

1 OFFICE OF THE ATTORNEY GENERAL

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4 IN RE: STANKOSKI/STOUT EEO
COMPLAINT INVESTIGATION

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8 CONFIDENTIAL INTERVIEW OF

9 CINDY STANKOSKI

10

11 Taken at the offices of
The State of Ohio
12 180 East Broad Street
11th Floor, Room A
13 Columbus, Ohio 43215

14

15 on April 14, 2008, at 8:53 a.m.

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17 Reported by: Sara S. Clark, RPR/CRR/CCP/CBC

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1 PRESENT:

2 Ben Espy, Esq.
Executive Assistant Attorney General
3 Administration
30 E. Broad Street, 17th floor
4 Columbus, Ohio 43215

5

6 Julie M. Pfeiffer, Esq.
Assistant Attorney General
7 Employment Law
150 East Gay Street
8 Columbus, Ohio 43215

9

10 Rex H. Elliott, Esq. and
John C. Camillus, Esq.
11 COOPER & ELLIOTT LLC
2175 Riverside Drive
12 Columbus, Ohio 43221

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3 BY MS. PFEIFFER: 5
BY MR. ESPY: 120

4

5 INDEX OF EXHIBITS

6 EXHIBIT DESCRIPTION PAGE

7 1 Six pages, copies of text 40
messages

8

9 2 and 3 Copies of handwritten and 104
typed notes

10 4 Complaint form 116

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1 MR. ESPY: Ms. Stankoski, my name is Ben
2 Espy. I'm the executive assistant to the
3 Attorney General. And this is Julie Pfeiffer,
4 Senior Assistant Attorney General in the
5 employment section. Thank you for coming this
6 morning.

7 THE WITNESS: Thank you.

8 MR. ESPY: First of all, I wanted to
9 tell you the nature of the investigation. We
10 were appointed on April the 8th by the Attorney
11 General to look into the allegation of
12 harassment by Anthony Gutierrez. I think that's
13 how you pronounce his name. And we're trying to
14 get as much detail as we possibly can so we can
15 be efficient and hopefully expedite this
16 determination.

17 We cannot promise, of course,
18 confidentiality based on the nature of the

19 investigation, but we're -- we try to keep as
20 much things as we possibly can confidential.
21 But we can't promise that. We like to have as
22 much detail as possible, dates, times, and then
23 we will follow up probably with other witnesses
24 to corroborate dates and times, et cetera.

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1 Do you understand?

2 THE WITNESS: Yes.

3 MR. ESPY: Okay. Your statement's going

4 to be under oath. I'll have the court reporter

5 swear you in.

6 (Witness sworn.)

7 MR. ESPY: Ms. Pfeiffer will ask

8 questions first.

9 MS. PFEIFFER: Thank you.

10 CINDY STANKOSKI

11 being first duly sworn, as hereinafter

12 certified, says as follows:

13 EXAMINATION

14 BY MS. PFEIFFER:

15 Q. Cindy, like Ben said, I'm Julie

16 Pfeiffer, an attorney with the employment law

17 section.

18 Before we start, I want to let you know

19 that I've never met Mr. Gutierrez. I don't know
20 him. I have no contact with him. So when you
21 answer questions, I want you to know that you
22 need to tell me, because I don't know him, and I
23 don't know pretty much anything except I've read
24 some notes and things like that. So at this

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1 point, we're pretty much starting off fresh,

2 just to let you know.

3 A. Okay.

4 Q. All right.

5 Now, it's my understanding that you were

6 hired by the Attorney General's office in about

7 August of last year; is that correct?

8 A. Correct.

9 Q. Okay. And what were you hired as?

10 A. Administrative assistant in

11 telecommunications.

12 Q. Okay. Did you know Mr. Gutierrez prior

13 to being hired?

14 A. No.

15 Q. Okay. Go ahead.

16 A. My father has worked for the State for

17 about 19 years. He's in -- he's a carpenter,

18 and he met Tony while -- when Tony came in

19 office, and asked Tony if they were hiring for
20 any administrative assistants, so Tony granted a
21 favor to me for my father and got me in on an
22 interview on August 13th.

23 Q. Okay. Did you speak with him on the
24 phone about this?

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1 A. No. Christine August called me and got
2 me in immediately, and I interviewed with Tony,
3 Charlie Rosol, and Pete Mash.

4 Q. Did you fill out an application that
5 day?

6 A. When Christy called, I did an online
7 application. And then I came in the next day to
8 meet with Tony, Charlie, and Pete.

9 Q. How long was that interview?

10 A. About 20 minutes.

11 Q. What happened there?

12 A. It was a very awkward interview. Tony
13 didn't ask me one question about anything on my
14 resume, even though I did qualify for what they
15 were looking for. He just talked about his
16 family, who is Italian, and wondered about my
17 family, who is from Macedonia. And during my
18 interview, it was rather uncomfortable. I felt

19 he wasn't staring at me, or interested in
20 anything I had to say, he just would stare at my
21 body. But I focused on, you know, a start to my
22 new career. And it was just a very short
23 interview.

24 Q. And how would he stare at your body?

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1 A. He would just stare at my chest. He
2 would bite on his lip, just -- he got real
3 comfortable in the chair while I was talking.

4 Q. Did he ask you any questions?

5 A. No, just -- he talked about the office,
6 and he talked about what they were looking for,
7 such -- in the telecommunications, working on
8 helping on phone bills. And he didn't ask me
9 about anything that I was able to do to -- you
10 know, to qualify for the position. Although my
11 resume was there, he didn't ask me about any of
12 my work history.

13 Q. Did Charlie Rosol or --

14 A. Rosol? He was there, but he had told me
15 that was his first time sitting in on an
16 interview, so he didn't have much to ask.

17 Q. Okay. Did -- do you remember him asking
18 you any questions at all?

19 A. No.

20 Q. How about Pete Mash?

21 A. Pete was just real short, talking about

22 how busy the telecommunications department was,

23 and his main focus was to first start on

24 catching up on phone bills, when they found

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1 someone for telecommunications assistant.

2 Q. Okay. Did he ask you about your prior
3 experience?

4 A. No.

5 Q. Were you offered a job that day?

6 A. I got a call a couple days later from
7 Charlie, and until background check was clear,
8 that's when they would let me know when I could
9 start.

10 Q. Did you discuss or demand a particular
11 salary?

12 A. No.

13 Q. Did you know what it paid?

14 A. I -- he said anywhere between 13 to 14.
15 He would have to figure out a -- an amount with
16 HR.

17 Q. He, being --

18 A. Tony and Charlie. What I spoke -- it

19 was Charlie that said, I'm not sure what the pay
20 rate is. But they told me 13.22, and that's --
21 first they said between 13 and 14. But 13.22 is
22 what they came up with, and I accepted the
23 position.

24 Q. And I think you started sometime during

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1 the end of August; is that right?

2 A. August 20th was my first day.

3 Q. Okay. How did your job start out? Did

4 it go well?

5 A. Oh, it was overwhelming. There was a

6 lot of work. I helped Mariellen Aranda, and

7 just helped her catch up, along with Pete Mash

8 and his work. I didn't have a lot to do. I was

9 just the new girl that was helping out until I

10 was familiar with what it is that I needed to

11 do.

12 Q. Okay. Who was your immediate

13 supervisor?

14 A. Charlie Rosol.

15 Q. Okay. Did you primarily take direction

16 from him?

17 A. Yes and no. Being that I was with

18 telecommunications and Pete Mash, I -- you know,

- 19 he told me what to do. And then if anything
- 20 else needed done, it was Charlie that would say,
- 21 hey, we also need help in this area.
- 22 Q. Did you take direction from
- 23 Mr. Gutierrez?
- 24 A. When I was told to do anything, yes.

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1 Q. When you were told to do anything --

2 A. Such as go file, go -- his car was

3 considered a pool car, you know -- if I could

4 run an errand, because I was the least busy in

5 the department at that time.

6 Q. Okay. So kind of used you to fill in?

7 A. Correct.

8 Q. Was Mr. Gutierrez around a lot?

9 A. In the beginning of the week, he would

10 be around; and then towards the end of the week,

11 sometimes Thursdays and Fridays, he would not be

12 there. From my understanding, he would be in

13 the Youngstown office.

14 Q. Okay. And during the Monday through

15 Wednesday, do you remember if he was -- was he

16 in the office all day, every day?

17 A. Yes.

18 Q. And did he direct the work, or did he

19 let Charlie and Pete do it?

20 A. He let Charlie and Pete do it.

21 Q. When you first started, did you notice

22 anything about his behavior towards you that

23 made you uncomfortable?

24 A. Yes.

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1 Q. Tell me about that.

2 A. I felt that every time he would be by my
3 desk or I'd be around him, I felt like he would
4 always just undress me with his eyes.

5 Q. Tell me about how he would do that.

6 A. He would be -- any time I'd be talking,
7 he would not look at my face or my eyes, he
8 would never make eye contact. He would, like I
9 said, bite on his lip. He would just -- it made
10 me feel like he was undressing me with his eyes.

11 Q. Okay. Where would he -- if he wasn't
12 looking at your face, where was he looking?

13 A. My chest, my body, anywhere but my face,
14 he would look.

15 Q. Was he talking to you at the time?

16 A. Uh-huh.

17 Q. Okay. What was he talking about? I
18 know just in general, that you can remember.

19 A. He talked about a lot of things. I
20 mean, he talked about the power that him and
21 Marc have. He talked about his Italian
22 association with the mob. He joked about how
23 him and Marc broke the law the first day he
24 became Attorney General by drinking and driving.

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1 He -- he would -- he was just always
2 inappropriate with the conversations he would
3 have with me.

4 Q. And would he talk about these subjects
5 to you in the office?

6 A. Yes.

7 Q. Were there other people around?

8 A. Yes.

9 Q. Who would be around that you would
10 remember?

11 A. Mariellen Aranda.

12 Q. Okay.

13 A. James Ford. Amanda Saxton. Charlie. I
14 mean, pretty much anyone in the general services
15 area would hear any type of inappropriate
16 comment.

17 Q. When he would be talking to you about
18 this, would he be in his office, or --

19 A. Both.

20 Q. Both? I was not -- I was at general

21 services a couple of days ago, so I'm a little

22 familiar, and I saw your desk.

23 A. In direct view of his office.

24 Q. Where it is now. Have you always been

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1 at that desk?

2 A. No. I moved over to that desk. I was
3 the desk next to me.

4 Q. Okay.

5 A. I moved over to the desk to be directly
6 across from Pete.

7 Q. Okay. Would you agree with me that
8 general services is in kind of a corner part of
9 the floor in the State Office Tower?

10 A. Correct.

11 Q. And Anthony Gutierrez's office would
12 have been in that corner?

13 A. Correct.

14 Q. Is that correct?

15 A. (Witness nods head.)

16 Q. And your office -- well, your desk sits
17 out in the hallway; is that correct?

18 A. Correct.

19 Q. Okay. Is it directly across from his

20 door?

21 A. Diagonal, yes.

22 Q. Okay.

23 Now, you said that he talked about

24 power. Tell me about what he was talking about

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1 with regard to what kind of power he had.

2 A. How -- how his best friend was the
3 Attorney General, basically, they could get away
4 with anything.

5 Q. And did he describe what "anything" was?

6 A. The fact that they went drinking and
7 driving, you know, he joked about it with me,
8 that it was funny, that the first day when Marc
9 Dann became Attorney General, how he cracked up,
10 how they were drinking and driving, and they
11 were out breaking the law. Basically they could
12 get away with anything.

13 He just would always just brag how he
14 just always would get the job done and no one
15 would mess with him because he's Anthony
16 Gutierrez.

17 Q. At that point, did you have any -- did
18 anything happen that would lead you to believe

19 that what he was saying was true or false?

20 A. I -- I believed him. I mean, he did

21 seem very powerful, you know. He made orders,

22 and they happened, you know. Every time he

23 would be in the office, the tension level would

24 be very high, because he would always bark

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1 orders, and he would be just real aggressive
2 with people. He just wasn't the nicest person.

3 Q. Did you see him be aggressive to other
4 people?

5 A. Yes.

6 Q. Okay. And who would you see him be
7 aggressive towards?

8 A. I mean, he would talk down to Charlie a
9 lot. He would just -- you know, it wasn't
10 necessarily how he -- what he said, it was
11 always how he would say it.

12 Q. And how would that be?

13 A. I'm not really sure how to describe it.
14 Just very arrogant, you know. He one time told
15 Mariellen, you are not to speak unless spoken
16 to.

17 Q. Okay. Tell me about that. Do you know
18 the context in which he said it?

19 A. Just like that. He said, you are not to

20 speak unless you are spoken to.

21 Q. Was she speaking, or --

22 A. Yes, to me. She was speaking to me.

23 Q. What was she saying to you?

24 A. I'm not sure what the conversation was.

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1 But her and I had a conversation, and Tony
2 stopped her in front of my desk and interrupted
3 her to say something. And then Mariellen said
4 something to me, and he turned to her, and he
5 said, you are not to speak unless spoken to.
6 And it was rather embarrassing for everybody to
7 hear, especially for her.

8 Q. Okay. Let's -- I want to get back to
9 that. But you said that he was talking about
10 his Italian association with the Mafia. Tell me
11 about that.

12 A. He would just -- he didn't get into
13 details. I mean, he talked about his family
14 history, how Young -- everyone knows that
15 Youngstown is associated with the Mafia, and
16 everyone's Italian, everyone knows not to mess
17 with him and his group. He talked about some
18 type of a bar fight, I remember, how, you know,

19 he got in some fight with someone at a bar, and
20 he made it clear not to mess with him, you know,
21 he's a Gutierrez, and he knows people, and no
22 one wants to mess with them. And he would just
23 always brag about -- brag about that kind of
24 stuff.

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1 Q. And, again, I don't mean to be too
2 redundant, but would he be talking to you, or
3 was he talking in a group?

4 A. He -- to me.

5 Q. To you?

6 Would he come up to you and just start
7 talking, or how did that occur?

8 A. Well, it was when he insisted that I go
9 out for a drink with him, is when he opened up
10 to me and told me all of this stuff.

11 Q. Okay. And when was that?

12 A. September 10th.

13 Q. Now, on September 10th, had you been out
14 for drinks with him prior to that?

15 A. No.

16 Q. Did he ever ask you out for drinks prior
17 to that?

18 A. No.

19 Q. Suggest that he would -- he wanted to go

20 out to have drinks with you before that?

21 A. Not -- no, not -- no, not then.

22 Q. Prior to September 10th, did you know of

23 other employees who had gone to drinks with him?

24 A. I had heard -- I had heard, yes, that he

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1 did. But I'm not sure exactly who. I mean, I
2 know Erika Haske, who is in our department, had
3 run-ins with him. I'm not sure how she dealt
4 with it or what she did. But I was told that he
5 would harass her, as well.

6 Q. Okay. And who told you that?

7 A. Mariellen, Charlie, Pete.

8 Q. Okay.

9 A. Everyone in the department would say,
10 you should see how he was with Erika before you
11 came.

12 Q. Okay. And this was -- did this occur --
13 warning you about how he was with Erika, did
14 this occur right when you got hired?

15 A. I -- yes. I wouldn't -- at the time, I
16 didn't take it as a warning. I really wasn't
17 sure what they meant.

18 Q. Okay.

19 A. Like, you should have seen how, you
20 know, he talked to Erika, you know, always --
21 Mariellen told me he would always invite her
22 over to the hot tub, and Erika would feel
23 uncomfortable. I'm not sure what action Erika
24 took. But I wasn't there, so I just know what I

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1 heard.

2 Q. Do you know where the hot tub is?

3 A. No, I don't.

4 Q. Okay. So it was just -- it would just

5 be referred to as the hot tub?

6 A. Right.

7 Q. Okay. Now, you were saying that he

8 invited you out for drinks.

9 A. Correct.

10 Q. Then you said that was September 10th?

11 A. Correct.

12 Q. Did he invite you out that day?

13 A. It was towards the end of the workday.

14 I, at the time, worked from 8:30 to 5:30. And

15 around quarter till 5:00, close -- towards the

16 end of the workday, he walked out of his office,

17 and he just expressed, I need drinks. And he

18 asked me, have you ever been to Ringside. I

19 told him no. He said, you should come and have
20 a drink with him. I told him that Monday nights
21 are my only nights off from the salon. I have a
22 part-time job at a salon. And he -- I told him
23 I had -- he's like, you know, you should come
24 with. I told him, I've got a lot of errands to

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1 run. He's like, come on, you can put them off.

2 It's just one drink. He wasn't taking no for an

3 answer. He -- he pressured me into going. He

4 would not take no for an answer.

5 I e-mailed Andrew Miller, who also

6 stayed until 5:30. I e-mailed him and said,

7 dude, will you come to -- will you come to

8 Ringside so it's not just me and Tony. He told

9 me that he had other obligations to do and he

10 couldn't go.

11 Q. Okay. You e-mailed Andy Miller?

12 A. Correct.

13 Q. Okay. Did you -- from your work?

14 A. Correct.

15 MR. ELLIOTT: Did -- you said Andy?

16 MS. PFEIFFER: Yeah, Andrew or Andy.

17 BY MS. PFEIFFER:

18 Q. Is it Andy?

19 A. His real name's Andrew. We call him

20 Andy. I'm not sure how he goes by.

21 Q. Okay. He said, I'm sorry, I can't go?

22 A. Yeah.

23 Q. Okay. So then what happened?

24 A. When Andy stepped out of his office, he

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1 was like, you know, telling me, be careful. I
2 know you're a big girl. We know how Tony is,
3 you know. And I just thought, I'll be fine, you
4 know, I can stick up for myself.

5 Tony had me meet him outside on the
6 sidewalk at 5:30. And I expressed to him, one
7 drink. I figured, he'll leave me alone if I
8 just grant his wishes for one drink.

9 We went to Ringside. We sat on the
10 patio. He had -- he ordered me a Grey Goose; he
11 had chilled shots of Crown coming to the table.
12 He talked to me a lot about the hatred he had
13 for his wife. He talked about the Italian
14 Mafia, his -- the Gutierrez name or he is
15 associated with. I talked to him about an
16 incident that happened to me in 2002 with Crime
17 Victims, how Crime Victims didn't cover 100
18 percent of my medical bills, and I didn't have

19 insurance at the time. He told me to bring in
20 my paperwork from then, and he'll get it taken
21 care of.

22 He talked a lot about the construction
23 business he did on the side, how he -- his
24 construction does some type of small kind of

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1 restaurants. I'm not sure what type of
2 construction he did. But he talked about little
3 restaurants that he would -- his construction
4 business did.

5 And that's when he also talked about the
6 first night Marc Dann became Attorney General,
7 the big party they had, and that's when he joked
8 about the fact that they broke the law, even the
9 first day.

10 From Ringside, I had still expressed, I
11 really need to go get some groceries done. I
12 work Tuesday, Wednesday, Thursdays, and it was
13 my only night off. He pressured me into just
14 one more at Tip Top cafe. So I walked over to
15 Tip Top cafe with him. And he was still taking
16 business calls. Charlie Rosol had called him on
17 the phone, and Tony said, yeah, I'm here with a
18 smoking hot girl. And Tony gave me the phone,

19 and he said, say hi to Charlie. So I said, hi,

20 Charlie. And that's all I said.

21 Tony still had drinks coming to the

22 table. And my girlfriend had called me from

23 North Carolina, just to talk to me. And Tony

24 grabbed the phone to talk to her, and he was --

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1 he said, yeah, Cindy, you know, she's here with
2 me, and she's, you know, a good girl. And he
3 told her, you know, where do you live, and she
4 said, North Carolina. He said, I'll have to
5 bring my boat down there so you girls can have
6 some fun. And I told him, yeah, right, you're
7 not taking me to North Carolina.

8 So from there, at this time, I'm on an
9 empty stomach, and I'm starting to feel the
10 effects of the drinks. He insisted that he get
11 some stomach -- some food in my stomach. We
12 went to Mitchell's on Third Street. Once we got
13 there, Marc Dann called his cell phone. Tony
14 told Marc Dann, I'm here with Cindy Stankoski.
15 Tony handed me the phone and said, Marc wants to
16 talk to you. I'd never met Marc, you know,
17 within three weeks of me being there, I'd never
18 met him. I got on the phone, and Marc said,

19 hey, how are you? How's the office treating
20 you? Are you having fun? Why don't you come
21 over for some pizza. And I joked to Marc, and I
22 said, only if you have Hawaiian pizza.
23 And I gave the phone back to Tony. And
24 Tony said, let's go. I said, I feel -- that's

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1 weird. I'm not going to go to the Attorney
2 General's house. He's like, you're with the big
3 dogs. Don't worry about it.

4 I had no way to get home. My car was
5 in -- downtown. I had been drinking. I felt
6 trapped. I didn't know what to do.

7 So in the car, I was text messaging
8 Mariellen, like, oh, my God, get me out of this
9 situation. And she kept apologizing, I'm so
10 sorry I didn't tell you what pigs these men
11 were.

12 MR. CAMILLUS: If you need to take a
13 minute, I'm sure Ben and Julie wouldn't mind.

14 MS. PFEIFFER: Sure.

15 MR. CAMILLUS: Just let them know.

16 A. I arrived at Marc's, and Marc was
17 sitting on the couch in his little single sofa
18 chair. And I shook his hand and I said, hello,

19 Mr. Dann, nice to meet you. He told me not to
20 call him Mr. Dann; Marc was fine. He -- when we
21 got there, the pizza was there, and the Hawaiian
22 pizza that I joke about with him.
23 He brought out the tequila and margarita
24 mix and told me to have some drinks.

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1 Q. Who brought out the tequila?

2 A. Marc Dann.

3 Q. Where was the tequila?

4 A. It was in a drawer. He took it out and
5 put it on the counter next to the pizza, and I
6 didn't want any.

7 Q. Okay.

8 A. I already felt pretty dizzy and
9 overwhelmed and trapped. I -- every feeling
10 went through me. I didn't know what to do. I
11 didn't know who to call. I couldn't call my mom
12 and dad, hey, I'm at Marc Dann's house, come
13 pick me up. I couldn't do that.

14 Q. At that point -- I know this might be a
15 hard question to answer -- but how drunk were
16 you?

17 A. I felt pretty drunk.

18 Q. Okay.

19 A. I never felt like that before.

20 Q. Could you hear yourself speaking?

21 A. I -- yeah. Yeah. I -- sitting there, I

22 thought, what am I doing here? Like, I look

23 stupid. I -- do I sound stupid? I'm sitting

24 here with Marc Dann, I've never met him in my

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1 life, I'm at his house, you know, drinking,
2 drunk. It was an uncomfortable situation for
3 me.

4 Q. Do you think you were slurring your
5 words?

6 A. I don't know. I'm sure I was.

7 Q. Okay. Keep going.

8 A. Minutes later, maybe -- within 10, 15
9 minutes, Jessica Utovich walked in.

10 Q. Had you met her?

11 A. No.

12 Q. So that was the first time you had met
13 her?

14 A. That was my first time.

15 Q. She walked in from the office?

16 A. She walked in from the outside. She
17 walked in. She didn't ring the doorbell; she
18 just walked in. She was in very comfortable

19 clothes.

20 Q. Do you remember what she was wearing?

21 A. She was wearing sweatpants and a

22 T-shirt. Very comfortable clothes. To me, it

23 seemed as if she was there to stay. She was

24 very relaxed, comfortable, as if she had been

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1 there before.

2 Q. What -- do you know what time this was?

3 A. Anywhere between 9:00 and 10:00. I'm

4 not sure.

5 Q. Okay. It was September. Do you know if

6 it was dark out?

7 A. It was dark out.

8 Q. Okay. So she walked in.

9 A. She walked in. And I just remember

10 thinking, that's weird. Tony had said, this is

11 Marc Dann's scheduler. He introduced her as

12 Jessica Utovich. And I had seen her name, just

13 on the Internet, and I knew that she -- you

14 know, the name, she was -- that she was Marc

15 Dann's scheduler.

16 I had gone outside for a smoke, and I

17 called Mariellen, and I told her, you've got to

18 come get me. She was just like, Cindy, you've

19 got to get out of there. She's like, you -- she
20 asked if she wanted me to -- if she wanted me to
21 have her call James Ford to come pick me up. I
22 told her, no, I don't want -- I didn't want
23 anyone knowing I was there. It was
24 embarrassing. I was just scared.

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1 Q. Tell me what it was about the situation
2 that made you scared.

3 A. The fact that I was pressured into going
4 out for drinks. I expressed one -- one, okay,
5 one more. I felt -- I was sitting with powerful
6 people. I didn't know --

7 Q. At this point, had Mr. Gutierrez made
8 any kind of physical movement towards you,
9 grabbed you, touched you, anything like that?

10 A. No.

11 Q. No?

12 A. (Witness shakes head.)

13 Q. Did he -- was he speaking in sexual ways
14 to you?

15 A. A little bit, yeah.

16 Q. And when did that happen?

17 A. While at the bars. I mean, he would
18 just make comments, oh, you're good looking, you

19 know, you're hot. His eyes would always wander,

20 but I felt strong enough to where I thought I

21 would never let him cross that line with me.

22 Q. Okay. So you're in the apartment. It's

23 dark. Jessica Utovich just walked in, and you

24 were introduced to her as Marc Dann's scheduler.

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1 A. Correct.

2 Q. Okay. And did you have a discussion
3 with her?

4 A. (Witness shakes head.)

5 No. I had gone outside to use the
6 phone, to call Mariellen and tell her, I need
7 outta here, this is weird.

8 Q. Okay.

9 A. She told me she could call James Ford to
10 come get me. And I told her no. She told me,
11 you know, get a cab. I had no money. I hadn't
12 got my first paycheck yet. I didn't know where
13 I was.

14 I came back inside, and I expressed that
15 I just needed to lay down. I just -- I needed
16 to lay down. I didn't feel right. I had
17 anxiety. I felt dizzy. I felt sick.

18 Q. Okay. When you came back in, tell me

19 everybody that was in the room.

20 A. Jessica, who was on the floor; Marc, who

21 was in the chair; and Tony.

22 Q. Where was Tony?

23 A. In the kitchen, eating pizza.

24 Q. Can you -- if you recall, describe for

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1 me the layout of this apartment.

2 A. When you walk in, to the right is --

3 well, to the right is kind of straight. He had

4 a chair in the corner, and I believe it was a

5 white sofa. And then it just went immediately

6 into the kitchen.

7 Q. Okay.

8 A. And the counter was kind of like an L

9 shape. He had a TV that was in the wall, had

10 a -- it was cut out, and the TV was in the wall.

11 Q. In the kitchen?

12 A. In the family room.

13 Q. Okay.

14 A. And Tony's bedroom was the only one on

15 the first floor. So -- I never went on the

16 steps -- or up the steps to see what was

17 upstairs.

18 Q. Okay. So you told -- you told the group

19 that you needed to lay down?

20 A. I -- I expressed that I needed to lay
21 down. I didn't feel well. Tony told me I could
22 lay down in his bed, being that Marc and Jessica
23 and him were still out in the family room.
24 I go and lay on the bed, over the

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1 covers, and I fell asleep. I -- I woke up at
2 4:30 in the morning, in a sweat. I look over,
3 and Tony's sitting right next to me, laying next
4 to me with his underwear on. I got up and three
5 of my buttons were undone.

6 Q. Of your pants?

7 A. Yes.

8 Q. What kind of pants did you have on?

9 A. Black dress pants.

10 Q. Okay.

11 A. I was still in my work clothes.

12 Q. Did you have a zipper, too, or --

13 A. It was three buttons and then a zipper.

14 Q. Okay.

15 A. The zipper was a little down, but all

16 the buttons were undone.

17 Q. Okay. What did you do then?

18 A. I got up quietly, and I paced around in

19 the kitchen and in the family room in the dark,
20 just trying to think, what the hell happened. I
21 didn't feel violated down there, but it was
22 just -- I thought, did I roll around in my sleep
23 for my buttons to come undone? Maybe one
24 button, but three of them? I just -- I cried in

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1 the family room by myself. I didn't know what
2 happened. I don't remember. All I know is that
3 I asked to lay down, and I woke up with Tony
4 next to me.

5 After I composed myself for a little bit
6 on the couch, I woke up Tony, and I said, I need
7 to go now. I need to get back to my car. He
8 got up, he was like, okay.

9 While he got in the shower, I sat on the
10 couch, just, like, trying to play by play, like,
11 what the hell happened.

12 While we were in the car, I just
13 remember looking out the window and just angry.
14 He told me, relax, relax. I realized at the
15 time my keys were not in my purse, that I
16 probably left them in my desk, because I never
17 left Monday to go home.

18 Tony pulled into the State garage, and

- 19 he parked in his spot, and he said, I'll go
20 upstairs and see if your keys are in your desk.
21 He found my keys, and that was around
22 6:00. He went upstairs to the 15th floor to
23 find my keys.
24 Q. 6:00 in the morning?

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1 A. Between 6:00 and 6:30. And he came down
2 and said, Erika's already -- Erika Haske was
3 already in, because she starts at 7:00.

4 Q. Okay. So Erika Haske was there when he
5 came to get your keys?

6 A. Correct.

7 Q. This would have been September 11th?

8 A. Correct.

9 Q. Okay. And he came back down with your
10 keys?

11 A. Yes, with my keys, and he dropped me off
12 at my car.

13 And I told him, I'm not going to be able
14 to make it in at 8:30. He said, take your time.
15 I'll cover for you, I'll tell them you have a
16 doctor's appointment.

17 Q. Okay.

18 A. Once I got in my car, I called

19 Mariellen, just, like, in a panic. She said she
20 didn't sleep one wink, she was so worried about
21 me when I stopped responding to her text
22 messages. She said she wasn't coming in that
23 day, because she didn't sleep, she was so
24 worried. She kept apologizing for not telling

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1 me about what kind of men Marc Dann and his
2 friends were. I told her, it's not your fault,
3 you know. I mean, she was just so upset.

4 I went home, and I got in the shower,
5 and I just remember, I cried. I just felt so
6 violated and used.

7 I went to work later that day, around
8 11:30. I felt horrible. I didn't want to face
9 Tony again.

10 While I was there on the 11th, I didn't
11 make eye contact with him at all, the whole
12 week, the rest of the week. I just tried to
13 avoid it. I tried so hard just to block it out
14 of my head.

15 Q. Okay. I just need to go back a little
16 bit.

17 A. Okay.

18 Q. You started out that night at Ringside.

19 How -- if you know, how long did you stay at

20 Ringside?

21 A. Maybe an hour.

22 Q. Do you recall, the whole evening, how

23 many drinks you had?

24 A. Maybe four.

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1 Q. Okay.

2 A. I had four vodkas. And then he had
3 chilled Crown shots coming, and I don't drink
4 Crown, but he insisted I take them.

5 Q. Okay. So you drank those, too?

6 A. Correct.

7 Q. How many shots of Crown did you drink?

8 A. I think two.

9 Q. Okay. With the vodka, straight vodka?

10 A. No, with tonic.

11 Q. Okay. How did -- did he pay for all of
12 this?

13 A. Yes.

14 Q. How did he pay?

15 A. Honestly, I'm not sure.

16 Q. Okay.

17 A. I don't know if it was cash or credit
18 card.

19 Q. Now, when you went to Mitchell's, you

20 did not eat?

21 A. No.

22 Q. Did he eat?

23 A. No. That's when Marc -- that's when

24 Marc Dann had called and said, come for pizza.

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1 Q. Okay. Did you say, no, I don't want to
2 go, I'm sorry?

3 A. I expressed to him I felt weird about
4 it, and I couldn't. He told me they were the
5 big dogs.

6 Q. Okay. Now, when you got to the
7 apartment, and you said Marc Dann took the
8 tequila out, did he also take the tequila mix
9 out?

10 A. Margarita mix and tequila.

11 Q. And he put it on the counter?

12 A. Correct.

13 Q. Were you offered any of that?

14 A. Yes.

15 Q. Who offered it to you?

16 A. Marc Dann.

17 Q. Did you drink that?

18 A. No, I did not drink it. It was poured

19 for me. I had just stopped drinking. I ate
20 Hawaiian pizza. It was my first time eating
21 since lunch. And then I stepped outside to use
22 the phone.

23 Q. Who poured it for you?

24 A. I believe it was Marc Dann, because Marc

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1 and Tony were in the kitchen getting out plates

2 and getting out the tequila and margarita mix.

3 Q. Was Tony drinking?

4 A. Yes.

5 Q. In the apartment?

6 A. Yes.

7 Q. What was he drinking?

8 A. I don't recall. I'm not sure what he

9 was drinking.

10 Q. Now, I believe that night -- you were

11 saying that you had called Mariellen throughout

12 the night. I know that you had been text

13 messaging her, as well.

14 A. (Witness nods head.)

15 Q. So you were doing both?

16 A. Correct.

17 Q. I'm going to show you some text messages

18 that we have. I need you to identify them.

19 MS. PFEIFFER: I'm sorry. We don't have
20 copies.

21 MR. ELLIOTT: That's fine.

22 MR. ESPY: There might be some
23 duplicates in there also, possibly.

24 THE WITNESS: I'm sorry?

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1 MR. ESPY: There might be some
2 duplicates in there.

3 THE WITNESS: Okay.

4 (Pause in proceedings.)

5 BY MS. PFEIFFER:

6 Q. If you take a look at those, I see it
7 actually says, let's see, from 740-605-3807. Is
8 that your --

9 A. No.

10 Q. Okay. Tell me how -- tell me about
11 that.

12 A. Mariellen had gone to HR, because
13 Mariellen had an issue with Tony herself. And
14 she needed to prove to Molly Taylor in HR why
15 she wanted out. Mariellen forwarded these text
16 messages to Molly Taylor, and then from my --
17 from how it seems, Molly Taylor sent it to her
18 e-mail address.

19 Q. Okay. But those are your text messages?

20 A. Yes.

21 Q. Any missing, that you remember?

22 A. I feel as if there are. I feel as if

23 there were more.

24 Q. Okay.

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1 A. I mean, I do remember talking back and
2 forth with Mariellen about what a creep Tony
3 was.

4 Q. Through text message?

5 A. Correct.

6 Q. That night?

7 A. Yes.

8 Q. Did you -- in our notice that we gave
9 for your interview today, we asked you to bring
10 all notes, documents, anything that you have in
11 your possession with regard to this
12 investigation. Do you have any of that?

13 MR. ELLIOTT: We have them.

14 MS. PFEIFFER: You have it here with you
15 today?

16 MR. ELLIOTT: Yes, we do.

17 MS. PFEIFFER: Can we see it?

18 MR. ELLIOTT: Sure.

19 MS. PFEIFFER: We're going to label the

20 text messages as Exhibit 1.

21 --0--

22 (Exhibit 1 marked.)

23 --0--

24 MS. PFEIFFER: It's six pages.

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1 MR. ELLIOTT: This is my copy, so could
2 I have -- get a copy of that when we're all
3 finished here?

4 MS. PFEIFFER: Yes.

5 MR. ELLIOTT: I know you'll get to it.
6 But she previously offered to provide that
7 information.

8 MS. PFEIFFER: Okay.

9 BY MS. PFEIFFER:

10 Q. Just to clarify, Cindy, we discussed
11 Exhibit 1. And I believe you said that you
12 think there might be more text messages that you
13 e-mailed to Mariellen.

14 A. Correct.

15 Q. Both -- is it both the night of
16 September 10th and other nights?

17 A. Other nights.

18 Q. Okay. Have you attempted to --

19 A. Not other nights. Other workdays.

20 Q. Other days?

21 A. Other times, yes.

22 Q. Did you ever use your work e-mail to

23 talk to people about your concerns with what was

24 going on with Tony Gutierrez and the other

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1 issues?

2 A. No.

3 Q. No?

4 Have you attempted to obtain -- well,
5 before I ask you that, are you texting from your
6 own personal --

7 A. Yes.

8 Q. Is it a cell phone?

9 A. Yes.

10 Q. Have you attempted to obtain a text
11 message history from your --

12 A. Verizon? Yes, I have; and they don't
13 have them.

14 Q. They don't have them, okay. Because I
15 don't even know how that works, so I don't --

16 A. I believe it's about, like, 60 days they
17 can save them. Unfortunately, I missed that.

18 Q. Have you spoken with Mariellen about

19 whether or not she has documentation with regard

20 to those?

21 A. I have. She said that she has -- has

22 from September 10th, she -- I asked her if she

23 had any others from another incident, and she

24 said that she did not.

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1 Q. Okay. Is the other incident driving up
2 from Cincinnati?

3 A. Correct.

4 Q. Okay. We'll get to that.

5 When you got to work the next day,
6 September 11th, 2007, you said you got there
7 about 11:30.

8 A. Correct.

9 Q. Did you put in for any leave?

10 A. No.

11 Q. Why?

12 A. He told me I didn't have to.

13 Q. "He," meaning?

14 A. Tony. He just told me to take half-hour
15 lunches and make up for it so I wouldn't have to
16 put in any time, since I hadn't accumulated any
17 time at that point.

18 Q. Did you -- let me ask you this: After

19 the night of September 10th, did Tony act
20 differently towards you in the workplace?

21 A. No, not --

22 Q. Did you still have contact with him?

23 A. What do you mean, did I still have
24 contact with him?

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1 Q. Well, I think you said that you tried to
2 avoid him.

3 A. Well, yeah. He was always in my view.
4 I was the desk he saw when he walked out of his
5 office.

6 Q. Did he speak with you?

7 A. He would, yes.

8 Q. Okay. Was it all work related, or --

9 A. You know, no. He would make comments to
10 me. If I were to -- if I was eating a cookie or
11 anything, he'd be like, you know where that's
12 going to go, right? I'd be like, where? He's
13 like, right to your ass. And I'd just sit there
14 and just look at him and just shake my head,
15 like, did you just really say that to me? And
16 people would hear him say that. And they would
17 just be like, oh, my God, this isn't a
18 construction zone.

19 Q. Would you say anything back to him?

20 A. No.

21 Q. Okay. About how many times --

22 Well, let's -- I want to stay on

23 specific incidences and then we'll go back and

24 talk about the filler.

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1 MR. ELLIOTT: Can I just stop you for
2 one second? Because I think you missed
3 something, and I want to make sure that you get
4 everything you need.

5 MS. PFEIFFER: Okay.

6 (Witness confers with witness.)

7 MR. ELLIOTT: You didn't ask for it, but
8 there's -- there was more conversation in the
9 car on the way back to work that I think is
10 important for you to know.

11 BY MS. PFEIFFER:

12 Q. Okay. If I miss something, let me know.
13 I want to know everything.

14 A. It wasn't in the car, actually.

15 MR. ELLIOTT: Okay.

16 A. Tony somehow found out that Mariellen
17 had gone to HR after he said, you are not to
18 speak unless spoken to. When Mariellen went to

19 HR, I didn't know at the time that Mariellen

20 forwarded these to HR.

21 Q. Okay.

22 A. Tony found out that HR had these

23 messages, and Tony pulled me into his office and

24 he said, when and if you are approached by HR,

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1 you are to tell them a friend of yours picked
2 you up. And I immediately knew, Mariellen --
3 Mariellen gave -- she's the only person I was
4 talking to. He told me, you are to tell them a
5 friend of yours picked you up.

6 I was very scared. I -- I had no choice
7 but to just agree with him then. I said, okay.
8 He said, a friend of yours picked you up.

9 Q. Okay. Picked you up from the apartment?

10 A. His house, yes, from Marc Dann's and his
11 condo.

12 Q. Okay. Did you then carry on with that
13 lie or --

14 A. No one asked me. I agreed that I would
15 lie, but no one ever approached me.

16 Q. Okay.

17 A. And during that time, I felt betrayed as
18 a friend that Mariellen told HR.

19 Q. Why would you think that?

20 A. I wasn't -- I don't know, just the fact

21 that I expressed to her how scared I was, how

22 uncomfortable I was. I felt like at the time,

23 she was out to get me. Why would she, you know,

24 promise me that, you know, this would be our

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1 secret, you know. I didn't want anyone ever
2 knowing that I was there, because it was very
3 embarrassing.

4 Q. Okay.

5 A. And she told HR. And I immediately knew
6 it was her. And Charlie Rosol had told me that
7 Tony told him that someone did pick me up. But
8 he also told Tony that -- I mean, Tony also told
9 Charlie that he went into his files at HR and
10 destroyed these so they wouldn't become public
11 records.

12 Q. Destroyed, when you said --

13 A. These text messages. And Leo Jennings
14 destroyed those in HR. I'm not sure how, but --

15 Q. Oh, okay. So you heard from Charlie
16 that Tony told him that Tony destroyed
17 Exhibit 1?

18 A. Correct.

19 Q. Okay. But obviously that was not true.

20 A. Correct. Because Stephanie, down the

21 line, said she made extra copies.

22 Q. Did you ever consider telling what had

23 happened on September 10th?

24 A. Charlie called me into his office. He

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1 noticed a big difference in my -- not attitude,
2 but in my behavior. I was not smiling as much
3 as I used to. He called me into his office and
4 he closed the door. And I just sobbed to him.
5 That's when a little bit of rumor started going
6 on, you know, that Cindy stays the night at
7 Tony's house. And Mariellen kind of stopped
8 talking to me. And I just -- I felt alone and
9 betrayed. And Charlie pulled me into his office
10 to talk to me about it. He told me that he
11 knew. He goes, I know you were there. And I
12 opened up a little bit more to Charlie, and I
13 cried to him. And he was just -- he agreed that
14 I had been harassed, and he doesn't know what to
15 do.
16 He said that HR's there to protect you.
17 I didn't want to go to HR because I was afraid
18 to go to HR.

19 Q. Why were you afraid to go to HR?

20 A. My -- I was afraid for my father, who

21 works in the building, of him finding out and

22 what he would do, and of his job being

23 jeopardized for him reacting in any way.

24 Q. Protecting you?

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1 A. Correct.

2 Q. Okay.

3 A. The fact that Tony always talked about
4 his power, and him and Marc Dann were best
5 friends, and if I went to HR, what were they
6 going to do.

7 Q. Okay.

8 A. I was scared.

9 Q. It looks to me on Exhibit 1 that -- and
10 correct me if I'm wrong -- it looks like
11 Mariellen forwarded these text messages to Molly
12 on October 11th, which would have been about a
13 month later. When was your conversation with
14 Charlie that you just described?

15 A. Within that same week.

16 Q. Okay. Did he say, I'm going to go to
17 somebody, I'm going to tell them, anything like
18 that?

19 A. He just told me that I can go to HR.

20 Q. Okay.

21 A. And he told me he understands why I'm
22 not going.

23 Q. Did he say why he understood?

24 A. He just understood the whole -- the

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1 connection with Tony and Marc and when HR tells
2 them I came, they're going to tell Marc, who
3 will tell Tony. And I felt that Tony would see
4 to it that I get fired.

5 Q. Okay. After the September -- let me
6 tell you, from the notes I've read, it seems to
7 me that there was the incident on September 10th
8 that we talked about, and then there was an
9 incident that occurred in -- on the drive back
10 from Cincinnati.

11 A. (Witness nods head.)

12 Q. Did anything happen between the
13 September 10th incident and the Cincinnati trip?

14 A. No.

15 Q. And when did the Cincinnati trip happen?

16 A. I was assigned to go to Cincinnati on
17 October 3rd.

18 Q. Who assigned you to go?

19 A. Charlie and Tony.

20 Q. Okay.

21 A. But on October 2nd, around 9:00 p.m, I
22 got a voice mail from Tony, saying -- he sounded
23 buzzed. He said, hey, Cindy, it's Tony. He
24 said, give me a call. I want to -- I want you

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1 to bring some nice clothes to work tomorrow so
2 that I can take you somewhere nice in
3 Cincinnati. And he's like, please call me.

4 Bye.

5 I called Mariellen to tell her about
6 this message. I then called her on three-way
7 for her to hear it. She's just like, Cindy,
8 you've got to get out of going tomorrow.

9 On October 3rd, I walked in, and I went
10 to Charlie, and I told him about the message
11 that he left me. And Charlie's like, I don't
12 know what to do, like we're whispering back and
13 forth behind closed doors. He's just shaking
14 his head like, oh, my God, you know.

15 Tony had arranged that I go. What was
16 to happen was Dustin Carter and Lindsay Kates
17 were two interns --

18 Q. They were interns?

19 A. Yes. Dustin drove a white two-seater
20 van down to Cincinnati, and me and Lindsay drove
21 down vehicles ourselves and followed each other.
22 Tony had -- was already in Cincinnati for
23 meetings. And when we arrived to Cincinnati, we
24 were to load computer monitors into the back of

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1 the van.

2 Once we had done that, we went to the
3 food court in the Cincinnati mall. Tony met us
4 there. Tony kept saying he had one more
5 meeting, but I could do whatever I wanted until
6 he was done. He would probably be about an hour
7 and a half. He told me, go shopping if you
8 want. Go have a Bloody Mary if you want.

9 Once we got done eating, the interns
10 left to go back to Columbus in the van, and Tony
11 said, we can do whatever we want; I really don't
12 have any more meetings.

13 Q. Okay. How is it that you had to stay
14 back and you couldn't go with Dustin --

15 A. I didn't have a ride back, because the
16 van was only a two-seater van.

17 Q. Okay.

18 A. And the back of it was loaded with

19 computer monitors.

20 Q. Okay.

21 A. And it was arranged that I get a ride

22 back with Tony when he was done with his

23 meetings in Cincinnati.

24 Q. Okay. Who told you about -- do you know

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1 that was the plan before you drove to

2 Cincinnati?

3 A. That I was going to be stuck in

4 Cincinnati with Tony?

5 Q. Yes.

6 A. I -- I was aware that Tony was taking me

7 home after his second meeting.

8 Q. Okay.

9 A. But there was no second meeting.

10 Q. Okay.

11 A. And I didn't -- I didn't know that until

12 the interns left.

13 Q. Did you bring nice clothes?

14 A. No.

15 Q. Before we go any farther, did you save

16 the message?

17 A. I wish I had.

18 Q. Was the message on your work --

19 A. No, my personal cell phone.

20 Q. Personal cell phone.

21 Do you recall what number he called you

22 from?

23 A. His work phone.

24 Q. Work phone.

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1 Do you know if it was at his desk or

2 his --

3 A. His BlackBerry.

4 Q. His BlackBerry, okay.

5 A. Around 9:00 p.m. on the 2nd.

6 Q. Okay. And you called Mariellen when --

7 were you at home, or --

8 A. I -- yeah, I was. I was home. And I

9 did not return Tony's call.

10 Q. Okay.

11 A. When we were -- after the interns left,

12 he asked me why I didn't call him back last

13 night. And I lied to him and told him that I

14 never listen to my voice mails and I just

15 haven't listened to them yet.

16 Q. Okay.

17 A. And he said, well, I would have had

18 reservations tonight if you would have called me

19 back. And I just showed absolutely no interest,

20 like -- I didn't know how to get out of it.

21 Q. Okay. Did you do anything with him in

22 Cincinnati?

23 A. No.

24 Q. Okay.

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1 A. He -- when we got back to his car, I sat
2 in the front seat, and he changed into jeans
3 outside of his car, and he drove around downtown
4 Cincinnati, looking for something to do. And I
5 told him, let's just head back to Columbus.

6 Q. Okay.

7 A. When we -- on our way back to Columbus,
8 I remember that on 71, there was some type of a
9 big accident, and so we were in traffic, bumper
10 to bumper. And I just -- I was text messaging
11 Mariellen, you know, oh, my gosh, this -- he's a
12 creep. I was telling her just the little things
13 he would say, just --

14 Q. Talk to me about what he was saying to
15 you during that trip.

16 A. He just would comment on -- that I was
17 sexy. He --

18 Well, before that, he looked on his GPS,

19 he thought, let's just go to one bar before we
20 get back to Columbus. He went on his GPS, a bar
21 in Grove City called Rackums, so he said, we're
22 going to Rackums. I text messaged, and I was
23 like, please come up to Rackums. She's like,
24 I'm in Lancaster. It's too far away. She's

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1 like, I don't want to be alone. It would be
2 better with someone else from the office to make
3 him uncomfortable. She's like, I can't.
4 So I knew that Doug Armbrust lived
5 around Grove City, and I text messaged him, and
6 I said, stop by Rackums on your way home. Tony
7 wants to go here. And he said, that would be
8 weird, you know. He would know immediately why
9 he was there. And I was like, say it's your
10 neighborhood bar. You live right around here,
11 right?

12 So he went to Rackums. We sat on the
13 patio. It was nice out. And I had then asked
14 him, so why -- why didn't you ask me anything
15 during my interview? He goes, because you're
16 hot. Your ass and your tits got you your job.
17 And I said, fuck you. He goes, what? I'm just
18 being honest. You got a nice rack. And I just

19 was like, unbelievable.

20 During that time, his wife kept calling

21 him. He kept answering the phone, screaming at

22 her, calling her a bitch. He called her a cunt.

23 Q. In front of you?

24 A. In front of me.

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1 Q. On the phone?

2 A. On the phone. It was -- I was
3 embarrassed for him. I mean, people were -- he
4 was loud. He was -- it was inappropriate. I
5 did not need to hear that, how he treated -- how
6 he talked to his wife.

7 Q. Okay. So then what happened?

8 A. I then insisted, I need to get back to
9 my car. And he dropped me off at my car. He
10 asked me to meet him and Leo Jennings up at
11 Mitchell's Steak House, and I told him, no
12 thanks, and I went home.

13 Q. How many drinks did you have at Rackums?

14 A. One.

15 Q. You said beer?

16 A. Yeah.

17 Q. Okay. Now, prior to getting there at

18 Rackums, you know, I'm envisioning this -- you

19 and Tony in the car together alone, it's an
20 hour, hour and a half drive, you've hit traffic,
21 you've been in that car for a long time. What's
22 going on in the car?
23 A. He was making business calls. He was on
24 his BlackBerry a lot, talking to other people.

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1 And I was text messaging Mariellen. And I
2 remember he said, who are you text messaging? I
3 said, my sister. And he was still doing
4 business calls while we were in the car. He
5 talked to Charlie a lot. He told Charlie, make
6 sure Cindy gets two hours of comp time.

7 Q. Okay. And why would you get two hours'
8 comp time?

9 A. I don't know.

10 Q. Did he make any inappropriate comments
11 to you in the car, anything about your body,
12 anything that you -- made you feel
13 uncomfortable?

14 A. The fact that he told me my ass and my
15 tits got me my job. His gestures while he was
16 talking to me, biting on his lip in a very
17 sexual, disgusting way.

18 Q. Okay. And that was at Rackums?

19 A. Yes.

20 Q. About how long -- did you shoot pool?

21 A. We shot one game of pool, and we didn't
22 even finish the game.

23 Q. Okay. About how long were you there?

24 A. Less than an hour.

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1 Q. And you said that you didn't go to

2 Mitchell's --

3 A. No.

4 Q. -- even though he invited you?

5 A. Yes.

6 Q. That was October 3rd; is that right?

7 A. Correct.

8 Q. Do you recall -- if not, that's fine --

9 the day of the week it was?

10 A. On a Wednesday, I believe. Because I

11 had arranged with the salon, just in case we --

12 you know, I didn't get back on time, because I

13 started to work at 6:00. I just -- I remember I

14 arranged on Wednesday that I moved my

15 appointments to another day, just in case.

16 Q. Okay. Did you hear from him that night?

17 A. Yes. I -- he did call me. I did not

18 answer the phone. After he dropped me off, he

19 did call me.

20 Q. What's your phone number?

21 A. 580-2241.

22 Q. Has that been your cell phone the whole

23 relevant time?

24 A. Yes.

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1 Q. How often -- how many times did he call
2 you?

3 A. That night?

4 Q. Yes, that night.

5 A. One or two times. Definitely one. I'm
6 not -- I don't recall. I just know that I did
7 not answer his calls. He -- his calls came
8 restricted. And he's the only person I knew
9 that called in as restricted. So I was pretty
10 sure it was him.

11 Q. Oh, okay.

12 So his number didn't pop up?

13 A. No.

14 Q. It came up restricted?

15 A. Right.

16 Q. So any time restricted popped up on your
17 phone, you thought it was him?

18 A. Well, he would leave me a message, real

19 short, it's Tony, call me back, please.

20 Q. Okay. Anything sexual, inappropriate,

21 vulgar that he -- of messages that he left?

22 Call me, I want to talk to you?

23 A. Uh-huh.

24 Q. We'll get back to -- go ahead.

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1 A. He one time did call the office, and he
2 asked Charlie to have Cindy call her -- call him
3 back. And I came back up to my desk, and
4 Charlie goes, Tony wants you to call him, and he
5 sounded very concerned, because Charlie knew how
6 I was feeling, you know, just uncomfortable.
7 And I remember, I returned his call on my desk
8 phone, saying, hi, I'm just calling you back.
9 And Charlie was just staring at me through his
10 door. And he was just shaking his head like,
11 are you okay, what the hell does he want, why is
12 he calling you. And he just -- Tony -- he had
13 no point. There was no point for me to call
14 him. I don't know what the purpose of his
15 request for me to call him. He just said, oh,
16 you can call me back from work, but you can't
17 call me back at night? I just sat there while
18 Charlie's looking at me like, so can I -- is

19 there anything you need?

20 And it was just uncomfortable, how he

21 was talking to me, and Charlie looking at me,

22 and Charlie knew what was going on. I didn't --

23 I don't know if he knew what was going on, but

24 he sensed the uncomfortableness from me.

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1 Q. Okay. When did this occur relative to
2 the incidents we've talked about, if you can
3 give me a time frame?

4 A. Probably the same week of the
5 Cincinnati.

6 Q. Okay. And I'm assuming that if October
7 3rd was a Wednesday, did you not see him the
8 Thursday and the Friday after that?

9 A. I never saw him on Fridays. There would
10 be some Thursdays he was in, but Fridays was
11 always a known day that he was not in the
12 office, where it was more of a relaxed
13 atmosphere for everybody.

14 Q. When he was out of the office, would he
15 call in and give direction?

16 A. Yes.

17 Q. Would he call you, or --

18 A. Sometimes.

19 Q. He would call you sometimes.

20 Would he call other people that you know

21 of?

22 A. I know he talked to Charlie on a regular

23 basis throughout the day, and Christy, his

24 assistant. But I'm not sure who else he would

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1 call.

2 Q. All right. Did anything else occur

3 after the Cincinnati incident?

4 A. Yes.

5 Q. Okay. Tell me about that.

6 A. Although this is not work related. My

7 mother and father let me borrow a brand new

8 digital camera. And they -- it was just for one

9 night, and they kept saying, do not break it.

10 Well, I broke it, the one night I borrowed it,

11 and the lens just got jammed. And I was to

12 bring it to work to give back to my father. And

13 before I did that, I wanted to see if anybody in

14 the office, or even IT, would just look at it

15 and pop the lens back out, just -- just to save

16 from a big argument from my parents, you know.

17 The principle of it, I broke it the one night

18 they told me not to.

19 And Tony sent Doug Armbrust out to Radio
20 Shack to purchase a little kit of different size
21 screwdrivers. And Doug looked at the camera,
22 and he couldn't fix it. Tony said, I'll take
23 the blame for it. And I was like, really? He's
24 like, I'll take the blame for it. He goes,

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1 we'll just say that you were showing me
2 pictures, I was looking at it, it dropped on my
3 desk and fell on the floor.

4 So that day, he went up to my father and
5 said, hey, I'm sorry about the camera. Cindy
6 was showing me pictures, and I broke it. He
7 goes, if it's not under warranty, let me know,
8 I'll cover all of it. My dad said, oh, it's
9 fine, that happens.

10 Tony came up to me and he said, you
11 fucking owe me big time. I go, why? He's like,
12 I just saved your ass with your camera. I was
13 just like, thank you.

14 That evening, that exact same evening, I
15 had gotten off work from the salon, and I went
16 up to Easton to exchange a couple things. Then
17 a 330 area code number called me, and I answered
18 it, it was Tony. And he was like, where are

19 you? I told him, I'm at Easton. He's like, I'm
20 at Ocean Club with Jen Urban and Leo Jennings.
21 He said, come up here. I said, I'm in jeans, I
22 didn't have -- been up here all day. He goes,
23 you fucking owe me. Jen Urban got on the phone,
24 and she's like, come up here, just come on, it's

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1 just one drink, just come. And I felt, okay,
2 because I've never met Jen Urban. I felt a
3 little bit more comfortable because there was
4 other people there. I wouldn't feel so creeped
5 out if it was just Tony and I. Tony kept
6 saying, you owe me; I saved your ass with the
7 camera.

8 Q. This is on the phone?

9 A. Yes, on the phone.

10 I walk over to Ocean Club, they're there
11 at the bar. I believe it was Leo that
12 suggested, let's sit down and grab something to
13 eat. We all sat down, and Tony was joking,
14 like, laughing and joking with Leo about my
15 camera story. He's like, I saved her ass today.
16 I told her dad, you know, that I broke it and
17 stuff. They laughed about it, because I was
18 scared to come clean to my parents that I broke

19 their camera.

20 After we ate, I went outside for a
21 smoke, and Jen was saying, let's go to Adobe
22 Gila's. I went outside for a smoke. Tony came
23 outside, and he was buzzed. Jen was outside,
24 using the phone. And Tony said, listen, I know

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1 that you woke up with your pants undone when you
2 stayed the night. He goes, I just want you to
3 know, I didn't do anything. Of course I wanted
4 to fuck you, he goes, but I realized it was
5 wrong. You were my employee. And I was like,
6 you son of a bitch. He's like, of course I
7 wanted to fuck you. He's like, you were blacked
8 out. I just was in awe, because I accepted
9 blocking it out. I never asked him, because I
10 never wanted to accuse him. I, to me, accepted
11 that maybe I rolled around in my sleep. He came
12 to me and said, I know you woke up with your
13 pants undone.

14 Q. Did he say anything else?

15 A. He told me he wanted to fuck me.

16 Q. Okay. Did Jen -- do you know if Jen

17 Urban heard this?

18 A. I don't know.

19 Q. Where was she at?

20 A. She was outside on the phone, smoking a

21 cigarette.

22 Q. Okay.

23 A. But Tony was, like, very close to me,

24 talking to me.

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1 Q. It okay. Where was Leo?

2 A. Upstairs. He wasn't a smoker, so he was
3 inside Adobe's -- or Ocean Club. I'm not sure
4 where Leo was, but he was not outside.

5 Q. Did you ever go to Adobe?

6 A. Yes.

7 Q. I don't mean to skip around on you. I'm
8 sorry. Did you have a drink at Ocean Club,
9 before you went downstairs and had -- and this
10 conversation occurred?

11 A. Yes.

12 Q. Okay. What did you drink?

13 A. A Grey Goose with cranberry.

14 Q. Had you met Leo Jennings prior to this
15 night?

16 A. That was my -- just in the office. That
17 was my first time actually seeing him out of the
18 office.

- 19 Q. How long do you remember -- or do you
20 recall being in Ocean Club at the table with Jen
21 Urban, Leo Jennings and Tony before you went out
22 for a smoke?
- 23 A. How long was I there before?
- 24 Q. Yes.

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1 A. Well, they ordered food, and we ate,

2 so --

3 Q. Okay.

4 A. You know, after we ate is when I stepped
5 outside. That's when Tony followed and told me
6 that.

7 Q. How many drinks did you have?

8 A. Just one. I wasn't feeling it, you
9 know. They offered me a drink. I accepted.
10 They offered dinner.

11 Q. "They" who offered you drinks?

12 A. Leo and Tony.

13 Q. What did Leo say?

14 A. Not much. Nothing to me. He was with
15 Jen.

16 Q. Okay. Who paid for dinner?

17 A. I do not recall. I don't know. I want
18 to say it was Leo.

19 Q. Do you know how he paid?

20 A. I -- I believe credit card. I'm not 100

21 percent certain, though.

22 Q. When you were sitting at dinner, the

23 four of you, did Tony say anything to you

24 inappropriately that was wrong, vulgar, profane,

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1 made you feel uncomfortable?

2 A. He made me feel uncomfortable, yes; but
3 he didn't say, you know, comments about anything
4 about my body.

5 Q. How did he make you feel uncomfortable?

6 A. Just by sitting close to me. I felt
7 like he was trying to make me like his love
8 affair. I mean, that's how I felt. He was
9 trying to make me his girlfriend. I showed him
10 absolutely no interest that I wanted to be a
11 part of that at all. He made me feel pressured
12 to be there. He told me, you owe me. Come up
13 here. I -- "no" wasn't an option.

14 Q. What did you guys talk about? What was
15 the dinner conversation?

16 A. You know, to be honest, I am not sure
17 what the dinner conversation was. I know that
18 Tony talked about me to Leo, about the whole

19 camera situation.

20 Q. Okay.

21 A. They laughed about it. I just tried to

22 talk to Jen Urban, you know. She's like, I'm in

23 charitable, you know. And I picked up quickly

24 that Leo and Jen were a thing, by they were

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1 holding hands, they were rubbing each other's
2 legs, they were kissing. And I just thought,
3 okay, this -- I can't be a part of this. Like,
4 Tony's trying to make me -- that's how I felt,
5 Tony was trying to make me his girlfriend like
6 all the other guys had.

7 Q. Okay. You got the sense that it was a
8 double date?

9 A. Yes.

10 Q. Okay. So you went downstairs to smoke,
11 and that's when he said, of course I want to
12 fuck you; and you said --

13 A. I called him -- I remember I called him
14 a son of a bitch.

15 Q. Okay.

16 A. I was angry. I didn't know how to
17 react. I -- it threw me for a loop that he
18 brought it up. He willingly brought it up

19 without me even mentioning September 10th. I

20 blocked it out of my head. I tried to.

21 Q. Okay. What did you do then?

22 A. I walked to my car.

23 Q. Okay. You didn't go back to Adobe

24 Gila's?

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1 A. No. Jen and Leo -- yeah, Jen and Leo,
2 they left together. They were holding hands,
3 and they left together. I left Tony by himself.

4 Q. Okay. Did you guys have drinks at Adobe
5 Gila's before that?

6 A. No.

7 Q. You walked to your car. Did he -- you
8 drove home?

9 A. Yes.

10 Q. Now, up until this point -- before we
11 go -- tell me, if you know, if the Cincinnati
12 incident was October 3rd, when was the Ocean
13 Club incident?

14 A. In October. I don't have a date.

15 Q. Okay.

16 A. I just know a lot of things happened in
17 October, close together. It was like boom,
18 boom, boom.

- 19 Q. Okay. And up to this point, other than
20 Charlie Rosol -- am I pronouncing his name --
21 A. Yes.
22 Q. I always pronounce his name wrong.
23 I know you talked to him about it. Did
24 you complain -- did you let anyone else know

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1 about what was going on?

2 A. Yes.

3 Q. Okay. Who?

4 A. Charlie.

5 Q. Okay.

6 A. Mariellen was very aware of a lot -- of

7 everything, a lot of stuff. That's really it

8 within the office. Pete -- Pete Mash picked up

9 on a little -- you know, a little bit. Pete

10 Mash had told me that Mariellen talked to him --

11 Q. Okay.

12 A. -- about how she was worried for me.

13 Q. And did he say, you should go -- you

14 really should tell, anything like that?

15 A. He -- yeah, he suggested, you know, HR's

16 there to protect me, and I should go.

17 Q. But you did not?

18 A. At that time, no.

19 MR. CAMILLUS: Excuse me. I'm going to

20 step out for a minute.

21 (Attorney Camillus exits room.)

22 MR. ESPY: I'm sorry. What did he say?

23 MR. ELLIOTT: He's just leaving

24 momentarily. He'll be back.

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1 MS. PFEIFFER: Do you need to take a
2 break? It's up to you.

3 THE WITNESS: I'm okay. Thank you,
4 though.

5 MR. ESPY: Go ahead.

6 BY MS. PFEIFFER:

7 Q. What's the next thing that happened
8 after the Ocean Club incident?

9 A. I'm sorry. I just -- I'm --

10 THE WITNESS: Can I refer to this real
11 quick?

12 MS. PFEIFFER: Do we have a copy of
13 that?

14 MR. ELLIOTT: Yes, that's what you have.

15 MR. ESPY: What is that?

16 MS. PFEIFFER: It looks like notes.

17 THE WITNESS: This is my handwritten
18 journal.

19 MR. ESPY: This is what's typed out

20 here?

21 THE WITNESS: Yes.

22 MR. ESPY: Okay.

23 A. The next morning, after the Ocean Club,

24 I remember Tony coming in late. He looked

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1 horrible. He reeked of vomit. He reeked of
2 booze. And everyone in the office was like, oh,
3 my God. I remember Mariellen and Erika
4 commenting on, he had, like, vomit hanging out
5 from his nose. I remember Pete said he reeked
6 of booze.

7 I had gone outside to smoke on my own on
8 break. Tony came outside, and he came up next
9 to me. He came up to me, and he was like, man,
10 I got so drunk last night. He said, I woke up
11 when I hit the guardrail. He fell asleep behind
12 the wheel, and he woke up he his hit the
13 guardrail on his Suburban. And I just remember
14 thinking, like, you're a mess. I just stopped,
15 you know. It got to a point where I'm just -- I
16 even told Charlie, I'm going to start making up
17 a boyfriend. I'm just going to start talking
18 about a guy so he can just back off.

19 BY MS. PFEIFFER:

20 Q. Okay. Now that you brought up the car,

21 I need to take you back. On September the 10th,

22 he drove you to the apartment. What --

23 A. Okay.

24 Q. I'm taking you way back --

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1 A. That's okay.

2 Q. -- to the -- when -- on September 10th,
3 when he drove you to the apartment, what was he
4 driving?

5 A. A black Suburban.

6 Q. Okay.

7 A. Or -- or it was red. I know that he had
8 gone through two Suburbans, and one was maroon
9 and one was black. I'm not sure. It was a
10 Suburban.

11 Q. Do you know if it was the State-issued
12 Suburban?

13 A. Yes.

14 Q. And how do you know that?

15 A. He -- he told me. He -- that was part
16 of his bragging about what they got, the perks
17 of having a car, having a cell phone, living in
18 a condo.

19 Q. Okay. So it was either a maroon or

20 black Suburban?

21 A. Correct.

22 Q. How about the -- when you drove back

23 from Cincinnati?

24 A. It was the Suburban, black.

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1 Q. Was it the same car, do you know?

2 A. I -- I believe so.

3 Q. You didn't drive anywhere with him with
4 the Ocean Club incident?

5 A. No.

6 Q. Did anything else happen after he came
7 in, obviously hung over, the day after the Ocean
8 Club incident?

9 A. That's when Mariellen comes into play,
10 when he spoke to her the way he did, saying you
11 are not so speak unless spoken to, that's when
12 Mariellen went to HR, and that's when she put
13 her complaint in with Molly Taylor. That's when
14 she gave her those text messages, to prove she
15 needed out. She couldn't work for a man like
16 Tony.

17 Q. Okay.

18 A. That position -- Mariellen got an offer

19 over at BCI with Frank Lockhart. And then her
20 position was available, and I got promoted by
21 Charlie to take her -- to take that position.
22 So my old position and my new position, I was
23 doing both.
24 Q. Okay.

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1 A. And then in November is when Tony hired
2 Vanessa.

3 Q. Okay. Did you apply for the vacancy
4 of -- Mariellen's vacancy?

5 A. Not by paper. Just speaking with
6 Charlie. I was originally, like, Mariellen's
7 assistant. I was already doing some of her
8 work, I was familiar with it, and they just
9 bumped me up into her position.

10 Q. Okay. Did you talk to Tony about this
11 promotion?

12 A. Pete, Charlie, and Tony, they felt I was
13 the best for that. I mean, they offered it to
14 Andy Miller and Amanda and anyone else in the
15 office. And then I believe it was up to
16 Charlie. From my understanding, it was
17 Charlie's say if I got it or not.

18 Q. Do you know if anyone else was competing

19 for it?

20 A. I don't know. I just know Amanda and

21 Andy were also asked if they were interested in

22 applying for the position, and I believe they

23 said no.

24 Q. Okay. And, again, you didn't put in an

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1 application or anything for it?

2 A. (Witness shakes head.)

3 Q. You just expressed an interest verbally?

4 A. Correct.

5 Q. And you expressed your interest to

6 Charlie?

7 A. Correct.

8 Q. Vanessa was hired to fill your old

9 position; is that correct?

10 A. Correct.

11 Q. Did you know Vanessa prior to her

12 getting hired on?

13 A. No. Tony told me -- he said, you and

14 Vanessa are two different apples but from the

15 same tree. He said, you're going to love her

16 and you're going to hate her. And I thought,

17 oh, so you know her. He never explained -- he

18 actually originally told me that her father and

19 Leo are friends. And that's what I thought
20 before she even started, okay, it's through a
21 friend.

22 Q. Did he explain to you what he meant by
23 the two of you are different apples from the
24 same tree?

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1 A. No. He just said, you're going to love
2 her and hate her. Her and I were a lot alike
3 but in different ways.

4 Q. Did you just let it drop?

5 A. I just -- yeah.

6 Q. Did anything happen when she got hired?

7 A. I felt a lot of attention was off me.

8 Q. Okay.

9 A. He wasn't favoritize -- like, what's the
10 word, favoritizing me as much, which was fine.
11 Now the attention was on her. He would walk out
12 of his office and stop at her desk.

13 Q. Was that your old desk?

14 A. Yes.

15 Q. Okay. So she moved into your old desk,
16 you moved into Mariellen's desk?

17 A. Correct.

18 Q. Which is right -- a couple desks down?

19 A. Just one desk over.

20 Q. In the hallway area?

21 A. Yeah.

22 Q. Okay. Did you have the occasion to

23 observe how he treated her?

24 A. Yes.

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1 Q. And how was that?

2 A. Just like he did with me in the

3 beginning. Very close when talking to you.

4 Comment, you know, about a shirt, how it wasn't

5 cut down low enough.

6 Q. How it wasn't -- like that should be

7 lower?

8 A. Correct.

9 Q. Okay.

10 A. You're not exposing enough. I know one

11 time he said to Amanda, why don't you just let

12 them hang out? She was wearing -- I don't know

13 what kind of shirt she was wearing, but she was

14 kind of jogging to her desk in a hurry, and she

15 was doing this (indicating). He goes, you don't

16 have to do that, let them hang out. I remember

17 Charlie was just like, oh, my God.

18 Q. Did you have any discussions with

19 Vanessa when she first got hired, like, watch

20 out for him?

21 A. No, not immediately. Vanessa, after a

22 short time, she told me that -- she said, you

23 know, I recognized you when I came in for my

24 interview, and she said that she had seen me at

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1 Tony's house before.

2 Q. Okay.

3 A. And that's when she told me that she
4 lived directly across the street from Marc and
5 Tony and Leo. And I immediately opened up to
6 her about my night there, that that's not what
7 it seemed. She just said that she recognized
8 me.

9 Q. Did she tell you at that point what her
10 relationship with Tony was, other than being his
11 neighbor?

12 A. She mentioned that Tony had backed into
13 her father's car, and their neighbor saw Tony do
14 it. So Vanessa approached Tony by saying, hey,
15 you hit my dad's car, you hit and run. And I
16 guess Tony was like, here's my card, I'll take
17 care of it; if you need anything, let me know.
18 Well, she needed a job.

19 Q. Okay.

20 A. And that's all I know. I don't want to

21 speak on behalf of her. But from my

22 understanding, that's how that happened.

23 Q. Okay. Did she approach you at some

24 point and express to you concerns that she had

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1 about his behavior?

2 A. Yes.

3 Q. And when was that?

4 A. Around -- I mean, she started at the end

5 of November. So, you know, December, you

6 know -- December is kind of when we started

7 getting close and kind of just exchanging

8 information. She had mentioned that Tony

9 purchased a dildo for her.

10 Q. Okay. And tell me how -- what she said

11 about that.

12 A. She told me that Tony had called her

13 over, and she was with a friend, and Tony said,

14 I have something for you. And he pulled out a

15 dildo, and Vanessa said she felt very

16 uncomfortable.

17 Q. He called her over where?

18 A. To the house. Because they live

19 directly across the street from each other.

20 Q. Had she been drinking with Tony, or were

21 they friends?

22 A. I wouldn't say they were friends. I'm

23 not sure, you know. I'm in New Albany, they're

24 in Dublin. So I never -- rarely did Vanessa and

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1 I hang out together after work. She's got kids,
2 and we're on opposite sides of town.

3 Q. Did you ever go out with Vanessa and
4 Tony having drinks, ever?

5 A. Never.

6 Q. Okay. Other than the incidents we
7 talked about, did you ever go out for drinks
8 with Tony Gutierrez other than what we talked
9 about?

10 A. No.

11 Q. How about Leo Jennings?

12 A. No.

13 Q. Jen Urban?

14 A. No. Just the one time with Leo and Jen,
15 that was my first time ever seeing them outside.

16 Q. Did you ever have any conversations with
17 them after that night?

18 A. No. Just hellos, you know, when I'd see

19 them.

20 Q. Okay. In the notes that I read, there's

21 something about some interaction with Marc

22 Dann's wife.

23 A. Yes.

24 Q. Okay. Tell me about that.

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1 A. It was Christmas Eve, on the 24th, early
2 in the day. And I had never met her. I was on
3 the 17th floor in the front room by the booth.
4 And me, Pete Mash, and Andy Miller were testing
5 out new video conference equipment. And us
6 three were just sitting in there, and Marc Dann
7 comes in with two coffee mugs, filled with
8 chocolates. He first handed them to Andy and
9 Pete. And he said, I'll be back for yours in a
10 little bit. I said, okay, no problem. Minutes
11 later, a lady walks in with a cup, full force,
12 comes up to me, puts her hand out, and she said,
13 what's your name? I said, Cindy Stankoski. She
14 goes, say your last name. I go, Stankoski. She
15 goes, oh, really? Oh. And that's it. She gave
16 me the cup. And Pete and Andy were like, what
17 the hell was that about? I thought, I have no
18 clue. I've never met the lady. She was very

19 aggressive with me. And Marc Dann was in the

20 room while she handed me the coffee mug.

21 Q. Okay. Who else was in the room?

22 A. Pete Mash and Andrew Miller.

23 Q. Okay. Did she say anything else to you?

24 A. No. She repeatedly asked me to

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1 pronounce my last name. She was like, oh,

2 you're Cindy.

3 Q. She said, oh, you're Cindy?

4 A. Yes.

5 Q. And what did you say?

6 A. I said, yes. Nice to meet you.

7 Q. Did she say anything else?

8 A. No.

9 Q. Okay. What happened after that?

10 A. I went down to the -- back down to the
11 15th floor, and Vanessa was there, and Vanessa
12 said, you'll never believe who was down here. I
13 said, you'll never believe what I just went
14 through -- what happened to me. She said, Marc
15 Dann's wife was down here, standing in front of
16 Pete's door, and she was staring at my bulletin
17 board, looking at my pictures. And she was
18 looking at -- apparently staring at Vanessa up

19 and down, just giving Vanessa dirty looks.

20 So Vanessa called Tony to let him know

21 how Marc Dann's wife approached us, and Tony

22 said to Vanessa, what the hell is she doing

23 there, she's got no business being in the

24 office. I didn't talk to Vanessa. Vanessa had

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1 called Tony to let him know that Marc Dann's
2 wife treated us the way she did.

3 Q. You called Tony?

4 A. I didn't, no. I didn't call Tony after
5 that. I -- Vanessa did any type of talking.

6 I -- me and Tony did not talk.

7 Q. When did you stop having any contact --
8 any conversations with Tony? When did that
9 occur?

10 A. After Mariellen got transferred.

11 Q. Okay. Anything else with Marc Dann's
12 wife?

13 A. After the new year, early January, she
14 was back in the office, and I was in the -- on
15 the 15th floor lobby to go down. And the
16 elevator door opened, and she was in the
17 elevator with Ed Simpson. And I got in, and I
18 stood in the corner where the buttons were. And

19 I could feel her eyes on me the whole way down.

20 And I -- I didn't acknowledge her. I kind of --

21 when I walked in, I was like -- cracked a smile,

22 and she just gave me a straight look, and I -- I

23 ignored it. I went outside.

24 Later on that day, after lunch, I got

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1 off of the elevator, and behind the sliding
2 doors in front of the library, John Conley, Ed
3 Simpson, Tony, Marc Dann, and his wife, and
4 Tony's little son and his friend, were there
5 that day, too. They were all in a circle.
6 Alyssa was in the middle of a conversation. I
7 walked by, and she stopped her conversation, and
8 she stared me down the whole time, until she
9 couldn't see me.
10 Tony came back to his desk, and he said,
11 I just want to let you know that Ed Simpson gave
12 a verbal warning to him and Marc -- to Marc and
13 his wife that she can't be doing that shit to
14 people. And I go, why is she treating me like
15 that? Tony said, because you're hot and she's
16 not. She seems just mad. He said, kill her
17 with kindness the next time you see her by
18 saying, hi, Mrs. Dann, how are you? And that

19 was the -- that happened, like, one day I saw

20 her twice, and each time it was very

21 uncomfortable.

22 Q. Okay.

23 A. And I do not know why.

24 Q. Did anyone tell you, oh, she knows who

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1 you are, Cindy, she knows you work with Tony,
2 that kind of stuff?

3 A. Huh-uh.

4 Q. Did you ever have any conversations with
5 Ed Simpson?

6 A. No, just hellos.

7 Q. I believe you stated that was in early
8 January.

9 A. Yes.

10 Q. Okay. Anything happen after that?

11 A. On January 18th, I remember I came back
12 from break, and Vanessa said, Tony just called
13 me and said I'm being transferred.

14 Q. Okay.

15 A. And I was like, what do you mean, you're
16 being transferred? She said, he's putting me in
17 IT. And I joked with her, I'm like, you don't
18 even know how to turn on the computer. How are

19 you going to be in IT? She was very upset, and
20 she was crying. Everyone was like, what's going
21 on? Like, why would she just all of a sudden
22 get transferred, with no notice? She was to
23 report to IT the day after Martin Luther King,
24 because I remember it was a long weekend. She

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1 was to report that following Tuesday after

2 Martin Luther King Day.

3 Q. Did anyone tell you the reason for her

4 transfer?

5 A. Tony told everybody that IT was short

6 staffed and needed help. And then he told

7 Amanda Saxton that there's been a budget cut in

8 our department, and he told everyone that it's a

9 temporary four- to six-week assignment, and then

10 it changed to a six- to eight-week assignment,

11 and that she would be back.

12 And so I was left with my old job and my

13 new job on top of other projects that were

14 assigned to me, like the 150 move that's going

15 to be happening soon, just helping out, getting

16 everyone's, like, phone extension and figuring

17 out, you know, who has what line. So there's a

18 lot of projects being assigned to me by Pete,

19 just to help out with the 150 move that's coming

20 up in the near future. So I had no help with

21 anything.

22 Q. You said he told everybody. Did you

23 hear him say that?

24 A. Yes.

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1 Q. Okay. At some point in time, did you
2 learn that the transfer was not temporary, that
3 it was permanent?

4 A. Yes.

5 Q. When did you learn of that?

6 A. Vanessa had told me. After Vanessa
7 left -- you know, Vanessa was very upset. She
8 told me that Tony was calling her at night, you
9 know, and she -- she wasn't ready to talk to
10 him, so she had to ignore his calls. And when
11 she finally decided to answer, he explained to
12 her what was going on. He told her -- and I'm
13 not speaking for her. I'm just telling you what
14 she's told me.

15 Q. Okay.

16 A. She told me that he -- Tony told Vanessa
17 that Marc Dann doesn't even want her in the
18 building, but he won't fire her, but he wants

19 her nowhere near the building.

20 Q. Did he say why?

21 A. Apparently Marc Dann believes that Tony

22 and Vanessa were having a relationship of some

23 sort. I'm not really sure what kind of

24 reasoning, how far into the reasoning he went

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1 with Vanessa, but he told Vanessa that Cindy's
2 next to go. That same day is when Jessica
3 Utovich -- Jessica Utovich's office was being
4 moved again. Because we're telecommunications,
5 and I know, like, Andy Miller would say, we have
6 to move her office again, and her fax line,
7 like, I just understood that Jessica Utovich was
8 being moved around a lot, and then it was to the
9 15th floor. And I thought, okay, if that's not
10 a coincidence.

11 Q. Why did it bother you that -- I'm
12 assuming a lot of people got -- moved their
13 offices.

14 A. Not -- I don't know.

15 Q. Why would it -- why did it bother you
16 specifically that Jessica Utovich's offices was
17 being moved?

18 A. It didn't bother me. I personally have

- 19 nothing against her. I just found it very
- 20 ironic that, in one day, two people that Marc
- 21 Dann's been associated with, you know, Vanessa's
- 22 next-door neighbors with them, Vanessa has told
- 23 me she's seen Jessica Utovich there often.
- 24 Q. Okay.

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1 A. Okay, I'm not sure what kind of -- what
2 was happening outside of the office, but it was
3 fishy to me.

4 Q. Did it cause you alarm?

5 A. Yeah.

6 Q. To your recollection, or to your
7 knowledge, had you ever been -- had anyone tried
8 to move you or transfer you or anything like
9 that?

10 A. No. When I had gone to HR, they asked
11 me if I wanted to get transferred. I told them,
12 no, I enjoy my work, although I feel as if I'm
13 being set up for failure. I have a lot of work.
14 But I enjoy working for Pete. I enjoy the work
15 that I do. I enjoy finally having a real job.
16 I didn't want to get transferred. What if I
17 didn't like my work or like the people I worked
18 with?

- 19 Q. After Vanessa was transferred, right
- 20 around the end of January -- because I know you
- 21 testified that his conduct with you ended when
- 22 Vanessa showed up -- Vanessa left at the end of
- 23 January, did it resume?
- 24 A. No. I -- all conversations stopped with

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1 me and Tony. I did not talk to him. He scared
2 me. I felt he was jeopardizing my job, telling
3 Vanessa, Cindy's next to go.

4 Q. Did Vanessa relay that to you?

5 A. Correct. She told me, watch what you
6 do, because you're next. And I was like, what?
7 She said, Tony and Marc want you out of there,
8 too. And I just thought -- I went to Pete, and
9 I went to Charlie, and I cried to them about
10 what Vanessa had told me. And Pete said, don't
11 worry, you're the best I have, you're not --
12 I'll make sure it doesn't happen. Cried to him,
13 like, why would I be the next to go? What have
14 I done wrong?

15 Q. And this is to Charlie?

16 A. And Pete.

17 Q. Okay.

18 Now, just in general, when you were in

- 19 the office with Tony and others in the general
20 services department -- you told me about
21 profanity that he used when he was at bars about
22 his wife. Did you experience profanity when you
23 were in the workplace?
24 A. Oh, yes.

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1 Q. Okay.

2 A. He would -- he used it often.

3 Q. Okay.

4 A. I mean, he -- like I -- I mean, he

5 talked like he was in a construction zone, F

6 that, F this, you know. He just belittled

7 people. He would call Charlie an idiot. You

8 know, in a joking manner. But still, you know,

9 to me, you don't speak like that to people here

10 in the office.

11 Q. Did you think that he did that generally

12 to everyone?

13 A. I was -- I wouldn't say everyone. I

14 know James Ford -- I know him and James Ford

15 bumped heads a lot. He told James that he

16 needed to find a job within three months,

17 because James -- Tony just didn't like James.

18 And I know James went to HR. I don't know what

19 happened. But he did treat James like he was

20 this big (indicating).

21 Q. Okay. You're saying like an inch tall?

22 A. Yeah (indicating).

23 Q. Other than using fuck a lot -- and would

24 he use that word just kind of in sentences?

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1 A. Yeah, all the time.

2 Q. Did he ever use it at you or towards

3 someone else?

4 A. Yes.

5 Q. Okay. Give me an example of that.

6 A. Like, that's going to go to your fucking

7 ass, if I was eating something.

8 Q. How often do you think that occurred?

9 A. A lot.

10 Q. A lot meaning?

11 A. A handful of times. One too many. I'd

12 sit at my desk and eat anything, he'd be like,

13 you know where that's gonna go? Right to your

14 ass.

15 Q. Would he just be walking by, or --

16 A. Yeah.

17 Q. Would you respond?

18 A. No.

19 Q. Anything else like that?

20 A. Other than he would just comment, you

21 know, on my chest.

22 Q. What would he say about that?

23 A. That I had a nice rack. My shirt's not

24 tight enough, it's not low enough.

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1 Q. This would be in --

2 A. In the office, yes.

3 Q. -- in the office?

4 On a weekly basis? Tell me about how
5 many times he would make these comments to you.

6 A. Maybe sometimes once a week, sometimes
7 twice, sometimes none.

8 Q. He would talk to you about food going to
9 your ass, you know where that's gonna go; he
10 would comment on he thought you had nice
11 breasts.

12 A. Yes.

13 Q. And what else?

14 A. He also one time called me into his
15 office -- and this was, like, early -- he handed
16 me a postcard, and it was to Las Vegas.

17 Q. Okay.

18 A. And it was, like, a three-day get-away.

19 He goes, here, pick a weekend, I'll take you.

20 And I thought, are you kidding me? He's like,

21 yeah, pick a weekend, and, you know, I'll make

22 sure you go.

23 I went over to Doug's office, because he

24 was, like, the only one there at that time, and

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1 I was like, oh, my God, and I showed Doug the
2 postcard. I said, he's trying to take me to
3 Vegas. Doug's just like, oh, my God, what is
4 he, does he think you're his girlfriend? I was
5 like, I don't know.

6 (Attorney Camillus enters room).

7 Q. How did you respond?

8 A. I didn't. He handed me the postcard and
9 told me to pick a three-day weekend. I stepped
10 out of the office to look at it. That's when I
11 walked into Doug's office and showed him. And
12 then I never responded to anything about that.
13 He didn't ask me about it anymore. He just --
14 it was just that one time he told me to pick a
15 three-day weekend.

16 Q. Did you keep the pamphlet or --

17 A. No, I threw it away.

18 Q. If you recall, did that occur prior to

19 the incident of September 10th or after?

20 A. After.

21 Q. Would it have been before the Cincinnati

22 trip?

23 A. Yeah. It's hard to -- I mean, with --

24 Q. Okay.

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1 A. I'm not sure. Within October. I mean,
2 September and October were kind of a lot -- a
3 lot was going on that I didn't know how to get
4 out of.

5 Q. Okay. What else happened?

6 A. Tony was asking me for Vanessa's phone
7 number, because Vanessa had changed it. And he
8 asked me to give him her number. So I wrote
9 down her desk line, because I wasn't going to
10 give out her phone -- her personal cell phone
11 number to him. And I wrote it on a Post-it note
12 and a gave it to him.

13 And that same day, Vanessa had come by
14 to the 15th floor just to have lunch and sat at
15 her at her old desk, and Tony said, what the
16 hell are you doing here? And I said to Tony, I
17 said, well, her eight weeks is up. And he said,
18 don't start shit with me. And I said, that's

19 what you told all of us, that she would be back
20 in eight weeks. And Charlie was standing behind
21 Tony, like, he couldn't believe I said that.
22 Charlie called me into his office, and
23 like, that was very ballsy of you to say that to
24 him. I go, Charlie that's what he announced to

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1 people, that she would be back in eight weeks.

2 When Vanessa left to go back to lunch,

3 Tony called me in his office. It had been one

4 of my first times in a long time in his office.

5 He said, Cindy, Vanessa's not coming back. And

6 I go, I know that. And he goes, I'm very

7 offended that neither of you will give me her

8 phone number. He goes, I'm -- I don't want to

9 offend Vanessa, but she's not coming back, and I

10 just got approval to hire someone else for her

11 old position.

12 So I told Vanessa that they're

13 interviewing for your old position. So that's

14 when, you know, she went to HR. And then HR

15 asked her, please have Cindy come, we've been

16 waiting for her to come to us.

17 Q. Okay. When did -- you said that's when

18 she went to HR. Do you have a date? Do you

19 know when that happened?

20 A. March. I went to HR -- March 6th or

21 March 7th is when I went to HR. And I was

22 relieved that they wanted to talk to me. I was

23 afraid from September on, because I knew they

24 knew. I was just afraid to go confront them,

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1 because I was afraid of what Tony would do.

2 Q. Okay. You went to HR -- Vanessa went to

3 HR first.

4 A. Correct. In regards to her transfer,

5 because she was upset about it.

6 Q. Okay. And then Vanessa told you, HR

7 wants to talk to you?

8 A. They've been -- she said, HR has been

9 waiting for you to come. She said -- she told

10 me that the next morning -- I was to come in the

11 next morning, and I was to leave Stephanie

12 Demers a voice mail by just saying I'm here, not

13 to say my name or anything. I was to leave her

14 a message and just say, I'm here.

15 About an hour later, Stephanie called me

16 and asked me to come up.

17 Q. Who gave you the instructions to --

18 A. Vanessa gave me the instructions that I

19 needed a -- once I got there, I needed to call

20 Stephanie's voice mail and just say, I'm here.

21 Q. Once you got onto the 16th floor, which

22 is HR? You said once I got there.

23 A. The next morning.

24 Q. Okay. So you got to your office, called

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1 Stephanie and said --

2 A. I'm here. And she call he an hour
3 later. That's when I came up and she said, you
4 know, I've been wanting to talk to you for a
5 long time.

6 Q. She said that to you?

7 A. Yes. She said, I wish you would have
8 come. And that's when I told her everything.
9 And I had told her, you know, my understanding
10 is Tony and Leo destroyed those text messages.
11 She said, don't worry, I have a copy. She told
12 me -- she expressed to me, Mariellen was so
13 afraid for me, she was so concerned and worried.
14 I mean, Stephanie told me that she had seen
15 everything I described to her, she had seen Tony
16 do those gestures, biting on his lip, staring at
17 women's chests. She felt for me. She said, I
18 know what you're talking about.

19 Q. Okay. Stephanie told you that she had

20 seen Tony Gutierrez bite his lip?

21 A. Yes.

22 Q. What else?

23 A. She just knew what I was talking about,

24 about the way he would say things, you know, the

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1 way he did things by just, you know, staring
2 at -- staring at women when they talked. She
3 said, oh, I've seen it. She's like, he creeps
4 me out, too.

5 Q. Did you -- without going through it, did
6 you basically go through with her like you did
7 this morning?

8 A. Yes.

9 Q. Okay.

10 A. I told her that I -- I have a journal
11 that I've kept, just to help me, you know, I've
12 written down just things that's happened. She
13 said, can I see it? And I said, sure.

14 We were to meet in the bathroom the next
15 day at 3:00 p.m. And once I went to the
16 bathroom to meet her, she said, I don't want
17 this anymore. She said, I don't want it to
18 become a public record. She said, I want to do

19 this as quietly as possible. And she said, I'm
20 going to talk to Ed Simpson and see what it is
21 that we need to do with Tony.
22 Q. Okay. How did you leave it the first
23 day you talked to Stephanie, either March 6th or
24 March 7th? How did you leave it? Did she give

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1 you instructions, did she say, this I what I

2 need you to do?

3 A. She just told me to hang in there, and

4 they were going to work on Tony, but they

5 weren't sure what they were going to do, but she

6 would bring -- she would bring this to Ed

7 Simpson's attention.

8 Q. Did you give her any documents at that

9 time?

10 A. She wouldn't take them.

11 Q. Did you have them?

12 A. No, not when I interviewed. But I

13 told -- not when I sat with her. But I told her

14 that I had them. She said, can I have them? I

15 said, absolutely.

16 And then when I went to go meet her at

17 3:00 p.m. on the down low, you know, no one was

18 to know that I was meeting her, I had it in an

- 19 interoffice envelope, as if I was giving her
- 20 work-related stuff, and I handed it to her, and
- 21 she said, I don't want this anymore.
- 22 Q. And what was in it was your notes?
- 23 A. Right, my personal journal.
- 24 MR. ESPY: Can we mark those for --

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1 we'll get copies. But I'd like to mark what
2 you've identified as your notes as Exhibit 2.

3 I think we have it here.

4 This is the original?

5 MR. ELLIOTT: Yeah. Actually, that's
6 more than this, but this is the handwritten
7 version, so you may want to just mark both.

8 MR. ESPY: Yeah.

9 MR. CAMILLUS: The typed-up version does
10 have minor modifications and additions from the
11 handwritten journal.

12 MR. ESPY: We'll mark them both as
13 exhibits, and we'll make copies.

14 MR. ELLIOTT: That's great.

15 MS. PFEIFFER: Okay. So we'll mark as
16 Exhibit 2 your handwritten journal.

17 THE WITNESS: I can actually bring in my
18 actual one instead of a copied one. I can bring

19 that in to you tomorrow, if you'd like.

20 MS. PFEIFFER: We're fine. A copy of

21 this will be fine. You can keep the original.

22 --0--

23 (Exhibits 2 and 3 marked.)

24 --0--

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1 BY MS. PFEIFFER:

2 Q. With regard to Exhibit 2, when did you
3 start journaling?

4 A. Around -- in the wintertime. December
5 is when I started just playing back everything,
6 you know, that I really needed to document all
7 of this.

8 Q. Okay. So -- I'm looking at dates. So
9 there's a date on Page 15 that says December
10 24th, 2007. At that point, would it have been
11 that you -- did you start journaling as things
12 occurred?

13 A. Yes.

14 Q. Okay. So prior to -- let's make sure
15 we've got this right here. So would you say
16 that after Page 15 is when -- prior to Page 15
17 was your memory?

18 A. Yes.

19 Q. Okay. And then after Page 15, you --

20 did you do it as it was occurring that day?

21 A. Yes. I -- I wrote in my journal often.

22 Even if it was just the littlest thing of how I

23 felt. If Tony gave me a dirty look. It just

24 got to a point where the atmosphere was very

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1 intimidating.

2 Q. Okay. Let's get back to you -- the
3 first time you spoke with Stephanie Demers. You
4 were to meet her in the bathroom the next day?

5 A. On the 15th floor.

6 Q. On the 15th floor?

7 Tell me, did she tell you that --

8 A. That was just the instructions. I
9 followed the instructions. I met her at 3:00
10 p.m. in the bathroom on the 15th floor. As we
11 were talking, she explained to me, I don't want
12 to make -- I don't want this, because it becomes
13 public record, and this is personal. She
14 said -- right then is when Jessica Utovich
15 walked in, and Stephanie stopped the
16 conversation. She's like, so where did you get
17 your scarf from? I was like, oh, Kohl's. It
18 was like -- it was weird.

19 Q. Okay.

20 A. Jessica -- you know, I felt as if, like,

21 Jessica Utovich maybe thought, why are Cindy and

22 Stephanie in the -- but immediately, Stephanie

23 stopped the conversation and went to my scarf.

24 And then we -- we left the bathroom, and I

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1 wasn't sure what was going to happen after that.

2 She just said she would be in touch with me.

3 Q. Okay. Did Stephanie tell you the day

4 before, I want you to meet me tomorrow at 3:00

5 in the bathroom on the 15th floor?

6 A. Yeah.

7 Q. Did she say that to you on a voice mail

8 or --

9 A. In person.

10 Q. Okay.

11 A. She wrote it in her calendar. She wrote

12 in her calendar, library, meaning, like, I'm

13 going to go to the library since it's on the

14 15th floor, but she knew what library meant.

15 Q. Okay.

16 Now, after Jessica Utovich walked into

17 the bathroom, you guys walked out, did you just

18 leave at that point?

19 A. Yeah. She -- we just -- she kind of
20 signaled me like, I'll keep in touch with you,
21 you know. And I just -- I said, okay.

22 Q. Okay. What happened after that?

23 A. Actually, nothing happened after that.

24 On March 18th, I received a phone call from the

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1 Dayton Daily News on my personal desk -- no, on
2 the general services main line. She said, can I
3 speak to Cindy Stankoski? I said, this is. She
4 said, hi, this is Laura Bischoff from the Dayton
5 Daily News. She's like, I want to interview you
6 about your visit to HR. My heart dropped. I
7 said, excuse me? She said, I want to ask you
8 about your complaint to Anthony Gutierrez with
9 HR. And I said, I don't know what you're
10 talking about, and I hung up.

11 I walked straight up to the 16th floor
12 in Aleatha's office, and I said, I just got a
13 random call from the Dayton Daily News. She
14 said, ever since you came to HR, we've been
15 having public record requests. She's like, your
16 file is squeaky clean, you know. She's like,
17 don't worry. She said, but ever since you've
18 come, we've had people calling about your visit

19 to HR.

20 And Stephanie came in the office, and

21 she was just like, we have a problem, you know.

22 And she was going straight up to Joyce Chapel to

23 figure something out. I'm not sure what they

24 were meeting about.

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1 But I was -- I was very upset and
2 startled. And they told me I could leave for
3 the rest of the day. And this is around 3:00
4 p.m. I leave at 4:00. I just took off an hour
5 early.

6 I called my mother. I was very upset.
7 My mother called Aleatha on a three-way
8 conference call, just so my mother could talk
9 and understand what it is that was going on.
10 And Aleatha told my mom, like, public record
11 request, people have been calling, you know, we
12 are going to see what we can do, you know, to
13 make this a better environment for Cindy.

14 Aleatha then gave me the option that I
15 move my desk four desks down, next to Velda
16 Bloom in the business council. I said, I'm not
17 going to move my desk four desks over. I mean,
18 I'm not in the section I -- you know, I work

19 with. I'm still in his sight, even if he walks
20 by to go to finance or the bathroom. That, to
21 me, is pointless. So they tried to arrange that
22 my desk be turned around, or my computer
23 monitor, because my direct view was right -- I
24 was the only person Tony could see from his

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1 door. So she was trying to figure out a way to
2 move my monitor where my back was facing him.
3 And we did a little bit. But still from the
4 corner, I could see his door. And there would
5 be times when I'd look up, and I couldn't tell
6 if he was staring at me or his computer monitor.
7 But it was just very intimidating and creepy.

8 Q. Okay. So what was the -- did any -- was
9 there a resolution in that phone call?

10 A. Well, I had mentioned the text messages.
11 I said, you know, I want to see those text
12 messages that Mariellen handed over. She said,
13 all you need to do is make a public record
14 request by e-mail. And in there, I have an
15 e-mail saying, you know, per our conversation,
16 I'm e-mailing you, asking for those text
17 messages between Mariellen and I.

18 Later in the day, Aleatha e-mailed me

19 back and said, I'm sorry, being that those are
20 personal-to-personal cell phones, we can't
21 retain those. But, you know, if you can call
22 Verizon or your network, they'll be able to.
23 So I then e-mailed Stephanie, and I
24 asked what is it that they -- my visit to them,

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1 did they consider it a complaint? What were
2 they doing? And she -- and I asked again, you
3 know, those text messages that I requested, you
4 know, from my understanding with the way they
5 explained it to me, anything handed over to HR
6 becomes a public record. Stephanie told me that
7 she spoke to Joyce and Angela Smedlund, and that
8 I am to talk to her now, Angela Smedlund, if I
9 have any other complaints. Stephanie told me in
10 person that Ed Simpson will not let her do this
11 because Ed Simpson thinks she's biased.

12 Q. Okay.

13 A. Ed Simpson told Aleatha and Stephanie
14 that they are no longer to deal to us, that we
15 need to go to EEO from now on.

16 Q. Stephanie told you this?

17 A. Yes.

18 Q. Okay. And when do you recall that she

19 told you this, if March 18th was the day you and

20 your mom talked to Aleatha?

21 A. It was that Friday.

22 Q. The 20th?

23 A. Correct. Because I took -- I had --

24 they let me have administrative leave duty for

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1 an hour. And then Wednesday and Thursday -- and
2 then being Friday, Tony's not there, I came
3 back, and that's when Stephanie came to my desk
4 and was like, how are you, are you going to be
5 okay. She's like, you know, I -- Ed Simpson
6 won't let me make a complaint because he thinks
7 I'm biased. She goes, but Angela Smedlund's
8 there for you. And I expressed to Angela -- I
9 mean, I expressed to Stephanie, I don't trust
10 Angela, because I -- from my understanding,
11 Jessica and Angela have a little bit of a
12 friendship, just from working on the 17th floor,
13 you know. I felt there was a friendship with
14 Angela, Marc, everyone upstairs. And there was
15 just something that I just didn't feel
16 comfortable talking to Angela.

17 Q. Did you know her?

18 A. No.

19 Q. Had you ever seen her before?

20 A. Uh-huh.

21 Q. Okay. Other than physical proximity to
22 each other, working on the same floor, did you
23 have any other information that would lead you
24 to believe that Angela would not be unbiased?

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1 A. I didn't really talk to her.

2 Q. All right.

3 A. I did not. She -- Stephanie had cc'd

4 Angela and Joyce in her response to me about,

5 you know, Angela Smedlund will start the

6 investigation, please e-mail her details of your

7 complaint. And I replied back, and I said,

8 there's a lot to detail. I will give you

9 detail -- I didn't feel that -- I didn't

10 understand why I had to give you details again

11 when HR took all these notes.

12 Q. Okay.

13 A. I didn't find it necessary that I had to

14 explain myself again.

15 Angela e-mailed me and said, please meet

16 me Monday at 2:00. And then Stephanie, in an

17 e-mail, said, if Angela feels the text messages

18 is a part of the investigation, I can try -- you

19 know, I can try to get access to them, if she

20 feels she needs them.

21 So I e-mailed Angela and I said, those

22 text messages are a part of this investigation,

23 please request them as I've requested.

24 Q. Okay.

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1 A. I went to Angela on -- 2:00 on Monday.
2 I cried to her, told her everything. She didn't
3 even offer me a tissue. She -- to me, she had
4 no emotion talking to me. She was writing
5 notes. She -- it was uncomfortable for me even
6 just talking to her.

7 Q. Okay.

8 A. She told me that the investigation would
9 start immediately, first thing in the morning.
10 Two days later, at 3:50, I leave at 4:00, she
11 called me into her office and said, what do you
12 want? I said, what do you mean, what do I want?
13 She's like, would it satisfy you if we
14 transferred Tony? And I said, no. She said, we
15 want to do this quietly. We don't want to make
16 this, you know, public. And I said, have you
17 started an investigation? She said, no. In
18 order for me to start an investigation, fill out

19 this form. I said, why wasn't this form offered

20 to me when I went to HR?

21 Q. What form was it?

22 A. An EEO discrimination complaint.

23 Q. Let me show you -- I'm going to hand you

24 something and ask you if that's what you're

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1 referring to.

2 A. No, that wasn't --

3 Q. That's not it?

4 A. Huh-uh.

5 Q. Is it --

6 A. That's her handwriting.

7 Q. But was it this form?

8 A. Huh-uh.

9 Q. Okay.

10 A. It said, "EEO Discrimination Complaint."

11 Q. Okay. And she handed it to you?

12 A. She said, in order for me to do an

13 investigation, I need you to fill this out.

14 (Indicating.)

15 Q. Let me grab that.

16 MS. PFEIFFER: We'll mark this as

17 Exhibit 4. Do we have a copy of this?

18 MR. ELLIOTT: That's her copy. Let's

19 just -- we'll get copies of everything.

20 THE WITNESS: That's on the intranet,

21 too.

22 MS. PFEIFFER: Okay. This will be

23 Exhibit 4.

24 --0--

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1 (Exhibit 4 marked.)

2 --0--

3 BY MS. PFEIFFER:

4 Q. So Angela Smedlund handed you Exhibit 4

5 and said, you have to fill that out.

6 A. In order for me to do an investigation.

7 Q. Did you fill it out?

8 A. No.

9 Q. Why?

10 A. I -- I actually, I've started to.

11 Q. Okay.

12 A. I have started to, you know. It asks,

13 have you discussed with supervisor, HR, EEO,

14 yes, yes, yes. I did not fill it out because --

15 I did not turn it in because it was

16 mind-boggling to me that now I have to fill this

17 out.

18 Q. Okay. Was that on the same day that she

19 interviewed you?

20 A. No. This was two days later.

21 Q. Two days later?

22 A. The next morning, two days later, that's

23 when she called me at 3:50 and asked, you know,

24 for me to come up and asked me what is it that I

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1 wanted.

2 Then the next morning, she called me
3 first thing in the morning and said, please come
4 up to my office. And I wanted to speak to her
5 anyway. And she said, I just want to let you
6 know there's been a public record request for
7 your file. I said, okay. I said, I want to
8 talk to you about your question you asked me
9 yesterday. I go, you threw me off guard. I
10 said, I need -- I'm going to need to advise with
11 my attorney first before I answer a question
12 like that. Her face got red, and she said,
13 well, you need to fill this out, then.

14 Q. Okay. And what did you say?

15 A. And I said -- she asked me to fill it
16 out there. And I said, I'm not filling this out
17 here. I need to look over this. She said,
18 okay.

19 Q. And --

20 A. And that was my last time seeing her.

21 Q. Did you have any conversations with her

22 after that?

23 A. (Witness shakes head.)

24 Q. Is that a "no," for the record?

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1 A. No.

2 Q. Okay.

3 After the conversation in the bathroom
4 with Stephanie, did you have any conversations
5 with Stephanie after that?

6 A. Just on March 18th, when I had gone up
7 to HR, because I was upset of the Dayton Daily
8 News call that I got. That's when they -- you
9 know, they told me, you know, ever since you've
10 come, you know, people have been calling, there
11 have been record requests for you. And then
12 that Friday, when I did come back, she told me
13 Ed Simpson told her, basically, not to deal with
14 this anymore, because Ed Simpson felt Stephanie
15 was biased.

16 Q. Okay. Is there anything -- and I'll
17 give you as much time as you need to look at
18 your notes and whatever you've brought. Is

19 there anything I haven't asked you that you need

20 to tell me about, an incident that occurred?

21 A. There was -- actually, Charlie recently

22 reminded me of this. There was a friend of

23 Tony's that drove in from Florida with an RV. I

24 don't know his name. I just know he was a short

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1 guy, and Tony kept talking about how much money
2 he had. And when he came in the office, his
3 friend kept staring at me. And people -- like,
4 Mariellen noticed, and Charlie noticed.

5 And once he left, his friend called my
6 direct line, my extension, and he said, hey,
7 Cindy, is Tony there? And I was like -- I'm
8 thinking, why are you calling my direct line?
9 And he's like, so Tony knows how to hire them
10 hot ones, huh? And I'm just sitting there,
11 like, is there a message I can give him? He's
12 like, no, just let him know I called.

13 And I told Charlie, I said, how did his
14 friend get my direct line? Charlie goes, I'll
15 bet Tony gave it to him.

16 Q. Okay. Did you do anything after that,
17 just --

18 A. No. I just -- what could I do?

19 Q. Okay. Is there anything else?

20 A. I think I've --

21 MS. PFEIFFER: Can we take a five-minute

22 break?

23 (Recess taken.)

24 EXAMINATION

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1 BY MR. ESPY:

2 Q. Ms. Stankoski, when is the first time
3 you think HR had information regarding this
4 allegation of sexual harassment?

5 A. Octoberish, is when --

6 Q. October?

7 A. The day -- I don't know the -- an exact
8 date. Maybe October 11th is when Mariellen
9 handed them over to HR.

10 Q. You're referring to the e-mails you sent
11 to her?

12 A. Text messages while I was over at Marc
13 Dann's house, yes.

14 Q. The text messages that you saw today as
15 an exhibit, is that what you're talking about?

16 A. Correct.

17 Q. Did any of those messages say you were
18 being harassed by anyone, do you recall?

19 A. No, they did not say I was being
20 harassed by anybody. I -- I clearly stated I
21 was in a weird situation.

22 Q. A weird situation?

23 A. Uh-huh.

24 Q. Is there anything in those e-mails that

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1 would lead one to believe that you were somehow

2 being harassed by anyone, would you say?

3 A. Yes.

4 Q. Pardon me?

5 A. Yes.

6 Q. Which e-mail would that be?

7 A. Which text message?

8 Q. Yes.

9 A. Just referring that I'm in a weird

10 situation, I'm with Marc Dann, and I state that

11 I'm drunk. I state that -- you know, I

12 expressed to Mariellen, we've got to talk. I

13 say, I'm at Marc Dann's place, come pick me up.

14 Q. Okay.

15 A. I spoke to Mariellen when I stepped

16 out -- out of the condo, to her on the phone, to

17 explain to her, you know, what more I meant

18 about these text messages. She kept saying, get

19 outta there, get outta there. I didn't know how
20 to.

21 Q. Do you know if Mariellen relayed more to
22 HR than just the text messages or whether she
23 gave a narrative of what you were saying?

24 A. I am not sure.

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1 Q. Okay. When was the first time that you
2 talked to HR regarding harassment?

3 A. March. March 6th, I believe it was.

4 Q. March 6th?

5 A. (Witness nods head.)

6 Q. And did you speak with HR on March 6th
7 also with Ms. Stout at the same time?

8 A. We went on a different day.

9 Q. Different days?

10 Was her appearance also around the same
11 time?

12 A. Correct.

13 Q. Tell me how this -- these actions by
14 Mr. Gutierrez affected your work.

15 A. Well, I don't sleep well. I feel as if
16 my -- my integrity and my reputation are
17 questioned. I feel intimidated. I feel as if
18 I'm being set up for failure because I didn't

19 accept the sexual advances that, you know, he
20 would make, gestures. I showed absolutely no
21 interest in wanting to be a part of a girlfriend
22 or love affair or anything like that. I've been
23 in an uncomfortable environment. I've -- my
24 father, who also works, his name is Danko, I

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1 felt I also needed to protect him. It's just
2 been very hard.

3 Q. When did you first start feeling this
4 way?

5 A. Since September.

6 Q. After the situation involving the drink
7 at Ringside?

8 A. Correct. I -- you know, I wanted to
9 come clean and talk to my parents. And the only
10 way I could was just by leaving my notebook at
11 their house on purpose.

12 Q. Did you do that?

13 A. I did. And that's the only -- that's
14 how they found out. It was just hard enough to
15 let my dad, who, you know, got me an interview,
16 for my dad to know that this man has
17 disrespected my father and has violated me.

18 Q. When did you leave the notebook at your

19 home?

20 A. I believe it was the day after I went to

21 HR.

22 Q. In the month of March of 2008?

23 A. Correct.

24 Q. When you were first interviewed for the

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1 job with Children Services, was there any
2 discussion about your motor vehicle record,
3 speeding?

4 A. No.

5 Q. You did list the number of speedings on
6 your application?

7 A. Yeah. From what I could remember, yes.

8 Q. Did anyone ever mention that or raise
9 that during the interview?

10 A. No.

11 Q. Okay. Did anyone mention that or raise
12 that when you were asked to drive a State car?

13 A. No.

14 Q. Okay. I want to go back again to the
15 incident involving the drinking in September.

16 A. Okay.

17 Q. Before I get to that, did you describe
18 to Ms. Pfeiffer all the times you have had

19 drinks with Tony Gutierrez?

20 A. Yes.

21 Q. Pardon me?

22 A. Yes.

23 Q. Okay. There was no other times you met

24 him at Mitchell's Steak House?

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1 A. I've never met him at Mitchell's Steak
2 House. There was one time I had gotten off from
3 the salon, I didn't have any more appointments,
4 so I went to Mitchell's by myself, and I saw Leo
5 and Jim Gervel at the end of the bar.

6 Q. When was this now?

7 A. I'm not sure of a date. But I had --

8 Q. How about a month?

9 A. Probably October, maybe even September.

10 But Tony had walked in. I was on the phone with
11 a cousin of mine, and I had left. Tony -- Tony
12 was going to meet Leo and Jim, and I sat at the
13 bar by myself to let traffic die down, and Tony
14 came to the bar and sat next to me, and I left
15 shortly after that.

16 Q. Did you have a drink with Tony at that

17 particular day?

18 A. I bought my own drink.

19 Q. Okay.

20 A. I was there already.

21 Q. Do you know the bartender at Mitchell's?

22 A. No.

23 Q. Now, on the evening that you -- that

24 Marc Dann called Mitchell's and said, come over

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1 for pizza, when you got to the house, you said

2 after a while Jessica walked into the home.

3 A. (Witness nods head.)

4 Q. I'm trying to clear up, if I can, what

5 she had on. You said it was -- you first said

6 sweat clothes.

7 A. She had on, like, sweatpants -- gray

8 sweatpants and a T-shirt. She was in very

9 comfortable clothes.

10 Q. Well, since I'm not sure what

11 comfortable clothes means sometimes, but you're

12 saying sweat clothes and -- sweatpants and

13 sweatshirt?

14 A. Correct.

15 Q. And in your statement that you had in

16 your diary, you said she walked in with PJs.

17 How do we explain that difference?

18 A. I -- when I explained to Angela Smedlund

19 what she had wearing, I explained to her from my
20 journal -- my handwritten journal that
21 sweatshirt and sweatpants. How I feel Angela
22 interpreted that, she was taking short notes,
23 and she translated it to PJs. As I -- I myself
24 could refer to sweatpants and a T-shirt as

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1 pajamas.

2 Q. You say you could or could not?

3 A. I do consider sweatshirt and sweatpants

4 as pajamas, late at night, getting comfortable.

5 Q. Hmm.

6 A. So because Angela lingo'd that, I felt

7 PJs was appropriate.

8 Q. So you got the word PJs from Angela?

9 A. Correct.

10 Q. So in your diary, when that was written

11 down as PJs --

12 A. I wrote down -- I explained to her

13 sweatshirt and sweatpants, and she translated it

14 to PJs.

15 Q. I'm referring now to what you wrote

16 down. This is your statement, right,

17 (indicating)?

18 A. Correct.

19 Q. Is this your statement?

20 A. (Witness nods head.)

21 Q. You referred to PJs in your statement.

22 A. Only because Angela Smedlund referred to

23 them as PJs.

24 Q. When did you prepare this?

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1 A. I retyped that this week for you to

2 have.

3 Q. In one document, your handwritten

4 document, you talk about, again, sweatpants and

5 sweatshirt. The typewritten document says PJs.

6 I'm still trying to understand why would you

7 adopt her language. Why not stick with your old

8 language?

9 A. I just kind of stuck with Angela's

10 lingo. Comfortable clothes is how I explained

11 to HR and Angela.

12 Q. You say you walked into the house and

13 after a while she came in from the outside.

14 A. Correct.

15 Q. And she had her laptop with her.

16 A. (Witness nods head.)

17 Q. And you got the impression she had been

18 there before.

19 A. She didn't ring the doorbell or knock.

20 She walked in, made herself very comfortable,

21 laid down on the floor and started doodling on

22 her laptop. I didn't see what she was doing.

23 Q. At that time, that you remember, did she

24 confine her visit to that particular room?

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1 A. What do you mean?

2 Q. Her laptop on the floor. The time you
3 can remember you were there, did she leave and
4 go to another room, or did she stay in the room
5 on the laptop?

6 A. She stayed there.

7 Q. And did she participate also with the
8 pizza?

9 A. Yes, she did have a piece of pizza.

10 Q. Did she have drinks also?

11 A. I -- I do not recall if she had a drink
12 for herself.

13 Q. What time did you arrive there?

14 A. I would say anywhere between 9:00 and
15 10:00. Closer to the 9:00 hour.

16 Q. And when you got there, the pizza was
17 already there?

18 A. Correct.

19 Q. And you started feeling sick later on

20 that evening?

21 A. Correct.

22 Q. And Tony suggested you go into his room

23 to lay on the bed?

24 A. Yes.

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1 Q. And did you say you laid on the cover or
2 under the covers?

3 A. I laid over the covers. I didn't tuck
4 myself in.

5 Q. You laid on top?

6 A. I laid on top of the covers.

7 Q. When you woke up, where were you?

8 A. On the bed, in the same spot.

9 Q. Under the covers?

10 A. No, over the covers. And Tony was next
11 to me in his underwear.

12 Q. Okay. That was around 4:30 in the
13 morning?

14 A. Correct.

15 Q. Do you recall whether or not Jessica was
16 still there?

17 A. I have no -- I'm not sure. I'm not sure
18 what car she drives. Her car could have been in

19 the vicinity of the condominium complex. But

20 I've only been on the first level. I -- I

21 didn't look to see if shoes were there or if the

22 laptop was there. I'm not sure if she stayed

23 the night.

24 Q. When you went into the bedroom, who saw

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1 you go into the bedroom?

2 A. Marc Dann and Jessica Utovich.

3 Q. Okay. They were still awake when you

4 went to lie down?

5 A. Correct.

6 Q. And when you woke up at 4:30, did you

7 see anybody else other than Tony?

8 A. No.

9 Q. Now, when Tony Gutierrez was telling you

10 about his power and his Italian friends, how did

11 that make you feel?

12 A. Intimidated.

13 Q. Intimidated?

14 A. (Witness nods head.)

15 Q. Were you afraid?

16 A. Absolutely.

17 Q. And did you come to believe during your

18 time there, working there, that he did have the

19 power to do certain things?

20 A. Yes.

21 Q. And how would you describe his power to

22 you?

23 A. He just -- he asked for any type of work

24 in the AG's office, and it would happen. Any

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1 type of -- you know, a construction thing that
2 he needed done, he got it. He -- his voice
3 would always get aggressive with people on the
4 phone and the job would get done. I mean, a lot
5 of people would -- Pete would even comment, you
6 know, jeez, he's an asshole, but he gets work
7 done.

8 Q. You also said he said everybody knows
9 not to mess with him and his group. Do you
10 recall that?

11 A. Uh-huh.

12 Q. In what context did he say that to you?

13 A. As in, like, no one wants to mess with
14 us, you know, we're Marc Dann's people. We
15 all -- you know, he told me about how they all
16 have known each other since childhood. He told
17 me him and Leo Jennings, you know, they were
18 really good childhood friends. He just talked a

19 lot about, you know, the Italian Youngstown, you

20 know, how Youngstown, everyone knows it's

21 associated with the Mafia.

22 Q. Did you feel you could refuse him in

23 doing anything if he made a request?

24 A. I felt that if I did refuse him, he

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1 would see to it that I get fired somehow in the
2 future.

3 Q. There would be consequences?

4 A. Yes.

5 Q. Tell me about Vanessa. Why do you think
6 she was transferred?

7 A. I wish I had an answer to that. I'm not
8 sure. I just know from what she's told me that
9 Tony told her that Marc Dann didn't want her
10 anywhere near the building.

11 Q. She didn't tell you why?

12 A. She said Marc Dann believes Tony and
13 Vanessa have a relationship. And Marc Dann
14 thinks it's wrong because he came clean with his
15 wife, now it's time for Tony to come clean with
16 his wife.

17 Q. He came clean about what?

18 A. About him and Jessica's affair. This is

19 Tony telling Vanessa all this.

20 Q. And so Marc thought Tony was having an

21 affair with Vanessa?

22 A. (Witness nods head.)

23 Q. And you think that's the reason why she

24 was transferred?

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1 A. Correct.

2 Q. I think you said, get her out of the

3 building?

4 A. Charlie confirmed that with me, that

5 Marc Dann didn't want her anywhere near the

6 building.

7 Q. At some point in time she was told also

8 she may be transferred to Akron?

9 A. Correct.

10 Q. She said not only out of the building,

11 out of the city?

12 A. Correct.

13 Q. Did you get the impression that the same

14 opinion was being held about you having this

15 kind of relationship with someone?

16 A. Can you repeat that?

17 Q. Yeah. Did you get the feeling that

18 somehow the same feeling was generated about you

19 having a relationship with someone in the
20 office, that's why you were getting all these
21 stares and stuff --

22 A. Yes.

23 Q. -- from Marc's wife?

24 A. I felt somehow there was some type of

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1 rumor that me and Tony were some -- an item.

2 Q. Okay.

3 A. And I expressed -- I cried to Charlie,

4 and he told me, I know you've done nothing

5 wrong, you know. Things will be okay.

6 Q. And you said that Jessica was

7 transferred to the 15th floor. Is that the same

8 day Vanessa was transferred?

9 A. Correct, on the 18th of January.

10 Q. Now, who told you that Charlie had

11 access to the personnel records and to the

12 e-mails?

13 A. Charlie told me that Tony told Charlie

14 that Tony and Leo Jennings destroyed those text

15 messages.

16 Q. But that was never proven, or you never

17 had any independent knowledge of that?

18 A. I'm not sure. I'm just referring to

19 what Charlie told me.

20 Q. Did you have the same cell phone the

21 entire time -- personal cell phone --

22 A. Yes.

23 Q. -- the entire time you worked there?

24 That was 580-2241?

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1 A. Correct.

2 Q. And you said that someone from area code
3 330 was calling you constantly?

4 A. The one time, when I was up at Easton, I
5 answered it, and it was Tony. And I believe it
6 was from his personal cell phone, which I never
7 had.

8 Q. Did you ever have any conversations with
9 Marc Dann about any of these matters?

10 A. No.

11 Q. Except on the night you were at his
12 house, that's the only time you've ever talked
13 to him?

14 A. Correct.

15 Q. So this statement by Tony that he tore
16 up all the e-mails, according to Charlie, in the
17 personnel files, is that another indication to
18 you that he had all this power, he could do

19 anything?

20 A. Correct.

21 Q. Have you ever filed a harassment

22 complaint before in your life?

23 A. No.

24 Q. You said Tony admitted to you at the

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1 Ocean Club that he had unbuttoned your pants.

2 A. Correct.

3 Q. And you also said your zipper was

4 partially down.

5 A. Correct.

6 Q. I think you also stated that when you

7 woke up that morning, you could not tell if you

8 had been violated or not.

9 A. I didn't feel --

10 Q. You didn't feel violated?

11 A. I didn't feel as if he was in my pants.

12 Q. Okay.

13 A. But it was clear, my underwear were

14 exposed and my three buttons and half my zipper

15 were undone.

16 Q. You don't know whether or not you were

17 fondled or anything?

18 A. I will never know.

19 Q. He didn't go into more detail about
20 unbuttoning your pants, other than what you
21 already testified to?

22 A. No.

23 Q. Did you share that statement with anyone
24 else other than HR?

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1 A. No. It's rather embarrassing. I
2 wanted -- I wanted to talk to Charlie, because
3 Charlie told me he knew I was there. He told me
4 that Mariellen had even called him that night,
5 expressing, Cindy's in trouble, she needs to get
6 outta there. And Charlie knew I was there. I
7 wanted to talk to Charlie. It's not the easiest
8 thing to come out and say, oh, my boss
9 unbuttoned my pants. It's embarrassing.

10 Q. Yeah. I agree.

11 Was he under the covers when you woke up
12 or on top of the covers?

13 A. No.

14 Q. On top of the covers?

15 A. He was on top of the covers.

16 Q. Now, you said before that you were told
17 that you were not the first person this has
18 happened to.

19 A. I've been told that Erika had, you know,
20 some run-ins with him, that he would -- kept
21 inviting her over to the hot tub. Again, I
22 didn't hear any of this. This is what I heard
23 in the office. I know that Shannon from civil
24 rights, I don't know her last name -- Shannon

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1 O'Grady, I know that Charlie and Stephanie told
2 me that she had even come to HR to complain
3 against Tony. Though, I don't know if those
4 files are in there. I don't know.

5 Q. Where does she work?

6 A. Civil rights.

7 Q. Civil rights?

8 And who was the other person you said?

9 A. Erika Haske.

10 Q. H-a-s-k-e-y?

11 A. No Y, just H-a-s-k-e.

12 Q. Have they relayed to you any stories
13 about what happened to them, not Shannon, but
14 Erika?

15 A. No. Erika and I are not friends. I
16 mean, we are acquaintances and coworkers. But I
17 do not know what kind of run-ins. There were
18 rumors that Tony got her a garage pass, that she

19 parks under the garage with the orange pass. I
20 don't know if she still does. But I know that
21 she was an intern when -- before -- during Jim
22 Petro's administration; and, when Marc Dann came
23 in, Tony immediately gave her an office and
24 created a fixed asset manager position for her.

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1 Q. How long ago was that?

2 A. Right when Tony came in, he took her in
3 from an intern to a manager within the office.

4 Q. And when did you first meet Jennifer
5 Urban?

6 A. The night at the Ocean Club. I -- I
7 never even heard of her name before. And that's
8 when she grabbed Tony's phone and was like, come
9 on, come up here.

10 Q. And what was her relationship with
11 anyone, if you know?

12 A. I believe her and Leo Jennings have a
13 relationship. They were kissing. They were
14 rubbing on each other. They were there
15 together.

16 Q. Is she married?

17 A. I don't believe so. I didn't see a ring
18 on her finger.

19 Q. Leo's married?

20 A. Yes. From my understanding, just a year

21 into their marriage.

22 Q. Is that the only time you saw Jennifer

23 Urban, is at the Ocean Club?

24 A. Correct.

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1 MR. ESPY: We have a lot of documents.
2 We may want to have you come back at the end of
3 the interviews this week, if that's possible.
4 We'll give you enough notice.

5 MR. ELLIOTT: Just give us a call.

6 MR. ESPY: If there's anything else you
7 want to get to us in the meantime before the
8 week is out, have your counsel give us a call.

9 We're going to -- my secretary's coming
10 over at 12:00 to make copies of these documents
11 here. You all need copies of anything?

12 MR. ELLIOTT: Yes.

13 MR. CAMILLUS: Yeah, we'll take a copy
14 of everything she brought, if that's okay.

15 MR. ESPY: Sure.

16 MS. PFEIFFER: We've got copies of
17 these.

18 BY MR. ESPY:

19 Q. I really should say, Ms. Stankoski, I
20 want to make sure this investigation is thorough
21 and we get down everything that you feel should
22 be considered. And so if there's anything else
23 you want to tell me that we have not covered,
24 now is the time to say that. Anything else we

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1 should know?

2 A. I feel as if I've told you everything.

3 Q. Well, you were asked before about

4 transferring. What do you want to see happen in

5 this case?

6 A. I just want what's right. I want -- you

7 want to be able to go back to work and be

8 comfortable again. I mean, right now, it sucks,

9 being, like, in general services right now.

10 Q. You haven't been comfortable since the

11 day you joined, right?

12 A. No, I haven't.

13 Q. Okay.

14 A. But I enjoy my job.

15 Q. Sure.

16 MR. ESPY: Well, thanks for coming in.

17 I do appreciate it. Feel free, through counsel

18 or -- to call us any time during this week.

19 We're going to try to be as expeditious as
20 possible, because we don't want it hanging
21 around any longer than anyone else. So
22 hopefully we can get enough facts here to make a
23 report. Once the report is complete, we will
24 share it with you first before anyone else gets

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1 to know about it. Okay?

2 THE WITNESS: Okay.

3 MR. ESPY: We'll go from there.

4 MR. ELLIOTT: Great. Thanks.

5 --O--

6 Thereupon, the sworn interview of
7 Cindy Stankoski, April 14, 2008, was concluded
8 at 11:40 a.m.

9 --O--

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1 CERTIFICATE

2 STATE OF OHIO :

SS:

3 COUNTY OF FRANKLIN :

4 I, Sara S. Clark, RPR/CRR/CCP/CBC, a
Notary Public in and for the State of Ohio, duly
5 commissioned and qualified, do hereby certify
that the within-named CINDY STANKOSKI was first
6 duly sworn to testify to the truth, the whole
truth, and nothing but the truth in the cause
7 aforesaid; that the testimony then given was
reduced to stenotypy in the presence of said
8 witness, afterwards transcribed; that the
foregoing is a true and correct transcript of
9 the testimony; that this interview was taken at
the time and place in the foregoing caption
10 specified.

11 I do further certify that I am not a
relative, employee or attorney of any of the
12 parties hereto; that I am not a relative or
employee of any attorney or counsel employed by
13 the parties hereto; that I am not financially
interested in the action; and further, I am not,
14 nor is the court reporting firm with which I am
affiliated, under contract as defined in Civil
15 Rule 28(D).

16 In witness whereof, I have hereunto
set my hand and affixed my seal of office at
17 Columbus, Ohio, on this day
of , 2008.

18

19

Sara S. Clark, RPR/CRR/CCP/CBC

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

22

23

24

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