment and our responsibility as government actors, there's nothing to share because there would have been nothing with that explicitly written on it.

Q Well, and even in the training you're talking about, there was nothing in that training that was given to coaches that informed them about what an appropriate response to an angry fan would be, correct?
A I can't answer that offhand. I mean what I can say is that we're working with coaches and we're trying to tailor the message to something that they would understand.

And the intent was for them to understand that people get upset. People get angry. There's reasons why they get angry. It's not always because they're bad people. And for them to understand those warnings in themselves so they can help de-escalate situations.
Q Right.

My question was there was nothing even in that training that instructed coaches on what an appropriate response to an angry fan would be, correct?
A I can't answer that because the book is filled with reflective activities to help you understand yourself more, so I can't agree to that statement.
Q You can't respond to that one way or the other,

correct?
A Yes. I can't name something offhand, but I can't sit here and say that there's nothing in that training and in the book that we gave our head coaches that doesn't help them respond to challenging circumstances in a productive way.
Q Now, that training was actually on generally the topic about triggers and all of that, that was actually given in November 2024, right, so that was after?
A That's false.
Q Huh?
A That's false.
Q So that wasn't after Coach Butler put his hands on Mr. Gay?
MR. R. WILLIAMS: Object to the form of the question.
A No. The initial training took place in August of that same year. The way that we built it out, there's sessions throughout the year.
So the whole year was designed around the book called The Coaches Revolution by Seth Taylor and his partner is a gentleman named Travis Snyder. And so Travis did a video for us pre-recorded in August where we introduced

it, we did a couple of the activities from the book and then Travis came and met with us virtually in November.

So that was the follow-up to the initial training on understanding parent and student and coach triggers and how to respond in a better way.

Q But you have no information as you sit here today on behalf of the District that even that information was conveyed to Vaughn Butler, correct?

A The only confirmation I have on that is Bernie's deposition that I was present for.

Q All right. So you were here for Coach Butler's deposition, right?

A I was.

Q And you were present when he testified that he pushed Mr. Gay in response to his words, correct?

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

A I apologize. I didn't catch the last few words.

Q You were here in Coach Butler's deposition when he testified that he pushed Mr. Gay in response

to his words, correct?

MR. R. WILLIAMS: Objection.

A I don't recall that.

Q Back to the investigation. When did you first hear about the incident with Mr. Butler and Mr. Gay? Was it that night of October 25?

A Yes.

Q From whom did you hear it?

A Tom Daley.

Q And was he giving you his own firsthand account because he was at the game?

A He was there with AD Nardo. I believe I was on the speakerphone with both of them.

I mean he saw -- he didn't see the incident itself. So at that point he knew that there was a fan who was in handcuffs and being restrained, detained by the Barnesville PD. As I testified before, he said that the restraint was very rough and that there was probably going to be injuries from the restraint and the gravel and all of those things, and that he was going to try to figure out a little bit more of what happened because that's all he knew at the time.

He knew it involved a coach to some

degree. At that time I'm not even sure if he knew the coach. And that's how this whole thing got started from my end.

Q Did you talk to anyone at the Barnesville Police at any time in the investigative process?

A I don't believe so.

Q What about Prosecutor Vavra?

A I talked to Mr. Vavra. Yes.

Q And when was that and tell us about that conversation or conversations.

A So when we came in on Monday, I had Mr. Nardo contact the Plaintiff so that we could get his side of what took place. And at the time I believe he said something like we weren't going to get much out of him, to talk to the Prosecutor's Office.

So that was when I was aware that charges were going to be pressed. And so I'm not sure when the date would have been we started our own internal investigation.

And when I contacted Mr. Vavra, I asked him if there was any evidence for the case, you know, to keep me informed. And if charges were going to be pressed against our coach, if he

could let me know so that way we could move forward with discipline once we had all of the facts.

Q What other conversations did you have with Vavra throughout the process?

A I don't know if there were any more aside from the text I believe we shared and I think he, himself, shared with you that says we are not going to -- I think it says something to the effect of we are definitely not going to prosecute the coach. Still deciding on the Plaintiff. And then it notes the Plaintiff's actions after he was let out of the handcuffs yelling at the coaches. I believe that's what the text says.

Q Just to be clear, there are no other conversations with Vavra that you can recall?

A Formally related to this?

Q Yes. Or informally.

A Yeah. I don't know what formally means.

Q As it related to the Brent Gay/Coach Butler matter.

A Related to this matter while the investigation was going on, I recall the phone call where I asked him to let me know if charges were going

to be filed against the coach and what evidence existed for those charges to be filed on, if any, so that way we could move forward with Vaughn Butler's discipline with as many facts, if not all of the facts, moving forward.

And then he notified me in text and I believe even in the text it said, "Hey, I said I would get back to you. Here is how things look from the Prosecutor's Office."

Q Now let's turn to Exhibit 15. You, in response to an individual subpoena in this matter, you produced some messages, right?

A Correct.

Q And this was in response to the subpoena, but not as part of the discovery request to the District, right?

A I'm not sure if I understand what you said.

Q Well, you didn't produce these in response to discovery requests to the District. You produced them only in response to a personal subpoena directed at you, correct?

A I think that's false.

MR. R. WILLIAMS: Union 001.

Q Let's look at those messages.

And you didn't produce these in response

to any public records request, correct?
A I'm not sure, but I think you -- I mean don't quote me. I mean there's been so many things in this case. But I feel like they got this first, didn't they?
Q I'm asking for your recollection, whether you recall producing these in response to public records requests outside of the litigation.
A If my memory serves me correctly, which I can't guaranty that it 100 percent is, that this was shared prior to the subpoena of my phone records.
Q Right.
My question is in response to public records requests, not discovery requests during the litigation, in response to public records requests, this was not produced by the District, correct?
A I'm not 100 percent sure if I understand the difference.
Q Well, I mean you understand Ohio has a public records act that obliges the District to produce certain public records and that that obligation exists independent of any obligations it might have in any pending

litigation.

You understand that, right?

A Yeah.

Q So do you know one way or the other whether these were produced in response to a public records request or not at any point?

A I don't recall.

Q Okay. Let's take a look at the text thread. This is one of the text threads you produced here.

This is a correct copy of the messages you produced?

A Yes.

Q And you're in green and it's a text thread with Nick Nardo and Tom Daley, right?

A Yes.

Q Nardo was the Athletic Director at the time and Daley was the Principal of the high school?

A Yes.

Q And you asked Nardo and Daley to start investigating what happened, right?

A Yes.

Q You asked Nardo to reach out to Bernie, meaning Bernie Thompson, right, the head coach?

A Correct.

Q You asked Nick to ask Bernie to reach out to his staff individually.
You meant the coaching staff, right?
A Correct.
Q You wanted Thompson to get statements of events, right?
A Correct.
Q Why did you ask Mr. Nardo to do this and not -- why were you asking Mr. Butler's co-coach there?
A Did you mean to say Mr. Thompson?
Q Mr. Thompson, yes. Sorry.
A I mean it's hard for me to remember everything at the time, but I believe Mr. Thompson would have more immediate access to his assistant coaches that are not full-time employees than I would. And there's no guaranty they would necessarily check their e-mail, so I believed this was the most expedient way to get their statements.
Q And you had no concerns that Mr. Thompson might somehow sway other coaches who witnessed what happened to cover up for Coach Butler?
A I think there's always concerns and that's why on number 3 we asked Tom and Nick to contact as

many -- contact civilian witnesses and try to provide statements too, so we were trying to cast a wide net.

Q And by that you mean people who don't work for the District, right?

A That's what I meant. Yes.

Q And you wanted to hear from them because they would be less likely to be biased, right?

A I think that could be a possibility.

Q And less likely to cover for Coach Butler, right, if they didn't know anybody?

A We wanted to cast a wide net to get as many different viewpoints on this as we could. I don't even want to or like to imply that anybody is trying to cover anything up. I just don't. It's hard for me to really say that and agree with it.

Q All right. So you then said in this text thread that you contacted Micah, M I C A H, to see if there was surveillance video.

Who is Micah?

A Micah Fuchs. He is the Superintendent of Barnesville Exempted School District.

Q Can you spell his last name?

A F U C H S.

Q And did you ultimately contact him?
A Yeah. I was able to get ahold of him on Saturday morning.
Q You asked him for surveillance video?
A I did.
Q And did you obtain any video?
A There was no surveillance video. That conversation went by him telling me he was going to check on it, but he didn't have it on video. I can't remember if it wasn't working or if there was no camera there.

He said he was going to try to contact Frank Farrell who works with the ESC that manages their technology, he also manages our technology, to see if he could either find it or retrieve it, but we had zero luck in trying to find that footage.

Q What is ESC?
A Educational Service Center. They provide shared services for school districts.
Q Now, Tom Daley responded to your message saying, "Could we wait until tomorrow night or Sunday to ask Bernie to get statements? They got their asses whipped." Right?
A Yeah. He stated that.

Q And this was referring to the abysmal score of the game that night, right?
A Yes.
Q So how would the score of the game -- what was your understanding of how the score of the game would effect a coach's ability to give a witness statement about a physical altercation?
A Yeah. I don't know the answer to that question.
I know my next statement was, you know, let's talk tomorrow morning and refine our plan and so we can move forward from there.
Q Did you give any direction, because we haven't seen it, to ensure that these witnesses not be talking to one another and coordinating responses?
A I believe at the beginning of my testimony we talked about that. My goal was to try to get their statements by Monday morning to try to mitigate that.
Q Right.
But my question was did you give any direction --
A I don't recall.
Q -- they shouldn't be talking to each other?

A I don't recall the specifics of my conversation with Mr. Daley from that night.
Q All right. Let's look at Plaintiff's Exhibit 28. And I'm going to represent to you this is in response to a subpoena issued by Mr. Gay's counsel.
This was produced by Zach Delman, Z A C H, D E L M A N, and --
A Hold on.
Q And Mr. Delman produced this message thread in response to one of the subpoenas. Mr. Mangus produced the same thread.
In this version Mr. Delman is in blue. Mr. Mangus is in gray.
Do you see that?
A I see that. Yes.
Q The date at the top of these messages is October 25, 2024.
Do you see that?
A Yes.
Q And that was the same night that Mr. Butler and Mr. Gay had their altercation, right?
A Yes.
Q Now, the time stamp there is 11:14 p.m., right?
A Yes.

Q That's some hours after the altercation.

Mr. Delman says here that you called him, right?

A That's correct.

Q And this -- you had heard that Mr. Delman was close to the situation?

A Yeah. I can't remember exactly who told me. It was either -- it was probably Mike Mangus is the one that told me Zach Delman was close to the situation.

Q Yeah.

Now, Mr. Delman wrote, "And then he was like" -- this is a quote -- "And then he was like did Vaughn do something, so he obviously knew and was trying to see if I would say."

That's what he said, right?

A Is that on the second page?

Q I'll ask my co-counsel to scroll it up.

A I see that.

Q All right. And he is referring to you?

A I believe so. Yeah. Because you see at the top it says, "Shutler called me." Yeah. Yes. He's referring to me.

Q Yeah.

So was there something somebody had said

to you that made you ask, "Did Vaughn do something" up to that point?

A I can't recall. I mean the only thing that I know we were dealing with the fog of the entire situation. When Mr. Daley called me, he knew that there was a fan that was in handcuffs. He knew it involved one of our coaches.

I can't remember specifically if he said that Coach Butler was involved at that time, but we knew by the time I called Zach Delman that Vaughn was involved and I was trying to piece together what happened. And because Mr. Mangus had said that Zach was close by, I thought it was worth a phone call to him to see what I could figure out that night.

Q Right.

So you had spoken with Mike Mangus that night too, right?

A On the phone. Yes.

Q Yeah.

Was that before or after he drove Vaughn Butler home?

A I would say that -- I mean I can't -- I'm trying to recollect.

It would have been before he drove him

home, because it was before the game was over. Mr. Daley contacted me fairly shortly after the event and then it would have been long after that that I talked to Mr. Mangus.

Q Did Mr. Mangus ever from that night or even later inform you about the conversation in the vehicle with Mr. Butler?

A He never had much to say about it.

Q Did you ask?

A I don't even know at the time if I knew that he went home with him.

Q All right. Let's take a look at Plaintiff's Exhibit 7. It's also Bates stamped Union 006, the page that I'm looking for.

This is the e-mail from Coach Butler with his statement of what happened, right?

A We're getting to it. I apologize. Okay. Yes

Q And he sent this on October 28, 2024 at 11:41 a.m., right?

A I don't know if I see the time stamp on mine.

Q I think it's in the e-mail thread, the time that he sent the e-mail.

A I see one that says 8:41 a.m.

Q And it's October 28, 2024, correct?

A Correct.

Q Okay. And the District produced this in response to Mr. Gay's discovery requests, right?
A I believe so.
Q It's a true and accurate copy of the e-mails as you received them, right?
A I believe so.
Q Now, he says there in his statement, "I removed him out of my way." Right?
MR. R. WILLIAMS: Objection.
A Yes. On the third line down.
Q And the him he's referring to is Brent Gay, right?
A That was my understanding. Yes.
Q And you understood, "Removed him out of my way" to mean that he put hands on Mr. Gay, right?
MR. R. WILLIAMS: Objection.
A I understood it as it was some type of shove.
Q Right.
But he didn't say that Brent Gay had touched him first, right?
MR. R. WILLIAMS: Objection.
A I don't believe he said that. No.
Q You didn't find his verbiage to be a little bit self serving and suspicious?

MR. R. WILLIAMS: Objection.

A I think if I was going to take Vaughn Butler's word for this wholesale, I wouldn't have spent the time talking to other folks. So I understood that when I read his statement that it was going to be more leaning towards a favorable opinion of him, yes.

Q Now, before that, according to Butler, what Mr. Gay did was state, according to Butler, "Do you guys ever watch any fucking film." Right?

A That's what it says. Yes.

Q So as Coach Butler explained it, Mr. Gay yelled a question at him using an expletive and Coach Butler removed him out of the way, right?

A According to this statement, yes.

Q So you clearly understood Coach Butler to be conceding that he started the physical aspect of the altercation, correct?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A Based on this one particular e-mail or everything? What are we specifically asking?

Q I'm asking about his statement, his own statement. You understood what he was saying.

A Yeah. In his statement I think he articulates exactly what he means to say; that he removed him out of the way.
Q Yeah.
And that he started the physical aspect of it, correct?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A If you read the line before that, it says he felt threatened. I think that was consistent in his testimony and some of the other evidence that we uncovered. So there's a whole sentence there too that gives that context.
Q But you understood Coach Butler was saying that he was the one who started the physical contact, correct?
MR. R. WILLIAMS: Object.
A Yes. It says it right there that he removed him out of the way, which implies that he touched Mr. Gay after he felt threatened by Mr. Gay.
Q Okay. So now this whole feeling threatened business, you weren't even a little bit suspicious about that?
MR. R. WILLIAMS: Objection.

A My -- in this -- in all of these instances I'm essentially the detective trying to interpret the facts, so I'm suspicious about everything. That's why we verify everything. That's why we talk to multiple witnesses.

So I was suspicious about every aspect of this until I had enough evidence to make a decision. And part of what helped us make the decision is the fact that this did go through the courts, just as the Plaintiff asked for it to go through.

Q Gainer, this third-party, never said that Brent Gay threatened Vaughn Butler, correct?

A Correct.

Q So you weren't even a little bit suspicious of Vaughn Butler when he claimed that he felt threatened?

MR. R. WILLIAMS: Objection. Asked and answered.

A Out of courtesy, are we able to see Ms. Gainer's statement? What exhibit is that?

Q I think we all can agree, all right, the word threatened isn't in the statement.

You know that, right?

A I know that.

Q Yeah.

Nor did she use it during the interview that you conducted of her with Nick Nardo, correct?

A To the best of my recollection, no, she did not use that term.

Q Right.

So what I'm just trying to ask you is weren't you just a little bit suspicious when Vaughn Butler claimed that he, "Felt threatened"?

MR. C. WILLIAMS: Objection.

MR. R. WILLIAMS: Objection. Third time. Move to strike. Asked and answered.

A First, I don't know how a third-party could make a determination whether or not somebody felt threatened. I don't even know if that's possible.

Second, there were enough things in Ms. Gainer's statement that did offer a counter to even what the Plaintiff was saying. It did use the word, you know, "Moved towards." It did state that there was some kind of statement made towards the coach. It did state that the

Plaintiff's initial reaction to the shove was to punch Mr. Butler in the face. And then it did say some kind of a mutual -- I believe it used the term mutual altercation took place.

So as somebody trying to do this professionally and objectively, even in that third-party's statement there was enough to corroborate some of these things in the other statements to show that this wasn't just a clearcut black and white issue as the Plaintiff was stating it to be.

Q Well, you just used the word move toward and, again, you've changed her actual statement of, "Took a couple steps." Right?

A Well, I mean I could read it to you verbatim, but nobody will let me look at it.

Q Okay. But you're making choices to rewrite what's actually there. Fair?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A Unfair. Very unfair. Very unfair.

Q In fact, when you interviewed her, okay, she made it clear to you that she thought that Vaughn Butler was in the wrong here, didn't she?

A I don't recall that.
Q She made it very clear to you that she thought that Brent Gay was acting in self defense, didn't she?
MR. R. WILLIAMS: Objection.
A I don't recall that at all.
Q And that's -- the reason you don't recall these things is because you were doing whatever you could to try to exonerate Vaughn Butler, isn't that right?
MR. R. WILLIAMS: Objection.
A That's quite a leap. No. I was not trying to exonerate Vaughn Butler. If the evidence showed that he needed to be terminated, he would be terminated.
Q Let's take a look at Plaintiff's Exhibit 7 and Union 007 within that document.
MR. C. WILLIAMS: Excuse me, counsel. Can we go off the record for a minute?
MR. CHANDRA: Sure.
THE VIDEOGRAPHER: We're off the record. The time is now 5:32.
(Recess taken.)
THE VIDEOGRAPHER: We're back on

the record. The time is now 5:48.

MR. CHANDRA: Discussion was had off the record with various parties and the court reporter and the videographer about everybody's logistical needs today and it looks like we're going to wind up having to stop the deposition before we're able to finish, but we're going to just get done what we can get done here and then if counsel will remain on the line with the videographer, we can go off the record but then try to see if we can work out another time if that's what is necessary.

Q All right. Let's move on.

Let's look at Plaintiff's 7, it's Union 007, this page. And this e-mail is one from Jimmy Hess with his statement about what happened, right?

A Correct.

Q Jimmy is a coach, right?

A He is a coach.

Q And he sent this on October 28, 2024 at 10:37 a.m.?

A That's what it's stamped as. Yes.

Q And this is a true and correct copy of the e-mail the District produced in response to

Mr. Gay's discovery requests, right?
A Yes.
Q Now, here Mr. Hess too says that Vaughn Butler pushed Mr. Gay, right?
MR. R. WILLIAMS: Objection.
A It says, "He attempted to push him to the side to continue to our locker room." Yes.
Q Okay. And he doesn't say that Mr. Gay touched Mr. Butler first, right?
A It says, "Mr. Gay was agitated and very confrontational." It doesn't say that he touched him first. It says that he was in his face.
Q Now, but here is a second person saying that Vaughn Butler started it, right?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A It depends on what you define as starting it.
Q Starting the physical aspects of this; the physical altercation, the laying of hands.
MR. R. WILLIAMS: Objection.
A If that's the only thing that we're referring to. But, again, it's not in a vacuum.
Q Now, let's take a look in this same exhibit at Union 10.

MR. R. WILLIAMS: Union 10?
MR. CHANDRA: Yes.
Q These are the notes Mr. Nardo took of your discussion with Ms. Gainer, right?
A That's correct.
Q And this is a true and correct copy of those notes, right?
A It appears that way.
Q You saw these in a prior deposition and do they accurately reflect what was said in the conversation?
A Yes.
Q Now, in these notes, and you tell me if there's anything inconsistent with your recollection of the actual conversation, but in that conversation Ms. Gainer told you that she was standing behind Mr. Gay at halftime, right?
A Yeah. It's in the second line.
Q And you understood from that discussion that she was saying that she had a good vantage point to see what happened, right?
A She was a witness and I believe she had a vantage point, yes. I don't know how high quality, but I know that she saw it.
Q And you had no information to suggest that

Ms. Gainer was friends with Mr. Gay already or his family, right?
A No. I did not have any.
Q And you had no information to suggest that she bore any grudge against Coach Butler, right?
A Nope.
Q You had no reason to believe that she was being dishonest about what she observed, right?
A No.
Q You had and still have no reason to disbelieve her then or now, right?
A No.
Q Now, she told you that Mr. Gay walked toward Mr. Butler and said, "What, don't you watch film all week?" Correct?
A That's what it says.
Q And that's what she told you, right? That was her account to you, right?
A Yeah.
Q She did not say Mr. Gay ran up on Mr. Butler, right?
A It said that he walked towards Mr. Butler.
Q She didn't say that Mr. Gay ran up on him, right?
A It says that he walked toward.

Q I'm asking you what she didn't say.
She didn't say that Mr. Gay ran up on Mr. Butler, correct?
MR. R. WILLIAMS: Objection.
A And I am stating verbatim what it says. "He walked towards Butler." That's what it says.
Q Could you kindly answer my question now?
Can you confirm that she didn't say that Mr. Gay ran up on Coach Butler?
A That's not reflected in the notes, so he didn't say it.
Q And she didn't say that Mr. Gay got in Coach Butler's face, correct?
A It doesn't say that.
Q She didn't tell you that. You were actually in this conversation, right?
A Yes.
Q And in that conversation she did not tell you that Mr. Gay got up in Coach Butler's face, right?
A The notes don't reflect that, so she didn't say that.
Q Now, nor did she tell you in the conversation you had with her that Mr. Gay was threatening to Coach Butler in any way, correct?

A She didn't use the word threaten. No.
Q And she told you that Coach Butler shoved Mr. Gay, right?
A Correct.
Q Now, she also told you and Athletic Director Nardo that it wasn't a light shove, correct?
A Correct.
Q Now, unlike Coach Butler, she reported no foul language by Mr. Gay, correct?
A Her exact quote was, "What, don't you watch film all week?"
Q Now answer my question.
A Her quote was, "What, don't you watch film all week?" That's what she stated.
Q She reported no use of foul language, correct?
A There is no report of foul language in her statement.
Q Now, was the variation between what Coach Butler claimed, which is that Mr. Gay used the F word, and her not saying that, did that cause you to question the truthfulness of Coach Butler's account?
MR. R. WILLIAMS: Objection.
A As I've stated, I've taken all of the statements and I went by the preponderance of

everything and that was the decision that I reached.

So yes, I questioned Mr. Butler's statement. I didn't take it as face value.

Q My specific question was, was the variation between what Vaughn Butler claimed that Brent Gay had said to him in which he claimed that Mr. Gay used the F word and that Ms. Gainer, this third-party, didn't, did that specific variation cause you to question the truthfulness of what Coach Butler had said?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection. The question was asked and answered. He answered it at the end of his last statement.

You can answer it again, Dr. Shutler, and I move to strike.

MR. CHANDRA: Please stop with the speaking objections. They derail the deposition.

Q Do you need the question read back to you?

A This was one of many statements that we made the decision on. There were other statements that did say there was a curse word involved. How much leverage that had, to me it's just the

overall actions that took place based on the evidence.

And this is one statement and it was given credence, but it's also one statement.

Q My question was -- and it's the last time I'm going to try and then the record will reflect whether you answered it or not.

My question was did the variation between her not saying that the F word was used and Coach Butler claiming that it was used cause you to question the truthfulness of his statement; yes or no?

MR. R. WILLIAMS: Objection.

MR. C. WILLIAMS: Objection.

A As I said many questions ago and again to this question, I questioned Mr. Butler's statement from the beginning because he was the one involved in the incident.

This specific one line from the one witness, I can't tell you how much it weighed or didn't weigh. My job was to find witnesses to the event and try to reconstruct the situation to find out what happened.

Q Did you say something to Ms. Gainer that caused her to respond to you in that conversation

words to the effect, "That's not what I said."
A I don't recall that.
Q You don't recall it one way or the other?
A I do not.
Q Okay. But it's not reflected in Nick Nardo's notes, correct?
A Well, I don't recall exactly what we're talking about. I mean that conversation was almost two years ago. I don't recall every beat of it.
Q So if -- go ahead. I'm sorry. Finish up.
A It doesn't stand out to me. No.
Q If Ms. Gainer were to claim that you said something to her where she thought you were trying to put words in her mouth to try to minimize Coach Butler's conduct and that she responded to you with words to the effect, "That's not what I said", would you dispute that account from her?
MR. R. WILLIAMS: Objection as to form.
A I don't recall the entire conversation. I would definitely dispute that I was trying to get anybody to say anything specific.
Q But you don't recall whether you said something that caused her to respond to you with words to

the effect, "That's not what I said." You don't recall one way or the other. Fair enough?

A I don't recall that.

Q Have you reviewed the video of Rebecca Gainer's account to police captured on body cam?

A I don't know if I've seen that.

Q You just don't recall whether you've ever seen that?

A I don't know if I've seen that. I don't believe I have.

Q Okay. And would it be fair to say that was not a part of the materials that you gathered for your investigation?

A I didn't know it existed.

Q So you don't know as you sit here today whether she testified consistently or inconsistently with what she said previously?

A Based on the body cam footage?

Q Yeah. In other words, whether her statements to you, her written statement and her statements on the body cam were generally consistent, you just don't know?

A The statements I know of, I know there's a statements in the notes, I know the affidavit,

and I know her statement to the Barnesville Police Report. Those are the three statements that I know about.

Q You left your interview with Rebecca Gainer with the distinct impression that she believed that Coach Butler was to blame for the altercation with Brent Gay, correct?

MR. R. WILLIAMS: Objection.

A I don't agree with that statement.

Q She made it very clear to you that that was her position, didn't she?

A Could you repeat the first part of that, of what you stated, that I -- I think it was something I left with the understanding?

Q That she was blaming Coach Butler for the altercation with Brent Gay.

A I don't recall how I felt after that conversation.

Q Let me ask that a different way.

She made it very clear to you in your conversations with her that Nick Nardo was present for -- she made it very clear to you that her position was that Coach Butler was responsible for the altercation, correct?

MR. R. WILLIAMS: Objection.

Asked and answered.
A I don't recall. I mean I recall these notes. I don't recall all of the other things that are being discussed.
Q Let me ask a follow-up to that then.
If she were to testify that she felt that in the conversation with you she made it very clear to you that Mr. Gay was an innocent party and that Coach Butler had acted improperly, would you dispute her position about what she communicated to you?
A She was the one that was the witness. Whatever she shares from her perspective is her choice.
I would dispute the totality of the information that I have present in front of me was how we made the decision.
I'm not -- it's not my position to tell her what she saw or what she didn't see. So whatever she testifies to, she testifies to based on her truth.
Q Now, so you did not see body cam footage in which she actually demonstrated how Mr. Gay -- how close he was to Coach Butler during the incident, right?
MR. R. WILLIAMS: Objection.

A I do not recall seeing any body cam footage of Ms. Gainer speaking to the police.
Q Now, she also told you that it was Coach Butler who cursed in response to Brent Gay's question, correct?
MR. R. WILLIAMS: Objection.
A I don't recall that.
Q Do you recall her telling you that Coach Butler shoved Mr. Gay with all his might in the chest?
A I recall her saying it wasn't a light shove.
Q All right. Let's take a look at the next page of the Exhibit 7, which is Union 11.
And this is that e-mail where you e-mailed the Board on October 29, 2024 at 1:09 p.m. And this was after speaking with Rebecca Gainer, right?
A If that's what all the time stamps reflect. 8:07 on the 29th and this is 1:09.
So yes. Correct.
Q And you let off by saying you conducted an internal investigation into what happened with Mr. Gay and Coach Butler, right?
A We investigated the incident. Yes.
Q You said that your, "Original intent was to make a ruling today regarding Mr. Butler."

Right?
A I had hoped to make a ruling. Yes.
Q And instead you put off making a decision, right?
A I delayed making a decision.
Q And you did that despite having just spoken with this third-party witness, right?
A I would definitely not use the word despite.
Q Well, the fact of the matter is that, again, you left that conversation with Gainer with a clear impression that she was blaming Butler for what had happened, right?
MR. R. WILLIAMS: Objection.
A I don't agree with the way you phrased that. You're making an assumption that you knew the way that I felt when we're talking about something 20 months ago that I already told you that I can't remember exactly how I felt after that conversation.
Q Well, you weren't satisfied with this third-party witness, Ms. Gainer's account, fair, that was all you needed to make a decision.
A That I wasn't satisfied with her account?
Q Yeah. That it was enough.

A I think -- that it was enough to do what? I'm totally confused now.
Q To make a decision about whether Coach Butler should be held responsible for putting his hands on Brent Gay and should be significantly disciplined for it.
MR. R. WILLIAMS: Objection. Compound.
A Well, he was held responsible. He was written up.
And going back to something that happened 20 months ago and asking me to remember every aspect of it, how I felt, I can't. Although I can say, you know, a counter argument could be that her testimony or her belief caused me to delay more because maybe I was one way and not the other way after I heard her testimony.
So I think there's a lot of assumptions here that are trying to squeeze into a narrative that doesn't exist.
Q So as reflected in the e-mail that we just looked at, Exhibit 7, Union Local 11, instead of doing anything at that point to Mr. Butler in terms of discipline, you allowed him to continue interacting with students, correct?

A Yes.
Q And let's go back now to Exhibit 7, Union 59. Let's jump to that exhibit.
Months later, in June 2025 -- and this, by the way, is the month after the District had already voted, the Board had already voted to rehire Coach Butler, right? This is now June 2025. It's the following month.
A Correct.
Q Are you with me?
A I'm with you.
Q The District collected a new wave of statements from its staff, right?
A Correct.
Q Now, why collect these eight months later?
A I believe there was a civil lawsuit filed.
Q So the prosecutors had already decided not to prosecute by that point too, right?
A Correct.
Q You had already considered the matter closed as far as the District was concerned, right?
A Correct.
Q Eight months had elapsed, so whatever it is the staff would write now, it would no longer be fresh, right?

A Yeah. Not as fresh as if we got them back in late October, early November of '24.
Q Right.
And had there been a thorough investigation, these alleged witnesses' accounts would have been gathered earlier. Fair enough?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A How did you phrase that question, the beginning? Had there been a thorough investigation?
Q Yes.
MR. C. WILLIAMS: Objection.
A I believe there was a thorough investigation. Once the civil lawsuit was filed, I felt like it was better to get some additional statements, but I disagree wholeheartedly that it wasn't investigated professionally and properly to begin with.
Q Statements from these witnesses should have been gathered as part of a truly complete investigation months earlier, correct?
MR. C. WILLIAMS: Objection.
A I don't think that's correct. I think you

could argue that.
Q Do you think it's okay for an investigation not to speak to all of the witnesses?
MR. C. WILLIAMS: Objection.
A I didn't say that.
Q Now, these witnesses had months to talk to each other and potentially coordinate on stories, right?
A I guess anything is possible.
Q Especially football coaches who, as you now know from documents that have been produced in this matter, had spent months mocking Mr. Gay, right?
MR. C. WILLIAMS: Objection.
MR. R. WILLIAMS: Objection.
A The only thing I know is those text messages were subpoenaed. I was not part of any of those text threads, so I cannot tell you anything about the intent.
Q Well, you didn't ask personnel to produce their communications with one another discussing the incident between Butler and Mr. Gay, right, as part of your investigation?
A I did not request their personal cell phones or devices. No.

Q I'm not asking whether you asked for their personal cell phones or devices.

I'm asking whether you asked for communications regarding the incident. You didn't, correct?

MR. C. WILLIAMS: Objection.

A What other communication would there be aside from e-mail that we have access to if we needed to pull it?

Q Well, there were communications. There were text messages, weren't there?

A On their personal cell phones, which I already stated I did not ask for them to submit their personal cell phones.

Q You're rewriting the question again, sir. I'm asking about the text messages, not actually handing over the cell phone.

I'm asking whether you asked that they produce their text messages to you, copies of those text messages. Do you follow me?

A I had no knowledge those text messages existed.

Q Right.

And that's because you didn't ask anybody, right?

A I'm a school district. I did not have the

authority or feel like it was necessary to start asking people for their personal cell phone information amongst friends and family.

Q And co-workers, right?

A I don't know who's on that text thread. I didn't examine them.

Q Okay. So let's turn to these statements from coaches anyway.

When you look through the statements, none of those individuals actually saw what happened, like the beginning of the altercation. Fair enough?

A I would say the only one that saw the beginning of the altercation that was described by me -- to me by Mr. Mangus at the time he, you know, we didn't get a statement from his son. I don't know exactly the reason why, but Luke Mangus saw the whole incident from beginning to end.

Q All right. So --

A And I would say he's a very credible witness.

Q And we don't have any written statement from him at all, so how do you know how credible he is?

A We do have a written statement from Luke

Mangus.
Q Okay. Did you interview him?
A I talked to Luke Mangus. Yes.
Q And is there any memorialization the way there is of Ms. Gainer of those notes?
A He wrote a statement for us.
Q Right.
But there's no memorialization of the conversation, right?
A I don't know what that means. I mean I can use context clues.
Q What I mean is Nardo writes up notes of the conversation with Ms. Gainer, but there are no similar notes of the conversation with Mangus, Luke Mangus, right?
A Luke Mangus wrote it, his own statement.
Q Okay. Have there been any other allegations against Coach Butler during his tenure with the District, any other complaints of which you're aware?
A There was a complaint a few years ago not specifically about him, but he was involved, just language and cursing during practice and things like that.
Q Was there discipline for that?

MR. R. WILLIAMS: Objection. Move to strike. No response to this question is relative to this incident.

A I met with Coach Thompson at the time and asked Coach Thompson to address it as their immediate supervisor. And then I had a correspondence with the parent that brought it to our attention. I think there was a couple e-mails exchanged between he and I. I shared with him a link to one of our training sessions that we use with our coaches that he appreciated. And that's what I recall from that.

Q Was there discipline over that, a write-up?

A No.

Q All right. Turning quickly to another topic, and I think we're actually making a lot of progress here. Maybe we'll finish.

Can you tell me about the steps the Board took to preserve evidence in its custody or control or procure evidence from Barnesville School District. That's the topic we're going to address next. Okay?

So what steps did the Board take to try to preserve evidence in its custody?

A In Barnesville School District's?

Q Well, your own information, the Union Local stuff; e-mails, employee text messages.
A I'm a little bit -- I sincerely apologize. I'm confused, because an I heard the word Barnesville.
Q Yeah. I apologize. I'm getting to that as a second topic.
A I don't think we did anything above and beyond I know that we have a records retention policy. I know our e-mails I think are saved forever I think ESC can pull those, so.
Q The documents, the communications among District personnel on private cell phone by private text messages were, nevertheless, documents that were documenting the business of the public entity school district?
A I don't know if I necessarily agree with that.
I would agree by chain of command that I gave to Mr. Daley and Mr. Nardo would be a public record. I don't know if conversations between two people would be a public record, but I'm not an attorney and I don't know that. That would be unique to me.
Q Each if they were documenting the -- between employees they were documenting the business of

the District?

MR. C. WILLIAMS: Objection.

A That's never anything that's come up in my career where I've had to confiscate or ask for personal messages from somebody's phone, so I would be the wrong person to ask that question. I would have to get a legal opinion on that.

Q The bottom line is that if we hadn't identified individuals to subpoena, you on behalf of the District weren't going to gather or ask for those communications, were you?

A I did not know they existed.

Q That's because you didn't ask. Fair enough?

A I don't know if that's fair enough.

Q Okay. And you still haven't canvassed others beyond those that have been subpoenaed to say are there additional communications in which District employees are communicating about the incident between Mr. Gay and Mr. Butler. You still haven't done that, right?

A I'm not an attorney. I don't know what my rights are to ask people for their personal communications.

Q All right. We've covered a lot of what I'm looking at on my outline. Give me a moment.

MR. R. WILLIAMS: Subodh, while you're looking, Union 230 which was produced in March is a statement of Luke Mangus.

MR. CHANDRA: Okay. Thank you.

Q Would you agree that it is wrong to start -- for a District employee to start a physical altercation with someone in retaliation for them criticizing that Government employee's performance? Would you agree with that?

A If that's what happened, which we don't believe that it did, again, in a vacuum public employees should never retaliate against someone for asking a simple question.

On the record, we do not believe that's what happened here.

Q Even though Butler did it promptly in response to Butler's question -- excuse me -- to Gay's question, correct?

MR. R. WILLIAMS: Objection.

A No. Not correct. I don't believe that to be factually true.

Q You don't think it's factually true that very soon after Brent Gay asked his question, Vaughn Butler shoved him. You don't think that's true?

A I think approaching somebody while they're working, startling, threatening, angry and being loud caused a response of an individual. He was not acting as a government employee in that moment. He was responding to the situation that was presented to him.

I don't know -- I don't know, you know, the Plaintiff could have said a thousand different things. I don't know if that would have changed anything if somebody comes at you when you're not expecting them to.

So no, I cannot agree that the simple question caused the response. I think the totality of what took place caused the response.

Q You've rewritten the question again.

A I've answered the question.

Q No. The question was whether you understood that Butler had shoved Mr. Gay promptly after Mr. Gay made his comment; yes or no?

MR. R. WILLIAMS: Objection.

Q I'm only asking about proximity in time. That's what I'm asking.

A I don't think the question was presented that way initially. I think the question was

presented that the question is what specifically prompted the response and I disagreed with that.

Q That was an earlier question and you didn't answer the question that's pending. I'm going to ask the question one last time.

Would you agree that in terms of proximity in time, Butler's shove of Mr. Gay was promptly after Gay asked his question; yes or no?

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

A I mean what does promptly mean? I mean because --

Q Well, if you don't know, then we'll just leave it there and the jury can determine it. All right?

A That's fine. That's fine.

Q If you don't know what it means, then we'll just move on.

MR. R. WILLIAMS: Move to strike.

Q Let's take a look at Exhibit 6, please.

In a text message you acknowledged that what you thought Vaughn Butler did was wrong, correct?

A Correct.
Q And did you voluntary produce these as part of the District's discovery?
A I believe I was subpoenaed for these messages.
Q So unless we had individually subpoenaed you for these, you would have never produced these, is that right?
A I don't even know if I remembered they existed, so no.
Q You knew you had an obligation to produce all evidence relevant to this matter, right?
A Wrong. I didn't know that text messages were subject to that. So the answer would be no, I did nothing of the sort to try to make information not be presented.
Q All right. Now, these are messages with Larry Cain, right?
A Yes. That's Larry Cain.
Q The School Board member who testified earlier today, right?
A That is correct.
Q Now, you wrote, "It's hard for me to understand Brent's logic." Right?
A Correct.
Q And by that you meant you can't understand why

Mr. Gay would sue after being physically contacted by Vaughn Butler, right?

A No. That's not what I meant.

Q What was the logic that you were referring to here?

A I didn't understand why somebody that went to a game to just watch a football game would think and be that angry to confront an employee while they were working. I just don't understand the logic behind it.

Q You went on to say, "Was Vaughn wrong for the shove, yes."

You said that, right?

A I did. And I think the fact that there's something in his personnel file reflecting that he was wrong, I stand by that.

Q Because it's wrong to initiate a physical confrontation in response to words, correct?

MR. R. WILLIAMS: Objection.

A It's wrong to initiate a confrontation for words that are protected by the First Amendment.

With this situation I think there's more than just debate. There's a lot of facts that show that the Plaintiff was angry, aggressive,

and those words and the way that they were said could be deemed as aggressive in nature and potentially threatening.

So, again, you can't look at these things in a vacuum. I was asking these questions honestly and that's what I'm trying to do.

Q Let's go to Exhibit 7, the portion of Exhibit 7 that includes Butler's statement. Actually, I'm really close to wrapping up here.

At the end of the statement Mr. Butler wrote that he, meaning Brent Gay, was seen earlier standing in the crowd making hand gestures toward the press box, right?

A Yeah.

Q Was it your understanding of what Coach Butler was trying to convey here was that he had information that Mr. Gay was making gestures during the game that justified Coach Butler's actions?

A No. I took that as -- and, again, looking at things in totality, because I can't separate what I know and put it in a silo.

I mean I know what Zach Delman had told me about the Plaintiff being agitated in the first half and him actually moving away to be

away from it and then this statement I think was just letting me know that there was some evidence to support that this gentleman was angry and agitated prior to the event taking place. It wasn't that he was just peaceful and content; that he was upset.

Q Is it wrong for a fan to make gestures of frustration during a game?

A I mean wrong, no.

Q Is it wrong for a fan to gesture at coaches?

A I mean legally wrong, no.

Q Morally wrong?

A I think that could be debated.

Q Well, a gesture is a way of expressing one's self, right?

A Yeah. That's why there's a big difference between something being legally wrong and depending on what somebody's values or principles or ethics are, that's not for me to determine.

Q Well, you understood that Coach Butler wasn't claiming that Brent Gay engaged in an obscene gesture at the game, right?

A He just said hand gestures, but I did not read that as an obscene gesture just based on the

other information I had. So no, I didn't take it that way.

Q And you understood that Vaughn Butler didn't even see this. This was something he heard later after he initiated physical contact with Mr. Gay, right?

A I mean after I read this sentence now and then combine it with what I learned at the deposition, yes, I understand that now. I don't think I understood that at the time.

Q And that's because you didn't follow-up with Mr. Butler and interview him yourself to kind of probe at the assertions he was making in his written statement, right?

A I had Mr. Nardo meet with him and I talked to some of the other coaches and I had enough information to know that the Plaintiff was standing up and yelling some things. You know, how connected was that to the actual event, I think there was some connection to show that he was agitated.

I was trying to put the puzzle together. They're individual pieces to combine as a whole.

Q All right. Have you never made gestures of

disapproval or displeasure at any sporting event?
A Nobody is perfect, least of all me.
Q So you have, right?
A I've been a fan of sports my entire life.
Q Well, your daughters play sports, right?
A My son plays sports and my daughter plays sports, yes.
Q Softball? Does your daughter place softball for Union Local?
A No. We have them go to a different school, so that way they're not entangled in some of this stuff.

She plays volleyball. She plays basketball. And my son plays basketball, football, baseball and lacrosse.
Q Did you get kicked out of a game in Barnesville?
A Yeah. That happened back in, I don't know '21, '22. I can't remember exactly when.
Q About three years ago, right?
A Something like that.
Q Yeah.

You were kicked out for disagreeing with a call an umpire made, right?

MR. C. WILLIAMS: Objection.
A That would be correct. Yeah.
There was a play at second base. They called interference and I went out and talked to the umpire about it. And then I sat in the dugout and I think I said, "That's absurd." And then he said, "You're gone." And then I stood up and walked to the area of the pavilion.
Q Well, you almost jumped over the fence to yell at that umpire, didn't you?
MR. C. WILLIAMS: Objection.
A No. It's actually on video.
Q So that's something that happens and that you acted that way, but it wasn't okay for Brent Gay to ask if coaches had watched film?
MR. R. WILLIAMS: Objection.
MR. C. WILLIAMS: Objection.
A I think we're comparing two different events. I mean I think we can always conduct ourselves better. I think everything is a learning moment.
The director came up to afterward and said she saw the whole thing and was going to let me coach in the next game. I said I would

only do that if I had a chance to speak with the umpire.

I apologized to the umpire. The umpire apologized to me. Said he made a comment to my wife that she didn't take very well. I think that comment was he only speaks to coaches, even though she was my assistant coach.

Shook hands with the gentleman and that was the end of it. So I think they were handled very differently.

Q On behalf of the District do you think that Mr. Gay deserved what happened to him?

MR. C. WILLIAMS: Objection.

A I don't think -- I mean I think if we rewind the clock, I think all of us would like this to have played out in a more productive way. I wish this did end in a similar manner to that Barnesville game where I shook hands with the umpire, but it didn't. And it takes multiple parties to want to move things forward and that's not the way that this went.

So I don't know -- I don't know what the word deserve necessarily means. I know what the judge said; that he was axiomatic to what took place, meaning that we're not dealing with

any of this if he doesn't make the decision that he makes.

Q In Exhibit 6 you told Larry Cain, the School Board member, "What do you think is going to happen?" You saw testimony about that earlier today with Mr. Cain.

Now, that means that you expect this kind of response to someone "confronting" a coach during a game and "calling him incompetent" in front of a ton of people. Isn't that right?

MR. R. WILLIAMS: Objection.

Q Well, that's what you said immediately before saying, "What do you think is going to happen." Right?

A I understand what my words said. Also that's a question describing human nature in a highly tense environment. It is in no way talking about what institutional norms are or what written or unwritten policy is. If that's inferred, it's inferred, because it's not what was intended.

Q All right. Vavra, Joseph Vavra, the Prosecutor, how long have you known him?

A I've known Joey since he was a freshman in high school, so 1998.

Q You're family friends?
A Yeah.
Q Exhibit 27, this is a group chat between your family and Vavra.
Fair to say you're pretty close to each other?
A Yeah. Joey, he's been friends with the family, initially friends with my brother. Yes. He's a friend.
Q And he was the Prosecutor assigned to Mr. Butler's case, Coach Butler's case, right?
A He was the Assistant Prosecutor, I believe. I don't know how the assignments work.
Q But he was the person that was responsible for it, as far as you knew, because that's the person you were communicating with, right?
A As far as I know, yes.
Q And you talked to him -- well, let me leave it at that.
You're aware that your relationship with Joey Vavra was never disclosed to Mr. Gay, right?
A I'm not sure exactly what you're asking.
Q I just want to know whether you have any information that suggests your personal

relationship with Joey Vavra was ever disclosed to Mr. Gay?

If you have no information on that, you have no information.

A I'm not really sure what they're asking. So I would call up the Plaintiff to tell him I know Joe Vavra? I'm not sure what you're asking.

Q You have no information that anybody disclosed that? You just don't have any information on that topic, right?

A I have no information on that topic.

MR. CHANDRA: I have no further questions. I think we're done unless you may need to reschedule for Mr. Williams' cross.

MR. R. WILLIAMS: I have no questions for this witness.

MR. CHANDRA: Okay. Everybody get going to where you need to go.

(Off the record at 6:33 p.m.)

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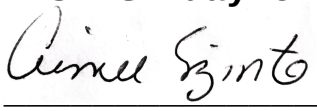
THE STATE OF OHIO,) SS:
COUNTY OF CUYAHOGA.)

I, Aimee N. Szinte, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that DR. ZACHARY SHUTLER, was first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by her was by me reduced to stenotypy in the presence of said witness, afterwards transcribed on a computer/printer, and that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified, that I am not a relative, counsel or attorney of either party, or otherwise interested in the events of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 7th day of July, 2026.



Aimee N. Szinte, Notary Public
within and for the State of Ohio
My Commission expires July 17, 2028.

THE STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said state and county, personally appeared the above-named, DR. ZACHARY SHUTLER, who acknowledged that she/he did sign the foregoing transcript and that the same is a true and correct transcript of the testimony so given.

IN TESTIMONY WHEREOF, I have hereunto affixed my name and official seal at_____ this____ day of_____, 2026.

_____

Notary Public

My Commission Expires:

THE STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

Before me, a Notary Public in and for said state and county, personally appeared the above-named, DR. ZACHARY SHUTLER, who acknowledged that she/he did sign the foregoing transcript and that the same is a true and correct transcript of the testimony so given.

IN TESTIMONY WHEREOF, I have hereunto affixed my name and official seal at Union Local School District this 23 day of July, 2026.

Tiffany Starr-Lucas
Notary Public

My Commission Expires: 3/12/29

TIFFANY STARR LUCAS
Notary Public
State of Ohio
My Comm. Expires
March 12, 2029

DEPOSITION ERRATA SHEET

Page No. 7 Line No. 3 Change to: Bachelor's degree in "integrated"

Reason for change: Not, "integrative".

Page No. 47 Line No. 12 Change to: grabbing "their" shoulder pad

Reason for change: Not, "her" shoulder pad.

Page No. 67 Line No. 13 Change to: Vaughn would have been terminated

Reason for change: The word "not" does not make sense, given the description. If I said that, I misspoke.

Page No. 78 Line No. 7 Change to: "what" discipline was

Reason for change: Not, "was" discipline was

Page No. 96 Line No. 11 Change to: "we" had the video evidence

Reason for change: Not, "he" had video evidence.

Page No. 99 Line No. 4 Change to: "SOAR" program

Reason for change: Not, "SOR" program.

Page No. 116 Line No. 20 Change to: I don't know what "informally" means.

Reason for change: Not, "formally".

SIGNATURE: DATE: 7/23/26

DR. ZACHARY SHUTLER

DEPOSITION ERRATA SHEET

Page No. 127 Line No. 3 Change to: would have "not" been long after

Reason for change: Not, would have been long after.

Page No. 139 Line No. 10 Change to: so "she" didn't

Reason for change: Not, "he" didn't .

Page No. 157 Line No. 4 Change to: "all" I heard

Reason for change: Not, "an" I heard.

Page No. Line No. Change to:

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SIGNATURE: DATE: 7/23/26

DR. ZACHARY SHUTLER

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001 117:23

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