

**[Exempt From Filing Fee
Government Code § 6103]**

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8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11
12 COUNTY OF LOS ANGELES,
13 Petitioner/Plaintiff,

14 v.

15 ALEX VILLANUEVA, Sheriff of Los Angeles
County Sheriff's Department; CAREN CARL
16 MANDOYAN, an individual; LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT; and
17 DOES 1 through 10, inclusive,

18 Respondents/Defendants.
19
20
21
22

CASE NO. 19STCP00630

**DECLARATION OF LOUIS R. MILLER
IN SUPPORT OF SUPPLEMENTAL
BRIEF RE MOTION FOR
PRELIMINARY INJUNCTION**

Filed Concurrently with Supplemental Brief;
and Declaration of Lisa. M. Garrett; and
[Proposed] Order

Date: August 16, 2019
Time: 9:30 a.m.
Dept.: 86

Assigned for All Purposes to:
The Hon. Mitchell L. Beckloff, Dept. 86

Action Filed: March 4, 2019
Trial Date: None set

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DECLARATION OF LOUIS R. MILLER

I, Louis R. Miller, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Miller Barondess, LLP, counsel of record for Petitioner/Plaintiff County of Los Angeles (“County”). I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify to all of said facts. I make this declaration in support of the County’s Supplemental Brief Re Motion For Preliminary Injunction.

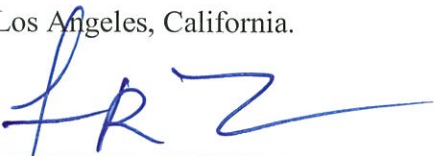
2. A true and correct copy of the transcript from the deposition of Alicia Ault is attached hereto as **Exhibit A**.

3. A true and correct copy of the transcript from the deposition of Ray Leyva is attached hereto as **Exhibit B**.

4. A true and correct copy of the transcript from the deposition of John Naimo is attached hereto as **Exhibit C**.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 17th day of July, 2019, at Los Angeles, California.



Louis R. Miller

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INDEX OF EXHIBITS TO THE DECLARATION OF LOUIS R. MILLER

Exhibit No.	Description	Pg. No.
A.	Transcript of Deposition of Alicia Ault, dated May 23, 2019	4-400
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EXHIBIT A

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,)
)
PETITIONER/PLAINTIFF,) CASE NO.
) 19STCP00630
vs.)
)
ALEX VILLANUEVA, SHERIFF OF)
LOS ANGELES COUNTY SHERIFF'S)
DEPARTMENT; CAREN CARL MANDOYAN, AN)
INDIVIDUAL; LOS ANGELES COUNTY)
SHERIFF'S DEPARTMENT; AND DOES 1)
THROUGH 10, INCLUSIVE,)
)
RESPONDENTS/DEFENDANTS.)
_____)

VIDEOTAPED DEPOSITION OF ALICIA AULT
TAKEN THURSDAY, MAY 23, 2019
LOS ANGELES, CALIFORNIA

Reported by Audra E. Cramer, CSR No. 9901
Job No. 3382217
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,)
)
PETITIONER/PLAINTIFF,) CASE NO.
) 19STCP00630
vs.)
)
ALEX VILLANUEVA, SHERIFF OF)
LOS ANGELES COUNTY SHERIFF'S)
DEPARTMENT; CAREN CARL MANDOYAN, AN)
INDIVIDUAL; LOS ANGELES COUNTY)
SHERIFF'S DEPARTMENT; AND DOES 1)
THROUGH 10, INCLUSIVE,)
)
RESPONDENTS/DEFENDANTS.)
_____)

VIDEOTAPED DEPOSITION OF ALICIA AULT, TAKEN ON BEHALF
OF THE LA COUNTY SHERIFF'S DEPARTMENT, AT 9:03 A.M.,
THURSDAY, MAY 23, 2019, AT 865 SOUTH FIGUEROA STREET,
LOS ANGELES, CALIFORNIA, BEFORE AUDRA E. CRAMER,
CSR NO. 9901, PURSUANT TO NOTICE.

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ALSO PRESENT:

DAVID WEST, VIDEOGRAPHER

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I N D E X

WITNESS
ALICIA AULT

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Exhibit 2	119	RESPONDENTS'/DEFENDANTS' SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION
Exhibit 3	218	LOS ANGELES COUNTY REGISTRAR-RECORDER CLERK CAMPAIGN RECORD

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LOS ANGELES, CALIFORNIA;
THURSDAY, MAY 23, 2019, 9:03 A.M.

THE VIDEOGRAPHER: Good morning. We
are on the record. The time is 9:03 a.m. The
date today, May 23, 2019. 09:02

Please note that the microphones are
sensitive and may pick up whispering, private
conversations and cellular interference. Please
turn off all cell phones or place them away from
the microphones as they can interfere with the
deposition audio. Audio and video recording
will continue to take place unless all parties
agree to go off the record. 09:02

This is Media Unit 1 of the
video-recorded deposition of Alicia Ault, taken
by counsel for plaintiff -- no, defendant. 09:03

MR. MILLER: No, for defendant.

THE VIDEOGRAPHER: Okay. Thank you.
-- counsel for defendant, in the matter
of County of Los Angeles versus Alex Villanueva,
et al., filed in Superior Court of the State of
California, County of Los Angeles, Case
No. 19STCP00630. The deposition is being held
at 865 South Figueroa Street, 10th Floor, 09:03

1 Los Angeles, California. We are currently on 09:03
2 the third floor.

3 My name is David West. The court
4 reporter is Audra Cramer. We are from Veritext
5 Legal Solutions. I am not authorized to 09:03
6 administer an oath. I am not related to any
7 party in this action, nor am I financially
8 interested in the outcome.

9 Counsel will now state their
10 appearances and affiliations for the record. If 09:04
11 there are any objections to proceeding, please
12 state them at the time of your appearance.

13 MR. GORDON: John Gordon for
14 respondents and defendants Alex Villanueva and
15 LA County Sheriff's Department, and with me is 09:04
16 Chief Lawrence Del Mese of the Los Angeles
17 County Sheriff's Department.

18 MR. MILLER: And I'm Skip Miller. I'm
19 representing the plaintiff and I'm representing
20 Ms. Ault. 09:04

21 MS. SANCHIRICO: Emily Sanchirico, also
22 for the county and Ms. Ault.

23 THE VIDEOGRAPHER: Thank you.
24
25

1 The court reporter may now swear the 09:04
2 witness in, and we will proceed.

3
4 ALICIA AULT,
5 having been first duly sworn, was 09:05
6 examined and testified as follows:

7
8 MR. MILLER: Before you start, I have a
9 couple of preliminary matters.

10 Pursuant to your subpoena, we're 09:05
11 producing documents that I've marked
12 Bates-stamped AULT 00001 versus 45, and I'm
13 going to hand them to you right now.

14 The second question I have is by what
15 authority is Mr. Del Mese present at this 09:05
16 deposition?

17 MR. GORDON: He's --

18 MR. MILLER: He's not a party. He's
19 not a defendant.

20 MR. GORDON: He's the -- 09:05

21 MR. MILLER: He's not the sheriff.

22 MR. GORDON: He's the client
23 representative for Los Angeles County Sheriff's
24 Department.

25 MR. MILLER: And what's his capacity? 09:05

1 MR. GORDON: What do you mean what's 09:05
2 his capacity? He's a chief at the Los Angeles
3 County Sheriff's Department.
4 MR. MILLER: Chief of? I'd like to
5 know his -- what he does there. 09:05
6 MR. GORDON: Do you have a card?
7 MR. DEL MESE: I do.
8 MR. MILLER: That'd be great.
9 Okay.
10 MR. GORDON: Can I see it? 09:06
11 Lawrence Del Mese is a chief of the
12 LA County Sheriff's Department.
13 MR. MILLER: Okay. Thank you.
14
15 EXAMINATION
16 BY MR. GORDON:
17 Q. Ms. Ault, have you ever been deposed
18 before?
19 A. Yes.
20 Q. About how many times? 09:07
21 A. About four.
22 Q. And were those in criminal cases?
23 A. No.
24 Q. Administrative cases?
25 A. Yes. 09:07

1 Q. All four were in administrative cases 09:07
2 involving LA County Sheriff's Department?

3 A. Yes.

4 Q. And what was your role as a witness in
5 the first of those four cases? 09:07

6 A. So in most of the cases, my role was to
7 be that of a subject matter expert on whatever
8 the deposition was related to.

9 Q. And were any of them depositions
10 involving LASD matter in which you were not a 09:07
11 subject matter expert?

12 A. No. My recollection is I was there as
13 a subject matter expert on all those instances.

14 Q. Now, you understand that this
15 deposition will be under oath; right? 09:08

16 A. Absolutely.

17 Q. And you understand you will be subject
18 to penalties of perjury if you intentionally
19 make a false statement under oath; right?

20 A. I do. 09:08

21 Q. And you were placed under oath in your
22 prior approximately four depositions; right?

23 A. Correct.

24 Q. Now, I'll be asking you questions, and
25 your counsel may object, but unless he instructs 09:08

Page 10

1 A. Okay. 09:09

2 Q. Please ask for clarification if you
3 don't understand a question of mine, and I will
4 do my best to rephrase it. If you answer the
5 question, it will be assumed that you understood 09:09
6 it.

7 Do you understand that?

8 A. Yes.

9 Q. Now, if you need a break, let me know,
10 but you need to answer any pending question 09:09
11 before we break unless you need to consult with
12 your attorney about whether you have a legal
13 privilege not to answer.

14 Do you understand that?

15 A. I do. 09:09

16 Q. So the general rule is if I ask you a
17 question that you're not crazy about answering,
18 other than a privilege, it's not consistent with
19 the rules to go out and discuss what your answer
20 should be. 09:09

21 Do you understand that?

22 A. I do.

23 Q. Now, there may be times where you don't
24 have exact information but you can make a
25 reasonable approximation. For example, when I 09:09

1 asked you about how many depositions you had testified 09:10
2 in, I think you said approximately four or about
3 four. So long as you don't know exactly what
4 the answer is, if you can still approximate how
5 many it is, then you should do what you did and 09:10
6 say approximately or about or around four.

7 Do you understand that?

8 A. I do.

9 Q. And if you can't make any
10 approximation, then let me know, and I can 09:10
11 figure out how, if at all, to rephrase my
12 question.

13 Now, there may be times where you
14 believe you know the answer but you aren't
15 100 percent certain. If you believe you know an 09:10
16 answer but aren't sure, then please let me know
17 what you believe to be the answer with the
18 caveat or the qualification that you're not
19 positive but you believe that to be the answer.
20 Okay? 09:10

21 A. Understood.

22 Q. Now, after this deposition is over,
23 you'll have an opportunity to review the
24 transcript that the court reporter is going to
25 prepare that documents everything I asked, 09:10

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1 everything you said, anything your counsel may 09:10
2 have said during the deposition. You'll have a
3 chance to review it and make changes to that
4 transcript, but you understand that counsel can
5 comment on any such changes at the time of any 09:11
6 later court proceeding.

7 Do you understand that?

8 A. I do.

9 Q. I'm correct in assuming, of course,
10 that you've never been convicted of a felony; 09:11
11 right?

12 A. That is true.

13 Q. Is there any reason you can't give your
14 best testimony today because you're taking
15 medication that affects your state of mind or 09:11
16 you're ill or anything else?

17 A. No.

18 Q. So as far as you know, there's no
19 reason you can't give your full and truthful
20 testimony today; right? 09:11

21 A. Correct.

22 Q. Now, did you communicate with anyone
23 for purposes of preparing for this deposition?

24 A. With my attorney.

25 Q. And is that Mr. Miller? 09:11

Page 14

1 A. Yes, it is. 09:11

2 Q. Any other attorneys besides Mr. Miller
3 that you communicated with to prepare for the
4 deposition?

5 A. No. 09:11

6 Q. About how many times -- how many
7 separate occasions did you communicate with
8 Mr. Miller to prepare for this deposition?

9 A. I believe it was three.

10 Q. And were those in person -- 09:12

11 MR. MILLER: Wait a second.

12 You also -- there were also other
13 people in my office who were at those meetings
14 too.

15 THE WITNESS: There were, but I don't 09:12
16 know who they are.

17 MR. MILLER: Yeah, that's okay.

18 BY MR. GORDON:

19 Q. Okay. So there were other attorneys,
20 but you don't know their names? 09:12

21 A. No.

22 Q. And all three of those times you
23 communicated with Mr. Miller to prepare for this
24 deposition substantively in person?

25 A. No. 09:12

Page 15

1 Q. How many were in person? 09:12

2 A. One.

3 Q. And the other two, were they by
4 telephone?

5 A. Yes. 09:12

6 Q. And did you also communicate with
7 Mr. Miller through emails about the substance of
8 any matters for the deposition?

9 A. The emails were, as I recall,
10 scheduling, the scheduling. 09:12

11 MR. MILLER: Wait, wait, wait, wait.

12 Don't tell him what our emails were about. He

13 can ask you if we emailed each other, but I

14 don't want him -- I don't want you to talk about

15 what was in the emails because that's 09:13

16 attorney-client privilege.

17 THE WITNESS: Correct.

18 MR. MILLER: So I'm going to move to

19 strike that last -- just be careful about that.

20 Move to strike that last answer. 09:13

21 BY MR. GORDON:

22 Q. Do you have a written engagement
23 agreement with Mr. Miller's firm?

24 MR. MILLER: I'm going to assert

25 attorney-client privilege and instruct you not 09:13

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1 to answer that. 09:13

2 BY MR. GORDON:

3 MR. GORDON: And are you abiding --

4 Can we stipulate that the witness will

5 abide by every instruction not to answer, and I 09:13

6 don't need to --

7 MR. MILLER: I hope so, John.

8 MR. GORDON: -- question whether she's

9 following your advice.

10 MR. MILLER: Yep, we can stipulate to 09:13

11 that.

12 BY MR. GORDON:

13 Q. For the one time you met in person,

14 about how long did you meet with Mr. Miller and

15 any other attorneys to prepare for your 09:13

16 deposition?

17 A. In the neighborhood of an hour.

18 Q. And the two phone calls that you had

19 with Mr. Miller to prepare for your deposition,

20 about how long were they in total? 09:13

21 A. Around an hour.

22 Q. Did you review any documents to prepare

23 to testify at this deposition?

24 A. I provided documents that I had, yes.

25 Q. And did you review the documents during 09:14

Page 17

1 your preparation? 09:14

2 A. I did.

3 Q. Approximately how long did you spend

4 reviewing documents to prepare for this

5 deposition? 09:14

6 A. Half an hour to 45 minutes.

7 Q. And approximately how many different

8 documents did you review to prepare for your

9 deposition?

10 A. I'll estimate around five. 09:14

11 Q. Did you review any documents that

12 refreshed your recollection about anything?

13 A. The documents that I reviewed were

14 helpful, yes.

15 Q. And which documents refreshed your 09:14

16 recollection about something?

17 MR. MILLER: The documents that we just

18 handed you at the beginning of the deposition,

19 if we can cut through it.

20 MR. GORDON: You're not testifying 09:14

21 though, Skip. So I'm allowed to ask the witness

22 for her own recollection and understanding of

23 which documents refreshed her recollection about

24 something.

25 THE WITNESS: The documents -- I 09:15

Page 18

1 wouldn't use the term "refreshed my 09:15
2 recollection." They just confirmed my
3 recollection.

4 BY MR. GORDON:

5 Q. And about how many different matters 09:15
6 did they confirm your recollection on?

7 A. You know, I would have to go through
8 them to -- I'd have to assess what each
9 recollection would have been, what each point on
10 the document would have been. So it's going to 09:15
11 be hard for me to give you an estimate.

12 Q. And when -- I'm sorry. When did you
13 have your in-person meeting with Mr. Miller to
14 prepare for your deposition?

15 A. I would recall it was in the last three 09:15
16 weeks.

17 Q. And when was -- when was first phone
18 call that you had with Mr. Miller to prepare for
19 your deposition?

20 A. I couldn't -- I couldn't recall. But 09:15
21 it was probably within -- within a month maybe.

22 Q. When was the second phone call that you
23 had with Mr. Miller to prepare for your
24 deposition?

25 A. The second phone call was a few days 09:16

Page 19

1 ago. A couple days ago. 09:16

2 Q. Have you discussed any substantive
3 matters concerning this deposition with anyone
4 other than your attorney?

5 MR. MILLER: I'm going to object. I 09:16
6 don't understand that question. It's vague and
7 ambiguous.

8 BY MR. GORDON:

9 Q. Do you understand the question?

10 A. Not particularly. 09:16

11 Q. So have you -- other than matters of
12 scheduling or logistics concerning where the
13 deposition would be, how you would get here, how
14 long it would take, have you discussed the
15 substance of any matters that you expected might 09:16
16 be raised at your deposition with anyone other
17 than your attorney?

18 MR. MILLER: Objection. Calls for
19 speculation.

20 What do you mean "substance"? 09:16

21 Vague. Ambiguous. Calls for
22 speculation.

23 BY MR. GORDON:

24 Q. Do you understand the question?

25 A. Not in particular. If there's a 09:16

Page 20

1 specific topic, I could answer that, but... 09:16

2 Q. Have you ever discussed with anyone
3 other than Mr. Miller to prepare for this
4 deposition anything about the Mandoyan
5 discharge? 09:17

6 A. I've spoken about it with my husband.

7 Q. And --

8 MR. MILLER: I'm going to assert
9 marital privilege there.

10 You should not testify to any 09:17
11 conversations you had with your spouse.

12 THE WITNESS: Okay.

13 BY MR. GORDON:

14 Q. Are you basing any testimony -- strike
15 that. 09:17

16 Did anything your husband said in
17 discussing the Mandoyan discharge matter refresh
18 your recollection about any matter concerning
19 that?

20 MR. MILLER: Objection. Marital 09:17
21 privilege.

22 Instruct you not to answer that
23 question.

24 BY MR. GORDON:

25 Q. Have you discussed the Mandoyan 09:17

Page 21

1 discharge matter in preparing for this 09:17
2 deposition with anyone other than Mr. Miller and
3 your husband?
4 A. The attorneys in the room. Your other
5 partners. 09:17
6 Q. Anyone other --
7 MR. MILLER: For the record -- for the
8 record, Mira and Emily?
9 THE WITNESS: Correct.
10 BY MR. GORDON: 09:18
11 Q. Other than Mr. Miller, the other two
12 attorneys at his firm and your husband, have you
13 discussed with anyone to preparing for this
14 deposition the Mandoyan discharge matter?
15 A. I have not. 09:18
16 Q. Other than possibly Mr. Miller, his two
17 attorneys and -- strike that.
18 Have you discussed with anyone other
19 than Mr. Miller or any attorneys at his firm the
20 issue of Mandoyan's reinstatement? 09:18
21 A. No.
22 Q. Have you discussed with anyone other
23 than Mr. Miller or attorneys at his firm any
24 issues that you believed you would be testifying
25 about today? 09:18

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1 MR. MILLER: Wait. I have a question. 09:18
2 I have a question.
3 The last question was -- you're asking
4 about depo prep now; right?
5 MR. GORDON: Yeah, that's what the 09:18
6 question was.
7 MR. MILLER: Is that what this whole
8 line of questioning is about, depo prep?
9 MR. GORDON: Correct. If you listen to
10 the questions. 09:18
11 MR. MILLER: Well, the last one wasn't
12 clear to me. That's why I'm asking for
13 clarification. I appreciate your clarifying it.
14 He's asking you about deposition
15 preparation other than with me and the other 09:19
16 attorneys in my office and your husband.
17 THE WITNESS: I did not discuss --
18 well...
19 No. The answer is no.
20 (Technical interruption in 09:19
21 the proceedings.)
22 THE VIDEOGRAPHER: Off the record,
23 9:20.
24 (Recess taken.)
25 THE VIDEOGRAPHER: On the record, 9:28. 09:19

Page 23

1 Q. What was the approximate year you 09:28
2 became a sergeant?
3 A. I want to say 1997.
4 Q. And how long did you remain a sergeant
5 for LASD? 09:29
6 A. Three years.
7 Q. And so that was about in 2000 that you
8 got promoted again?
9 A. Yes.
10 Q. To what rank? 09:29
11 A. To lieutenant.
12 Q. About how long were you a lieutenant
13 with the sheriff's department?
14 A. 12 years.
15 Q. So from about 2000 to 2012? 09:29
16 A. Correct.
17 Q. And where were you stationed as a
18 lieutenant?
19 A. City of Industry Sheriff's Station and
20 Region III headquarters. 09:29
21 Q. And about in 2012 were you promoted
22 again?
23 A. Yes.
24 Q. To what?
25 A. Internal Affairs, captain. 09:29

Page 25

1 Q. And -- 09:29

2 A. And if I can amend my lieutenant rank,
3 I was also lieutenant at Internal Affairs.

4 Q. During which years?

5 A. 2008 to '12. 09:29

6 Q. And in 2012 -- I'm sorry. You said in
7 about 2012 you were promoted to captain?

8 A. Correct.

9 Q. Over Internal Affairs?

10 A. Correct. 09:29

11 Q. Was that the only division or bureau
12 you had oversight responsibilities for once you
13 became a captain?

14 A. Yes.

15 Q. And did you have a second-in-command 09:30
16 when you were a captain of Internal Affairs
17 Bureau?

18 A. Yes.

19 Q. Who was that?

20 A. Lieutenant Donna Copeland. 09:30

21 Q. How long did you remain captain of the
22 Internal Affairs Bureau for the LASD?

23 A. About two years.

24 Q. So from about 2012 to 2014?

25 A. Correct. 09:30

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1 Q. What were your duties as captain of the 09:30
2 Internal Affairs Bureau between 2012 and 2014?

3 A. As the captain of Internal Affairs I
4 oversee a team of investigators who investigate
5 egregious incidents of violation of policy, all 09:30
6 on-duty and off-duty shootings and force that
7 reaches a certain threshold, as well as all of
8 the equity issues which are related to sexual
9 harassment and cultural, you know, type of
10 issues. 09:31

11 And then we -- I had a responsibility
12 for the entire disciplinary process to make sure
13 cases were brought in and out on time throughout
14 the organization and recordkeeping for all of
15 that. And just a variety of other small things, 09:31
16 but that was the big -- those were the big
17 chunks of what I did.

18 Q. And in 2014 were you promoted again?

19 A. I was.

20 Q. To what? 09:31

21 A. Commander.

22 Q. And approximately when in 2014 were you
23 promoted to commander?

24 A. Toward the end of the year. I want to
25 say September or October. 09:31

Page 27

1 Q. So which sheriff promoted you to 09:31

2 commander over Internal Affairs?

3 A. I wasn't the commander over Internal

4 Affairs at that -- when I got promoted.

5 Q. Which sheriff was responsible for 09:31

6 promoting you to commander in 2014?

7 A. John Scott.

8 Q. How long did you remain commander with

9 oversight responsibilities that included

10 Internal Affairs? 09:32

11 A. I was a commander for about two years,

12 two and a half years, but that wasn't

13 100 percent at Internal Affairs.

14 Q. What responsibilities and duties did

15 you have as commander between 2014 and sometime 09:32

16 in 2016 or so when you ceased being commander?

17 A. Let me correct that. I promoted to

18 commander in 2016 sometime, and I was promoted

19 again in 2018. So there was that time frame.

20 So to correct the time frame. 09:32

21 Q. Okay. So between 2014 and 2016 you

22 served as captain?

23 A. Okay. Let me go back. My recollection

24 is in 2012 I promoted to captain.

25 Q. Uh-huh. 09:33

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1 A. Correct. 09:35

2 Q. What was the last day that you actually
3 went into the office as a member of the
4 sheriff's department?

5 A. I believe it was December 2. 09:35

6 Q. And when you ceased working for the
7 sheriff's department on January 2, 2019, was
8 that the result of a retirement?

9 A. Yes.

10 Q. When did you first decide you were 09:35
11 going to retire from the sheriff's department?

12 A. The evening of November 26.

13 Q. And why was it that you decided on that
14 particular day that you were going to retire
15 from the sheriff's department? 09:36

16 A. I felt that I was asked to do something
17 that I felt was unethical and inconsistent with
18 my character and not consistent with how conduct
19 myself in my professional life, and I didn't
20 feel that there was a future for me in an 09:36
21 organization that was making decisions along
22 those lines.

23 Q. And what --

24 MR. MILLER: Wait.

25 Can I have that answer read back. 09:36

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(Record read as follows:

"Answer: I felt that I was asked to do something that I felt was unethical and inconsistent with my character and not consistent with how conduct myself in my professional life, and I didn't feel that there was a future for me in an organization that was making decisions along those lines.")

MR. MILLER: Thank you.

BY MR. GORDON:

Q. And what was it that you were asked to do that prompted you on November 26 to decide to retire from the sheriff's department? 09:36

A. I was asked to engage in the restoration of an employee who had been terminated; to bring this employee back to service. 09:37

Q. And which employee are you referring to?

A. An employee named Mandoyan.

Q. And who asked you to engage in a restoration of Mandoyan's employment? 09:37

1 it mattered greatly to the incoming sheriff. 09:38

2 And then he explained to me that this
3 particular employee, who he named as Mandoyan,
4 had a case; that they wanted to bring him back
5 in the settlement agreement. And then he also 09:38
6 explained to me that there was a second case
7 that the employee had from his work history that
8 they wanted to change the outcome of that case
9 as well.

10 Q. You said this was a phone call? 09:39

11 A. Yes, it was.

12 Q. And where were you when you received
13 the phone call?

14 A. In my office.

15 Q. And approximately when on November 26, 09:39
16 2018, did you receive this phone call from
17 Lawrence Del Mese that you said prompted dollars
18 your retirement?

19 A. It was somewhere in the neighborhood
20 between 12:00 and 2:00, 12:00 and 2:30, 09:39
21 somewhere in there.

22 Q. And was November 26 the date of the
23 sheriff election?

24 A. I don't believe so.

25 Q. So had the sheriff's election already 09:39

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1 occurred by the time you received this phone 09:39
2 call?

3 A. Yes.

4 Q. So you received the phone call after
5 the day on which the sheriff -- Villanueva had 09:39
6 won the sheriff's election?

7 A. Correct.

8 Q. Do you know about how many days after
9 the election in which Alex Villanueva won that
10 you received this phone call from Del Mese 09:40
11 asking you to participate in restoring Mandoyan
12 to duty?

13 A. So the election, if I recall, was
14 somewhere between November 2 and November 4. I
15 don't know the exact date. And so this call was 09:40
16 on the 26th, so it could just be broadly
17 construed as three weeks.

18 Q. And about -- to your knowledge or based
19 on your recollection, do you recall whether you
20 understood Alex Villanueva to have been declared 09:40
21 the winner of the election on November 2 or
22 November -- around November 2 or November 4?

23 A. I don't believe there was a declared
24 winner at that point in time.

25 Q. Do you recall whether there had been a 09:41

1 declared winner by the time you received this 09:41
2 phone call from Lawrence Del Mese on November 26
3 that you've said prompted you to retire?

4 A. I believe there was.

5 Q. And about how long before you received 09:41
6 the phone call from Lawrence Del Mese in your
7 office did you understand there had been a
8 declared winner, namely, Alex Villanueva?

9 A. My understanding was that on that
10 particular day, that was the day that Sheriff 09:41
11 McDonnell and Sheriff Villanueva agreed to begin

12 the transition from McDonnell's regime to the
13 Villanueva regime. And so I would put it on
14 that specific date that there was an
15 understanding that Sheriff Villanueva was the 09:42
16 incoming sheriff.

17 MR. MILLER: When you say "that
18 specific date," you mean the 26th of November?

19 THE WITNESS: Yes.

20 MR. MILLER: Okay. 09:42

21 BY MR. GORDON:

22 Q. To your knowledge, did anyone hear any
23 portion of the conversation between you and
24 Lawrence Del Mese in which he asked you to
25 engage in the restoration of Mandoyan to duty as 09:42

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1 a deputy sheriff? 09:42

2 A. No.

3 Q. And about how many more days did you

4 physically come to work at the sheriff's

5 department after this November 26 phone call? 09:43

6 A. I came to work, including that day,

7 five.

8 Q. So your last day physically appearing

9 at work was four days after November 26?

10 A. Yes. 09:43

11 Q. When you asked Larry Del Mese

12 whether -- strike that.

13 Did you say that you asked Larry

14 Del Mese whether he was looking at a current or

15 past organization chart when he saw your 09:44

16 picture?

17 A. I asked him if the org chart was the

18 one that was currently in place or one that was

19 future, meaning under the Villanueva org chart.

20 Q. And did he respond? 09:44

21 A. No.

22 Q. So there was just silence?

23 A. He didn't -- he didn't say yes or no.

24 He just -- he said, "Well, I'm just looking at

25 this org chart," and he wouldn't reveal whether 09:45

1 it was the future one or the current one. 09:45

2 Q. And why did you ask him whether he was
3 looking at a current or future org chart when he
4 said that he was looking at an org chart and saw
5 your picture? 09:45

6 A. Because I was interested in knowing
7 whether I was going to be one of the individuals
8 that had a future in the Villanueva regime;
9 whether I was going to have a job basically.

10 Q. And when you say whether you were going 09:45
11 to have a job, were you afraid you were going to
12 be terminated from the department if Villanueva
13 did not have you on his organization chart?

14 A. Absolutely.

15 Q. So you thought he was going to fire 09:45
16 you?

17 A. Absolutely.

18 Q. What made you think that Villanueva was
19 going to fire you from the department if you
20 weren't on his -- what you suspected might be a 09:45
21 future org chart?

22 A. During the Villanueva campaign there
23 had been a lot of very clear conversation that
24 he was very displeased with the executive ranks;
25 that he was going to clean house and get rid of 09:46

1 pretty much everyone. The numbers had even been 09:46
2 counted, according to the rumors. And it was a
3 very angst-ridden time for all of us, being
4 at-will employees and not knowing if we had a
5 job in the future. 09:46

6 Q. So you believed that you were at risk
7 of being not only demoted from your position but
8 actually fired from the department by Villanueva
9 once he became the sheriff?

10 A. Absolutely. 09:46

11 Q. And you -- I believe you mentioned that
12 Larry Del Mese said something about wanting a
13 second case of Mandoyan's handled?

14 A. He wanted a second case where the
15 finding was founded. He wanted it changed to a 09:47
16 finding of, if I recall correctly, it was
17 unfounded.

18 Q. Did he describe what that second case
19 was about?

20 A. He did. 09:47

21 Q. What did he say about the second case
22 that he wanted the finding changed from founded
23 to unfounded?

24 A. The vague description was it had
25 something to do with use of force or tactics. 09:47

1 Q. And about how old do you understand 09:47
2 that second case was?

3 A. I couldn't estimate the time, but I
4 would say it was well in the past.

5 Q. Did you ever speak to Larry Del Mese 09:48
6 again after this November 26 phone call?

7 A. My recollection is he called me again
8 the next day to ask the status.

9 Q. Where were you when he called on
10 November 27, according to your testimony? 09:48

11 A. In my office.

12 Q. Before asking you about that second
13 phone call, did you -- were you provided any
14 documents from Larry Del Mese in connection with
15 his phone call to you on November 26? 09:49

16 A. I was.

17 Q. Which documents were you provided?

18 A. You'd have to show me the packet so I
19 could describe it to you.

20 MR. GORDON: I'm handing to the court 09:49
21 reporter to mark as Exhibit 1 a stack of
22 documents numbered AULT00001 to AULT00045.

23 MR. MILLER: These are the documents
24 that I gave you at the beginning of the
25 deposition in response to your subpoena. 09:49

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1 MR. GORDON: Are you asking me that as 09:49
2 a question?

3 MR. MILLER: No. I'm just clarifying
4 the record just to make sure that we understand
5 what we're talking about. 09:50

6 MR. GORDON: I will ask her to explain
7 what they are.

8 MR. MILLER: Okay, John. Go for it.

9 (Whereupon, Exhibit 1 was
10 marked for identification.) 09:50

11 MR. MILLER: May I please inquire: Are
12 we marking this as Exhibit 1?

13 MR. GORDON: Yes.

14 MR. MILLER: Okay. We're talking about
15 AULT1 through 45, the documents I produced in 09:50
16 the beginning of the deposition.

17 That's Exhibit 1?

18 MR. GORDON: Yes.

19 MR. MILLER: Okay. Thank you.

20 BY MR. GORDON: 09:51

21 Q. Would you please look at what's been
22 marked as Exhibit 1 and tell me whether this is
23 the set of documents that you have produced in
24 response to the deposition subpoena's demand for
25 documents that was served on you. 09:51

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1 A. Yes. 09:51

2 Q. And this is a set of documents that is

3 marked AULT00001 to AULT00045; correct?

4 A. Yes.

5 Q. And which of these documents are you 09:51

6 saying Larry Del Mese provided to you before

7 your call on November 26 -- strike that.

8 Did Larry Del Mese provide any of the

9 documents in Exhibit 1 to you prior to you what

10 you've said was the November 26 phone call? 09:52

11 A. He did not provide anything prior to

12 that phone call.

13 Q. After the November 26 -- what you've

14 said is the November 26 phone call with Larry

15 Del Mese, did he provide any of the documents in 09:52

16 AULT1 to AULT45 to you?

17 A. Yes, he did.

18 Q. Could you go through them and identify

19 for me which of those 45 pages of documents

20 Larry Del Mese provided to you. 09:52

21 A. He provided me pages 1, pages 2,

22 pages 3 and pages 4.

23 Q. Is that it?

24 A. Yes.

25 Q. When did Larry Del Mese provide you the 09:52

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1 document that's entitled "Settlement Agreement" 09:52
2 and is marked AULT001 through AULT0004?
3 A. I believe he provided that on the same
4 day or the next day. I don't recall exactly.
5 Q. And how did he provide the settlement 09:52
6 agreement marked AULT1 to AULT4 to you?
7 A. Via email.
8 Q. Was there any attached email or any
9 associated email that this was attached to from
10 Larry Del Mese? 09:53
11 A. It was attached to an email that I
12 received.
13 Q. And is the email to you from Larry
14 Del Mese to which the settlement agreement in
15 AULT1 to AULT4 attached included in the 45 pages 09:53
16 of documents you provided to us?
17 A. I believe that the email -- or this
18 document that we're talking about, 1 through 4,
19 was attached to an email on page 43.
20 Q. So it was attached to the email that is 09:53
21 on the bottom half of AULT00043, and that bottom
22 half of the document is an email from Lawrence
23 Del Mese to Alicia Ault on November 26, 2018?
24 A. My recollection is that it was, but I
25 wouldn't be clear unless I had possession of 09:54

1 that email on the bottom half. 09:54

2 Q. And did you take with you when you left
3 the sheriff's department this document entitled
4 "Settlement Agreement" at AULT1 through AULT4?

5 A. Yes, I did. 09:54

6 Q. And did you maintain it from the time
7 you left the sheriff's department till the time
8 you produced it in response to the deposition
9 subpoena you were served?

10 A. I did. 09:54

11 Q. Is that document, the settlement
12 agreement, AULT1 through AULT4, the only
13 document that you have produced that Larry
14 Del Mese provided to you in connection with your
15 November 26 phone call? 09:55

16 A. Correct.

17 Q. Is that document the only document you
18 have had custody, possession or control over
19 concerning Larry Del Mese's request since the
20 time you were served with the subpoena? 09:55

21 A. No.

22 Q. So you've had custody, possession or
23 control over other documents provided to you by
24 Larry Del Mese in connection with his request
25 made to you on November 26 that you have not 09:55

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1 provided as part of your production in response 09:55
2 to the deposition subpoena; is that what you're
3 saying?

4 A. No --

5 MR. MILLER: I don't think so. 09:55

6 THE WITNESS: -- that's not what I'm
7 saying.

8 MR. MILLER: No.

9 BY MR. GORDON:

10 Q. And so what I'm asking you is, other 09:55
11 than this one settlement agreement document,
12 have you had custody, possession or control of
13 any other documents that Del Mese provided you
14 in connection with his November 26 request?

15 A. No. 09:56

16 Q. Did you have any other discussion in
17 your November 26 phone call with Larry Del Mese
18 besides what you have described in your
19 testimony so far today?

20 A. I'm not clear on the question. 09:56

21 Q. So you've told me a number of things
22 that were said by Larry Del Mese, and you've
23 told me a number of things that were said by you
24 during the November 26 phone call; right?

25 A. Yes. 09:56

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1 Q. I'm asking you: Have you now told me 09:56
2 everything you can remember that was said by
3 either you or Lawrence Del Mese during the
4 November 26 phone call?

5 A. No. 09:57

6 Q. What else was said during the
7 November 26 phone call that you haven't already
8 testified about in your deposition today?

9 A. So during that phone call Larry asked
10 me what the procedures were for returning 09:57
11 someone to work; who would be the authority
12 individual that would sign off on the documents;
13 we talked about how this was an unprecedented
14 request and that this hasn't been done before at
15 this stage. 09:57

16 I asked a lot of questions about the
17 second case as to why that was being -- having
18 its historical record changed. I asked him
19 about what the timeline was. And then I
20 explained to him who -- as we call it in the 09:58
21 department, who the decision-maker would be and
22 who he needed to direct this to for them to sign
23 off on it; if anybody was going to be willing to
24 do that.

25 And then I also explained to him that 09:58

1 something of this nature would not only require 09:58
2 a division chief to sign off on it, but it would
3 need an assistant sheriff's approval and
4 ultimately the undersheriff's approval for this
5 to happen. 09:58

6 Also during that conversation he made
7 it clear that they wanted this done by Friday.
8 I asked him why it couldn't wait until Monday
9 when the new sheriff was sworn in and there
10 wouldn't be any speed bumps to that, and he said 09:58
11 that he was of the opinion that this was a
12 priority issue, and it needed to be done by
13 Friday and that they wanted it done under the
14 Jim McDonnell regime and not -- not to wait
15 until Monday. 09:58

16 Q. So the Monday was December 3, the day
17 that Sheriff Villanueva would take office?

18 A. I saw you looking at the calendar. If
19 that's the date that was subsequent to that,
20 then I would agree with that. Whatever that 09:59
21 date was, it was the date of the swearing-in for
22 Sheriff Villanueva.

23 Q. And did Larry Del Mese say anything
24 about the details of the second case that
25 warranted a revision of the findings in that 10:00

1 case? 10:00

2 A. No.

3 Q. Did Larry Del Mese say anything about
4 the timeline that you asked about during this
5 phone call? 10:00

6 A. Other than that this was the sheriff's
7 No. 1 priority and that the sheriff wanted it
8 done -- and when I say "the sheriff," I say
9 Villanueva -- and that the sheriff wanted this
10 done and wanted it done by Friday before people 10:00
11 in the Sheriff McDonnell administration left
12 their positions.

13 MR. MILLER: Can I have that answer
14 read back, please.

15 (Record read as follows:

16 "Answer: Other than that
17 this was the sheriff's No. 1
18 priority and that the sheriff
19 wanted it done -- and when I say
20 'the sheriff,' I say
21 Villanueva -- and that the
22 sheriff wanted this done and
23 wanted it done by Friday before
24 people in the Sheriff McDonnell
25 administration left their

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1 positions.")

2 BY MR. GORDON:

3 Q. Did Larry Del Mese say anything about
4 the decision-maker that you asked about
5 concerning the Mandoyan possible reinstatement? 10:01

6 A. I explained to him who the
7 decision-maker should be and the process they
8 would need to follow and that it would require
9 undersheriff approval. And then he asked me to
10 make a direct appeal to the then undersheriff, 10:01
11 Jacques La Berge, and to see what his response
12 would be.

13 Q. And what did you say in response to his
14 request?

15 A. I said, "I'll make that call, and I'll 10:01
16 let you know what the outcome is." But I was
17 doubtful that he would do it.

18 Q. Did you explain to Larry Del Mese that
19 you were doubtful that the undersheriff under
20 McDonnell would agree to it? 10:01

21 A. Absolutely.

22 Q. And did Larry Del Mese say anything in
23 response to that comment by you?

24 A. He said, "Make the call and see what he
25 says." 10:01

1 Q. Did you make the call? 10:02
2 A. I did.
3 Q. And what did Undersheriff La Berge say?
4 A. He said he absolutely would not sign
5 off on it and that if Sheriff Villanueva wanted 10:02
6 it done, then he can do it himself on Monday.
7 MR. MILLER: How do you spell
8 "La Berge"?
9 THE WITNESS: L-a, B-e-r-g-e.
10 MR. MILLER: Thank you. 10:02
11 BY MR. GORDON:
12 Q. Did Larry Del Mese say anything else
13 during that November 26 phone call that you
14 remember that you haven't already told me about?
15 A. Not to my recollection. 10:02
16 Q. Did you say anything else during that
17 November 26 phone call that you haven't already
18 told me about?
19 A. No, I did not.
20 Q. So, to the best of your recollection, 10:02
21 you've now testified about everything that was
22 said by either you or Lawrence Del Mese in the
23 November 26 phone call; is that right?
24 A. To the best of my recollection, yes.
25 Q. After you received the November 26 10:03

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1 phone call, other than making the call to 10:03
2 Undersheriff La Berge, did you speak with anyone
3 else about the request that had been made to
4 you?
5 A. I spoke to a member of county counsel. 10:03
6 Q. Who was that?
7 A. Pirjo Ranasinghe.
8 Q. Could you spell that, please.
9 A. First name is Pirjo, P-i-r-j-o, and
10 I'll do my best with the last name. It's going 10:03
11 to be R-a-n-a-s-i-n-g-h-e.
12 Q. When did you speak with the county
13 counsel member?
14 A. Right after I hung up from Larry
15 Del Mese. 10:04
16 Q. And what did you communicate to the
17 county counsel member?
18 A. I conveyed the request.
19 MR. MILLER: I don't want to go into
20 attorney-client privilege here. 10:04
21 THE WITNESS: Correct.
22 MR. MILLER: So you can -- don't go
23 into the substance of it.
24 THE WITNESS: Right.
25 MR. MILLER: You can say who you spoke 10:04

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1 to and "I conveyed the request" -- 10:04

2 THE WITNESS: Yes.

3 MR. MILLER: But don't -- no

4 substantive discussion --

5 THE WITNESS: No. 10:04

6 MR. MILLER: -- of attorney-client

7 communication.

8 THE WITNESS: Right. Just that I

9 conveyed the request.

10 MR. MILLER: Okay. 10:04

11 BY MR. GORDON:

12 Q. And did you say anything else during

13 that phone call with the county counsel

14 attorney?

15 MR. MILLER: Just don't testify to 10:04

16 attorney-client substantive, you know,

17 confidential communications, but otherwise, you

18 can answer the question.

19 THE WITNESS: We did have other

20 conversation that falls under the 10:04

21 attorney-client privilege.

22 BY MR. GORDON:

23 Q. Did the county counsel attorney say

24 anything to you in response to your conveyance

25 of the request? 10:05

1 MR. MILLER: Same objection, same 10:05

2 instruction. No attorney-client communications.

3 THE WITNESS: All of it was -- all of
4 our conversation, just aside from the broad
5 terms of this request was conveyed, fell under 10:05
6 the attorney-client privilege.

7 BY MR. GORDON:

8 Q. Did you communicate with anyone else
9 besides this county counsel attorney concerning
10 the request that had been made to you during the 10:05
11 November 26 phone call from Larry Del Mese?

12 A. I did not.

13 Q. Why did you decide to call the county
14 counsel attorney after receiving the request
15 from Larry Del Mese on November 26? 10:05

16 A. I contacted county counsel because the
17 request, in my experience, was unprecedented and
18 unheard of. During the conversation Larry
19 asserted that this was possible to be done, and
20 I didn't believe it was, and so I consulted 10:06
21 county counsel, who is the adviser for us, to
22 explain the request and get their legal opinion
23 on it.

24 Q. When you say that Ms. Ranasinghe was
25 the adviser to you, that is, Los Angeles 10:06

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1 Sheriff's Department, she was not the only 10:06
2 county counsel attorney assigned to the Advocacy
3 Unit at LASD; right?

4 A. That's correct.

5 Q. About how many county counsel attorneys 10:06
6 were signed to the Advocacy Unit in November of
7 2018?

8 A. I would say in the neighborhood of six.

9 Q. Who were they?

10 A. So in the office there would have been 10:06
11 Pirjo Ranasinghe, Chris Keosian, Mahdi
12 Mohamed -- I can picture her face but her name
13 is not coming -- Cassandra Lo, Wendy Shaw. And
14 there's one other gentleman who was recently
15 assigned there, but I cannot recall his name 10:07
16 right now. For the purposes of this, we can
17 just call him the new guy, because I cannot
18 remember his name right now.

19 Q. Was Elizabeth Miller county counsel
20 attorney at that time assigned to Advocacy? 10:07

21 A. She was not assigned to Advocacy, but
22 she was a county counsel attorney assigned to
23 the sheriff's department.

24 Q. Which division or unit of sheriff's
25 department was Elizabeth Miller assigned to at 10:07

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1 the time of the November 26 phone call? 10:07

2 A. The way I would describe her role is
3 that she was assigned as the lead counsel to the
4 department, but she was not specifically
5 assigned to Advocacy. 10:08

6 Q. Were there any other county counsel
7 attorneys assigned to LASD to provide advice to
8 LASD besides Elizabeth Miller and the -- one,
9 two, three, four, five -- six other county
10 counsel attorneys you identified by name, with 10:08
11 the exception of the new assignee, who was a
12 gentleman?

13 A. There are other attorneys that are
14 assigned to the department. I don't know who
15 they are. They're assigned to custody in other 10:08
16 areas, and then there's just a multitude of
17 contract counsel. So I don't -- I couldn't
18 begin to name them.

19 Q. When you engaged in the phone call with
20 county counsel's attorney Pirjo Ranasinghe on 10:08
21 November 26 after speaking with Larry Del Mese,
22 did you intend for that call to remain secret
23 from anyone else at the sheriff's department?

24 MR. MILLER: Wait. Objection. I don't
25 understand that question. 10:09

1 BY MR. GORDON: 10:09

2 Q. Do you understand what I'm asking?

3 MR. MILLER: Vague. Ambiguous. I'd

4 ask you to rephrase it.

5 BY MR. GORDON: 10:09

6 Q. Do you understand the question?

7 A. It's a little vague for me.

8 Q. Well, you placed this phone call right

9 after you spoke with Larry Del Mese, and you

10 called the county counsel attorney, 10:09

11 Ms. Ranasinghe; right?

12 A. Correct.

13 Q. When you did that, did you get anyone

14 else who was a peace officer from LASD on the

15 line with you when you made the call? 10:09

16 A. No.

17 Q. Did you report to anyone at LASD after

18 you had the phone call with Ms. Ranasinghe about

19 the communication you had with her?

20 A. I did. 10:09

21 Q. Who else at LASD did you report your

22 conversation with Ms. Ranasinghe to after you

23 had it with her on November 26?

24 A. When I called my boss, the

25 undersheriff, Mr. La Berge, I told him that I'd 10:10

1 contacted county counsel prior to calling him. 10:10

2 Q. And what did you tell him about that

3 call?

4 A. I told --

5 MR. MILLER: Wait, wait, wait, wait. I 10:10

6 don't want you to relay to the Undersheriff

7 La Berge what you --

8 THE WITNESS: Correct.

9 MR. MILLER: -- discussed with county

10 counsel, because that would be privileged. 10:10

11 THE WITNESS: Correct.

12 MR. MILLER: So...

13 THE WITNESS: I just notified him I had

14 that conversation that was about this matter,

15 and he understood that. 10:10

16 BY MR. GORDON:

17 Q. Did you describe the substance -- any

18 substance of your call with Ms. Ranasinghe when

19 you called Undersheriff La Berge?

20 A. I told Mr. La Berge that I had 10:10

21 contacted county counsel to explain the

22 situation to them, and then I explained to him

23 what the ask was from Larry Del Mese.

24 Q. And did you explain to him what, if

25 anything, county counsel's attorney, 10:11

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1 Ms. Ranasinghe, told you about the matter during 10:11
2 your phone call with her?

3 A. No.

4 MR. MILLER: Okay. Objection.

5 That's -- the answer was no, so I guess I don't 10:11
6 have to object.

7 THE WITNESS: You don't have to.

8 No.

9 BY MR. GORDON:

10 Q. Did Undersheriff La Berge ask you what 10:11
11 the county counsel attorney had said during your
12 phone call with her earlier that day on
13 November 26?

14 A. No, not particularly that I recall.

15 Q. Did the undersheriff ask you anything 10:11
16 about your opinion or view as to whether the
17 request from Larry Del Mese could properly be
18 complied with?

19 A. No, that was not one of his questions.

20 Q. Did you communicate to Undersheriff 10:11
21 La Berge any view you had about the
22 appropriateness of complying with Larry
23 Del Mese's request made earlier that date on
24 November 26?

25 A. No, I did not. 10:12

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1 Q. Did you convey to him in any way, in 10:12
2 your mind, your disapproval of the request that
3 Larry Del Mese had made to you?

4 MR. MILLER: Did you convey to
5 Undersheriff La Berge, you mean? 10:12

6 MR. GORDON: Correct.

7 MR. MILLER: Okay.

8 THE WITNESS: Not in particular.

9 BY MR. GORDON:

10 Q. Well, in general? 10:12

11 A. I conveyed the request.

12 Q. Right. But did you do anything that,
13 in your mind, was conveying your disfavor of the
14 request that Larry Del Mese had made to you?

15 A. Not in particular. 10:12

16 Q. I know that you said, "Not in
17 particular."

18 I'm asking you in any way in general,
19 by your tone or any other comment that you made,
20 were you, in your mind, conveying to him that 10:12
21 you disfavored the request?

22 MR. MILLER: Objection. Asked and
23 answered now about four times.

24 You can answer it again if you want to.
25

1 BY MR. GORDON: 10:13

2 Q. I'm not asking you in particular. I'm
3 asking you anything that you did that you
4 thought was conveying your disapproval.

5 A. I didn't -- I don't believe I conveyed 10:13
6 any approval or disapproval in the conversation.

7 Q. Was there anything in your tone of
8 voice that you thought was conveying to him that
9 you thought it was an unwarranted request?

10 A. I think the request in and of itself to 10:13
11 people in my position and above me was
12 understood that the request was in and of itself
13 inappropriate. So there was no need to convey
14 or express any of that; it was understood.

15 Q. Why did you think that it was 10:13
16 inappropriate? What was it about it?

17 A. So there are established procedures
18 that are in place for these matters, and for
19 this matter to be at the level that it was
20 already, there had to be high-level approvals 10:14
21 for it to proceed. And so it is understood that
22 by that point this case was to remain in the
23 system in the place that it was.

24 And there has never been this type of
25 request made in the past, and so it was 10:14

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1 completely understood that this was a very 10:14
2 unprecedented request.

3 Q. And when you say it had never been made
4 in the past, were you privy to all requests made
5 to the upper management of the sheriff's 10:14
6 department concerning reinstatement of a
7 formerly discharged deputy if any had been made?

8 A. No.

9 Q. So when you say it was unprecedented,
10 you had never heard of one is what you're 10:14
11 saying; right?

12 A. Correct.

13 Q. Had you done any research to determine
14 whether anyone had ever sought to reinstate a
15 discharged deputy without a court order, for 10:15
16 example, doing it?

17 A. I've done no research on that.

18 Q. Have you done any research to determine
19 whether the sheriff's department had ever
20 reinstated a deputy on its own without obtaining 10:15
21 written approval from anyone outside the
22 department?

23 A. No, I have not.

24 MR. GORDON: All right. Why don't we
25 take a break. 10:15

1 MR. MILLER: How long? 10:15

2 MR. GORDON: Ten minutes.

3 MR. MILLER: Okay.

4 THE VIDEOGRAPHER: Off the record,
5 10:16. 10:15

6 (Recess taken.)

7 THE VIDEOGRAPHER: Okay. The time is
8 10:27, and we are back on the record.

9 BY MR. GORDON:

10 Q. At the time you received the phone call 10:26
11 from Larry Del Mese, which you've said was on
12 November 26, had you learned whether James
13 McDonnell had conceded the election to Alex
14 Villanueva?

15 A. I don't recall that. 10:27

16 Q. Do you recall James McDonnell conceding
17 the election at some point to Alex Villanueva?

18 A. Yes.

19 Q. Did you determine in your own mind
20 before you learned that James McDonnell had 10:27
21 conceded the election that in fact Alex
22 Villanueva was going to be the sheriff?

23 A. There was some point where I opined
24 that Villanueva would be the victor prior to the
25 announcement or the concession. 10:27

1 Q. And do you know about how long it was 10:27
2 before you learned James McDonnell had conceded
3 the election that you determined in your own
4 mind that Alex Villanueva was going to be the
5 sheriff? 10:27

6 A. I don't have a timeline. I just recall
7 what I would describe as seeing the handwriting
8 on the wall.

9 Q. And what was it that was the
10 handwriting on the wall that caused you to 10:28
11 believe that McDonnell was losing -- was, in
12 fact, going to be the defeated candidate in the
13 election?

14 A. I think it was based on the publishing
15 of the registrar recorder's numbers of voters. 10:28

16 Q. Were you keeping track of that as it
17 happened?

18 A. I paid attention to it, but I wasn't,
19 you know, hanging on every word, if you will.

20 Q. When you said Larry Del Mese in the 10:28
21 phone call to you on November 26 talked about
22 looking at an organization chart and seeing your
23 picture and you considered that a threat -- did
24 I understand that right?

25 A. You did. 10:28

1 Q. What did you understand from him that 10:28
2 made you believe that he was threatening you?

3 A. So I felt that I had a strong enough
4 relationship with Larry Del Mese that he would
5 have been willing, had I been in good standing 10:29
6 with the new organization, to tell me that I
7 didn't have anything to worry about. And so
8 when he was not willing to even so much as
9 intimate what my future was in the organization,
10 I felt that this request was in terms of either 10:29
11 a test or a threat to determine whether or not I
12 would fit in with that group and whether I was
13 willing to do what was being asked of me in
14 spite of any commentary or objection --

15 Q. Did -- 10:29

16 A. -- that I had.

17 MR. MILLER: Let her finish.

18 MR. GORDON: Skip, calm down. I -- she
19 paused and I thought she was finished.

20 Q. Were you still speaking? 10:29

21 A. I was, but I'm done.

22 Q. All right. Are you done now?

23 A. I'm done now.

24 MR. MILLER: I'm calm. I just want you
25 to let her finish. That's all. 10:30

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1 MR. GORDON: Of course I intended to 10:30
2 let her finish. She paused and I thought she
3 was finished.

4 MR. MILLER: No problem.

5 BY MR. GORDON: 10:30

6 Q. Was there anything in the tone of Larry
7 Del Mese that caused you to believe that it was
8 either a threat or a test?

9 A. I think the content of the conversation
10 in and of itself was that. 10:30

11 Q. Did he say anything specifically that
12 constituted, in your mind, a threat?

13 A. There was no overt threat.

14 Q. Was there anything in his tone that
15 made it sound like he was threatening you if you 10:30
16 didn't do what he requested?

17 MR. MILLER: Objection. Vague.

18 You mean did he yell at her or...

19 BY MR. GORDON:

20 Q. I'm asking you if there was anything in 10:30
21 his tone that made you subjectively believe that
22 he was threatening you if you didn't comply with
23 his request.

24 A. The threat did not come in a tone. It
25 came in the content of the conversation. 10:30

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1 Q. Did he say anything about what would 10:31
2 happen if you didn't comply with his request?

3 A. He emphasized the importance to the
4 sheriff, and he emphasized the need for me to
5 get this done. 10:31

6 And in the conversation I had made it
7 clear to Larry that -- who the decision-maker
8 was, and that it was not me; it was other people
9 within the organization. And so when I got the
10 document that had my name written on it, I felt 10:31
11 that that was a forwarding of that -- we'll call
12 it a test or threat for me to comply and do what
13 was asked of me.

14 Q. Did you ask him anything about --
15 strike that. 10:31

16 Did you say to him anything about your
17 feeling that it was either a threat or a test?

18 A. I expressed to him my great discomfort
19 with this request and how it was unprecedented
20 and I felt that it was inappropriate, but I 10:31
21 never directly commented to him on the fact that
22 I felt that this was either a threat or a test.

23 Q. Did you tell anyone that you thought it
24 was a threat or a test?

25 A. That goes back to that privileged 10:32

1 conversation. 10:32

2 MR. MILLER: Well, wait, wait, wait.

3 You mean the privileged conversation

4 with your husband?

5 THE WITNESS: Yes. 10:32

6 MR. MILLER: Yeah, I don't think that

7 you should talk about that. That's marital

8 privilege.

9 THE WITNESS: Uh-huh.

10 BY MR. GORDON: 10:32

11 Q. Am I correct in understanding that you

12 said the day you received the phone call --

13 strike that.

14 Have you now told me everything you can

15 remember that was said during the phone call 10:33

16 that you said occurred between you and Larry

17 Del Mese on November 26?

18 A. To the best of my recollection, I've

19 expressed over the course of your questions the

20 content of that conversation. 10:33

21 Q. You said that there was another call

22 the next day by Larry Del Mese to ask the status

23 of his request; right?

24 A. Yes.

25 Q. Was anyone else present when you 10:33

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1 received that phone call? 10:33

2 A. No.

3 Q. To your knowledge, were the only two
4 people listening to the conversation you and
5 Larry Del Mese during that follow-up phone call 10:34
6 on November 27?

7 A. Yes.

8 Q. Other than Larry Del Mese asking you
9 what the status was on his request, was anything
10 else said during the conversation? 10:34

11 A. Other than the need that it needed to
12 get done and it needed to be done by Friday.
13 Because I think I again -- my recollection is
14 that I again asked him why it had to be so
15 urgent and why it couldn't just be done -- it'd 10:34
16 be easier that Sheriff Villanueva take this on
17 when he gets sworn into office.

18 Q. And did Larry Del Mese respond in any
19 way to your question?

20 A. His response was consistent that it was 10:34
21 important, it was the sheriff's No. 1 priority,
22 and they really wanted it done by Friday.

23 Q. Was anything else said by either you or
24 Larry Del Mese during what you've said was the
25 follow-up phone conversation, November 27, about 10:35

1 his request to get Mandoyan reinstated? 10:35

2 A. Not to my recollection.

3 Q. After the phone call that you said

4 occurred on November 27 as a follow-up phone

5 call to check status, did you ever again speak 10:35

6 with Larry Del Mese about the Mandoyan matter?

7 A. Not to my recollection.

8 Q. And the phone call that you had with

9 Larry Del Mese on November 27 was while you were

10 in your office alone? 10:35

11 A. That's my recollection, yes.

12 Q. Did Ms. Ranasinghe provide you any

13 legal advice or opinion during your phone call

14 with her on November 26 after you had your phone

15 call with Larry Del Mese? 10:36

16 MR. MILLER: Wait, wait, wait. You can

17 answer the question, but don't say what the

18 advice was, if there was any. You can just

19 answer whether she gave you advice or not.

20 MR. GORDON: I said -- my question was 10:36

21 legal advice or opinion.

22 THE WITNESS: She did.

23 BY MR. GORDON:

24 Q. Did you share that legal advice or

25 opinion with anyone else after she provided it? 10:36

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1 A. I believe I reconveyed that information 10:36
2 to Mr. La Berge as a follow-up.

3 Q. When you say it was as a follow-up, you
4 mean you spoke with him again after your call on
5 November 26 and conveyed the legal advice or 10:37
6 opinion that Ms. Ranasinghe had provided you in
7 the phone call on November 26?

8 A. Yes.

9 Q. About how long after your November 26
10 phone call did you pass on the legal advice or 10:37
11 opinion from Ms. Ranasinghe in your phone call
12 as a follow-up to Undersheriff La Berge?

13 A. I don't recall, but I would speculate
14 it was within days --

15 MR. MILLER: Don't speculate. 10:37

16 THE WITNESS: Okay.

17 BY MR. GORDON:

18 Q. What's your --

19 MR. MILLER: You can do your best
20 recollection -- 10:37

21 THE WITNESS: My best --

22 MR. MILLER: -- but no speculation.

23 (The reporter requested that
24 the witness speak in turn.)

25 MR. MILLER: We don't speculate in 10:37

1 testimony. Just -- 10:37

2 THE WITNESS: By best recollection is
3 within days.

4 BY MR. GORDON:

5 Q. Okay. Did you communicate with 10:37
6 Elizabeth Miller about the request that Larry
7 Del Mese had made concerning the possible
8 reinstatement of Mandoyan?

9 A. No.

10 Q. Did you ever communicate with 10:37
11 Christopher Keosian about Mr. -- or Larry
12 Del Mese's request concerning Mandoyan?

13 A. No.

14 Q. Did you communicate with any of the
15 other attorneys from the county counsel's office 10:38
16 besides Ms. Ranasinghe concerning the
17 November 26 request from Larry Del Mese
18 concerning Mandoyan?

19 A. No.

20 Q. Am I correct in assuming that you were 10:38
21 never the subject yourself of any discipline
22 while employed by the sheriff's department?

23 A. Correct.

24 Q. After retiring from the sheriff's
25 department on January 2, 2019, have you worked 10:38

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1 for any organization? 10:38

2 A. No.

3 Q. Have you worked in any professional

4 capacity for -- in any way?

5 A. No. 10:38

6 Q. What is your recollection of when James

7 McDonnell served as LA County sheriff?

8 MR. MILLER: Her recollection of the

9 dates?

10 MR. GORDON: Yeah. 10:39

11 Q. Your best recollection of when he

12 served.

13 Does December 2014 to December 2018

14 sound correct?

15 A. That does sound correct. 10:39

16 Q. Are you familiar with any official

17 procedures that govern the settlement of

18 disputes over discipline imposed on sworn LASD

19 police officers during the McDonnell

20 administration from about December 2014 to about 10:39

21 December 2018?

22 MR. MILLER: Can I have that question

23 read back, please. I'm not sure I followed it.

24 THE REPORTER: Can you repeat it,

25 Counsel. 10:39

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1 BY MR. GORDON: 10:39

2 Q. Are you familiar with any of the

3 official procedures that govern the settlement

4 of disputes over discipline imposed on sworn

5 LASD peace officers during the McDonnell 10:39

6 administration?

7 MR. MILLER: You can answer it if you

8 know.

9 THE WITNESS: I would clarify what you

10 mean by "disputes." 10:39

11 MR. MILLER: You mean lawsuits?

12 pre-lawsuits?

13 It's vague.

14 BY MR. GORDON:

15 Q. A deputy or a supervisory officer at 10:40

16 LASD challenging the discipline that was about

17 to -- that had been imposed on him.

18 A. Yes, I am.

19 Q. And how are you familiar with those

20 procedures? 10:40

21 A. Through the course of my employment.

22 Q. What was your understanding of any

23 official procedures that govern the settlement

24 of disputes over discipline imposed on an LASD

25 deputy or supervisory officer -- 10:40

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1 MR. MILLER: Can I interpose an 10:40

2 objection?

3 MR. GORDON: Hold on. Let me finish my

4 question.

5 MR. MILLER: Okay. Sure. 10:40

6 BY MR. GORDON:

7 Q. -- imposed on an LASD deputy or

8 supervisory officer during the McDonnell

9 administration?

10 MR. MILLER: Okay. I'm going to 10:40

11 interpose an objection.

12 Is this disputes before they go to

13 court and are in litigation? Are these disputes

14 that are after lawsuits are filed? Could you

15 clarify what you're talking about. 10:40

16 BY MR. GORDON:

17 Q. I'm just asking you disputes at any

18 point after discipline has been imposed. So

19 it's resolving or settling a discipline case

20 after the settlement after discipline has 10:41

21 already been imposed.

22 Are you familiar with any procedures

23 that govern anywhere during that process from

24 that point forward?

25 MR. MILLER: You mean -- when you say 10:41

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1 "process and procedures" you mean internally to 10:41
2 the sheriff's department?

3 And I don't mean to be difficult here,
4 John. It's just a very broad, vague question.

5 BY MR. GORDON: 10:41

6 Q. I'm trying to get your understanding of
7 what procedures governed LASD's ability to
8 settle any dispute over discipline imposed on
9 one of its officers, either deputies or
10 supervisory officers, while McDonnell was in 10:41
11 office.

12 MR. MILLER: Objection. It's vague,
13 ambiguous. It's overbroad. I'd ask you to
14 break it down.

15 I'm not going to instruct you not to 10:41
16 answer it if you can.

17 THE WITNESS: I would agree with my
18 attorney. The question is so overbroad and
19 vague. And you're using terms that I would not
20 use, and I don't understand what you're actually 10:41
21 asking me.

22 BY MR. GORDON:

23 Q. Are you familiar with any settlements
24 of disputes concerning discipline that had been
25 imposed on a deputy after a letter of imposition 10:42

1 is issued and before it gets to a formal civil 10:42
2 service proceeding?

3 MR. MILLER: That's good. Okay.

4 THE WITNESS: The only way I can answer
5 that question is to say that there are 10:42
6 procedures for employees to grieve or challenge
7 the discipline at points along the way.

8 And so I -- I'm trying to answer your
9 question. I think that's what you're asking me.

10 BY MR. GORDON: 10:42

11 Q. And are you familiar with any of the
12 procedures that govern how the LASD can settle a
13 challenge by a deputy to discipline that has
14 already been imposed before it gets to the Civil
15 Service Commission? 10:42

16 A. Yes.

17 Q. And what is your understanding of what
18 those procedures are -- strike that -- what
19 those procedures were during the time McDonnell
20 was the sheriff? 10:42

21 A. That is a very big question, and it
22 depends upon the level of discipline. It
23 depends upon the facts of the case. Each case
24 is independent and separate.

25 So I am familiar with broad -- I'd call 10:43

1 So post Skelly discipline imposed which 10:45
2 you've leveled at discharge prior to a Civil
3 Service Commission hearing, that is in the
4 authority of a chief to make a determination,
5 based on new facts that may come into their 10:45
6 knowledge, to modify or change the discipline
7 based on a conversation, communication,
8 engagement, whatever you want to call it. And
9 then that would have to be ran up the chain of
10 command through the division chief and the 10:46
11 assistant sheriff and the undersheriff.

12 And that is a very broad, basic
13 response.

14 BY MR. GORDON:

15 Q. And if the proceeding had resulted in 10:46
16 initiation of a Civil Service Commission for
17 that same deputy in the hypothetical that I was
18 just describing, were the approval requirements
19 for LASD to settle that dispute over the
20 discharge any different from what you've just 10:46
21 described for proceedings that have not yet
22 reached the Civil Service Commission?

23 MR. MILLER: Okay. We're talking about
24 something that is a matter pending before the
25 Civil Service Commission? 10:46

1 MR. GORDON: Correct. 10:46

2 MR. MILLER: It hasn't gone to court
3 yet?

4 MR. GORDON: Correct. I said resulted
5 in initiation of a Civil Service Commission. 10:46

6 MR. MILLER: Okay. I'm going to
7 interpose an objection. This sounds like it
8 calls for a legal conclusion, but I'm not
9 instructing the witness.

10 So if you know, you can go ahead and 10:47
11 answer it.

12 THE WITNESS: Honestly, your question
13 is incredibly confusing to me because it's --
14 you're -- I'm not understanding the point in
15 time that you're speaking of. It's not clear. 10:47

16 BY MR. GORDON:

17 Q. You just described for me what you
18 understood LASD requirements were for getting
19 approval to settle a dispute over discipline
20 imposed that resulted in discharge at a point in 10:47
21 time after imposition of a discharge before
22 initiation of a Civil Service Commission; right?

23 A. Correct.

24 Q. I'm just using the same hypothetical
25 but now putting it later in time. So now a 10:47

1 Civil Service Commission proceeding has been 10:47
2 initiated.

3 Did the approval requirements change
4 under the McDonnell administration within LASD
5 to settle that dispute? 10:47

6 A. That question is much clearer to me.

7 Q. Okay. And what's your answer?

8 A. And nothing changed.

9 Q. Sorry. Sorry.

10 A. The question was clearer to me now -- 10:47

11 Q. Yeah.

12 A. -- and nothing changes.

13 Q. Now, same hypothetical, carrying it
14 forward: After a Civil Service Commission
15 proceeding had resulted in affirmation of the 10:48
16 discharge and a writ petition -- petition for
17 writ of mandate had been filed by the deputy or
18 supervisory officer, what is your understanding
19 of the approval requirements for LASD to settle
20 that dispute by the discharged LASD officer? 10:48

21 MR. MILLER: So we're now talking about
22 a case that's in litigation in court; right?

23 MR. GORDON: No. I just said it's in
24 writ proceedings.

25 MR. MILLER: Yeah, writ proceedings in 10:48

1 court. So that clearly calls for a legal 10:48

2 conclusion.

3 MR. GORDON: I'm not asking for a legal

4 conclusion.

5 Q. I'm asking you did you have an 10:48

6 understanding of what LASD itself imposed as an

7 approval requirement?

8 MR. MILLER: Yeah, but it's very clear

9 that under the charter, Section 21, county

10 counsel has to sign off on settlement of 10:48

11 litigation. So that calls for a legal

12 conclusion, and that's outside the scope of this

13 witness's involvement or knowledge.

14 MR. GORDON: First of all, it's not a

15 basis to instruct. 10:49

16 So I assume you're not instructing her;

17 right?

18 MR. MILLER: Let me think about it. I

19 think...

20 MR. GORDON: You're going to instruct 10:49

21 someone not to answer --

22 MR. MILLER: I'm thinking about it,

23 John. Calm down. It's your turn to calm down.

24 It really also impinges on

25 attorney-client communication. I mean, now 10:49

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1 you've got -- you've clearly got county counsel 10:49
2 in the loop handling lawsuits.

3 MR. GORDON: Can you just state a basis
4 for your objection.

5 MR. MILLER: Yeah, attorney -- 10:49

6 MR. GORDON: You don't need to --

7 MR. MILLER: It impinges on
8 attorney-client privilege. It calls for a legal
9 conclusion. And on that basis I will instruct
10 her not to answer it. I don't think it's 10:49
11 appropriate.

12 BY MR. GORDON:

13 Q. When you worked for the sheriff's
14 department under the McDonnell administration
15 prior to your retirement, did you have an 10:50
16 understanding of what, if any, approval
17 requirements had to be met before the sheriff's
18 department could settle a dispute with a deputy
19 or supervisory officer who'd been discharged
20 when the dispute was actually in writ 10:50
21 proceedings before the Superior Court?

22 MR. MILLER: It's the same objection
23 that I just made to the same question.

24 BY MR. GORDON:

25 Q. I'm asking you -- 10:50

1 MR. MILLER: Attorney-client privilege. 10:50
2 Calls for a legal conclusion. And it's
3 certainly beyond the scope of this witness's
4 knowledge or expertise.

5 MR. GORDON: So you're instructing her 10:50
6 not to answer that question?

7 MR. MILLER: I am. I am.

8 MR. GORDON: And you're --

9 MR. MILLER: The county charter is very
10 clear on this issue. 10:50

11 MR. GORDON: You're marking --
12 That's an inappropriate comment.
13 You're able to make whatever objection you want,
14 state your objection, and I'll either move on or
15 not. Commenting or testifying isn't your duty. 10:50

16 But you're marking each refusal to
17 answer; correct?

18 MR. MILLER: I wasn't testifying. I
19 was making a point that I presume you're well
20 aware of. The county charter is very clear that 10:51
21 when a matter is in --

22 MR. GORDON: [Speaking simultaneously]
23 testifying, Skip.

24 MR. MILLER: When I'm talking -- when
25 my lips are moving, you got to let me finish, 10:51

1 and I'll show you the same courtesy. 10:51

2 The county charter, Section 21, is very
3 clear that when a matter is in litigation talks
4 about an action or a proceeding, county counsel
5 has sole and exclusive authority, and they have 10:51
6 to sign off. And you know that.

7 So to ask a witness who's not involved
8 with county counsel who may have had
9 communications about it, is just -- it's wrong.

10 MR. GORDON: That's an inappropriate 10:51
11 speech, and you know it. You're welcome to make
12 whatever objection you want. State the grounds
13 for your objection. It's not appropriate for
14 you to be testifying to what you believe the law
15 is on the specific substance of what I'm asking 10:51
16 the witness about.

17 MR. MILLER: Okay, John. Please
18 proceed.

19 BY MR. GORDON:

20 Q. When you were chief with oversight over 10:52
21 the Internal Affairs Bureau under the McDonnell
22 administration, did you sign any settlement
23 agreements resolving disputes over discipline
24 imposed on LASD officers?

25 A. Yes. 10:52

1 Q. And what did you understand were the 10:52
2 limits of your ability to sign as the approving
3 officer for such settlements?

4 MR. MILLER: The limits?

5 BY MR. GORDON: 10:52

6 Q. Did you understand there were any
7 limits on which settlement agreements you could
8 sign while you were chief overseeing Internal
9 Affairs bureaus when the settlement was
10 resolving a dispute over discipline imposed? 10:52

11 A. I understood my limits, yes.

12 Q. And what were those limits, according
13 to your understanding?

14 A. So division chiefs had ability to
15 resolve disciplinary matters. But when those 10:52
16 disciplinary matters arose to a higher level
17 where, for example, you had a case review
18 decision, that required a return to that --
19 we'll call it a panel -- for concurrence. At
20 times you would have to have your assistant 10:53
21 sheriff, and in my case, because I was a direct
22 report, I would have to have the undersheriff's
23 approval.

24 MR. MILLER: Is there just one
25 undersheriff? 10:53

1 THE WITNESS: There's one undersheriff, 10:53

2 yes.

3 MR. MILLER: And that's the
4 second-ranking person in the department?

5 THE WITNESS: Yes. 10:53

6 MR. MILLER: Okay.

7 BY MR. GORDON:

8 Q. During your tenure as a captain,
9 commander or chief with oversight of the
10 Internal Affairs Bureau in the McDonnell 10:54
11 administration -- strike that.

12 During the time that you had any
13 oversight responsibility over Internal Affairs,
14 did you ever play a role in determining whether
15 to rehire or reinstate an officer who had been 10:54
16 discharged?

17 A. The role of anyone in oversight of
18 Internal Affairs would not have a role in
19 determining whether someone should come back
20 unless that employee was your direct employee. 10:54
21 So I would not have any say in anything that
22 involved any other division other than my own.

23 Q. So did you ever play a role in
24 determining whether to rehire/reinstate a deputy
25 or supervisory officer who had been in Internal 10:55

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1 Affairs? 10:55

2 A. I never had a person discharged that

3 was under my command in Internal Affairs where

4 that decision would have had to have been made.

5 Q. During the sheriff's election did you 10:55

6 favor one of the candidates over the other in

7 terms of McDonnell versus Villanueva?

8 MR. MILLER: That's really irrelevant.

9 I mean, you can answer it if you're

10 okay answering it; if you're not, that's your 10:55

11 business. You can --

12 THE WITNESS: I think it --

13 MR. MILLER: It's up to you.

14 THE WITNESS: I personally think that

15 question is inappropriate because who I support 10:55

16 politically --

17 MR. MILLER: Yeah.

18 THE WITNESS: -- has nothing do with my

19 employment.

20 BY MR. GORDON: 10:55

21 Q. It does have to do with bias as a

22 witness, and I'm entitled to ask you: Did you

23 favor McDonnell over Villanueva in the 2018

24 sheriff election?

25 MR. MILLER: You don't have to answer 10:56

1 that question. It's a private, personal, First 10:56
2 Amendment right. It's up to you whether to
3 answer it or not. If you're not comfortable,
4 that's your call.

5 THE WITNESS: I would agree that my 10:56
6 personal support of a candidate who I voted
7 for -- I feel like that is my American right to
8 not reveal who I voted for.

9 BY MR. GORDON:

10 Q. You understand you're a witness in this 10:56
11 proceeding --

12 MR. MILLER: Don't argue with her.

13 BY MR. GORDON:

14 Q. -- and you're --
15 I can ask her -- 10:56

16 MR. MILLER: John, she does want to
17 testify to it.

18 BY MR. GORDON:

19 Q. Do you understand that your favor of
20 McDonnell over Villanueva could reflect on how 10:56
21 you could appear as a neutral witness in this
22 proceeding?

23 MR. MILLER: I don't agree with that at
24 all. And if she --

25 MR. GORDON: You're not the witness. 10:56

1 I'm asking her -- are you objecting and refusing 10:56
2 to allow her to answer the question.

3 MR. MILLER: You're interrupting me
4 again. Remember we had a deal?

5 MR. GORDON: No. 10:56

6 MR. MILLER: When I'm talking, you let
7 me talk. When you talk, I'll let you talk. You
8 may not like what I say, but that's too bad.
9 That's the way it goes. And I may not like what
10 you say, but at least I'm going to show you the 10:57
11 professional courtesy of allowing you to talk.

12 She said she's not comfortable saying
13 it. It's private, it's confidential, and people
14 don't have to say how they vote. That's why
15 voting booths are private. That's why when you 10:57
16 go in, you go in alone and you close the drape.
17 And she doesn't want to testify to it.

18 I'm not instructing her not to. That's
19 her testimony. So you don't have to, you know,
20 threaten her with bias and all that. 10:57

21 Let's just move on.

22 MR. GORDON: I'm asking -- first of
23 all, I'm asking you not to make speaking
24 objections. Just state the grounds for your
25 objections, and I'll either -- I will -- if you 10:57

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1 instruct her not to answer or she won't answer, 10:57
2 I'll move on. But you're doing far more than
3 just stating a legal basis for your objection.

4 Q. That being said, are --

5 MR. MILLER: I don't agree with that. 10:57
6 I think I've been pretty, you know, quiet
7 throughout this deposition.

8 This is a personal preference, and I
9 think you should respect it and move on.

10 BY MR. GORDON: 10:57

11 Q. Are you refusing to tell me whether you
12 favored McDonnell over Villanueva in the 2018
13 sheriff election?

14 A. I will tell you this: I never
15 campaigned for either candidate, but I will 10:58
16 stand on my opinion that it is un-American for
17 you to ask me to reveal who I voted for in the
18 confidentiality of that voting booth. That's
19 just -- I think it's a terrible question to ask.

20 Q. First of all, I didn't ask you how you 10:58
21 voted. I asked you -- I said did you favor
22 McDonnell over Villanueva during the election?

23 A. And I will tell you I campaigned for
24 neither person.

25 Q. Did you want one of those two men to 10:58

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1 win the job of sheriff -- 10:58

2 MR. MILLER: You're just arguing.

3 BY MR. GORDON:

4 Q. -- in the 2018 election?

5 MR. MILLER: You're arguing. It's 10:58

6 argumentative.

7 Objection. Argumentative. Harassing.

8 THE WITNESS: I feel like I've --

9 MR. MILLER: Leave her alone on this

10 issue. 10:58

11 THE WITNESS: I feel like I've

12 answered --

13 MR. GORDON: I'm not asking her what

14 she voted. I'm not asking her what she did

15 behind closed doors. 10:58

16 Q. I'm asking you this question, and tell

17 me whether you're going to answer or you're

18 going to refuse to answer: Did you want

19 McDonnell to defeat Villanueva in the 2018

20 election? 10:59

21 MR. MILLER: You can answer that

22 however you want to.

23 THE WITNESS: My answer stands that I

24 supported -- I did not support either candidate,

25 and my -- who I voted for is my -- I feel like 10:59

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1 my right as an American to not reveal to anyone. 10:59

2 BY MR. GORDON:

3 Q. So you are refusing to answer the

4 question; correct?

5 A. That is absolutely not what I said. 10:59

6 Q. Are you refusing to answer --

7 MR. MILLER: No, no. She answered the

8 question, John.

9 MR. GORDON: No --

10 MR. MILLER: If you don't like it. You 10:59

11 can move to compel.

12 MR. GORDON: That's not an answer.

13 Q. I'm asking you: Did you want McDonnell

14 to win the election over Villanueva in the 2018

15 sheriff's election -- 10:59

16 MR. MILLER: You're harassing this

17 witness. It's really unbecoming.

18 MR. GORDON: Let me finish the

19 question.

20 Q. -- yes or no? 10:59

21 A. My answer to the question is I neither

22 campaigned for any candidate, I did not openly

23 support one or the other, and who I voted for is

24 private.

25 Q. So you will not give me a yes-or-no 10:59

1 answer; correct? 10:59

2 A. I feel like I've answered your question

3 to the best of my ability.

4 Q. To the best of your ability or the best

5 of your desire? 11:00

6 A. I've --

7 MR. MILLER: This is definitely

8 harassment.

9 MR. GORDON: No.

10 Q. I'm asking you: Are you telling me -- 11:00

11 MR. MILLER: All right. Let's take a

12 break and cool off a little bit here because I

13 got to take a quick call.

14 Is that all right?

15 MR. GORDON: That's fine. 11:00

16 THE VIDEOGRAPHER: Off the record,

17 11:01.

18 (Recess taken.)

19 THE VIDEOGRAPHER: The time is 11:09.

20 We are back on the record. 11:08

21 BY MR. GORDON:

22 Q. Have you ever expressed to anyone your

23 view on whether McDonnell would be a better

24 sheriff than Villanueva?

25 A. I don't think in the way you're asking 11:08

1 the question. 11:08

2 Q. Did you ever express to anyone a view
3 on whether you wanted or preferred McDonnell as
4 a sheriff over Villanueva?

5 MR. MILLER: Just another way of asking 11:09
6 her how she voted.

7 But you can answer it however you want.
8 I'm not instructing you.

9 THE WITNESS: In the role that I played
10 as chief over the disciplinary system, I felt it 11:09
11 was really important to remain neutral. I did
12 my best to not express any opinion to anyone,
13 because I felt that the role that I played
14 shouldn't be co-opted by that.

15 BY MR. GORDON: 11:09

16 Q. Did you have in your own mind, whether
17 you expressed it to anyone or not, a preference
18 for either McDonnell or Villanueva to win the
19 2018 sheriff election?

20 A. I would just say each candidate has 11:09
21 their strengths and weaknesses.

22 MR. GORDON: Objection. Move to strike
23 as nonresponsive.

24 MR. MILLER: I thought it was
25 responsive, but go ahead. 11:10

1 BY MR. GORDON: 11:10

2 Q. And is that the only answer you have to

3 my question?

4 A. Yes.

5 Q. Did you perform any work for 11:10

6 McDonnell's campaign for sheriff in the 2018

7 election?

8 A. No.

9 Q. Did you make any contributions to

10 McDonnell's campaign for sheriff in the 2018 11:10

11 election?

12 A. No.

13 Q. Did you do anything that in your mind

14 constituted support for McDonnell's campaign for

15 sheriff in the 2018 election? 11:10

16 A. No.

17 Q. Have you ever expressed any views that

18 you had about Carl Mandoyan's discharge from

19 LASD?

20 MR. MILLER: You mean other than what 11:10

21 she's testified to this morning?

22 MR. GORDON: Yeah.

23 Q. Outside of anything you've said during

24 your deposition today, have you ever expressed

25 any personal views you had about Mandoyan's 11:10

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1 discharge from LASD? 11:10

2 MR. MILLER: And outside of marital

3 privilege, attorney-client privilege, and

4 outside of the testimony this morning, you can

5 answer the question. 11:10

6 THE WITNESS: Yes.

7 BY MR. GORDON:

8 Q. When have you expressed a personal view

9 you had about Carl Mandoyan's discharge from

10 LASD? 11:11

11 A. I discussed it with my aunt, who was in

12 the hospital with hip surgery.

13 Q. When was that?

14 A. December of 2018.

15 Q. Anyone else? 11:11

16 A. I recently came back from a personal

17 trip with some friends from back East and

18 discussed it with them.

19 Q. Anyone else?

20 A. Maybe some of my, like, personal 11:11

21 friends, girlfriends, but...

22 Q. Who are they?

23 A. My best friend and some people I go to

24 church with.

25 Q. Who's your best friend? 11:11

1 BY MR. GORDON: 11:12

2 Q. And did you -- all right. Let's start
3 with the aunt who was in the hospital.

4 What view about Mandoyan's discharge
5 from LASD did you express to your aunt? 11:12

6 A. So my aunt was recovering in the
7 hospital from a hip surgery after a fall, and we
8 were watching the news, and it came on the news.
9 And I told my aunt, you know, "This is the
10 matter that caused me to leave the department," 11:13
11 and I told her it was, you know, hard to watch
12 it on TV.

13 And she just told me that -- she just
14 told me that the responsibility to deal with
15 anything related to that is no longer mine and 11:13
16 that there are people left behind and to forget
17 about it.

18 Q. Did you say anything else about your
19 own views regarding the Mandoyan discharge
20 during the conversation with your aunt? 11:13

21 A. I just told her it was somewhat
22 predictable that at some point it would come
23 out.

24 Q. What would come out?

25 A. The restoration. 11:13

1 Q. Mandoyan's restoration to duty as a 11:13
2 deputy sheriff?

3 A. Yes.

4 Q. And when you mean it would come out,
5 what were you indicating? 11:14

6 A. So I just think over time when you do
7 something so extraordinary that isn't in the
8 normal course of business, it's remarkable to
9 people. And when things are remarkable, people
10 talk about it, and ultimately it doesn't stay 11:14
11 confidential.

12 So because this was so remarkable, I
13 wasn't surprised that it made its way to the
14 public arena.

15 Q. Did you say anything else to your aunt 11:14
16 during that conversation when she was in the
17 hospital about your views regarding Mandoyan's
18 restoration?

19 A. No. I mean, her comment of it's not my
20 responsibility to worry about anymore, that I'd 11:14
21 made my decision and not to worry about it was,
22 I think, the wisdom of our elders, and I moved
23 on.

24 MR. GORDON: Move to strike as
25 nonresponsive everything after the answer "no." 11:15

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1 Q. You said you also discussed your 11:15
2 personal view about the Mandoyan reinstatement
3 or restoration to friends who were returning
4 from a trip back East.

5 Who were they? 11:15

6 A. I traveled back East to them -- with
7 them -- or to them. They were there.

8 Q. So you discussed it while you were back
9 East?

10 A. Yes. 11:15

11 Q. And who were they?

12 A. Jodi-Lynn Flaherty, Jamie Fields and
13 Mary Kapp.

14 Q. And did you express your view about the
15 Mandoyan restoration or reinstatement to those 11:15
16 three people in one single conversation?

17 A. Yes.

18 Q. And what did you say about your
19 personal view regarding the Mandoyan restoration
20 or reinstatement to Ms. Lynn, Ms. Flaherty and 11:15
21 Ms. Fields during that conversation while you
22 were back East?

23 A. The conversation was initiated because
24 they asked me why I retired, and I explained to
25 them that I retired because of the request that 11:16

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1 I felt was unethical and inconsistent with my 11:16
2 character and doesn't meet my professional
3 standards. And I explained to them that that
4 decision came quickly, and, you know, in less
5 than five days I made that decision to go. 11:16

6 Q. Did you explain why you considered the
7 request itself to be unethical?

8 A. The conversation was more brief in that
9 this was my decision, and I just -- I explained
10 to them that it's not consistent with how we do 11:16
11 business. And that I felt the rewriting of
12 someone's disciplinary history was not
13 appropriate, and I wouldn't have a part of that,
14 and so I made the decision to retire.

15 Q. Did you ever engage in any discussion 11:17
16 with anyone about whether there was an
17 appropriate basis to rewrite the findings from
18 the older disciplinary finding and action
19 against Mandoyan?

20 A. I don't think the conversation ever 11:17
21 went further into a basis for the decision about
22 why somebody decided to ask that.

23 Q. Do you -- strike that.

24 Did Larry Del Mese ever ask you to look
25 into the Mandoyan discharge to determine whether 11:17

1 it had been done appropriately? 11:17

2 A. At any point in time?

3 Q. During the original November 26 phone
4 call that you've testified about.

5 A. No. 11:17

6 Q. Did Larry Del Mese in the follow-up
7 phone call on November 27 ever ask that --
8 strike that.

9 Did Larry Del Mese ever ask you in what
10 you've said was a follow-up phone call on 11:18
11 November 27 to look into the Mandoyan discharge
12 to determine whether it had been done
13 appropriately?

14 A. No.

15 Q. So did Larry Del Mese ever ask you to 11:18
16 look into the Mandoyan discharge to determine
17 whether it had been done appropriately?

18 A. Yes.

19 Q. When did Larry Del Mese ever ask you to
20 look into the Mandoyan discharge to determine 11:18
21 whether it had been done appropriately?

22 A. At a point in time -- and I can't even
23 tell you when -- the case was going through the
24 civil service process. Larry Del Mese called me
25 because he was concerned about the manner in 11:18

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1 questioning, her professional conduct. He 11:20
2 expressed that he felt maybe she was overly
3 invested in the case and that he wanted me to be
4 aware of it.

5 And then he also felt that the county's 11:20
6 facts weren't sufficient to support the position
7 of discharge.

8 Q. Did he explain what it was about the
9 facts that he found concerning regarding the
10 basis for supporting discharge? 11:20

11 A. I don't believe the conversation got
12 deep into a fact set. At the time my concern
13 was whether we had an employee acting properly
14 in there and then whether or not there were
15 sufficient facts to support that. 11:20

16 MR. MILLER: Could I interject for a
17 minute? Pardon me for doing this.

18 When was this?

19 THE WITNESS: I don't recall. It was
20 sometime, I believe, while I was a commander in 11:20
21 the Professional Standards Division, but I
22 can't -- I don't have a recollection of the time
23 frame.

24 MR. MILLER: So you were a commander
25 when? What were the years again? 11:21

1 THE WITNESS: The only thing I could 11:21
2 tell you is it was some point in time during the
3 civil service --
4 MR. MILLER: '14 through '16?
5 THE WITNESS: -- procedures. 11:21
6 Yes.
7 (The reporter requested that
8 the witness and Counsel speak in
9 turn.)
10 MR. MILLER: It was probably -- she was 11:21
11 a commander between 2014 and 2016, so it was
12 probably around 2016.
13 Does that sound about right?
14 MR. GORDON: You don't need to --
15 MR. MILLER: Pardon me. It's your 11:21
16 deposition. You're right. I'm just trying to
17 be helpful.
18 THE WITNESS: It was somewhere -- the
19 only way I could peg a time frame is if someone
20 wants to look up when this -- this original 11:21
21 matter was in civil service. It would be in
22 that time frame.
23 BY MR. GORDON:
24 Q. Did you speak with Sergeant Roam about
25 her conduct in the civil service proceeding 11:22

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1 going on against Mandoyan? 11:22

2 A. No.

3 Q. Did you tell -- strike that.

4 At the time what was Lawrence

5 Del Mese's rank? At the time you were dealing 11:22

6 with him at this point.

7 A. He was a captain.

8 Q. So did you tell Captain Del Mese after

9 you spoke with county counsel that you had

10 spoken with a county counsel attorney and you 11:22

11 were satisfied that Roam -- Sergeant Roam was

12 not engaging in any inappropriate conduct, or

13 words to that effect?

14 A. That's my recollection.

15 Q. And did he respond? 11:22

16 A. Yes.

17 Q. And what did he say?

18 A. I don't recall his exact words, but

19 there was an acknowledgement on his part of what

20 I conveyed back to him. 11:23

21 Q. An acknowledgment that he understood

22 what position you were taking on the matter?

23 A. Yes.

24 Q. Did you tell Larry Del Mese that you

25 thought his request communicated on November 26 11:23

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1 was unethical? 11:23

2 A. Are we going back to 2018?

3 Q. Yes. You said you considered his
4 request on November 26 unethical.

5 I'm just asking you: Did you ever 11:23
6 convey to Larry Del Mese that you thought the
7 request he made on November 26 was unethical?

8 A. I told him at one point that I was very
9 concerned about how this would appear. I felt
10 like -- I told him at one point I had looked at 11:23

11 donations to the Villanueva campaign, and I saw
12 that there were two people with the very -- with
13 the exact same last name, and I thought that
14 that could appear to be pay-to-play. I

15 explained to him that I was very uncomfortable 11:24
16 with that.

17 And -- but I don't believe I used -- I
18 think I may have used the word "problematic,"
19 but I don't think I said to him, "This is
20 unethical." 11:24

21 Q. What did the two last names on
22 contributor -- Villanueva's contributor list
23 have to do with you believing that Del Mese's
24 request on November 26 regarding the
25 reinstatement of Mandoyan was unethical? 11:24

1 diligence to make sure that not only had I not 11:26
2 missed something, but I wasn't going to step in
3 a big cow patty, to speak, and put my name on
4 something that I couldn't stand behind.

5 Q. So did the two last names on 11:26
6 Villanueva's contributor list have anything to
7 do with Mandoyan?

8 A. Their last names were Mandoyan.

9 Q. And who were the individuals whose last
10 names were Mandoyan who were on the contributors 11:26
11 list?

12 A. I don't have a recollection of the
13 names, but I'm sure if somebody looked it up,
14 you'd find them.

15 MR. MILLER: I have them if you want 11:26
16 them.

17 BY MR. GORDON:

18 Q. Well, do you recall whether it was Carl
19 Mandoyan and his wife?

20 A. I don't know. I just know the last two 11:26
21 names were Mandoyan.

22 MR. MILLER: I don't know what I did
23 with it.

24 BY MR. GORDON:

25 Q. Did you ever hear anyone assert that 11:26

1 James McDonnell's decision on the discipline of 11:26
2 a particular LASD officer was based in some way
3 on whether that officer had supported McDonnell
4 as sheriff?

5 A. I've never heard of anything like that. 11:27

6 Q. You've never heard anyone even raise
7 that as an accusation?

8 A. To say that Jim McDonnell disciplined
9 somebody because they supported his campaign?

10 Q. No. Because they did not support him 11:27
11 as sheriff. In other words, they were not
12 someone who believed in his suitability as
13 sheriff.

14 A. I haven't heard that.

15 MR. MILLER: For the record, John, it's 11:27
16 Marine Mandoyan, same spelling as your client,
17 Greg Smith's client, and Peter Mandoyan. Each
18 gave \$1,500 to Alex Villanueva on September 1,
19 2018.

20 BY MR. GORDON: 11:27

21 Q. Did you ever hear of any accusation
22 that McDonnell was basing a discipline decision
23 on whether the officer being disciplined --
24 strike that.

25 Did you ever hear of any accusation 11:28

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1 that McDonnell based a discipline decision on 11:28
2 whether he thought the officer was in favor of
3 his being the sheriff?

4 A. No.

5 Q. Did you ever learn of anything that 11:28
6 caused you to suspect that James McDonnell might
7 have disciplined a particular LASD officer based
8 in any way on the disciplined officer's view
9 about McDonnell as sheriff?

10 MR. MILLER: Objection. I thought this 11:28
11 was the Mandoyan case not the McDonnell case.
12 This is not relevant to the subject matter of
13 this case nor reasonably calculated to lead to
14 the discovery of admissible evidence. I'm going
15 to object on that basis. 11:29

16 BY MR. GORDON:

17 Q. You can answer the question.

18 A. No.

19 Q. Going back to Exhibit 1, looking at
20 pages AULT05 through AULT42, were those 11:29
21 documents that you had in your possession at the
22 time you were served with the deposition
23 subpoena in this matter?

24 A. Yes.

25 Q. And how is it that you happened to have 11:30

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1 AULT05 through AULT42 in your possession at that 11:30
2 time?

3 A. So when I got the call from Larry
4 Del Mese, I wanted to do my due diligence. I
5 told him I would look into what he wanted me to 11:30
6 do and look into the other matter that the --
7 what I'll call the second case. Not the
8 discharge but the other one. And so these are
9 documents that related to that case that helped
10 me understand where they were in the process, 11:30
11 what the discipline was, who the decision-maker
12 was and then -- and then the case in chief
13 itself that we're talking about.

14 Q. And did you take pages AULT6 through
15 AULT42 with you when you left the department on 11:31
16 retirement on January 2 --

17 MR. MILLER: You mean AULT5 through --
18 I think you mean AULT5.

19 THE WITNESS: We were talking 5 through
20 42. 11:31

21 BY MR. GORDON:

22 Q. 5 through -- I'll restate the question.
23 Did you take with you from the
24 department when you retired on January 2, 2019,
25 the documents marked AULT05 through AULT42? 11:31

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1 A. Yes. 11:31

2 Q. And did you request permission from
3 anyone at the department to take these personnel
4 file documents?

5 A. No, I did not. 11:31

6 Q. Did you believe that you were required
7 to obtain any authorization from the department
8 to take personnel files of a deputy from the
9 department when you left the department?

10 A. The taking of this was somewhat 11:31

11 unintentional. As I was cleaning out my office,
12 four days is quite a task, and on top of trying
13 to accomplish all the things I needed to do to
14 retire. And I grabbed a bunch of stuff off my
15 desktop and took it home. 11:32

16 And so when I got the subpoena notice
17 for this, I went through my files to see what I
18 actually had, and this is what I found.

19 Q. So you're saying you did not
20 intentionally take with you the particular 11:32

21 documents AULT05 through AULT042 when you left
22 the department on January 2, 2019?

23 A. Correct.

24 Q. When did you first discover that you
25 had these personnel files of Mandoyan in your 11:32

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1 possession even though you were no longer a LASD 11:32

2 employee?

3 A. Sometime after I got served with the

4 notice that I was going to be deposed.

5 Q. So you never looked at any of these 11:32

6 pages, AULT5 through AULT42, between the time

7 you took them out of the department when you

8 were cleaning out your office at the beginning

9 of 2019 and the day you got served with your

10 subpoena? 11:33

11 A. Correct, yes.

12 Q. Did you think when you left the

13 department that you might benefit from having

14 copies of any documents concerning Mandoyan that

15 might be helpful if the issue of Mandoyan's 11:33

16 possible reinstatement ever came up?

17 A. I will tell you when I was packing up

18 my office and leaving, Mandoyan was the last

19 thing on my mind. Selfishly, I cared about my

20 retirement, I cared about my financial future, I 11:33

21 cared about taking all of my personal effects,

22 and really I was not considering specifically

23 Mandoyan and any future action involving him.

24 It was very selfish when I was packing up.

25 Q. Was -- were Mandoyan's personnel 11:33

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1 records the only LASD personnel records that you 11:34
2 took with you when you departed the department
3 at the beginning of 2019?

4 A. When I left my office after a 36-year
5 career, I had about an entire wall of things 11:34
6 that were just shoved in there. I have not gone
7 much further than the one box that I found these
8 in. And so I'm probably not in possession of
9 other things, because there wasn't anything
10 contemporary happening on my desk that I put in 11:34
11 my files, but I don't know.

12 Q. Did you believe at the time you left
13 the department that you should take any
14 documents relating to Mandoyan in case there was
15 ever anything that you considered to be adverse 11:34
16 publicity about the possible Mandoyan
17 reinstatement?

18 A. The only thing that I took with any
19 intentionality -- and it wasn't even
20 intentional -- was my personal notes that I had 11:35
21 in my notepad. And that was the only thing with
22 any intention I would have taken from the
23 department.

24 Q. And those documents are the ones at
25 AULT44 and AULT45? 11:35

1 A. Yes. 11:35

2 MR. GORDON: I need to take a short
3 break -- restroom break.

4 THE VIDEOGRAPHER: Okay. Off the
5 record, 11:36. 11:35

6 (Recess taken.)

7 THE VIDEOGRAPHER: Okay. The time is
8 11:43. We're back on the record.

9 BY MR. GORDON:

10 Q. So did you already tell me everything 11:42
11 you remember saying to Ms. -- the three friends
12 you visited back East concerning your view of a
13 possible Mandoyan restoration?

14 A. I would answer that I told them the
15 reasons why I retired and how that's impacted 11:42
16 me, but we didn't have a in-depth conversation
17 about that.

18 Q. So you told me everything you did say
19 concerning your views on Mandoyan; right?

20 A. Yes. 11:42

21 Q. Tell me everything you said to your
22 best friend Terri Taylor about your views
23 concerning Mandoyan's restoration or
24 reinstatement.

25 A. It's pretty much the same thing: that, 11:42

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1 you know, the decision to retire was difficult; 11:42
2 I felt that I was asked to do something
3 inappropriate and unethical and inconsistent
4 with my professional character; and that I had
5 to make a decision about my future; and that I 11:43
6 retired; and that, you know, that was a big, big
7 deal, life-impacting decision.

8 Q. Did anyone ever tell you that if you
9 didn't take steps to get Mandoyan reinstated,
10 that you were going to be fired? 11:43

11 A. Nobody overtly said that, no.

12 Q. Did anyone ever tell you that if you
13 didn't do anything in particular regarding
14 Mandoyan, that you would lose your rank at the
15 sheriff's department? 11:43

16 A. No.

17 Q. And you said you expressed your views
18 about the Mandoyan restoration and reinstatement
19 to two other people, Norma Flynn and Tom Moreno;
20 right? 11:43

21 A. Yes.

22 Q. What did you say to them about your
23 views concerning Mandoyan's restoration or
24 reinstatement?

25 A. Again, the conversation was about my 11:44

1 decision and how that's impacted me and how I 11:44
2 felt the request was unethical and that I felt
3 that it was in my best interest to retire.

4 MR. GORDON: I'm handing the reporter
5 to mark as Exhibit 2 a document entitled 11:44
6 "Respondents'/Defendants' Sheriff Alex
7 Villanueva and Los Angeles County Sheriff's
8 Department's Notice of Deposition of Alicia
9 Ault."

10 (Whereupon, Exhibit 2 was 11:44
11 marked for identification.)

12 MR. MILLER: What is this? This is a
13 notice of deposition?

14 BY MR. GORDON:

15 Q. Would you look about halfway through, 11:45
16 and you'll see as Exhibit 1 a deposition
17 subpoena to you for a deposition on May 30,
18 2019.

19 If you go about halfway through, you
20 should find the cover page of the subpoena. 11:45

21 A. Yes.

22 Q. Do you recognize what's attached to the
23 notice that's marked Exhibit 2 the deposition
24 subpoena that was served on you that is attached
25 as Exhibit 1 in this exhibit? 11:45

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1 requests for production of documents regarding 11:47
2 department policies and procedures; right?
3 You didn't understand them to be
4 limited or even calling for procedures or
5 policies; right? 11:47
6 MR. MILLER: What page are you on now,
7 Counsel?
8 MR. GORDON: Page 4 of the request --
9 of the subpoena -- I mean of the Attachment 3 to
10 the subpoena. 11:48
11 MR. MILLER: And you're asking about 1,
12 2 and 3 -- Requests 1, 2 and 3?
13 MR. GORDON: Yeah.
14 Q. Specifically, I'm just following up on
15 your answer that you didn't have any 11:48
16 documents --
17 A. Correct.
18 Q. -- because you didn't take any policies
19 or procedures documents.
20 And I'm justify trying to get 11:48
21 clarification from you: Did you understand the
22 demands for production of documents to be
23 limited only to policies or procedures?
24 A. No. So anything that was within here,
25 in your request for production, I don't have 11:48

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1 those. I'm not the keeper of those. I wouldn't 11:48
2 have even been the keeper of those had I been
3 employed. So I don't have any of these things.

4 Q. Well, you produced documents, for
5 example, that fit within Request for Production 11:48
6 No. 2 in part; right?

7 MR. MILLER: But those are regarding
8 Mandoyan.

9 MR. GORDON: Right.

10 Q. Your documents that you produced -- 11:48

11 MR. MILLER: She's talking -- you guys
12 aren't connecting. She's talking about policies
13 and procedures, and you're asking about
14 Mandoyan.

15 MR. GORDON: I'm following up on -- 11:48

16 MR. MILLER: We produced --

17 MR. GORDON: I'm following up on --

18 MR. MILLER: -- all the documents that
19 we have in our -- let me just make a statement
20 for the record. 11:49

21 We produced all the documents that she
22 had regarding Mandoyan, and -- we produced all
23 the documents regarding Mandoyan, as I just
24 said, and she doesn't have anything else. She
25 doesn't have anything regarding policies and 11:49

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1 procedures. She didn't take that. 11:49

2 MR. GORDON: All right. I'm --

3 MR. MILLER: So you got everything in
4 response to your subpoena that you asked for
5 that she had in her possession. 11:49

6 BY MR. GORDON:

7 Q. Let me go back to your answer, then, to
8 make sure that I understand what you're saying.

9 You said, "I didn't have any
10 documents," when I asked you whether you did 11:49
11 anything to search for the 42 categories of
12 documents; right? You said, "So I don't have
13 any of those documents."

14 I'm just trying to get confirmation
15 that you looked or -- you looked for any of the 11:49
16 42 categories of documents that you thought you
17 might have in your custody, possession or
18 control; is that right?

19 A. When I got the -- when I got your
20 subpoena, I looked for anything that I could 11:50
21 possibly have had, and my recollection was I
22 knew I had the written note. That's the last
23 page, I believe, here in this Exhibit 1.

24 The other things that you're asking for
25 did I actively go through my paperwork to see if 11:50

1 I had any of that, many of them I'm confident I 11:50
2 didn't. Many of them I wouldn't have had access
3 or possession of them even in my employment.
4 So the answer is yes, I read your
5 request, I made my due diligence attempt to 11:50
6 provide anything that was responsive, I found
7 these documents in my possession, and I
8 submitted them.
9 Q. How --
10 A. Did I call somebody in the department 11:50
11 and ask them to provide No. 1 or -- no, I didn't
12 do that.
13 MR. MILLER: When you say you --
14 THE WITNESS: I don't have them --
15 MR. MILLER: -- found these 11:50
16 documents --
17 THE WITNESS: -- in my personal
18 possession.
19 MR. MILLER: You mean Exhibit 1?
20 THE WITNESS: Exhibit 1 -- 11:51
21 MR. MILLER: Okay.
22 THE WITNESS: -- in my personal
23 possession. But I didn't call someone in the
24 sheriff's department to ask them to provide me
25 hiring documents or employment documents or 11:51

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1 internal investigation documents. I did not 11:51
2 understand your subpoena to request me to make
3 an attempt to provide those to you.
4 BY MR. GORDON:
5 Q. So it didn't. I'm not suggesting it 11:51
6 did.
7 A. Oh, okay.
8 Q. I'm just asking you: Did you look for
9 all 42 categories of documents that you thought
10 in your own mind you might have in your custody, 11:51
11 possession or control?
12 A. Absolutely, yes.
13 Q. Okay. And the only documents that you
14 found after conducting a search for any records
15 responsive to Production Requests 1 through 42 11:51
16 are the documents that are contained in what's
17 been marked as Exhibit 1 --
18 A. Uh-huh.
19 Q. -- AULT1 through AULT45; is that
20 correct? 11:51
21 A. It's correct with one caveat: AULT43,
22 I didn't even have this. I pulled this off the
23 LA Times website and submitted it because it was
24 there. So I did everything in my power to be as
25 responsive to you as I could, because I didn't 11:52

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1 even copy that and take it with me. 11:52

2 No, I don't have that.

3 Q. Okay.

4 A. I've done my best.

5 Q. So to be clear, setting aside AULT43, 11:52

6 which you made a search for online after

7 receiving the subpoena, you have produced to us

8 every document that that you found and that you

9 believe you have responsive to Request for

10 Production 1 through Request For Production 42 11:52

11 in your deposition subpoena that's attached to

12 Exhibit 2; is that correct?

13 A. That is correct.

14 Q. With regard to AULT43 contained within

15 Exhibit 1, this is an email that you sent to 11:52

16 Lawrence Del Mese on November 30, 2018; correct?

17 A. Yes.

18 Q. Strike that. Or let me clarify.

19 The top email on that page is an email

20 from you to Del Mese. 11:53

21 The email below that on November 26 at

22 2:56 p.m., that's an email from Del Mese to you;

23 correct?

24 A. Yes.

25 Q. And your email back to Del Mese on 11:53

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1 November 30 had an attachment, Office Open XML 11:53
2 Word Processing Document 2.docx; right?

3 A. Yes.

4 Q. Was the document that was attached to
5 your November 30 email to Del Mese at AULT43 the 11:53
6 settlement agreement that is contained at
7 AULT001 to AULT004 in Exhibit 1?

8 A. I believe it was, yes.

9 Q. Was the copy that you've produced as
10 AULT001 to AULT4 the same exact substantive 11:54
11 document with the handwriting on it that you've
12 produced as AULT -- as -- that was attached to
13 your November 30 email?

14 A. Without being able to have a copy of
15 this email and opening that attachment and 11:54
16 comparing it, I can't attest affirmatively. But
17 I can tell you that that document that I wrote
18 on is what I went "File Print" from the day I
19 received it.

20 Q. So is it possible, then, that what you 11:54
21 forwarded to Del Mese was the unhandwritten,
22 marked version of AULT1 through AULT4 contained
23 within Exhibit 1?

24 A. It is very likely that that's the
25 circumstance. 11:55

1 Q. Because the attachment to your 11:55
2 November 30 email was apparently a Word
3 document; right?

4 And what's at 1 through 4 is obviously
5 a PDF that has handwriting on it; right? 11:55

6 A. No.

7 Q. So do you believe that you could have
8 attached as a Word document what's 1 through 4
9 in Exhibit 1?

10 A. So here's how I would explain it to 11:55
11 you: On November 26 my understanding of how
12 this email would be read is that Larry had sent
13 me this document called Office Open XML Word
14 Processing Document 2.docx. If you open that
15 document, it should be an exact copy of AULT1 11:56
16 through 4.

17 When I sent him this message on
18 November 30, that shows up because there was an
19 attachment to the November 26 email. But I
20 didn't print out these emails. I don't have -- 11:56
21 I don't have a clean copy of this one. I don't
22 have a clean copy of that one. This was printed
23 off an LA Times webpage.

24 And so I can't tell you that the
25 department is in possession of not only this 11:56

1 November 26 email but the December 30 email and 11:56
2 any attachments that are attached.

3 Q. I'm sorry. Are you saying that AULT1
4 through AULT4 was a document that you printed
5 off the Internet after receiving the subpoena? 11:56

6 MR. MILLER: No.

7 THE WITNESS: No. I printed -- this
8 document was printed --

9 BY MR. GORDON:

10 Q. By "this document" you mean -- 11:56

11 A. "This document" meaning --

12 Q. -- AULT1 through 4?

13 Hold on. By "this document," for the
14 record, I'm just clarifying you're holding AULT1
15 through 4? 11:57

16 A. Correct. So on November 30 -- I'm
17 sorry. I need to correct myself.

18 On November 26 I received an email from
19 Larry Del Mese which had an attachment which I
20 am confident was titled Office Open XML Word 11:57
21 Processing Document 2. When I printed that
22 document, I got pages AULT1 through 4. When I
23 sent Larry that response on November 30, this
24 attachment automatically shows up as part of the
25 email. 11:57

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1 So there is no different document that 11:57
2 I have. When I printed this out, I sat at my
3 desk and I made these notes and I worked on this
4 as I committed to Larry that I would do, but
5 there's no other document, and there's no PDF. 11:57
6 Q. So AULT1 through 4 contains handwriting
7 that was your handwriting made on the document
8 while you were still at LASD before your
9 retirement on January 2, 2019; is that what
10 you're saying? 11:58
11 A. Correct.
12 Q. And this document, AULT1 through 4, was
13 what was attached to your email to Del Mese on
14 November 30, 2018?
15 A. I would correct you and say it was 11:58
16 attached when Larry sent me the email on
17 November 26.
18 Q. The unmarked version?
19 A. The unmarked version, accurate, yes.
20 Q. All right. So looking at AULT1 through 11:58
21 4, which was the attachment to the email --
22 actually, before we talk about the attachment,
23 let me go back to AULT43, the document that you
24 said you printed off the Internet after
25 receiving the email; is that right? 11:58

1 loop on this request," are you referencing the 11:59
2 settlement agreement that was attached to your
3 November 30 email?

4 A. That was attached to the November 26
5 email, yes. 11:59

6 Q. So are you saying there was something
7 or there was not something attached to your
8 November 30 email?

9 A. The way I would describe it is on
10 the 26th I received an email that had an 12:00
11 attachment. When I responded back on the 30th,
12 whether that attachment was still there I don't
13 know. I don't really know how all the email ins
14 and outs goes.

15 I just know this much: When I say 12:00
16 "this request," I'm talking about this AULT 1
17 through 4 to retore this employee and sign this
18 settlement agreement.

19 Q. So in the next sentence where it says,
20 "I have given this document to Ms. Pirjo 12:00
21 Ranasinghe, county counsel, to process
22 Sheriff-elect Villanueva's priority request
23 forward," which document were you referencing in
24 that second sentence?

25 A. AULT 1 through 4. 12:00

1 Q. In its handwritten -- with the 12:00

2 handwritten markings?

3 A. I don't recall if I copied the
4 handwritten markings for her or I gave her a
5 clean copy. 12:01

6 Q. And when you said you gave it to her to
7 process, what did you mean by that?

8 A. I guess when I said "process," I mean I
9 gave it to her to work on.

10 Q. To do what with? 12:01

11 A. Honestly, I don't know. I -- once I
12 made the decision to retire, the rest of this
13 kind of fell off. I felt like I had a good
14 rapport with Larry, and so I wanted to be
15 respectful to him before I left to give him a 12:01
16 status update on what was going on with this and
17 what I had done and who it was left with and --
18 but I was not engaged much beyond that.

19 Once I made the decision to retire, I
20 was, as I explained earlier, a little selfishly 12:01
21 focused on taking care of my retirement and some
22 other financial matters I had to get in order
23 before that Friday.

24 Q. At the time Del Mese sent you his email
25 November 26, were you a supervisor of his? 12:02

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1 A. No. 12:02

2 Q. So he was not in your chain of command?

3 A. No.

4 Q. Had he ever been in your chain of

5 command at the LASD? 12:02

6 A. Yes.

7 Q. When was that?

8 A. That was back in 2014 when I was a

9 commander and court services.

10 Q. So it had -- strike that. 12:02

11 You worked at court services while you

12 were a commander?

13 A. Yes.

14 MR. MILLER: John, is now a good time?

15 I mean, you seem to be changing 12:02

16 subjects. That's why I brought it up.

17 MR. GORDON: I'll finish going over

18 this email, and then we can --

19 MR. MILLER: Okay.

20 MR. GORDON: -- take a break for lunch? 12:02

21 MR. MILLER: Great.

22 BY MR. GORDON:

23 Q. You said to Larry Del Mese, "I have

24 been told this request has been given to

25 contract counsel and the county counsel 12:03

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1 litigation attorneys to work together with 12:03
2 Mr. Mandoyan's attorney to achieve the goal of
3 returning him to work."

4 Who were you saying had told -- or
5 strike that. 12:03

6 Who had told you that the request
7 concerning trying to get Mandoyan back to work
8 had been given to contract counsel and the
9 county counsel litigation attorneys to work
10 together with Mandoyan's attorney to achieve the 12:03
11 goal of returning him to work?

12 A. Ms. Pirjo Ranasinghe.

13 Q. Were you trying to communicate to
14 Del Mese that Ms. Ranasinghe herself was going
15 to be involved in working on trying to achieve 12:03
16 the goal of returning Mandoyan to work?

17 A. No.

18 Q. So you were communicating that
19 Ms. Ranasinghe was saying other county counsel
20 litigation attorneys were supposed to work with 12:04
21 contract counsel to work with Mandoyan's
22 attorney to try and accomplish that goal?

23 A. My intent in this email was to provide
24 Larry Del Mese a contact person and give him the
25 last piece of information I had about what was 12:04

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1 happening in regards to his request. I was not 12:04
2 trying to make any other assertions other than
3 to give him a contact person and a very, very
4 brief statement of what was going on.

5 Q. Did you consider, when you sent this 12:04
6 email November 30, saying anything about your
7 feeling that Del Mese had made either a threat
8 or a test in his November 26 phone call with
9 you?

10 A. That was never a consideration to put 12:04
11 into an email.

12 Q. Did you consider putting in your
13 November 30, 2018, email to Del Mese at AULT43
14 anything about your view that the request he had
15 transmitted was unethical? 12:05

16 A. No.

17 Q. Did you believe that Del Mese had any
18 role in deciding that a request to reinstate
19 Mandoyan should be transmitted to McDonnell?

20 A. I'm sorry. What was the question? 12:05

21 Q. Did you believe that Del Mese had any
22 role in deciding that a request to reinstate
23 Mandoyan should in fact be made?

24 MR. MILLER: I didn't get that
25 question. Could you read it again. 12:05

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1 MR. GORDON: Let me -- I'll try and 12:05

2 clarify it.

3 Q. I'm asking whether in your own mind you
4 thought Del Mese was in any way behind the
5 attempt -- the decision to try to get Mandoyan 12:05
6 reinstated?

7 A. I would say it was clear to me that
8 Larry had a role in bringing -- in wanting to
9 return Mandoyan to work, because he was making
10 the request. 12:06

11 Q. Did you understand that Del Mese by
12 that point had already been designated or
13 selected by Alex Villanueva to play a leadership
14 role in the upcoming administration?

15 A. Yes. 12:06

16 Q. What did you understand the sheriff had
17 chosen Del Mese to do under his new
18 administration to begin December 3?

19 A. My understanding was that he was the
20 sheriff's chief of staff. 12:06

21 MR. MILLER: Okay?

22 MR. GORDON: Okay. That's fine. We'll
23 look it at the settlement agreement when we come
24 back.

25 MR. MILLER: Okay. 12:06

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THE VIDEOGRAPHER: Off the record at

12:06

12:07.

(Whereupon, at 12:07 p.m.
the deposition of ALICIA AULT was
adjourned for noon recess.)

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(Whereupon, at 1:10 p.m. the
deposition of ALICIA AULT was
reconvened.)

THE VIDEOGRAPHER: Okay. The time is
1:10. We are back on the record. 01:08

EXAMINATION (CONTINUED)

BY MR. GORDON:

Q. Now, are you aware that your counsel
filed objections to the document demands in the
deposition subpoena? 01:09

A. No.

Q. Have you withheld any documents that
you located in your custody, possession or
control responsive to any of the 42 requests for
production based on any objection to any of
those requests? 01:09

A. No.

Q. Now, going back to Exhibit 1, page
AULT1, what did you mean when you wrote at the
top of page 1, "Rewrite to our standards"? 01:09

A. So when I read this settlement
agreement, it was not consistent with the manner
in which the sheriff's department and other
attorneys have written them. This one was very 01:09

1 one-sided, very employee-centric, and was asking 01:09
2 for things that were not consistent with how the
3 sheriff's department conducts business.

4 Q. Can you identify for me which of the
5 13 points numbered in the settlement agreement 01:10
6 were inconsistent, in your mind, with how the
7 department conducted business.

8 A. So in a settlement agreement a lot of
9 the language is boilerplate, but it gets
10 specific when it talks to -- about a specific 01:10
11 employee. So the paragraph would be on AULT2.
12 It's identified as No. 5.

13 So the first thing was they wanted full
14 back pay, which was a very bold ask.

15 The second thing was -- I circled 01:10
16 "Bonus I deputy sheriff," and in my research I
17 didn't see where at the time the employee exited
18 the department that he was receiving bonus pay.

19 So that seemed to me as a very strange request
20 that you would appoint somebody to a position 01:11
21 they didn't hold at the time that they left.

22 The verbiage with "made whole with
23 medical benefits," that is something I've never
24 seen before, and it was so ambiguous. Does that
25 mean that if he had seen a doctor, that they'd 01:11

1 want the county to repay him for his medical 01:11
2 visits while he was out of service?

3 Then with LACERA, LACERA is an entirely
4 separate organization. The county has no
5 authority to force LACERA to do anything, so you 01:11
6 can't even do that.

7 And then with any employee who
8 separates service, whether it's through
9 retirement or through a discharge, you get paid
10 out for all of these time things that they have 01:11
11 listed here in the last sentence. So sick,
12 sick/personal, vacation, excess vacation,
13 holiday percentage and save time, it seemed like
14 to me that that was a double-dip; that you were
15 already getting paid for those when you 01:12
16 separated service, but now you want to have it
17 all restored and given back to you.

18 And so those were the main aspects of
19 it that I thought were very unusual and not
20 consistent with anything I've seen before. 01:12

21 Q. So I didn't understand your point about
22 double-dipping.

23 Are you saying that you understood
24 Mandoyan had already been paid for sick,
25 sick/personal, vacation, excess vacation, 01:12

1 holiday percentage and save time during the time 01:12
2 he was discharged?

3 A. Yes.

4 Q. And how would he have been paid all
5 that or through what means was he receiving that 01:12
6 pay or that compensation?

7 A. So my understanding is that when an
8 employee is discharged, whatever they're legally
9 entitled to with sick pay or earned time,
10 vacation time, that that all gets paid out to 01:13
11 them at the separation point. So in my mind
12 this was a request to -- so he's already been
13 paid for that is the way I understand it.

14 So by asking to restore that, he not
15 only received the benefit of the pay, but now 01:13
16 you want to give it all back to him. And so in
17 my mind that was a double-dip, and so that was
18 my note there to inquire about that.

19 Q. Are you saying that the department --
20 it was unprecedented for a department to agree 01:13
21 to full back pay from the date of imposition
22 through the date of settlement when a deputy
23 could be brought back?

24 A. No.

25 Q. Well, what were you saying was 01:13

1 inconsistent with standard operating procedure 01:13
2 to include full back pay as part of a
3 resolution?
4 A. Full back pay is not an automatic.
5 That is a discussion, and it's negotiated with 01:13
6 the decision-makers and in conversations with
7 county counsel. And so although it's not
8 unprecedented, it is not a automatic.
9 Q. Did you understand from Larry Del Mese
10 that this settlement agreement was a settlement 01:14
11 agreement that Mandoyan's attorney had prepared?
12 A. Yes.
13 Q. Did Larry Del Mese say anything about
14 the sheriff saying you should accept this exact
15 form of agreement, that is, substantively every 01:14
16 point in the agreement?
17 A. There wasn't a statement that was made
18 to that effect. The statement that was made to
19 me is, "I've sent you over the settlement
20 agreement. This is what we want to have happen, 01:14
21 and so we need to" -- this was the terms of
22 bringing him back.
23 Q. Did he say anything about working
24 with -- strike that.
25 Did Del Mese say anything in his 01:15

1 November 26 phone call with you about 01:15
2 negotiating the specific -- any specific
3 revisions to this proposed settlement agreement
4 with Mandoyan's attorney to come up with a final
5 agreed-upon agreement -- settlement agreement? 01:15
6 A. No.
7 Q. Just so I'm sure I understand this
8 correctly, Exhibit 1, consisting of pages
9 Bates-stamped AULT1 through AULT45, are the only
10 documents you located that were responsive to 01:15
11 the Request for Production 1 through 42 attached
12 to your subpoena; correct?
13 MR. MILLER: Objection. Asked and
14 answered about three or four times.
15 MR. GORDON: I'm trying to get -- 01:15
16 MR. MILLER: She already said yes.
17 MR. GORDON: I'm trying to get
18 confirmation.
19 Q. Am I understanding that correctly?
20 A. Confirmed again. 01:16
21 Q. Between November 26 and today did you
22 ever destroy any of the documents demanded by
23 Request for Production 1 through 42 in the
24 subpoena included in Exhibit 2?
25 A. No. 01:16

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1 Q. Between November 26, 2018, and today 01:16
2 have you ever deposed of, that is, gotten rid
3 of, any of those documents called for by the 42
4 categories of request for production in the
5 subpoena? 01:16

6 A. No.

7 Q. Between November 26, 2018, and today
8 have you ever transferred or caused to be
9 transferred to anyone other than Mr. Miller's
10 firm any of the documents in your custody, 01:17
11 possession or control fitting within Request for
12 Production No. 1 through 42 in Exhibit 2?

13 A. No.

14 Q. Did you search any electronic devices
15 for any records or documents requested in 01:17
16 Request for Production 1 through 42 in your
17 deposition subpoena?

18 A. No.

19 Q. And why is that?

20 A. Because the only thing I had was that 01:17
21 file folder that I remembered on my desk, and so
22 that's what I was searching for in my boxes.

23 Q. Did you take with you over the last
24 week or so of your time at the office at the
25 sheriff's department any documents in electronic 01:17

1 form? 01:17

2 A. On my -- we call it a Y drive -- I had
3 some, like, personal pictures or pictures from
4 the department. I had, like, some historic
5 things that I had done, like programs I had 01:18
6 proposed or things of that nature. But that's
7 what I took. My pictures was most important to
8 me.

9 Q. Other than the personnel records at
10 pages included within Exhibit 1, AULT1 through 01:18
11 AULT45, did you take any other personnel records
12 with you when you left the department?

13 A. No.

14 Q. Are you aware of any documents that you
15 haven't produced which you had in your 01:18
16 possession, custody or control since you left
17 the department physically at the end of November
18 2018?

19 MR. MILLER: You mean documents that
20 are requested in the subpoena? 01:19

21 MR. GORDON: Yes.

22 MR. MILLER: I thought she's already
23 said she gave you everything.

24 But you can answer the question.

25 MR. GORDON: Your misunderstanding my 01:19

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1 question. 01:19

2 MR. MILLER: Maybe rephrase it.

3 BY MR. GORDON:

4 Q. Are you aware of any documents that you
5 haven't produced which you had in your 01:19
6 possession, custody or control -- strike that.

7 Are you aware of any documents called
8 for by Document Requests 1 through 42 in your
9 subpoena that you had in your custody,
10 possession or control since you left the 01:19
11 department physically at the end of November
12 2018 that you haven't produced?

13 A. So the question is really broad because
14 you're asking for documents that get used on a
15 daily basis but I was never the custodian of 01:19
16 record. So, yes, I may have had a printout of
17 something at some point in time, but I don't
18 have it now, and I didn't take any of it with
19 me.

20 So I'm aware that they exist. I don't 01:20
21 have them.

22 Q. Right. So I'm just trying to confirm:
23 From the time you spent your last physical day
24 at the office --

25 A. Yes. 01:20

1 Q. -- for whatever reason the document may 01:20
2 not be in your possession, custody or control
3 now, have you produced every document that you
4 have ever had custody, possession or control of
5 since you left the office that are -- that is 01:20
6 called for by any of the 42 categories of
7 documents?

8 A. So, again, I looked in my possession,
9 and I have provided you with everything that is
10 responsive to your request. I have nothing 01:20
11 else.

12 MR. MILLER: If she doesn't have it,
13 how could she produce it?

14 MR. GORDON: I -- you're not listening
15 to the question. 01:20

16 Q. I understand you produced everything
17 that you had in your possession, custody or
18 control as of the time you received the
19 subpoena.

20 And what I'm asking you is did you ever 01:20
21 have any possession, custody or control of any
22 of those documents between the last day you
23 worked at the office and today that you haven't
24 produced? So maybe they burned up in a fire.
25 Maybe your dog ate them. 01:21

1 Any number -- any explanation for why a 01:21
2 document that is responsive to this you haven't
3 produced that you have in your custody,
4 possession or control after leaving the office?

5 A. The only documents that I have that 01:21
6 were in my custody, care and control from the
7 time I left the department to this day are -- is
8 this pile, Exhibit 1, period. I have nothing
9 else that I had at any other point in time.

10 Q. Did you participate in any way in any 01:21
11 inspect of the disciplinary proceedings against
12 Mandoyan while he was still a deputy sheriff?

13 A. No.

14 Q. While you were still a member -- strike
15 that. 01:21

16 While Mandoyan was still a member of
17 the Los Angeles Sheriff's Department, did you
18 know anything about the sheriff's disciplinary
19 proceedings against Mandoyan?

20 A. I was made aware of them when I got 01:22
21 that call from Larry Del Mese asking me to look
22 into what was happening in the civil service
23 proceedings.

24 Q. And that's the first time you ever knew
25 anything about any disciplinary proceedings 01:22

1 A. I don't know anything about that. 01:24

2 Q. Did you know anything -- do you know
3 anything concerning any interview that IAB --
4 strike that.

5 Do you know anything about any 01:24
6 interview of a deputy named Lisa Richardson by
7 the IAB deputy named Roam concerning a
8 conversation that Richardson had with deputy
9 Amber Taylor about Mandoyan?

10 A. I'm not aware of any audio recording 01:24
11 involving Roam and Taylor.

12 Q. And my last question was just with
13 reference to an interview, irrespective of
14 whether it was an audio-recorded interview?

15 A. I have no knowledge of any of that. 01:24

16 Q. While you were a chief with oversight
17 of the Internal Affairs Bureau, were you ever
18 aware of any interview of a deputy who said that
19 Deputy Taylor had, in fact -- that Deputy Taylor
20 said that Mandoyan had not done anything to 01:25
21 assault her?

22 A. No.

23 Q. Have you ever heard of anyone telling
24 anyone from the Internal Affairs Bureau that
25 Deputy Taylor had denied that Mandoyan had 01:25

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1 physically done anything to make her afraid of 01:25

2 him?

3 A. No.

4 Q. Have you ever learned of any 01:25
5 information suggesting that any evidence

6 acquired by the Internal Affairs Bureau

7 concerning allegations against Mandoyan had not

8 been entered into evidence?

9 A. No.

10 Q. If an interview is done by an IAB 01:25

11 officer concerning a matter of discipline

12 against a deputy, is the -- is any notation of

13 such an any interview supposed to be entered

14 into the records of IAB?

15 A. In most cases interviews that are 01:26

16 percipient should be indicated in the case.

17 Q. And if there's a tape recording of the

18 interview, obviously the tape recording is

19 supposed to be entered into evidence; right?

20 A. Correct. 01:26

21 And just for clarification, we wouldn't

22 call it evidence, but it should be included in

23 the packet. Evidence is not part of an

24 administrative case, per se.

25 Q. Would you say it should be recorded in 01:26

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1 an IAB file concerning allegations of misconduct 01:26
2 against the deputy?

3 A. Yes.

4 Q. Do you know whether the sheriff's
5 department had any rules or policies during the 01:26
6 McDonnell administration concerning disclosure
7 of exculpatory evidence to officers who were the
8 subject of disciplinary proceedings?

9 A. That question's vague. Can you say it
10 again. 01:27

11 Q. Do you know whether the sheriff's
12 department had any rules or policies during the
13 McDonnell administration which govern the
14 disclosure of exculpatory evidence to a deputy
15 who was the subject of disciplinary proceedings? 01:27

16 A. I'm not aware of a specific policy that
17 is overtly directing people to provide
18 exculpatory information. I'm not aware of one.

19 Q. So when under your command an IAB
20 deputy interviewed someone who reported that the 01:27
21 victim denied the -- denied the allegation
22 against a deputy that was the subject of
23 discipline, would that typically be recorded in
24 the file of the deputy's disciplinary
25 proceeding? 01:27

1 A. Yes. 01:28

2 Q. And while you were overseeing IAB,
3 would that typically be a matter that would be
4 disclosed to the deputy or his counsel?

5 A. Yes. 01:28

6 MR. MILLER: I object to the -- I don't
7 understand these questions. This was all
8 litigated in front of the Civil Service
9 Commission. Are you trying to redo that? I
10 guess so. 01:28

11 I object. This is a waste of time.

12 BY MR. GORDON:

13 Q. Were you involved in any way in any of
14 the writ petition proceedings in superior court
15 concerning Deputy Mandoyan? 01:28

16 A. No.

17 Q. While you were still a member of the
18 sheriff's department, did you know anything
19 about writ petition proceedings in superior
20 court concerning Mandoyan? 01:28

21 A. No.

22 Q. And other than what you've read or
23 heard in media reports, have you learned
24 anything about any of the writ petition
25 proceedings in the superior court concerning 01:29

1 Mandoyan? 01:29

2 A. No.

3 Q. Other than what you were told by Larry

4 Del Mese or Roam concerning the civil service

5 proceedings against Mandoyan, have you ever 01:29

6 learned anything about the civil service

7 proceedings concerning Mandoyan?

8 A. So I was never told anything about the

9 proceedings by Roam, and I have learned that the

10 civil service -- not only the hearing officer, 01:29

11 but the entire panel upheld his discharge.

12 Q. And is that the only thing you've ever

13 learned about the civil service proceedings

14 involving Mandoyan's discipline?

15 A. The only other information I had is 01:29

16 when I looked into the matter at Larry's

17 request. I did learn that it was a -- it was a

18 very difficult hearing; that Christine Roam, the

19 sergeant, was very aggressive in her putting

20 forth of her case; and that there was also a 01:30

21 robust case put on by the other side. And

22 that's really all the information I learned

23 about that.

24 MR. MILLER: Did Christine Roam

25 represent Larry -- I mean represent -- not 01:30

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1 Larry -- Mandoyan? 01:30

2 THE WITNESS: No.

3 MR. MILLER: She was representing --

4 THE WITNESS: The county's interest.

5 MR. MILLER: The county's interest. 01:30

6 Okay. Got it.

7 BY MR. GORDON:

8 Q. Did you ever participate yourself in

9 any way in any review of the department's

10 discharge of Mandoyan? 01:30

11 A. The only time I did a review of the

12 discharge of Mandoyan was subsequent to the call

13 from Larry Del Mese on November 26 when I pulled

14 up this document in AULT -- starting on page

15 AULT14 that ends on AULT42. 01:31

16 Q. And you read that civil service

17 proceeding report?

18 A. Yes.

19 Q. Other than doing that, did you ever

20 participate in any way in any review of the 01:31

21 department's discharge of Mandoyan?

22 A. No.

23 Q. Were you ever asked to personally

24 participate in any review of the department's

25 discharge of Mandoyan? 01:31

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1 city drove me home. 01:33

2 Q. And who was the subordinate?

3 A. That was Captain Josie Woolum.

4 Q. And why did you have Captain Josie

5 Woolum drive you home on -- this was November 30 01:33

6 you're talking about?

7 A. Yes.

8 Q. Why did you have Captain Josie Woolum

9 drive you home on November 30?

10 A. Because Captain Woolum also has a car 01:33

11 assigned to her from the county. Because she

12 lives in the same city as I do, albeit a

13 different part, and because I didn't feel it

14 would be appropriate to ask a member of my staff

15 who is at a much lower rank than her to take me 01:33

16 home and drop me off.

17 Q. Is that ride by Josie Woolum on

18 November 30 the only time anyone from the

19 department drove you home during your last week

20 at the office from November 26 to November 30? 01:33

21 A. I don't recall anybody driving me home,

22 because I had my car up until then. So no.

23 Q. Did -- strike.

24 Did Commander Steve Gross drive you

25 home one day during your last week at the office 01:34

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1 familiar that Steve Gross drove you home; 01:35
2 correct?
3 A. Correct.
4 Q. When do you place in your mind, as best
5 you can, when you think that might have been? 01:35
6 A. I couldn't even begin to tell you. The
7 only thing that prompts the recollection is I
8 think I vaguely remember asking him to do that
9 on one particular day because I left some
10 medication that I needed to take -- take. I had 01:35
11 left it at home, and it was causing me to be a
12 little light-headed.
13 And so I vaguely remember that, but I
14 have no specific, like, details about -- I
15 couldn't place it in time. 01:36
16 Q. At all?
17 A. I can't. I just -- I have a
18 recollection of one day not feeling well enough
19 to drive home. I think I started walking out of
20 the building to go home, but I could not tell 01:36
21 you what month. I don't -- I don't know.
22 Q. At the end of the day -- strike that.
23 Was there an occasion that Steve Gross
24 was driving you home at your request when you
25 received a call from Larry Del Mese on the 01:37

1 phone? 01:37

2 A. I don't recall that.

3 Q. Did you receive a phone call from Larry

4 Del Mese concerning the Mandoyan case while you

5 were being driven home by Steve Gross near the 01:37

6 very end of your tenure at the LASD?

7 A. I don't recall that.

8 Q. Did you tell Larry Del Mese in a phone

9 call while you were being driven home by Steve

10 Gross to your home at his request near the very 01:37

11 end of your tenure where you asked him words to

12 the effect of "Is this quid pro quo? Do I keep

13 my job if I do it?" referring to his request

14 that you submit the Mandoyan matter for

15 reconsideration by McDonnell's administration? 01:37

16 A. I don't recall that.

17 Q. Do you deny that, in fact, you said it?

18 A. I don't recall that I said it.

19 Q. Do you recall that you did not say it?

20 A. I have no recollection of any of that. 01:38

21 I have a vague recollection of one day going

22 home ill and maybe asking Steve Gross to drive

23 me home, but I don't have a recollection of that

24 conversation. It doesn't -- it's not ringing a

25 bell to me. 01:38

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1 Q. Did you have a conversation in the car 01:38
2 being driven by Steve Gross at your request when
3 he was driving you home near the end of your
4 tenure where Larry Del Mese told you there was
5 no quid pro quo, meaning there was no 01:38
6 agreed-upon arrangement that if you complied
7 with his request to submit the Mandoyan matter
8 for reconsideration by McDonnell, that you would
9 keep your job?

10 A. I have no recollection of that at all. 01:38

11 Q. Now, there are some things you know did
12 not happen; right?

13 A. Right.

14 Q. I mean, you know you've never been
15 President of the United States; right? 01:39

16 A. I'm pretty clear about that.

17 Q. There's some things you're just not
18 sure whether they happened or not; right?

19 A. Correct.

20 Q. You can't 100 percent deny that it 01:39
21 happened; you just don't recall it happening;
22 right?

23 A. Okay.

24 Q. Okay. Is the subject of receiving a
25 phone call from Del Mese about the Mandoyan 01:39

1 matter between November 26 and November 30 in 01:39
2 which he transmitted the request regarding
3 Mandoyan and there was a conversation about a
4 quid pro quo something that you know did not
5 happen or something you cannot definitively say 01:39
6 one way or another happened?

7 A. All I can tell you is I have absolutely
8 no recollection of that conversation occurring.
9 It doesn't ring a bell. I don't even know -- I
10 mean, I can't even tell you there's a vague wisp 01:40
11 of "Oh, yeah, I remember that." It is
12 completely something that I have zero
13 recollection of and zero belief that I even had
14 that conversation.

15 Q. Were you light-headed in the car at the 01:40
16 time Steve Gross was driving you home after you
17 had failed to take your medication?

18 A. I was light-headed enough to ask
19 somebody to drive me home.

20 Q. Going back to Exhibit 1, AULT43, the 01:41
21 email you sent to Del Mese --

22 A. Yes.

23 Q. -- when you said, "As today is my last
24 day in service to the county," were you trying
25 to convey to him it was your last day physically 01:41

1 serving as an LASD employee on active duty? 01:41

2 A. Yes.

3 Q. Did you have vacation or sick time or
4 other time stored up that you used between
5 December 1 and when you formally retired on the 01:41
6 second of January 2019?

7 A. Yes. I was off work on approved leave.

8 Q. Now, going to AULT44 in Exhibit 1, can
9 you -- this is your handwriting; right?

10 A. Correct. 01:41

11 Q. And these are notes that you took that
12 you still had in your custody, possession or
13 control at the time you got served the
14 deposition subpoena?

15 A. Yes. 01:41

16 Q. Can you explain your notes that you
17 wrote on this page, AULT44?

18 A. Yes. So the numbers at the top,
19 2383392, refer to one of the Mandoyan cases, and
20 if I flip back to the front, AULT01, in Item 01:42
21 No. 1 it's listed there. So that indicates to
22 me that that is the case involving the domestic
23 violence.

24 Below that it says "Lawsuit 9/7
25 of '18," and then "Lawsuit 8/27 of '18." So I 01:42

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1 was told that he had filed two lawsuits against 01:42
2 the County of Los Angeles, and if I recall
3 correctly, these were the dates the lawsuits
4 were filed.

5 Over to the side there's a circle with 01:42
6 a "Yes" -- or a "Y," which to me indicates
7 "yes," and so -- and then it says "Release of
8 both lawsuits." Then below --

9 Q. Hold on. Before you move on, what do
10 you mean "Y" means "yes"? 01:43

11 Yes what?

12 A. So, yes, that one of the hurdles that
13 would have to be overcome if Mandoyan was to
14 ever be returned to work is that he would have
15 to release the county of liability on both 01:43
16 lawsuits that he had filed.

17 Q. Okay.

18 A. Down below it says "Discipline" with a
19 question mark, and then it has the letter "N" in
20 it. My recollection is that refers to the case 01:43
21 that involved a use of force, which is case
22 No. 2392810, and that -- the "N" means no, that
23 case would not be changed to a different
24 outcome.

25 If you go over, there's another -- 01:43

1 Q. Hold on. Hold on. Let me just -- 01:43

2 before you move on to the rest.

3 When you say no, that case would not be
4 changed, what do you mean about that?

5 A. So the request was change that case 01:44

6 from founded and wipe out the five days of
7 discipline, and change it to unfounded, and that
8 was not a consideration. That was not -- that
9 was not going to be something on any table --

10 Q. And -- 01:44

11 A. -- [overspoken].

12 Q. -- is this you writing down your view
13 of what the department's position should be or
14 you reporting what someone above you or across
15 from you said the department's position was 01:44
16 going to be?

17 A. Part of it had to do with details of
18 what was possible and what would even be
19 considered on any given day, but it was not a
20 direct, like, task list, if you will. 01:44

21 Q. What would --

22 A. It was -- they were interim
23 discussions.

24 Q. With whom?

25 A. With -- parts of this are from county 01:44

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1 counsel. Yes. 01:45

2 Q. So this is you recording what you
3 believe the department's position was going to
4 be based on what county counsel's position was?

5 A. It had more to do with possibilities as 01:45
6 opposed to a position.

7 Q. Who was the county counsel that you're
8 speaking with to determine what the department's
9 position was possibly going to be?

10 A. I wouldn't say this conversation 01:45
11 related to department's position. It had more
12 to do with hurdles and information I could -- I
13 could take back.

14 Q. Take back from whom --

15 A. From -- 01:45

16 Q. -- to whom?

17 A. Take back to Larry Del Mese about what
18 were sort of standard operating procedures.

19 Q. So you were writing down "No" after
20 speaking with county counsel as a notation to 01:46
21 you to tell Del Mese that removing -- or
22 changing the finding in the prior disciplinary
23 proceeding from founded to unfounded was not a
24 possibility?

25 A. So some of these notations had to do 01:46

1 with, Is this even possible? Could this even 01:46
2 possibly happen? So that's where you get the --
3 like, this was my self-notes. So that's why
4 there's the yeses and the nos, like, Okay. Is
5 this even possible? Is it even a possibility? 01:46
6 So this was not even so much even -- it
7 was prompted by Mandoyan, but it's not
8 necessarily even at times about Mandoyan.
9 Q. I'm sorry. And who was the county
10 counsel that you said you spoke with? 01:46
11 A. Pirjo Ranasinghe.
12 Q. So these notes are reflecting your
13 understanding after speaking with her?
14 A. Of possibilities.
15 Q. Okay. So after speaking with her, your 01:47
16 notation was "No" as to discipline as to the
17 prior matter; that that was not -- that was not
18 even a possibility to be changed?
19 A. It's more about, Has this ever happened
20 before? Have you ever come across this? Has 01:47
21 this ever been done in the past?
22 It wasn't, What are we going to do
23 about Mandoyan? It was, This is what I learned
24 in AULT1 through 4. This is what I'm seeing
25 their ask. Are these things even possible? 01:47

1 Have we ever done this? Is this even something 01:47
2 that the county could consider?

3 So it wasn't like, Tell me what we can
4 do or not do. It has a lot to do with, What
5 have we done? Is this even reasonable? It was 01:47
6 me doing my due diligence about process.

7 Q. And what's the "Y" regarding zero with
8 a line through it "back pay"?

9 A. So would back pay even -- would back
10 pay even be considered in a matter such as this? 01:48
11 What's our record? What's our historical
12 record? And the answer was yes, we would not --
13 if you -- the way my brain works was yes, zero
14 back pay. There would be no back pay.

15 Q. And what about the next entry with a 01:48
16 question mark?

17 A. The one was how do you -- so the issue
18 was, How do you even bring a guy back like that?
19 And it was, As if he were on a leave of absence.
20 So you would handle that as if he were gone. 01:48
21 And I don't know really know what that pertained
22 to, because it was my thoughts at the time.

23 And then the circle underneath that is
24 "OOS," which is "out of service," and then the
25 question was, Place where? So if he were ever 01:48

1 to come back, where would he go? 01:48

2 Q. Have you told me everything that you

3 had in mind at the time you made the notes

4 reflected on AULT44?

5 MR. MILLER: Can I ask a question? 01:49

6 When did you make these notes?

7 THE WITNESS: It was made sometime --

8 sometime after the 26th but probably before

9 the 28th as I was going through my head, What

10 would I want to know? What are my questions? 01:49

11 What would I want answered? It was me going

12 through this what-if scenario based on AULT1

13 through 4.

14 BY MR. GORDON:

15 Q. And on AULT45 it's got a date 11/26/18. 01:49

16 This is all your handwriting too;

17 correct?

18 A. Yes.

19 Q. Were these all notes that you wrote on

20 November 26, 2018? 01:49

21 A. Yes.

22 Q. Were these notes of a phone call that

23 you had with Larry Del Mese from that day?

24 A. Yes.

25 Q. Where did you make these notes? 01:49

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1 Q. And do you know what the most recent 01:50
2 org chart was under the McDonnell
3 administration?
4 Did it have a photo of you?
5 A. I think it did. 01:51
6 Q. So from this could you tell whether he
7 was looking at an original -- I mean an existing
8 organization chart under McDonnell as opposed to
9 a prospective organizational chart for when
10 Villanueva would take office? 01:51
11 A. Well, I asked him that question, and he
12 wouldn't answer.
13 Q. But what I'm asking you is could you
14 tell from his comment which he was referring to?
15 A. I had no idea what he was looking at. 01:51
16 Q. And then you've got the number "1." I
17 assume "Return to work Mandoyan" --
18 A. "Caren."
19 Q. Caren, his first name?
20 A. Uh-huh. 01:51
21 Q. And then "S/A."
22 What is "S/A"?
23 A. "S/A" means "settlement agreement."
24 Q. "To chief of division"?
25 A. So number -- 01:51

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1 Q. Is that what -- 01:51

2 A. Let me help.

3 Q. Okay.

4 A. "Return to work Mandoyan, Caren.

5 Settlement agreement." 01:51

6 "To chief of division" is me telling

7 him, You need to send your request to the chief

8 of the division where Mandoyan was assigned at

9 the time he separated from the organization.

10 Q. And who was that? 01:52

11 A. Seated in the chair, if I recall

12 correctly, it -- I initially thought it was John

13 Benedict, but I think Hollywood had been moved

14 over to Central Patrol, which would have been

15 Joe Gooden. 01:52

16 Q. What does the next line say?

17 A. It says, "No to undersheriff to hours

18 benefit." My writing is horrible, so I'm

19 assuming it means "to hours benefit."

20 Q. Do you know what you were trying to 01:52

21 convey to yourself through your notes?

22 A. So I think probably in the conversation

23 I'm saying no, it needs to be to the

24 undersheriff. But I honestly don't know what

25 "to" -- and then what I'm assuming I wrote was 01:53

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1 "hours" and "benefit." I don't actually know 01:53
2 what I was trying to convey to myself or to
3 Larry at that point.

4 Q. And then the next line?

5 A. Is "L/U," which means "look up case." 01:53
6 And then I wrote down 2383392, and then I wrote
7 next to that "Get back," meaning "get back to
8 Larry." So that was during -- so that was that.

9 Q. And then you had a line and then
10 another set of notes; right? 01:53

11 A. So it says -- there's a discharge case
12 and then a dash, and then "05 days out of
13 statute." And then underneath of discharge case
14 I probably wrote later, and this would not have
15 been during the conversation. So those little 01:53
16 "v" marks and that kind of loopy line would say,
17 "Release two lawsuits. No back pay. As if on
18 leave. Place where? And any discipline."

19 So what you saw here was a recap on
20 that note on AULT44. 01:54

21 And then "Not on the table" I wrote,
22 meaning that wasn't going to be a part of any
23 settlement agreement for the discharge, because
24 that's a separate issue.

25 And then associated with that, I have 01:54

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1 the box, and the box says, "Look in ERCOM." So 01:54
2 that was telling me to go pull some of the other
3 documents that are within this packet to take a
4 look and see what happened with that case and
5 what was that case all about. So this was my -- 01:54
6 sort of after that my notes to myself of what to
7 do and how to take a look at that.

8 Q. So the note -- other than the downward
9 arrow on the bottom half of the page and the
10 kind of squiggly line and "Not on table," was 01:55
11 everything else written on November 26 during
12 the phone call on page AULT45?

13 A. So if I had to tell you the way that I
14 conduct myself and my note-keeping, that line
15 would indicate the conversation ended. Because 01:55
16 where it says, "Get back," that was pretty much,
17 you know, in my mind, where the conversation
18 ended. And then below the line was my follow-up
19 to the tasks or the conversation above.

20 Q. Which would have been written between 01:55
21 November 26 and your last day at the office on
22 November 30, 2018?

23 A. I would say absolutely. Sometime prior
24 to that.

25 Q. Sometime prior to November 30? 01:55

1 A. Yes. 01:55

2 Q. So under the line where it says
3 "Discharge case" and then you've got a downward
4 arrow, "Release two lawsuits," you're saying
5 that that was something that you understood was 01:56
6 possible?

7 A. So that was just -- as I went through
8 the documents and looked at what was -- what
9 were the things that I needed to think about --
10 and if I can go back a moment. 01:56

11 When Larry called and asked about this,
12 my initial instinct was to say it's unethical,
13 it's inappropriate, it's not consistent with
14 that, but I wanted to do my due diligence. And
15 so in doing my due diligence to make sure I 01:56
16 wasn't reactive, that I was basing my
17 information on fact and knowledge, I wanted to
18 do my own work before I made sure about
19 everything that I believed to be true.

20 And so these are the things that I'm 01:56
21 saying to myself, What has to happen? Is there
22 a release for these lawsuits? Are they willing
23 to do that?

24 Q. Is who willing to do that?

25 A. Is Mandoyan willing to release the two 01:57

1 lawsuits? And then in the cases like this there 01:57
2 wouldn't be back pay. And how do you want to
3 carry, you know, his absence from the
4 department?

5 There's all these very detailed and 01:57
6 specific things that go on, and they're all
7 considerations in offers to people and
8 settlement agreements. So these were
9 considerations that I had written down as you
10 take a look at the discharge case and then take 01:57
11 a look at the other case. So these are sort of
12 like working notes for me and wanting to get
13 clarifications along the way.

14 Q. Did you have your conversation with the
15 county counsel attorney about Mandoyan between 01:57
16 the time you took the notes on the first half of
17 page AULT45 and the time you wrote the notes at
18 the bottom half of the page of AULT45?

19 MR. MILLER: You mean with Pirjo?

20 MR. GORDON: Yes. 01:58

21 THE WITNESS: I don't -- I can't
22 articulate the timing. I can just tell you
23 this: I'm very clear I got a call from Larry,
24 the next call I made was to Pirjo, and the third
25 call I made in succession was to the 01:58

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1 undersheriff. 01:58

2 BY MR. GORDON:

3 Q. I'm asking you about the notes on the

4 bottom half of the page: Did you provide any

5 timing with respect to your call with Pirjo, the 01:58

6 county counsel attorney?

7 A. I would say they're reasonably

8 contemporary. Because I had that box that says,

9 "Look in ERCOM." And so because of that I would

10 say it's contemporary, but I couldn't tell you 01:58

11 when. I don't have a specific recollection of

12 when.

13 Q. Have you now told me everything you can

14 remember about what you intended from the notes

15 you wrote on AULT45? 01:58

16 A. Yes.

17 Q. Have you now told me everything you can

18 remember about what you intended by making the

19 notes -- writing the notes on AULT44?

20 A. Yes. 01:59

21 Q. Did you understand you had the right

22 under Civil Service Commission rules to remain

23 as a commander under Villanueva even if he

24 removed you as a chief?

25 A. Yes. 01:59

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1 Q. And did you decide that you were not 01:59
2 interested in remaining as a commander even if
3 he removed you as a chief?

4 A. If I had remained and I had been
5 removed down to the rank of commander, the 01:59
6 financial implications are profound, and I
7 wasn't willing to risk my financial future for
8 something that I felt was really unethical.

9 Q. And you at this time -- how many years
10 had you served at the sheriff's department? 01:59

11 A. Over 36.

12 Q. Were you still accruing pension
13 benefits on a yearly basis after serving
14 36 years there?

15 A. Yes. 02:00

16 Q. And what pension benefits were you
17 accruing on a yearly basis even after serving
18 36 years?

19 Was it a percentage of your salary each
20 year that kept on going up? 02:00

21 A. I think that's how it works. I'm not
22 particularly versed in that.

23 Q. And do you know when -- strike that.
24 Was there a mandatory retirement age?

25 A. No. 02:00

1 Q. How many boxes of documents did you 02:00
2 take from your sheriff's department office
3 during the time you were packing up after
4 learning that Villanueva would be the sheriff on
5 November 26? 02:00

6 MR. MILLER: Objection. Asked and
7 answered.

8 You can answer it again.

9 BY MR. GORDON:

10 Q. You told me how many boxes you took? 02:00

11 A. I don't have an estimate of documents.
12 I think we just talked about there was a large
13 amount --

14 MR. MILLER: Personal stuff.

15 THE WITNESS: -- personal items I took. 02:01

16 BY MR. GORDON:

17 Q. Can you tell me -- can you provide any
18 estimate of how many pages, inches, boxes of
19 documents you removed from the sheriff's
20 department office? 02:01

21 MR. MILLER: She said it was personal
22 items. She didn't say --

23 MR. GORDON: You don't need to testify.
24 I'm just asking her a question. If you want to
25 say it's asked and answered, fine, make your 02:01

1 objection. 02:01

2 MR. MILLER: Objection. It's also

3 vague and ambiguous.

4 MR. GORDON: Okay.

5 Q. So my question is can you give me any 02:01

6 estimate of the volume of documents --

7 LASD-related documents that you took with you

8 during your last week at the sheriff's

9 department between November 26 and November 30?

10 A. I would say of documents it was a 02:01

11 couple folders full. It wasn't a lot.

12 Q. Did you ever speak on the phone with

13 Del Mese while you were in a vehicle concerning

14 the Mandoyan matter?

15 A. My recollection is we spoke when I was 02:02

16 in the office.

17 Q. So is your answer no, you don't believe

18 that you -- strike that.

19 So my question was did you ever speak

20 on the phone with Del Mese while you were in a 02:02

21 vehicle concerning the Mandoyan matter?

22 A. And my recollection is I spoke with

23 Del Mese while I was in an office.

24 Q. Only when you were in an office --

25 A. Yeah. 02:02

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1 Q. -- is what you're saying? 02:02

2 A. That's my distinct recollection.

3 Q. Did you ever speak with Larry Del Mese

4 while you were in the presence of Steve Gross?

5 MR. MILLER: Objection. Asked and 02:03

6 answered.

7 MR. GORDON: No, it wasn't.

8 Q. You can answer --

9 MR. MILLER: You can answer.

10 BY MR. GORDON: 02:03

11 Q. You can answer that. I've never --

12 A. I have no recollection of speaking to

13 Larry Del Mese in front of Steve Gross.

14 Q. Now, you've testified that you printed

15 out a copy of AULT43 from an LA Times article 02:03

16 that was online; right?

17 A. Yes.

18 Q. And that was an article by Los Angeles

19 Times writer Maya Lau; right?

20 A. Yes. 02:03

21 Q. Did you ever speak with Maya Lau about

22 the Mandoyan matter?

23 A. That would be a yes and no.

24 Q. When did you first speak with Maya Lau

25 in a conversation in which the Mandoyan matter 02:04

1 BY MR. GORDON: 10:39

2 Q. All right. What did Maya Lau ask
3 you -- strike that.

4 How did the subject of Mandoyan arise
5 during the conversation between Maya Lau and 02:05
6 you?

7 MR. MILLER: Objection. Assumes facts
8 not in evidence that there was a conversation.

9 You can go ahead and answer it.

10 BY MR. GORDON: 02:05

11 Q. Am I misunderstanding that the subject
12 of Mandoyan arose during a conversation between
13 you and Maya Lau?

14 A. You're correct; it did.

15 Q. Okay. And my question is can you tell 02:05
16 me how the subject of Mandoyan arose during that
17 conversation?

18 A. She brought it up.

19 Q. What did she say to bring up the
20 subject of Mandoyan during her conversation with 02:05
21 you at your house?

22 A. She said that she came to my house
23 because she wanted me to talk to her about
24 Mandoyan. She felt that I had information that
25 would be helpful to a news article that she was 02:05

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1 writing, and she wanted me to give her 02:05

2 information.

3 Q. And what was your response to her?

4 A. My response to her was I had nothing to
5 say to her. And I further told her that I had 02:06

6 no intention of talking to her. I told her that

7 any information that I had would be part and

8 parcel to my work, and she clearly didn't know

9 me, and that I left work because of an ethical

10 issue, and I wouldn't breach that ethical issue 02:06

11 even in my retirement to share with her anything

12 that I knew.

13 Q. And is that the totality of what you

14 said to her, in substance?

15 A. In substance it was made clear to her 02:06

16 in spite of her repeated cajoling that I had

17 absolutely nothing to say to her. It was not

18 something that I wanted to talk about.

19 She asked me if I had a point where I

20 would be willing to talk to her, and I told her 02:06

21 what my line in the sand was. And I told her if

22 I wanted to ever talk to her, I knew how to find

23 her and that she didn't need to come back to my

24 home.

25 Q. Did you ever say anything to her about 02:07

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1 Mandoyan specifically? 02:07

2 A. No.

3 Q. Did you ever say that you thought
4 anyone from the sheriff's department had asked
5 you to do something unethical? 02:07

6 A. I told her that I retired for reasons
7 that I felt were crossing an ethical boundary
8 and that I wouldn't violate those same ethics
9 just to give her a story.

10 Q. Did you say anything else to her during 02:07
11 your conversation at your house?

12 A. I just told her that I didn't have
13 anything to say to her; that if I wanted to talk
14 to her I would find her; I knew how to find her.
15 She asked me if she could have my phone number, 02:07
16 and I told her no.

17 And I told her she's a good
18 investigator and that if she needed information,
19 she knew where she could find it, but it wasn't
20 going to be from me. 02:07

21 Q. Did you ever communicate directly or
22 indirectly to Maya Lau or anyone at the LA Times
23 any information that you thought would lead them
24 to request from the sheriff's department the
25 November 30 email from you to Larry Del Mese? 02:08

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1 taking care of my aunt." 02:09

2 So that was kind of the gist.

3 Q. And in telling her what she could do in
4 terms of submitting a PRA -- that's a Public
5 Records Act request; right? 02:09

6 A. Correct.

7 Q. -- did you say anything about any email
8 from you to Larry Del Mese?

9 A. My recollection is, yes, I told her,
10 "You can look for emails. You can do whatever 02:09
11 you need to do. I mean, go do what you do."

12 She had come to my house one time
13 prior, and I wasn't home, and I didn't want to
14 talk to her. So, "Go investigate. Go do what
15 you do. You've done it before." That was kind 02:09
16 of the conversation to sort of shoo her away.
17 "Go do your thing, but I don't want to be a part
18 of it."

19 Q. Yeah, by looking for an email from you
20 to Larry Del Mese concerning Mandoyan; right? 02:10

21 A. By telling her to go be an
22 investigator. There's investigative principles.
23 I wanted her to leave my home. I didn't want to
24 talk to her about Mandoyan or anything else.

25 MR. MILLER: He's asking you did you 02:10

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1 direct her to a specific email. 02:10

2 THE WITNESS: I think my specific
3 direction to her was, "Look for emails. Go do
4 what you do."

5 BY MR. GORDON: 02:10

6 Q. From -- did you say anything to her
7 directly focusing her on an email from you to
8 Del Mese is my question?

9 A. That conversation was very disturbing
10 to me to have her on my doorstep. I didn't 02:10
11 appreciate it. It -- didn't like it. Yeah, I
12 probably told her, "Go look for emails. Go look
13 for emails that you're concerned about."

14 I don't -- I don't recall if I'm like,
15 And look for an email dated November 26 that has 02:10
16 this content and that header and this and that.
17 I just recall wanting her to leave my home so I
18 could take care of my aunt, and I wanted to her
19 to leave, and I wasn't going to tell her
20 anything. 02:11

21 And she asked me if I would talk to
22 her, and I'm like, "I have nothing to say."

23 Q. When you were talking with Maya Lau,
24 did you feel in your own mind like you wanted to
25 direct her to an email that you thought would 02:11

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1 vindicate you? 02:11

2 A. I don't know in that conversation I
3 felt like I needed vindication. There was
4 nothing for me to be vindicated by. I made a
5 decision, and I made it on my own. I don't know 02:11
6 that vindication is anything that I need.

7 Q. Did you think in your own mind when you
8 were talking with Maya Lau at your own home that
9 directing her to an email from you to Larry
10 Del Mese would show what the new incoming 02:11
11 sheriff had in mind before he even took office?

12 A. When Maya Lau came to my home, my goal
13 was to have her leave my house. It wasn't to
14 reveal anything that I knew about this matter.

15 And I didn't ask her -- I don't recall 02:12
16 asking her specifically. I do remember
17 mentioning emails, saying, "Go look for email.
18 Go look for that. Go do what you do. Get a
19 PRA."

20 Q. When you saw this email in the LA -- 02:12
21 strike that.

22 When is the first time you ever saw
23 that your email to Larry Del Mese on November 30
24 was linked to an LA Times article?

25 A. When -- I think I saw it on the news in 02:12

1 the morning or -- I get the LA Times 02:12

2 electronically, so I think I saw it in there.

3 Q. And when you saw it, did you remember
4 that you had directed Maya Lau to any particular
5 emails or categories of emails? 02:12

6 A. Here's what stood out to me in reading
7 the article is that she wrote in the article
8 that I was unavailable for comment. And I
9 remember being thankful.

10 Because I know this much: She did not 02:13
11 call me and specifically ask me about any emails
12 that she located. And I was grateful that she
13 was respectful in that fashion and didn't bother
14 to call me again.

15 Q. My question, though, was when you saw 02:13
16 the email that's AULT43 linked to her LA Times
17 online article, did you remember that you had
18 directed her to any particular emails or
19 categories of emails?

20 A. No. 02:13

21 MR. MILLER: I'd say that's -- I call
22 that beating a dead horse.

23 MR. GORDON: Thanks for your guidance.
24 I appreciate it.

25 MR. MILLER: Anytime. 02:13

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1 MR. GORDON: [Inaudible.] 02:13

2 MR. MILLER: Are we going off the

3 record?

4 MR. GORDON: No.

5 (Sotto voce discussion 02:13

6 between Mr. Gordon and

7 Mr. Del Mese.)

8 MR. MILLER: The record should reflect

9 that counsel and Larry Del Mese are whispering

10 in each other's ears while we're still on the 02:14

11 record. That's why there's nothing going on.

12 BY MR. GORDON:

13 Q. Did you mention the name Larry Del Mese

14 to Maya Lau prior to the time you saw that she

15 linked your November 30 email to Larry Del Mese 02:14

16 in her article?

17 A. His name may have come up. I don't

18 recall.

19 Because she was asking me to talk to

20 her, to give her information. She said people 02:14

21 have told her that I'd talk to her; she should

22 come to me; people were directing her to me.

23 And I don't know if she mentioned it. I don't

24 think I mentioned it.

25 I don't -- I don't recall the 02:15

1 conversation. The part that stands out to me is 02:15
2 I wanted her to leave. I didn't want her at my
3 home. I had a sick family member I was taking
4 care of, and it caught me way off guard that she
5 was at my door. 02:15

6 Q. Did you mention to Maya Lau when she
7 was at your home that she should look for any
8 emails between you and Eli Vera?

9 A. I don't think that even came up.

10 Q. But are you saying Del Mese did come 02:15
11 up?

12 A. I don't have a recollection of Eli
13 Vera's name coming up, and honestly, I don't
14 recall if Larry's name came up. I know that she
15 obviously was talking to people, because 02:15
16 somebody gave her information.

17 And she was pressing me to communicate
18 with her on the matter, and I kept telling her,
19 "I have nothing to say to you." She may have
20 mentioned names, but I don't specifically recall 02:16
21 Eli Vera's name coming up.

22 Q. And you may have mentioned names of
23 LASD personnel as well; right?

24 A. I'm saying there were probably names
25 that were thrown around, but my recollection 02:16

1 isn't -- Eli Vera's name doesn't sound familiar 02:16
2 in any way, shape or form.

3 And if it's helpful, I can tell you my
4 aunt probably came home sometime mid to end of
5 January, if that helps you. But I'd need a 02:16
6 specific date.

7 MR. MILLER: You don't have to help
8 him.

9 THE WITNESS: Yeah.

10 MR. MILLER: He's doing great on his 02:16
11 own.

12 BY MR. GORDON:

13 Q. Between November 26, 2018, and your
14 last physical day on duty, November 30, did you
15 ever communicate with any member of the media 02:16
16 about anything concerning the sheriff's
17 department?

18 A. No.

19 Q. After November 30, 2018, to the present
20 have you ever communicated with any member of 02:17
21 the media about anything concerning the
22 sheriff's department other than this one
23 conversation that you said you had with Maya Lau
24 when she appeared at your home?

25 A. No. 02:17

1 Q. Have you -- strike that. 02:17

2 Between November 26, 2018, and today

3 have you provided or caused to be provided to

4 any member of the media any document you

5 obtained through your position as a chief at 02:17

6 LASD?

7 A. No.

8 Q. Or as a commander at LASD?

9 A. No.

10 Q. Between November 26, 2018, and the last 02:18

11 day you physically appeared at work on

12 November 30, 2018, other than the one call you

13 had with county counsel Pirjo, did you ever

14 communicate with any member of county counsel's

15 office about the Mandoyan matter? 02:18

16 A. I only spoke with Pirjo about this

17 matter.

18 Q. And was it the one time on November 26

19 after speaking with Larry Del Mese that you

20 already testified about or some other time? 02:18

21 A. I believe I spoke to her a second time,

22 because that's when I learned that this matter

23 was being discussed, it wasn't going to be

24 resolved before Friday, and that contract

25 counsel and the county counsel that deals with 02:19

1 litigation were engaged in the request. 02:19

2 Q. To consider the settlement agreement?

3 A. To consider the request.

4 Q. For a settlement?

5 A. Yes. 02:19

6 Q. Did you learn which other -- which

7 contract counsel was involved in that task?

8 A. No.

9 Q. Did you learn which other county

10 counsel attorney was involved in that task? 02:19

11 A. No.

12 Q. Other than the draft unsigned

13 settlement agreement that is contained in AULT01

14 through AULT04 in Exhibit 1, did you ever

15 provide any other document to county counsel's 02:19

16 office concerning the Mandoyan matter?

17 A. No.

18 Q. After November 30, 2018, have you had

19 any communications with any attorney from the

20 county counsel's office about any matter 02:20

21 regarding Mandoyan?

22 A. No.

23 Q. After November 30, 2018 -- strike that.

24 From November 26, 2018, to the present

25 have you ever had any communications with anyone 02:20

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1 from the Office of Inspector General concerning 02:20
2 Mandoyan?

3 A. No.

4 Q. From November 26, 2018, to the present
5 have you ever had any communications with any 02:20
6 representative of the board of supervisors of
7 the County of LA concerning Mandoyan?

8 A. Let me go back and correct my answer.
9 I don't recall who, but someone reached
10 out to me and asked me if I would communicate 02:21
11 with the Office of Inspector General on the
12 Mandoyan matter and my role on it, and my answer
13 was no.

14 Q. This is after you had retired?

15 A. Yes. 02:21

16 Q. And was that someone from the --
17 someone who identified himself or herself as
18 being from OIG?

19 A. I don't recall who asked me, but I know
20 that I was asked if I would speak to someone, 02:21
21 and my answer was no. But I don't recall who --
22 who made the request.

23 Q. So to make sure that I've got everyone
24 included, from November 26, 2018, to the
25 present, is the only document you ever provided 02:21

1 concerning Mandoyan to either someone from the 02:21
2 board of supervisor's office, someone from OIG's
3 office or someone from county counsel's office
4 the settlement agreement or the form of the
5 settlement agreement in AULT1 through 401 02:22
6 through AULT04, Exhibit 1?
7 A. The only --
8 MR. MILLER: Wait, wait, wait, wait.
9 Could I have that question back.
10 Pardon me. Please. 02:22
11 (Record read as follows:
12 "Question: So to make sure
13 that I've got everyone included,
14 from November 26, 2018, to the
15 present, is the only document you
16 ever provided concerning Mandoyan
17 to either someone from the board
18 of supervisor's office, someone
19 from OIG's office or someone from
20 county counsel's office the
21 settlement agreement or the form
22 of the settlement agreement in
23 AULT1 through AULT4, Exhibit 1?")
24 MR. MILLER: Well, it's a compound
25 question. 02:22

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1 MR. GORDON: I'll break it down for 02:22

2 you.

3 Q. From November 26, 2018, to the present,
4 is the only document concerning Mandoyan you've
5 ever provided directly or indirectly to the 02:22

6 board of supervisors -- strike that.

7 Let me rephrase it as the board of
8 supervisors.

9 From November 26, 2018, to the present
10 have you ever directly or caused to be provided 02:23
11 any document concerning Mandoyan to anyone you
12 thought was representing the county board of
13 supervisors?

14 MR. MILLER: That excludes me, because
15 that is my client. 02:23

16 THE WITNESS: I have not provided this
17 document to anyone other than Pirjo Ranasinghe
18 close to the 26th.

19 BY MR. GORDON:

20 Q. Right. And I'm not limiting to this 02:23
21 document. I'm just trying to confirm that --

22 A. Nothing.

23 Q. As to the board of supervisors, you
24 never sent anything for the purpose of
25 communicating it to the board of supervisors -- 02:23

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1 A. I -- 02:23

2 Q. -- concerning Mandoyan?

3 A. I have given nothing to no one, period.

4 Q. Nothing to anyone; right?

5 A. Grammatically correct. Thank you. 02:23

6 Q. Other than the settlement agreement

7 that you provided to Ms. --

8 A. Ranasinghe.

9 Q. -- Ranasinghe, correct, that concerns

10 Mandoyan? 02:24

11 A. Correct.

12 Q. All right. So if I asked you about

13 OIG, if I asked you about county counsel, if I

14 asked you about board of supervisors, the only

15 one document that concerns Mandoyan that you've 02:24

16 ever provided to anyone associated with those

17 three departments or agencies is the settlement

18 agreement at AULT1 through ALT4 in Exhibit 1; am

19 I correct in understanding that?

20 A. Yes. 02:24

21 Q. And is the only person you understood

22 to be employed by the county board of

23 supervisors, OIG or county counsel's office

24 concerning Mandoyan Ms. Ranasinghe?

25 MR. MILLER: I don't understand that 02:24

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1 question. Objection. Vague. Ambiguous. 02:24

2 Could you rephrase it.

3 BY MR. GORDON:

4 Q. Am I correct in understanding that the
5 only person you ever spoke with about the 02:25
6 Mandoyan matter who, to your understanding, was
7 employed by the board of supervisors, OIG or
8 county counsel is Ms. Ranasinghe?

9 MR. MILLER: Well, she's only employed
10 by county counsel. 02:25

11 MR. GORDON: I know that.

12 Q. I'm just making sure that out of that
13 universe of agencies the only person you
14 understood who was employed by any of them was
15 Ms. Ranasinghe. 02:25

16 A. I spoke to her about it, and as I
17 testified, I spoke to Mr. La Berge about it.

18 Q. Well, no, but he was at the sheriff's
19 department.

20 A. Correct. 02:25

21 Q. I'm not asking but him.

22 I'm just saying externally, looking
23 outside of LASD, if I want to know whether you
24 spoke to anyone about the Mandoyan matter at
25 either board of supervisors, OIG or county 02:25

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1 counsel, that you're telling me the only person 02:25
2 you ever spoke with from any of those three
3 departments or agencies was Ms. Ranasinghe?
4 A. Correct.
5 Q. From November 26 to the present have 02:26
6 you ever communicated with anyone you understood
7 to be employed by the county board of
8 supervisors concerning Sheriff Villanueva?
9 MR. MILLER: And that excludes me.
10 THE WITNESS: I have not spoken to 02:26
11 anyone about Sheriff Villanueva.
12 BY MR. GORDON:
13 Q. Yes, I'm excluding counsel in this
14 case.
15 A. Excluding counsel. 02:26
16 Q. From November 26, 2018, to the present
17 have you communicated with anyone at OIG
18 concerning Sheriff Villanueva?
19 A. I have not.
20 Q. And from November 26 to the present 02:26
21 have you ever communicated with anyone you
22 understood to be employed by county counsel
23 other than Ms. Ranasinghe about anything
24 concerning Sheriff Villanueva?
25 A. I have not. 02:27

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1 Q. Are you aware of anyone who was in a 02:27
2 supervisory position at the sheriff's department
3 while you were who left after Sheriff Villanueva
4 won the election who -- strike that.

5 Has anyone from the sheriff's 02:29
6 department ever sought to speak with you, other
7 than in this deposition, about the Mandoyan
8 matter since you physically left the office for
9 the last time on November 30, 2018?

10 A. No. 02:29

11 Q. Has any other representative of any
12 governmental agency or department sought to
13 interview you about the Mandoyan matter since
14 you left the sheriff's department for the last
15 time physically on November 30, 2018? 02:30

16 A. Aside from that one request from OIG,
17 no.

18 MR. GORDON: All right. Let's take a
19 quick break so I can make sure I got nothing
20 else. 02:30

21 THE VIDEOGRAPHER: Off the record,
22 2:31.

23 (Recess taken.)

24
25

1 THE VIDEOGRAPHER: Okay. Time is 2:38. 02:37

2 We are back on the record.

3

4 EXAMINATION

5 BY MR. MILLER:

6 Q. Okay. Now I'm going to ask some
7 questions to follow up and clarify on some of
8 the questions you were asked about by John
9 Gordon.

10 First of all, Ms. Ault, are you here 02:37
11 pursuant to a subpoena?

12 A. Yes.

13 Q. Okay. And that subpoena came from
14 whom?

15 A. From counsel for Sheriff Villanueva. 02:38

16 Q. Okay. So you're not here of your own
17 free volition voluntarily?

18 A. I am not here voluntarily.

19 Q. Okay.

20 A. I'm under subpoena. 02:38

21 Q. Yeah, got that.

22 Under subpoena by the sheriff?

23 A. Correct.

24 Q. Okay. I just want to drill down and

25 clarify some of the things that Mr. Gordon asked 02:38

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1 THE WITNESS: I had not. 02:39

2 BY MR. MILLER:

3 Q. You talked about process; that this is
4 was an unprecedented process. Can you explain
5 what you meant by that. 02:39

6 A. So the process for employee discipline
7 and employee's response to discipline is well
8 defined. There are processes and procedures
9 that both sides can use, and there's a very --
10 pretty much a respect for that process. 02:40

11 So in the Mandoyan case in particular,
12 this case had not only gone through the internal
13 sheriff's department processes, but it had gone
14 to a civil service hearing officer, and there
15 was an affirmation of that decision at -- by the 02:40
16 civil service panel.

17 And so in that process the employee had
18 a right to proceed as they felt necessary. It
19 is rare that at that level anybody in the
20 sheriff's department would ever choose to undo 02:40
21 that and go in a different direction, because
22 that is, in my words, a disrespect to the
23 process.

24 Q. When you say "rare," you mean this was
25 the first time you'd ever saw it? 02:41

1 November 26 of 2018, you also said you thought 02:41
2 that was unethical.

3 Do you recall that testimony?

4 A. I do.

5 Q. Could you please explain what you 02:42
6 meant, for the record, why you thought it was
7 unethical.

8 A. So the request to short-circuit the
9 system, to engage in the restoration of a person
10 without additional facts or following the rules 02:42
11 was -- was stunning to me.

12 I was also very taken aback by the
13 insistence that this had to be done while
14 McDonnell was in office and that -- this
15 insistence that it had to be done by Friday in 02:42
16 spite of my explaining to him that Sheriff
17 Villanueva could do whatever he wanted to do on
18 Monday. And I didn't understand the reason for
19 that type of pressure, and it made me curious as
20 to why this was so important, which is -- 02:42

21 And then the big part that just became
22 the part where it absolutely -- when I was
23 making my evaluation of whether or not I was
24 comfortable, it really crossed over brightly
25 into unethical when Larry Del Mese asked to wipe 02:43

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1 out the second discipline for this particular 02:43
2 employee that had absolutely nothing to do with
3 the matter that got him discharged. That
4 smacked of trying to rewrite an employee's
5 discipline history, which just falls far outside 02:43
6 of ethical conduct.

7 Q. What was that second item of discipline
8 that Mr. Mandoyan had sustained that
9 Mr. Del Mese was trying to wipe out?

10 MR. GORDON: Objection. Misstates the 02:43
11 evidence.

12 THE WITNESS: The second case, it's on
13 page AULT01. It's Item No. 3. It's
14 Investigation No. 2392810. And if you look at
15 AULT005, AULT006, AULT007 and AULT008, it sort 02:44
16 of offers a very synopsized understanding of
17 what the case was about. And basically it had
18 something to do with tactics at the end of a
19 vehicle pursuit and a foot pursuit that I can
20 sense. 02:44

21 BY MR. MILLER:

22 Q. Do you know how long ago the -- that
23 second item of discipline on Mr. Mandoyan took
24 place?

25 A. Well, I can read on page AULT008 that 02:44

1 the incident occurred on March 20 of 2015, and 02:44
2 then the header in the black box shows that the
3 summary was done by Central Patrol on May 17 of
4 2016.

5 Q. So you had a second incident that 02:44
6 occurred around 2015; right?

7 A. Correct.

8 Q. And then you had the incident involving
9 the female deputy that he was -- that
10 Mr. Mandoyan was discharged for; correct? 02:45

11 A. Correct.

12 Q. And those are the two items that Larry
13 Del Mese called you about and sent you the
14 settlement agreement that we've marked as
15 Exhibit 1, AULT1 through 4; correct? 02:45

16 A. Correct.

17 MR. GORDON: Objection. Leading.

18 BY MR. MILLER:

19 Q. And, to your knowledge, were those the
20 only two items of discipline that had been 02:45
21 imposed on Mr. Mandoyan?

22 A. To the best of my knowledge, yes.

23 Q. Okay. Now, you testified also that
24 Larry Del Mese had called you, I think a couple
25 years earlier in 2016, during the Mandoyan civil 02:45

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1 service proceedings? 02:45

2 A. Correct.

3 Q. And asked you to look into the conduct

4 or the performance of a Sergeant Roam?

5 A. Correct. 02:46

6 Q. Okay. And you did that, and you didn't

7 find any wrongdoing by Sergeant Roam, did you?

8 MR. GORDON: Objection. Leading.

9 THE WITNESS: I didn't find any

10 wrongdoing. 02:46

11 BY MR. MILLER:

12 Q. Do you know whether -- do you know why

13 Larry Del Mese was calling you in 2016 about

14 Mr. Mandoyan and then he called again to

15 overturn these two discipline items in 02:46

16 November -- on November 26, 2018?

17 MR. GORDON: Objection. Calls for

18 speculation.

19 THE WITNESS: In the call that I got

20 from Larry Del Mese during the civil service 02:46

21 proceedings of Mandoyan, he explained to me that

22 he knows Mr. Mandoyan from a time when they

23 worked together at -- and my recollection is it

24 was West Hollywood Station. That he knows his

25 character and believes that he is a good person 02:47

1 and feels that he got a raw deal. 02:47

2 BY MR. MILLER:

3 Q. Larry Del Mese told you that in 2016?

4 A. That was the lead-in to, "And here's
5 what's going on at civil service and why I'm 02:47
6 asking you to, you know, take a look at that."

7 Q. Now when you said they were together at
8 West Hollywood Sheriff's Station, do you know
9 how long ago that was?

10 A. No. 02:47

11 Q. Do you know if they had been friends
12 for a long time?

13 A. I believe that there was some sort of
14 relationship that prompted Larry Del Mese to
15 call me, because they were not working together 02:47
16 at the time that Larry Del Mese made the call.

17 Q. So Larry Del Mese --

18 MR. GORDON: Hold on. Hold on.

19 Objection. Nonresponsive. Move to
20 strike. 02:47

21 BY MR. MILLER:

22 Q. So Larry Del Mese first called you
23 about Mr. Mandoyan in 2016 in an effort to vouch
24 for him and help him in the ongoing civil
25 service proceedings; correct? 02:48

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1 MR. GORDON: Objection. Leading -- 02:48

2 THE WITNESS: He --

3 MR. GORDON: -- mischaracterizes the

4 testimony --

5 THE WITNESS: Larry Del Mese -- 02:48

6 MR. GORDON: -- calls for an opinion.

7 BY MR. MILLER:

8 Q. You have to let him talk.

9 A. I'm sorry.

10 Q. He makes his objections for the record; 02:48

11 then you can answer.

12 A. I'm sorry. He paused. I thought he

13 was done.

14 Q. No problem.

15 A. I'm good? 02:48

16 Q. Okay.

17 A. Okay. So when I got the call, it

18 was -- the sense I got is that they had a

19 personal friendship and that he was concerned

20 about his case and was concerned that Sergeant 02:48

21 Roam was being too aggressive and forceful in

22 her case presentation.

23 Q. This was the first call in 2016?

24 A. If that was the year the case was at

25 civil service, then yes. 02:48

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1 Q. I think that's right. 02:48

2 A. Correct.

3 Q. And then the second call you got was on

4 November 26, 2018, to reinstate Mr. Mandoyan and

5 overturn the older and the more recent 02:48

6 disciplinary actions --

7 A. Yeah.

8 Q. -- right?

9 A. Yes.

10 MR. GORDON: Objection. Leading. 02:49

11 BY MR. MILLER:

12 Q. Did -- in the second call on

13 November 26, 2018, did Larry Del Mese vouch for

14 his friend Caren Mandoyan again?

15 MR. GORDON: Objection. 02:49

16 Mischaracterizes the testimony.

17 THE WITNESS: He didn't -- in that

18 conversation there was no communication about

19 any relationship. It was just a request to

20 reinstate this person. 02:49

21 BY MR. MILLER:

22 Q. Okay. Did you have the first call

23 where he did vouch for his friend -- where Larry

24 Del Mese did vouch for his friend from the old

25 days at West Hollywood Station in mind when he 02:49

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1 called you in -- on November 26? 02:49

2 MR. GORDON: Objection --

3 THE WITNESS: When --

4 MR. GORDON: Objection.

5 Mischaracterizes the testimony. Calls for an 02:49

6 opinion. Leading -- not leading. I'll withdraw

7 the leading testimony.

8 THE WITNESS: When he called me, he

9 initially didn't use the employee's name, and so

10 I was taking notes. But when he mentioned the 02:49

11 name, it refreshed my recollection that this was

12 the situation that he had called me about in the

13 past.

14 BY MR. MILLER:

15 Q. Okay. Was that another reason why you 02:50

16 thought it was unethical for him to be calling

17 you about his friend that he had vouched for a

18 couple of years earlier?

19 When I say "he," I mean Larry Del Mese.

20 MR. GORDON: Objection. Leading. 02:50

21 Mischaracterizes the testimony. Calls for an

22 opinion.

23 THE WITNESS: When I realized that the

24 person that he was calling me about was someone

25 with whom I had an understanding of a personal 02:50

1 relationship -- that Larry had a personal 02:50
2 relationship with, yes, that caused me great
3 concern.

4 BY MR. MILLER:

5 Q. Okay. You also -- I think you said 02:50
6 something about you felt the call on
7 November 26, 2018, from Larry Del Mese to you
8 about Caren Mandoyan was unethical, because you
9 mentioned something about pay-to-play.

10 What was that about? 02:50

11 A. So that also came into it. Because as
12 the conversation unfolded and I began to realize
13 this is the same person, it prompted me to ask,
14 Why would this be the sheriff's No. 1 priority?
15 And so for my own sense of due diligence and 02:51
16 looking into the matter, I wanted to know if, in
17 fact, this person had played a significant role
18 in the sheriff's campaign.

19 And so I looked at the campaign record
20 just to see if there was any sense of the fact 02:51
21 that he had been a part of that, and I learned
22 that he was. And then I learned that there were
23 two donations made by people with very similar
24 names -- or with the exact same last name, which
25 seemed disconcerting to me. 02:51

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1 Q. A total of two \$1,500 donations by 02:51

2 people by the name of Mandoyan?

3 A. Correct.

4 Q. Do you know whether those people are
5 related to Caren Mandoyan? 02:52

6 A. I don't know for a fact, but I do know
7 that they live in an area -- based on the public
8 record of donations to campaigns, they live in a
9 geographic area similar to Mr. Mandoyan.

10 MR. MILLER: Okay. Well, let's make 02:52
11 this Exhibit 3 to the deposition, Los Angeles
12 County Registrar-Recorder/County Clerk that has
13 contributions by Marine Mandoyan, same spelling,
14 and Peter Mandoyan, same spelling, to Alex
15 Villanueva, \$1,500 each. 02:52

16 Sorry. Here you go.

17 (Whereupon, Exhibit 3 was
18 marked for identification.)

19 BY MR. MILLER:

20 Q. Let me know when you're ready. 02:53

21 A. I'm ready.

22 Q. Okay. Are those the donations that you
23 were just testifying about reflected on
24 Exhibit 3?

25 A. Yes. 02:53

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1 Q. Were you aware that Caren Mandoyan was 02:53
2 very actively participating in support of the
3 election of Alex Villanueva?

4 MR. GORDON: Objection.

5 THE WITNESS: I learned about his 02:53
6 involvement subsequent to the phone call from
7 Larry Del Mese on November 26.

8 BY MR. MILLER:

9 Q. Okay. Did you learn that Mr. Mandoyan
10 was the driver for candidate Alex Villanueva, 02:53
11 drove him all over town in support of his
12 various electioneering activities to get votes?

13 MR. GORDON: Objection. Leading.

14 THE WITNESS: I did.

15 BY MR. MILLER: 02:53

16 Q. Okay. Was that something else you
17 thought about being pay-to-play or unethical?

18 A. As time progressed away from the first
19 phone call and more information became available
20 to me, it absolutely cemented my strong belief 02:54
21 that this was in fact unethical and that it
22 absolutely was very close to pay-to-play.

23 And the fact that this was the
24 sheriff's driver and someone -- a close
25 confidant, coupled with the insistence that it 02:54

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1 had to be done before Friday, revealed to me 02:54
2 that this action was not -- not only unethical,
3 but it was something that the Villanueva regime
4 did not want to have under their name stamp.
5 They wanted it to be done prior to them taking 02:54
6 office, and that just makes no sense to me on
7 any professional level.
8 Q. Okay. Were you also aware that
9 Mr. Mandoyan was very active in support of
10 obtaining union support among the ALADS deputies 02:55
11 union and contributions for Sheriff Villanueva?
12 MR. GORDON: Objection. Vague and
13 ambiguous --
14 BY MR. MILLER:
15 Q. I'm sorry. For candidate Villanueva, 02:55
16 who later got elected sheriff.
17 MR. GORDON: Objection. Vague and
18 ambiguous. Leading.
19 THE WITNESS: I was not.
20 BY MR. MILLER: 02:55
21 Q. You didn't know about that?
22 A. I did not.
23 Q. You just you knew about the driving and
24 the relationship with Larry Del Mese -- prior
25 relationship? 02:55

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1 MR. GORDON: Objection. Leading. 02:55

2 THE WITNESS: I knew about the
3 relationship with Larry Del Mese; the connection
4 as it began to develop with the sheriff; the
5 fact that they wanted to rewrite his employment 02:55
6 history; the fact that it was insistent that it
7 had to be done before Friday.

8 And on a personal level, moreover,
9 after I'd explained to Larry Del Mese that the
10 person who would need to sign this document 02:56
11 would be someone in the patrol division where he
12 left the department from and then my name
13 appeared on the document, it absolutely smacked
14 of unethical, inappropriate, unprecedented
15 circumstances that I would not put my name to. 02:56

16 BY MR. MILLER:

17 Q. Okay. Now, I want to ask you a
18 slightly different question.

19 Putting aside Sheriff Villanueva and
20 Larry Del Mese and rewriting Caren Mandoyan's 02:56
21 employment history, his disciplinary history,
22 you've been employed at the sheriff's department
23 throughout a number of different sheriff's:
24 McDonnell, Baca, Scott, Block.

25 Am I missing any? 02:56

1 A. No. 02:57

2 Q. Sheriff McDonnell?

3 A. No.

4 Q. First time and only time, Alex

5 Villanueva; correct? 02:57

6 A. Correct.

7 Q. Okay. Let's go to September -- pardon

8 me.

9 Let's go to November 26, 2018. We've

10 talked about that a lot. Mr. Gordon asked you a 02:58

11 lot of questions about that and so forth. I

12 want to understand the message that was conveyed

13 to you and the way you took it by Larry

14 Del Mese.

15 You got a phone call; right? 02:58

16 A. Yes.

17 Q. Okay. Did the two of you office in the

18 same building?

19 A. No.

20 Q. Where were you and where was he? 02:58

21 A. He was somewhere in the Hall of

22 Justice, which is in downtown Los Angeles, and

23 my office is in the City of Commerce.

24 Q. Okay. About what time of the day was

25 it, roughly, that he called you? 02:58

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1 A. It was afternoon. 02:58

2 Q. Okay. And he called you and he opened
3 the conversation by saying, I want you to do
4 this. I want you to overturn or reinstate --
5 basically, to eliminate the employment -- the 02:58
6 disciplinary employment history of Caren
7 Mandoyan; correct?

8 A. I would say that the conversation
9 opened with what I considered to be the veiled
10 threat of "I'm looking at a picture of you on an 02:59
11 org chart."

12 And, you know, that made me
13 uncomfortable, because I didn't know, Are you
14 saying you're looking at me on an old org chart,
15 or are you looking at a new org chart and I'm 02:59
16 not on it? And I didn't understand what that
17 was.

18 So the conversation opened with this
19 odd salvo that, in light of Sheriff Villanueva's
20 robust statements about how he was going to 02:59
21 clean house and get rid of all the executives
22 and his disdain for the disciplinary process,
23 made me incredibly anxious, and I felt like it
24 was a threat.

25 Q. Did you feel it was a threat that made 02:59

1 you insecure about your job position? 03:00

2 A. It made me insecure about whether or
3 not I would play a role in Villanueva's time as
4 sheriff, and it made me feel as though I either
5 did this, or my picture may not jump from one 03:00
6 org chart to another.

7 Q. Okay. Were you an at-will employee; in
8 other words, were you employed at the will of
9 the sheriff at that time?

10 A. I'm employed at the will of the seated 03:00
11 sheriff.

12 Q. So when Sheriff -- when Alex Villanueva
13 took office, he had full power and discretion to
14 terminate your employment at any time?

15 A. The county code says I can be 03:00
16 terminated -- my employment can be terminated at
17 any time for any reason, without cause, without
18 justification. So, yes, I was in great peril.

19 Q. Can you think of any other reason why
20 Larry Del Mese -- any other reason besides to 03:00
21 coerce you or threaten your job status why Larry
22 Del Mese would call you and say he's looking at
23 a org chart with your picture on it?

24 MR. GORDON: Objection. Relevance.
25 And calls for speculation. 03:01

1 THE WITNESS: The statement -- the 03:01
2 opening statement was odd to me, and it became
3 crystal-clear to me that it was a veiled threat
4 when someone that I considered friendly and a
5 friend wouldn't even so much as intimate that 03:01
6 "Hey, Alicia, you're good. Don't worry about
7 it." That statement and his refusal to clarify
8 it at any point in the conversation absolutely
9 told me that it was sort of a "I need you to do
10 this in light of, you know, maybe your potential 03:01
11 continued employment."
12 BY MR. MILLER:
13 Q. Did you say to him -- in this phone
14 conversation did you say to Larry Del Mese "What
15 are you talking about Larry? I don't understand 03:01
16 this"?
17 A. So in the conversation I said to him,
18 "Hey, we can't do this. Like, this is -- we've
19 never done this. This can't be done." He kept
20 telling me it could be, and I kept saying, 03:02
21 "We've never done this. Like, are you sure?"
22 You know, and when he brought up the
23 second case, that's when I'm like, "Absolutely
24 we've never done this. Absolutely this isn't
25 consistent. Like, we can't do that." 03:02

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1 And his assurance was, "Well, it can be 03:02
2 done, and I need you to get it done. I need you
3 to get it done before Friday."

4 Q. Now, when you're having this
5 conversation with Larry Del Mese on November 26, 03:02
6 2018, did he convey the impression to you that
7 the decision had already been made, or was he
8 asking you to evaluate the situation and make a
9 recommendation on what the decision should be?

10 MR. GORDON: Objection. Compound. 03:02

11 BY MR. MILLER:

12 Q. In other words, what was the message
13 you were getting?

14 MR. GORDON: Objection. Calls for
15 speculation. Calls for an opinion. 03:02

16 THE WITNESS: The message was not a
17 "Research this and get back to me." It was a
18 direction: "I need you to do this. I need you
19 to get it done by Friday."

20 And if I had any doubt about whether or 03:03
21 not it was a foregone conclusion that this was
22 going to happen, the moment I received the
23 settlement agreement that was already
24 pre-written made it very clear to me that this
25 was a path that was -- there was no going back. 03:03

1 It was going to happen. 03:03

2 BY MR. MILLER:

3 Q. It was the a fait accompli?

4 MR. GORDON: Objection. Leading.

5 BY MR. MILLER: 03:03

6 Q. As far as the message you were getting

7 from Larry Del Mese the week of November 26, it

8 was a fait accompli that the decision had been

9 made, and you should just carry it out and get

10 it done; is that correct? 03:03

11 MR. GORDON: Objection. Leading.

12 THE WITNESS: That was what I took from

13 the conversation: that the decision had been

14 made, the employee was coming back, and it was

15 my duty or my responsibility to make sure it got 03:03

16 done by Friday no matter what I needed to do.

17 BY MR. MILLER:

18 Q. Do you think Larry Del Mese called you

19 with this statement about the org chart and this

20 direction to get the job done because the two of 03:04

21 you had been on a friendly basis and he thought

22 he could persuade you to sign off?

23 MR. GORDON: Objection --

24 BY MR. MILLER:

25 Q. In other words, why do you think he 03:04

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1 called you? 03:04

2 MR. GORDON: Objection. Calls for

3 speculation.

4 THE WITNESS: I believe that I received

5 the phone call because of the role that I played 03:04

6 in the department over discipline. I believe

7 that I got the call from Larry as well because

8 we have -- we had, I would say, a positive

9 rapport built on mutual respect. And I felt

10 like -- knowing him in a very positive manner, I 03:04

11 felt like he -- he knew I would understand what

12 he was asking.

13 BY MR. MILLER:

14 Q. In other words, based on your

15 relationship and the message from Mr. Del Mese, 03:04

16 your impression was that he thought you would

17 play ball with him and Alex Villanueva; correct?

18 MR. GORDON: Objection. Leading.

19 THE WITNESS: I felt that he felt,

20 based on our prior relationship and the role I 03:05

21 played, I could accomplish what he and the

22 sheriff wanted accomplished --

23 BY MR. MILLER:

24 Q. But --

25 A. -- with Mr. Mandoyan. 03:05

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1 Q. But you didn't, did you? 03:05

2 A. No, I did not.

3 Q. Look at the last page. This is a page
4 that Mr. Gordon didn't ask you about, the last
5 page of AULT4. It's the settlement agreement 03:05
6 that is the first four pages of Exhibit 1 that
7 counsel marked.

8 Your name is at the bottom as a
9 signatory for the department.

10 Do you see that? 03:05

11 A. Yes.

12 Q. Had you authorized Larry Del Mese or
13 anybody else to put your name on this document
14 on page AULT4?

15 A. No. 03:05

16 Q. Do you know how your name came to be on
17 this document?

18 A. I have no idea how my name came to be
19 on this document, because I was very clear with
20 Larry Del Mese that I would not be the 03:06
21 decision-maker; that there was somebody else.

22 And so when I got this document, that
23 was pretty much the moment that I decided that I
24 was going to retire, because my position was not
25 clearly understood and I felt like my good name 03:06

1 and my good reputation was going to be used to 03:06
2 do something that was unethical, and I wouldn't
3 have that.

4 Q. Your name has got some lines through it
5 in green. 03:06

6 Is that your -- are those your lines --
7 is that your line?

8 A. Those are my lines.

9 Q. So you kind of scratched out your name;
10 right? 03:06

11 A. I was very upset about that. So, yes,
12 that was me making my mark on that document that
13 I will have nothing to do with that.

14 Q. I don't want to go back over what
15 Mr. Gordon asked you, but he asked you about 03:07
16 Case 1 -- on the first page Case 1 and Case 2.

17 Just to clarify, what is Case 1 and
18 what is Case 2? And I'm referencing the green
19 handwritten portion on the left-hand side on the
20 second -- on the bottom of the page. 03:07

21 Is that your handwriting?

22 A. Anything in green is my handwriting.

23 Q. Okay. What's that about?

24 A. So, as I mentioned, I had gone through
25 this settlement agreement to read what the ask 03:07

1 was and to really take a moment aside from my 03:07
2 instinct that this was really unethical and
3 inappropriate -- was to really do my due
4 diligence and say -- to see what facts or what
5 was really being asked of the department. 03:07

6 So I went through and I made the
7 notations. So Item No. 1 is related to case
8 2383392, which is generally referred to as the
9 domestic violence case.

10 Q. Okay. 03:08

11 A. So that first ask was to rescind the
12 department's discharge action.

13 Then Item No. 2 still relates to
14 Case 1, and it says, "All parties agree and
15 understand that Mandoyan's" -- and I crossed out 03:08
16 the wrong name of the system and wrote the
17 acronym -- "will state 'Unfounded.'"

18 So I was crystal-clear they were not
19 only wanting to rescind the discipline, but they
20 had determined that the case was unfounded, 03:08
21 which means there was absolutely nothing there,
22 no evidence whatsoever to sustain any charge at
23 all.

24 And then Item No. 3 refers to a
25 separate case number, which is No. 2392810, 03:08

1 which I then looked at and determined that that 03:08
2 was a case from the past that involved Deputy
3 Mandoyan and a use-of-force circumstance, and
4 they wanted that case to just be made unfounded.

5 Q. So as far as you were concerned, the 03:09
6 directive you were getting from Larry Del Mese
7 and through Larry Del Mese from Alex Villanueva
8 was to wipe the disciplinary slate clean for
9 Caren Mandoyan; correct?

10 MR. GORDON: Objection. Leading. 03:09

11 THE WITNESS: Yes.

12 BY MR. MILLER:

13 Q. So both of these disciplinary items
14 would be changed from sustained or founded to
15 unfounded; correct? 03:09

16 A. Correct.

17 MR. GORDON: Objection. Leading.

18 BY MR. MILLER:

19 Q. And the discharge would be rescinded,
20 and he would be reinstated; correct? 03:09

21 MR. GORDON: Objection. Leading.

22 THE WITNESS: Correct. That's what it
23 states on the document.

24 MR. MILLER: Last time I checked,
25 Counselor, I get to ask leading questions on 03:10

1 cross-examination. You don't; you were on 03:10
2 direct.

3 But you make all your objections. No
4 problem.

5 Q. Now, in your position as -- I think you 03:10
6 were chief of professional -- what were you
7 chief of at this time, November 26, 2018?

8 A. Chief of the Professional Standards and
9 Training Division.

10 Q. Okay. And what was under you that you 03:10
11 supervised as -- in that capacity as chief of
12 Professional Standards and Training?

13 A. So I was responsible for the Training
14 Bureau, Internal Criminal Investigations Bureau,
15 Internal Affairs Bureau, our Risk Management 03:10
16 Bureau and our Advocacy Bureau.

17 Q. And how long had you been the chief
18 of --

19 A. I --

20 Q. -- of those -- of that position? 03:11

21 A. I had been chief since March of 2018.

22 Q. And before that you were commander?

23 A. Correct.

24 Q. And before that you were captain?

25 A. Correct. 03:11

1 Q. Before that you were lieutenant? 03:11
2 A. Yes.
3 Q. And before that you were a sergeant?
4 A. Yes.
5 Q. And before that you were a deputy? 03:11
6 A. Yes.
7 Q. You go back even further.
8 Before you were a deputy, you were with
9 the sheriff's department, weren't you?
10 A. I was a civilian member, and before 03:11
11 that I was an Explorer Scout. So yes.
12 Q. When did you start with the sheriff's
13 department? At what age?
14 A. 18.
15 Q. And when did you start as an Explorer 03:11
16 Scout?
17 A. 15.
18 Q. So in one -- either as an Explorer
19 Scout or as a deputy, that's been your whole
20 life? The sheriff's department has been your 03:11
21 entire career?
22 A. It has.
23 Q. How many years?
24 A. 36 plus.
25 Q. So this decision to retire that you 03:12

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1 made the week of November 26, was this an easy 03:12
2 decision or was it a difficult decision?

3 A. It was both. It was easy because I
4 have a well-defined set of principles. I know
5 where I stand on issues. I was part of the 03:12
6 department when we went through the federal
7 investigations where people went to federal
8 prison. I know what unethical looks like. I've
9 seen it many times. And so for that sake, it
10 was easy to make the decision. I wouldn't have 03:12
11 a part of it.

12 But it was hard to walk away.

13 Q. I'm sorry. I don't mean to upset you.
14 Why was it hard to walk away?

15 A. This is an organization that I've been 03:12
16 a part of since I was 15. I grew up in it; I
17 love it; I devoted my life to it. And so to
18 walk away pretty much like a thief in the night,
19 running out the door, packing up everything,
20 trying to resolve all the loose ends was not the 03:13
21 way I saw myself leaving.

22 Q. In all your time -- you want to take a
23 minute?

24 A. Can I just breathe a moment?

25 Q. Let's just breathe a moment. Take a 03:13

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1 deep breathe. I apologize. I don't mean to 03:13
2 upset you.

3 A. [Inaudible.]

4 Q. I think it's important to bring out the
5 context -- 03:13

6 A. Okay.

7 Q. -- in which your decision was made.
8 In all of your time -- deputy,
9 sergeant, lieutenant, captain, commander,
10 chief -- have you ever encountered a situation 03:13
11 where the higher-ups, the sheriff or his chief
12 of staff Larry Del Mese, had sought to wipe the
13 slate clean, exonerate a sheriff's employee of
14 prior disciplinary charges?

15 A. I have never seen anyone want to make 03:13
16 these sweeping disciplinary changes without
17 substantial facts. I've not seen that.

18 Q. And when it was presented to you on
19 November 26, 2018, did Larry Del Mese relate any
20 substantial facts to you? 03:14

21 A. It was a want.

22 Q. In other words, it was, "Get it done"?

23 A. It was a "Get it done." It was not,
24 "How do we go through the process to make this
25 occur?" It was, "This is what I want for the 03:14

1 sheriff" -- actually, let me be clear: Larry 03:14
2 said, "This is the sheriff's No. 1 priority.
3 This is the No. 1 thing the sheriff wants to get
4 done."

5 And there was no -- no request to 03:14
6 "What's the process? How can we get this done?"
7 It was, "This is the sheriff's No. 1 ask, and
8 you need to get it done by Friday."

9 Q. And when Larry Del Mese said, "This is
10 the sheriff's No. 1 priority," what sheriff was 03:14
11 he referring to?

12 MR. GORDON: Objection. Calls for
13 speculation. Calls for [inaudible].

14 BY MR. MILLER:

15 Q. Do you know what sheriff -- 03:15
16 (The reporter requested clarification.)

17 MR. MILLER: Sorry.

18 MR. GORDON: Calls for an opinion.

19 BY MR. MILLER:

20 Q. When Larry Del Mese said this was the 03:15
21 sheriff's No. 1 priority, do you know from that
22 conversation which sheriff he was -- Larry
23 Del Mese was referring to?

24 A. I --

25 MR. GORDON: Objection. Calls for 03:15

1 speculation. Calls for opinion. 03:15

2 THE WITNESS: I'm crystal-clear that it
3 was Sheriff Villanueva, because he said, "This
4 is Sheriff Villanueva's No. 1 request."

5 BY MR. MILLER: 03:15

6 Q. And, by the way, was Larry Del Mese
7 part of the Sheriff -- or the Alex Villanueva
8 team by that time?

9 A. I had heard just throughout the
10 campaign that he was actively engaged in 03:15
11 supporting Sheriff Villanueva, but I didn't know
12 that for a fact until I got that call that
13 morning -- or that afternoon.

14 MR. GORDON: Objection. Move to strike
15 as nonresponsive. Hearsay. 03:15

16 BY MR. MILLER:

17 Q. In the call on November 26, 2018, did
18 Larry Del Mese point-blank say, "I'm calling
19 because this is Sheriff Villanueva's No. 1
20 priority"? 03:16

21 In other words, did he name Villanueva?

22 A. Yes, he absolutely said that "This is
23 Sheriff Villanueva's No. 1 priority."

24 Q. Okay. All right. I'm looking at
25 AULT2. I see some more green writing at the top 03:16

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1 of AULT2. 03:16

2 Is that yours?

3 A. Yes.

4 Q. Now, there's one thing that Mr. Gordon
5 didn't ask you about. It says -- you circled 03:16
6 "Bonus I deputy sheriff."
7 Do you see that?
8 A. Yes.
9 Q. And then you wrote "Never" -- is that
10 "Never"? 03:16
11 A. It's "Never a B-I."
12 Q. What does that mean?
13 A. So as I was doing my due diligence to
14 take a look at the information in here because I
15 was already concerned that they were asking for 03:16
16 things that were not appropriate, I wanted to
17 understand factually what the employee status
18 was. So I pulled up his assignment card, and
19 from my reading of the assignment card coupled
20 with his employment -- his employee information 03:17
21 printout, he did not leave the organization in
22 the status of a Bonus I.
23 Q. So they were trying to give him
24 something -- reinstate him with something that
25 he didn't even have before? 03:17

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1 MR. GORDON: Objection. Leading. 03:17
2 Calls for an opinion --
3 BY MR. MILLER:
4 Q. Is that correct?
5 MR. GORDON: -- speculation. 03:17
6 THE WITNESS: That's how I read the
7 document, yes.
8 BY MR. MILLER:
9 Q. Okay. Then Mr. Gordon did ask you
10 about the medical benefits and LACERA. 03:17
11 And you wrote, "Cannot do this."
12 Do you see that?
13 A. Yes.
14 Q. And just tell us again: Why did you
15 write, "Cannot do this"? 03:17
16 A. Because it's vague in the sense of what
17 does it mean to be made whole with medical
18 benefits. Does that involve, you know, having
19 broken his foot while he was separated from the
20 department? Would they want money for that? 03:17
21 And then LACERA is its own entity, and we can't
22 tell LACERA what to do or how to do it.
23 So I don't even know if he left the
24 department in Plan B. That wasn't event
25 something I took the time to research, because 03:18

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1 not only can we not put that in the settlement 03:18
2 agreement; we have no authority over LACERA to
3 compel them to do anything.

4 Q. Okay. And then you did testify to
5 Mr. Gordon at some length about the double-dip 03:18
6 for the sick, vacation, holiday, and so forth.
7 I'm not going to ask you about that again.

8 Is it fair to say that they were
9 trying -- that Mr. Del Mese and Mr. Villanueva
10 were trying to give Caren Mandoyan, at least as 03:18
11 far as you could tell on November 26, 2018, a
12 bonus he was not entitled to, medical benefits
13 and LACERA benefits that you couldn't do, and
14 that they were trying to double-dip and
15 double-pay him for vacation, holiday and sick 03:18
16 leave?

17 MR. GORDON: Objection.
18 Mischaracterizes the testimony. Calls for
19 speculation. Calls for opinion.

20 THE WITNESS: In my reading of the 03:19
21 document and comparing it to the assignment
22 cards and what I understand about our pay
23 systems and our payout systems, that is what it
24 appeared they were trying to do.

25

1 BY MR. MILLER: 03:19

2 Q. Okay. Let's go through the rest of
3 Exhibit 1.

4 You testified earlier that you did some
5 research to -- so you could better understand 03:19
6 the double-dip, the bonus that he wasn't
7 entitled to, and so forth, and you wanted to
8 better understand what was going on with respect
9 to the second incident they were trying to
10 cleanse him of. 03:19

11 Let's look at AULT5 and 6.

12 MR. GORDON: Objection.
13 Mischaracterizes the testimony and evidence.

14 BY MR. MILLER:

15 Q. Could you please tell us what AULT5, 03:19
16 6 and 7 are?

17 A. So AULT5, AULT6, AULT7, and I will
18 include AULT8, are all part of the grievance
19 packet related to the second disciplinary
20 action, which is investigation 2392810. 03:20

21 Q. I should have included AULT8; you're
22 right.

23 So why did you pull this up, and why
24 did you take a look at this?

25 A. Because I wanted to take a look at what 03:20

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1 the actual case was about, and I wanted to try 03:20
2 to quickly understand, Did he exercise his
3 rights to due process to grieve the matter?
4 What was the outcome of the grievance? And was
5 this matter properly recorded in our performance 03:20
6 metrics -- in our performance records management
7 system?

8 And so I learned that that case that
9 was on page 1, Item No. 3 labeled in green, Case
10 No. 2, was this case. So as I looked at the 03:21
11 information, it appeared that not only had the
12 discipline been imposed, but Deputy Mandoyan --
13 or then Deputy Mandoyan had exercised his rights
14 to due process, had had his grievance hearing,
15 and that process was closed and completed, and 03:21
16 it absolutely was not pending.

17 Q. Was Mr. Mandoyan's grievance denied?

18 A. If you go to page 8, AULT008, it says
19 the chief's decision was to sustain -- uphold
20 the five-day suspension. And that is also 03:21
21 repeated in AULT5, where the last paragraph
22 says, "After due consideration, the sheriff's
23 department's has denied your grievance."

24 Q. And this discipline for which the
25 grievance was denied was the discipline that 03:21

1 Larry Del Mese -- I guess at the behest of Alex 03:22
2 Villanueva -- called you about on November 26
3 and asked you to overturn or cleanse or reverse;
4 correct?

5 MR. GORDON: Objection. 03:22
6 Mischaracterizes the document and the testimony.
7 Calls for speculation. Calls for opinion.

8 THE WITNESS: AULT5 through 8
9 definitely refers to the second case of
10 discipline that then Deputy Mandoyan had, and it 03:22
11 also is the case that Larry Del Mese as well as
12 the settlement agreement is showing or demanding
13 that will be changed from founded to unfounded.

14 BY MR. MILLER:

15 Q. Do you have any idea why Larry Del Mese 03:22
16 and Alex Villanueva were trying to change a
17 disciplinary action that had been grieved; the
18 grievance had been denied?

19 Do you have any knowledge of why they
20 were doing that? 03:22

21 MR. GORDON: Objection. Compound.
22 Leading. Calls for speculation. Calls for
23 opinion.

24 BY MR. MILLER:

25 Q. Other than the obvious, trying to help 03:22

1 their buddy, do you have any knowledge of why 03:22
2 they were doing that?

3 MR. GORDON: Same objections.

4 THE WITNESS: I can say that I have no
5 idea why. And it is not consistent with our 03:23
6 professional conduct within the department, so I
7 don't -- I couldn't imagine why they would do
8 it.

9 BY MR. MILLER:

10 Q. Did it bother you they were doing it? 03:23

11 A. It absolutely bothers me that they did
12 it -- or that they wanted to do it.

13 Q. Okay. Let's go on in this package of
14 Exhibit 1. Then there's another document that
15 is kind of a chart called AULT9 through 11 -- 03:23
16 9 through 12.

17 A. So --

18 Q. What is this?

19 A. AULT9 through 12 is the sheriff's
20 department assignment cards, and basically these 03:23
21 assignment cards loosely follow you through the
22 organization. It's really more of a pay
23 location, but it sort of hallmarks the
24 significant movement of you as a person in the
25 organization. 03:23

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1 Q. And this is for Caren Mandoyan? 03:24

2 A. Yes.

3 Q. And why were you studying this? Or why

4 did you pull this up and take a look at it?

5 A. Because I wanted to see if he had left 03:24

6 the organization as a Bonus I. And so this

7 document would reasonably let me know whether

8 that had or had not been the case.

9 Q. And they were -- Del Mese was -- and

10 Villanueva were trying to give him a Bonus I; 03:24

11 right?

12 MR. GORDON: Objection.

13 Mischaracterizes testimony --

14 BY MR. MILLER:

15 Q. Bonus -- excuse me -- a Bonus I 03:24

16 benefit; correct?

17 MR. GORDON: Objection.

18 Mischaracterizes the document and the testimony.

19 Leading.

20 THE WITNESS: Based on what was 03:24

21 requested and based on the settlement agreement,

22 they were trying to restore him to a Bonus I

23 position, and my research, according to his

24 timecard, revealed that he'd never held that

25 position at the time he left the department. 03:24

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1 BY MR. MILLER: 03:24

2 Q. Can you think of why they would want to

3 restore him to a Bonus I position that he never

4 held in the first place?

5 MR. GORDON: Objection. Assumes facts. 03:25

6 Calls for speculation. Calls for an opinion.

7 THE WITNESS: The only reason I could

8 imagine that that would be done is to provide

9 somebody with a pay increase and to go to the

10 front of the line from the bonus selection 03:25

11 process.

12 BY MR. MILLER:

13 Q. Do you know if that was a quid pro quo

14 for being -- for Mandoyan being the driver for

15 Villanueva during the election campaign and for 03:25

16 supporting him in the election?

17 MR. GORDON: Objection. Calls for

18 speculation. Calls for an opinion.

19 BY MR. MILLER:

20 Q. If you know. 03:25

21 A. I don't know.

22 Q. Okay. That's fair. If you don't know,

23 you don't know.

24 Next document, AULT13. This looks like

25 a -- I don't know what this is. It's blue. 03:25

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1 Can you tell us what it is? 03:25

2 It looks like a blue, personal, job

3 assignment, address information.

4 A. So AULT13 is a Employee Information

5 System printout of his -- of his last job title 03:25

6 and assignment when he left the department. So

7 I printed this out to take a look and see what

8 did the employment system show as his job title

9 on the day that he left the organization. And

10 so this was another method of verifying whether 03:26

11 or not he had been a Bonus I.

12 So this shows me right here he was on a

13 deputy sheriff item, and you can see that up at

14 top where it says -- under "Job Assignment" it

15 says "Item Number," and it says "2708." 03:26

16 Subsection A means he's a permanent employee,

17 Step 06 means he was at Step 6, and his job

18 title was deputy sheriff. And then it shows his

19 out-of-service date of 9/15 -- if I'm reading

20 that correctly -- of 2016. 03:26

21 Q. Does this AULT13 document, part of

22 Exhibit 1, give any indication that Mr. Mandoyan

23 was entitled to a Bonus I benefit as set forth

24 in AULT1 through 4, the settlement agreement?

25 A. In my reading of this document, I 03:27

1 wouldn't believe that this employee left the 03:27
2 department as a Bonus I and would not be
3 entitled to be restored to a Bonus I.
4 Q. Okay. Let's look at AULT14 through
5 AULT42. 03:27
6 This is the Civil Service Commission
7 decision; right?
8 A. Yes.
9 Q. It says on the front page, first page,
10 "For the appellant, Michael Goldfeder." 03:27
11 So that gentleman was the lawyer or the
12 advocate for petitioner, Mr. Mandoyan; right?
13 A. Yes.
14 Q. And then it says "For the respondent,
15 the sheriff's department, Christine Roam." 03:27
16 That's Sergeant Roam?
17 A. Yes.
18 Q. And did you read this document, the
19 Civil Service Commission decision, 14 through
20 42? 03:27
21 A. I did.
22 MR. GORDON: Objection. Vague and
23 ambiguous.
24 BY MR. MILLER:
25 Q. Could you tell us, please, why you read 03:27

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1 it. 03:27

2 Did you read it from cover to cover, by
3 the way?

4 A. I did.

5 Q. Could you tell us why. 03:28

6 A. So after I got the call from Larry
7 Del Mese, my instinct was that the request was
8 unethical, and it was -- I was very, very
9 uncomfortable with it. But because I worked
10 with Larry and I respected Larry, I wanted to 03:28

11 take some time to read the outcome of the civil
12 service hearing to see if maybe there was
13 something that could tamp down my concerns; to
14 see if maybe there was some significant
15 weaknesses in the county's case against him; and 03:28
16 to sense if the civil service hearing officer
17 was sort of on the edge; if this was a close
18 call for this person.

19 And so I pulled this up just to make
20 sure I did all my due diligence and that my 03:28
21 feelings were founded. So I read this, and at
22 the end of my reading I was very bothered by the
23 behavior, I was bothered by the strength of the
24 case, and it just -- it absolutely cemented for
25 me -- again, it just kept affirming for me what 03:29

1 was being asked was unethical and inappropriate 03:29
2 and unprofessional.

3 Q. Now, this is the domestic abuse case.
4 This is the second case; right?

5 A. Yes. 03:29

6 Q. This is not the first case, the one
7 from, I think, 2015?

8 A. So this case, AULT14 through 42, is in
9 reference on AULT page 1, Items No. 1 and 2, and
10 it's referring to Investigation 2383392. 03:29

11 Q. Got it. Got it.
12 What in particular bothered you about
13 what Mr. Mandoyan was found to have done, you
14 know, by virtue of this Civil Service Commission
15 decision? 03:30

16 A. So when you read these decisions,
17 you're looking for both sides of the situation:
18 reading what happened; reading how it happened;
19 under what circumstances; and reading the points
20 of argumentation and the strengths and 03:30
21 weaknesses across the board; and then reading
22 how the hearing officer evaluated the case that
23 was presented and where he felt there was
24 credibility or lacking in credibility.

25 And so when I read this, it felt very 03:30

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1 much like he was a stalker. And his behavior 03:30
2 was outrageous, and the actions were just beyond
3 just the typical verbal type of an argument.

4 And so in reading the case and coming to the
5 conclusion, you know, the hearing officer was 03:30
6 pretty confident and was not a close call in my
7 assessment of the case.

8 Q. And did this raise your concerns and
9 your worries about what was going on with the
10 request from Alex Villanueva relayed through 03:31
11 Larry Del Mese?

12 A. It absolutely did. Because by the time
13 this case got here, there were many layers of
14 approval for it. So his unit commander agreed
15 with the discharge. His division commander 03:31
16 agreed with it. The division chief agreed with
17 it. The case review panel agreed with it. He
18 had an opportunity to address it at his Skelly
19 hearing, and the chief was not persuaded.

20 It was presented to a civil service 03:31
21 hearing officer, who sustained the discharge,
22 and then it went to a panel of the entire civil
23 service panel, and they also sustained all of
24 those processes plus their own hearing officer.

25 So I felt by that point in time, yeah, 03:31

1 so many people had seen it, and nobody had had 03:32
2 any other outcome other than to uphold the
3 discharge.

4 Q. So from your testimony it sounds like
5 there were seven or eight levels of review of 03:32
6 the Mandoyan domestic abuse case, the --

7 A. Yes.

8 Q. Let's be precise. The -- where's the
9 case number?

10 A. You have to go back. This is the case 03:32
11 number of civil service of 16276, but it's
12 Investigation No. 2383392.

13 Q. Got it. Okay.

14 And at every level of review the
15 discharge was upheld? 03:32

16 A. Yes.

17 Q. And then the call came in on
18 November 26, 2018, for you to overturn it?

19 A. Yes.

20 Q. By the way, when did you decide to 03:32
21 retire?

22 A. When I got the document that had my
23 name on the bottom of it. I read that, and that
24 just did not sit well with me. And I knew right
25 then that I felt like I was going to be treated 03:33

1 like the fall guy, and I was not going to allow 03:33
2 my good name to go out like that. So...

3 Q. When you say the document that had your
4 name on it, you mean the settlement agreement,
5 AULT1 through 4? 03:33

6 A. Yes.

7 Q. Okay. Mr. Gordon asked you about
8 AULT43, the email.

9 A. Yes.

10 Q. He asked you a lot of questions about 03:33
11 it, and I don't really need to repeat it. I
12 just have a couple.

13 Did you give AULT43 to the LA Times
14 reporter?

15 A. Absolutely not. 03:33

16 Q. That's Maya Lau, the one you refused to
17 talk to?

18 A. Yes.

19 MR. GORDON: Objection.
20 Mischaracterizes the testimony. 03:33

21 BY MR. MILLER:

22 Q. Okay. I don't have any more questions
23 about that.

24 Moving right along, AULT44, more green
25 handwriting, which is yours; right? 03:33

1 things I needed to follow up on and a way to 03:35
2 sort of just make quick notations about either
3 what was said to me, what I heard or what I was
4 needing to do.

5 Q. Okay. At the top of 45 -- AULT45 it 03:35
6 says a date, 11/26/18.

7 Do you see that?

8 A. Yes.

9 Q. That's the date you got the call from
10 Larry Del Mese; right? 03:35

11 A. Yes.

12 Q. And then under the date is the name
13 "Del Mese"?

14 A. Yes.

15 Q. That's Larry; right? 03:35

16 A. Yes.

17 Q. And it says -- and I know Mr. Gordon
18 asked you about this: "I'm looking at a photo
19 of me and the org chart."

20 Were those his words? 03:36

21 A. Yes.

22 Q. And then what's under it, "Newer
23 photo"?

24 A. Yes.

25 Q. And that was the implied threat you've 03:36

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1 already testified about? 03:36

2 MR. GORDON: Objection. Leading.

3 THE WITNESS: Yes.

4 BY MR. MILLER:

5 Q. Yeah, I don't want to -- we don't have 03:36

6 to go over that again.

7 How did you feel when you got this

8 threat -- this implied threat?

9 MR. GORDON: Objection.

10 THE WITNESS: I was kind of confused 03:36

11 because I wasn't sure what to make of it. I've

12 never received a call like that before, and so I

13 was expecting him to ask for things that would

14 happen in the course of my professional work,

15 like documents or reports or charts. 03:36

16 And so I started writing, and he went

17 down that road, and I was like, What? And

18 then -- so I'm like, Oh, okay. So maybe he's

19 going to give me some insight into my future in

20 the organization. And then, you know, he 03:37

21 refused. And when he refused to tell me, that

22 caused me great anxiety because I felt like he

23 didn't want me to know that I wasn't going to be

24 part of the team.

25 And so I was -- then I felt like, 03:37

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1 Okay -- when he went on to talk about what he 03:37
2 wanted me to do, I'm like, Okay. So this is --
3 this is the threat. This is the ask. You know,
4 you're going to do this, and maybe if you do
5 this, we'll bring you along in the Villanueva 03:37
6 regime. And that's exactly how I took it: as a
7 threat.
8 Q. Had Larry Del Mese ever threatened you
9 before in your entire relationship?
10 A. No. 03:37
11 Q. And you also testified in response to
12 the direct examination by the opposing counsel
13 that you felt it was a test.
14 Remember that testimony?
15 A. I did. 03:37
16 Q. What do you mean by "test" -- "a test"?
17 A. I felt it was a test to learn if I was
18 going to be loyal to the wants of Sheriff
19 Villanueva and if I was going to comply with
20 what was going to be requested of me in the 03:37
21 future.
22 Q. And if not?
23 A. And if not, I'm an at-will employee
24 that needs no notice about when they can
25 terminate my -- my employment at my rank. 03:38

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1 Q. And then under your photo it has "1" 03:38
2 with a one-sided parens, "Return to work,
3 Mandoyan, Caren."
4 And what does "S/A" mean again?
5 A. "Settlement agreement." 03:38
6 Q. Okay. And that was the settlement
7 agreement, AULT1 through 4, that's in Exhibit 1
8 that we've been talking about throughout the
9 deposition that Mr. Del Mese emailed you?
10 A. Yes. 03:38
11 Q. Okay. Then it says "To chief of
12 division."
13 A. So that was me telling Larry that the
14 request needs to go through the division chief
15 of where the employee was assigned at the time 03:38
16 in this case the discharge took place.
17 Q. Okay. But you were not the division
18 chief; right?
19 A. Correct.
20 Q. And tell me again: Why was Larry 03:39
21 Del Mese picking on you to get this done?
22 MR. GORDON: Objection. Calls for
23 speculation. Calls for opinion.
24 BY MR. MILLER:
25 Q. Based on your relationship and your 03:39

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1 communication with him, not speculation, why was 03:39
2 Larry Del Mese and Alex Villanueva looking to
3 Alicia Ault to get this done for Caren Mandoyan;
4 to bring him back and cleanse his disciplinary
5 record? 03:39

6 MR. GORDON: Objection. Calls for
7 speculation. Calls for opinion.
8 Mischaracterizes the testimony and the evidence.

9 THE WITNESS: I felt like I got the
10 call for a few reasons. So, No. 1, because I 03:39
11 was the division chief over the disciplinary
12 system.

13 No. 2, because I felt like I was being
14 put to the test. I felt like they wanted to
15 know if I would comply with whatever requests 03:40
16 they may have now and in the future. And I felt
17 like it was tied to my vitality and my future
18 employment to see if I would be willing to work
19 in the manner in which they wanted to get things
20 done. 03:40

21 BY MR. MILLER:

22 Q. Who's the right -- who would have been
23 the right division chief to send this to?

24 A. It should have gone to the chief of
25 Central Patrol where West Hollywood is currently 03:40

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1 assigned. 03:40

2 Q. And why is that? Why would he be the
3 right -- or that person be the right chief?

4 A. Because the way the department does
5 discipline, it is the responsibility of the 03:40

6 division where the employee is assigned to

7 assess the case, to determine the level of

8 discipline, and to see it through the entire

9 process. So to ask me to do it is outside of

10 the standards that have been established going 03:40

11 all the way back to Block and probably before.

12 It felt like -- again, in spite of

13 telling him where it needed to go, it was like,

14 No, we want you talk to do it." And I felt like

15 they wanted to use my good name and reputation 03:41

16 in the discipline arena to stand on my name to

17 bring this person back.

18 Q. And then below where you wrote, "To

19 chief of the division" -- by the way, what was

20 the name of the chief of Central? 03:41

21 A. At the time it was Chief Joe Gooden.

22 Q. Joe Gooden. That's right.

23 Okay. And then below it says, "No

24 to" -- what does that say?

25 A. So he wanted me to contact the 03:41

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1 undersheriff, so I think I was, you know, 03:41
2 writing quickly. So it was something about
3 calling the undersheriff.

4 Q. And that's La Berge?

5 A. La Berge. 03:41

6 Q. What's his first name?

7 A. Jacques.

8 Q. Jacques La Berge?

9 I think you testified in response to
10 Mr. Gordon's questioning that you did call 03:42
11 Mr. La Berge.

12 And he said what?

13 A. He said no. He said, "It's not going
14 to happen, and they can do it on Monday when
15 Sheriff Villanueva gets sworn in." 03:42

16 Q. But that's not what Villanueva and
17 Del Mese wanted.

18 They wanted it done before the
19 swearing-in of Villanueva; correct?

20 MR. GORDON: Objection. Calls for 03:42
21 speculation. Calls for opinion.

22 BY MR. MILLER:

23 Q. Is that what Del Mese told you: He
24 wanted it done before -- he wanted Mandoyan
25 reinstated, and he wanted this disciplinary -- 03:42

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1 these disciplinary actions wiped out before 03:42
2 Villanueva got elected -- got sworn in? Pardon
3 me.
4 A. He --
5 MR. GORDON: Objection. Misstates the 03:42
6 testimony.
7 THE WITNESS: Larry Del Mese told me
8 that they wanted it done by Friday. They wanted
9 it done while McDonnell was in office. They did
10 not want it to be done on Monday when it would 03:42
11 have been easier, as I had suggested. And I was
12 told emphatically, "It has to be done by
13 Friday."
14 BY MR. MILLER:
15 Q. Told emphatically it has to be done by 03:43
16 Friday by whom?
17 A. By whomever in the chain of command can
18 sign it off.
19 Q. Who told you that?
20 A. Larry Del Mese. 03:43
21 Q. Okay. And was that in the November 26
22 telephone conversation?
23 A. Yes.
24 Q. Okay. And then below the next line it
25 says, "L/U case." 03:43

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1 (Recess taken.) 03:44

2 THE VIDEOGRAPHER: Okay. Time is 3:51.

3 We are back on the record.

4 BY MR. MILLER:

5 Q. Ms. Ault, there was some testimony you 03:50

6 gave during the direct examination about

7 speaking to county counsel.

8 What was the person's name again? I

9 can't pronounce it.

10 A. Pirjo Ranasinghe. 03:50

11 Q. Okay. Pirjo Ranasinghe.

12 In any of your conversations -- well, I

13 don't want to ask that, because that will invade

14 the privilege.

15 I'll just ask it more directly: Did 03:51

16 that individual, Pirjo Ranasinghe, or any other

17 counsel at any other -- any other county counsel

18 at any time approve of the settlement with Caren

19 Mandoyan?

20 And when I say "the settlement," I'm 03:51

21 talking about the settlement that's contemplated

22 in Exhibit 1, AULT1 through 4.

23 MR. GORDON: Objection. Lack of

24 foundation. Calls for speculation.

25

1 BY MR. MILLER: 03:51

2 Q. To your knowledge, did county counsel

3 ever approve of the settlement between the

4 sheriff's department and Caren Mandoyan whereby

5 he was reinstated? 03:51

6 A. No.

7 Q. What about Chris Keosian: Did he ever

8 approve that settlement?

9 MR. GORDON: Objection. Calls for

10 speculation. 03:51

11 BY MR. MILLER:

12 Q. To your knowledge.

13 A. No.

14 Q. Okay. I have another question for you.

15 You've testified at some length about the 03:52

16 implied threat when Larry Del Mese called you

17 and said, "I'm looking at the org chart. I see

18 your picture on it."

19 Do you recall all that testimony?

20 A. Yes. 03:52

21 Q. And you testified you were upset by

22 that.

23 A. It bothered me a lot.

24 Q. It bothered you a lot.

25 A. Yes. 03:52

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1 Q. And my question to you is did you ever 03:52
2 send an email or file a written complaint
3 against Larry Del Mese for threatening you?
4 A. No.
5 Q. Why not? 03:52
6 A. Because once I made the decision to go,
7 I wanted to go out as a professional. I didn't
8 want to go out leveling accusations. It is what
9 it is, and it more speaks to who I am than
10 anything more about what happened. 03:53
11 Q. And is that also why you refused to
12 speak to the LA Times reporter: because you
13 wanted to be professional and up front about it?
14 A. I --
15 MR. GORDON: Hold on. 03:53
16 Objection. Mischaracterizes the
17 testimony.
18 MR. MILLER: I'll reask the question.
19 Q. Is that also why you refused to speak
20 to the LA Times reporter? 03:53
21 MR. GORDON: Objection -- same
22 objection. Mischaracterizes the testimony.
23 Assumes facts not in evidence.
24 BY MR. MILLER:
25 Q. You can answer the question. 03:53

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1 department. 03:54

2 And so this is the forum to provide all
3 the information and answer all the questions.

4 This is more consistent with me than standing on
5 my porch telling something to a reporter. It's 03:54
6 not how I work.

7 MR. MILLER: Okay. No further
8 questions at this time.

9 MR. GORDON: I have further questions.

10 THE VIDEOGRAPHER: 3:56, off the 03:55
11 record.

12 (Brief pause in the proceedings.)

13 THE VIDEOGRAPHER: Okay. We are on the
14 record at 3:57.

15 03:56

16 FURTHER EXAMINATION

17 BY MR. GORDON:

18 Q. Is it your testimony that while you
19 were at the sheriff's department, the department
20 never settled any discipline cases once they got 03:56
21 to the superior court?

22 A. It's my testimony that I am not aware
23 of a case being pushed through in the manner in
24 which it was -- in the manner in which this one
25 was. 03:56

1 Q. Are you aware of discipline cases that 03:56
2 the department settled while the cases were in
3 writ petition proceedings in the superior court?
4 A. I am not aware of one, no.
5 Q. Any at all? 03:56
6 A. I'm not.
7 Q. Did you ever sign any settlement
8 agreements -- strike that.
9 Did you ever sign any settlement
10 agreement in any way case involving discipline 03:57
11 of a deputy that was in writ petition
12 proceedings in the superior court?
13 A. No.
14 Q. And what did you mean when you
15 testified that Sheriff Villanueva could do 03:58
16 whatever he wanted to do on Monday?
17 A. What I meant by that is the sheriff --
18 you know, the sheriff has settlement authority
19 in matters. He has his own opinion. Sheriff
20 Villanueva did not have the right to impose his 03:58
21 will upon Sheriff McDonnell. So my statement
22 was that Sheriff Villanueva can take whatever
23 action he wants to when he's the seated sheriff,
24 but he can't tell Sheriff McDonnell what to do
25 while he's still the sheriff-elect. 03:58

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1 Q. And did you ever understand anything 03:58

2 Del Mese said to you to constitute an assertion

3 by Villanueva that he had the power to force

4 McDonnell to sign any settlement agreement?

5 A. I didn't take what Larry said to me as 03:59

6 he could force McDonnell what to do. I took

7 what Larry said to me as forcing me to get it

8 done, and I took that to tie into my future

9 vitality in the sheriff's department.

10 Q. Is it your testimony that the sheriff's 03:59

11 department has, before Villanueva took office

12 December 3, 2019 -- I mean 2018, never agreed to

13 revise findings in a prior disciplinary

14 proceeding that itself was not the reason for

15 discharge? 04:00

16 A. I understood everything you said until

17 the last part.

18 Q. Is it your testimony that the sheriff's

19 department before Alex Villanueva took office on

20 December 3, 2018, never entered into a 04:00

21 settlement agreement that provided for revision

22 of findings in a case of discipline that wasn't

23 itself the basis for a deputy's discharge?

24 A. I don't understand what you mean by

25 "itself a basis for" -- I don't understand that 04:00

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1 last part. 04:00

2 Q. In Mandoyan's case was it your
3 understanding that the 2015 case involving use
4 of force was not a basis for his discharge in
5 the domestic violence disciplinary matter? 04:00

6 MR. MILLER: That sounds like a
7 different question.

8 THE WITNESS: I don't know how to marry
9 the two aspects of what you're talking about.
10 I'm not clear what you're asking. 04:01

11 BY MR. GORDON:

12 Q. Was it your understanding that the
13 sheriff's department or the Civil Service
14 Commission used as a basis for discharge of
15 Mandoyan his 2015 disciplinary matter? 04:01

16 A. Oh, I don't know if they considered
17 that or not.

18 Q. And what I'm asking you is are you
19 saying that the sheriff's department, before
20 Villanueva took office, had never agreed to 04:01
21 revise a finding in a prior disciplinary
22 proceeding as a result of a settlement in a
23 later disciplinary matter?

24 A. Yes. I'm saying that I've never seen
25 what I'll call a stale case being resurrected in 04:01

1 a contemporary case and changing that finding. 04:01

2 Q. How many disciplinary cases have
3 resulted in settlements in the sheriff's
4 department?

5 A. I couldn't even begin to speculate. 04:02

6 Q. How many disciplinary matters that have
7 resulted in settlement have you had personal
8 knowledge and visibility into?

9 A. Hundreds if not thousands.

10 Q. And what percentage of all disciplinary 04:02
11 settlements do you believe you had personal
12 visibility into the terms of?

13 A. So having read the settlement
14 agreements, I would say again hundreds if not
15 reaching near a thousand over my time in that 04:02
16 division.

17 Q. Right. There were -- were there --
18 would you say there were thousands of other
19 disciplinary proceedings that you have
20 personally had involvement in during the course 04:02
21 of disciplinary proceedings under sheriffs back
22 to Block?

23 A. So my knowledge base comes from my time
24 within the Professional Standards and Training
25 Division and my multiple assignments there. So 04:02

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1 over a span of my career I've seen hundreds if 04:03
2 not close to a thousand of different settlement
3 agreements over periods of time in variety of
4 iterations, both contemporary and then ones that
5 I've researched that go back. I have never seen 04:03
6 one where a stale case was resurrected from the
7 past and brought into a contemporary action.

8 Q. And how many years of your 36 years
9 have you not had access to disciplinary record
10 files? 04:03

11 A. So I -- in varying -- it's a difficult
12 question, because in varying capacities as a
13 sergeant and lieutenant I saw them in different
14 assignments and at headquarters assignments.
15 But my hands-on, like, regular duties that 04:03
16 brought these into my work on a regular basis
17 began back in 2008, and that is where the volume
18 of my seeing these would have began the
19 consistent, regular interaction with them.

20 Q. And did you personally have knowledge 04:04
21 of every disciplinary matter that resulted in
22 actual imposition of discipline on an officer
23 since 2008?

24 A. No.

25 Q. Right. There were -- I assume there 04:04

1 were plenty of cases where you didn't have 04:04
2 personal involvement or knowledge of the facts
3 of the disciplinary proceedings; right?

4 A. Correct.

5 Q. And as to those, do you know what the 04:04
6 result of any negotiations for a settlement
7 were?

8 A. So I would only become aware -- there's
9 different ways I would become aware of
10 settlement agreements. So I may not have known 04:04
11 about the underlying discipline case, but I may
12 have come across the settlement agreement.

13 So it's not a linear process. It's
14 sort of -- the better way to describe it is more
15 like popcorn: It kind of comes and goes on a 04:05
16 variety of levels for a variety of reasons when
17 I'm in that -- you know, from 2008 on.

18 Q. And do you have any way of telling me
19 what percentage of all discipline cases in your
20 36-year tenure at LASD you have personal 04:05
21 knowledge of the terms of any settlement?

22 A. I couldn't begin to tell you. That
23 would be a huge undertaking. I couldn't even
24 begin to estimate.

25 Q. Did you tell Larry Del Mese that his 04:05

1 comments about Mandoyan's character during his 04:05
2 call to you about the 2016 civil service
3 proceeding for Mandoyan was inappropriate?

4 A. During the conversation I told him that
5 I was very uncomfortable. I said, "This isn't 04:05
6 good." I even used the term "pay-to-play" with
7 him. I said, "This isn't" -- that "This is not
8 going to go well. This is outside of what we
9 do, and I can't believe this is what you guys
10 want to do." 04:06

11 And that was the gist of what I said to
12 him.

13 BY MR. GORDON:

14 Q. I'm not asking about --

15 MR. MILLER: I think she was -- 04:06

16 BY MR. GORDON:

17 Q. I'm asking --

18 Hold on.

19 MR. MILLER: I think she -- just let me
20 clarify. 04:06

21 MR. GORDON: Just let me ask my --

22 MR. MILLER: I think she was talking --

23 MR. GORDON: I'm taking the deposition.

24 Let me just ask my question.

25 Q. I asked you about your testimony 04:06

1 concerning what Del Mese said to you during the 04:06
2 2016 Civil Service Commission proceeding in
3 which you said he commented on his own personal
4 knowledge of Mandoyan's character.

5 And so what I'm asking you is am I 04:06
6 correct in recalling that you testified to that?

7 A. Yes, you did. I misunderstood. I
8 thought you were talking about the 2018 phone
9 call. So if you could go back and ask the
10 question again. I was confusing the phone call 04:06
11 with that civil service phone call.

12 Q. With regard to what you said Del Mese
13 said to you during Mandoyan's 2016 Civil Service
14 Commission proceeding in which you said Del Mese
15 commented on his personal knowledge of 04:07
16 Mandoyan's character, did you say anything to
17 Del Mese at that time about your view of whether
18 it was appropriate for him to comment to you on
19 his personal view of Mandoyan's character?

20 A. No. 04:07

21 Q. Did you ever tell Del Mese anything you
22 thought about his commenting on Mandoyan's
23 character in his telephone call to you to
24 comment on the way that Sergeant Roam was
25 conducting herself in Mandoyan's 2016 Civil 04:07

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1 Service Commission proceeding? 04:07

2 A. No.

3 Q. Did you ever report Del Mese to anyone

4 at LASD for commenting on Mandoyan's character

5 in connection with his complaint, Del Mese's 04:07

6 complaint, about the way Sergeant Roam was

7 handling Mandoyan's Civil Service Commission

8 proceeding?

9 A. No.

10 Q. So your counsel asked you about whether 04:08

11 you could be removed for cause under a

12 sheriff's -- under any sheriff's

13 decision-making.

14 Did I understand that correctly?

15 MR. MILLER: No. I asked her whether 04:08

16 she was at-will.

17 MR. GORDON: I'm just asking her -- I'm

18 just asking whether I -- I'm asking the

19 witness --

20 MR. MILLER: I'm trying to help you. I 04:08

21 asked her whether she was at-will.

22 MR. GORDON: She's an intelligent

23 woman. She can tell me what she meant and

24 whether I'm misunderstanding what you [sic]

25 testified to. 04:08

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1 Q. So I'm asking you did you testify -- 04:08

2 MR. MILLER: Okay, John.

3 BY MR. GORDON:

4 Q. Did you testify in response to a
5 question from your counsel that the sheriff had 04:08
6 the ability to fire you at will with no cause at
7 all?

8 A. The position I sat on at the time I
9 left the department is an at-will position, so I
10 serve at the pleasure of the sheriff. 04:08

11 Q. Right. But didn't -- my understanding
12 from your testimony when I was asking you
13 question is that the most the sheriff could do
14 to you without cause was demote you from chief
15 to commander. 04:09

16 Did I misunderstand that?

17 A. In some aspects, yes, you did
18 misunderstand.

19 Q. Okay. Without cause are you saying
20 that Villanueva could have simply fired you from 04:09
21 the department if he chose?

22 A. The way that I understand the civil
23 service -- or the way I understand the county
24 code is, yes, he could have said, "Your services
25 are no longer needed," and I could have been 04:09

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1 sent away. 04:09

2 The restoration rights that I have,
3 which I think is what you're referring to, are
4 only in play if there's a position to restore me
5 to. And so my understanding is, yes, I was in 04:09
6 peril of losing my employment.

7 Q. So when you said before if you were
8 removed from your chief position and
9 repositioned to commander, it would have
10 significant implications on your retirement -- 04:10
11 did I understand that correctly?

12 A. Yes.

13 Q. -- were you saying that because you
14 thought that was the most that Alex Villanueva
15 could do to you without cause? 04:10

16 A. That was one of many considerations
17 that I took into account as I made my decision
18 to walk away. Because if I had remained and on
19 Monday he became sheriff, he could very well
20 say, you know, "Thank you, Alicia, but I'm now 04:10
21 going to make you a commander."

22 And if he was able to pull that off,
23 then if I chose to retire, I would lose tens of
24 thousands of dollars not only in one aspect of
25 my retirement, but I would retire at a lower 04:11

1 salary. And that would impact me for the rest 04:11
2 of my life, the entire rest of my life. So it
3 was a big, big deem.

4 Q. How many settlement agreements,
5 approximately, do you think you signed resolving 04:11
6 disputes with sworn personnel challenging your
7 discipline?

8 A. My personal involvement? I've signed,
9 I'd estimate, 25 to 30 personally.

10 Q. And of those, how many would you 04:11
11 estimate were signed while disciplinary
12 proceedings had not yet reached the Civil
13 Service Commission?

14 A. They were all before that.

15 Q. So you never signed any settlement 04:11
16 agreement resolving a dispute with a sworn
17 officer after the disciplinary proceeding had
18 hit Civil Service Commission; is that what
19 you're saying?

20 A. I'm trying to recall, because you're -- 04:12
21 it's a pretty specific question, and I don't
22 really recall that I signed any while they were
23 mid civil service hearing.

24 Q. And did you ever sign any settlement
25 agreement resolving a sworn officer's challenge 04:12

1 to his discipline after the officer's Civil 04:12
2 Service Commission proceeding had concluded?

3 A. I can tell you no, I had not signed any
4 settlement agreements post civil service.

5 Q. Now, you've testified that you had a 04:12
6 well-defined set of principles; correct?

7 A. Yes.

8 Q. Did you consider it consistent with
9 your well-defined set of principles when you
10 told Maya Lau, the LA Times reporter, to look 04:13
11 for emails to find what she was looking for?

12 MR. MILLER: Objection. That's just a
13 snotty question. Could you withdraw that.

14 MR. GORDON: No.

15 Q. I'm asking: Do you think -- did you 04:13
16 think your --

17 MR. MILLER: It's just a snotty, nasty
18 question. It's inappropriate. It's unbecoming.

19 BY MR. GORDON:

20 Q. Did you think you were complying with 04:13
21 your set of principles when you told her, "Go
22 look for emails, and you can find what you're
23 looking for"?

24 A. Yes.

25 Q. Why did you think that it was -- 04:13

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1 A. Let me correct you. I did not say "and 04:13
2 you can find what you're looking for." You
3 added that. I did not say that to her.

4 Q. Have you -- do you deny that you
5 mentioned Del Mese's name during your 04:13
6 conversation with Maya Lau when she came to your
7 house?

8 A. I testified that I don't have a
9 recollection, but it's possible that his name
10 came up. 04:13

11 Q. And my question is are you denying that
12 you're the one who raised his name in your
13 conversation with Maya Lau?

14 A. I don't recall how his name came up
15 even if it at all came up. So how can I deny 04:13
16 something if I don't have a clarity that it
17 happened? I wouldn't -- I wouldn't deny that.

18 Q. Why did you tell her to look for emails
19 instead of just saying, "I'm sorry. I have no
20 comment about an internal personnel matter at 04:14
21 LASD"?

22 MR. MILLER: Objection. That misstates
23 her testimony. She testified she told her to do
24 her job.

25 MR. GORDON: You're giving a speaking 04:14

1 objection. You can object as misstating the 04:14
2 testimony. You shouldn't be testifying to what
3 she said.

4 Q. My question to you is --

5 MR. MILLER: This is also asked and 04:14
6 answered.

7 BY MR. GORDON:

8 Q. My question to you is --

9 MR. MILLER: And it's also --

10 BY MR. GORDON: 04:14

11 Q. -- why did you -- why did you --

12 MR. MILLER: -- unnecessary.

13 BY MR. GORDON:

14 Q. -- why did you say anything to Maya Lau
15 beyond, "I have no comment in response to a 04:14
16 question about an internal LASD matter"?

17 A. Because I wanted Maya Lau to leave
18 because I was frustrated by her presence. I was
19 expecting home healthcare givers to come so I
20 could take care of my aunt. And it was quite a 04:14

21 shock when she asked me my name and I told her,
22 "Yes, this is me," and she said, "Well, I'm Maya
23 Lau." I couldn't believe that she had come.

24 And so I wanted her to go because I had
25 a very sick aunt that I needed to take care of. 04:15

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1 I was tired from hospitaling with my aunt. I 04:15
2 was frustrated by her presence. And if you
3 haven't spoken to her, she's slightly
4 persistent. And so at some point I'm telling
5 her to do her job: "Go file a PRA. Go look at 04:15
6 the public record. Go do whatever it is you do.
7 You're a good investigator."
8 I don't think it's violating a
9 principle that I have on any level. That's just
10 not -- that's not violating a principle. That's 04:15
11 wanting someone to please leave my home so I can
12 get back to the business of my day.
13 Q. And did you suggest that she submit a
14 PRA request for emails?
15 A. I told her, "Go do what you do. Submit 04:15
16 a PRA. Find whatever it is you want to look
17 for." That is a basic investigative skill for
18 any person in oversight, in the media. They
19 paper the department for PRAs on all kinds of
20 things. So telling Maya Lau, "Go file a PRA. 04:15
21 Go look for records. Do what you do," is really
22 not giving her much of an insight into anything.
23 Q. Are you saying you did a study of the
24 factual records supporting Mandoyan's discharge?
25 A. I said I read the civil service 04:16

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1 decision that I have included in Exhibit 1. 04:16

2 Q. Did you do anything further to study
3 the factual records supporting Mandoyan's
4 discharge?

5 A. No. I read that document, and that was 04:16
6 it.

7 Q. Did I understand you correctly to say
8 that the domestic violence finding in the Civil
9 Service Commission report was not a close call
10 in your assessment of the case? 04:16

11 A. In my opinion.

12 Q. What corroboration for the domestic
13 assault allegation by Deputy Taylor in the
14 report that you read did you consider to be
15 persuasive? 04:16

16 A. Honestly, I don't have a recollection.
17 I haven't read this document since somewhere
18 around September 26. My life has been in an
19 upheaval since then, and I would have to read
20 that before I would begin to answer that 04:17
21 question for you.

22 Q. Did you consider anything in the Civil
23 Service Commission report to undermine the
24 domestic violence allegation by Taylor -- Deputy
25 Taylor? 04:17

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1 MR. MILLER: Oh, you're right. 04:18
2 MR. GORDON: -- from a prior time.
3 MR. MILLER: The video was just a
4 breaking and entering.
5 MR. GORDON: You shouldn't be 04:18
6 testifying anyway. If you got an objection,
7 just state your objection; I'll consider it. If
8 I need to rephrase, I'll rephrase. But you
9 shouldn't be -- and, first of all, you were
10 wrong on the facts. But, secondly, even if you 04:18
11 had been right, it's inappropriate, and you know
12 it.
13 How long have you --
14 MR. MILLER: Why don't you just ask her
15 if she was the video? 04:18
16 MR. GORDON: How long have you been
17 doing this, for God's sake? You know what's
18 right.
19 MR. MILLER: Why don't you just ask her
20 if she saw -- 04:18
21 MR. GORDON: I don't need to --
22 MR. MILLER: -- the video --
23 MR. GORDON: I don't need to ask her --
24 MR. MILLER: -- of men going and
25 breaking and entering and crawling through the 04:18

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1 bathroom window -- 04:18

2 MR. GORDON: So all of this --

3 MR. MILLER: -- and using a crowbar --

4 MR. GORDON: -- is inappropriate.

5 MR. MILLER: -- to get -- 04:18

6 MR. GORDON: All of this --

7 MR. MILLER: -- to pry open the door.

8 MR. GORDON: -- is inappropriate.

9 All right? State your objection and leave it at

10 that. You shouldn't be testifying without being 04:18

11 under oath, and you're not the witness anyway.

12 Q. My question to you is did you consider

13 whether there was any corroboration in the form

14 of any witness who claims to have had personal

15 knowledge of any assault on Taylor by Mandoyan? 04:18

16 A. I am going to go back to say I don't

17 have a refreshed recollection. I didn't make

18 notes about what was a pro or a con or a support

19 or a detractor, and I can't answer your question

20 without sitting down, going through it, 04:19

21 rereading it and refreshing my recollection.

22 Q. Did you consider in deciding that it

23 was not even a close call in your assessment of

24 the case that two of Taylor's former supervisors

25 said she wasn't a credible witness? 04:19

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1 A. In order to give you an answer to that 04:19
2 question, I would have to go back and reread the
3 matter, make some notes and provide you with my
4 opinion as to what was --

5 MR. MILLER: Did the two supervisors 04:19
6 testify before the Civil Service Commission?

7 MR. GORDON: First of all, it's
8 inappropriate for you to be asking. But you can
9 look at the report and you can see.

10 MR. MILLER: I don't remember them 04:19
11 testifying.

12 Were they on the campaign for Alex
13 Villanueva? Did they work on it?

14 BY MR. GORDON:

15 Q. Did you -- at the time you made the 04:19
16 notes in AULT44 and 45 or thereafter, did you
17 ever consider putting in your notes that you
18 considered Del Mese to be either threatening you
19 or testing you?

20 A. No. 04:20

21 Q. Now, you did you go back and make notes
22 after your contemporaneous notes taken during
23 the November 26 call on page AULT45; correct?
24 That's what you said?

25 A. I'm sorry. What notes are you -- 04:20

1 Q. Am I correct in understanding your 04:20
2 testimony to be that on AULT45 in Exhibit 1 --
3 A. Yes.
4 Q. -- the top half of the page was the
5 notes that you took contemporaneous with your 04:20
6 call with Del Mese --
7 A. Yes.
8 Q. -- on the 26th?
9 A. Yes.
10 Q. And the notes below the line in the 04:20
11 middle of the page were notes that you made
12 after you had finished your phone call and went
13 back sometime later and wrote follow-up notes on
14 the bottom half of the page, AULT45; did I get
15 that right? 04:20
16 A. Yes.
17 Q. All right. And my question is, in
18 going back to your notes on 45, did you consider
19 adding to your notes, either at the top or the
20 bottom of the page, anything about a threat or a 04:21
21 test?
22 A. I never considered articulating the
23 threat in a note on -- in the notes on this. I
24 think for me the first sentence was sufficient
25 for me to articulate how I felt and to prompt 04:21

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1 any recollection about how I felt. And then I 04:21
2 also think that my leaving my employment speaks
3 for itself.

4 MR. GORDON: All right. I have no
5 further questions. 04:21

6 MR. MILLER: I don't have any
7 questions. Thank you.

8 MR. GORDON: Are you interested in a
9 stipulation regarding deposition transcripts?

10 MR. MILLER: Whatever the Code says, 04:21
11 yeah. That's fine.

12 MR. GORDON: So you're not interested
13 in a stipulation?

14 MR. MILLER: What would you propose?

15 MR. GORDON: Here's what I would 04:21
16 propose. You tell me whether you're agreeable
17 to it.

18 MR. MILLER: Okay.

19 MR. GORDON: We propose to relieve
20 the -- and this doesn't need to be on the 04:21
21 videotape, but...

22 THE VIDEOGRAPHER: It's rolling. So...

23 MR. GORDON: We propose that -- as a
24 stipulation that the court reporter be relieved
25 of her duties under the Code. 04:22

1 The court reporter will send the 04:22
2 original transcript and exhibits to counsel for
3 the witness, you Mr. Miller, with a copy to
4 counsel for us, the deposing party.

5 The witness will have 30 days to review 04:22
6 the transcript, to make any corrections, and
7 that 30-day period will begin to run from the
8 day plaintiffs -- you receive the transcript and
9 exhibits.

10 You or the witness will have 30 days 04:22
11 from that date to submit to us, defense counsel,
12 any corrections and the original transcript
13 signed under penalty of perjury by the witness
14 and shall at the same time return the original
15 exhibits, or if you choose to keep the original 04:22
16 transcript, to provide us a copy, which, if for
17 some reason the original of the transcript is
18 not corrected and/or signed and returned within
19 30 days, the transcript be shall be deemed
20 signed, and a certified copy of the transcript 04:23
21 shall be used as if it were the original
22 version.

23 We will maintain custody of the
24 original transcript and exhibits if they are
25 returned by counsel for the witness, and we will 04:23

1 lodge them in connection with any hearings as 04:23
2 they may be necessary at least two days prior to
3 the hearing upon request by you, and we will
4 lodge the original transcript with the court at
5 the time of any trial without the need for any 04:23
6 further request by the witness's counsel.

7 And if the original transcript and
8 exhibits are unavailable for any reason, a
9 certified copy in lieu of an original may be
10 used for all purposes. 04:23

11 MR. MILLER: I don't know. Let me
12 think about it. Let's just go with the Code
13 right now, and let me think about it.

14 MR. GORDON: All right.

15 MS. SANCHIRICO: We'd like one copy. 04:23

16 MR. MILLER: We want a copy right away,
17 expedited ASAP.

18 How fast can you get it to us?

19 THE REPORTER: Tomorrow?

20 MR. MILLER: Tomorrow's fine. Sorry to 04:23
21 make you work. We want it right away.

22 And we want a copy. We'll get the
23 original, and we'll buy a copy.

24 THE VIDEOGRAPHER: Okay?

25 All right. This concludes the video of 04:24

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today's testimony given by Alicia Ault. The
total number of media units was eight and will
be retained by Veritext Legal Solutions. We are
off the record at 4:25. Thank you.

04:24

(Whereupon, at 4:25 p.m. the
deposition of ALICIA AULT was
adjourned.)

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.

I, ALICIA AULT, hereby certify under
penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

Executed this _____ day of
_____, 2019, at
_____, California.

ALICIA AULT

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.

3

4 I, AUDRA E. CRAMER, CSR No. 9901, in and for the
5 State of California, do hereby certify:

6 That, prior to being examined, the witness named
7 in the foregoing deposition was by me duly sworn to
8 testify the truth, the whole truth and nothing but the
9 truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named, and
12 thereafter reduced to typewriting under my direction,
13 and the same is a true, correct and complete transcript
14 of said proceedings;

15 I further certify that I am not interested in the
16 event of the action.

17 Witness my hand this May 24, 2019

18

19

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22



23

Certified Shorthand

24

Reporter for the

25

State of California

INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line.

ERRATA SHEET

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_____	_____	Change: _____ Reason: _____
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_____ Subject to the above changes, I certify that the transcript is true and correct.

_____ No changes have been made. I certify that the transcript is true and correct.

Signature

Date

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California Code of Civil Procedure
Article 5. Transcript or Recording
Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a seasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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SETTLEMENT AGREEMENT
PRELIMINARY STATEMENT

*Re Write
TO
Standards*

This Agreement is entered into between the Los Angeles County Sheriff's Department (hereinafter referred to as "Department") and Deputy Carl Mandoyan, Employee No. 473892 (hereinafter referred to as "Deputy Mandoyan").

RECITALS

The Department and Deputy Mandoyan are interested parties in a dispute and desire to settle any and all matters involving Internal Affairs Bureau's Investigation No. 2383392 and under Civil Service No. 16-276. The parties desire to resolve all disputes arising as the result of that investigation, the Civil Service matter, and to avoid litigation and any and all administrative processes upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Deputy Mandoyan for and in consideration of the mutual covenants herein, agree as follows:

- Case # 1* 1. The Department, upon execution of this Settlement Agreement, shall rescind the discharge action that was imposed on September 14, 2016, pursuant to Internal Affairs Bureau's Investigation No. 2383392.
- Case # 1* 2. Both parties agree and understand that Deputy Mandoyan's ^{PRMS} Personnel Performance Index will state "Unfounded" under Internal Affairs Bureau's Investigation No. 2383392.
- Case # 2* 3. Both parties agree and understand that Deputy Mandoyan's ^{PRMS} Personnel Performance Index will state "Unfounded" under Internal Affairs Bureau's Investigation No. 2392810.
4. Deputy Mandoyan agrees to waive any and all future administrative and/or judicial remedies with respect to this matter and Internal Affairs Bureau No. 2383392, Writ of Mandate # BS 174714 and Civil Case # BC 719337. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission, Los Angeles County Employee Relations Commission and/or the Los Angeles Superior Court. He also agrees to file requests for dismissal of both his civil lawsuit and Writ of Mandate within ten (10) court days of the signing of this agreement by all parties.



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Never a B.I.

5. In addition, the Department will pay Deputy Mandoyan full back pay from the date imposition on September 14, 2016 through the date of this signed Settlement Agreement. Furthermore, Deputy Mandoyan shall be restored to the position of Bonus 1 Deputy Sheriff and made whole with medical benefits and LACERA retirement (Plan B). The Department shall restore all time variances that Deputy Mandoyan had prior to September 14, 2016 (sick, sick personal, vacation, excess vacation, holiday, percentage, and save time. Double Dip
6. Deputy Mandoyan acknowledges and agrees that he has been provided the opportunity to consult with a labor representative and/or attorney regarding the terms and conditions of this Settlement Agreement.
7. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice. This Settlement Agreement resolves the dispute between Deputy Mandoyan and the Department, and is not to be applied to any other facts or disputes.
8. In consideration of the terms and conditions set forth herein, Deputy Mandoyan agrees to fully release, acquit, and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Deputy Mandoyan concerning the subject matter referred herein. Additionally, Deputy Mandoyan specifically acknowledges that he has not been the subject of discrimination in any form, including, but not limited to, discrimination, retaliation or harassment, based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, sexual orientation or gender and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.
9. Deputy Mandoyan further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

Cannot Do This

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

10. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Settlement Agreement and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Settlement Agreement.
11. This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Settlement Agreement, including signatures, shall be deemed to constitute evidence of the Settlement Agreement having been executed.
12. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.
13. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

SETTLEMENT AGREEMENT
DEPUTY CARL MANDOYAN #473892
Page 4

I have read the foregoing Settlement Agreement, and I accept and agree to the Provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

DEPUTY CARL MANDOYAN, NO. 473892

Date

MR. MICHAEL GOLDFEDER
MICHAEL A. GOLDFEDER LAW OFFICE

Date

For the Department:

ALICIA E. AULT, CHIEF
PROFESSIONAL STANDARDS AND TRAINING DIVISION

Date

CONFIDENTIAL PERSONNEL RECORDS

From: Ault, Alicia E.
Sent: Friday, November 30, 2018 3:34 PM
To: Lawrence Del Mese;Del Mese, Lawrence E. (LEDelmes@lasd.org)
Subject: RE: Mandoyan 112618
Attachments: Office Open XML word processing document 2.docx

Sir,

As today is my last day in service to the county I wanted to close the loop on this request. I have given this document to Ms. Prijo Ranashinge, County Counsel, to process Sheriff Elect Villaneuva's priority request forward.

I have been told this request has been given to contract counsel and the County Counsel Litigation Attorneys to work together with Mr. Mandoyan's attorney to achieve the goal of returning him to work.

Regards,

Alicia Ault

From: Lawrence Del Mese [mailto:]
Sent: Monday, November 26, 2018 2:56 PM
To: Ault, Alicia E. <aeault@lasd.org>
Subject: Fwd: Mandoyan 112618

Sent from my

Subject: Mandoyan

Sent from my iPhone

2383 392

Lawsuit 9/17/18 (9) Release

Lawsuit 8/27/18 of
Born
Lawsuit

Discipline? (N)

(9) → Back-Pay
(?) As if on leave of absence
(005) Place where?

Date
Topic
Meeting Objectives

11/26 / 18

Attendees

Del Mese

Notes

Lowering @ Photo of me on Ag Chart
- remove photo

1) Return to work Mandayen Case
SLA

To Chief of Div.

No to US to Mrs. Knutson

LM Case 2383 392

Get Back

Discharge Case - 5 days OOS
NOT on Table

LOOK IN
SICOM

Release 2 lawsuits
to back pay
As is on leave of absence
Place where
any discipline

Action Items

AULT 00045

WORKING COPY

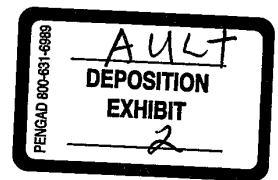
1 Steven G. Madison (Bar No. 101006)
stevemadison@quinnemanuel.com
2 John Gordon (Bar No. 112750)
johngordon@quinnemanuel.com
3 T. Scott Mills (Bar No. 313554)
scottmills@quinnemanuel.com
4 QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
5 Los Angeles, California 90017-2543
Telephone: (213) 443-3000
6 Facsimile: (213) 443-3100

7 Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 CENTRAL DISTRICT

12 COUNTY OF LOS ANGELES,
13 Petitioner/Plaintiff,
14 vs.
15 ALEX VILLANUEVA, Sheriff of Los
Angeles County Sheriff's Department;
16 CAREN CARL MANDOYAN, an individual;
17 LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT; and DOES 1 through 10,
18 inclusive,
19 Respondents/Defendants.

CASE NO. 19STCP00630
**RESPONDENTS/DEFENDANTS
SHERIFF ALEX VILLANUEVA AND
LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT'S NOTICE OF
DEPOSITION OF ALICIA AULT**
Date: May 30, 2019
Time: 9:00 am
Place: Quinn Emanuel Urquhart & Sullivan
65 S. Figueroa Street, 10th Floor
Los Angeles, California 90017



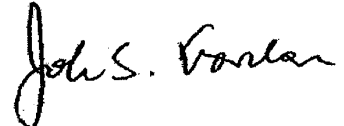
1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:
2 PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure § 2025.010,
3 *et seq.*, Respondents/Defendants Sheriff Alex Villanueva and the Los Angeles County Sheriff's
4 Department will take the deposition of Alicia Ault on Thursday, May 30, 2019 at 9:00 a.m., at the
5 offices of Quinn Emanuel Urquhart & Sullivan, located at 865 South Figueroa Street, 10th Floor,
6 Los Angeles, California 90017 continuing from day to day until completed, excluding Saturdays,
7 Sundays, and legal holidays. A copy of the subpoena is attached as Exhibit 1.

8 PLEASE TAKE FURTHER NOTICE that the deposition will be recorded stenographically
9 and videotaped, and may be used at trial. The deposition may also be recorded through the instant
10 visual display of the testimony. The deposition will be taken before a notary public or authorized
11 officers.

12 PLEASE TAKE FURTHER NOTICE that, pursuant to California Code of Civil Procedure
13 section 2025.280 the deponent is to produce at the deposition the documents set forth in Exhibit A.

14
15 DATED: May 6, 2019

QUINN EMANUEL URQUHART &
SULLIVAN, LLP



16
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18 By _____
19 John S. Gordon
20 Attorneys for Sheriff Alex Villanueva and
21 Los Angeles County Sheriff's Department
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EXHIBIT A
DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.
2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.
3. "COUNTY" means the County of Los Angeles.
4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.
5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.
6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.
7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.
8. "LASD" means the Los Angeles County Sheriff's Department.
9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.
10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).
11. "SHERIFF" means the Los Angeles County Sheriff.

1 19. If a DOCUMENT, item or category has been destroyed or discarded, identify that
2 DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
3 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
4 created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if
5 any; (e) the number of pages, including the presence of any appendices, exhibits or attachments;
6 (f) all persons with whom there was a communication concerning the DOCUMENT, including all
7 persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date
8 of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h)
9 the name and address of any person known or believed by you to have possession of a copy of the
10 DOCUMENT, item or category that was discarded or destroyed.

11 20. These requests call for the production of DOCUMENTS or things in YOUR
12 possession, custody or control, or in the custody or control of another if you have the right,
13 privilege or opportunity to examine it upon request or demand, whether or not such right, privilege
14 or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or
15 control of any person or entity who performed management, bookkeeping, accounting, finance or
16 any similar service for you at any time, should be produced.

17 21. “All” includes “any” and “any” includes “all.”

18 22. “All” includes “each” and “each” includes “all.”

19 23. “Each” includes “every” and “every” includes “each.”

20 24. “and”, “or,” and “and/or” shall be construed either disjunctively or conjunctively
21 as necessary to bring within the scope of the request all responses that might otherwise be
22 construed to be outside their scope.

23 25. The use of a verb in any tense shall be construed as the use of the verb in all other
24 tenses.

25 26. The singular form of any word shall be construed to include the plural, and the
26 plural form of any word shall be construed to include the singular.

27

28

1 REQUEST FOR PRODUCTION NO. 6:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
4 present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a
5 lawsuit brought against LASD or the COUNTY.

6
7 REQUEST FOR PRODUCTION NO. 7:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
10 December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a
11 settlement of, a lawsuit brought against LASD or the COUNTY.

12
13 REQUEST FOR PRODUCTION NO. 8:

14 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
15 COUNTY COUNSEL should approve, did approve, or should have approved the settlement of
16 any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

17
18 REQUEST FOR PRODUCTION NO. 9:

19 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
20 COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the
21 settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the
22 COUNTY.

23
24 REQUEST FOR PRODUCTION NO. 10:

25 All DOCUMENTS prepared, created, generated, or revised between December 3, 2018
26 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY
27 COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the
28 SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

1 pending or threatened lawsuit against LASD or the COUNTY or any case pending before the
2 COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

3
4 REQUEST FOR PRODUCTION NO. 11:

5 All DOCUMENTS prepared, created, generated, or revised between November 26, 2018
6 and the present RELATING TO the process, rules, system, or approval requirements for the
7 settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the
8 settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case
9 pending before the COMMISSION involving a challenge to the discharge, termination, or firing of
10 a DEPUTY.

11
12 REQUEST FOR PRODUCTION NO. 12:

13 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
14 power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a
15 COUNTY OFFICER.

16
17 REQUEST FOR PRODUCTION NO. 13:

18 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
19 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
20 present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for
21 a settlement payment of \$100,000 or less or a settlement payment of less than \$100,000.

22
23 REQUEST FOR PRODUCTION NO. 14:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
26 December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER,
27 providing for a settlement payment of \$100,000 or less or a settlement payment of less than
28 \$100,000.

1 REQUEST FOR PRODUCTION NO. 15:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
4 present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY
5 or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 16:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
10 December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against
11 the COUNTY or a COUNTY OFFICER.

12
13 REQUEST FOR PRODUCTION NO. 17:

14 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
15 present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS
16 or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

17
18 REQUEST FOR PRODUCTION NO. 18:

19 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
20 December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF
21 SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a
22 COUNTY OFFICER.

23
24 REQUEST FOR PRODUCTION NO. 19:

25 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
26 present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a
27 counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the
28 COUNTY or a COUNTY OFFICER.

1 REQUEST FOR PRODUCTION NO. 20:

2 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
3 December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY
4 COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit
5 brought against the COUNTY or a COUNTY OFFICER.
6

7 REQUEST FOR PRODUCTION NO. 21:

8 All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the
9 portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating
10 "The County Counsel . . . shall have exclusive charge and control of all civil actions and
11 proceedings in which the County or any officer thereof, is concerned or is a party."
12

13 REQUEST FOR PRODUCTION NO. 22:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
16 present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.
17

18 REQUEST FOR PRODUCTION NO. 23:

19 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
20 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
21 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a
22 DEPUTY.
23

24 REQUEST FOR PRODUCTION NO. 24:

25 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
26 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
27 present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final
28 COMMISSION action making a DEPUTY's discharge final.

1 REQUEST FOR PRODUCTION NO. 25:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
4 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY
5 after final COMMISSION action making a DEPUTY's discharge final.
6

7 REQUEST FOR PRODUCTION NO. 26:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
10 present, to rescind, revoke, withdraw, or reverse an employee's discharge after final
11 COMMISSION action making the employee's discharge final.
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13 REQUEST FOR PRODUCTION NO. 27:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
16 December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final
17 COMMISSION action making the employee's discharge final.
18

19 REQUEST FOR PRODUCTION NO. 28:

20 All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment
21 of salary, back pay, benefits, or other compensation to or for MANDOYAN.
22

23 REQUEST FOR PRODUCTION NO. 29:

24 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
25 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
26 other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY
27 employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear
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1 a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's
2 supervision.

3
4 REQUEST FOR PRODUCTION NO. 30:

5 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
6 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
7 other compensation, at any point between , at any point between January 1, 2013 and December
8 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement
9 agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under
10 COUNTY COUNSEL's supervision.

11
12 REQUEST FOR PRODUCTION NO. 31:

13 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support
14 of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

15
16 REQUEST FOR PRODUCTION NO. 32:

17 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's
18 opposition to VILLANUEVA for SHERIFF in the 2018 election.

19
20 REQUEST FOR PRODUCTION NO. 33:

21 All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and
22 Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any
23 actions by said Panel or Commission concerning the review and/or rescission of the disciplinary
24 proceedings and discharge of MANDOYAN or any other DEPUTY.

25
26 REQUEST FOR PRODUCTION NO. 34:

27 All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris)
28 Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

1 communications and receipt of instructions from COUNTY COUNSEL or any member or
2 employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or
3 actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission
4 regarding the review of or rescission of the disciplinary proceedings and discharge of
5 MANDOYAN.

6
7 REQUEST FOR PRODUCTION NO. 35:

8 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
9 November 26, 2018 or later, that any recommendation by any senior executive member or officer
10 of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or
11 UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated
12 or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's
13 lawsuits be settled.

14
15 REQUEST FOR PRODUCTION NO. 36:

16 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
17 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any
18 recommendation by any senior executive member or officer of LASD at a rank of Chief or higher
19 would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge
20 or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to
21 active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

22
23 REQUEST FOR PRODUCTION NO. 37:

24 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
25 November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind
26 MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise
27 allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
28 MANDOYAN had filed against the COUNTY and LASD.

1 REQUEST FOR PRODUCTION NO. 38:

2 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
3 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or
4 VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's
5 discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to
6 return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
7 MANDOYAN had filed against the COUNTY and LASD.

8
9 REQUEST FOR PRODUCTION NO. 39:

10 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
11 since January 1, 2018, of a former employee discharged for cause or because of fault, which did
12 not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

13
14 REQUEST FOR PRODUCTION NO. 40:

15 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
16 between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or
17 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
18 reinstatement.

19
20 REQUEST FOR PRODUCTION NO. 41:

21 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
22 between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or
23 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
24 reinstatement.

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1 REQUEST FOR PRODUCTION NO. 42:

2 All DOCUMENTS RELATING TO any determination or evaluation or analysis of
3 "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the
4 COUNTY to through their actions concerning MANDOYAN.

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EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven G. Madison (Bar No. 101006) John S. Gordon (Bar No. 112750) Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa St., 10th Floor Los Angeles, CA 90017 TELEPHONE NO.: (213) 443-3000 FAX NO. (Optional): (213) 443-3100 E-MAIL ADDRESS (Optional): stevemadison@quinnemanuel.com ATTORNEY FOR (Name): Sheriff Alex Villanueva and LA Sheriff's Dept.	FOR COURT USE ONLY CASE NUMBER 19STCP00630
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: County of Los Angeles DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Alicia Ault

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: May 30, 2019 Time: 9:00 a.m. Address: 865 South Figueroa St., 10th Floor
 Los Angeles, CA 90017

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
 - b. You are ordered to produce the documents and things described in item 3.
 - c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
 - d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

Continued on Attachment 4.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 30, 2019


 (SIGNATURE OF PERSON ISSUING SUBPOENA)

John S. Gordon
 (TYPE OR PRINT NAME) (Proof of service on reverse) (TITLE)

PLAINTIFF/PETITIONER: County of Los Angeles	CASE NUMBER:
DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	19STCP00630

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (*check one*):

(1) were paid. Amount: \$ 0.00

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ 0.00

f. Fee for service: \$ 0.00

2. I received this subpoena for service on (*date*):

3. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

1 **ATTACHMENT 3**

2 **DEFINITIONS**

- 3 1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of
4 Supervisors and Executive Office of Los Angeles County Board of Supervisors.
- 5 2. "COMMISSION" means Los Angeles County Civil Service Commission and
6 Office of Los Angeles County Civil Service Commission.
- 7 3. "COUNTY" means the County of Los Angeles.
- 8 4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and
9 Office of County Counsel of Los Angeles County.
- 10 5. "COUNTY OFFICER" means any elective County officer as prescribed in Article
11 IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as
12 prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.
- 13 6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.
- 14 7. "DOCUMENTS" shall have the same meaning herein as in California Evidence
15 Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting,
16 printing, photostating, photographing, photocopying, films, recordings, memoranda, books,
17 records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice
18 messaging, social media messaging and every other means of recording upon any tangible thing,
19 and any record thereby created, regardless of the manner in which the record has been stored, and
20 all non-identical copies of such.
- 21 8. "LASD" means the Los Angeles County Sheriff's Department.
- 22 9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.
- 23 10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to,
24 evidencing, identifying, incorporating, summarizing, involving, describing, discussing,
25 commenting on, embodying, responding to, supporting, contradicting, containing, or constituting
26 (in whole or in part).
- 27 11. "SHERIFF" means the Los Angeles County Sheriff.
- 28

1 19. If a DOCUMENT, item or category has been destroyed or discarded, identify that
2 DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
3 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
4 created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if
5 any; (e) the number of pages, including the presence of any appendices, exhibits or attachments;
6 (f) all persons with whom there was a communication concerning the DOCUMENT, including all
7 persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date
8 of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h)
9 the name and address of any person known or believed by you to have possession of a copy of the
10 DOCUMENT, item or category that was discarded or destroyed.

11 20. These requests call for the production of DOCUMENTS or things in YOUR
12 possession, custody or control, or in the custody or control of another if you have the right,
13 privilege or opportunity to examine it upon request or demand, whether or not such right, privilege
14 or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or
15 control of any person or entity who performed management, bookkeeping, accounting, finance or
16 any similar service for you at any time, should be produced.

17 21. "All" includes "any" and "any" includes "all."

18 22. "All" includes "each" and "each" includes "all."

19 23. "Each" includes "every" and "every" includes "each."

20 24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively
21 as necessary to bring within the scope of the request all responses that might otherwise be
22 construed to be outside their scope.

23 25. The use of a verb in any tense shall be construed as the use of the verb in all other
24 tenses.

25 26. The singular form of any word shall be construed to include the plural, and the
26 plural form of any word shall be construed to include the singular.

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

1 REQUEST FOR PRODUCTION NO. 6:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
4 present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a
5 lawsuit brought against LASD or the COUNTY.

6
7 REQUEST FOR PRODUCTION NO. 7:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
10 December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a
11 settlement of, a lawsuit brought against LASD or the COUNTY.

12
13 REQUEST FOR PRODUCTION NO. 8:

14 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
15 COUNTY COUNSEL should approve, did approve, or should have approved the settlement of
16 any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

17
18 REQUEST FOR PRODUCTION NO. 9:

19 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
20 COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the
21 settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the
22 COUNTY.

23
24 REQUEST FOR PRODUCTION NO. 10:

25 All DOCUMENTS prepared, created, generated, or revised between December 3, 2018
26 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY
27 COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the
28 SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

1 pending or threatened lawsuit against LASD or the COUNTY or any case pending before the
2 COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

3
4 REQUEST FOR PRODUCTION NO. 11:

5 All DOCUMENTS prepared, created, generated, or revised between November 26, 2018
6 and the present RELATING TO the process, rules, system, or approval requirements for the
7 settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the
8 settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case
9 pending before the COMMISSION involving a challenge to the discharge, termination, or firing of
10 a DEPUTY.

11
12 REQUEST FOR PRODUCTION NO. 12:

13 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
14 power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a
15 COUNTY OFFICER.

16
17 REQUEST FOR PRODUCTION NO. 13:

18 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
19 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
20 present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for
21 a settlement payment of \$100,000 or less or a settlement payment of less than \$100,000.

22
23 REQUEST FOR PRODUCTION NO. 14:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
26 December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER,
27 providing for a settlement payment of \$100,000 or less or a settlement payment of less than
28 \$100,000.

1 REQUEST FOR PRODUCTION NO. 15:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
4 present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY
5 or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 16:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
10 December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against
11 the COUNTY or a COUNTY OFFICER.

12
13 REQUEST FOR PRODUCTION NO. 17:

14 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
15 present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS
16 or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

17
18 REQUEST FOR PRODUCTION NO. 18:

19 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
20 December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF
21 SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a
22 COUNTY OFFICER.

23
24 REQUEST FOR PRODUCTION NO. 19:

25 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
26 present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a
27 counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the
28 COUNTY or a COUNTY OFFICER.

1 REQUEST FOR PRODUCTION NO. 20:

2 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
3 December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY
4 COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit
5 brought against the COUNTY or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 21:

8 All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the
9 portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating
10 "The County Counsel . . . shall have exclusive charge and control of all civil actions and
11 proceedings in which the County or any officer thereof, is concerned or is a party."

12
13 REQUEST FOR PRODUCTION NO. 22:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
16 present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

17
18 REQUEST FOR PRODUCTION NO. 23:

19 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
20 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
21 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a
22 DEPUTY.

23
24 REQUEST FOR PRODUCTION NO. 24:

25 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
26 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
27 present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final
28 COMMISSION action making a DEPUTY's discharge final.

1 REQUEST FOR PRODUCTION NO. 25:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
4 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY
5 after final COMMISSION action making a DEPUTY's discharge final.
6

7 REQUEST FOR PRODUCTION NO. 26:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
10 present, to rescind, revoke, withdraw, or reverse an employee's discharge after final
11 COMMISSION action making the employee's discharge final.
12

13 REQUEST FOR PRODUCTION NO. 27:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
16 December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final
17 COMMISSION action making the employee's discharge final.
18

19 REQUEST FOR PRODUCTION NO. 28:

20 All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment
21 of salary, back pay, benefits, or other compensation to or for MANDOYAN.
22

23 REQUEST FOR PRODUCTION NO. 29:

24 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
25 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
26 other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY
27 employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear
28

1 a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's
2 supervision.

3
4 REQUEST FOR PRODUCTION NO. 30:

5 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
6 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
7 other compensation, at any point between , at any point between January 1, 2013 and December
8 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement
9 agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under
10 COUNTY COUNSEL's supervision.

11
12 REQUEST FOR PRODUCTION NO. 31:

13 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support
14 of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

15
16 REQUEST FOR PRODUCTION NO. 32:

17 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's
18 opposition to VILLANUEVA for SHERIFF in the 2018 election.

19
20 REQUEST FOR PRODUCTION NO. 33:

21 All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and
22 Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any
23 actions by said Panel or Commission concerning the review and/or rescission of the disciplinary
24 proceedings and discharge of MANDOYAN or any other DEPUTY.

25
26 REQUEST FOR PRODUCTION NO. 34:

27 All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris)
28 Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

1 communications and receipt of instructions from COUNTY COUNSEL or any member or
2 employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or
3 actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission
4 regarding the review of or rescission of the disciplinary proceedings and discharge of
5 MANDOYAN.

6
7 REQUEST FOR PRODUCTION NO. 35:

8 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
9 November 26, 2018 or later, that any recommendation by any senior executive member or officer
10 of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or
11 UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated
12 or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's
13 lawsuits be settled.

14
15 REQUEST FOR PRODUCTION NO. 36:

16 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
17 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any
18 recommendation by any senior executive member or officer of LASD at a rank of Chief or higher
19 would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge
20 or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to
21 active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

22
23 REQUEST FOR PRODUCTION NO. 37:

24 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
25 November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind
26 MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise
27 allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
28 MANDOYAN had filed against the COUNTY and LASD.

1 REQUEST FOR PRODUCTION NO. 38:

2 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
3 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or
4 VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's
5 discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to
6 return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
7 MANDOYAN had filed against the COUNTY and LASD.

8
9 REQUEST FOR PRODUCTION NO. 39:

10 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
11 since January 1, 2018, of a former employee discharged for cause or because of fault, which did
12 not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

13
14 REQUEST FOR PRODUCTION NO. 40:

15 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
16 between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or
17 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
18 reinstatement.

19
20 REQUEST FOR PRODUCTION NO. 41:

21 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
22 between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or
23 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
24 reinstatement.

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PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017

On May 6, 2019, I served true copies of the following document(s) described as **RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF ALICIA AULT** on the interested parties in this action as follows:

Louis R. Miller, Esq. Mira Hashmall, Esq. Emily A. Sanchirico, Esq. MILLER BARONDESS, LLP 1999 Avenue of the Stars, Suite 1000 Los Angeles, CA 90067	Attorneys for County of Los Angeles
Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd. Suite 345E Beverly Hills, CA 90212	Attorneys for Caren Carl Mandoyan
John A. Schlaff, Esq. Law Offices of John A. Schlaff 2355 Westwood Blvd. Suite 424 Los Angeles, CA 90064	Attorneys for Caren Carl Mandoyan

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Quinn Emanuel Urquhart & Sullivan, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1 REQUEST FOR PRODUCTION NO. 42:

2 All DOCUMENTS RELATING TO any determination or evaluation or analysis of
3 "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the
4 COUNTY to through their actions concerning MANDOYAN.

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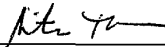
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Executed on May 6, 2019, at Los Angeles, California.



Rita Turner



**COUNTY OF LOS ANGELES
Registrar-Recorder/County Clerk**



Dean C. Logan
Registrar-Recorder/County Clerk

Department Headquarters
12400 Imperial Highway
Norwalk, California 90650

[Print] [Excel] [Close]

[Page: 1 >>]

Date▲▼	Contributor▲▼	Candidate or Officeholder▲▼	Schedule▲▼ (Type)	Amount▲▼
09/01/18	Marine Mandoyan (Manager, Los Angeles International Airport) INTERMEDIARY: eFundraising Connections	Alex Villanueva 1397275 - VILLANUEVA FOR LOS ANGELES SHERIFF 2018	A - Monetary (IND - Individual) [Period: 07/01/18-09/22/18]	\$1,500.00
09/01/18	Peter Mandoyan (Financial Consultant, Self-Employed - No Separate Business Name) INTERMEDIARY: eFundraising Connections	Alex Villanueva 1397275 - VILLANUEVA FOR LOS ANGELES SHERIFF 2018	A - Monetary (IND - Individual) [Period: 07/01/18-09/22/18]	\$1,500.00
Total Monetary Contributions (A):				\$3,000.00 <small>(does not include unitemized)</small>
Total Amount Received:				\$3,000.00

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[Page: 1 >>]

Disclaimer: TRACCR data is input by candidate committees. The RRCC does not amend information to edit variations in spelling, punctuation, use of abbreviations or inaccuracies. Therefore, search results may not be 100% accurate or inclusive.

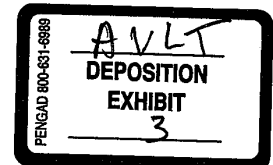


EXHIBIT B

CONFIDENTIAL

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,)	
)	
Petitioner/Plaintiff,)	CASE NO. 19STCP00630
)	
vs.)	
)	
ALEX VILLANUEVA, SHERIFF OF)	
LOS ANGELES COUNTY SHERIFF'S)	
DEPARTMENT; CAREN CARL)	
MANDOYAN, an individual;)	
LOS ANGELES COUNTY SHERIFF'S)	
DEPARTMENT; and DOES 1 through)	
10, inclusive,)	
)	
Respondents/Defendants.)	
_____)	

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF RAYMOND LEYVA
TAKEN FRIDAY, JUNE 7, 2019
LOS ANGELES, CALIFORNIA

Digital Reporter: LUIS VAZQUEZ

Transcribed by TERRI NESTORE, CSR No. 5614, RPR, CRR
Job No. 3416697
PAGES 1 - 206

CONFIDENTIAL

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

COUNTY OF LOS ANGELES,)	
)	
Petitioner/Plaintiff,)	CASE NO. 19STCP00630
)	
vs.)	
)	
ALEX VILLANUEVA, SHERIFF OF)	
LOS ANGELES COUNTY SHERIFF'S)	
DEPARTMENT; CAREN CARL)	
MANDOYAN, an individual;)	
LOS ANGELES COUNTY SHERIFF'S)	
DEPARTMENT; and DOES 1 through)	
10, inclusive,)	
)	
Respondents/Defendants.)	
_____)	

VIDEOTAPED DEPOSITION OF RAYMOND LEYVA, TAKEN ON
BEHALF OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, AT
10:25 A.M., FRIDAY, JUNE 7, 2019, AT 865 SOUTH FIGUEROA
STREET, LOS ANGELES, CALIFORNIA, BEFORE LUIS VAZQUEZ,
DIGITAL REPORTER, PURSUANT TO NOTICE.

1 APPEARANCES OF COUNSEL

2

3 FOR PETITIONER/PLAINTIFF:

4

MILLER BARONDESS LLP

5

BY: LOUIS R. "SKIP" MILLER, ESQUIRE
EMILY A. SANCHIRICO, ESQUIRE

6

1999 AVENUE OF THE STARS, SUITE 1000
LOS ANGELES, CALIFORNIA 90067

7

(310) 552-4400

smiller@millerbarondess.com

esanchirico@millerbarondess.com

8

9 FOR RESPONDENTS/DEFENDANTS:

10

QUINN EMANUEL URQUHART & SULLIVAN LLP

11

BY: JOHN S. GORDON, ESQUIRE

865 SOUTH FIGUEROA STREET, 10TH FLOOR

12

LOS ANGELES, CALIFORNIA 90017

(213) 443-3000

johngordon@quinnemanuel.com

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14

15 ALSO PRESENT:

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RICHARD SMITH, VIDEOGRAPHER

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CONFIDENTIAL

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I N D E X

WITNESS	
RAYMOND LEYVA	
EXAMINATION	PAGE
BY MR. GORDON	7
(P.M. SESSION)	65
BY MR. MILLER	149
BY MR. GORDON	193
BY MR. MILLER	201

E X H I B I T S

NO.	PAGE	DESCRIPTION
Exhibit 4	102	Respondent's/Defendant's Sheriff Alex Villanueva and Los Angeles County Sheriff's Department Notice of Deposition of Raymond Leyva
Exhibit 5	134	2-page letter, March 5th, 2019, to Maryanne Keehn from Ray Leyva, Undersheriff (Designated Confidential)
Exhibit 6	138	2-page unsigned letter, February 5th, 2019, to Sachi Hamai from Alex Villanueva (Designated Confidential)
Exhibit 7	146	2-page email chain, top email from Shawn R. Kehoe on February 5th, 2019, to Rhonda L. Hennessy (Designated Confidential)

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QUESTIONS INSTRUCTED BY COUNSEL NOT TO ANSWER

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LOS ANGELES, CALIFORNIA;
FRIDAY, JUNE 7, 2019, 10:25 A.M.

THE VIDEOGRAPHER: Today's date is June the 7th,
2019. The time is 10:25 a.m.

Please note that the microphones are sensitive
and might pick up whispering, private conversations and
cellular interference. Please turn off all your cell
phones and place them away from the microphones, as they
can interfere with the deposition audio.

The audio and video recording will continue to
take place unless all parties agree to go off the record.

This is Media Unit No. 1 of the video deposition
of Mr. Raymond Leyva. It's being taken by counsel for the
defendant, in the matter of the County of Los Angeles vs.
Alex Villanueva, et al. It's pending trial in the
Superior Court of California for the County of
Los Angeles, Central District.

Docket number is 19STCP00630.

The deposition is being held at the law firm of
Quinn Emanuel, located at 865 South Figueroa Street on the
10th floor, Los Angeles, California, 90017.

My name is Richard Smith. I'm the videographer.
I'm here with court reporter Mr. Luis Vazquez.
We are from Veritext Legal Solutions.

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1 I am not related to any party in this action, nor
2 am I financially interested in the outcome.

3 If counsel now present in the room can now state
4 their affiliations for the record.

5 If there are any objections to the proceeding,
6 please state them at the time of your appearance, and
7 we'll begin with the noticing attorney.

8 MR. GORDON: John Gordon of Quinn Emanuel on
9 behalf of Alex Villanueva, sheriff of Los Angeles County,
10 and Los Angeles County Sheriff's Department.

11 MR. MILLER: And Skip Miller representing the
12 County of LA and representing Mr. Leyva, the witness; and
13 along with me is my colleague Emily Sanchirico.

14 THE VIDEOGRAPHER: Thank you. If I could have
15 the court reporter please swear in the witness.

16

17 RAYMOND LEYVA,
18 having been first duly sworn,
19 was examined and testified as follows:

20

21 THE REPORTER: Thank you. You may proceed.

22

23 EXAMINATION

24 BY MR. GORDON:

25 Q. Mr. Leyva, do you have any documents to produce

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1 that were demanded by your deposition subpoena?

2 MR. MILLER: I'll handle that. The answer is no.

3 BY MR. GORDON:

4 Q. Have you ever been deposed before?

5 A. Yes, sir.

6 Q. About how many times?

7 A. Approximately 25 to 30.

8 Q. And were those criminal cases?

9 A. No.

10 Q. Were any of them administrative discipline-type
11 cases?

12 A. One.

13 Q. And were any of them civil liability cases that
14 the Sheriff's Department was defending against?

15 A. Yes.

16 Q. Any other types of cases that you've been deposed
17 in?

18 A. No, sir.

19 Q. Now, you understand that your deposition today is
20 under oath, right?

21 A. Yes.

22 Q. And you'll be subject to penalties of perjury if
23 you intentionally make false statements under oath --

24 A. Yes.

25 Q. -- do you understand that?

1 Now, I'll be asking you questions, your counsel
2 may object, but unless your counsel instructs you not to
3 answer and you follow that instruction, you're required to
4 answer my questions. Do you understand that?

5 A. Yes.

6 Q. Are you represented by an attorney today?

7 A. By Mr. Miller and his associate.

8 Q. And do you -- have you entered into a written
9 engagement agreement with Mr. Miller --

10 MR. MILLER: Objection.

11 BY MR. GORDON:

12 Q. -- and his firm?

13 MR. MILLER: That's none of your business.

14 Attorney-client privilege.

15 I instruct you not to answer that.

16 BY MR. GORDON:

17 Q. You understand I'm not asking for any of the
18 terms of any engagement agreement you've entered into, I'm
19 asking if you have entered into an engagement agreement.

20 Is the instruction still the same?

21 MR. MILLER: Same instruction.

22 Same objection, same instruction.

23 MR. GORDON: And do we have a stipulation here,
24 like we had one in the Alicia Ault deposition, that if you
25 instruct your witness not to answer, he is deemed not to

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1 have answered, pursuant to your instruction?

2 MR. MILLER: Sure.

3 MR. GORDON: And I need not ask him for his
4 confirmation?

5 MR. MILLER: Sure, John. That's fine.

6 BY MR. GORDON:

7 Q. Now, you must answer questions audibly and with
8 words. Nods or shakes of the head can't be transcribed by
9 the court reporter. Do you understand that?

10 A. Yes.

11 Q. Now, this court reporter is transcribing the
12 deposition and he can take down the words of only one
13 speaker at a time. Please wait until I finish my question
14 before you answer, and I will wait until you finish
15 answering before asking my next question.

16 Do you understand that?

17 A. Yes.

18 Q. Please ask for clarification if you don't
19 understand my question and I will do my best to rephrase
20 it. If you answer the question, it will be assumed that
21 you understood it. Do you understand that?

22 A. Yes.

23 Q. Now, if you need a break, let me know, but you
24 need to answer any pending question before we take a
25 break, unless you need to consult with your attorney about

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1 whether you have a legal privilege not to answer my
2 question. Do you understand that?

3 A. Yes.

4 Q. So if I ask you a question, was the light red or
5 the light green, and you simply want to discuss what's the
6 best answer, you're not allowed to simply take a break and
7 say, "I want to go talk to my counsel."

8 Do you understand that?

9 A. Yes.

10 Q. But if I asked you a question that you think
11 calls for an attorney-client privileged or other type of
12 privileged answer, you can ask to take a break and I will
13 provide you one for that purpose. Do you understand?

14 A. Yes.

15 Q. Now, there may be times you don't have exact
16 information but you can make a reasonable approximation,
17 so if you can provide a reasonable approximation, please
18 do so and let me know that's what you're doing, okay?

19 A. Yes.

20 Q. Now, there may be times that you believe you know
21 the answer but you weren't a hundred percent sure. If you
22 believe you know the answer but you aren't sure, please
23 let me know what you believe the answer to be, with the
24 caveat or understanding that you're not completely sure of
25 that answer. Do you understand that?

1 A. Yes.

2 Q. Now, you'll have an opportunity, after this
3 deposition, to review a transcript that will be prepared
4 by the court reporter, and you will have the ability to
5 change or correct any answer in that deposition but do you
6 understand that counsel will be able to comment on any
7 changes that you make to your deposition?

8 A. Yes.

9 Q. Am I correct in assuming you've never been
10 convicted of a felony?

11 A. That's correct.

12 Q. Am I also correct in assuming you've never been
13 the subject of any discipline by the Los Angeles Sheriff's
14 Department yourself?

15 A. No.

16 Q. How many times have you been disciplined by the
17 Los Angeles County Sheriff's Department yourself?

18 A. Twice.

19 Q. About when was the -- approximately when was the
20 first time?

21 A. I believe in 1982.

22 Q. And what was your rank at the time?

23 A. Deputy.

24 Q. What was the subject of the discipline?

25 That is, what was the subject matter or the

1 reason for the discipline?

2 A. We embarrassed -- I embarrassed the Department.

3 Q. And what -- was a finding made that in fact you
4 had embarrassed the Department?

5 A. Yes.

6 Q. Did you contest that after discipline was
7 imposed?

8 A. No.

9 Q. What was the specific circumstance that resulted
10 in you being found to have embarrassed the Department?

11 A. I had cooperated with the FBI in identifying
12 several robbery suspects and I had given that information
13 to the FBI before I told my Department.

14 Q. Is there a particular reason you did that?

15 A. No. Just we had a better relationship with that
16 FBI agent than we did with members of our Department at
17 that time.

18 Q. When you say "we," who was the "we"?

19 A. Oh, myself and my partner at the time.

20 MR. MILLER: Are you really going to ask him
21 about something that happened almost 40 years ago?

22 This trivial?

23 BY MR. GORDON:

24 Q. What was the second incident in which you were
25 disciplined by the Department?

1 A. I failed to qualify for one trimester.

2 Q. And when you say you failed to qualify, you
3 failed to qualify in what respect?

4 A. I didn't take -- I didn't go shoot my weapon
5 during the qualifying trimester.

6 Q. And approximately when was that?

7 A. 1996.

8 Q. Did you challenge that discipline?

9 A. No.

10 Q. Did either discipline result in any time off
11 work?

12 A. The first one or the second one?

13 Q. Did either one?

14 A. The first one did, yes.

15 Q. How much time did you get off work?

16 A. Five days.

17 Q. And that was suspension without pay?

18 A. Yes.

19 Q. The second one did not result in any suspension
20 from time at work?

21 A. No, sir.

22 Q. Are those the only two incidents in which you've
23 been disciplined by the LASD?

24 A. There was one other in 2002, I believe.

25 Q. What was that discipline for?

1 A. There was a claim made against me of retaliation
2 in a policy of equality case that had transpired in the
3 unit that I was in charge of, and initially it was founded
4 as a written reprimand.

5 Q. When you say "initially," was there a subsequent
6 change to that finding?

7 A. Yes.

8 Q. What was the subsequent change?

9 A. I objected to the charge, and it was unfounded.

10 Q. Who determined that it was unfounded?

11 A. The division chief and the assistant sheriff in
12 charge at the time.

13 Q. And was that the end of the proceeding after you
14 challenged it and it was found to be unfounded?

15 A. Yes.

16 Q. Are those the only three times that you were
17 disciplined by the Los Angeles Sheriff's Department?

18 That is, the embarrassment, the failure to
19 qualify, and the -- how would you describe the third one?

20 A. Allegation of retaliation.

21 Q. Allegation of retaliation?

22 A. I believe so.

23 Q. Is there any reason you can't give your best
24 testimony today, either because you're on medication that
25 affects your thinking or you're ill or anything else?

1 A. No, sir.

2 Q. Is there any reason you can't give full and
3 truthful testimony today?

4 A. No, sir.

5 Q. Now, were you aware, prior to May 29th, 2019,
6 that you had been subpoenaed to appear at our office for
7 your deposition?

8 A. Yes.

9 Q. Did you appear on May 29, 2019, at our office?

10 A. No, sir.

11 Q. Why not?

12 A. There was a miscommunication upon my -- between
13 my part and my attorneys.

14 Q. Did you think the deposition was not going
15 forward on May 29th, at the time you didn't appear?

16 MR. MILLER: It's obvious.

17 MR. GORDON: It's an inappropriate objection.

18 If you have an objection, state the grounds.

19 MR. MILLER: Yeah, but these are inappropriate
20 questions.

21 MR. GORDON: State the ground for it.

22 MR. MILLER: There was a miscommunication and
23 obviously he would have been here, had he known the
24 deposition was going forward.

25 MR. GORDON: You shouldn't be testifying.

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1 That's not a ground for an objection, Skip.

2 State the legal ground for your objection, I'll
3 either withdraw my question or pursue it.

4 MR. MILLER: Okay. It's not relevant to the
5 subject matter, it's not reasonably calculated to lead to
6 the discovery of admissible evidence, it's harassing, it's
7 unnecessary, it's unbecoming and you don't need to go
8 through this kind of time wasting. That's my objection.

9 BY MR. GORDON:

10 Q. All right. You can answer the question.

11 A. What was the question, again?

12 MR. GORDON: Would you restate the question,
13 please?

14 THE REPORTER: Did you think the depo...

15 MR. GORDON: I'll just re-ask the question.

16 Q. As of the morning of May 29, 2019, did you
17 believe a deposition was supposed to proceed at our office
18 for you?

19 A. Not on that date.

20 Q. When did you think, as of the morning of May 29,
21 2019, the deposition for you was supposed to occur?

22 MR. MILLER: Wait a minute. I object on this --
23 this also invades attorney-client privilege.

24 You've already got the testimony that there was a
25 miscommunication between our office and our client. I

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1 don't want you to testify, Ray, to any communications that
2 you had with me or Emily or Mira or any attorney in our
3 office, okay? Otherwise, you can answer the questions.

4 BY MR. GORDON:

5 Q. I'm asking you when did you, in your own mind, as
6 of the morning of May 29th, before 9:00 a.m., believe that
7 any deposition of you was supposed to occur?

8 A. May 31st.

9 Q. When did you decide, on the morning -- strike
10 that.

11 On the morning of May 29, 2019, did you make any
12 decision not to appear at our office for a deposition?

13 A. Yes.

14 Q. And at what time did you decide not to appear at
15 our office for your deposition on May 29th, 2019?

16 A. I have no idea. I had not planned on being here.

17 Q. Did you communicate with anyone for purposes of
18 preparing for this deposition?

19 MR. MILLER: You can say who but don't tell him
20 what we discussed.

21 THE WITNESS: Yes.

22 BY MR. GORDON:

23 Q. How many people did you communicate with to
24 prepare for this deposition?

25 A. Three people.

1 Q. Who were they?

2 A. Mr. Skip Miller, Emily, and Mira Hashmall.

3 Q. Are those the only three people you've
4 communicated with for the purpose of preparing for this
5 deposition?

6 A. Yes, sir.

7 Q. So how many times did you communicate with
8 someone to prepare for this deposition?

9 A. Twice.

10 Q. When was the first time?

11 A. I believe May the 27th or 28th. I'm not sure.

12 Q. And how many people did you communicate with on
13 that date, of that approximate date, to prepare for your
14 deposition?

15 A. Two.

16 Q. Who were they?

17 A. Mr. Miller and Ms. Hashmall.

18 Q. About how long did that -- strike that.

19 Was that an in-person meeting?

20 A. Yes.

21 Q. About how long did that meeting last?

22 A. About an hour.

23 Q. Did you review any documents during that meeting
24 to prepare to testify at this deposition?

25 A. No.

1 Q. And the... are you familiar with any of the
2 testimony of Alicia Ault from her May 23rd, 2019,
3 deposition?

4 A. No.

5 Q. When is the second time that you had any
6 communication with anyone to prepare for your deposition?

7 A. Yesterday.

8 Q. Was that in person?

9 A. Yes.

10 Q. For about how long?

11 A. About an hour.

12 Q. Did you review any documents to prepare to
13 testify at this deposition, during that meeting?

14 A. No.

15 Q. Have you discussed anything that you thought
16 would be the subject matter of this deposition with anyone
17 other than your attorneys; that is, Mr. Miller and his
18 colleagues?

19 A. My wife.

20 MR. MILLER: Okay, you have a marital privilege,
21 so don't testify to what you and your wife discussed,
22 because of the marital privilege, but you can answer his
23 questions otherwise.

24 BY MR. GORDON:

25 Q. Other than your wife, have you discussed with

1 anyone, any matters that you believe would be addressed at
2 this deposition, besides your wife and your attorneys?

3 A. No.

4 Q. So you never discussed with any former or current
5 LASD personnel, any subject matter after you were served
6 with your subpoena that you thought would come up at this
7 deposition?

8 A. No.

9 Q. Other than your wife, Mr. Miller, and his two
10 colleagues that you've referenced, have you discussed with
11 anyone, any matter that you thought would come up at the
12 subject of this deposition, after you received your
13 deposition subpoena?

14 MR. MILLER: Objection. Asked and answered but
15 you can go ahead and answer it again.

16 THE WITNESS: No.

17 BY MR. GORDON:

18 Q. Did you bring any written notes with you to this
19 deposition?

20 A. No.

21 Q. When did you enter -- when did you enter into any
22 agreement with Mr. Miller's firm for you to represent him?

23 MR. MILLER: Objection. Calls for
24 attorney-client privileged information, assumes facts not
25 in evidence, and I'm going to instruct you not to answer

1 on the basis of privilege.

2 BY MR. GORDON:

3 Q. Have you entered into any type of understanding
4 with anyone that Mr. Miller's firm would represent you at
5 this deposition?

6 MR. MILLER: Well, he certainly entered into an
7 understanding with me. I'm here.

8 BY MR. GORDON:

9 Q. When did you enter -- well, is that true, what he
10 just said? And that's not an appropriate objection
11 anyway. You can state the grounds for your objection, but
12 you shouldn't be testifying.

13 Have you entered into any understanding with
14 anyone from Mr. Miller, to represent you in this
15 deposition?

16 A. Mr. Miller.

17 Q. Okay. And when was that? Approximately.

18 A. Um, maybe the first or second week of May.

19 I'm not sure.

20 Q. And are you paying anyone for Mr. Miller's firm
21 to represent you in connection with your testimony as a
22 witness at this deposition?

23 MR. MILLER: Objection. That's attorney-client
24 privilege. Instruct the witness not to answer.

25 BY MR. GORDON:

1 Q. Have you disclosed any information to Miller --
2 Mr. Miller or other attorneys from his firm, concerning
3 any of the matters that you think will be covered at this
4 deposition?

5 MR. MILLER: Objection.

6 Attorney-client privilege and Ray, I instruct you
7 not to answer that question.

8 BY MR. GORDON:

9 Q. And have you received any legal advice from
10 Mr. Miller or other attorneys from his firm for purposes
11 of preparing for this deposition?

12 MR. MILLER: You can answer that question yes or
13 no but don't tell him what advice we've given you.

14 THE WITNESS: Yes.

15 BY MR. GORDON:

16 Q. What was your first full-time job as a law
17 enforcement officer?

18 A. Police officer for the City of Burbank.

19 Q. Approximately when was that?

20 A. December of 1976.

21 Q. How long did you remain as a police officer for
22 the City of Burbank?

23 A. A little over four years.

24 Q. And did you leave in approximately 1980?

25 A. '81.

1 Q. At the time you left the Burbank Police
2 Department in about 1981, what was your rank at the
3 Burbank Department?

4 A. Police officer.

5 Q. What was your next job after leaving the Burbank
6 Police Department in about 1981?

7 A. Deputy sheriff for the County of Los Angeles.

8 Q. And what was the reason you left the Burbank
9 Police Department?

10 A. More opportunity.

11 Q. How long did you remain as an LASD officer from
12 the time you joined in 1981?

13 A. In a couple weeks I'll have 35 years.

14 Q. And the rank that you held during those 35 years,
15 could you list them for me?

16 A. Deputy sheriff, sergeant, lieutenant, captain,
17 commander.

18 Q. When did you leave the Department after first
19 joining it?

20 MR. MILLER: Didn't you forget undersheriff?

21 MR. GORDON: You're not listening to the
22 question. His answer -- first of all, that's
23 inappropriate. You can object if there's a legal ground
24 for it.

25 MR. MILLER: I'm just trying to help move this

1 along.

2 MR. GORDON: I understood what his answer was and
3 he understood what his answer was. You don't need to help
4 me. That's not helping me.

5 MR. MILLER: Sorry.

6 BY MR. GORDON:

7 Q. At the time you left the Department after
8 35 years, was that about 2016?

9 A. Yes.

10 Q. What was your rank at the time you left?

11 A. Commander.

12 Q. What was your specific area of responsibility as
13 a commander? Commander of what?

14 A. Custody division, general services.

15 Q. Why did you -- strike that.

16 Did you retire from the Department in 2016?

17 A. Yes, sir.

18 Q. Was the -- what was the reason you retired from
19 the Department in about 2016?

20 A. I figured 40 years of law enforcement work was
21 enough.

22 Q. Did you retire on disability from the Department?

23 A. Yes.

24 Q. Did the disability have anything to do with your
25 decision to retire in 2016?

1 A. No.

2 Q. How long had you been disabled, if at all, prior
3 to the time of your retirement in 2016 from the
4 Department?

5 A. About a year.

6 Q. So you had been -- you had been declared disabled
7 by the Department approximately a year before you retired
8 in '16?

9 A. The Department did not declare me disabled.
10 I was off on disability leave.

11 Q. Was any declaration of disability made by any
12 County agency or Department as of the time you were on
13 disability leave?

14 A. I don't understand the question.

15 Q. Okay.

16 For the last year, you were on disability, right?

17 A. Yes, sir.

18 Q. Were you reporting to duty at the Department
19 while you were on disability the last year of your
20 original service, 35-year service?

21 A. No, sir.

22 Q. So you were off duty?

23 A. Yes.

24 Q. Okay. Were you collecting your pay while on
25 disability for the approximately last year you served the

1 first time at LASD?

2 A. Yes.

3 Q. What was the nature of the disability?

4 A. Un... two herniated discs in the back, carpal
5 tunnel, knees, neck and some heart issue.

6 Q. And was there any percentage of disability that
7 you were determined to be suffering from?

8 A. The only percentage I saw was a nine percent
9 issue with my heart.

10 Q. So from 2016, at the time you retired on
11 disability, until you had any other job -- strike that.

12 After you retired on disability from the
13 Department in 2016, did you ever have any other full-time
14 job?

15 A. In December of 2018.

16 Q. Which job was that?

17 A. I returned to the Department, at the request of
18 Sheriff Villanueva, to be the undersheriff for LA County.

19 Q. Was that your official title at the time you
20 returned to the Department in December of 2018,
21 undersheriff?

22 A. Initially it was executive officer.

23 Q. And do you know why it was executive officer
24 rather than undersheriff, at the time you returned in
25 December 2018 to the Department?

1 A. Because I was coming back as a civilian item,
2 civilian personnel, not sworn.

3 Q. And why were you no longer sworn as of December
4 of 2018?

5 A. Because I had retired from my position and under
6 new Public Employee Pension Reform Act laws, I could not
7 come back in a safety position.

8 Q. In what position?

9 A. Safety position.

10 Q. Did you run for sheriff in 2006?

11 That is, sheriff of LA County?

12 A. Yes.

13 Q. Who won that election?

14 A. Lee Baca.

15 Q. Do you hold advanced degrees from any university?

16 A. I have a Master's in business administration from
17 Pepperdine University.

18 Q. And you have an undergraduate degree?

19 A. A Bachelor of Science in business administration
20 from Cal State University-Los Angeles.

21 Q. What was the last day that you physically
22 appeared at work -- strike that.

23 After you originally came back in December 2018
24 as executive officer -- did I hear that correctly?

25 A. Yes, sir.

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1 Q. As executive officer, did you subsequently
2 formally hold the title of undersheriff at the LASD?

3 A. No, sir.

4 Q. Pardon me?

5 A. No, sir.

6 Q. From the time you came back in December of 2018
7 forward, were you ever the holder of the title at the
8 Department, other than executive officer?

9 A. Formally, no.

10 Q. What about informally?

11 A. Informally I was considered the undersheriff.

12 Q. How long did you serve as executive officer under
13 Sheriff Villanueva, once you became executive officer in
14 December of 2018?

15 A. Approximately three-and-a-half months.

16 Q. What was the last day that you physically
17 appeared at work as executive officer under Sheriff
18 Villanueva?

19 A. I believe it was March 18th.

20 Q. 2019?

21 A. Yes, sir.

22 Q. What was the last day that you officially served
23 as an employee of the Sheriff's Department?

24 A. March 18th.

25 Q. What... strike that.

1 Did you resign as of March 18th, 2019, from the
2 Sheriff's Department?

3 A. No.

4 Q. What was the -- what were the circumstances
5 surrounding your departure from the Department on
6 March 18th, 2019?

7 A. I was fired by the sheriff.

8 Q. When is the first time that you understood you
9 were being fired by the sheriff?

10 A. March 18th.

11 Q. Tell me the circumstances under which the sheriff
12 fired you on March -- strike that.

13 Are you saying the firing occurred on March 18th?

14 A. Yes, sir.

15 Q. Tell me the circumstances surrounding the
16 sheriff's firing of you on March 18th, 2019.

17 A. I had been told that I was going to meet with him
18 at 9:00 o'clock on Monday morning to discuss the hiring of
19 a legislative sergeant who would be serving the Department
20 in Sacramento, and that I was supposed to bring all the
21 information on the candidates and the process that had
22 been used to determine who that sergeant was.

23 So at 9:00 o'clock I was told the sheriff's not
24 in, be here at 9:30. So I went to his office -- I
25 actually went into the office of Larry Del Mese because

1 Sheriff Del Mese and I believe Roel Garcia were in the
2 office with all the material that they had requested and
3 at that time Larry said, well, I think we should go into
4 the library.

5 So we got up, we went into the library, which is
6 a room adjacent to the Sheriff's Office and Mr. Del Mese's
7 office. We sat down, I put the material on the desk and
8 the sheriff said, I'm going to put a sworn person in your
9 position, and I said, what? He said, I am going to put a
10 sworn person in your position. I said, is that effective
11 today? He said yes. I stood up, I said, thank you for
12 the opportunity, I wish you the best, I shook his hand and
13 I walked out.

14 Q. Did you have any belief that you were being fired
15 for any reason other than the sheriff wanted to put a
16 sworn person in as undersheriff?

17 A. That's all I was told. I have no other... no
18 else to base it on, I'm sorry.

19 Q. And I'm asking you, did you believe that was his
20 real reason for firing you?

21 A. You'd have to ask the sheriff.

22 Q. No, no, I'm just asking in your own mind, did you
23 believe that was his real reason for firing you?

24 MR. MILLER: Calls for speculation and you told
25 him not to speculate. You can answer it, if you can.

1 If it's pure speculation, don't do that.

2 THE WITNESS: I'm going to go with what he said.

3 BY MR. GORDON:

4 Q. You're saying for you to tell me what you, in
5 your own mind, thought about his reason for firing you was
6 speculation?

7 A. It would just be a guess on my part and I don't
8 know that that... you know, bears anything. He told me
9 what he wanted to do, that was his reason for it, and I'm
10 an at-will employee, I accept that.

11 Q. I understand that. I'm asking you in your own
12 mind, did any thought go through your head about why you
13 believed he was firing you?

14 MR. MILLER: Objection.

15 BY MR. GORDON:

16 Q. If it was any different from what he said the
17 reason was; namely, he wanted to put a sworn person in
18 your position?

19 MR. MILLER: Excuse me. I object. He said it
20 was a guess. You told him don't speculate. I agree with
21 that. Don't guess, don't speculate but if you have any
22 idea, you should answer the question.

23 THE WITNESS: Yes.

24 BY MR. GORDON:

25 Q. Yeah. What thought went through your mind when

1 he told you he was firing you because he wanted to put a
2 sworn person in your position, about what his true reason
3 might be?

4 A. I just -- at that point, I believed that he was
5 tired of me trying to keep him focused and working within
6 policy and procedures and he was tired of listening to me
7 constantly saying, you know, we can't do it that way.

8 Q. About how often had you told him that he couldn't
9 do what he wanted to do, in the way he wanted to do it?

10 A. Many times.

11 Q. Can you recount for me the things you told him he
12 couldn't do in the way he wanted to do them?

13 A. I told him we couldn't hire Mandoyan back the way
14 he wanted to do it. I told him we couldn't establish a
15 truth and reconciliation panel the way it was being done.
16 I told him we couldn't change the promotional processes
17 the way he was trying to do it. I told him we couldn't
18 change the guidelines for the classifications the way he
19 was trying to do it.

20 I told him we had to... um, work with the
21 different entities in the County to get things
22 accomplished, and not just unilaterally. Um, and I'm --
23 I'm sure there are others. I just -- just... too many.

24 MR. MILLER: Excuse me. Could you read the
25 answer back for me, please?

1 (Record played back).

2 MR. MILLER: Could you start that again, because
3 I think you missed the top. Start from the top, when he
4 started with the answer. I thought the first thing you
5 said regarded -- was regarding Mandoyan.

6 I think you missed that.

7 (Record played back.)

8 MR. MILLER: Thank you. You're up, John.

9 MR. GORDON: I know I'm up. You just had him
10 play the entire thing over again instead of just asking
11 him to play the first line.

12 Q. Now, when you said that you told him he couldn't
13 hire Mandoyan the way he wanted to do it, when was the
14 first time you told him something like that?

15 A. Probably within the first or second week of his
16 taking office.

17 Q. When did -- when did you begin work as executive
18 officer under Sheriff Villanueva in December 2018?

19 A. I believe December 4th.

20 Q. And the first time -- you said in the first or
21 second week of him taking office you told him he couldn't
22 hire Mandoyan back the way he wanted to do it, who was
23 present during that communication?

24 A. I'd have to guess.

25 Q. Do you remember anyone specific, other than you

1 and the sheriff, being present during that communication?

2 A. I would guess probably Larry Del Mese, Roel
3 Garcia.

4 MR. MILLER: Who Garcia was it?

5 THE WITNESS: Roel Garcia.

6 Maybe Eli Vera, Chief Vera.

7 BY MR. GORDON:

8 Q. Anyone else?

9 A. I can't remember now.

10 Q. By the way, other than believing that Sheriff
11 Villanueva was firing you because he got tired of you
12 telling him what you said you told him too often, did you
13 have any other thought in your mind, at the time he fired
14 you, about why he might be firing you?

15 In other words, was the one reason that you had
16 in your mind, the one you've told me about or did you have
17 any other reasons for thinking that he might have fired
18 you?

19 A. No.

20 Q. All right. Going back to the Mandoyan issue.

21 When you first told him that he couldn't hire
22 Mandoyan back the way he wanted to do it and you believe
23 these other senior executives were present, was that in
24 person at the office?

25 A. Yes.

1 Q. How did the issue come up on that occasion?

2 A. I believe it was in a general discussion of
3 different things that the sheriff was wanting to do and he
4 wanted to bring Deputy Mandoyan back through the truth and
5 reconciliation panel. I said -- and I think that's how
6 that came up when they was talking about establishing the
7 panel, getting Mandoyan back, and then, you know, a
8 variety of things he was talking about, you know.

9 That was...

10 Q. What, if anything, did you know about this issue
11 concerning possibly bringing Mandoyan back, at the time
12 you had that first discussion with him concerning your
13 view that he couldn't do it the way he wanted to do it?

14 A. My view on it was that he couldn't do it because
15 -- one, because there was no truth and reconciliation
16 panel or process in existence. Didn't exist yet.

17 And I wasn't familiar with all the circumstances
18 on Mandoyan but I knew it had been over two years, almost
19 two-and-a-half years since he had been released from the
20 Department or fired, and it was my understanding they were
21 just trying to reinstate him into the Department, which I
22 didn't believe they could do because of the time frame
23 since he had been released, and by trying to go through
24 this truth and reconciliation panel I said, well, you can
25 do that, but you have to have it first. You can't just

1 say you did it. There has to be a process and there
2 wasn't. So I said, you can't do that.

3 Q. Did you explain to him what type of process you
4 thought he needed to go through to be able to bring
5 Mandoyan back?

6 A. Yes.

7 Q. What did you explain to him was the process that
8 you thought he had to implement in order to properly bring
9 Mandoyan back?

10 A. Well, I initially told him that I didn't -- just
11 the little that I knew about Mandoyan -- I had never met
12 Mandoyan until maybe a couple weeks before this
13 discussion, and really had not -- or basic understanding
14 of his case, but I told him that if you want to use that
15 process, you need to establish it first and you need to
16 get the buy-in from OIG and COC because you're changing
17 the whole procedure for the Department.

18 The Office of Inspector General is going to have
19 to buy into it, the Civilian Oversight Commission is going
20 to have to buy into it and if you get everybody's
21 concurrence, it will be that much easier to work through
22 that process.

23 And my recommendation at that time was don't make
24 him your first case. You want to hire more people back,
25 bring them in first and make him six, seven, eight --

1 whatever -- but get some that are fairly easy and not so
2 high profile as someone who has a domestic violence issue
3 in his background.

4 Once you establish that process, we can look at
5 his case -- because I had no idea what all the details of
6 the case were -- and if there is a valid way of bringing
7 him back, then we'll have to rehire him because you can't
8 reinstate him.

9 Q. Why did you think you couldn't -- that the
10 sheriff couldn't reinstate him?

11 A. Because he'd been terminated from County service
12 over two years, two-and-a-half years and anything -- I
13 don't think he, under even POST rules, he could be
14 reinstated. He would have to come in as a new hire and
15 reestablish his POST credentials and a whole myriad of
16 things that have to take place before you can just be
17 brought back into the Department.

18 Q. Did you think that would apply even if his
19 discharge was rescinded?

20 MR. MILLER: That calls for a legal conclusion.
21 I mean, you can answer it, if you can answer it.

22 THE WITNESS: I didn't know if he could even --
23 there was a process to rescind it after that length of
24 time.

25 BY MR. GORDON:

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1 Q. Did you, in your own mind, believe that if the
2 discharge was determined to be improper by the Civil
3 Service Commission more than two years after his
4 discharge, he could be brought back?

5 MR. MILLER: Can I have that question read back?

6 (Record played back.)

7 MR. MILLER: Calls for a legal conclusion but you
8 can answer it, if you know. Also it's also a hypothetical
9 question because it assumes facts not in evidence because
10 the Civil Service Commission affirmed, upheld the
11 discharge.

12 MR. GORDON: You're stating more than the legal
13 grounds for your objection.

14 Q. But you understand my question is in your own
15 mind, did you have any belief as to whether a deputy who
16 was ordered reinstated by the Civil Service Commission
17 more than two years after discharge, could be brought
18 back?

19 MR. MILLER: Same objection, but you can answer
20 the question, if you understand it.

21 THE WITNESS: I understand it but I don't know.

22 It would have to -- the Civil Service Commission
23 would have to overturn its own decision which they made
24 two-and-a-half years prior, to terminate him, and then
25 they somehow would have to work through POST to reinstate

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1 or remove that from his... his history, and I don't know
2 how that would happen.

3 BY MR. GORDON:

4 Q. And POST is an acronym for what?

5 A. Peace Officer Standards and Training Commission.

6 Q. And you've already explained what OIG and COC
7 stood for, right?

8 A. Yes.

9 Q. When you told the sheriff that he couldn't hire
10 Mandoyan back the way he wanted to do it, as you've
11 described in your testimony right now, did the sheriff
12 have any response?

13 A. Something to the effect of, well, I want to get
14 him back. Okay.

15 Q. Was that his only response that you recall?

16 A. Yes.

17 Q. Did anyone else in the meeting say anything
18 concerning your advice to him about not being able to hire
19 Mandoyan back the way you wanted to do it?

20 A. I believe every party in there agreed with me
21 that we couldn't do that the way the sheriff wanted to do
22 it.

23 Q. So did anyone say anything supporting the
24 sheriff's view of whether he could do it?

25 A. Not in that meeting.

1 Q. After... After that meeting that you've just
2 testified about, which I believe you said occurred in the
3 first or second week of his administration, after he was
4 sworn in December 3rd, did you ever have any other
5 discussion or communication with the sheriff about the
6 possible bringing back of Mandoyan as a deputy?

7 A. No. I was pretty much not consulted on Mandoyan
8 after that.

9 Q. Did you overhear any further discussions about
10 the possibility of bringing Mandoyan back, following this
11 one meeting that occurred in the first or second week of
12 the sheriff's administration?

13 A. I believe at the end of the third week I heard
14 that he had been hired back by the sheriff.

15 Q. Were you aware that any truth and reconciliation
16 panel meeting was going to occur prior to December 21st --

17 A. No.

18 Q. -- 2018?

19 A. No.

20 Q. How did you hear that Mandoyan had been brought
21 back?

22 A. Maybe my aid told me, somebody -- and I don't
23 know who said it, I just was told, hey, Mandoyan's been
24 rehired and he's working for the sheriff.

25 Q. What was your understanding -- by the way, who

1 was your aid?

2 A. Lieutenant Valencia.

3 Q. What was his first name?

4 A. Dominic.

5 Q. And what was your understanding as to what
6 position Mandoyan assumed upon being brought back into the
7 Department?

8 A. Deputy sheriff.

9 Q. Any specific role, when you said he worked for
10 the sheriff, that you understood him to have?

11 A. As a driver for the sheriff.

12 Q. And was this your aid who told you that he had
13 been brought back as a driver for the sheriff?

14 A. I don't know if it was him or just in the office
15 there. It could have been somebody else that told me.

16 I don't know.

17 Q. Other than that communication, did you ever learn
18 of anything else concerning Mandoyan's rehire, prior to
19 the time you left the Department on March 18th, 2019?

20 A. Well, I learned that there had been that -- panel
21 had been put together that had made the decision that --
22 or had made the recommendation that he be brought back to
23 the sheriff and then I learned that there had been a
24 settlement agreement that had been put together, that
25 Chief Vera had signed, and that they were attempting the

1 process to get him rehired or reinstated and paid with two
2 plus years of backpay and a return to the Department.

3 MR. GORDON: Let's take a comfort break.

4 THE VIDEOGRAPHER: One moment, please. We're off
5 the record. The time is 11:17. This is the end of Disc 1
6 of the deposition of Mr. Raymond Leyva.

7 MR. GORDON: Take a break.

8 (Recess taken 11:17 a.m. - 11:28 a.m.)

9 THE VIDEOGRAPHER: And we're back on the record.
10 The time is 11:28. This is Disc 2 of the
11 deposition of Mr. Raymond Leyva.

12 BY MR. GORDON:

13 Q. Did you communicate -- strike that.

14 Were you present for any other communications
15 about the issue of whether Mandoyan could properly be
16 brought back the way the sheriff wanted to, besides what
17 you've already testified to today?

18 A. We probably had discussions with Chief Del Mese
19 and Lieutenant Garcia about that issue.

20 Q. Approximately when did those discussions occur?

21 A. End of December, probably during the week of the
22 21st, and in January.

23 Q. How many times did you have discussions with
24 Chief Del Mese and Roel Garcia concerning whether Mandoyan
25 could be brought back the way the sheriff wanted to do it?

1 A. Several times.

2 Q. Please tell me what you can recall being said
3 during the first time that you did it, if you are able to
4 distinguish the different meetings, different
5 conversations.

6 A. When I met with Chief Del Mese and Roel, it was
7 usually in his office.

8 Q. "His," whose?

9 A. Chief Del Mese and the -- Mandoyan would come up
10 as a topic because the sheriff wanted to hire him and then
11 I would object and say, we can't do that, you know, we're
12 doing a disservice to the Department, to the other 18,000
13 people in the Department, putting all this energy into one
14 guy and, you know, there's just too many issues that still
15 have to be looked at with Civil Service, about the panel
16 that doesn't exist or, you know, the sheriff is still
17 trying to create, because the panel was supposed to be
18 comprised of Constitutional Policing Advisors, which we
19 didn't have, they didn't exist yet. We were still in the
20 process of trying to hire those. So we had this type of a
21 discussion multiple times before and after he was hired
22 back by the sheriff.

23 Q. There was no Constitutional Policing Advisor at
24 the Department as of the time you began around
25 December 3rd or 4th, 2018?

1 A. No, sir.

2 Q. Have you told me everything you can remember
3 about this first communication you had with Chief Del Mese
4 and Roel Garcia concerning whether the sheriff could
5 return Mandoyan the way he wanted to do it?

6 A. Well, we had multiple conversations, generally
7 that same gist of information, and it finally reached a
8 point where myself and the chief, we both said, we're
9 done. That's the sheriff's problem. We are out of the
10 Mandoyan issue.

11 So we just were not involved in that hiring or
12 ongoing issue with Mandoyan from that point forward. We
13 just stopped. I had no more communication with it, other
14 than the two times that I already mentioned about seeing
15 the results of that alleged panel and this alleged
16 settlement agreement that they were trying to push
17 forward. Other than that, I was out of it.

18 I did not participate in the Mandoyan issue and I
19 told the chief that, I told Roel and we both agreed that
20 that was not our fight, that was the sheriff's fight.

21 Q. Have you now told me everything you can remember
22 that was communicated in any of the meetings that you said
23 you were -- or conversations that you had with Chief
24 Del Mese and Roel Garcia, concerning whether the sheriff
25 could return Mandoyan to work the way he wanted to do it?

1 A. I believe so.

2 Q. Have you now told me every -- anything you
3 remember regarding what you learned about -- strike that.

4 Have you now told me all communications that you
5 were present for, that you can remember, that concerned
6 whether the sheriff could return Mandoyan to work the way
7 he wanted to do it?

8 A. There were other discussions after he had already
9 returned him, that involved that topic.

10 Q. Okay, we'll get to that in a minute.

11 Now, were you present at a meeting on or around
12 December 13, 2018, in which the sheriff, Chief Del Mese,
13 Chief Vera, Chief Gross and another officer named Irma
14 Chevalier and Elizabeth Miller and Chris Keosian were
15 present, at which the Mandoyan matter came up?

16 A. Yes.

17 Q. And that's a meeting that you haven't told me
18 about so far, right? You haven't testified about that,
19 have you?

20 A. No.

21 Q. Today?

22 A. No.

23 Q. All right. Tell me what you can remember from
24 that meeting that was discussed concerning whether the
25 sheriff could bring back Mandoyan.

1 A. I believe that's a meeting that we actually
2 looked at the videotape involving Mandoyan, where he was
3 allegedly at the girlfriend's house and he was trying to
4 break into the sliding glass door.

5 We were being shown that by Chevalier as part of
6 the case because I hadn't been involved in it or seen the
7 case and I don't think the sheriff had seen all the
8 information either, and we needed to get more of the
9 information as to what some of the issues might be
10 involved in bringing him back.

11 And so we were shown the video and I believe
12 Chief Gross had already started looking at the case,
13 because he made some comments that indicated that what was
14 seen and what was testified to by Mandoyan, that he had
15 not tried to break in, that he was only tapping the
16 window, was validated by the -- by the video, and when he
17 said that and I'm looking at the video, I had a lot of
18 concern because what he said was that Mandoyan was only
19 tapping on the window, trying to get her attention, as
20 Mandoyan claimed, and I said, well, that doesn't fly with
21 what we're looking at here. Here he's at the base of a
22 sliding door, he's got a metal object and he's trying to
23 pry the door open until -- and respond, when she finally
24 confronts him at the door. He's lying.

25 So I just -- at that point I knew this was not

1 going to go good but that was -- the big topic was the
2 video and what was present in the video. And it was a
3 fairly short meeting. I don't believe it was much more
4 than 20, 30 minutes, at the most.

5 Q. Was there any discussion at the meeting with Liz
6 Miller and Chris Keosian about whether the sheriff could
7 bring Mandoyan back?

8 MR. MILLER: This sounds like an attorney-client
9 communication with County Counsel. Elizabeth Miller and
10 Chris Keosian are members of County Counsel, so I'm going
11 to instruct you not to answer that.

12 BY MR. GORDON:

13 Q. Was there any discussion by anyone about whether
14 the sheriff had the authority to bring Mandoyan back?

15 MR. MILLER: Well, other than what he's already
16 testified to? Because he's testified at length on that
17 subject.

18 BY MR. GORDON:

19 Q. Was there any discussion at the December 13,
20 2018, meeting at which you were present, along with the
21 sheriff, Chief Del Mese, Chief Vera, Chief Gross, Irma
22 Chevalier, Liz Miller and Chris Keosian, about whether the
23 sheriff had the power to bring Mandoyan back?

24 MR. MILLER: Okay, if these conversations
25 included the County Counsel, they're attorney-client

1 privileged communications. The privilege is not waived by
2 the County and the Board of Supervisors, who hold the
3 privilege, and I will instruct you not to answer that
4 question.

5 MR. GORDON: And you're marking all refuses to
6 answer, correct?

7 Q. Have you now told me everything you can remember,
8 that you're willing to tell me about the December 13th
9 meeting at which the Mandoyan video, you said was shown?

10 A. I believe so.

11 Q. So now have you told me about all communications
12 that you were present for prior to Mandoyan's return to
13 duty, concerning whether the sheriff could bring Mandoyan
14 back the way he wanted to do it?

15 A. You know, there may have been one or two others.
16 I just tried to stay out of that arena, that topic. I
17 didn't agree with what he was trying to do and we didn't
18 have a mechanism in place, in my mind, to get that done.

19 So I just -- we may have had one or two other
20 discussions with the sheriff and staff, but I can't tell
21 you offhand. I just tried to stay away from that topic.

22 Q. So I'm just trying to confirm. You've told me
23 everything you can remember, that you're not refusing to
24 tell me based on privilege, about any communications that
25 you were present for prior to Mandoyan being rehired,

1 about whether the sheriff could bring him back the way he
2 wanted to do it?

3 A. And again, I don't know. There may have been one
4 or two others, I just don't remember.

5 Q. Right.

6 A. Yeah.

7 Q. I'm just trying to confirm, you've told me
8 everything you remember?

9 A. I remember, yes.

10 Q. Now, you told me that there were discussions,
11 after Mandoyan was brought back, about his rehire or
12 reinstatement, right?

13 A. Yes.

14 Q. How many times were you present for
15 communications concerning Mandoyan's return to duty after
16 he had been brought back as a deputy?

17 A. With who?

18 Q. With anybody. Approximately how many times are
19 we talking about?

20 A. Probably a half dozen times with Chief Del Mese,
21 Lieutenant Garcia, maybe some other folks in the office.

22 Q. Are you able to break those out, in terms of
23 sequence?

24 A. No.

25 Q. All right. So all you can do with regard to

1 those maybe half a dozen times is tell me essentially
2 things that were said during the entirety of those six or
3 so meetings?

4 A. Yes.

5 Q. All right. Tell me what you can remember about
6 what was said in those approximately six meetings
7 concerning Mandoyan's return to duty.

8 A. My comments... were that, you know, I didn't
9 understand how it could have been done because we didn't
10 have a truth and reconciliation process or panel in place,
11 we didn't have the Constitutional Police Advisors hired.

12 We had just started talking about hiring those.

13 And then when I did get an opportunity to see the
14 paper that recommended that he be brought back, with the
15 panel that was -- the paper was -- I think -- I'm not sure
16 of the title, but the title did include "truth and
17 reconciliation panel," which I thought strange because we
18 didn't have that, we didn't have a process and it was I
19 think paneled by or with Tim Murakami, Eli Vera, and Steve
20 Gross, two chiefs and the assistant sheriff, which I
21 didn't know it had happened until after the fact and I was
22 -- when I had a chance to peruse it, because I didn't read
23 anything in it, but my comment was well, you know, we're
24 claiming -- or the sheriff is claiming that McDonnell was
25 so against deputies that he was skewing all testimony and

1 information against deputy personnel so he could
2 discipline or terminate them. I said, I'm looking at this
3 piece of paper and we've done the exact opposite. We're
4 skewing everything to bring this guy back, when it's not
5 supported by what we saw in the video and the commentary
6 that we're looking at on the video. So we've done the
7 exact opposite of what he claimed McDonnell did.

8 It's not right.

9 Q. What do you mean, commentary on the video?

10 MR. MILLER: Let him finish his answer.

11 I think he was answering the question.

12 BY MR. GORDON:

13 Q. Were you still answering?

14 A. The commentary on the video where, you know, that
15 he was just knocking on the window, when we're all looking
16 at this video where he's at the base of this door, trying
17 to pry it open with a metal object, and the commentary
18 from the chief was, see, you know, he's just trying to
19 knock on the door, like he said, and I said that's not
20 supported by the video evidence that we have at all.
21 We've just skewed it in our paper here to bring him back
22 without having a fair and impartial view, in my opinion.

23 Q. So when you said commentary --

24 MR. MILLER: When you said -- wait one second --
25 you said "chief."

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1 MR. GORDON: Let me just ask for clarification.

2 MR. MILLER: Did you mean Chief Gross?

3 Was that Chief Gross you were referring to?

4 THE WITNESS: Yes.

5 BY MR. GORDON:

6 Q. When you said commentary on the video, you mean
7 to say commentary by someone in the room about the video?

8 A. About the video, yes, sir.

9 Q. There was no commentary going on during the
10 video, on the video itself, right?

11 A. Oh, between Mandoyan and the ex-girlfriend inside
12 the house, there was commentary.

13 Q. So that's what I'm just trying to get clear.

14 There were statements and dialogue going on
15 between Mandoyan and the girlfriend on the video, right?

16 A. Yes.

17 Q. Is that what you mean by -- is that what you're
18 talking about, commentary during the video?

19 A. No, I was referring to the commentary by Chief
20 Gross about what was taking place.

21 Q. Did anyone respond to your expressed concern
22 during the showing of the video that it appeared to
23 contradict Mandoyan's explanation for what he was doing
24 when he was at the base of the door -- the sliding glass
25 door?

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1 A. Well, Mandoyan had never acknowledged that he was
2 at the base. He insisted that he was just tapping on the
3 window.

4 Q. Let me rephrase my question.

5 MR. MILLER: Well, wait, wait, wait. He was
6 answering your question. Let him finish before you --

7 BY MR. GORDON:

8 Q. Did I interrupt your answer?

9 A. No, go ahead.

10 Q. All right.

11 I'm going to rephrase my question, then.

12 Did anyone respond to your commentary about your
13 view of the video, as it affected the discipline imposed
14 on Mandoyan?

15 A. The responses that were very similar to mine,
16 well, yeah, we don't understand it because we looked at
17 the same video but, you know, this is what the panel came
18 up with as their findings, after they reviewed it, and,
19 you know, again, it was, well, who put this panel
20 together?

21 And Chief Del Mese said, well, that was put
22 together by the sheriff to look at the -- to review the
23 Mandoyan case and see how he could be brought back.

24 I said, but we don't have a panel, we don't have
25 a process. We're still trying to put that together and

1 we're still going to the OIG, we're still going to the
2 COC, so how -- how could they even name it truth and
3 reconciliation panel, when it doesn't exist? And the
4 chief's response was they probably made a mistake in
5 naming it. They should have called it something else but
6 that's what they put on the... on the paper.

7 Q. And when you say "the chief," who are you
8 referring to?

9 A. Chief Del Mese.

10 Q. Did anyone other than Chief Del Mese say anything
11 about your stated position concerning the video, as it
12 affected Mandoyan's discipline?

13 A. I think Lieutenant Garcia agreed with the chief
14 and myself that what we were looking at in the video
15 wasn't exactly what was being presented in that paper that
16 came out of that panel.

17 Q. Can you tell me anything else you remember about
18 any of the approximately half a dozen conversations you
19 had with Chief Del Mese and Roel Garcia concerning your
20 view of the sheriff's bringing Mandoyan back to duty?

21 A. No. It was part of those discussions, you know,
22 the bringing him back was an issue, his position as a
23 driver for the sheriff was, in my mind, and they agreed;
24 horrible for the optics, that, you know, here we have the
25 guy with the domestic violence issues, that the sheriff

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1 has just brought back in as his personal driver. He
2 shouldn't be there. We should put him in airport court or
3 someplace out of public view, if he did bring him back
4 and, you know, right or wrong, but he should not be
5 working out of the office of the sheriff.

6 You know, there was that discussion.

7 There was discussion about his, you know,
8 settlement agreement that Chief Vera had signed giving him
9 two years' backpay, full reinstatement to his prior
10 position, which I don't know how that was accomplished,
11 given that he'd been gone more than the two years and he
12 would have had to have been rehired and worked with POST
13 and everything, and I addressed those concerns with the
14 chief and with Roel and, you know, we were all in pretty
15 much concurrence that, yeah, we don't know how this is
16 going forward but, you know, this is what he wants to move
17 forward. I said, well, I'm out of that. You know,
18 that's... if you guys want to take that on, fine, but I
19 am not in this Mandoyan game. So that -- that was part
20 of, you know, those conversations.

21 And then subsequent to that and in that same time
22 frame, we had -- were noticed by the Auditor-Controller
23 that he was not going to pay Mandoyan because County
24 Counsel's signature was not on the settlement agreement,
25 and barring that, he didn't have the authority to pay.

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1 And I had already voiced my concerns that, well,
2 we -- we can't pay Mandoyan without County Counsel or
3 Board's, you know, authority. Anything over 99,000, a
4 hundred thousand dollars, the Board has to approve for any
5 settlement agreements, and that I knew from my past
6 history working as a chief aid or division aid in two
7 different divisions, and as a commander, that, you know,
8 if you're going to do something like that, the Board has
9 to approve that.

10 So anything over a hundred thousand dollars,
11 without the Board's concurrence or the County Counsel
12 concurrence, the Auditor-Controller won't pay it and they
13 don't have the authority to pay that.

14 And I said, you know, I don't know how we're
15 going to do that but personnel, you know, has told us that
16 the auditor's already said no, that he's not an employee.

17 And that's when I told Larry, we need to get him
18 out of uniform, get his badge and gun away, get him out of
19 that vehicle that the sheriff assigned to him because he's
20 not a deputy sheriff, he's not an employee and he's
21 impersonating a deputy by being out there, so we need to
22 take those items of equipment away from him and if you
23 guys don't want to do it, being the chief of staff and the
24 sheriff's aid, I'll call him. I'll take care of it.

25 And Larry or Chief Del Mese said, well, I already

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1 told the sheriff that we have to do something and he said,
2 no, he wants him left alone.

3 I said, well, is he accepting that liability,
4 then, on behalf of the Department and the County? Because
5 you have a police imposter, basically, out there now, with
6 no authority, not an employee, per the Auditor-Controller,
7 in our County car. Who's accepting that liability?

8 I said, we can't do that. I'll call him in, I'll
9 -- as I said, I'll ask him from the car, I'll take his
10 badge and gun and Larry said no, you can't. The sheriff
11 said leave him alone, he wants to keep him in place.
12 That's it. All right. I'm out of it.

13 You guys handle it.

14 MR. MILLER: Excuse me, can I get that answer
15 read back, please.

16 (Record played back.)

17 MR. MILLER: Thank you.

18 BY MR. GORDON:

19 Q. Did I understand you to say that you told them
20 that any lawsuit over a hundred thousand -- with a
21 settlement over a hundred thousand dollars, could not be
22 entered into without Board of Supervisor or County Counsel
23 approval?

24 A. That was my understanding, yes.

25 Q. And had you seen anything that caused you to

1 believe that was the County rule?

2 A. That was just my understanding from my years of
3 experience on the Department and anything over a hundred
4 thousand always had to go to the Board for approval,
5 contractually or settlement agreements, from past
6 practice.

7 Q. And did you -- had you seen settlement agreements
8 under a hundred thousand dollars get entered into without
9 Board of Supervisor or County Counsel approval?

10 MR. MILLER: Well, that's a compound question.

11 Could you break it down?

12 BY MR. GORDON:

13 Q. Had you seen -- had you seen any settlement
14 agreements calling for payment under a hundred thousand
15 dollars, as having been entered into without Board of
16 Supervisor approval?

17 A. Yes.

18 Q. Had you seen settlement agreements calling for
19 payment by the Department of under a hundred thousand
20 dollars be entered into without County Counsel approval?

21 A. Yes.

22 Q. Had you seen settlement agreements calling for
23 payment by the Department of under a hundred thousand
24 dollars be settled -- be entered into when there was no
25 approval by either a Board of Supervisor or County

1 Counsel?

2 A. Yes.

3 Q. And were any of those settlements and lawsuits
4 brought by deputies against the Department?

5 A. The ones that I saw were part of grievance or --
6 grievances or disciplinary issues.

7 Q. Can you remember anything else during any of the
8 approximately half a dozen discussions you had with
9 Chief Del Mese and Roel Garcia concerning the issue of
10 whether the sheriff could do what he already did in the
11 way he brought Mandoyan back?

12 A. Yeah, there was some concern by me as to why Eli
13 Vera had signed the settlement agreement giving him two
14 years' backpay and stuff, given that the ranking member on
15 that panel was Tim Murakami, so I had an issue with that,
16 and I think I even asked someone, can we undo this? And
17 the response was well, we don't know because the chief
18 signed it and Mandoyan signed it so we don't know, but
19 that's something that is being looked at.

20 And then the issue of Mandoyan's status after the
21 Auditor-Controller said, no, we can't do this, you know,
22 the sheriff finally acquiesced and moved him out of the
23 office and sent him home, but with his badge and gun and
24 all the equipment of a deputy sheriff and his car, so he
25 didn't remove any of the accoutrements of the position but

1 just sent him home and told him to stay there for awhile
2 and, you know, eventually he brought him back to work
3 again.

4 Q. Do you know what role Mandoyan filled after he
5 was brought back to work following his time at home that
6 you've just described?

7 A. Well, he was brought back to work and my
8 understanding was that they put him back in the Sheriff's
9 Office and he was driving him on occasion and would take
10 him to different, you know, events as -- again, as the
11 driver, but I haven't been back to actually see that
12 myself, I've just been told that, you know, he's driving
13 him again.

14 Q. And when did you hear that he was -- that
15 Mandoyan was driving the sheriff after having been sent
16 home by the sheriff previous?

17 A. Just recently there was a Contract Cities
18 conference in Palm Springs that the sheriff attended and
19 other Contract City officials, City managers, County
20 people, and the comment was made and it was -- just -- and
21 I can't even tell you specifically who said it because it
22 was just out there, yeah, Carl's driving him. He showed
23 up and he's even sitting at the table with Alex, you know,
24 and kind of was talking about what a slap in the face to
25 the City Contract, the Contract City people for him to

1 bring this guy back and then use him and sit him right at
2 the main table.

3 Q. Did you see Mandoyan at this conference?

4 A. I did not see him, no, I was just told he was
5 there.

6 Q. Have you now told me everything you can remember
7 about the post-hiring conversations you were present for,
8 concerning the return of Mandoyan to work the way the
9 sheriff did it?

10 A. Yeah, I believe so. I mean, unless you have
11 specific -- a specific question, I... I was gone shortly
12 after that, so, you know, I don't know a lot of what's
13 transpired since then.

14 Q. One of the other things you said you communicated
15 regarding whether the sheriff could do something the way
16 he wanted to do it was you said he couldn't establish the
17 truth and reconciliation commission the way he wanted to
18 do it. Did I understand that correctly?

19 A. Yes.

20 Q. When you gave me that list of about five
21 things --

22 A. Yes.

23 Q. -- that you said you had told -- you had
24 complained about or you had registered your objection or
25 questioned about, I wrote down the second one, couldn't

1 establish truth and reconciliation commission, I think you
2 said, in the way the sheriff wanted to do it.

3 A. Yes.

4 Q. All right. Tell me what you said concerning your
5 expressed opinion that the sheriff couldn't establish the
6 truth and reconciliation -- truth and reconciliation
7 commission the way he wanted to do it?

8 A. He just wanted to establish a panel at his choice
9 and name the people that were going to be on the panel and
10 set up the framework for the panel, not involving anybody
11 else, such as the OIG or the COC and I said, well, we
12 can't do that. My understanding that any new panels or
13 any -- any panels that we create like that have to have
14 some input from the OIG and the COC. You know, we have to
15 present it to them, let them look at it, get their
16 concerns and then we can establish this, so that we're
17 working collaboratively with them.

18 We can't just arbitrarily put this in place.

19 I said, well, you can but then you're going to
20 get pushback from the OIG, you're going to get pushback
21 from the COC, and why do you want to do that to yourself?
22 It makes no sense. Just send it to them, get their
23 concurrence, get their concerns. It will probably be a
24 better outcome. So we did send that to the OIG and he
25 sent it back.

1 Q. Who is the "he"?

2 A. The OIG, the Office of Inspector General, their
3 office. I don't know -- Max Huntsman was out at the time.
4 I believe Castro-Silva, now the interim inspector general.

5 They sent back some concerns and then we sent it
6 to the Civilian Oversight Commission, but at the time that
7 I left they had not given us their concerns back, although
8 they did bring it up in an open forum meeting at the
9 Commission. Then I was gone, so I don't know what
10 happened after that.

11 Q. Now, were you aware whether County Counsel
12 participated in this truth and reconciliation panel review
13 of the Mandoyan matter?

14 A. I knew that the three panel members were there
15 but I don't know who all the other participants were
16 because the only thing I saw was that paper that said
17 Murakami, Vera and Gross were the panel.

18 Q. So you don't know whether anyone from County
19 Counsel attended that panel review meeting?

20 A. No, I don't.

21 Q. And when you expressed these concerns about
22 whether the sheriff could establish a truth and
23 reconciliation commission the way he wanted to do it, was
24 that before the panel meeting in which recommendation was
25 made to change findings in Mandoyan's discipline

1 histories?

2 A. I believe it was after.

3 MR. GORDON: Okay. I need to take a short break
4 so I can either take a -- I can -- why don't we just take
5 a couple minutes. I'll run to the bathroom, come right
6 back.

7 THE VIDEOGRAPHER: One moment.

8 MR. MILLER: Why don't we just take a lunch
9 break. How much longer do you have?

10 THE VIDEOGRAPHER: Do you want to go off?

11 MR. GORDON: Yeah. Hold on.

12 MR. MILLER: Yeah, we can go off the record.

13 THE VIDEOGRAPHER: Okay. We're off the record.

14 The time is 12:08.

15 (Recess taken 12:08 p.m. - 1:11 p.m.)

16 THE VIDEOGRAPHER: And we're back on the record.

17 The time is 1:11.

18

19 EXAMINATION (Resumed)

20 BY MR. GORDON:

21 Q. Did you ever put in any type of written form any
22 objections you had to the manner in which the sheriff
23 wanted to bring Mandoyan back?

24 A. No.

25 Q. Did you ever put in writing any objections you

1 had to the sheriff having brought Mandoyan back?

2 A. No.

3 Q. Are the same two answers true if I asked you if
4 you put any concerns in writing?

5 A. My answer's the same.

6 Q. Are your answers the same if I substituted the
7 word "questions" for "concerns" or "objections"?

8 A. Yes.

9 Q. So, so far as you know, did you ever put anything
10 in writing expressing any view you had about Mandoyan's
11 return or possible return to duty?

12 A. No.

13 Q. Have you remembered anything since we broke for
14 lunch that would allow you to make a more complete answer
15 now, than you provided before we broke?

16 MR. MILLER: You mean to any question?

17 MR. GORDON: To any question.

18 MR. MILLER: That's impossible. I object.

19 That's overbroad, it's vague, it's ambiguous.

20 You can answer it, if you can.

21 BY MR. GORDON:

22 Q. Did anything pop into your mind that allowed you
23 to remember, oh, I remember more than what I testified
24 about as to something this morning?

25 A. No.

1 Q. And specifically, do you remember any -- did you
2 remember anything, since we broke for lunch, about any
3 aspect of the Mandoyan return to duty that you testified
4 about this morning?

5 MR. MILLER: Same objection.

6 You can answer it, if you can.

7 THE WITNESS: No.

8 BY MR. GORDON:

9 Q. Have you now told me everything you can remember
10 during those approximately -- strike that.

11 Have you now told me everything you can remember
12 concerning any communications you had with anyone about
13 whether -- your views concerning whether the sheriff could
14 establish the truth and reconciliation commission as he
15 wanted to do?

16 A. Yes.

17 Q. Have you told me everything you can remember
18 about any communication you had with anyone concerning the
19 ability of the sheriff to establish the truth and
20 reconciliation commission, after he had done it?

21 A. When I left, he hadn't done it yet.

22 There was no panel when I left.

23 Q. Did you express any view at any time, that you
24 haven't already told me, concerning the sheriff's
25 establishment of a truth and reconciliation commission?

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1 A. I think I've expressed everything.

2 Q. I'm just trying to confirm. You don't remember
3 anything else than you've already told me --

4 A. Mm-hmm.

5 Q. -- about any views you had concerning the
6 sheriff's conduct in that regard?

7 Now, I think the third thing that you said you
8 expressed concern about with regard to the sheriff's plans
9 was the promotional processes.

10 Did I understand that right?

11 A. Yes.

12 Q. Can you clarify what you mean by you expressed
13 concerns about the sheriff's intentions regarding
14 promotional processes?

15 A. He was creating arbitrary requirements to promote
16 and place people to the next level. For example, for
17 promotion to lieutenant or captain, he was now mandating
18 that everybody have eight to ten years of patrol
19 experience behind them before they would be considered for
20 the position for, say, lieutenant or captain, and I told
21 him, I said, where in the class specs or the job bulletin
22 for that position does it say that? You're creating
23 arbitrary requirements that aren't supported by either
24 classification or job specs. You're going to get in
25 trouble. Somebody's going to sue you. You can't just

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1 arbitrarily change this.

2 There's a process to do that and we can get there
3 and it may take two or three years to get there, but you
4 can't just say, I'm not going to promote you because you
5 don't have ten years on patrol or you don't have a
6 combination of ten years either in supervisory position
7 and capacity in custody and patrol. Those are arbitrary
8 requirements and if you're basing your promotions on that,
9 you're going to get sued. You don't need to do that.

10 Q. And did the sheriff provide any response to your
11 expression of that concern?

12 A. Well, this is what I want to do. His response
13 was, well, this is what I want to do. This is what I want
14 people to have, when I'm looking at promoting them.

15 I said and that's okay, and four years, six years
16 down the road, they may have that but if you do it right
17 now, that is not a requirement. Show me where it says
18 that's a requirement. It doesn't exist. You're creating
19 arbitrary requirements that you're going to get in trouble
20 for.

21 Q. Was it your belief that any requirements for a
22 lieutenant or captain position, for example, had to be
23 fully stated in some type of a written form?

24 A. Yeah. There's position job bulletins which we
25 place, which we put out when we're announcing exams for

1 those positions, which dictate or state the requirements
2 to promote to that next position. They're in the job
3 bulletin that everybody has to look at and if they meet
4 the requirements in that job bulletin, they can apply for
5 the position and get promoted.

6 Also in the classification specifications which
7 are a little more detailed and go into more of the job
8 duties, which are vetted through Department of Human
9 Resources, those also have to be complied with to be
10 considered for that next level of promotion.

11 So any Civil Service protected position in the
12 Department has those job specs and those job bulletins in
13 place and if you meet those minimum requirements, you're
14 eligible to promote to the next position.

15 Q. Do you know whether the sheriff made any ultimate
16 determination on whether he was going to implement the
17 minimum tenure in the positions you've referenced?

18 A. The minimum tenure in the position, per bulletin,
19 was two years to move to be considered for the next
20 position. He chose to ignore that and said, I want ten
21 years.

22 Q. My -- were you finished? Were you finished?

23 A. Yes, go ahead.

24 Q. My question was, do you know whether he ever
25 actually implemented his preference for a -- what did you

1 say? Ten-year --

2 A. Yes.

3 Q. -- minimum requirement?

4 A. Yes.

5 Q. Did he do that?

6 A. Yes.

7 Q. Did he do that while you were still serving as
8 executive officer for the Department?

9 A. Yes.

10 Q. Did you have any conversation with anyone, after
11 he implemented that rule, concerning your view of the
12 propriety of that new rule?

13 A. I expressed it to him and I expressed it to our
14 round table of executives that were looking at different
15 people for consideration for patrol and that came up
16 because if I'm going to look at lieutenants -- we had --
17 he had put out a survey where you had to check off the box
18 as to how many years you had in your position if I want to
19 promote to lieutenant. Okay, you're a sergeant. Where
20 have you worked as a sergeant? How many years? What
21 capacity? Was it on patrol? A line function? Was it a
22 line function? If he didn't want -- he wasn't very -- or
23 particularly fond of operational positions or
24 administrative positions. Kind of discounted those.

25 So if I want to consider you for lieutenant as we

1 did in one of the lieutenant breakups -- actually
2 lieutenant to captain, he said okay, well, these guys --
3 this is the okay pile and those are the people that
4 checked off the boxes that met his new requirement that
5 they had to have ten years in patrol, custody as line
6 supervisors. So those were the okay stack.

7 The other stack was, oh, these guys don't have
8 that requirement, so don't even consider them.

9 And I said, you can't do that. They meet the
10 minimum requirement. That's why they're in -- they're on
11 the list, they're in band one. You're arbitrary -- or
12 you're arbitrarily excluding 60 percent of your candidates
13 by saying that. I said, you're going to get sued.

14 And he said, no, they'll accept the position that
15 they get because they're going to get promoted.

16 I said, Alex, there's a young Alex out there
17 someplace that's going to sue you if you implement these
18 and make these hardline requirements. So if all you can
19 do is pick from the okay pile because they've checked off
20 all your boxes, you're putting yourself at risk from these
21 people who meet the minimum requirements of the position,
22 as dictated by Civil Service and Department of Human
23 Resources, by throwing them out and not considering them.

24 And that was in open forum, two assistant --
25 three assistant sheriffs, myself, some chiefs,

1 Chief Del Mese. That was all out there.

2 Q. And I might have misunderstood you.

3 Did you say the sheriff's rule was ten years in a
4 supervisory position or ten years combined patrol and/or
5 supervisory position in custody?

6 A. If I'm looking at you for captain, he wanted ten
7 years as a lieutenant, combined of supervisory line
8 experience as a patrol lieutenant and a custody
9 lieutenant, and if you didn't have both capacities, he
10 wasn't going to consider you.

11 Q. And what about consideration for someone looking
12 to get promoted from sergeant to lieutenant?

13 A. He wanted at least four years as a supervisor out
14 in patrol.

15 Q. Was that a typical path that people applying for
16 lieutenants had on their record?

17 A. No. The minimum requirement was that you were
18 the sergeant for two years and it could be in any
19 capacity, either as an operational sergeant, a line
20 sergeant, a custody sergeant, patrol sergeant,
21 administrative sergeant, detective bureau sergeant -- as
22 long as it was two years, you were eligible to compete for
23 the position of lieutenant.

24 And then he arbitrarily imposed this four-year
25 requirement as a sergeant to move up to lieutenant.

1 Q. As far as you know, did any lawsuits result from
2 his implementation of this rule regarding requirements for
3 being promoted to lieutenant or captain?

4 A. No.

5 Q. Have you told me everything you can now remember
6 regarding any communications you had concerning your
7 opinion regarding the way he wanted to change promotional
8 processes?

9 A. Well, everything that I've just told you, and I
10 also explained to him that we can get to where you want to
11 get, but we're going to have to involve Department of
12 Human Resources, we're going to have to involve our own
13 personnel people, our classifications people.

14 The ten-year requirement that you're
15 implementing, this mandated requirement that you have a
16 higher degree, a Master's degree for captain or commander
17 -- I don't remember which one it was for -- those can all
18 get there but you're going to have to go to classification
19 through Department of Human Resources and have those
20 changes made, and eventually we'll get there and it's
21 going to take time to get there and at the same time
22 you're going to have to meet and confer with the unions
23 because now you're affecting the working conditions that
24 their employees are working under, which are your
25 employees. So until you meet and confer, you can't

1 implement these kind of changes until you get their
2 buy-off.

3 Q. Have you now told me everything you can remember
4 about any communications you had concerning your view of
5 the sheriff's plans for promotional processes?

6 A. Pretty comprehensive. I think so.

7 Q. I think the fourth thing that you said you
8 expressed a concern about was the sheriff's plans for
9 guidelines for classifications?

10 A. Yes, and that's part of the change of job
11 requirements, the job spec requirements, where you're
12 changing the classification requirements where we would
13 have to go to Department of Human Resources, get their
14 concurrence because in some cases it may have involved
15 doing a reclassification study, which we -- and the
16 Sheriff's Department does not do, that's done by the
17 outside Department of Human Resources for the County.

18 When they come in, do an evaluation and a study
19 of the position and if the changes that are being
20 requested are appropriate, they'll agree to it, get
21 concurrence from us, we'll have to go to the unions, get
22 their concurrence also, then we can -- then it will be
23 published by the County, here's the new job specifications
24 for whatever position he's looking at changing.

25 And once the County publishes that and we can use

1 that and rely on that, then we can move forward with more
2 promotions under the new class specs, under the new job
3 bulletin, because that causes a change in the job
4 bulletin. And it can be done but it takes time, it takes
5 the process and it takes working with those outside of the
6 Sheriff's Department entities.

7 Q. All right. Have you now told me everything that
8 you can remember about any opinions you expressed
9 concerning the sheriff's plans to modify the guidelines
10 for classification?

11 A. Yes.

12 Q. I think the fifth thing that you mentioned that
13 you expressed a concern about was that the sheriff had to
14 work with different entities in the County.

15 Did I get that right?

16 A. Yes.

17 Q. What did you mean by that?

18 A. We're not an island unto -- the Sheriff's
19 Department is not an island unto itself. There's rules
20 and regulations, processes that are countywide, that we
21 all have to abide by; fiscal processes, budget processes,
22 County Counsel has their role.

23 We, as a Department, have to work with those
24 different entities to do our job because we're a County
25 family. We're not the Sheriff's Department and the

1 County.

2 So you have to -- we have to work with County
3 Counsel, we have to work with the Department advocates, we
4 have to work with the CEO's office for our budgeting and
5 any changes, plans, proposals that we have, and we can't
6 just arbitrarily say, just, you know, just do this.

7 Trying to reinforce the fact that we're not
8 alone, we have to work with all these different entities.

9 And that didn't go well.

10 Q. And what do you mean, it didn't go well?

11 A. We started excluding those members of the other
12 County families from different meetings. County Counsel
13 was no longer allowed in meetings that, you know, they
14 probably should have been there because they were taking
15 actions that involved the Department and that would impact
16 the County, and so the County Counsel was being excluded.

17 We would send recommendations to -- or requests
18 through personnel at DHR, Department of Human Resources,
19 and one of the concerns that I had expressed was that if
20 we don't work with these people, they're going to slow you
21 down. You're going to send a proposal or a request to
22 them for a hiring or -- for a hiring of a person, and what
23 used to take us two weeks is going to take you two to
24 four months, and all of those things started to happen.

25 We would send a request over, we wouldn't hear

1 anything. They wouldn't return our calls, they wouldn't
2 answer emails.

3 So the drawbacks of not doing that were that
4 everything was being slowed down and what just exactly
5 what I said was going happen to him and he was going to be
6 -- you know, have a difficult time trying to move forward
7 with things he wanted to do with like the hiring of a
8 thousand deputies and, you know, promotion of other
9 people.

10 Q. While you were serving as executive officer
11 between early December 2018 and March 18th, 2019, were you
12 aware of any requirement that deputies be on an
13 eligibility list before they could be brought on to duty?

14 A. It's the only way you can be hired. You have to
15 take a test, a written test, a written exam and if you
16 pass that, you get put on the list to continue the process
17 of hiring for deputy sheriff.

18 Q. And who maintained that list?

19 A. It was a combination of us and Department of
20 Human Resources. They have to certify the testing.

21 Q. Was the test that you're talking about, a Civil
22 Service administered test?

23 A. It's a Civil Service exam, yes.

24 Q. Was it a test designed solely for sworn peace
25 officers for the Los Angeles Sheriff's Department?

1 A. Deputy sheriff, yes.

2 Q. Did the Sheriff's Department administer any test
3 to prospective applicants for a deputy position with the
4 Sheriff's Department that was different from the Civil
5 Service administered test?

6 A. No, it's the same test.

7 Q. Other than the December 13, 2018, meeting that
8 you testified about earlier in which Liz Miller and Chris
9 Keosian and the sheriff and Chief Del Mese and Chief Vera
10 and Steve Gross and Irma Chevalier were present at, did
11 you attend any other meetings in which a County Counsel
12 representative was present and the Mandoyan matter was
13 discussed?

14 A. No.

15 Q. Were you employed in any job after your service
16 with the Sheriff's Department terminated on March 18th,
17 2019?

18 A. Anywhere?

19 Q. Yeah, in any type of job which you were being
20 paid for.

21 A. I worked a few events for APEX Security Group.

22 Q. And when you say you worked events, what do you
23 mean?

24 A. APEX Security Group is the security group that
25 represents -- that works at Ram games -- I think those are

1 the only games I worked at -- to provide any security
2 within the stadium for a Ram game.

3 Q. Other than -- strike that.

4 And about how many events do you think you worked
5 for APEX?

6 A. Maybe eight or nine.

7 Q. Other than performing services in a security
8 capacity for APEX after you terminated your service at
9 LASD on March 15th (sic), 2019, did you work in any other
10 job?

11 A. No. I'm sorry, since March 18th, 2009 -- 2019?

12 Q. Yeah.

13 A. I haven't worked any job since I was terminated,
14 no.

15 Q. So when were you working security jobs for APEX?

16 A. This was in September through October of 2018.

17 Q. Before you came back to the Department, while you
18 were on disability or --

19 A. I was retired.

20 Q. -- while you had retired?

21 A. I was retired.

22 Q. During your period of retirement?

23 A. Yes.

24 Q. I'm sorry, what was the date of your retirement,
25 originally?

1 A. March 18th.

2 Q. No, on disability.

3 A. Oh.

4 Q. Or strike that.

5 When did you retire, prior to coming back to the
6 Department, what was the date of that?

7 A. February 27th, 2016.

8 Q. Who was the sheriff of LA County at the time that
9 you retired from the Department in February of 2016?

10 A. Jim McDonnell.

11 Q. Now, were you involved in any way with overseeing
12 any aspect of the disciplinary process under the McDonnell
13 administration?

14 A. No, sir.

15 Q. Did you have any involvement at all with the
16 disciplinary process under Jim McDonnell's administration?

17 A. No, sir.

18 Q. Are you familiar with any of the procedures that
19 were used during the disciplinary process for LASD
20 deputies under the McDonnell administration?

21 A. No.

22 Q. Are you familiar with any approval requirements
23 that existed concerning the discipline of any deputy under
24 the McDonnell administration?

25 A. I may or may not be. I don't know if they were

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1 the same ones carried over from Lee Baca or if they were
2 new under McDonnell.

3 MR. MILLER: The answer is, then, "I don't know."

4 THE WITNESS: I don't know.

5 BY MR. GORDON:

6 Q. Do you remember any of the approval requirements
7 that existed concerning the discipline of deputies while
8 you were at the Department working under Lee Baca?

9 A. Yes.

10 Q. What approval requirements are you familiar with
11 that existed during the time you worked at the Department
12 under Lee Baca?

13 MR. MILLER: This is getting pretty far afield.

14 I sure hope we're not going to take a lot of time
15 with this. How many years ago was that?

16 THE WITNESS: Jim came on in '16. '14.

17 That's five, six years ago now. Maybe seven.

18 BY MR. GORDON:

19 Q. Okay. During that time can you list for me any
20 requirement -- any approval requirements that you remember
21 were in place?

22 A. For imposing discipline on a deputy sheriff?

23 Q. For the review of any discipline.

24 A. Yeah. It would be a process. The process would
25 be the investigation was requested by either the captain

1 of the unit that the deputy was assigned to or by a
2 division chief or by someone in that chain of command that
3 recognized that there was an issue that needed to be
4 addressed.

5 The investigation would be conducted either by a
6 lieutenant or sergeant assigned to that unit assignment or
7 by Internal Affairs Bureau.

8 Once the investigation was completed, depending
9 on what the allegations were, the severity of potential
10 discipline, it would either be reviewed by the captain of
11 the unit, who had the discretionary ability to approve
12 anywhere from zero to 15 days of time off, again, but with
13 the concurrence of the chief, but he had the initial
14 approval for that.

15 Anything that was going to require discipline of
16 16 days or more, or up to discharge, would require a
17 division chief to make that determination and submit that
18 to a case review panel.

19 And once the -- on the 16 to 20-day process, if
20 the division chief deemed that, yeah, we're either going
21 to give this guy 20, 25 days, 30 days, or we're going to
22 discharge him, now it's going to be set for case review.

23 Case review was a panel that was chaired by the
24 undersheriff or -- and two assistant sheriffs.

25 So any of those high day or discharge cases were

1 presented to case review. If the case review panel
2 concurred with the division chief as to what he's
3 recommending for discipline, then that chief would be
4 told, okay, we agree, we concur with your proposed
5 discipline.

6 A letter of intent would then be sent to the
7 affected employee, letting him know that we're going to do
8 15, 20, 30 discharge days.

9 On a discharge case, the employee had the
10 opportunity to request a Skelly hearing, which the chief
11 could hold somewhere in the next 20 to 30 days or at the
12 concurrence of the employee's attorneys or union
13 representative.

14 At that point the employee had the opportunity to
15 present facts that were not brought out before, that would
16 change the chief's decision which had already been
17 concurred with by the undersheriff and those two assistant
18 sheriffs.

19 If the employee had a case and changed the mind
20 of the chief, the chief would request further
21 investigation by Internal Affairs or whoever the involved
22 investigators were.

23 Then he was supposed to take it back to case
24 review, present the new information to the undersheriff
25 and two assistant sheriffs and give his reasoning as to

1 why the initial discipline, proposed discipline, was
2 reached in error and we should now do this instead.

3 That was the process, you know, as it worked.

4 If it was discipline from zero to 15 days or one
5 to 15 days, there would be a grievance that the employee
6 would file and the grievance would then be handled by the
7 initial captain at his level.

8 If he made changes, he would have to get
9 concurrence with the chief. If he denied it, then it
10 would go to the chief for the chief's approval to make any
11 recommendations -- make any changes, and if the chief made
12 changes, then there would be a new letter of intent sent
13 to the employee and then that discipline would be imposed,
14 after which --

15 Q. Okay, so let me just try and shorten it.

16 I should have been more specific, as far as
17 discharge decisions. So you don't need to talk about the
18 one to 15-day cases.

19 A. Okay.

20 Q. So can you just -- have you told me everything --
21 I think you had gotten to the one to 15.

22 Are you familiar -- can you finish your answer,
23 focusing only on the discharge cases?

24 A. I think I gave you most of it.

25 On the discharge case it had to be taken to case

1 review undersheriff, two assistant sheriffs.

2 The chief would present the findings.

3 At that place and time we would also ask County
4 Counsel to concur with this. County Counsel would say yea
5 or we have some concerns but we've addressed them with the
6 chief, and then we would also ask the Office of Inspector
7 General, hey, do you concur with this or do you have some
8 concerns that we haven't addressed?

9 When those two parties chimed in, then we would
10 say, okay, as undersheriff or exec officer, we make a
11 decision we concur with the chief's findings, go ahead and
12 do a letter of imposition and, you know, move forward.

13 Q. And after the Department moved forward, they
14 issued a letter of imposition and the person was
15 discharged?

16 A. We would issue a letter of intent to the
17 employee, telling him that it was the intent of the
18 Department to discharge you from your employment of deputy
19 sheriff. Upon receiving that, the employee had, I believe
20 ten days, to request a Skelly hearing with the chief that
21 had sent him that letter or, you know, start at the
22 disciplinary process.

23 Usually the employee's representative or a union
24 would file that, and then both parties would agree to a
25 Skelly hearing and at that point the employee had the

1 opportunity to present any additional facts not brought
2 into the case that would change or impact the decision
3 that had been reached and concurred with.

4 If there was no change in the discipline or there
5 was nothing he could bring forward that would change the
6 chief's mind, the chief would say okay and then they would
7 send the letter of imposition, telling the employee that
8 on this date you'll be terminated, you'll be discharged
9 from the Sheriff's Department.

10 Q. And then are you familiar with any approvals that
11 had to be obtained to settle a dispute over discipline
12 after the letter of imposition had been issued?

13 A. After the letter of imposition had been issued,
14 the employee would be discharged and he would have to file
15 an appeal through Civil Service, and then Civil Service
16 would be the governing body at that point and the employee
17 would have to, through his representatives, file the
18 appeal in Civil Service and then that process would take
19 place.

20 Q. Right. And what I'm asking you, are you familiar
21 with any approvals that could be obtained to have LASD
22 settle a dispute with a deputy over discipline that had
23 been imposed during the time the case had already been
24 filed in Civil Service?

25 MR. MILLER: If you know.

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1 THE WITNESS: There -- there had been some cases
2 where, because of the -- whatever the nature of the case
3 was -- and I don't have a specific case to cite -- but if
4 it looked like it was going to be a pretty long, drawn out
5 thing and they could reach a common ground on the employee
6 -- something else may have surfaced that we didn't know
7 about initially -- but the employee's attorney could ask
8 for a settlement in this process when it went to Civil
9 Service and if the Department agreed, working through
10 County Counsel, we would reach a settlement before it was
11 fully adjudicated in the Civil Service Commission, yes.

12 BY MR. GORDON:

13 Q. Are you aware of any requirement, during the
14 McDonnell administration, that someone from County Counsel
15 personally had to sign an agreement settling a lawsuit
16 brought by a deputy challenging discipline imposed on him?

17 A. I don't know.

18 Q. Are you aware of any requirement, during the
19 McDonnell administration, that an attorney, a contract
20 attorney acting at the direction of County Counsel, had to
21 sign an agreement settling a lawsuit brought by a deputy
22 challenging discipline imposed by the LASD?

23 A. I don't know.

24 Q. Are you aware of any requirement during the Baca
25 administration that someone from County Counsel's office

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1 had to sign an agreement settling a lawsuit brought by a
2 deputy challenging his discipline?

3 A. Our practice in high dollar settlements or --
4 were that we would have to have County Counsel's
5 concurrence with that, yes.

6 Q. That was the hundred thousand dollar plus
7 requirement that you referenced previously?

8 A. Either a hundred thousand dollars or even in the
9 60, 70, 80,000, because those would still have to go to
10 the claims Board for approval.

11 Q. What was the minimum amount that the Department
12 could settle without having to get County Counsel or Board
13 of Supervisors approval?

14 A. Somewhere between 10 and \$20,000.

15 Q. What if no money was being paid?

16 A. I don't know.

17 Q. Now, do you know whether, other than Mandoyan,
18 any cases were settled by the Department, by a deputy who
19 had been disciplined during the time you were executive
20 officer?

21 A. Disciplined during the time I was or...

22 Q. Let me rephrase the question.

23 Do you know of any settlements, during the time
24 you were executive officer from December 3rd or 4th, 2018
25 to March 18, 2019, that were with a deputy who had been

1 discharged?

2 MR. MILLER: You're asking about other than
3 Mandoyan?

4 MR. GORDON: Yeah, I think I said other than
5 Mandoyan.

6 MR. MILLER: Other than Mandoyan's purported
7 settlement that we contend was illegal?

8 MR. GORDON: Yeah, that's not a valid objection.

9 If you want to state a legal ground for an
10 objection, Skip, do it. You shouldn't be telling your
11 witness what to say, or giving him an idea.

12 State your legal ground for the objection.

13 MR. MILLER: I'm sorry if I upset you.

14 I didn't intend to. Calm down.

15 MR. GORDON: Do you think that was a legal ground
16 for an objection?

17 MR. MILLER: Chill.

18 MR. GORDON: Skip? Do you? No.

19 How many years have you been doing this?

20 MR. MILLER: I gave you my --

21 BY MR. GORDON:

22 Q. All right, you can answer.

23 MR. MILLER: -- opinion. I hope -- I did it to
24 try to move this along, to clarify that you were not
25 asking about Mandoyan, and I did characterize our position

1 of Mandoyan. We think it was a blatantly illegal,
2 unauthorized, ultra vires settlement.

3 MR. GORDON: Yeah, that's shocking.

4 I've never heard that before, but that's not a
5 legal ground for an objection at a deposition.

6 MR. MILLER: All right, let's move on with the
7 deposition, John.

8 BY MR. GORDON:

9 Q. All right. Can you answer my question?

10 A. I believe there were two others that I was made
11 aware of, Deputy Gregory Rodriguez, who I believe he had
12 been discharged, I'm not sure, because all I was shown was
13 a settlement agreement.

14 There was a deputy at East LA station who was
15 given six months backpay under the settlement agreement.

16 And then another deputy, a Deputy David Motts,
17 who I believe had been discharged for domestic violence
18 issues and was being brought back or was being considered
19 for bringing back, I think that was -- both of those were
20 by Chief Vera.

21 Q. And did you have any involvement in either of
22 those?

23 A. No.

24 Q. How did you find out about them?

25 A. I got a call from personnel, asking if I was

1 aware of a six -- of the proposed six-month backpay
2 settlement agreement that they were going to have to
3 process through the Auditor-Controller and I said, I have
4 no idea what you're talking about and that's when they
5 sent me a copy and it said that we were bringing him back
6 or reinstating him to his position as deputy sheriff and
7 returning six-month or giving him six months backpay and
8 we removed three charges of the two or -- no, that's
9 Motts. We did something with the charges, but he was
10 brought back and Chief Vera signed that.

11 And then in Motts' case, I believe that was a
12 discharge and it had not been completed before I left, but
13 I had voiced my objections to Assistant Sheriff Murakami
14 about Motts because I had heard that that was being
15 proposed, to return him to duty, because I had heard that
16 they were going to remove three of the charges that he had
17 been founded on and discharged on, which would have
18 removed him from being one of the deputies whose cases
19 could be disclosed under the AB 1421 new law, that three
20 of those charges were going to be taken out, and I asked
21 Murakami if he was aware of that case because this was
22 going to hurt the sheriff and he needed to know about the
23 case, and Murakami said he didn't know anything about it
24 and I said, well, you need to find out more about this
25 case before this moves forward because it's a domestic

1 violence issue. We're already dealing with Mandoyan. He
2 does not need this, so can you find out?

3 And right after I had that discussion, I was
4 terminated, so I have no idea what they did or if he was
5 brought back or what.

6 MR. GORDON: So we'll designate as confidential,
7 the testimony identifying by name the two deputies that he
8 referenced in his answer.

9 Q. Are the two other settlements or proposed
10 settlements that you've just testified about with deputies
11 who had been disciplined, the only other settlements or
12 proposed settlements you were aware of with discharged
13 deputies besides Mandoyan, during the time you were
14 executive officer? Strike that.

15 Let me rephrase the question.

16 Other than the two deputies you identified by
17 name as being ones other than Mandoyan who you knew about
18 settlements for, are there any other deputies that you
19 remember having cases settled while you were executive
20 officer?

21 A. There may have been one more deputy out in the
22 Lancaster station area that had been discharged for
23 excessive force. I don't remember -- recall seeing them,
24 off the top of my head, but that was handled by -- through
25 Assistant Sheriff Murakami's office also, and I don't

1 think that had been completed when I got terminated.

2 But that was a proposed return to duty also.

3 Q. Have you now told me everything you can remember
4 about any involvement you had with any settlements with
5 deputies who were challenging their discipline during the
6 time you were executive officer, besides Mandoyan?

7 A. No. There were several smaller cases that were
8 involving changes in discipline from three -- five to
9 seven days, that were being dropped down to three or
10 four days, and there were some small dollar amounts being
11 considered.

12 Because when I had heard about the East LA case
13 involving the six-month backpay, I called advocacy in our
14 legislative unit and told them any significant dollar
15 settlement agreements that are being proposed, unless I
16 personally approve those, they are not to move forward.

17 And I said, we do not have a blank checkbook. We
18 are not allowing this to go forward, so anything that's
19 high dollar, I need to have my approval on that.

20 And I got a call within a week or two from a
21 sergeant there saying, hey, I have these four cases. I
22 said, well, what do they involve? Very small days, number
23 of days or amount of money, and I said I'm okay with that.

24 That's our normal process. That's okay.

25 But any high-dollar amounts had to come to me,

1 and I never got one after that.

2 Q. And to be clear, if I limit my question to
3 discharges, have you told me about all the settlements
4 that you're aware of during the time you were executive
5 officer: Mandoyan and one or both of the other two
6 deputies you first referenced?

7 A. And the third one from Lancaster.

8 Q. And a third one from Lancaster?

9 A. Right.

10 Q. So four total?

11 A. That's all that I'm aware of.

12 Q. Have you now told me everything you remember
13 about any role you might have played as executive officer
14 in any approval of any of the settlements of those four
15 cases?

16 A. Yes.

17 Q. And in your mind, did you give your approval to
18 the settlement of any of the four cases involving
19 discharge that you've referenced: Mandoyan, the other
20 two, and the one from Lancaster?

21 MR. MILLER: So we're -- just for the record,
22 Rodriguez, Motts, the Lancaster deputy, and Mandoyan, did
23 you give your approval?

24 THE WITNESS: No.

25 MR. GORDON: And again, I would move to deem

1 confidential, the reference to the individual deputies'
2 names.

3 MR. MILLER: I have no problem with that, by the
4 way. Confidential -- confidentiality, if it's required by
5 law, we agree to it.

6 THE WITNESS: Absolutely.

7 BY MR. GORDON:

8 Q. Is it your understanding that there is a
9 confidentiality requirement regarding identification of
10 discipline matters?

11 A. Personnel records, sure.

12 Q. Have you told me everything you're aware of
13 concerning the -- any official procedures there were for
14 rehiring or reinstating a deputy who had been discharged
15 by the Department during the McDonnell administration?

16 A. I didn't know anything about that.

17 Q. Have you told me anything you know about the
18 official procedures that govern the rehiring or
19 reinstatement of a deputy who was discharged -- strike
20 that.

21 Have you told me any official procedures you're
22 aware of in place during the Villanueva administration,
23 that governed the rehiring or reinstatement of a deputy
24 who had been discharged?

25 A. Yes.

1 Q. Are you aware of the McDonnell administration
2 ever rehiring a deputy who had been previously discharged?

3 A. I don't know.

4 Q. Do you know whether the McDonnell administration
5 ever reinstated a deputy who had been discharged by the
6 Department?

7 A. I don't know.

8 Q. Have you ever held any personal views about
9 Deputy Mandoyan's discharge -- strike that.

10 Have you -- strike that.

11 Am I correct in understanding you had no
12 involvement whatsoever in the discharge of Mandoyan?

13 MR. MILLER: You mean in 2016?

14 BY MR. GORDON:

15 Q. Yeah, the discharge, and any stage of the
16 process.

17 A. No, sir.

18 Q. Did you even know the name "Mandoyan"?

19 A. No, sir.

20 Q. When is the first time you even heard the name
21 "Carl Mandoyan"?

22 A. November of 2018.

23 Q. And how did you hear about Carl Mandoyan in
24 November of 2018?

25 A. I had attended a meeting with the sheriff on --

1 to address his transition team, and he introduced Carl as
2 someone who had worked with him on his campaign.

3 Q. And did you learn any of the facts surrounding
4 his discharge, prior to the time you became executive
5 officer?

6 A. No, sir.

7 Q. Did you know, prior to the time you became
8 executive officer, that Carl Mandoyan had been discharged?

9 A. No, sir.

10 Q. Did you ever hold any personal views about the
11 sheriff's decision to return Carl Mandoyan to duty as an
12 LASD deputy, that you haven't already expressed in this
13 deposition?

14 A. No.

15 Q. Have you had any personal views about Carl
16 Mandoyan's discharge from LASD that you haven't already
17 expressed during this deposition?

18 A. Yes.

19 Q. I'm sorry, you do have other views that you
20 haven't expressed. What other views haven't you expressed
21 during this deposition, about the decision to discharge
22 Carl Mandoyan?

23 A. And again, I did not get into all the facts of
24 the case because I tried to stay out of that arena, but
25 it's my own belief that he was -- his case was adjudicated

1 and imposed under McDonnell's tenure. It went to Civil
2 Service. Civil Service is notoriously in favor of the
3 employee, and Civil Service upheld the discharge against
4 Mandoyan, which to me speaks volumes about the credibility
5 of the case that the Department presented.

6 So my personal opinion is that if he was
7 discharged and they went to Civil Service and the entire
8 Commission upheld the Commission -- or the hearing
9 officer's findings, then there's probably a lot of
10 credibility and a lot of truth to what was presented.

11 So I couldn't understand why we were taking on
12 this battle. It just didn't make any sense to me.

13 Q. Do you know approximately what percentage of
14 discharge decisions get overruled by the Civil Service
15 Commission for deputies?

16 A. I don't offhand. I don't know what they are.

17 Q. Do you have any idea what they are?

18 A. Overruled?

19 Q. Right.

20 A. In the deputy's favor?

21 Q. Yes.

22 A. And just taking a guess, when I was back
23 full-time --

24 MR. MILLER: Don't guess. Don't speculate.

25 If you have knowledge, say so.

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1 THE WITNESS: I don't know.

2 MR. MILLER: Don't guess.

3 BY MR. GORDON:

4 Q. So do you have any idea --

5 A. No, not now.

6 Q. -- other than a pure guess?

7 A. Other than a pure guess now, no.

8 MR. MILLER: Witnesses tend to start guessing
9 when they get tired in the afternoon.

10 THE WITNESS: My apologies.

11 MR. MILLER: Don't do that.

12 BY MR. GORDON:

13 Q. Well, you can guess, so long as I ask you for a
14 guess and you tell me, "All I'm doing is guessing."

15 MR. MILLER: I don't agree with that.

16 MR. GORDON: Well, we have a difference of
17 opinion.

18 MR. MILLER: We definitely have a difference of
19 opinion.

20 BY MR. GORDON:

21 Q. You understand that if I ask you, even after you
22 say you don't know, can you guess, can you give me any
23 idea, that I'm asking you only for a guess or an idea,
24 rather than actual knowledge. Do you understand that?

25 MR. MILLER: And I'm telling you not to do it. I

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1 don't want you to speculate. He told you that at the
2 beginning, and I agree with him about that.

3 So let's go on.

4 MR. GORDON: I actually did not give him an
5 instruction on speculation. Look at the record. And as a
6 matter of -- well, I don't need to argue with you.

7 Q. Do you have any negative feelings towards Alex
8 Villanueva as a result of your experience with him in 2018
9 to 2019?

10 A. No.

11 Q. Have you had any negative feelings toward Alex
12 Villanueva regarding your dealings with him in 2018 or
13 2019?

14 A. No.

15 Q. Have you ever expressed any negative feelings
16 towards Alex Villanueva since December of 2018?

17 A. Him personally?

18 Q. Yes.

19 A. No.

20 Q. Him as the sheriff of Los Angeles County?

21 MR. MILLER: Well, he's testified at length about
22 his views of how he was operating. You don't want him to
23 go back over that, do you? Objection, overbroad, asked
24 and answered extensively, for hours.

25 BY MR. GORDON:

1 Q. Other than -- other than anything you've
2 testified about today, have you had any negative feelings
3 about Alex Villanueva, that you've expressed to anybody?

4 A. No.

5 Q. Did you ever hear anyone assert that James
6 McDonnell's decision on discipline of a particular LASD
7 officer was based in some way on the officer's lack of
8 support from McDonnell, the sheriff?

9 A. No.

10 Q. Is this the first time you've ever heard that
11 allegation?

12 A. From you.

13 Q. In my question?

14 A. Yes.

15 Q. Did you ever learn of anything that caused you to
16 suspect that Jim McDonnell's decision on discipline of a
17 particular officer might be based in some way on the
18 officer's feelings towards McDonnell?

19 A. No.

20 MR. GORDON: I'm handing the reporter to mark as
21 Exhibit 4, a document entitled Respondent's/Defendant's
22 Sheriff Alex Villanueva and Los Angeles County Sheriff's
23 Department Notice of Deposition of Raymond Leyva.

24 (Exhibit 4 marked.)

25 BY MR. GORDON:

1 Q. Would you look at that and go to Exhibit 1, about
2 halfway through, where it's a deposition subpoena.

3 Look about halfway through the document.

4 MR. MILLER: Excuse me, can we go off the record
5 for one second, please? Hello?

6 THE VIDEOGRAPHER: We're off the record. The
7 time is 2:02. This will be the end of Disc No. 2 of the
8 deposition of Mr. Raymond Leyva.

9 (Recess taken 2:02 p.m. - 2:08 p.m.)

10 THE VIDEOGRAPHER: And we're back on the record.

11 The time is 2:08. This is Disc No. 3 of the
12 deposition of Mr. Raymond Leyva.

13 BY MR. GORDON:

14 Q. Is this a copy of the deposition subpoena that
15 was served on you?

16 A. Yes.

17 Q. Now, originally it called for you to appear on
18 May 31st. Do you see that?

19 A. Yes, sir.

20 Q. But ultimately, after various events, it was
21 agreed you'd appear today, right?

22 A. Yes, sir.

23 Q. Now, after you got the subpoena, did you look
24 through the subpoena to review the requests for documents
25 1 through 42 that are included in the subpoena?

1 A. Yes, I did.

2 Q. What, if anything, did you do to search for any
3 of the 42 categories of documents demanded by the
4 deposition subpoena?

5 A. Well, I didn't do much of anything. When I left
6 the Department, I walked out with nothing.

7 Q. So as of today, you have no documents responsive
8 to any of the 42 categories in your deposition subpoena;
9 is that correct?

10 A. That's correct.

11 Q. Since the time you walked out of the Department
12 on March 18th, 2019, did you ever have in your possession,
13 custody or control, any of the documents described in
14 requests for production 1 through 42?

15 A. No, sir.

16 Q. And when I say "documents," I'm referring to
17 either paper documents or documents stored electronically.
18 You understood that, right?

19 A. Yes, sir.

20 Q. Since... strike that.

21 From the time that you were told on March 18th by
22 Sheriff Villanueva that he was removing you as executive
23 officer, until the time that you literally walked out of
24 the building, how much time do you think passed?

25 A. An hour.

1 Q. And during that one hour, can you remember what,
2 if anything, you did?

3 A. Yes.

4 Q. What did you do during that one hour?

5 A. I shook his hand, I shook Larry Del Mese's hand,
6 I congratulated Tim Murakami, who happened to walk into
7 that meeting right before or right after Alex told me I
8 was being replaced, congratulated him.

9 I walked out, told his lieutenant aid that I had
10 just been fired. I went to my office and in the office,
11 Assistant Sheriff Gutierrez and Olmsted were waiting,
12 because we normally would have a 10:00 o'clock meeting
13 before we met with Alex at 11:00. They both happened to
14 be there, so I walked into the office, I closed the door
15 and I said, I just want to let you know that I've been
16 fired and I'll be leaving as soon as I can get my stuff
17 together, and I got a blanket, a couple of coffee cups
18 that I had and told them what had transpired, exactly as I
19 told you earlier.

20 They were shocked, to say the least. And I said,
21 you know, there's nothing else for me to do here, so you
22 guys, you know, take care of the troops.

23 I walked out, told my secretary, hey, I've just
24 been fired, I'm leaving. Told my aid, I've been fired,
25 I'm leaving. Bob Olmsted -- and I said, but I will need a

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1 ride home, since you're keeping the car, and Bob Olmsted
2 and my aid walked me down to the car and my aid gave me a
3 ride home and that was it.

4 Q. So did you leave the Department with any LASD
5 records of any sort?

6 A. No, sir.

7 Q. And during the -- after you were told that you
8 were being replaced, did you transfer any LASD records?

9 A. No, sir.

10 Q. Are you withholding any records called for by
11 requests for production 1 through 42, based on any
12 objection to any of those requests?

13 A. No, sir.

14 Q. Have you ever learned of any evidence that
15 supported -- strike that.

16 Have you ever learned of any evidence not in Carl
17 Mandoyan's personnel file that supported his defense to
18 any of the allegations that you understood he was found to
19 have been guilty of?

20 A. No.

21 Q. Have you ever heard of an LASD deputy named Lisa
22 Richardson?

23 A. No.

24 Q. Have you heard of LASD sergeant whose last name
25 is Ram, R-A-M?

1 A. No.

2 Q. Did you have any involvement at all in the
3 Sheriff's -- Sheriff's Department's litigation of
4 Mandoyan's writ petition proceedings in Superior Court
5 concerning his discharge?

6 A. No, sir.

7 Q. Were you aware that Mandoyan had writ petition
8 proceedings ongoing in Superior Court, at any time while
9 you were the executive officer?

10 A. No, sir.

11 Q. Did you ever discuss with anyone why you weren't
12 a participant in the truth and reconciliation commission
13 panel review of Carl Mandoyan's discharge?

14 A. I believe I discussed it with Chief Del Mese
15 after I had heard about it and I went down and asked him,
16 when did this happen? That was about it.

17 Q. And what did he say?

18 A. He said it's a sheriff's panel.

19 He had him do it.

20 Q. Did you and Del Mese discuss anything else,
21 besides what you've just told me?

22 A. No. I just shook my head and walked away.

23 Q. Why did you shake your head?

24 A. Because it went contrary to everything I'd been
25 saying, that this was not an appropriate action to be

1 taking.

2 Q. Is that the only discussion you ever had with
3 anyone about why you weren't a participant in the truth
4 and reconciliation panel review of Mandoyan's discharge?

5 A. I may have talked to the three assistant sheriffs
6 when we had our Monday morning meeting, asking them if
7 they were aware of it, but that would have been about it.

8 Q. Are you aware of any other facts concerning Carl
9 Mandoyan being returned to duty, that you haven't already
10 testified about today?

11 A. No.

12 Q. Do you know whether, prior to the return of Carl
13 Mandoyan to duty by LASD, anyone employed by the Board of
14 Supervisors learned of a desire by Sheriff Villanueva to
15 return him to duty?

16 A. I don't know if they did or not.

17 I mean, it was in the papers.

18 Q. Had you read in the papers about the sheriff's
19 desire to bring Mandoyan back to duty, prior to the time
20 it occurred?

21 A. I don't know the time frame.

22 I know I read about it.

23 Q. Do you know whether anyone employed by the
24 executive officer of the Board of Supervisors learned,
25 before Mandoyan's return to duty, that the sheriff wanted

1 to have him return to duty?

2 A. I don't know.

3 Q. Same question for the Office of Inspector
4 General.

5 A. I don't know if they did or not.

6 Q. Same question for the Office of County Counsel.

7 A. I don't know.

8 Q. Same question for the Board of Supervisors.

9 A. I don't know.

10 Q. Now, before -- strike that.

11 Between the time -- between the time that you
12 returned to the Department on or about December 3rd or
13 4th, 2018, and the last day of your employment on
14 March 18th, 2019, did you ever communicate with Maya Lau
15 of the LA Times?

16 A. I talked to her a couple of times during that
17 stretch of time.

18 Q. On either occasion did you discuss any aspect of
19 the Mandoyan matter?

20 A. No.

21 Q. What was the subject of the first communication
22 you had with Maya Lau at the time you were executive
23 officer under Sheriff Villanueva?

24 A. I believe she called to congratulate me and
25 wanted to know how I felt about being the new undersheriff

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1 for the Department, and just a social, how are you doing?
2 How do you like it? How is it going?

3 I said, you know, it's exciting, I'm very excited
4 about it, I think I can do good things and, you know,
5 looking forward to working with Alex.

6 Q. And when, approximately, was this?

7 A. Probably within the week of coming into the
8 Department.

9 Q. Have you told me everything you now remember that
10 was said during that conversation?

11 A. Yeah, pretty much.

12 Q. When was the second time you spoke to Maya Lau
13 while you were executive officer?

14 A. Maybe two, three weeks later -- well, maybe even
15 longer than that, maybe a month into that, in January
16 sometime.

17 Q. How did that -- how did the communication
18 originate?

19 A. She called the office.

20 Q. Did you speak with her?

21 A. Very briefly.

22 Q. About what?

23 A. She wanted to know about Carl Mandoyan and I told
24 her. I said, I don't know. I can't talk about that.
25 You're going to have to talk to the sheriff.

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1 Q. Any other discussion with her during that second
2 call?

3 A. That was all she wanted to know and I wasn't
4 answering anything.

5 Q. As executive officer, did you discuss the
6 Mandoyan matter with any representative of any media
7 source? Besides what you've just testified concerning a
8 brief conversation with Maya Lau?

9 A. I stayed out of that arena. No, sir.

10 Q. So the -- so the answer is no?

11 A. No.

12 Q. During the time you were executive officer, did
13 you talk to any member of the media concerning Alex
14 Villanueva, other than the references that you made to him
15 during your two calls with Maya Lau?

16 A. I may have talked to Celeste Fremon from
17 Witness LA. I tried not to talk to the media.

18 That was our information bureau's job.

19 Q. When you say you might have talked to her, what
20 makes you think you did talk to her?

21 A. Well, I know I talked to her when I got fired.
22 She wanted to know what was going on. And I told her the
23 same thing I told you and Maya, you know, I said he's
24 going to replace me, I thanked him for the opportunity,
25 wished him the best and walked out.

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1 Q. So if you did have a conversation with Maya Lau
2 after you were discharged -- after you were fired --

3 A. Right.

4 Q. -- in which you said basically what you just
5 said --

6 A. Yes.

7 Q. -- was that a third --

8 A. I mean that was a third one.

9 Q. But that was after you were no longer executive
10 officer, right?

11 A. Yes.

12 Q. All right. Other than talking to Celeste Fremon
13 of Witness LA and Maya Lau, did you speak to any other
14 member of the media, after you were fired, concerning Alex
15 Villanueva?

16 A. No, sir.

17 Q. Did you communicate, in your mind, indirectly
18 with a member of the media through anyone else about Alex
19 Villanueva, after you were terminated?

20 A. No, sir.

21 Q. After you were no longer executive officer, did
22 you intentionally convey to the media any information
23 about Carl Mandoyan?

24 A. No.

25 Q. Have you told me everything -- strike that.

1 Other than what you've already told me during the
2 deposition today, did you ever communicate with any
3 representative of County Counsel about the Mandoyan -- any
4 aspect of the Mandoyan matter?

5 MR. MILLER: Objection. Attorney-client
6 privilege. Instruct you not to answer.

7 MR. GORDON: So to be clear, I will break that
8 down so I have a clear record of what the refusal is.

9 Q. During the time you were executive officer, did
10 you speak with anyone representing County Counsel's Office
11 about the Mandoyan matter, other than what you've already
12 testified about today?

13 MR. MILLER: Objection. Attorney-client
14 privilege, instruct you not to answer.

15 BY MR. GORDON:

16 Q. After the time you walked out of the Sheriff's
17 Department on March 18, 2019, did you ever speak with
18 anyone from County Counsel about the Mandoyan matter?

19 A. After I walked out? No.

20 Q. Did you ever communicate indirectly with County
21 Counsel after -- strike that.

22 After you were no longer an employee of LASD, did
23 you speak with anyone representing County Counsel about
24 the Mandoyan matter?

25 A. No.

1 Q. And did you communicate -- to be clear, did you
2 communicate indirectly with anyone from the County
3 Counsel's Office?

4 A. No.

5 Q. After -- strike that.

6 During the time you were executive officer, other
7 than what you've already testified about today, did you
8 ever communicate with anyone from the Office of Inspector
9 General about the Mandoyan matter?

10 A. No.

11 Q. After you left the Department on March 18, 2019,
12 did you ever speak with anyone representing the Office of
13 Inspector General about the Mandoyan matter?

14 A. No.

15 Q. Did you ever indirectly communicate with anyone
16 you understood to represent the Office of Inspector
17 General about the Mandoyan matter, after you left the
18 Sheriff's Department?

19 A. No.

20 Q. During the time you were executive officer, did
21 you ever communicate with anyone you understood to be
22 representing or participating in the Civilian Oversight
23 Commission?

24 A. Did I ever talk to anyone?

25 Q. Concerning Mandoyan.

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1 A. I may have talked to the chair about it.

2 Q. Under what circumstance -- strike that.

3 About when did you speak with the chair of the
4 COC regarding the Mandoyan matter?

5 MR. MILLER: Don't guess or speculate. If you
6 remember, great. If not, you don't.

7 THE WITNESS: I believe it was at the January COC
8 meeting, Civilian Oversight Commission meeting.

9 BY MR. GORDON:

10 Q. And was that -- strike that.

11 Was anyone else from the Sheriff's Department
12 present at that meeting, besides you?

13 A. My aid was in the audience.

14 Q. And what was your aid's name, again?

15 A. Dominic Valencia. And I don't know.

16 I think there were a couple deputies there but I
17 don't know who they were.

18 Q. Was that a publicly open meeting?

19 A. Yes, sir.

20 Q. What, if anything, did you say during that
21 meeting about the Mandoyan matter?

22 A. During the meeting, nothing.

23 Q. After the meeting or before the meeting, did you
24 speak with the chair of the commission about the Mandoyan
25 matter?

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1 A. She asked me about it and I talked to her about
2 it.

3 Q. Is that before the meeting?

4 A. Before the meeting.

5 Q. How long did that communication take?

6 A. About 30 seconds.

7 Q. What did she ask?

8 A. She said, what's going on with this Mandoyan
9 character that your sheriff's trying to hire or hired
10 back? I said Ms. Higgins, I can't talk to you about that
11 because I wasn't involved in it. You're going to have to
12 speak to the sheriff.

13 Q. Is that the sum and substance of everything you
14 said?

15 A. That was the sum and substance of everything I
16 talked about.

17 Q. During the time you were executive officer, did
18 you ever communicate directly or indirectly with anyone
19 from the Board of Supervisors about the Mandoyan matter?

20 A. No.

21 Q. After you were no longer executive officer, did
22 you ever communicate directly or indirectly with the Board
23 of Supervisors about the Mandoyan matter?

24 A. No.

25 Q. And you understood my question, when I referenced

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1 the Board of Supervisors, to mean the Board of Supervisors
2 or their staff or any of their agents, right?

3 A. Yes.

4 Q. And when I asked you questions about
5 communications with the OIG, did you understand my
6 questions to include the OIG or any employees of the OIG?

7 A. Yes.

8 Q. And same as to County Counsel, right?

9 A. Yes.

10 Q. After you -- strike that.

11 During the time you were executive officer, did
12 you cause to be provided to anyone affiliated with OIG,
13 any document concerning the Mandoyan matter?

14 A. No.

15 Q. After you left the Department, did you?

16 A. No.

17 Q. Same questions as to the Board of Supervisors.

18 A. No.

19 Q. Is your answer no as to both?

20 A. To both, no.

21 Q. Same as to County Counsel, no as to both?

22 A. Yes and no.

23 Q. Tell me what the "yes" -- tell me what the "yes"
24 part is.

25 MR. MILLER: Wait, wait. Let's not infringe on

1 attorney-client privilege here. The question was did you
2 give any document. You said yes.

3 Now, if you get into what you gave, what and so
4 forth, that sounds like attorney-client privilege. I
5 don't want you going there, so I would object on that
6 basis and instruct you not to answer, then.

7 BY MR. GORDON:

8 Q. How many documents did you give to anyone
9 representing the County Counsel concerning the Mandoyan
10 matter, while you were executive officer?

11 MR. MILLER: Same instructions -- same objection,
12 same instruction. I don't think that's fair game at all.

13 MR. GORDON: It doesn't disclose any
14 communication, but we'll take that up later. All right.

15 Q. How many times did you give a document -- one or
16 more documents to County Counsel concerning the Mandoyan
17 matter, while you were still executive officer?

18 A. Once.

19 Q. And with regard to that one time you gave one or
20 more documents to County Counsel while you were executive
21 officer, did you clear that with anyone from the
22 Department, before doing it?

23 A. No.

24 Q. Did you intentionally try to keep secret your
25 providing of that document to County Counsel?

1 A. No.

2 Q. Did you make any record of providing the document
3 to County Counsel?

4 A. No.

5 Q. Did you reveal to anyone at the Department, at
6 any time, that you had given the document to County
7 Counsel?

8 MR. MILLER: You know what I'd like to do? This
9 involves privilege. I'd like to take a short break and
10 talk to my client about the nature of the privilege and
11 because I don't really -- I'm not sure what's going on
12 here and... take a short break in that regard.

13 THE VIDEOGRAPHER: Off the record, Counsel?

14 MR. GORDON: All right.

15 MR. MILLER: Per your instructions.

16 THE VIDEOGRAPHER: We're off the record.

17 The time is 2:30.

18 (Recess taken 2:30 p.m. - 2:32 p.m.)

19 THE VIDEOGRAPHER: And we're back on the record.

20 The time is 2:32.

21 MR. MILLER: Okay, off the record -- I want to
22 just say for the record, I went off the record, talked to
23 my client. Definitely privileged. My objection,
24 instruction, were well taken, as usual, and they stand.

25 MR. GORDON: All right. We just said off the

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1 record, so was that on the record or off the record?

2 THE VIDEOGRAPHER: I said we're on the record.

3 MR. GORDON: Okay, all right.

4 MR. MILLER: We're good.

5 MR. GORDON: Just to be clear, so that it's clear
6 what's, quote, on the record, can you repeat the last
7 question?

8 (Record played back.)

9 THE VIDEOGRAPHER: Yes.

10 MR. GORDON: That was the last question?

11 THE VIDEOGRAPHER: Yeah, that was the last
12 question.

13 MR. MILLER: And I objected on privilege and I
14 ascertained that it is definitely -- this whole thing is
15 privileged. These are communications with County Counsel
16 while he was executive officer/undersheriff.

17 BY MR. GORDON:

18 Q. Why did you send the document to County Counsel,
19 while you were executive officer, that you have refused to
20 identify?

21 MR. MILLER: Objection. Attorney-client
22 privilege. Instruct you not to answer that question,
23 please.

24 BY MR. GORDON:

25 Q. Did you believe at the time you were -- you sent

1 the document to County Counsel that you've refused to
2 identify, that you were doing so in order to reflect
3 negatively on the sheriff, Alex Villanueva?

4 A. No.

5 Q. Did you believe that you were doing something to
6 support the sheriff, Alex Villanueva, in sending the
7 document to County Counsel that you refuse to identify?

8 A. Yes.

9 Q. Who was it at County Counsel's Office you sent
10 the document to?

11 MR. MILLER: Un, wait, wait.

12 MR. GORDON: That's privileged?

13 MR. MILLER: I'm thinking about it, John. Relax.
14 You can answer the question.

15 THE WITNESS: Rick Brouwer.

16 BY MR. GORDON:

17 Q. And what caused you to send the document to Rick
18 Brouwer, as opposed to anyone else at the County Counsel's
19 Office?

20 MR. MILLER: I think we're now getting into
21 attorney-client privileged communications, "what caused
22 you," and I instruct you not to answer that, please.

23 BY MR. GORDON:

24 Q. Do you know what -- do you know whether anyone at
25 the Sheriff's Department ever learned about you sending

1 the document to County Counsel, that you've refused to
2 identify?

3 MR. MILLER: He's not refusing. He's refusing
4 only because I'm objecting and instructing him, otherwise
5 he's been extremely cooperative with all of your
6 questions.

7 BY MR. GORDON:

8 Q. You can answer my question.

9 A. Do I know if anybody found out?

10 Q. Right.

11 A. Yes.

12 Q. Who found out?

13 A. Chief Matt Burson.

14 Q. And when do you know that Chief Matt Burson found
15 out?

16 A. Because he's the person I called and asked for
17 the document from.

18 Q. Did you tell him why you wanted the document?

19 A. Yes.

20 Q. What did you tell him?

21 A. That I wanted the counsel because I needed it --
22 or the information because I needed to have it reviewed
23 and looked at.

24 Q. And when was this?

25 A. Probably February, middle February.

1 Q. So you told Matt Burson you were going to send
2 the document to County Counsel?

3 A. Yes.

4 Q. Did Matt Burson say anything about that?

5 A. No.

6 Q. So the document that you sent to County Counsel
7 was a preexisting document that was not created, to your
8 knowledge, for the purpose of communicating information to
9 County Counsel; is that right?

10 A. That's right.

11 Q. It was a Sheriff's Department document --

12 A. Yes.

13 Q. -- that already existed before you ever called
14 Matt Burson; is that right?

15 A. Yes.

16 MR. GORDON: And you're still asserting privilege
17 over the communication of that document to County Counsel;
18 is that correct?

19 MR. MILLER: Yeah.

20 MR. GORDON: All right.

21 MR. MILLER: I mean, look, look, I --

22 MR. GORDON: Why you think a preexisting LASD
23 document becomes privileged as a result of simply
24 communicating to County Counsel, you take --

25 MR. MILLER: Just wait a second. Wait a second.

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1 I was starting to talk. I just don't want to waive any
2 privilege here, any communications between Mr. Leyva and
3 County Counsel. That's all I care about.

4 MR. GORDON: Preexisting.

5 MR. MILLER: Otherwise, I don't care.

6 If you want to ask him what the document was he
7 got from Burson, I don't care.

8 BY MR. GORDON:

9 Q. What document did you obtain from --

10 MR. MILLER: And by the way, thank you for me
11 giving you a good question.

12 BY MR. GORDON:

13 Q. What document did you obtain from Matt Burson?

14 A. The Mandoyan IAB case file.

15 Q. And so by sending that to County Counsel, you
16 believed that you were supporting Sheriff Villanueva's
17 position?

18 A. Yes.

19 Q. Why did you think you were supporting his
20 position by sending to County Counsel -- Deputy County
21 Counsel Rick Brouwer, the Mandoyan discipline case file?

22 A. Because of the years of experience that I had
23 working with him in his role as our advocate, our advocate
24 general in the litigation advocacy side of the Department,
25 I thought he would be able to help us in the situation.

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1 Q. Why did you think he would be able to help you?
2 Before I ask you that question, who do you mean by "us"?

3 A. The Department, Alex.

4 Q. Why did you think that sending him the IAB case
5 file on Mandoyan was going to help the Department?

6 MR. MILLER: We're getting close to privilege
7 now.

8 BY MR. GORDON:

9 Q. I'm asking what you thought in your own mind, not
10 what anyone told you.

11 MR. MILLER: Okay, go ahead and answer it.

12 THE WITNESS: That if there was anything at all
13 that was positive, that could be helpful to Alex to get
14 him out of the mess that he had gotten himself into, that
15 because of the years of experience and knowledge we had in
16 place, that we might be able to find something that would
17 give him a way out.

18 BY MR. GORDON:

19 Q. Is that the entirety of your reasoning at the
20 time?

21 A. Yes.

22 Q. Other than the one document that you obtained
23 from Matt Burson that you provided to County Counsel, did
24 you provide to anyone else outside the Los Angeles
25 Sheriff's Department any document concerning Carl

1 Mandoyan?

2 A. No, sir.

3 Q. Did you provide any explanation to Matt Burson at
4 the time for why you wanted the Mandoyan IAB file?

5 A. Just what I told you, that if there was any way
6 that we could find something that would help get Alex out
7 of the mess he was in, we might be able to do it.

8 Q. So you explained that to Matt Burson at the time
9 you asked for the file?

10 A. Yes.

11 Q. Have you ever testified as a witness at a trial?

12 A. Yes.

13 Q. About how many times?

14 A. A hundred or more.

15 Q. How many of those hundred or more times were
16 criminal cases?

17 A. Probably 85, 90.

18 Q. How many -- and of the remaining cases, what type
19 of cases were they? Generally speaking.

20 A. Just violations of State law, burglaries,
21 robberies, child abuse.

22 Q. I think you misunderstood my question or maybe I
23 misstated it. Other than the 85 or so times that were
24 criminal cases, what were the other types of cases,
25 generally, that you testified about? In?

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1 MR. MILLER: He's answering your question.

2 He said child abuse --

3 MR. GORDON: Well, that's a criminal case.

4 THE WITNESS: That's a criminal case. But some
5 civil cases. And I'm putting together civil depositions
6 at the same time -- together, and I probably shouldn't.

7 BY MR. GORDON:

8 Q. Okay, all right.

9 For a clearer record, I'm just trying to
10 determine the times you've testified as a witness at a
11 trial, and you said over a hundred times, probably.

12 A. Mm-hmm.

13 Q. And you think about 85 percent of the time it was
14 a straight criminal case, right?

15 A. Mm-hmm.

16 Q. And then of the other time -- other type, some
17 were civil cases, right?

18 A. Yes.

19 Q. Were any administrative-type cases that had a
20 hearing?

21 A. A Civil Service Commission, yes.

22 Q. About how many times did you do that?

23 A. Half dozen.

24 Q. And of the civil cases, can you break them out
25 for me generally what types of cases they were?

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1 A. On the disciplinary cases at the Civil Service
2 Commission were use of force, general behavior. Those
3 were the -- those were the main ones, yeah. And then
4 through another civil trial was a use of force case in
5 federal court.

6 Q. What was your role as a witness in that case?

7 A. Just as a witness.

8 Q. A percipient witness?

9 A. Yes.

10 Q. Have you ever served as an expert witness?

11 A. Yes.

12 Q. How many times have you done that?

13 A. Half-dozen times.

14 Q. How long ago were those cases?

15 A. Oh, 30 years ago, 35 years ago.

16 Q. What type of expert did you testify as in those
17 cases?

18 A. Narcotics investigator.

19 Q. In each one of them?

20 A. Yes.

21 Q. Other than serving as a narcotics investigator
22 testifying about narcotics-related issues as an expert,
23 did you ever serve as an expert witness?

24 A. No.

25 Q. And apart from the two times that I think you

1 spoke with Mr. Miller's colleagues in connection with
2 preparing for this deposition, have you been interviewed
3 by anyone in connection with any LASD matter, since you
4 left the Department on March 15th?

5 A. March 18th.

6 Q. March 18th.

7 A. No.

8 Q. Now, other than what you've already testified
9 about today, did you learn of anything else that Sheriff
10 Villanueva did, that you consider to be inappropriate?

11 A. From what source, along what lines? From the
12 Department? From the newspapers? Where?

13 Q. Right. Excluding anything you may have heard
14 from newspapers, did you ever learn of anything -- have
15 you learned of anything else that you consider Alex
16 Villanueva to have done, that you consider to be
17 inappropriate?

18 A. No.

19 Q. So you didn't hear that he cheated on his income
20 tax or robbed 7-11s, anything?

21 A. No.

22 MR. MILLER: He said something pretty bizarre
23 yesterday. I don't know if you caught that.

24 BY MR. GORDON:

25 Q. Now, other than anything by Alex Villanueva, have

1 you learned of any conduct by any of his senior executive
2 staff that you consider to be inappropriate?

3 A. No.

4 Q. Now, did you attend a Board of Supervisors
5 meeting along with Sheriff Villanueva and Assistant
6 Sheriff Tim Murakami and Lieutenant Sergio Escobedo?

7 A. When and...

8 Q. January of 2019 Board of Supervisors meeting.

9 A. Yes.

10 Q. Were you sitting in the gallery, as opposed to up
11 with --

12 MR. MILLER: Excuse me for a minute. Was this an
13 open public meeting or was it a closed session?

14 THE WITNESS: Open public meeting.

15 MR. MILLER: You can testify to open public
16 meeting. Closed session, with attorneys there, different
17 story.

18 BY MR. GORDON:

19 Q. Were you sitting in the gallery at the time with
20 Tim Murakami and Sergio Escobedo?

21 A. I thought I was. I thought Tim was up front with
22 Alex, and I was in the back.

23 Q. So your recollection is that Assistant Sheriff
24 Murakami was with Sheriff Villanueva at the front?

25 A. Yes.

1 Q. Who were you sitting next to?

2 A. I don't know.

3 Q. Do you remember whether Sheriff Villanueva made
4 any comment to the Board concerning Carl Mandoyan, during
5 that hearing you were attending?

6 A. I'd have to look at the transcripts of the Board.
7 I don't know.

8 Q. Do you remember snickering at any comment that
9 Sheriff Villanueva made to the Board of Supervisors at a
10 late January 2019 meeting in which you were sitting in the
11 gallery?

12 MR. MILLER: Snickering?

13 MR. GORDON: Snickering.

14 THE WITNESS: No.

15 BY MR. GORDON:

16 Q. Do you remember audibly expressing some
17 disapproval of a meeting -- of a comment that Alex
18 Villanueva made at a late January 2019 Board of
19 Supervisors meeting while you were sitting in the gallery?

20 A. No.

21 Q. Did Sheriff Villanueva make any comment at a late
22 January 2019 Board of Supervisors meeting that you thought
23 was worthy of your disapproval?

24 A. I don't know.

25 I don't know what the comments were.

1 Q. You don't remember him making any comments, as
2 you sit here today, that you thought were worth your
3 disapproval; is that right?

4 A. I don't remember the comments, no.

5 Q. In connection with your work for APEX -- strike
6 that.

7 The last time you worked for APEX was before you
8 returned to the Department in December of 2018; is that
9 right?

10 A. Yes.

11 Q. Now, you referenced earlier a communication that
12 you had with Celeste Fremon of Witness LA.

13 A. Yes.

14 Q. What's your understanding of what Witness LA is?

15 A. It's a -- I guess a internet podcast, I guess you
16 would call it.

17 Q. Is it a website that people -- that it has
18 articles posted on it?

19 A. Yes.

20 Q. And people can comment on articles?

21 A. Yes.

22 Q. Now, have you posted messages on Witness LA using
23 the title or name "25 Cents More"?

24 A. No.

25 Q. Have you posted any messages on Witness LA at any

1 time using a title or a name other than your own?

2 A. I don't know how to post on Witness LA.

3 Q. Have you ever directed anyone to post a message
4 on Witness LA for you?

5 A. No.

6 Q. Now, the first quarter 2019 while you were
7 executive officer, did you do anything to facilitate the
8 promotion of Sandra Solis to the position of director of
9 bureau operations for Los Angeles Sheriff's Department?

10 A. I went to the sheriff and asked if we could put
11 her and John McBride as co-captain/co-director of the
12 Personnel Bureau because we needed to get our office and
13 affairs in order and we needed to start hiring a thousand
14 deputies to make things work.

15 So I asked him to allow us, in conjunction with
16 Larry Del Mese, who was with me when we made the pitch, if
17 it would be okay for him -- with him if we put the two of
18 them in place. John would be central to recruitment,
19 pre-employment and backgrounds, and Sandra would run the
20 rest of the Personnel Bureau until we got things up and
21 running, and then we would consolidate the two factions
22 again. And that was on a Wednesday afternoon.

23 He said okay and we put the teletype out that
24 John and Sandra Solis would be acting director and acting
25 captain on Friday afternoon.

1 Q. When was this?

2 A. Whatever the week before they got made actors. I
3 don't know. It was in January, maybe. Maybe December.

4 I don't know.

5 Q. So you asked -- you're saying you asked the
6 sheriff, in front of Larry Del Mese, right?

7 A. With Larry Del Mese.

8 Q. Larry Del Mese was also making the request?

9 A. Yes.

10 Q. Was anyone else present during that
11 communication?

12 A. The sheriff, Larry and myself.

13 MR. GORDON: I'm handing the reporter to mark as
14 Exhibit 5, a document, two pages, dated March 5th, 2019,
15 addressed to Maryanne, M-A-R-Y-A-N-N-E; Keehn, K-E-E-H-N,
16 from Ray Leyva, Undersheriff.

17 (Exhibit 5 marked.)

18 BY MR. GORDON:

19 Q. Do you recognize --

20 MR. MILLER: What does this have to do with the
21 case?

22 BY MR. GORDON:

23 Q. Do you recognize this letter?

24 MR. MILLER: Wait, wait, objection.

25 What does this have to do with our case?

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1 MR. GORDON: Is your objection relevance?

2 MR. MILLER: Yeah. It's irrelevant, it's not
3 relevant to the subject matter of the case. It's not
4 reasonably calculated to lead to the discovery of
5 admissible evidence, and it appears to pertain to -- it
6 appears to contain confidential personnel information
7 about law enforcement officers. I'm going to object to
8 its use without some kind of an offer of proof from you,
9 and I'm going to instruct him not to answer it unless
10 there's some showing that it has something to do with this
11 case and it's not violative of the law.

12 BY MR. GORDON:

13 Q. Do you recognize this letter?

14 A. Yes.

15 MR. GORDON: Okay, I'll also move to designate
16 this as confidential.

17 MR. MILLER: Yeah, but you didn't answer the
18 other part of my question.

19 BY MR. GORDON:

20 Q. Is this a letter that you signed in order to have
21 Sandra Solis promoted to a higher rank?

22 MR. MILLER: I'm going to object. I'm going to
23 tell you -- I'm going to instruct you not to answer this,
24 based on relevancy and harassment. I don't know what's
25 going -- I don't know Sandra Solis, I don't know that she

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1 has any connection whatsoever to the Mandoyan case, and
2 I'm shutting down this whole line of inquiry unless and
3 until -- and I'm trying to be reasonable -- you make some
4 kind of an offer of proof, John, that this has something
5 to do with the Mandoyan case.

6 I've given you very wide latitude, I haven't made
7 these kinds of objections at all, but this looks like it's
8 completely irrelevant. As far as I know, Sandra Solis is
9 still an employee of the LA County Sheriff's Department,
10 and I'm not going to allow him to answer questions about
11 her and drag her into the case unless there's some showing
12 that it's related to Mandoyan.

13 BY MR. GORDON:

14 Q. At the time you signed the March 5th, 2019,
15 letter requesting Ms. Solis's promotion, did you have any
16 type of relationship with Ms. Solis, other than simply
17 co-workers for LASD?

18 MR. MILLER: Same instruction -- same objection,
19 same instruction. And that's also harassing, it's
20 unbecoming, it's unnecessary, and I'm going to ask you to
21 stop doing that. Next question.

22 BY MR. GORDON:

23 Q. Did you ever have any discussion with Alex
24 Villanueva or any of his senior executives regarding your
25 request that -- strike that.

1 Did you seek any approval to have this particular
2 letter sent on behalf of Sandra Solis's promotion?

3 MR. MILLER: Same objection that I made a few
4 minutes ago. Same instruction.

5 BY MR. GORDON:

6 Q. Now, when you were brought back to the Department
7 as executive officer, did you attempt to create a new
8 position for yourself titled Chief Deputy Sheriff?

9 A. Sheriff? No.

10 Q. Did you attempt to create a new position for
11 yourself titled Chief Deputy?

12 A. Yes.

13 Q. What was the official formal title you were
14 trying to create for yourself?

15 A. It was Chief Deputy/Undersheriff.

16 Q. And what was your purpose in doing that?

17 A. So we could formalize the usage of the
18 "undersheriff" title.

19 Q. Are you saying that there was no formal title
20 "undersheriff" at the time you were trying to do this?

21 A. Not for a civilian position, no.

22 MR. GORDON: I'm asking the reporter to mark as
23 Exhibit 6, a two-page unsigned letter dated February 5th,
24 2019, to Ms. Sachi Hamai --

25 MR. MILLER: Can I have a copy?

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1 MR. GORDON: -- from Alex Villanueva.

2 (Exhibit 6 marked.)

3 MR. MILLER: Can I read it for a minute, please?

4 Okay, you can go ahead and ask about this letter.

5 It's background information, I guess.

6 BY MR. GORDON:

7 Q. Did you cause the unsigned letter marked
8 Exhibit 5 (sic) to be prepared?

9 A. Yes.

10 Q. Why?

11 A. Well, as it explains in the letter, the initial
12 appointment to the executive officer was let's get this
13 done, let's get him in place, and once we're in place,
14 then we can create this position that more appropriately
15 would pay for the second in command for the Sheriff's
16 Department.

17 So to do that and still comply with my disability
18 requirements, we needed to created a chief
19 deputy/undersheriff spot that was a civilian in nature,
20 not having any safety implications at all.

21 So we created this letter which complied with the
22 PREPA requirements, with the LACERA requirements, and we
23 sent it to the sheriff for his review or his approval in
24 moving it forward.

25 Q. Now, when you say "we," who is the "we"?

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1 A. Well, just me.

2 Q. Are you saying you sent a copy of the proposed
3 letter dated February 5th, 2019, to the sheriff before it
4 was sent out?

5 A. It was never sent out, to my knowledge.

6 Q. Who did you send it to in order to run it by the
7 sheriff?

8 A. I had it created, I had talked to Chief Del Mese
9 about it, that this was what I was doing to, as we had
10 talked about before the election, once we got in place.

11 And then once this letter was created, I gave it
12 to my secretary and I said, hey, can you take this down to
13 Alex, see if he can get it -- if he'll sign it, and if
14 he's not around, if he'll agree to an auto sign and if
15 not, we'll just wait and see what happens.

16 And then I would go back periodically every
17 couple of weeks, hey, has Alex still got that letter? Is
18 he going to move forward on it? What are we going to do?

19 Q. Who are you saying you would go to to ask if Alex
20 still had your proposed letter?

21 A. The Lieutenant Garcia who was in charge of the
22 correspondence that was necessary for signature from Alex,
23 what they called the blue folder, and Larry Del Mese,
24 both.

25 Q. What was the blue folder?

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1 A. I don't know. It was just stuff that they gave
2 him, they said, well, it's in his blue folder, he's got
3 it. Okay. Just a manila folder.

4 Q. Was the blue folder, documents that were for the
5 sheriff's personal review and hard signature?

6 A. If that was in there, I would assume so.

7 Q. No, was that your purpose in order -- was your
8 purpose to send him this proposed letter for his personal
9 review before it got sent to --

10 A. Oh, absolutely.

11 Q. -- the chief executive officer of Los Angeles
12 County?

13 A. Absolutely.

14 Q. Did you ever personally discuss with the sheriff,
15 the preparation of this letter?

16 A. I talked to him about the letter and I even asked
17 him, subsequent to that, hey, how are we doing -- or do
18 you still have the letter? And his response was, yeah,
19 I've still got it, I'm still looking at it. Okay.

20 Q. Did you explain which letter you were referring
21 to?

22 A. Yes.

23 Q. What letter did you tell him you were referring
24 to?

25 A. About creating the chief deputy spot.

1 Q. Did he say -- ever say anything to you about
2 creation of a chief deputy spot?

3 A. As to... well, when...

4 Q. Before you sent him this letter, had you had any
5 discussions with him about creation of a spot called chief
6 deputy?

7 A. Yes.

8 Q. When did you first discuss that with him?

9 A. Oh, probably within the first four to five weeks.

10 Q. Of?

11 A. Coming into office, say late -- end of December,
12 early January, because as the letter explained, we
13 initially put me on the executive assistant position
14 because that was vacant and they could get me working
15 right away, and then the intent was to create a executive
16 level position, commensurate with creating a number two
17 spot on the civilian side that would be appropriate for
18 the Sheriff's Department, to match what the chief deputy
19 was at the DA's office, the Public Defender's Office, that
20 were all civilian positions. So it was -- we talked about
21 it and we started putting the letter together.

22 Q. Whose idea was it to create the position?

23 As far as you know.

24 A. Probably both of us because we had talked about
25 salary placement and because of the position that we had

1 to use. They wanted to use that executive assistant for
2 something else so, well, then we need to create something
3 to put me on, to get me off of the executive assistant.

4 Q. Do you know approximately how much more in
5 compensation a year the undersheriff or the chief deputy
6 position you were trying to create would pay, than the
7 executive officer position you held?

8 A. It would be closer to -- I was -- under the
9 executive assistant position, I was being paid \$11,000 a
10 month, I believe. 10, 11. And the undersheriff funded
11 item which would be used to pay for this, was, un, I think
12 at 28,000 a month, but given the restrictions of PEPRO, we
13 would never reach that dollar amount.

14 It would be closer to 22,000 a month.

15 Q. And what did you say? PEPRO?

16 A. Public Employees Pension Reform Act. We just
17 used that item as the funding source to create it. I
18 mean, it could have been any salary range but we
19 identified it as the funding source for the new item, no
20 impact to the Department. Because it was already a
21 budgeted item, we were just going to use it to fund a
22 civilian chief deputy/undersheriff item.

23 Q. Did you believe that there was any conflict
24 between the position you held and your prior retirement on
25 disability?

1 A. No. We vetted that before we took the position.

2 Q. When you say "we," who is the "we"?

3 A. Well, I had -- I questioned LACERA and -- to make
4 sure that the position I was placed in did not conflict
5 with any of my disability requirements and that it did not
6 conflict with State law.

7 Q. And did anyone communicate with you that there
8 would be no conflict?

9 A. LACERA. LACERA sent the Department a letter
10 saying that they were -- there was no conflict with the
11 position, which is why we moved forward.

12 Q. Did you ever cause the February 5th proposed
13 letter that you had prepared for Alex Villanueva,
14 addressed to Ms. Sachi Hamai, to be placed in the auto
15 signature file --

16 A. No, sir.

17 Q. -- for the sheriff?

18 A. No, sir.

19 Q. Did you ever say anything to anyone suggesting
20 that that's what you were proposing be done, that it be
21 put in an auto signature file?

22 A. When I initially asked my secretary to take it
23 down, told her to take it down to Alex, if he's available,
24 and then see if he can sign it or if he'll approve having
25 it auto signed. If not, we'll wait for him.

1 That was the one and only time I ever said that.

2 Q. The only time you ever referenced auto signature?

3 A. Yes, sir.

4 Q. Who was your secretary?

5 A. Un, Dana Giambalvo.

6 Q. I'm sorry, who?

7 A. Dana Giambalvo.

8 Q. Can you spell that?

9 A. G-I-A-M-B-A-L-V, like victor, O.

10 Q. Did you believe, at the time you submitted this
11 letter for transmission, signature and transmission to
12 Sachi Hamai, that it was a type of letter that Sheriff
13 Villanueva would personally want to review?

14 A. He should review that. We're creating a very
15 high-level executive position in the Department.

16 That's why we sent it to him.

17 Q. You say "we." Who is the "we"?

18 A. I just use "we" as me. That's why it was sent to
19 the sheriff for his signature and review. We can't do
20 something like that without the sheriff's authority.

21 Q. Did you communicate with Lieutenant Shawn Kehoe
22 in any way about submission of a request by the sheriff to
23 the CEO of LA County for creation of this new chief deputy
24 position?

25 A. Yes.

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1 Q. When did you do that?

2 A. During the time that we were preparing the
3 letter.

4 Q. What communications did you have with Lieutenant
5 Kehoe about submitting this request to the chief executive
6 officer, Ms. Hamai?

7 A. I wanted -- I asked him to review this, to make
8 sure that we were in compliance with existing State law
9 and the LACERA requirement over my disability retirement,
10 and that the verbiage in this did not conflict with that,
11 because we wanted to remain in compliance with State law
12 and we wanted to make sure that when and if, by transition
13 over to this position, we didn't do anything to violate
14 what the LACERA Board had already said was -- were
15 appropriate duties for my position.

16 MR. GORDON: Let's take a quick comfort break.

17 MR. MILLER: Okay.

18 THE VIDEOGRAPHER: One moment, please.

19 MR. MILLER: Off the record.

20 THE VIDEOGRAPHER: We are off the record. The
21 time is 3:07. This will be the end of Disc No. 3 of the
22 video deposition of Mr. Raymond Leyva.

23 (Recess taken 3:07 p.m. - 3:13 p.m.)

24 THE VIDEOGRAPHER: And we're back on the record.

25 The time is 3:13. This will be Disc No. 4 of the

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1 video deposition of Mr. Raymond Leyva.

2 MR. GORDON: I'm handing to the reporter to mark
3 as Exhibit 7, a two-page email chain, the top email being
4 from Shawn R. Kehoe on February 5th, 2019, to Rhonda L.
5 Hennessy, H-E-N-N-E-S-S-Y.

6 (Exhibit 7 marked.)

7 BY MR. GORDON:

8 Q. Would you take a look at that document, please?

9 A. Okay.

10 Q. Did you ever see any of these emails before I
11 just showed them to you?

12 A. No.

13 Q. Going back to the first email at 12:52 p.m. on
14 page 2, did you ever learn from anyone that any letter
15 sent -- had been sent from the Personnel Administration
16 Bureau to the CEO, requesting the undersheriff
17 administration position?

18 A. No.

19 Q. And then on page 1, the bottom email from Shawn
20 Kehoe on February 5th at 3:48 p.m. to Rhonda L.
21 Hennessy --

22 MR. MILLER: Excuse me for interrupting you, this
23 looks like a personnel -- where is it? These look like
24 personnel issues and you're not designating them
25 confidential. Is there a reason why?

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1 MR. GORDON: No, I am going to designate them
2 confidential, as soon as we finish this line of
3 questioning.

4 MR. MILLER: Oh, okay.

5 MR. GORDON: If you want me to do it in the line
6 of questioning at the end, that's fine too.

7 MR. MILLER: I think you should do it --

8 MR. GORDON: I would designate this entire line
9 of questioning about Exhibit 7 as confidential, and if --

10 MR. MILLER: And I think 5 and 6, Exhibits 5
11 and 6, are personnel.

12 I think you should designate those too.

13 MR. GORDON: Well, I did.

14 MR. MILLER: If you're going to comply with the
15 law.

16 MR. GORDON: Well, I did designate -- didn't I
17 designate 5 as confidential?

18 MR. MILLER: No, I don't think so.

19 MR. GORDON: I believe I did but -- I believe I
20 did but to be clear, of course 5 should be deemed
21 designated confidential, 6 should be designated
22 confidential, and 7 should be designated confidential.

23 MR. MILLER: Okay. And we agree because these
24 are, you know, sheriff personnel-related documents, and I
25 agree with that.

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1 MR. GORDON: And the testimony concerning each of
2 these three exhibits should also be deemed designated
3 confidential.

4 MR. MILLER: Fine.

5 BY MR. GORDON:

6 Q. With regard to the email from Shawn Kehoe that I
7 was just asking about on the bottom of page 1, do you know
8 where the job duties he referenced there came from,
9 advising the sheriff on administrative, legislative and
10 operational matters, overseeing Department activities,
11 using good judgment, and some driving?

12 A. The job duties? They were the exact same job
13 duties we listed on the executive assistant position,
14 which complied with State law and with LACERA requirements
15 and with County requirements for bringing me back as a
16 120-day rehire.

17 MR. GORDON: All right.

18 I have no further questions at this time.

19 MR. MILLER: All right. Well, I have a few.

20 You've done a very thorough job as usual, John,
21 so I'll try not to be repetitive, just to clarify some of
22 the points that you raised.

23 THE VIDEOGRAPHER: Do you want to change seats?

24 MR. MILLER: No, we can just stay here.

25 I'm not going to take that much.

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EXAMINATION

BY MR. MILLER:

Q. Mr. Gordon -- Mr. Leyva, Mr. Gordon asked you about any negative feelings that you had toward Alex Villanueva, and you said no. My question to you is did you support his -- initially, at least, support his -- and throughout the campaign, his election, his campaign and election for sheriff?

A. Yes, I did. In fact, I even --

MR. GORDON: Sorry.

MR. MILLER: You don't sound good, John.

MR. GORDON: Yeah.

MR. MILLER: I'll make this brief.

MR. GORDON: Taking Cold-Eeze.

Sorry about that.

THE WITNESS: Yes, I did.

In fact, I believe I was the first person to write a check to fund his campaign in '17, maybe.

BY MR. MILLER:

Q. You testified at length about the -- I think we called it the sheriff's panel or the truth and reconciliation panel wasn't properly formed or constituted by the time you left. Do you recall that testimony?

A. Yes.

1 Q. Could you explain what you meant by that?

2 A. They had used the title that a panel previously
3 used when they reviewed the Mandoyan or created a decision
4 to bring Mandoyan back to the Department, they used that
5 title, but that panel had not been created or approved by
6 the Department, the unions, OIG, COC or anybody because we
7 had -- the only thing we had done up to the time and prior
8 to my being terminated was that we had sent a draft policy
9 to OIG and COC saying, this is what we think we're going
10 to do, as far as creating the truth and reconciliation
11 panel.

12 We sent that document, it was a one-page policy
13 statement, to OIG and they responded with some concerns
14 but we never got a response from COC.

15 At the COC hearing, I believe in January -- and I
16 don't know which one it was -- they raised that issue and
17 expressed a number of concerns, and I thanked them for
18 bringing that out but I reminded them that we had sent
19 them that policy and asked for their concerns so that we
20 could take it back, revise it, review it and then send
21 them what we would hope to be a final version so that we
22 could move forward with creating the panel.

23 I don't know what happened after that because I
24 was terminated, so...

25 Q. So you were terminated on March 18th, 2019,

1 correct?

2 A. Right. And there was still no panel created at
3 the time that I left.

4 Q. Okay. So to the extent a, quote, group -- I
5 think it was -- you testified it was Tim Murakami, Eli
6 Vera and some chief named Gross -- what was his first
7 name?

8 A. Steve. Steve Gross.

9 Q. Steve Gross. To the extent they met on or about
10 December 21, 2018, and purported to be the truth and
11 reconciliation panel and then subsequently, about a week
12 later on December 28th, if I remember correctly -- is that
13 right? On December 28th, 2019, rendered a report of this
14 panel, this panel, as such, was not the panel that you
15 contemplated would be finally approved and set up as a
16 proper process; is that correct?

17 MR. GORDON: Objection. Leading.

18 THE WITNESS: That's correct.

19 BY MR. MILLER:

20 Q. Can you explain why?

21 A. Because the truth and reconciliation panel, as we
22 had talked about and I had talked about with the sheriff,
23 was to be comprised of a member from County Counsel, which
24 is why I was trying to bring Deputy County Counsel Rick
25 Brouwer back, to be part of that constitutional advisory

1 panel or part of the truth and reconciliation panel, and
2 then we were supposed to hire two Constitutional Policing
3 Advisors which the Board was funding and wanted us to
4 have. So that was the intent.

5 The panel was to be two CPAs, County Counsel, and
6 then whatever staff they needed to be their investigative
7 arm to do the follow-up and research on cases that the
8 sheriff, or whoever he designated, decided needed to be
9 reviewed again.

10 Q. Did you have discussions along those lines with
11 Alex Villanueva?

12 A. Yes.

13 Q. Did you have discussions along those lines with
14 other high-ranking people around him?

15 A. Yes.

16 Q. What are their names?

17 A. Assistant Sheriff Gutierrez, Assistant Sheriff
18 Olmsted, Chief Del Mese, Lieutenant Garcia, County Counsel
19 Rick Brouwer.

20 Q. My question to you, in those discussions with
21 Chief -- with Sheriff Alex Villanueva, did Mr. Villanueva
22 ever say no, Ray, we're not doing it that way, we're doing
23 it my way, or did he go along -- was he agreeable to the
24 way you proposed -- you thought it was going to be done?

25 MR. GORDON: Objection. Compound.

1 BY MR. MILLER:

2 Q. What was his response to those discussions?

3 MR. GORDON: Objection. Vague and ambiguous.

4 THE WITNESS: When we talked about the
5 Constitutional Policing Advisors being involved, he
6 initially had wanted to get rid of them and not hire them
7 at all, and I objected to that, telling him -- and which
8 he ultimately agreed to -- that he needed those two
9 positions as CPAs because that allowed him to create the
10 commission and the panel that he wanted to, to review the
11 cases that he would look at, because they were also
12 positions that the Board had been highly supportive of and
13 funded, and if he kept those positions in place, it would
14 curry favor with the Board and it would help them deal
15 with and accept whatever the outcomes were going to be
16 coming, because those were positions that they wanted and
17 they supported and funded.

18 And I cautioned him that by completely removing
19 those, it hurt him. So after much discussion he probably
20 said, yeah, okay, you're right. Create the process and
21 let's get those people hired. So we did and we put a job
22 bulletin out. We got 30-some applications. We
23 interviewed six or eight applicants and he made a decision
24 to hire Georgina Dunne and Phil Argento to be the two
25 CPAs.

1 BY MR. MILLER:

2 Q. The Constitutional Policing --

3 A. The Constitutional Policing Advisors.

4 Q. -- Advisors?

5 A. And that was probably two weeks, three weeks
6 before I left, we finally got that process and interviews
7 completed and he said, yeah, let's hire her, let's look at
8 hiring him. And I had already been able to bring Rick
9 Brouwer back, and had him in place to be part of that
10 commission, part of that panel, to make sure that we were
11 complying with policy and procedures to keep the sheriff
12 out of trouble.

13 Q. Now, were you going to be on this panel?

14 A. No. That was an independent panel and then those
15 -- their results -- and we were still trying to flesh it
16 out as to once they came up with their review and their
17 discussions, who were they going to take it to to make a
18 decision as to what you're going to do with these deputies
19 or anybody that was going to have to be considered for
20 rehire.

21 My recommendation had been that it go to case
22 review, which would have been then I would have been part
23 of the deciding team as the executive
24 officer/undersheriff, with two assistant sheriffs
25 reviewing their decisions and either concurring or naying

1 and moving forward.

2 Q. Now, when you say Rick Brouwer, he was from
3 County Counsel?

4 A. Deputy County Counsel, yes, or senior principal.

5 Q. And then you gave us the names of the two
6 Constitutional Policing Advisors.

7 Who else did you discuss with Alex Villanueva
8 being on this truth and reconciliation panel, as you've
9 described it? Being a member of the panel?

10 A. As to who the party would be that would be on the
11 panel --

12 Q. Yes.

13 A. -- with the sheriff, with Chief Del Mese?

14 Because he -- the three of us sat in on the
15 interviews with the candidates. Lieutenant Garcia,
16 because he was there recording what we were doing, but we
17 were the interview panel.

18 Q. Who else would sit on the panel, besides the two
19 CPAs, the -- Rick Brouwer from County Counsel's Office,
20 would that be the composition of the panel?

21 A. That would be the truth and reconciliation panel.

22 Q. Got it. And that's something that, in your
23 discussions with Alex Villanueva, he agreed to?

24 A. Yes.

25 Q. And by the time you left on March 18th, 2019, had

1 that panel been implemented?

2 A. No.

3 Q. Do you know if it was ever implemented?

4 A. No, I don't.

5 Q. So what was this group or panel or whatever you
6 wanted to call it that met on December 21 and then
7 rendered some kind of a document on December 28, 2018,
8 regarding the reinstatement of Mr. Mandoyan, how would you
9 characterize that entity or that thing, whatever it was?

10 A. It was a misnamed panel of three people that the
11 sheriff said, go take a look at this case and tell me what
12 you think we should do.

13 Q. Was --

14 A. But it was misnamed.

15 Q. Was it a panel that was selected by Alex
16 Villanueva?

17 A. Yes.

18 Q. Did you know about it beforehand?

19 A. No.

20 Q. Before -- when did you find out about it?

21 A. After I found out Mandoyan had been hired and
22 that this panel had met and made this decision.

23 Q. So sometime after the new year?

24 A. Probably the first week of January.

25 Q. Were you surprised?

1 A. Very much so.

2 Q. Why?

3 A. It went against everything we had been talking
4 about; myself, Del Mese, Eli, the assistant sheriffs, it
5 went against everything we had talked about, dealing with
6 Mandoyan, and then created this panel without my
7 involvement at all, even though I'm responsible for the
8 Professional Standards Division, which is our criminals,
9 our IAB, our risk management, our litigation advocacy
10 group, I'm -- it just made no sense. I was -- I was
11 actually stunned that it happened.

12 Q. Okay, all right. And you mentioned case review,
13 and I want to just ask about discharge cases.

14 I don't want to ask about suspension cases.

15 What is the role of the case review -- what is
16 case review, in regard to discharge cases?

17 A. Once the chief has made a decision that the
18 employee who has been charged with policy violations
19 should be discharged, after he reviews all the written
20 investigators' information, he makes a recommendation for
21 discharge. That is then presented to case review, which
22 is the undersheriff and two assistant sheriffs.

23 The chief presents the facts of the case as he
24 believes them to be or based on the investigation that he
25 has and makes his recommendation for discharge.

1 I -- the case review panel has had the
2 opportunity to look at the information before going in, so
3 that we're familiar with the case as he's presenting it.

4 He makes the recommendation.

5 If we agree with him, we say, okay, we agree, but
6 before we would make that announcement, we would look at
7 County Counsel: County Counsel, do you have any
8 objections to this? Are we following our past practice?
9 And they would say yes or well, we had some issues but we
10 resolved it or well, we think you still need to do this
11 and ask for further investigation, and then we would look
12 at the Office of Inspector General who is also overseeing
13 our investigations and administrative investigations and I
14 would ask County or OIG, are you good with this?

15 And they would say yea or nay again.

16 And then if it was a yea from both sides, okay,
17 we concur with the recommendation, we would sign a letter
18 saying that the case review panel has met, we concur with
19 the division chief's recommendation for discharge, you
20 know, and then give it to our IAB or actually our advocacy
21 folks to prepare a letter of imposition or letter of
22 intent or letter -- it would have been a letter of
23 imposition at that point, to be sent to the employee.

24 Q. Okay. My question to you is this -- I'll call
25 this the case review --

1 A. Process.

2 Q. -- process. Can I call it that?

3 A. Yes.

4 Q. How long has this case review process been in
5 effect at the Sheriff's Department, with regard to
6 discharge of deputy sheriffs? How many years?

7 A. God. The whole time I was on, from '81, until
8 the time that I left in '16, and then when I came back in
9 December, it was still in place because I was now the
10 chair of that case review committee.

11 Q. Was this case review process, was this an
12 important process internally for the sheriff?

13 A. Absolutely. You're --

14 Q. Why?

15 A. -- impacting the lives of our personnel, yeah.

16 Q. My question to you is during your time between
17 late 2018 and when you were fired by Alex Villanueva on
18 March 18th, 2019, to your knowledge did Alex Mandoyan
19 (sic) go through this important, longstanding case review
20 panel process at all?

21 A. No.

22 Q. Well, why not? Do you know why not?

23 A. I do not know.

24 Q. Well, who made the decision, to your knowledge,
25 about reinstating Alex Mandoyan, based on everything you

1 know?

2 A. The sheriff.

3 Q. Do you know when he made that decision?

4 A. I would have to say the week after he received
5 the --

6 Q. My question is do you --

7 MR. GORDON: Hold on. You interrupted his answer
8 in the middle of his answer.

9 MR. MILLER: I did.

10 Q. My question is don't speculate -- I've told you
11 this before --

12 MR. GORDON: That's not appropriate, to interrupt
13 him in the middle of the sentence to tell him to not
14 speculate. You can object after he -- you can object and
15 ask to move as nonresponsive -- object as nonresponsive
16 but you don't stop a witness in the middle of his answer.

17 MR. MILLER: I apologize, I didn't mean to
18 interrupt you and I'm sorry, Counsel.

19 Q. But I don't want you to speculate, you know.

20 I can say that to you. You're my client.

21 Do you know when Alex Villanueva made the
22 decision to bring his driver, Mandoyan, back into the
23 Department, reinstate him, pay him two-plus years of --
24 two-and-a-half years of backpay?

25 A. No.

1 Q. Okay, that's fair enough. I just wanted to know
2 if you had anything to do --

3 MR. GORDON: What a remarkable change in his
4 answer.

5 MR. MILLER: Now you're doing what you accused me
6 of doing.

7 MR. GORDON: Yeah, because you still didn't
8 acknowledge that you were interrupting in the middle of
9 his answer.

10 BY MR. MILLER:

11 Q. I want to... By the way, did you actually ever
12 see Mr. Mandoyan driving the sheriff around?

13 A. Yes.

14 Q. Was it -- was he -- was it before the election or
15 after the election?

16 A. After the election.

17 Q. And was he driving him around in a County car?

18 A. Yes.

19 Q. Okay. And was this before he was supposedly
20 purportedly reinstated or was it afterwards?

21 MR. GORDON: Objection.

22 Argumentative and compound.

23 THE WITNESS: Both.

24 BY MR. MILLER:

25 Q. Okay. Well, let's break it down.

1 Before the purported reinstatement -- which took
2 place, I guess late December 2018, early January -- how
3 many times, while he was on discharge but after Sheriff
4 Villanueva had been elected, how many times did you see
5 Mandoyan driving the sheriff around in a County car,
6 sheriff's car?

7 A. Just a couple of times.

8 Q. A couple of times?

9 A. Yes.

10 Q. Is that okay? Is that in keeping with the rules,
11 that a discharged deputy is using a County car, County
12 property, to drive an elected official around?

13 MR. GORDON: Objection. Vague and ambiguous,
14 compound and calls for a legal opinion.

15 THE WITNESS: I don't know.

16 BY MR. MILLER:

17 Q. Do you know if -- well, he was discharged, so I
18 assume Mandoyan wasn't getting paid during that time
19 period before he was purportedly reinstated, so do you
20 know if he was getting money from some other source?

21 MR. GORDON: Objection.

22 Lack of foundation, calls for speculation.

23 THE WITNESS: I don't know.

24 BY MR. MILLER:

25 Q. Okay, that's fair. Let's go to the time period

1 after he was purportedly reinstated.

2 How many times did you see Mandoyan driving
3 Villanueva around in a County car?

4 A. A couple times, again.

5 Q. Do you know whether the two of them had a
6 relationship outside of the Sheriff's Department?

7 MR. GORDON: Objection.

8 Lack of foundation, calls for speculation.

9 BY MR. MILLER:

10 Q. In other words, a social relationship, a personal
11 relationship outside of Mandoyan being the driver for
12 Sheriff Villanueva?

13 MR. GORDON: Same objection.

14 THE WITNESS: He was a friend of the family.

15 BY MR. MILLER:

16 Q. Friend of Alex Villanueva's family?

17 A. Yes.

18 Q. A friend of Alex Villanueva's wife, Vivian?

19 MR. GORDON: Objection.

20 Lack of foundation, calls for speculation.

21 THE WITNESS: Yes.

22 BY MR. MILLER:

23 Q. Did you know, by the way, Vivian Villanueva?

24 A. Yes.

25 Q. How did you know her?

1 A. I believe when the three of us, Alex, Vivian and
2 I worked at East LA station back in '91, '92, she was
3 there as a new -- new person.

4 And then I knew her for the next 20 years of --
5 -- through the next 20 years of knowing Alex.

6 Q. Did you know Mandoyan before 2018-2019?

7 A. No, sir.

8 Q. Do you know whether Mr. Mandoyan and Larry
9 Del Mese had a longstanding relationship, going way back
10 to when maybe the West Hollywood station or another
11 station? Had you ever heard that?

12 MR. GORDON: Objection. Lack of foundation.

13 THE WITNESS: No.

14 BY MR. MILLER:

15 Q. Okay. Now let me ask you about some of the
16 testimony that John Gordon elicited.

17 He was asking you questions about your -- you
18 know, your concerns about Sheriff Villanueva not working
19 with different entities in the County. He was not
20 supposed to be an island unto himself and you said that
21 didn't go well. Do you remember that testimony?

22 A. Yes.

23 Q. Okay. You testified that Sheriff Villanueva
24 excluded other County entities and you specifically said
25 County Counsel, he excluded County Counsel from

1 involvement with the Sheriff's Department.

2 Do you remember that?

3 A. Yes.

4 Q. Could you explain what you meant by that?

5 A. At Executive Planning Council meetings, we
6 normally would have County Counsel, OIG, the OIG, because
7 of -- they're working for the Board, and County Counsel
8 because they are -- we are their clients -- in those
9 meetings so that they could provide guidance and keep us
10 from pitfalls in any actions that we might be considering.

11 And he said he no longer wanted County Counsel or
12 OIG to be in any future Executive Planning Council
13 meetings. So as far as I know, they're excluded from
14 those meetings.

15 Q. When was that?

16 A. Um, the week after I left.

17 Q. Did he say why he wanted to exclude County
18 Counsel from those meetings and those functions?

19 A. I don't know.

20 Q. Did he say he didn't like the County Counsel,
21 that he didn't want to work with them, anything like that?

22 A. I was gone at that point. I've had no
23 conversation with Alex since then.

24 Q. Okay, all right.

25 By the way, to your knowledge, did County Counsel

1 ever sign off on the reinstatement or the purported
2 reinstatement of Mandoyan?

3 A. No.

4 Q. To your knowledge, did County Counsel ever
5 approve of the purported reinstatement of Mandoyan?

6 A. No.

7 Q. I want to ask you some questions about your time
8 frame -- your time period when you came back. You retired
9 in 2016 with all your various injuries and ailments --
10 which I hope are better -- and then you came back in late
11 2018.

12 At whose request did you come back?

13 Whose idea was it?

14 A. Sheriff Villanueva.

15 Q. You didn't go to him and pitch him, he called you
16 and asked you to come in?

17 A. He called me. I did not go to him.

18 Q. Okay. And why did you make the decision to
19 return at his request?

20 A. Um, I thought we could do good things for the
21 Department. We could get the Department moving forward,
22 get out from a lot of the turmoil I was hearing was
23 allegedly taking place, and I thought that if he was
24 bringing me in, that he would listen and accept the
25 guidance that I was able to give him, and get him to be a

1 successful sheriff.

2 So with those thoughts, after I consulted with my
3 wife and she said it was okay for me to come back, I
4 agreed to come back as the undersheriff and work for him.

5 Q. Okay. Now you testified earlier you retired as a
6 commander, correct?

7 A. Yes.

8 Q. What was the highest rank that Alex Villanueva
9 reached before he was elected sheriff?

10 A. Lieutenant.

11 Q. So lieutenant and then captain in the ranking,
12 and then commander?

13 A. Yes, sir.

14 Q. So he never rose to the level that you did within
15 the Department, correct?

16 A. No.

17 Q. So I guess in some sense, he didn't quite have
18 the same level of experience that you had when you
19 retired, when he called you in and asked you to come in,
20 right?

21 MR. GORDON: Objection.

22 Leading, vague and ambiguous.

23 MR. MILLER: Well, I just asked the question.

24 Q. Did he have the same level of experience that you
25 had, when he called you and asked you to come in?

1 MR. GORDON: Objection. Lack of foundation,
2 calls for speculation, vague and ambiguous.

3 THE WITNESS: No.

4 BY MR. MILLER:

5 Q. Did you discuss with him what you could add and
6 how you could help him?

7 A. Yes.

8 Q. And I'm talking about when he called you and
9 asked you to come in. Did he say to you why he -- what he
10 wanted from you?

11 A. No, he did not.

12 Q. And what did you say to him you could offer?

13 A. I told him I could offer him some guidance, some
14 insight, a lot of institutional knowledge that I had, that
15 I could provide him some direction, that I would be
16 responsible for the day-to-day operations of the
17 Department so that we could function, so that he could be
18 the sheriff, as a newly elected sheriff, but understanding
19 that it would be my role, as the undersheriff/executive
20 officer to be responsible for the day-to-day operation,
21 and he needed to go out and interact with the Board, with
22 the State, other County officials and local officials to
23 get resources for the Sheriff's Department and that I
24 would worry about the day-to-day operation.

25 Q. And what did he say in response to your statement

1 in that regard?

2 A. He said yeah, that's what we need to do.

3 Q. So he was on board?

4 A. Yes.

5 Q. Okay. Were you excited at the prospect of coming
6 in to help him?

7 A. Absolutely.

8 Q. Why?

9 A. The undersheriff position had been the position
10 that I always wanted to achieve when I came on the
11 Sheriff's Department, and I had talked to former
12 Undersheriff Jerry Harper, hey, you've been here. What do
13 I need to do to be the undersheriff of LA County?

14 And so when -- even though I had retired as a
15 commander, now I have the new sheriff coming in, offering
16 me the opportunity to achieve my dream of being the
17 undersheriff, you know. Once my wife agreed, I said,
18 okay, I can do that.

19 Q. Okay.

20 And you rolled up your sleeves and went to work?

21 A. Yes.

22 Q. And let's talk about December.

23 You started in early December, right?

24 A. Yes.

25 Q. I think you said, when Mr. Gordon was asking you

1 questions, December 3rd or 4th, something like that?

2 A. I believe we went to the office December the 4th.

3 Q. Fourth, okay. How did December go, between you
4 and the sheriff and the -- what was it like?

5 You know, how did it go? What was it like?

6 MR. GORDON: Objection.

7 Vague and ambiguous, compound.

8 BY MR. MILLER:

9 Q. I'll drill down and ask you more detailed
10 questions, but I want to get the big picture first.

11 MR. GORDON: Same objections.

12 THE WITNESS: We were... we were not locked in
13 lockstep, hip in hip, which is what we should have been.

14 You know, whatever he was doing, he should have
15 been aware of what I was doing, he should have been aware
16 of the big ticket items that we were looking at doing.

17 Day-to-day, personnel, fiscal, day-to-day stuff,
18 didn't have any -- there was no need for him to be
19 involved in that. That's the minutiae that the sheriff
20 should not be involved in.

21 The big ticket issues like ICE in the jails, new
22 helicopters, which are multimillion-dollar purchases,
23 custody issues, patrol force issues, working with the
24 community, those were the things that he needed to be
25 concerned with, and he wasn't -- he wasn't arising to that

1 role, he was staying in the weeds and trying to stay
2 involved with day-to-day operational issues, which made it
3 difficult because I would try to do something and I would
4 find out that he had given the order to four or five other
5 people to do something similar and now I'm having to
6 corral people in and say, whoa, wait a minute. We're
7 doing -- we need to do one thing. We can't have five
8 people working on the same thing.

9 And I had to meet with him and the three
10 assistant sheriffs and basically have a heart to heart
11 with him and say, hey, we're in chaos. We can't keep
12 meeting this way or can't keep working this way because
13 we're dysfunctional and we're not doing ourselves or you
14 any good. We held --

15 BY MR. MILLER:

16 Q. Were these -- go ahead, I'm sorry.

17 I don't mean to interrupt you.

18 A. We held that meeting in Monterey Park at the new
19 headquarters -- at the old Sherman Block headquarters, and
20 we held it there because I had been hearing rumors that we
21 were restoring the old Sheriff's Office at Monterey Park,
22 but I didn't know. I hadn't been brought into that loop,
23 didn't know anything about it, other than I kept hearing
24 that, yeah, we're doing this, we're doing that.

25 So I scheduled a meeting through Del Mese and

1 Rachel, the secretary, to have the three assistant
2 sheriffs, myself and Alex meet at Monterey Park, for two
3 reasons; one, we got him away from everybody, and we could
4 see what was actually happening in that building, were we
5 actually rebuilding the sheriff's offices? And we
6 accomplished that, we found out, yeah, we were rebuilding
7 the sheriff's offices, and we had a meeting with him away
8 from his chief of staff and the lieutenant over there.

9 Q. This was late December 2018?

10 A. I think this was like early January.

11 Q. Early January?

12 A. Late January, somewhere in there because at that
13 point we were in chaos and very dysfunctional.

14 Q. Dysfunctional chaos.

15 Did things get better as time went on, January
16 February, or did they go the other direction and get
17 worse?

18 MR. GORDON: Objection. Leading, misstates the
19 witness's testimony, compound, vague and ambiguous.

20 THE WITNESS: I think after that meeting, that
21 might have portended my departure from the Department. I
22 don't think he liked the fact that we were challenging
23 what he was doing. I had -- during the meeting with him,
24 we told him we needed to be more cohesive, we needed to be
25 all functioning on the same path. We had too many people

1 that were getting to him, giving him direction and
2 guidance, and he wasn't listening to his executive team,
3 which was myself, Olmsted, Gutierrez and Murakami, and
4 that he needed to stop listening to what I called the
5 peanut gallery, a couple of chiefs that were on top, that
6 were in his ear and causing us a lot of extra work, and
7 that he needed to listen to the executive team that he had
8 brought in, because he brought us there for a reason
9 because we gave him credibility and if we were going to
10 continue in this fashion, it was going to impact our
11 integrity, my integrity and my credibility, and I probably
12 wasn't going to be around to keep working for him.

13 BY MR. MILLER:

14 Q. Now, by this point in time, this meeting in
15 January, maybe even later January that you're describing
16 and so forth, had you voiced your opposition to the way
17 the Mandoyan purported reinstatement had come down?

18 A. Yes.

19 Q. And was Alex Villanueva aware that you didn't
20 agree with the decision or the way it was done --

21 A. Yes.

22 Q. -- by the time of this meeting?

23 A. Yes.

24 Q. Okay. By the way, did Larry Del Mese play a role
25 in the Mandoyan matter, to your knowledge?

1 MR. GORDON: Objection.

2 Lack of foundation, vague and ambiguous.

3 THE WITNESS: Larry and I were on the same page.

4 He did not believe Mandoyan should be brought back, that
5 the sheriff was spending way too much energy and political
6 goodwill in bringing him back. Larry was, as I was,
7 opposed to any involvement with Mandoyan so we were both
8 on that same page.

9 BY MR. MILLER:

10 Q. Did Larry say that --

11 MR. GORDON: Objection.

12 Move to strike as nonresponsive.

13 BY MR. MILLER:

14 Q. Did Larry say that to you in so many words, what
15 you just related, what you just testified to?

16 A. Yes.

17 Q. Tell us what Larry said to you in that regard.

18 A. Larry said, I've tried to talk to him about
19 Mandoyan, I've tried to tell him this is not good, it's
20 not good for him, it's not good for the Department. I've
21 tried to tell him, but he's not listening. He's intent on
22 bringing him back and just -- you just need to let it go
23 because it's not going to be good for anybody, which I had
24 said the same thing, that I'm out of this, I'm out of the
25 Mandoyan game, and Larry said, I'm out of it too. It's --

1 it's the sheriff's ball to play with.

2 Q. What about Eli Vera, did you discuss Mandoyan
3 with Eli Vera?

4 A. Yes, I did.

5 Q. Pleas tell us what those discussions were and
6 approximately when they were.

7 A. Mandoyan -- or Eli didn't believe that we should
8 be bringing Mandoyan back either because of the baggage
9 that was -- and uproar that it was causing and, you know,
10 initially he was part of that initial discussion where, if
11 you're going to do it, make your -- get your process in
12 place and make him number six, seven or eight. Don't make
13 him your poster child for what you're trying to do. Let
14 him be at the back of the bus when you're doing this, but
15 don't bring that up now, and Eli was on board with that
16 and the last conversation I had with him was, he goes, I
17 don't understand, but he wants to bring him back and I
18 don't think we should do that.

19 Q. Okay. And how many conversations did you have
20 with Eli Vera in that regard?

21 A. One-on-one, maybe one or two.

22 Q. How many conversations in that same regard did
23 you have with Larry Del Mese?

24 A. Oh, a dozen.

25 Q. Okay. Let talk about Tim Murakami.

1 Did you talk to him about Mandoyan?

2 A. No, I didn't.

3 Q. Okay. By the way, if I'm not mistaken, Eli Vera
4 signed the purported settlement agreement between the
5 Sheriff's Department and Mandoyan. Do you remember that?

6 A. Yes.

7 Q. After he told you what you just testified to,
8 that he didn't think it was a good idea, do you have any
9 idea why he would go ahead and sign the settlement
10 agreement?

11 MR. GORDON: Objection.

12 Lack of foundation, calls for speculation.

13 MR. MILLER: I'm asking for knowledge.

14 MR. GORDON: You didn't say that, you said "do
15 you have any idea."

16 MR. MILLER: Well...

17 THE WITNESS: I don't know.

18 MR. GORDON: Hold on. So just to be clear, I
19 restate my objection. Go ahead.

20 BY MR. MILLER:

21 Q. Sounds like he -- somebody either maybe told him
22 to do it or he flipped and changed his position.

23 Do you have any idea why?

24 MR. GORDON: Objection. Objection to Counsel's
25 testimony prefacing the question, and vague and ambiguous,

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1 lack of foundation, calls for speculation.

2 MR. MILLER: I'll withdraw the question.

3 I actually think you had a good objection, for a
4 change, John. Congratulations.

5 MR. GORDON: That's very sporting of you.

6 MR. MILLER: That's okay. I believe in giving
7 credit where credit is due.

8 Q. Who else did you talk to Mandoyan about, besides
9 Eli Vera, Larry Del Mese, obviously Alex Villanueva.

10 Anybody else?

11 A. The assistant sheriffs, Gutierrez and Olmsted.

12 Q. Okay, let's talk about them.

13 What's Mr. Gutierrez's first name?

14 A. Ms. Gutierrez, Maria.

15 Q. Ms., Maria. Pardon me.

16 MR. GORDON: Hold on, time out.

17 I need a short break.

18 MR. MILLER: Oh, okay.

19 THE VIDEOGRAPHER: Off the record.

20 The time is now 3:53.

21 MR. MILLER: That's fine.

22 MR. GORDON: I just need to run to the restroom.

23 MR. MILLER: Okay, no problem.

24 (Recess taken 3:53 p.m. - 3:56 p.m.)

25 THE VIDEOGRAPHER: And we're back on the record.

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1 The time is 3:56.

2 BY MR. MILLER:

3 Q. Mr. Leyva, before we broke I was asking you about
4 your conversations with Maria Gutierrez regarding
5 Mandoyan, during the time you were -- you returned,
6 between December 4th, 2018, and March 18th, 2019. If you
7 would please tell me what those discussions were.

8 A. About Mandoyan?

9 Q. Yeah.

10 A. It was -- normally, usually in the Monday morning
11 meeting with myself, Murakami and Olmsted, we met before
12 we'd meet with the sheriff and, you know, pretty much it
13 was a consistent, why are we doing this? Why is the
14 sheriff taking this on? You know, he should be being the
15 sheriff. He shouldn't be doing this for this one guy who
16 doesn't deserve it. Can we -- can we stop it? Can we get
17 him to do something else? You know, can we get him out of
18 the office? Because at that time he was up in the office.

19 It just looks bad all the way around that we're
20 using all this political goodwill on a guy that has too
21 much baggage. And that was pretty much the discussion I
22 had with the three of them while we were --

23 Q. With Maria Gutierrez --

24 A. Maria Gutierrez.

25 Q. -- was that the view she espoused?

1 A. And she was in concurrence with that. She goes,
2 I don't understand why we're doing this. He's -- he's
3 upset the "Me Too" movement. He's got four women on the
4 Board of Supervisors that he's upset. He's upset County
5 Counsel. He's got the COC upset with him. He's managed
6 to upset every group that has some connection to the
7 Sheriff's Department at this point.

8 Q. What about Bob Olmsted, did he -- what view did
9 he espouse, with regard to Mandoyan?

10 A. Bob -- Bob couldn't understand why we were
11 wasting so much time with this. Couldn't understand why
12 the sheriff was pushing so hard to bring him back to work.
13 It just didn't make any sense to him, you know. The guy's
14 got issues, he was fired, Civil Service upheld it, you
15 know, they never do that, but they did. And why are we
16 doing this for this guy?

17 And I said --

18 Q. Let me ask you this --

19 A. -- I don't know.

20 Q. -- at these meetings with these high-level chiefs
21 and assistant chiefs --

22 A. Assistant sheriffs.

23 Q. Assistant sheriffs, pardon me.

24 What's higher, assistant sheriff or chief?

25 A. Assistant sheriff.

1 Q. Okay. So you would have high-level meetings with
2 Ms. Gutierrez, Olmsted, Del Mese and Vera and others?

3 A. Murakami.

4 Q. Murakami?

5 A. I would just hold it with the three assistant
6 sheriffs.

7 Q. Okay.

8 A. And then we would meet -- after that we would
9 meet with Alex and Del Mese and Garcia. On occasion
10 Eli Vera would be there and...

11 Q. Of all of these high ranking sheriff's officials,
12 assistant sheriffs, chiefs, did any of them say, hey,
13 let's bring Mandoyan back, it's a good idea?

14 MR. GORDON: Objection. Lack --

15 BY MR. MILLER:

16 Q. Besides Alex Villanueva, did --

17 MR. GORDON: Objection.

18 BY MR. MILLER:

19 Q. -- any of the top brass in the Department say,
20 let's bring Mandoyan back, I think it's a good idea?

21 MR. GORDON: Objection. Vague and ambiguous,
22 lack of foundation, calls for speculation.

23 THE WITNESS: Not to me, no.

24 BY MR. MILLER:

25 Q. What about in your presence?

1 A. No.

2 Q. The only one, the only person in the entire upper
3 echelon, the top of the Sheriff's Department that wanted
4 Mandoyan back was Alex Villanueva?

5 MR. GORDON: Objection. Lack --

6 BY MR. MILLER:

7 Q. Is that correct?

8 MR. GORDON: Objection. Vague and ambiguous,
9 lack of foundation, calls for speculation.

10 BY MR. MILLER:

11 Q. To your knowledge, based on the conversations
12 that you were party to?

13 A. Just Alex.

14 Q. Did he ever say why?

15 MR. GORDON: Objection. Vague and ambiguous,
16 lack of foundation, calls for speculation.

17 BY MR. MILLER:

18 Q. In your presence, to your knowledge?

19 A. He believed that -- he said he got railroaded by
20 McDonnell, they were out to get deputies, he got caught up
21 in that and he didn't do anything wrong.

22 He should never have been fired.

23 Q. Did anybody else in the top ranking people,
24 Ms. Gutierrez, Olmsted, Del Mese, Vera, any of those
25 people say that same thing?

1 A. No.

2 Q. As a matter of fact, they all said just the
3 opposite, don't bring him back, right?

4 MR. GORDON: Objection.

5 Leading, vague and ambiguous, compound.

6 BY MR. MILLER:

7 Q. You've got to answer the question, please.

8 A. Yes, they were not in support of that.

9 Q. So Alex Villanueva went against the advice of all
10 of his top advisors, is that a fair statement?

11 MR. GORDON: Objection. Vague and ambiguous,
12 lack of foundation, calls for speculation.

13 THE WITNESS: Yes.

14 MR. GORDON: Hold on. And leading.

15 BY MR. MILLER:

16 Q. Okay, let's move on.

17 By the way, do you know if Alex Villanueva ever
18 actually read the Civil Service Commission report, the
19 27-page report that was rendered --

20 MR. GORDON: Objection.

21 BY MR. MILLER:

22 Q. -- upholding the discharge of Mr. Mandoyan?

23 MR. GORDON: Objection.

24 Lack of foundation, calls for speculation.

25 THE WITNESS: I don't know.

1 BY MR. MILLER:

2 Q. Okay. Oh, yeah. I wanted to ask you, you
3 testified earlier, when Mr. Gordon was asking you
4 questions, about the time period in which you can
5 reinstate an employee. Do you remember that?

6 A. Yes.

7 Q. Okay. And I'm talking about a discharged
8 employee being reinstated.

9 A. Yes.

10 Q. Okay. And do you know what that time frame is?

11 MR. GORDON: Objection. Lack of foundation,
12 calls for speculation, calls for a legal opinion.

13 THE WITNESS: Two years.

14 BY MR. MILLER:

15 Q. Okay. I think that's right.

16 Do you know whether --

17 MR. GORDON: Objection.

18 Move to strike Counsel's comment.

19 BY MR. MILLER:

20 Q. Do you know whether the time period that had
21 elapsed between when Mandoyan was discharged and when he
22 was purportedly reinstatement -- reinstated by Alex
23 Villanueva, was more than two years?

24 A. I believe it was two-and-a-half years.

25 Q. So if Alex Villanueva wanted to bring

1 Mr. Mandoyan back and he was outside the two-year rule,
2 was there any other way to do it?

3 A. Yes.

4 Q. Could you please tell us what that would be, or
5 was.

6 MR. GORDON: Objection.

7 Calls for a legal conclusion.

8 THE WITNESS: It would be to rehire him in a
9 civilian position. He could be a custody assistant in
10 LAT, anything, to get him back on the Department as an
11 employee, as a rehire, or as a -- it would not even be a
12 rehire, it would be a new hire.

13 We'd get him back on the Department as an
14 employee, have him go back, get his POST reinstated, going
15 to Orange Coast College or wherever to get his POST
16 reinstated, provided he could get past the discharge and
17 the Civil Service recommendations with POST, and once he
18 got his POST position reinstated, he could be then hired
19 as a deputy sheriff on the Department but it would be a
20 new deputy sheriff; there would be no backpay issues,
21 there would be no reinstatement, there would be no making
22 hold of any prior retirement benefits. He would be a new
23 deputy sheriff, working for LA County Sheriff's
24 Department.

25 BY MR. MILLER:

1 Q. What's POST?

2 A. Peace Officer Standards and Training.

3 Q. And why did you reference POST?

4 A. Because POST mandates are that, you know -- your
5 POST certification remains in place for I believe two
6 years, three years, somewhere in there, unless you've been
7 terminated by your employer, then I believe it's down to
8 two years as you still maintaining that POST certification
9 as a law enforcement officer.

10 After two years you have to get it reinstated and
11 petition POST, go take courses, pass, get certified again,
12 and then you can become a law enforcement officer.

13 Q. Okay. And in California, do you have to be
14 certified by POST to be a law enforcement officer?

15 MR. GORDON: Objection.

16 That calls for a legal conclusion.

17 THE WITNESS: Yes. You have to complete the
18 Academy and then pass your initial year of probation and
19 then you receive your POST basic certificate that says
20 you've complied with all the POST requirements and -- to
21 be a deputy or a law enforcement officer in the state.

22 BY MR. MILLER:

23 Q. Okay. So I'll call that the POST certification
24 process. Is that okay with you?

25 A. Mm-hmm.

1 Q. Do you know whether Mandoyan went through the
2 POST certification process before he was brought back in
3 by Alex Villanueva?

4 A. No.

5 Q. Did he go through the process -- that was a bad
6 question.

7 Did he go through the process, yes or no -- the
8 POST process, yes or no?

9 MR. GORDON: Objection.

10 Lack of foundation, calls for speculation.

11 BY MR. MILLER:

12 Q. To your knowledge.

13 A. No.

14 Q. How do you know that?

15 MR. GORDON: Objection. Vague and ambiguous.

16 BY MR. MILLER:

17 Q. What's the basis for the answer to my question
18 that he did not go through the POST process?

19 MR. GORDON: That wasn't your question. It says
20 to his knowledge, did he go through. So -- hold on -- so
21 I will object as -- on the grounds the question is vague
22 and ambiguous and misstates the witness's testimony and
23 misstates your prior question.

24 MR. MILLER: You're just trying to be
25 obstructionist because you don't like the answers.

1 MR. GORDON: No.

2 MR. MILLER: I'll just ask --

3 MR. GORDON: You said "to your knowledge" and
4 then, what's the basis for saying that he didn't go
5 through it? That's a different question.

6 MR. MILLER: I'll just ask another question.

7 Try to -- try to control yourself.

8 MR. GORDON: I'm perfectly controlled.

9 BY MR. MILLER:

10 Q. You testified a minute ago that Mandoyan did not
11 go through the POST process, as you described it, before
12 Alex Villanueva brought him back in.

13 Do you recall that testimony?

14 MR. GORDON: Objection.

15 Misstates the witness's testimony.

16 THE WITNESS: Yes.

17 BY MR. MILLER:

18 Q. Okay. Just to clarify, did -- to your knowledge,
19 based on what you know and your experience and everything,
20 did Mandoyan, or did he not, go through the POST
21 certification process before Alex Villanueva brought him
22 back into the Sheriff's Department in late 2018?

23 A. No.

24 Q. And what is the basis for your testimony, your
25 answer "No"?

1 A. Because to do that, he would have had to apply to
2 Orange Coast College or one of the other certifying
3 colleges in the area.

4 And we had brought back a retired employee who
5 had to do that and he had applied at one of the colleges
6 to get his recertification so he could come back on board
7 as a deputy sheriff -- because that was the goal for the
8 sheriff, in bringing Mandoyan back, was to make him a
9 deputy sheriff -- and the retired employee had to come
10 back as a civilian employee first before he gets
11 recertified and made whole to become a deputy sheriff, and
12 we didn't -- or the sheriff did not do that with Mandoyan,
13 he just brought him back and put him in directly as a
14 deputy sheriff, on a deputy sheriff position.

15 Q. Okay. And when you go through the POST process
16 of being rehired as a civilian employee and then
17 eventually, you know, getting your POST certification and
18 transitioning to a deputy, does that involve getting
19 backpay?

20 MR. GORDON: Objection. Vague and ambiguous,
21 misstates the witness's testimony.

22 THE WITNESS: There's no backpay involved.

23 BY MR. MILLER:

24 Q. Okay. You testified that you met with
25 Chief Del Mese and you discussed Mandoyan.

1 We've talked about that. He asked you about
2 that, I asked you about that. You said you objected.

3 I don't want to go back over that.

4 You also testified you thought it was a
5 disservice to the Department and its 18,000 employees.

6 Could you explain what you meant by that?

7 A. Yeah.

8 MR. GORDON: Just to be clear, I move to strike
9 everything prior to the question about the 18,000.

10 BY MR. MILLER:

11 Q. You can just go ahead and answer the question.

12 He's just making objections for the record.

13 A. Okay. I thought it was a disservice to the other
14 18,000 members of the Department because we're using -- or
15 not even using resources, we're being killed in the press
16 behind the sheriff's attempts to bring this one person
17 back, to the detriment and negative impact on the
18 Sheriff's Department because of the scrutiny from the
19 press, the Board, all the negative connotations coming at
20 the Department, when we have 18,000 other people that we
21 could be doing good things for and doing positive things
22 for, instead of wasting -- we're wasting all our time on
23 this one guy who, you know, if he had any character, he
24 would have bowed out and said, hey, there's too much grief
25 here. Let me just get out and move on.

1 Q. Got it, okay. Give me a minute.

2 I'm almost done. Just give me a second.

3 You testified about refurbishing Monterey Park,
4 that they renovated or refurbished Monterey Park.

5 Do you remember that?

6 A. Yes.

7 Q. Monterey Park is what?

8 A. That's the old sheriff's -- Sherman Block
9 sheriff's headquarters building that we used to occupy
10 before John Scott and McDonnell were put in place and Jim
11 was elected.

12 Q. Where was your office?

13 A. Which time frame?

14 Q. '18 - '19.

15 A. In the Hall of Justice, 211 West Temple.

16 Q. Who was located in Monterey Park and who was
17 located at the Hall of Justice downtown?

18 A. The Hall of Justice were all the executives,
19 assistant sheriffs, undersheriffs, except for the custody
20 division, Assistant Sheriff Bob Olmsted, he was at the
21 twin towers. The division chiefs for the different
22 divisions within the Sheriff's Department were all located
23 at the Hall of Justice because that put us central to
24 everybody; central to the justice family there, with the
25 DA in the building, above us.

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1 We had the Public Defender, we had the Office of
2 the Public Defender across the street.

3 So all the executive team, other than I think Bob
4 Olmsted and maybe the chief of Technical Services Division
5 were headquartered at the Hall of Justice.

6 Q. And Olmsted was at the jail?

7 A. Yes. He was about a mile away.

8 Q. And where is Technical Services?

9 A. That was at -- he was at the Norwalk building.

10 Q. Norwalk. So who was at Monterey Park?

11 A. Facilities Planning Bureau, some investigative
12 units, I believe Contra Bureau was there, but just
13 functional bureaus of the Department were there.

14 Q. Got it. But the top management, the top levels,
15 from the sheriff, the undersheriff, the assistant sheriffs
16 and the chiefs were all at the Hall of Justice, downtown?

17 A. For the most part, yes.

18 Q. So my question to you is -- by the way, do you
19 know how much money was spent refurbishing Monterey Park?

20 A. Somewhere around 250, \$300,000.

21 Q. Who made that decision to do that?

22 A. I don't know.

23 Q. Do you know if it was Alex Villanueva?

24 MR. GORDON: Objection -- objection.

25 Lack of foundation, calls for speculation.

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1 THE WITNESS: Yeah, I don't know.

2 BY MR. MILLER:

3 Q. Do you know why that decision was made?

4 MR. GORDON: Same objection.

5 THE WITNESS: No.

6 BY MR. MILLER:

7 Q. Okay, fair enough. Just one last question.

8 When you were describing Mandoyan and his
9 purported reinstatement, you used the word "imposter."

10 Do you remember that?

11 A. Yes.

12 Q. Explain why you used that word.

13 A. Because he was a person who still had deputy
14 sheriff ID, badge, credential, weapon, but he was not an
15 employee of the County of Los Angeles or an employee of
16 the Sheriff's Department. So here you have a guy with all
17 the accoutrements of a deputy sheriff, including uniforms,
18 an assigned vehicle from the Sheriff's Department, but
19 he's not an employee.

20 So there is a Penal Code section that he could be
21 or should be -- or not should be, I can't say that -- but
22 he could be arrested for impersonating a police officer,
23 should he take any kind of police action identifying
24 himself as a deputy sheriff.

25 Q. And were you concerned about that?

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1 A. Absolutely.

2 Q. Why?

3 A. Because if he took some kind of action and it was
4 out of the scope of our policy and procedures, first, he's
5 already violating the State law because he's out there
6 doing something, and now we have a guy who's taking action
7 under our umbrella, with no authority. Not even an
8 employee. So who's taking on that liability?

9 MR. MILLER: I have no further questions at this
10 time.

11

12 FURTHER EXAMINATION

13 BY MR. GORDON:

14 Q. Now, am I correct in understanding that you said
15 you contemplated an independent truth and reconciliation
16 panel that would be composed of three people?

17 A. I contemplated that with the sheriff.

18 Q. Okay.

19 A. Not from my independent contemplation.

20 Q. So maybe I misunderstood.

21 How many people were you contemplating would sit
22 on a truth and reconciliation panel, as you envisioned it?

23 A. Three people.

24 Q. And who were they?

25 A. That would be the two Constitutional Policing

1 Advisors that we hired or would eventually hire, and a
2 member from County Counsel.

3 Q. Did you contemplate that any person from the
4 Office of Inspector General would sit on that panel?

5 A. No.

6 Q. Did you contemplate that anyone from the COC
7 would sit on that panel?

8 A. No.

9 Q. What authority, if any, did you envision the
10 sheriff having over any decision made by the panel
11 concerning a possible reinstatement of a deputy?

12 A. He has final authority on that.

13 Q. So were you contemplating that after the
14 independent truth and reconciliation panel did their work,
15 they would come up with a recommended decision and it
16 would be ultimately up to the sheriff to decide how to
17 act?

18 A. Yes.

19 Q. Did you discuss that contemplated vision with the
20 sheriff, as far as whether he agreed with that?

21 A. Yes.

22 Q. And what -- what, if anything, did he say, as far
23 as his view over whether that contemplated structure for a
24 panel and review by him was acceptable?

25 A. He agreed with that, with that three panel

1 concept.

2 Q. What types of cases would that panel have
3 authority to review and make recommendations on?

4 A. From what he had said, he believed that there
5 were about 400 cases of deputy sheriffs that he believed
6 had been wrongfully disciplined or terminated by
7 McDonnell, and it was his belief that up to 400 cases
8 would be subject to review by this truth and
9 reconciliation panel.

10 Q. Some of whom were discharged, some of whom
11 received discipline less than discharge?

12 A. Yes.

13 Q. Did you contemplate that any deputies who had
14 been discharged more than two years ago would still be
15 included in this group of cases that the independent truth
16 and reconciliation panel, as you envisioned it, would
17 consider?

18 A. No.

19 Q. So did you explain to the sheriff that the way
20 you envisioned the panel would allow for review of
21 discharged deputies, only if they had been discharged less
22 than two years prior to the consideration?

23 A. I don't think we -- I got into specific timelines
24 with him as far as who should be looked at because he was
25 looking at 400 cases and I had no idea what his concept or

1 time frame for those 400 cases was.

2 I had proposed the more appropriate resolution
3 would be that we could look at those cases, but you don't
4 make the decision as to what cases are looked at.

5 There was an Arbitration Board decision that had
6 caused us to go back to 2012 disciplinary guidelines, I
7 believe; that the Department was ordered to roll back
8 changes made in 2013 and 2017 and we were to go back and
9 use 2012 disciplinary guidelines in our imposition of
10 discipline.

11 I had proposed, you have an ARB decision. Let
12 the unions bring the cases that they believed to be
13 egregious and deserved to be reviewed, then you have cover
14 with the Board because you're not doing it, the union's
15 doing it, and you have the Constitutional Policing
16 Advisors in place -- which the Board wants to have in
17 place -- and you have a cover with them, and whatever
18 cases the unions, whether it's ALADS or PPOA bring to you,
19 or not -- but -- not to you, but ask that they be reviewed
20 by this panel, let those cases be reviewed. I'm sure the
21 ones you're thinking about are probably going to be in
22 that, in that group. I don't know. But at least you have
23 a better way of doing it to protect you and the Department
24 in what you're trying to do.

25 And I don't know where the panel is now. I have

1 no idea what the final decision is on that.

2 Q. So did you testify that in your view, Alex
3 Villanueva had excluded County Counsel attorneys from
4 particular types of meetings?

5 A. Yes.

6 Q. What types of meetings were you referring to when
7 you said that Sheriff Villanueva had excluded County
8 Counsel attorneys?

9 A. Executive Planning Council meetings.

10 Q. Are those the only types of meetings that, in
11 your view, Sheriff Villanueva had excluded County Counsel
12 from?

13 A. That I'm aware of, yes.

14 Q. Were you suggesting that the sheriff had excluded
15 County Counsel from any meetings involving Mandoyan?

16 A. No.

17 Q. With regard to exclusion of County Counsel from
18 Executive Planning Council meetings, do you know whether
19 the Board of Supervisors, acting through Mr. Miller's
20 firm, had already sued the sheriff and the Sheriff's
21 Department at the time you believe he started excluding
22 County Counsel attorneys from the meetings?

23 A. I don't know.

24 Q. What was the highest rank at LASD you had reached
25 when you ran for sheriff in 2006?

1 A. Captain.

2 Q. How many years had you served as captain by that
3 point?

4 A. At that point, 2006, seven years.

5 Q. How many years did you serve as commander, in
6 total?

7 A. Four years.

8 Q. How many years did you serve as captain, in
9 total?

10 A. Thirteen.

11 Q. How many years did you serve as lieutenant, in
12 total?

13 A. Five.

14 Q. Which chiefs did you mean to include in your
15 reference to the, quote, peanut gallery?

16 A. I didn't mean to include any chiefs in the peanut
17 gallery.

18 Q. Who did you -- who did you intend to include when
19 you described what you called the peanut gallery?

20 A. The deputy sheriffs, custody assistant, whoever
21 he was talking to at the deputy and custody assistant
22 level on the Department.

23 Q. Now, you said that one of the assistant sheriffs
24 referenced the Civil Service Commission never upholding a
25 discharge. Did I understand you to be recollecting that's

1 what one of the assistant sheriffs said?

2 A. No. I said that. But I didn't say that they
3 never upheld it, I said they rarely upheld it.

4 Q. And when you say rarely, what -- approximately
5 what percentage were you -- did you have in mind when you
6 used the term "rarely"?

7 A. I couldn't give you an estimate at that time.
8 I still don't have a good number.
9 I'd have to go try to research it for you.

10 Q. Are you aware of Sheriff Villanueva ever
11 acknowledging that he believed Mandoyan had committed at
12 least some misconduct warranting a level of discipline?

13 A. Yes.

14 Q. All right. So I thought I heard you say in your
15 testimony, in response to questions from Mr. Miller, that
16 Sheriff Villanueva said that Mandoyan hadn't done anything
17 wrong. Did I understand your testimony to say that
18 correctly?

19 A. I don't think he said anything wrong but what he
20 did, did not rise to the level of being discharged.

21 Q. Did you understand that the ultimate truth and
22 reconciliation recommendation regarding findings,
23 acknowledged that he did engage in some misconduct worthy
24 of some discipline?

25 A. Well, from that panel that he created?

1 Q. Yes.

2 A. Yeah, they said that he had done some things,
3 yes.

4 Q. And is it your understanding that the ultimate
5 revised findings did confirm that he engaged in some
6 misconduct that warranted a certain amount of discipline?

7 A. Yes.

8 Q. Now, you also said that your position was that
9 Carl Mandoyan was not a deputy sheriff between the time he
10 was rehired or reinstated and near the end of
11 December 2018 or the beginning of January 2019.

12 Did I understand that correctly?

13 A. That he was not a deputy sheriff, yes.

14 Q. That he was not an employee of the Sheriff's
15 Department, also not a deputy sheriff?

16 A. Yes.

17 Q. Were you aware whether the Sheriff's Department
18 had in fact submitted paperwork reinitiating him as a
19 deputy sheriff of the Department?

20 A. No.

21 Q. Did you know whether the Sheriff's Department had
22 done anything to put him on the Sheriff's Department
23 payroll as an official deputy sheriff, after a settlement
24 agreement was reached with him and his counsel?

25 A. I found that out when I heard about the

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1 settlement agreement, yes.

2 Q. And once his -- once the Sheriff's Department
3 submitted paperwork to have him paid by the
4 Auditor-Controller -- strike that.

5 Are you aware whether the Sheriff's Department
6 submitted anything to the Auditor-Controller or the human
7 resources division in order to get him paid?

8 A. I believe they submitted the settlement agreement
9 that Eli and Mandoyan had signed, to the
10 Auditor-Controller, to begin paying him.

11 Q. Do you know whether Mandoyan was paid as a deputy
12 sheriff after the settlement agreement was signed on
13 December 28th, 2018?

14 A. I don't know if he received any money or not.

15 MR. GORDON: I have no further questions at this
16 time.

17

18 FURTHER EXAMINATION

19 BY MR. MILLER:

20 Q. Just one cleanup thing, to clarify.

21 You testified the sheriff has final authority on
22 reinstatement after a discharge. My question to you, is
23 that within the Sheriff's Department or does that also
24 include the Civil Service Commission or the Superior Court
25 or a higher court?

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1 MR. GORDON: Objection. Vague and ambiguous.

2 THE WITNESS: That would be within the
3 Department.

4 BY MR. MILLER:

5 Q. So you weren't including the Civil Service
6 Commission or the courts?

7 A. No.

8 MR. MILLER: Okay. No further questions.

9 MR. GORDON: We have no further questions.
10 I assume you're still not interested in any type
11 of stipulation regarding signatures, review and
12 signatures, correct?

13 MR. MILLER: Sure, I'm willing to do whatever's
14 reasonable. I'll leave that up to -- you can work that
15 out with Emily. I don't care.

16 MR. GORDON: Well, I presented it at Alicia Ault
17 and you said I'm just -- I don't want to deal with it, so
18 that's why I said what I just said.

19 MR. MILLER: I was tired.

20 MR. GORDON: All right.

21 MR. MILLER: We don't have to do this on the
22 record.

23 MR. GORDON: We definitely don't need to do it on
24 the video record, so we'll terminate.

25 THE VIDEOGRAPHER: Okay. This concludes Disc 4

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1 of the deposition of Mr. Raymond Leyva, and it is 4:27.

2 (Deposition adjourned at 4:27 p.m.)

3 (End of recording.)

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ACKNOWLEDGMENT OF DEPONENT

I, RAYMOND LEYVA, do hereby acknowledge I have read and examined the foregoing pages of testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any changes or corrections, if any, appear in the attached errata sheet signed by me.

DATE

RAYMOND LEYVA

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C E R T I F I C A T E

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STATE OF CALIFORNIA)
)
COUNTY OF NEVADA)

I, TERRI NESTORE, Certified Shorthand Reporter/
Transcriptionist, do hereby certify that I was authorized
to transcribe the foregoing recorded proceeding, and that
the transcript is a true and accurate transcription of my
shorthand notes, to the best of my ability, taken while
listening to the provided recording.

I further certify that I am not of counsel or
attorney for either or any of the parties to said
proceedings, nor in any way interested in the events of
this cause, and that I am not related to any of the
parties thereto.

Dated this 10th day of June, 2019.



TERRI NESTORE, CSR 5614, RPR, CRR

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CERTIFICATE OF NOTARY PUBLIC

I, LUIS VAZQUEZ, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Dated: June 10, 2019



LUIS VAZQUEZ
Notary Public in and
for the State of
California

[& - 35]

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[way - year]

<p>144:22 152:22,23 152:24 161:11 163:23 164:9 165:25 171:12,12 173:16,20,24 174:5 176:3 178:19 182:17 184:2 191:18 195:19 196:23 205:16 we've 23:13 52:3,6 52:21 86:5 189:1 weapon 14:4 192:14 website 132:17 wednesday 133:22 weeds 171:1 week 22:18 34:15 34:21 41:3,11,13 43:21 94:20 110:7 134:2 151:11 156:24 160:4 165:16 weeks 24:13 37:12 77:23 110:14 139:17 141:9 154:5,5 went 30:24,25 31:5 32:25 88:8 99:1,7 105:10 107:15,24 119:22 133:10 157:3,5 169:20 170:2 172:15 182:9 186:1 west 164:10 190:15 whatever's 202:13 whatsoever 97:12 136:1</p>	<p>whispering 6:7 whoa 171:6 wide 136:6 wife 20:19,21,25 21:2,9 163:18 167:3 169:17 willing 49:8 202:13 window 47:16,19 52:15 54:3 wish 31:12 wished 111:25 withdraw 17:3 177:2 withholding 106:10 witness 4:2 7:12 7:15 9:25 18:21 21:16 22:22,24 23:14 32:2,23 35:5 38:22 39:21 53:4 67:7 82:4,16 88:1 90:11 95:24 96:6 100:1,10 111:17 112:13 115:7 121:15 125:12 126:11 127:4,10 128:6,7,8 128:10,23 130:14 131:14 132:12,14 132:22,25 133:2,4 149:17 151:18 153:4 160:16 161:23 162:15,23 163:14,21 164:13 168:3 170:12 172:20 174:3 176:17 180:23 182:13,25 183:13 184:8 185:17 187:16 188:22</p>	<p>192:1,5 202:2 206:5 witness's 172:19 186:22 187:15 188:21 witnesses 100:8 women 179:3 won 28:13 word 66:7 192:9 192:12 words 10:8,12 35:15 163:10 174:14 work 14:11,15,20 25:20 28:22 29:17 33:20 34:17 37:21 39:25 45:25 46:6 61:2,5,7 62:8 76:14,23 77:2,3,4 77:8,20 80:9 132:5 133:14 165:21 167:4 169:20 173:6 179:12 194:14 202:14 worked 42:9 56:12 71:20 79:21,22 80:1,4,13 82:11 85:3 98:2 132:7 164:2 workers 136:17 working 33:5 41:24 56:5 57:6 63:17 74:23,24 76:5 80:15 82:8 88:9 110:5 124:23 141:14 164:18 165:7 170:23 171:8,12 173:12 184:23</p>	<p>works 79:25 worry 168:24 worse 172:17 worth 132:2 worthy 131:23 199:23 writ 107:4,7 write 149:19 writing 65:25 66:4 66:10 written 9:8 15:4 21:18 65:21 69:23 78:15,15 157:19 wrong 56:4 181:21 199:17,19 wrongfully 195:6 wrote 62:25</p>
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[year - zero]

156:23 184:1 185:18 years 13:21 23:23 24:13,14 25:8,20 36:18,19 38:12,12 39:3,17,24 43:2 56:9,11 59:2 60:14 68:18 69:3 69:5,6,15,15 70:19 70:21 71:18,20 72:5 73:3,4,7,13 73:18,22 82:15,17 90:19 124:22 125:15 128:15,15 159:6 160:23,24 164:4,5 183:13,23 183:24 185:6,6,8 185:10 195:14,22 198:2,4,5,7,8,11 yesterday 20:7 129:23 young 72:16
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California Code of Civil Procedure
Article 5. Transcript or Recording
Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a reasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

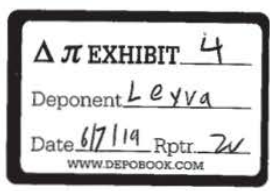
Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

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5 Los Angeles, California 90017-2543
Telephone: (213) 443-3000
6 Facsimile: (213) 443-3100
7 Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 CENTRAL DISTRICT

12 COUNTY OF LOS ANGELES,
13 Petitioner/Plaintiff,
14 vs.
15 ALEX VILLANUEVA, Sheriff of Los
Angeles County Sheriff's Department;
16 CAREN CARL MANDOYAN, an individual;
LOS ANGELES COUNTY SHERIFF'S
17 DEPARTMENT; and DOES 1 through 10,
inclusive,
18 Respondents/Defendants.
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CASE NO. 19STCP00630
**RESPONDENTS/DEFENDANTS
SHERIFF ALEX VILLANUEVA AND
LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT'S NOTICE OF
DEPOSITION OF RAYMOND LEYVA**
Date: May 31, 2019
Time: 9:00 am
Place: Quinn Emanuel Urquhart & Sullivan
65 S. Figueroa Street, 10th Floor
Los Angeles, California 90017



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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

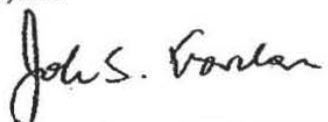
PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure § 2025.010, *et seq.*, Respondents/Defendants Sheriff Alex Villanueva and the Los Angeles County Sheriff's Department will take the deposition of Raymond Leyva on Friday, May 31, 2019 at 9:00 a.m., at the offices of Quinn Emanuel Urquhart & Sullivan, located at 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 continuing from day to day until completed, excluding Saturdays, Sundays, and legal holidays. A copy of the subpoena is attached as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that the deposition will be recorded stenographically and videotaped, and may be used at trial. The deposition may also be recorded through the instant visual display of the testimony. The deposition will be taken before a notary public or authorized officers.

PLEASE TAKE FURTHER NOTICE that, pursuant to California Code of Civil Procedure section 2025.280 the deponent is to produce at the deposition the documents set forth in Exhibit A.

DATED: May 9, 2019

QUINN EMANUEL URQUHART &
SULLIVAN, LLP



By

John S. Gordon
Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department

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EXHIBIT A
DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.
2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.
3. "COUNTY" means the County of Los Angeles.
4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.
5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.
6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.
7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.
8. "LASD" means the Los Angeles County Sheriff's Department.
9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.
10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).
11. "SHERIFF" means the Los Angeles County Sheriff.

1 12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's
2 Department.

3 13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex
4 Villanueva.

5 **INSTRUCTIONS**

6 14. DOCUMENTS shall be produced in their original file folders, or any writing on the
7 file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied
8 and appended to the DOCUMENT and the person, department, division, or office for whom or
9 which the DOCUMENT or the file folder is maintained shall be identified.

10 15. DOCUMENTS attached to each other shall not be separated.

11 16. Electronically stored information shall be produced in its native electronic
12 application and format. Electronically stored information shall be produced with all metadata and
13 shall not be altered in any way.

14 17. If you withhold any DOCUMENT based on some limitation of discovery,
15 including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS
16 being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
17 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
18 created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number
19 of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with
20 whom there was a communication concerning the DOCUMENT, including all persons to whom
21 the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for
22 exclusion from discovery.

23 18. If you lack the ability to comply with a request, you must specify whether the
24 inability to comply is because the particular DOCUMENT, item or category never existed; has
25 been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was
26 once in YOUR possession but is no longer. You must also state the name and address of any
27 person known or believed by you to have possession of a DOCUMENT, item or category for
28 which you lack the ability to comply with a request for production.

1 19. If a DOCUMENT, item or category has been destroyed or discarded, identify that
2 DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
3 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
4 created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if
5 any; (e) the number of pages, including the presence of any appendices, exhibits or attachments;
6 (f) all persons with whom there was a communication concerning the DOCUMENT, including all
7 persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date
8 of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h)
9 the name and address of any person known or believed by you to have possession of a copy of the
10 DOCUMENT, item or category that was discarded or destroyed.

11 20. These requests call for the production of DOCUMENTS or things in YOUR
12 possession, custody or control, or in the custody or control of another if you have the right,
13 privilege or opportunity to examine it upon request or demand, whether or not such right, privilege
14 or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or
15 control of any person or entity who performed management, bookkeeping, accounting, finance or
16 any similar service for you at any time, should be produced.

17 21. “All” includes “any” and “any” includes “all.”

18 22. “All” includes “each” and “each” includes “all.”

19 23. “Each” includes “every” and “every” includes “each.”

20 24. “and”, “or,” and “and/or” shall be construed either disjunctively or conjunctively
21 as necessary to bring within the scope of the request all responses that might otherwise be
22 construed to be outside their scope.

23 25. The use of a verb in any tense shall be construed as the use of the verb in all other
24 tenses.

25 26. The singular form of any word shall be construed to include the plural, and the
26 plural form of any word shall be construed to include the singular.

27

28

1 **REQUESTS FOR PRODUCTION**

2

3 REQUEST FOR PRODUCTION NO. 1:

4 All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation,
5 discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission,
6 revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

7

8 REQUEST FOR PRODUCTION NO. 2:

9 All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

10

11 REQUEST FOR PRODUCTION NO. 3:

12 All DOCUMENTS RELATING TO COMMISSION proceedings concerning
13 MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal,
14 challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling,
15 decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding
16 concerning MANDOYAN;

17

18 REQUEST FOR PRODUCTION NO. 4:

19 All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible
20 consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit
21 brought by MANDOYAN in August 2018 against LASD or the COUNTY.

22

23 REQUEST FOR PRODUCTION NO. 5:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in
26 August 2018 against LASD or the COUNTY.

1 REQUEST FOR PRODUCTION NO. 6:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
4 present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a
5 lawsuit brought against LASD or the COUNTY.

6

7 REQUEST FOR PRODUCTION NO. 7:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
10 December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a
11 settlement of, a lawsuit brought against LASD or the COUNTY.

12

13 REQUEST FOR PRODUCTION NO. 8:

14 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
15 COUNTY COUNSEL should approve, did approve, or should have approved the settlement of
16 any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

17

18 REQUEST FOR PRODUCTION NO. 9:

19 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
20 COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the
21 settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the
22 COUNTY.

23

24 REQUEST FOR PRODUCTION NO. 10:

25 All DOCUMENTS prepared, created, generated, or revised between December 3, 2018
26 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY
27 COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the
28 SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

1 pending or threatened lawsuit against LASD or the COUNTY or any case pending before the
2 COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

3
4 REQUEST FOR PRODUCTION NO. 11:

5 All DOCUMENTS prepared, created, generated, or revised between November 26, 2018
6 and the present RELATING TO the process, rules, system, or approval requirements for the
7 settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the
8 settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case
9 pending before the COMMISSION involving a challenge to the discharge, termination, or firing of
10 a DEPUTY.

11
12 REQUEST FOR PRODUCTION NO. 12:

13 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
14 power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a
15 COUNTY OFFICER.

16
17 REQUEST FOR PRODUCTION NO. 13:

18 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
19 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
20 present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for
21 a settlement payment of \$100,000 or less or a settlement payment of less than \$100,000.

22
23 REQUEST FOR PRODUCTION NO. 14:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
26 December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER,
27 providing for a settlement payment of \$100,000 or less or a settlement payment of less than
28 \$100,000.

1 REQUEST FOR PRODUCTION NO. 15:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
4 present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY
5 or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 16:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
10 December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against
11 the COUNTY or a COUNTY OFFICER.

12
13 REQUEST FOR PRODUCTION NO. 17:

14 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
15 present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS
16 or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

17
18 REQUEST FOR PRODUCTION NO. 18:

19 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
20 December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF
21 SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a
22 COUNTY OFFICER.

23
24 REQUEST FOR PRODUCTION NO. 19:

25 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
26 present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a
27 counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the
28 COUNTY or a COUNTY OFFICER.

1 REQUEST FOR PRODUCTION NO. 20:

2 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
3 December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY
4 COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit
5 brought against the COUNTY or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 21:

8 All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the
9 portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating
10 "The County Counsel . . . shall have exclusive charge and control of all civil actions and
11 proceedings in which the County or any officer thereof, is concerned or is a party."

12
13 REQUEST FOR PRODUCTION NO. 22:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
16 present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

17
18 REQUEST FOR PRODUCTION NO. 23:

19 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
20 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
21 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a
22 DEPUTY.

23
24 REQUEST FOR PRODUCTION NO. 24:

25 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
26 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
27 present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final
28 COMMISSION action making a DEPUTY's discharge final.

1 REQUEST FOR PRODUCTION NO. 25:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
4 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY
5 after final COMMISSION action making a DEPUTY's discharge final.

6
7 REQUEST FOR PRODUCTION NO. 26:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
10 present, to rescind, revoke, withdraw, or reverse an employee's discharge after final
11 COMMISSION action making the employee's discharge final.

12
13 REQUEST FOR PRODUCTION NO. 27:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
16 December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final
17 COMMISSION action making the employee's discharge final.

18
19 REQUEST FOR PRODUCTION NO. 28:

20 All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment
21 of salary, back pay, benefits, or other compensation to or for MANDOYAN.

22
23 REQUEST FOR PRODUCTION NO. 29:

24 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
25 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
26 other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY
27 employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear
28

1 a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's
2 supervision.

3
4 REQUEST FOR PRODUCTION NO. 30:

5 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
6 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
7 other compensation, at any point between , at any point between January 1, 2013 and December
8 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement
9 agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under
10 COUNTY COUNSEL's supervision.

11
12 REQUEST FOR PRODUCTION NO. 31:

13 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support
14 of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

15
16 REQUEST FOR PRODUCTION NO. 32:

17 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's
18 opposition to VILLANUEVA for SHERIFF in the 2018 election.

19
20 REQUEST FOR PRODUCTION NO. 33:

21 All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and
22 Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any
23 actions by said Panel or Commission concerning the review and/or rescission of the disciplinary
24 proceedings and discharge of MANDOYAN or any other DEPUTY.

25
26 REQUEST FOR PRODUCTION NO. 34:

27 All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris)
28 Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

1 communications and receipt of instructions from COUNTY COUNSEL or any member or
2 employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or
3 actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission
4 regarding the review of or rescission of the disciplinary proceedings and discharge of
5 MANDOYAN.

6
7 REQUEST FOR PRODUCTION NO. 35:

8 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
9 November 26, 2018 or later, that any recommendation by any senior executive member or officer
10 of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or
11 UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated
12 or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's
13 lawsuits be settled.

14
15 REQUEST FOR PRODUCTION NO. 36:

16 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
17 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any
18 recommendation by any senior executive member or officer of LASD at a rank of Chief or higher
19 would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge
20 or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to
21 active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

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23 REQUEST FOR PRODUCTION NO. 37:

24 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
25 November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind
26 MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise
27 allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
28 MANDOYAN had filed against the COUNTY and LASD.

1 REQUEST FOR PRODUCTION NO. 38:

2 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
3 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or
4 VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's
5 discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to
6 return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
7 MANDOYAN had filed against the COUNTY and LASD.

8

9 REQUEST FOR PRODUCTION NO. 39:

10 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
11 since January 1, 2018, of a former employee discharged for cause or because of fault, which did
12 not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

13

14 REQUEST FOR PRODUCTION NO. 40:

15 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
16 between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or
17 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
18 reinstatement.

19

20 REQUEST FOR PRODUCTION NO. 41:

21 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
22 between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or
23 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
24 reinstatement.

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1 REQUEST FOR PRODUCTION NO. 42:

2 All DOCUMENTS RELATING TO any determination or evaluation or analysis of
3 “significant liability” that the COUNTY alleges LASD and VILLANUEVA have exposed the
4 COUNTY to through their actions concerning MANDOYAN.

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EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven G. Madison (Bar No. 101006) John S. Gordon (Bar No. 112750) Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa St., 10th Floor Los Angeles, CA 90017 TELEPHONE NO.: (213) 443-3300 FAX NO. (Optional): (213) 443-3100 E-MAIL ADDRESS (Optional): stevemadison@quinnemanuel.com	FOR COURT USE ONLY CASE NUMBER: 19STCP00630
ATTORNEY FOR (Name): Sheriff Alex Villanueva and LA Sheriff's Dept. SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: County of Los Angeles DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Raymond Leyva

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: May 31, 2019 Time: 9:00 a.m. Address: 865 S. Figueroa St., 10th Floor,
 Los Angeles, CA 90017

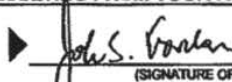
- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
 - b. You are ordered to produce the documents and things described in item 3.
 - c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
 - d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

Continued on Attachment 4.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 30, 2019


 (SIGNATURE OF PERSON ISSUING SUBPOENA)

John S. Gordon (TYPE OR PRINT NAME) Attorneys for Defendants (TITLE)

Form Adopted for Mandatory Use
 Judicial Council of California
 SUBP-020 (Rev. January 1, 2009)

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE
 AND PRODUCTION OF DOCUMENTS AND THINGS

Page 1 of 2
 Code of Civil Procedure §§ 2020.510,
 2025.220, 2025.230, 2025.250, 2025.620;
 Government Code, § 68097.1
 Legal Solutions & Plus

PLAINTIFF/PETITIONER: County of Los Angeles	CASE NUMBER:
DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	19STCP00630

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:
- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees and mileage both ways (check one):
 - (1) were paid. Amount: \$ 0.00
 - (2) were not paid.
 - (3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ 0.00
- f. Fee for service: \$ 0.00

2. I received this subpoena for service on (date):

- 3. Person serving:
 - a. Not a registered California process server
 - b. California sheriff or marshal
 - c. Registered California process server
 - d. Employee or independent contractor of a registered California process server
 - e. Exempt from registration under Business and Professions Code section 22350(b)
 - f. Registered professional photocopier
 - g. Exempt from registration under Business and Professions Code section 22451
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

1 **ATTACHMENT 3**

2 **DEFINITIONS**

- 3 1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of
4 Supervisors and Executive Office of Los Angeles County Board of Supervisors.
- 5 2. "COMMISSION" means Los Angeles County Civil Service Commission and
6 Office of Los Angeles County Civil Service Commission.
- 7 3. "COUNTY" means the County of Los Angeles.
- 8 4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and
9 Office of County Counsel of Los Angeles County.
- 10 5. "COUNTY OFFICER" means any elective County officer as prescribed in Article
11 IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as
12 prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.
- 13 6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.
- 14 7. "DOCUMENTS" shall have the same meaning herein as in California Evidence
15 Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting,
16 printing, photostating, photographing, photocopying, films, recordings, memoranda, books,
17 records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice
18 messaging, social media messaging and every other means of recording upon any tangible thing,
19 and any record thereby created, regardless of the manner in which the record has been stored, and
20 all non-identical copies of such.
- 21 8. "LASD" means the Los Angeles County Sheriff's Department.
- 22 9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.
- 23 10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to,
24 evidencing, identifying, incorporating, summarizing, involving, describing, discussing,
25 commenting on, embodying, responding to, supporting, contradicting, containing, or constituting
26 (in whole or in part).
- 27 11. "SHERIFF" means the Los Angeles County Sheriff.
- 28

1 12. "UNDERSHERIFF" means the Undersheriff of the Los Angeles Sheriff's
2 Department.

3 13. "VILLANUEVA" means Respondent/Defendant Los Angeles County Sheriff Alex
4 Villanueva.

5 INSTRUCTIONS

6 14. DOCUMENTS shall be produced in their original file folders, or any writing on the
7 file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied
8 and appended to the DOCUMENT and the person, department, division, or office for whom or
9 which the DOCUMENT or the file folder is maintained shall be identified.

10 15. DOCUMENTS attached to each other shall not be separated.

11 16. Electronically stored information shall be produced in its native electronic
12 application and format. Electronically stored information shall be produced with all metadata and
13 shall not be altered in any way.

14 17. If you withhold any DOCUMENT based on some limitation of discovery,
15 including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS
16 being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
17 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
18 created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number
19 of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with
20 whom there was a communication concerning the DOCUMENT, including all persons to whom
21 the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for
22 exclusion from discovery.

23 18. If you lack the ability to comply with a request, you must specify whether the
24 inability to comply is because the particular DOCUMENT, item or category never existed; has
25 been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was
26 once in YOUR possession but is no longer. You must also state the name and address of any
27 person known or believed by you to have possession of a DOCUMENT, item or category for
28 which you lack the ability to comply with a request for production.

1 19. If a DOCUMENT, item or category has been destroyed or discarded, identify that
2 DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
3 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
4 created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if
5 any; (e) the number of pages, including the presence of any appendices, exhibits or attachments;
6 (f) all persons with whom there was a communication concerning the DOCUMENT, including all
7 persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date
8 of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h)
9 the name and address of any person known or believed by you to have possession of a copy of the
10 DOCUMENT, item or category that was discarded or destroyed.

11 20. These requests call for the production of DOCUMENTS or things in YOUR
12 possession, custody or control, or in the custody or control of another if you have the right,
13 privilege or opportunity to examine it upon request or demand, whether or not such right, privilege
14 or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or
15 control of any person or entity who performed management, bookkeeping, accounting, finance or
16 any similar service for you at any time, should be produced.

17 21. "All" includes "any" and "any" includes "all."

18 22. "All" includes "each" and "each" includes "all."

19 23. "Each" includes "every" and "every" includes "each."

20 24. "And", "or," and "and/or" shall be construed either disjunctively or conjunctively
21 as necessary to bring within the scope of the request all responses that might otherwise be
22 construed to be outside their scope.

23 25. The use of a verb in any tense shall be construed as the use of the verb in all other
24 tenses.

25 26. The singular form of any word shall be construed to include the plural, and the
26 plural form of any word shall be construed to include the singular.

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation, discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission, revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATING TO COMMISSION proceedings concerning MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal, challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling, decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding concerning MANDOYAN;

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

1 REQUEST FOR PRODUCTION NO. 6:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
4 present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a
5 lawsuit brought against LASD or the COUNTY.

6
7 REQUEST FOR PRODUCTION NO. 7:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
10 December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a
11 settlement of, a lawsuit brought against LASD or the COUNTY.

12
13 REQUEST FOR PRODUCTION NO. 8:

14 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
15 COUNTY COUNSEL should approve, did approve, or should have approved the settlement of
16 any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

17
18 REQUEST FOR PRODUCTION NO. 9:

19 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
20 COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the
21 settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the
22 COUNTY.

23
24 REQUEST FOR PRODUCTION NO. 10:

25 All DOCUMENTS prepared, created, generated, or revised between December 3, 2018
26 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY
27 COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the
28 SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

1 pending or threatened lawsuit against LASD or the COUNTY or any case pending before the
2 COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

3

4 REQUEST FOR PRODUCTION NO. 11:

5 All DOCUMENTS prepared, created, generated, or revised between November 26, 2018
6 and the present RELATING TO the process, rules, system, or approval requirements for the
7 settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the
8 settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case
9 pending before the COMMISSION involving a challenge to the discharge, termination, or firing of
10 a DEPUTY.

11

12 REQUEST FOR PRODUCTION NO. 12:

13 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
14 power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a
15 COUNTY OFFICER.

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17 REQUEST FOR PRODUCTION NO. 13:

18 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
19 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
20 present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for
21 a settlement payment of \$100,000 or less or a settlement payment of less than \$100,000.

22

23 REQUEST FOR PRODUCTION NO. 14:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
26 December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER,
27 providing for a settlement payment of \$100,000 or less or a settlement payment of less than
28 \$100,000.

1 REQUEST FOR PRODUCTION NO. 15:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
4 present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY
5 or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 16:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
10 December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against
11 the COUNTY or a COUNTY OFFICER.

12
13 REQUEST FOR PRODUCTION NO. 17:

14 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
15 present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS
16 or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

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18 REQUEST FOR PRODUCTION NO. 18:

19 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
20 December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF
21 SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a
22 COUNTY OFFICER.

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24 REQUEST FOR PRODUCTION NO. 19:

25 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
26 present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a
27 counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the
28 COUNTY or a COUNTY OFFICER.

1 REQUEST FOR PRODUCTION NO. 20:

2 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
3 December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY
4 COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit
5 brought against the COUNTY or a COUNTY OFFICER.
6

7 REQUEST FOR PRODUCTION NO. 21:

8 All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the
9 portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating
10 "The County Counsel . . . shall have exclusive charge and control of all civil actions and
11 proceedings in which the County or any officer thereof, is concerned or is a party."
12

13 REQUEST FOR PRODUCTION NO. 22:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
16 present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.
17

18 REQUEST FOR PRODUCTION NO. 23:

19 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
20 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
21 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a
22 DEPUTY.
23

24 REQUEST FOR PRODUCTION NO. 24:

25 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
26 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
27 present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final
28 COMMISSION action making a DEPUTY's discharge final.

1 REQUEST FOR PRODUCTION NO. 25:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
4 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY
5 after final COMMISSION action making a DEPUTY's discharge final.
6

7 REQUEST FOR PRODUCTION NO. 26:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
10 present, to rescind, revoke, withdraw, or reverse an employee's discharge after final
11 COMMISSION action making the employee's discharge final.
12

13 REQUEST FOR PRODUCTION NO. 27:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
16 December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final
17 COMMISSION action making the employee's discharge final.
18

19 REQUEST FOR PRODUCTION NO. 28:

20 All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment
21 of salary, back pay, benefits, or other compensation to or for MANDOYAN.
22

23 REQUEST FOR PRODUCTION NO. 29:

24 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
25 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
26 other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY
27 employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear
28

1 a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's
2 supervision.

3
4 REQUEST FOR PRODUCTION NO. 30:

5 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
6 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
7 other compensation, at any point between , at any point between January 1, 2013 and December
8 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement
9 agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under
10 COUNTY COUNSEL's supervision.

11
12 REQUEST FOR PRODUCTION NO. 31:

13 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support
14 of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

15
16 REQUEST FOR PRODUCTION NO. 32:

17 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's
18 opposition to VILLANUEVA for SHERIFF in the 2018 election.

19
20 REQUEST FOR PRODUCTION NO. 33:

21 All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and
22 Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any
23 actions by said Panel or Commission concerning the review and/or rescission of the disciplinary
24 proceedings and discharge of MANDOYAN or any other DEPUTY.

25
26 REQUEST FOR PRODUCTION NO. 34:

27 All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris)
28 Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

1 communications and receipt of instructions from COUNTY COUNSEL or any member or
2 employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or
3 actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission
4 regarding the review of or rescission of the disciplinary proceedings and discharge of
5 MANDOYAN.

6
7 REQUEST FOR PRODUCTION NO. 35:

8 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
9 November 26, 2018 or later, that any recommendation by any senior executive member or officer
10 of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or
11 UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated
12 or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's
13 lawsuits be settled.

14
15 REQUEST FOR PRODUCTION NO. 36:

16 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
17 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any
18 recommendation by any senior executive member or officer of LASD at a rank of Chief or higher
19 would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge
20 or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to
21 active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

22
23 REQUEST FOR PRODUCTION NO. 37:

24 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
25 November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind
26 MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise
27 allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
28 MANDOYAN had filed against the COUNTY and LASD.

1 REQUEST FOR PRODUCTION NO. 38:

2 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
3 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or
4 VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's
5 discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to
6 return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
7 MANDOYAN had filed against the COUNTY and LASD.

8

9 REQUEST FOR PRODUCTION NO. 39:

10 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
11 since January 1, 2018, of a former employee discharged for cause or because of fault, which did
12 not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

13

14 REQUEST FOR PRODUCTION NO. 40:

15 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
16 between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or
17 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
18 reinstatement.

19

20 REQUEST FOR PRODUCTION NO. 41:

21 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
22 between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or
23 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
24 reinstatement.

25

26

27

28

1 REQUEST FOR PRODUCTION NO. 42:

2 All DOCUMENTS RELATING TO any determination or evaluation or analysis of
3 “significant liability” that the COUNTY alleges LASD and VILLANUEVA have exposed the
4 COUNTY to through their actions concerning MANDOYAN.

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PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017

On May 9, 2019, I served true copies of the following document(s) described as **RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF RAYMOND LEYVA** on the interested parties in this action as follows:

Louis R. Miller, Esq. Mira Hashmall, Esq. Emily A. Sanchirico, Esq. MILLER BARONDESS, LLP 1999 Avenue of the Stars, Suite 1000 Los Angeles, CA 90067	Attorneys for County of Los Angeles
Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd. Suite 345E Beverly Hills, CA 90212	Attorneys for Caren Carl Mandoyan
John A. Schlaff, Esq. Law Offices of John A. Schlaff 2355 Westwood Blvd. Suite 424 Los Angeles, CA 90064	Attorneys for Caren Carl Mandoyan

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Quinn Emanuel Urquhart & Sullivan, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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Executed on May 9, 2019, at Los Angeles, California.

Rita Turner

Rita Turner

CONFIDENTIAL PERSONNEL RECORDS

EXHIBIT C

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

-----)
COUNTY OF LOS ANGELES,)
))
Plaintiff,)
))
vs.) No. 19STCP00630
))
ALEX VILLANUEVA, Sheriff of)
Los Angeles County Sheriff's)
Department; CAREN CARL)
MANDOYAN, an individual; LOS)
ANGELES COUNTY SHERIFF'S)
DEPARTMENT; and DOES 1 though)
10, inclusive.)
))
Defendants.)
-----)

VIDEOTAPED DEPOSITION OF JOHN NAIMO
Los Angeles, California
Monday, June 10, 2019

Reported by:
RENEE A. PACHECO, RPR, CLR
CSR No. 11564
Job No. 3382233
PAGES 1 - 76

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CENTRAL DISTRICT

COUNTY OF LOS ANGELES,)
))
Plaintiff,)
))
vs.)No. 19STCP00630
))
ALEX VILLANUEVA, Sheriff of)
Los Angeles County Sheriff's)
Department; CAREN CARL)
MANDOYAN, an individual; LOS)
ANGELES COUNTY SHERIFF'S)
DEPARTMENT; and DOES 1 through)
10, inclusive,)
))
Defendants.)

)

Videotaped deposition of JOHN NAIMO taken on behalf of Plaintiff, at 865 South Figueroa Street, Los Angeles, California, beginning at 9:15 a.m. and ending at 11:05 p.m. on Monday, June 10, 2019, before RENEE A. PACHECO, Certified Shorthand Reporter No. 11564, RPR, CLR.

1 APPEARANCES:

2

3 For Plaintiff:

4 QUINN EMANUEL URQUHART & SULLIVAN

5 BY: JOHN S. GORDON

6 Attorney at Law

7 865 South Figueroa Street

8 Los Angeles, California 90017

9 (213) 443-3000

10 johngordon@quinnemanuel.com

11

12 For Defendants:

13 MILLER BARONDESS, LLP

14 BY: MIRA HASHMALL

15 Attorney at Law

16 1999 Avenue of the Stars, Suite 1000

17 Los Angeles, California 90067

18 (310) 552-4400

19 Mhasmall@millerbarondess.com

20

21 Videographer:

22 Richard Smith

23

24

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WITNESS

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EXHIBITS

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Exhibit 9 Declaration of John Naimo In
Support of Petitioner
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INSTRUCTION NOT TO ANSWER

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1 Los Angeles, California, Monday, June 10, 2019

2 9:15 a.m.

3

4 THE VIDEOGRAPHER: Good morning. Today's
5 date is June the 10th, 2019. The time is 9:15 a.m. 09:15AM

6 Please note that the microphones are sensitive and
7 may pick up whispering, private conversations and
8 cellular interference.

9 Please turn off all your cell phones and
10 place them away from the microphones as they can 09:15AM
11 interfere with the deposition audio.

12 The audio and video recording will continue
13 to take place unless all parties agree to go off the
14 record. This is Media Unit No. 1 of the
15 video-recorded deposition of Mr. John Naimo. 09:16AM

16 It's being taken in the matter of the
17 "County of Los Angeles versus Alex Villanova (sic),
18 et al.," pending trial in the Superior Court of
19 California for the County of Los Angeles Central
20 District. Docket number is 19STCP00630. 09:16AM

21 The deposition is being held at the law
22 firm of Quinn Emanuel located at 865 South Figueroa
23 Street, 10th Floor, Los Angeles, California 90017.

24 My name is Richard Smith. I'm the
25 videographer. And I'm sorry. I didn't get your 09:16AM

1 name.

2 DEPOSITION REPORTER: Renee Pacheco.

3 THE VIDEOGRAPHER: And Ms. Renee Pacheco.

4 And she's the court reporter. I am not related to

5 any party in this action nor am I financially 09:16AM

6 interested in the outcome.

7 Counsel and all present in the room can now

8 state their affiliations for the record. If there

9 are any objections to the proceeding, please state

10 them at the time of your appearance and we will 09:17AM

11 begin with the noticing attorney.

12 MR. GORDON: John Gordon for the Sheriff

13 Alex Villanueva and Los Angeles Sheriff's

14 Department. And for the record it is Villanueva,

15 V-I-L-L-A-N-U-E-V-A, not Villanova, but I'm sure 09:17AM

16 everyone caught that.

17 THE VIDEOGRAPHER: Thank you.

18 MS. HASHMALL: Good morning. Mira

19 Hashmall, Miller Barondess for the County of

20 Los Angeles and for the witness John Naimo. 09:17AM

21 THE VIDEOGRAPHER: Thank you. If I could

22 have the court reporter please swear in the witness.

23 DEPOSITION REPORTER: Raise your right

24 hand, sir.

25 Do you solemnly state the testimony you are 09:17AM

Page 6

1 about to give will be the truth, the whole truth and
2 nothing but the truth?

3 THE DEPONENT: I do.

4

5 JOHN NAIMO,
6 having been administered an oath, was examined and
7 testified as follows:

8

9 EXAMINATION

10 BY MR. GORDON: 09:17AM

11 Q Mr. Naimo, do you have any documents to
12 produce in response to the deposition subpoena you
13 were served?

14 A No, I do not.

15 Q Have you ever been deposed before? 09:17AM

16 A Yes, I have.

17 Q About how many times?

18 A Four.

19 Q Now, you understand that this deposition
20 will be under oath; right? 09:18AM

21 A I do.

22 Q And you'll be subject to penalties of
23 perjury if you intentionally make a false material
24 statement under oath.

25 Do you know that? 09:18AM

Page 7

1 A Yes.

2 Q Now, I'll be asking you questions. Your
3 counsel may object. But unless your counsel
4 instructs you not to answer, you're required to
5 answer my questions. 09:18AM

6 Do you understand that?

7 A Yes.

8 Q You're represented by an attorney today?

9 A I am.

10 Q Who is that? 09:18AM

11 A She's seated to my left, Mira Hashmall.

12 Q Now, as you probably know, you must answer
13 questions audibly. That's with words -- and with
14 words. Nods or shakes of the head can't be
15 transcribed by the court reporter. 09:18AM

16 Do you understand that?

17 A Yes.

18 Q Now, the court reporter is transcribing the
19 deposition and she can take down the words of only
20 one speaker at a time. Please wait until I finish 09:18AM
21 my question before answering and I will wait until
22 you finish your answer before asking my next
23 question.

24 Is that okay?

25 A Yes. 09:18AM

Page 8

1 Q Please ask for clarification if you don't
2 understand one of my questions and I'll do my best
3 to rephrase it. If you under -- if you answer the
4 question, it will be assumed that you understood it.

5 Do you know that? 09:19AM

6 A Yes.

7 Q Now, if you need a break, let me know, but
8 you need to answer any pending question before we
9 break unless you believe you need to consult with
10 your attorney about whether you have a legal 09:19AM
11 privilege not to answer.

12 So if you just want to discuss what for
13 example might be a better answer than another but
14 it's not a question of privilege, you understand
15 you're not entitled to call for a break, go out and 09:19AM
16 discuss it and come back.

17 Do you understand that?

18 A I do.

19 Q But obviously if you can't figure the --
20 you can't answer a question without being certain 09:19AM
21 that it's not a privileged answer, that's when
22 you're entitled to say "Hold on. I'm taking a
23 break. I need to go consult with my counsel" or if
24 your counsel asks for a break to discuss question
25 privilege, then we'll be taking a break for you to 09:19AM

Page 9

1 do that.

2 Do you understand that?

3 A Yes.

4 Q Now, there may be times where you don't
5 have exact information but you can make a reasonable
6 approximation. You might -- for example, you might
7 not know an exact date, but you might remember that
8 it was somewhere around the second week of March.

09:19AM

9 If you can, provide a reasonable
10 approximation when you don't know an exact answer.
11 Will you do that and just make clear you are
12 approximating or giving your best estimate, you are
13 not claiming to have an exact recollection of the
14 exact answer.

09:20AM

15 Do you understand that?

09:20AM

16 A Understood.

17 Q And if you have any questions about that
18 instruction when you're about -- when I ask you a
19 question and you're uncertain about whether you're
20 caught somewhere in the never-never land, obviously
21 just explain to me what it is you're hung up on and
22 I'll try to rephrase the question or just you can
23 make clear that you're talking about an
24 approximation or an estimate. All right?

09:20AM

25 Now, there may also be times when you

09:20AM

Page 10

1 believe you know the answer but you aren't
2 100 percent sure. If you believe you know the
3 answer but you aren't sure, then just let me know
4 that your answer is your best belief but you're not
5 positive that that's the answer. Okay? 09:20AM

6 A Yes.

7 Q Now, after we're done -- and the court
8 reporter is going to prepare a transcript of this
9 entire deposition. You'll have a chance to review
10 it and make whatever changes or corrections you deem 09:21AM
11 appropriate.

12 You understand though whatever changes or
13 corrections you make will be able to be commented on
14 by counsel at any hearing or trial or other
15 proceeding. 09:21AM

16 Do you know that?

17 A Understood.

18 Q Am I correct in assuming you have never
19 been convicted of a felony?

20 A That's correct. 09:21AM

21 Q Am I correct in assuming you haven't been
22 disciplined by the county in connection with your
23 service as a county employee?

24 A That's correct.

25 Q Now, is there any reason you're aware of 09:21AM

Page 11

1 that you can't give your best testimony today either
2 because you are on medication that affects your
3 thinking, you're ill and it's preventing you from
4 being clearheaded, anything like that?

5 A There's no reason like that. 09:21AM

6 Q And so is there any reason that you can't
7 give full and truthful testimony today?

8 A There's no reason.

9 Q Did you communicate with anyone for
10 purposes of preparing for this deposition? 09:21AM

11 A Yes.

12 Q Who was that?

13 A Counsel who is seated to my left.

14 Q About how many times?

15 A Once. 09:22AM

16 Q For about how long?

17 A Two hours.

18 Q When was that?

19 A Last Monday, June 3rd.

20 Q Did you review any documents to prepare to
21 testify for this deposition? 09:22AM

22 A I reviewed the documents that were attached
23 to my declaration.

24 Q The declaration in support of the county's
25 application for a temporary restraining order? 09:22AM

Page 12

1 A That's correct.

2 Q And approximately how long did you spend
3 looking at the documents?

4 A Probably 30 minutes.

5 Q Did looking at those documents refresh your 09:22AM
6 recollection about any of the matters that you
7 addressed in your declaration?

8 A Yes.

9 Q Which documents refreshed your recollection
10 about any of the matters addressed in your 09:22AM
11 declaration?

12 A All of them generally, but probably the
13 one -- the most was the request from the sheriff's
14 department to Ms. Jennifer Yip which described a
15 process that would provide for back pay to Deputy 09:23AM
16 Mandoyan.

17 Q So are the documents attached to your
18 declaration in support of the county's TRO
19 application the only documents you prepared other
20 than presumably your declaration to prepare for this 09:23AM
21 deposition?

22 A Yes.

23 Q Am I correct you also took a look at your
24 declaration to prepare for the deposition?

25 A I did. 09:23AM

Page 13

1 Q Now, I assume you discussed substantive
2 matters concerning the deposition with your counsel
3 Ms. Hashmall?

4 MS. HASHMALL: I'm going to object.

5 Instruct you not to answer any questions 09:23AM
6 about your communications with counsel.

7 MR. GORDON: And assume we have the same
8 stipulation we have with Mr. Miller. It is deemed
9 stipulated whenever you instruct the witness in this
10 deposition not to answer that he is deemed to have 09:24AM
11 followed your instruction and refuse to answer?

12 MS. HASHMALL: Yes.

13 MR. GORDON: So I won't be requesting from
14 the witness herein after any confirmation of that
15 fact. 09:24AM

16 MS. HASHMALL: Right.

17 BY MR. GORDON:

18 Q Did you bring any written notes with you to
19 the deposition?

20 A No, no. 09:24AM

21 Q Do you have any written engagement or
22 retention agreement with Ms. Hashmall's firm?

23 MS. HASHMALL: Objection.

24 Instruct you not to answer.

25 ///

Page 14

1 BY MR. GORDON:

2 Q Is it your understanding that the County of
3 Los Angeles is paying Ms. Hashmall's firm to
4 represent you in connection with this deposition?

5 MS. HASHMALL: Objection. 09:24AM

6 Instruct you not to answer.

7 BY MR. GORDON:

8 Q And did you disclose any information to
9 Ms. Hashmall in order to prepare for this
10 deposition?

11 MS. HASHMALL: Objection.

12 Instruct you not to answer.

13 BY MR. GORDON:

14 Q Did you receive any legal advice from
15 Ms. Hashmall in connection with preparing for this
16 deposition?

17 MS. HASHMALL: Objection.

18 Instruct you not to answer.

19 BY MR. GORDON:

20 Q Can you tell me what your first job with
21 the County of Los Angeles was?

09:25AM

22 A Yes. My first job was accountant auditor
23 with Los Angeles County.

24 Q In what year did you begin your employment
25 with L.A. County in that capacity?

09:25AM

Page 15

1 A 1979.

2 Q Is that the first professional job you had
3 after college?

4 A Yes.

5 Q How long did you remain as an account 09:25AM
6 auditor with L.A. County after beginning in 1979?

7 A Approximately one year.

8 Q After that what new position did you
9 assume?

10 A Intermediate accountant auditor. 09:25AM

11 Q How long did you remain in that position
12 with the County of L.A.?

13 A Approximately one-and-a-half years.

14 Q After that what was the next position you
15 held? 09:25AM

16 A Senior accountant auditor.

17 Q How long did you hold that position?

18 A Approximately a year-and-a-half.

19 Q All right. After that position what's the
20 next position you held? 09:25AM

21 A Principal accountant.

22 Q How long did you hold that position
23 approximately?

24 A Five to six years.

25 Q And so what year are we now when you 09:26AM

Page 16

1 concluded your tenure as principal accountant for
2 the County of L.A. at the auditor-control --
3 auditor-controller's office?

4 A We're around late 1980s.

5 Q After you finished your tenure as principal 09:26AM
6 accountant at the auditor-controller's office,
7 what's the next position you held?

8 A Chief accountant.

9 Q How long did you hold that position for?

10 A Approximately ten years. 09:26AM

11 Q Into the late 1990s?

12 A Yes.

13 Q What is the next position you held after
14 completing your term as chief accountant?

15 A Division chief. 09:26AM

16 Q How long did you remain division chief for
17 the auditor-controller?

18 A Approximately four years.

19 Q After you finished being division chief,
20 what's the next position you held? 09:27AM

21 A Assistant auditor-controller.

22 Q How long did you remain assistant
23 auditor-controller for the department of auditor
24 control?

25 A From 2002 till 2014. 09:27AM

Page 17

1 Q In 2014 did you assume a new position?
2 A Yes.
3 Q What position was that?
4 A Auditor-controller.
5 Q And you remained auditor-controller of L.A. 09:27AM
6 County from 2014 until when?
7 A Till I retired in March of 2019.
8 Q So total how many years approximately did
9 you spend as an employee of the auditor-controller's
10 office? 09:27AM
11 A 39-and-a-half years.
12 Q What was the last day that you officially
13 served as auditor-controller of L.A. County?
14 A March 29th, 2019.
15 Q Is that the last day you did any actual 09:28AM
16 work for the auditor-controller's office?
17 A Yes, it is.
18 Q After you retired from your position as
19 auditor-controller on March 29, 2019, have you been
20 employed by any other entity? 09:28AM
21 A No.
22 Q Have you worked for any other entity?
23 A No.
24 Q Do you know whether James McDonald was L.A.
25 County sheriff between 2014 and December 2018? 09:28AM

Page 18

1 A Yes, I do.

2 Q As auditor-controller, did you ever
3 participate in any way in any aspect of the process
4 for determining appropriate discipline for L.A.S.D.
5 peace officers found to have committed misconduct? 09:29AM

6 A No.

7 Q Are you familiar with any approvals that
8 were required during the McDonald administration
9 before the sheriff's department could settle a
10 dispute over discipline that had been imposed on an 09:29AM
11 L.A.S.D. peace officer?

12 A I am not familiar with those -- those
13 matters.

14 Q And do you know whether Alex Villanueva
15 became L.A. County sheriff on or about December 3rd,
16 2019? 09:29AM

17 A Yes, I am aware.

18 Q And to your knowledge that is about when he
19 became sheriff?

20 A Yes, it is. 09:29AM

21 Q Now, as auditor-controller, did you ever --
22 are you familiar with any approvals that were
23 required during the Villanueva administration before
24 the sheriff's department could settle a dispute over
25 discipline that had been imposed on one of its peace 09:30AM

Page 19

1 officers?

2 A I became aware of these issues generally
3 when the issue of Deputy Mandoyan surfaced.

4 Q How did you become aware of these issues
5 generally as you put it when the issue of Deputy 09:30AM
6 Mandoyan surfaced?

7 A There -- there were media reports regarding
8 Mandoyan which I had read and seen, and that is how
9 I first became aware of issues associated with your
10 line of questioning. 09:30AM

11 Q So did you become aware of any particular
12 approvals that were required during the time Alex
13 Villanueva has been sheriff concerning whether
14 L.A.S.D. could settle a dispute over discipline
15 with a deputy? 09:31AM

16 A I became aware of issues in this area as
17 they surfaced in connection with Deputy Mandoyan.

18 Q So which -- which approvals did you become
19 aware of that were required during the Villanueva
20 administration to settle a dispute over discipline 09:31AM
21 imposed on a deputy?

22 A The issue of approvals was a central issue
23 with respect to Deputy Mandoyan. That is how I
24 became aware of such a process.

25 Q And what approval did you come to 09:31AM

Page 20

1 understand needed to be obtained before L.A.S.D.
2 could settle Carl Mandoyan's dispute over the
3 discipline that was imposed on him?

4 A It came to my attention that the county
5 counsel's approval was required in matters such as 09:32AM
6 Deputy Mandoyan's.

7 Q And what's your basis -- strike that.
8 How did it come to your attention that
9 county counsel's approval was required for that?

10 MS. HASHMALL: Just going to object and 09:32AM
11 remind you that if your answer involves a
12 communication with counsel, I'm going to instruct
13 you not to answer. If you can answer the question
14 based on information or communications not involving
15 counsel, then you can go ahead. 09:32AM

16 THE DEPONENT: Okay. The conversations I
17 had that led me to understand that approvals were
18 required by county counsel were the subject of
19 discussion with the county counsel.

20 BY MR. GORDON: 09:32AM

21 Q Is that the only basis you have for
22 asserting that county counsel's approval needed to
23 be obtained before L.A.S.D. could settle Carl
24 Mandoyan's dispute over discipline that had been
25 imposed on him? 09:32AM

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1 A I also spoke with staff and the
2 auditor-controller department who have day-to-day
3 familiarity with these processes. My staff at the
4 time instructed me that similar instances to Deputy
5 Mandoyan's were always accompanied by a county 09:33AM
6 counsel memorandum or letter.

7 Q Which staff members are you referring to in
8 that answer?

9 A Those staff members would have been
10 Jennifer Yip, Y-I-P, who was the division chief of 09:33AM
11 countywide payroll at the time. Her assistant Laura
12 Rinard, R-I-N-A-R-D.

13 Q Any other staff members you were referring
14 to when you said you spoke with staff and the
15 auditor-controller department -- staff in the 09:34AM
16 auditor-controller department?

17 A There could have been other staff in that
18 division. I can't recall specifically though.

19 Q Other than -- strike that.

20 And who told you that in similar instances 09:34AM
21 the request -- strike that.

22 When you say "similar instances," what
23 similar instances are you referring to?

24 A The people that work in the central payroll
25 division have knowledge of other matters in the 09:34AM

Page 22

1 county that involved restoring employees who either
2 had been terminated or otherwise disciplined and so
3 they -- those individuals, two of whom I
4 specifically mentioned, were the source of that
5 information.

09:35AM

6 Q And did -- which of them said that in
7 similar instances there was always a memorandum or
8 other written confirmation from someone from county
9 counsel accompanying a request of the type that you
10 mentioned?

09:35AM

11 A Both of the individuals I named.

12 Q You're referring to Ms. Yip and Ms. Rinard?

13 A Yes.

14 Q Did you ask them whether there were any
15 instances in which a request for back pay had been
16 made for a county employee which was not accompanied
17 by some type of memo or written approval by the
18 county counsel's office?

09:35AM

19 A I don't remember specifically asking them,
20 but over the course of our conversation I was
21 clearly led to believe that there were no such
22 instances as you've described.

09:36AM

23 Q Have you ever learned of any instance in
24 which the auditor-controller's department authorized
25 payment of back pay to a county employee without a

09:36AM

Page 23

1 memo or other written approval document from the
2 county counsel office authorizing the
3 auditor-controller to do that?

4 A I'm not aware of any such instance.

5 Q What, if any, investigation did you do 09:36AM
6 besides speaking with Ms. Yip and Ms. Rinard to
7 determine whether there was any other instance of
8 the sort I just asked you about?

9 A I asked them to check again with any staff
10 who may have other familiarity with this area just 09:37AM
11 to be assured of that.

12 Q And did you ever communicate with them
13 again after making that request of them about that
14 request?

15 A Yes, I did, and it came to my attention 09:37AM
16 that there were no other instances that anyone could
17 recall where such a direction to the
18 auditor-controller came about without county counsel
19 sign off.

20 Q Did Ms. Yip or Ms. Rinard say what period 09:38AM
21 of time they checked records for to investigate your
22 question?

23 A No, I don't recall that they did.

24 Q Are you aware of any rule anywhere that
25 required county counsel to submit some type of 09:38AM

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1 written documentation to the auditor-controller's
2 department before auditor-controller could authorize
3 payment of back pay to a county employee?

4 A I'm not aware of a rule per se. In
5 consultation with our county counsel, I became aware 09:38AM
6 that there were either statutes or rules governing
7 such.

8 Q Are you saying that you believe there is a
9 rule that required county counsel to provide written
10 approval before auditor-controller could make back 09:39AM
11 pay to a county employee?

12 MS. HASHMALL: Objection. I'm just going
13 to reiterate if your information or knowledge comes
14 from communications with counsel, I'm instructing
15 you not to answer. 09:39AM

16 THE DEPONENT: Based on counsel's advice,
17 the information I obtained in this area was pursuant
18 to discussion with county counsel.

19 BY MR. GORDON:

20 Q But as you sit here today, without telling 09:39AM
21 me your basis for believing why the rule does
22 establish that, can you tell me -- can you point me
23 to any rule you're aware of that you believe
24 requires county counsel to submit written approval
25 before the auditor-controller department can 09:40AM

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1 authorize back pay to a county employee?

2 A No, I don't have a specific reference in
3 that respect.

4 Q And the same question as to any written
5 policy that makes written approval of the county 09:40AM
6 counsel's office a requirement before
7 auditor-controller can authorize back pay, are you
8 aware of any?

9 A No.

10 Q Same question as to written procedure. 09:40AM

11 A I'm not aware of a specific procedure.

12 Q And finally same question as to a written
13 guideline.

14 A Nor am I aware of written guidelines.

15 Q Is your understanding of there being an 09:40AM
16 approval requirement -- strike that.

17 Is your -- did you understand while you
18 were auditor-controller that the auditor-controller
19 had any say in determining whether a county
20 department could rehire or reinstate an employee if 09:41AM
21 there was no request for back pay or restoration of
22 any other financial compensation for the period of
23 time the employee was off duty?

24 MS. HASHMALL: Objection; vague, compound.

25 Answer to the best of your ability if you 09:41AM

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1 understand the question.

2 BY MR. GORDON:

3 Q Do you understand what I'm asking you?

4 A Could you repeat the question, please?

5 Q Did you understand while you were 09:41AM

6 auditor-controller that the auditor-controller had
7 any say in determining whether a county department
8 could rehire an employee who had been discharged if
9 there was no request for any financial compensation
10 during the time the employee was off duty? 09:42AM

11 A So I understand the question to be if the
12 auditor-controller has a say, as I understand that,
13 that would be involvement in bringing a county
14 employee back did you say without compensation?

15 Q Without compensation for the time the 09:42AM
16 employee was off duty.

17 A You just simply come back to work?

18 Q Right.

19 A I can't tell you that I specifically know
20 the auditor-controller's involvement. I can tell 09:42AM
21 you that the auditor-controller as the department
22 responsible for issuing the payroll would likely be
23 involved with the department that would be seeking
24 to bring the employee back as well as potentially
25 other county departments. 09:43AM

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1 Q So what I'm asking you is are you aware of
2 the auditor-controller having any authority to
3 dictate to someone like the sheriff's department
4 whether it can reinstate a discharged employee if
5 the department is not asking for payment of any 09:43AM
6 compensation covering the time period the employee
7 was off duty?

8 A I don't believe the auditor-controller
9 would have a role specifically in the circumstances
10 you just described. 09:43AM

11 Q Are you aware of any of the procedures
12 governing payment of back pay for reinstated deputy
13 sheriffs being any different from payment of back
14 pay for reinstated employees of some other county
15 department? 09:44AM

16 A I have very little direct knowledge of back
17 pay processes, and so I could not tell you that
18 there is a difference between sheriff employees and
19 the circumstances you described and those of any
20 other county department. 09:44AM

21 Q Are you aware of any difference in approval
22 procedures for settlements with reinstated employees
23 of the sheriff's department and approval procedures
24 for settlements with reinstated employees of other
25 county departments? 09:44AM

1 A No, I am not aware of any such differences.

2 Q At any time while you served as auditor or
3 controller, did you ever play any role in deciding
4 whether to approve a county department settlement of
5 a dispute over discipline imposed on an employee? 09:45AM

6 A No, but I will disclose to you that I
7 served as a member of the county's claims board. I
8 don't know if you are familiar with that, but that
9 is a three-member board which reviews and makes
10 determinations as to whether settlement should take 09:45AM
11 place or settlement should be recommended to the
12 board of supervisors.

13 I served on the claims board for
14 approximately eight years. Those are instances
15 where we rule on recommendations to settle claims 09:45AM
16 generally. They could involve employment claims.

17 Q And are you aware of ever -- strike that.

18 As the claims board did the claim -- as a
19 member of the claims board, do you know whether the
20 claims board had the power to refuse to allow a 09:46AM
21 settlement between the parties in a particular
22 matter under consideration by the board?

23 A I don't understand the question.

24 Q What decision-making authority, if any, did
25 the claims board have in determining whether a 09:46AM

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1 settlement should be entered into?

2 A Settlements were brought to the claims
3 board after they had already been agreed upon by the
4 county and the other party involved.

5 Q And at that point after the settlement had 09:46AM
6 been agreed to, what role did the claims board play
7 in evaluating that settlement?

8 A We would review the facts, we would have an
9 opportunity to ask questions to representatives from
10 either the county counsel or the involved 09:47AM
11 department, we would look at the corrective action
12 plan of the department, and we would then deliberate
13 and make a decision as to whether or not we approve
14 the claim.

15 Q Do you know whether the Mandoyan settlement 09:47AM
16 was presented to the claims board for its
17 evaluation?

18 A I do not know.

19 Q What determined which settlements would be
20 presented to the claims board for determination of 09:47AM
21 whether to approve the settlement?

22 A Matters that come before the claims board
23 are prescribed in the county code. There is a
24 specific process. I can tell you that anything over
25 \$20,000 generally came to the claims board for 09:48AM

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1 approval.

2 Q So every settlement -- to your knowledge,
3 during the time you were a member of the claims
4 board, every settlement that called for payment of
5 over \$20,000 by the county had to be evaluated and
6 approved by the claims board before the payment
7 could be made?

09:48AM

8 MS. HASHMALL: Objection; misstates the
9 witness' testimony.

10 BY MR. GORDON:

09:48AM

11 Q Did I -- did I misunderstand you?

12 MS. HASHMALL: He said generally first of
13 all.

14 But you can answer.

15 Is there a new question pending or?

09:48AM

16 MR. GORDON: No, no.

17 BY MR. GORDON:

18 Q You can answer my question first if you
19 understand it.

20 MS. HASHMALL: Madam Court Reporter, can
21 you read back the question, please?

09:48AM

22 MR. GORDON: I'll restate it.

23 BY MR. GORDON:

24 Q So did every settlement to your knowledge
25 during the time you were a member of the claims

09:49AM

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1 board that called for payment of over \$20,000 have
2 to be evaluated and approved by the claims board
3 before the county could make the payment?

4 A I can't say with absolute certainty that
5 every single one did because I can't tell you that 09:49AM
6 I'm aware of any exceptions to that process. That
7 is a general guideline which from my perspective
8 brought to the claims board many matters that the
9 claims board was able to settle and many matters
10 which ultimately were placed on the board of 09:49AM
11 supervisors agenda for their consideration.

12 Q So when the claims board couldn't or didn't
13 approve of a settlement, what would happen to the
14 claim in the ordinary course of the process? Are
15 you saying it would go to the board of supervisors 09:50AM
16 for its review?

17 A If the claims board did not act to
18 recommend it to the board?

19 Q Yes.

20 A I can never -- I cannot recall that ever 09:50AM
21 happening. If the claims board did not approve a
22 claim, which in itself was rare, the claim went back
23 to the attorney that was handling the claim. But in
24 eight years there might have been one or two
25 instances like that. 09:50AM

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1 Q And did every settlement agreement that
2 came to the claims board have any written -- have a
3 written approval accompanying it from the county
4 counsel's office?

5 A The matters presented to the claims board 09:51AM
6 had confidential memoranda from the county counsel's
7 office to the claims board.

8 Q In every instance?

9 A In every instance I can recall, yes.

10 Q Have you now told me any -- all you can 09:51AM
11 remember about any approval requirements in place at
12 any time between 2014 and your retirement that
13 governed whether the sheriff's department could pay
14 back pay to an officer returned to duty after being
15 discharged? 09:52AM

16 A Yes, I've disclosed everything I know.

17 Q Now, are you aware of the sheriff's
18 department between 2014 and your retirement ever
19 rehiring a peace officer who had been discharged by
20 the department? 09:52AM

21 A I am not aware of such an instance.

22 Q Are you aware of L.A.S.D. between 2014 and
23 your retirement ever reinstating a discharged peace
24 officer without an order from the civil service
25 commission or a court compelling reinstatement? 09:52AM

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1 A Other than Deputy Mandoyan I am not aware
2 of any.

3 Q Now, did you do anything to support any
4 candidate campaign for sheriff in 2018?

5 A I did not. 09:52AM

6 Q Did you make any contributions to any
7 candidate for sheriff in 2018?

8 A I did not.

9 Q Did you have a preference for either
10 sheriff's candidate over another in the 2018 run-off 09:53AM
11 election between James McDonald and Alex Villanueva?

12 MS. HASHMALL: Objection; I think you're
13 invading the witness' privacy absent heightened
14 showing a good cause which cannot be met. I would
15 suggest that the witness can keep his political 09:53AM
16 decisions private.

17 MR. GORDON: Are you going to answer?

18 MS. HASHMALL: But you can answer how you
19 see appropriate to that question.

20 BY MR. GORDON: 09:53AM

21 Q I'm not asking you how you voted. I'm
22 asking did you prefer one candidate over another in
23 the 2018 run-off election between McDonald and
24 Villanueva?

25 MS. HASHMALL: I still think it intrudes 09:53AM

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1 upon his privacy, so your...

2 THE DEPONENT: Well, I -- I did not have a
3 preference. I did know I had met Sheriff McDonald,
4 but other than having been acquainted with him or
5 having seen him in a couple of meetings I had no
6 other involvement with him. I knew his staff
7 obviously, so I would have interacted with his staff
8 not the sheriff himself.

09:53AM

9 BY MR. GORDON:

10 Q So was the answer to my question that you
11 did or didn't have a preference?

09:54AM

12 MS. HASHMALL: Objection; he asked and
13 answered -- you asked and he answered it.

14 BY MR. GORDON:

15 Q You can answer.

09:54AM

16 A I did not have a strong preference for
17 either one.

18 Q Have you ever expressed any personal view
19 about Carl Mandoyan's discharge from the sheriff's
20 department?

09:54AM

21 A No, not that I can recall.

22 Q Have you ever held any personal view about
23 Carl Mandoyan's discharge --

24 A No.

25 Q -- from the sheriff's department?

09:54AM

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A No.

Q Have you ever held any personal view about the decision of the Villanueva administration to return Carl Mandoyan to duty as deputy?

A Can you please repeat that?

09:55AM

Q Have you ever held any personal view about the decision by the Villanueva administration to return Carl Mandoyan to duty as an L.A.S.D. deputy?

A My personal view only relates to the legality of the reinstatement of Deputy Mandoyan.

09:55AM

Q And what is that personal view?

A That -- that I have serious concerns if he was indeed brought back on the payroll illegally. That would be concerning to me.

Q And what's your basis for serious concerns that he was brought back on the payroll illegally?

09:55AM

A Again, those are issues that I learned about in discussions with my staff and the county counsel's office.

Q Have you already told me in this deposition so far about any of the serious -- of any of bases for any serious concerns you have about whether Mandoyan was brought back on the payroll illegally?

09:56AM

A We've discussed those previously, yes.

Q Is there -- is there any other basis for

09:56AM

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1 your concerns beyond the ones you have already
2 testified about concerning any serious concerns you
3 had about the legality of the sheriff's department
4 return of Mandoyan to duty?

5 A No, there are none other than those. 09:56AM

6 Q Have you ever expressed any personal --
7 strike that.

8 Other than your declaration in support of
9 the county's TRO application and a letter that you
10 wrote to Carl Mandoyan in your capacity as 09:56AM
11 auditor-controller, have you ever expressed any
12 personal view about the legality of the return of
13 Mandoyan to duty as a deputy?

14 MS. HASHMALL: Objection; improper
15 foundation, vague and ambiguous. 09:57AM

16 Answer to the best of your ability.

17 THE DEPONENT: With regard to expressed,
18 because this was a significant matter for the
19 auditor-controller department, I'm sure that I had
20 discussions with the staff in my department that 09:57AM
21 were involved in this issue about Deputy Mandoyan
22 generally.

23 BY MR. GORDON:

24 Q Have you -- have you told me everything you
25 can remember about any discussions you had with your 09:57AM

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1 staff concerning the legality of sheriff's
2 department return of Mandoyan to duty?

3 A Yes.

4 Q So is there anything else that you can
5 remember that you haven't already told me that 09:57AM
6 concerns communications you had with any member of
7 your staff about the legality of the sheriff's
8 return of Mandoyan to duty?

9 A This sounds very similar to the question I
10 just answered, but I will again repeat. I did not 09:58AM
11 have additional concerns.

12 Q Have you expressed any personal view about
13 Alex Villanueva's conduct as sheriff other than
14 anything you've already discussed in today's
15 deposition? 09:58AM

16 A To whom?

17 Q Anybody.

18 MS. HASHMALL: Well, so if in answering
19 this question you -- you either need to disclose
20 communications you had with counsel or other private 09:58AM
21 communications you may have had with a family
22 member, then I would instruct you not to answer.

23 MR. GORDON: So just to be clear, are you
24 instructing him not to answer on privilege grounds
25 if he spoke to a son or a daughter or a cousin? 09:59AM

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1 MS. HASHMALL: If he spoke to his wife, I'm
2 going to instruct him that he has a privilege not to
3 disclose spousal communications.

4 You also are instructed not to answer any
5 communications with counsel. 09:59AM

6 THE DEPONENT: Okay. Because the sheriff
7 was in the media quite a bit, it's -- it's very
8 possible that I had conversation with other people
9 about issues that were in the media, but I -- I
10 don't have a bias or other disposition positive or 09:59AM
11 negative with respect to Sheriff Villanueva.

12 BY MR. GORDON:

13 Q Have you ever expressed any personal view
14 you held about any action Sheriff Villanueva took
15 concerning deputy sheriffs who had been disciplined 10:00AM
16 by the sheriff's department?

17 A No.

18 MR. GORDON: Let's take a break.

19 THE VIDEOGRAPHER: One moment, please.
20 We're -- we're off the record. The time is 9:59. 10:00AM

21 (Recess.)

22 THE VIDEOGRAPHER: And we're back on the
23 record. The time is 10:08.

24 BY MR. GORDON:

25 Q One moment. 10:08AM

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1 A Yes.

2 Q And did you see the attachment that lists
3 42 categories of documents that were requested for
4 you to produce at the time of your deposition?

5 A I did. 10:10AM

6 Q What, if anything, did you do to search for
7 any of the 42 categories of documents demanded by
8 the deposition subpoena?

9 A Being retired I did not take any county
10 records with me. I don't have county records in my 10:10AM
11 possession, and so I -- other than to familiarize
12 myself with what was being requested, I didn't do
13 much else.

14 Q So at any time between the time you retired
15 from the county on March 29, 2019 and today, have 10:11AM
16 you ever done anything to dispose of any of the 42
17 categories of documents -- dispose of any of the
18 documents called for in any of the 42 categories of
19 documents in Exhibit 8?

20 A No. 10:11AM

21 Q Same question as to destroy any such
22 documents.

23 A Nor have I done anything to destroy.

24 Q Same question as to transfer to somebody
25 else. 10:11AM

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1 A I have not done that.

2 Q Have you refused to produce any documents
3 referenced in the 42 categories of documents in your
4 deposition subpoena which is part of Exhibit 8 based
5 on any objection to the Deposition Subpoena? 10:12AM

6 A No, I have not refused.

7 Q While you were auditor-controller, did you
8 know anything about the sheriff's department's
9 disciplinary proceedings against Deputy Mandoyan
10 that you haven't already told me about in this 10:12AM
11 deposition?

12 A No, there's no additional information I
13 have regarding that.

14 Q I assume you had no involvement in any
15 aspect of the actual disciplinary proceedings 10:12AM
16 against Mandoyan; is that right?

17 A Your assumption is correct, yes.

18 Q Now, other than what you have already told
19 me about in this deposition and what is referenced
20 in the declaration you submitted in support of the 10:12AM
21 county's TRO application and the letter you wrote to
22 Mandoyan, since retiring as auditor-controller, have
23 you learned anything about the disciplinary
24 proceedings concerning Mandoyan?

25 A I have not. 10:13AM

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1 Q To be fair, you also mentioned that you
2 read some media reports, so I'll include media
3 reports as one of the other bases for having learned
4 anything about disciplinary proceedings. Since you
5 already said you have not as to the others, I assume 10:13AM
6 if I give you another -- another category of
7 information to rely on, your answer is still you
8 have told me everything you now have learned that
9 you're aware of about the disciplinary proceedings
10 against Mandoyan; is that right? 10:13AM

11 A Well, if you wish to include media, I still
12 do read the newspaper and I do read about the
13 county, so to the extent that there have been media
14 reports concerning either the sheriff or Deputy
15 Mandoyan, I most likely have read those. 10:13AM

16 Q Okay. I assume you had no involvement in
17 the civil service commission proceedings concerning
18 Mandoyan. Is that fair?

19 A That's correct.

20 Q While you were the auditor-controller, did 10:14AM
21 you know anything about any civil service commission
22 proceedings concerning Mandoyan?

23 A Not prior to the issue of Deputy Mandoyan
24 having been reinstated which we discussed earlier in
25 the deposition. I had no prior knowledge of any 10:14AM

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1 civil service commission proceeding in that respect.

2 Q I'm now handing to the court reporter a
3 document entitled "Declaration of John Naimo In
4 Support of Petitioner Plaintiff's County of
5 Los Angeles' Application For Temporary Restraining 10:15AM
6 Order and Order to Show Cause." It looks like it's
7 18 pages.

8 (Defendant's Exhibit 9 was marked
9 for identification.)

10 BY MR. GORDON: 10:15AM

11 Q Would you look at that and tell me whether
12 you -- you recognize it other than the fact that
13 certain portions relating to personnel record
14 information appear to have been blacked out and
15 redactions. 10:15AM

16 A I have the document in front of me and I am
17 familiar with it, yes.

18 Q When is the first time you ever learned of
19 the existence of Carl Mandoyan?

20 A Most likely I first became aware of Carl 10:15AM
21 Mandoyan through media reports concerning him that
22 to the best of my knowledge began in mid-January.

23 Q Of 2019?

24 A Correct.

25 Q Now, looking at Pages 2 and 3 of Exhibit 9, 10:15AM

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1 is that the declaration that we've been referencing
2 during this deposition that you submitted or that
3 was submitted on your behalf in support of the
4 county's application for a Temporary Restraining
5 Order?

10:16AM

6 A Yes, this is declaration that I signed and
7 reviewed.

8 Q And when you signed and reviewed, it
9 contained an Exhibit A and Exhibit B; is that right?

10 A That's correct.

10:16AM

11 Q And the documents in Exhibit A and
12 Exhibit B in Exhibit 9 are the documents that were
13 attached to your declaration at the time you signed
14 it, but for the fact that certain confidential
15 portions or sensitive personal information has been
16 blacked out from certain portions of the records.
17 Is that fair?

10:16AM

18 A That is correct.

19 Q Now, do you know who prepared the text of
20 this declaration in Exhibit 8 -- sorry -- Exhibit 9?

10:17AM

21 A The two-page declaration?

22 Q Yes.

23 A This text was prepared in conjunction with
24 the county counsel's office and with the involvement
25 of my staff.

10:17AM

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1 Q And who from the county counsel's office is
2 it your understanding participated in preparing this
3 declaration?

4 MS. HASHMALL: Objection; instruct you not
5 to answer. 10:17AM

6 BY MR. GORDON:

7 Q Who from your staff participated in
8 preparing the text of this declaration to your
9 knowledge?

10 A Ms. Yip and Ms. Rinard would have been 10:17AM
11 involved in the declaration process.

12 Q When you say they would have been involved,
13 are you saying you assume they would be the people
14 who were involved or are you saying you know they're
15 the person? 10:18AM

16 A I do in fact know that this declaration was
17 shared with them before I signed it. Their input
18 was specifically sought.

19 Q Did you provide any of the information to
20 anybody for -- that's in the declaration for 10:18AM
21 inclusion in the declaration?

22 MS. HASHMALL: Objection; instruct you not
23 to answer on any communications involving counsel.

24 BY MR. GORDON:

25 Q So, for example, irrespective of your 10:18AM

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1 counsel's instruction, if you provided it to Ms. Yip
2 or Ms. Rinard, can you answer -- are you willing to
3 answer whether you provided any of this information
4 to them so that it got into the declaration?

5 A I believe I shared with them the text 10:18AM
6 that's contained in the declaration so that they
7 were aware of what I was signing off on.

8 Q What I mean is I assume you didn't type up
9 this declaration; right?

10 A Did I type it up from a blank piece of 10:19AM
11 paper by myself? Is that the question?

12 Q Yeah. You're not the one who sat down and
13 drafted all the language and prepared the
14 declaration? I'm just trying to get that straight.

15 A That's correct. 10:19AM

16 Q There's information stated in the
17 declaration though; right?

18 A Yes, there is.

19 Q And I'm just trying to confirm did you
20 provide to Ms. Yip or Ms. Rinard any of the factual 10:19AM
21 information that you now see on the first page of
22 your declaration?

23 A Well, to the extent that it involved
24 counsel, I'm instructed not to answer. What I can
25 tell you is that to the extent that there is factual 10:19AM

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1 information on here, I wanted to assure myself
2 that -- that what I was declaring was consistent
3 with both Ms. Yip and Ms. Rinard's perspectives on
4 the whole matter.

5 Q And did you confirm with them which 10:20AM
6 information -- strike that.

7 Which of the information contained in the
8 four paragraphs did you confirm with Ms. Yip and Ms.
9 Rinard was accurate to their knowledge?

10 A They were asked to look at the declaration 10:20AM
11 in its entirety. It would have been especially of
12 interest to me that they confirm for example that
13 the dates upon which the auditor-controller received
14 certain information were in fact consistent with
15 their records and their recollection. 10:20AM

16 Q Now, Paragraph 2 of the declaration says in
17 part (as read):

18 "A true and correct copy of
19 documents the department of
20 auditor-controller received from the 10:21AM
21 sheriff's department is attached
22 hereto as Exhibit A."

23 Do you see that --

24 A I do.

25 Q -- on lines 14 through 16? 10:21AM

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A Yes.

Q Is Exhibit A a true and correct copy of all the documents the sheriff's department sent over that you're referencing in Paragraph 2 understanding that certain portions of those documents have been blacked out for this deposition?

10:21AM

A They are, yes.

Q Now, the first sentence in Paragraph 3 says (as read):

"That same day the department of auditor-controller alerted the office of the county counsel of the sheriff's department's request because the settlement agreement did not contain a signature by county counsel lawyer or a counsel operating under county counsel supervision which in the normal course it would." Do you see that?

10:21AM

10:22AM

10:22AM

A Yes.

Q Which settlement agreement were you referencing in the first sentence of Paragraph 3 of your declaration in Exhibit 9?

A There -- there's reference to a settlement

10:22AM

1 agreement that I believe was provided to my payroll
2 staff, again, Ms. Yip and Ms. Rinard.

3 Q So what I'm -- why I'm asking is the --
4 Paragraph 2 says (as read):

5 "A true and correct copy of 10:22AM
6 all the documents the Sheriff's
7 Department provided is in
8 Exhibit A," but I don't see a
9 settlement agreement in Exhibit A.

10 MS. HASHMALL: Objection; misstates the 10:23AM
11 document.

12 MR. GORDON: Let me reframe the question.

13 BY MR. GORDON:

14 Q Did Exhibit A at the time you submitted it
15 for a filing in the proceedings on the TRO 10:23AM
16 application contain a settlement agreement?

17 A There is -- there is not a settlement
18 agreement attached to my declaration if that's the
19 question.

20 Q No. I under -- I can see that for myself. 10:23AM

21 A Yes.

22 Q What I'm asking you is do you remember
23 whether a settlement agreement was in the documents
24 that you had as part of Exhibit A at the time you
25 submitted the declaration for filing? 10:23AM

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1 A No, I don't remember if it was there. I do
2 recall that my staff represented to me that they had
3 seen a copy of a settlement agreement.

4 Q Did you ever see a settlement agreement
5 between the sheriff's department and Mandoyan prior 10:24AM
6 to signing your March 1st declaration?

7 A I'm uncertain about whether it was before
8 or after I signed the declaration. I eventually did
9 see a document that purported to be a settlement
10 agreement that was signed by an administrative 10:24AM
11 person at the sheriff's department. When exactly I
12 saw that I can't recall.

13 Q Is there any particular reason you didn't
14 include a copy of the Mandoyan sheriff's department
15 settlement agreement as part of the documents 10:24AM
16 contained in Exhibit A to your declaration?

17 MS. HASHMALL: Objection; instruct you not
18 to answer.

19 MR. GORDON: And what's the basis for the
20 instruction -- instruction? 10:25AM

21 MS. HASHMALL: The decision as to what
22 documents to include as an attachment to the
23 declaration impermissibly intrudes upon his
24 communications with his counsel and I'm instructing
25 him not to answer. 10:25AM

1 BY MR. GORDON:

2 Q Now, in the first sentence of Paragraph 3,
3 it says in part (as read):

4 "The settlement agreement
5 did not contain a signature by a 10:25AM
6 county counsel lawyer or a counsel
7 operating under the county counsel
8 supervisor which in the normal
9 course it would." Do you see that?

10 A Yes. 10:25AM

11 Q What did you mean by saying that?

12 A What I meant is that it came to my
13 attention that a form of settlement agreement was
14 put into effect that was signed off by someone in an
15 administrative capacity in the sheriff's department 10:25AM
16 which had no information or other documentation if
17 you will that the county counsel's office had either
18 looked at or approved such a settlement.

19 Q And what did you mean specifically when you
20 said "which in the normal course it would"? 10:26AM

21 A The normal course goes back to testimony
22 I've previously given wherein I in consultation with
23 the payroll staff and the auditor's department had
24 seen many such reinstatements. My staff represented
25 to me that those reinstatements were always 10:26AM

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1 accompanied by documentation either prepared by or
2 signed off by county counsel. That's what it is in
3 reference to.

4 Q While you were auditor-controller, were you
5 personally aware of whether settlement agreements 10:27AM
6 calling for back pay in the normal course contained
7 written approval either on it or accompanying it
8 from the county counsel?

9 A No, I would not have had direct involvement
10 in those matters. 10:27AM

11 Q Are you aware of the department of
12 auditor-controller ever paying back pay to a county
13 employee pursuant a settlement agreement that was
14 not signed by a county counsel lawyer or lawyer
15 operating under county counsel supervision? 10:27AM

16 A No, I am not.

17 Q And have you -- what, if any, investigation
18 did you ever do to determine whether that in fact
19 did happen?

20 A This is based on discussion with Ms. Yip, 10:27AM
21 Ms. Rinard, assurances that they had discussed
22 similar situations with their staff, and it was
23 represented to me that the matter regarding Mandoyan
24 was very unprecedented.

25 Q Paragraph 4 says (as read): 10:28AM

1 "Because county counsel has
2 not approved the settlement
3 agreement, the department of
4 auditor-controller sent Mr. Mandoyan
5 a letter explaining that his salary 10:28AM
6 and other payments had been
7 stopped."

8 And attached to your declaration as
9 Exhibit B is a copy of a letter from you to Caren
10 Carl Mandoyan dated February 28th, 2019; is that 10:28AM
11 correct?

12 A Yes, that's correct.

13 Q Now, what was your basis for the statement
14 in Paragraph 4 that county counsel had not approved
15 the settlement agreement that you reference in 10:28AM
16 Exhibit B?

17 A The -- the basis for the statement is that
18 in consultation with my staff and the county
19 counsel's office, there had not been an appropriate
20 process or settlement agreement to restore Deputy 10:29AM
21 Mandoyan to the county as an employee and to pay
22 him.

23 Q Did you prepare any portion of the
24 substance of the letter attached as Exhibit B to
25 your declaration that is the February 28, 2019 10:29AM

1 letter to Mr. Mandoyan?

2 A I did not initially draft the letter. I
3 did review it, reviewed it several times, and made
4 recommended changes to it.

5 Q Which portions in this letter are your 10:30AM
6 recommended changes?

7 A I believe they were limited to the last
8 paragraph, and I would describe or characterize them
9 as mostly technical in nature.

10 Q Can you be more specific about which 10:30AM
11 sentences you're referring to in that -- when you
12 say "last paragraph," you're talking about the
13 second-to-the-last paragraph?

14 A Yeah. Not -- if you have any questions,
15 the paragraph that begins "in light of the above," I 10:30AM
16 wanted to make sure that all of those date
17 references were in fact accurate, that my staff had
18 the ability to take the action that this letter
19 effectively was proposing to do, and so it would
20 have been from that standpoint. 10:31AM

21 Q Now, going to the first sentence in the
22 letter, it says (as read):

23 "Your September 14, 2016

24 discharge from the Los Angeles

25 County Sheriff's Department (the 10:31AM

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1 department) was made final by the
2 civil service commission on May
3 23rd, 2018."

4 What was your factual basis for that
5 assertion? In other words, what were you basing 10:31AM
6 that on?

7 A My basis was that the civil service
8 commission had in fact rendered its finding in the
9 matter of Deputy Mandoyan's discharge.

10 Q And are you saying you personally checked 10:32AM
11 the civil service commission --

12 A I did not. I relied on counsel who is
13 involved in such matters.

14 Q So can you tell me which, if any, factual
15 assertions in this letter are ones that you 10:32AM
16 personally determined the accuracy of as opposed to
17 relying on someone else to do so?

18 A As I answered before, I didn't draft this.
19 I did read it. I assured myself that I understood
20 it, and that based on my conversations with counsel 10:32AM
21 that it was factually correct with respect to those
22 details that I don't have personal knowledge of.

23 Q And I'm just trying to determine are there
24 any factual details in this letter that you do claim
25 to have personal knowledge of as the basis for 10:33AM

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1 including them in the letter that you signed?

2 A Again, I understood the circumstances that
3 surrounded Mandoyan's reinstatement. I had concerns
4 that he was on the payroll without authorization
5 illegally, and I wanted to assure myself that the 10:33AM
6 action that the county and my letter was proposing
7 to take concerning Deputy Mandoyan could effectively
8 be carried out by members of my staff at the time.

9 Q What was the basis for the assertion --
10 strike that. 10:33AM

11 Did you have any basis for your assertion
12 in the first sentence of Paragraph 2? (As read):

13 "This letter is to notify
14 you that under the Los Angeles
15 County Charter and other laws, 10:34AM
16 Sheriff Villanueva was without
17 authority to settle your cases on
18 behalf of the county."

19 A My basis for that assertion is again
20 discussions with county counsel that have specific 10:34AM
21 knowledge of the county charter in this area and the
22 ways in which there is authority to reinstate any
23 county employee including Deputy Mandoyan.

24 Q Which portion of the Los Angeles County
25 charter were you referring to in your letter in the 10:34AM

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1 first sentence of Paragraph 2?

2 MS. HASHMALL: Just to be mindful,
3 Mr. Naimo, that you've been instructed not to answer
4 any communications involving your counsel. That
5 should not be disclosed. If you can answer this 10:34AM
6 line of questioning without disclosing those
7 confidential communications, go ahead, and if not,
8 then you should follow my instruction.

9 THE DEPONENT: I do not have specific
10 knowledge of the county charter provisions that 10:35AM
11 specifically address the circumstances in the
12 letter. I don't have direct knowledge of those
13 provisions.

14 BY MR. GORDON:

15 Q Which quote other laws were you trying to 10:35AM
16 convey to Mr. Mandoyan you were referring to in the
17 first sentence of the second paragraph?

18 A I will repeat again that I am not aware of
19 other laws as referenced in that sentence. I don't
20 have direct knowledge of what those other laws are. 10:35AM

21 Q Do you have indirect knowledge of what
22 those other laws are?

23 MS. HASHMALL: I'm just going to repeat my
24 same instruction.

25 THE DEPONENT: No. It would be speculation 10:35AM

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1 as to what those laws might be.

2 BY MR. GORDON:

3 Q Now, do you claim to be a legal expert on
4 any of the assertions stated in your letter in
5 Exhibit B to Exhibit 9?

10:36AM

6 A I am not a legal expert.

7 Q In the first sentence of Paragraph 3, it
8 says (as read):

9 "Nor did Sheriff Villanueva
10 have authority to reinstate you."

10:36AM

11 What was your basis for asserting that
12 Sheriff Villanueva did not have authority to
13 reinstate Carl Mandoyan to serve as a deputy?

14 A The information in Paragraph 3 was again
15 described in consultation with county counsel's
16 office.

10:37AM

17 Q Do you claim to have personal knowledge
18 yourself of any of the legal basis asserted in
19 Paragraph 3 of your February 28, 2019 letter to Carl
20 Mandoyan?

10:37AM

21 A I do not claim that I have personal
22 knowledge.

23 Q Do you claim to be -- strike that.

24 Do you claim to be a legal expert on any of
25 the matters contained in Paragraph 3 of your

10:37AM

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1 February 28, 2019 letter to Carl Mandoyan?

2 A I do not claim such, no.

3 Q Do you claim to be an expert on L.A. County
4 civil service rules applicable to reinstatement of
5 deputy sheriffs who have been discharged? 10:37AM

6 A I do not.

7 Q What's your basis for the assertion in the
8 first paragraph -- first sentence of the
9 next-to-last paragraph on Page 18 of 18 which is
10 Page 2 of your February 28th letter? (As read): 10:38AM

11 "In light of the above,
12 your discharge from the department
13 made final by the civil service
14 commissions May 23rd, 2018 order
15 remains in full force and effect." 10:38AM

16 A I'm sorry. Could you please repeat the
17 beginning of the question?

18 Q What's your basis for that assertion?

19 A My basis for the assertion is the -- the
20 cumulative effect of the discussions I had with my 10:38AM
21 staff and the advice from counsel and my belief that
22 Deputy Mandoyan was placed on the payroll without
23 authorization.

24 Q Now, do you claim to have any personal
25 knowledge of the legal basis for the assertion that 10:39AM

Page 60

1 the discharge made final by the civil service
2 commission's May 23rd, 2018 order remained in full
3 force and effect?

4 A Again, as I've stated with other parts of
5 this letter, my information was derived in 10:39AM
6 consultation with the county counsel's office.

7 Q And was that the only basis you have for
8 making the assertion in the first sentence of the
9 top paragraph on Page 2 of your letter?

10 A I would add the conversations with payroll 10:39AM
11 staff that I've mentioned and the unprecedented
12 nature of Deputy Mandoyan's reinstatement.

13 Q Now, in the second sentence of the top
14 paragraph on Page 2 of your letter to Deputy
15 Mandoyan says (as read): 10:40AM

16 "Please be advised that you
17 are no longer a county employee."

18 Do you see that?

19 A I do.

20 Q Do you claim to have personal knowledge of 10:40AM
21 the legal basis for that assertion?

22 A I am comfortable that there was a legal
23 basis. I do not have a specific legal
24 interpretation of that basis.

25 Q You're relying on someone else as the 10:40AM

Page 61

1 legal -- to provide the legal basis for that
2 assertion; is that right?

3 A That's correct.

4 Q Now, as auditor-controller, did you have
5 authority to instruct an employee of the sheriff's 10:41AM
6 department to immediately turn in any and all county
7 property?

8 A The intent of that sentence was to cause
9 the employee to discontinue working after
10 February 22nd. 10:41AM

11 Q But my question is did you as auditor --
12 I'll rephrase my question.

13 As auditor-controller, did you believe that
14 you had the legal authority to instruct an employee
15 of the sheriff's department to immediately turn in 10:41AM
16 any and all county property?

17 A In consultation with the county counsel's
18 office, I did in fact believe and understand that I
19 had the authority to make that statement, yes.

20 Q Other than hearing from county counsel 10:41AM
21 whatever you heard from them, did you have any other
22 basis for believing that you as the
23 auditor-controller had the legal authority to direct
24 a sheriff's department employee to turn in any and
25 all county property? 10:42AM

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1 A No.

2 Q And with respect to the last sentence of
3 the top paragraph on Page 2 of your February 28
4 letter to Carl Mandoyan, you said (as read):

5 "You are not authorized to 10:42AM
6 serve as a department employee."

7 I have the same question. That is did you
8 believe you had the legal authority to tell Carl
9 Mandoyan that he was not authorized to serve as a
10 department employee? 10:42AM

11 A Yes, I did. Again, for same reasons that I
12 had mentioned earlier. I in consultation with
13 county counsel determined that I did have the
14 ability to communicate to Deputy Mandoyan that he
15 was not authorized to serve as a county employee. 10:42AM

16 Q And did you have any reason or basis for
17 making that -- for believing -- strike that.

18 Did you have any reason other than
19 communications with county counsel to believe you
20 had the legal authority to make the assertion in the 10:43AM
21 last sentence of the top paragraph on Page 2 of your
22 letter to Mandoyan?

23 A No. There's nothing else I could cite
24 beyond the county counsel's advice.

25 MR. GORDON: All right. Let's take a short 10:43AM

1 break. About five minutes.

2 THE VIDEOGRAPHER: One moment. We're off
3 the record. The time is now 10:43 and this will be
4 the end of Disk 1 of the deposition of Mr. John
5 Naimo. 10:43AM

6 (Recess.)

7 THE VIDEOGRAPHER: Just one moment, please.
8 We're back on the record. The time is now 10:48.
9 This is Disk 2 of the deposition of Mr. John Naimo.
10 BY MR. GORDON: 10:48AM

11 Q Before I ask a whole series of questions,
12 let me see if I can avoid that need by asking you to
13 confirm. Did you say that you first learned of the
14 existence of Mandoyan somewhere around January of
15 2019? 10:49AM

16 A That's correct.

17 Q Between the time you first learned of Carl
18 Mandoyan and the day you retired as
19 auditor-controller, did you ever communicate with
20 Maya Lau of the L.A. Times about anything concerning 10:49AM
21 the sheriff's department?

22 A Maya Lau would e-mail me regarding many
23 sheriff matters seeking public record information.
24 It's possible that in her many inquiries to me
25 Deputy Mandoyan was the subject of one or more of 10:49AM

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1 those.

2 Q And did you ever communicate anything back
3 to Maya Lau between the time you first learned --
4 strike that.

5 Between the time you first learned of Carl 10:50AM
6 Mandoyan and the day you retired as
7 auditor-controller, did you ever communicate any
8 information about the Mandoyan matter back to Maya
9 Lau of the L.A. Times?

10 A No, I did not. 10:50AM

11 Q Between the time you first learned of Carl
12 Mandoyan and the day you retired from county
13 service, did you ever communicate with any person
14 you believe to be a member of the media about the
15 Mandoyan matter? 10:50AM

16 A No, I didn't.

17 Q And by that I'm saying did you communicate
18 any information or documents back to the person?

19 A To a member of the media?

20 Q Yeah. 10:50AM

21 A No.

22 Q Either directly or indirectly so far as you
23 know?

24 A So far as I know. I referred all media
25 issues if there were any, and I believe there were 10:50AM

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1 at least one or more from reporter Maya Lau to the
2 county counsel's office for their disposition.

3 Q Do you remember any of the particular
4 subjects of any of the inquiries Maya Lau made about
5 the Mandoyan matter to you while you were 10:51AM
6 auditor-controller?

7 A No, I don't remember the particulars.

8 Q So during the time you were
9 auditor-controller, did you ever send any documents
10 concerning the Mandoyan matter to someone you 10:51AM
11 believe to be a member of the media?

12 A No.

13 Q After retiring from the position of
14 auditor-controller, did you ever communicate any
15 information about the Mandoyan matter to anyone you 10:52AM
16 believe to be a member of the media?

17 A No.

18 Q After retiring from the position of
19 auditor-controller, did you ever communicate any
20 document about the Mandoyan matter to anyone you 10:52AM
21 believe to be a member of the media?

22 A I did not.

23 Q About how many times do you think you
24 communicated with county counsel concerning the
25 Mandoyan matter while you were auditor-controller? 10:52AM

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1 MS. HASHMALL: Objection; instruct you not
2 to answer.

3 BY MR. GORDON:

4 Q After retiring as auditor-controller, about
5 how many times, if any, did you communicate with 10:53AM
6 county counsel office about the Mandoyan matter?

7 MS. HASHMALL: Objection; instruct you not
8 to answer.

9 BY MR. GORDON:

10 Q During the time you were 10:53AM
11 auditor-controller, did you ever communicate with
12 anyone in the board of supervisor's office
13 concerning the Mandoyan matter?

14 MS. HASHMALL: Objection; I'm going to
15 instruct you not to answer if any of your 10:53AM
16 communications involving the board members also
17 involved legal counsel.

18 THE DEPONENT: I do not recall any
19 discussions concerning Mandoyan with either the
20 board of supervisors nor their staff. 10:53AM

21 BY MR. GORDON:

22 Q After you retired as auditor-controller,
23 did you ever communicate with anyone from the board
24 of supervisors or their staff concerning the
25 Mandoyan matter? 10:54AM

Page 67

1 A No.

2 Q While you were auditor-controller, did you
3 communicate with anyone from the office of inspector
4 general about the Mandoyan matter?

5 MS. HASHMALL: Same instruction. If your 10:54AM
6 communications involved counsel in any way, you're
7 instructed not to answer.

8 THE DEPONENT: I did not communicate.

9 BY MR. GORDON:

10 Q After -- you did not communicate with OIG? 10:54AM

11 A Correct.

12 Q After you retired as auditor-controller,
13 did you have any communications with anyone from the
14 Office of Inspector General's from the OIG regarding
15 the Mandoyan matter? 10:54AM

16 A I did not.

17 Q Have you ever testified as a witness at a
18 trial?

19 A No.

20 Q And at the very beginning you said you had 10:55AM
21 testified at a deposition before I think?

22 A Yes. I've been deposed four or five times.

23 Q What kind of cases were those?

24 A One case was a whistleblower lawsuit
25 against the county. Another one was a sewer backup 10:55AM

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1 dispute. A third one that comes to mind is an
2 instance where the county was the plaintiff against
3 certain energy providers and I was deposed in that
4 matter.

5 Q Is that the -- is that all you can recall 10:55AM
6 about these cases, about the nature of those cases?

7 A Yes.

8 Q Have you ever served as an expert witness?

9 A I have not.

10 Q Since retiring as auditor-controller, have 10:56AM
11 you ever been interviewed in connection with the
12 Mandoyan matter?

13 A No.

14 Q Are you aware of any conduct by Alex
15 Villanueva that you haven't already discussed in 10:56AM
16 this deposition that you consider to be
17 inappropriate?

18 A No.

19 Q Are you aware of any conduct by any officer
20 at the rank of chief or higher in the Villanueva 10:56AM
21 administration that you consider to be
22 inappropriate?

23 A I am not.

24 MR. GORDON: Let's take a short break. I
25 may be finished. 10:57AM

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1 THE VIDEOGRAPHER: One moment, please.

2 We're off the record. The time is 10:56.

3 (Recess.)

4 THE VIDEOGRAPHER: We're back on the

5 record. The time is 11 o'clock. 11:00AM

6 MR. GORDON: Okay. I have a few final

7 questions before I wrap up.

8 BY MR. GORDON:

9 Q Are you aware of whether anyone employed by
10 the board of supervisors learned of any desire by 11:00AM

11 the Villanueva administration to return Carl
12 Mandoyan to work as a deputy -- that's bad syntax.

13 Let me restate it.

14 Are you aware of anyone employed by the
15 board of supervisors including any supervisors who 11:01AM

16 before Carl Mandoyan was returned to duty learned of
17 the sheriff's desire to return him to duty?

18 A I am not aware of that.

19 Q Same question for anyone employed by the
20 executive office of the board of supervisors. 11:01AM

21 A I'm not aware of that either.

22 Q Same question as to anyone employed by the
23 Office of Inspector General.

24 A And I'm not aware of that either.

25 Q Same question as for any officer in the 11:01AM

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1 office of county counsel.

2 A I'm not aware of that either.

3 Q And do you claim to have personal knowledge
4 of the county rules concerning rehiring of peace
5 officers?

11:01AM

6 A I don't have direct knowledge.

7 Q Do you claim to have personal knowledge of
8 the county's rules for reinstating peace officers?

9 A I don't have direct knowledge in that area
10 either.

11:02AM

11 MR. GORDON: All right. I have no further
12 questions.

13 MS. HASHMALL: Mr. Naimo, I just have
14 one -- a clarifying question.

11:02AM

15
16 EXAMINATION

17 BY MS. HASHMALL:

18 Q You described earlier being aware of
19 certain documentation that had been transmitted to
20 members of your staff from the sheriff's department.

11:02AM

21 Do you recall that testimony?

22 A Yes.

23 Q And you described your conclusion that this
24 was very unprecedented, this reinstatement of
25 Mr. Mandoyan.

11:02AM

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1 Do you recall that testimony as well?

2 A Yes.

3 Q What -- what about this reinstatement was
4 unprecedented from your perspective?

5 A I described it as unprecedented because the 11:02AM
6 auditor-controller's payroll staff who represented
7 to me that they had seen many similar such
8 reinstatement processes were not aware of any prior
9 to Deputy Mandoyan which -- where the documentation
10 was not accompanied by the county counsel's signoff. 11:03AM
11 And that's why in my view it was an unprecedented
12 reinstatement.

13 MS. HASHMALL: No further questions.

14

15 FURTHER EXAMINATION 11:03AM

16 BY MR. GORDON:

17 Q And are you basing your assertion that it
18 was unprecedented on information provided to you by
19 your staff as opposed to your personal knowledge?

20 A That's correct. The -- the -- my basis for 11:03AM
21 concluding in such a way, it was based on discussion
22 with my staff who have many years of payroll
23 experience.

24 MR. GORDON: I have no further questions.

25 MS. HASHMALL: No questions. 11:04AM

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1 THE VIDEOGRAPHER: Okay. This concludes
2 Disk 2 of the video deposition of Mr. John Naimo.
3 The time is 11:03.

4 (Discussion was held off the record.)

5 MR. GORDON: The standard stipulation that 11:04AM
6 we would propose would be relieve the court reporter
7 of duties under the code.

8 The court reporter is to send the original
9 transcript and exhibits to you as counsel for the
10 witness with a copy to counsel for the deposing 11:04AM
11 parties who is us.

12 The witness will have 30 days to review the
13 transcript and make any corrections and submit to
14 defense counsel any corrections in the original
15 transcript signed under penalty of perjury and at 11:04AM
16 the same time return the original exhibits. The
17 30-day period will run from the date plaintiff's
18 counsel, you, receive the transcript and exhibits
19 from the reporter.

20 If for some reason the original of the 11:05AM
21 transcript is not corrected and/or signed and
22 returned within 30 days, the transcript shall be
23 deemed signed and a certified copy of the transcript
24 shall be used as if you were -- as if it were the
25 original version. 11:05AM

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Deposing counsel will maintain custody of
the original transcript and exhibits if returned by
counsel for the witness and will lodge them in
connection with any hearings as they may be
necessary at least two days prior to the hearing
upon request by you, plaintiff's counsel, and will
lodge the original transcript with the court at the
time of trial without any need for a further request
by the witness' counsel.

11:05AM

If the original transcript and exhibit are
unavailable for any reason, certified copies in lieu
of originals could be used for all purposes.

11:05AM

MS. HASHMALL: So stipulated.

DEPOSITION REPORTER: Do you want a copy,
ma'am?

11:05AM

MS. HASHMALL: Yes.

(Whereupon the deposition was
concluded at 11:05 a.m.)

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I, JOHN NAIMO, do hereby declare under penalty of perjury that I have read the foregoing transcript; that I have made any corrections as appear noted, in ink, initialed by me, or attached hereto; that my testimony as contained herein, as corrected, is true and correct.

EXECUTED this ____ day of _____,
_____, at _____, _____.
(City) (State)

JOHN NAIMO

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I, the undersigned, a Certified Shorthand Reporter of the State of California, Registered Professional Reporter, Certified Live Note Reporter, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [] was [] was not requested. I further certify I am neither financially interested in the action nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: June 24, 2019



RENEE A. PACHECO
CSR No. 11564 RPR, CLR

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California Code of Civil Procedure
Article 5. Transcript or Recording
Section 2025.520

(a) If the deposition testimony is stenographically recorded, the deposition officer shall send written notice to the deponent and to all parties attending the deposition when the Original transcript of the testimony for each session of the deposition is available for reading, correcting, and signing, unless the deponent and the attending parties agree on the record that the reading, correcting, and signing of the transcript of the testimony will be waived or that the reading, correcting, and signing of a transcript of the testimony will take place after the entire deposition has been concluded or at some other specific time.

(b) For 30 days following each notice under subdivision (a), unless the attending parties and the deponent agree on the record or otherwise in writing to a longer or shorter time period, the deponent may change the form or the substance of the answer to a question, and may either approve the transcript of the deposition by signing it, or

refuse to approve the transcript by not signing it.

(c) Alternatively, within this same period, the deponent may change the form or the substance of the answer to any question and may approve or refuse to approve the transcript by means of a letter to the deposition officer signed by the deponent which is mailed by certified or registered mail with return receipt requested. A copy of that letter shall be sent by first-class mail to all parties attending the deposition.

(d) For good cause shown, the court may shorten the 30-day period for making changes, approving, or refusing to approve the transcript.

(e) The deposition officer shall indicate on the original of the transcript, if the deponent has not already done so at the office of the deposition officer, any action taken by the deponent and indicate on the original of the transcript, the deponent's approval of, or failure or refusal to approve, the transcript. The deposition officer shall also notify in writing the parties attending the deposition of any changes which the deponent timely made in person.

(f) If the deponent fails or refuses to approve the transcript within the allotted period, the

deposition shall be given the same effect as though it had been approved, subject to any changes timely made by the deponent.

(g) Notwithstanding subdivision (f), on a reasonable motion to suppress the deposition, accompanied by a meet and confer declaration under Section 2016.040, the court may determine that the reasons given for the failure or refusal to approve the transcript require rejection of the deposition in whole or in part.

(h) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to suppress a deposition under this section, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

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7 Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11 CENTRAL DISTRICT

12 COUNTY OF LOS ANGELES,

13 Petitioner/Plaintiff,

14 vs.

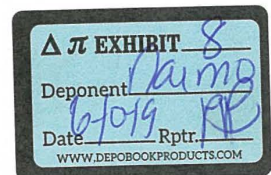
15 ALEX VILLANUEVA, Sheriff of Los
Angeles County Sheriff's Department;
16 CAREN CARL MANDOYAN, an individual;
LOS ANGELES COUNTY SHERIFF'S
17 DEPARTMENT; and DOES 1 through 10,
inclusive,

18 Respondents/Defendants.
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CASE NO. 19STCP00630

**RESPONDENTS/DEFENDANTS
SHERIFF ALEX VILLANUEVA AND
LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT'S NOTICE OF
DEPOSITION OF JOHN NAIMO**

Date: June 10, 2019
Time: 9:00 am
Place: Quinn Emanuel Urquhart & Sullivan
65 S. Figueroa Street, 10th Floor
Los Angeles, California 90017



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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

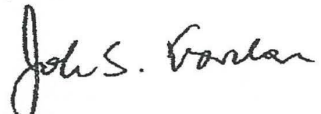
PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure § 2025.010, *et seq.*, Respondents/Defendants Sheriff Alex Villanueva and the Los Angeles County Sheriff's Department will take the deposition of John Naimo on Monday, June 10, 2019 at 9:00 a.m., at the offices of Quinn Emanuel Urquhart & Sullivan, located at 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017 continuing from day to day until completed, excluding Saturdays, Sundays, and legal holidays. A copy of the subpoena is attached as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that the deposition will be recorded stenographically and videotaped, and may be used at trial. The deposition may also be recorded through the instant visual display of the testimony. The deposition will be taken before a notary public or authorized officers.

PLEASE TAKE FURTHER NOTICE that, pursuant to California Code of Civil Procedure section 2025.280 the deponent is to produce at the deposition the documents set forth in Exhibit A.

DATED: May 6, 2019

QUINN EMANUEL URQUHART &
SULLIVAN, LLP



By

John S. Gordon
Attorneys for Sheriff Alex Villanueva and
Los Angeles County Sheriff's Department

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EXHIBIT A
DEFINITIONS

1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of Supervisors and Executive Office of Los Angeles County Board of Supervisors.
2. "COMMISSION" means Los Angeles County Civil Service Commission and Office of Los Angeles County Civil Service Commission.
3. "COUNTY" means the County of Los Angeles.
4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and Office of County Counsel of Los Angeles County.
5. "COUNTY OFFICER" means any elective County officer as prescribed in Article IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.
6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.
7. "DOCUMENTS" shall have the same meaning herein as in California Evidence Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting, printing, photostating, photographing, photocopying, films, recordings, memoranda, books, records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice messaging, social media messaging and every other means of recording upon any tangible thing, and any record thereby created, regardless of the manner in which the record has been stored, and all non-identical copies of such.
8. "LASD" means the Los Angeles County Sheriff's Department.
9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.
10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to, evidencing, identifying, incorporating, summarizing, involving, describing, discussing, commenting on, embodying, responding to, supporting, contradicting, containing, or constituting (in whole or in part).
11. "SHERIFF" means the Los Angeles County Sheriff.

1 12. “UNDERSHERIFF” means the Undersheriff of the Los Angeles Sheriff’s
2 Department.

3 13. “VILLANUEVA” means Respondent/Defendant Los Angeles County Sheriff Alex
4 Villanueva.

5 **INSTRUCTIONS**

6 14. DOCUMENTS shall be produced in their original file folders, or any writing on the
7 file folder (or its label, tab or directory) from which each DOCUMENT is taken shall be copied
8 and appended to the DOCUMENT and the person, department, division, or office for whom or
9 which the DOCUMENT or the file folder is maintained shall be identified.

10 15. DOCUMENTS attached to each other shall not be separated.

11 16. Electronically stored information shall be produced in its native electronic
12 application and format. Electronically stored information shall be produced with all metadata and
13 shall not be altered in any way.

14 17. If you withhold any DOCUMENT based on some limitation of discovery,
15 including but not limited to a claim of privilege, you must supply a list of the DOCUMENTS
16 being withheld, indicating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
17 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
18 created or transmitted; (d) the subject matter indicated on the DOCUMENT, if any; (e) the number
19 of pages, including the presence of any appendices, exhibits or attachments; (f) all persons with
20 whom there was a communication concerning the DOCUMENT, including all persons to whom
21 the DOCUMENT was shown, distributed, discussed or explained; and (g) the claimed grounds for
22 exclusion from discovery.

23 18. If you lack the ability to comply with a request, you must specify whether the
24 inability to comply is because the particular DOCUMENT, item or category never existed; has
25 been destroyed; has been lost, misplaced or stolen; has never been in YOUR possession or was
26 once in YOUR possession but is no longer. You must also state the name and address of any
27 person known or believed by you to have possession of a DOCUMENT, item or category for
28 which you lack the ability to comply with a request for production.

1 19. If a DOCUMENT, item or category has been destroyed or discarded, identify that
2 DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
3 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
4 created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if
5 any; (e) the number of pages, including the presence of any appendices, exhibits or attachments;
6 (f) all persons with whom there was a communication concerning the DOCUMENT, including all
7 persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date
8 of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h)
9 the name and address of any person known or believed by you to have possession of a copy of the
10 DOCUMENT, item or category that was discarded or destroyed.

11 20. These requests call for the production of DOCUMENTS or things in YOUR
12 possession, custody or control, or in the custody or control of another if you have the right,
13 privilege or opportunity to examine it upon request or demand, whether or not such right, privilege
14 or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or
15 control of any person or entity who performed management, bookkeeping, accounting, finance or
16 any similar service for you at any time, should be produced.

17 21. “All” includes “any” and “any” includes “all.”

18 22. “All” includes “each” and “each” includes “all.”

19 23. “Each” includes “every” and “every” includes “each.”

20 24. “and”, “or,” and “and/or” shall be construed either disjunctively or conjunctively
21 as necessary to bring within the scope of the request all responses that might otherwise be
22 construed to be outside their scope.

23 25. The use of a verb in any tense shall be construed as the use of the verb in all other
24 tenses.

25 26. The singular form of any word shall be construed to include the plural, and the
26 plural form of any word shall be construed to include the singular.

27
28

1 **REQUESTS FOR PRODUCTION**

2

3 REQUEST FOR PRODUCTION NO. 1:

4 All DOCUMENTS RELATING TO LASD’s hiring, employment, internal investigation,
5 discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission,
6 revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;

7

8 REQUEST FOR PRODUCTION NO. 2:

9 All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;

10

11 REQUEST FOR PRODUCTION NO. 3:

12 All DOCUMENTS RELATING TO COMMISSION proceedings concerning
13 MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal,
14 challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling,
15 decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding
16 concerning MANDOYAN;

17

18 REQUEST FOR PRODUCTION NO. 4:

19 All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible
20 consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit
21 brought by MANDOYAN in August 2018 against LASD or the COUNTY.

22

23 REQUEST FOR PRODUCTION NO. 5:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in
26 August 2018 against LASD or the COUNTY.

27

28

1 REQUEST FOR PRODUCTION NO. 6:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
4 present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a
5 lawsuit brought against LASD or the COUNTY.

6
7 REQUEST FOR PRODUCTION NO. 7:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
10 December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a
11 settlement of, a lawsuit brought against LASD or the COUNTY.

12
13 REQUEST FOR PRODUCTION NO. 8:

14 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
15 COUNTY COUNSEL should approve, did approve, or should have approved the settlement of
16 any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.

17
18 REQUEST FOR PRODUCTION NO. 9:

19 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
20 COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the
21 settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the
22 COUNTY.

23
24 REQUEST FOR PRODUCTION NO. 10:

25 All DOCUMENTS prepared, created, generated, or revised between December 3, 2018
26 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY
27 COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the
28 SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

1 pending or threatened lawsuit against LASD or the COUNTY or any case pending before the
2 COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

3
4 REQUEST FOR PRODUCTION NO. 11:

5 All DOCUMENTS prepared, created, generated, or revised between November 26, 2018
6 and the present RELATING TO the process, rules, system, or approval requirements for the
7 settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the
8 settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case
9 pending before the COMMISSION involving a challenge to the discharge, termination, or firing of
10 a DEPUTY.

11
12 REQUEST FOR PRODUCTION NO. 12:

13 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
14 power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a
15 COUNTY OFFICER.

16
17 REQUEST FOR PRODUCTION NO. 13:

18 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
19 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
20 present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for
21 a settlement payment of \$100,000 or less or a settlement payment of less than \$100,000.

22
23 REQUEST FOR PRODUCTION NO. 14:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
26 December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER,
27 providing for a settlement payment of \$100,000 or less or a settlement payment of less than
28 \$100,000.

1 REQUEST FOR PRODUCTION NO. 15:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
4 present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY
5 or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 16:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
10 December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against
11 the COUNTY or a COUNTY OFFICER.

12
13 REQUEST FOR PRODUCTION NO. 17:

14 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
15 present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS
16 or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

17
18 REQUEST FOR PRODUCTION NO. 18:

19 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
20 December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF
21 SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a
22 COUNTY OFFICER.

23
24 REQUEST FOR PRODUCTION NO. 19:

25 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
26 present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a
27 counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the
28 COUNTY or a COUNTY OFFICER.

1 REQUEST FOR PRODUCTION NO. 20:

2 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
3 December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY
4 COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit
5 brought against the COUNTY or a COUNTY OFFICER.
6

7 REQUEST FOR PRODUCTION NO. 21:

8 All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the
9 portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating
10 "The County Counsel . . . shall have exclusive charge and control of all civil actions and
11 proceedings in which the County or any officer thereof, is concerned or is a party."
12

13 REQUEST FOR PRODUCTION NO. 22:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
16 present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.
17

18 REQUEST FOR PRODUCTION NO. 23:

19 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
20 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
21 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a
22 DEPUTY.
23

24 REQUEST FOR PRODUCTION NO. 24:

25 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
26 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
27 present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final
28 COMMISSION action making a DEPUTY's discharge final.

1 REQUEST FOR PRODUCTION NO. 25:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
4 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY
5 after final COMMISSION action making a DEPUTY's discharge final.
6

7 REQUEST FOR PRODUCTION NO. 26:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
10 present, to rescind, revoke, withdraw, or reverse an employee's discharge after final
11 COMMISSION action making the employee's discharge final.
12

13 REQUEST FOR PRODUCTION NO. 27:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
16 December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final
17 COMMISSION action making the employee's discharge final.
18

19 REQUEST FOR PRODUCTION NO. 28:

20 All DOCUMENTS RELATING TO the payment, non-payment, or termination of payment
21 of salary, back pay, benefits, or other compensation to or for MANDOYAN.
22

23 REQUEST FOR PRODUCTION NO. 29:

24 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
25 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
26 other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY
27 employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear
28

1 a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's
2 supervision.

3
4 REQUEST FOR PRODUCTION NO. 30:

5 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
6 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
7 other compensation, at any point between , at any point between January 1, 2013 and December
8 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement
9 agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under
10 COUNTY COUNSEL's supervision.

11
12 REQUEST FOR PRODUCTION NO. 31:

13 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support
14 of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

15
16 REQUEST FOR PRODUCTION NO. 32:

17 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's
18 opposition to VILLANUEVA for SHERIFF in the 2018 election.

19
20 REQUEST FOR PRODUCTION NO. 33:

21 All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and
22 Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any
23 actions by said Panel or Commission concerning the review and/or rescission of the disciplinary
24 proceedings and discharge of MANDOYAN or any other DEPUTY.

25
26 REQUEST FOR PRODUCTION NO. 34:

27 All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris)
28 Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

1 communications and receipt of instructions from COUNTY COUNSEL or any member or
2 employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or
3 actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission
4 regarding the review of or rescission of the disciplinary proceedings and discharge of
5 MANDOYAN.

6
7 REQUEST FOR PRODUCTION NO. 35:

8 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
9 November 26, 2018 or later, that any recommendation by any senior executive member or officer
10 of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or
11 UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated
12 or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's
13 lawsuits be settled.

14
15 REQUEST FOR PRODUCTION NO. 36:

16 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
17 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any
18 recommendation by any senior executive member or officer of LASD at a rank of Chief or higher
19 would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge
20 or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to
21 active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

22
23 REQUEST FOR PRODUCTION NO. 37:

24 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
25 November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind
26 MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise
27 allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
28 MANDOYAN had filed against the COUNTY and LASD.

1 REQUEST FOR PRODUCTION NO. 38:

2 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
3 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or
4 VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's
5 discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to
6 return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
7 MANDOYAN had filed against the COUNTY and LASD.

8

9 REQUEST FOR PRODUCTION NO. 39:

10 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
11 since January 1, 2018, of a former employee discharged for cause or because of fault, which did
12 not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

13

14 REQUEST FOR PRODUCTION NO. 40:

15 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
16 between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or
17 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
18 reinstatement.

19

20 REQUEST FOR PRODUCTION NO. 41:

21 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
22 between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or
23 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
24 reinstatement.

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1 REQUEST FOR PRODUCTION NO. 42:

2 All DOCUMENTS RELATING TO any determination or evaluation or analysis of
3 "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the
4 COUNTY to through their actions concerning MANDOYAN.

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EXHIBIT 1

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steven G. Madison (Bar No. 101006) John S. Gordon (Bar No. 112750) Quinn Emanuel Urquhart & Sullivan, LLP 865 S. Figueroa St., 10th Floor Los Angeles, CA 90017</p> <p>TELEPHONE NO.: _____ FAX NO. (Optional): (213) 443-3100 E-MAIL ADDRESS (Optional): stevemadison@quinnemanuel.com ATTORNEY FOR (Name): Sheriff Alex Villanueva and LA Sheriff's Dept.</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p>CASE NUMBER: 19STCP00630</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse</p>	
<p>PLAINTIFF/PETITIONER: County of Los Angeles</p>	
<p>DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.</p>	
<p style="text-align: center;">DEPOSITION SUBPOENA</p>	
<p>FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS</p>	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 John Naimo

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: June 10, 2019 Time: 9:00 a.m. Address: 865 South Figueroa St., 10th Floor
 Los Angeles, CA 90017

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
 - b. You are ordered to produce the documents and things described in item 3.
 - c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
 - d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

Continued on Attachment 4.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: April 30, 2019



 (SIGNATURE OF PERSON ISSUING SUBPOENA)

John S. Gordon (TYPE OR PRINT NAME) Attorneys for Defendants (TITLE)

PLAINTIFF/PETITIONER: County of Los Angeles	CASE NUMBER:
DEFENDANT/RESPONDENT: Sheriff Alex Villanueva, et al.	19STCP00630

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (check one):

(1) were paid. Amount: \$ 0.00

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify): \$ 0.00

f. Fee for service: \$ 0.00

2. I received this subpoena for service on (date):

3. Person serving:

- a. Not a registered California process server
- b. California sheriff or marshal
- c. Registered California process server
- d. Employee or independent contractor of a registered California process server
- e. Exempt from registration under Business and Professions Code section 22350(b)
- f. Registered professional photocopier
- g. Exempt from registration under Business and Professions Code section 22451
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

1 ATTACHMENT 3

2 **DEFINITIONS**

3 1. "BOARD OF SUPERVISORS" means the Los Angeles County Board of
4 Supervisors and Executive Office of Los Angeles County Board of Supervisors.

5 2. "COMMISSION" means Los Angeles County Civil Service Commission and
6 Office of Los Angeles County Civil Service Commission.

7 3. "COUNTY" means the County of Los Angeles.

8 4. "COUNTY COUNSEL" means the County Counsel of Los Angeles County and
9 Office of County Counsel of Los Angeles County.

10 5. "COUNTY OFFICER" means any elective County officer as prescribed in Article
11 IV, Section 12, of the Charter of the County of Los Angeles or appointive County officer as
12 prescribed in Article IV, Section 14, of the Charter of the County of Los Angeles.

13 6. "DEPUTY" means a Los Angeles Sheriff's Department Deputy Sheriff.

14 7. "DOCUMENTS" shall have the same meaning herein as in California Evidence
15 Code § 250, and shall include all writings, including, without limitation, handwriting, typewriting,
16 printing, photostating, photographing, photocopying, films, recordings, memoranda, books,
17 records, accounts, letters, electronic mail or facsimile, instant messaging, text messaging, voice
18 messaging, social media messaging and every other means of recording upon any tangible thing,
19 and any record thereby created, regardless of the manner in which the record has been stored, and
20 all non-identical copies of such.

21 8. "LASD" means the Los Angeles County Sheriff's Department.

22 9. "MANDOYAN" means Respondent/Defendant Caren Carl Mandoyan.

23 10. "RELATED TO" shall mean concerning, mentioning, referring to, pertaining to,
24 evidencing, identifying, incorporating, summarizing, involving, describing, discussing,
25 commenting on, embodying, responding to, supporting, contradicting, containing, or constituting
26 (in whole or in part).

27 11. "SHERIFF" means the Los Angeles County Sheriff.
28

1 19. If a DOCUMENT, item or category has been destroyed or discarded, identify that
2 DOCUMENT by stating as to each: (a) the author, sender, writer, addressor or initiator; (b) all
3 addressees, recipients and intended recipients, including any blind copies indicated; (c) the date
4 created or transmitted; (d) the subject matter and subject matter indicated on the DOCUMENT, if
5 any; (e) the number of pages, including the presence of any appendices, exhibits or attachments;
6 (f) all persons with whom there was a communication concerning the DOCUMENT, including all
7 persons to whom the DOCUMENT was shown, distributed, discussed or explained; (g) the date
8 of, manner of, and reason the DOCUMENT, item or category was destroyed or discarded; and (h)
9 the name and address of any person known or believed by you to have possession of a copy of the
10 DOCUMENT, item or category that was discarded or destroyed.

11 20. These requests call for the production of DOCUMENTS or things in YOUR
12 possession, custody or control, or in the custody or control of another if you have the right,
13 privilege or opportunity to examine it upon request or demand, whether or not such right, privilege
14 or opportunity has been exercised. Accordingly, all DOCUMENTS in the possession, custody or
15 control of any person or entity who performed management, bookkeeping, accounting, finance or
16 any similar service for you at any time, should be produced.

17 21. “All” includes “any” and “any” includes “all.”

18 22. “All” includes “each” and “each” includes “all.”

19 23. “Each” includes “every” and “every” includes “each.”

20 24. “and”, “or,” and “and/or” shall be construed either disjunctively or conjunctively
21 as necessary to bring within the scope of the request all responses that might otherwise be
22 construed to be outside their scope.

23 25. The use of a verb in any tense shall be construed as the use of the verb in all other
24 tenses.

25 26. The singular form of any word shall be construed to include the plural, and the
26 plural form of any word shall be construed to include the singular.

27
28

1 **REQUESTS FOR PRODUCTION**
2

3 **REQUEST FOR PRODUCTION NO. 1:**

4 All DOCUMENTS RELATING TO LASD's hiring, employment, internal investigation,
5 discipline, discharge, termination, firing, re-employment, rehiring, reinstatement, or rescission,
6 revocation, withdrawal or reversal of the discharge or firing, of MANDOYAN;
7

8 **REQUEST FOR PRODUCTION NO. 2:**

9 All DOCUMENTS RELATING TO the conduct or misconduct of MANDOYAN;
10

11 **REQUEST FOR PRODUCTION NO. 3:**

12 All DOCUMENTS RELATING TO COMMISSION proceedings concerning
13 MANDOYAN, including, but not limited to, all DOCUMENTS RELATED TO any appeal,
14 challenge to, decision to appeal, or decision not appeal any report, recommendation, order, ruling,
15 decision, or finding, by the COMMISSION or any hearing officer in a COMMISSION proceeding
16 concerning MANDOYAN;
17

18 **REQUEST FOR PRODUCTION NO. 4:**

19 All DOCUMENTS RELATING TO the filing, litigation, merit, validity, possible
20 consequences, settlement, approval or non-approval of settlement, or dismissal of any lawsuit
21 brought by MANDOYAN in August 2018 against LASD or the COUNTY.
22

23 **REQUEST FOR PRODUCTION NO. 5:**

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of the SHERIFF or LASD to settle any lawsuit brought by MANDOYAN in
26 August 2018 against LASD or the COUNTY.
27
28

1 REQUEST FOR PRODUCTION NO. 6:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
4 present, to direct, control, settle, direct the settlement of, or refuse to allow a settlement of, a
5 lawsuit brought against LASD or the COUNTY.
6

7 REQUEST FOR PRODUCTION NO. 7:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
10 December 31, 2017, to direct, control, settle, direct the settlement of, or refuse to allow a
11 settlement of, a lawsuit brought against LASD or the COUNTY.
12

13 REQUEST FOR PRODUCTION NO. 8:

14 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
15 COUNTY COUNSEL should approve, did approve, or should have approved the settlement of
16 any lawsuit brought by MANDOYAN in August 2018 against LASD or the COUNTY.
17

18 REQUEST FOR PRODUCTION NO. 9:

19 All DOCUMENTS RELATING TO whether the BOARD OF SUPERVISORS or
20 COUNTY COUNSEL should disapprove, did disapprove, or should have disapproved the
21 settlement of any lawsuit brought by MANDOYAN in August 2018 against LASD or the
22 COUNTY.
23

24 REQUEST FOR PRODUCTION NO. 10:

25 All DOCUMENTS prepared, created, generated, or revised between December 3, 2018
26 and the present RELATING TO whether the BOARD OF SUPERVISORS or COUNTY
27 COUNSEL should approve or disapprove any settlement proposed or recommended by LASD, the
28 SHERIFF, or any senior executive member or officer of LASD at a rank of Chief or higher, of any

1 pending or threatened lawsuit against LASD or the COUNTY or any case pending before the
2 COMMISSION involving a challenge to the discharge, termination, or firing of a DEPUTY.

3
4 REQUEST FOR PRODUCTION NO. 11:

5 All DOCUMENTS prepared, created, generated, or revised between November 26, 2018
6 and the present RELATING TO the process, rules, system, or approval requirements for the
7 settlement, or approval by the BOARD OF SUPERVISORS or COUNTY COUNSEL of the
8 settlement, of any pending or threatened lawsuit against LASD or the COUNTY or any case
9 pending before the COMMISSION involving a challenge to the discharge, termination, or firing of
10 a DEPUTY.

11

12 REQUEST FOR PRODUCTION NO. 12:

13 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
14 power or authority, of a COUNTY OFFICER to settle a lawsuit brought against the COUNTY or a
15 COUNTY OFFICER.

16

17 REQUEST FOR PRODUCTION NO. 13:

18 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
19 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
20 present, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER, providing for
21 a settlement payment of \$100,000 or less or a settlement payment of less than \$100,000.

22

23 REQUEST FOR PRODUCTION NO. 14:

24 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
25 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
26 December 31, 2017, to settle a lawsuit brought against the COUNTY or a COUNTY OFFICER,
27 providing for a settlement payment of \$100,000 or less or a settlement payment of less than
28 \$100,000.

1 REQUEST FOR PRODUCTION NO. 15:

2 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
3 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
4 present, to settle any particular type of lawsuit, or types of lawsuits, brought against the COUNTY
5 or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 16:

8 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
10 December 31, 2017, to settle any particular type of lawsuit, or types of lawsuits, brought against
11 the COUNTY or a COUNTY OFFICER.

12
13 REQUEST FOR PRODUCTION NO. 17:

14 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
15 present by a COUNTY OFFICER, without written approval of the BOARD OF SUPERVISORS
16 or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a COUNTY OFFICER.

17
18 REQUEST FOR PRODUCTION NO. 18:

19 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
20 December 31, 2017 by a COUNTY OFFICER, without written approval of the BOARD OF
21 SUPERVISORS or COUNTY COUNSEL, of a lawsuit brought against the COUNTY or a
22 COUNTY OFFICER.

23
24 REQUEST FOR PRODUCTION NO. 19:

25 All DOCUMENTS RELATING TO the settlement between January 1, 2018 and the
26 present by a COUNTY OFFICER, without an authorized signature by COUNTY COUNSEL or a
27 counsel operating under COUNTY COUNSEL's supervision, of a lawsuit brought against the
28 COUNTY or a COUNTY OFFICER.

1 REQUEST FOR PRODUCTION NO. 20:

2 All DOCUMENTS RELATING TO the settlement between January 1, 2013 and
3 December 31, 2017 by a COUNTY OFFICER, without an authorized signature by COUNTY
4 COUNSEL or a counsel operating under COUNTY COUNSEL's supervision, of a lawsuit
5 brought against the COUNTY or a COUNTY OFFICER.

6
7 REQUEST FOR PRODUCTION NO. 21:

8 All DOCUMENTS RELATING TO the interpretation, application, or enforcement of the
9 portion of the text in Article VI, Section 21 of the Charter of the County of Los Angeles stating
10 "The County Counsel . . . shall have exclusive charge and control of all civil actions and
11 proceedings in which the County or any officer thereof, is concerned or is a party."

12
13 REQUEST FOR PRODUCTION NO. 22:

14 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
15 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
16 present, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a DEPUTY.

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18 REQUEST FOR PRODUCTION NO. 23:

19 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
20 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
21 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's earlier discharge of a
22 DEPUTY.

23
24 REQUEST FOR PRODUCTION NO. 24:

25 All DOCUMENTS RELATING TO the power or authority, or limits or conditions on the
26 power or authority, of the SHERIFF or LASD, at any point between January 1, 2018 and the
27 present, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY after final
28 COMMISSION action making a DEPUTY's discharge final.

1 REQUEST FOR PRODUCTION NO. 25:

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3 power or authority, of the SHERIFF or LASD, at any point between January 1, 2013 and
4 December 31, 2017, to rescind, revoke, withdraw, or reverse LASD's discharge of a DEPUTY
5 after final COMMISSION action making a DEPUTY's discharge final.
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9 power or authority, of a COUNTY OFFICER, at any point between January 1, 2018 and the
10 present, to rescind, revoke, withdraw, or reverse an employee's discharge after final
11 COMMISSION action making the employee's discharge final.
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15 power or authority, of a COUNTY OFFICER, at any point between January 1, 2013 and
16 December 31, 2017, to rescind, revoke, withdraw, or reverse an employee's discharge after final
17 COMMISSION action making the employee's discharge final.
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19 REQUEST FOR PRODUCTION NO. 28:

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21 of salary, back pay, benefits, or other compensation to or for MANDOYAN.
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23 REQUEST FOR PRODUCTION NO. 29:

24 All DOCUMENTS RELATING TO the Los Angeles County Department of Auditor-
25 Controller's payment, non-payment, or termination of payment of salary, back pay, benefits, or
26 other compensation, at any point between January 1, 2018 and the present, to or for any COUNTY
27 employee who had been reinstated or rehired pursuant to a settlement agreement that did not bear
28

1 a signature by COUNTY COUNSEL or an attorney operating under COUNTY COUNSEL's
2 supervision.

3

4 REQUEST FOR PRODUCTION NO. 30:

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8 31, 2017, for any COUNTY employee who had been reinstated or rehired pursuant to a settlement
9 agreement that did not bear a signature by COUNTY COUNSEL or an attorney operating under
10 COUNTY COUNSEL's supervision.

11

12 REQUEST FOR PRODUCTION NO. 31:

13 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's support
14 of Jim McDonnell against VILLANUEVA for SHERIFF in the 2018 election.

15

16 REQUEST FOR PRODUCTION NO. 32:

17 All DOCUMENTS RELATING TO any BOARD OF SUPERVISORS member's
18 opposition to VILLANUEVA for SHERIFF in the 2018 election.

19

20 REQUEST FOR PRODUCTION NO. 33:

21 All DOCUMENTS RELATING TO LASD's Truth and Reconciliation Panel or Truth and
22 Reconciliation Commission, the operations of said Panel or Commission, or the lawfulness of any
23 actions by said Panel or Commission concerning the review and/or rescission of the disciplinary
24 proceedings and discharge of MANDOYAN or any other DEPUTY.

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26 REQUEST FOR PRODUCTION NO. 34:

27 All DOCUMENTS RELATING TO Principal Deputy County Counsel Christopher (Chris)
28 Keosian's attendance, participation, rendering of legal advice, statements, observations, thoughts,

1 communications and receipt of instructions from COUNTY COUNSEL or any member or
2 employee of the Office of COUNTY COUNSEL concerning the discussions, consideration, or
3 actions of LASD's Truth and Reconciliation Panel or Truth and Reconciliation Commission
4 regarding the review of or rescission of the disciplinary proceedings and discharge of
5 MANDOYAN.

6
7 REQUEST FOR PRODUCTION NO. 35:

8 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
9 November 26, 2018 or later, that any recommendation by any senior executive member or officer
10 of LASD at a rank of Chief or higher would be or had been made to the SHERIFF or
11 UNDERSHERIFF that MANDOYAN's discharge or termination be rescinded, or he be reinstated
12 or rehired or otherwise be allowed to return to active duty as a DEPUTY, or MANDOYAN's
13 lawsuits be settled.

14
15 REQUEST FOR PRODUCTION NO. 36:

16 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
17 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that any
18 recommendation by any senior executive member or officer of LASD at a rank of Chief or higher
19 would be or had been made to the SHERIFF or UNDERSHERIFF that MANDOYAN's discharge
20 or termination be rescinded, or he be reinstated or rehired or otherwise be allowed to return to
21 active duty as a DEPUTY, or MANDOYAN's lawsuits be settled.

22
23 REQUEST FOR PRODUCTION NO. 37:

24 All DOCUMENTS RELATING TO how and when COUNTY COUNSEL first learned, on
25 November 26, 2018 or later, that LASD or VILLANUEVA intended to or did rescind
26 MANDOYAN's discharge or termination, intended to or did reinstate or rehire him or otherwise
27 allow him to return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
28 MANDOYAN had filed against the COUNTY and LASD.

1 REQUEST FOR PRODUCTION NO. 38:

2 All DOCUMENTS RELATING TO how and when Principal Deputy County Counsel
3 Christopher (Chris) Keosian first learned, on November 26, 2018 or later, that LASD or
4 VILLANUEVA intended to or did rescind, revoke, withdraw, or reverse MANDOYAN's
5 discharge or termination, intended to or did reinstate or rehire him or otherwise allow him to
6 return to active duty as a DEPUTY, or intended to or did settle either or both lawsuits
7 MANDOYAN had filed against the COUNTY and LASD.

8

9 REQUEST FOR PRODUCTION NO. 39:

10 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
11 since January 1, 2018, of a former employee discharged for cause or because of fault, which did
12 not meet all requirements in COMMISSION Rule 17.01 for reinstatement.

13

14 REQUEST FOR PRODUCTION NO. 40:

15 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
16 between January 1, 2013 and December 31, 2017, of a former employee discharged for cause or
17 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
18 reinstatement.

19

20 REQUEST FOR PRODUCTION NO. 41:

21 All DOCUMENTS RELATING TO a COUNTY OFFICER's reinstatement or rehiring,
22 between April 15, 2009 and December 31, 2012, of a former employee discharged for cause or
23 because of fault, which did not meet all requirements in COMMISSION Rule 17.01 for
24 reinstatement.

25

26

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28

1 REQUEST FOR PRODUCTION NO. 42:

2 All DOCUMENTS RELATING TO any determination or evaluation or analysis of
3 "significant liability" that the COUNTY alleges LASD and VILLANUEVA have exposed the
4 COUNTY to through their actions concerning MANDOYAN.

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PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017

On May 6, 2019, I served true copies of the following document(s) described as **RESPONDENTS/DEFENDANTS SHERIFF ALEX VILLANUEVA AND LOS ANGELES COUNTY SHERIFF'S DEPARTMENT'S NOTICE OF DEPOSITION OF JOHN NAIMO** on the interested parties in this action as follows:

Louis R. Miller, Esq. Mira Hashmall, Esq. Emily A. Sanchirico, Esq. MILLER BARONDESS, LLP 1999 Avenue of the Stars, Suite 1000 Los Angeles, CA 90067	Attorneys for County of Los Angeles
Gregory W. Smith, Esq. Law Offices of Gregory W. Smith 9100 Wilshire Blvd. Suite 345E Beverly Hills, CA 90212	Attorneys for Caren Carl Mandoyan
John A. Schlaff, Esq. Law Offices of John A. Schlaff 2355 Westwood Blvd. Suite 424 Los Angeles, CA 90064	Attorneys for Caren Carl Mandoyan

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Quinn Emanuel Urquhart & Sullivan, LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 6, 2019, at Los Angeles, California.


Rita Turner

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[Exempt From Filing Fee
Government Code § 6103]

1 LOUIS R. MILLER (State Bar No. 54141)
smiller@millerbarondess.com
2 MIRA HASHMALL (State Bar No. 216842)
mhashmall@millerbarondess.com
3 EMILY A. SANCHIRICO (State Bar No. 311294)
esanchirico@millerbarondess.com
4 MILLER BARONDESS, LLP
1999 Avenue of the Stars, Suite 1000
5 Los Angeles, California 90067
Telephone: (310) 552-4400
6 Facsimile: (310) 552-8400
7 Attorneys for Petitioner/Plaintiff
COUNTY OF LOS ANGELES
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11
12 COUNTY OF LOS ANGELES,

13 Petitioner/Plaintiff,

14 v.

15 ALEX VILLANUEVA, Sheriff of Los Angeles
County Sheriff's Department; CAREN CARL
16 MANDOYAN, an individual; LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT; and
17 DOES 1 through 10, inclusive,

18 Respondents/Defendants.
19

CASE NO.

DECLARATION OF JOHN NAIMO IN
SUPPORT OF
PETITIONER/PLAINTIFF'S COUNTY
OF LOS ANGELES' APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE

Filed Concurrently with Application for
Temporary Restraining Order and Order to
Show Cause; Request for Judicial Notice;
Declarations of Castellano, Garrett, Hashmall,
and Wickham; Motion to Seal; and [Proposed]
Orders

20
21 UNREDACTED VERSION

22 LODGED CONDITIONALLY UNDER SEAL
23
24
25
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28

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400



415364.3

DECLARATION OF JOHN NAIMO I/S/O THE COUNTY'S APPLICATION FOR TRO

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1919 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400

1 DECLARATION OF JOHN NAIMO

2 I, John Naimo, declare as follows:

3 1. I am Auditor-Controller for the County of Los Angeles (the "County"), a position I
4 have held since 2014. As the Auditor-Controller for the County, I am responsible for overseeing
5 the Los Angeles County Department of Auditor-Controller. I have personal knowledge of the
6 facts set forth herein. I can competently testify to the matters stated herein based on my
7 experience and my knowledge of the usual business practices of the Department of Auditor-
8 Controller including, but not limited to, its recordkeeping practices, my job responsibilities, and
9 personal knowledge based on my review of relevant documentation related to the subject matter at
10 issue in this litigation. If called as a witness, I could and would competently testify to the matters
11 stated herein.

12 2. On February 5, 2019, the Department of Auditor-Controller received a request from
13 the Los Angeles County Sheriff's Department to pay Caren Carl Mandoyan back pay for the
14 period from [REDACTED] through [REDACTED]. A true and correct copy of
15 documents the Department of Auditor-Controller received from the Sheriff's Department is
16 attached hereto as **Exhibit A**.

17 3. That same day, the Department of Auditor-Controller alerted the Office of the
18 County Counsel of the Sheriff's Department's request because the settlement agreement did not
19 contain a signature by a County Counsel lawyer or a counsel operating under County Counsel
20 supervision, which in the normal course it would. Therefore, the Department of Auditor-
21 Controller asked the Office of the County Counsel how to proceed.


22 4. Because County Counsel had not approved the settlement agreement, the
23 Department of Auditor-Controller sent Mr. Mandoyan a letter explaining that his salary and other
24 payments had been stopped. A true and correct copy of a February 28, 2019 letter I sent to Mr.
25 Mandoyan is attached hereto as **Exhibit B**.

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct.

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000 LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400

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Executed on this 1st day of March, 2019, at Los Angeles, California.



John Naimo

MILLER BARONDESS, LLP
ATTORNEYS AT LAW
1999 AVENUE OF THE STARS, SUITE 1000, LOS ANGELES, CALIFORNIA 90067
TEL: (310) 552-4400 FAX: (310) 552-8400

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INDEX OF EXHIBITS TO THE DECLARATION OF JOHN NAIMO

Exhibit No.	Description	Pg. No.
A.	Documents received from the Los Angeles County Sheriff's Department. dated February 5, 2019-	5-16
B.	Letter from John Naimo to Caren Carl Mandoyan, dated February 28, 2019	17-18

EXHIBIT A



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

DEPARTMENT OF JUSTICE

ALEX VILLANUEVA, SHERIFF



February 1, 2019

Jennifer Yip, Chief
Countywide Payroll Division
Department of Auditor-Controller
525 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

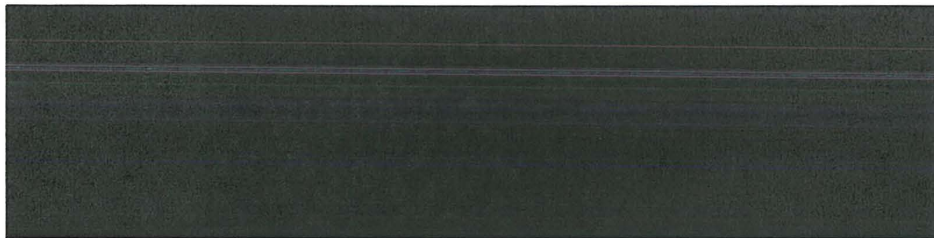
Dear Chief Yip:

FINAL SETTLEMENT AGREEMENT ACTION CAREN C. MANDOYAN - EMPLOYEE NUMBER 473892

Pursuant to a Settlement Agreement (Agreement) between the Sheriff's Department (Department) and Caren C. Mandoyan, executed December 28, 2018, and a subsequent Agreement Amendment, executed January 17, 2019, the Department rescinded the discharge action that was imposed on September 14, 2016, and reinstated Mr. Mandoyan to his Deputy Sheriff position. Mr. Mandoyan shall receive a [REDACTED] suspension, without pay, for the period of [REDACTED] through [REDACTED]. In accordance with the Order, Mr. Mandoyan shall receive retroactive salary, with applicable benefits, from [REDACTED], through [REDACTED]. Please amend your records to reflect this reinstatement.

Listed below are the itemized computations for all back pay salary owed:

<u>ACCRUAL</u> <u>DATE</u>	<u>EARNINGS</u> <u>CODE</u>	<u>WAS</u> <u>PAID</u>	<u>SHOULD HAVE</u> <u>BEEN PAID</u>	<u>SALARY</u> <u>DUE</u>
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211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1851 —

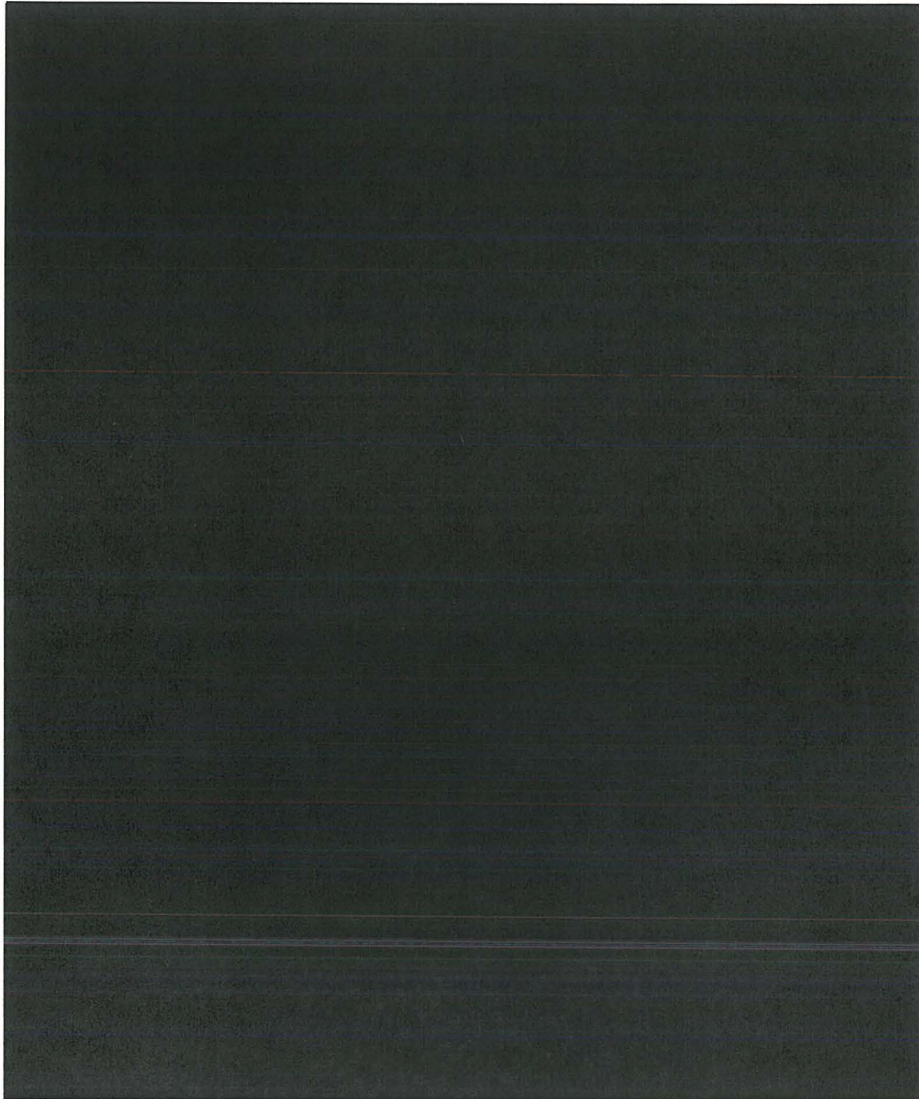
FEB 05 2019

Re: Caren C. Mandoyan

- 2 -

February 1, 2019

<u>ACCRUAL</u> <u>DATE</u>	<u>EARNINGS</u> <u>CODE</u>	<u>WAS</u> <u>PAID</u>	<u>SHOULD HAVE</u> <u>BEEN PAID</u>	<u>SALARY</u> <u>DUE</u>
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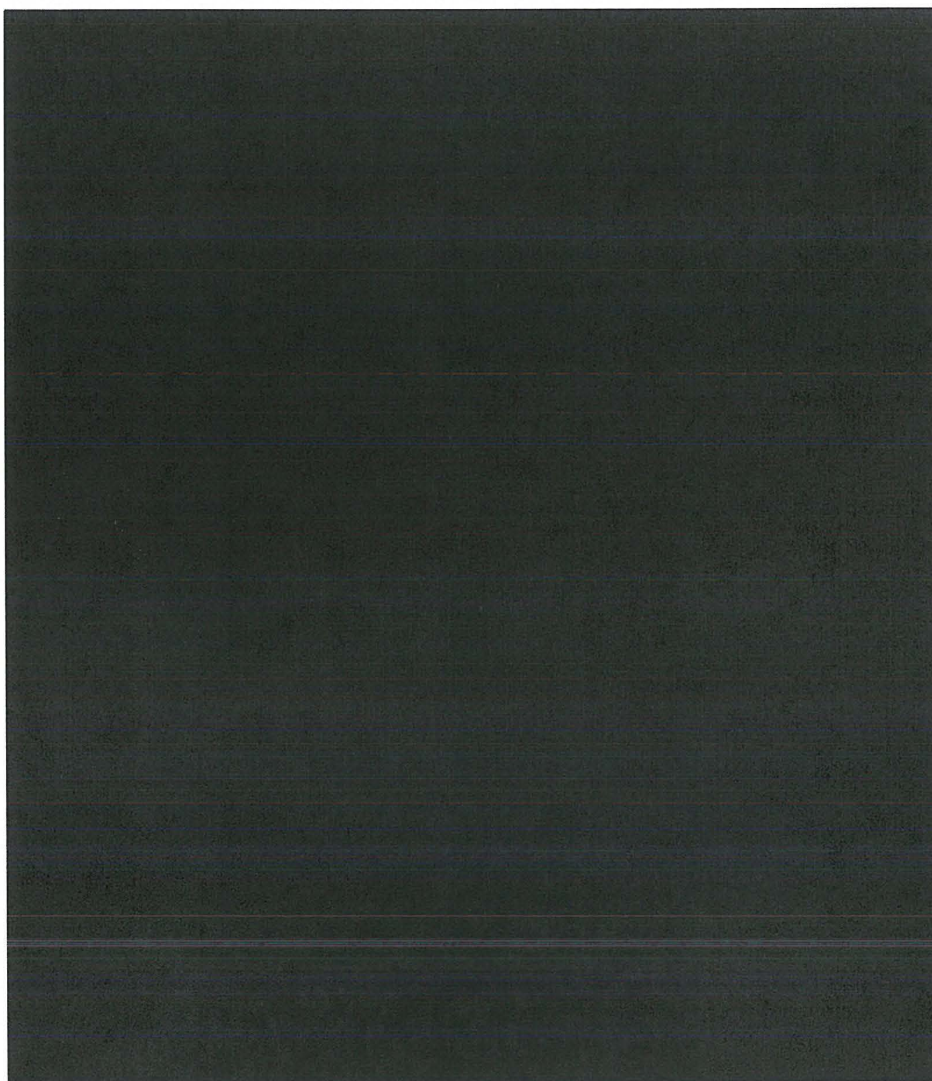
FEB 05 2019

Re: Caren C. Mandoyan

- 3 -

February 1, 2019

<u>ACCRUAL</u> <u>DATE</u>	<u>EARNINGS</u> <u>CODE</u>	<u>WAS</u> <u>PAID</u>	<u>SHOULD HAVE</u> <u>BEEN PAID</u>	<u>SALARY</u> <u>DUE</u>
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FEB 05 2019

Page 7 of 18

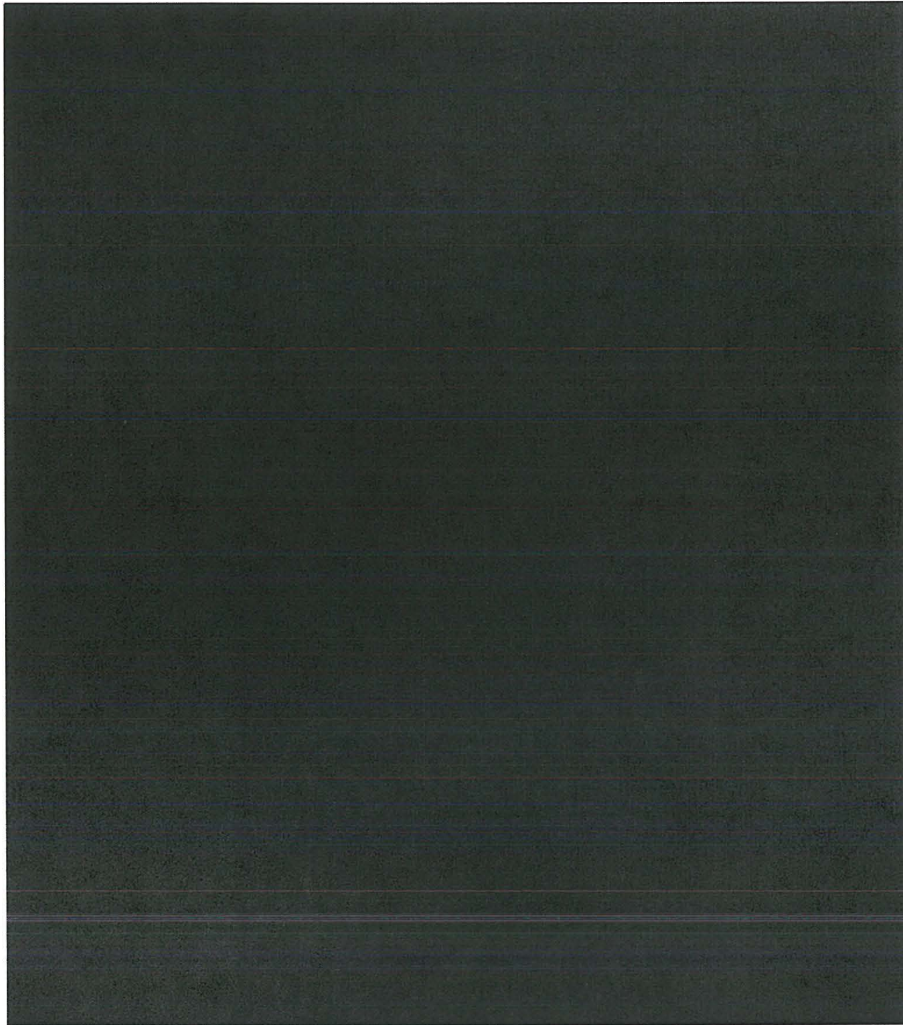
Page 823

Re: Caren C. Mandoyan

- 4 -

February 1, 2019

<u>ACCRUAL</u> <u>DATE</u>	<u>EARNINGS</u> <u>CODE</u>	<u>WAS</u> <u>PAID</u>	<u>SHOULD HAVE</u> <u>BEEN PAID</u>	<u>SALARY</u> <u>DUE</u>
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FEB 05 2019

Page 8 of 18

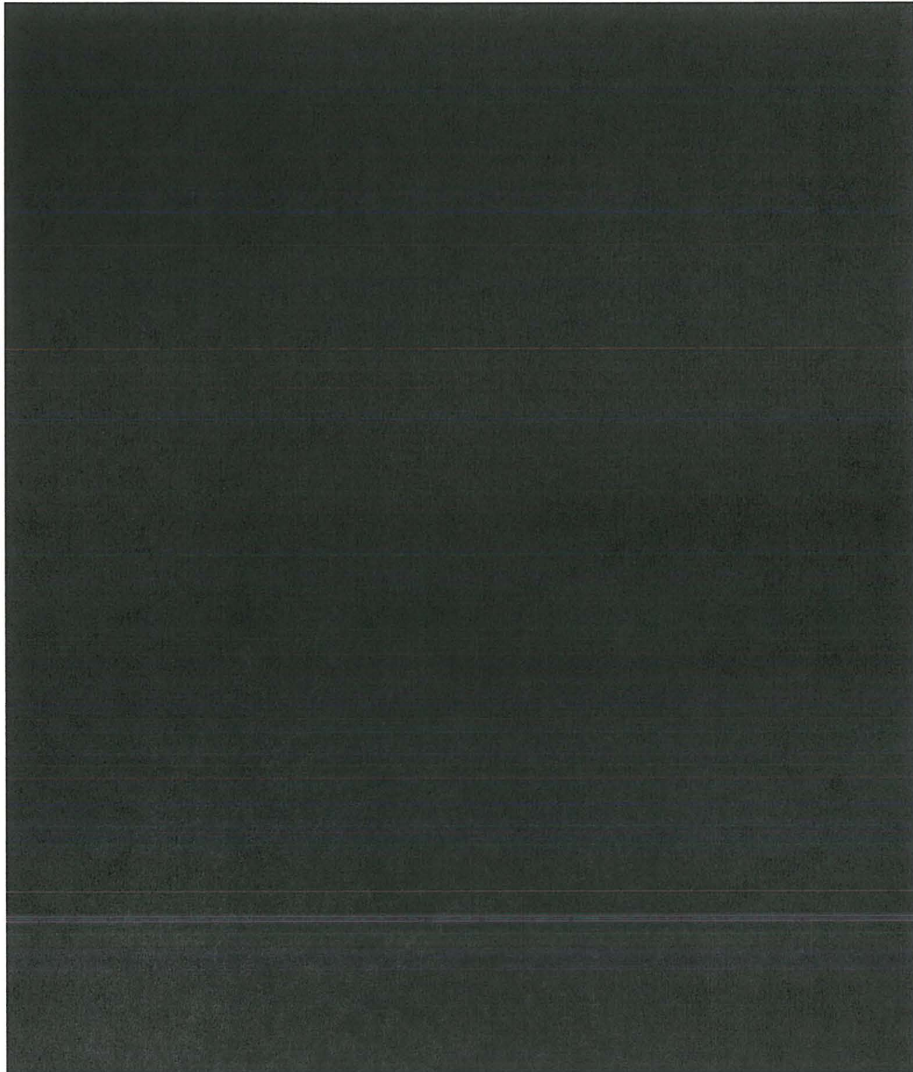
Page 824

Re: Caren C. Mandoyan

- 5 -

February 1, 2019

<u>ACCRUAL</u> <u>DATE</u>	<u>EARNINGS</u> <u>CODE</u>	<u>WAS</u> <u>PAID</u>	<u>SHOULD HAVE</u> <u>BEEN PAID</u>	<u>SALARY</u> <u>DUE</u>
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FEB 05 2019

Page 9 of 18

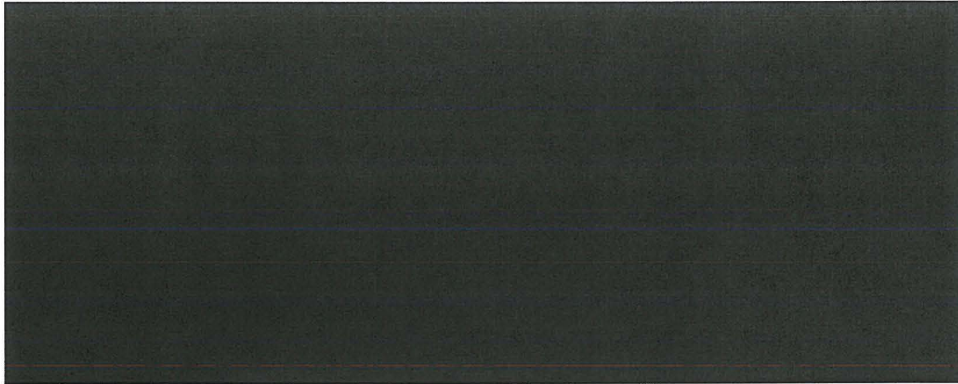
Page 825

Re: Caren C. Mandoyan

- 6 -


February 1, 2019

<u>ACCRUAL</u> <u>DATE</u>	<u>EARNINGS</u> <u>CODE</u>	<u>WAS</u> <u>PAID</u>	<u>SHOULD HAVE</u> <u>BEEN PAID</u>	<u>SALARY</u> <u>DUE</u>
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Total Value:




It should also be noted that the employee is a  participant.

If you have any questions or concerns, please contact Payroll Clerk II
Kathy Tran, of my staff, at (213) 229-1932.

Sincerely,

ALEX VILLANUEVA, SHERIFF


Sandra Solis, Acting Director
Personnel Administration Bureau

FEB 05 2019

Page 10 of 18



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



February 1, 2019

Lou Lazatin, Chief Executive Officer
Los Angeles County Employees Retirement Association
300 North Lake Avenue
Pasadena, California 91101-4199

Dear Ms. Lazatin:

CAREN C. MANDOYAN - EMPLOYEE NUMBER 473892

Pursuant to a Settlement Agreement (Agreement) between the Sheriff's Department (Department) and Caren C. Mandoyan, executed December 28, 2018, and a subsequent Agreement Amendment, executed January 17, 2019, the Department rescinded the discharge action that was imposed on September 14, 2016, and reinstated Mr. Mandoyan to his Deputy Sheriff position. Mr. Mandoyan shall receive a [REDACTED] suspension, without pay, for the period of [REDACTED], through [REDACTED]. In accordance with the Order, Mr. Mandoyan shall receive retroactive salary, with applicable benefits, from [REDACTED], through [REDACTED]. It should be noted that the employee is a [REDACTED] participant. Please amend your records to reflect this reinstatement.

Listed below is the itemized explanation of his monthly base salary:

<u>Months</u>	<u>Monthly Base Salary</u>
[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]
------------	------------

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

FEB 05 2019

Re: Caren C. Mandoyan


-2-

February 1, 2019

Should you require additional information regarding this matter, please contact Payroll Clerk II Kathy Tran, of my staff, at (213) 229-1932.

Sincerely,

ALEX VILLANUEVA, SHERIFF


Sandra Solis, Acting Director
Personnel Administration Bureau

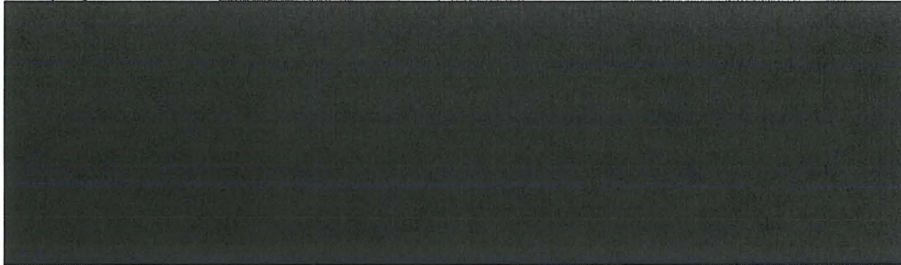
FEB 05 2019

Page 12 of 18

Page 828

**UNDERPAYMENT SCHEDULE
(OVERTURNED DISCHARGE)**

Employee Name: Caren C. Mandoyan



_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	_____	\$ _____	\$ _____

TOTAL UNDERPAYMENT AMOUNT:

\$ _____

C. Bannello

Payroll Manager Signature

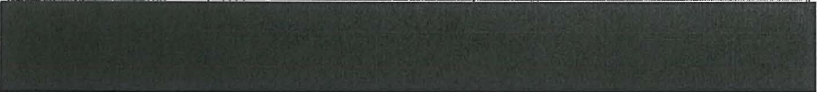
2/1/19

Date

ATTACHMENT B


RESTORATION OF LEAVE HOURS PAID & LOST AT TERMINATION
OVERTURNED DISCHARGE

Employee Name | Mandoyan, Caren C.



Pay Event Type Pay Event Date Input Amt. Pay rate Dollar Doc. Code



Total Leave Amount: 

C Banuelos

Payroll Manager Signature

2/1/19

Date

FEB 05 2019

TC Cancellation

CSD: 10/02/2006

AUDITOR	OUTGOING REPORT	O/S <input checked="" type="checkbox"/>	SUP <input type="checkbox"/>	RPT. NO. 039	DATE 01/25/19
EMPLOYEE NAME		EMPLOYEE NO.	DEPARTMENT NAME	DEPT. NO.	
MANDOYAN, CAREN C.		[REDACTED]	[REDACTED]	[REDACTED]	
ITEM TITLE	[REDACTED]				
[REDACTED]	[REDACTED]				
[REDACTED]					TOTAL
[REDACTED]					[REDACTED]

[REDACTED]

[REDACTED]

ADJ EARNINGS	[REDACTED]	FICA TAX TD	O/S DEDUCTIONS	VERIFIED
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

REMARKS: _____

BY Alex Villanueva, Sheriff

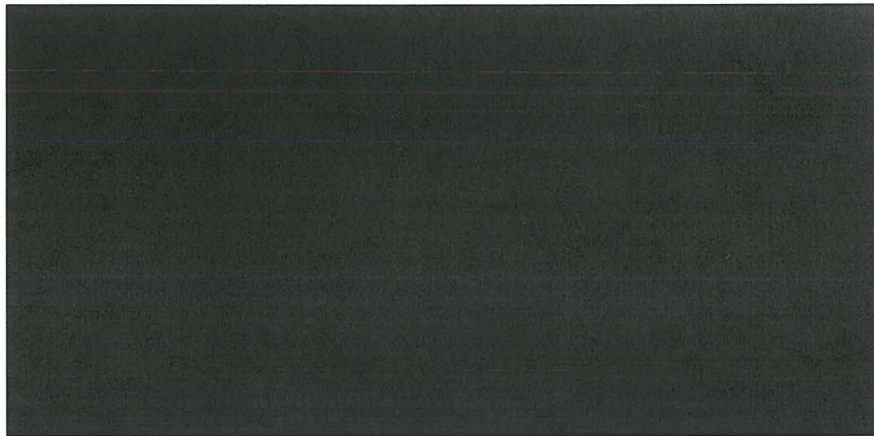
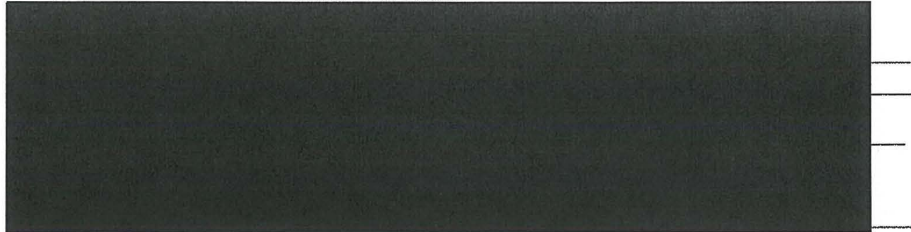
760805R (6/89)

Kathy Tran (213) 229-1932

FEB 05 2019

UNEMPLOYMENT INSURANCE BENEFITS VERIFICATION
OVERTURNED DISCHARGE

Employee Name: Caren C. Mandoyan



5. Address of the Employment Development Department (EDD) office:

N/A

CBamuelo

Payroll Manager Signature

2/1/19

Date

FEB 05 2019

Page 16 of 18

EXHIBIT B



JOHN NAIMO
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

CONFIDENTIAL

February 28, 2019

Mr. Caren Carl Mandoyan
Sheriff's Department
Hall of Justice
211 W. Temple Street, 8th Floor
Los Angeles, California 90012

[Hand Delivered Via Messenger and Acknowledgement of Receipt]

Re: Your Reinstatement by Sheriff Villanueva

Dear Mr. Mandoyan:

Your September 14, 2016 discharge from the Los Angeles County Sheriff's Department (the "Department") was made final by the Civil Service Commission on May 23, 2018. Notwithstanding this final Order, it is my understanding that you entered into an agreement with the Department whereby the Department purported to reinstate you to your former position of Deputy Sheriff in exchange for the dismissal by you of two civil actions filed by you, Writ of Mandate Case No. BS 174714 and Civil Action Case No. BC 719337. It is my understanding that the agreement was signed by the Chief of the Central Patrol Division and authorized by Sheriff Villanueva.

This letter is to notify you that under the Los Angeles County Charter and other laws, Sheriff Villanueva was without authority to settle your cases on behalf of the County. The County Charter and other authorities vest the County Counsel and the Board of Supervisors with sole and exclusive authority over civil actions and proceedings involving or concerning the County or a County officer. For that reason, your agreement with the Department is void.

Nor did Sheriff Villanueva have authority to reinstate you. The County Charter and the Los Angeles County Civil Service Rules require that all classified positions be filled from the current eligible civil service list. In addition, reinstatement after separation requires approval by the Director of Personnel. You were not on the current eligible civil service list and your reinstatement was not approved by the Director of Personnel. As such, your reinstatement was unlawful.

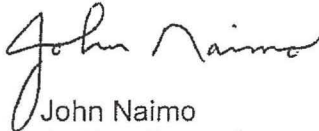
*Help Conserve Paper – Print Double-Sided
"To Enrich Lives Through Effective and Caring Service"*

Mr. Caren Carl Mandoyan
February 28, 2019
Page 2

In light of the above, your discharge from the Department, made final by the Civil Service Commission's May 23, 2018 Order, remains in full force and effect. Please be advised that you are no longer a County employee. All salary and other payments to you, including benefits, were stopped effective February 22, 2019 at 5:00 p.m. Sheriff Villanueva was informed of this fact on February 20, 2019, but it is my understanding that he declined to communicate this message to you. You are instructed to immediately turn in any and all County property, including your weapon and badge. You are not authorized to serve as a Department employee.

If you have any questions regarding the above, please contact my office and I would be happy to discuss further.

Very truly yours,



John Naimo
Auditor-Controller

c: Board of Supervisors
Alex Villanueva, Sheriff
Sachi A. Hamai, Chief Executive Officer
Mary Wickham, County Counsel