

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 JENNIFER URBAN

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

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on April 14, 2008, at 2:27 P.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

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

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1 MR. ESPY: Ms. Urban, my name is Ben  
2 Espy. I'm executive assistant to the Attorney  
3 General. And this is Julie Pfeiffer, senior  
4 attorney in the employment section. And we were  
5 asked on April the 8th to look into some  
6 allegations regarding Tony Gutierrez and to  
7 interview employees, and your name came up  
8 because we feel you have information that could  
9 help us in the investigation.

10 And I appreciate, first of all, you  
11 coming in.

12 THE WITNESS: No problem.

13 MR. ESPY: We're asking you to be very  
14 detailed in your explanation. This will be  
15 under oath, and we're trying to make sure that  
16 the person feels free to talk. There will be  
17 nothing in terms of retaliation from which you  
18 may tell us. I can't guarantee the

19 confidentiality because it could be -- may be a  
20 public document. So with that in mind, you're  
21 willing to give us a statement?

22 THE WITNESS: Yes.

23 MR. ESPY: Okay. Would you swear the  
24 witness in, please.

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1 JENNIFER URBAN

2 being first duly sworn, as hereinafter

3 certified, says as follows:

4 EXAMINATION

5 BY MR. ESPY:

6 Q. Ms. Urban, you're an attorney; is that

7 correct?

8 A. That is correct.

9 Q. And you joined the Attorney General's

10 office in 2005?

11 A. That's correct.

12 Q. And who was the Attorney General then?

13 A. Jim Petro.

14 Q. And what section were you assigned at

15 that time?

16 A. Charitable law.

17 Q. And you're still in that section?

18 A. That's correct.

19 Q. Okay. And who was your section chief?

20 A. At the time I joined?

21 Q. No, now. Presently.

22 A. Presently is Pete Thomas.

23 Q. Ms. Urban, the allegations involve a

24 number of people in this investigation, one of

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1 which is Tony Gutierrez, Leo Jennings, and Marc  
2 Dann.

3 A. Yes.

4 Q. Their names came up regarding some of  
5 the allegations made by the two individuals. Do  
6 you know either one or all three of those  
7 individuals?

8 A. I do.

9 Q. Okay. And do you know Tony Gutierrez?

10 A. Yes.

11 Q. And how did you come about knowing him?

12 A. He is a friend of mine through Leo  
13 Jennings and Marc Dann.

14 Q. How long has he been a friend of yours?

15 A. Since about October of 2006 -- no, 2007.

16 Q. And how did you meet him?

17 A. I became friends with Marc Dann in a  
18 professional capacity. Mark chose me to head up

19 his nonprofit healthcare unit through the  
20 charitable law section. By doing that work, I  
21 met Leo Jennings by working on a project called  
22 Forum Healthcare. I had the occasion of meeting  
23 Tony Gutierrez through Leo Jennings in October.  
24 Leo and I became friends through Forum and would

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1 meet after work at Mitchell's and have drinks,  
2 and Tony was there one night.

3 Q. Okay. Now, have you ever been to Leo's  
4 apartment?

5 A. Yes.

6 Q. And how many occasions?

7 A. May I ask how this is relevant to the  
8 investigation?

9 Q. You can ask, but I intend to follow up  
10 with more questions.

11 A. Okay. I've been there probably six,  
12 maybe seven times.

13 Q. And the times you were there, would you  
14 say since October of 2007?

15 A. Yes.

16 Q. Did you ever see Cindy Stankoski or  
17 Vanessa Stout at the apartment?

18 A. Yes.

19 Q. While you were there?

20 A. Yes.

21 Q. And what occasions were those?

22 A. I had gone over there, I don't know

23 exactly the date, but it was a Monday evening,

24 because we were going to -- Leo and I and Tony

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1 were going to watch a Monday night football  
2 game. And I remember the Steelers were playing,  
3 and it was incredibly muddy. But when I walked  
4 in, Vanessa was there with her son.

5 Q. With her son?

6 A. Uh-huh. They left shortly after.

7 Q. Any other occasions?

8 A. No.

9 Q. So you saw Vanessa. Did you ever see  
10 Cindy Stankoski over there?

11 A. Not at the condo, no.

12 Q. Did you ever see Cindy Stankoski in the  
13 company of Tony any other time?

14 A. Yes.

15 Q. And where was that?

16 A. One evening, when Leo and myself and  
17 Tony were at Mitchell's, it was decided that we  
18 would go to dinner. And Cindy accompanied us.

19 We went to the Ocean Club.

20 Q. You're saying that you left Mitchell's

21 and went to Ocean Club?

22 A. That's correct.

23 Q. Is that the only time you've been in her

24 presence with Tony?

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1 A. Yes.

2 Q. Did you ever have her meet you at the

3 Ocean Club?

4 A. Yes. That was the occasion.

5 Q. She was not at Mitchell's, then; is that

6 correct?

7 A. That's correct.

8 Q. And how did you come to meet her at the

9 Ocean Club?

10 A. She drove there and met us.

11 Q. Who contacted her to meet you there?

12 A. Tony called her and asked her if she

13 wanted to meet us at the Ocean Club. And

14 initially she was reluctant, and then I actually

15 talked with her on Tony's phone and asked her --

16 since I had never met her, asked her if she

17 wanted to meet the four of us -- you know, have

18 dinner with the four of us. And then she said

19 that that was fine. She said that she was tired  
20 because she was working another job at that  
21 point.

22 Excuse me. I'm just getting over  
23 walking pneumonia.

24 She said that she had another job at

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1 that point. She was a massage therapist and  
2 that she was working in New Albany. And that is  
3 why we chose Ocean Club, because it was very  
4 close to the location she was currently at.

5 Q. Did anyone ask you to call her or ask  
6 you to talk her into coming to the Ocean Club?

7 A. No.

8 Q. You took it upon yourself to do that?

9 A. Yeah.

10 After Tony had asked her to come over to  
11 the Ocean Club with us, then he was, like, she  
12 doesn't want to come. And so I was like, well,  
13 why don't you call her back and I'll see if I  
14 can convince her to come.

15 Q. Did you know she was a State employee at  
16 the time?

17 A. No, I did not.

18 Q. When did you find out she was a State

19 employee?

20 A. At dinner.

21 Q. At dinner?

22 A. Uh-huh.

23 Q. And how did you find that out?

24 A. Because we were talking about where we

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1 were employed at dinner.

2 Q. Okay.

3 A. And I think if I'm not mistaken, she had  
4 just became employed and she had broken her  
5 mother's camera. And we were joking around  
6 about how she's going to get out of having to  
7 explain to her mother about breaking her  
8 mother's camera.

9 Q. So is it my understanding that you only  
10 saw her twice during -- since August -- October  
11 of last year?

12 A. No. I have seen her in a  
13 nonprofessional capacity once, and that was when  
14 we had gone to the Ocean Club, but I have seen  
15 her in a professional capacity here in the  
16 office a few times after that.

17 Q. Okay. So you only saw her once --

18 A. That's correct.

19 Q. -- in a social setting?

20 A. That's correct.

21 Q. And that was in -- what month was that?

22 A. That was October.

23 Q. October?

24 How would you describe the relationship,

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1 as you could see it, between Cindy and Tony?

2 A. It was very laid back. It was -- they  
3 were friends. I mean, there was -- I mean, now  
4 looking back on the situation, she was not  
5 reluctant to be near him. It was just four  
6 friends, eating dinner together, was the  
7 situation.

8 Q. She didn't seem to you to be  
9 uncomfortable in that setting?

10 A. No.

11 Q. Did you all have drinks that evening?

12 A. Yes.

13 Q. And did she -- do you know how many  
14 drinks she had?

15 A. I wasn't monitoring her alcohol intake.

16 Q. Did she become intoxicated?

17 A. Did she become intoxicated?

18 Q. Yes.

19 A. I don't know. I know that we probably

20 had enough alcohol to become intoxicated.

21 Whether she actually became intoxicated, I don't

22 know. I was feeling tipsy, if that helps, and

23 I'm larger than she is, so...

24 Q. What happened at the end of the evening?

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1 Did she leave by herself?

2 A. I don't know. Leo and I left before she  
3 did and Tony. Although before we left, I know  
4 that Tony -- Tony had indicated that he was kind  
5 of tipsy, and I gave her my cell phone number  
6 and I asked her to call me -- if there was a  
7 situation that would arise where she would feel  
8 uncomfortable, I asked her to call me.

9 Q. Why did you do that?

10 A. Why did I do that?

11 Q. Yes.

12 A. Because when we had gone up to the bar  
13 to get drinks at Adobe Gila's, she had made a  
14 comment to me that I had found strange, and I  
15 wanted her to feel that if -- because Leo and I  
16 were leaving, I didn't want her to feel like we  
17 were leaving her with a drunk guy, basically.  
18 So I wanted her to feel like if she needed some

19 help, that she could call somebody. Basically

20 it was a gesture of kindness, that if she needed

21 some help, she could call me.

22 Q. So she appeared to be uncomfortable when

23 she came up to the bar with you?

24 A. Yes. She made a comment to me, she

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1 said, well, I want you to know that nothing's  
2 going on between us. And I kind of looked at  
3 her and I said -- well, first of all, I said,  
4 why are you telling me this? And second of all,  
5 I don't really care. It is what it is.

6 Q. You said it is what it is?

7 A. (Witness nods head.)

8 Q. She's basically described your actions  
9 that evening as being kind of overly friendly  
10 with Leo Jennings.

11 A. Okay.

12 Q. Is that a misconception?

13 A. It may be a misconception to her. She  
14 was drinking that evening. I think that we were  
15 all being friendly with one another. We were  
16 there in a friendly capacity.

17 Q. So you don't dispute that statement,  
18 then?

19 A. I'm not disputing her perception. She

20 was intoxicated.

21 Q. She was intoxicated?

22 A. Well, I think that we have already

23 discussed this, and I said that I was tipsy, and

24 that she had also had a lot to drink and she is

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1 a smaller person than I am.

2 Q. You mentioned something about Adobe

3 Gila's.

4 A. Yes.

5 Q. What is that?

6 A. Adobe Gila's is a bar that's located

7 right next to the Ocean Club. And that is where

8 she came up to me and made the comment about

9 there was nothing going on between her and Tony.

10 Q. So you were at two places?

11 A. That's correct.

12 Q. Ocean Club and Adobe Gila's?

13 A. Right.

14 Q. During that evening, did you see them

15 when they left?

16 A. No, because Leo and I left before Tony

17 and her left.

18 Q. Do you know what kind of car Tony was

19 driving that evening?

20 A. I didn't see him driving it, but I want

21 to say that he was driving a Suburban that

22 evening.

23 Q. Is that a State car?

24 A. I think so.

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1 Q. Why do you think so?

2 A. Because I don't believe he drives a

3 Suburban.

4 Q. Why not?

5 A. Because I don't think he drives a

6 Suburban. I don't think, in conversation, he

7 said he drives a Suburban.

8 Q. Have you ever had any conversations with

9 Marc Dann's wife?

10 A. No.

11 Q. What about Tony's wife?

12 A. No.

13 Q. Now, you saw fit this weekend to e-mail

14 Marc Dann. Do you recall that?

15 A. Yes.

16 Q. And what was the purpose of your e-mail?

17 A. The purpose of -- it was actually a text

18 message. And the purpose of the text message

19 was to let Marc know that I was going to be  
20 completely and 100 percent honest with you.

21 Q. Well, it said more than that. It said,  
22 you're not going to lie like Leo wants you to.

23 A. He wanted me to play a little bit fast  
24 and loose with you, and I was not willing to do

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1 that. And I also don't agree with the way you  
2 put him on administrative leave. I'm going to  
3 say that.

4 Q. I'm sorry?

5 A. I don't agree with you putting him on  
6 administrative leave, and I'm going to say that  
7 on the record.

8 Q. Well, you assume that I did that.

9 A. Well, I know that he's on administrative  
10 leave.

11 Q. But you said you put him on  
12 administrative leave.

13 A. Well, I don't agree with the decision to  
14 put him on administrative leave. I don't know  
15 what other reason he would be on administrative  
16 leave besides the text message that was sent.

17 Q. So are you saying you misspoke or  
18 mistyped when you said you did not want to

19 lie -- I will not lie like Leo wants me to? Is

20 that another term for being loose with your

21 facts?

22 A. Yes.

23 Q. What would -- why would he want you to

24 lie or be loose with the facts?

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1 A. For some reason, he thought that it  
2 would be wrong to say that we drove in the same  
3 car to the Ocean Club, and he wanted me to say  
4 that we drove separately, when that wasn't the  
5 case. And I didn't feel uncomfortable playing  
6 loose with the facts.

7 Q. He told you to tell me that?

8 A. Yes.

9 Q. That you drove in separate cars?

10 A. Yes.

11 Q. Why would he say that?

12 A. I don't know.

13 Q. Is there a reason that maybe I would  
14 infer certain things between you and Leo if you  
15 said you were in the same car?

16 A. I don't know. I don't know why he would  
17 say that, but I'm not telling you misstatements  
18 of fact. I'm telling you correct statements of

19 fact. You can infer from it what you would like

20 to infer from it.

21 Q. You say you've known Leo since October?

22 A. I've known Leo since September.

23 Q. Since September?

24 A. Actually, since August. I'm sorry.

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1 That's when I started working in my capacity as  
2 nonprofit healthcare.

3 Q. Has Leo ever discussed with you Cindy  
4 Stankoski or Vanessa Stout?

5 A. No.

6 Q. He's never mentioned their names to you?

7 A. Well, not in the context of an  
8 investigation, just in the context of that  
9 evening.

10 Q. What about the context that Tony and  
11 Cindy had some type of relationship?

12 A. No.

13 Q. What about that Tony and Vanessa had  
14 some type of relationship?

15 A. No.

16 Q. He never discussed that?

17 A. No.

18 Q. Did Leo tell you any other way that you

19 could thwart this investigation?

20 A. No.

21 Q. That's the only thing, just the

22 driving -- you drove separate cars?

23 A. Yes.

24 Q. When did this conversation take place?

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1 A. Last week. I don't remember exactly  
2 which day.

3 Q. Was it during working hours?

4 A. No, it was not.

5 Q. He contacted you in the evening?

6 A. Which is not an irregular thing.

7 Q. I'm just asking a question.

8 A. Yes, it was after working hours.

9 Q. Why did you decide to text the Attorney

10 General on -- at night at 11:36?

11 A. I'm sorry?

12 Q. Is there a particular reason why you

13 texted him at 11:36 at night?

14 A. There's been various occasions when I  
15 have texted Marc Dann outside of working hours.

16 When Marc and I first started getting to know

17 one another, we would text about football. I

18 texted Marc Dann because I was very upset at

19 that moment, and right now, I regret having done

20 so, because it led to Leo being put on

21 administrative leave. But I reaffirm that I did

22 so because I wanted Marc to know that I wasn't

23 going to lie for him, or for Leo, or for Tony.

24 Q. Okay. That's the only lie he suggested

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1 you tell, just the driving separate cars?

2 A. Leo, yes.

3 Q. Why do you think you would get

4 disbarred?

5 A. For lying under oath? I think that

6 would not be a good thing.

7 Q. Would that normally get you disbarred?

8 A. Well, I think for an attorney to lie

9 under oath would not be a good thing.

10 Q. What is your familiarity with these

11 allegations? Anything else?

12 A. I've read pretty much every story in the

13 paper, and I'm pretty much best friends with

14 Jessica Utovich.

15 Q. I'm sorry?

16 A. I said I've read every story in the

17 paper, and I'm pretty much best friends with

18 Jessica Utovich, so my knowledge of the

19 allegations are fairly substantive.

20 Q. What's your knowledge about Jessica

21 Utovich and Tony or Leo or Marc? What's your

22 knowledge there?

23 A. My --

24 Q. What's the relationship there?

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1 A. Well, the relationship between Jessica  
2 and Tony and Leo and Marc, as far as I  
3 understand, is that they are friends.

4 Q. You say you're her best friend?

5 A. Yeah. I don't know how that really  
6 relates to this investigation with regards to  
7 Cindy and Vanessa, however.

8 Q. Well, I can understand why you don't. I  
9 mean, you're probably not privy to as many of  
10 the facts as we have.

11 A. Okay.

12 Q. So I'll just say trust me.

13 A. Okay.

14 Q. Jessica was -- why was Jessica  
15 transferred to another section, another floor?  
16 What have you been told or heard about that?

17 A. I would rather say off the record --

18 Q. We don't --

19 A. -- since this could be public record.

20 Q. Well, it may be already on the record,

21 because we're on the record. We don't go off

22 the record for that. If you refuse to answer,

23 you refuse to answer.

24 A. Okay. My understanding of why she got

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1 transferred was because the Right Angle Blog  
2 came out with a story, and it was either late  
3 November or early December, that she and Marc  
4 Dann were having an affair, and she needed to be  
5 transferred because of that story. And because  
6 of the allegations and Alyssa and how she was  
7 reacting to the story, she needed to be moved  
8 from the floor.

9 Q. Did she tell you that? Did Jessica tell  
10 you that?

11 A. Jessica partly told me that.

12 Q. Who told you the rest?

13 A. Leo and Tony and Marc.

14 Q. Marc told you that that's why she was  
15 transferred, because of --

16 A. It was mostly Jessica, partly Leo and  
17 partly Tony.

18 Q. But you said also Marc.

19 A. Because I've been privy to a lot of the  
20 things that you've been privy to, unfortunately.

21 Q. But they told her about the blog and the  
22 allegation of the blog is why she was being  
23 transferred?

24 A. Yes.

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1 Q. Do you know whether or not Jessica was  
2 promised up a raise or promotion --

3 A. She received her promotion well before  
4 that.

5 Q. Before what?

6 A. Before the blog came out. She received  
7 her promotion well before director of  
8 financial -- or director of travel services even  
9 became a glimmer in anyone's eye. Colleen Brown  
10 gave her that promotion.

11 Q. Colleen Brown, which is Marc Dann's  
12 former secretary?

13 A. Uh-huh. Colleen gave her that promotion  
14 well before director of travel services was even  
15 a thought in anyone's mind.

16 Q. You mean the \$10,000 raise was done  
17 before she changed her job as scheduler?

18 A. That's correct.

19 Q. That's your understanding?

20 A. Yeah.

21 Q. And it was done by Colleen Brown?

22 A. Yeah.

23 Q. She has the authority to do that?

24 A. Yeah.

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1 Q. Were you aware that Vanessa Stout was  
2 also transferred from general services to IT?

3 A. IT, yep.

4 Q. Do you know anything about that  
5 particular transfer?

6 A. No, I do not.

7 Q. No one ever discussed that with you?

8 A. No.

9 Q. Okay. Have you ever met Vanessa Stout?

10 A. Yes.

11 Q. And is that the one time at Marc's  
12 house, you said?

13 A. Well, Marc had already moved out, but,  
14 yeah.

15 Q. This is in December?

16 A. Yeah.

17 Q. I think Marc moved out December -- when  
18 did you see her there, football game?

- 19 A. Yeah, it was football. Marc had already  
20 moved out. Wait. I don't know if Marc had  
21 moved out. Marc was not present. He was not  
22 there that evening. I don't know if he had  
23 moved out or not.
- 24 Q. So you've only seen Tony and Cindy out

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1 one time --

2 A. That's correct.

3 Q. -- together drinking, correct?

4 A. That's correct.

5 Q. Did Cindy ever take you up on your offer

6 to call you?

7 A. No, she did not.

8 Q. Did you ever meet Tony and Leo at

9 Mitchell's for drinks? Did you ever meet them

10 at Mitchell's for drinks?

11 A. Yes.

12 Q. How many occasions?

13 A. Tony and Leo? Probably two or three.

14 Q. And just Leo?

15 A. I've met Leo at Mitchell's probably

16 eight or nine times.

17 Q. Do you know the bartender there?

18 A. I don't know -- there's a female

19 bartender and a male bartender. I don't know

20 either of them by name, but, yes.

21 Q. Okay. Were you always alone when you

22 had these drinks? You had no other females with

23 you?

24 A. No females. No other males either.

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1 Q. Okay.

2 A. Mainly it was to discuss goings on.

3 Blow off steam after work.

4 Q. Pardon me?

5 A. To blow off steam after work, to discuss  
6 things.

7 Q. But never with any other females, just  
8 yourself?

9 A. No, just myself.

10 Q. Where are you from? Can I ask you that  
11 question?

12 A. I'm sorry?

13 Q. Where are you from?

14 A. Chicago, Illinois.

15 Q. Born and raised there?

16 A. Yes.

17 Q. What brought you to Ohio?

18 A. Law school.

19 Q. What school?

20 A. OSU.

21 Q. Okay. I thought you were going to say

22 you were from Youngstown or something.

23 A. Oh, no.

24 Q. I think everybody I meet these days is

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1 from Youngstown.

2 A. No. I'm from Chicago. I went to  
3 University of Wisconsin for undergrad and went  
4 to OSU for law school.

5 Q. I may have asked you this question  
6 already, but just going back a little bit, would  
7 you tell me again why you said Leo would suggest  
8 that you lie to this investigation? What's the  
9 purpose of that?

10 A. He did not want you or Julie to believe  
11 that there was anything extramarital going on  
12 between him and I. And he did not want --  
13 basically he wanted to go fast and loose around  
14 the edges so that it didn't seem like there was  
15 anything extramarital going on.

16 Q. First of all, I would not ask you if  
17 there's something extramarital going on. I  
18 would never ask you that.

19 A. Well, he didn't want it to seem that

20 way, so that's why.

21 MR. ESPY: I think that's all I have.

22 Anything else?

23 MS. PFEIFFER: No.

24 MR. ESPY: Okay. Thank you very much

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1 for coming in. Appreciate it.

2 THE WITNESS: You're welcome. If you  
3 have any other questions, just let me know.

4 MR. ESPY: Anything you want to add for  
5 the record before you leave that I didn't ask  
6 you?

7 THE WITNESS: No.

8 MR. ESPY: Okay. Thank you very much.

9 --0--

10 Thereupon, the sworn interview of  
11 Jennifer Urban, April 14, 2008, was concluded at  
12 2:52 p.m.

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**APRIL 14, 2008**

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 JENNIFER URBAN 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/CCR/CBC

20

Notary Public, State of Ohio.

21 My commission expires: March 10, 2013

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