

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 JESSICA UTOVICH

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

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on April 15, 2008, at 9:06 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
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6 Julie M. Pfeiffer, Esq.
Assistant Attorney General
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1 MR. ESPY: Jessica, you know I'm Ben
2 Espy, Marc's executive assistant. This is Julie
3 Pfeiffer, who is senior attorney in the
4 employment section. He's asked us on April 8th
5 to look into allegations involving sexual
6 harassment and other issues involving office
7 policies.

8 We're going to ask you a few questions
9 this morning. The questions are under oath, and
10 we're asking you to provide as much detail as
11 you possibly can. And if you want to take a
12 break, you can at any time you want to take a
13 break. And we try to keep everything here
14 confidential, but that's -- we can't guarantee
15 that, because based on public records and all
16 those kind of things.

17 Do you have any questions for us?

18 THE WITNESS: No.

19 MR. ESPY: Raise your right hand and be

20 sworn in, please.

21 JESSICA UTOVICH

22 being first duly sworn, as hereinafter

23 certified, says as follows:

24 MR. ESPY: And keep your voice up, too,

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1 because she can only record what's audible.

2 THE WITNESS: Okay. Sorry. I've been
3 dealing with a cold since last Monday, so...

4 MR. ESPY: Let us turn off our cell
5 phones.

6 EXAMINATION

7 BY MS. PFEIFFER:

8 Q. Jessica, when were you hired by the
9 Attorney General's office?

10 A. At the end of January, 2007.

11 Q. And what position were you hired into?

12 A. Scheduler.

13 Q. And as scheduler, what did you do?

14 A. Scheduled his meetings with a group
15 of -- there was a team that decided what should
16 be taken. And I scheduled according to that
17 team, and also according to what Marc had
18 wanted. Basically, he worked -- pretty much

19 scheduled him from 7:00 to 8:00 at night every
20 day, scheduled his weekends, put in what he
21 needed for his personal time, doctor's
22 appointments. Made sure that everything ran
23 smoothly, who was staffing him, did he need
24 talking points for those, and provided briefing

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1 materials, biographies, legal information,
2 newsletters, press releases. Anything that he
3 needed in the scheduling packet, as well as
4 scheduled the briefings with staff members prior
5 to the actual meeting.

6 Q. Okay. When you say him, he, you mean
7 Marc Dann?

8 A. Yes. Sorry.

9 Q. That's all right.

10 Did you perform any other duties other
11 than those?

12 A. I did a lot of -- let me think. I
13 did -- I staffed him.

14 Q. You staffed him?

15 A. Yeah.

16 Q. What does that mean?

17 A. Staffing -- like, the public affairs
18 staff usually do -- would be advancing an event,

19 going to an event, seeing where he needed to be
20 once he got through the doors, making sure that
21 his speech or whatever he needed was preparing,
22 following closely behind to overhear what people
23 are, you know, saying, so that I could -- you
24 know, notes would be given if needed afterwards.

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1 And making sure that the event he was going to
2 run smoothly.

3 Q. Now, when you were working as a
4 scheduler, I'm assuming that you would work
5 closely with a number of individuals on a daily
6 basis; is that correct?

7 A. Yes, correct.

8 Q. Who would be some of those individuals
9 that you worked with?

10 A. Colleen Brown.

11 Q. Who is Colleen Brown?

12 A. Colleen Brown, at the beginning, was his
13 executive assistant. Then Nick Miller was hired
14 as the executive assistant, so I would work with
15 him.

16 Q. Nick Miller?

17 A. Yes.

18 Q. Did he replace Colleen Brown?

19 A. Yes.

20 Q. How long was Colleen Brown his executive

21 assistant?

22 A. Until -- I want to say until about

23 November, 2007.

24 Q. January to November?

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1 A. Yes. She was there before me. I'm not
2 exactly sure what her start date was.

3 Q. Okay. So she was there when you got
4 there --

5 A. Yes.

6 Q. -- in January, but she stayed until
7 November, 2007?

8 A. Yes.

9 Q. Is that when Nick Miller replaced her?

10 A. Yes.

11 Q. Was Colleen Brown your direct
12 supervisor?

13 A. Yes.

14 Q. Who else?

15 A. Arvin Donnor, who was hired as my
16 assistant. The team that helped make the
17 decisions as to what was scheduled was comprised
18 of Tom Winters, Leo Jennings, Ed Simpson, Greg

19 Beswick, Chris Geidner, and on occasion, Merrill

20 Pratt and Bev Staten would be asked to join in.

21 Q. Who is Merrill Pratt?

22 A. Merrill Pratt is the director of

23 constituent services, and he has the position --

24 he is the one who was acting scheduler during

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1 the transition, or right after the transition,
2 he was the one who taught me when I got hired.
3 So we spent a week together, learning the
4 system, and then he went to constituent services
5 director.

6 Q. Okay. How about Bev Staten?

7 A. Bev Staten is the program director. She
8 had also previously worked for Marc in the
9 senate.

10 Q. How did you learn of Marc Dann's
11 scheduler position being open in January of '07?

12 A. I had run into Marc and Ed Simpson out
13 and had been asked what was I doing now that the
14 campaign had ended, and I had said I was looking
15 for a job. So Ed Simpson had asked me if I had
16 any experience scheduling, and we talked, and I
17 was formally called by Molly Taylor the
18 following day to come in for an official

19 interview.

20 Q. Where -- you said you met them out.

21 Where was that?

22 A. I had run into them at Zeno's, which is

23 a restaurant.

24 Q. Here in Columbus?

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1 A. Yes. I was already there with one of my
2 friends.

3 Q. Who were you there with?

4 A. Tim Castle.

5 Q. Is he an employee?

6 A. No. He is a former State
7 representative.

8 Q. You ran into them in Zeno's?

9 A. Yes.

10 Q. Do you recall if that was January of
11 '07?

12 A. Yes.

13 Q. Did you know Ed Simpson and/or Marc Dann
14 prior to that night?

15 A. Yes. I had known Marc Dann. I did not
16 know Ed Simpson.

17 Q. So you knew him on sight when you saw
18 him at Zeno's?

19 A. I actually didn't recognize him.

20 Q. Okay. Were you standing at the bar,

21 or --

22 A. I was sitting down. I believe I was

23 eating. And went down to the bar and had passed

24 them, and they were talking and had said hi.

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1 And Marc had also known Tim, so it was just a
2 brief interaction. I was asked what I was
3 doing. Tim was also asked what he was doing.
4 And I had said I was looking for a job.

5 Q. Okay. You said you talked to Ed
6 Simpson?

7 A. Yes.

8 Q. What did you talk to Ed Simpson about?

9 A. The position, had I scheduled before,
10 what was my previous employment history. And,
11 you know, told him what I had done and he said
12 we would like to interview you. I'll have Molly
13 Taylor contact you to set up, like, an official
14 interview.

15 Q. Had you scheduled before?

16 A. I had scheduled for candidates that I
17 had worked for before as part of their campaign
18 staff. Not as official scheduler, it was part

19 of the encompassing duties.

20 Q. Okay. And you said you went in -- you

21 had -- Molly Taylor called you the next day --

22 A. Yes.

23 Q. -- to set up an interview?

24 A. Yes.

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1 Q. Did you then come in and interview?

2 A. Yes. I did an official interview

3 process that week and waited to hear what the

4 decision was.

5 Q. Who did you interview with?

6 A. Ed Simpson.

7 Q. Just Ed Simpson?

8 A. Yes.

9 Q. Was there anything about the initial

10 interview that you considered to be odd or

11 anything? Was it a typical interview?

12 A. It was a typical interview. A lot of

13 recanting what had been said, you know,

14 informally when I had first met him, what my

15 previous work experience was. I had to supply

16 my resume and references. And it was not unlike

17 any other interview I've ever had.

18 Q. You said there was a lot of recanting.

19 A. Sorry. Just going over. I'm sorry,

20 probably lack of a better term.

21 Q. Okay.

22 A. I'm sorry. I'm bad with --

23 Q. That's okay.

24 A. It was just the question again, you

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1 know, what was your employment, what had you
2 previously done, had you done this before, your
3 job employment history.

4 Q. Okay. Did you discuss salary at that
5 point?

6 A. No.

7 Q. Did you discuss salary with them at
8 Zeno's?

9 A. No. No, that happened on a phone call
10 after. I was asked what I would need to make,
11 and I had said at least 35.

12 Q. And what did you -- what was your
13 starting salary?

14 A. It -- I was told 35. It was actually 36
15 when I looked at the paystubs.

16 Q. Who called you to offer you the job?

17 A. Ed Simpson.

18 Q. Do you know if you went through the

19 background check and all of that?

20 A. Yes.

21 Q. Okay. I meant to ask you this first.

22 Have you discussed your potential testimony with

23 anyone today?

24 A. No. I questioned what the process would

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1 be, how -- I've never been in a situation like
2 this, so I wasn't exactly sure how it would
3 work.

4 Q. Who did you ask questions to?

5 A. Tom Winters, what the procedure was.

6 Q. Okay. When did you speak with him?

7 A. Yesterday. Not in specific indications
8 of what would be asked or what would be said,
9 but just how the procedure works.

10 Q. What did he tell you?

11 A. Just that you will be interviewed. It
12 will be under oath. And that's -- he said that
13 you two were doing it, and that's pretty much
14 it.

15 Q. Okay. And have you talked to anyone
16 regardless -- have you talked to anyone about
17 your potential testimony, other than Tom Winters
18 today?

19 A. No.

20 Q. Have you spoken with anybody -- well,

21 I'm sure as you know, this has been in the news

22 media quite frequently.

23 A. Yes.

24 Q. Okay. Have you spoken with anyone that

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1 is an employee of the Attorney General's office
2 regarding your involvement, if any, in the facts
3 of this matter?

4 A. Yes.

5 Q. Who have you talked to?

6 A. Jennifer Urban.

7 Q. Okay.

8 A. Not as far as testimony is concerned,
9 about -- before knowing that there was going to
10 be any testimony with the papers last week
11 that -- what was in them, I had talked to Ed
12 Simpson. I had talked to Leo Jennings. I had
13 talked to Ted Hart, because reporters had been
14 calling me and coming to my house. So concern
15 over what exactly -- why -- I guess confusion as
16 to why I was being dragged in and what were we
17 going to do. I can't talk -- you know, I don't
18 want to talk to the media, you know, please

19 let -- you know, trying to get it to stop as
20 much as possible. Questioning, I think, why
21 things weren't answered in an earlier fashion
22 when could have been, but pretty much -- and,
23 you know, what was in the paper, told them what
24 was true and what was not true.

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1 Q. You told who what was true and what was
2 not true?

3 A. Jen and Leo and Ed, just my thoughts,
4 out of frustration, you know, not anything with
5 future testimony.

6 Q. Okay. Well, what was true?

7 A. That I had been there that night,
8 dropping off the schedule and working.

9 Q. Okay.

10 A. Not true was the pajama comment. The
11 e-mail release article, which stated we would
12 not release my e-mails. I was -- I didn't know
13 what exactly that was about, and I questioned
14 why they wouldn't, because I had pulled my
15 e-mails already from all of my e-mail accounts.
16 And just questioned what office procedure on
17 something like this was, because I felt very
18 cornered.

19 Q. Okay. All right. We'll get into that.

20 Okay. So you started as Marc Dann's

21 scheduler at \$36,000 a year?

22 A. Yes.

23 Q. It's my understanding that you are not

24 now the scheduler; is that correct?

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1 A. Correct.

2 Q. When did you stop being the scheduler?

3 A. I assumed my new position January 29th
4 of this year.

5 Q. And what is your new position?

6 A. Director of travel services.

7 Q. Would that be a promotion?

8 A. There was no raise involved, but
9 unilaterally on the pay scale, it was equal;
10 however, job duties were definitely above what I
11 had previously been performing.

12 Q. Okay.

13 A. I took the position because it meant
14 more to my resume than the scheduling position.

15 Q. Okay.

16 A. I was in charge -- I was put in charge
17 of more things with the office.

18 Q. Did you apply for this position?

19 A. I had talked with Pat McLean, the chief
20 financial officer, had approached me about it.

21 Q. Who approached you about it?

22 A. Pat McLean.

23 Q. He approached you?

24 Okay. And what did he say about the

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1 position?

2 A. He had told me that over the past three
3 months, that various people in the office saw a
4 need for a centralized travel kind of office to
5 cut down on costs and to kind of enable, as a
6 support staff, the office as a whole so that
7 there was some kind of -- there was consistency
8 and it wasn't just left up to everyone's own
9 personal choice or secretary to do the work, but
10 that there would be consistency. And they had
11 had meetings over the last couple months, where
12 everyone was in agreement upon it, and they
13 wanted to cut costs and needed somebody to
14 fulfill, like, that position in order to really
15 take a look at it and focus on it.

16 Q. Okay. Do you know if he was talking to
17 anyone else about filling this position?

18 A. I do not know if he talked to anyone

19 else. I do know that Greg Beswick had mentioned
20 two other people besides myself previously, but
21 I am not aware of who the two other people are.

22 Q. How do you know Greg mentioned the two
23 other people?

24 A. Greg and I had discussed the position.

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1 I asked his professional opinion, what he
2 thought about it.

3 Q. Okay. You're not making 36,000 now; is
4 that correct?

5 A. Correct.

6 Q. What are you making now?

7 A. I was told 45,000; however, the paper
8 said 43. I haven't really -- I don't really go
9 into OAKS that much.

10 Q. So you think it might be between 43 and
11 45?

12 A. Yes.

13 Q. And when did -- did you receive this pay
14 raise in one big chunk, or several different
15 ones?

16 A. I received it in one big chunk in the
17 fall.

18 Q. This was not connected to your --

19 A. No.

20 Q. -- new duties as director of travel

21 services?

22 A. Correct.

23 Q. Okay. That was in the fall of 2007?

24 A. Uh-huh, yes.

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1 Q. Why did you get a raise in fall of 2007?

2 A. I had my review by Colleen Brown, who
3 was my supervisor. And she had recommended, and
4 I believe approved -- between her and Ed, one of
5 them approved the raise. In part, that I was
6 working many hours, and doing the previous -- I
7 was told the people prior to me, I was making 60
8 percent of what they had made, and she felt I
9 was vastly underpaid for what I was doing.

10 Q. Okay.

11 A. I was told I was getting the raise
12 possibly in August, and was actually -- the
13 raise went into effect the end of October.

14 Q. You said you received a performance
15 evaluation then?

16 A. Yes, with it. That is what the raise
17 accompanied.

18 Q. Was it -- it was a good -- was it a good

19 performance evaluation?

20 A. Yes.

21 Q. Did you experience any difficulties

22 during the time that you were the scheduler with

23 regard to performing duties?

24 A. It was many hours.

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1 Q. Okay.

2 A. It's just -- it's a hard position. I

3 don't think people realize that. Just very --

4 it's constant. It's constant on the go,

5 constant changing, it was just a high-stress

6 level position.

7 Q. Did any of the individuals that you

8 worked with express to you dissatisfaction with

9 your job duties as scheduler?

10 A. No.

11 Q. Did you talk to Jen Urban last night?

12 A. Briefly.

13 Q. Briefly?

14 A. (Witness nods head.)

15 Q. How briefly?

16 A. Four minutes.

17 Q. Were you on the phone?

18 A. Yes.

19 Q. Did she tell you -- she was interviewed
20 yesterday. Did she discuss with you what she
21 talked about in her interview yesterday?

22 A. No.

23 Q. What was the substance of your
24 conversation with her?

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1 A. She just asked how I was doing. I had
2 asked her to go for a walk, and she went to
3 dinner with one of her law school friends and
4 was telling me that they made peanut Thai
5 chicken. And I was tired and wanted to go to
6 bed, so...

7 Q. Some individuals who have been
8 interviewed, a woman by the name of Cindy
9 Stankoski, says that she saw you at Marc Dann's
10 apartment on September 10th of 2007. Are you
11 familiar with that?

12 A. I recall being there with her being
13 there.

14 Q. Okay. When did you arrive at Marc
15 Dann's apartment on that day?

16 A. I don't recall what time. I know it was
17 at night, but I don't remember what time. I
18 just -- it was so long ago, I've tried to rack

19 my brain. It was in the evening, but I don't

20 recall what time.

21 Q. Could it have been later in the evening,

22 several hours past dinnertime?

23 A. Yes.

24 Q. Was that unusual for you?

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1 A. No.

2 Q. Why was that not unusual?

3 A. It was not unusual because he usually

4 had events until 8:00, 9:00, sometimes 10:00 at

5 night, and I also -- I would finish at the

6 office, usually around 7:00, 7:30, and there

7 were events that I could meet up with him at to

8 drop off schedules. There were also events that

9 I couldn't walk into and try to -- you know,

10 dinners, where it was just him and a staffer

11 with him. So I -- it was typical for me to meet

12 him and try to drop off materials or go over the

13 briefing materials with him later in the evening

14 when he was available. Plus I also like to do

15 stuff before stores close, so I would do, a lot

16 of the times, my own thing, grocery shopping,

17 tanning, anything -- you know, errands that I

18 needed to take care of, and then drop it off.

19 Q. Okay. When you say drop it off, would

20 it be the schedules for the next day?

21 A. I would drop off schedules. I would

22 drop off briefing materials. There were some

23 campaign issues that we went over to talk about,

24 go over the schedules.

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1 Q. Campaign issues? What kind of campaign
2 issues?

3 A. Just events that he wanted
4 campaign-wise.

5 Q. For his next campaign? I mean --

6 A. No. He -- for fundraisers, different
7 other officeholders' events that he needed to go
8 to.

9 Q. Oh, okay. Somebody else's campaigning?

10 A. Yes.

11 Q. When you say campaigning --

12 A. I'm sorry. Yes.

13 Q. I guess I don't understand. We have
14 e-mail. Why is it that it couldn't be e-mailed
15 to him and he prints it off?

16 A. The schedule?

17 Q. Or whatever it is you're dropping off to
18 him.

19 A. The schedule -- he didn't have a
20 printer, that I was aware of, at his house;
21 however, the schedule wasn't small, couple
22 pages. There were many pages. There are many
23 things that he would kept private on the
24 schedule, such as doctor's appointments, things

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1 with his children, that went in the schedule and
2 we never e-mailed those, because they were to be
3 kept private. So we kept his doctor's
4 appointments, his children's appointments off of
5 the public schedule. And putting that as part
6 of the e-mail, would have made it public.

7 Q. Okay.

8 A. As well as -- let's see. When the
9 schedule comes out, there's the schedule,
10 there's any notes pertaining to that. There are
11 also multiple pages. Many times the schedule
12 didn't even fit into the folders that I
13 provided. I had to put them in binders, they
14 were so big.

15 There were also legal documents that he
16 needed to review that we would put in there. So
17 it was multiple pages that were given to me, not
18 e-mailed. If he was going out of town partially

19 during the next day, such as Cincinnati, I would
20 be faxed many -- you know, the latest news lines
21 or things that the staffer who was staffing him
22 the next day would feel appropriate and have to
23 incorporate all of that into there. So the
24 materials weren't necessarily e-mailable.

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1 Q. Okay.

2 A. And he preferred to have it in a folder
3 with tabs on it, marking the times and what was
4 needed. And that was his preference. And he's
5 my boss, so I kind of have to.

6 Q. How many times do you think you dropped
7 off schedules to his apartment?

8 A. Not that many. I would -- I can't
9 recall an exact amount of times. I didn't keep
10 track of it. Probably about six to eight.

11 Q. The whole time you were the scheduler?

12 A. Yes.

13 Q. Would that always be at night?

14 A. No. In the morning, I would drop it
15 off. It depended on when -- you know, when he
16 needed it. As long as I got it to him before he
17 needed it for the day, and he usually started
18 his day at 7:00 in the morning, either going to

19 the gym or whatnot. And I would drop it off in
20 the morning, or I'd drop it off at night if I
21 had something I had to do that night. It was my
22 job to get it to him before he needed it, so...

23 Q. Do you have a State car?

24 A. No.

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1 Q. You have your -- so when you would be
2 dropping this off, would you be driving your
3 private vehicle?

4 A. Yes.

5 Q. Did you put in for reimbursement?

6 A. No.

7 Q. You just drove your car?

8 A. Yes.

9 Q. Just kind of did it on your own penny?

10 A. Yes.

11 Q. Where do you live?

12 A. I live on South 17th Street, by
13 Children's Hospital. Near German Village.

14 Q. Okay. So in the evenings or in the
15 mornings when you would drop off his schedule,
16 you would drive from your home to his house, or
17 from -- or in the evenings, you would be driving
18 home after dropping off the schedule; is that

19 correct?

20 A. Yes.

21 Q. Now, the night of September 10th, 2007,

22 I think you said that you saw Cindy Stankoski

23 there.

24 A. Correct.

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1 Q. Did you know Cindy prior to that night?

2 A. No.

3 Q. Were you introduced to her that night?

4 A. Yes.

5 Q. Was she there first, or were you there

6 first?

7 A. I don't remember.

8 Q. Do you recall specifically what you were

9 there for?

10 A. Yes.

11 Q. Okay. What were you there for?

12 A. I dropped off the schedule and I was

13 working on my application for the Young

14 Democrats of America resolutions chair. And

15 Marc had been one of my references in that, and

16 I was working on that.

17 Q. You went to his apartment to work on

18 that?

19 A. Yes.

20 Q. Okay. So you weren't dropping off

21 schedules?

22 A. I was dropping off schedules. At the

23 same time, I also needed -- there was a deadline

24 for my application, and he had helped me with

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1 what I should write for the position.

2 Q. Okay.

3 A. For the application process.

4 Q. Was this a volunteer position, or --

5 A. Yes.

6 Q. Young Democrats -- I'm sorry.

7 A. Of America.

8 Q. What -- and what position were you --

9 A. Resolutions chair.

10 Q. Okay. And where were you located in the

11 apartment when you were doing this?

12 A. I had been sitting on the floor, near

13 the TV, because of where the Internet outlet

14 was.

15 Q. Okay. And was he, in fact, helping you

16 with that?

17 A. Yes.

18 Q. I think you said you don't recall if you

19 were there first or if she was there first.

20 A. I don't.

21 Q. Do you remember what you were wearing?

22 A. I honestly don't remember what I was

23 wearing. I tend to either wear jeans or

24 sweatpants out when I'm not at work. I know I

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1 wasn't wearing pajamas, because I never wear
2 them in public, but I -- it's so long ago, I
3 don't really remember.

4 Q. Do you remember what top you might have
5 been wearing?

6 A. No.

7 Q. Describe for me how you -- the
8 interaction you had with Cindy that night.

9 A. I had been working on the computer with
10 my Young Dems application. I don't remember the
11 beginning, as far as who got there first. I
12 remember being introduced to her. I remember
13 her and Tony sitting on the couch, Marc sitting
14 in a chair across the room, working on a laptop.
15 And I really didn't pay attention. I wanted to
16 get my application done and leave. Just -- it
17 was late and I was tired, and I was frustrated
18 at the application process. So I just remember

19 working on it. I remember being introduced to

20 her.

21 Q. Who introduced you?

22 A. Tony.

23 Q. Did you -- did you know where they had

24 been prior to the apartment?

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1 A. No.

2 Q. Did they talk about their evening?

3 A. They were talking. I don't remember

4 what was being talked about. I was across the

5 room on the computer, and I wasn't really paying

6 attention to what they were saying.

7 Q. Do you know -- were they drinking --

8 A. Yes.

9 Q. -- in the apartment?

10 Okay. Were you drinking?

11 A. Yes. Tony had offered me a drink, as

12 well, and I took one.

13 Q. Okay. What were you drinking?

14 A. I believe it was a margarita, or it was

15 supposed to be a margarita, but...

16 Q. And who -- tell me everybody in the

17 apartment that was drinking margaritas.

18 A. Tony -- I believe Tony was. I can't

19 verify. I know that it was Cindy's suggestion
20 for the margarita. I had said yes. And Marc
21 was drinking Diet Coke.

22 Q. Tell me how you remember that it was
23 Cindy's suggestion to get the margaritas.

24 A. Because Tony -- I don't -- I remember --

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1 let me think. I remember her saying margarita,
2 and I remember saying that sounds good, I'll
3 have one. And I don't remember, though, if Tony
4 had one or not, but I know her and I were
5 drinking them. And that was the first drink I
6 had all evening, and I wasn't --

7 (Knock on the door.)

8 MS. PFEIFFER: Just a second.

9 (Pause in proceedings.)

10 A. I wasn't necessarily gung-ho drinking
11 that evening.

12 Q. Okay. Do you recall whether or not you
13 noticed whether Cindy had been drinking prior to
14 that being in the apartment?

15 A. I wasn't paying attention to their
16 conversation, and having not met her, I
17 didn't -- you know, I didn't notice. I've never
18 hung out with her prior. That was the first

19 time I met her, or since, to know what Cindy

20 drinking looks like.

21 Q. Okay.

22 A. Does that make sense?

23 Q. Okay. You said you don't remember

24 anything that she was discussing with either

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1 Tony or Marc Dann?

2 A. At first -- the only thing I remember
3 was first introductory -- at first
4 introductions. I'm sorry. Just asked -- I
5 forgot -- we had talked about what she had
6 also -- where she had worked before. And that
7 was, like, three minutes, and then I got back to
8 work.

9 Q. Did you know that she was an employee of
10 the Attorney General's office?

11 A. Yes.

12 Q. Okay.

13 A. She had told me that.

14 Q. Did she tell you where she had worked?

15 A. I don't remember.

16 Q. Okay. Did you think that was odd?

17 A. Yes.

18 Q. What -- what was odd about that to you?

19 A. We have -- I think a lot of people in
20 our office have gone out drinking before. I
21 don't recall really everyone going out and
22 just -- she was new, so I had never seen her
23 before. I just thought it was weird to bring
24 somebody into a situation where two people are

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1 working and two people are more in a party mode.

2 Q. Okay.

3 A. Does that make --

4 Q. Okay. Have you been there when there

5 was other employees in the apartment?

6 A. Following that -- yeah. Well, prior or

7 after?

8 Q. Either. Let's start with prior.

9 A. Prior? I had been at the apartment when

10 Nikki Brubaker was there. She's not an

11 employee, but she's Marc's finance director,

12 retained on his campaign staff.

13 Q. Okay.

14 A. She had been at the apartment. I had

15 been there when Marc wasn't there, dropping off

16 things. I had been there by myself, taking care

17 of a couple things.

18 Q. Such as?

19 A. I sat -- I got the leases for their
20 apartment for them, because they were too busy
21 to go out there. Tony had. Tony and I had
22 actually gone to the leasing office together,
23 and I had gotten Leo and Marc's stuff for them.
24 Q. Okay.

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1 A. Marc had thought he lost his credit card
2 one time, so I ran out there and looked through
3 the cushions in the living room to see if I
4 could find it. Little things, like -- I mean,
5 that was pretty much it.

6 Q. How about other employees?

7 A. Other than Leo and Tony being there, I
8 had run -- the last -- and I know this was the
9 last time I was over there was after an event,
10 and I hadn't been able to meet up with Marc to
11 drop off the schedule. He had a very busy night
12 with multiple events that he had to go to. Part
13 of the reason that I met him a lot of times in
14 the evening was because if you gave him
15 something directly, he would sit it down and
16 walk off. So we -- I hate to say that we didn't
17 trust him to hold -- to keep onto his schedule,
18 but he lost it so many times that it was just

19 easier to make sure that you gave it to him when
20 he was -- when it was focused and he was not in
21 the middle of an event and trying to meet people
22 and have discussions.

23 So there were a couple events that
24 night, and things that frankly I wanted to go

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1 to, too. So I was doing my thing, and I had
2 gone over there. I was just going to drop it
3 off. He happened to be at the apartment. I was
4 going over the schedule with him in the kitchen,
5 and Vanessa Stout -- and that was the first time
6 I met her -- and Tony had walked into the house.

7 Q. Okay.

8 A. I don't know if they were together prior
9 to that. He had introduced her as somebody who
10 lived across the street. And same thing, this
11 is Vanessa. What do you do? I don't have a
12 job. Oh, you know, is there anything open at
13 the AG's office? What did you used to do? What
14 is your experience?

15 Q. Who was saying this?

16 A. I think all three of us, honestly,
17 between me, Marc, and Tony, just making polite
18 conversations while I finished up the schedule.

19 And that's pretty much it.

20 Q. Did anyone say, well, we'll help you get

21 a job, anything like that?

22 A. Not that I recall.

23 Q. Okay. Did she discuss -- do you recall

24 her discussing a criminal record that she had,

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1 problems with her background check?

2 A. Huh-uh, no. It was very brief.

3 Q. Do you know what she was there for?

4 A. No.

5 Q. Did you leave before her, or did she --

6 A. Yes.

7 Q. You left before her?

8 A. Yeah. Well, I had finished up the

9 schedule. I don't know what they were doing,

10 because I remember sitting -- standing at the

11 kitchen, talking, going over the schedule. Them

12 walking in, talking, you know, nice -- you know,

13 niceties, when you first meet somebody. Tony

14 had offered up wine that he made.

15 Q. He made wine?

16 A. Yes.

17 Q. Okay.

18 A. He makes wine. And he -- I remember --

19 I remember him offering up wine and saying, hey,
20 you know, we can -- does anyone want to try
21 this? I remember Marc saying it tastes horrible
22 and leaving. And I remember drinking wine with
23 them. And I think we all three walked out
24 together. I went home.

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1 Q. Okay.

2 A. But I don't remember what they did.

3 Q. Okay. Now, going -- well, let's stay

4 with that for a minute. You said that in

5 Nikki -- I forget the last name.

6 A. Brubaker.

7 Q. -- Brubaker, you've seen her, you've

8 seen Vanessa Stout and you've seen Cindy

9 Stankoski. Any other AG employees that you've

10 seen for any reason whatsoever, regardless of

11 who is in the apartment, in the apartment at any

12 point in time that you were there?

13 A. Not that I've seen, but I've scheduled

14 meetings at the apartment with Franklin Hall,

15 who is the national finance person for Marc's

16 campaign.

17 Q. He's an AG employee?

18 A. No.

19 Q. AG employees.

20 A. Okay. No.

21 Q. Now, let's get back to this evening of

22 September 10th. At some point, Cindy Stankoski

23 says that she went into another room and laid

24 down. Do you remember that?

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1 A. I don't remember --

2 Q. Okay. Do you think you might have left
3 at some point prior to that? Can you figure out
4 when it is that you left during the evening?

5 A. I left right after I sent the e-mail.
6 And I -- my printer's not working at home, but I
7 can forward you the e-mail that would have the
8 ISP address on it --

9 Q. That would be great --

10 A. -- and the timestamp.

11 Q. -- if you can do that.

12 A. Even though it's a political e-mail,
13 Young Dems of America, since it's pertaining to
14 this case, I assume I can do that.

15 Q. That would be great.

16 A. I can do that.

17 Q. You said you left immediately after you
18 e-mailed that?

19 A. Yes.

20 Q. At any point in time in the evening, did

21 you notice whether or not Cindy Stankoski was

22 ill, not feeling well, anything like that?

23 A. No.

24 Q. Okay.

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1 A. But I wasn't really paying attention to
2 her either, so I don't -- it's not that she
3 might, you know, not have been, I just wasn't
4 paying attention.

5 Q. What was Marc Dann doing at this point
6 when you were working on your --

7 A. He had been sitting in the chair,
8 across -- like, there was a couch with Cindy and
9 Tony on it, and there's a chair to the side of
10 that. He had been sitting on there, working on
11 his laptop and watching TV at the same time.
12 And I would shout out to him what I was doing,
13 what should I put here, and he would dictate
14 what his thoughts were and I'd put my own spin
15 on it. He'd come over and, like, look over what
16 I was doing.

17 Q. How well do you know Tony Gutierrez?

18 A. Well, I wouldn't say we were best

19 friends. I've known him within the office, and

20 I've actually socialized with him on occasion.

21 Q. When you say on occasion, how often are

22 you talking about?

23 A. Quite a few times, actually. I can't

24 count the times, but I would say probably

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1 between 10 and 15.

2 Q. And what kind of socializing would that
3 entail?

4 A. There was a place that we would always
5 go, like, me and my friends, you know, and it
6 was always different people but kind of like a
7 Cheer's atmosphere, where everyone new each
8 other. And everyone would pretty much just go
9 to the same place all the time and he would be
10 there. Sometimes we would go -- we wouldn't
11 drive together, but sometimes we would, you
12 know, plan to meet up there, as well as my other
13 friends from other government agencies and other
14 offices. It's just kind of like the bar that
15 people went to.

16 Q. Where is that?

17 A. It was Zeno's.

18 Q. Zeno's, okay.

19 People still smoke in there?

20 A. No comment. Sorry.

21 Q. You don't have to.

22 So you would go to Zeno's a lot?

23 A. Yes.

24 Q. And Tony would show up there?

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1 A. Tony would show up there.

2 Q. Who else?

3 A. Let's see. From the office

4 specifically?

5 Q. Yes.

6 A. Dave Benz, who used to work here, would

7 be there a lot. I believe I've seen Greg

8 Beswick in there. I've seen a lot of people

9 from the office there. Not necessarily to meet

10 us. Do you want their names, or --

11 Q. Sure.

12 A. -- just seen in passing?

13 Eli, I don't know how to pronounce his

14 last name, F-a-e-s, from programs. I've run

15 into him. Jennah Craig. Casey Martini, who

16 used to work here. Angela Smedlund would go

17 with us, had been there on occasion. Sarah

18 Twyford, from BCI. Adam VanHo. Aaron Rosin. I

19 think Brian Laliberte was there once. I had
20 seen Leo in there once. Marc had come in. Only
21 other times -- I saw him twice -- I believe
22 twice, other than the first night I had run into
23 him and Ed. That's all I can really remember.
24 Q. Have you seen Tony Gutierrez act

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1 inappropriately towards females, make vulgar
2 statements? Is he known -- would you consider
3 him to use profanity, anything like that?

4 A. Profanity, yes, but not just towards
5 females, I think to everyone in general.

6 Q. Okay.

7 A. He had a very tongue-in-cheek sense of
8 humor. I don't think I've ever heard him say
9 anything malicious or directly vulgar to attack
10 somebody. I think it was part of -- you know,
11 he had a risqué sense of humor.

12 Q. Like what? Give me an example.

13 A. Dirty jokes, you know, just dirty jokes
14 that I think, you know, all of us probably
15 bantered back and forth. But nothing -- I've
16 never felt uncomfortable with him, but probably
17 because I swear as much as he does, so...

18 Q. Okay. Do you swear in the office, too?

19 A. Unfortunate -- yeah.

20 Q. Okay. Use the F word?

21 A. Yes, unfortunately.

22 Q. Okay. Ever been --

23 A. Yes.

24 Q. -- reprimanded for that?

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1 A. Yes. Ed has said something to me.

2 Q. Who?

3 A. Ed has told me to change my language.

4 Q. Okay. Ed Simpson?

5 A. Yes.

6 Q. Do you consider Tony a friend?

7 A. Not really. I don't really talk to him.

8 Q. Other than the two times that you've --

9 or the one time each, you've seen Cindy once and

10 Vanessa once at the apartment, have you seen

11 them any other time?

12 A. Cindy sits kind of -- I can see her from

13 my office.

14 Q. Okay.

15 A. And when I moved to finance, they kind

16 of have me in a hallway, where I'm not really

17 with finance or general services, I'm just kind

18 of plopped there. So -- and I know a lot of the

19 people in general services, so I had -- I've
20 gone out and smoked with her. Talked a little
21 bit more in depth about what she does, you know,
22 where else -- because she has a couple other
23 jobs, where else she works, you know. And I had
24 invited her to a couple happy hours, but she --

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1 you know, she always said maybe, but I never saw
2 her out. I think I've said hi to Vanessa. She
3 wasn't working on that floor anymore when I came
4 down there.

5 Q. Okay.

6 A. But she's come over to have lunch with,
7 I believe, James or Cindy or somebody in that
8 corner. I've seen her sit at a desk and eat.
9 I've said hi. That's about the extent.

10 Q. Have they ever discussed with you their
11 complaints about Tony Gutierrez or --

12 A. No.

13 Q. -- any other issues about their
14 workplace?

15 A. No.

16 MS. PFEIFFER: I don't think I have
17 anything else. Do you have anything?

18 MR. ESPY: Sure.

19 EXAMINATION

20 BY MR. ESPY:

21 Q. Jessica, you indicated that you talked
22 to Jennifer Urban last night.

23 A. Yes.

24 Q. Did she call you or did you call her?

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1 A. She had called me.

2 Q. And what was the purpose that she called
3 you?

4 A. She called me and said that she had
5 given testimony yesterday, but basically it was
6 a quick phone call. And I was trying to get off
7 the phone, because I had just gone to Chipotle
8 and wanted to go to bed and eat. She had just
9 gotten out of dinner with her law school friend
10 and just had asked how I was doing, which isn't
11 uncommon. Everyone is calling every half an
12 hour to make sure I'm alive.

13 Q. What did she say about her testimony?

14 A. She said it was more brutal than she
15 envisioned, but she didn't go into specific
16 details. She just said they asked a lot of
17 questions.

18 Q. How did you become friends with Jennifer

19 Urban?

20 A. She was working on Forum Healthcare, and

21 I think -- she was part of a couple different

22 healthcare things, because I remember Akron

23 Children's Hospital also coming into play. And

24 I think Christ Hospital in Cincinnati. And just

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1 as Marc's scheduler, that was obviously a very
2 hot topic and is, like, the case that will never
3 die, because it was always being scheduled,
4 something per week, there was a phone call or
5 something. And Marc had taken a big interest in
6 Forum, because it's in his home area. And so I
7 was continuously talking to her to schedule
8 things. And just quite honestly, just one of
9 the people my age that was actually nice in the
10 office, so we just kind of, just through working
11 together and having to talk a lot to get things
12 scheduled, had just kind of become friends.

13 Q. How many times have you had drinks with
14 her?

15 A. A lot.

16 Q. You basically go to happy hours after
17 work?

18 A. I would say, like, once a week.

19 Q. How many times have you had drinks with
20 she and Leo together?

21 A. There have been two times. Both
22 actually when I was out with Jen, Leo happened
23 to be at the same place, but never a planned
24 setting, hey, let's go have drinks with Leo.

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1 Q. Go ahead.

2 A. I was going to say, for instance, one
3 was a fundraiser at 185 for Bobby Hagens. We
4 didn't know about it, we just went there, and
5 Leo and Tony and quite a few people, honestly,
6 from -- were actually there.

7 Q. What is Jennifer Urban and Leo Jennings'
8 relationship?

9 A. I know that they -- they worked on the
10 healthcare issues and Forum Healthcare.

11 Q. Is there a personal relationship, too?

12 A. I think they became friends.

13 Q. More than friends?

14 A. I don't believe so.

15 Q. When you were around them, you didn't
16 see them taking any type of actions which
17 indicate to you they're more than friends?

18 A. No.

19 Q. Did you ever see Jennifer Urban at the
20 apartment?

21 A. No.

22 Q. Did you ever see Leo at the apartment?

23 A. Yes.

24 Q. When she called you yesterday, do you

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1 know what time it was?

2 A. I take that back. I called her, because
3 I called her back. It was probably -- she had
4 called me probably about 9:50. And she called
5 twice, and I was smoking while driving, and I
6 didn't feel like not having a hand on the
7 steering wheel. So when I got in the house with
8 my Chipotle and got done eating, it lasted about
9 four or five minutes.

10 Q. Did she know you were going to be
11 testifying today?

12 A. I told her that my testimony was on
13 Tuesday.

14 Q. When did you tell her that?

15 A. I told her last week when I got the
16 letter.

17 Q. Did she discuss last week about what you
18 intended to say or not say?

19 A. No.

20 Q. Did she tell you what she intended to

21 say or not say?

22 A. Huh-uh.

23 Q. Did she discuss with you that she --

24 that Leo told her what to say and not to say at

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1 the interview?

2 A. No, she's never said that.

3 Q. Did you discuss Leo Jennings at all in

4 your conversations?

5 A. We had talked about Leo, about a lot of

6 stuff, you know. I was kind of annoyed that no

7 one recanted -- not recanted, sorry, but no one

8 said anything about my pajamas. Leo's been

9 brought up on numerous occasions, but I don't

10 remember her telling me she told me to lie -- or

11 he told her to lie or whatever you had just

12 said. I don't remember it coming --

13 Q. He told her to lie in her testimony, is

14 that what you heard?

15 A. No. I heard from other people.

16 Q. Well, my question was what was your

17 conversation with Jennifer.

18 A. Uh-huh.

19 Q. Did she tell you Leo had told her to

20 lie?

21 A. No.

22 Q. What did you discuss with her about Leo?

23 A. She had said that -- she had told me,

24 she's like, I don't understand, like, what it

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1 is. She's like, I've gone to dinner. She's
2 like, Leo and I can't figure out who got there.
3 He thinks we drove separate. I think we drove
4 together. I'm like, I don't know, because I
5 wasn't there.

6 Q. But you're telling me today that she
7 never told you that Leo told her to fudge the
8 facts a little bit?

9 A. No.

10 Q. About who drove whom?

11 A. Huh-uh.

12 Q. Where did you meet Jennifer for drinks?

13 Let me rephrase that.

14 A. Where wouldn't I meet Jennifer for
15 drinks?

16 Q. Let me rephrase.

17 Did you ever meet Jennifer for drinks at
18 Mitchell's Steak House?

19 A. No.

20 Q. Did you ever meet her for drinks at

21 Ocean Club?

22 A. Huh-uh, no.

23 Q. Where would you normally meet her for

24 drinks?

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1 A. We would go to Zeno's. We would go to

2 185 -- club 185. Sorry. Novak's. Adobe

3 Gila's.

4 Q. Is that next to Ocean Club, Adobe

5 Gila's?

6 A. I have no clue where the Ocean Club is.

7 Q. Easton.

8 A. No. No, no, the one downtown. I'm

9 sorry. Everything's been downtown.

10 Q. Okay.

11 A. Yeah, Arena District Adobe Gila's.

12 Q. Okay.

13 A. I've never been drinking with her at

14 Easton. We went to the Bahamas together. We

15 drank a lot there. Sorry. We usually stick to

16 the same places, so -- I think we went to High

17 Beck.

18 Q. Did anyone -- you went to the Bahamas

19 with her last year?

20 A. In February of this year.

21 Q. February?

22 Was that just the two of you?

23 A. Yes.

24 Q. You say you and Jennifer are around the

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1 same age?

2 A. She's a year older. Year and a half.

3 Q. And you said you never saw Jennifer

4 Urban at the apartment; is that correct?

5 A. No, I haven't.

6 Q. Did you say that you dropped off things

7 at the apartment around six to eight times?

8 A. Uh-huh, yes.

9 Q. During what period of time?

10 A. The entire time I worked as scheduler.

11 Q. Between January of '07?

12 A. Yes, between January of '07 until --

13 actually, until, I would say, the end of October

14 of '07.

15 Q. So for 10 months -- over a period of 10

16 months, you only went by there six or eight

17 times?

18 A. Yes. More later in the working.

19 Once -- it took a while for, like -- to figure
20 out what he wanted, as far as the schedule, and
21 we kept changing it and we kept adding things
22 that needed to be in the schedule. So over
23 those 10 months, I would say probably the latter
24 of the 10 months was when I did most of the

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1 having to drop things off.

2 Q. And of those six to eight times, how

3 many of those times were nighttime?

4 A. I would say probably half.

5 Q. And the other half was when?

6 A. Morning.

7 Q. Morning?

8 What time in the morning?

9 A. Oh, probably 6:30.

10 Q. 6:30 in the morning?

11 Did you ever have occasion to stay

12 overnight at the apartment?

13 A. What do you mean?

14 Q. Did you stay overnight at the apartment?

15 A. I don't feel comfortable answering that.

16 Q. Are you refusing to answer that?

17 A. Yes.

18 Q. Could I ask you why you're uncomfortable

19 answering that?

20 (Pause in proceedings.)

21 A. I just am.

22 Q. Now, Cindy Stankoski said that when she

23 came to the apartment that evening, she was

24 invited over to the apartment by Marc.

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1 A. (Witness nods head.)

2 Q. And when she was there, you came to the
3 door. Is that your recollection also?

4 A. I -- I honestly don't remember.

5 Q. You don't recall that?

6 A. (Witness shakes head.)

7 Q. She also testified that Marc Dann
8 started making margaritas and tequila, and he
9 was the one making the drinks. Do you remember
10 that?

11 A. No, that was Tony.

12 Q. Tony made the drinks?

13 A. Uh-huh.

14 Q. And she also said that she had gone
15 outside for a smoke. Do you remember that?

16 A. I don't remember that.

17 Q. She also said she got sick and went to
18 lie down. At the time you went to lie down, you

19 were still in the room with Marc and Tony, in

20 the main room. Do you recall that?

21 A. I don't remember.

22 Q. You don't recall her going to lie down?

23 A. No, I don't remember that.

24 Q. Do you remember anything that night

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1 other than the fact you sat on the floor at your
2 computer, and getting up and leaving?

3 A. Not really, no, other than the margarita
4 and her coming in and just being introduced to
5 her for the first time.

6 Q. Had you been drinking before you arrived
7 there?

8 A. No.

9 Q. And how much did you have to drink once
10 you were there?

11 A. Just the one.

12 Q. Just the one?

13 Do you recall how she was dressed that
14 evening?

15 A. I don't remember what she was wearing.
16 It looked like work attire.

17 Q. Was it a dress or pants?

18 A. I don't recall, but I've never seen her

19 in a dress.

20 Q. So chances are --

21 A. It was probably -- it was probably

22 pants.

23 Q. Where is the -- where is Leo's

24 bedroom -- not Leo, Tony's bedroom in the

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1 apartment? Where is it located?

2 A. On the downstairs floor.

3 Q. Is that near the room where everyone was

4 seated?

5 A. Yes.

6 Q. Could you see the bedroom from where you

7 were on the floor sitting?

8 A. No.

9 Q. Was it around the corner, or --

10 A. It's -- where I was was against a wall,

11 and there's, like, a doorway, tiny hall and

12 another tiny hall to get to Tony's bedroom

13 (indicating).

14 Q. So at some point in the evening when she

15 was missing, you wouldn't have missed her,

16 because you were not focused on her?

17 A. No, not at all. I stopped listening

18 after, like, five minutes.

19 Q. You didn't think it was strange that an
20 employee would be there drinking, socializing in
21 the evening, with Marc and Tony?

22 A. I was kind of aggravated, because I
23 wanted to work on my thing and, like, just get
24 it done. Just distraction.

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1 Q. Now, how long did you know Vanessa
2 Stout?

3 A. I met her just really the one time at
4 the end of October, before she was an employee.
5 I didn't even know she was an employee,
6 honestly, until months later, that she had been
7 hired.

8 Q. How did you find out she was an
9 employee? You saw her --

10 A. I think I ran into her.

11 Q. Do you remember the conversation you had
12 with her then?

13 A. No.

14 Q. Like how she got there, or --

15 A. Oh, at the apartment?

16 Q. No, at the office, being a new employee.

17 A. No.

18 Q. You didn't -- you don't remember

19 discussing that with her?

20 A. I don't remember discussing anything

21 with her.

22 Q. Did you ever at some point in time

23 become friends with her?

24 A. No.

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1 Q. What about Cindy Stankoski?

2 A. No.

3 Q. You never socialized with them?

4 A. I smoked with Cindy outside.

5 Q. Outside where?

6 A. Outside the State Office Tower.

7 Q. The little cubbyhole in the front?

8 A. Yeah. I smoked on occasion with her, as

9 well as -- I think usually -- I think we've only

10 gone once alone. There's usually a couple of us

11 that go down.

12 Q. You indicated that you were -- Pat

13 McLean approached you initially about the

14 transfer to that position.

15 A. Yes.

16 Q. Had Colleen talked to you about moving

17 you out as a scheduler before that?

18 A. No.

19 Q. Did you ask to move out as a scheduler

20 before that --

21 A. No.

22 Q. -- before Pat approached you?

23 A. No. Well, I had threatened to quit on

24 various occasions, but kind of tongue in cheek,

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1 but it was very stressful.

2 Q. Did you ever tell Pat McLean that you
3 were looking for another position?

4 A. No.

5 Q. So he just came to you and said, would
6 you think about being a travel director?

7 A. He had said he wanted to talk to me
8 about it, about something. Pat and I had talked
9 previously before, just, you know, career
10 advice, school advice, you know. It wasn't
11 uncommon for us to talk, so he had approached me
12 about it as something that he thought maybe I
13 would be interested in.

14 Q. Did Pat discuss this with Marc Dann
15 before he tried to take away his scheduler to
16 another job?

17 A. I don't believe so. I believe he
18 discussed it with Ed Simpson.

19 Q. Ed Simpson?

20 A. Uh-huh.

21 Q. Did Ed talk to you about the position?

22 A. Not until after I approached him about

23 it.

24 Q. When you approached him, what did you

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1 tell him?

2 A. I said Pat has this -- actually, I said

3 Pat had this position that apparently you guys

4 have all talked about for months, just one

5 that -- there was a need for in the office, not

6 necessarily with me in mind. I was like, you

7 know, it sounds interesting, I go, however, I

8 have reservations about it, even if I don't take

9 it, you know, I have reservations about the

10 position itself, regardless of if I took it or

11 somebody else did. And, you know, I -- and I

12 said, what do you think about it? And he gave

13 me what he had thought about it, which I think

14 we were on the same lines as Pat, but I think

15 the word choice that they had used, it just

16 didn't seem like everyone was on the same page

17 with what the position was going to be. And I

18 wanted them to sit down, and I wanted them to

19 really think about the questions that I had
20 posed about the position and what the vision of
21 the position was, because I wasn't going to
22 consider a job that, you know, no one was a
23 hundred percent sure of, you know, what exactly
24 the role was supposed to be. And -- but there

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1 was --

2 Q. So that position was created for you?

3 A. No, that position had been discussed

4 since November.

5 Q. But you're the first one to fill that

6 position, that title?

7 A. I am the first person to fulfill the

8 position, yes.

9 Q. Okay. And you said it was a lateral

10 transfer --

11 A. Yes.

12 Q. -- from scheduler to this director

13 position?

14 A. Yes. As far as monetary -- you mean

15 monetary?

16 Q. Well, yes, monetary.

17 A. Yes. I had already been making what I

18 was making, and I didn't get anything, you know,

19 more for taking this position.

20 Q. And you indicated that Colleen Brown

21 recommended the salary increase.

22 A. Yes.

23 Q. And do you know if she recommended a

24 specific salary or a percentage?

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1 A. She had said 10,000.

2 Q. 10,000?

3 A. Yes. She told me herself that she

4 recommended 10,000.

5 Q. Okay. And Ed approved that? Did Ed

6 approve that?

7 A. I believe so.

8 Q. Did the Attorney General approve that?

9 A. Yes. Well, Ed approved it. I know Ed

10 did, because Ed's the one that told me about it.

11 Q. What about the Attorney General, did he

12 approve it?

13 A. Yes. He signed off on the HR letter.

14 Q. And that should be in your personnel

15 folder, I assume.

16 A. Yes.

17 Q. Now, you may have read or -- something

18 in the paper about Vanessa Stout indicated she

19 saw you a number of times coming out of the

20 apartment in the morning.

21 A. Yes, I read that.

22 Q. Would that be consistent with your

23 saying that you were there at 6:30 in the

24 morning, at least five times --

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1 A. Uh-huh.

2 Q. -- in the course of 10 months?

3 A. Yes.

4 Q. If she said she saw you coming out of
5 there many more times than that, would she be
6 mistaken?

7 A. Yeah, I don't believe I was over there
8 many more times than that.

9 Q. Okay.

10 A. I don't remember every time I had to
11 drop off the schedule. I just didn't think to
12 make a note of it.

13 Q. Did you say that -- did you testify that
14 you did not put the kids' events on his
15 schedule?

16 A. We put some. We didn't put all of them.

17 Q. What --

18 A. We kept many things private.

19 Q. What made the difference of what you put
20 on there and what you didn't put on there as far
21 as the kids' events?

22 A. Honestly, it was touch and go. And it
23 became -- it changed constantly, whether we
24 could or whether we couldn't. The big issue in

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1 that was a security factor, when he had the
2 state troopers or, you know, the kids were being
3 watched or there was any kind of rumbling
4 around. I wasn't privy to what exactly was
5 going on, just that, okay, now we have troopers
6 on detail. So when anything kind of seemed to
7 be rumbling, they didn't want me to put the
8 kids -- like, taking them to school, on the
9 schedule, but he wanted them on there, because
10 it looked -- you know, he had this blocked time
11 off, so it was just kind of -- if you look at
12 the schedules over the year, it went back and
13 forth, back and forth. He had appointments that
14 he didn't necessarily want on the schedule, for
15 people to know about, his own personal
16 appointments. And he -- sometimes things
17 weren't on there, also were blocked because of
18 the nature of them.

19 Q. Because I've seen things on the schedule
20 regarding his children, like football practices,
21 things like that.

22 A. Yes. And during that month, they were
23 allowed to be put on there; however, you'll
24 notice at some point in the spring, and at some

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1 times in the fall, we did not put them on there.

2 Q. And who made that decision?

3 A. Ed and Marc kept going back and forth on
4 it.

5 Q. Who?

6 A. Ed and Marc kept going back and forth on
7 it.

8 Q. Now, you -- have you heard the rumors,
9 Jessica, that you were forced off the 17th
10 floor?

11 A. Yes.

12 Q. And what's your understanding of those
13 rumors, what you heard?

14 A. There are so many rumors going around
15 the office.

16 Q. As to why you were forced off the 17th
17 floor.

18 A. I've heard various rumors, honestly,

19 about that.

20 Q. Tell me what you've heard.

21 A. I've heard that I wasn't doing my job,

22 so I was forced to leave. I heard that Marc

23 couldn't stand me, so I was forced to leave. I

24 heard that they were redoing the entire way the

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1 scheduling process was working, and they had
2 changed it where other people were now in charge
3 of it and really they just needed somebody to
4 type. So I've heard various things.

5 Q. Did you ever hear rumors about you
6 allegedly having a personal relationship with
7 Marc?

8 A. Oh, yes. Yes, I have heard those.

9 Q. That's not the reason you were forced
10 off the 17th floor, was it?

11 A. I wouldn't think so.

12 Q. You wouldn't think that would be a
13 reason, or you wouldn't think --

14 A. I wouldn't think that would be a reason.
15 There's so many rumors going on. That rumor was
16 long before I was forced off the 17th floor. I
17 wasn't forced off the 17th floor. I chose to
18 take the position that I'm in now.

19 Q. Where are you located now?

20 A. The 15th.

21 Q. 15th floor?

22 A. Uh-huh. Still didn't get a window.

23 Q. Pardon me?

24 A. I said I still didn't get a window.

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1 Q. Did you ever hear -- in your dealings
2 with Tony, did you ever hear Tony making any
3 type of inappropriate remarks to females in the
4 office?

5 A. No.

6 Q. You never heard Tony refer to anyone's
7 body parts in the office, female's body parts in
8 any kind of derogatory fashion?

9 A. No.

10 Q. Even with the risqué jokes that you
11 talked about, you never heard him say that?

12 A. I never heard him -- no.

13 Q. I'm going back to Cindy Stankoski's
14 testimony. She said -- the question was when
15 you went to the bedroom, who saw you go into the
16 bedroom. She said Marc Dann and Jessica
17 Utovich. And you're saying you don't remember
18 doing that?

19 A. I don't remember. I don't remember. It
20 could be. It could not be. Honestly, it was
21 something that was seven months ago, and I
22 didn't take notes that night. I was just
23 focused on what I was doing and going home.
24 Q. Did you ever hear the rumor in the

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1 office that Tony and Vanessa had a personal
2 relationship?

3 A. No.

4 Q. Did you ever hear the rumor that Tony
5 and Cindy had a personal relationship?

6 A. Yes.

7 Q. And who did you hear that from?

8 A. I don't remember hearing it from anyone
9 specifically. I had heard buzzing.

10 Q. You heard what?

11 A. I heard buzzing about it.

12 Q. Did you hear any buzzing that the
13 information got back to Tony's wife --

14 A. No.

15 Q. -- about the relationship between Tony
16 and Cindy?

17 A. No.

18 Q. What about information getting back to

19 Marc's wife?

20 A. No.

21 Q. Never heard that?

22 A. No.

23 Q. As much as you socialize with people in

24 the office --

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1 A. With Tony -- well, with Jen, I don't
2 remember them saying anything specifically about
3 Cindy.

4 Q. I'm sorry?

5 A. I remember Tony had mentioned in passing
6 that he told his wife about somebody.

7 Q. Tony --

8 A. However --

9 Q. Tony told his wife about somebody?

10 A. Somebody. He didn't say whether it was
11 Cindy. He didn't say whether -- you know, for
12 all I know, it could have been me. I don't know
13 who he was talking about.

14 Q. Who told you that?

15 A. Tony.

16 Q. That he told his wife --

17 A. That he had told his wife about somebody
18 in the office.

19 Q. About somebody what -- doing what?

20 A. About something about him and somebody

21 in the office. He didn't specify names --

22 Q. Doing what, though? Having an affair, a

23 relationship?

24 A. That something had happened. He

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1 didn't -- he used no specifics. No specific
2 names, no specific dates. He -- it was kind of
3 a matter of fact. I told my wife about
4 somebody. And I was kind of like, you know,
5 about -- he said her. He didn't use, like a
6 female pronoun, but he did not say specifics as
7 far as who it was.

8 Q. But what did you get out of that when he
9 told you that he told his wife about somebody,
10 about her? What did you get out of that, he was
11 telling her about what?

12 A. Well, I figured it was something
13 inappropriate, because why would you tell your
14 wife about a girl and, like, leave it -- you
15 know, making that comment made me think it was
16 something that was, you know, not -- you know,
17 it's like you're not going to tell your wife
18 about your friend, but he left it open-ended and

19 to the imagination.

20 Q. What was your response?

21 A. Huh? Pretty much.

22 Q. When did that take place?

23 A. I would say probably a month and a half

24 ago, two months ago.

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1 Q. And that would be February, January?

2 A. Uh-huh, February. It was probably in
3 February, because I believe I was on the 15th.

4 Q. Where did he tell you this, in the
5 office or out drinking or what?

6 A. In the office.

7 Q. And why did he tell you this? Why did
8 it come up?

9 A. I honestly don't know.

10 Q. Did he tell you his wife's reaction?

11 A. No.

12 Q. And you didn't ask him about his wife's
13 reaction?

14 A. Hell, no. Sorry.

15 Q. You just said, huh?

16 A. Yeah. I was kind of like, huh?

17 Q. That was your only reaction?

18 A. I didn't want to get involved.

19 Q. And the conversation just stopped at

20 that point?

21 A. Yeah.

22 Q. Do you know his wife?

23 A. I have met her one time.

24 Q. Do you know Marc's wife?

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1 A. Yes. I have met her on occasion. I
2 have talked to her on quite a few occasions.

3 Q. Where did you meet Tony's wife?

4 A. At the zoo day, AG day at the zoo.

5 Q. Here in Columbus?

6 A. Uh-huh.

7 Q. Is there anything else, Jessica, that
8 you want to tell us about the general allegation
9 of sexual harassment at the Attorney General's
10 office?

11 A. (Witness shakes head.)

12 Q. Have you seen anything in the office you
13 would interpret yourself as constituted to be
14 sexual harassment?

15 A. No.

16 MR. ESPY: Okay. That's all the
17 questions I have.

18 We may want to have you back here at

19 some point in time.

20 THE WITNESS: Sure.

21 MR. ESPY: But in the meantime, if

22 there's anything you can think of that you want

23 to tell us about --

24 THE WITNESS: I'll send that e-mail to

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1 you guys.

2 MR. ESPY: -- give us a call or e-mail,

3 whatever you want to do.

4 Thanks for showing up.

5 THE WITNESS: Okay.

6 MR. ESPY: We'll get back to you as soon

7 as we possibly can.

8 THE WITNESS: Okay.

9 MR. ESPY: We'll try to do this as

10 expeditiously as possible.

11 MS. PFEIFFER: Real quick before you

12 leave, did you review any notes or any documents

13 before you came here today?

14 THE WITNESS: No. Well, I looked at

15 that e-mail to make sure that I still had it,

16 because I remembered that was our deadline,

17 which is why I was working on it that night.

18 And I made quite a few phone calls to other

19 people that I named as my recommendations. Did

20 you want me to -- I never made a note of it.

21 Obviously, the paper said I never expensed

22 anything, but I -- I would like to say that,

23 though. I -- if I could.

24 MR. ESPY: What?

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1 THE WITNESS: Just to kind of go with
2 the -- because I know this is public record.
3 The staffing -- or the reimbursements, because
4 you had questioned it earlier, I never asked for
5 reimbursement from anything except for one trip
6 from Cleveland to Columbus, not even up there.
7 And part of the reason that I didn't do that was
8 because I didn't know I could, honestly, at
9 first. But also, because I just -- it's more of
10 a pain in the butt, which is ironic that I do
11 that now as my job, but I -- if you look, I've
12 staffed him in Mansfield for an event that he
13 was doing, because I had worked in Mansfield and
14 I had relationships with everybody, so it was
15 easier for me to do that. But I had also
16 already been out and about doing my own thing,
17 so I just wanted to kind of clear the air on
18 that, that if you look, I have had meetings with

19 OACP at their offices on Route 33 in Dublin and

20 never expensed mileage going out there or back.

21 MR. ESPY: Well, you had indicated

22 before, though, that Marc -- maybe I read this

23 in the paper -- that Marc did not like to have

24 e-mail schedules, he wanted to have the hard

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1 copy.

2 THE WITNESS: He -- they were sent out
3 in different ways. They were sent out in the
4 e-mail that you had gotten one group of e-mailed
5 schedules, because I remember you were on one
6 group. There was another group that got a more
7 detailed listing e-mail. He didn't like it
8 because he didn't -- he didn't like his
9 BlackBerry, he didn't like reading it off his
10 BlackBerry. He liked the little card to be in
11 his pocket. Basically he needed to have three
12 copies of it. Little card, BlackBerry, but he
13 also -- the thing that I had to drop off, which
14 was the most important, was the actual hard
15 documents. It wasn't just the schedule and the
16 clarification page, if there was something
17 private on there that we didn't want to share
18 with everybody, as far as kids' appointments,

19 his doctor's appointments, whatever.

20 But every meeting that he went into,

21 unless it was somebody he had met with

22 previously over and over and over again, we had

23 biographies on them, the company they were

24 associated with, we would try to find their

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1 latest press release and newsletter. If it was
2 a legal case, we would try to find anything that
3 was legal, you know, if it was a certain law
4 firm he was meeting with about a case, we would
5 try to find as much information as we could and
6 provide that in there. We would have copies of
7 the actual invitation, if it was a fundraiser.
8 If it was a luncheon that he would go to, we
9 would try to have the actual -- everything in
10 there, maybe who was going to be there, if there
11 was a guest person. There was a birthday event
12 that he went to for Schottenstein. We tried to
13 have as much information for that as we could in
14 case he ran into anybody that was on the host
15 committee. It was a pretty in depth booklet.

16 MR. ESPY: Knowing Marc's schedule,
17 which I think is extensive --

18 THE WITNESS: Thank you.

19 MR. ESPY: -- it's just hard to believe

20 that in 10 months, all the things that he needs,

21 cards or speeches, outlines, cases, that you

22 only went over there eight to ten times.

23 THE WITNESS: I tried as much as I could

24 to get it done in the office.

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1 MR. ESPY: But he's not in the office
2 every day.

3 THE WITNESS: No. And when he was out
4 of town, there were many times when on Friday, I
5 would overnight things to his house. I would
6 actually overnight them many times to Tony and
7 Mary's house because I didn't trust it getting
8 into his hands because he misplaces many things
9 many times. When he was visiting Bentley in The
10 Cleveland Clinic, it became an issue to get
11 things to him. And I had somebody at the
12 Cleveland Clinic who I knew worked there, had a
13 private fax and would deliver stuff to him.
14 I've had Marquis Brown go deliver stuff to him.
15 So we had a system if he was in other areas of
16 the state, we would get stuff to him. He had a
17 fax machine in the car, and it worked, like, 30
18 percent of the time. It was pointless, in my

19 opinion. Sorry. That's just a little venting.

20 But when push came to shove, he was the
21 boss, and what he preferred out of -- you know,
22 regardless of where he was, his preference was
23 to always have a binder, but he knew when he was
24 out of town that many times he wouldn't get

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1 that. And it changed. It grew over the course
2 of the year. And if you talk to the -- I don't
3 know if you're talking to the Youngstown staff
4 about his scheduling binder, but near the end of
5 the year, fall and into the -- you know,
6 December, and even January when we were doing
7 it, either he would usually leave from Columbus
8 or he would leave from Youngstown. So we
9 actually started faxing everything that I would
10 put together and put nicely in a binder and tab
11 and get ready for him down here, we would fax
12 that to Jill Halligan in the Youngstown office.
13 So -- and she would assemble everything and put
14 it in a binder and drop it off at his house if
15 he had already left for the day.

16 MR. ESPY: Okay. Jessica, thanks for
17 coming.

18 THE WITNESS: Thank you.

19 MR. ESPY: We'll get back in touch with

20 you. Okay?

21 THE WITNESS: All right. Thanks.

22 Thereupon, the sworn interview of

23 Jessica Utovich, April 15, 2008, was concluded

24 at 10:35 a.m.

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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 JESSICA UTOVICH 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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