

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 PETE MASH

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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 18, 2008, at 9:07 a.m.

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

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1 PRESENT:

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

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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: Mr. Mash, my name is Ben
2 Espy, I'm the executive assistant to the
3 Attorney General; and this is Julie Pfeiffer,
4 she's a senior attorney in the employment law
5 section.

6 April the 8th, Marc Dann requested we
7 investigate allegations surrounding sexual
8 harassment with one Anthony Gutierrez. And your
9 name was given as a person who may have
10 information which would help us in our
11 investigation.

12 We're asking you this morning to have
13 sworn testimony. We cannot assure
14 confidentiality because some of these may be
15 made public.

16 Do you want to interview this morning?

17 THE WITNESS: I do.

18 MR. ESPY: Okay. Would you raise your

19 right hand, please.

20

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1 PETE MASH

2 being first duly sworn, as hereinafter

3 certified, says as follows:

4 EXAMINATION

5 BY MS. PFEIFFER:

6 Q. Pete, what is your job function?

7 A. It was telecommunications coordinator;

8 and in the last couple of weeks, I've been moved

9 up to assistant director of general services,

10 some other job duties now with -- concerning

11 facilities and building projects and such.

12 Q. Okay. So as of right now, you're the

13 assistant director of general services?

14 A. Correct.

15 Q. Okay. You said that occurred a couple

16 of weeks ago?

17 A. Right.

18 Q. And prior to that, how long were you the

19 telecommunications coordinator?

20 A. First day that Jim Petro came into

21 office.

22 Q. Okay.

23 A. I'm not sure, January of '03.

24 Q. Okay.

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1 A. I'm not sure of the exact date. I want
2 to say the 13th.

3 Q. Okay. And were you hired then?

4 A. No.

5 Q. How long have you been --

6 A. Well, I was hired at the AG's office --
7 I came in with the Petro administration.

8 Q. Okay. Were you hired in as the
9 telecommunications coordinator?

10 A. Yes.

11 Q. And as telecommunications coordinator,
12 what were your job functions, at least with the
13 Dann administration?

14 A. Basically, the same as it was, handling
15 all desktop phones, cell phones, phone billing,
16 video conferencing, pagers, calling cards, audio
17 conferencing.

18 Q. So somebody has a problem with any of

19 that, they come to you?

20 A. Right.

21 Q. Are you a supervisor as a
22 telecommunications coordinator?

23 A. Technically, no.

24 Q. Okay.

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1 A. And I don't know what the -- I had
2 people that worked under me, but I don't know if
3 you consider supervisor -- I did two people's
4 evaluations, but I had no payroll involvement or
5 approving leave, things like that. So I don't
6 know.

7 Q. Okay.

8 A. I wasn't -- you know.

9 Q. So you basically acted as a coordinator?

10 A. Coordinator. And I had a person help me
11 with billing and a person help me with the
12 day-to-day running around, moving phone-type
13 things.

14 Q. From about January of '07 until you
15 became the assistant director, who were those
16 individuals who worked with you?

17 A. Andy Miller; Cindy Stankoski; for a
18 short while, Vanessa Stout was under me -- you

19 know, worked for me. But, I mean, she did other

20 jobs for people in the office, too.

21 Q. Okay. Did Mariellen Aranda?

22 A. Mariellen Aranda did before Cindy, yes.

23 She was there for a while while Cindy was there.

24 Q. Okay.

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1 A. I think maybe three, four months.

2 Q. And all four of these individuals, while
3 working with you, were they telecommunications
4 assistants?

5 A. Yes.

6 Q. Who is -- who do you directly report to
7 as the telecommunications coordinator?

8 A. As telecom coordinator, up to two weeks
9 ago, it was Charlie Rosol; and since
10 Mr. Gutierrez was put on leave, now John
11 Hathaway.

12 Q. Okay.

13 Did you take Charlie Rosol's spot?

14 A. They said no, but -- I mean, it used to
15 be Tony, Charlie, then me; and now it's kind of
16 Charlie, me, John Hathaway. Charlie is the
17 deputy director.

18 Q. Oh.

- 19 A. They told me I'm assistant director. So
- 20 where that puts me, it's -- they told me -- Ed
- 21 Simpson told me that Charlie would be reporting
- 22 to me now.
- 23 Q. Charlie would be reporting to you now?
- 24 A. Right. In the last two weeks.

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1 Q. Okay. And you report to John Hathaway?

2 A. Correct.

3 Q. Did they -- did he give you a reason as
4 to why this change was made, other than
5 Mr. Gutierrez being placed on leave?

6 A. Just they said they didn't think Charlie
7 was ready, you know. Whatever that entails.
8 There was no specifics, you know, Charlie did
9 this, you did this, you know.

10 Q. Okay. In the course of our
11 investigation, there's been an allegation made
12 that we wanted to ask you about that perhaps
13 Mr. Gutierrez was either performing -- might
14 have been performing personal business during --
15 with State computers and on State time or having
16 others perform personal business.

17 Do you have any information with regard
18 to that allegation?

19 A. I knew he was on his personal phone a
20 lot. I mean, you know, both his phones rang
21 constantly. He had his State BlackBerry and he
22 had his personal phone. I never saw him, you
23 know. I heard rumors, but I couldn't
24 substantiate anything. All I know is he was on

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1 his personal phone a lot.

2 Q. Did you ever see him creating any
3 blueprints or having another employee, such as
4 Andy Miller, create blueprints for him?

5 A. No, I never saw that. If it was someone
6 doing blueprints, it probably would have been
7 James Ford.

8 Q. Okay.

9 A. James does, like, our floor plans and
10 our CAD drawings and things like that. Like I
11 said, I never saw him doing anything, you know.
12 I heard rumors. But Andy never did anything
13 that I know of. Andy reports to me, and he's
14 pretty busy with just phone stuff.

15 Q. You have no knowledge of that?

16 A. No.

17 Q. What were the rumors that you heard?

18 A. That he had Kristy August typing up

- 19 stuff for his personal business, his wife's
- 20 contracting company now, I guess it is. I heard
- 21 that he changed his company's name, put his wife
- 22 in charge of that, his contracting business,
- 23 whatever he had.
- 24 Q. Do you know the name?

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1 A. No, I don't.

2 Q. Did you talk to Kristy August about it?

3 A. No, I didn't.

4 Q. Did you have any -- it's our

5 understanding that Tony had about four or five

6 cars -- State cars.

7 A. I heard four.

8 Q. Four?

9 A. That's -- and I think I've seen four

10 different cars, you know, I've been in several

11 of them.

12 Q. Well, the ones that you've been in, do

13 you know if they were outfitted with lights and

14 sirens?

15 A. Two, I believe, were.

16 Q. Do you remember which ones?

17 A. The first car he had, I think, was a

18 Suburban. And that was used -- and I know that

19 had lights and everything. And I think that was
20 the -- became the Sunshine Express or whatever
21 car.

22 Q. Okay.

23 A. And I think the Tahoe that he has now
24 has lights, I think.

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1 Q. Okay.

2 A. But he had -- I'm not sure. There was
3 something silver. I couldn't tell you what it
4 was. And there was a red Durango. I was never
5 in that, so I don't know if that was outfitted
6 with anything.

7 Q. Okay. Do you know if he had the lights
8 put on or --

9 A. No, I don't. I mean, from what I heard,
10 it was something that it would be a back-up car,
11 supposedly, for Marc Dann to be transported in
12 if need be. The one car, I think the Suburban,
13 might have already had them in. I think it
14 might have come from BCI, one of their cars.

15 Q. Okay.

16 A. I don't think -- I think the Tahoe was
17 the only one I heard of that they had equipment
18 put into, because I know they had some wiring

19 problems with the alarms and door locks and

20 stuff.

21 Q. Are you aware of whether or not he had

22 his office soundproofed?

23 A. I've heard that.

24 Q. You've heard it?

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1 A. Yeah.

2 Q. Were you -- did you --

3 A. No. I heard it was done over a weekend.

4 I don't know if they did anything to the walls.

5 I heard they laid insulation over the ceiling,

6 but I never climbed up in it to verify that.

7 Q. Okay. Have you ever seen a gun in the

8 car with Tony when you were driving with him?

9 A. Never saw one. I heard that he got --

10 you know, went through the class and was -- you

11 know, had a carry permit. I never saw one.

12 Q. Okay. Did he ever tell you whether or

13 not he was carrying a gun while he was at work?

14 A. I don't think that I know that it ever

15 came into the building. I knew that -- I heard

16 him refer to it being in the car or something,

17 or don't look under the seat, you know, if

18 someone was taking his car somewhere.

- 19 Q. Oh, okay. Do you have a specific --
- 20 like, do you remember a specific instance where
- 21 he referred to the fact that he had a gun in his
- 22 car?
- 23 A. I seem to remember something, that one
- 24 of the interns was taking his car to be serviced

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1 or get gas or something and, you know, he made
2 some joke, I hope she doesn't look under the
3 seat, or something like that, referring to --
4 you know, that he was carrying -- or had it in
5 the car, not on his person.

6 Q. Did you ever hear him talking about any
7 kind of union or Mafia -- I shouldn't say
8 union -- but Mafia ties?

9 A. Yeah.

10 Q. Okay.

11 A. Not him personally. He was talking
12 about his grandfather, that him and Leo's
13 grandfather were mobbed up or whatever, you
14 know. I don't know if it was somebody boasting,
15 like he was proud of that or something. But I
16 never heard him talk about himself being
17 connected or anything.

18 Q. Did he ever discuss his crew or you

19 shouldn't mess with my crew?

20 A. No.

21 Q. I'm sure, as you know, Cindy Stankoski

22 and Vanessa Stout have complained about sexual

23 harassment by Tony Gutierrez. And I believe

24 you've been identified as a witness as to

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1 witnessing some of the events that went on in
2 the office with regard to Tony's behavior.

3 A. Okay.

4 Q. One of those being sexual comments that
5 he would make, not just to Cindy and to Vanessa,
6 but to other employees, Amanda Saxton and other
7 females, talking about their body parts,
8 referring to their breasts, that kind of stuff.

9 Have you witnessed that?

10 A. I think I remember him -- I couldn't
11 tell you when exactly, referring to Cindy, that
12 her tits and ass got her the job.

13 Q. Do you recall when?

14 A. He said that to me. He wasn't saying
15 that to her.

16 Q. Okay.

17 A. I think it was in his office at one
18 time.

19 Q. Did you respond in any way?

20 A. No. Just, you know, thought to myself,

21 what an idiot. But, you know...

22 Q. Okay. Was it -- do you recall it being

23 an off comment or in relation to something he

24 was talking about?

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1 A. No, not really. It was, you know,
2 just -- she -- I believe -- if I recall right,
3 we were in his office, she had walked in, handed
4 him something and walked out, and he -- you
5 know --

6 Q. He looked?

7 A. Yeah.

8 Q. Watched her walk away?

9 A. Correct. And said something, you know,
10 I told her, her tits and ass got her the job.
11 I'm like --

12 Q. Could you repeat what you just said?

13 A. He said something about, I told her, her
14 tits and ass got her the job.

15 Q. Okay. Did he say how she responded?

16 A. No, he didn't.

17 Q. Have you ever heard him refer to
18 Amanda's breasts as -- you know, you should let

19 them all hang out or anything like that?

20 A. No.

21 Q. Even not in her presence?

22 A. No.

23 Q. Now, there's also been a report that he

24 frequently would focus his attention on some of

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1 the young females, asking them out for drinks.

2 A. (Witness nods head.)

3 Q. Do you recall witnessing that?

4 A. Never witnessed it. I've heard it.

5 Q. And who have you heard it from?

6 A. Heard it from? Cindy, Charlie, just,
7 you know, gossip around the office that he was,
8 you know, chasing, or whatever, Erika Haske in
9 our office, you know.

10 Later -- I never saw or heard anything
11 about it until recently, that Shannon O'Brien
12 in -- I'm not sure what section she's in, down
13 the hall from us, either opinions or civil
14 rights, she's one of those two sections.

15 Q. Okay.

16 A. Eryah Flynn in IT.

17 Q. Oh, okay.

18 A. I've heard that, you know -- actually

19 heard that she was out -- they were out having

20 drinks one night after work.

21 Q. Okay.

22 A. That's about it. Oh, girl works in

23 finance. I can't think of her name offhand.

24 Sorry, I can't --

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1 Q. If you think about it, if you can get

2 it, let me know.

3 A. It will come to me. Go ahead.

4 Q. We'll let you take a look at --

5 A. Oh, okay.

6 Q. (Indicating).

7 MR. ESPY: There might be another page.

8 A. Anita Fete. I think that's how you

9 pronounce her name. I'm not sure.

10 Q. Did you hear this from Anita? Did you

11 talk to Anita about it?

12 A. No, I didn't. I think I heard that from

13 Charlie, maybe.

14 Q. Okay. Did he ask you to go out to

15 drinks?

16 A. No.

17 Q. Tony?

18 A. No.

19 Q. Did you ever hear Tony ask Charlie out

20 for drinks, or the men in the office?

21 A. No.

22 Q. Did you get along with Tony?

23 A. Yeah, I did.

24 Q. Did you ever talk to Tony -- well,

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1 before I go there, it's been established that
2 Tony knew Vanessa Stout prior to her getting a
3 job as a telecommunications assistant.

4 A. Uh-huh.

5 Q. Did you ever hear Tony make a comment
6 about who Vanessa was or we've got this woman
7 coming in?

8 A. Just that she was a neighbor and, you
9 know, had two kids and needed a job. That's
10 about all I heard.

11 Q. After she was hired, did you hear him
12 refer to her in any kind of sexual way or
13 anything like that?

14 A. No, not that I can recall.

15 Q. You knew Vanessa when she worked there?

16 A. Yes. She handled some of our billing.

17 We were training her to do phone bills.

18 Q. Did she ever discuss with you any

19 problems that she might have been having with

20 Tony or anyone else?

21 A. No, she didn't.

22 Q. Did she ever talk with you or anyone

23 else about any kind of relationship she might

24 have had with Tony?

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1 A. No.

2 Q. Do you remember when Vanessa was
3 transferred over to IT?

4 A. Uh-huh.

5 Q. Okay. Were you involved at all in that
6 transfer?

7 A. No. I was just told it was going to be
8 like -- again, it was -- I can't remember,
9 sometime in January, I believe, and this was
10 going to be temporary, you know, six to eight
11 weeks, something like that.

12 Q. And who told you that?

13 A. Tony.

14 Q. Okay. Did he tell you why she was
15 moving?

16 A. Not really, other than said they have
17 some project or something they need some extra
18 help in. And then, you know, there was other

19 rumors later or whatever why she was

20 transferred.

21 Q. Okay. What were the rumors that you

22 heard?

23 A. That she had sent some e-mail --

24 inappropriate e-mail or whatever, some -- you

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1 know, a joke-type thing. It wasn't sexual, I
2 don't think. I never saw what exactly it was.
3 Marc said his wife had seen it -- not Marc. I
4 mean, Tony said his wife had seen it. And I
5 don't know if his wife said something to Marc's
6 wife or whatever, but they wanted Vanessa out of
7 the building.

8 Q. And who did you hear that from?

9 A. Again, I think probably Charlie. And
10 then later on, Tony showed me a reprimand --
11 written reprimand, you know, that he had done
12 for Vanessa.

13 Q. Okay.

14 A. And what I heard later on, after that,
15 was that he had Charlie prepare and take it over
16 to the other building, have Vanessa sign it, you
17 know, that she was reprimanded for sending --
18 you know, using the HE e-mail inappropriately,

19 you know, just basic smack on the wrist kind of
20 thing.

21 Q. Right.

22 A. But that never was given to HR, from
23 what I heard.

24 Q. Do you recall specifically when Tony

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1 showed you?

2 A. Not specifically, no. I couldn't tell
3 you. It was probably a month ago maybe.

4 Sometime in March.

5 Q. Why did he show it to you? What was the
6 purpose for that?

7 A. At about the eight-week period -- you
8 know, occasionally Vanessa, if she would be in
9 our building, and occasionally she would stop up
10 and say hello. And from what I understand,
11 Vanessa was out there talking to Cindy, and Tony
12 walked by, this was, like, right at the time
13 when the eight-week temporary time would have
14 been up, and Cindy said, so she's coming back
15 next week, right, or something to that effect,
16 and pissed Tony off. And I heard that Tony
17 called her into his office and, you know, told
18 her -- you know, gave her some shit. I don't

19 know what the conversation was. I think later
20 that day, Tony talked to me and said, you know,
21 Cindy's pissed at me because I yelled at her for
22 doing this. He pulled it out of his desk drawer
23 and showed it to me, you know, that's why
24 Vanessa was transferred to IT.

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1 Q. Okay. Do you recall if what he showed
2 you had her signature on it?

3 A. I believe it did.

4 Q. Did you respond? Did you say, I don't
5 believe you, or --

6 A. No.

7 Q. Nothing?

8 A. No.

9 Q. Okay.

10 A. You don't generally question your boss.
11 He tells you something, oh, okay. I took it at
12 face value and let it go.

13 Q. Did you ever speak with -- it's been
14 alleged throughout this investigation that at
15 least once you might have approached Tony and
16 talked to him about his lack of professionalism
17 in the office; is that correct?

18 A. That I approached him?

19 Q. Yes, or --

20 A. No.

21 Q. -- that you said, hey, Tony, you know, I

22 think you need to work on being a little more

23 professional?

24 A. Nothing to that effect. I mean, one

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1 time his office door was open, and I believe he
2 was -- I don't know if he was talking to us or
3 if he was on the phone or something, and he
4 started getting a little off color with his --
5 and I kind of, you know, Tony, you know, the
6 door's open, just --

7 Q. And what do you mean by off color?

8 A. Well, you know, mother fucking this, you
9 know, and just not typical language you would
10 expect in a professional office-type setting.

11 Q. Like vulgarity?

12 A. Yeah.

13 Q. Okay.

14 A. And, you know, everybody around there
15 heard it from time to time, you know, either on
16 the phone or, you know, kidding around or being
17 serious, you know. He would -- it was like, you
18 know, Tony came from a construction background,

19 he's used to working on a construction site,

20 Tony needs a little -- a little advice, this is

21 how to work in the office.

22 Q. Did he -- I'm sorry.

23 A. I was going to say, that's just kind of

24 the general consensus, you know. Some people --

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1 I know he had a problem with Mariellen -- or
2 Mariellen had a problem with him, I should say,
3 talking to her, you know, inappropriately. I
4 don't really recall -- other than on the phone,
5 you know, where he would be getting loud and
6 vulgar on the phone with somebody, and I don't
7 know if it was office business or personal --
8 probably personal, I would guess. I don't
9 recall him -- ever hearing him say anything
10 inappropriate to someone in the office face to
11 face.

12 Q. Okay.

13 A. I just heard about things later on.

14 Q. Did you ever hear him refer to his wife
15 or any other female as bitch?

16 A. Yeah.

17 Q. Okay.

18 A. Absolutely.

19 Q. Would he be talking to you, my wife's a
20 bitch, or would you hear him on the phone,
21 calling her, you know?

22 A. I've heard him on the phone, I think. I
23 assume he was talking to his wife, you know.

24 Q. And where is your office as opposed to

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1 his office?

2 A. Are you familiar with how it's laid out,
3 general services?

4 Q. Yeah.

5 A. He has the corner. He has an assistant
6 just south of him -- I'm sorry, north of him,
7 and my office is the next office.

8 Q. Do you share a wall?

9 A. No.

10 Q. Could you hear him from your office in
11 his office?

12 A. At times.

13 Q. At times?

14 A. Yeah.

15 Q. How often would you say you would hear
16 him refer to his wife or other females in
17 derogatory ways?

18 A. How many times? I don't know. Maybe a

19 dozen.

20 Q. Did he ever use the word cunt?

21 A. I believe I've heard him use that

22 before. I couldn't tell you in what context or

23 who he was referring to.

24 Q. And, again, would this have been in the

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1 office setting?

2 A. Yeah, in his office.

3 Q. You said you also worked with Cindy

4 Stankoski?

5 A. Uh-huh.

6 Q. And you testified that on one occasion

7 Tony Gutierrez told you that he told Cindy that

8 her tits and ass got her the job?

9 A. Got her the job, yeah.

10 Q. Did you ever talk to Cindy about any

11 complaints that she had working there with Tony

12 or anything like that?

13 A. Yes.

14 Q. Okay. When did you talk to her about

15 that?

16 A. I couldn't tell you the first time. I

17 would have to say maybe February at some point.

18 Q. Of 2008?

19 A. Yes.

20 Q. Okay.

21 A. She would come in and, you know, say,

22 you know, Tony's bugging me, or Tony's -- I

23 can't stand Tony, you know, and she would tell

24 me stuff. And then she started going back into

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1 the stuff that happened in September. And after
2 a couple conversations, you know, I told her, I
3 said, you know, we need to talk to Charlie. And
4 she said she would talk to Charlie. I told her,
5 I said, well, you know, if it's -- you do what
6 you have to do, but, I go, you probably need to
7 go talk to HR.

8 Q. Did she say, I don't want to, or did she
9 say she would go talk to HR?

10 A. I'm trying to think what her response
11 was exactly at that time. I don't think she
12 did. I don't think she really said she was
13 going to or she wasn't going to at that time.

14 Q. Okay. She said -- you said she would
15 come to you and say, Tony's bugging me. Would
16 she give you reasons why it was he was bugging
17 her or what he was bugging her about?

18 A. She would say, you know -- I've heard

19 her use that comment that Tony had told her, you

20 know, that her body parts got her the job.

21 Q. Okay.

22 A. Just, he freaks me out, he's always

23 looking at me, things like that.

24 Q. Does she mention anything about he

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1 always wants my phone number, he's always trying
2 to get my personal cell phone number?

3 A. I had heard that. I'm not sure if it
4 was her or Vanessa or both of them actually
5 changed their phone numbers at one point because
6 they were getting -- he was bothering them to go
7 out or whatever.

8 Q. Okay.

9 A. Or to go out with him, go have drinks
10 after work or whatever.

11 Q. Cindy has alleged that on September 10th
12 of 2007 she went and had drinks with Tony and
13 ended up at his apartment and actually spent the
14 night there.

15 A. (Witness nods head.)

16 Q. When is the first time Cindy discussed
17 that incident with you?

18 A. Probably February.

19 Q. Did she mention anything about her
20 buttons being unbuttoned or anything like that?

21 A. No. Not until I saw it in the paper did
22 I ever know it got to that point.

23 Q. Did she tell you whether or not -- did
24 she attempt to leave the apartment or anything

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1 like that?

2 A. She was trying to get someone to come

3 pick her up, I heard.

4 Q. Okay.

5 A. She was texting Mariellen to come pick

6 her up, is what -- you know, that's what

7 apparently the text messages that are in the

8 news now.

9 Q. Was she upset about that night when she

10 was talking to you in February of 2008?

11 A. It didn't seem that that was the issue,

12 but I -- you know, it was other things that were

13 still continuing with Tony, you know, the

14 staring, the comments, the calls, things like

15 that.

16 Q. Okay. But it didn't seem to you that

17 she was troubled -- there was any -- she was

18 troubled particularly by the events of September

19 10th?

20 A. No. I mean, like I said, when she

21 finally told me about that -- you know, I had

22 already heard the rumors about it before, but

23 that's the first time that she had told me

24 herself. But it didn't seem like that's what

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1 was bothering her. It seemed like things were
2 kind of building, you know, after that.

3 Q. Did you ever talk to Mariellen Aranda
4 about the night of September 10th, 2007?

5 A. Yes.

6 Q. Okay. She tells us that Cindy was
7 texting her that night, trying to get Mariellen
8 or someone else to come pick her up.

9 A. Uh-huh.

10 Q. And that Mariellen was extremely upset
11 about this. Did you speak with her shortly
12 after September 10th?

13 A. Yes.

14 Q. Okay.

15 A. Mariellen, yes.

16 Q. When -- did you talk to her the next
17 day?

18 A. I believe it was.

19 Q. Did she approach you?

20 A. Yes.

21 Q. What did she say?

22 A. Came in the office, oh, my God, oh, my

23 God, you won't believe what's going on. I'm

24 like, you know, close the door and sit down.

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1 Gave me the whole deal that Cindy texted her
2 that she had been out drinking with Tony, she
3 was back at their apartment, that Jessica
4 Utovich had been there, you know; she wanted me
5 to come pick her up, and I wanted to, and my dad
6 told me not to get involved with it. She was --
7 she was upset. She was -- I don't know what the
8 word to put her mood was. She couldn't believe
9 it. She said, you know, Cindy was really upset,
10 but that she felt terrible she couldn't go help
11 her, you know, pick her up, but she lives quite
12 a ways from there.

13 Q. Right.

14 I'm assuming that would have been the
15 morning of September 11th.

16 A. I assume so, yeah.

17 Q. Now, Cindy came into the office on
18 September 11th later in the morning.

19 A. Correct.

20 Q. Do you remember when she came in?

21 A. Not exactly. I think it was somewhere

22 around 10:00 or 11:00 maybe.

23 Q. Did you notice anything about her

24 appearance or demeanor that caused you concern

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1 or anything?

2 A. No.

3 Q. Did she look like she had been crying?

4 A. Not that I could tell.

5 Q. From your conversations with Mariellen

6 that night -- or the next day, September 11th,

7 did you have any sense that Cindy Stankoski

8 might have been accosted by Tony or that this

9 was an unwilling event on Cindy's part?

10 A. Not that she was accosted; but, you

11 know, that she was -- she was there, wanted to

12 leave there and didn't really have a way to do

13 it, that her and Tony were both drunk, you know.

14 I guess she could have called a cab. But, you

15 know, she wanted Mariellen to come get her, so I

16 assume that meant she wanted to leave. But I

17 don't know if she -- you know, it's hard -- the

18 stuff I've read in the last couple weeks in the

19 paper and what I've heard, you know, that, you
20 know, she said she -- the newspaper said she
21 went to the bedroom, you know. I had heard she
22 passed out, fell asleep on the couch or
23 whatever. I don't know. But she ended up
24 sleeping there, from what I heard.

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1 Q. Did Cindy tell you in February that she
2 passed out and fell asleep on the couch?

3 A. No. I believe Mariellen told me that,
4 that she told Mariellen that she ended up
5 spending the night there. She said she passed
6 out and didn't have a way out.

7 Q. Okay.

8 Now, there was another incident that
9 occurred in October on a drive up from
10 Cincinnati, Cindy and some interns, and actually
11 Tony had all been in Cincinnati, driving cars, I
12 think, back from Cincinnati. Have you heard
13 about that?

14 A. I've heard about that, yes. I mean, I
15 know -- I couldn't tell you the exact date. You
16 know, they went down to pick up some cars or
17 deliver some cars or something. Probably drive
18 cars back, because I've heard that Cindy and

19 Tony ended up in his car coming back.

20 Q. Right.

21 Were you involved in scheduling the cars

22 to be in Cincinnati or anything?

23 A. No.

24 Q. That's not really your function?

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1 A. No.

2 Q. Right around that time, did you hear
3 anyone talking about Cindy and Tony ending up at
4 a bar in Grove City on the way home?

5 A. Not specifically Grove City, but I heard
6 they stopped for drinks somewhere.

7 Q. Did Cindy mention it to you?

8 A. Mariellen.

9 Q. Mariellen, okay.

10 Did Mariellen indicate that, you know,
11 Tony had forced her to go to the bar, or that
12 this was an issue?

13 A. I don't believe so. I mean, Cindy's
14 talked to me about that, you know, in the last
15 month or two, that Tony kept suggesting it, you
16 know, that she didn't want to stop, but she was
17 riding with him, so she really couldn't do
18 anything.

19 Q. But, again, she didn't say this to you

20 until --

21 A. Later, correct.

22 Q. Okay. Would this have been the same

23 conversation in February?

24 A. Well, it was multiple days. I mean, she

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1 would, you know, come into my office, and, you
2 know, several times she would come in and break
3 down and be crying and have tears, you know. I
4 could tell it was really getting to her,
5 whatever -- you know, I don't know if this is
6 when -- if there was more stuff going on that I
7 wasn't hearing about. Obviously, I think there
8 was. But I couldn't tell you if that particular
9 story about the trip back from Cincinnati
10 happened in that conversation or not.

11 Q. Okay.

12 A. But it was definitely several months
13 after the fact.

14 Q. Did it seem like she started talking to
15 you about her problems with Tony starting in
16 February?

17 A. Yes. Like I said, I'm just using
18 February. I'm just -- in general. I don't have

19 anything to document when Cindy came in and told

20 me this or that.

21 Q. If I tell you that Vanessa Stout was

22 transferred January 18th of 2008 --

23 A. It was after that.

24 Q. Okay. It was after Vanessa Stout's

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1 transfer?

2 A. Definitely, yes.

3 Q. Did Cindy express any kind of anger to

4 you about Vanessa's transfer?

5 A. Yeah, she was unhappy with it.

6 Q. We have been told about a situation

7 right around December of 2007 with Marc Dann's

8 wife. I believe that she and/or Marc Dann had

9 come to general services, I believe, to give out

10 mugs with candy in them.

11 A. Yeah.

12 Q. We've been told that allegedly Marc

13 Dann's wife singled out Cindy and/or Vanessa,

14 stared them down, made them very uncomfortable,

15 and allegedly you witnessed this.

16 A. Not in general services. We were on the

17 17th floor. Andy Miller, Cindy, and myself were

18 in the press room. We were working with some

19 new video conference equipment. We were doing

20 some testing on that. I was trying to show them

21 how this new stuff worked.

22 Marc and his wife were in the hallway,

23 the door was open, they walked in. Marc handed

24 me a mug, handed Andy a mug, did not give one to

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1 Cindy. I didn't pick up on it at the time. But
2 after we came back downstairs to general
3 services -- you know, when we were on the 17th
4 floor, after he, you know, merry Christmas, you
5 know, thank you, dah, dah, dah, Mrs. Dann walked
6 right -- you know, nice to meet you, even though
7 I've met her before, she didn't remember me,
8 then to Andy. Then she steps up very close to
9 Cindy, and what's your name? You know, and I
10 think she sticks her hand out or whatever. But
11 it was strange, you know. It would
12 definitely -- the more I think about it, it
13 would have been very uncomfortable. She got
14 very close to her and asked her her name
15 directly to her face, you know.
16 But we came back downstairs. First Andy
17 Miller goes, man, did you see that? I'm like,
18 no, what? He's like, the way Mrs. Dann came up

19 to Cindy. I'm like, oh, yeah, I guess. And
20 then a few minutes later Cindy came in, do you
21 believe that? And then I heard from Vanessa and
22 people who were still on 15 that the Danns had
23 been down there earlier, and I had heard that
24 Mrs. Dann and -- you know, was looking at --

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1 staring at Cindy -- not Cindy, but Vanessa.

2 Q. Okay. But you witnessed the interaction

3 between Marc Dann's wife and Cindy --

4 A. Yes.

5 Q. -- on the 17th floor?

6 A. Yes.

7 Q. And it's your perception that -- and I

8 don't want to put words in your mouth, that it

9 was --

10 A. It would have -- she invaded her

11 personal space. She -- it was -- I didn't pick

12 up on it right at the minute. But, you know, a

13 few minutes later, when we were back on our

14 floor, both Andy and Cindy commented on it, I'm

15 like, yeah, because she didn't -- they didn't

16 have -- they only had two things of the candy,

17 or whatever, the mugs, and I -- you know,

18 personally I would have given one to the lady,

19 but they handed it to Andy and I. And

20 Mrs. Dann, you know, hi, what's your name, you

21 know, like from this distance (indicating).

22 Q. To you?

23 A. Yeah. But then she steps up probably

24 within a foot of Cindy, and what's your name,

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1 you know, kind of gave her a look, you know. I

2 don't know how else to explain it.

3 Q. Did you find it intimidating?

4 A. Yeah, now that I think about it, you

5 know, after the fact. I don't know if I looked

6 away or whatever, but I know I saw them, you

7 know. But later on, they were like -- you know,

8 Cindy was kind of -- Mrs. Dann's taller than

9 her, and she got real close. It was just kind

10 of weird. I don't know.

11 Q. Did you ever speak with anyone in HR

12 about any of these issues?

13 A. No.

14 Q. I'm sorry if I asked you this. But did

15 Vanessa Stout ever discuss her problems in the

16 office, any complaints that she had with her

17 environment, to you?

18 A. No.

19 MS. PFEIFFER: I don't think I have

20 anything else.

21 MR. ESPY: I just have a couple

22 questions for you.

23 THE WITNESS: Okay.

24 EXAMINATION

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1 BY MR. ESPY:

2 Q. On March the 12th, last month, were you
3 called into Tony's office and requested to get
4 his BlackBerry records?

5 A. By Tony, yes. He asked for copies of
6 them.

7 Q. What was the circumstances surrounding
8 that request?

9 A. He wanted to make sure -- from what he
10 told me, he said he wanted to make sure he had
11 all his bills returned and any personal calls
12 paid for. He wanted to make sure he had all his
13 records.

14 Q. How many records did he request?

15 A. All of them, I believe.

16 Q. Going back to when?

17 A. I'm not sure when he started, February
18 or March.

19 Q. From the beginning of his employment, he

20 wanted, until the present day?

21 A. Right. I believe that's what I got him.

22 Q. Which is almost a year's worth?

23 A. Close, yes.

24 Q. Did you secure those records for him?

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1 A. Yes.

2 Q. And that same day?

3 A. No, it wasn't the same day.

4 Q. How long did it take you to accumulate
5 those records?

6 A. Do you know what day of the week the
7 12th was? I'm sorry. I believe -- I don't know
8 if it was a Monday or Tuesday or Tuesday or
9 Wednesday.

10 (Pause in proceedings.)

11 Q. It was on a Monday. I'm sorry. Wrong
12 month.

13 On a Wednesday.

14 A. Okay. I believe I gave them to him
15 Thursday. He usually left to go back to
16 Youngstown Thursday afternoon. I believe I gave
17 them to him right before he left.

18 Q. Was that a large stack of bills, or

19 just --

20 A. No. I mean, most of the bills were

21 probably two to three pages, so I gave him 10 or

22 11 months' worth.

23 Q. Did he ask you to do anything else that

24 particular day?

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1 A. No, I don't believe so.

2 Q. Did you tell anyone about his request to
3 get his BlackBerry bills? Did you tell anyone
4 else?

5 A. I told Cindy.

6 Q. Why did you tell Cindy?

7 A. Because she takes care of the cell phone
8 bills. I asked her to pull those for me.

9 Q. Okay.

10 A. She did and brought them in to me. I
11 went through, made sure they were all there, and
12 then I gave them to Tony.

13 Q. And what was the reason he gave you as
14 to why he wanted those bills?

15 A. He wanted to make sure he had all of his
16 personal calls paid for, that he had every --
17 gone through and paid for everything.

18 Q. Did you give him the originals?

19 A. No.

20 Q. Just copies?

21 A. Yes.

22 Q. Do you still have the originals?

23 A. Yes.

24 Q. Have you produced those for anyone else?

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1 A. Yes.

2 Q. Who is that?

3 A. I couldn't tell you. Somebody in -- I
4 don't know who handles public records requests.

5 Lisa --

6 Q. Lubow?

7 A. Lubow, I gave her a set, and then --
8 that was three, four weeks ago. Recently, there
9 was another attorney over there whose -- who had
10 asked for a set.

11 Q. Attorney over where?

12 A. In the other building.

13 Q. Attorney General's office?

14 A. Yeah. I'm sorry. I'm thinking I'm in

15 150. Yeah.

16 Q. In the Attorney General's office?

17 A. Yes.

18 Q. Okay.

19 A. I couldn't -- I'd have to go back and

20 check my e-mails.

21 Q. Okay. Were you aware in December of a

22 party being put together for Tony?

23 A. Yeah, birthday party for him.

24 Q. Who initiated the discussion about a

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1 party for Tony?

2 A. I couldn't recall if it was -- probably

3 would have been Kristy August, maybe.

4 Q. Did you get any correspondence from

5 Cindy, trying to set up a party?

6 A. Just the fact -- I think she got a deli

7 tray or something from the place where she

8 worked, I believe, at that time.

9 Q. You say "she." Who is that?

10 A. Cindy. I said she had -- said she was

11 getting a deli tray from a bar or some tavern or

12 something she worked at.

13 Q. Do you recall getting an e-mail from

14 her, saying that she wants to plan this party

15 for Tony?

16 A. I don't recall. But if it was in

17 December, I would still have it.

18 Q. Could you look and see?

19 A. I can do that. I'm terrible. I never

20 delete e-mails until they fall off.

21 Q. Have you ever heard of Boss's Day?

22 A. Yes.

23 Q. And do you know when that is?

24 A. No, I don't.

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1 Q. Was there any type of -- do you recall
2 any type of party plan or -- in the fall for
3 Boss's Day by anyone in your section for Tony?

4 A. No, I don't.

5 Q. Okay. Is there anything else that you
6 want to add that we have not asked you regarding
7 the allegations of sexual harassment by Tony
8 with either Cindy and/or Vanessa Stout?

9 A. Only that in the office -- I didn't have
10 any connection or contact with these people
11 outside the office. I never saw or heard
12 anything directly between Tony and one of the
13 females in our office. I heard about them, but
14 I never witnessed or heard them directly myself.

15 Q. It's not only what you heard, it's also
16 what you saw.

17 A. Well, I never saw anything
18 inappropriate.

- 19 Q. Okay. But you've heard things
20 inappropriately directed toward them to you.
- 21 A. Yes, I did.
- 22 Q. Okay. And you mentioned -- I know you
23 mentioned one regarding the -- her ass and tits
24 got her that job.

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1 A. Yes.

2 Q. He told that to you directly?

3 A. Yes.

4 Q. What else did you overhear directly
5 yourself?

6 A. That's the only thing I can think of
7 that would be of any -- you know, have any
8 relevance here. I mean, the --

9 Q. You also said he used the word bitch to
10 refer to females.

11 A. Well, yeah. I mean, I heard him --
12 after all this started to come out, unravel,
13 whatever, you know, I heard him, you know,
14 talking about Cindy, that bitch is, you know,
15 trying to get me fired, or trying to get me
16 transferred, something to that effect.

17 Q. I assume he told you this in the
18 workplace.

19 A. In his office, yes.

20 Q. Okay. Do you know any reason why his

21 office would be soundproofed?

22 A. I don't know. Maybe because he got

23 loud. I don't know. I can only assume he

24 didn't want people outside his office to

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1 overhear his conversations.

2 Q. Did it work?

3 A. I can't recall hearing anything when he
4 had his door closed.

5 Q. Okay.

6 A. But, I mean, I -- you know, when he had
7 his door open, I mean, you heard plenty, you
8 know.

9 Q. Did you have the impression that people
10 in that section was afraid of Tony?

11 A. No, I don't have that impression, or
12 didn't.

13 Q. Okay.

14 A. I mean, you know, that's just my
15 personal presumption, though.

16 Q. Sure. I understand.

17 MR. ESPY: That's all I have, Mr. Mash.

18 If you think of anything else you want

19 to share with us, feel free to contact either

20 myself or Julie.

21 THE WITNESS: Okay.

22 MR. ESPY: Our e-mails are --

23 THE WITNESS: You want me to forward you

24 both that e-mail, if I can find it, about Cindy

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1 planning that party?

2 MR. ESPY: Sure.

3 THE WITNESS: Okay.

4 MR. ESPY: If you can get that to us

5 today even, yes.

6 THE WITNESS: I'll look for it as soon

7 as I get back.

8 MR. ESPY: We want to thank you for

9 coming in. If you have any questions, feel free

10 to contact us.

11 THE WITNESS: Will do.

12 MR. ESPY: Thank you.

13 --O--

14 Thereupon, the sworn interview of Pete

15 Mash, April 18, 2008, was concluded at 9:59 a.m.

16 --O--

17

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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 PETE MASH was first duly
6 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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