

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD
MEETING

IN THE MATTER OF:

The Stadium Group, LLC
t/a Stadium
2127 Queens Chapel Road, NE
Retailer CN - ANC-5C
License No. 82005
Case #13-251-00072

Show
Cause
Hearing

(Allowed the Establishment to
be Used for an Unlawful or
Disorderly Purpose, Failed to
Follow Security Plan, Failed
to Provide Accurate Information
to an Investigator)

February 19, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller,
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

LOUISE PHILLIPS, OAG
ABYIE GHENENE, ABRA Investigator

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P-R-O-C-E-E-D-I-N-G-S

(4:35 p.m.)

CHAIRPERSON MILLER: Okay. The Board is back on the record for Case No. 13-251-00072, The Stadium located at 2127 Queens Chapel Road, N.E., License No. 82005, in ANC-5C. This is a Show Cause Hearing.

And when you are ready, would the parties introduce themselves for the record?

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia. And beside me is Investigator for this matter.

INVESTIGATOR GHENENE: Abyie Ghenene.

CHAIRPERSON MILLER: Okay.

MS. TODD: Good evening, Karen Todd, attorney for the licensee.

MR. REDDING: James Redding, owner of Stadium Club.

CHAIRPERSON MILLER: Okay. So this is a Show Cause Hearing and I believe you

1 are all familiar with the proceedings for Show
2 Cause Hearing here, correct?

3 MS. PHILLIPS: Yes, Madam Chair.

4 CHAIRPERSON MILLER: I know you
5 are. Thank you. Ms. Todd, you are, too, are
6 you not?

7 MS. TODD: Vaguely, yes.

8 CHAIRPERSON MILLER: Okay. So
9 then we can start with opening arguments, if
10 there are some, starting with the Government.

11 MS. PHILLIPS: Madam Chair, before
12 we start --

13 CHAIRPERSON MILLER: Are there
14 preliminary issues?

15 MS. PHILLIPS: I'm sorry?

16 CHAIRPERSON MILLER: I'm sorry.
17 Are there preliminary issues?

18 MS. PHILLIPS: There is a
19 preliminary issue on a case that is to be
20 heard next week. If we can entertain that,
21 it's 12-CMP-00680. The parties would like to
22 offer an offer in compromise and that would

1 take a Show Cause Hearing off the schedule, if
2 the Board wishes to entertain it now?

3 CHAIRPERSON MILLER: Okay. That
4 was brought to our attention and my
5 understanding, and my Board Members can
6 correct me I'm mistaken, is that Board Members
7 did not want to entertain it, because it had
8 not been advertised in time under the Open
9 Meetings Act and also in time for the Board to
10 have reviewed the case to consider it.

11 Is there any other opinion on the
12 Board? Okay.

13 MS. PHILLIPS: Thank you, Madam
14 Chair.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: All right. Now, to
17 return to opening statements for the case at
18 hand, which was just called, this matter comes
19 before the Board for a Show Cause Hearing
20 following a Summary Suspension Hearing in
21 which the summary suspension was lifted
22 pursuant to, I don't know it didn't seem that

1 lengthy to me, hearing with regard to
2 improvements on the security plan and security
3 arrangements.

4 That has all been taken care of
5 and it's a matter of record in that hearing,
6 which would probably all still be part of this
7 Show Cause Hearing. And we won't go into a
8 lot of that today to replicate it.

9 The facts are the same as in the
10 Summary Suspension Hearing and it pursues --
11 arises from a matter that occurred on Sunday,
12 so that would be Saturday into Sunday morning,
13 May 26th, which I think is Memorial Day
14 weekend. You know, I'm pretty sure that it
15 is.

16 And it resulted in an altercation
17 which happened inside the club in which four,
18 in the investigative report, or five, in the
19 incident report from the establishment, people
20 were stabbed. And all the charges, of which
21 there are five, in this matter arise from the
22 facts in that incident.

1 There were multiple security plan
2 violations. There were cleaning up of the
3 establishment, so that there was an incomplete
4 investigation. Even though I was just told
5 that the criminal matter went forward, still
6 it's a violation to clean up a scene before
7 ABRA Investigators are there or the MPD is
8 allowed in the establishment.

9 I understand from most preliminary
10 matters, other matters, that at the status
11 conference the notice is entered into the
12 record. I wasn't here for that, so I assume
13 the notice is in the record. Am I correct,
14 Madam Chair?

15 CHAIRPERSON MILLER: The notice at
16 the Status hearing?

17 MS. PHILLIPS: Yes.

18 CHAIRPERSON MILLER: Yes, that's
19 usually our practice. I haven't reviewed the
20 transcript, but that's --

21 MS. PHILLIPS: Right.

22 CHAIRPERSON MILLER: Yeah.

1 MS. PHILLIPS: I think it was
2 entered. But if it's not --

3 CHAIRPERSON MILLER: I think --

4 MS. PHILLIPS: -- I would like to
5 make sure that the notice is in.

6 CHAIRPERSON MILLER: -- I can look
7 in a minute.

8 MS. PHILLIPS: If it doesn't
9 matter if we enter it now --

10 CHAIRPERSON MILLER: Okay.

11 MS. PHILLIPS: -- then we won't
12 have to look.

13 CHAIRPERSON MILLER: All right.
14 I'm pretty sure that it was in. Okay.

15 MS. PHILLIPS: All right. So
16 basically, at the end of this hearing, I
17 suspect that all five charge will be carried
18 forward and that there would be a certain fine
19 rendered, which I will discuss at the end of
20 the matter.

21 There is one fact in the notice
22 that I would like to correct. It is evidence

1 given to me by the counsel for the
2 establishment. I couldn't read it when she
3 sent it to me earlier, but it is telephone
4 records, and it is of an Olga Lavinchy, L-A-V-
5 I-N-C-H-Y, Olga, O-L-G-A, which indicate that
6 on Monday, 5/26, at 3:07 -- she gave me a
7 clearer copy, what did I do with it?

8 At 3:07, Ms. Lavinchy made a
9 telephone call to MPD. I'm sorry, did I say
10 Monday? It's Sunday, 5/26. I got the date
11 right because I could read that clearly.

12 So at 3:07 a.m., her cell phone
13 records from AT&T show that she made a 911
14 call. And while I won't introduce that
15 evidence in my case in chief, I will take that
16 fact out and I'm sure that Mrs. Todd will
17 enter the document in her case in chief.

18 CHAIRPERSON MILLER: Are you
19 saying you will take that fact out?

20 MS. PHILLIPS: I will take that
21 fact out.

22 CHAIRPERSON MILLER: Because?

1 MS. PHILLIPS: I'm sorry?

2 CHAIRPERSON MILLER: Okay. I'm
3 sorry. All right. Okay. I wasn't clear why
4 you were taking the fact out. Maybe I missed
5 your point. You are going to be taking that
6 fact out.

7 MS. PHILLIPS: I'm taking that
8 fact out because I have been presented with
9 evidence that shows clearly that Olga Lavinchy
10 made a 911 call, which is what she told the
11 Investigator at the time of the incident and
12 I now have proof to that effect, as good of
13 proof as I have ever seen, so --

14 CHAIRPERSON MILLER: Okay.

15 MS. PHILLIPS: -- I'm taking that
16 fact out based on this information that was
17 presented to me in a clear copy moments before
18 the hearing started.

19 CHAIRPERSON MILLER: Okay. Thank
20 you.

21 MS. PHILLIPS: So that concludes
22 my opening statement.

1 CHAIRPERSON MILLER: Okay. Ms.

2 Todd?

3 MS. TODD: Good afternoon. I
4 would like to request that I hold my opening
5 statement until the end of the attorney's case
6 in chief and then that way I can just make it
7 smoother.

8 CHAIRPERSON MILLER: Right.

9 MS. TODD: If that's okay with the
10 Board?

11 CHAIRPERSON MILLER: At the
12 beginning of your case?

13 MS. TODD: Yes.

14 CHAIRPERSON MILLER: Yes, that's
15 fine.

16 MS. TODD: Thank you.

17 CHAIRPERSON MILLER: That's
18 allowed, yes. Okay.

19 MS. PHILLIPS: Okay. May I begin?

20 CHAIRPERSON MILLER: Yes.

21 MS. PHILLIPS: The Government
22 calls the Investigator to testify, the

1 Investigator who wrote the report. I know he
2 needs to be sworn in, but I also need him to
3 work --

4 CHAIRPERSON MILLER: Okay.

5 MS. PHILLIPS: -- to start and
6 stop. So can he be sworn in standing here and
7 then testify from here?

8 CHAIRPERSON MILLER: Yes, um-hum.
9 Okay.

10 Whereupon,

11 INVESTIGATOR ABYIE GHENENE
12 was called as a witness by Counsel for the
13 Government, and having been first duly sworn,
14 assumed the witness stand and was examined and
15 testified as follows:

16 CHAIRPERSON MILLER: Okay. Thank
17 you.

18 DIRECT EXAMINATION

19 MS. PHILLIPS: Can you state your
20 name for the record and spell it?

21 INVESTIGATOR GHENENE: Sure. It's
22 Abyie Ghenene, A-B-Y-I-E --

1 COURT REPORTER: Sorry, please,
2 use the microphone.

3 CHAIRPERSON MILLER: Okay.

4 INVESTIGATOR GHENENE: All right.
5 My name is Abyie Ghenene. A-B-Y-I-E G-H-E-N-
6 E-N-E.

7 MS. PHILLIPS: And what is your
8 role at ABRA?

9 INVESTIGATOR GHENENE: I'm an
10 Investigator.

11 MS. PHILLIPS: And how long have
12 you been an Investigator here?

13 INVESTIGATOR GHENENE:
14 Approximately three years.

15 MS. PHILLIPS: And before that,
16 did you do any investigations?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. PHILLIPS: And what were they?

19 INVESTIGATOR GHENENE: I worked as
20 an internal investigator and fraud
21 investigator for both Saks Fifth Avenue and
22 Nordstrom.

1 MS. PHILLIPS: And in that
2 capacity previous to your Investigator
3 position at ABRA, did you investigate
4 incidents?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. PHILLIPS: And did you render
7 them into reports?

8 INVESTIGATOR GHENENE: Yes, ma'am.

9 MS. PHILLIPS: And when you came
10 to ABRA, did you receive any additional
11 training?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. PHILLIPS: And did that help
14 you with investigating ABRA matters?

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. PHILLIPS: And as a result of
17 this incident, which occurred on May 26, 2013,
18 did you investigate that incident?

19 INVESTIGATOR GHENENE: Yes, ma'am.

20 MS. PHILLIPS: And do you render
21 your findings into a report?

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 MS. PHILLIPS: And is the report
2 Report No. 13-251-00072?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: And it is several
5 pages long, but on the last page of the
6 report, there are signatures.

7 INVESTIGATOR GHENENE: Yes, the
8 last page of the --

9 MS. PHILLIPS: Report.

10 INVESTIGATOR GHENENE: Yes.

11 MS. PHILLIPS: As opposed to the--

12 INVESTIGATOR GHENENE: Yes. Yes,
13 ma'am.

14 MS. PHILLIPS: And those
15 signatures are yours?

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MS. PHILLIPS: And Keith Gethers?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. PHILLIPS: And who is Keith
20 Gethers?

21 INVESTIGATOR GHENENE: My
22 supervisor.

1 MS. PHILLIPS: And that's K-E-I-T-
2 H G-E-T-H-E-R-S?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: And then there is
5 another signature Johnnie Jackson. Johnnie
6 with an I-E.

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. PHILLIPS: And who is that?

9 INVESTIGATOR GHENENE: The Chief
10 of Enforcement.

11 MS. PHILLIPS: Okay. And did this
12 investigation conclude -- include most of the
13 pertinent findings?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. PHILLIPS: But it didn't
16 include everything you did. Is that fair?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. PHILLIPS: And did you attach
19 several exhibits?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: And I have them
22 labeled as 12. Is that correct?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. PHILLIPS: And I would like to
3 move the investigative report into the record,
4 which I believe you might have on your
5 screens.

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 CHAIRPERSON MILLER: On our
8 screens or just his screen?

9 MS. PHILLIPS: Yeah, I think it is
10 supposed to go to your screen.

11 CHAIRPERSON MILLER: Okay. Well,
12 we don't --

13 MR. HAGER: They got to just turn
14 on their monitors up there.

15 MS. PHILLIPS: I think what Mr.
16 Hager said is you just have to turn on your
17 monitors.

18 CHAIRPERSON MILLER: We rarely use
19 these, so, okay. Is there any objection to
20 the investigation report coming into evidence?

21 MS. TODD: No.

22 CHAIRPERSON MILLER: Okay. All

1 right. Then this is Government's Exhibit No.
2 1 or what?

3 MS. PHILLIPS: No, it's --

4 CHAIRPERSON MILLER: No.

5 MS. PHILLIPS: -- Government's
6 Exhibit A, because the attachments are labeled
7 1 through 12.

8 CHAIRPERSON MILLER: Okay.

9 MS. PHILLIPS: I don't like to
10 confuse numbers.

11 CHAIRPERSON MILLER: Right. Okay.
12 So it's Government's Exhibit A is the
13 investigation report with attachments.

14 MS. PHILLIPS: Yes, all 12.

15 CHAIRPERSON MILLER: 12
16 attachments, okay.

17 MS. PHILLIPS: I believe.

18 (Whereupon, the document was
19 marked for identification as
20 Government Exhibit A and was
21 received in evidence.)

22 MS. PHILLIPS: The one attachment

1 that you won't see on there are the DVDs, CDs,
2 whatever he called them, that's Exhibit 11, I
3 think. Yes, 11. And we have them here in the
4 case report and I would like to make sure that
5 the discs are included in what we have
6 admitted. They are in the ABRA case file.

7 CHAIRPERSON MILLER: Okay.

8 MS. PHILLIPS: I did not get
9 copies of them. This is all we have. All
10 right.

11 Now, Mr. Ghenene?

12 INVESTIGATOR GHENENE: Ghenene.

13 MS. PHILLIPS: Ghenene?

14 INVESTIGATOR GHENENE: Um-hum.

15 MS. PHILLIPS: Mr. Ghenene, you
16 conducted an investigation of an incident that
17 occurred on May 26, 2013?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. PHILLIPS: And how did you
20 come to investigate this matter?

21 INVESTIGATOR GHENENE: I was in
22 the area monitoring for ABRA violations. And

1 actually tending to -- responding to another
2 incident at an adjoining ABC-licensed
3 establishment.

4 MS. PHILLIPS: And do you recall
5 what that ABC-licensed establishment was?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. PHILLIPS: What was it?

8 INVESTIGATOR GHENENE: Echostage.

9 MS. PHILLIPS: Okay. And at the
10 time, what drew your attention to Stadium?

11 INVESTIGATOR GHENENE: It was
12 already a fairly busy scene on Queens Chapel
13 Road, but there were several fire trucks and
14 ambulances and additional police cruisers that
15 arrived on the scene in front of Stadium's
16 parking lot.

17 MS. PHILLIPS: And when you
18 observed these emergency vehicles, let's say,
19 where were you?

20 INVESTIGATOR GHENENE: I was
21 immediately in front of Echostage.

22 MS. PHILLIPS: And how far is

1 Echostage from Stadium?

2 INVESTIGATOR GHENENE: Less than
3 50 yards.

4 MS. PHILLIPS: Okay. So after you
5 saw the emergency vehicles in front of
6 Stadium, what did you do?

7 INVESTIGATOR GHENENE: I walked
8 towards the entrance to the parking lot
9 looking for a police officer to get some
10 information from.

11 MS. PHILLIPS: And did you succeed
12 in finding a police officer and/or obtaining
13 information?

14 INVESTIGATOR GHENENE: Yes.

15 MS. PHILLIPS: And so?

16 INVESTIGATOR GHENENE: Okay. So I
17 along side my supervisor, Supervisory
18 Investigator Keith Gethers, walked towards the
19 Stadium Club and the first person, I believe,
20 we encountered was the employee of Stadium
21 Club who was injured. And he had his arm
22 wrapped in what appeared to be a towel, but

1 you could see blood coming through it and he
2 was being tended to by one of the EMTs that
3 was on the scene.

4 And from that point, we continued
5 to walk towards the entrance of the parking
6 lot. And at that point, there was a lot of
7 people coming out of the parking lot, a lot of
8 police going inside the parking lot. There
9 was just a lot of activity. So I tried to
10 keep my distance and not disrupt anything that
11 they were doing.

12 But I did see another person that
13 was on the hill directly in front of -- it's
14 directly in front of the gates of their
15 parking lot and he was lying on the hill
16 holding his stomach and you could tell that
17 there was some kind of wound, but I wasn't
18 close enough to exactly see what was going on.
19 And he, too, was being tended to by a police
20 officer and a Stadium Club employee.

21 MS. PHILLIPS: Okay.

22 INVESTIGATOR GHENENE: Or what

1 appeared to be one.

2 MS. PHILLIPS: And just for the
3 record, it's my understanding in some of these
4 establishments there is a certain dress code
5 or garb that Stadium, or in this case at
6 Stadium, employees wear. Is that the case on
7 this particular evening?

8 INVESTIGATOR GHENENE: On that
9 particular evening, and I don't know 100
10 percent for sure, but I do know that several
11 of the employees at Stadium were wearing
12 florescent green or yellow shirts that made
13 them fairly distinct. But I also remember
14 them wearing black shirts that said staff on
15 the back. So I'm not sure what the
16 distinction is or who wears what, but, yes.

17 MS. PHILLIPS: Right. And
18 certainly in Exhibit A to your investigative
19 report --

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: Do we have that
22 picture that we can put up on the screen?

1 MEMBER ALBERTI: Ms. Miller?

2 CHAIRPERSON MILLER: Yeah?

3 MEMBER ALBERTI: We're not getting
4 any signal here for these pictures. There is
5 no signal. So maybe we --

6 CHAIRPERSON MILLER: Maybe --

7 MEMBER ALBERTI: It's tough for us
8 to see it.

9 CHAIRPERSON MILLER: Right.

10 MEMBER ALBERTI: I mean, maybe we
11 could pause for a second?

12 CHAIRPERSON MILLER: Well, I'm
13 sure that it could be remedied. I mean, I'm
14 not sure, but I'm --

15 MEMBER ALBERTI: Let's make sure--

16 CHAIRPERSON MILLER: Mr. Hager?

17 MEMBER ALBERTI: -- as to why we
18 are not getting them on our screens.

19 CHAIRPERSON MILLER: I thought
20 maybe they weren't on yet.

21 MEMBER ALBERTI: They are on.

22 CHAIRPERSON MILLER: Yeah.

1 MEMBER SILVERSTEIN: That one over
2 there could be moved.

3 MEMBER ALBERTI: Well, I think the
4 solution is to have our technicians find out
5 why we are not getting them on our monitors.

6 MS. PHILLIPS: That's fine. Can
7 somebody --

8 CHAIRPERSON MILLER: If that can
9 happen in not too long a period of time.

10 MS. PHILLIPS: Anyway, I was just
11 pointing out the green. And can you describe
12 what is in this picture from your
13 recollection?

14 INVESTIGATOR GHENENE: I believe
15 that is a picture of Mr. Ward while he was
16 receiving treatment in the hospital and his
17 wound.

18 MS. PHILLIPS: Okay. And that's
19 the green that you were talking about?

20 INVESTIGATOR GHENENE: Yes.

21 MS. PHILLIPS: Which is the reason
22 I thought the picture was so --

1 INVESTIGATOR GHENENE: Green or
2 yellow, whatever it is, yes.

3 MS. PHILLIPS: And did these
4 particular shirts in green have staff written
5 on the back of them or do you recall?

6 INVESTIGATOR GHENENE: I don't --
7 I think they did, but I don't recall for sure.

8 MS. PHILLIPS: Okay. When you
9 said that you saw somebody with an arm injury
10 at first, did you find out who that person was
11 later?

12 INVESTIGATOR GHENENE: No.

13 MS. PHILLIPS: Okay. What did you
14 do after you saw the person on the hill
15 outside the parking lot who looked like he had
16 some sort of abdominal wound?

17 INVESTIGATOR GHENENE: I made
18 contact with -- I believe I made contact with
19 Sergeant Fox first of MPD and asked her what
20 was happening, what was going on. And she
21 explained to me that there was multiple people
22 who had injuries that were consistent with

1 being stabbed inside the -- that came from
2 inside the establishment.

3 MS. PHILLIPS: Do you recall what
4 time you were on the scene the night of the
5 incident in question?

6 INVESTIGATOR GHENENE: On the
7 scene at Stadium?

8 MS. PHILLIPS: Yes.

9 INVESTIGATOR GHENENE: Or just in
10 general?

11 MS. PHILLIPS: On the scene at
12 Stadium.

13 INVESTIGATOR GHENENE: It was
14 around 3:10.

15 MS. PHILLIPS: 3:10?

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MS. PHILLIPS: So when did you
18 observe the ambulances in the area?

19 INVESTIGATOR GHENENE: Oh, it was
20 3:05.

21 MS. PHILLIPS: And was it after
22 you observed the ambulances or emergency

1 vehicles that you walked over however far it
2 was to Stadium and started your investigation?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: Okay. So what did
5 you do after you spoke with Sergeant Fox?

6 INVESTIGATOR GHENENE: After I
7 spoke with Sergeant Fox, I asked her to point
8 out who the, I guess, lead officer or who I
9 needed to speak with in order to get
10 permission to walk onto their crime scene--

11 MS. PHILLIPS: Okay.

12 INVESTIGATOR GHENENE: -- was and
13 she pointed out a detective who escorted me
14 and my supervisor onto Stadium's property.

15 MS. PHILLIPS: Okay. Did Sergeant
16 Fox provide you with any information that you
17 included into your report?

18 INVESTIGATOR GHENENE: Yes.
19 Sergeant Fox was the -- let me know that there
20 were multiple Stadium patrons that had serious
21 injuries.

22 MS. PHILLIPS: Okay. But she

1 wasn't able to give you the names or --

2 INVESTIGATOR GHENENE: No.

3 MS. PHILLIPS: -- any of the other
4 details?

5 INVESTIGATOR GHENENE: No. It was
6 an extremely chaotic scene and she was dealing
7 that.

8 MS. PHILLIPS: Okay. So who was
9 the detective that you spoke to next?

10 INVESTIGATOR GHENENE: I believe
11 it was Detective -- and I don't know which one
12 it was, because there was two of them. It was
13 either Detective Farmer or Rivanski. They
14 were both working attending.

15 MS. PHILLIPS: And Farmer is F-A-
16 R-M-E-R? Is that correct?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. PHILLIPS: And Rivanski is R-
19 I-V-A-N-S-K-I?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: All right. And
22 what did you learn from either of those

1 detectives or both of them?

2 INVESTIGATOR GHENENE: They
3 explained to me that there were four, at that
4 point, victims and one of -- all of them were
5 over 21 years-old. One of them was an
6 employee of Stadium Club, two had injuries on
7 their arms and two had more serious injuries,
8 one of which had a gaping wound that was,
9 approximately, 8 inches across his abdomen.

10 Two were transported to Howard
11 University and two were transported to
12 Medstar.

13 MS. PHILLIPS: Okay. And was the
14 more seriously injured, did he have more than
15 one wound, according to your report?

16 INVESTIGATOR GHENENE: Yes. I
17 later found out that the two more seriously
18 injured patrons had -- well, one of them had
19 seven stab wounds to unknown regions over his
20 body and the most seriously injured patron,
21 they didn't say how many he had received, but
22 he was the one that had the gaping 8 inch

1 wound.

2 MS. PHILLIPS: Okay. And
3 subsequently, you learned the names of all of
4 the people who you thought were injured. Is
5 that fair?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. PHILLIPS: And they were?

8 INVESTIGATOR GHENENE: Trevor
9 Ward, which was the Stadium employee. Carlton
10 Fields who was the one -- the other patron
11 that -- or the other person that received an
12 arm wound. Then Antonio Hawkins and Rasheen
13 Hawkins, both of which had the more severe
14 injuries.

15 MS. PHILLIPS: And Rasheen is
16 spelled R-A-S-H-E-E-N?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. PHILLIPS: Okay. What else
19 did you learn from Detectives Farmer or
20 Rivanski?

21 INVESTIGATOR GHENENE: Oh, they
22 both informed me that the crime scenes had

1 been cleaned and kind of restored, so that
2 obtaining any evidence for their purposes, any
3 opportunity to obtain that evidence was
4 ruined.

5 MS. PHILLIPS: Okay. Do you want
6 me to continue or are you --

7 CHAIRPERSON MILLER: If you are
8 not depending on that, I can listen standing
9 here.

10 MS. PHILLIPS: Okay. We will keep
11 going. What happened next after you spoke
12 with Farmer and Rivanski?

13 INVESTIGATOR GHENENE: I asked
14 them if I could step into the area where they
15 believed the altercation took place. I took
16 several pictures. I then met with the ABC
17 Manager Olga Lavinchy, and spoke with her, the
18 video technician and asked to review the
19 video.

20 MS. PHILLIPS: All right. Did you
21 speak with anybody from security?

22 INVESTIGATOR GHENENE: Yes. I

1 spoke with -- to kind of better describe what
2 was going on, we were all kind of in the same
3 area while all of this was going on.

4 So I might have been talking to
5 one person, but everybody was present. So I
6 don't know if that clears things up.

7 MS. PHILLIPS: Well, let me --

8 INVESTIGATOR GHENENE: So my
9 supervisor was always present. One of the
10 detectives was always present, head of
11 security was present, ABC manager, owner and
12 various other people.

13 MS. PHILLIPS: All right. Let's
14 start with the head of security. What was his
15 name?

16 INVESTIGATOR GHENENE: Anthony
17 Smart.

18 MS. PHILLIPS: And the owner,
19 which -- my recollection is that there are
20 several owners. Maybe I'm incorrect. But
21 which owner did you speak to?

22 INVESTIGATOR GHENENE: I didn't --

1 MS. PHILLIPS: Or see?

2 INVESTIGATOR GHENENE: -- yes,
3 see, Mr. Redding.

4 MS. PHILLIPS: Mr. Redding. And
5 could you tell us who Olga Lavinchy is?

6 INVESTIGATOR GHENENE: She was an
7 ABC manager that was on duty.

8 MS. PHILLIPS: Okay. And anybody
9 else from the establishment that you spoke to?

10 INVESTIGATOR GHENENE: I'm sure I
11 spoke to several other people, but they didn't
12 have any additional information that I needed
13 to include in the report. But they added to
14 what I already was -- oh, I did speak with the
15 video technician guy and his name is Mr.
16 Marcelo Molina.

17 MS. PHILLIPS: M-O-L-I-N-A?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. PHILLIPS: I don't see how to
20 spell Marcelo, do you?

21 INVESTIGATOR GHENENE: M-A-R-C-E-
22 L-O.

1 MS. PHILLIPS: Okay. Thank you.
2 All right. Let's start with -- I'm going to
3 take it in the order that you have it in the
4 report because that's how I keep track of
5 everything. So it looks like from your report
6 that you next spoke to Anthony Smart who was
7 the head of security. Is that fair?

8 INVESTIGATOR GHENENE: Yes, ma'am.

9 MS. PHILLIPS: And what did Mr.
10 Smart tell you?

11 INVESTIGATOR GHENENE: Well, the
12 first thing Mr. Smart told me was that they
13 knew who the suspect was, because he was a
14 regular of the club.

15 MS. PHILLIPS: Okay.

16 INVESTIGATOR GHENENE: Mr. Smart
17 added that he assisted two of the victims
18 outside to the reimbursable detail for medical
19 treatment. And Mr. Smart told me that he had
20 the procedures, security procedures for that,
21 which were 27 security guards on duty, two
22 reimbursable detail officers. You had to be

1 21 years-old to get inside. There was a
2 mandatory ID check, mandatory pat-down
3 searching and mandatory use of metal detecting
4 wands.

5 MS. PHILLIPS: Okay. And RDO are
6 the Reimbursable Detail Officers is that fair?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. PHILLIPS: And they are from
9 MPD. Is that fair?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 MS. PHILLIPS: And from your
12 background and experience in these matters,
13 the RDO officers do not go inside the
14 establishment. Is that correct?

15 INVESTIGATOR GHENENE: No, ma'am.

16 MS. PHILLIPS: Where were these
17 two RDO officers posted?

18 INVESTIGATOR GHENENE: Typically,
19 they post directly outside. Well, on the
20 opposite side of the street outside of the
21 gates of the parking lot for Stadium Club.

22 MS. PHILLIPS: And the evening in

1 question, did you happen to notice where the
2 RDO officers were when you first started to
3 look at the Stadium scene and investigate?

4 INVESTIGATOR GHENENE: At the
5 beginning of my investigation of this
6 incident?

7 MS. PHILLIPS: Yes.

8 INVESTIGATOR GHENENE: No, I did
9 not.

10 MS. PHILLIPS: Okay. So what did
11 you do next?

12 INVESTIGATOR GHENENE: Again, we
13 are in a room, so it's very easy for me to
14 interview everybody kind of simultaneously.

15 MS. PHILLIPS: So where?

16 INVESTIGATOR GHENENE: We were in
17 like the -- I don't even know -- maybe it was
18 a manager's office.

19 MS. PHILLIPS: So when you were
20 conducting these interviews that we are about
21 to talk about, you were inside the Stadium in
22 maybe an office or a manager's office?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. PHILLIPS: And what did you --
3 and you have already described who was there?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. PHILLIPS: Okay. And other
6 employees came in and out?

7 INVESTIGATOR GHENENE: Yes, they
8 were closing, so there was a lot of traffic in
9 and out of the back room.

10 MS. PHILLIPS: Okay. And so what
11 did you learn?

12 INVESTIGATOR GHENENE: I spoke
13 with Mr. Molina and made my official request
14 for the video and he showed me briefly what
15 they had and I guess what he had already
16 showed the detectives. So I said okay, great.
17 This is what I want from this time to this
18 time. These are the cameras that I want. And
19 he later provided that.

20 MS. PHILLIPS: Okay. So you
21 picked the cameras?

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 MS. PHILLIPS: And how did you
2 make the determination to pick the certain
3 cameras? Because I think you told me there
4 were -- nope, you didn't tell me how many
5 cameras were on that night.

6 INVESTIGATOR GHENENE: Right.

7 MS. PHILLIPS: How many cameras
8 were on that night? Do we know?

9 INVESTIGATOR GHENENE: I don't
10 remember, no, ma'am.

11 MS. PHILLIPS: Okay. And so how
12 was it that you picked the cameras?

13 INVESTIGATOR GHENENE: I picked
14 the cameras based off of his recommendation
15 saying these are the best angles. And he
16 showed me the angles, so I wasn't relying
17 strictly on his information. I was relying on
18 what I saw, too.

19 MS. PHILLIPS: Okay. So did you--
20 so you were in the office and you were looking
21 at a monitor. Is that what you are talking
22 about?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. PHILLIPS: So he was showing
3 you brief pictures on the monitor of what he
4 was able to show you?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. PHILLIPS: Did he point out
7 where the cameras were located that
8 recommended inside the establishment, you
9 know, like on the floor?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 MS. PHILLIPS: And was it true
12 that his recommendations were the best camera
13 angles?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. PHILLIPS: Were there cameras
16 that were closer to might have provided a
17 better look if they were not rotating?

18 INVESTIGATOR GHENENE: Yeah. I
19 believe that, at the time, there were one or
20 two cameras that are moveable cameras that
21 weren't focused on the area where the incident
22 happened.

1 MS. PHILLIPS: Okay. And so you
2 investigated all of that while you were --

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: -- looking at the
5 cameras. Is that fair?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. PHILLIPS: Okay. And then did
8 that conclude the information you received
9 from Mr. Molina?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 I mean, we spoke a few times after that
12 evening, but that was just more about getting
13 the correct video, the correct times,
14 etcetera.

15 MS. PHILLIPS: Okay. Well, let's
16 just finish with everything that Mr. Molina
17 provided you. Was he the one that eventually
18 provided you with the discs downloaded from
19 the security cameras?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: And how long did
22 that take for him to get them to you?

1 INVESTIGATOR GHENENE: It was a
2 couple of days. I think two. Yeah, I think
3 it was two days.

4 MS. PHILLIPS: And when you
5 reviewed the tapes that he gave you or DVDs?

6 INVESTIGATOR GHENENE: DVDs.

7 MS. PHILLIPS: DVDs that he gave
8 you, did you -- were you able to see some of
9 the things that you saw the night of the
10 incident when you were looking at the
11 monitors?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. PHILLIPS: Okay. What did you
14 do next?

15 INVESTIGATOR GHENENE: I just want
16 to add that Mr. Molina also gave me, I believe
17 he gave me, the incident report, too, that is
18 in my report.

19 MS. PHILLIPS: Okay. And the
20 incident report is Exhibit No.?

21 INVESTIGATOR GHENENE: 12.

22 MS. PHILLIPS: 12, okay. We will

1 get to that. All right. What did you do
2 next?

3 INVESTIGATOR GHENENE: Next, I
4 think as far as the establishment was
5 concerned, I think that was it.

6 MS. PHILLIPS: You didn't speak to
7 Olga that night?

8 INVESTIGATOR GHENENE: Yeah, I
9 mean, I spoke to her periodically throughout
10 the whole night.

11 MS. PHILLIPS: Okay.

12 INVESTIGATOR GHENENE: It wasn't
13 just in order like that.

14 MS. PHILLIPS: Right. And all I'm
15 asking is if I don't take it by the way you
16 reported it in your report, then we will miss
17 something.

18 INVESTIGATOR GHENENE: I
19 understand.

20 MS. PHILLIPS: And then while the
21 Board Members are trying to follow on the
22 report, if they are trying to follow, then,

1 you know, they can keep track of what we are
2 talking about.

3 INVESTIGATOR GHENENE: I
4 understand.

5 MS. PHILLIPS: So while you might
6 not have spoken to Ms. Lavinchy next, in the
7 report her information is recorded next. Is
8 that fair?

9 INVESTIGATOR GHENENE: Yes.

10 MS. PHILLIPS: And so what did you
11 learn from Ms. Lavinchy?

12 INVESTIGATOR GHENENE: Well, I had
13 asked her earlier in the evening what time --
14 or who called 911. Who was the person who
15 contacted and she indicated that she had.

16 MS. PHILLIPS: Did she tell you
17 what time she contacted 911?

18 INVESTIGATOR GHENENE: She may
19 have, but she said that she called immediately
20 after she gained knowledge of the incident.

21 MS. PHILLIPS: And did she say how
22 long it took for her to gain knowledge of the

1 incident?

2 INVESTIGATOR GHENENE: I don't
3 remember.

4 MS. PHILLIPS: Did she say what
5 brought the incident to her attention?

6 INVESTIGATOR GHENENE: I don't
7 remember.

8 MS. PHILLIPS: Okay. What
9 occurred next?

10 INVESTIGATOR GHENENE: Well,
11 according to the report, at that point, I
12 believe my supervisor, Supervisory
13 Investigator Gethers contacted other
14 Investigators working that evening to go to
15 the different hospitals and gather as much
16 information as they could regarding the
17 victims and regarding the incident.

18 MS. PHILLIPS: And who were the
19 Investigators that went to the hospitals?

20 INVESTIGATOR GHENENE:
21 Investigator Felicia Martin and Donnell
22 Butler.

1 MS. PHILLIPS: And Felicia is F-E-
2 L-I-C-I-A, Martin, M-A-R-T-I-N, Donnell, D-O-
3 N-N-E-L-L, Butler, B-U-T-L-E-R?

4 INVESTIGATOR GHENENE: Yes.

5 MS. PHILLIPS: And they went to
6 Howard Hospital and Medstar?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. PHILLIPS: Is Medstar
9 Washington Hospital Center?

10 INVESTIGATOR GHENENE: Yep, yes,
11 ma'am.

12 MS. PHILLIPS: Okay. All right.
13 And then next in the report was the
14 information we covered about the victims. Is
15 that fair?

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MS. PHILLIPS: All right. What
18 happened next?

19 INVESTIGATOR GHENENE: Next, I
20 believe, I started trying to put my
21 preliminary case together and tried to pop the
22 DVDs inside of the computer back at the ABRA

1 Office and I was unable to pull up the video.

2 MS. PHILLIPS: And then what
3 happened?

4 MEMBER ALBERTI: Then I think I
5 immediately contacted Mr. Molina to ask him to
6 get me the appropriate DVDs. I didn't want
7 the footage to get reset or whatever it was.

8 MS. PHILLIPS: Do you know what
9 the time period for reset on their video
10 cameras are?

11 CHAIRPERSON MILLER: Okay. The --
12 oh, I'm sorry, are you talking about this or
13 are you talking about your case?

14 INVESTIGATOR GHENENE: Oh, yes.

15 CHAIRPERSON MILLER: I thought
16 maybe you were talking -- are you talking
17 about the video for this?

18 MS. PHILLIPS: I'm taking
19 testimony, so no, I'm not talking about any of
20 your --

21 CHAIRPERSON MILLER: Okay. I
22 thought you -- excuse me.

1 MS. PHILLIPS: -- problems.

2 CHAIRPERSON MILLER: Go ahead.

3 Okay.

4 MS. PHILLIPS: So is your system
5 up now?

6 CHAIRPERSON MILLER: No.

7 MEMBER ALBERTI: No.

8 CHAIRPERSON MILLER: It's not and
9 it won't --

10 MS. PHILLIPS: Ever come up?

11 CHAIRPERSON MILLER: It won't come
12 up today.

13 MEMBER ALBERTI: Not today.

14 CHAIRPERSON MILLER: So it is up
15 on those two screens.

16 MEMBER SILVERSTEIN: Can that
17 screen be moved out?

18 CHAIRPERSON MILLER: I don't think
19 it can.

20 MS. PHILLIPS: I asked and they
21 said not. And since I can see this and
22 establishment counsel can see this video, I

1 can try to turn that.

2 CHAIRPERSON MILLER: Is it
3 turning?

4 MEMBER ALBERTI: I wouldn't touch
5 it.

6 MS. PHILLIPS: No, this one. This
7 one I know turns.

8 CHAIRPERSON MILLER: This one can
9 turn?

10 MS. PHILLIPS: Yes.

11 CHAIRPERSON MILLER: Okay.

12 CHAIRPERSON MILLER: Oh, okay.

13 MS. PHILLIPS: Is that good?

14 MEMBER ALBERTI: Yeah.

15 CHAIRPERSON MILLER: Much better.
16 You might have to come down.

17 MS. PHILLIPS: Mr. Jones?

18 CHAIRPERSON MILLER: Mr. Jones
19 might have to move, but --

20 MEMBER ALBERTI: Hire her as the
21 technician.

22 MS. PHILLIPS: I'm sorry?

1 MEMBER ALBERTI: I said --

2 CHAIRPERSON MILLER: He wants to
3 hire you.

4 MEMBER ALBERTI: -- let's hire
5 Louise as a technician.

6 MS. PHILLIPS: No, I could turn
7 it.

8 CHAIRPERSON MILLER: Okay. Sorry
9 to interrupt.

10 MS. PHILLIPS: No problem.

11 CHAIRPERSON MILLER: Okay.

12 MS. PHILLIPS: So I think my
13 question was that did you find out what the
14 loop was for the security cameras at Stadium
15 at the time of this incident?

16 INVESTIGATOR GHENENE: I'm sure he
17 told me, but I don't remember what his answer
18 was.

19 MS. PHILLIPS: Okay. So it didn't
20 become important because we eventually got --

21 INVESTIGATOR GHENENE: Yes.

22 MS. PHILLIPS: -- the DVDs.

1 INVESTIGATOR GHENENE: Yes.

2 MS. PHILLIPS: Is that fair?

3 MEMBER ALBERTI: Yes, ma'am.

4 MS. PHILLIPS: All right. So you
5 prepared a report and then there was a summary
6 suspension and the police chief closed the
7 establishment. Is that fair?

8 INVESTIGATOR GHENENE: Yes, ma'am.

9 MS. PHILLIPS: All right. And
10 then what did you do next?

11 INVESTIGATOR GHENENE: I met with
12 Officer Nicholls and Lieutenant Bernat, who
13 were -- well, Officer Nicholls was present.
14 And he may have been part of the RDO that
15 evening. And Lieutenant Bernat was also -- I
16 think he was actually out there that night at
17 the time of the incident.

18 MS. PHILLIPS: According to the
19 investigation report, Nicholls is spelled N-I-
20 C-H-O-L-L-S and Bernat is spelled B-E-R-N-A-T.
21 Is that fair?

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 MS. PHILLIPS: All right. And so
2 what did you learn from Officer Nicholls and
3 then subsequently Lieutenant Bernat?

4 INVESTIGATOR GHENENE: Officer
5 Nicholls stated that at, approximately, 3:08
6 a.m. a patron staggered to him holding his
7 stomach and what appeared to be part of his
8 intestine while he was working the RDO at
9 Stadium Club outside of the fence.

10 Officer Nicholls stated that he
11 immediately made an emergency call for an
12 ambulance and he stated while he was
13 administering aid, he was approached by a
14 second patron with stab wounds that came from
15 Stadium.

16 Officer Nicholls stated that he
17 did not observe any staff from Stadium with
18 either patron and that they came to him by
19 themselves.

20 MS. PHILLIPS: Okay. And then you
21 spoke to Lieutenant Bernat next. Is that
22 fair?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. PHILLIPS: And what did you
3 learn from Lieutenant Bernat?

4 INVESTIGATOR GHENENE: Lieutenant
5 Bernat stated that the incident inside of the
6 establishment began around 3:05, according to
7 the cameras. And that by 3:08 the victims
8 were outside on Queens Chapel Road.
9 Lieutenant Bernat stated that at 3:13, MPD
10 Detectives Rivanski and Farmer entered the
11 Stadium and found that several areas inside
12 the establishment, and I'm assuming he meant
13 the crime scenes, were swept clean, ruining
14 any chance of evidence collection.

15 MS. PHILLIPS: Okay. And what did
16 -- did you also witness any -- at this point
17 in time, you were inside the establishment.
18 Is that fair?

19 INVESTIGATOR GHENENE: At the time
20 of this conversation, these conversations?

21 MS. PHILLIPS: Right.

22 INVESTIGATOR GHENENE: No.

1 MS. PHILLIPS: All right. At the
2 time you were inside the establishment when
3 you were talking to Ms. Lavinchy and the other
4 personnel from Stadium, did you have a chance
5 to look at the area where the incident
6 occurred and notice, for yourself, that there
7 were no signs of a fight at the location where
8 they pointed out that the incident occurred?

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 MS. PHILLIPS: Did you see any
11 blood inside the establishment at all?

12 INVESTIGATOR GHENENE: No, ma'am.

13 MS. PHILLIPS: Did you see --

14 INVESTIGATOR GHENENE: Well,
15 excuse me. I take that back. There may have
16 been a bloody like papertowel or something
17 like that in the bathroom in the private area,
18 like the employee only area. There may have
19 been something like that.

20 MS. PHILLIPS: Okay. So and you
21 were looking at the employee restroom because?

22 INVESTIGATOR GHENENE: That was

1 where they said they treated one of the people
2 that got stabbed.

3 MS. PHILLIPS: And that was their
4 own employee. Is that fair?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. PHILLIPS: Okay. All right.
7 What did you do next?

8 INVESTIGATOR GHENENE: I think
9 after that, that was pretty much the end of it
10 and I came back to the office and prepared
11 this report.

12 MS. PHILLIPS: Okay. At some
13 point in time did you review the camera
14 selections that you and the establishment had
15 made a determination were the best angles of
16 the incidents in question?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. PHILLIPS: And are those
19 listed on page 5 of your report?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: And do we have
22 those videos here to show to the Board?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. PHILLIPS: And let's go to the
3 first. Is that Camera 7 or are we going to
4 the one where the argument and fight began on
5 Camera 23?

6 INVESTIGATOR GHENENE: Yeah, we
7 are going to go to -- start with Camera 23.

8 MS. PHILLIPS: All right. What is
9 that going to show me and can you use the
10 mouse to show?

11 INVESTIGATOR GHENENE: Yes, I can
12 try and use the mouse.

13 (Video played.)

14 INVESTIGATOR GHENENE: I don't
15 know how well you guys can see it, but this
16 area where you see people standing and
17 dancing, this is actually separated by a
18 partition. And in front of that partition in
19 this area is where the incident occurs.

20 MS. PHILLIPS: Okay. Well, let
21 me --

22 MEMBER ALBERTI: In what area?

1 INVESTIGATOR GHENENE: In this
2 area is where the incident occurs. You can
3 see this person with their hand on the
4 partition. You can also see these people with
5 their hands on the partition. It's black in
6 color, so it's difficult to kind of see.

7 MEMBER RODRIGUEZ: Oh, I see.

8 MS. PHILLIPS: So are you seeing?

9 I have what I found in my file,
10 probably from the Summary Suspension Hearing,
11 a picture, a depiction that says Floor Man
12 Security Layout Friday and Saturday. And I'm
13 showing it to you. I guess it will be
14 District Exhibit B.

15 (Whereupon, the document was
16 marked as District Exhibit B for
17 identification.)

18 MS. PHILLIPS: Does this show sort
19 of a rough marking of the interior of Stadium?

20 INVESTIGATOR GHENENE: Yes, there
21 is a couple of areas that looks like kind of
22 lopped off, like that private area I was

1 telling you about where the office is and
2 other things are not accessible to the public.

3 MS. PHILLIPS: I have --

4 INVESTIGATOR GHENENE: Oh, and the
5 dining room is also not here.

6 MS. PHILLIPS: Okay. I have a few
7 extras for the Board to share. I didn't get
8 them scanned in, but it -- when I found them
9 and when the Investigator was explaining to me
10 what happened, they helped me and so I assume
11 they will help you.

12 CHAIRPERSON MILLER: Thank you.

13 MS. PHILLIPS: So can you point
14 out a landmark on Exhibit B that shows where
15 this incident in question occurred?

16 INVESTIGATOR GHENENE: I believe
17 it occurred in Room 6 or I'm sorry, right
18 outside of Room 6 where VIP 4 is indicated.
19 I believe that's where it was.

20 MS. PHILLIPS: So I see a big red
21 dot --

22 INVESTIGATOR GHENENE: Um-hum.

1 MS. PHILLIPS: -- between VIP 3
2 and VIP 4?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: Is it where the red
5 dot occurred or is it over where VIP 4 is?

6 INVESTIGATOR GHENENE: I think it
7 is probably closer -- it's in that area.

8 MS. PHILLIPS: Okay.

9 INVESTIGATOR GHENENE: Between the
10 red dot and VIP 4, I believe.

11 MS. PHILLIPS: All right. So
12 there is this round -- it's not round, half-
13 circular projection and then this long bar-
14 like area. What is that?

15 INVESTIGATOR GHENENE: The half-
16 circle in front of the red dot is the main
17 stage where the dancers dance. And then along
18 side the rectangular, whatever you want to
19 call that, that's the bar area. And on either
20 side of the bar areas are two semicircles and
21 those are side stages.

22 MS. PHILLIPS: Okay. Now, in this

1 picture right here, are we looking at the big
2 center, what I call the big center stage?

3 INVESTIGATOR GHENENE: No, ma'am.

4 MS. PHILLIPS: Okay. What are we
5 looking at?

6 INVESTIGATOR GHENENE: It's a
7 camera shot, I believe, looking into Room 6
8 and then the front of Room 6, that front area
9 where the red -- between the red dot and the
10 VIP 4.

11 MS. PHILLIPS: Okay.

12 INVESTIGATOR GHENENE: So this is
13 Room 6. I believe it is.

14 MS. PHILLIPS: Don't do that. Can
15 you fix it now?

16 INVESTIGATOR GHENENE: No.

17 MS. PHILLIPS: Well, that would be
18 really lovely.

19 INVESTIGATOR GHENENE: Okay.

20 MS. PHILLIPS: I'm sorry, I think
21 that's what they call technical difficulties.

22 CHAIRPERSON MILLER: Okay.

1 MS. PHILLIPS: So while we are
2 waiting for the technical difficulties to
3 resolve --

4 CHAIRPERSON MILLER: To the
5 rescue, okay.

6 INVESTIGATOR GHENENE: I think we
7 got it now.

8 MS. PHILLIPS: It will work.

9 INVESTIGATOR GHENENE: I don't
10 know. I think we are okay now.

11 MS. PHILLIPS: Well, why don't you
12 let him work on it and you testify? Is that
13 fair?

14 CHAIRPERSON MILLER: That's good
15 if that works. That would be great.

16 MS. PHILLIPS: Yeah, all right.
17 So you reviewed --

18 CHAIRPERSON MILLER: If he can.

19 MS. PHILLIPS: You reviewed these
20 video DVDs that show the incident in question
21 and what did you learn?

22 INVESTIGATOR GHENENE: Several

1 things. The first the actual incident is kind
2 of difficult to see what is going on. I could
3 clearly see what appears to be Mr. Ward
4 responding to the area where the incident
5 occurred. He actually hopped over the
6 partition that we saw to get in the mix and it
7 looks like stop what was happening.

8 I also was able to see, I guess,
9 two of the four people injured exit the
10 establishment. Neither of the two were
11 accompanied by Stadium employees. I saw Mr.
12 Ward in the hallway leading to the exit that
13 exists to Queens Chapel and he was being
14 accompanied by what appeared to be employees.

15 It was -- there was a lot of
16 people there, so it was kind of difficult to
17 tell who was who, so I did not -- I was unable
18 to see four people that were injured exit the
19 establishment.

20 MS. PHILLIPS: How many people
21 that were injured did you see on the videos
22 exit the establishment?

1 INVESTIGATOR GHENENE: Only two.

2 MS. PHILLIPS: Did you see anybody
3 -- any victim exit the establishment with your
4 own two eyes?

5 INVESTIGATOR GHENENE: The night
6 of?

7 MS. PHILLIPS: The night of.

8 INVESTIGATOR GHENENE: No.

9 MS. PHILLIPS: All right. So you
10 saw -- but you saw two victims outside being
11 attended by EMTs. Is that a fair summary of
12 what you told us?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. PHILLIPS: All right. On
15 Camera 7, what did you see?

16 INVESTIGATOR GHENENE: Camera 7,
17 you want me to go there?

18 MS. PHILLIPS: No, I don't want
19 you to go there.

20 INVESTIGATOR GHENENE: Okay.

21 MS. PHILLIPS: I want you to go to
22 Camera 23 first, but I'm taking testify --

1 testimony on why -- I thought Mr. Hager was
2 going to make this work.

3 So would you go to where we
4 started on Camera 23?

5 INVESTIGATOR GHENENE: It's not --
6 something is wrong here.

7 MS. PHILLIPS: All right. Because
8 I'm just -- just have to follow some sort of
9 order, in your report, the first camera that
10 you reported on was Camera 7. Is that
11 correct?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. PHILLIPS: What view was that?

14 INVESTIGATOR GHENENE: That view
15 if you look at your map of the interior is
16 close to where it says VI -- it's in the
17 bottom right hand corner, close to where it
18 says VIP 15 is. It's actually -- I believe
19 it's actually in the corner where VIP 15 is
20 immediately on the inside of where the summer
21 garden is.

22 MS. PHILLIPS: Okay. So --

1 INVESTIGATOR GHENENE: It's the
2 main -- I believe it's the --

3 MS. PHILLIPS: -- right here?

4 INVESTIGATOR GHENENE: Yes, ma'am.
5 I believe it is the main exit that Stadium
6 uses when they close.

7 MS. PHILLIPS: Okay. All right.
8 And what did you see at that entrance/exit?

9 INVESTIGATOR GHENENE: I saw a
10 patron walking out and he was holding his arm,
11 so it appeared that he was injured.

12 MS. PHILLIPS: Okay. And what
13 time did you see that on the videoclip?

14 INVESTIGATOR GHENENE: That was at
15 3:05:59.

16 MS. PHILLIPS: Okay. And what
17 else did you see on Camera 7 that is pertinent
18 to the discussion we are having today?

19 INVESTIGATOR GHENENE: From that
20 point at around 3:10, you just see people kind
21 of leaving the nightclub, but not in any kind
22 of rush or haste, just almost looks casual.

1 MS. PHILLIPS: Okay. And on
2 Camera 7 those were the only things you saw
3 that were pertinent to the investigation that
4 we are discussing here today?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. PHILLIPS: Camera 12 appears
7 to be the next one you looked at. What does
8 that show?

9 INVESTIGATOR GHENENE: Camera 12
10 was, I believe, above the -- if you are
11 looking at the diagram, it's the side stage.
12 And that was angled pointed towards the bar.
13 It covered some of the main stage, some of the
14 floor and some of the rear area behind the
15 main stage. So it's a wide shot.

16 MS. PHILLIPS: Okay. And on -- is
17 there -- is that the best location you could
18 give according to the floor plan that we are
19 looking at Exhibit B?

20 INVESTIGATOR GHENENE: So I
21 believe the camera angle or the camera was
22 probably somewhere around where it says R-VIP

1 1, which is all the way on the left hand side
2 near it looks like a diagram of some stairs.

3 MS. PHILLIPS: And was it showing
4 this passageway here past Room 2 and Room 1?

5 INVESTIGATOR GHENENE: No. It was
6 pointed towards the center of the main stage.

7 MS. PHILLIPS: And what did you
8 see on that camera?

9 INVESTIGATOR GHENENE: I saw
10 another -- it could have been the same. I
11 think it's the same victim that I saw on
12 Camera 7 leaving, walking through the
13 nightclub and he was, I believe, holding his
14 arm.

15 MS. PHILLIPS: Okay.

16 INVESTIGATOR GHENENE: And I also
17 saw, who I later found out to be, the
18 comptroller, Mike Smith, walk out onto that
19 side stage and give what looked like an order,
20 around 3:11:02, to the DJ to turn the -- stop
21 the music.

22 MS. PHILLIPS: Okay. Was it right

1 around that time that the lights came on?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. PHILLIPS: Okay. And now, we
4 are back to Camera 23, which is where we were
5 trying to start. Are we going to be able to
6 see that now?

7 INVESTIGATOR GHENENE: I hope so.
8 So this is, approximately, a minute and a half
9 before the incident occurs. So this is the
10 VIP or this is the room area where you can see
11 there are several patrons with their hands on
12 the partition. The incident is going to occur
13 in this area here. So a lot of it is
14 obstructed from the camera.

15 CHAIRPERSON MILLER: So I assume
16 you want the Board Members to be looking at
17 this video now? Is that right?

18 MS. PHILLIPS: I hope so.

19 CHAIRPERSON MILLER: Okay. So I
20 don't believe they all are, so I would let the
21 other Board Members if you have to move, if
22 you want to see the video.

1 MS. PHILLIPS: Right.

2 (Video played.)

3 MS. PHILLIPS: And so would you
4 put the cursor on where you think it is going
5 to happen? I'm sorry, I'm so busy watching
6 the video that I can't see what the Board
7 Members are doing.

8 CHAIRPERSON MILLER: Okay. Okay.

9 MS. PHILLIPS: So if they want to
10 see it, I guess they can look at it. If they
11 don't want to see it, it's part of the record,
12 they can look at it later, take our word for
13 it from testimony.

14 CHAIRPERSON MILLER: I can see it.

15 MEMBER BROOKS: I can see it.

16 CHAIRPERSON MILLER: Yeah.

17 MS. PHILLIPS: Well, keep looking
18 because it's coming.

19 INVESTIGATOR GHENENE: So this is
20 the area where the incident occurred.

21 MS. PHILLIPS: All right. There
22 it starts. There is starts.

1 INVESTIGATOR GHENENE: So they are
2 fighting.

3 MEMBER RODRIGUEZ: Is that where
4 it starts?

5 INVESTIGATOR GHENENE: Yes. I can
6 rewind it, so you can see the very beginning.

7 MS. PHILLIPS: Try not to stop
8 until I say rewind. All right. Are we going
9 to start again?

10 INVESTIGATOR GHENENE: Yes.

11 MS. PHILLIPS: Okay. And the
12 cursor is up where it is going to happen, so
13 you can see the cursor up there.

14 CHAIRPERSON MILLER: Yes. I don't
15 know.

16 MS. PHILLIPS: Wiggle it, so they
17 can see where it is.

18 CHAIRPERSON MILLER: It looks like
19 it's on the other side.

20 MS. PHILLIPS: See that wiggle
21 cursor?

22 MEMBER RODRIGUEZ: Yes.

1 MS. PHILLIPS: All right. There.

2 Is that the fight?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: Now, somebody is
5 about to go over the bar?

6 INVESTIGATOR GHENENE: Yes, ma'am.

7 MS. PHILLIPS: And who is that?
8 Did you find out later?

9 INVESTIGATOR GHENENE: Yeah, I
10 believe that is Mr. Ward.

11 MS. PHILLIPS: Okay. He certainly
12 appears to have staff written on the back of
13 his T-shirt.

14 INVESTIGATOR GHENENE: Right. And
15 I mean there is other people that are involved
16 doing something, but they don't have the same
17 shirt on, so I can't be for sure, but I would
18 imagine that's staff.

19 MS. PHILLIPS: Right. Did you
20 ever go over this video with the people who
21 were on the scene --

22 INVESTIGATOR GHENENE: I don't --

1 MS. PHILLIPS: -- to find out what
2 exactly they think happened?

3 INVESTIGATOR GHENENE: No.

4 MS. PHILLIPS: Okay. All right.

5 INVESTIGATOR GHENENE: And that
6 looks like -- I'm assuming that's a barback,
7 because he has got a towel hanging out of the
8 back of his pants.

9 MS. PHILLIPS: And he walked over
10 the --

11 INVESTIGATOR GHENENE: Partition.

12 MS. PHILLIPS: -- partition?

13 INVESTIGATOR GHENENE: Yes.

14 MS. PHILLIPS: Okay.

15 (Video stopped.)

16 MS. PHILLIPS: And so that's all
17 we were there to see?

18 INVESTIGATOR GHENENE: For Camera
19 23, no.

20 MS. PHILLIPS: That was --

21 INVESTIGATOR GHENENE: You can see
22 more.

1 MS. PHILLIPS: What is the time on
2 the argument leading up to the fighting?

3 INVESTIGATOR GHENENE: That's
4 3:06:33. I'm sorry, that's 3:05:06 to
5 3:06:12.

6 MS. PHILLIPS: All right. And
7 what is the next thing we see on Camera 23
8 that you thought was of evidentiary import for
9 this matter?

10 (Video played.)

11 INVESTIGATOR GHENENE: At 3:08:15,
12 you can see Stadium staff wiping the tables
13 down.

14 MS. PHILLIPS: And what about
15 3:10?

16 MEMBER ALBERTI: Wait. At 3:08?

17 INVESTIGATOR GHENENE: 3:08:15,
18 you can see Stadium staff wiping tables down.

19 MS. PHILLIPS: And this is a
20 chronology that is contained on page --

21 INVESTIGATOR GHENENE: 5.

22 MS. PHILLIPS: -- 5 of the report.

1 Is that fair?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. PHILLIPS: Okay. All right.

4 And then what else do we see on Camera 23?

5 INVESTIGATOR GHENENE: At 3:10:40,
6 you can see Stadium staff sweeping.

7 MS. PHILLIPS: All right. And is
8 there anything else?

9 INVESTIGATOR GHENENE: On Camera
10 23, no.

11 (Video stopped.)

12 MS. PHILLIPS: All right. And
13 then the next camera that you reviewed?

14 INVESTIGATOR GHENENE: Camera 27.

15 MS. PHILLIPS: Let's pull that up.

16 CHAIRPERSON MILLER: I have that
17 here.

18 MEMBER SILVERSTEIN: Mr. Ghenene,
19 at 3:10:40 you can see Stadium staff?

20 INVESTIGATOR GHENENE: Sweeping.

21 CHAIRPERSON MILLER: Sweeping.

22 Thank you.

1 MEMBER SILVERSTEIN: Okay.

2 CHAIRPERSON MILLER: He didn't
3 catch it either.

4 INVESTIGATOR GHENENE: I have to
5 change discs. Do you want to go to Camera 32?

6 MS. PHILLIPS: I do.

7 INVESTIGATOR GHENENE: Okay.
8 Shall I just close this out? Okay.

9 CHAIRPERSON MILLER: Yeah, that's
10 what he is testifying to. We do. Page 5,
11 yeah, okay.

12 MS. PHILLIPS: Are you able to
13 have the investigative report ahead of you?
14 I tried to get it up on screen.

15 CHAIRPERSON MILLER: Okay. So,
16 yes, we are just noticing where it is in your
17 report where you are referring to page 5 where
18 you also document what the video is showing.

19 INVESTIGATOR GHENENE: Yes, ma'am.

20 CHAIRPERSON MILLER: Okay.

21 MS. PHILLIPS: Right. Since I'm
22 having no luck with this, I wasn't going to

1 try for split screens.

2 CHAIRPERSON MILLER: Okay.

3 (Video playing.)

4 MS. PHILLIPS: All right. So what
5 is that?

6 INVESTIGATOR GHENENE: This is,
7 I'm sorry, the exterior of the main entrance
8 to the club inside of the parking lot.

9 MS. PHILLIPS: And this is Camera
10 27 --

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 MS. PHILLIPS: -- that says in
13 parenthesis front door outside?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. PHILLIPS: Okay. And what are
16 we going to see at 3:06:34?

17 INVESTIGATOR GHENENE: At 3:06:34,
18 you are going to see an -- the unidentified
19 victim from Camera 7 and Camera 12. You are
20 going to see him walking which would have been
21 out of the exit through the summer garden and
22 out through the parking lot. You are going to

1 see him leaving through here.

2 You also are going to see another
3 victim. I'm sorry. Yeah, you are going to
4 see that victim and you are also going to see
5 later another victim come through what is
6 normally the front door. Well, I guess what
7 is the front door. You are going to see him
8 walk through this area and eventually walk out
9 towards Queens Chapel Road, which is over
10 here.

11 MS. PHILLIPS: So are we there
12 yet? Not quite.

13 INVESTIGATOR GHENENE: No.

14 MS. PHILLIPS: Who are these
15 people milling around in the foreground?

16 INVESTIGATOR GHENENE: Some are
17 patrons, some are security.

18 MS. PHILLIPS: How are we able to
19 tell which is which?

20 INVESTIGATOR GHENENE: Well, I
21 would assume that the ones with the metal
22 detecting wands are security.

1 MS. PHILLIPS: All right.

2 INVESTIGATOR GHENENE: And then I
3 think that there is a guy in this area, it
4 looks like he has security written on the back
5 of his shirt.

6 MS. PHILLIPS: Okay. Staff or
7 security?

8 INVESTIGATOR GHENENE: Staff.

9 MS. PHILLIPS: Okay.

10 INVESTIGATOR GHENENE: Well, it
11 could be security. I can't really tell.

12 MS. PHILLIPS: So is -- I'm sorry?
13 As soon as you see whatever it is we are going
14 to see, would you point it out with your
15 cursor to the Board?

16 INVESTIGATOR GHENENE: Yes.

17 MS. PHILLIPS: Because we are
18 getting close. I would speed it up, but I'm
19 afraid that something will happen.

20 CHAIRPERSON MILLER: Um-hum.

21 MEMBER ALBERTI: On the video or--

22 MS. PHILLIPS: That man in the

1 hooded sweatshirt, he is security because he
2 had a wand. Is that fair?

3 INVESTIGATOR GHENENE: I would
4 believe so, yes.

5 MEMBER ALBERTI: I'm glad this
6 video is here.

7 INVESTIGATOR GHENENE: All right.
8 You can kind of see that their attention is
9 diverted. The people in the front, they are
10 like paying attention to something at the
11 front door, but you can't really tell, at that
12 point, what it is.

13 So now, you are going to see this
14 guy over here, he has got blood stains
15 underneath his arm and in his stomach. He is
16 walking out by himself. Security started off
17 towards him. He is, I guess, walking back.

18 MS. PHILLIPS: So correct me if
19 I'm wrong, he --

20 INVESTIGATOR GHENENE: And then
21 this guy is looking at his arm.

22 MS. PHILLIPS: All right.

1 INVESTIGATOR GHENENE: And he is
2 pointing at it. And you will later see that
3 there is going to be blood sprayed or sprays
4 on the ground. There is people who come in
5 and attend to him and you are going to see
6 this guy in the bottom left hand corner, I
7 don't know who he is, take off his shirt and
8 wrap it around the guy's arm. So you can see
9 here the blood that is now on the ground.

10 And there, I mean, is security. I
11 believe it is security here talking. I'm not
12 sure if this is an employee that has put his
13 shirt around the guy's arm, but they are
14 standing there.

15 MS. PHILLIPS: And while we are
16 waiting for the next thing to happen, when we
17 saw the patron come up on the left side of the
18 screen walking out that had the abdominal
19 wound, I saw two wounds. Did you?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: One was sort of, I
22 can't tell which side, around the shoulder/

1 armpit area and the other one was directly
2 down on the abdomen. Is that fair?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: And there were --
5 it was dark stains is why we noticed that. Is
6 that fair to summarize?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. PHILLIPS: Now, I see people
9 standing in the evidence right there. Is that
10 fair?

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 And now -- I don't know. So now one of the
13 victims has just walked off. He is going to
14 Queens Chapel.

15 MS. PHILLIPS: He is going towards
16 Queens Chapel?

17 INVESTIGATOR GHENENE: Yes, ma'am.

18 MS. PHILLIPS: Okay. And we are
19 waiting for something else to happen on this
20 video pretty soon?

21 INVESTIGATOR GHENENE: I can get
22 there quicker.

1 MS. PHILLIPS: Okay. I just don't
2 want it to go away. Is it 3:12:03?

3 INVESTIGATOR GHENENE: Um-hum.

4 MS. PHILLIPS: Get close, so they
5 can just see. That's good.

6 INVESTIGATOR GHENENE: So now, you
7 will see what appears to be one of the staff
8 members open a bottle of water and he is going
9 to spray that area where the blood was.

10 MS. PHILLIPS: And he is doing it
11 right now. Is that what you are seeing?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. PHILLIPS: All right. Make it
14 bigger. Thank you.

15 INVESTIGATOR GHENENE: Okay. And
16 then --

17 MS. PHILLIPS: Let's wait until it
18 finishes.

19 INVESTIGATOR GHENENE: It
20 finished. So that's all that.

21 MS. PHILLIPS: So that's the all
22 clean spot?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. PHILLIPS: Now, when you were
3 on the scene during that time, did you observe
4 that area at all?

5 INVESTIGATOR GHENENE: When I was
6 on the scene, when I responded to the scene?

7 MS. PHILLIPS: Yes.

8 INVESTIGATOR GHENENE: I observed
9 the area, but I didn't know it to be an area
10 where there was blood.

11 MS. PHILLIPS: Okay. So you
12 learned that only from reviewing the video.
13 Is that fair?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. PHILLIPS: All right.

16 (Video stopped.)

17 MS. PHILLIPS: And the next thing
18 you say you saw and we don't need to see is
19 3:24:38? What happened then?

20 INVESTIGATOR GHENENE: I believe
21 that was the first time that I saw MPD
22 entering the establishment.

1 MS. PHILLIPS: Okay. And then
2 Camera 35? Is that on that same disc or did
3 you put another one in?

4 INVESTIGATOR GHENENE: No, it's on
5 this one.

6 (Video played.)

7 MS. PHILLIPS: All right. What
8 are we seeing now?

9 INVESTIGATOR GHENENE: Let me get
10 to the correct view, ma'am.

11 MS. PHILLIPS: Okay.

12 INVESTIGATOR GHENENE: All right.
13 Let me back up a little bit. This is the back
14 hallway where there is, I guess, an employee
15 restroom. It's not open to the public. So
16 that is this way, I believe. That's also the
17 entrance to another employee area. This is
18 the entrance to the offices that we did all
19 the interviewing in and where the video is.

20 Back here is -- are doors that
21 lead to a public access, I guess an area where
22 the public is. And then almost -- it almost

1 seems like this camera is hung probably about
2 10 feet from the exit, emergency exit or maybe
3 it's an employee entrance, I'm not sure, on
4 Queens Chapel Road.

5 So what you are going to see is, I
6 believe that is, Mr. Ward being assisted by,
7 what I believe to be, employees and Mr.
8 Redding to the bathroom area. If you want, I
9 can --

10 MS. PHILLIPS: Yes, can you get it
11 forward to show what we -- the other things
12 that we picked this -- you picked this video
13 for. All right. What are you --

14 INVESTIGATOR GHENENE: So at this
15 point, you can see -- I'm not sure what his
16 role is. I'll back it up. On the other side
17 of this chair, there is what appears to be
18 bloody rags or bloody towels. I'm not sure
19 what this guy's role is, but he looks to be an
20 employee of the club.

21 He looks like he is giving
22 instructions to people. I don't know what he

1 is saying. But what you will see in a second
2 is that that area is going to get cleaned.

3 MEMBER SHORT: According to your
4 time line, anything is happening --

5 INVESTIGATOR GHENENE: At which
6 point, sir? So now, you will see the guy that
7 gave some types of orders. He grabbed the
8 rags. He is moving chairs around. And now
9 you have got another guy. He is coming out
10 with towels and they are kind of scrubbing or
11 sweeping the area.

12 (Video stopped.)

13 MS. PHILLIPS: Now, can we go to--
14 is that all that that videotape shows?

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. PHILLIPS: All right. Let's
17 go to Camera 12. And I want to specifically
18 show the Board the unidentified victim walking
19 through the nightclub.

20 (Video played.)

21 INVESTIGATOR GHENENE: All right.
22 So this is the angle that I was saying. It

1 catches one of the side stages, the main bar.
2 You are going to catch -- back here is where
3 the incident occurred, in this top left
4 corner. And this is the public area in front
5 of the -- I guess, a portion of the bar.

6 So here is the side stage, the bar
7 area, the incident occurred here and here is
8 just a, I guess, general area in front of the
9 bar.

10 MS. PHILLIPS: And it --

11 INVESTIGATOR GHENENE: So at
12 3:05:46, and I can -- I'm going to have to
13 shrink it in order to get there. So the
14 incident was occurring up here. I guess
15 people are being pulled apart. You are going
16 to see a guy walking this way holding his arm
17 looking at his arm. He is walking out right
18 now by himself. That's it for this clip.

19 (Video stopped.)

20 MS. PHILLIPS: Okay.

21 INVESTIGATOR GHENENE: But the
22 lights are down.

1 MS. PHILLIPS: Okay. Where is the
2 clip that shows the man walking through with
3 the -- looks like a blood stain on his shirt
4 near the armpit area?

5 INVESTIGATOR GHENENE: That's on a
6 different camera. That's on Camera 7.

7 MS. PHILLIPS: Can we see that,
8 please? Can you go back? Does it say 3:11?

9 INVESTIGATOR GHENENE: Yes, this
10 is about it.

11 (Video played.)

12 INVESTIGATOR GHENENE: All right.
13 So this is before the incident happened. You
14 can see a dancer dancing here. This is before
15 the incident happened. All right. So I
16 believe it's probably about now that the
17 incident is occurring.

18 What you will see -- and this is
19 the exit by -- next to the summer garden,
20 which you will see is the guy or a guy exiting
21 and I believe you will be able to see, here he
22 is right here, a blood wound seeping out of

1 the side of his vest. I can rewind it if --

2 MS. PHILLIPS: It goes quickly.

3 Maybe you can stop it, so that they can see
4 it.

5 INVESTIGATOR GHENENE: Okay. I'll
6 have to keep it small for a second. So you
7 can see here he has got a hat on and a vest.
8 It looks like short sleeve shirt and right
9 here is what appears to be or what is
10 consistent with a blood stain. And he is
11 exiting.

12 MS. PHILLIPS: And there doesn't
13 appear to be anybody with him. Is that fair?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. PHILLIPS: All right.

16 INVESTIGATOR GHENENE: That was at
17 -- well, where I stopped it was 3:06.
18 Probably around just 3:06. Sir?

19 MEMBER ALBERTI: Can you go just
20 before that?

21 INVESTIGATOR GHENENE: Yes, sir.

22 MEMBER ALBERTI: I think that's

1 where I spotted that.

2 INVESTIGATOR GHENENE: 3:05:45.

3 So at approximately, 3:05:59, I think that's
4 where you can first kind of see him. He would
5 be coming -- here he is with his hat making
6 his way through. And now he is walking by.

7 This female, she might have been
8 with him. I'm unsure.

9 MS. PHILLIPS: Right. But she
10 certainly isn't with him now on the screen, is
11 she?

12 INVESTIGATOR GHENENE: No.

13 (Video stopped.)

14 MS. PHILLIPS: All right. So that
15 covers either by vision or by testimony the
16 Camera 7, 12, 23, 27 and the things that we
17 wanted to see or saw that you collected as
18 part of your investigation of this matter. Is
19 that fair?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: And you had other
22 exhibits which were? Can you bring up the

1 report? And you can just go back to the
2 exhibits. All right. All right. So the
3 first exhibit is the MPD incident report. Is
4 that fair?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. PHILLIPS: Okay. And that
7 is -- we have already discussed that there
8 were police officers on the scene. Do you
9 know who took down the information on the
10 police report, which is attached as Exhibit 1
11 to your investigation report?

12 INVESTIGATOR GHENENE: Officer
13 Nicholls.

14 MS. PHILLIPS: Okay. And the next
15 picture is?

16 INVESTIGATOR GHENENE: That's a
17 picture of the long area behind the main
18 stage, behind all the stages, but in front of
19 the room area, the private room area. So it's
20 also a depiction of where the incident
21 occurred.

22 MS. PHILLIPS: Okay. And this is

1 Exhibit 2 to your investigation report. Is
2 that fair?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: And that it has a
5 little indicator that says incident location.
6 Is that -- how did that come to be placed on
7 that photograph?

8 INVESTIGATOR GHENENE: I placed it
9 there.

10 MS. PHILLIPS: And how did you
11 make the determination that that's where the
12 incident occurred?

13 INVESTIGATOR GHENENE: It was
14 based off of visiting that exact spot.

15 MS. PHILLIPS: And did anybody
16 from MPD or the establishment indicate to you
17 that that was the spot?

18 INVESTIGATOR GHENENE: Yes, both.

19 MS. PHILLIPS: Both. Okay. Is
20 there anything else on Exhibit 2 that you
21 would like to call to attention that is
22 important that I'm missing asking a question

1 about?

2 INVESTIGATOR GHENENE: No, ma'am.

3 MS. PHILLIPS: All right. Let's
4 move on to Exhibit 3. What is this?

5 INVESTIGATOR GHENENE: Exhibit 3
6 is the area immediately where the incident
7 occurred.

8 MS. PHILLIPS: Immediately where?

9 INVESTIGATOR GHENENE: The
10 incident occurred. The actual place where the
11 incident occurs.

12 MS. PHILLIPS: So does that occur
13 on the table that is there?

14 INVESTIGATOR GHENENE: Ma'am?

15 MS. PHILLIPS: Did it occur on the
16 table that is there? That's a table, isn't
17 it?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. PHILLIPS: And it has it looks
20 like a glass with swizzle sticks in it or
21 something.

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 MS. PHILLIPS: All right. Did it
2 occur right there?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. PHILLIPS: Okay. All right.
5 And Exhibit 4?

6 INVESTIGATOR GHENENE: Exhibit 4
7 is vertical. I'm sorry, it should be
8 horizontal, but that's taken in front of the
9 main stage, so that the incident occurred
10 behind it, which is just there to give you
11 some kind of perspective.

12 MS. PHILLIPS: Okay. And you have
13 a little tab that says incident location with
14 arrow there also.

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 MS. PHILLIPS: And that was placed
17 pursuant to your investigation?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. PHILLIPS: All right. And now
20 I have Exhibit 5.

21 INVESTIGATOR GHENENE: Exhibit 5
22 is a picture of that employee restroom where

1 I believe Mr. Ward was tended to. And it also
2 shows a door leading into another employee
3 area.

4 MS. PHILLIPS: Okay. And why do
5 you believe that Mr. Ward was tended there?

6 INVESTIGATOR GHENENE: When I
7 arrived, there was police tape up and there
8 were also papertowels or rags or towels with
9 blood on them.

10 MS. PHILLIPS: Inside the
11 bathroom?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. PHILLIPS: Okay. And then
14 there is another picture of the bathroom,
15 Exhibit 6.

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MS. PHILLIPS: Okay. And what is
18 important about that?

19 INVESTIGATOR GHENENE: You can see
20 the police tape up and there was -- I don't
21 know if you can tell from the picture, but
22 there were towels with blood on them.

1 MS. PHILLIPS: Can you use your
2 pointer on that?

3 INVESTIGATOR GHENENE: Yes, ma'am.
4 So here is the police tape and here are some
5 papertowels. It doesn't appear that these --
6 well, you can't really tell, but I remember
7 from what I observed that there were some
8 towels with blood on them.

9 MS. PHILLIPS: Okay. So whether
10 this depicts the towels with blood or not, you
11 remember seeing it there?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. PHILLIPS: All right. And
14 now, we have Exhibit 7. And what is that?

15 INVESTIGATOR GHENENE: I believe
16 that this is a picture of Mr. Fields, one of
17 the two victims that had cuts on their arms.

18 MS. PHILLIPS: Okay. And this was
19 not taken by you, I take it, because it looks
20 like it was at the hospital. Is that fair?

21 INVESTIGATOR GHENENE: No. This
22 picture was taken by Investigator Butler.

1 MS. PHILLIPS: Butler, okay. And
2 the next picture, we have seen before, but
3 what is this?

4 INVESTIGATOR GHENENE: I believe--
5 and this is also vertical and it should be
6 horizontal, but that's a picture of Mr. Ward's
7 right bicep and he is the employee of -- was
8 or is the employee of Stadium Club.

9 MS. PHILLIPS: Now, is that red
10 stuff blood?

11 INVESTIGATOR GHENENE: I would
12 assume so.

13 MS. PHILLIPS: Or do you know?

14 INVESTIGATOR GHENENE: I don't
15 know.

16 MS. PHILLIPS: All right.

17 INVESTIGATOR GHENENE: Because I
18 wasn't there to take the picture, but I would
19 assume so.

20 MS. PHILLIPS: And this is the
21 hospital also?

22 INVESTIGATOR GHENENE: Yes.

1 MS. PHILLIPS: And who took this
2 picture?

3 INVESTIGATOR GHENENE:
4 Investigator Butler.

5 MS. PHILLIPS: Okay. And the
6 Exhibit 9 is just the letter from Chief
7 Lanier. Is that fair?

8 INVESTIGATOR GHENENE: Yes, ma'am.

9 MS. PHILLIPS: And that really
10 belongs with the summary suspension matter.
11 Is that fair?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 MS. PHILLIPS: But it's part of
14 the record, so it's included in this report.
15 Is that fair?

16 INVESTIGATOR GHENENE: Yes, ma'am.

17 MS. PHILLIPS: Let me ask you
18 this, this was the same report that you did
19 for the summary suspension. Is that correct?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: And did you obtain
22 any information after you completed this

1 report, but before we came here today with
2 regard to the incident in question?

3 INVESTIGATOR GHENENE: I believe
4 so, yes, ma'am.

5 MS. PHILLIPS: And what
6 information did you obtain and from whom?

7 INVESTIGATOR GHENENE: From
8 Lieutenant Bernat. Lieutenant Bernat stated
9 that only one call was made to -- according to
10 his research, only one call was made to 911
11 and it was from a patron. And he witnessed
12 the call.

13 MS. PHILLIPS: Okay. And did he
14 give you a time on that?

15 INVESTIGATOR GHENENE: He did, but
16 I don't remember the time.

17 MS. PHILLIPS: Is it in the report
18 anywhere?

19 INVESTIGATOR GHENENE: I don't
20 believe so, no, ma'am.

21 MS. PHILLIPS: Okay. All right.
22 And did you talk to anyone else and get any

1 more information about -- with regard to the
2 incident in question, subsequent to turning in
3 this report?

4 INVESTIGATOR GHENENE: I don't
5 believe so.

6 MS. PHILLIPS: Okay. And the next
7 exhibit is 10. What is that?

8 INVESTIGATOR GHENENE: That is
9 Stadium Club's security plan.

10 MS. PHILLIPS: Right. And then
11 the final exhibit is what?

12 INVESTIGATOR GHENENE: There is
13 two more exhibits.

14 MS. PHILLIPS: Oh, sorry.

15 INVESTIGATOR GHENENE: Exhibit 11
16 is -- are all of the DVDs. And Exhibit 12 is
17 the incident report filled out by the
18 Comptroller, Michael Smith.

19 MS. PHILLIPS: Okay. Based on
20 your investigation with regard to the security
21 plan, and let's just start with Exhibit 12,
22 the incident report. According to the

1 security plan and what is required under the
2 statute, is this report complete?

3 INVESTIGATOR GHENENE: No, ma'am.

4 MS. PHILLIPS: And how is it
5 deficient from your investigation?

6 INVESTIGATOR GHENENE: I believe,
7 and if you would give me a second I could find
8 the exact place in the security plan, that the
9 security plan is to be written up by the head
10 of security.

11 MS. PHILLIPS: And who is the head
12 of security?

13 INVESTIGATOR GHENENE: The head of
14 security then was Anthony Smart.

15 MS. PHILLIPS: Okay. But it was
16 not -- who it was written up by?

17 INVESTIGATOR GHENENE: Michael
18 Smith.

19 MS. PHILLIPS: Were you ever able
20 to make a determination of why Mr. Smith wrote
21 it up rather than the head of security as
22 required by the security plan?

1 INVESTIGATOR GHENENE: No, ma'am.

2 MS. PHILLIPS: Okay. Is there
3 anything else that it was deficient in?

4 INVESTIGATOR GHENENE: Yeah, I
5 believe that in addition to the -- Mr. Smart
6 or the head of security being the one that has
7 to write it, it says that there is supposed to
8 be much more detail, including the individuals
9 involved, the location of the incident, the
10 time MPD was notified, several things.

11 MS. PHILLIPS: And who called MPD,
12 is that one of the things that is required?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. PHILLIPS: Is that required by
15 the security plan or by the statutory
16 requirements for a security plan?

17 INVESTIGATOR GHENENE: Both.

18 MS. PHILLIPS: All right. Did you
19 ever learn from any document or discussion how
20 security personnel were stationed inside and
21 in front of the establishment? And the number
22 and locations of the cameras used in the

1 establishment?

2 INVESTIGATOR GHENENE: I believe I
3 knew how many security were working that night
4 from the -- when I responded. The locations,
5 I don't remember if I was told that and the
6 same goes for the cameras.

7 MS. PHILLIPS: All right. That's
8 required by statute. Is that fair?

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 MS. PHILLIPS: Was it in the
11 security plan that those -- that information,
12 was it in the security plan?

13 INVESTIGATOR GHENENE: I don't
14 remember.

15 MS. PHILLIPS: Okay. Would you
16 look or page through it and see? Based on
17 your background and experience, are you used
18 to seeing that in writing or in floor plans?

19 INVESTIGATOR GHENENE: Floor
20 plans.

21 MS. PHILLIPS: Okay. Were there
22 floor plans attached to the security plan?

1 INVESTIGATOR GHENENE: I don't
2 believe so, no, ma'am.

3 MS. PHILLIPS: Okay. I don't see
4 a floor plan attached in the attachments that
5 you have inside the exhibit. I mean, the
6 investigation report. Is that fair?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. PHILLIPS: Okay.

9 INVESTIGATOR GHENENE: No, it's
10 not in there.

11 MS. PHILLIPS: All right. Based
12 on --

13 MS. TODD: Objection. Excuse me,
14 according to that, can you show me where in
15 statute it says that regarding that floor plan
16 requirement?

17 MS. PHILLIPS: If you recall the
18 testimony, I didn't say it was a statutory
19 site.

20 MS. TODD: Okay.

21 MS. PHILLIPS: I said based on his
22 background.

1 MS. TODD: Oh, okay.

2 MS. PHILLIPS: Yes. But there is
3 a statute that is in the notice that talks
4 about what is required in security plans. It
5 is cited in the notice.

6 All right. Based on your
7 education -- I mean, based on your
8 investigatory experience as an ABRA
9 Investigator, you look for violations. Is
10 that fair?

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 MS. PHILLIPS: And you cite them
13 in your report. Is that fair?

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. PHILLIPS: And on page 1 you
16 list several citations, which you believe,
17 from an investigatory perspective, are the
18 code sections and do we have any DCMR
19 sections, no, I don't believe we do, that were
20 violated. Is that correct?

21 INVESTIGATOR GHENENE: Yes, ma'am.

22 MS. PHILLIPS: And your first one

1 is just a blanket 25-823 revocation or
2 suspension of a license for misuse of the
3 premises. Was that fair?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 MS. PHILLIPS: And I don't see it
6 substantiated there, yes or no. Is that fair?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. PHILLIPS: Yet, you found
9 violations of 25-823. Is that correct?

10 INVESTIGATOR GHENENE: Yes, ma'am.

11 MS. PHILLIPS: And what
12 specifically were the violations that you
13 found?

14 INVESTIGATOR GHENENE: One,
15 without looking at the code, was -- involved
16 Mr. Smart and the statement, some of the
17 statements that he made to include explaining
18 that he assisted two of the victims out to the
19 emergency technicians, emergency medical
20 technicians.

21 The other was a violation of the
22 security plan.

1 MS. PHILLIPS: Okay.

2 INVESTIGATOR GHENENE: Amongst the
3 interference with cleaning the crime scenes.

4 MS. PHILLIPS: Okay. So
5 specifically, you believe that 5 and 6 were
6 violated. Is that correct?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. PHILLIPS: And I don't
9 understand what this 25-402(f), new license
10 application for manufacturer or wholesaler or
11 retailer, what you say yes on. Is that fair?

12 INVESTIGATOR GHENENE: Yes, ma'am.
13 Okay. So under 25-402(f), it says "A written
14 security plan shall include at least the
15 following elements."

16 MS. PHILLIPS: Okay. So that's
17 the violation and it did not include all of
18 the elements that are required by statute
19 either. Is that fair?

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. PHILLIPS: When you looked at
22 the violation which includes using the

1 premises for an unlawful or disorderly
2 purpose, what did you see with regard to the
3 evidence in the tapes or otherwise with regard
4 to that?

5 INVESTIGATOR GHENENE: It didn't
6 appear that security was ample enough in that
7 area where the incident occurred.

8 MS. PHILLIPS: Right. And was
9 there any particular reason why you felt that
10 it was not ample? Was there crowding or
11 should there have been security at each area
12 of the establishment, as far as you are
13 concerned?

14 INVESTIGATOR GHENENE: Well, yeah,
15 there did appear to be some crowding, but also
16 the first -- what appears to be the first
17 respondent had to jump over a partition to get
18 there.

19 MS. PHILLIPS: Okay. So from what
20 you could tell from looking at the video and
21 your discussion, there was no security person
22 close by to that very crowded area, which we

1 saw on the screen?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. PHILLIPS: All right. Now,
4 with regard to, I think it is, 702. Oh,
5 sorry.

6 INVESTIGATOR GHENENE: 766.

7 MS. PHILLIPS: 766. 25-766, what
8 were the violations that you found with regard
9 to that?

10 INVESTIGATOR GHENENE: That was
11 Mr. Smart representing that he escorted two of
12 the injured patrons or injured victims/patrons
13 to an ambulance.

14 MS. PHILLIPS: Right. Does --
15 which section do you believe violated the --
16 where they cleaned up the scene and destroyed
17 evidence?

18 INVESTIGATOR GHENENE: That was
19 823(5).

20 MS. PHILLIPS: Okay. Does 766
21 include giving accurate information to
22 Investigators?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. PHILLIPS: Okay. And did --
3 were you -- did you receive some inaccurate
4 information from --

5 MS. TODD: Objection.

6 MS. TODD: Leading --

7 MS. PHILLIPS: Your objection?

8 MS. TODD: -- the witness in
9 questions and answers.

10 CHAIRPERSON MILLER: You need to
11 speak up, Ms. Todd.

12 MS. TODD: All right.

13 CHAIRPERSON MILLER: Okay. You
14 are making an objection?

15 MS. TODD: I'm sorry. I'm making
16 an objection that she is feeding testimony to
17 the witness on direct.

18 CHAIRPERSON MILLER: Ms. Phillips,
19 do you have a response?

20 MS. PHILLIPS: I don't think so,
21 but --

22 CHAIRPERSON MILLER: Do you want

1 to state your question again?

2 MS. PHILLIPS: What were -- again,
3 what were the violations of 25-766?

4 INVESTIGATOR GHENENE: That was
5 Mr. Smart representing to me that he escorted
6 two of the injured patrons or victims out of
7 the establishment and to an ambulance.

8 MS. PHILLIPS: All right. And 766
9 is in regards to statements that are false or
10 misleading with any respect to any material
11 fact shall be prohibited. Is that a fair
12 summary of the reading of the statute?

13 INVESTIGATOR GHENENE: Yes, ma'am.

14 MS. PHILLIPS: Okay. Was there
15 anything else that would fit under that
16 statute from your investigation that you can
17 think of right now?

18 INVESTIGATOR GHENENE: No, ma'am.

19 MS. PHILLIPS: Okay. Have we
20 covered all of the information that covers all
21 the counts that you investigated and made a
22 determination that should be charged from your

1 investigative perspective?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. PHILLIPS: All right. At this
4 point in time, I have no further -- were the
5 patron ejection procedures followed?

6 INVESTIGATOR GHENENE: I'm not
7 sure.

8 MS. PHILLIPS: Okay. Do you see
9 anything in your report where you mentioned
10 those?

11 INVESTIGATOR GHENENE: Yeah, I
12 included that section of the security plan.

13 MS. PHILLIPS: I'm looking at the
14 testimony or the information that you took
15 from Trevor Ward on page 3 where you refer
16 to --

17 INVESTIGATOR GHENENE: Yes.

18 MS. PHILLIPS: Did you find it?

19 INVESTIGATOR GHENENE: Yes, ma'am.
20 The -- Mr. Ward stated that when he got
21 involved, he put one of the people involved in
22 a headlock.

1 MS. PHILLIPS: Is that precluded
2 by security plan?

3 INVESTIGATOR GHENENE: Yes, ma'am.
4 In the security plan it says "In no case shall
5 the employee place their hands or arms around
6 the individual's throat and shall ensure that
7 the individual is not restrained in a manner
8 that can result in positional asphyxiation."
9 It also says that choke holds and sleeper
10 holds should never be used except in life
11 threatening scenarios.

12 MS. PHILLIPS: Okay. Now, as far
13 as you know, at the time, the person who was
14 led out in a choke hold, do you know if that
15 was life threatening at the time he put him in
16 the choke hold or not?

17 INVESTIGATOR GHENENE: I mean, I
18 didn't even see it on the video if he did, in
19 fact, put somebody in a choke hold. That's
20 purely his statement.

21 MS. PHILLIPS: Okay. Did -- in
22 the course of your investigation, did you ever

1 make a determination as to what weapon was
2 used?

3 INVESTIGATOR GHENENE: According
4 to MPD, it was the stem of a champagne glass.

5 MS. PHILLIPS: Do you know if MPD
6 collected the stem of the champagne glass as
7 part of the evidence?

8 INVESTIGATOR GHENENE: No, they
9 did not.

10 MS. PHILLIPS: They did not. Do
11 you know if --

12 CHAIRPERSON MILLER: I'm sorry, I
13 didn't -- what was the answer?

14 INVESTIGATOR GHENENE: They did
15 not.

16 CHAIRPERSON MILLER: Okay.

17 MS. PHILLIPS: Do you know if
18 there was more than one --

19 INVESTIGATOR GHENENE: I don't
20 know.

21 MS. PHILLIPS: -- unknown sharp
22 object?

1 INVESTIGATOR GHENENE: I don't
2 know.

3 MS. PHILLIPS: In the incident
4 report provided by the establishment, did they
5 give you the names of the victims?

6 INVESTIGATOR GHENENE: No.

7 MS. PHILLIPS: Did they tell you
8 how many victims they believed --

9 INVESTIGATOR GHENENE: Yes.

10 MS. PHILLIPS: -- were injured?
11 How many were -- did they say?

12 INVESTIGATOR GHENENE: Mr. Smith
13 stated that there were five individuals that
14 were stabbed.

15 MS. PHILLIPS: And so from your
16 investigation, did you ever find any
17 information about the fifth?

18 INVESTIGATOR GHENENE: No.

19 MS. PHILLIPS: Was there any
20 information in the incident report about which
21 MPD officers responded to the scene?

22 INVESTIGATOR GHENENE: No.

1 MS. PHILLIPS: Were there any --

2 INVESTIGATOR GHENENE: No, ma'am.

3 MS. PHILLIPS: What?

4 INVESTIGATOR GHENENE: No, ma'am.

5 MS. PHILLIPS: Was there any
6 information with regard to which ambulances
7 took victims away?

8 INVESTIGATOR GHENENE: No, ma'am.

9 MS. PHILLIPS: Was there any
10 information about what time the ambulances
11 were called, came to the scene and who were
12 the EMTs that responded?

13 INVESTIGATOR GHENENE: No, ma'am.

14 MS. PHILLIPS: None of those
15 things?

16 INVESTIGATOR GHENENE: No, ma'am.

17 MS. PHILLIPS: All right. Were
18 the names of the officers who investigated the
19 scene from MPD recorded in the incident
20 report?

21 INVESTIGATOR GHENENE: No, ma'am.

22 MS. PHILLIPS: Were the names of

1 the victims there?

2 INVESTIGATOR GHENENE: No, ma'am.

3 MS. PHILLIPS: I think except for
4 Trevor Ward, was he mentioned as a victim?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. PHILLIPS: Okay.

7 INVESTIGATOR GHENENE: The
8 employee.

9 MS. PHILLIPS: All right. Was the
10 suspected patron identified as anything other
11 than Carlos?

12 INVESTIGATOR GHENENE: No, ma'am.

13 MS. PHILLIPS: Okay. All right.
14 Okay. Were you able to follow-up with any of
15 the victims?

16 INVESTIGATOR GHENENE: No, ma'am.

17 MS. PHILLIPS: From your
18 investigation, were you able to find out who
19 helped which -- who from the establishment
20 helped which victim, if any?

21 INVESTIGATOR GHENENE: I will say
22 that when I arrived on the scene, I did, like

1 I said before, see what appeared to be an
2 employee of Stadium with one of the victims on
3 the hill.

4 MS. PHILLIPS: And neither that
5 victim or that Stadium employee was identified
6 in the incident report. Is that fair?

7 INVESTIGATOR GHENENE: No, ma'am.

8 MS. PHILLIPS: That's not fair?

9 INVESTIGATOR GHENENE: It is fair,
10 yes, ma'am.

11 MS. PHILLIPS: Okay. All right.
12 I have no further questions of this witness.

13 CHAIRPERSON MILLER: Okay. Ms.
14 Todd, do you have cross?

15 MS. TODD: Yes.

16 CHAIRPERSON MILLER: Okay.

17 MS. TODD: May I ask for time to
18 run to the restroom?

19 CHAIRPERSON MILLER: You want to
20 take --

21 MS. TODD: Just a two minute break
22 to run to the restroom.

1 MS. PHILLIPS: I second.

2 CHAIRPERSON MILLER: Sure, sure.

3 We can take a five minute break.

4 MS. TODD: Okay. Thank you.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: All right.

7 (Whereupon, at 6:13 p.m. a recess
8 until 6:24 p.m.)

9 CHAIRPERSON MILLER: Okay. We are
10 back on the record. Ms. Todd, are you ready
11 to proceed with cross?

12 MS. TODD: Thank you.

13 CROSS-EXAMINATION

14 MS. TODD: And I want to ask you
15 how to pronounce your name again.

16 INVESTIGATOR GHENENE: Sure.

17 MS. TODD: Investigator Ghenene?

18 INVESTIGATOR GHENENE: Ghenene.

19 MS. TODD: Ghenene, Ghenene. All
20 right. Thank you, thank you.

21 Investigator Ghenene, you stated
22 in your testimony on direct that you have

1 conducted investigations for three years,
2 correct for ABRA?

3 INVESTIGATOR GHENENE: Yes.

4 MS. TODD: And prior to that
5 investigation with ABRA, you have done
6 previous investigations as well, correct?

7 INVESTIGATOR GHENENE: Yes.

8 MS. PHILLIPS: In doing so, you
9 incorporate information you learned from your
10 training into your reports, correct?

11 INVESTIGATOR GHENENE: Yes.

12 MS. PHILLIPS: And you understand
13 how important it is that your investigation is
14 thorough, correct?

15 CHAIRPERSON MILLER: Is there a
16 problem with the microphone?

17 INVESTIGATOR GHENENE: Yes.

18 COURT REPORTER: Turn your mike
19 on.

20 INVESTIGATOR GHENENE: Oh, I
21 apologize.

22 MS. TODD: And you understand how

1 important it is that your investigation is
2 thorough, correct?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. TODD: And you make sure that
5 the information -- the important information
6 is included in your final product of your
7 report, correct?

8 INVESTIGATOR GHENENE: Well, I
9 make sure that the information that is given
10 to me is in the report. Yes, ma'am.

11 MS. TODD: Okay. And if something
12 is not in your report, what can we conclude
13 from that?

14 INVESTIGATOR GHENENE: You can
15 conclude a lot of different things, but I
16 can't really speak to that.

17 MS. TODD: Okay. But because you
18 understand that these reports are relied upon
19 in processing the charges brought by the OAG
20 that it is important that you incorporate the
21 important information in your reports,
22 correct?

1 INVESTIGATOR GHENENE: Again, I
2 can only incorporate what is given to me.

3 MS. TODD: Okay.

4 INVESTIGATOR GHENENE: Or what I
5 find.

6 MS. TODD: Okay. Your report
7 indicates that the establishment cameras
8 showed Stadium employees cleaning up at 2:04
9 a.m. Is that correct?

10 INVESTIGATOR GHENENE: Yes.

11 MS. TODD: And at what time did
12 the actual event occur?

13 INVESTIGATOR GHENENE: At 3:05 or
14 something like that.

15 MS. TODD: So can we conclude that
16 continuously throughout the night the barbacks
17 were cleaning up throughout Stadium?

18 INVESTIGATOR GHENENE: You can
19 certainly conclude that, but based off of the
20 2:04 a.m. --

21 MS. TODD: Um-hum.

22 INVESTIGATOR GHENENE: -- citing,

1 you can conclude that the camera time was
2 wrong.

3 MS. TODD: The camera time was
4 incorrect?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. TODD: And how can we conclude
7 that?

8 INVESTIGATOR GHENENE: Because
9 around the same time, you can see the victim
10 or one of the victims coming out with wounds
11 on his arm.

12 MS. TODD: Okay. And then you
13 have in your report at 3:08 you indicate that
14 you witness employees cleaning tables at 3:10,
15 correct?

16 MS. TODD: Yes, ma'am.

17 MS. TODD: Okay.

18 MS. PHILLIPS: I'm going to object
19 because that's not what the report says. One
20 is cleaning tables and one is sweeping.

21 MS. TODD: I apologize. I'll
22 accept that. Is that correct?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. TODD: From your report, the
3 RDO that first became aware of the incident,
4 was that at 3:05?

5 INVESTIGATOR GHENENE: Give me a
6 second. No, I don't think I said that.

7 MS. TODD: So at what time did the
8 RDO become aware of the incident?

9 INVESTIGATOR GHENENE: I'm not
10 sure what time. What I know is that Officer
11 Nicholls said that he became aware of injured
12 patrons at, approximately, 3:08 a.m.

13 MS. TODD: Okay. Here you have
14 here that you spoke with Lieutenant Bernat and
15 Lieutenant Bernat stated that the incident
16 inside the establishment began around 3:05
17 a.m.

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. TODD: Okay. Also from your
20 report MPD was on the scene at about 3:10 a.m.
21 Is that correct?

22 INVESTIGATOR GHENENE: Could you

1 be more specific? Because like I just said,
2 Officer Nicholls stated that at 3:08 he
3 received a couple of injured patrons.

4 MS. TODD: Well, I'm just --

5 INVESTIGATOR GHENENE: So there
6 are several MPD officers.

7 MS. TODD: Okay. But was there an
8 MPD officer that you witnessed at 3:10 a.m.
9 that was at the crime scene?

10 INVESTIGATOR GHENENE: At the
11 crime scene?

12 MS. TODD: Well, excuse me, at
13 Stadium at the time of the event?

14 INVESTIGATOR GHENENE: Yes, I
15 mean, I think that there were officers outside
16 of Stadium throughout the night.

17 MS. TODD: Okay. But your report
18 states here on Sunday, May 26th, at
19 approximately 3:10 --

20 INVESTIGATOR GHENENE: Um-hum.

21 MS. TODD: -- you approached
22 Stadium and spoke with MPD Sergeant Sheri Fox.

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. TODD: Okay. So that's
3 correct.

4 INVESTIGATOR GHENENE: What's
5 correct?

6 MS. TODD: That MPD was on the
7 scene at about 3:10 a.m.

8 INVESTIGATOR GHENENE: Yes, they
9 were there the whole night. Sergeant Fox was
10 on Queens Chapel Road when I spoke with her
11 outside of the gates.

12 MS. TODD: Well, I'm basing it off
13 of your report. I don't know --

14 INVESTIGATOR GHENENE: I
15 understand.

16 MS. TODD: -- there is only a
17 world that I can live in and that's within
18 your report.

19 INVESTIGATOR GHENENE: It says
20 approached Stadium, that's where I talked to
21 her.

22 MS. TODD: Okay. At approximately

1 3:10?

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. TODD: Okay. Then from your
4 report you state that you witnessed on video
5 footage that Stadium cleaned off outside about
6 3:10, correct?

7 INVESTIGATOR GHENENE: That
8 Stadium did what, ma'am?

9 MS. TODD: Cleaned outside, the
10 outside area at 3:10 a.m.?

11 INVESTIGATOR GHENENE: I think it
12 says 3:12:03.

13 MS. TODD: I'm sorry, 3:12 a.m.,
14 correct. I apologize. I misread what I
15 wrote. Then in your report you state that
16 Lieutenant Bernat stated that MPD entered
17 Stadium at about 3:13 a.m. Is that correct?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. TODD: However, from your
20 report, you stated that you observed on camera
21 that MPD entered stadium at 3:24 a.m. Isn't
22 that correct?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. TODD: And then you stated
3 that shortly after that you entered Stadium.
4 Is that correct?

5 MS. PHILLIPS: Shortly after what?
6 Objection to form.

7 MS. TODD: Excuse me. Shortly
8 after 3:24 a.m. You stated that in your
9 previous testimony on direct as well as --

10 INVESTIGATOR GHENENE: I don't
11 remember giving a time when I entered.

12 MS. TODD: Well, I believe on
13 direct you stated that at 3:24 you entered
14 into Stadium shortly after MPD.

15 MS. PHILLIPS: He has asked and --
16 answered it and the record will speak for
17 itself.

18 MS. TODD: Moving right along.
19 And when you entered, you did see bloody
20 towels and caution tape that was the intended
21 crime scene. Is that correct?

22 INVESTIGATOR GHENENE: I don't

1 understand the last part of your question.

2 MS. TODD: When you entered
3 Stadium, did you see bloody towels?

4 MS. PHILLIPS: Objection as to
5 time.

6 MS. TODD: When you entered
7 Stadium after 3:24 a.m., did you see bloody
8 towels?

9 MS. PHILLIPS: Misstates
10 testimony. Objection.

11 CHAIRPERSON MILLER: She said --

12 MS. TODD: It does not actually.

13 CHAIRPERSON MILLER: No. She is
14 asking a question.

15 MS. TODD: I'm asking --

16 MS. PHILLIPS: As long as the
17 predicate states correct facts, I have no
18 problem with her questions. When she
19 incorporates incorrect facts that he has
20 already denied on cross and the record will
21 speak for itself on direct, I object.

22 CHAIRPERSON MILLER: What's your

1 question?

2 MS. TODD: In response to that
3 objection, he did enter Stadium some time
4 after 3:24 a.m., so there is no misstatement
5 of the facts in the timing. He said --

6 CHAIRPERSON MILLER: I thought you
7 had a question though? What is your question?

8 MS. TODD: Oh, the question was
9 and when he entered Stadium after -- some time
10 after 3:24 a.m. --

11 CHAIRPERSON MILLER: Oh.

12 MS. TODD: -- did he see bloody
13 towels?

14 MS. PHILLIPS: I object as to time
15 and misstates the testimony.

16 MS. TODD: It's not testimony.
17 It's a question.

18 CHAIRPERSON MILLER: Well, you are
19 saying that he entered after 3:24. That's --

20 MS. TODD: What time did you enter
21 Stadium?

22 INVESTIGATOR GHENENE: I'm not

1 sure.

2 MS. TODD: At the point when you
3 entered Stadium, did you see bloody towels?

4 INVESTIGATOR GHENENE: No.

5 MS. TODD: What did you observe
6 when you entered the bathroom area?

7 INVESTIGATOR GHENENE: Some bloody
8 towels, police tape.

9 MS. TODD: So at what point was
10 that?

11 INVESTIGATOR GHENENE: That was --
12 it wasn't -- I don't believe it was immediate.
13 It was after speaking with the detectives. I
14 believe I talked to some of the employees at
15 Stadium. And I believe it was after looking
16 at the incident location. But I don't really
17 remember.

18 MS. TODD: Okay. Thank you. And
19 to your knowledge, did any of the victims
20 receive life-threatening injuries?

21 INVESTIGATOR GHENENE: I don't
22 know.

1 MS. TODD: Did you review the
2 police report?

3 INVESTIGATOR GHENENE: Yes, ma'am.

4 MS. TODD: What were the charges
5 against the assailant?

6 INVESTIGATOR GHENENE: Well, I
7 don't know if that is the same police report.
8 I have only reviewed the police report that is
9 included in my report. I do know that there
10 is other reports that the police use, but this
11 is the incident base report that we use.

12 MS. TODD: Okay. So based on the
13 incident report that you used and that was
14 quoted in your report --

15 INVESTIGATOR GHENENE: Um-hum.

16 MS. TODD: -- what was the
17 assailant charged with?

18 INVESTIGATOR GHENENE: Assault
19 with intent to kill.

20 MS. TODD: And from your
21 experience as an Investigator, would a charge
22 like that come because someone may have

1 sustained life-threatening injuries?

2 MS. PHILLIPS: I'm going to object
3 to foundation.

4 MS. TODD: Let me take it a step
5 back. From your experience, when have you
6 seen an intent to kill charge being made?

7 INVESTIGATOR GHENENE: I have seen
8 them made when patrons have used instruments
9 that could actually kill somebody. Some times
10 when there were injuries, some times where
11 there weren't very serious injuries.

12 MS. TODD: And from the injuries
13 that you stated that you saw with your eyes,
14 as you approached Stadium, did it appear that
15 those injuries could have been life-
16 threatening?

17 MS. PHILLIPS: Objection as to
18 foundation.

19 MS. TODD: You testified that as
20 you approached Stadium, you witnessed a victim
21 with his -- with what appeared to be abdominal
22 wounds to his stomach, correct?

1 INVESTIGATOR GHENENE: Yes, ma'am.

2 MS. TODD: Did you witness the --
3 his intestines?

4 INVESTIGATOR GHENENE: No, ma'am.

5 MS. TODD: No. But at some point
6 how did you become knowledgeable of the fact
7 that his intestines had been hanging out of
8 his stomach?

9 INVESTIGATOR GHENENE: I spoke
10 with Officer Nicholls who stated that he
11 observed one of the victims with his intestine
12 exposed.

13 MS. TODD: Thank you.

14 INVESTIGATOR GHENENE: And he was
15 a member of the reimbursable detail.

16 MS. TODD: And at the time of the
17 event, were you able to get any of the names
18 of the victims?

19 INVESTIGATOR GHENENE: I didn't
20 personally. It was done through the other
21 Investigators I was working with, except for
22 Mr. Ward. I think I did get Mr. Ward's

1 information.

2 MS. TODD: And why was that?

3 INVESTIGATOR GHENENE: Because he
4 was an employee.

5 MS. TODD: And why weren't you
6 able to get the other victims' information?

7 MS. PHILLIPS: Objection. It
8 misstates testimony. So I guess the objection
9 is to time, based on his previous answer.

10 MS. TODD: I'll restate the
11 question. However, I don't -- I do not see
12 what the objection is as to time. The
13 response that he said was that he did not get
14 the information. And I'm asking why did he
15 not get the information at the time of the
16 event.

17 CHAIRPERSON MILLER: Correct. So
18 overruled. Go ahead.

19 MS. PHILLIPS: Well, the question
20 has been --

21 CHAIRPERSON MILLER: The question
22 is why didn't he get the --

1 MS. PHILLIPS: The question --

2 CHAIRPERSON MILLER: -- wasn't he
3 able to get the -- do you want to rephrase the
4 question?

5 MS. PHILLIPS: No.

6 CHAIRPERSON MILLER: Oh. And I
7 understand it was why he wasn't able to get
8 the names. Is that correct?

9 MS. TODD: Of the victims, yes.

10 CHAIRPERSON MILLER: He said he
11 couldn't get the names.

12 MS. PHILLIPS: Right. And she
13 amended the statement to say at the time. And
14 if at the time means at the time he was on the
15 scene of the incident in question, then I have
16 no objection. It's all the other questions
17 that she asked that I have objections to.

18 CHAIRPERSON MILLER: Okay. Wait.
19 Are you objecting to at the time, because we
20 didn't know what at the time referred to?

21 MS. PHILLIPS: Um --

22 MS. TODD: It was in the context

1 of the follow-up foundational questions that
2 I had that I felt it wasn't necessary, but we
3 can stay here all night arguing.

4 CHAIRPERSON MILLER: No, but is
5 your question --

6 MS. TODD: Yes.

7 CHAIRPERSON MILLER: -- why didn't
8 he get the names at what time?

9 MS. TODD: No. I asked at the
10 time. Why didn't he get the names of the
11 victims at that time.

12 CHAIRPERSON MILLER: Well, what
13 does at that time refer to?

14 MS. TODD: The day when he -- he
15 stated that he wasn't able to get the names of
16 the victims the night of the incident. And I
17 was asking him why?

18 CHAIRPERSON MILLER: The night of
19 the incident? Is that the time?

20 MS. TODD: Yes.

21 MEMBER ALBERTI: Well, Ms. Miller,
22 may I interject?

1 CHAIRPERSON MILLER: Um-hum.

2 MEMBER ALBERTI: I thought I heard
3 the witness say that in response to who got
4 the names, he said that he didn't get the
5 names of the victims, except for Mr. Ward, I'm
6 paraphrasing, but that others, other
7 Investigators did.

8 MS. TODD: Yes.

9 MEMBER ALBERTI: So --

10 MS. TODD: That's correct.

11 MEMBER ALBERTI: -- he has
12 acknowledged that he personally didn't get the
13 names of the other victims, but he has told us
14 that other Investigators did. So that's where
15 you are right now.

16 MS. TODD: Absolutely.

17 MEMBER ALBERTI: Okay.

18 MS. TODD: The reason why I'm
19 going through this process is because on
20 direct it was asked why the incident report
21 that Stadium provided failed to have certain
22 information. And at the same time, he wasn't

1 able to get certain information that other
2 Investigators were able to get once they went
3 to the hospital.

4 So I'm just trying to develop that
5 foundation to show that there was missing
6 information at the time of the event, why that
7 -- that is why some of this incident report is
8 also lacking.

9 CHAIRPERSON MILLER: I didn't hear
10 him, just for the record, say he wasn't able
11 to. It's like Mr. Alberti said, I heard him
12 say that others did that. So I don't know --

13 MS. TODD: Okay. So let me --
14 let's start over then.

15 CHAIRPERSON MILLER: Is the
16 question why didn't he get them that night,
17 the names that night? Is that the question
18 you want to ask?

19 MS. TODD: Yes.

20 CHAIRPERSON MILLER: All right.

21 MS. TODD: But she objected to the
22 form of that question.

1 MS. PHILLIPS: Actually, I did
2 not. The Chair strove to clarify it.

3 CHAIRPERSON MILLER: Okay. We
4 have the time a little more specific now. Why
5 didn't he get the -- the question is right --

6 MS. TODD: Yes.

7 CHAIRPERSON MILLER: -- why didn't
8 he get the names that night? Okay. Now, you
9 can answer.

10 INVESTIGATOR GHENENE: Okay. I
11 asked, but I did not receive them. And like
12 I said before, I was in a room with the owner,
13 ABC manager, comptroller, video technician,
14 probably another 15 employees coming in and
15 out and ranging from what appeared to be
16 entertainment and other functions, along with
17 the detectives.

18 So all of the -- I asked that
19 specific question, but was unable to get an
20 answer from anyone.

21 MS. TODD: Thank you.

22 CHAIRPERSON MILLER: Okay.

1 MS. TODD: Your report indicates
2 that the establishment cameras showed that the
3 incident happened between 3:05:06 and 3:06:12.
4 Is that correct? 3:06 -- 3:06:12, is that
5 correct?

6 MS. PHILLIPS: I didn't hear the--
7 all the times. Can we just look at the report
8 on page 5 where he has them written down?

9 MS. TODD: I object to her trying
10 to lead.

11 MS. PHILLIPS: All right. Then I
12 object to the form of the question, because I
13 didn't hear the times and since the times were
14 very specific in the report and memories are
15 short and the time is late, I think that we
16 should restate the question.

17 MS. TODD: I'm sorry, but you not
18 hearing the time is not the same as it not
19 being stated. And I object to you objecting
20 to every question that I have, because you are
21 not paying attention.

22 MS. PHILLIPS: Move to strike.

1 CHAIRPERSON MILLER: Ms. Todd?

2 MS. PHILLIPS: Your comment about
3 my not paying attention, but otherwise, she
4 can --

5 CHAIRPERSON MILLER: Let's go
6 back. Ms. Todd, you were asking a question--

7 MS. TODD: Yes.

8 CHAIRPERSON MILLER: -- about
9 times. What time certain cameras videoed
10 something.

11 MS. TODD: I apologize. I said
12 the Investigator's report indicates that the
13 establishment's cameras show that the incident
14 happened between 3:05:06 and 3:06:12.

15 CHAIRPERSON MILLER: Okay. So I
16 just want to interject here, because you are
17 referring to specifically to the report and to
18 what it states. So the fact that Ms. Phillips
19 is saying this -- we should be looking at page
20 5 --

21 MS. TODD: Um-hum.

22 CHAIRPERSON MILLER: -- I think is

1 efficient, unless you are testing his memory.

2 MS. TODD: No, no, no, no.

3 CHAIRPERSON MILLER: Okay.

4 MS. TODD: He can go to page 5.

5 CHAIRPERSON MILLER: Okay.

6 MS. TODD: I don't have a problem
7 with that.

8 CHAIRPERSON MILLER: Okay. Good.
9 All right.

10 MS. TODD: Assuming that this is
11 his report that he can then find it and then
12 tell me what happened. Unless the Board would
13 like me to then do that?

14 CHAIRPERSON MILLER: I think for
15 all of us, it's efficient.

16 MS. TODD: Okay. That's fine.

17 CHAIRPERSON MILLER: Okay.

18 INVESTIGATOR GHENENE: That is
19 what time you could see the incident, I guess,
20 on that camera.

21 MS. TODD: Okay.

22 INVESTIGATOR GHENENE: So I don't

1 know if that's what time the incident
2 happened, but on that camera, that's when you
3 could kind of see it developing. But again,
4 it's obstructed, so it's difficult to really
5 see what precipitated it or what the catalyst
6 was or whatever it is.

7 I mean, these are all estimations.
8 These are all summaries. This is the best
9 that I could do with what I have.

10 MS. TODD: Okay. But this is what
11 is reflected in your report, correct?

12 INVESTIGATOR GHENENE: What is
13 what reflected?

14 MS. TODD: The timing?

15 INVESTIGATOR GHENENE: The
16 timing --

17 MS. TODD: The question that I
18 have.

19 INVESTIGATOR GHENENE: -- for that
20 camera?

21 MS. TODD: Yes, yes.

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 MS. TODD: Okay. Your report also
2 indicates, which is also on page 5, that one
3 of the unidentified victims was on camera
4 leaving at 3:05:59. Is that correct?

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 MS. TODD: In Camera 7?

7 INVESTIGATOR GHENENE: Yes, ma'am.

8 MS. TODD: And then you also state
9 that he was leaving with patrons. Is that
10 correct?

11 INVESTIGATOR GHENENE: Yes, ma'am.

12 MS. TODD: Which would have been
13 the time before the actual incident was over.
14 Is that correct?

15 INVESTIGATOR GHENENE: I don't
16 know. I mean, I'm only basing it off of the
17 video that you gave -- that your client gave
18 me and recording the times according to those
19 discs.

20 MS. TODD: Okay. So it's your
21 testimony today that you don't know if this is
22 the actual time that this victim left that is

1 in your report?

2 INVESTIGATOR GHENENE: My
3 testimony is according to those discs on that
4 camera, that is the time that he left.

5 MS. TODD: But you -- in your
6 investigative experience, you rely on
7 information that you see in cameras as
8 evidence to show that certain events occurred?
9 Is that correct?

10 INVESTIGATOR GHENENE: Yeah, but I
11 wouldn't say that is the only thing I rely on.

12 MS. TODD: So what's the purpose
13 of then -- how am I to then rely on what you
14 see in this camera if you then don't want to
15 substantiate it when I ask you did the victim
16 leave at 3:05? What was the purpose of you
17 placing that in your investigative report?

18 INVESTIGATOR GHENENE: Well, part
19 of my investigative duties are to observe and
20 use all the investigative tools that are at my
21 disposal. So what I wanted to demonstrate in
22 Camera 7 at 3:05:59 was that someone at some

1 time left the club without the assistance of
2 any staff member of the club and was clearly
3 injured.

4 MS. TODD: Okay. Now, your report
5 also indicates that at another time, at
6 3:05:46, and I would believe that would be at
7 Camera 12, that you saw a victim who was
8 leaving before the incident ended. Is that
9 correct?

10 INVESTIGATOR GHENENE: Again, I
11 don't know.

12 MS. TODD: Okay. So your
13 testimony today is that you don't know whether
14 or not the incident had ended yet prior to
15 this victim leaving?

16 INVESTIGATOR GHENENE: No.
17 According to that camera, at that time, there
18 was an unidentified victim or what appeared to
19 be an unidentified victim walking through the
20 nightclub again without any employee
21 accompanying him and that's what I documented.

22 MS. TODD: Okay. Your report also

1 indicates that at another time a victim left
2 at 3:06:34 with friends. 24 seconds after the
3 end of the incident, according to what you
4 viewed on the camera. Is that correct?

5 INVESTIGATOR GHENENE: No, ma'am.

6 MS. TODD: So you didn't view that
7 incident on the camera and report that on this
8 report?

9 INVESTIGATOR GHENENE: No. Again,
10 I reviewed that camera and at that time,
11 3:06:34, that's what I saw using that camera.

12 MS. TODD: Okay. Now, you have
13 again a fourth time where you state that you
14 see a victim leaving at 3:06:52, that's 40
15 seconds after the event ended. Now, that's
16 based on what you viewed on the camera,
17 correct, and at the time you saw it on the
18 camera?

19 MS. PHILLIPS: I'm going to object
20 to the small little clause that said when the
21 incident ended.

22 MS. TODD: Excuse me. Okay.

1 Since we know the incident, according to his
2 report, was between 3:05 and 3:06, we are just
3 going to base it off of this report here.
4 That's what I'm looking at. His time line
5 that is in his report.

6 MS. PHILLIPS: Okay. I'm going to
7 object to it being his time line.

8 MS. TODD: Okay. So he is not
9 owning up -- okay.

10 CHAIRPERSON MILLER: Pardon? What
11 did you say?

12 MS. TODD: I withdraw that.

13 CHAIRPERSON MILLER: Okay.

14 MS. TODD: So did you interview
15 any of the friends of the victims?

16 INVESTIGATOR GHENENE: No, ma'am.

17 MS. TODD: And you didn't
18 interview any of the patrons that was with any
19 of the victims, did you?

20 INVESTIGATOR GHENENE: No, ma'am.

21 MS. TODD: In your earlier
22 testimony, you stated that you saw some

1 employees wearing uniforms that seemed to be
2 black or green. Is that correct?

3 INVESTIGATOR GHENENE: Black,
4 green or yellow, yes, ma'am.

5 MS. TODD: Black, green or yellow.

6 INVESTIGATOR GHENENE: It's tough
7 to see.

8 MS. TODD: However, you showed
9 video footage on direct where you saw security
10 also wearing plain clothing or would appear to
11 be plain clothing.

12 INVESTIGATOR GHENENE: I'm not
13 sure who they were.

14 MS. TODD: But you saw people
15 wandering. Did you see people wandering
16 individuals that looked to have plain clothing
17 on or maybe a sweatshirt over their security
18 uniform?

19 INVESTIGATOR GHENENE: Yeah, it
20 could have been.

21 MS. TODD: It could have been?

22 INVESTIGATOR GHENENE: Yeah.

1 MS. TODD: Okay.

2 INVESTIGATOR GHENENE: Yes, ma'am.

3 MS. TODD: So --

4 INVESTIGATOR GHENENE: I mean, I

5 don't -- I'm not trying to be difficult.

6 That's what I saw, but what was underneath of

7 the sweatshirts, I don't know.

8 MS. TODD: But he did have a wand

9 in his hand?

10 INVESTIGATOR GHENENE: Yeah, I

11 believe there were a couple employees like

12 that.

13 MS. TODD: That had, okay.

14 INVESTIGATOR GHENENE: Yes, ma'am.

15 MS. TODD: And so from that alone,

16 you made the assessment that they were

17 employees?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 MS. TODD: Okay.

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. TODD: But how do you make the

22 assessment that someone is a patron or someone

1 is a friend?

2 INVESTIGATOR GHENENE: I don't
3 understand the question.

4 MS. TODD: Well, in your report
5 you stated at 3:05:59 you saw an unidentified
6 victim leaving the club with other patrons.

7 INVESTIGATOR GHENENE: Right.

8 MS. TODD: How do you know that
9 they were patrons and not a friend or an
10 employee? How do you make the distinction
11 between a patron, a friend and an employee?

12 INVESTIGATOR GHENENE: It would be
13 difficult to make the distinction between a
14 patron and a friend. But an employee isn't as
15 similar as the other two.

16 MS. TODD: Okay. But you can't
17 explain what the distinction would be?

18 INVESTIGATOR GHENENE: Between?

19 MS. TODD: The friend and the, say
20 for example, patron?

21 INVESTIGATOR GHENENE: No. It's
22 tough to say.

1 MS. TODD: So -- and I'm trying to
2 just understand your report. You identified
3 two instances where you see victims leaving
4 with friends. And then you identified an
5 instance where a victim is leaving with
6 patrons. You never really -- excuse me. Did
7 you ever identify which victim in your report,
8 so that -- because it appears that there is
9 four victims leaving at four different times
10 interchangeably or this one victim leaving at
11 different times. It doesn't really state
12 which victim is actually leaving.

13 But at some point, you establish
14 that one victim is leaving with a friend and
15 the other victim is leaving with a patron. So
16 is it -- am I to assume that you had some
17 contact with a victim to then know that this
18 person was a friend or this person was just a
19 patron? How did you make that assessment in
20 your report?

21 INVESTIGATOR GHENENE: Okay. So
22 the way that I viewed the cameras or the video

1 from the cameras, since I wasn't sure where
2 the different victims exited, I had to kind of
3 backtrack through the club and follow
4 different people using the cameras through the
5 club.

6 So there are people but without
7 being able to identify them by name or, you
8 know, by exactly what they were wearing, there
9 are victims in here that are the same. Now,
10 the difference between a patron and a friend,
11 according to the different cameras, more than
12 likely I used the word friend if I saw
13 somebody interacting with them that didn't
14 have on one of those neon shirts, black
15 shirts, that didn't have a wand in their hand.

16 You know, I don't -- that's
17 probably how I made the distinction. If they
18 were grabbing onto them, if they were doing
19 things that I would consider to be friendly or
20 familiar. So that's where I might -- that I
21 used the distinction.

22 At 3:05:59 when it says

1 unidentified victim leaving the club with
2 other patrons, I believe that victim left and
3 there were people 10 to 15 steps behind him,
4 but I don't know if that is exact.

5 Whereas where I used the word
6 friends, they were together, immediately
7 together.

8 MS. TODD: But you never
9 interviewed any of these victims' friends or
10 the patrons?

11 INVESTIGATOR GHENENE: No, ma'am.

12 MS. TODD: Thank you. So you
13 don't know for a fact that the people in the
14 footage were employees, do you?

15 MS. PHILLIPS: Objection. Time,
16 place?

17 CHAIRPERSON MILLER: Sustained.

18 MS. TODD: Let me take a step
19 back. During the time that you identified
20 each of these victims, did you interview any
21 of the victims' patrons/friends that you
22 assessed in the video?

1 MS. PHILLIPS: Objection. Asked
2 and answered.

3 CHAIRPERSON MILLER: Sustained.

4 MS. TODD: So how are we to know
5 that those victims' friends or patrons were
6 not Stadium employees?

7 INVESTIGATOR GHENENE: I don't
8 know.

9 MS. TODD: Thank you. In your
10 report you do state that you see a Stadium
11 employee helping a victim. Is that correct?

12 CHAIRPERSON MILLER: Are you
13 referring to some page in the report?

14 MS. TODD: Second page.

15 CHAIRPERSON MILLER: Okay.

16 MS. TODD: Second page, third
17 paragraph.

18 INVESTIGATOR GHENENE: Oh, yeah,
19 there was, and I'm assuming it was an
20 employee, with Mr. Ward, the security guard.
21 But I believe I said --

22 MS. TODD: You said you saw the

1 person with Mr. Ward, not with any of the
2 other victims?

3 INVESTIGATOR GHENENE: Oh, no,
4 yeah, that's what I was about to say. Is that
5 there were other places in the report where I
6 believe I -- well, I know I saw somebody on
7 the hill with one of the guys that was
8 injured.

9 MS. TODD: And the person that you
10 saw on the hill that was injured, did you
11 witness a Stadium employee helping him?

12 INVESTIGATOR GHENENE: Yeah. I
13 mean, like I said, he is on the hill and, you
14 know, he is standing there with him. Now,
15 helping I don't know about that. He is with
16 him.

17 MS. TODD: Okay. Now, when you
18 say with him, are you referring to Mr. Ward or
19 are you referring to the other victim?

20 INVESTIGATOR GHENENE: Both.

21 MS. TODD: Okay. So then it is
22 your testimony today that you did see Stadium

1 employees helping two victims?

2 INVESTIGATOR GHENENE: Yes.

3 MS. TODD: Okay. The Board's
4 indulgence for one second.

5 CHAIRPERSON MILLER: Okay. In
6 your report you state that Mr. Smart stated
7 that he assisted two of the victims. Is that
8 correct?

9 INVESTIGATOR GHENENE: Yes, ma'am.

10 MS. TODD: In your report you also
11 state that Officer Nicholls says he didn't see
12 Stadium employees helping victims. Is that
13 correct?

14 INVESTIGATOR GHENENE: No, ma'am.

15 MS. TODD: That's not correct?

16 INVESTIGATOR GHENENE: No, ma'am.

17 MS. TODD: So Officer Nicholls did
18 see Stadium employees helping victims?

19 INVESTIGATOR GHENENE: No. In my
20 report, I said that Officer Nicholls stated he
21 did not observe any staff from Stadium with
22 either patron that came to him.

1 MS. TODD: Okay. Thank you for
2 that. So based on that, what did you assess
3 from Officer Nicholls' statement?

4 INVESTIGATOR GHENENE: I didn't
5 assess anything. I just put what his
6 statement was.

7 MS. TODD: Okay. So knowing that
8 the officers did not see any Stadium employees
9 bringing an employee to him, how much weight
10 did you place on what you witnessed?

11 MS. PHILLIPS: I'm going to object
12 to the form of the question, because I don't
13 think that is the question you want to ask.
14 If they could read it back, I could more
15 quickly formulate my objection.

16 MS. TODD: I will just restate the
17 question, so that we --

18 MS. PHILLIPS: Okay.

19 MS. TODD: -- can save some time.

20 CHAIRPERSON MILLER: Okay. Good.

21 MS. TODD: You stated that Officer
22 Nicholls stated that no Stadium employee

1 brought a victim to him. Is that correct?

2 INVESTIGATOR GHENENE: No. I said
3 that Officer Nicholls stated he did not
4 observe any staff from Stadium with either of
5 the two patrons brought to him.

6 MS. TODD: Okay. And based on
7 that information, is that how -- I'll strike
8 that. I'll strike that.

9 Once you realized that the officer
10 didn't see that, what efforts did you make to
11 speak to others who might have seen Stadium
12 employees bringing victims to get assistance?

13 INVESTIGATOR GHENENE: I'm not
14 sure. I don't understand the question.

15 MS. TODD: You stated that Mr.
16 Smart made a statement to you that he assisted
17 two of the victims. And that's what your
18 basis is for the false and misleading
19 information that was provided in your report.

20 INVESTIGATOR GHENENE: Yes, ma'am.

21 MS. TODD: So my question is once
22 you realized that Officer Nicholls didn't see

1 any victims being brought for assistance by --

2 MEMBER SILVERSTEIN: Can you speak
3 up a little?

4 CHAIRPERSON MILLER: Yes.

5 MS. TODD: Once you realized that
6 Officer Nicholls didn't see that Stadium
7 employees made any effort to help those two
8 victims, what efforts did you make to seek out
9 others who might have seen it, since you,
10 yourself, stated that you witnessed victims
11 being assisted by Stadium employees?

12 INVESTIGATOR GHENENE: First of
13 all, I have no knowledge that the two victims
14 Mr. Smart let out were the same two that Mr.
15 Nicholls or Officer Nicholls encountered.

16 MS. TODD: Okay.

17 INVESTIGATOR GHENENE: But larger
18 than that, in my review of the camera system,
19 at no point did I see Mr. Smart or any other
20 Stadium employee walk to or what appeared to
21 be two victims past any of the camera angles
22 provided.

1 MS. TODD: Now, from your
2 testimony on direct, you stated that you only
3 saw two victims exiting the Stadium. Is that
4 correct?

5 INVESTIGATOR GHENENE: Yeah, I saw
6 -- no, I think -- exiting? I'm not sure, but
7 I saw three victims. Mr. Ward and two -- what
8 appeared to be two unidentified victims.

9 MS. TODD: So you saw three
10 victims on the camera?

11 INVESTIGATOR GHENENE: I'm
12 guessing that there was three victims.

13 MS. TODD: You're guessing?

14 INVESTIGATOR GHENENE: I'm not
15 sure. They --

16 MS. TODD: When we went through
17 this time line a second ago --

18 INVESTIGATOR GHENENE: Um-hum.

19 MS. TODD: -- you told me those
20 were just two victims.

21 INVESTIGATOR GHENENE: I didn't
22 say that. I said there were some people that

1 were repeated, that's what I said.

2 MS. TODD: Okay. So which were
3 the victims that were repeated?

4 INVESTIGATOR GHENENE: Without
5 reviewing the DVDs again, I wouldn't be able
6 to tell you exactly.

7 MS. TODD: And is that because you
8 didn't identify the victims in your report?

9 INVESTIGATOR GHENENE: I did
10 identify the victims in my report.

11 MS. TODD: The victims weren't
12 identified in this section of your report that
13 actually talks about the time line where they
14 exited the building.

15 INVESTIGATOR GHENENE: There is --
16 it would be very difficult to identify them by
17 name using the cameras.

18 MS. TODD: Thank you.

19 CHAIRPERSON MILLER: Can I
20 interrupt for a minute? Just for the record,
21 could you identify where the time line is that
22 you are referring to --

1 MS. TODD: Page 5.

2 CHAIRPERSON MILLER: -- in the
3 report? Okay.

4 MS. TODD: When we earlier --

5 CHAIRPERSON MILLER: With the
6 cameras?

7 MS. TODD: The cameras.

8 CHAIRPERSON MILLER: Okay.

9 MS. TODD: The camera time line.

10 CHAIRPERSON MILLER: Okay.

11 MS. TODD: I apologize.

12 CHAIRPERSON MILLER: Okay.

13 MS. TODD: Okay. Moving on. In
14 the ABRA charging documents, you indicated
15 that the Office of United Communications
16 verified that one -- that only one call came
17 in regarding Stadium that night. Is that
18 correct?

19 INVESTIGATOR GHENENE: I didn't
20 prepare those documents.

21 MS. TODD: But you testified on
22 direct to them. Did you not have personal

1 knowledge when you testified?

2 INVESTIGATOR GHENENE: I don't
3 understand your question.

4 MS. TODD: When you testified on
5 direct, you stated that the Office of United
6 Communications verified that only one call
7 came in regarding Stadium that evening.

8 INVESTIGATOR GHENENE: I didn't
9 say that.

10 MS. TODD: What -- do you recall
11 what you stated on direct regarding the one
12 call, 911 call that was made?

13 INVESTIGATOR GHENENE: Yes, ma'am.
14 I stated that Lieutenant Bernat stated to me
15 that through his research, he found that only
16 one call was placed to 911.

17 MS. TODD: Okay. And did you look
18 at the ABRA charging document?

19 INVESTIGATOR GHENENE: I briefly
20 glanced at them. I didn't review them.

21 MS. TODD: Okay. And you also
22 stated that Lieutenant Bernat said that he

1 observed a female on the phone who he believed
2 to be the girlfriend of one of the patrons on
3 the phone with 911. Is that correct?

4 INVESTIGATOR GHENENE: I don't
5 know if I said the girlfriend. I said that
6 Lieutenant Bernat stated to me that he
7 observed a female who could have been with one
8 of the victims placing a phone call to 911.

9 MS. TODD: So was there anyone
10 else who had a conversation with Lieutenant
11 Bernat besides you regarding the 911 phone
12 call?

13 INVESTIGATOR GHENENE: There could
14 have been. I'm not sure.

15 MS. TODD: So in the preparation
16 of the charging documents that OAG presented,
17 what report did they rely on? Was there more
18 than one report?

19 INVESTIGATOR GHENENE: I'm not
20 aware of how charging documents are prepared.

21 MS. TODD: Okay. And did
22 Lieutenant Bernat indicate when you spoke to

1 him that he had spoken to the patron that was
2 on the phone with 911 or was it just his
3 observation?

4 INVESTIGATOR GHENENE: I'm not
5 sure.

6 MS. TODD: Okay. No further
7 questions. Thank you.

8 CHAIRPERSON MILLER: Okay. Are
9 there Board questions? Mr. Alberti?

10 MEMBER ALBERTI: I don't know
11 where to start. Good evening, Investigator.

12 INVESTIGATOR GHENENE: Good
13 evening.

14 MEMBER ALBERTI: I'm going to
15 start where we left off here. So you show up
16 and the first police you encounter is Officer
17 Nicholls?

18 INVESTIGATOR GHENENE: I think I
19 spoke to officer -- Sergeant Fox first.

20 MEMBER ALBERTI: Sergeant Fox.

21 INVESTIGATOR GHENENE: Yes, sir.

22 MEMBER ALBERTI: And when you

1 spoke to Sergeant Fox, did she indicate how
2 she became aware of the events of that
3 evening, the injured people?

4 INVESTIGATOR GHENENE: No, sir.
5 At the time, and just to illustrate what was
6 going on on Queens Chapel, Echostage had just
7 closed, so there was probably anywhere between
8 500 to 1,500 people in the street. There was
9 probably close to 25 to 30 police officers out
10 there. There was multiple fire trucks,
11 multiple -- so it was chaotic.

12 My interaction with her was
13 extremely brief.

14 MEMBER ALBERTI: Okay.

15 INVESTIGATOR GHENENE: And really
16 the purpose of the conversation was to get to
17 a detective or somebody that could get me
18 inside.

19 MEMBER ALBERTI: Okay. So who was
20 the next officer you spoke with?

21 INVESTIGATOR GHENENE: I believe
22 the next officer I spoke to was -- were the

1 detectives.

2 MEMBER ALBERTI: Okay. Detective?
3 What's the name? I have heard Nicholls and
4 Bernat. I don't know --

5 INVESTIGATOR GHENENE: There is
6 Officer Nicholls.

7 MEMBER ALBERTI: Officer Nicholls.

8 INVESTIGATOR GHENENE: And then
9 there is two detectives.

10 MEMBER ALBERTI: Is Lieutenant
11 Bernat a detective?

12 INVESTIGATOR GHENENE: No, sir.

13 MEMBER ALBERTI: So the two
14 detectives were separate?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER ALBERTI: Okay. Did you
17 have a conversation with Officer Nicholls, is
18 that correct?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER ALBERTI: Okay. Did he
21 indicate how he first became aware of this
22 incident?

1 INVESTIGATOR GHENENE: Yes, sir.

2 MEMBER ALBERTI: And what did he
3 tell you?

4 INVESTIGATOR GHENENE: Officer
5 Nicholls. Well, I take that back. But
6 Officer Nicholls stated that he was working
7 the RDO. And he and another officer were
8 working the RDO and a patron of Stadium
9 staggered to him with what appeared to be a or
10 what was a stomach wound.

11 MEMBER ALBERTI: Okay.

12 INVESTIGATOR GHENENE: I asked --

13 MEMBER ALBERTI: Okay. So the
14 patrons staggered. Did he tell you if that
15 person was accompanied by anyone?

16 INVESTIGATOR GHENENE: No, sir.
17 He told me that no one was accompanied. He
18 was by himself.

19 MEMBER ALBERTI: No one had
20 accompanied the person who staggered to him?

21 INVESTIGATOR GHENENE: Yes, sir.

22 MEMBER ALBERTI: Great. So was it

1 your impression that he had not gotten a radio
2 call prior to that person staggering to him?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER ALBERTI: Officer Bernat,
5 did he tell you when he first became aware of
6 the incident?

7 INVESTIGATOR GHENENE: He may
8 have, but I don't remember. He was out there,
9 but for something unrelated.

10 MEMBER ALBERTI: When did you
11 become aware of this person on the hill?

12 INVESTIGATOR GHENENE: After
13 speaking with Sergeant Fox and I wish I had a
14 diagram to show you. I was on the side closer
15 to Echostage of the driveway. And after
16 speaking with her, she disappeared to do her
17 duty and I looked across the driveway and saw
18 this gentleman stretched out on the hill.

19 MEMBER ALBERTI: Okay. Was that
20 before you spoke to Officer Nicholls?

21 INVESTIGATOR GHENENE: Yes, sir.

22 MEMBER ALBERTI: Can you give me a

1 little more specifics where this hill is in
2 relationship to the club?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER ALBERTI: Stadium Club.

5 INVESTIGATOR GHENENE: Yes, sir.

6 So the club is situated inside of a private
7 lot --

8 MEMBER ALBERTI: Um-hum.

9 INVESTIGATOR GHENENE: -- with a
10 gated fence.

11 MEMBER ALBERTI: Um-hum.

12 INVESTIGATOR GHENENE: Outside of
13 that gated fence are -- is a hill which the
14 driveway or the entrance into the parking lot
15 runs.

16 MEMBER ALBERTI: Okay.

17 INVESTIGATOR GHENENE: So on
18 either side are hills. On the side closer to,
19 I guess that is, Bladensburg Road, that's
20 where the --

21 MEMBER ALBERTI: And so how many
22 feet from the gate, from the fencing was that?

1 INVESTIGATOR GHENENE: Not very
2 far at all. I don't know, 15 feet maybe. 10,
3 15 feet.

4 MEMBER ALBERTI: Okay. Fair
5 enough. How far is the -- there is the gate.
6 I assume it's a gate where the person must
7 have exited, right? I mean, how far from the
8 gate is it to any of the entrances or exits of
9 the building itself, the Stadium building
10 itself?

11 INVESTIGATOR GHENENE: There is a
12 side -- I'm assuming it's a side entrance that
13 faces Queens Chapel Road that sits outside of
14 the gate. I don't know if that is open to the
15 public.

16 MEMBER ALBERTI: I don't care.

17 INVESTIGATOR GHENENE: That's
18 approximately 25 yards, maybe 30 yards from
19 where --

20 MEMBER ALBERTI: About 30 yards?

21 INVESTIGATOR GHENENE: Yes, sir.
22 Then there is the main entrance, the front

1 door which is -- and these are guesses.

2 MEMBER ALBERTI: And can you
3 remind me again what time you said you
4 observed this person? Because I think you
5 gave testimony as to what time you observed
6 this person.

7 INVESTIGATOR GHENENE: It would
8 have been somewhere around 3:10 a.m.

9 MEMBER ALBERTI: Okay. And who
10 was with this person?

11 INVESTIGATOR GHENENE: Standing
12 there was a Stadium Club employee. I believe
13 to be a Stadium Club employee. I can't really
14 remember specifically, but I think he had on
15 a shirt that said staff or security. Officer
16 Nicholls was definitely standing there. And
17 there could have been other people.

18 MEMBER ALBERTI: So that's when
19 you first encountered Officer Nicholls?

20 INVESTIGATOR GHENENE: I didn't
21 actually go over there to speak to Officer
22 Nicholls. There was a steady stream of

1 traffic coming out.

2 MEMBER ALBERTI: All right. All
3 right. What was this person who you assumed
4 to be an employee doing or don't you know?

5 INVESTIGATOR GHENENE: They were
6 assisting with whatever was going on
7 definitely.

8 MEMBER ALBERTI: Do you know what
9 injuries that person sustained?

10 INVESTIGATOR GHENENE: No. Except
11 for the fact that I saw them holding their
12 stomach and there was a towel there or
13 something like that.

14 MEMBER ALBERTI: This is the
15 person you saw holding their stomach?

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER ALBERTI: And there was a
18 towel there?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER ALBERTI: Was more than one
21 victim reported to have injuries to the
22 abdomen?

1 INVESTIGATOR GHENENE: There was
2 one victim that was reported to have multiple
3 stab wounds all about their body.

4 MEMBER ALBERTI: Okay. And then
5 was that the person -- so there was -- we had
6 Mr. Ward who has --

7 INVESTIGATOR GHENENE: A cut on
8 the bicep.

9 MEMBER ALBERTI: All right. You
10 have four victims we have identified. Is that
11 correct?

12 INVESTIGATOR GHENENE: Yes, sir.

13 MEMBER ALBERTI: Okay. So we have
14 Mr. Ward with a cut on the bicep. We have?

15 INVESTIGATOR GHENENE: Mr. Fields
16 is on the forearm.

17 MEMBER ALBERTI: Okay.

18 INVESTIGATOR GHENENE: Was of the
19 two less severe.

20 MEMBER ALBERTI: Okay.

21 INVESTIGATOR GHENENE: Then there
22 is two, and I'm assuming they are brothers,

1 because they share the same last name.

2 Antonio Hawkins and Rasheen Hawkins.

3 MEMBER ALBERTI: All right.

4 INVESTIGATOR GHENENE: Both of
5 which Mr. Antonio Hawkins is the one that had
6 seven stab wounds to unknown regions on his
7 body.

8 MEMBER ALBERTI: Okay. And the
9 other victim?

10 INVESTIGATOR GHENENE: Rasheen
11 Hawkins was the one with the most severe of
12 the injuries. And he is the one with the
13 gaping wound on his stomach.

14 MEMBER ALBERTI: Thank you. Very
15 well, thank you. Okay. Let's go to a series
16 of questions that Ms. Todd asked you about on
17 Camera 7 at 3:05:59, unidentified victim
18 leaving with other patrons. Now, I saw this,
19 but I don't remember what I saw right now. So
20 do you remember what -- if anyone was
21 assisting or appeared to be assisting that
22 person as they were leaving?

1 INVESTIGATOR GHENENE: It didn't
2 appear. There was nobody walking directly
3 with him.

4 MEMBER ALBERTI: Nobody walking
5 directly with them?

6 INVESTIGATOR GHENENE: No, sir.

7 MEMBER ALBERTI: Now, they exited
8 from the summer garden. Can you tell me on
9 the map where that is again?

10 INVESTIGATOR GHENENE: Yes, sir.
11 Give me one second. Okay. If you hold the
12 diagram with -- is that on their paper?

13 MS. PHILLIPS: I don't know
14 whether it's on their paper.

15 INVESTIGATOR GHENENE: All right.
16 So with VIP 8, 9 and 10 at the top of the
17 paper.

18 MEMBER ALBERTI: Um-hum.

19 INVESTIGATOR GHENENE: The area --
20 the exit, I'm assuming, is on the right hand
21 side, those two rectangles to the right of
22 where it says VIP 15 and 16.

1 MEMBER ALBERTI: To the right.

2 Okay. So that's the summer garden?

3 INVESTIGATOR GHENENE: The summer
4 garden is on the exterior of that.

5 MEMBER ALBERTI: Right, right,
6 right. So it's where those -- between VIP 16
7 and 15 there is like a -- it looks like a gap
8 in the wall.

9 INVESTIGATOR GHENENE: Yes, sir.

10 MEMBER ALBERTI: And that's where
11 the summer garden exit is?

12 INVESTIGATOR GHENENE: Yes, sir.

13 MEMBER ALBERTI: Okay. Now, which
14 direction was the person going? Do you know
15 which -- did it appear the person was headed?

16 INVESTIGATOR GHENENE: Using the
17 cameras, I was able, I believe, to follow that
18 patron exiting through the summer garden.

19 MEMBER ALBERTI: Right.

20 INVESTIGATOR GHENENE: And walking
21 around towards Queen Chapel.

22 MEMBER ALBERTI: Okay. How far

1 did they walk before you lost track of them?

2 INVESTIGATOR GHENENE: They walked
3 to Queens Chapel.

4 MEMBER ALBERTI: You could see
5 that in the camera?

6 INVESTIGATOR GHENENE: You could
7 watch them walk almost to the gate.

8 MEMBER ALBERTI: Almost to the
9 gate. Did anyone assist them in that time,
10 that you saw?

11 INVESTIGATOR GHENENE: He made it
12 to the gate. And I don't believe so.

13 MEMBER ALBERTI: Okay. But we can
14 see that? We can take a look for ourselves,
15 right?

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER ALBERTI: Okay. And on
18 Camera 27, you talked about a victim leaving
19 through the front door. Where would the front
20 door be?

21 INVESTIGATOR GHENENE: The front
22 door would be, I guess, close to where that

1 last -- again, if you are holding it
2 vertically?

3 MEMBER ALBERTI: Right.

4 INVESTIGATOR GHENENE: It would be
5 the last red dot on your right hand side.

6 MEMBER ALBERTI: So where it says
7 entrance?

8 INVESTIGATOR GHENENE: Yes, I
9 believe that that's the entrance to the main
10 dance floor area.

11 MEMBER ALBERTI: Right.

12 INVESTIGATOR GHENENE: Or the main
13 hall. There is a corridor and also a dining
14 room that is not indicated on this diagram.

15 MEMBER ALBERTI: So it would be in
16 that area?

17 INVESTIGATOR GHENENE: It would be
18 similar to or close to where that last red dot
19 is.

20 MEMBER ALBERTI: The one -- as I'm
21 holding this with VIP 10 at the top, right?

22 INVESTIGATOR GHENENE: Yes, sir.

1 MEMBER ALBERTI: And so it's, you
2 know, that last red dot, the red dot is about
3 two-thirds of the way. There is a series of
4 red dots about two-thirds of the way down on
5 the right.

6 INVESTIGATOR GHENENE: Yes, sir.

7 MEMBER ALBERTI: And the red dot
8 to the farthest right?

9 INVESTIGATOR GHENENE: Yes, sir.

10 MEMBER ALBERTI: Great. So that
11 was 3:06:52, right?

12 INVESTIGATOR GHENENE: Yes, sir.

13 MEMBER ALBERTI: So unless this
14 person you saw on Camera 12 somehow came back
15 in, this would have been a different person?

16 INVESTIGATOR GHENENE: Yes, sir.

17 MEMBER ALBERTI: I'm qualifying
18 that. We don't know for sure. And you said
19 they left with friends. Were they being
20 assisted by anyone?

21 INVESTIGATOR GHENENE: Yes. At
22 some point, there was a gentleman and I'm not

1 sure what his role is, whether he is a patron,
2 a bystander or an employee.

3 MEMBER ALBERTI: Um-hum.

4 INVESTIGATOR GHENENE: He removed
5 his shirt and wrapped it around this guy's
6 arm.

7 MEMBER ALBERTI: And then what
8 happened to that man who got his arm wrapped?

9 INVESTIGATOR GHENENE: He stood by
10 for a while and by a while it was probably
11 less than a minute or two.

12 MEMBER ALBERTI: All right.

13 INVESTIGATOR GHENENE: And
14 eventually it looks like he walked off towards
15 the gate.

16 MEMBER ALBERTI: Towards the gate?

17 INVESTIGATOR GHENENE: Yes, sir.

18 MEMBER ALBERTI: Could you see how
19 far he walked off?

20 INVESTIGATOR GHENENE: He walked
21 away from that front entrance area and then
22 separated from whoever appeared to be with

1 him, whether it was friends, employees,
2 whatever it is, he walked off by himself
3 towards --

4 MEMBER ALBERTI: Oh, by himself?

5 INVESTIGATOR GHENENE: Yes, sir.

6 MEMBER ALBERTI: Okay. Okay. And
7 in Camera 27 at 3:06:34, you saw someone
8 leaving through the summer garden, which
9 appears to be a victim.

10 INVESTIGATOR GHENENE: Yes, sir.

11 MEMBER ALBERTI: I'm going to
12 stop. I'm going to sort of go back. Each of
13 these victims that I'm talking about, you
14 identified the victims, why do you say they
15 are victims?

16 INVESTIGATOR GHENENE: At various
17 times through following them through the
18 different cameras, I either saw blood on them
19 or what appeared to be blood.

20 MEMBER ALBERTI: Um-hum.

21 INVESTIGATOR GHENENE: Or I saw
22 them holding something that looked like they

1 were injured.

2 MEMBER ALBERTI: Okay. Very good.
3 So at 3:06:34 you see someone leaving through
4 the summer garden. This is a minute after you
5 saw the first person we talked about leaving
6 through the summer garden.

7 INVESTIGATOR GHENENE: Yes, sir.

8 MEMBER ALBERTI: Not quite. Well,
9 about 35 minutes later -- 35 seconds later.
10 You see a second person walking through.

11 INVESTIGATOR GHENENE: Yes, sir.

12 MEMBER ALBERTI: Did it appear to
13 be a different person?

14 INVESTIGATOR GHENENE: It appeared
15 to be the same guy that left out of Camera 7.
16 The only thing that changed was -- or what
17 appeared to have changed was he took his vest
18 off, exposing more of his injury.

19 MEMBER ALBERTI: Okay. So the
20 differences we are seeing is in the time
21 stamp?

22 INVESTIGATOR GHENENE: Yes, sir.

1 MEMBER ALBERTI: Directly.

2 INVESTIGATOR GHENENE: Yes, sir.

3 MEMBER ALBERTI: So we really have
4 -- now, we have two alleged victims identified
5 here.

6 INVESTIGATOR GHENENE: Yes, sir.

7 MEMBER ALBERTI: Is that correct
8 from what I have gone through?

9 INVESTIGATOR GHENENE: Yes, sir.

10 MEMBER ALBERTI: Very good. Okay.
11 Just real quickly, on Camera 35, your times
12 are 2:04:07 and 2:04:32. Was there anything
13 in that video that would lead you to believe
14 that that occurred after the incident other
15 than this cleaning?

16 INVESTIGATOR GHENENE: Yes, I saw
17 -- I believe I saw Mr. Ward escorted out
18 around that time. So that's what led me to
19 believe that the time stamp was incorrect.

20 MEMBER ALBERTI: Okay. So you
21 believe the time stamp was incorrect, based --

22 INVESTIGATOR GHENENE: Yes, sir.

1 MEMBER ALBERTI: -- on
2 observations?

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER ALBERTI: Okay. Oh, I
5 know. So on Camera 23, if I remember seeing
6 this correctly, in Camera 23 we saw someone I
7 think you identified as the victim exiting, is
8 he not?

9 INVESTIGATOR GHENENE: It's
10 difficult to see from Camera 23 any of the
11 victims exiting.

12 MEMBER ALBERTI: Okay. Which
13 camera was it that we saw someone getting
14 their arm wrapped?

15 INVESTIGATOR GHENENE: Oh, that
16 would have been Camera 35.

17 MEMBER ALBERTI: Camera 35.

18 INVESTIGATOR GHENENE: Yes, sir.
19 Oh, I'm sorry, there was two -- there were two
20 victims getting their arms wrapped. There was
21 one that was escorted out by -- or that was
22 still inside.

1 MEMBER ALBERTI: Let me ask a
2 question. Do you remember on any of these
3 cameras if patrons were being let in
4 immediately before or immediately after you
5 saw what you identified to be a victim leave
6 or exiting?

7 INVESTIGATOR GHENENE: Yes.

8 MEMBER ALBERTI: Okay.
9 Immediately before?

10 INVESTIGATOR GHENENE: Yes.

11 MEMBER ALBERTI: Immediately
12 after?

13 INVESTIGATOR GHENENE: Yes.

14 MEMBER ALBERTI: Do you know when
15 they shut down operations?

16 INVESTIGATOR GHENENE: No.

17 MEMBER ALBERTI: Okay. I didn't
18 think you did. I had to ask. I have no
19 further questions right now. Thank you very
20 much.

21 CHAIRPERSON MILLER: Mr. Short?

22 MEMBER SHORT: Yes. Good evening,

1 Inspector. In your three year history as an
2 ABRA Investigator for the District of
3 Columbia, would you consider what you saw
4 there that evening normal public safety
5 conditions or general public safety? Was it
6 normal? Was it abnormal? Would you consider
7 it something that public safety-wise conducive
8 with Washington, D.C. business?

9 INVESTIGATOR GHENENE: Sir, are
10 you referring to what I encountered on the
11 outside, on the inside, afterwards?

12 MEMBER SHORT: Well, everything
13 you observed that evening with your three year
14 history in --

15 INVESTIGATOR GHENENE: Sure.

16 MEMBER SHORT: -- things you have
17 observed at all nightclubs all over the city.

18 INVESTIGATOR GHENENE: Probably
19 not, sir.

20 MEMBER SHORT: So you are saying
21 they were abnormal or normal?

22 INVESTIGATOR GHENENE: It was

1 abnormal.

2 MEMBER SHORT: Thank you.

3 INVESTIGATOR GHENENE: Yes, sir.

4 MEMBER SHORT: That's all I have.

5 CHAIRPERSON MILLER: Other Board
6 questions? Mr. Jones?

7 MEMBER JONES: Thank you, Madam
8 Chair. Investigator, the part of the
9 testimony that you provided seemed to imply
10 that or you had a feeling or a sense from
11 looking at the video that some blood was being
12 cleaned or being diluted in some fashion. Did
13 I characterize that correctly?

14 INVESTIGATOR GHENENE: Yes, sir.

15 MEMBER JONES: Okay. Can you
16 recall how many instances of this that you
17 observed, this being the cleaning or diluting
18 of blood?

19 INVESTIGATOR GHENENE: Two, sir.

20 MEMBER JONES: Two. Let's focus
21 on whichever one was first in terms of time as
22 it elapsed throughout the course of the

1 evening that you saw or witnessed or observed,
2 regardless of what the time stamp was.

3 In that first instance, was that
4 the one that was -- well, where did these --
5 where did this occur? Where did these
6 instances of items being cleaned, i.e., blood
7 items being cleaned, where did they occur?

8 INVESTIGATOR GHENENE: I believe
9 the first instance, although it's not as
10 clear, was where the actual incident occurred.

11 MEMBER JONES: Okay. And is that
12 inside or outside?

13 INVESTIGATOR GHENENE: Inside,
14 sir.

15 MEMBER JONES: Inside. Okay. And
16 the second instance was outside?

17 INVESTIGATOR GHENENE: The second
18 instance was outside in front of the front
19 door.

20 MEMBER JONES: Okay. Got it.

21 INVESTIGATOR GHENENE: In the
22 staging area, but it's still inside of the

1 gate.

2 MEMBER JONES: Understood. Right.
3 Let's deal with the first instance that
4 occurred inside. So in that instance, did you
5 have anything besides the video that you
6 recorded, noted or were told about that would
7 indicate to you that there was blood there
8 that was cleaned in any way, shape for form?
9 Outside of the video.

10 INVESTIGATOR GHENENE: Outside of
11 the video? In my own observation, sir, there
12 was no blood, but four people stabbed. No,
13 sir.

14 MEMBER JONES: Okay. So there was
15 -- you are basing your assessment, at this
16 point, on the fact of the absence of blood
17 given that there were clearly stabbing victims
18 at that location? Is that fair?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER JONES: Okay. And you did
21 observe on the video what appeared to be
22 individuals cleaning?

1 INVESTIGATOR GHENENE: Yes, sir.

2 MEMBER JONES: All right. The
3 second instance, the one that occurred
4 outside, outside of what you saw on the video,
5 did you see anything or were you provided
6 anything that would lead you to believe that
7 there was blood that was cleaned or diluted?
8 Outside of the video.

9 INVESTIGATOR GHENENE: Outside of
10 the video?

11 MEMBER JONES: Yes.

12 INVESTIGATOR GHENENE: The
13 detectives testimony that all the crime scenes
14 was ruined.

15 MEMBER JONES: Got it. Okay. So
16 you received testimony or feedback from MPD?

17 INVESTIGATOR GHENENE: Yes, sir.

18 MEMBER JONES: That the evidence
19 related to blood evidence had been disturbed
20 in some fashion?

21 INVESTIGATOR GHENENE: Yes, sir.

22 MEMBER JONES: Okay. You

1 indicated also during your testimony that you
2 had a meeting that involved the ownership and
3 some other members associated with the
4 incident that occurred that night. Can you
5 recap the parties that were there assembled,
6 just in terms of title?

7 INVESTIGATOR GHENENE: Yes, sir.
8 As far as I remember, there was one of the
9 owners or the owner, Mr. Redding.

10 MEMBER JONES: Okay.

11 INVESTIGATOR GHENENE: There was
12 the -- what was later introduced to me as the
13 comptroller --

14 MEMBER JONES: Understood.

15 INVESTIGATOR GHENENE: -- Michael
16 Smith. There was a general manager, Pete
17 Sherigas, I think is his name.

18 MEMBER JONES: Uh-huh.

19 INVESTIGATOR GHENENE: There was
20 the head of security, I think, Mr. Smart.

21 MEMBER JONES: Yes.

22 INVESTIGATOR GHENENE: There was

1 the AV tech guy or camera guy, Mr. Molina, and
2 there were probably another 10 to 12 people
3 filtering in and out as they were closing.

4 MEMBER JONES: Understood.

5 INVESTIGATOR GHENENE: Yes, sir.

6 MEMBER JONES: Okay. But those
7 are the primary stakeholders that you
8 identified as being part of this meeting?

9 INVESTIGATOR GHENENE: Yes, sir.

10 MEMBER JONES: What was the
11 purpose of the meeting?

12 INVESTIGATOR GHENENE: That was
13 the area -- well, I think -- I'm not sure why
14 everyone congregated there. But I know that
15 my purpose for being there along with my
16 supervisor was to view the video. And as the
17 video room is inside of that office, as that
18 video was queued, I was multi-tasking by
19 interviewing other people.

20 MEMBER JONES: Understood. So it
21 wasn't necessarily a meeting that you called
22 to have people assemble. It was just a

1 meeting that occurred by some set of
2 circumstances that were beyond your knowledge,
3 outside of the fact that that was where the
4 video room is?

5 INVESTIGATOR GHENENE: Yes, sir.

6 MEMBER JONES: Okay. Did you have
7 an opportunity to witness or see on the video,
8 at that time when those individuals were
9 assembled, those instances where it appeared
10 as if blood was being cleaned?

11 INVESTIGATOR GHENENE: Not at that
12 time, no, sir.

13 MEMBER JONES: Not at that time.

14 INVESTIGATOR GHENENE: No, sir.

15 MEMBER JONES: Okay. Had you been
16 informed at that time by MPD that they were
17 concerned about how blood evidence was
18 handled?

19 INVESTIGATOR GHENENE: Before I
20 even entered the location, I was told that.

21 MEMBER JONES: You were told that.

22 INVESTIGATOR GHENENE: Yes, sir.

1 MEMBER JONES: Okay. Did you have
2 an opportunity to speak with any of the
3 individuals that were party -- well, that were
4 a part of the organization or licensed
5 establishment, i.e., the employees, the
6 ownership, etcetera, that information related
7 to blood evidence being cleaned?

8 INVESTIGATOR GHENENE: Did you ask
9 me if I had the opportunity?

10 MEMBER JONES: Did you have the
11 opportunity to speak with any of those
12 individuals about, okay, did you --

13 INVESTIGATOR GHENENE: Yes, sir.

14 MEMBER JONES: Did you?

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER JONES: You did. Okay.

17 INVESTIGATOR GHENENE: Yes, sir.

18 MEMBER JONES: What did you ask of
19 them or what did you speak to them about the
20 blood evidence being cleaned at that time?

21 INVESTIGATOR GHENENE: They were
22 miss -- it was Mr. Sherigas, I believe, that

1 stated -- and he was the general manager. And
2 I believe it was him, stated that, you know,
3 they just panicked. The cleaning crew
4 panicked. They just saw waste or disorder and
5 they reacted to cleaning up and they didn't
6 know any better.

7 MEMBER JONES: Okay. They didn't
8 know any better is what the general manager
9 indicated to you about the rationale or the
10 reason why the blood evidence was disturbed?

11 INVESTIGATOR GHENENE: Yes. I
12 believe it was him.

13 MEMBER JONES: You believe it was
14 him. Okay. But someone on the team --

15 INVESTIGATOR GHENENE: Yes, sir.

16 MEMBER JONES: -- the management
17 team --

18 INVESTIGATOR GHENENE: Yes, sir.

19 MEMBER JONES: -- indicated that
20 to you?

21 INVESTIGATOR GHENENE: Yes, sir.

22 MEMBER JONES: Okay. Did they

1 indicate whether or not they have a protocol
2 in place for appropriately handling blood
3 evidence?

4 INVESTIGATOR GHENENE: No, sir.

5 MEMBER JONES: They did not.

6 INVESTIGATOR GHENENE: No, sir.

7 MEMBER JONES: In your perusal of
8 the security plan did you note and/or identify
9 a protocol?

10 INVESTIGATOR GHENENE: I don't
11 remember, sir, but I don't believe so. No,
12 sir.

13 MEMBER JONES: Okay. Based on
14 your understanding of this establishment, are
15 you aware of or were you aware, at that time,
16 of whether or not there had been any instances
17 of violence at that location prior to that
18 night?

19 INVESTIGATOR GHENENE: Yes, sir.

20 MEMBER JONES: Okay. Are you
21 aware of whether or not those instances
22 involved bloodshed in any way?

1 INVESTIGATOR GHENENE: Yes, sir.

2 MEMBER JONES: Okay. Were you
3 surprised at any point during your discussion
4 of the incident on that evening with the
5 ownership and/or management staff that they
6 did not appear to have a protocol in place for
7 handling blood evidence?

8 INVESTIGATOR GHENENE: No, sir.

9 MEMBER JONES: You were not?

10 INVESTIGATOR GHENENE: No, sir.

11 MEMBER JONES: Can you speak to
12 why you were not surprised?

13 INVESTIGATOR GHENENE: It's -- I
14 can't -- I'm not really sure how to answer
15 that question.

16 MEMBER JONES: That's fine. Fair
17 enough. The indication of the -- excuse me.
18 Do you have any indication as to how the blood
19 evidence was addressed by the staff? In other
20 words, did they use water and rags to clean it
21 up? Did they use papertowels? Did they get
22 a mop? Do you have any idea of what they did

1 in order to restore?

2 INVESTIGATOR GHENENE: Just from
3 watching the cameras.

4 MEMBER JONES: Yes, sir.

5 INVESTIGATOR GHENENE: It appears
6 they used water, rags, towels, paper towels,
7 but again, some of the views are obstructed
8 and there could have been solutions inside of
9 these water bottles or different sorts of --

10 MEMBER JONES: Understood.

11 INVESTIGATOR GHENENE: It's
12 difficult to tell.

13 MEMBER JONES: The items that they
14 used to wipe up the area, i.e., papertowels,
15 rags, were those still on the establishment
16 when you conducted your investigation?

17 INVESTIGATOR GHENENE: They were
18 in that bathroom, employee bathroom, I did see
19 bloody rags, but it appeared to be rags used
20 to stop bleeding, not to clean.

21 MEMBER JONES: Got it. Okay. So
22 you have no -- you do not have any firsthand

1 knowledge, based on your investigation, of
2 what was done with the rags and/or items used
3 to clean the crime -- or used to clean the
4 blood evidence?

5 INVESTIGATOR GHENENE: No, sir.

6 MEMBER JONES: You do not?

7 INVESTIGATOR GHENENE: No, sir.

8 MEMBER JONES: Okay. When you
9 spoke with management and/or ownership, and
10 they acknowledged that their cleaning staff
11 addressed the blood evidence, did they provide
12 any type of feedback to you as to whether or
13 not they deemed that to be appropriate,
14 inappropriate, within protocol, outside of
15 protocol? Did they provide any feedback
16 whatsoever?

17 INVESTIGATOR GHENENE: Yes, sir.

18 MEMBER JONES: Okay. What was
19 that feedback?

20 INVESTIGATOR GHENENE: I believe,
21 again, it was Mr. Sherigas, I believe. He
22 understood that it was improper and that they

1 would be trained correctly.

2 MEMBER JONES: They would be
3 trained correctly. Did he indicate that they
4 had been trained and that they deviated from
5 their training or that they simply would be
6 trained in the future?

7 INVESTIGATOR GHENENE: That -- I
8 didn't ask that -- the first question, but he
9 said that they would be trained.

10 MEMBER JONES: They would be
11 trained. Okay. As far as the nature of what
12 activities were going on in the establishment
13 at the time that you were present there, was
14 the business still in operation when all of
15 this was going on, i.e., when you arrived in
16 any way shape or form? Were patrons still on
17 the establishment, inside the establishment
18 when you arrived?

19 INVESTIGATOR GHENENE: No, when I
20 arrived no.

21 MEMBER JONES: No. Okay. Based
22 on your observation of the video, how long

1 before the establishment was shut down and
2 emptied -- excuse me. How long after the
3 incident, the violence, that led to blood
4 being shed, how long after that did it take
5 for the establishment to shut down and clear
6 out all the patrons? Based on what you could
7 observe from the video?

8 INVESTIGATOR GHENENE: Using the
9 different times, it would appear that it is
10 from the beginning of the incident until it
11 looks like the trickle of patrons is done?

12 MEMBER JONES: Yes.

13 INVESTIGATOR GHENENE: I would say
14 probably around maybe eight or nine minutes
15 maybe.

16 MEMBER JONES: Eight or nine
17 minutes?

18 INVESTIGATOR GHENENE: Yes, sir.

19 MEMBER JONES: Okay. And did you
20 -- could you tell from the video how security
21 facilitated the removal of the patrons?

22 INVESTIGATOR GHENENE: No, sir.

1 MEMBER JONES: No. Okay. Thank
2 you. Thank you, Madam Chair.

3 CHAIRPERSON MILLER: Okay. Other
4 questions? I just have a couple.

5 INVESTIGATOR GHENENE: Yes, ma'am.

6 CHAIRPERSON MILLER: Okay. So the
7 report indicates on pages 1 and 4 that there
8 were four victims. And the two most seriously
9 injured went to Medstar, I believe, and that
10 Officer Nicholls summoned that ambulance.

11 Okay. And then I got the
12 impression from your testimony, I thought,
13 that the other two might have just left by
14 themselves.

15 INVESTIGATOR GHENENE: I'm not
16 sure.

17 CHAIRPERSON MILLER: Okay.

18 INVESTIGATOR GHENENE: I don't
19 know that.

20 CHAIRPERSON MILLER: I guess my
21 question is because it also indicates that
22 they were taken to Howard University Hospital.

1 So I'm wondering did you have any information
2 as to how they got to their ambulances or
3 anything?

4 INVESTIGATOR GHENENE: No, ma'am.

5 CHAIRPERSON MILLER: Okay. Then I
6 wanted to ask you about the time lines here.
7 We get a sense of the time from your report
8 and your testimony that talked about your
9 personal experience there, what time you did
10 certain things.

11 INVESTIGATOR GHENENE: Um-hum.

12 CHAIRPERSON MILLER: And then we
13 have the cameras. So how did you account, you
14 know, for your time? How did you know it was
15 3:05 or did you make a habit of doing
16 something to make sure that you were recording
17 the time right?

18 INVESTIGATOR GHENENE: Yes, ma'am.

19 CHAIRPERSON MILLER: Okay.

20 INVESTIGATOR GHENENE: When I made
21 my first contact, I believe, I took note of
22 the time and that's normal.

1 CHAIRPERSON MILLER: Is that part
2 of your practice as an Investigator to do
3 that?

4 INVESTIGATOR GHENENE: Yes, ma'am.

5 CHAIRPERSON MILLER: Okay. Now,
6 we talked about the time line of the cameras
7 on page 5. Do you have an opinion as to
8 whether Camera 7, 12, 23 and 27 had accurate
9 times on them?

10 INVESTIGATOR GHENENE: I do not
11 have an opinion. I can't --

12 CHAIRPERSON MILLER: Okay.

13 INVESTIGATOR GHENENE: -- formally
14 point --

15 CHAIRPERSON MILLER: So are the
16 times significant or --

17 INVESTIGATOR GHENENE: I mean, I
18 think they are significant in representing
19 when people were -- like if you are using
20 3:05:06 as a beginning time and 3:24:38 as an
21 end time, I think they are significant for
22 that space.

1 CHAIRPERSON MILLER: For the
2 duration it shows?

3 INVESTIGATOR GHENENE: Exactly.

4 CHAIRPERSON MILLER: Okay.

5 INVESTIGATOR GHENENE: They are
6 not for the time as it relates to real time.

7 CHAIRPERSON MILLER: Okay. And
8 Camera 35, which has the 2:04 time on it, it
9 was -- was it your testimony that you thought
10 that was incorrect, based on watching Mr. Ward
11 leaving the area?

12 INVESTIGATOR GHENENE: Yes, ma'am.

13 CHAIRPERSON MILLER: Or whatever
14 area.

15 INVESTIGATOR GHENENE: Yes, ma'am.

16 CHAIRPERSON MILLER: Okay. Okay.
17 I think that's my only questions. Any other
18 Board questions? Are there questions based on
19 Board questions?

20 MS. TODD: I don't have to -- can
21 I go first?

22 CHAIRPERSON MILLER: Well, I think

1 so. Then you can wrap up with any redirect.

2 MS. TODD: Thank you.

3 CHAIRPERSON MILLER: Okay.

4 MS. TODD: Yes, I do have a couple
5 of follow-up questions.

6 CHAIRPERSON MILLER: Okay.

7 RECROSS-EXAMINATION

8 MS. TODD: You stated that based
9 on one of the Board Members' questions, that
10 from your experience as a matter of public
11 safety, was this considered abnormal. Can you
12 explain further as to what you meant by, from
13 your experience, what about this made this so
14 abnormal?

15 INVESTIGATOR GHENENE: Sure.

16 Well, the first is that the crime scene was
17 what appeared to be sanitized or minimally
18 disturbed, that's abnormal.

19 Through my experience, when people
20 are stabbed, typically those areas where
21 people are injured are -- or where they have
22 traveled to, those are left undisturbed.

1 MS. TODD: Now, from your
2 experience, you stated that based on the Board
3 Members' questions, you stated that when you
4 were viewing the video footage with the
5 meeting, you hadn't seen yet, at that point,
6 that blood had been cleared. Is that correct?

7 INVESTIGATOR GHENENE: That is not
8 correct.

9 MS. TODD: So you did see there,
10 at that point -- so you are now stating, at
11 this point, you did see blood being cleaned up
12 on the video?

13 INVESTIGATOR GHENENE: No. I
14 stated --

15 MS. TODD: That night.

16 INVESTIGATOR GHENENE: The
17 response to the question, I stated I saw an
18 area where I believed blood had been cleaned.
19 I didn't see active cleaning. No, ma'am.

20 MS. TODD: But when you went in
21 the back and you viewed the video footage --

22 INVESTIGATOR GHENENE: Yes, ma'am.

1 MS. TODD: -- I can't recall
2 whether or not you stated that you actually
3 saw blood being cleaned at that moment.

4 INVESTIGATOR GHENENE: No, ma'am.

5 MS. TODD: Okay.

6 INVESTIGATOR GHENENE: No, ma'am.

7 MS. TODD: That's what I was
8 trying to figure out. Now, from the video
9 footage that we viewed earlier when the patron
10 was getting their hand wrapped, at that point,
11 did it appear to you that there was a big
12 panic from the crowd, like people seemed like
13 they were saying there was something going on
14 where that --

15 INVESTIGATOR GHENENE: Yes, yes,
16 ma'am.

17 MS. TODD: Okay. And at that
18 point, when you stated that you thought that
19 the public safety issue -- did you have any
20 other things that you noticed besides the
21 crime scene being cleaned up and the public
22 safety?

1 INVESTIGATOR GHENENE: I don't
2 understand your question.

3 MS. TODD: You stated that public
4 safety -- as a matter of public safety, what
5 you experienced was abnormal at the club.
6 Beyond the fact that you stated that the crime
7 scene was being sanitized, was there any other
8 thing that you experienced that you -- that
9 made you feel like there was a public safety
10 issue?

11 INVESTIGATOR GHENENE: Yes, ma'am.
12 One of the victims, as indicated in the
13 report, had an 8 inch gaping wound on their
14 stomach.

15 MS. TODD: Okay.

16 INVESTIGATOR GHENENE: And that
17 person was not discovered inside of the
18 establishment. They were discovered outside
19 of the establishment. So that to me would be
20 another unusual or abnormal incident.

21 MS. TODD: Okay. Thank you.

22 CHAIRPERSON MILLER: Okay. Ms.

1 Phillips?

2 MS. PHILLIPS: No, I don't think
3 so. Thank you very much, Board Members.

4 CHAIRPERSON MILLER: Okay. Thank
5 you.

6 (Whereupon, witness was excused.)

7 CHAIRPERSON MILLER: Do you have
8 any other witnesses?

9 MS. PHILLIPS: No.

10 CHAIRPERSON MILLER: Okay. Are
11 you resting your case?

12 MS. PHILLIPS: I move for the
13 admission --

14 CHAIRPERSON MILLER: Okay.

15 MS. PHILLIPS: -- of A, which I
16 think has already been admitted.

17 CHAIRPERSON MILLER: Yes, it has.

18 MS. PHILLIPS: And B for the
19 demonstrative purposes that it was used for in
20 evidence, so it will be part of the record to
21 look at it, if you need to look at it again.

22 CHAIRPERSON MILLER: Is B the

1 video? Oh, B, thank you. Okay. B is the
2 Floor Man Security Layout, right?

3 MS. PHILLIPS: Right. And I'm not
4 admitting it for the floor man security
5 issues. I'm admitting it for the help that it
6 gave us about the floor plan.

7 CHAIRPERSON MILLER: Is there an
8 objection?

9 MS. TODD: No.

10 CHAIRPERSON MILLER: Okay.

11 MS. TODD: Not in that limited
12 purpose.

13 CHAIRPERSON MILLER: Okay. All
14 right. Then Exhibit B is admitted.

15 (Whereupon, the document marked as
16 Government Exhibit B was received
17 in evidence.)

18 MEMBER ALBERTI: What is Exhibit
19 A?

20 CHAIRPERSON MILLER: Exhibit A?

21 MS. PHILLIPS: Is the
22 investigation report with all of the exhibits.

1 CHAIRPERSON MILLER: Right.

2 MS. PHILLIPS: And the DVDs are in
3 the ABRA file which we can hand up now, so
4 that it doesn't get lost.

5 MEMBER ALBERTI: Okay. Very good.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER JONES: We may need that.

8 CHAIRPERSON MILLER: Okay. Is
9 that correct? Do you have copies as well or
10 no?

11 MS. TODD: I'm sorry?

12 CHAIRPERSON MILLER: Do you have
13 copies of that, the video?

14 MS. TODD: I don't have all the
15 copies, but I can get them. I don't object to
16 them being admitted.

17 CHAIRPERSON MILLER: Okay. All
18 right. So does that conclude your case?

19 MS. PHILLIPS: The District rests.

20 CHAIRPERSON MILLER: The District
21 rests. Okay. Whenever you are ready, Ms.
22 Todd.

1 MS. TODD: Thank you.

2 CHAIRPERSON MILLER: Okay. The
3 evidence presented today, which the Government
4 has already presented, shows that it failed to
5 meet its burden to prove that the charges it
6 brought against the licensee will hold legal
7 mustard.

8 The investigative report focuses
9 heavily on the preservation of the crime scene
10 and whether or not Stadium employees helped
11 the victims. However, not enough attention is
12 paid to the fact that the U.S. Attorney's
13 Office prosecuted the assailant with a charge
14 of assault with the intent to kill.

15 Stadium worked in tandem with the
16 Government to provide them with the video
17 surveillance and also testified on behalf of
18 the Government to bring a conviction to the
19 accused who is now in prison.

20 The Government charges the
21 establishment with pretty hefty allegations
22 of, one, obstruction of justice; two, allowing

1 the establishment to be used for an unlawful
2 or disorderly purpose; three, providing false
3 or misleading statements; four, failing to
4 incorporate the preservation of the crime
5 scene into a security plan when, in fact, the
6 law became into effect the same month of the
7 incident before the Board and was also
8 discussed as well in the Summary Suspension
9 Hearing that we had back in May. And, five,
10 the use of a chokehold that ultimately saved
11 this man's life.

12 It is clear that the Government
13 makes these allegations with loose facts that
14 fail to prove that Stadium allowed the
15 establishment to be used for an unlawful or
16 disorderly purpose.

17 There has been no evidence
18 presented that Stadium impeded the police from
19 prosecuting and, therefore, convicting this
20 assailant. At all times, Stadium was
21 cooperating with the police and provided
22 camera footage of the incident, which led to

1 the arrest -- the identifying and the arrest
2 of the assailant.

3 Furthermore, Stadium employee,
4 Trevor Ward, was a key witness in the
5 prosecution's case that led to the assailant
6 being convicted of his crime. Unfortunately,
7 Mr. Ward was unable to make it today because
8 of a death in the family.

9 The evidence also fails to show
10 that Stadium made any material
11 misrepresentations of fact or that Stadium
12 failed to contact MPD or 911. The evidence
13 presented today will show that during the time
14 of this event, a Stadium employee, Olga
15 Lavinchy, an ABC manager, did call 911 at
16 3:07.

17 The Government's observation that
18 a girlfriend of one of the patrons appeared to
19 be on the phone with 911 does not pass legal
20 mustard in order to prove that Stadiums'
21 employees misrepresented the facts.

22 Furthermore, the Investigator, in

1 his own account, he reported that he witnessed
2 two Stadium employees assisting a victim at
3 3:10, which the Government glosses over in its
4 charging document, which stated that no
5 employee from Stadium was helped.

6 I implore the Board to pay
7 attention to the time lines of these events
8 that occurred in the case as these split
9 second moments have been highlighted as gross
10 negligence on Stadium's part and is misleading
11 on the part of the Government as it pertains
12 to the facts of this case.

13 Moreover, the evidence provided
14 today does not prove that Stadium violated the
15 security plan because there is a provision
16 that allows for chokeholds to be used in life-
17 threatening situations, as referenced by Mr.
18 Ghenene's report.

19 The conflicting language has been
20 removed, but make no mistake about it, the
21 language is clear. A chokehold was allowed in
22 life-threatening situations. The evidence

1 shown today will prove that this altercation
2 was charged as an assault with the intent to
3 kill and the force used was reasonable and
4 ultimately saved a life.

5 As a result of the stabbings, this
6 establishment was closed for two weeks. The
7 OAG and I submitted an OIC which stipulated to
8 a host of changes to include the changes to
9 the establishment's security plan.

10 Further, the report did not
11 indicate that the establishment had 27
12 security guards and seven floor men present
13 that night that were using metal detectors and
14 conducting pat-down searches.

15 This event was not a result of
16 Stadium's security plan breach. The
17 establishment suffered great economic hardship
18 as a result of the two week closure completely
19 devastating their investment. The
20 establishment takes public safety very
21 seriously and in no way had an intent to
22 impede the investigation, which is the legal

1 standard to be proven today when you state
2 that someone provided false or misleading
3 information or attempted to obstruct an
4 investigation.

5 And the Government has failed to
6 prove that. I include my statement by stating
7 that the establishment had -- has not had one
8 single incident in the nine months since the
9 stabbing and wants to assure the Board that
10 this -- that it takes public safety and its
11 patrons very seriously. Thank you.

12 And I now call my first witness,
13 Mr. James Redding.

14 CHAIRPERSON MILLER: Do you want
15 to take the witness stand over there?

16 MR. REDDING: Okay.

17 CHAIRPERSON MILLER: Good evening.

18 Whereupon,

19 JAMES T. REDDING
20 was called as a witness by Counsel for the
21 licensee, and having been first duly sworn,
22 assumed the witness stand and was examined and

1 testified as follows:

2 CHAIRPERSON MILLER: Okay. Thank
3 you.

4 DIRECT EXAMINATION

5 MS. TODD: Mr. Redding, can you
6 state your name for the record, please?

7 MR. REDDING: James T. Redding.

8 MS. TODD: And can you state your
9 interest in Stadium Nightclub?

10 MR. REDDING: I'm the 51 percent
11 owner of Stadium Nightclub.

12 MS. TODD: And are you also the
13 managing partner?

14 MR. REDDING: I'm the managing
15 partner.

16 MS. TODD: How long has Stadium
17 been open?

18 MR. REDDING: Approximately, going
19 on 4 years.

20 MS. TODD: And how many incidents
21 has it had, violent incidents has it had since
22 it has been open?

1 MR. REDDING: It has had three.

2 MS. TODD: And were you present
3 the night of the stabbing on May 26th?

4 MR. REDDING: I was.

5 MS. TODD: And can you tell us
6 what happened?

7 MR. REDDING: Yes. Actually, I
8 was probably one of the first ones on the
9 scene besides Trevor Ward.

10 MS. TODD: Where -- can you tell
11 us where you were?

12 MR. REDDING: I was standing
13 directly on the stage on that level probably
14 within proximity exactly to that wall. I was
15 within about 15 feet.

16 MS. TODD: And what did you
17 observe?

18 MR. REDDING: I observed two
19 adults arguing with each other. And then it
20 stemmed into where one adult punched another
21 adult. And then that's when Trevor Ward --
22 and they are rooms that have a glass wall

1 halfway, so people can look out into the
2 private -- they are not private rooms, they
3 are open rooms. You can see out into the
4 other club, so people pay more money for
5 those.

6 MS. TODD: And we will rely on
7 this --

8 MR. REDDING: Correct.

9 MS. TODD: -- as the -- to help
10 you in the diagram to show -- can you show the
11 Board where you were seated?

12 CHAIRPERSON MILLER: I just want
13 to tell you that when you are talking --

14 MS. TODD: I'm sorry.

15 CHAIRPERSON MILLER: No, that's
16 okay. You just need to be at a microphone, so
17 that --

18 MS. TODD: Near the mike?

19 CHAIRPERSON MILLER: -- the court
20 reporter can get you.

21 MR. REDDING: The actual event did
22 not happen to where the Investigator said. No

1 fault to him. He came in after the fact. But
2 this is Room 6 is directly the center of the
3 building. The incident happened in Room 5 and
4 between Tables VIP 2 and 3. That's where
5 Trevor jumped from there, which is a complete
6 -- about roughly 20 feet from where the
7 Investigator labeled what actually happened.

8 CHAIRPERSON MILLER: Can I
9 interrupt you for a minute?

10 MR. REDDING: Yes, ma'am.

11 CHAIRPERSON MILLER: I'm sorry,
12 but just for the record, are you looking at
13 Government's Exhibit B, Floor Man Security
14 Layout?

15 MR. REDDING: Correct.

16 CHAIRPERSON MILLER: Okay. Thank
17 you.

18 MR. REDDING: And this is -- so I
19 was standing -- if you are looking at that
20 document, there are three stages. One, two,
21 three, you can see that. I'm standing
22 directly where that red dot is, the last red

1 dot. Okay.

2 These red dots on this is an old,
3 old format that was submitted. So you know
4 and I'll answer all your questions for you,
5 these red dots are where floor men would be.
6 Okay. And there is -- in our company, there
7 are two classifications. I don't know how
8 much you care here, but floor men handle the
9 dancers and make sure no patrons touch the
10 dancers and no dancers have any issues with
11 each other. And they make sure money is being
12 taken care of.

13 Security handles just the
14 security. So that's the difference. That's
15 why you have two different color shirts.
16 Green is for floor men. Black is for
17 security.

18 MS. TODD: Okay. And so how many
19 security -- were you able to observe any
20 security around the area where you were?

21 MR. REDDING: Yes. There were --
22 there was one security with me right standing

1 there. Trevor happens to be -- he is ex-
2 highly military trained, but he is also the
3 lead boss for all the floor men.

4 So he is -- although he is not
5 considered security, he was on security, but
6 he was such a good worker, I moved him over to
7 be head of floor men.

8 But there was two other -- there
9 is always -- let me hold the document up
10 again. There are always two security
11 stationed directly at the stage, so no patrons
12 go up on the stage when the girls are dancing.
13 So you had two and one. So you had three
14 security.

15 And in this area at any given
16 time, there is no more allowed than eight
17 people at those tables. So you would have had
18 eight, eight, eight, which is 24 people and
19 then the people at the bar here. So you would
20 have about 25 people in that area where you
21 have three security covering that.

22 And the rules and bylaws of

1 security, one security guy should be handling
2 between 20 and 25 patrons. For every 20 or 25
3 patrons you have in the building.

4 MS. TODD: Okay. So can you walk
5 us through what you observed at the time of
6 the incident?

7 MR. REDDING: Okay.

8 MS. TODD: At roughly -- including
9 the time of the incident?

10 MR. REDDING: By the time I saw
11 Trevor jump over the railing, I must have
12 arrived at the same time almost. When Trevor
13 went down on the floor, that's when I saw that
14 within a matter of one minute, his arm had a
15 slice in it and his muscle popped out.

16 MS. TODD: So were you attempting
17 to assist in breaking up the fight?

18 MR. REDDING: I was attempting to
19 get Trevor out of there when I saw that and I
20 had two people escort him out. The fight on
21 the tape, the fight started at 3:03:26.
22 Within two minutes, again, the tape shows on

1 the time line and we will pull up the exact
2 time lines, that all three patrons, not my
3 employee because my employees took him to the
4 back, were out in the parking lot and left by
5 themselves.

6 So that happened in two minutes
7 and 33 seconds that the three people that were
8 stabbed were already out of the building. If
9 you watch the tapes and all the time lines,
10 not one other patron, and there is 400 people
11 in there, had realized that something has
12 happened or what's going on.

13 And as far as the blood, the crime
14 scene, there is no blood at the crime scene at
15 the table where the actual fight broke out per
16 the tapes he showed, because Trevor didn't
17 bleed until he got in the back hallway where
18 the blood was cleaned up and removed with my
19 employees, my folks.

20 The gentleman that came outside,
21 as you can see the spray on the tape, he
22 didn't even start bleeding until he got

1 outside and that's where the spray was
2 shooting outside.

3 And so once -- so as -- from a
4 standpoint of security, floor men, plaintiffs,
5 once my guys broke the fight up, those patrons
6 that got hurt were gone and so was the guy
7 that created the problem. Within two minutes
8 they are out of the building. So for any --
9 so my security is not assistant anybody at
10 that point in time, because, first of all,
11 they jumped up and ran out on their own, so
12 there is nobody for us to assist.

13 And number three, everybody
14 thought there is no blood, there is nothing,
15 they thought it was just a punch. So no
16 security ever thought that anything even
17 happened. Hence, why barbacks come by and
18 clean the table up, because if somebody breaks
19 a glass and somebody falls down and cuts their
20 hand, they are going to sue me because there
21 is broken glass on the table and the floor.

22 And throughout this altercation,

1 there was broken glass and a bottle was
2 spilled. My floor men, I have nine working on
3 a Saturday night, they are told no chicken
4 wings, no plates, no bottles, no glasses, no
5 nothing on the tables. You clean up at all
6 times.

7 And as you will see it, if I give
8 you tapes for the whole night, you will see
9 there is at least one barback in every section
10 that's doing nothing but cleaning. So in
11 their perspective, as a company, they don't
12 even know that there was a crime scene. We
13 don't even know that there was an incident,
14 because everybody got up and left. We are
15 thinking somebody got punched. They are gone.
16 Everybody is gone.

17 MS. TODD: So, at that point, when
18 everyone got up and left, when did you
19 discover that there was a crime scene?

20 MR. REDDING: We just -- well, we
21 discovered it right away with Trevor Ward.
22 Now, but what we didn't know, we didn't know

1 if Trevor was stabbed. We didn't know when
2 Trevor jumped over, you could see on the tape
3 Trevor jumps, did Trevor land on a glass, a
4 bottle and he cut his own arm? We have not
5 figured that out.

6 He jumps over. He lands down.
7 I'm right there. I watched the whole thing.
8 So the question was -- that's what we think
9 happened to Trevor. Nobody thinks Trevor was
10 stabbed by this guy, because he jumped on top
11 of him. And in a matter of 30 seconds, he had
12 the cut on his arm.

13 So we are thinking when he jumped
14 on him and he grabbed him, he landed on a
15 glass and he cut his arm. So that's why our
16 employees moved him to the back.

17 Meanwhile, when my guys jumped --
18 the security came, the guys that got hurt and
19 the guy that created the problem they were out
20 of the building in two minutes.

21 MS. TODD: And to your knowledge,
22 was 911 called?

1 MR. REDDING: 911 was called in
2 three minutes after the altercation by my ABC
3 Assistant General Manager, Olga Lavinchy.

4 MS. TODD: I would like to enter
5 into exhibit -- into evidence the phone
6 records of Olga Lavinchy making the phone call
7 to 911, if I can have --

8 CHAIRPERSON MILLER: Did you show
9 it to --

10 MS. PHILLIPS: She has.

11 MS. TODD: I have already.

12 CHAIRPERSON MILLER: You have.

13 MS. TODD: She acknowledged it.

14 CHAIRPERSON MILLER: Okay. Any
15 objection?

16 MS. PHILLIPS: One sheet or two?

17 MS. TODD: It's two. I'm going to
18 explain the second one. The second one is a
19 copy of Ms. Lavinchy's ABC License, just to
20 show that she was, at the time of the
21 incident, an ABC-approved manager as well.

22 CHAIRPERSON MILLER: Okay.

1 MS. TODD: And made the phone
2 call. And we have her phone records. I can
3 submit them at the end.

4 CHAIRPERSON MILLER: Are those two
5 separate exhibits or one?

6 MS. TODD: I can exhibit -- yes,
7 that's fine. It will be two. Do you want to
8 take them over there for me? Thank you.

9 (Whereupon, the documents were
10 marked as Licensee Exhibit 1 and 2
11 for identification.)

12 MS. TODD: Was an incident report
13 filled out?

14 MR. REDDING: Yes.

15 MS. TODD: Do you recall who
16 filled it out?

17 MR. REDDING: Mike Smith filled it
18 out.

19 MS. TODD: Why didn't the head of
20 security fill it out?

21 MR. REDDING: The head of security
22 was not in that night. He was out on

1 vacation.

2 MS. TODD: Who is your head of
3 security?

4 MR. REDDING: At the time, it was
5 Dan.

6 MS. TODD: Are you aware of a Mr.
7 Smart?

8 MR. REDDING: I am.

9 MS. TODD: Who is Mr. Smart?

10 MR. REDDING: Mr. Smart was just
11 an employee of Dan. He was never the head of
12 security.

13 MS. TODD: Have you ever referred
14 or regarded to Mr. Smart as head of security?

15 MR. REDDING: Never.

16 MS. TODD: Is there any general
17 knowledge of Mr. Smart ever being --

18 MR. REDDING: Never.

19 MS. TODD: -- head of security?
20 Do you have any idea why someone would -- why
21 Mr. Smart allegedly may have told someone that
22 he was head of security?

1 MR. REDDING: I have no idea.

2 MS. TODD: And do you know where
3 Mr. Smart was at the time of the incident?

4 MR. REDDING: Yes, I do. Mr.
5 Smart was handling the gentleman that had his
6 stomach cut on the hill, holding him up when
7 he came out, because Mr. Smart was stationed
8 at the gates, because it went -- when it
9 arrives around 3:00, that is the time the
10 lights are coming on, all patrons are going to
11 be moved out, so we take security and move
12 security through the parking lot and down to
13 the gate, because now all the patrons are
14 leaving the building.

15 So when nobody -- not one
16 security, not one owner, not one manager, not
17 one employee in Stadium Club knew that anybody
18 was bleeding or stabbed to hurt. And when you
19 see the tape coming out, the gentleman with
20 the arm doesn't bleed until he gets outside.
21 The gentleman that's walking out through the
22 summer garden has a little mark right here and

1 nobody in the whole establishment even notices
2 it.

3 He has got one girl chasing behind
4 him, who I'm assuming is his girlfriend, who
5 is following him out the door. Okay. But not
6 one person stopped in that building, not one
7 of the patrons said hey, what's going on?
8 Nobody pointed. And if you even look at the
9 front door, the gentleman that took his shirt
10 off works for me.

11 He took the shirt off right away.
12 He wrapped the arm and he stayed there with
13 him, beside him. The gentleman did not go
14 right down to the ambulance to the gate,
15 because he was waiting for his girlfriend.
16 And he said he didn't want to go down. And
17 then the tape shows that his girlfriend comes
18 out, brings his keys, comes out and then him
19 and his girlfriend walked down to the gate.

20 MS. TODD: And where were the
21 ambulances at the time?

22 MR. REDDING: The ambulances and

1 the fire engines were already there, because
2 Echostage had a shooting and somebody was shot
3 in the foot. And so Echostage let out. I
4 believe they hold about 5,000 people. I only
5 hold about 400.

6 So they let out and it was a free-
7 for-all outside. And the ambulance, fire
8 engines and 30 cops were already there on-
9 site, because Echostage had that problem going
10 on.

11 MS. TODD: And so, at that time,
12 where were you?

13 MR. REDDING: I was in the club.
14 At that time, that happened about, roughly
15 about, 2:40. So all this stuff at Echostage
16 happened about 25 minutes before our incident
17 occurred.

18 MS. TODD: And when did you first
19 notice an MPD officer enter Stadium?

20 MR. REDDING: I didn't see an MPD
21 officer enter Stadium until after 3:25, 3:30.

22 MS. TODD: And at that point, what

1 did you observe?

2 MR. REDDING: There was an actual
3 detective that came over to me and he came
4 over to me and he said I want to take your
5 report. At that point in time, they came
6 over. They put caution tape around the actual
7 area, which again, we will note, is between
8 VIP 2 and 3 of the club level. This is called
9 the suite. This is the club level. This is
10 the floor.

11 They came in. They walked over.
12 As a matter of fact, my general manager, Mr.
13 Sherigas, was here, and I walked over with the
14 detective. There was some broken glass that
15 was still left and there was no blood on any
16 part of the carpet in the area whatsoever at
17 all, not one drop.

18 MS. TODD: And are you stating
19 that to say that the blood had not been
20 cleaned there or there was never blood?

21 MR. REDDING: There was never
22 blood, because none of the patrons had -- it

1 hadn't gotten through their bodies and through
2 their clothes yet to get in there and they
3 were out of the building within two minutes,
4 as the tapes show that the fight happened
5 again at 3:03. And at 3:05:59, all patrons
6 were out of the building.

7 So in two minutes and 36 seconds,
8 the patrons that were all injured, except for
9 mine, the employee who we took in the back.
10 As soon as we got him bandaged up, where the
11 towels were on the floor and where my barbacks
12 did pick it up and clean it, because he is my
13 employee, he was hurt. He got hurt because we
14 thought he got hurt on the glass. We then
15 walked him right out to the ambulance and took
16 him right to the ambulance and he got in and
17 he was -- and they took off.

18 MS. TODD: Was there a weapon that
19 was found inside the establishment?

20 MR. REDDING: There was no weapon
21 found inside the club.

22 MS. TODD: And can you tell me

1 what was used as the weapon to cause these
2 injuries?

3 MR. REDDING: What was used? From
4 what people that were in the immediate area
5 testified and knew, that he took a glass. He
6 broke the glass and then he took the glass and
7 he used the glass on that.

8 MS. TODD: Was there any glass
9 that was found?

10 MR. REDDING: There was glass that
11 was found.

12 MS. TODD: And at that -- was the
13 weapon ever discovered?

14 MR. REDDING: Not that I know of.

15 MS. TODD: And can you tell me
16 what security measures were in place at the
17 time of the stabbing?

18 MR. REDDING: The security
19 measures in place were that they were -- every
20 patron is wanded. Every patron is pat-down
21 and every bag that is brought into the club is
22 searched.

1 MS. TODD: So do you think that
2 the establishment took the appropriate steps
3 to prevent the stabbing from occurring?

4 MR. REDDING: I think that the
5 club did everything in its power to do what a
6 club could do in a situation where something
7 happens within two minutes and 30 seconds.

8 MS. TODD: And you say that -- so
9 there was no weapon found. Is it safe to say
10 that no weapon was brought into the club?

11 MR. REDDING: No weapons were
12 brought into the club.

13 MS. TODD: Did Stadium provide the
14 police with video footage of the events that
15 occurred that night?

16 MR. REDDING: That is correct.
17 Right away, we gave them to the ABRA Board
18 first and then gave them right when they
19 needed them.

20 MS. TODD: And did Stadium provide
21 ABRA and MPD with a copy of the incident
22 report?

1 MR. REDDING: We did. And I want
2 to go back to the incident report. Mike says
3 he is the comptroller, but Mike is actually an
4 ABC manager of the business also. And for the
5 fact that Dan was out and not in, we knew we
6 had to get an incident report written right
7 away. So since the head of the security was
8 not working that night, Mike -- we told Mike
9 to write the incident report, because he was
10 right there on the tape. He saw the whole
11 thing happen. He knew exactly what happened
12 and that's why Mike Smith wrote the incident
13 report.

14 MS. TODD: And when Dan returned,
15 did he write an incident report?

16 MR. REDDING: That is correct.
17 When Dan returned, Dan then took Mike's
18 report. Then we followed up with all the
19 information on the facts, because, of course,
20 the Investigator would never know the names of
21 the individuals, because they left in two
22 minutes. And he wouldn't have been able to

1 get them.

2 Just like Stadium Club couldn't
3 get the names. The only time you get them is
4 after it's in the paper or you go to the
5 hospital and figure out who their names are.
6 So as far as -- nobody could know who their
7 names were.

8 MS. TODD: I would like to also
9 offer into evidence the incident report that
10 was actually filled out by the head of
11 security after the incident occurred, since he
12 was not present at the time of the incident.
13 And we did provide copies of this to the Board
14 at the Summary Suspension Hearing. We also
15 brought Dan Pearson in as well at the time.

16 But I also have a copy as well
17 that I would like to enter into evidence. I
18 can offer you a copy.

19 (Whereupon, the document was
20 marked as Licensee Exhibit 3 for
21 identification.)

22 MS. TODD: And did you observe

1 anyone else, any other incidents of blood
2 being hosed off or any other possible
3 appearance of tampering with evidence that
4 could have occurred that evening?

5 MR. REDDING: Yes, we did. The
6 fire engine that was there and the fire guys
7 from the gentleman that was sitting on the
8 hill and bleeding down off the sidewalk came
9 right over and took their hose and hosed all
10 the blood right off the sidewalk.

11 MS. TODD: And was that before or
12 after the area was taped off?

13 MR. REDDING: That was before.

14 MS. TODD: That was before?

15 MR. REDDING: Yes.

16 MS. TODD: And do you have a rough
17 estimate as to the time that actually
18 occurred?

19 MR. REDDING: That would be the
20 time, from looking at the time line, we have
21 probably five or six and Pete Sherigas will
22 testify to that. He was standing right out

1 there with them at the time he did it. I do
2 not know the exact time line, but it would
3 have had to have been between 3:08 and 3:30.

4 MS. TODD: Okay. In your
5 experience, do you think that your club
6 represents a public safety issue?

7 MR. REDDING: I do not. I will
8 say that we have been in front of this Board.
9 We were protested very hard originally. I'm
10 very worried about the public and the safety
11 of my patrons and my employees at the same
12 time. We probably have more security than
13 anybody in the city. We don't hold as many
14 people.

15 A lot of other venues have got a
16 lot of problems. We have never had anybody
17 die, thank God, and hopefully -- we have had
18 three major issues at Stadium Club in four
19 years. And the other 45 incidents are whether
20 it's a punch or a fist or a thing like that.

21 When you have 500 people anyway
22 three nights out of a week take the smaller

1 nights and throw them out, I think it shows
2 the record the last 20 years in D.C. -- I
3 mean, I know of some clubs that have over 550
4 incidents. So we do take it very seriously on
5 this business.

6 I didn't -- we didn't -- my
7 partner and I did not put \$10 million down so
8 we could lose our license and not run this.
9 We took a decrepit building that had nothing
10 but hookers and bad people around it and
11 selling drugs out of there. We cleaned it up.
12 We employed 150 people in the District that
13 were paying taxes. And we put \$11 million to
14 beautify the area.

15 We are not trying to be -- we
16 never had a noise incident, except for one.
17 We are not trying to be loud. We are not
18 trying to be -- I'm not trying to be
19 flamboyant, crazy. I just want to run a good
20 business and make things happen.

21 We were shut down for two weeks.
22 It cost us -- I'm sorry, we weren't shut down

1 for two weeks. We were shut down for one
2 month, because the Board reconvened and it
3 went another two weeks. So we were shut down
4 for 29 days, not 15. I want to correct that.

5 And we do typically anywhere from
6 \$500 to \$700,000 a month, so we lost \$600. Do
7 the average, we lost \$600,000 in sales and it
8 almost completely put us out of business.

9 And for right now, the company has
10 suffered and people have lost jobs. We have
11 cut our employees back probably by three-
12 quarters right now. And we have over 100
13 individuals in the city that work for us who
14 rely on their families and rely on this
15 business.

16 So we are not out there trying to
17 be a problem for the District. A lot of times
18 we are -- I am brought in front of here, I
19 understand that, and I'm not saying we are not
20 the culprit. But every time the Board has
21 said to us hey, go get a better security plan,
22 go get more people and put them in there, make

1 this happen, we have done that.

2 I don't know if it's because it's
3 a gentleman's club and that's the reason for
4 this and we are a different gentleman club
5 than in the District. The other eight
6 gentleman clubs are not more than 3,000 square
7 feet. You know, I'm 33,000 square feet. They
8 put 100 people in their club, I put 500.

9 So, you know, having said that,
10 that's all I want to say about that.

11 But from a security standpoint, I
12 don't think that Stadium Club could do
13 anything else. And I want to say the main
14 point about this, we could say that we
15 tampered with the crime scene, that crime
16 scene came into play May of that month. There
17 was no way I would have had time to train my
18 employees in that month to know and understand
19 about crime scenes before the incident
20 happened.

21 MS. TODD: So have you had a
22 chance to look over the charging documents

1 that were brought by the Attorney General?

2 MR. REDDING: I have.

3 MS. TODD: I would like to go
4 through each of them --

5 MR. REDDING: Okay.

6 MS. TODD: -- and ask you how you
7 feel your establishment fared under each
8 charge.

9 MR. REDDING: Okay.

10 MS. TODD: The first charge is
11 that you allowed the -- you allowed your
12 establishment to be used for an unlawful or
13 disorderly purpose. How would you respond to
14 that charge?

15 MR. REDDING: It's -- I would
16 respond this way. Nobody brought any weapons
17 in. We were not over-packed that night.
18 There was probably 375 heads were clicked in
19 through the POS system, so not overly crazy.
20 We had 27 security personnel on the premises.

21 A fight broke out where a
22 gentleman took a glass and broke it and within

1 two minutes, he had slashed two people and
2 hurt two other people with this. We had no
3 chance to get these patrons -- not a single
4 employee, patron or anybody knew that this
5 happened until it outside where you saw two
6 people were bleeding.

7 At that point in time, one of my
8 employees wrapped a shirt -- took the one guy
9 down. The other gentleman walked down on his
10 own. And a third gentleman that got out that
11 we can't see on the tape was being handled by
12 Mr. Anthony Smart at the gate.

13 The fourth gentleman was my
14 employee. We handled him and took him out the
15 back. So as far as unlawful and all that, we
16 did everything we possibly could to make sure
17 that nobody got hurt. And like we said, if
18 Mr. Ward does not jump in and put him in a
19 chokehold and he gets maybe three more jabs
20 in, maybe the gentleman with the stomach dies.

21 So let's just say that that was a
22 smart move and that was -- and we saved

1 somebody's life.

2 MS. TODD: And that gets me to the
3 second charge, which speaks to the fact that
4 the conflict resolution of aggressive
5 customers provision within the security plan
6 was violated in accordance with D.C. Code.
7 What would be your charge to that and that's
8 in reference to chokehold being used.

9 MR. REDDING: Correct. The man
10 jumped over -- saw the incident, jumped over
11 the wall, grabbed the guy around like this and
12 two of the security guys came there. At this
13 time, nobody -- at this point in time, except
14 for Trevor, who sees the guy jabbing, is the
15 only one who knows that it can be life-
16 threatening. The rest of us are all running
17 there to get there. We just think it's a
18 fight.

19 MS. TODD: Yes.

20 MR. REDDING: So he grabs the guy
21 who is stabbing somebody and holds him back,
22 so he can't do it any more. And if he didn't

1 hurt his arm, we would have caught the
2 assailant on the spot. The reason why we
3 didn't catch the guy on the spot is because
4 Trevor hurt his arm and all of my employees --
5 the other guys were all gone and so the
6 assailant snuck out the back door, too, which
7 he then was caught. But we would have had him
8 if Trevor didn't -- if we didn't see Trevor's
9 muscle hanging out of his arm.

10 MS. TODD: Okay. You stated --
11 the third charge they state, the incident
12 protocol log which says that you must report
13 all incidents to MPD and also the parameters
14 of your incident report. How do you respond
15 to that charge? That you failed to properly
16 fill out the incident report and you failed to
17 contact 911?

18 MR. REDDING: It's completely
19 false. We showed and proved in fact that we
20 called 911 within three minutes, so that's out
21 the door. We proved that we did have two of
22 our employees take two of the patrons out, the

1 one with the shirt and the one that Anthony
2 Smart helped at the gate. And that as a
3 matter of fact of how quickly the incident
4 happened, no other employee would have known
5 not to go clean the table up and clean broken
6 glass up.

7 MS. TODD: And as -- well,
8 that's --

9 MR. REDDING: Correct, correct,
10 correct.

11 MS. TODD: That speaks to the
12 fourth charge.

13 MR. REDDING: Um-hum.

14 MS. TODD: Which speaks to
15 cleaning up the crime scene.

16 MR. REDDING: Right.

17 MS. TODD: And what would you say
18 to that charge?

19 MR. REDDING: This is the most
20 important thing that the Board needs to look
21 at. It's the time line. And they presented
22 it. The time line shows you at 3:03:36 the

1 fight broke out. We pointed to -- we showed
2 it. The next tape shows you that the two
3 gentleman that were hurt are in the parking
4 lot at 3:05:59. We all proved that.

5 That means within two minutes and
6 27 seconds, all four assailants were out.
7 There is no club, and I'll put my guns against
8 anybody around, that would have known that
9 these people were hurt and would not have done
10 what we done, which is basically go clean up
11 an area where something happened, get it back
12 to normal, get your business running and make
13 that happen.

14 We did absolutely nothing but what
15 we could in that time frame. And that's what
16 you need to understand. We are talking about
17 two minutes here. And meanwhile, you act as
18 if we are the worst club in the world. This
19 was a two minute incident.

20 MS. TODD: And the final charge
21 states that you failed to provide accurate
22 information to the Investigators and that

1 spoke directly to the charge of Mr. Smart
2 stating that he assisted two victims and--

3 MR. REDDING: Well, I think we --

4 MS. TODD: -- handed them over to
5 the RDO.

6 MR. REDDING: -- proved that point
7 100 percent, that the Investigator himself
8 said that Mr. Smart was holding the guy and at
9 least assisting him at the gate. So that's
10 right there proving 100 percent that one of
11 our employees, Mr. Smart, was down there doing
12 that.

13 And what was the other one? And I
14 believe that we gave them all of the tapes
15 right there that night or within two days, as
16 he said. And I believe we filled the incident
17 report out within an hour, as best to our
18 knowledge best we could by the -- by a manager
19 with an ABC License who was there because head
20 of security was off on vacation for a week.

21 MS. TODD: I have no further
22 questions.

1 CHAIRPERSON MILLER: Okay.

2 MS. PHILLIPS: Cross?

3 MS. PHILLIPS: Good evening.

4 CHAIRPERSON MILLER: I couldn't
5 hear you, Ms. Phillips.

6 MS. PHILLIPS: I just said good
7 evening, because it certainly is evening.

8 CHAIRPERSON MILLER: It is.

9 CROSS-EXAMINATION

10 MS. PHILLIPS: You handed me a
11 document through your counsel called incident
12 report that is in handwriting, which you said
13 was completed by Daniel Pear --

14 MR. REDDING: Pearson.

15 MS. PHILLIPS: Pearson. I don't
16 see a date as to when he wrote this report.
17 Could you just point it out to me?

18 MR. REDDING: I don't know the
19 exact date. When he got back from vacation
20 and we had this and we were shut down for two
21 weeks. We knew that we better start making
22 some steps, that the Board is going to ask us

1 to do. We kind of figured what was going to
2 happen, because we had been already told what
3 we should start doing to make sure before we
4 go to our hearing a month later, that we had
5 all our ducks in line.

6 MS. PHILLIPS: Okay. So some time
7 after he returned, Mr. Pearson, from vacation,
8 he wrote this report. Is that fair?

9 MR. REDDING: That is fair to say.

10 MS. PHILLIPS: And then the
11 hearing was -- the first hearing was a month
12 later. Is that what you said?

13 MR. REDDING: I don't know the
14 exact dates.

15 MS. PHILLIPS: Okay. But there is
16 no date on this handwritten --

17 MR. REDDING: I don't know. I
18 don't have it in front of me.

19 MS. PHILLIPS: I'm sorry. I
20 didn't realize you didn't have it in front of
21 you.

22 MR. REDDING: Okay. I can't see

1 through it.

2 CHAIRPERSON MILLER: Do you have
3 any extra copies?

4 MS. TODD: Yes, I do.

5 MS. PHILLIPS: When he identified
6 it, I just thought he had it in front of him.

7 MR. REDDING: You brought the
8 document up, not me. I didn't identify
9 anything.

10 CHAIRPERSON MILLER: Thank you.

11 MR. REDDING: I believe the date
12 says 5-26-2013.

13 MS. PHILLIPS: That's the date of
14 the incident, correct?

15 MR. REDDING: Correct, that's when
16 he is dating it.

17 MEMBER ALBERTI: What was the
18 question?

19 MS. PHILLIPS: I just asked him
20 when -- is there a date on here as to when he
21 wrote this report.

22 MR. REDDING: No, I do not see a

1 date.

2 MS. PHILLIPS: Okay. So this was
3 some time after the fact when he returned from
4 vacation, but before the hearing on the
5 Summary Suspension. Is that fair?

6 MR. REDDING: Correct.

7 MS. PHILLIPS: Okay. At any point
8 in time between the writing, at this point,
9 and the summary suspension, did you send this
10 report to ABRA and the Investigator?

11 MR. REDDING: No, I do not
12 believe.

13 MS. PHILLIPS: Okay. In this
14 report it seems that you identify Olga, which
15 we have talked about.

16 MR. REDDING: Lavinchy.

17 MS. PHILLIPS: Lavinchy. Trevor
18 Ward we have heard about. Craig Walters, who
19 is he?

20 MR. REDDING: I don't know.

21 MS. PHILLIPS: Okay. Anthony
22 Smart, we talked about Anthony Smart.

1 MR. REDDING: Correct.

2 MS. PHILLIPS: Would you look at
3 the thing and tell me who Steven Alfero is?

4 MR. REDDING: I don't know. It
5 could be one of his security guys.

6 MS. PHILLIPS: Okay. But you
7 don't know who that is?

8 MR. REDDING: It's in -- I mean,
9 we have over 35 security guards. I don't know
10 their whole names.

11 MS. PHILLIPS: Okay.

12 MR. REDDING: Okay.

13 MS. PHILLIPS: I'm just asking,
14 because they are not identified for me and I'm
15 just seeing this for the first time today.

16 MR. REDDING: I don't know.

17 MS. PHILLIPS: Okay. And so he
18 Mr. Pearson came back and, obviously,
19 interviewed a few more people. Is that fair?

20 MR. REDDING: If that's what it
21 reads. I haven't read the document yet. Do
22 you want me to read it first?

1 MS. PHILLIPS: Oh, sure.

2 MR. REDDING: Because it's been
3 about nine months, ten months, I believe,
4 since this happened. So I don't have it
5 memorized.

6 MS. PHILLIPS: That's why I handed
7 it to you.

8 MR. REDDING: Is this one page?
9 Am I missing a page?

10 MS. TODD: I don't think so.

11 MR. REDDING: Where does it say
12 people interviewed?

13 MS. PHILLIPS: I'm just asking you
14 did he interview more people?

15 MR. REDDING: You said --

16 MS. PHILLIPS: Did he interview --

17 MR. REDDING: -- did he interview
18 anybody? Is it on this document that anybody
19 is interviewed? I don't see any interviews on
20 this document.

21 MS. PHILLIPS: Okay. So how did
22 he obtain the information? I assumed he

1 interviewed people. I guess I was wrong. How
2 did he obtain the information on this report?

3 MR. REDDING: Is that the question
4 you are asking me, how did he get it? I would
5 assume that he interviewed his --

6 MS. PHILLIPS: You would assume,
7 but you don't know?

8 MR. REDDING: No, I know he did.
9 We were right there in the room. We all did
10 together. There was probably 15 of us in
11 there.

12 MS. PHILLIPS: Okay.

13 MR. REDDING: He interviewed
14 probably 15 people.

15 MS. PHILLIPS: And are all 15
16 people that he interviewed listed on this
17 incident report?

18 MR. REDDING: Probably not. Some
19 people had no view of what was happening.

20 MS. PHILLIPS: Okay. And does he
21 attribute any of the statements to different
22 people?

1 MR. REDDING: I believe he does.

2 MS. PHILLIPS: Okay. Where is
3 your statement in here?

4 MR. REDDING: I didn't write a
5 statement. I'm the owner. I'm not the ABC
6 manager. I'm not the head of security. And
7 in the documents it says the head of security
8 and ABC managers do these reports, because
9 they are the ones that have to be in the
10 building at the time.

11 MS. PHILLIPS: Right. And I
12 didn't ask you why you didn't write it,
13 because I assume that you have people that
14 write things for you like incident reports.

15 MR. REDDING: Well, what was the
16 question?

17 MS. PHILLIPS: The question was --

18 MR. REDDING: You said where was
19 my report? I said I didn't write a report
20 because I'm not allowed, as the owner, to
21 write the report. Correct? You asked me
22 where was my report.

1 MS. PHILLIPS: Are you ready for
2 me to --

3 MR. REDDING: Yes.

4 MS. PHILLIPS: Okay. Where is the
5 information that you gave on the stand today
6 in this report?

7 MR. REDDING: None of my
8 information I gave on the stand is in the
9 report because it's my eye-view contact of
10 what happened that night while I was there the
11 whole time.

12 MS. PHILLIPS: Right.

13 MR. REDDING: I'm giving my
14 testimony of being there and witnessing what
15 happened.

16 MS. PHILLIPS: Right. That's what
17 you did today, right?

18 MR. REDDING: That is correct.

19 MS. PHILLIPS: And where is the
20 information that you gave us today on this
21 report by Mr. Pearson when I believe you just
22 told me you were in the room with 15 other

1 people?

2 MR. REDDING: I was listening to
3 their questions and who was asking. He didn't
4 interview me. I own the building. I own the
5 company. I can listen in to that when I know
6 that we have a very serious situation coming
7 up with my business and my company.

8 MS. PHILLIPS: So you didn't give
9 him the information that you were the eye
10 witness to in this report?

11 MR. REDDING: No, but I gave it to
12 the police, because it was -- because they --

13 MS. PHILLIPS: But I didn't ask
14 you that, did I?

15 MR. REDDING: Okay.

16 MS. PHILLIPS: Thank you. Now,
17 exhibit -- you were shown Exhibit B.

18 MR. REDDING: Um-hum.

19 MS. PHILLIPS: Do you have that in
20 front of you?

21 MR. REDDING: I do.

22 MS. PHILLIPS: Okay. You were

1 pointing to various things.

2 MR. REDDING: Okay.

3 MS. PHILLIPS: And what I would
4 like to do, if I can approach the witness
5 again?

6 CHAIRPERSON MILLER: Okay.

7 MS. PHILLIPS: Madam Chair?

8 CHAIRPERSON MILLER: Um-hum.

9 MS. PHILLIPS: Is that a yes?

10 CHAIRPERSON MILLER: Yes.

11 MS. PHILLIPS: I'm sorry.

12 CHAIRPERSON MILLER: That's a yes.

13 MS. PHILLIPS: I couldn't hear
14 you.

15 CHAIRPERSON MILLER: Um-hum.

16 MS. PHILLIPS: And just for my
17 copy, and I will give this to the Board, would
18 you take my yellow highlighter?

19 MEMBER ALBERTI: Can we do this in
20 something other than yellow? I mean, because
21 is that going to show up?

22 MS. PHILLIPS: I'm going to give

1 this to you.

2 MEMBER ALBERTI: All right. Okay.

3 All right.

4 MS. PHILLIPS: I just want to be
5 able to see it.

6 MEMBER ALBERTI: I want to make
7 sure we can see it.

8 MS. PHILLIPS: Where were you
9 standing?

10 MEMBER ALBERTI: That's my own
11 comment.

12 MR. REDDING: What? I think my
13 hands are sweaty.

14 MS. PHILLIPS: That's okay. Mine
15 are too usually.

16 MR. REDDING: All right. Right
17 here.

18 MS. PHILLIPS: Okay. See that's
19 what I couldn't tell.

20 MR. REDDING: Correct. About
21 actually 15 -- here, I'm going to mark this
22 for you, too. Do you want me to? This is

1 exactly where the fight broke out.

2 MS. PHILLIPS: Oh, I got that.

3 MR. REDDING: That's about 15
4 feet.

5 CHAIRPERSON MILLER: Do you want
6 to share it with the record what --

7 MS. PHILLIPS: Yes, I will.

8 CHAIRPERSON MILLER: Good.

9 MS. PHILLIPS: I thought I would
10 go back to the mike to do that.

11 CHAIRPERSON MILLER: Oh, okay.
12 There is a mike there, too, but, okay.

13 MS. PHILLIPS: I'm sorry. I don't
14 want to --

15 CHAIRPERSON MILLER: That's okay.

16 MR. REDDING: Do you need the
17 mike.

18 MS. PHILLIPS: I'm fine.

19 CHAIRPERSON MILLER: Okay.

20 MS. PHILLIPS: I don't need a
21 mike.

22 MR. REDDING: I don't either.

1 MS. PHILLIPS: But the court
2 reporter needs one. All right. From what I
3 can see now where my little yellow dot is on
4 Exhibit B, it seems to be right on the line of
5 Room 2 and whatever these little squares are
6 to the right of Room 2, right by the red dot
7 over there. Can the Board see it?

8 CHAIRPERSON MILLER: I can't
9 really see it that well, no.

10 MEMBER ALBERTI: We have -- Ms.
11 Miller?

12 CHAIRPERSON MILLER: I see Room 2.

13 MEMBER ALBERTI: We have the
14 description.

15 CHAIRPERSON MILLER: I see Room 2.

16 MEMBER ALBERTI: I think the
17 description was --

18 MS. PHILLIPS: Well, if you can
19 find it from my description, that's what I'm
20 supposed to be doing.

21 CHAIRPERSON MILLER: Okay. I see
22 Room 2 and I see squares next to it.

1 MS. PHILLIPS: Okay. And you see
2 the red dot that is on the --

3 CHAIRPERSON MILLER: Yeah..

4 MS. PHILLIPS: -- very far left
5 red dot.

6 CHAIRPERSON MILLER: Right.

7 MS. PHILLIPS: It's right above
8 that.

9 CHAIRPERSON MILLER: Okay.

10 MS. PHILLIPS: A little to the
11 left.

12 MEMBER ALBERTI: Okay.

13 MS. PHILLIPS: Am I describing it
14 accurately, Madam?

15 MS. TODD: Yes, I'm fine.

16 CHAIRPERSON MILLER: Okay.

17 MS. PHILLIPS: All right. That
18 helps me a lot. Now, you heard Mr. Ghenene
19 testify that you were in the room when he was
20 asking for information. And you -- did you
21 hear or see in his report him testify about
22 any information you gave him?

1 MR. REDDING: I don't believe he
2 said that I -- he said I was in the room. And
3 I was there when he was interviewing people,
4 but he didn't say anything about what I said.

5 MS. PHILLIPS: So is it your
6 testimony that you gave the information that
7 you testified to today to Mr. Ghenene?

8 MR. REDDING: Mr. Ghenene asked me
9 about two or three questions, that was it. It
10 was maybe three minutes him and I were
11 together. He said is it true you were here?
12 What happened? I gave him a little overlay
13 about the fight that broke out and that was
14 it. And then he went right to the tapes. And
15 I was in the room for maybe eight minutes,
16 because I was running around like a maniac
17 with the detectives wanting to get an
18 interview and what was going on and making
19 sure of everything outside of that room.

20 MS. PHILLIPS: Did you read over
21 the investigation report that Mr. Smith did?

22 MS. TODD: Incident --

1 MR. REDDING: Oh, I read it 10
2 months ago. I haven't read it recently.

3 MS. TODD: Objection to the form.
4 This is an incident report, not an
5 investigation report. So I don't want it to
6 be misled that Mr. Smith did a full-on
7 investigation.

8 MS. PHILLIPS: It's Exhibit 12.

9 CHAIRPERSON MILLER: Okay.

10 MS. PHILLIPS: And it is indeed
11 labeled an incident report.

12 CHAIRPERSON MILLER: Okay.

13 MS. PHILLIPS: So did you read it
14 over at the time it was written?

15 MR. REDDING: I think I read it.
16 Maybe not that night when he wrote it. I
17 probably read it the next day or like two days
18 later.

19 MS. PHILLIPS: Okay. Mr. Ward
20 knew he was stabbed, correct?

21 MR. REDDING: Mr. Ward didn't know
22 what happened. We still to this day don't

1 know if the guy stabbed him or if he landed on
2 a piece of glass. I think that's what I said.

3 MS. PHILLIPS: No, that's what you
4 said.

5 MR. REDDING: Correct.

6 MS. PHILLIPS: But I see in here
7 that we are talking about people being stabbed
8 with an, now later identified, object.

9 MR. REDDING: Champagne glass
10 stem.

11 MS. PHILLIPS: Was it Mr. Ward who
12 identified the champagne --

13 MR. REDDING: I don't know.

14 MS. PHILLIPS: -- stem?

15 MR. REDDING: I don't know who
16 told Michael how that happened. I found out
17 after the fact.

18 MS. PHILLIPS: So you are saying
19 that Mr. Ward did not know he was stabbed?

20 MR. REDDING: I don't know. I
21 can't say. I'm saying none of us knew what --
22 if he had been stabbed with a weapon or if it

1 was glass or if it was he landed on something
2 at that moment of when it happened is what I
3 said.

4 MS. PHILLIPS: Right. And at some
5 point later did Mr. Ward tell you he was
6 stabbed?

7 MR. REDDING: Mr. Ward did not
8 know if he was stabbed.

9 MS. PHILLIPS: Did Mr. Ward see
10 the assailant stabbing people?

11 MR. REDDING: Mr. Ward jumped on
12 top the guy that was -- he said he was going
13 like this.

14 MS. PHILLIPS: I can't see what
15 you are doing.

16 MR. REDDING: That's all he saw.

17 MS. PHILLIPS: So you will have to
18 stand up.

19 MR. REDDING: He said he saw the
20 guy on top the guy going like that. The guy
21 was on the ground actually. So like almost on
22 like his knees because the one guy punched him

1 and that guy fell down. And so when on his
2 knees, the glass broke. He took the glass,
3 the tables are only 18 inches high, so while
4 he was on his knees, he took the glass, broke
5 it and he took the end of that sharp stem,
6 that's why the guys were hit here and hit on
7 the arms, because he was going like that and
8 he was coming from low.

9 Mr. Ward saw the guy. He didn't
10 know what he had, a weapon, a knife, at that
11 time. He jumped over the glass, grabbed him
12 like this and wrapped him up.

13 MS. PHILLIPS: Okay.

14 MR. REDDING: And then, at that
15 point in time, that is when his arm was split
16 and then that's when I arrived. Watching all
17 that, because I was only 10 feet away, I then
18 arrived when Mr. Ward was on top of him and
19 got Mr. Ward off of the gentleman. When that
20 happened is when the guy snuck away.

21 MS. PHILLIPS: So he was in a
22 chokehold and then he snuck away? Is that

1 what you are saying?

2 MR. REDDING: Well, if you would
3 have saw the gash on Mr. Ward's arm, I think
4 that we were very worried about Mr. Ward. And
5 I believe -- can I speak or --

6 MS. PHILLIPS: There is no
7 question before you.

8 MR. REDDING: Okay. Okay.

9 MS. PHILLIPS: Is it your
10 testimony that the times on the cameras as
11 recorded in the investigation report are
12 correct, except for Camera 35?

13 MR. REDDING: And Camera 35 would
14 be what time?

15 MS. PHILLIPS: 2:04:07.

16 MR. REDDING: Well, I believe that
17 is correct.

18 MS. PHILLIPS: So you believe that
19 cleaning general management present cleaning
20 in the hall, I believe, where your -- Mr. Ward
21 bled, I believe that is what that camera shows
22 was at 2:00?

1 MR. REDDING: Well, it says 2:04
2 on the camera.

3 MS. PHILLIPS: Right. And you
4 believe --

5 MR. REDDING: And I -- you turned
6 it off when you asked the question before. I
7 think we really need to put that back for the
8 Board and us to make sure that one of my
9 employees is in there cleaning, so we can see
10 and then we will know that that is a mistake,
11 if it is. If there is not one of my employees
12 in there, then we know it was 2:04 and it's
13 just one of my guys cleaning regular things.

14 So I think we should maybe do that
15 so -- for all of us to know. But I don't
16 know. Your -- the Investigator testified that
17 while the guy was cleaning, that Trevor was
18 walking through with his arm, which can't be
19 at 2:04, because Trevor was hurt at 3:05.

20 MS. PHILLIPS: Right.

21 MR. REDDING: Or 3:04.

22 MS. PHILLIPS: Did you watch the

1 videos?

2 MR. REDDING: So -- I watched --
3 at the time, I watched a little bit of the
4 videos. Not all the way through. I watched
5 what happened -- during the time --

6 MS. PHILLIPS: I'm sorry. I
7 didn't say the time. Did you watch the videos
8 while we were presenting them here today?

9 MR. REDDING: I did.

10 MS. PHILLIPS: Okay. So you
11 missed your employee walking through with his
12 arm bandaged. Is that what you are telling
13 me?

14 MR. REDDING: That is correct.
15 That's what I said on that one.

16 MS. PHILLIPS: Okay. My
17 understanding is that you have changed your
18 security plans as a result of the summary
19 suspension and the settlement of the summary
20 suspension to get that lifted. Is that
21 correct?

22 MR. REDDING: That is correct.

1 MS. PHILLIPS: Okay. And my
2 understanding is also you did extensive
3 revamping of the security plan, training,
4 etcetera. Is that fair?

5 MR. REDDING: That is correct.

6 MS. PHILLIPS: Okay. You didn't
7 hear Mr. Smart identify himself as the head of
8 security?

9 MR. REDDING: I did not.

10 MS. PHILLIPS: Is that fair?

11 MR. REDDING: Fair.

12 MS. PHILLIPS: Did you hear Mr.
13 Ghenene testify that all of these interviews
14 with persons occurred in a group of Stadium
15 employees and all these questions were
16 answered in front of other Stadium employees?

17 MR. REDDING: I believe his word
18 for word was that he came in the room with not
19 such a meeting, but he was really there to see
20 the tape, but since there was some people in
21 there, that he talked to two or three people.
22 And he said eight to 10 people were coming in

1 and out.

2 So who he interviewed, he didn't
3 label them by name.

4 MS. PHILLIPS: So in other words,
5 if Mr. Smart told Mr. Ghenene he was head of
6 security, you didn't hear it?

7 MR. REDDING: 100 percent correct.

8 MS. PHILLIPS: Okay. I don't
9 think I have any further questions. Thank
10 you, Madam Chair.

11 CHAIRPERSON MILLER: Okay. Board
12 questions? Mr. Rodriguez?

13 MEMBER RODRIGUEZ: Mr. Truit --
14 Good evening.

15 MR. REDDING: Good evening.

16 MEMBER RODRIGUEZ: Do you spell
17 your name T-R-U-I-T-T-?

18 MR. REDDING: T-R-U-I-T.

19 MEMBER RODRIGUEZ: T-R-U-I-T.

20 Okay. And then I see on your -- on a document
21 here your name is spelled T-R-U. Is that a
22 nickname?

1 MR. REDDING: Tru, yes, it's what
2 everybody calls me.

3 MEMBER RODRIGUEZ: Okay. I just
4 wanted to be able to address you.

5 CHAIRPERSON MILLER: Mr. Redding?

6 MEMBER RODRIGUEZ: Yeah, Mr.
7 Redding, right.

8 CHAIRPERSON MILLER: Okay.

9 MEMBER RODRIGUEZ: In your -- is
10 this your new security plan that you
11 submitted?

12 MR. REDDING: I don't know unless
13 it's in front of me.

14 MEMBER RODRIGUEZ: It says Stadium
15 Club Washington, D.C. It has got a black --

16 MR. REDDING: Is there a date?

17 MS. PHILLIPS: Is it an exhibit to
18 the investigation report, Mr. Rodriguez,
19 because I can't see what you are holding up.

20 MEMBER RODRIGUEZ: Yes.

21 CHAIRPERSON MILLER: It is.

22 MS. TODD: If it is, then it is

1 not, because I think that's the December 2011.

2 MEMBER RODRIGUEZ: 2011?

3 MS. TODD: Yes.

4 MEMBER RODRIGUEZ: Oh.

5 MS. TODD: That's the date that's
6 on the front of it.

7 MEMBER RODRIGUEZ: Oh, okay.

8 Maybe I --

9 CHAIRPERSON MILLER: For
10 clarification.

11 MEMBER RODRIGUEZ: Right there.
12 Okay.

13 CHAIRPERSON MILLER: It's what was
14 in effect at the time. Is that correct?

15 MS. TODD: Yes.

16 CHAIRPERSON MILLER: The security
17 plan at the time.

18 MEMBER RODRIGUEZ: At the time?

19 CHAIRPERSON MILLER: Yes.

20 MEMBER RODRIGUEZ: So --

21 MS. PHILLIPS: Could he have--

22 MEMBER RODRIGUEZ: -- what I'm

1 looking --

2 MS. PHILLIPS: Excuse me. Could
3 we have the questions that you are posing
4 answered by the witness, who is sworn in as
5 opposed to the attorney? I mean, I know the
6 answers are going to be the same.

7 CHAIRPERSON MILLER: Okay.

8 MS. PHILLIPS: But for the record,
9 it really needs to be the person that is sworn
10 in, please.

11 CHAIRPERSON MILLER: Okay. Yes,
12 absolutely.

13 MS. PHILLIPS: Thank you.

14 CHAIRPERSON MILLER: The security
15 plan that is attached to Government Exhibit A,
16 but he wasn't that familiar with it. Do you
17 want to show it to him?

18 MEMBER ALBERTI: Can I just say,
19 we have a security plan dated December 1,
20 2011. That's the security plan that we have
21 before us. Is that the security plan that was
22 in effect on the date of this incident?

1 MR. REDDING: There has been three
2 security plans total written for the company.
3 One the very beginning back in '09 or '10 and
4 then that '11 and then the last one we did.
5 So I'm not sure, but I think that would be the
6 one.

7 MEMBER ALBERTI: You are the
8 owner, right?

9 MR. REDDING: I am, but I'm not
10 exactly sure.

11 MEMBER ALBERTI: You are
12 responsible for the security plan, correct?

13 MR. REDDING: I am the owner of
14 the business. Correct. I'm --

15 MEMBER ALBERTI: Are you --

16 MR. REDDING: -- responsible --

17 MEMBER ALBERTI: -- responsible --
18 as the owner, are you responsible for the
19 security plan?

20 MR. REDDING: I'm responsible to
21 have a security plan for my business, yes,
22 sir.

1 MEMBER ALBERTI: And is it your
2 testimony today that you don't know which
3 security plan was in effect the date of this
4 incident?

5 MR. REDDING: No, I just know that
6 we redid a new security plan for the summary,
7 so that would be the security plan that was in
8 effect.

9 MEMBER ALBERTI: Are you sure?

10 MR. REDDING: I'm sure.

11 MEMBER ALBERTI: Okay. Thank you.
12 So this is last.

13 MEMBER RODRIGUEZ: This is the
14 security plan, Mr. Redding?

15 MR. REDDING: (No audible answer.)

16 MEMBER RODRIGUEZ: Okay. You
17 indicated --

18 CHAIRPERSON MILLER: Wait. Is
19 that clear for the record, because I'm not
20 sure it is. The question is that Mr. Alberti
21 referred to is the security plan that is
22 attached to the investigation report dated

1 December 1, 2011 as being the -- is that the
2 security plan that was in effect at the time
3 of the incident?

4 I understood your answer to be
5 yes, because you did a new security plan after
6 the incident. Is that correct?

7 MR. REDDING: Correct. That's
8 what I said.

9 CHAIRPERSON MILLER: Okay.

10 MEMBER ALBERTI: He also told me
11 he was sure that this was the one that was in
12 effect.

13 CHAIRPERSON MILLER: Okay. This
14 being the --

15 MEMBER ALBERTI: That's what I
16 heard.

17 CHAIRPERSON MILLER: -- December
18 1, 2011 plan. Okay.

19 MEMBER RODRIGUEZ: So my questions
20 are based on what I see in front of me.

21 MR. REDDING: Okay.

22 MEMBER RODRIGUEZ: Okay. Sir,

1 very good. In the security plan, you indicate
2 that your people are -- your security people
3 are in black, right? They are dressed in
4 black to distinguish them from others?

5 MR. REDDING: That is correct.

6 MEMBER RODRIGUEZ: Yes, sir. And
7 then you also indicated that on that -- when
8 this unfortunate event took place, that was
9 Memorial Day, right? Was that Memorial Day?

10 MR. REDDING: I don't know whether
11 it was Memorial Day or not. I don't know.

12 MS. TODD: It was May 26th. I can
13 look it up to see when.

14 MR. REDDING: I don't recall it
15 being Memorial Day. We need to find out.

16 MS. TODD: I'll --

17 MR. REDDING: Somebody said
18 earlier I asked Karen a question. I don't
19 know if it was Memorial Day or not. That's
20 usually a big day for us and we get an extra
21 hour and we weren't that crazy or crowded. So
22 I don't think it was Memorial Day, but we need

1 to find out.

2 MEMBER RODRIGUEZ: It was a
3 holiday, wasn't it?

4 MR. REDDING: I don't know.
5 That's a question I don't know the date. I
6 assume we can look it up real easy and find
7 out.

8 MEMBER ALBERTI: Wait, wait, wait.
9 I'm having a problem with having the attorney
10 testify.

11 MR. REDDING: Oh.

12 MEMBER ALBERTI: So if the
13 licensee doesn't know that --

14 MR. REDDING: I don't know.

15 MEMBER ALBERTI: -- whether it was
16 a holiday, we will just have to live with
17 that.

18 MR. REDDING: I don't know if it
19 was Memorial Day or not.

20 MEMBER RODRIGUEZ: Mr. Redding,
21 then I will continue with my questions. So
22 you do know that on special holidays you

1 expect to have more people in your club.

2 Isn't that right?

3 MR. REDDING: That is correct. If
4 it's an extra hour of operation holiday.

5 MEMBER RODRIGUEZ: Yes, sir. And
6 on that day, did you -- how many people did
7 you have working for you in security?

8 MR. REDDING: I don't exactly
9 know, but from -- since we have went over it
10 so many times, we probably had 27 people
11 working total.

12 MEMBER RODRIGUEZ: Okay. Now, did
13 you not testify earlier that the people
14 dressed in black are security, but the people
15 with, I think, green shirts are -- what is --

16 CHAIRPERSON MILLER: Floor men.

17 MR. REDDING: Floor men.

18 MEMBER RODRIGUEZ: Floor men. Are
19 they also security people?

20 MR. REDDING: They are security in
21 a different way than the master security.
22 They are security to watch out for dancers to

1 make sure no patrons are touching dancers
2 while they are naked on the floor.

3 MEMBER RODRIGUEZ: Okay.

4 MR. REDDING: And they pick up the
5 money for the dancers, so people aren't
6 stealing money. So they are security strictly
7 based for that.

8 MEMBER RODRIGUEZ: So they are to
9 protect your dancers, not your patrons?

10 MR. REDDING: They are there to
11 protect dancers and patrons. So no dancer
12 kicks a patron in the face or does anything
13 like that either. They are there to watch the
14 dancers and the patrons around the dancers.

15 MEMBER RODRIGUEZ: So you can
16 accurately --

17 MR. REDDING: That's their job.

18 MEMBER RODRIGUEZ: -- because I'm
19 trying to figure out if you said you had 27
20 security people and so you've got security for
21 your dancers and then you have got security
22 for your patrons.

1 MR. REDDING: I will clarify it
2 for you, sir. There are -- out of 27, there
3 are 11 floor men and there are 17 security or
4 16 security to make the 27.

5 MEMBER RODRIGUEZ: So you make the
6 distinction between the floor men and the
7 security people, right?

8 MR. REDDING: In our business, in
9 our in-house, if we wouldn't be in front of
10 you, we would say that we had 27 men working
11 the areas watching the business. But for
12 clarification, there are security as the 17 --
13 16 -- 15 between 15 and 17 on a weekend.

14 MEMBER RODRIGUEZ: Yes, sir.

15 MR. REDDING: And then 10 to 11
16 floor men.

17 MEMBER RODRIGUEZ: Yes, sir. Now,
18 are these floor men also trained? Do they
19 have -- do they receive the same training that
20 your security people receive?

21 MR. REDDING: Yes, sir.

22 MEMBER RODRIGUEZ: They do?

1 MR. REDDING: They do.

2 MEMBER RODRIGUEZ: Okay. Now, in
3 the testimony, I understand that the stabbing
4 that took place was with a glass stem.

5 MR. REDDING: Correct.

6 MEMBER RODRIGUEZ: Was that --
7 okay. So obviously, some of the VIPs did not
8 act correctly that night.

9 MR. REDDING: Right.

10 MEMBER RODRIGUEZ: Okay.

11 MR. REDDING: So that is 100
12 percent correct.

13 MEMBER RODRIGUEZ: So some of the
14 VIPs stabbed some people, right?

15 MR. REDDING: One guy, one
16 gentleman.

17 MEMBER RODRIGUEZ: Yes, okay. So
18 your VIPs misbehaved that night. Some VIPs.
19 Okay. Now, in your new approach to security,
20 if a glass stem was used that could have very
21 well taken the life of one of your patrons or
22 one of your employees, what kind of utensils

1 are you using in your club that would not pose
2 a threat to human life?

3 MR. REDDING: I'm glad you asked
4 that question, Mr. Rodriguez, because in the
5 summary session when we were shut down and
6 redid everything, we got rid of all the glass
7 and ordered plastic champagne glasses and
8 that's in our report to you guys that we gave
9 you nine months ago when we revamped the
10 security plan. We changed from glass to
11 plastic and previous to that, we wanted to --
12 we wanted VIP members to think that they had
13 the real thing of glass.

14 MEMBER RODRIGUEZ: Yes, sir.

15 MR. REDDING: And we have already
16 changed all their glasses three years ago to
17 plastic. So in case somebody throws one or
18 something happens like that. So we changed
19 the plastic and that was done nine months ago.
20 One month after the incident happened, we
21 changed to plastic and that was put in writing
22 to the Board.

1 MEMBER RODRIGUEZ: Right. I'm
2 new, so I'm very glad to hear that.

3 MR. REDDING: Okay.

4 MEMBER RODRIGUEZ: I applaud you
5 for that. And so that's less threat to human
6 life with the plastics. So you have then --
7 normally on a given night, I understand that
8 you have six total security personnel. Do I
9 say that right?

10 MR. REDDING: Six total? What
11 personnel?

12 MEMBER RODRIGUEZ: Six security
13 personnel.

14 MR. REDDING: No, every -- we
15 submitted that to the Board also 10 months
16 ago, every night is based on how many people
17 we have in the club. So a Sunday, Monday
18 nights are very slow, so we might have five or
19 six, but we know that we can't run the club
20 with any less than five, four to five in the
21 club just to manage the summer garden entry in
22 and out and to manage the front door in and

1 out and then one guy roving the club on your
2 slow nights.

3 But typically Wednesday through
4 Saturday, Wednesday, Thursday, Friday and
5 Saturday, we never have less than 10 to 27, if
6 you combine the floor men and the two
7 together.

8 MEMBER RODRIGUEZ: Thank you, sir.
9 Now, my kind of question is this. Do you know
10 the people -- the people that got -- the
11 patrons that got hurt in your establishment,
12 did you know these patrons? Are they regular
13 patrons? Were they new patrons?

14 MR. REDDING: I'm glad you asked
15 that question. Again, the gentleman that did
16 the stabbing was not a regular, like was
17 mentioned earlier. He had just got out of
18 jail not three weeks before he came into the
19 club. Okay.

20 And then the gentlemen that he did
21 hurt, were my regulars and I sat them at that
22 table that night, because they come into my

1 club once or twice a week. There were four of
2 them, the two brothers and their two cousins.
3 And they are actually promoters in the city.
4 And I sat them next to that table.

5 The gentleman that did the
6 stabbing had no table. He was up at the bar
7 at the VIP level.

8 MEMBER RODRIGUEZ: My last
9 question is have you figured out what caused
10 the argument?

11 MR. REDDING: Yes, sir. We have.
12 One of the guys supposedly the gentleman that
13 did the stabbing had his girlfriend with him
14 and supposedly one of the four guys grabbed
15 her rearend.

16 MEMBER RODRIGUEZ: One of your
17 regular patrons?

18 MR. REDDING: Correct. Supposedly
19 that's what was said. He came over. He then
20 struck one of those guys. The other guys
21 friend struck him back and knocked him down.
22 That's when they broke the glass from the

1 ground and went after the four guys that were
2 there.

3 MEMBER RODRIGUEZ: Okay. Thank
4 you, Mr. Redding. I have no more questions.

5 MR. REDDING: Okay.

6 CHAIRPERSON MILLER: Mr.
7 Silverstein?

8 MEMBER SILVERSTEIN: Mr. Redding,
9 Mr. Rasheen Hawkins was the gentleman who was
10 most severely injured. How would you describe
11 his injuries?

12 MR. REDDING: He was jabbed in the
13 stomach area, run across. It was from what I
14 have been told and from the friends that I
15 know that know them very well, the two cousins
16 are the guys that I know very well, the D.C.
17 Promoters, he had seven inches and a gash
18 split open about that thick and then you could
19 see a little bit of his intestines that were
20 coming out at the time.

21 And then I think he had one other
22 wound, too, but -- from what I was told.

1 MEMBER SILVERSTEIN: Where did the
2 stabbing occur in the establishment compared
3 to the door? How far?

4 MR. REDDING: As far back as you
5 can go besides the suites. Here I'll tell
6 you. Here -- when people were saying before,
7 the Investigator, he had it right. He didn't
8 make any mistakes, but every entry door in any
9 establishment in the District is an in and out
10 door.

11 MEMBER SILVERSTEIN: Sure.

12 MR. REDDING: There is no one for
13 in and one for out. Okay. We have three
14 enters and exits in the building. The main
15 entry is an enter and an exit. The summer
16 deck is not an enter. You can't enter through
17 the summer deck. If you do, somebody is
18 sneaking you in or letting you in. So we post
19 two security guards at the summer deck. You
20 can only exit through the summer deck, because
21 we don't want any patrons trying to not get
22 wand or not get checked.

1 Now, the second where -- you must
2 have the second exit door -- third exit door
3 we have is in the hallway and that's also
4 access for the person -- for management
5 employees, personnel and --

6 MEMBER SILVERSTEIN: Okay.

7 MR. REDDING: -- you can leave.

8 MEMBER SILVERSTEIN: How --

9 MR. REDDING: Now, this -- to
10 answer your question, the incident happened
11 right here between VIP 2 and 3 and the exit
12 would be here, would be there or would be out
13 through my --

14 MEMBER SILVERSTEIN: Which one did
15 he go through?

16 MR. REDDING: All -- the one
17 assailant went through the summer garden.

18 MEMBER SILVERSTEIN: No, I'm
19 talking about Mr. Hawkins.

20 MR. REDDING: I don't know the
21 difference between the three by looks. I know
22 their names through the reports. I don't know

1 them --

2 MEMBER SILVERSTEIN: The guy who
3 was really badly stabbed.

4 MR. REDDING: Oh, oh, he went
5 through the front.

6 MEMBER SILVERSTEIN: He went
7 through the front?

8 MR. REDDING: He went -- only one
9 gentleman went through the summer garden and
10 the other two went through the front. And
11 then my employee went through the back.

12 MEMBER SILVERSTEIN: Okay. How
13 far is that? You say that's -- you are going
14 the whole width of the building?

15 MR. REDDING: Exact -- this is --
16 from that point to that point is exactly about
17 100 feet.

18 MEMBER SILVERSTEIN: 30 yards?

19 MR. REDDING: Yes, sir.

20 MEMBER SILVERSTEIN: More than 30
21 yards?

22 MR. REDDING: Close.

1 MEMBER SILVERSTEIN: Were they --
2 you know, the intestines are pretty vascular,
3 aren't they? I mean, there's a lot of blood
4 going on there. I mean --

5 MR. REDDING: That is correct.

6 MEMBER SILVERSTEIN: -- it's the
7 middle of your body, it's where it's all
8 happening. Digestion.

9 MR. REDDING: I would assume.

10 MEMBER SILVERSTEIN: Everything
11 else.

12 MR. REDDING: Right.

13 MEMBER SILVERSTEIN: How is it
14 possible that this gentleman could be stabbed
15 to the point where his, as you say, guts are
16 hanging out and he would have to walk 30 yards
17 and there wouldn't be any blood?

18 MR. REDDING: Well, actually --

19 MEMBER SILVERSTEIN: Is he the
20 undead?

21 MR. REDDING: -- how about this?
22 I would be more -- I say let's play the whole

1 tape for that five minutes and you won't --
2 not one patron, not one employee, including
3 myself sees him leave or sees any blood.
4 There is no blood in my -- in the building.
5 The police contained with caution tape through
6 the whole room and looked for all blood. No
7 blood except for Trevor Ward's blood that was
8 in that hallway when we rushed him into the
9 hallway.

10 MEMBER SILVERSTEIN: Was it
11 trapped in his clothes because he was holding
12 it or --

13 MR. REDDING: Well, he --

14 MEMBER SILVERSTEIN: -- what?

15 MR. REDDING: -- had a T-shirt, a
16 shirt and a vest on and so I guess that held
17 it until he got outside when people started
18 seeing. As you can see in the tape, the guy
19 went through the summer garden. He is
20 bleeding right here. But if you really were
21 looking, that looks like he is sweating.

22 If you could think he is sweating

1 and he was stabbed here and he was stabbed in
2 his stomach also. He had no blood in his
3 stomach. He was the one that was stabbed
4 seven times. Was the guy in the arm stabbed,
5 I'm not sure. He was stabbed twice. I think
6 the guy with the arm.

7 CHAIRPERSON MILLER: You can't --

8 MEMBER ALBERTI: Right.

9 MR. REDDING: I don't know.

10 CHAIRPERSON MILLER: You can't ask
11 the questions.

12 MR. REDDING: So but I'm just
13 saying if you watch the tapes, show me -- we
14 just watched the tapes of every angle which
15 the Investigator took and showed where the
16 people are leaving and from the fight to the
17 actual point. Did you see the guy with the
18 stomach cut bleeding anywhere on that tape?
19 Because I didn't.

20 MEMBER SILVERSTEIN: I didn't see
21 it in color, but that's -- you know, I'm the
22 one who is asking the questions.

1 MR. REDDING: Go ahead. The
2 answer to the question is he must have had a
3 lot of clothing on to hold the blood back. I
4 guess that's the answer to the question,
5 because I don't know.

6 MEMBER SILVERSTEIN: 30 yards is
7 an awful long distance for a gash of that size
8 and for somebody who is holding his guts in,
9 that's a little hard.

10 MR. REDDING: He actually wasn't
11 found for another 30 yards further, because
12 the hill is another 30 yards down. Unless he
13 was bleeding outside and that's where they saw
14 him bleeding outside.

15 MEMBER SILVERSTEIN: Thank you,
16 Mr. Redding. No further questions.

17 CHAIRPERSON MILLER: Mr. Short?

18 MEMBER SHORT: Yes. Good evening,
19 Mr. Redding. Mr. Redding, I would like to ask
20 you when was the RDO police detail notified of
21 this or were they notified?

22 MR. REDDING: They were not. From

1 what I know, they were not notified. What
2 happens is and we have had a big problem with
3 this and I'll explain it. Is that the detail
4 used for the first two years used to be at the
5 glass doors.

6 I would have two police officers
7 right here. One on this side and one here.
8 All of a sudden some rule happened where the
9 police officers going in the establishments
10 they didn't like that, so they said you can't
11 do that any more. So they make them now go
12 all the way down here, out the gate and on the
13 other side of the street.

14 So the police officers are 150
15 yards away for when an incident happens. So
16 in order for me to even have the police help
17 me, I have to run out and go down and grab
18 them to bring them up to the scene for me to
19 get them. The reason why it was so hectic is
20 again because Echostage had a shooting,
21 somebody was shot in the foot, so you already
22 had all the police and everybody there.

1 So from what testimony that I have
2 heard, and I don't know because I wasn't
3 exactly outside at that point in time, because
4 I was inside the club, was that the police
5 officers coming up through the driveway saw
6 these guys -- saw the guys bleeding and then
7 they came on the scene.

8 MEMBER SHORT: Now, you also
9 mentioned that you have only had three
10 incidents in the four years?

11 MR. REDDING: Three incidents
12 where somebody bled. Where it could have been
13 considered a harsh -- so one of them was in
14 the -- outside the parking lot, too. Two only
15 in the club. And one with the stem and one
16 stabbing.

17 MEMBER SHORT: Okay. And I would
18 venture to say this, just having known a
19 little bit about public safety, a glass stem
20 wouldn't cut through three layers of clothes
21 and make a gash that size. If it did, that's
22 a pretty tough piece of glass to cut through

1 the clothing and cut the skin to the point
2 where your intestines are showing.

3 MR. REDDING: There was no weapon
4 found, no weapon in the club. The police --
5 that's the police report, not my report, sir.

6 MEMBER SHORT: Okay. Thank you
7 very much. That's all I have.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Alberti?

10 MEMBER ALBERTI: Yes. I want to
11 go back to a question that was just sort of
12 alluded to. You and your -- one of the first
13 things you testified to was that you only had
14 three violent incidents. Okay?

15 MR. REDDING: Three where a
16 stabbing was in play.

17 MEMBER ALBERTI: Ah, wait.

18 MR. REDDING: Blood, you said.

19 MEMBER ALBERTI: Okay. So my
20 question to you is how do you describe a
21 violent instrument?

22 MR. REDDING: Well, I guess my

1 answer to your question would be that there is
2 probably 40 nightclubs in the city. I bet
3 maybe only 20 have been around 10 years. And
4 if you've got an amount of 300 or 400 people
5 in your club, you are going to have a fist
6 fight. You are going to have two customers go
7 at each other.

8 I think it has been known forever
9 and ever. I'm trying to mitigate that. What
10 I'm saying is that these were three serious
11 incidents that happened over the four year
12 period.

13 MEMBER ALBERTI: Okay. You didn't
14 answer my question though.

15 MR. REDDING: What was your
16 question?

17 MEMBER ALBERTI: I'll repeat my
18 question. How do you define a violent
19 incident?

20 MR. REDDING: I would define if a
21 violent incident probably would be if somebody
22 has to go to the hospital.

1 MEMBER ALBERTI: Only if somebody
2 has to go to the hospital?

3 MR. REDDING: In other words, if
4 somebody is hurt to the point where they have
5 to go -- be taken to the hospital.

6 MEMBER ALBERTI: Okay. So if a
7 police report comes to us and it says that
8 there as a simple assault at your
9 establishment, that's not a violent incident,
10 unless the person has to go to the hospital?

11 MR. REDDING: I'm saying in my
12 mind, sir. You asked me the question.

13 MEMBER ALBERTI: Yeah, I know.

14 MR. REDDING: In my mind, I think
15 a simple assault -- you're going to have
16 simple assaults in this business, so we just
17 have to protect the patrons.

18 MEMBER ALBERTI: That's not a
19 violent incident. Okay. Just wanted to get
20 the barometer as to your sensibility.

21 MR. REDDING: We're trying to stop
22 them as fast as we can.

1 MEMBER ALBERTI: I mean, wait,
2 wait, wait. I mean, I have to judge your
3 testimony and I just want to get a barometer
4 of --

5 MR. REDDING: Okay.

6 MEMBER ALBERTI: -- what you
7 consider to be a violent incident. Okay.
8 According to your testimony, it took two
9 minutes for these people to get out of the
10 club. Is that correct?

11 MR. REDDING: That is correct.
12 Two minutes. I do believe it was exactly two
13 minutes and 36 seconds.

14 MEMBER ALBERTI: From the time of
15 the incident to the time they got out of the
16 club was two minutes? That's what you are
17 testifying?

18 MR. REDDING: That's what the --

19 MEMBER ALBERTI: Based on what you
20 saw?

21 MR. REDDING: Based on what we
22 just saw, correct.

1 MEMBER ALBERTI: And you have how
2 many security people?

3 MR. REDDING: We had 17 security
4 working that night.

5 MEMBER ALBERTI: How many floor
6 men?

7 MR. REDDING: (No audible answer.)

8 MEMBER ALBERTI: How many floor
9 men?

10 MR. REDDING: 11. Or I think it
11 was -- no, I'm sorry, 10. It was 27 total
12 that night.

13 MEMBER ALBERTI: 27. Would you
14 say that all 27 people are there to kind of
15 observe the crowd?

16 MR. REDDING: Without a doubt.

17 MEMBER ALBERTI: They have
18 different duties, but included in their -- in
19 each --

20 MR. REDDING: 100 percent.

21 MEMBER ALBERTI: -- of their
22 duties -- 100 percent. Okay. How do people--

1 how do your employees communicate with each
2 other?

3 MR. REDDING: My employees?
4 Radios.

5 MEMBER ALBERTI: The security
6 people, how do --

7 MR. REDDING: Radios.

8 MEMBER ALBERTI: Who has radios?

9 MR. REDDING: All security. We
10 have 30 radios that are charged at all times
11 in the office.

12 MEMBER ALBERTI: All the floor men
13 have radios?

14 MR. REDDING: Not all the floor
15 men. All security have radios and then your
16 head floor men, like three of the floor men
17 have their -- that are wandering floor men
18 have the radios.

19 MEMBER ALBERTI: Okay.

20 MR. REDDING: We don't give them
21 up -- because management -- managers have to
22 have the radios, your general manager, your

1 managers.

2 MEMBER ALBERTI: So --

3 MR. REDDING: All of them carry
4 radios, too. So you don't get -- we don't
5 have enough for everybody.

6 MEMBER ALBERTI: Did you have a
7 radio?

8 MR. REDDING: Head of barbacks.

9 MEMBER ALBERTI: Would you have
10 had a radio that evening?

11 MR. REDDING: I wore radio
12 probably maybe two times since I owned the
13 business.

14 MEMBER ALBERTI: Okay. So you
15 didn't have a radio?

16 MR. REDDING: I did not.

17 MEMBER ALBERTI: Okay. The people
18 who responded to the incident with you, did
19 they have radios?

20 MR. REDDING: The -- I -- well, if
21 it's -- I guess the answer would be if you
22 look at Trevor laying on the ground after he

1 has got the patch over his arm, you can see
2 the stem of his radio on his side hip. And he
3 was the first guy on the site.

4 And -- but I think that in two
5 minutes, two minutes and 30 seconds, by the
6 time one -- any guys from these clubs try to
7 get there besides immediate people, he would
8 have to radio.

9 MEMBER ALBERTI: That's not my
10 question. Please, just answer my questions.

11 MR. REDDING: Okay.

12 MEMBER ALBERTI: This would be
13 much easier if you just answer my questions.

14 MR. REDDING: What --

15 MEMBER ALBERTI: Did any of the
16 other people who responded to the incident
17 with you have radios?

18 MR. REDDING: They had radios,
19 yes.

20 MEMBER ALBERTI: Someone did?

21 MR. REDDING: Yes.

22 MEMBER ALBERTI: At least someone

1 did. All right. Do the people at the
2 entrances and exits -- well, we saw -- in the
3 video we saw some people wandering people coming
4 in. Did that person have a radio?

5 MR. REDDING: He did.

6 MEMBER ALBERTI: Would that person
7 have a --

8 MR. REDDING: He had a jacket on.
9 You couldn't see it, but, yeah. All people
10 outside have radios.

11 MEMBER ALBERTI: You would assume
12 that he would have. By protocol, he should
13 have a radio, correct?

14 MR. REDDING: That is correct.

15 MEMBER ALBERTI: I think I know
16 your answer, but I'll ask anyway. So why
17 didn't you alert the door people of this
18 incident?

19 MR. REDDING: Okay. The answer is
20 that nobody knew that the people were hurt
21 until they got to the front door.

22 MEMBER ALBERTI: So four people

1 are stabbed and nobody knew. Is that what you
2 are telling me?

3 MR. REDDING: No, not true at all.
4 Of what -- we know one person, which is my
5 employee, and we brought him in the back and
6 called 911 in three seconds and got him out to
7 the ambulance.

8 MEMBER ALBERTI: You told me that
9 you didn't know your employee was stabbed
10 earlier.

11 MR. REDDING: We -- I have said
12 all along we knew the employee was -- he
13 jumped on top, the first thing we saw his arm
14 was stabbed. We got him right -- we took him
15 right out through the back door.

16 MEMBER ALBERTI: You told me
17 earlier you didn't know whether he had fallen
18 in glass and cut himself or whether he was
19 stabbed, Mr. Truit. What is it? Did you --

20 MR. REDDING: That's exactly what
21 I said.

22 MEMBER ALBERTI: Let me finish my

1 question. What is it? Did you know at the
2 time that he was stabbed or did you not know
3 at the time when you intervened that he was
4 stabbed?

5 MR. REDDING: I knew at the time
6 he had an injury. I saw the wound.

7 MEMBER ALBERTI: Answer my
8 question.

9 MR. REDDING: That's the answer.

10 MEMBER ALBERTI: Do I need to
11 repeat my question?

12 MR. REDDING: I don't know what he
13 was stabbed with. I said that. I don't know
14 what he was stabbed with. At the time, I did
15 not know.

16 MEMBER ALBERTI: Oh, but you knew
17 he was stabbed?

18 MR. REDDING: Correct. He had his
19 arm hanging out.

20 MEMBER ALBERTI: Okay. So now you
21 -- we know you knew he was stabbed at the
22 time. All right. But you didn't think to

1 call the people at the door and tell them?

2 MR. REDDING: No. I grabbed him
3 and took him to the back. It was on the radio
4 by then, I'm assuming. I don't have a radio.
5 I grabbed him and took him to the back to try
6 to get his arm cleaned up.

7 MEMBER ALBERTI: You didn't direct
8 anyone to call and tell the people at the
9 door?

10 MR. REDDING: Everybody knew at
11 that point in time. I don't -- do I know if
12 somebody made a radio call that had a radio at
13 that point in time? I do not know.

14 MEMBER ALBERTI: And you did not
15 direct anyone to?

16 MR. REDDING: I grabbed him and
17 took him right to the bathroom.

18 MEMBER ALBERTI: Did you direct
19 anyone to call?

20 MR. REDDING: I did not direct
21 anybody, no.

22 MEMBER ALBERTI: Thank you. Thank

1 you. All right. Maybe that last exchange
2 kind of explains my next question. You
3 earlier in your testimony described in quite
4 a bit of detail what happened.

5 You said the guy was pumping his
6 arm as if he was stabbing somebody. You said
7 he grabbed a flute and smashed it. And had
8 the stem and was stabbing somebody. You
9 described that in a lot of detail.

10 How did you get that much detail?

11 MR. REDDING: Because I was told
12 that by the guys who were in the incident.
13 And I was told that by Trevor, the only --

14 MEMBER ALBERTI: Oh, you were told
15 by the people who witnessed it?

16 MR. REDDING: Correct.

17 MEMBER ALBERTI: Okay. Did any of
18 your staff ask the people who witnessed it
19 right when it happened what happened? When a
20 fight happens, did anyone have the presence of
21 mind to ask the people who were there what
22 happened?

1 MR. REDDING: Okay. Here is what
2 happened. If I can explain. I think it was
3 at 3:04, they started getting everybody out
4 the building, concentrating on Trevor's arm
5 and the people out in the parking lot were
6 getting hurt.

7 At that point in time, the main
8 issue was to get everybody safely out of the
9 building and concentrate on that and figuring
10 out who is hurt and who needs to get to an
11 ambulance. That's what everybody was
12 concentrating on, I believe.

13 MEMBER ALBERTI: This is
14 interesting. I mean, Camera 12, and this is
15 only Mr. Ghenene's assumption, but at 3:11:02,
16 seven minutes after this incident, you keep
17 saying 3:03, but six minutes after the
18 incident began, Mike Smith, Comptroller,
19 ordered the DJ to stop playing music.

20 Are you testifying that he ordered
21 them to stop playing music before then?

22 MR. REDDING: If that's what the

1 report says.

2 MEMBER ALBERTI: Okay. So Camera
3 12, it looks like Mr. Smith is ordering the DJ
4 to do something. Can we safely assume that's
5 when he ordered him to stop music?

6 MR. REDDING: Oh, I would assume
7 that the -- Mike, the manager, at that time,
8 probably found out that something was wrong
9 and must have figured out that Trevor was cut.
10 At that point in time, we are allowed to stay
11 open an extra hour until 4:00 in the morning,
12 so we then cut the -- in order to get the
13 patrons out, we have that in our business that
14 we have an extra hour. We stop serving
15 alcohol at 3:00. We are able to stay open
16 until 4:00.

17 But at that point in time, at 3:11
18 -- at 3:04 the incident happened, but in seven
19 minutes, right, cut the music off and get
20 everybody out of the building.

21 MEMBER ALBERTI: Okay. So it took
22 six minutes then?

1 MR. REDDING: If I'm that good,
2 I'm happy with that six minutes.

3 MEMBER ALBERTI: All right. Well,
4 I mean, you portrayed it earlier as this
5 happened and immediately your concentration
6 was on getting people out of the building and
7 so that's what you were -- but it took you six
8 minutes to cut the music off, so it's just not
9 holding together for me. But okay, I'll --
10 enough of my comments.

11 I am really confused here. We
12 don't know whether this is Memorial Day or
13 not. And yet, we have glasses on the table at
14 3:05. I mean, if you are supposed to stop
15 serving at 3:05, aren't you supposed to have
16 all the drinks up at that time?

17 MR. REDDING: Every table has
18 glasses on it at 3:00, because it's already
19 cleaned and prepared for the next night for
20 the tables. You have to have the alcohol off
21 the table. No alcohol.

22 MEMBER ALBERTI: So --

1 MR. REDDING: The glasses on the
2 table --

3 MEMBER ALBERTI: So every glass --

4 MR. REDDING: Every glass has got
5 to be emptied out, that's correct, by 3:00.

6 MEMBER ALBERTI: Okay. All right.
7 So you walk around and make sure there is
8 nothing in the glasses, but you leave them
9 there?

10 MR. REDDING: We -- that's
11 correct, because every barback is sitting
12 there cleaning tables. Wipes it down, we have
13 a stack of glasses, napkins. You saw the
14 white napkin at the corner table and you have
15 six champagne glasses and you have eight -- I
16 mean, eight and eight glasses on the table
17 ready to go for when the people come down the
18 steps.

19 MEMBER ALBERTI: So you do the
20 setup immediately at 3:00 while patrons are
21 there?

22 MR. REDDING: We are set up ready

1 to rock and roll. As soon as a patron leaves
2 the table, then we clean that table. We set
3 that table back up in case --

4 MEMBER ALBERTI: No, no, no, while
5 people are at the table. People were at the
6 table while this happened. So --

7 MR. REDDING: Correct.

8 MEMBER ALBERTI: -- that's
9 contrary to what your procedure would have
10 been. I mean, you didn't -- it doesn't sound
11 like you cleared the table with the people
12 there.

13 MR. REDDING: We cleared the table
14 of the alcohol. It doesn't mean I have to
15 clear the glass, any glass that had alcohol we
16 take it from them. We clear the alcohol off
17 the table.

18 MEMBER ALBERTI: All right. And
19 so if you have an empty glass, you leave it
20 there?

21 MR. REDDING: That is correct,
22 because we've got to clean up afterwards.

1 They are going to be there until the end of
2 the night.

3 MEMBER ALBERTI: Okay. Very good.
4 Okay. All right. I'm just trying to get
5 measurements from you of the driveway. You
6 said that the police are at the end of the
7 driveway and then across the street, right?

8 MR. REDDING: Correct.

9 MEMBER ALBERTI: And that's that
10 driveway that Mr. Ghenene talked about where
11 the hill is where the one victim was found?

12 MR. REDDING: That is correct.

13 MEMBER ALBERTI: That's correct?
14 Okay. Well, how far is that gate from the
15 building?

16 MR. REDDING: The gate from the
17 building?

18 MEMBER ALBERTI: Yeah.

19 MR. REDDING: That's about, like
20 we said, 30 yards in that range. About
21 another 100 feet.

22 MEMBER ALBERTI: About 30 yards,

1 about 100 feet.

2 MR. REDDING: From the gate. I
3 don't know. I'm just assessing it.

4 MEMBER ALBERTI: I just want to
5 make sure I understood.

6 MR. REDDING: Okay.

7 MEMBER ALBERTI: All right. Just
8 one more thing. Oh, I've got a couple of
9 things. I kind of want to know what your
10 procedure is, what your training for your
11 staff is.

12 So hypothetically, if somebody
13 walks out with a cut on their arm and one of
14 your employees has got the forethought to pull
15 his shirt off and wrap it with that sterile
16 shirt that is on his back to administer first-
17 aid, hypothetically, right, and under that
18 hypothetical situation, would you allow more
19 patrons into the club after that?

20 MS. PHILLIPS: Mr. Alberti, if I
21 could just object as to time. Do you mean
22 sort of around the time of this incident,

1 because we know that they had massive --

2 MEMBER ALBERTI: Okay. I'm going
3 to not even go to the hypothetical. We saw on
4 the video --

5 MS. PHILLIPS: Okay. Thank you.

6 MEMBER ALBERTI: We saw someone
7 come out. It was -- appeared to be that your
8 employee, because you said it was your
9 employee, acknowledged that they were
10 bleeding, because your employee took off their
11 shirt and wrapped their arm and looked at it.
12 All right? And so I have to assume that they
13 acknowledged that this person was injured.
14 And they have a radio up there. Is that
15 correct?

16 MR. REDDING: That's correct.

17 MEMBER ALBERTI: Would it be your
18 procedure for them to not communicate with
19 anybody and just continue to allow patrons to
20 enter?

21 MR. REDDING: I watched the tape
22 just like you did. I believe I saw four

1 people entering the building at the same exact
2 time he walked out and they wrapped his arm.
3 And then I don't even think the security knew
4 the guys were wandering. He was on the back
5 side. The one guy took his shirt off, wrapped
6 him and he had two security guards, one on
7 this side and one at the gate that was wandering
8 the four people that came in.

9 After that four people did come
10 out, because you have to exit through that
11 door. I can't stop them from coming out.

12 MEMBER ALBERTI: Well, see, you
13 left four people in.

14 MR. REDDING: I believe that the
15 security didn't know that the guy was hurting
16 behind him. That's my assumption. I do not
17 know.

18 MEMBER ALBERTI: But they --

19 MR. REDDING: Yes, they let four
20 people in.

21 MEMBER ALBERTI: Did those people
22 -- did those security guards alert anyone that

1 the guy came out injured.

2 MR. REDDING: I don't know. It
3 was silent on the tape. I don't know if they
4 alerted or not. I don't know.

5 MEMBER ALBERTI: Who is
6 responsible for this club?

7 MR. REDDING: I guess you could
8 say --

9 MEMBER ALBERTI: You don't have to
10 answer that. All right. You saw on the tapes
11 some guy -- it looked like blood dripping from
12 this guy. Well, you said, I mean, the guy
13 came out and his arm was hurting. I think
14 those were your exact words. Is that correct?

15 MR. REDDING: I don't remember.

16 MEMBER ALBERTI: All right. All
17 right. You saw the blood. You saw what I
18 saw, it looked like blood dripping on the
19 ground, right?

20 MR. REDDING: I saw when he walked
21 out for exactly 22 seconds there was no blood
22 and I saw it squirting after that, so it

1 started actually bleeding, I think, when he
2 was outside. That's what I saw.

3 MEMBER ALBERTI: Yes, right. And
4 he bled on the ground, right?

5 MR. REDDING: Correct.

6 MEMBER ALBERTI: Because if you're
7 squirting, it's got to go somewhere and I
8 assume it goes on the ground, right?

9 MR. REDDING: That's what the tape
10 showed to me.

11 MEMBER ALBERTI: And then we saw a
12 guy open a bottle of water and those dark
13 splatters that occurred right under where this
14 guy's arm was, the guy walked away and we saw
15 someone open a bottle of water and sort of
16 douse it. Is that correct?

17 MR. REDDING: That is correct.

18 MEMBER ALBERTI: Okay. I saw --
19 that's what I thought I saw. How would you
20 characterize that? Is that standard
21 procedure?

22 CHAIRPERSON MILLER: Are you

1 asking -- excuse me.

2 MEMBER ALBERTI: I'm not --

3 CHAIRPERSON MILLER: Are you
4 asking about then or now, because that's --

5 MEMBER ALBERTI: Then, then. I'm
6 -- it's always then.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Was that standard
9 procedure then?

10 MR. REDDING: I don't believe that
11 any of the security knew what the procedure
12 was, to be honest.

13 MEMBER RODRIGUEZ: Excuse me?

14 MR. REDDING: That's correct.
15 Because nobody knew what -- how to take care
16 of a crime scene. It just came out in May, so
17 we hadn't trained the employees on crime
18 scenes and blood and things like that at that
19 point in time. That's why we did all the
20 training extensively after this incident
21 happened, so the employees -- this will never
22 ever happen again.

1 MEMBER ALBERTI: So you had this--
2 you are telling me honestly that you ran this
3 establishment and never trained anyone to do--
4 what to do in case of injury or assault?

5 MR. REDDING: We --

6 MEMBER ALBERTI: Is that what you
7 are telling me?

8 MR. REDDING: No. They have been
9 trained on injury and assault. They have been
10 trained as far as when blood is on the ground.
11 And I think it's a first instinct for the guy
12 to take the water and clean it. Is it a
13 mistake? It could be considered a mistake.
14 We need to fix it.

15 MEMBER ALBERTI: Are they trained
16 to do that?

17 MR. REDDING: Correct.

18 MEMBER ALBERTI: Are they trained
19 to do that?

20 MR. REDDING: Huh?

21 MEMBER ALBERTI: They were trained
22 to do that?

1 MR. REDDING: I don't think they
2 was trained to do. I think that that was his
3 own impulse. He was never trained to do that.

4 MEMBER ALBERTI: What was he
5 trained to do?

6 MR. REDDING: He -- our employees
7 were trained by an independent company we paid
8 to come in and train them through a training
9 program that is an ABRA-certified training
10 program.

11 MEMBER ALBERTI: Do you know what
12 he was trained to do in that instance?

13 MR. REDDING: I don't know if he
14 was trained -- if he knew what to do in that
15 instance. No, I do not know.

16 MEMBER ALBERTI: Okay. Great.
17 Fine. And then we saw the guy walk away. Is
18 that standard procedure to let the injured guy
19 just walk away?

20 MR. REDDING: That's not what I
21 saw. But I guess if I can answer, I don't
22 know how to answer with you, because if I go

1 too long --

2 MEMBER ALBERTI: Is that what you
3 saw? Okay.

4 MR. REDDING: I saw the guy wrap
5 his arm. I saw my guy hold him. I saw him --
6 his girlfriend come and grab him, hand him his
7 keys and his girlfriend walked him down. Did
8 that -- if my guy --

9 MEMBER ALBERTI: Is that standard
10 procedure?

11 MR. REDDING: -- said let's go to
12 the ambulance, he doesn't want to go, do I
13 make him go?

14 MEMBER ALBERTI: Great. Is that
15 standard protocol to let someone who is
16 injured like that walk away?

17 MR. REDDING: What? I cannot
18 force that gentleman to go to the ambulance
19 once he is out of the establishment. I cannot
20 force him.

21 MEMBER ALBERTI: Do you know what
22 your employees did, at that point?

1 MR. REDDING: I know what I saw on
2 tape.

3 MEMBER ALBERTI: Do you know what
4 your employees did, at that time?

5 MR. REDDING: What's the question?
6 I don't understand the question. What do you
7 mean do I know what they did?

8 MEMBER ALBERTI: When the guy was
9 walking away, do you know how they reacted?
10 How did your employees react when --

11 MR. REDDING: My security stayed
12 in their position. He handed him off to his
13 girlfriend. She walked him down to the gate.

14 MEMBER ALBERTI: He handed him off
15 to his girlfriend.

16 MR. REDDING: That's what he
17 wanted. He was standing there waiting for
18 her.

19 MEMBER ALBERTI: Okay. So he made
20 no attempt to make sure the guy would stay and
21 get professional help?

22 MR. REDDING: I think --

1 MEMBER ALBERTI: Is that --

2 MR. REDDING: -- what I saw was my
3 guy was trying to take him down to the
4 ambulance. He wanted to stay and wait for his
5 girlfriend. My guy who wrapped him with the
6 shirt was saying come on, let's go. It looks
7 like he is going like this to him and he is
8 telling him.

9 MEMBER ALBERTI: But your guy
10 didn't escort him down to make sure he got to
11 the ambulance. Is that correct?

12 MR. REDDING: That is correct.

13 MEMBER ALBERTI: Okay. I have no
14 further questions. Thank you.

15 MEMBER RODRIGUEZ: I've got one
16 more.

17 CHAIRPERSON MILLER: Okay. Mr.
18 Rodriguez?

19 MEMBER RODRIGUEZ: Mr. Redding, I
20 have just a couple more questions, so --

21 MR. REDDING: Yes, sir.

22 MEMBER RODRIGUEZ: -- if you could

1 bear with me, sir.

2 MR. REDDING: Okay.

3 MEMBER RODRIGUEZ: Yes, sir. On
4 your -- you know, I do not want to question
5 your veracity in no way, but I do like to
6 verify. I'm very concerned about safety of
7 our patrons and visitors in our clubs. You
8 know, it's very important to our city.

9 And so is there a way that I can
10 verify that -- you indicated that you have an
11 ABRA-certified training company that have
12 trained your floor people, your security
13 people. Is there a way that -- I'm new, you
14 know, and I like to just verify --

15 MR. REDDING: I'm going to give
16 the answer.

17 MEMBER RODRIGUEZ: -- how -- you
18 know, if that -- you know, the people that
19 have been trained. And secondly, you engage
20 also in security, don't you, if you see
21 something going on?

22 MR. REDDING: Engage how? I

1 would --

2 MEMBER RODRIGUEZ: Well, in
3 stopping a brawl or whatever?

4 MR. REDDING: That's my nature,
5 yes, sir, I would try.

6 MEMBER RODRIGUEZ: Have you been
7 trained in security?

8 MR. REDDING: I was -- I sat in on
9 the last training program with Mr. Jackson,
10 who is -- does a lot of training of the Board.

11 MEMBER RODRIGUEZ: Yes, sir.

12 MR. REDDING: I believe he used to
13 be a Board Member, so I sat in on the
14 training, because they said all the employees
15 need to be there. We not only trained this
16 last time, we did all this because --

17 MEMBER RODRIGUEZ: Okay.

18 MR. REDDING: -- it's an incident.
19 We trained the whole company.

20 MEMBER RODRIGUEZ: And there is a
21 way to indicate that they successfully
22 completed the training program?

1 MR. REDDING: That is correct.

2 MEMBER RODRIGUEZ: Did you
3 successfully complete it?

4 MR. REDDING: No, I didn't have to
5 sign up as the owner of the company. I just
6 sat and listened. They all signed the
7 document, every one of them and we submitted
8 them all to the Board.

9 MEMBER RODRIGUEZ: Okay. Yes.

10 MR. REDDING: I think it was 56
11 employees.

12 MEMBER RODRIGUEZ: Okay, sir.
13 Thank you so much.

14 MR. REDDING: Okay.

15 CHAIRPERSON MILLER: Other
16 questions? Mr. Jones?

17 MEMBER JONES: Thank you, Madam
18 Chair. Mr. Redding, good evening/night, sir.

19 MEMBER SILVERSTEIN: Good morning.

20 MR. REDDING: Thank you, sir.

21 MEMBER JONES: I just want to
22 quickly kind of go over some of the stuff that

1 I saw on the video as well as some other
2 items. So just to make sure I'm clear, the --
3 you observed the individual cleaning or
4 pouring water on the blood stain that was
5 outside from the guy who was bleeding from his
6 arm?

7 MR. REDDING: Yes, sir.

8 MEMBER JONES: Was he an employee
9 of the establishment, based on your
10 observation?

11 MR. REDDING: The person that was
12 bleeding?

13 MEMBER JONES: No. The person who
14 did the cleaning.

15 MR. REDDING: Yes, sir.

16 MEMBER JONES: The person who
17 poured the water.

18 MR. REDDING: Yes, sir.

19 MEMBER JONES: Okay. Have you had
20 an opportunity to speak with him since that
21 incident?

22 MR. REDDING: We have.

1 MEMBER JONES: What training did
2 he receive since then?

3 MR. REDDING: They all -- they
4 received the training exactly nine months ago.
5 We brought in Mr. Jackson. Actually, it was
6 on -- the incident happened on that Sunday.
7 I believe it was, I think it was, by that
8 Wednesday or Thursday, three days later, we
9 had the training for the whole company, which
10 we did crime scene training. We did the
11 training on how to take an injured person out
12 of the building. The training on how to use
13 the radios and get to it. The training of the
14 fact that the staff that is not security
15 should not engage whatsoever at all.

16 MEMBER JONES: Understood. So
17 this gentleman, what was his name?

18 MR. REDDING: I can't -- his back
19 is turned when he throws the water on there.

20 MEMBER JONES: So how do you know
21 he was an employee?

22 MR. REDDING: Because I know -- he

1 is my little short Butterball guy that does
2 all the pat-downs because he is real short and
3 thick. He has been with me for four years.

4 MEMBER JONES: Okay. So you --

5 MR. REDDING: So I know it's him.

6 MEMBER JONES: -- know enough to
7 know that.

8 MR. REDDING: Correct.

9 MEMBER JONES: You know that he
10 has been with you for four years and he is a
11 short Butterball guy.

12 MR. REDDING: But --

13 MEMBER JONES: But you have no
14 idea what his name is?

15 MR. REDDING: Yeah, his name is --
16 my head is so wild, his name is --

17 MEMBER JONES: So the fact that
18 his back was turned really had nothing to do
19 with your ability to identify him, because you
20 pretty much know who it is.

21 MR. REDDING: That is correct.

22 MEMBER JONES: You just can't

1 remember his name?

2 MR. REDDING: That is correct.

3 Yes, sir.

4 MEMBER JONES: Okay. Got it. So
5 but you are confident that he is an employee?

6 MR. REDDING: 100 percent.

7 MEMBER JONES: What was his role
8 on that night?

9 MR. REDDING: He is the front door
10 either wand or pat-down guy.

11 MEMBER JONES: He is the front
12 door wand or pat-down. So is he security or
13 floor?

14 MR. REDDING: He is security.

15 MEMBER JONES: He is security.

16 MR. REDDING: Yes, sir.

17 MEMBER JONES: Okay. And he works
18 for you directly? He works for you directly
19 or is he contracted through --

20 MR. REDDING: He works for an
21 independent contractor.

22 MEMBER JONES: He works for an

1 independent contractor.

2 MR. REDDING: Right.

3 MEMBER JONES: Who is that
4 independent contractor?

5 MR. REDDING: Dan Pearson.

6 MEMBER JONES: Dan Pearson is the
7 independent contractor?

8 MR. REDDING: Correct.

9 MEMBER JONES: Does he have a
10 company?

11 MR. REDDING: Yes, sir.

12 MEMBER JONES: He does. What's
13 his company's name?

14 MR. REDDING: It's called DP.

15 MEMBER RODRIGUEZ: You can't
16 testify.

17 MR. REDDING: DP and Associates or
18 DP Security. I'm sorry.

19 MEMBER JONES: DP Security.
20 What's his relationship or how is the
21 relationship structure between the security
22 person and the head of security?

1 MR. REDDING: My what?

2 MEMBER JONES: The DP company --

3 MR. REDDING: Right.

4 MEMBER JONES: -- Mr. Pearson.

5 MR. REDDING: Um-hum.

6 MEMBER JONES: Is he the head of
7 security?

8 MR. REDDING: Yes, sir.

9 MEMBER JONES: He is?

10 MR. REDDING: Um-hum.

11 MEMBER JONES: Okay.

12 MS. PHILLIPS: Mr. Jones, I object
13 as to time. Is he the head of security?

14 MEMBER JONES: He was the head --
15 was he the head of security on that night, --

16 MR. REDDING: Yes, sir.

17 MEMBER JONES: -- May 26? And
18 subsequent --

19 MR. REDDING: Yes, sir.

20 MEMBER JONES: -- month or so
21 after that?

22 MR. REDDING: Yes.

1 MEMBER JONES: Yes, okay. And do
2 you have any idea on that night prior to the
3 May 26th what training Mr. Pearson required of
4 his staff related to security functions?

5 MR. REDDING: Most of his men had
6 all the certificates also and were trained in
7 training for a security company. But because
8 the incident, the severity of the incident, we
9 decided that everybody had to get trained and
10 we knew that was going to be major, to make
11 sure we keep the establishment open and keep
12 going.

13 So we just decided to train
14 everybody on everything and anything that has
15 to do with what was improperly handled by our
16 company.

17 MEMBER JONES: Are you -- what
18 training was actually received prior? You
19 said they have all the certificates. What are
20 all the certificates? Give me the universe of
21 the certificates they were supposed to have.

22 MR. REDDING: Well, all their

1 certificates were finished in the certified
2 training class for security personnel.

3 MEMBER JONES: So you know -- you
4 have no idea what that is. You just trusted
5 Mr. Pearson to provide that?

6 MR. REDDING: That is correct.

7 MEMBER JONES: Okay. And what was
8 your role again on the night in question?
9 What was your role?

10 MR. REDDING: I believe I'm the
11 owner.

12 MEMBER JONES: You believe you are
13 an owner?

14 MR. REDDING: That's correct.

15 MEMBER JONES: So on the night in
16 question, were you the owner?

17 MR. REDDING: Yes, sir.

18 MEMBER JONES: Were you also
19 something else? Were you the general manager?

20 MR. REDDING: No, sir.

21 MEMBER JONES: No. Who was the
22 general manager?

1 MR. REDDING: Pete Sherigas.

2 MEMBER JONES: Pete Sherigas?

3 MR. REDDING: Yes, sir.

4 MEMBER JONES: Okay. So in terms
5 of the specifics of what your security staff
6 should or shouldn't know and what certificates
7 they do or do not have, that's not your
8 responsibility or was not your responsibility?

9 MR. REDDING: Well, that would be
10 my employee's responsibility to make sure they
11 are they checking to make sure they have all
12 that, but I would not do that day-to-day
13 operation of that work.

14 MEMBER JONES: Okay. Got it.
15 Fair enough. You indicated earlier that
16 shortly after this incident, you, as the
17 owner, made an ownership decision to remove
18 all glassware --

19 MR. REDDING: Correct.

20 MEMBER JONES: -- from the
21 establishment?

22 MR. REDDING: Correct.

1 MEMBER JONES: So as it stands
2 from that point forward to now, you have no
3 glassware at this establishment?

4 MR. REDDING: We have no glassware
5 that is poured into. You do have the bottles
6 of champagne.

7 MEMBER JONES: Do you have
8 champagne flutes that are glass?

9 MR. REDDING: No.

10 MEMBER JONES: No. You made a
11 management decision, an ownership decision, at
12 that point in time, to remove all glass flutes
13 and you implemented that?

14 MR. REDDING: Yes, sir.

15 MEMBER JONES: You did?

16 MR. REDDING: But we did that 10
17 months ago, 9 and a half months ago.

18 MEMBER JONES: Do you have any
19 idea -- nine and a half months ago from when?

20 MR. REDDING: It's two weeks after
21 the incident happened, we went and I ordered
22 1,000 plastic champagne glasses and I took all

1 the glass champagne glasses and took them out
2 of the building. As a matter of fact, I have
3 like 250 of them in my basement.

4 MEMBER JONES: Okay. So just out
5 of curiosity, are you familiar with a memo
6 received from your attorney on June 7th?

7 MR. REDDING: I'm not, unless you
8 tell me what the memo is.

9 MEMBER JONES: The memo is related
10 to -- the subject is regarding Stadium Club
11 Summary Suspension.

12 MR. REDDING: I know of the
13 summary suspension. I don't know what's in
14 the memo.

15 MEMBER JONES: So in that memo,
16 there were two items that were highlighted
17 related to glassware, plasticware and related
18 to training for all non-security staff. And
19 in that memo, it was indicated that there was
20 a challenge that the ownership had with
21 removing all glassware, because you wanted to
22 remain a five star club with the appearance of

1 elegance, etcetera.

2 So you, at that point in time, had
3 requested the Board to relieve you of the
4 requirement associated with the OIC related to
5 that Summary Suspension Hearing, remove that
6 requirement. Are you saying now that you
7 adhered to that requirement and you never
8 removed -- or you never had an opportunity to
9 keep your glassware in place and, therefore,
10 it is gone from your establishment?

11 MR. REDDING: Can I tell you
12 exactly what happened?

13 MEMBER JONES: Yes.

14 MR. REDDING: What happened was my
15 partner did not agree with getting rid of the
16 glass champagne, but I am the majority owner.
17 I said we will get rid of the glass champagnes
18 now. He sent that document back and forth to
19 our lawyer between us and I said I don't care
20 what you think and I got rid of them in two
21 weeks and we ordered all plastic.

22 MEMBER JONES: Got it. Okay. So

1 the memo where it was asked us to relieve
2 that, that was something that was just -- that
3 was not communicated effectively between the
4 two owners, you and the other gentleman, to
5 which you speak or are speaking of?

6 MR. REDDING: That is correct.

7 MEMBER JONES: Okay. In your
8 security plan on that night in question, it
9 indicated that you were to contact MPD -- any
10 employee was to contact MPD in the event of a
11 violent incident. Are you familiar with that
12 aspect of your security plan?

13 MR. REDDING: Yes, sir.

14 MEMBER JONES: How did you ensure
15 that that was enacted? Who had ultimate
16 responsibility and accountability for ensuring
17 MPD was called?

18 MR. REDDING: Any manager would
19 have that responsibility.

20 MEMBER JONES: Who?

21 MR. REDDING: Any general manager,
22 any manager would have that responsibility or

1 any security guys with radios have -- that
2 have been radioed over if a manager doesn't
3 know yet that it happened, if he is in the
4 office at the time.

5 MEMBER JONES: So how was that
6 confirmed on that night, that MPD was
7 contacted?

8 MR. REDDING: We called 911.

9 MEMBER JONES: How was it
10 confirmed that it was called -- the call was
11 made?

12 MR. REDDING: Because my manager
13 made the call, Olga Lavinchy.

14 MEMBER JONES: Olga Lavinchy --

15 MR. REDDING: Yes, yes, sir.

16 MEMBER JONES: -- made the call?

17 MR. REDDING: Yes.

18 MEMBER JONES: So how was that
19 confirmed? Did you confirm that with her on
20 that night or was it confirmed several days
21 later?

22 MR. REDDING: Well, she has

1 actually standing right next to me in the
2 bathroom with Trevor on the tape that we just
3 watched here and then she came up to me and
4 said hey, I already called 911.

5 MEMBER JONES: So she told you
6 that she called 911?

7 MR. REDDING: She told me right
8 there on the spot with Trevor while I was
9 holding his arm.

10 MEMBER JONES: Okay. What did she
11 tell 911?

12 MR. REDDING: She said 911 that
13 there was an emergency, we had a stabbing at--
14 some kind of stabbing at Stadium Club.

15 MEMBER JONES: So at that point in
16 time, she knew enough to tell 911 that there
17 was a stabbing, not an accident, not an
18 incident, was her understanding?

19 MR. REDDING: I don't know if she
20 said stabbing or not. I'm using my words. I
21 don't know what she said. She told them there
22 was people hurt, a gentleman had a major cut,

1 911 emergency at Stadium Club. How she said
2 it, I don't know. She told me she called 911.
3 I don't know what she said.

4 MEMBER JONES: Okay. So you have
5 no idea what she said?

6 MR. REDDING: No, except that she
7 told me she called 911.

8 MEMBER JONES: To report the
9 stabbing of your employee?

10 MR. REDDING: To report the
11 incident. How she said it, I don't know.

12 MEMBER JONES: Okay. Is that
13 information in the incident log?

14 MR. REDDING: In the -- I don't--

15 MEMBER JONES: You drafted two
16 incident logs based on your testimony. There
17 was one on the night of the event that was
18 drafted by someone that was not the head of
19 security. Then subsequent to the head of
20 security coming back in town, a second
21 incident report related to this incident was
22 drafted. That was what I understood you to

1 say based on your testimony. Is that correct?

2 MR. REDDING: That is correct.

3 MEMBER JONES: Okay. Is the fact
4 that 911 was called, was that fact noted in
5 your incident report?

6 MR. REDDING: I'm reading this. I
7 don't have -- I need a copy of the original
8 incident report.

9 MEMBER JONES: Well, should it
10 have been included in your incident report?
11 Let me ask that.

12 MR. REDDING: I think yes. The
13 answer would be it should have been included
14 in there if he is writing it down, but if she
15 is doing the calling because of what's going
16 on out there and he is inside writing it and
17 they don't converge with each other exactly
18 what one manager did, then I can see maybe it
19 got left out. But, yeah, I think it should be
20 in the document.

21 MEMBER JONES: Okay. Olga's role
22 again is what?

1 MR. REDDING: Olga is a manager.

2 MEMBER JONES: To whom does she
3 report?

4 MR. REDDING: She would report to
5 the general manager, Pete Sherigas.

6 MEMBER JONES: Pete Sherigas. And
7 does Pete Sherigas have an obligation to
8 coordinate with head of security in any way?

9 MR. REDDING: Yes, sir, he does.

10 MEMBER JONES: So if there is a
11 major incident, such as this one, i.e., a
12 stabbing that was reported to 911, are you
13 comfortable saying that that is something that
14 should have been included in an incident
15 report?

16 MR. REDDING: I'm comfortable
17 saying that, yes, sir.

18 MEMBER JONES: Okay. So do you
19 happen to have your incident report?

20 MR. REDDING: I have one. I don't
21 have the other one.

22 MEMBER JONES: And the one that

1 you have, do you have a reference to a call
2 being made to 911?

3 CHAIRPERSON MILLER: Which
4 incident report do you have, Mr. Redding?

5 MR. REDDING: Yes, sir, management
6 placed a call to 911 at 3:07 requesting
7 ambulance and police to respond. Yes, sir,
8 it's in there.

9 MEMBER JONES: And that one is
10 drafted by whom?

11 MR. REDDING: By the head of
12 security.

13 MEMBER JONES: That was drafted by
14 the head of security upon his return?

15 MR. REDDING: Yes, sir.

16 MEMBER JONES: Okay. How long has
17 Olga -- does Olga currently still work for
18 you?

19 MR. REDDING: She does not.

20 MEMBER JONES: She does not?

21 MR. REDDING: No.

22 MEMBER JONES: Okay. Is there --

1 why doesn't she still work for you?

2 MR. REDDING: We -- since the May
3 deal and since a lot of the issues at Stadium
4 Club, we have downsized pretty big. We are
5 probably about only 25 percent as big as we
6 used to be, maybe 30 or 40 percent. So the
7 club is -- a lot of employees have left the
8 club, because we couldn't, you know, afford to
9 keep them.

10 MEMBER JONES: Do you issue cell
11 phones to your employees?

12 MR. REDDING: No, we do not.

13 MEMBER JONES: Okay. So the phone
14 log that you provided was her personal phone
15 log?

16 MR. REDDING: That is correct.

17 MEMBER JONES: Okay. And how long
18 had she been working for you? So she worked
19 for you from what date to what date?

20 MR. REDDING: She worked --

21 MEMBER JONES: Approximately.

22 MR. REDDING: -- for me

1 approximately, if I have to go back, I believe
2 she worked for me, at that point in time, for
3 maybe seven or eight months.

4 MEMBER JONES: Seven or eight
5 months?

6 MR. REDDING: Seven to eight
7 months, correct.

8 MEMBER JONES: Seven or eight
9 months. Okay. So she currently doesn't work
10 for you right now, correct?

11 MR. REDDING: Right.

12 MEMBER JONES: So you submitted or
13 your attorney submitted a document which has
14 a manager's license that has an expiration
15 date of 4/25/15.

16 MR. REDDING: Okay.

17 MEMBER JONES: What was the --
18 what am I supposed to glean from that
19 manager's license?

20 MR. REDDING: Every manager has to
21 get an ABC License if they are going to manage
22 within the business. So as soon as we hired

1 her as a manager, she went down and got her
2 license.

3 MEMBER JONES: So when did you
4 hire the manager?

5 MR. REDDING: When did we hire her
6 as a manager?

7 MEMBER JONES: Yes.

8 MR. REDDING: I would have to go
9 back and see the exact date. I do not know.

10 MEMBER JONES: Okay.

11 MR. REDDING: I know it was right
12 around -- I want to say it was exactly
13 February of 2013.

14 MEMBER JONES: February of 2013?

15 MR. REDDING: Correct. Or maybe
16 it was January, January 2013, so in that
17 range. I can't remember exactly off the top
18 of my head.

19 MEMBER JONES: Okay. So that
20 would have -- so based on the document you
21 provided, her manager's license would have
22 probably, because they are usually issued for

1 two years, would have been roughly April 25,
2 2013 is when she got her manager's license,
3 based on the documents you presented. So that
4 -- was that your intent behind providing this
5 information to confirm that she was a valid
6 manager? She was a valid manager --

7 MR. REDDING: Yes.

8 MEMBER JONES: -- by virtue of a
9 manager's license on the date where the
10 incident occurred?

11 MR. REDDING: Correct.

12 MEMBER JONES: May 26th?

13 MR. REDDING: That is correct.

14 MEMBER JONES: Okay. Fair enough.

15 Oh, lastly, do you have -- currently, do you
16 have RDO at Stadium Club?

17 MR. REDDING: Yes, sir.

18 MEMBER JONES: You do?

19 MR. REDDING: Yes.

20 MEMBER JONES: Okay. And is that
21 paid for through the Stadium Group, LLC?

22 MR. REDDING: That is correct.

1 MEMBER JONES: So there are
2 invoices that are currently in place from
3 Stadium Group, LLC or from MPD to Stadium
4 Group, LLC where payments have been made from
5 Stadium Group, LLC, sir?

6 MR. REDDING: That's correct.

7 MEMBER JONES: Okay.

8 MR. REDDING: Yes, sir.

9 MEMBER JONES: How many do you
10 have on Friday and Saturday?

11 MR. REDDING: Right now, we have
12 four. Two to four depending on what they give
13 us, where we're at since we, you know, don't
14 do -- I mean, like I said, we went down almost
15 60, 70 percent in sales since all this has
16 happened since May and so we are -- it's based
17 on the crowd and what you are doing and where
18 you are at.

19 So right now, I believe we are
20 carrying two and two on Friday and Saturday.

21 MEMBER JONES: Okay. So right
22 now, you are carrying two and two on Friday

1 and Saturday?

2 MR. REDDING: Correct.

3 MEMBER JONES: Okay. There was a
4 statement in the OIC related to the summary
5 suspension whereby you had, as the owner --
6 and actually, I will note that you are not a
7 signatory to this OIC, but Mr. Keith Forney--

8 MR. REDDING: Correct. That's
9 my --

10 MEMBER JONES: -- is.

11 MR. REDDING: -- would be the
12 partner, yes, sir.

13 MEMBER JONES: Okay. On that
14 document it indicated that you will have two
15 to four on Friday and Saturday nights between
16 11:00 p.m. and 4:00 a.m., provided MPD agrees
17 that the two additional detail officers will
18 be posted in front of the establishment's
19 front door entrance.

20 So is your statement here that the
21 reason why you don't consistently have four on
22 Fridays and Saturdays is due to the fact that

1 MPD did not agree to ensure that those
2 individuals would be at the front door
3 entrance?

4 MR. REDDING: No, MPD did agree.

5 MEMBER JONES: Okay.

6 MR. REDDING: And we went to four
7 for six months. We have only went down -- for
8 six months after the incident straight we had
9 four every Friday and Saturday, but due to the
10 fact that we are doing 75 percent less in
11 sales and the amount of people that you have
12 in the building, MPD agreed and we agreed that
13 you don't need four people. We can't afford
14 four police officers.

15 MEMBER JONES: Okay. So based on
16 financial constraints and concerns related to
17 the operation of the business, you made a
18 business decision to not abide by the
19 conditions associated with your offer in
20 compromise?

21 MR. REDDING: No, we made --

22 MEMBER JONES: Okay.

1 MR. REDDING: -- a decision
2 because of the amount of heads that are coming
3 through the business. Where we used to carry
4 400 people in there, we are carrying maybe 100
5 or 150 now, so, therefore, there was no need
6 to have the extra two police officers there
7 for the amount of people that we are having at
8 the business right now.

9 MEMBER JONES: So you do realize
10 the OIC that you entered into was with the
11 Board?

12 MR. REDDING: I think --

13 MEMBER JONES: Did you notify the
14 Board that you --

15 MR. REDDING: I think --

16 MEMBER JONES: -- were reducing?
17 Did you notify the Board that you were
18 reducing from four to two?

19 MR. REDDING: I would have to ask
20 Pete Sherigas and he is not in the room right
21 now the question. I think that we switched it
22 within the last two months, but I'm not sure

1 exactly since we -- but we have --

2 MEMBER JONES: Did you notify ABRA
3 that you were reducing your number of RDOs?

4 MR. REDDING: If they -- if we did
5 reduce it and we didn't, then no we would not
6 have notified ABRA. I can tell you that right
7 now. We haven't notified ABRA.

8 MEMBER JONES: Are you familiar
9 with a -- who is currently the manager at
10 Stadium Club under your employ?

11 MR. REDDING: Well --

12 MEMBER JONES: Because currently
13 under your employ --

14 MR. REDDING: General manager?

15 MEMBER JONES: Who is your
16 manager, Stadium Club's manager under your
17 employ? ABC manager, right. Who is your
18 primary ABC manager?

19 MR. REDDING: We have three. You
20 have -- three guys have manager licenses.

21 MEMBER JONES: Okay. Who are
22 they?

1 MR. REDDING: Pete, Marcelo and
2 Mike Smith.

3 MEMBER JONES: Pete, Marcelo and
4 Mike Smith?

5 MR. REDDING: Correct.

6 MEMBER JONES: Okay. Are you
7 familiar with a gentleman by the name of
8 Kenneth Mullins?

9 MR. REDDING: Kenneth Mullins?

10 MEMBER JONES: Yes.

11 MR. REDDING: No, sir.

12 MEMBER JONES: No? Okay. Are you
13 familiar with a gentleman by the name of Rudy
14 Thomas?

15 MR. REDDING: Yes, sir.

16 MEMBER JONES: You are? Who is
17 he?

18 MR. REDDING: Rudy Thomas is a
19 gentleman that wants to buy the business from
20 me.

21 MEMBER JONES: He wants to buy the
22 business from you?

1 MR. REDDING: Correct.

2 MEMBER JONES: Does he work there
3 currently?

4 MR. REDDING: He -- there is a --
5 we have a -- he does not work there currently.
6 He goes there. We have documents that we have
7 put together, but we cannot go through with
8 the transaction until you guys approve the
9 application.

10 CHAIRPERSON MILLER: Are we
11 getting off track here? Is this related to,
12 you know, this incident? I feel like it --

13 MR. REDDING: Someone to process.
14 We sent in an application to you to --

15 CHAIRPERSON MILLER: It's 9:25.

16 MR. REDDING: -- approve in the
17 takeover of the license.

18 MEMBER JONES: Okay. Thank you.

19 MR. REDDING: Okay.

20 MEMBER JONES: Thank you, Madam
21 Chair.

22 CHAIRPERSON MILLER: Okay.

1 Others? I just have a couple. I know it's
2 very late and I appreciate everyone who has
3 stayed. I just want to ask you just a couple
4 things.

5 One is when was the assailant
6 caught? Do you know?

7 MR. REDDING: Oh, the assailant
8 was caught roughly -- I have had two meetings
9 with the State's Attorney and I was the second
10 guy they were going to interview if they
11 needed me. I believe he was caught -- I want
12 to say my first meeting was with them about
13 roughly five or six months ago.

14 CHAIRPERSON MILLER: Okay. So you
15 don't really know as far as within the time of
16 the incident how close that was?

17 MR. REDDING: The three months.

18 CHAIRPERSON MILLER: Okay.

19 MR. REDDING: That would be three
20 to four months after the incident happened
21 they caught the gentleman.

22 CHAIRPERSON MILLER: Okay. And I

1 thought I heard you make reference to
2 testimony that it was glass that was used.
3 Did you actually mean testimony in a hearing
4 or were you just -- did you just mean that
5 somebody said that glass was used?

6 MR. REDDING: That was actually
7 what we read off the police report. The
8 police report said it was a glass stem.

9 CHAIRPERSON MILLER: Okay. So it
10 was what was reported to the police.

11 MR. REDDING: Correct, correct.

12 CHAIRPERSON MILLER: Okay. And
13 thinking back to the summary suspension, was
14 it ever found that your establishment actually
15 did something wrong that led to the incident?
16 For instance, you didn't pat people down or
17 you didn't wand or you didn't --

18 MR. REDDING: No.

19 CHAIRPERSON MILLER: No. So there
20 wasn't any fault found. And with respect to
21 what could have been done to prevent this
22 incident?

1 MR. REDDING: I didn't know this
2 was so funny, but, you know, I'm just getting
3 a little tired here, I guess.

4 CHAIRPERSON MILLER: Okay. Is
5 somebody laughing? My recollection of the
6 summary suspension, and I haven't looked at
7 the transcript recently, was that in looking
8 at it to figure out what could have been done
9 to prevent this from happening, that that's
10 where the glass question came into play.

11 MR. REDDING: We decided at the
12 summary hearing that there were three things
13 that the Board wanted me to do to ensure the
14 public safety and to make this a better
15 business. And one was hey, let's get the
16 whole company trained on crime scenes, on
17 injured patrons, on how to subdue when
18 something goes wrong in the club, that was
19 one, those three things, and how to make that
20 happen now, which we did.

21 Two, we went -- decided to go from
22 glass to plastic, so that this wouldn't happen

1 again, so that way nobody would get cut with
2 that.

3 And three was -- I think there was
4 a third thing that you got -- that we
5 discussed that we were thought for -- that we
6 were not doing properly. I mean, we did agree
7 at the Summary Hearing that public -- I mean,
8 that Stadium Club needed to fix some things
9 and that it was the Board's belief that
10 whenever we had a big event that we weren't
11 handling big events properly on these
12 holidays, these nights. So we have given a
13 concerted effort to make that happen and the
14 proof is in the pudding. We haven't had a
15 single incident in 10 months. Not one. Not
16 even a simple assault.

17 CHAIRPERSON MILLER: So how are
18 those plastic glasses working out?

19 MR. REDDING: Pretty good.

20 CHAIRPERSON MILLER: Okay. I
21 don't have any other questions. Are there any
22 other Board Members questions? Are there

1 questions on Board questions?

2 RECROSS-EXAMINATION

3 MS. PHILLIPS: Is it fair that
4 your testimony said that you had 16 to 17
5 security people on board the night of the
6 incident? Is that fair?

7 MR. REDDING: That is fair.

8 MS. PHILLIPS: The guy in the
9 hooded sweatshirt, he was security. Isn't
10 that what you said?

11 MR. REDDING: That is correct.

12 MS. PHILLIPS: And the guy who
13 threw the water, that's the Butterball, was he
14 security?

15 MR. REDDING: Correct.

16 MS. PHILLIPS: Do those people
17 have names that you know, at this time, right
18 now?

19 MR. REDDING: The -- both
20 gentlemen's backs in all the videos were
21 turned backwards. I have like 10 guys that
22 weigh 300 pounds, are that big. I mean, with

1 not seeing enough -- you couldn't see their
2 faces. So on the bigger guy, no. I know the
3 little guy for sure. It's going to come to me
4 in two seconds here. If I don't get it, I'm
5 going to kill myself, but --

6 MS. PHILLIPS: Right.

7 MR. REDDING: No. I don't know
8 who the exact other big guy was.

9 MS. PHILLIPS: Right. So when you
10 looked at the incident report that Dan or
11 Dave, Dan Pearson wrote after the event, were
12 any of those names on there? That's the one
13 you have in front of you, the one that is
14 handwritten by Pearson?

15 MR. REDDING: Where are the names
16 located?

17 MS. PHILLIPS: I see witnesses,
18 security involved sort of like --

19 MR. REDDING: In an upper
20 paragraph or the lower?

21 MS. PHILLIPS: Any place, are
22 either of those two people's names?

1 MR. REDDING: No.

2 MS. PHILLIPS: What door were they
3 near, because I didn't see a door there, so
4 you will have to tell me. What door were they
5 using?

6 MR. REDDING: That was the front
7 door.

8 MS. PHILLIPS: The front door?

9 MR. REDDING: The main entrance.

10 MS. PHILLIPS: Right. And was
11 anybody else in the video that you saw that
12 you label security?

13 MR. REDDING: Yes, there was one
14 other guy. You couldn't see him. He was
15 facing you, but you couldn't -- I didn't know
16 who that was and then there was Kareen.
17 Kareen came outside. He was a very bigger
18 guy. He came out towards the end, towards
19 3:15. We start moving guys outside. So I did
20 see three or four guys that came outside.

21 Anthony Smart was down by the
22 gate. Kareen was there. The names will come

1 to me. I'm going to drive myself crazy right
2 now for not remember the little guy's name.

3 MS. PHILLIPS: I'm just listening
4 for a number.

5 MR. REDDING: There was one, two,
6 three, four security at that time.

7 MS. PHILLIPS: Okay. Are security
8 assigned to the front door on evenings such as
9 this evening of the incident in question?

10 MR. REDDING: Yes.

11 MS. PHILLIPS: How many?

12 MR. REDDING: It depends. It
13 changes from day-to-day-to-day.

14 MS. PHILLIPS: I asked --

15 MR. REDDING: But on a Friday or
16 Saturday night, there is four to five.

17 MS. PHILLIPS: Four to five. So
18 at the front door. And the front door, in
19 Exhibit B, is not even on this picture. Is
20 that fair?

21 MR. REDDING: Oh, it says
22 entrance, doesn't it?

1 MS. PHILLIPS: Yes, but I thought
2 somebody described that entrance as the
3 entrance to the --

4 MR. REDDING: That's the main
5 entrance to the club.

6 MS. PHILLIPS: Right. Is that --
7 is the street just outside there?

8 MR. REDDING: That's the parking
9 lot.

10 MS. PHILLIPS: I thought it was --
11 that's a parking lot out there?

12 MR. REDDING: Correct.

13 MS. PHILLIPS: I thought there was
14 a passageway that led to the --

15 MR. REDDING: Parking lot.

16 MS. PHILLIPS: So where it says
17 entrance, that's a parking lot right there?

18 MR. REDDING: Correct.

19 MS. PHILLIPS: Okay. And so there
20 are four people stationed out there?

21 MR. REDDING: That is correct.

22 MS. PHILLIPS: Okay. All right.

1 I think you testified that there were two
2 people outside this door? That's the summer
3 garden door that you want people not to sneak
4 in.

5 MR. REDDING: There is one on the
6 inside and one on the outside.

7 MS. PHILLIPS: So it's right by
8 the door, both of them?

9 MR. REDDING: Correct, correct.

10 MS. PHILLIPS: So how many is --

11 MR. REDDING: No, one is on the
12 inside. That's two sets of doors. I'm sorry.
13 The summer garden, that's not a door. This
14 drawing is very old, that's the reason it was
15 never meant -- this drawing was just meant to
16 be for Floor Man Security Layout. So this was
17 never really meant for exactly for security.

18 We had done a much broader one,
19 better one, but this doesn't have any doors.

20 MS. PHILLIPS: Okay.

21 MR. REDDING: It's just open
22 walkway. Then there is double doors in the

1 building. We place one guy on the inside of
2 the club at the double doors, one guy at the
3 opening of the deck, that's where people go
4 out to smoke.

5 MS. PHILLIPS: Okay.

6 MR. REDDING: For the summer
7 garden.

8 MS. PHILLIPS: Let me ask you
9 this.

10 MR. REDDING: There was no alcohol
11 or nothing. They just smoke out there.

12 MS. PHILLIPS: B, can we see where
13 these security guards are stationed on B? Are
14 they near VIP 16 and VIP 15?

15 MR. REDDING: One guy at the door
16 right in the middle.

17 MS. PHILLIPS: But I don't know
18 where the door is. These two little things
19 right here?

20 MR. REDDING: That's doors. They
21 are doors.

22 MS. PHILLIPS: Okay.

1 MR. REDDING: The summer garden is
2 wrapped around it just like the parking lot.
3 This is all parking lot and that's the summer
4 garden on the outside.

5 MS. PHILLIPS: Just --

6 MR. REDDING: Between 15 and 16,
7 one guy is on the inside at the doors right
8 there.

9 MS. PHILLIPS: Okay. And one guy
10 is on the outside?

11 MR. REDDING: Correct.

12 MS. PHILLIPS: And that's six?
13 That's six security guards, door security
14 guards, correct?

15 MR. REDDING: If you want to call
16 them door security guards, that's fine.

17 MS. PHILLIPS: Right. Okay. So
18 is there another exit that has to be monitored
19 by security guards?

20 MR. REDDING: No.

21 MS. PHILLIPS: Does security
22 guards monitor, you know, near where the cash

1 registers are or anything like that?

2 MR. REDDING: Yes.

3 MS. PHILLIPS: Where is the cash
4 register?

5 MR. REDDING: As soon as you go in
6 that door, it would be right to the left.

7 MS. PHILLIPS: All right. Which
8 door are we talking about?

9 MR. REDDING: The main entrance.

10 MS. PHILLIPS: Okay. You go to
11 the left where this little sort of V is here?

12 MR. REDDING: Correct. But that's
13 not it, that's just -- it's -- this thing is
14 showing you the entrance. I'm sorry. I'm
15 getting so tired. This is not -- this is the
16 entrance into the actual club. It's not even
17 the front door.

18 MS. PHILLIPS: That's what I
19 thought.

20 MR. REDDING: You are correct.

21 MS. PHILLIPS: Right.

22 MR. REDDING: This is the entrance

1 into the actual club. But the main entrance
2 is directly straight from that.

3 MS. PHILLIPS: How far from what
4 we see here --

5 MR. REDDING: 10 feet.

6 MS. PHILLIPS: -- is it? 10 feet?

7 MR. REDDING: 10, 15 feet.

8 MS. PHILLIPS: All right. And so
9 that's where the four are?

10 MR. REDDING: That is correct.

11 MS. PHILLIPS: All right. So does
12 this little V sort of show where the cash
13 register is?

14 MR. REDDING: No. The cash
15 register would be back by the red dot where it
16 is blank.

17 MS. PHILLIPS: This red dot, the
18 last one?

19 MR. REDDING: Correct.

20 MS. PHILLIPS: The last one or
21 this one?

22 MR. REDDING: That's where the

1 cash register would be.

2 MS. PHILLIPS: And so that's a
3 security guard. And so that is seven, seven?

4 MR. REDDING: Right.

5 MS. PHILLIPS: Okay. Where -- is
6 there any place particular where a security
7 guard is stationed, stationary placed inside
8 the club that we are seeing on B?

9 MR. REDDING: Well --

10 MS. PHILLIPS: Not rovers.

11 MR. REDDING: I understand.

12 MS. PHILLIPS: Stationary.

13 MR. REDDING: When we gave the
14 full plan to the ABRA Board for the summary
15 course, we gave them a full where everybody is
16 located. With this diagram exactly where they
17 are stationed and where they go every day,
18 every night, seven days a week.

19 MS. PHILLIPS: Right. So I'm
20 asking --

21 MR. REDDING: You already have
22 that. That was approved. We sent that nine

1 months ago. So right now, if you want to --
2 do you want me to tell you where they are
3 stationed?

4 MS. PHILLIPS: No, I just wanted
5 to tell you where a permanent one was
6 stationed. But like we talked about the front
7 door, the garden door, the cash register.

8 MR. REDDING: You have one guy is
9 permanent right back behind the suites.

10 MS. PHILLIPS: So that's --

11 MR. REDDING: You have --

12 MS. PHILLIPS: -- by Room 6 or --

13 MR. REDDING: By Room 1, 2, 3, 4,
14 5, 6, 7, 8, 9 and 10.

15 MS. PHILLIPS: Okay.

16 MR. REDDING: You have one --

17 MS. PHILLIPS: And that's --

18 MR. REDDING: -- guy on one end
19 and one guy on the other end. That's two.

20 MS. PHILLIPS: All right.

21 MR. REDDING: You have three guys
22 on the -- through the VIP section, that's

1 five.

2 MS. PHILLIPS: Um-hum.

3 MR. REDDING: You have one guy
4 over here in the VIP section where it is 8, 9
5 and 10. That is six. You have one guy right
6 in the floor, middle of the floor right here.
7 You have one guy in the middle of the floor
8 right here. That's seven, eight.

9 You have the seven you already
10 counted on the door guys, that's 15. You have
11 one more guy over there, 15 and 16, besides
12 guys watching door 16. You have one guy right
13 directly in the center where you go -- at the
14 center main bar, 17.

15 MS. PHILLIPS: So --

16 CHAIRPERSON MILLER: Ms. Phillips,
17 can I get a clarification? Are you talking
18 about then or now?

19 MS. PHILLIPS: I'm talking about
20 then.

21 CHAIRPERSON MILLER: You are
22 talking about then.

1 MS. PHILLIPS: I don't care about
2 now.

3 CHAIRPERSON MILLER: Okay.

4 MS. PHILLIPS: In fact, now should
5 be struck from the record, because it's
6 totally not relevant. But I'm talking about
7 then and that was what you were telling me,
8 right?

9 MR. REDDING: That is correct.

10 MS. PHILLIPS: Okay.

11 MR. REDDING: 17 then.

12 MS. PHILLIPS: Thank you.

13 CHAIRPERSON MILLER: Thank you.

14 MS. PHILLIPS: Thank you. And so
15 the one that is right in the middle, is that
16 where that red dot is sort of right by Room 6?

17 MR. REDDING: That is correct.

18 MS. PHILLIPS: Okay. And do you
19 know the name of that guy, that night?

20 MR. REDDING: No.

21 MS. PHILLIPS: Champagne stems.

22 MR. REDDING: Um-hum.

1 MS. PHILLIPS: You would describe
2 as flutes. Now, I have several sizes of
3 flutes. How large are the -- how long are the
4 stems?

5 MR. REDDING: They are about 5
6 inches, 6 inches.

7 MS. PHILLIPS: About 5 inches.

8 MR. REDDING: 5 inches. It's a
9 longer one. It's not the real short one.

10 MS. PHILLIPS: So they are not
11 like 8 inches or --

12 MR. REDDING: It's about 6 inches,
13 I guess.

14 MS. PHILLIPS: So 5, 6?

15 MR. REDDING: 5, 6.

16 MS. PHILLIPS: Okay.

17 MR. REDDING: Not sure. Do not
18 know the exact answer.

19 MS. PHILLIPS: All right. And so
20 but not 4?

21 MR. REDDING: I do not know the
22 exact answer.

1 MS. PHILLIPS: Okay.

2 MR. REDDING: Around 5 or 6.

3 MS. PHILLIPS: All right. That's
4 all the questions I think I have.

5 CHAIRPERSON MILLER: I'm sorry, I
6 forgot to ask a question, so I think I just
7 want to ask it now before you all go.

8 When you use the word stab or
9 stabbing, can you describe what you meant it
10 to mean?

11 MR. REDDING: What do you mean?

12 CHAIRPERSON MILLER: Well, there
13 was a -- you said there was a stabbing with
14 respect to the flute.

15 MR. REDDING: I said that when
16 Trevor jumped over the glass, he saw the guy
17 going like this, that's what it means. That's
18 all he told me.

19 CHAIRPERSON MILLER: Okay. So
20 when you use the term, is it always -- are you
21 using it in an intentional way that somebody
22 is actually stabbing someone or did you also--

1 would you also include it as someone -- Trevor
2 fell on the flute, could he be stabbed?

3 MS. PHILLIPS: I'm sorry?

4 CHAIRPERSON MILLER: I just --

5 MS. PHILLIPS: I didn't hear that.

6 CHAIRPERSON MILLER: The testimony
7 that I heard earlier was at the time you
8 didn't know if it was an accident or whether
9 he had been hurt by someone. So I just --

10 MR. REDDING: That's for --

11 CHAIRPERSON MILLER: Correct?

12 MR. REDDING: -- Trevor.

13 CHAIRPERSON MILLER: Yes.

14 MR. REDDING: The guy that jumped.

15 CHAIRPERSON MILLER: Just for
16 Trevor, yes.

17 MR. REDDING: Right. We didn't
18 know whether or not that guy ended up getting
19 him or if he landed on the glass that was on
20 the table.

21 CHAIRPERSON MILLER: Okay.

22 Correct. So when you had your discussion with

1 Mr. Alberti and used the word stab, I just
2 want to make sure that I understood, did you
3 mean that an assailant would have stabbed him
4 or could that also include being stabbed
5 accidentally by falling on the -- when you
6 said you didn't know which had happened?

7 MR. REDDING: Well, I think it is
8 two different complete -- two different
9 things. One is the guy that's the assailant
10 that is doing this is --

11 CHAIRPERSON MILLER: Okay.

12 MR. REDDING: -- trying to stab
13 people. The guy that tried to stop him --

14 CHAIRPERSON MILLER: Okay.

15 MR. REDDING: -- either got
16 stabbed or he landed on glass and cut himself.

17 CHAIRPERSON MILLER: Okay.

18 MR. REDDING: It's either/or --

19 CHAIRPERSON MILLER: Okay.

20 MR. REDDING: -- is the answer.

21 CHAIRPERSON MILLER: Thank you.

22 MR. REDDING: Okay.

1 CHAIRPERSON MILLER: Okay. Thank
2 you. Go ahead.

3 MS. TODD: Thank you.

4 REDIRECT EXAMINATION

5 MS. TODD: I guess I'll just
6 follow-up with the question there. Mr.
7 Redding, when you made the -- when you told
8 the Board and testified a few minutes ago that
9 you saw the jabbing, you saw events that
10 occurred, were you giving that testimony as an
11 after-the-fact account of what happened or
12 were you giving the testimony as what you saw
13 at the time?

14 MR. REDDING: Oh, after-the-fact.

15 MS. TODD: Okay.

16 MR. REDDING: Not my -- I didn't
17 see it. This is what was told to me.

18 MS. TODD: Okay. Further, in
19 terms of safety, how much do you spend
20 annually on security?

21 MS. PHILLIPS: Objection as to
22 time and relevance.

1 MS. TODD: At the time of the
2 event, I think it's relevant to the -- to show
3 that the licensee takes security very
4 seriously and that's why they do spend an
5 extreme amount of money on it.

6 CHAIRPERSON MILLER: Okay. Go
7 ahead. You can answer the question.

8 MR. REDDING: We -- that year when
9 this happened, we probably spent right around
10 \$625,000 in security for the year.

11 MS. TODD: And in terms of the
12 amount of security you had that night, do you
13 think it was adequate in order to respond to
14 the types of events that were occurring?

15 MR. REDDING: Yes, you can't put
16 any more than -- between the floor men and the
17 security, 27 guys, you can't get any more in
18 there. You've got every entrance, every exit,
19 every area. You can get to somebody within
20 two minutes from one minute from either side.

21 MS. TODD: And you admitted today
22 that there were things that weren't perfect

1 that night?

2 MR. REDDING: That is correct.

3 MS. TODD: And that --

4 MR. REDDING: We have been
5 anything but perfect. I mean, we -- you know,
6 that's for sure.

7 MS. TODD: And there were steps
8 that were taken in order to ensure that these
9 events would not occur in the future?

10 MR. REDDING: We took all the
11 steps as soon as it happened. And, like I
12 said, the proof is in the pudding. We haven't
13 had a single incident in 10 months since this
14 incident happened.

15 MS. TODD: And further, you
16 haven't had -- you answered my next question
17 in follow-up so.

18 MR. REDDING: Right.

19 MS. TODD: I have no further
20 questions.

21 CHAIRPERSON MILLER: Okay. Thank
22 you very much.

1 MR. REDDING: I can get down?

2 CHAIRPERSON MILLER: You actually
3 can be excused now.

4 MR. REDDING: Thank you.

5 (Whereupon, witness was excused.)

6 CHAIRPERSON MILLER: Thank you.

7 MR. REDDING: My legs are going to
8 fall out.

9 CHAIRPERSON MILLER: Do you have
10 any other witnesses?

11 MS. TODD: At this late hour, no,
12 I do not have any other witnesses.

13 CHAIRPERSON MILLER: Okay. Did
14 you want to move some of the documents into
15 evidence?

16 MS. TODD: Yes. I would like to
17 move the -- well, I would like to move the
18 cell phone records that I already gave to the
19 Board.

20 CHAIRPERSON MILLER: Okay. That's
21 exhibit number -- Licensee's Exhibit No. 1.

22 MS. TODD: And I would like to

1 also move the incident report that was done by
2 Mr. Dan Pearson as Exhibit No. 2.

3 CHAIRPERSON MILLER: Okay.

4 MS. TODD: Yes. And I also would
5 like to move for -- actually, I take that
6 back. I would like to move for the ABC
7 License of Olga Lavinchy to be Exhibit No. 2.
8 And then the incident report of Dan Pearson as
9 Exhibit No. 3.

10 CHAIRPERSON MILLER: Okay. Any
11 objections?

12 MS. PHILLIPS: No objections.

13 CHAIRPERSON MILLER: Okay. Then
14 those three exhibits are admitted into
15 evidence, Licensee's Exhibits 1 through 3.

16 (Whereupon, the documents marked
17 as Licensee Exhibit 1 through 3
18 were received in evidence.)

19 MS. TODD: Did the Board get a
20 copy of all of those?

21 CHAIRPERSON MILLER: Yes.

22 MS. TODD: Okay.

1 CHAIRPERSON MILLER: All right. I
2 think we are ready for closing arguments.

3 MS. PHILLIPS: Madam Chair, would
4 you like the Government --

5 CHAIRPERSON MILLER: Are you
6 ready?

7 MS. PHILLIPS: Yes.

8 CHAIRPERSON MILLER: Yes.

9 MS. PHILLIPS: At this late hour,
10 you have heard the testimony. You have seen
11 the films. You have asked questions.
12 Questions have been answered. You have had a
13 chance to judge the witnesses. You have had
14 a chance to judge the tapes. You have the
15 tapes in front of you to look at again, if you
16 need to do so.

17 Other than the fact that, which
18 the Government acknowledged right away, there
19 was Licensee's Exhibit No. 1 now in the
20 record, the Government acknowledged that she
21 received it, earlier couldn't read it and then
22 got it today and could read it and that that

1 fact was withdrawn out of the notice.

2 CHAIRPERSON MILLER: Okay.

3 MS. PHILLIPS: Other than that,
4 the Government believes that there has been
5 adequate information to carry forward on all
6 of the charges and that the information that
7 you need to review are in the exhibits, both
8 that the Government gave and that the
9 licensee's counsel admitted and in the reports
10 and in the testimony and in the films and that
11 it should carry that on all of the charges and
12 that the Board should find the maximum primary
13 violations on all of them.

14 CHAIRPERSON MILLER: We should
15 find the maximum on all of them is what you
16 are suggesting? Is that what you are saying?

17 MS. PHILLIPS: That's what I'm
18 saying.

19 CHAIRPERSON MILLER: Okay.

20 MS. PHILLIPS: And I also believe
21 that the Board can take judicial notice as to
22 whether or not this was Memorial Day by

1 looking at a calendar, if that is something
2 that needs to be done for the Board's
3 information and decision making. You know,
4 that is going to be on a calendar. Nobody
5 needs to testify about it. You can take, I
6 guess is that, Board notice, judicial notice?
7 I say judicial notice.

8 CHAIRPERSON MILLER: Right.

9 MS. PHILLIPS: The Board can also
10 take judicial notice of whether or not they
11 had an extra hour because they had a special
12 permit, because that will be in the file and
13 the Board would have conducted a Fact-Finding
14 to give out that special permit and that's
15 part of the record on this club, as is the
16 investigative history, which the Board can
17 look at to determine which -- how many
18 primaries they have had before any of these.

19 So with that, I conclude my
20 closing argument.

21 CHAIRPERSON MILLER: Thank you.

22 Ms. Todd?

1 MS. TODD: I would like to start
2 off today by stating that I believe that the
3 Government has failed to meet its burden. The
4 evidence fails to prove that the victims were
5 not helped by Stadium staff. By the
6 Investigators own report, he witnessed that at
7 3:10, Stadium staff members were assisting
8 victims.

9 There is no question that Stadium
10 had improvements that needed to be made.
11 However, these charges, to me, are so grave
12 and so aggressively charged that I do think
13 that it is important that the Government meet
14 its burden as opposed to flashing allegations
15 here and there with facts that don't quite
16 meet, I guess, the level of intention that
17 would be called for for some of these charges.

18 For example, D.C. Code 22-722 and
19 25-823(2) and (5), which basically state that
20 the establishment provided false or misleading
21 evidence to impede and investigation, further
22 allowing for disorderly conduct as well as

1 unlawful activity within the establishment.

2 There is no evidence showing that
3 there is a scheme or some consorted effort on
4 the part of the establishment by my client,
5 who intentionally covered up evidence to
6 prevent this case from going forward.

7 The Investigator's report seems,
8 to me, to be a little misleading. Yes, there
9 was a crime. Yes, it was a violent crime.
10 And, yes, MPD was called.

11 As the testimony has shown today,
12 Stadium did not obstruct justice. DC Code 22-
13 722 states that "A person can be charged with
14 obstruction of justice if they are found to
15 have obstructed or impeded the due
16 administration of justice in an official
17 proceeding."

18 The Government put on no evidence
19 to suggest that MPD investigation had been
20 impeded in any way. When looking at whether
21 or not obstruction of justice had been
22 impeded, we can look at direct evidence that

1 the assailant was charged, convicted and
2 sentenced with the help of my client by
3 providing, one, video testimony as well as
4 coming forth and actually testifying at the
5 hearings of the assailant.

6 Moreover, the Government has
7 failed to show that the owners of the
8 establishment allowed the place to be used for
9 an unlawful or disorderly purpose, thereby
10 interfering with an investigation as outlined
11 in 25-823(5). To allow is defined as "to give
12 permission or to permit."

13 The evidence revealed that the
14 assailant did not enter the club with a
15 weapon. The evidence further revealed that
16 the establishment was implementing a security
17 protocol with wanding and patting down of its
18 patrons.

19 There is no evidence presented
20 that Stadium employees cleaned up the glass
21 and knew that the blood that they -- that was
22 there was a crime scene. From the images

1 shown, a fight broke out and people scattered.
2 The presence of blood does not automatically
3 mean a crime has been committed.

4 There is conflicting evidence in
5 this report as to the time that MPD arrived.
6 However, we do know that RDOs were present and
7 were aware that a crime had existed -- had
8 been committed at 3:05.

9 The Investigator report stated
10 that at, approximately, 3:10 he observes areas
11 being taped off. Then the report says that
12 MPD entered the building at 3:13. Then it
13 shows -- the video footage shows that MPD
14 entered at 3:24.

15 However, at no point from 3:05 to
16 3:24 does this report reflect that one police
17 officer informed an employee that a crime had
18 been committed and therefore they needed to
19 seal off this area. There has been no
20 evidence presented by the Government that
21 shows Stadium employees then cleaned off the
22 area knowingly knowing that the crime had been

1 committed and, therefore, purposefully
2 cleaning up the area in order to prevent a
3 thorough investigation.

4 By no means is the licensee not
5 admitting that area in Exhibit 4 was not
6 cleaned, but the concession that -- and excuse
7 me. And that concession was made in the
8 security plan and -- when they trained
9 barbacks back in May of 2013 during the
10 summary suspension period.

11 However, these facts are a
12 snapshot in time that failed to meet the legal
13 standard of intent. Further, Stadium assisted
14 the police in the apprehension and conviction
15 of this criminal.

16 As to Charge 2, which states that
17 "The Board may take actions for violations of
18 the security plan." This is the security plan
19 referenced in December of 2011 version, which
20 admittedly gave conflicting direction as to
21 the issue as to whether or not chokeholds
22 could be used.

1 However, I suggest that we look to
2 the -- we not look at this case in a vacuum.
3 The security plan allows for chokeholds and
4 sleepholds in life-threatening situations.
5 The report indicated that the situation was
6 life-threatening.

7 According to the investigative
8 report and the police report, they charged
9 this assailant with assault with intent to
10 kill. The security guard, Trevor Ward, was
11 unavailable here today because of a sudden
12 death. However, as witnessed by the report
13 and from the video, he, obviously, used a
14 reasonableness standard in responding to the
15 situation.

16 I implore the Board to look at the
17 totality of the circumstances in this
18 instance. This was clearly a life-threatening
19 situation that involved someone being stabbed
20 in their stomach and Mr. Ward's intervention
21 saved that person's life.

22 Further, we have gone through the

1 process of changing the security plan around,
2 so that that conflicting language has been
3 removed. But that language was in there that
4 did allow for chokeholds and sleepholds to be
5 used in life-threatening situations.

6 As to Charge 3, which indicates
7 that Section 25-823(6) provides that the --
8 excuse me for a second, I'm sorry. As to
9 Charge 3, it focused on the fact that "The
10 licensed establishment has to call 911," which
11 obviously that impeaches the Government's
12 credibility, excuse me, it's evidence that no
13 phone calls were made.

14 I understand that the Government
15 admitted that they removed that from their
16 evidence. However, it also goes to show that
17 the licensee is actually being accused of a
18 lot of things in this report that completely,
19 without direct evidence, seems like it's just
20 considered to be believed. And we implore
21 that the Board actually look to see whether or
22 not they actually proved these violations.

1 We further provided evidence that
2 two investigation reports were completed. The
3 first was completed by Mike Smith and the
4 other was completed by the head of security.

5 However, the head of security, at
6 the time, Dan Pearson, was not working that
7 night and, unfortunately, Mr. Smith was not
8 knowledgeable of the guidelines of the report.
9 But in an effort to document the incident and
10 to provide the information to the head of
11 security upon his arrival, he did fill out a
12 report, which further assisted in the
13 investigation with MPD and ABRA.

14 That, to me, showed that Stadium
15 employees were continually attempting to
16 cooperate and offer assistance during this
17 investigation, contrary to the charging
18 document reports.

19 As to Charge 4, this provision,
20 particularly to me, should be brought to the
21 Board's attention as to the effective date of
22 D.C. Code 25-402(f), which states that it is

1 applicable to new applicants that follow
2 security plan pursuant to this chapter, will
3 include that their security plan preserved the
4 crime scene.

5 First, the provision of the law
6 was inapplicable to Stadium as they were not
7 new applicants. There are no facts presented
8 in this report that has established that
9 Stadium is a new licensee or up for renewal.
10 Further provision of the law came into effect
11 around the same time, May 2013, as the
12 incident actually occurred.

13 Therefore, we ask that the Board
14 dismiss this claim as failing to even meet the
15 legal standards as outlined in 25-823(f).

16 And then finally, Charge 5. D.C.
17 Code 25-766 states that "A statement that is
18 false or misleading with respect to any
19 material fact shall be prohibited." The
20 Government provides no evidence that shows
21 that Stadium provided false or misleading
22 evidence.

1 First, Stadium stated that they
2 called 911. Records show that.

3 Two, Stadium employees said they
4 assisted the victims. The Investigator's
5 report shows that he witnessed two victims
6 being assisted by Stadium employees. His
7 report further shows that the other victims
8 left during the event or, at least at the very
9 latest, 40 seconds after the event ended.

10 And to which shows that, at that
11 point, it didn't really provide the actual
12 establishment to actually go and actually help
13 people that they assumed are fine, because
14 they walk off. You would think that someone
15 that actually suffered these severe injuries
16 would not have been able to get up and walk
17 away as quickly as they were.

18 Now, maybe that's trauma, maybe
19 that's something -- adrenaline that's running
20 through their bodies, but it doesn't alert
21 other people that are around to actually feel
22 like there is actually a crime that actually

1 occurred, because of how swiftly they all
2 moved away.

3 Further, the Investigator never
4 interviewed any of the victims leaving with
5 the friends or patrons. We have no idea who
6 was assisting and who wasn't assisting. All
7 we can do is based on looking at testimony --
8 I mean, excuse me, looking at video footage
9 that had no volume and then since the
10 Investigator did not take the additional step
11 to actually interview those people, it's
12 unclear as to whether or not those other two
13 victims that we saw were actually being
14 assisted by employees.

15 The only partial charge that the
16 Government can prove to me, at this point, is
17 the incident log, which was filled out
18 incorrectly and that the crime scene was not
19 properly preserved.

20 However, as outlined to this
21 Board, the crime scene provisions were not
22 applicable to the establishment at the time of

1 the event.

2 Further, if the Board finds that
3 the incident log warrants sanctioning, the
4 fine that -- of a hefty \$4,000 fine to me is
5 not -- there is not enough evidence to show
6 that \$4,000 is an appropriate fine for the
7 fact that the incident log did not follow each
8 of the criterias outlined in the, excuse me,
9 security plan.

10 Therefore, we ask that the Board
11 drop Charges 1, 2, 4 and 5. If the Board
12 feels it is warranted to fine for the improper
13 completion of the incident report, it may do
14 so. Thank you.

15 CHAIRPERSON MILLER: Okay. Thank
16 you. All right. I'm going to close the
17 record, at this time, and ask the parties if
18 they wish to file proposed findings of fact
19 and conclusions of law or waive their right to
20 do so?

21 MS. PHILLIPS: The Government
22 waives.

1 MS. TODD: I waive as well.

2 CHAIRPERSON MILLER: Okay. I
3 think we have had quite a full hearing.

4 All right. I am now going to call
5 a vote on the closed meeting on this case.

6 As Chairperson of the Alcoholic
7 Beverage Control Board for the District of
8 Columbia and in accordance with Section 405 of
9 the Open Meetings Amendment Act of 2010, I
10 move that the ABC Board hold a closed meeting
11 for the purpose of seeking legal advice from
12 our counsel on Case No. 13-251-00072, Stadium,
13 per Section 405(b)(4) of the Open Meetings
14 Amendment Act of 2010, and deliberating upon
15 this case for the reasons cited in Section
16 405(b)(13) of the Open Meetings Amendment Act
17 of 2010.

18 Is there a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks
21 has seconded the motion. I'll now call a roll
22 call vote now that the motion has been

1 seconded.

2 Mr. Brooks?

3 MEMBER BROOKS: I agree.

4 CHAIRPERSON MILLER: Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Mr.

7 Rodriguez?

8 MEMBER RODRIGUEZ: I agree.

9 CHAIRPERSON MILLER: Ms. Miller

10 agrees.

11 Mr. Silverstein?

12 MEMBER SILVERSTEIN: I agree,

13 Madam Chair.

14 CHAIRPERSON MILLER: Mr. Short?

15 MEMBER SHORT: I agree.

16 CHAIRPERSON MILLER: Mr. Jones?

17 MEMBER JONES: I agree.

18 CHAIRPERSON MILLER: Okay. The
19 vote is 7-0-0 and the Board will then hold a
20 closed meeting to deliberate on this case and
21 we will issue an order within 90 days. It
22 will be a written order.

1 Okay. Thank you very much.

2 MEMBER RODRIGUEZ: Thank you,
3 everyone.

4 MS. TODD: Thank you.

5 CHAIRPERSON MILLER: Have a good
6 rest of the evening, what's left.

7 Okay. And that concludes our
8 proceedings for today and the Board is
9 adjourned.

10 (Whereupon, the Show Cause Hearing
11 in the above-entitled matter was concluded at
12 9:57 p.m.)

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A	abnormal 188:6,21 189:1 208:11,14 208:18 211:5,20	397:18,20 act 4:9 254:17 292:8 412:9,14,16	afford 359:8 365:13	177:7,18 178:1,5 178:10,13,19,22 179:4,8,13,17
\$10 246:7	above-entitled 414:11	actions 404:17	afraid 77:19	180:3,6,11,15,20 181:1,7,10,13,17
\$11 246:13	ABRA 1:22 6:7 12:8 13:3,10,14 18:6,22 45:22	active 209:19	after-the-fact 392:11,14	182:3,7,12,16,18 183:4,6,11,20
\$4,000 411:4,6	104:8 119:2,5 163:14 164:18 188:2 214:3	activities 202:12	afternoon 10:3	184:2,8,12,19 185:1,3,7,10,20
\$500 247:6	241:17,21 259:10 367:2,6,7 384:14 407:13	activity 21:9 401:1	aggressive 251:4	186:1,4,12,17 187:1,8,11,14,17
\$600 247:6	ABRA-certified 333:9 337:11	actual 61:1 92:10 121:12 144:13,22 190:10 223:21	aggressively 400:12	213:18 214:5 258:17 266:19
\$600,000 247:7	absence 191:16	228:15 238:2,6 303:17 382:16 383:1 409:11	ago 161:17 272:2 293:9,16,19 294:16 341:4	267:2,6,10 269:10 269:13,16 270:12
\$625,000 393:10	absolutely 137:16 254:14 283:12	add 41:16	349:17,17,19 370:13 385:1 392:8	278:15 284:7,11 285:11,20 286:10
\$700,000 247:6	Abyie 1:22 2:14 11:11,22 12:5	added 33:13 34:17	agree 351:15 365:1 365:4 373:6 413:3 413:5,8,12,15,17	286:15 288:8,12 288:15 303:8
A-B-Y-I-E 11:22 12:5	access 83:21 299:4	addition 101:5	agreed 365:12,12	307:9,10,17,19 308:13,17 309:1,6
a.m. 8:12 51:6 121:9 121:20 123:12,17 123:20 124:8 125:7 126:10,13 126:17,21 127:8 128:7 129:4,10 173:8 364:16	accessible 57:2	additional 13:10 19:14 33:12 364:17 410:10	agrees 364:16 413:10	309:13,18 310:1,6 310:14,19 311:1,5 311:8,13,17,21
ABC 31:16 32:11 33:7 139:13 217:15 232:2,19 242:4 255:19 263:5,8 360:21 367:17,18 396:6 412:10	accident 354:17 390:8	address 281:4	aid 51:13 326:17	312:5,8,12,19 313:2,6,9,14,17
ABC-approved 232:21	accept 122:22	addressed 199:19 201:11	Alberti 1:18 23:1,3 23:7,10,15,17,21 24:3 46:4 47:7,13 48:4,14,20 49:1,4 50:3 55:22 72:16 77:21 78:5 88:19 88:22 136:21 137:2,9,11,17 138:11 166:9,10 166:14,20,22 167:14,19 168:2,7 168:10,13,16,20 169:2,11,13,19,22 170:4,10,19,22 171:4,8,11,16,21 172:4,16,20 173:2 173:9,18 174:2,8 174:14,17,20 175:4,9,13,17,20 176:3,8,14 177:4	314:9,12,15,20,22 315:6,11,15,22 316:8,16,22 317:7 317:10,16,20 318:7,14,18,22 319:14,17 320:13 321:2,21 322:3,22 323:3,6,19 324:4 324:8,18 325:3,9 325:13,18,22 326:4,7,20 327:2 327:6,17 328:12 328:18,21 329:5,9 329:16 330:3,6,11 330:18 331:2,5,8 332:1,6,15,18,21 333:4,11,16 334:2 334:9,14,21 335:3 335:8,14,19 336:1
ABC-licensed 19:2 19:5	access 83:21 299:4	adequate 393:13 398:5	ahead 47:2 74:13 134:18 304:1 392:2 393:7	
abdomen 29:9 80:2 174:22	accident 354:17 390:8	adhered 351:7	Ah 307:17	
abdominal 25:16 79:18 132:21	accidentally 391:5	adjoining 19:2	aid 51:13 326:17	
abide 365:18	accompanied 61:11 61:14 169:15,17 169:20	adjourned 414:9	Alberti 1:18 23:1,3 23:7,10,15,17,21 24:3 46:4 47:7,13 48:4,14,20 49:1,4 50:3 55:22 72:16 77:21 78:5 88:19 88:22 136:21 137:2,9,11,17 138:11 166:9,10 166:14,20,22 167:14,19 168:2,7 168:10,13,16,20 169:2,11,13,19,22 170:4,10,19,22 171:4,8,11,16,21 172:4,16,20 173:2 173:9,18 174:2,8 174:14,17,20 175:4,9,13,17,20 176:3,8,14 177:4	
ability 342:19	accompanying 146:21	administer 326:16	aid 51:13 326:17	
able 28:1 39:4 41:8 61:8 67:5 74:12 76:18 87:21 100:19 116:14,18 133:17 134:6 135:3,7 136:15 138:1,2,10 153:7 162:5 178:17 225:19 242:22 267:5 281:4 321:15 409:16	account 205:13 218:1 392:11	administering 51:13	aid 51:13 326:17	
	accountability 352:16	administration 401:16	aid 51:13 326:17	
	accurate 1:10 108:21 206:8 254:21	admission 212:13	aid 51:13 326:17	
	accurately 270:14 290:16	admitted 18:6 212:16 213:14 214:16 393:21 396:14 398:9 406:15	aid 51:13 326:17	
	accused 215:19 406:17	admittedly 404:20	aid 51:13 326:17	
	acknowledged 137:12 201:10 232:13 327:9,13	admitting 213:4,5 404:5	aid 51:13 326:17	
		adrenaline 409:19	aid 51:13 326:17	
		adult 222:20,21	aid 51:13 326:17	
		adults 222:19	aid 51:13 326:17	
		advertised 4:8	aid 51:13 326:17	
		advice 412:11	aid 51:13 326:17	

336:9,13 391:1 413:4,5 alcohol 321:15 322:20,21 324:14 324:15,16 380:10 Alcoholic 1:1,13,13 412:6 alert 315:17 328:22 409:20 alerted 329:4 Alfero 260:3 allegations 215:21 216:13 400:14 alleged 185:4 allegedly 234:21 allow 326:18 327:19 402:11 406:4 allowed 1:8 6:8 10:18 216:14 218:21 226:16 249:11,11 263:20 321:10 402:8 allowing 215:22 400:22 allows 218:16 405:3 alluded 307:12 altercation 5:16 31:15 219:1 229:22 232:2 ambulance 51:12 108:13 110:7 204:10 236:14 237:7 239:15,16 316:7 320:11 334:12,18 336:4 336:11 358:7 ambulances 19:14 26:18,22 115:6,10 205:2 236:21,22 amended 135:13 Amendment 412:9 412:14,16 amount 308:4 365:11 366:2,7	393:5,12 ample 107:6,10 ANC 2:6 ANC-5C 1:6 and/or 20:12 198:8 199:5 201:2,9 angle 65:21 85:22 303:14 angled 65:12 angles 38:15,16 39:13 54:15 160:21 annually 392:20 answer 49:17 113:13 134:9 139:9,20 199:14 225:4 285:15 286:4 299:10 304:2,4 308:1,14 311:7 313:21 314:10,13 315:16 315:19 317:7,9 329:10 333:21,22 337:16 356:13 388:18,22 391:20 393:7 answered 127:16 155:2 279:16 283:4 394:16 397:12 answers 109:9 283:6 Anthony 32:16 34:6 100:14 250:12 253:1 259:21,22 376:21 Antonio 30:12 176:2,5 anybody 31:21 33:8 62:2 88:13 91:15 229:9 235:17 245:13,16 250:4 254:8 261:18,18 318:21 327:19 376:11 anyway 24:10	245:21 315:16 apart 86:15 apologize 119:21 122:21 126:14 141:11 163:11 appear 88:13 95:5 107:6,15 132:14 149:10 177:2 178:15 184:12 199:6 203:9 210:11 appearance 244:3 350:22 appeared 20:22 22:1 51:7 61:14 64:11 117:1 132:21 139:15 146:18 160:20 161:8 169:9 176:21 182:22 183:19 184:14,17 191:21 195:9 200:19 208:17 217:18 327:7 appears 61:3 65:6 70:12 81:7 84:17 88:9 107:16 152:8 183:9 200:5 applaud 294:4 applicable 408:1 410:22 applicants 408:1,7 application 106:10 369:9,14 appreciate 370:2 apprehension 404:14 approach 266:4 292:19 approached 51:13 124:21 125:20 132:14,20 appropriate 46:6 201:13 241:2 411:6 appropriately	198:2 approve 369:8,16 approved 384:22 approximately 12:14 29:9 51:5 67:8 89:3 123:12 124:19 125:22 172:18 221:18 359:21 360:1 403:10 April 362:1 area 18:22 26:18 31:14 32:3 39:21 53:5,17,18 55:16 55:19,22 56:2,22 58:7,14,19 59:8 61:4 65:14 67:10 67:13 68:20 76:8 77:3 80:1 81:9 82:4,9,9 83:17,21 84:8 85:2,11 86:4 86:7,8 87:4 90:17 90:19,19 92:6 94:3 107:7,11,22 126:10 130:6 177:19 180:10,16 182:21 190:22 194:13 200:14 207:11,14 209:18 225:20 226:15,20 238:7,16 240:4 244:12 246:14 254:11 297:13 393:19 403:19,22 404:2,5 areas 52:11 56:21 58:20 208:20 291:11 403:10 arguing 136:3 222:19 argument 55:4 72:2 296:10 399:20 arguments 3:9 397:2 arises 5:11	arm 20:21 25:9 30:12 64:10 66:14 78:15,21 79:8,13 86:16,17 122:11 182:6,8 186:14 227:14 231:4,12 231:15 235:20 236:12 252:1,4,9 275:15 276:3 277:18 278:12 303:4,6 314:1 316:13 317:19 318:6 319:6 320:4 326:13 327:11 328:2 329:13 330:14 334:5 340:6 354:9 armpit 80:1 87:4 arms 29:7 95:17 112:5 186:20 275:7 arrangements 5:3 arrest 217:1,1 arrival 407:11 arrived 19:15 94:7 116:22 202:15,18 202:20 227:12 275:16,18 403:5 arrives 235:9 arrow 93:14 asked 25:19 27:7 31:13,18 43:13 47:20 127:15 135:17 136:9 137:20 139:11,18 155:1 169:12 176:16 258:19 263:21 271:8 277:6 287:18 293:3 295:14 309:12 352:1 377:14 397:11 asking 42:15 91:22 128:14,15 134:14 136:17 141:6 260:13 261:13
--	--	---	---	--

262:4 265:3 270:20 303:22 331:1,4 384:20 aspect 352:12 asphyxiation 112:8 assailant 131:5,17 215:13 216:20 217:2,5 252:2,6 274:10 299:17 370:5,7 391:3,9 402:1,5,14 405:9 assailants 254:6 assault 131:18 215:14 219:2 309:8,15 332:4,9 373:16 405:9 assaults 309:16 assemble 194:22 assembled 193:5 195:9 assess 158:2,5 assessed 154:22 assessing 326:3 assessment 150:16 150:22 152:19 191:15 assigned 377:8 assist 179:9 227:17 229:12 assistance 146:1 159:12 160:1 407:16 assistant 2:11 229:9 232:3 assisted 34:17 84:6 105:18 157:7 159:16 160:11 181:20 255:2 404:13 407:12 409:4,6 410:14 assisting 174:6 176:21,21 218:2 255:9 400:7 410:6 410:6 associated 193:3 351:4 365:19	Associates 344:17 assume 6:12 57:10 67:15 76:21 96:12 96:19 152:16 172:6 262:5,6 263:13 288:6 301:9 315:11 321:4,6 327:12 330:8 assumed 11:14 174:3 220:22 261:22 409:13 assuming 52:12 71:6 142:10 155:19 172:12 175:22 177:20 236:4 318:4 assumption 320:15 328:16 assure 220:9 AT&T 8:13 attach 15:18 attached 90:10 102:22 103:4 283:15 285:22 attachment 17:22 attachments 17:6 17:13,16 103:4 attempt 335:20 attempted 220:3 attempting 227:16 227:18 407:15 attend 79:5 attended 62:11 attending 28:14 attention 4:4 19:10 44:5 78:8,10 91:21 140:21 141:3 215:11 218:7 407:21 attorney 2:11,18 249:1 283:5 288:9 350:6 360:13 370:9 attorney's 10:5 215:12	attribute 262:21 audible 285:15 311:7 automatically 403:2 AV 194:1 Avenue 12:21 average 247:7 aware 123:3,8,11 165:20 167:2 168:21 170:5,11 198:15,15,21 234:6 403:7 awful 304:7	318:3,5 324:3 326:16 328:4 341:18 342:18 351:18 355:20 360:1 361:9 371:13 383:15 385:9 396:6 404:9 background 35:12 102:17 103:22 backs 374:20 backtrack 153:3 backwards 374:21 bad 246:10 badly 300:3 bag 240:21 bandaged 239:10 278:12 bar 58:13,19,20 65:12 70:5 86:1,5 86:6,9 226:19 296:6 386:14 barback 71:6 230:9 323:11 barbacks 121:16 229:17 239:11 313:8 404:9 barometer 309:20 310:3 base 131:11 148:3 based 9:16 38:14 91:14 99:19 102:16 103:11,21 104:6,7 121:19 131:12 134:9 147:16 158:2 159:6 185:21 198:13 201:1 202:21 203:6 207:10,18 208:8 209:2 286:20 290:7 294:16 310:19,21 340:9 355:16 356:1 361:20 362:3 363:16 365:15 410:7	basement 350:3 basically 7:16 254:10 400:19 basing 125:12 144:16 191:15 basis 159:18 bathroom 53:17 84:8 94:11,14 130:6 200:18,18 318:17 354:2 bear 337:1 beautify 246:14 began 52:6 55:4 123:16 320:18 beginning 10:12 36:5 69:6 203:10 206:20 284:3 behalf 215:17 belief 373:9 believe 2:22 16:4 17:17 20:19 24:14 25:18 28:10 39:19 41:16 44:12 45:20 57:16,19 58:10 59:7,13 63:18 64:2,5 65:10,21 66:13 67:20 70:10 78:4 79:11 82:20 83:16 84:6,7 87:16,21 94:1,5 95:15 96:4 98:3 98:20 99:5 100:6 101:5 102:2 103:2 104:16,19 106:5 108:15 127:12 130:12,14,15 146:6 150:11 154:2 155:21 156:6 167:21 173:12 178:17 179:12 180:9 185:13,17,19,21 190:8 192:6 196:22 197:2,12 197:13 198:11 201:20,21 204:9
---	---	---	---	--

205:21 237:4	black 22:14 56:5	130:3,7 200:19	breaks 229:18	business 188:8
255:14,16 258:11	149:2,3,5 153:14	board 1:1,13 2:4	brief 39:3 167:13	202:14 242:4
259:12 261:3	225:16 281:15	4:2,5,6,9,12,19	briefly 37:14	246:5,20 247:8,15
263:1 264:21	287:3,4 289:14	10:10 42:21 54:22	164:19	254:12 265:7
271:1 276:5,16,18	Bladensburg	57:7 67:16,21	bring 89:22 215:18	284:14,21 291:8
276:20,21 277:4	171:19	68:6 77:15 85:18	305:18	291:11 309:16
279:17 310:12	blank 383:16	142:12 166:9	bringing 158:9	313:13 321:13
320:12 327:22	blanket 105:1	189:5 207:18,19	159:12	360:22 365:17,18
328:14 331:10	bled 276:21 306:12	208:9 209:2 212:3	brings 236:18	366:3,8 368:19,22
338:12 341:7	330:4	216:7 218:6 220:9	broader 379:18	372:15
347:10,12 360:1	bleed 228:17	223:11 241:17	broke 228:15 229:5	busy 19:12 68:5
363:19 370:11	235:20	243:13 245:8	240:6 249:21,22	Butler 44:22 45:3
398:20 400:2	bleeding 200:20	247:2,20 253:20	254:1 268:1	95:22 96:1 97:4
believed 31:15	228:22 235:18	256:22 266:17	271:13 275:2,4	Butterball 342:1,11
114:8 165:1	244:8 250:6	269:7 277:8	296:22 403:1	374:13
209:18 406:20	302:20 303:18	280:11 293:22	broken 229:21	buy 368:19,21
believes 398:4	304:13,14 306:6	294:15 338:10,13	230:1 238:14	bylaws 226:22
belongs 97:10	327:10 330:1	339:8 351:3	253:5	bystander 182:2
Bernat 50:12,15,20	340:5,12	366:11,14,17	Brooks 1:18 68:15	
51:3,21 52:3,5,9	blood 21:1 53:11	372:13 373:22	412:19,20 413:2,3	C
98:8,8 123:14,15	78:14 79:3,9 81:9	374:1,5 384:14	brothers 175:22	C-H-O-L-L-S
126:16 164:14,22	82:10 87:3,22	392:8 395:19	296:2	50:20
165:6,11,22 168:4	88:10 94:9,22	396:19 398:12,21	brought 4:4 44:5	calendar 399:1,4
168:11 170:4	95:8,10 96:10	399:6,9,13,16	120:19 159:1,5	call 8:9,14 9:10
best 38:15 39:12	183:18,19 189:11	404:17 405:16	160:1 215:6	51:11 58:19 59:2
54:15 65:17 143:8	189:18 190:6	406:21 408:13	240:21 241:10,12	59:21 91:21 98:9
255:17,18	191:7,12,16 192:7	410:21 411:2,10	243:15 247:18	98:10,12 163:16
bet 308:2	192:19 195:10,17	411:11 412:7,10	249:1,16 258:7	164:6,12,12,16
better 32:1 39:17	196:7,20 197:10	413:19 414:8	316:5 341:5	165:8,12 170:2
48:15 197:6,8	198:2 199:7,18	Board's 157:3	407:20	217:15 220:12
247:21 256:21	201:4,11 203:3	373:9 399:2	building 1:14	232:6 233:2 318:1
372:14 379:19	209:6,11,18 210:3	407:21	162:14 172:9,9	318:8,12,19
Beverage 1:1,13,13	228:13,14,18	bodies 239:1	224:3 227:3 228:8	353:10,13,16
412:7	229:14 238:15,19	409:20	229:8 231:20	358:1,6 381:15
beyond 195:2 211:6	238:20,22 244:1	body 29:20 175:3	235:14 236:6	406:10 412:4,21
bicep 96:7 175:8,14	244:10 301:3,17	176:7 301:7	239:3,6 246:9	412:22
big 57:20 59:1,2	302:3,4,6,7,7	boss 226:3	263:10 265:4	called 4:18 11:12
210:11 287:20	303:2 304:3	bottle 81:8 230:1	298:14 300:14	18:2 43:14,19
305:2 359:4,5	307:18 329:11,17	231:4 330:12,15	302:4 320:4,9	101:11 115:11
373:10,11 374:22	329:18,21 331:18	bottles 200:9 230:4	321:20 322:6	194:21 220:20
375:8	332:10 340:4	349:5	325:15,17 328:1	231:22 232:1
bigger 81:14 375:2	402:21 403:2	bottom 63:17 79:6	341:12 350:2	238:8 252:20
376:17	bloodshed 198:22	brawl 338:3	365:12 380:1	256:11 316:6
bit 83:13 278:3	bloody 53:16 84:18	breach 219:16	403:12	344:14 352:17
297:19 306:19	84:18 127:19	break 117:21 118:3	burden 215:5 400:3	353:8,10 354:4,6
319:4	128:3,7 129:12	breaking 227:17	400:14	355:2,7 356:4

400:17 401:10 409:2 calling 356:15 calls 10:22 281:2 406:13 camera 39:12 54:13 55:3,5,7 59:7 62:15,16,22 63:4,9,10 64:17 65:2,6,9,21,21 66:8,12 67:4,14 71:18 72:7 73:4,9 73:13,14 74:5 75:9,19,19 83:2 84:1 85:17 87:6,6 89:16 122:1,3 126:20 142:20 143:2,20 144:3,6 145:4,14,22 146:7 146:17 147:4,7,10 147:11,16,18 160:18,21 161:10 163:9 176:17 179:5,18 181:14 183:7 184:15 185:11 186:5,6,10 186:13,16,17 194:1 206:8 207:8 216:22 276:12,13 276:21 277:2 320:14 321:2 cameras 37:18,21 38:3,5,7,12,14 39:7,15,20,20 40:5,19 46:10 49:14 52:7 101:22 102:6 121:7 140:2 141:9,13 145:7 152:22 153:1,4,11 162:17 163:6,7 178:17 183:18 187:3 200:3 205:13 206:6 276:10 capacity 13:2 care 5:4 172:16	225:8,12 331:15 351:19 387:1 Carlos 116:11 Carlton 30:9 carpet 238:16 carried 7:17 carry 313:3 366:3 398:5,11 carrying 363:20,22 366:4 case 1:7 2:4 3:19 4:10,17 8:15,17 10:5,12 18:4,6 22:5,6 45:21 46:13 112:4 212:11 214:18 217:5 218:8,12 293:17 324:3 332:4 401:6 405:2 412:5,12,15 413:20 cash 381:22 382:3 383:12,14 384:1 385:7 casual 64:22 catalyst 143:5 catch 74:3 86:2 252:3 catches 86:1 caught 252:1,7 370:6,8,11,21 cause 1:5 2:7,22 3:2 4:1,19 5:7 240:1 414:10 caused 296:9 caution 127:20 238:6 302:5 CDs 18:1 cell 8:12 359:10 395:18 center 45:9 59:2,2 66:6 224:2 386:13 386:14 certain 7:18 22:4 38:2 137:21 138:1 141:9 145:8	205:10 certainly 22:18 70:11 89:10 121:19 256:7 certificates 346:6 346:19,20,21 347:1 348:6 certified 347:1 chair 3:3,11 4:14 6:14 84:17 139:2 189:8 204:2 266:7 280:10 339:18 369:21 397:3 413:13 Chairperson 1:15 1:17 2:3,16,21 3:4 3:8,13,16 4:3,15 6:15,18,22 7:3,6 7:10,13 8:18,22 9:2,14,19 10:1,8 10:11,14,17,20 11:4,8,16 12:3 16:7,11,18,22 17:4,8,11,15 18:7 23:2,6,9,12,16,19 23:22 24:8 31:7 46:11,15,21 47:2 47:6,8,11,14,18 48:2,8,11,12,15 48:18 49:2,8,11 57:12 59:22 60:4 60:14,18 67:15,19 68:8,14,16 69:14 69:18 73:16,21 74:2,9,15,20 75:2 77:20 109:10,13 109:18,22 113:12 113:16 117:13,16 117:19 118:2,5,9 119:15 128:11,13 128:22 129:6,11 129:18 134:17,21 135:2,6,10,18 136:4,7,12,18 137:1 138:9,15,20 139:3,7,22 141:1	141:5,8,15,22 142:3,5,8,14,17 148:10,13 154:17 155:3,12,15 157:5 158:20 160:4 162:19 163:2,5,8 163:10,12 166:8 187:21 189:5 204:3,6,17,20 205:5,12,19 206:1 206:5,12,15 207:1 207:4,7,13,16,22 208:3,6 211:22 212:4,7,10,14,17 212:22 213:7,10 213:13,20 214:1,6 214:8,12,17,20 215:2 220:14,17 221:2 223:12,15 223:19 224:8,11 224:16 232:8,12 232:14,22 233:4 256:1,4,8 258:2 258:10 266:6,8,10 266:12,15 268:5,8 268:11,15,19 269:8,12,15,21 270:3,6,9,16 272:9,12 280:11 281:5,8,21 282:9 282:13,16,19 283:7,11,14 285:18 286:9,13 286:17 289:16 297:6 303:7,10 304:17 307:8 330:22 331:3,7 336:17 339:15 358:3 369:10,15 369:22 370:14,18 370:22 371:9,12 371:19 372:4 373:17,20 386:16 386:21 387:3,13 389:5,12,19 390:4 390:6,11,13,15,21	391:11,14,17,19 391:21 392:1 393:6 394:21 395:2,6,9,13,20 396:3,10,13,21 397:1,5,8 398:2 398:14,19 399:8 399:21 411:15 412:2,6,20 413:4 413:6,9,14,16,18 414:5 chairs 85:8 challenge 350:20 champagne 113:4,6 273:9,12 293:7 323:15 349:6,8,22 350:1 351:16 387:21 champagnes 351:17 chance 52:14 53:4 248:22 250:3 397:13,14 change 74:5 changed 184:16,17 278:17 293:10,16 293:18,21 changes 219:8,8 377:13 changing 406:1 chaotic 28:6 167:11 Chapel 1:5 2:6 19:12 52:8 61:13 76:9 80:14,16 84:4 125:10 167:6 172:13 178:21 179:3 chapter 408:2 characterize 189:13 330:20 charge 7:17 131:21 132:6 215:13 249:8,10,14 251:3 251:7 252:11,15 253:12,18 254:20 255:1 404:16
---	--	---	---	--

406:6,9 407:19 408:16 410:15 charged 110:22 131:17 219:2 312:10 400:12 401:13 402:1 405:8 charges 5:20 120:19 131:4 215:5,20 398:6,11 400:11,17 411:11 charging 163:14 164:18 165:16,20 218:4 248:22 407:17 chasing 236:3 check 35:2 checked 298:22 checking 348:11 chicken 230:3 chief 8:15,17 10:6 15:9 50:6 97:6 choke 112:9,14,16 112:19 chokehold 216:10 218:21 250:19 251:8 275:22 chokeholds 218:16 404:21 405:3 406:4 chronology 72:20 circle 58:16 circular 58:13 circumstances 195:2 405:17 citations 104:16 cite 104:12 cited 104:5 412:15 citing 121:22 city 188:17 245:13 247:13 296:3 308:2 337:8 claim 408:14 clarification 282:10 291:12 386:17	clarify 139:2 291:1 class 347:2 classifications 225:7 clause 147:20 clean 6:6 52:13 81:22 199:20 200:20 201:3,3 229:18 230:5 239:12 253:5,5 254:10 324:2,22 332:12 cleaned 31:1 85:2 108:16 126:5,9 189:12 190:6,7 191:8 192:7 195:10 196:7,20 209:11,18 210:3 210:21 228:18 238:20 246:11 318:6 322:19 402:20 403:21 404:6 cleaning 6:2 106:3 121:8,17 122:14 122:20 185:15 189:17 191:22 197:3,5 201:10 209:19 230:10 253:15 276:19,19 277:9,13,17 323:12 340:3,14 404:2 clear 9:3,17 190:10 203:5 216:12 218:21 285:19 324:15,16 340:2 cleared 209:6 324:11,13 clearer 8:7 clearly 8:11 9:9 61:3 146:2 191:17 405:18 clears 32:6 clicked 249:18 client 144:17 401:4	402:2 clip 86:18 87:2 close 21:18 63:16 63:17 64:6 74:8 77:18 81:4 107:22 167:9 179:22 180:18 300:22 370:16 411:16 closed 50:6 167:7 219:6 412:5,10 413:20 closer 39:16 58:7 170:14 171:18 closing 37:8 194:3 397:2 399:20 closure 219:18 clothes 239:2 302:11 306:20 clothing 149:10,11 149:16 304:3 307:1 club 2:20 5:17 20:19,21 21:20 29:6 34:14 35:21 51:9 75:8 84:20 96:8 146:1,2 151:6 153:3,5 154:1 171:2,4,6 173:12,13 211:5 223:4 235:17 237:13 238:8,9 239:21 240:21 241:5,6,10,12 243:2 245:5,18 248:3,4,8,12 254:7,18 281:15 289:1 293:1 294:17,19,21 295:1,19 296:1 306:4,15 307:4 308:5 310:10,16 326:19 329:6 350:10,22 354:14 355:1 359:4,7,8 362:16 367:10 372:18 373:8	378:5 380:2 382:16 383:1 384:8 399:15 402:14 Club's 99:9 367:16 clubs 246:3 248:6 314:6 337:7 CN 1:6 code 22:4 104:18 105:15 251:6 400:18 401:12 407:22 408:17 collected 89:17 113:6 collection 52:14 color 56:6 225:15 303:21 Columbia 1:1 2:12 188:3 412:8 combine 295:6 come 18:20 47:10 47:11 48:16 76:5 79:4,17 91:6 131:22 229:17 295:22 323:17 327:7 328:9 333:8 334:6 336:6 375:3 376:22 comes 4:18 236:17 236:18 309:7 comfortable 357:13 357:16 coming 16:20 21:1 21:7 68:18 85:9 89:5 122:10 139:14 174:1 235:10,19 265:6 275:8 279:22 297:20 306:5 315:3 328:11 355:20 366:2 402:4 comment 141:2 267:11 comments 322:10 committed 403:3,8	403:18 404:1 communicate 312:1 327:18 communicated 352:3 Communications 163:15 164:6 company 225:6 230:11 247:9 265:5,7 284:2 333:7 337:11 338:19 339:5 341:9 344:10 345:2 346:7,16 372:16 company's 344:13 compared 298:2 complete 100:2 224:5 339:3 391:8 completed 97:22 256:13 338:22 407:2,3,4 completely 219:18 247:8 252:18 406:18 completion 411:13 compromise 3:22 365:20 comptroller 66:18 99:18 139:13 193:13 242:3 320:18 computer 45:22 concentrate 320:9 concentrating 320:4,12 concentration 322:5 concerned 42:5 107:13 195:17 337:6 concerns 365:16 concerted 373:13 concession 404:6,7 conclude 15:12 40:8 120:12,15
---	---	---	--	--

121:15,19 122:1,6 214:18 399:19 concluded 414:11 concludes 9:21 414:7 conclusions 411:19 conditions 188:5 365:19 conducive 188:7 conduct 400:22 conducted 18:16 119:1 200:16 399:13 conducting 36:20 219:14 conference 6:11 confident 343:5 confirm 353:19 362:5 confirmed 353:6,10 353:19,20 conflict 251:4 conflicting 218:19 403:4 404:20 406:2 confuse 17:10 confused 322:11 congregated 194:14 consider 4:10 153:19 188:3,6 310:7 considered 208:11 226:5 306:13 332:13 406:20 consistent 25:22 88:10 consistently 364:21 consorted 401:3 constraints 365:16 contact 25:18,18 152:17 205:21 217:12 252:17 264:9 352:9,10 contacted 43:15,17 44:13 46:5 353:7	contained 72:20 302:5 context 135:22 continually 407:15 continue 31:6 288:21 327:19 continued 21:4 continuously 121:16 contracted 343:19 contractor 343:21 344:1,4,7 contrary 324:9 407:17 Control 1:1,13,13 412:7 converge 356:17 conversation 52:20 165:10 167:16 168:17 conversations 52:20 convicted 217:6 402:1 convicting 216:19 conviction 215:18 404:14 cooperate 407:16 cooperating 216:21 coordinate 357:8 copies 18:9 214:9 214:13,15 243:13 258:3 cops 237:8 copy 8:7 9:17 232:19 241:21 243:16,18 266:17 356:7 396:20 corner 63:17,19 79:6 86:4 323:14 correct 3:2 4:6 6:13 7:22 15:22 28:16 35:14 40:13,13 63:11 78:18 83:10 97:19 104:20 105:9 106:6 119:2	119:6,10,14 120:2 120:7,22 121:9 122:15,22 123:21 125:3,5 126:6,14 126:17,22 127:4 127:21 128:17 132:22 134:17 135:8 137:10 140:4,5 143:11 144:4,10,14 145:9 146:9 147:4,17 149:2 155:11 157:8,13,15 159:1 161:4 163:18 165:3 168:18 175:11 185:7 209:6,8 214:9 223:8 224:15 241:16 242:16 247:4 251:9 253:9 253:9,10 258:14 258:15 259:6 260:1 263:21 264:18 267:20 272:20 273:5 276:12,17 278:14 278:21,22 279:5 280:7 282:14 284:12,14 286:6,7 287:5 289:3 292:5 292:12 296:18 301:5 310:10,11 310:22 315:13,14 317:18 319:16 323:5,11 324:7,21 325:8,12,13 327:15,16 329:14 330:5,16,17 331:14 332:17 336:11,12 339:1 342:8,21 343:2 344:8 347:6,14 348:19,22 352:6 356:1,2 359:16 360:7,10 361:15 362:11,13,22	363:6 364:2,8 368:5 369:1 371:11,11 374:11 374:15 378:12,18 378:21 379:9,9 381:11,14 382:12 382:20 383:10,19 387:9,17 390:11 390:22 394:2 correctly 186:6 189:13 202:1,3 292:8 corridor 180:13 cost 246:22 counsel 8:1 11:12 47:22 220:20 256:11 398:9 412:12 counted 386:10 counts 110:21 couple 41:2 56:21 124:3 150:11 204:4 208:4 326:8 336:20 370:1,3 course 112:22 189:22 242:19 384:15 court 12:1 119:18 223:19 269:1 cousins 296:2 297:15 covered 45:14 65:13 110:20 401:5 covering 226:21 covers 89:15 110:20 Craig 259:18 crazy 246:19 249:19 287:21 377:1 created 229:7 231:19 credibility 406:12 crew 197:3 crime 27:10 30:22	52:13 106:3 124:9 124:11 127:21 192:13 201:3 208:16 210:21 211:6 215:9 216:4 217:6 228:13,14 230:12,19 248:15 248:15,19 253:15 331:16,17 341:10 372:16 401:9,9 402:22 403:3,7,17 403:22 408:4 409:22 410:18,21 criminal 6:5 404:15 criteria 411:8 cross 117:14 118:11 128:20 256:2 CROSS-EXAMI... 118:13 256:9 crowd 210:12 311:15 363:17 crowded 107:22 287:21 crowding 107:10 107:15 cruisers 19:14 culprit 247:20 curiosity 350:5 currently 358:17 360:9 362:15 363:2 367:9,12 369:3,5 cursor 68:4 69:12 69:13,21 77:15 customers 251:5 308:6 cut 175:7,14 231:4 231:12,15 235:6 247:11 303:18 306:20,22 307:1 316:18 321:9,12 321:19 322:8 326:13 354:22 373:1 391:16 cuts 95:17 229:19
---	--	--	---	---

D			
D-O 45:2	255:15 272:17	description 269:14	difficult 56:6 61:2
D.C 1:14 188:8	341:8 353:20	269:17,19	61:16 143:4 150:5
246:2 251:6	384:18 413:21	destroyed 108:16	151:13 162:16
281:15 297:16	DC 401:12	detail 34:18,22	186:10 200:12
400:18 407:22	DCMR 104:18	35:6 101:8 133:15	difficulties 59:21
408:16	deal 191:3 359:3	304:20 305:3	60:2
Dan 234:5,11 242:5	dealing 28:6	319:4,9,10 364:17	Digestion 301:8
242:14,17,17	death 217:8 405:12	details 28:4	diluted 189:12
243:15 344:5,6	December 282:1	detecting 35:3	192:7
375:10,11 396:2,8	283:19 286:1,17	76:22	diluting 189:17
407:6	404:19	detective 27:13	dining 57:5 180:13
dance 58:17 180:10	decided 346:9,13	28:9,11,13 167:17	direct 11:18 109:17
dancer 87:14	372:11,21	168:2,11 238:3,14	118:22 127:9,13
290:11	decision 348:17	detectives 29:1	128:21 137:20
dancers 58:17	349:11,11 365:18	30:19 32:10 37:16	149:9 161:2
225:9,10,10	366:1 399:3	52:10 130:13	163:22 164:5,11
289:22 290:1,5,9	deck 298:16,17,19	139:17 168:1,9,14	221:4 318:7,15,18
290:11,14,14,21	298:20 380:3	192:13 271:17	318:20 401:22
dancing 55:17	decrepit 246:9	detectors 219:13	406:19
87:14 226:12	deemed 201:13	determination 38:2	direction 178:14
Daniel 256:13	deficient 100:5	54:15 91:11	404:20
dark 80:5 330:12	101:3	100:20 110:22	directly 21:13,14
date 8:10 256:16,19	define 308:18,20	113:1	35:19 80:1 177:2
257:16 258:11,13	defined 402:11	determine 399:17	177:5 185:1
258:20 259:1	definitely 173:16	devastating 219:19	222:13 224:2,22
281:16 282:5	174:7	develop 138:4	226:11 255:1
283:22 285:3	deliberate 413:20	developing 143:3	343:18,18 383:2
288:5 359:19,19	deliberating	deviated 202:4	386:13
360:15 361:9	412:14	diagram 65:11 66:2	disappeared
362:9 407:21	demonstrate	170:14 177:12	170:16
dated 283:19	145:21	180:14 223:10	disc 83:2
285:22	demonstrative	384:16	discover 230:19
dates 257:14	212:19	die 245:17	discovered 211:17
dating 258:16	denied 128:20	dies 250:20	211:18 230:21
Dave 375:11	depending 31:8	difference 153:10	240:13
day 5:13 136:14	363:12	225:14 299:21	discs 18:5 40:18
272:17,22 287:9,9	depends 377:12	differences 184:20	74:5 144:19 145:3
287:11,15,19,20	depiction 56:11	different 44:15	discuss 7:19
287:22 288:19	90:20	87:6 120:15 152:9	discussed 90:7
289:6 322:12	depicts 95:10	152:11 153:2,4,11	216:8 373:5
384:17 398:22	describe 24:11 32:1	181:15 183:18	discussing 65:4
day-to-day 348:12	297:10 307:20	184:13 200:9	discussion 64:18
day-to-day-to-day	388:1 389:9	203:9 225:15	101:19 107:21
377:13	described 37:3	248:4 262:21	199:3 390:22
days 41:2,3 247:4	319:3,9 378:2	289:21 311:18	dismiss 408:14
	describing 270:13	391:8,8	disorder 197:4
			disorderly 1:9
			107:1 216:2,16
			249:13 400:22
			402:9
			disposal 145:21
			disrupt 21:10
			distance 21:10
			304:7
			distinct 22:13
			distinction 22:16
			151:10,13,17
			153:17,21 291:6
			distinguish 287:4
			District 1:1 2:11
			56:14,16 188:2
			214:19,20 246:12
			247:17 248:5
			298:9 412:7
			disturbed 192:19
			197:10 208:18
			diverted 78:9
			DJ 66:20 320:19
			321:3
			document 8:17
			17:18 56:15 74:18
			101:19 164:18
			213:15 218:4
			224:20 226:9
			243:19 256:11
			258:8 260:21
			261:18,20 280:20
			339:7 351:18
			356:20 360:13
			361:20 364:14
			407:9,18
			documented
			146:21
			documents 163:14
			163:20 165:16,20
			233:9 248:22
			263:7 362:3 369:6
			395:14 396:16
			doing 21:11 68:7
			70:16 81:10 119:8
			153:18 174:4
			205:15 230:10

255:11 257:3 269:20 274:15 356:15 363:17 365:10 373:6 391:10 DONALD 1:18 Donnell 44:21 45:2 door 75:13 76:6,7 78:11 94:2 173:1 179:19,20,22 190:19 236:5,9 252:6,21 294:22 298:3,8,10 299:2 299:2 315:17,21 316:15 318:1,9 328:11 343:9,12 364:19 365:2 376:2,3,4,7,8 377:8,18,18 379:2 379:3,8,13 380:15 380:18 381:13,16 382:6,8,17 385:7 385:7 386:10,12 doors 83:20 305:5 379:12,19,22 380:2,20,21 381:7 dot 57:21 58:5,10 58:16 59:9 180:5 180:18 181:2,2,7 224:22 225:1 269:3,6 270:2,5 383:15,17 387:16 dots 181:4 225:2,5 double 379:22 380:2 doubt 311:16 douse 330:16 downloaded 40:18 downsized 359:4 DP 344:14,17,18,19 345:2 drafted 355:15,18 355:22 358:10,13 drawing 379:14,15 dress 22:4 dressed 287:3	289:14 drew 19:10 drinks 322:16 dripping 329:11,18 drive 377:1 driveway 170:15 170:17 171:14 306:5 325:5,7,10 drop 238:17 411:11 drugs 246:11 ducks 257:5 due 364:22 365:9 401:15 duly 11:13 220:21 duration 207:2 duties 145:19 311:18,22 duty 33:7 34:21 170:17 DVDs 18:1 41:5,6,7 45:22 46:6 49:22 60:20 99:16 162:5 214:2 <hr/> E <hr/> E-N-E 12:6 earlier 8:3 43:13 148:21 163:4 210:9 287:18 289:13 295:17 316:10,17 319:3 322:4 348:15 390:7 397:21 easier 314:13 easy 36:13 288:6 Echostage 19:8,21 20:1 167:6 170:15 237:2,3,9,15 305:20 economic 219:17 education 104:7 effect 9:12 216:6 282:14 283:22 285:3,8 286:2,12 408:10 effective 407:21	effectively 352:3 efficient 142:1,15 effort 160:7 373:13 401:3 407:9 efforts 159:10 160:8 eight 203:14,16 226:16,18,18,18 248:5 271:15 279:22 323:15,16 323:16 360:3,4,6 360:8 386:8 either 28:13,22 51:18 58:19 74:3 89:15 106:19 157:22 159:4 171:18 183:18 268:22 290:13 343:10 375:22 391:15 393:20 either/or 391:18 ejection 111:5 elapsed 189:22 elegance 351:1 elements 106:15,18 emergency 19:18 20:5 26:22 51:11 84:2 105:19,19 354:13 355:1 employ 367:10,13 367:17 employed 246:12 employee 20:20 21:20 29:6 30:9 53:18,21 54:4 79:12 83:14,17 84:3,20 93:22 94:2 96:7,8 112:5 116:8 117:2,5 134:4 146:20 151:10,11,14 155:11,20 156:11 158:9,22 160:20 173:12,13 174:4 182:2 200:18 217:3,14 218:5	228:3 234:11 235:17 239:9,13 250:4,14 253:4 278:11 300:11 302:2 316:5,9,12 327:8,9,10 340:8 341:21 343:5 352:10 355:9 403:17 employee's 348:10 employees 22:6,11 37:6 61:11,14 84:7 121:8 122:14 130:14 139:14 149:1 150:11,17 154:14 155:6 157:1,12,18 158:8 159:12 160:7,11 183:1 196:5 215:10 217:21 218:2 228:3,19 231:16 245:11 247:11 248:18 250:8 252:4,22 255:11 277:9,11 279:15,16 292:22 299:5 312:1,3 326:14 331:17,21 333:6 334:22 335:4,10 338:14 339:11 359:7,11 402:20 403:21 407:15 409:3,6 410:14 emptied 203:2 323:5 empty 324:19 EMTs 21:2 62:11 115:12 enacted 352:15 encounter 166:16 encountered 20:20 160:15 173:19 188:10 ended 146:8,14 147:15,21 390:18	409:9 Enforcement 15:10 engage 337:19,22 341:15 engine 244:6 engines 237:1,8 ensure 112:6 352:14 365:1 372:13 394:8 ensuring 352:16 enter 7:9 8:17 129:3,20 232:4 237:19,21 243:17 298:15,16,16 327:20 402:14 entered 6:11 7:2 52:10 126:16,21 127:3,11,13,19 128:2,6 129:9,19 130:3,6 195:20 366:10 403:12,14 entering 82:22 328:1 enters 298:14 entertain 3:20 4:2 4:7 entertainment 139:16 entrance 20:8 21:5 75:7 83:17,18 84:3 171:14 172:12,22 180:7,9 182:21 364:19 365:3 376:9 377:22 378:2,3,5 378:17 382:9,14 382:16,22 383:1 393:18 entrance/exit 64:8 entrances 172:8 315:2 entry 294:21 298:8 298:15 escort 227:20 336:10 escorted 27:13
--	---	--	---	--

108:11 110:5	187:22 188:4,13	400:4,21 401:2,5	90:10 91:1,20	305:3 320:2
185:17 186:21	190:1 199:4	401:18,22 402:13	92:4,5 93:5,6,20	explained 25:21
establish 152:13	220:17 244:4	402:15,19 403:4	93:21 94:15 95:14	29:3
established 408:8	256:3,7,7 280:14	403:20 406:12,16	97:6 99:7,11,15	explaining 57:9
establishment 1:8	280:15 304:18	406:19 407:1	99:16,21 103:5	105:17
5:19 6:3,8 8:2	313:10 377:9	408:20,22 411:5	213:14,16,18,20	explains 319:2
19:3,5 26:2 33:9	414:6	evidentiary 72:8	224:13 232:5	exposed 133:12
35:14 39:8 42:4	evening/night	ex 226:1	233:6,10 243:20	exposing 184:18
47:22 50:7 52:6	339:18	exact 91:14 100:8	265:17,17 269:4	extensive 279:2
52:12,17 53:2,11	evenings 377:8	154:4 228:1 245:2	272:8 281:17	extensively 331:20
54:14 61:10,19,22	event 121:12	256:19 257:14	283:15 377:19	exterior 75:7 178:4
62:3 82:22 91:16	124:13 133:17	300:15 328:1	395:21,21 396:2,7	extra 258:3 287:20
101:21 102:1	134:16 138:6	329:14 361:9	396:9,17 397:19	289:4 321:11,14
107:12 110:7	147:15 217:14	375:8 388:18,22	404:5	366:6 399:11
114:4 116:19	219:15 223:21	exactly 21:18 71:2	exhibits 15:19	extras 57:7
121:7 123:16	287:8 352:10	153:8 162:6 207:3	89:22 90:2 99:13	extreme 393:5
140:2 196:5	355:17 373:10	222:14 242:11	213:22 233:5	extremely 28:6
198:14 200:15	375:11 393:2	268:1 284:10	396:14,15 398:7	167:13
202:12,17,17	409:8,9 411:1	289:8 300:16	existed 403:7	eye 265:9
203:1,5 211:18,19	events 145:8 167:2	306:3 310:12	exists 61:13	eye-view 264:9
215:21 216:1,15	218:7 241:14	316:20 329:21	exit 61:9,12,18,22	eyes 62:4 132:13
219:6,11,17,20	373:11 392:9	341:4 351:12	62:3 64:5 75:21	
220:7 236:1	393:14 394:9	356:17 361:12,17	84:2,2 87:19	
239:19 241:2	eventually 40:17	367:1 379:17	177:20 178:11	
249:7,12 295:11	49:20 76:8 182:14	384:16	298:15,20 299:2,2	
298:2,9 309:9	everybody 32:5	EXAMINATION	299:11 328:10	
332:3 334:19	36:14 229:13	11:18 221:4 392:4	381:18 393:18	
340:9 346:11	230:14,16 281:2	examined 11:14	exited 153:2 162:14	
348:21 349:3	305:22 313:5	220:22	172:7 177:7	
351:10 371:14	318:10 320:3,8,11	example 151:20	exiting 87:20 88:11	
400:20 401:1,4	321:20 346:9,14	400:18	161:3,6 178:18	
402:8,16 406:10	384:15	exchange 319:1	186:7,11 187:6	
409:12 410:22	evidence 7:22 8:15	excuse 46:22 53:15	exits 172:8 298:14	
establishment's	9:9 16:20 17:21	103:13 124:12	315:2	
141:13 219:9	31:2,3 52:14 80:9	127:7 147:22	expect 289:1	
364:18	107:3 108:17	152:6 199:17	experience 35:12	
establishments	113:7 145:8	203:2 283:2 331:1	102:17 104:8	
22:4 305:9	192:18,19 195:17	331:13 404:6	131:21 132:5	
estimate 244:17	196:7,20 197:10	406:8,12 410:8	145:6 205:9	
estimations 143:7	198:3 199:7,19	411:8	208:10,13,19	
etcetera 40:14	201:4,11 212:20	excused 212:6	209:2 245:5	
196:6 279:4 351:1	213:17 215:3	395:3,5	experienced 211:5	
evening 2:17 22:7,9	216:17 217:9,12	exhibit 17:1,6,12	211:8	
35:22 40:12 43:13	218:13,22 232:5	17:20 18:2 22:18	expiration 360:14	
44:14 50:15 164:7	243:9,17 244:3	41:20 56:14,16	explain 151:17	
166:11,13 167:3	395:15 396:15,18	57:14 65:19 90:3	208:12 232:18	

F

F-A 28:15
F-E 45:1
face 290:12
faces 172:13 375:2
facilitated 203:21
facing 376:15
fact 7:21 8:16,19,21
9:4,6,8,16 110:11
112:19 133:6
141:18 154:13
174:11 191:16
195:3 211:6
215:12 216:5
217:11 224:1
238:12 242:5
251:3 252:19
253:3 259:3
273:17 341:14
342:17 350:2
356:3,4 364:22
365:10 387:4
397:17 398:1
406:9 408:19

411:7,18	283:16 350:5	175:15	411:12	213:2,4,6 219:12
Fact-Finding	352:11 367:8	fifth 12:21 114:17	finish 40:16 316:22	224:13 225:5,8,16
399:13	368:7,13	fight 53:7 55:4 70:2	finished 81:20	226:3,7 227:13
facts 5:9,22 128:17	families 247:14	227:17,20,21	347:1	229:4,21 230:2
128:19 129:5	family 217:8	228:15 229:5	finishes 81:18	238:10 239:11
216:13 217:21	far 19:22 27:1 42:4	239:4 249:21	fire 19:13 167:10	289:16,17,18
218:12 242:19	107:12 112:12	251:18 254:1	237:1,7 244:6,6	290:2 291:3,6,16
400:15 404:11	172:2,5,7 178:22	268:1 271:13	first 11:13 20:19	291:18 295:6
408:7	182:19 193:8	303:16 308:6	25:10,19 34:12	311:5,8 312:12,14
fail 216:14	202:11 228:13	319:20 403:1	36:2 55:3 61:1	312:16,16,17
failed 1:9,9 137:21	243:6 250:15	fighting 69:2 72:2	62:22 63:9 82:21	337:12 343:13
215:4 217:12	270:4 298:3,4	figure 210:8 243:5	89:4 90:3 104:22	379:16 386:6,6,7
220:5 252:15,16	300:13 325:14	290:19 372:8	107:16,16 123:3	393:16
254:21 400:3	332:10 370:15	figured 231:5 257:1	160:12 166:16,19	fluorescent 22:12
402:7 404:12	383:3	296:9 321:9	168:21 170:5	flute 319:7 389:14
failing 216:3	fared 249:7	figuring 320:9	173:19 184:5	390:2
408:14	Farmer 28:13,15	file 18:6 56:9 214:3	189:21 190:3,9	flutes 349:8,12
fails 217:9 400:4	30:19 31:12 52:10	399:12 411:18	191:3 202:8	388:2,3
fair 15:16 30:5 34:7	farthest 181:8	fill 233:20 252:16	205:21 207:21	focus 189:20
35:6,9 40:5 43:8	fashion 189:12	407:11	208:16 220:12,21	focused 39:21
45:15 50:2,7,21	192:20	filled 99:17 233:13	222:8 229:10	406:9
51:22 52:18 54:4	fast 309:22	233:16,17 243:10	237:18 241:18	focuses 215:8
60:13 62:11 73:1	fault 224:1 371:20	255:16 410:17	249:10 257:11	folks 228:19
78:2 80:2,6,10	February 1:12	films 397:11 398:10	260:15,22 305:4	follow 1:9 42:21,22
82:13 88:13 89:19	361:13,14	filtering 194:3	307:12 314:3	63:8 153:3 178:17
90:4 91:2 95:20	feedback 192:16	final 99:11 120:6	316:13 326:16	408:1 411:7
97:7,11,15 102:8	201:12,15,19	254:20	332:11 370:12	follow-up 116:14
103:6 104:10,13	feeding 109:16	finally 408:16	407:3 408:5 409:1	136:1 208:5 392:6
105:3,6 106:11,19	feel 211:9 249:7	financial 365:16	firsthand 200:22	394:17
110:11 117:6,8,9	369:12 409:21	find 24:4 25:10	fist 245:20 308:5	followed 111:5
172:4 191:18	feeling 189:10	49:13 70:8 71:1	fit 110:15	242:18
199:16 257:8,9	feels 411:12	100:7 111:18	five 5:18,21 7:17	following 4:20
259:5 260:19	feet 84:2 171:22	114:16 116:18	114:13 118:3	106:15 183:17
279:4,10,11	172:2,3 222:15	121:5 142:11	216:9 244:21	236:5
348:15 362:14	224:6 248:7,7	269:19 287:15	294:18,20,20	follows 11:15 221:1
374:3,6,7 377:20	268:4 275:17	288:1,6 398:12,15	302:1 350:22	foot 237:3 305:21
fairly 19:12 22:13	300:17 325:21	finding 20:12	370:13 377:16,17	footage 46:7 126:5
fall 395:8	326:1 383:5,6,7	findings 13:21	386:1	149:9 154:14
fallen 316:17	Felicia 44:21 45:1	15:13 411:18	fix 59:15 332:14	209:4,21 210:9
falling 391:5	fell 275:1 390:2	finds 411:2	373:8	216:22 241:14
falls 229:19	felt 107:9 136:2	fine 7:18 10:15	flamboyant 246:19	403:13 410:8
false 110:9 159:18	female 89:7 165:1,7	24:6 142:16	flashing 400:14	for-all 237:7
216:2 220:2	fence 51:9 171:10	199:16 233:7	floor 39:9 56:11	force 219:3 334:18
252:19 400:20	171:13	268:18 270:15	65:14,18 102:18	334:20
408:18,21	fencing 171:22	333:17 381:16	102:19,22 103:4	forearm 175:16
familiar 3:1 153:20	Fields 30:10 95:16	409:13 411:4,4,6	103:15 180:10	foreground 76:15

forethought 326:14	27:19 124:22	346:4	gated 171:10,13	18:12,13,14,15,18
forever 308:8	125:9 166:19,20	funny 372:2	gates 21:14 35:21	18:21 19:6,8,11
forgot 389:6	167:1 170:13	further 111:4	125:11 235:8	19:20 20:2,7,14
form 127:6 138:22	frame 254:15	117:12 166:6	gather 44:15	20:16 21:22 22:8
140:12 158:12	fraud 12:20	187:19 208:12	general 2:11 26:10	22:20 24:14,20
191:8 202:16	free 237:6	219:10 255:21	86:8 188:5 193:16	25:1,6,12,17 26:6
272:3	Friday 56:12 295:4	280:9 304:11,16	197:1,8 232:3	26:9,13,16,19
formally 206:13	363:10,20,22	336:14 392:18	234:16 238:12	27:3,6,12,18 28:2
format 225:3	364:15 365:9	394:15,19 400:21	249:1 276:19	28:5,10,17,20
formulate 158:15	377:15	402:15 404:13	312:22 347:19,22	29:2,16 30:6,8,17
Forney 364:7	Fridays 364:22	405:22 407:1,12	352:21 357:5	30:21 31:13,22
forth 351:18 402:4	friend 151:1,9,11	408:10 409:7	367:14	32:8,16,22 33:2,6
forward 6:5 7:18	151:14,19 152:14	410:3 411:2	gentleman 170:18	33:10,18,21 34:8
84:11 349:2 398:5	152:18 153:10,12	Furthermore 217:3	181:22 228:20	34:11,16 35:7,10
401:6	296:21	217:22	235:5,19,21 236:9	35:15,18 36:4,8
found 29:17 52:11	friendly 153:19	future 202:6 394:9	236:13 244:7	36:12,16 37:1,4,7
56:9 57:8 66:17	friends 147:2		248:4,6 249:22	37:12,22 38:6,9
105:8,13 108:8	148:15 152:4	G	250:9,10,13,20	38:13 39:1,5,10
164:15 239:19,21	154:6,9 155:5	G-E-T-H-E-R-S	254:3 275:19	39:14,18 40:3,6
240:9,11 241:9	181:19 183:1	15:2	292:16 295:15	40:10,20 41:1,6
273:16 304:11	297:14 410:5	G-H-E-N 12:5	296:5,12 297:9	41:12,15,21 42:3
307:4 321:8	front 19:15,21 20:5	gain 43:22	300:9 301:14	42:8,12,18 43:3,9
325:11 371:14,20	21:13,14 55:18	gained 43:20	334:18 341:17	43:12,18 44:2,6
401:14	58:16 59:8,8	gap 178:7	352:4 354:22	44:10,20 45:4,7
foundation 132:3	75:13 76:6,7 78:9	gaping 29:8,22	368:7,13,19	45:10,16,19 46:14
132:18 138:5	78:11 86:4,8	176:13 211:13	370:21	49:16,21 50:1,8
foundational 136:1	90:18 93:8 101:21	garb 22:5	gentleman's 248:3	50:11,22 51:4
four 5:17 29:3 61:9	172:22 179:19,19	garden 63:21 75:21	gentlemen 295:20	52:1,4,19,22 53:9
61:18 152:9,9	179:21 182:21	87:19 177:8 178:2	gentlemen's 374:20	53:12,14,22 54:5
175:10 191:12	190:18,18 236:9	178:4,11,18 183:8	Gethers 14:17,20	54:8,17,20 55:1,6
204:8 216:3	245:8 247:18	184:4,6 235:22	20:18 44:13	55:11,14 56:1,20
245:18 254:6	257:18,20 258:6	294:21 299:17	getting 23:3,18	57:4,16,22 58:3,6
294:20 296:1,14	265:20 279:16	300:9 302:19	24:5 40:12 77:18	58:9,15 59:3,6,12
297:1 306:10	281:13 282:6	379:3,13 380:7	186:13,20 210:10	59:16,19 60:6,9
308:11 315:22	286:20 291:9	381:1,4 385:7	320:3,6 322:6	60:22 62:1,5,8,13
327:22 328:8,9,13	294:22 300:5,7,10	gash 276:3 297:17	351:15 369:11	62:16,20 63:5,12
328:19 342:3,10	315:21 343:9,11	304:7 306:21	372:2 382:15	63:14 64:1,4,9,14
363:12,12 364:15	364:18,19 365:2	gate 171:22 172:5,6	390:18	64:19 65:5,9,20
364:21 365:6,9,13	375:13 376:6,8	172:8,14 179:7,9	Ghenene 1:22 2:14	66:5,9,16 67:2,7
365:14 366:18	377:8,18,18	179:12 182:15,16	2:15 11:11,21,22	68:19 69:1,5,10
370:20 376:20	382:17 385:6	191:1 235:13	12:4,5,9,13,17,19	70:3,6,9,14,22
377:6,16,17	397:15	236:14,19 250:12	13:5,8,12,15,19	71:3,5,11,13,18
378:20 383:9	full 384:14,15	253:2 255:9	13:22 14:3,7,10	71:21 72:3,11,17
fourth 147:13	412:3	305:12 325:14,16	14:12,16,18,21	72:21 73:2,5,9,14
250:13 253:12	full-on 272:6	326:2 328:7	15:3,7,9,14,17,20	73:18,20 74:4,7
Fox 25:19 27:5,7,16	functions 139:16	335:13 376:22	16:1,6 18:11,12	74:19 75:6,11,14

75:17 76:13,16,20	125:1,4,8,14,19	185:2,6,9,16,22	402:11	173:21 176:15
77:2,8,10,16 78:3	126:2,7,11,18	186:3,9,15,18	given 8:1 120:9	183:12 207:21
78:7,20 79:1,20	127:1,10,22	187:7,10,13,16	121:2 191:17	226:12 236:13,16
80:3,7,11,17,21	129:22 130:4,7,11	188:9,15,18,22	226:15 294:7	242:2 243:4
81:3,6,12,15,19	130:21 131:3,6,15	189:3,14,19 190:8	373:12	247:21,22 249:3
82:1,5,8,14,20	131:18 132:7	190:13,17,21	giving 84:21 108:21	253:5 254:10
83:4,9,12 84:14	133:1,4,9,14,19	191:10,19 192:1,9	127:11 264:13	257:4 268:10
85:5,15,21 86:11	134:3 139:10	192:12,17,21	392:10,12	298:5 299:15
86:21 87:5,9,12	142:18,22 143:12	193:7,11,15,19,22	glad 78:5 293:3	304:1 305:11,17
88:5,14,16,21	143:15,19,22	194:5,9,12 195:5	294:2 295:14	307:11 308:6,22
89:2,12,20 90:5	144:5,7,11,15	195:11,14,19,22	glanced 164:20	309:2,5,10 323:17
90:12,16 91:3,8	145:2,10,18	196:8,13,15,17,21	glass 92:20 113:4,6	327:3 330:7
91:13,18 92:2,5,9	146:10,16 147:5,9	197:11,15,18,21	222:22 229:19,21	333:22 334:11,12
92:14,18,22 93:3	148:16,20 149:3,6	198:4,6,10,19	230:1 231:3,15	334:13,18 336:6
93:6,15,18,21	149:12,19,22	199:1,8,10,13	238:14 239:14	339:22 360:1
94:6,12,16,19	150:2,4,10,14,18	200:2,5,11,17	240:5,6,6,7,8,10	361:8 369:7
95:3,12,15,21	150:20 151:2,7,12	201:5,7,17,20	249:22 253:6	372:21 380:3
96:4,11,14,17,22	151:18,21 152:21	202:7,19 203:8,13	273:2,9 274:1	382:5,10 384:17
97:3,8,12,16,20	154:11 155:7,18	203:18,22 204:5	275:2,2,4,11	386:13 389:7
98:3,7,15,19 99:4	156:3,12,20 157:2	204:15,18 205:4	292:4,20 293:6,10	392:2 393:6
99:8,12,15 100:3	157:9,14,16,19	205:11,18,20	293:13 296:22	409:12
100:6,13,17 101:1	158:4 159:2,13,20	206:4,10,13,17	305:5 306:19,22	God 245:17
101:4,13,17 102:2	160:12,17 161:5	207:3,5,12,15	316:18 323:3,4	goes 88:2 102:6
102:9,13,19 103:1	161:11,14,18,21	208:15 209:7,13	324:15,15,19	330:8 369:6
103:7,9 104:11,14	162:4,9,15 163:19	209:16,22 210:4,6	349:8,12 350:1	372:18 406:16
104:21 105:4,7,10	164:2,8,13,19	210:15 211:1,11	351:16,17 371:2,5	going 9:5 21:8,18
105:14 106:2,7,12	165:4,13,19 166:4	211:16 270:18	371:8 372:10,22	25:20 31:11 32:2
106:20 107:5,14	166:12,18,21	271:7,8 279:13	389:16 390:19	32:3 34:2 55:3,7,9
108:2,6,10,18	167:4,15,21 168:5	280:5 325:10	391:16 402:20	61:2 63:2 67:5,12
109:1 110:4,13,18	168:8,12,15,19	Ghenene's 218:18	glasses 230:4 293:7	68:4 69:8,12
111:2,6,11,17,19	169:1,4,12,16,21	320:15	293:16 322:13,18	74:22 75:16,18,20
112:3,17 113:3,8	170:3,7,12,21	girl 236:3	323:1,8,13,15,16	75:22 76:2,3,4,7
113:14,19 114:1,6	171:3,5,9,12,17	girlfriend 165:2,5	349:22 350:1	77:13 78:13 79:3
114:9,12,18,22	172:1,11,17,21	217:18 236:4,15	373:18	79:5 80:13,15
115:2,4,8,13,16	173:7,11,20 174:5	236:17,19 296:13	glassware 348:18	81:8 84:5 85:2
115:21 116:2,5,7	174:10,16,19	334:6,7 335:13,15	349:3,4 350:17,21	86:2,12,15 122:18
116:12,16,21	175:1,7,12,15,18	336:5	351:9	132:2 137:19
117:7,9 118:16,17	175:21 176:4,10	girls 226:12	glean 360:18	147:19 148:3,6
118:18,18,19,19	177:1,6,10,15,19	give 28:1 65:18	glosses 218:3	158:11 166:14
118:21 119:3,7,11	178:3,9,12,16,20	66:19 93:10 98:14	go 5:7 16:10 35:13	167:6 174:6
119:17,20 120:3,8	179:2,6,11,16,21	100:7 114:5 123:5	44:14 47:2 55:2,7	178:14 183:11,12
120:14 121:1,4,10	180:4,8,12,17,22	170:22 177:11	62:17,19,21 63:3	202:12,15 210:13
121:13,18,22	181:6,9,12,16,21	230:7 265:8	70:5,20 74:5 81:2	221:18 228:12
122:5,8 123:1,5,9	182:4,9,13,17,20	266:17,22 312:20	85:13,17 87:8	229:20 232:17
123:18,22 124:5	183:5,10,16,21	337:15 346:20	88:19 90:1 134:18	235:10 236:7
124:10,14,20	184:7,11,14,22	363:12 399:14	141:5 142:4	237:9 256:22

257:1 266:21,22 267:21 271:18 274:12,20 275:7 283:6 300:13 301:4 305:9 308:5 308:6 309:15 325:1 327:2 336:7 337:15,21 346:10 346:12 356:15 360:21 370:10 375:3,5 377:1 389:17 395:7 399:4 401:6 411:16 412:4 good 2:17 9:12 10:3 48:13 60:14 81:5 142:8 158:20 166:11,12 184:2 185:10 187:22 214:5 220:17 226:6 246:19 256:3,6 268:8 280:14,15 287:1 304:18 322:1 325:3 339:18,19 373:19 414:5 gotten 170:1 239:1 Government 3:10 10:21 11:13 17:20 213:16 215:3,16 215:18,20 216:12 218:3,11 220:5 283:15 397:4,18 397:20 398:4,8 400:3,13 401:18 402:6 403:20 406:14 408:20 410:16 411:21 Government's 17:1 17:5,12 217:17 224:13 406:11 grab 305:17 334:6 grabbed 85:7 231:14 251:11 275:11 296:14 318:2,5,16 319:7	grabbing 153:18 grabs 251:20 grave 400:11 great 37:16 60:15 169:22 181:10 219:17 333:16 334:14 green 22:12 24:11 24:19 25:1,4 149:2,4,5 225:16 289:15 gross 218:9 ground 79:4,9 274:21 297:1 313:22 329:19 330:4,8 332:10 group 1:4 279:14 362:21 363:3,4,5 guard 155:20 384:3 384:7 405:10 guards 34:21 219:12 260:9 298:19 328:6,22 380:13 381:13,14 381:16,19,22 guess 27:8 37:15 56:13 61:8 68:10 76:6 78:17 83:14 83:21 86:5,8,14 134:8 142:19 171:19 179:22 204:20 262:1 302:16 304:4 307:22 313:21 329:7 333:21 372:3 388:13 392:5 399:6 400:16 guesses 173:1 guessing 161:12,13 guidelines 407:8 guns 254:7 guts 301:15 304:8 guy 33:15 77:3 78:14,21 79:6 85:6,9 86:16	87:20,20 184:15 194:1,1 227:1 229:6 231:10,19 250:8 251:11,14 251:20 252:3 255:8 273:1 274:12,20,20,20 274:22 275:1,9,20 277:17 292:15 295:1 300:2 302:18 303:4,6,17 314:3 319:5 328:5 328:15 329:1,11 329:12,12 330:12 330:14 332:11 333:17,18 334:4,5 334:8 335:8,20 336:3,5,9 340:5 342:1,11 343:10 370:10 374:8,12 375:2,3,8 376:14 376:18 380:1,2,15 381:7,9 385:8,18 385:19 386:3,5,7 386:11,12 387:19 389:16 390:14,18 391:9,13 guy's 79:8,13 84:19 182:5 330:14 377:2 guys 55:15 156:7 229:5 231:17,18 244:6 251:12 252:5 260:5 275:6 277:13 293:8 296:12,14,20,20 297:1,16 306:6,6 314:6 319:12 328:4 353:1 367:20 369:8 374:21 376:19,20 385:21 386:10,12 393:17	habit 205:15 Hager 16:13,16 23:16 63:1 half 58:12,15 67:8 349:17,19 halfway 223:1 hall 180:13 276:20 hallway 61:12 83:14 228:17 299:3 302:8,9 hand 4:18 56:3 63:17 66:1 79:6 150:9 153:15 177:20 180:5 210:10 214:3 229:20 334:6 handed 255:4 256:10 261:6 335:12,14 handle 225:8 handled 195:18 250:11,14 346:15 handles 225:13 handling 198:2 199:7 227:1 235:5 373:11 hands 56:5 67:11 112:5 267:13 handwriting 256:12 handwritten 257:16 375:14 hanging 71:7 133:7 252:9 301:16 317:19 happen 24:9 36:1 68:5 69:12 77:19 79:16 80:19 223:22 242:11 246:20 248:1 254:13 257:2 331:22 357:19 372:20,22 373:13 happened 5:17 31:11 39:22 45:18 46:3 57:10 71:2	82:19 87:13,15 140:3 141:14 142:12 143:2 182:8 222:6 224:3 224:7 228:6,12 229:17 231:9 237:14,16 239:4 242:11 248:20 250:5 253:4 254:11 261:4 264:10,15 271:12 272:22 273:16 274:2 275:20 278:5 293:20 299:10 305:8 308:11 319:4,19 319:19,22 320:2 321:18 322:5 324:6 331:21 341:6 349:21 351:12,14 353:3 363:16 370:20 391:6 392:11 393:9 394:11,14 happening 25:20 61:7 85:4 262:19 301:8 372:9 happens 226:1 241:7 293:18 305:2,15 319:20 happy 322:2 hard 245:9 304:9 hardship 219:17 harsh 306:13 haste 64:22 hat 88:7 89:5 Hawkins 30:12,13 176:2,2,5,11 297:9 299:19 head 32:10,14 34:7 100:9,11,13,21 101:6 193:20 226:7 233:19,21 234:2,11,14,19,22 242:7 243:10 255:19 263:6,7
		H		
		H 15:2		

279:7 280:5	157:12,18	hookers 246:10	357:11	import 72:8
312:16 313:8	helps 270:18	hope 67:7,18	ID 35:2	important 49:20
342:16 344:22	HERMAN 1:19	hopefully 245:17	idea 199:22 234:20	91:22 94:18
345:6,13,14,15	hey 236:7 247:21	hopped 61:5	235:1 342:14	119:13 120:1,5,20
355:18,19 357:8	354:4 372:15	horizontal 93:8	346:2 347:4	120:21 253:20
358:11,14 361:18	high 275:3	96:6	349:19 355:5	337:8 400:13
407:4,5,10	highlighted 218:9	hose 244:9	410:5	impression 170:1
headed 178:15	350:16	hosed 244:2,9	identification	204:12
headlock 111:22	highlighter 266:18	hospital 24:16 45:6	17:19 56:17	improper 201:22
heads 249:18 366:2	highly 226:2	45:9 95:20 96:21	233:11 243:21	411:12
hear 138:9 140:6	hill 21:13,15 25:14	138:3 204:22	identified 116:10	improperly 346:15
140:13 256:5	117:3 156:7,10,13	243:5 308:22	117:5 152:2,4	improvements 5:2
266:13 270:21	170:11,18 171:1	309:2,5,10	154:19 162:12	400:10
279:7,12 280:6	171:13 235:6	hospitals 44:15,19	175:10 183:14	impulse 333:3
294:2 390:5	244:8 304:12	host 219:8	185:4 186:7 187:5	in-house 291:9
heard 3:20 137:2	325:11	hour 255:17 287:21	194:8 258:5	inaccurate 109:3
138:11 168:3	hills 171:18	289:4 321:11,14	260:14 273:8,12	inapplicable 408:6
259:18 270:18	hip 314:2	395:11 397:9	identify 152:7	inappropriate
286:16 306:2	hire 48:20 49:3,4	399:11	153:7 162:8,10,16	201:14
371:1 390:7	361:4,5	Howard 29:10 45:6	162:21 198:8	inch 29:22 211:13
397:10	hired 360:22	204:22	258:8 259:14	inches 29:9 275:3
hearing 1:6,14 2:7	history 188:1,14	Huh 332:20	279:7 342:19	297:17 388:6,6,7
2:22 3:2 4:1,19,20	399:16	human 293:2 294:5	identifying 217:1	388:8,11,12
5:1,5,7,10 6:16	hit 275:6,6	hung 84:1	illustrate 167:5	incident 5:19,22
7:16 9:18 56:10	hold 10:4 112:14	hurt 229:6 231:18	images 402:22	9:11 13:17,18
140:18 216:9	112:16,19 177:11	235:18 239:13,13	imagine 70:18	18:16 19:2 26:5
243:14 257:4,11	215:6 226:9 237:4	239:14 250:2,17	immediate 130:12	36:6 39:21 41:10
257:11 259:4	237:5 245:13	252:1,4 254:3,9	240:4 314:7	41:17,20 43:20
351:5 371:3	304:3 334:5	277:19 295:11,21	immediately 19:21	44:1,5,17 49:15
372:12 373:7	412:10 413:19	309:4 315:20	43:19 46:5 51:11	50:17 52:5 53:5,8
412:3 414:10	holding 21:16 51:6	320:6,10 354:22	63:20 92:6,8	55:19 56:2 57:15
hearings 402:5	64:10 66:13 86:16	390:9	154:6 187:4,4,9	60:20 61:1,4 67:9
heavily 215:9	174:11,15 180:1	hurting 328:15	187:11 322:5	67:12 68:20 86:3
hectic 305:19	180:21 183:22	329:13	323:20	86:7,14 87:13,15
HECTOR 1:20	235:6 255:8	hypothetical	impeaches 406:11	87:17 90:3,20
hefty 215:21 411:4	281:19 302:11	326:18 327:3	impede 219:22	91:5,12 92:6,10
held 302:16	304:8 322:9 354:9	hypothetically	400:21	92:11 93:9,13
help 13:13 57:11	holds 112:9,10	326:12,17	impeded 216:18	98:2 99:2,17,22
160:7 213:5 223:9	251:21	<hr/> I <hr/>	401:15,20,22	101:9 107:7 114:3
305:16 335:21	holiday 288:3,16	I-E 15:6	implemented	114:20 115:19
402:2 409:12	289:4	I-N-C-H-Y 8:5	349:13	117:6 123:3,8,15
helped 57:10	holidays 288:22	I-V-A-N-S-K-I	implementing	130:16 131:11,13
116:19,20 215:10	373:12	28:19	402:16	135:15 136:16,19
218:5 253:2 400:5	honest 331:12	i.e 190:6 196:5	implore 218:6	137:20 138:7
helping 155:11	honestly 332:2	200:14 202:15	405:16 406:20	140:3 141:13
156:11,15 157:1	hooded 78:1 374:9		imply 189:9	142:19 143:1

144:13 146:8,14 147:3,7,21 148:1 168:22 170:6 185:14 190:10 193:4 199:4 203:3 203:10 211:20 216:7,22 220:8 224:3 227:6,9 230:13 232:21 233:12 235:3 237:16 241:21 242:2,6,9,12,15 243:9,11,12 246:16 248:19 251:10 252:11,14 252:16 253:3 254:19 255:16 256:11 258:14 262:17 263:14 271:22 272:4,11 283:22 285:4 286:3,6 293:20 299:10 305:15 308:19,21 309:9 309:19 310:7,15 313:18 314:16 315:18 319:12 320:16,18 321:18 326:22 331:20 338:18 340:21 341:6 346:8,8 348:16 349:21 352:11 354:18 355:11,13,16,21 355:21 356:5,8,10 357:11,14,19 358:4 362:10 365:8 369:12 370:16,20 371:15 371:22 373:15 374:6 375:10 377:9 394:13,14 396:1,8 407:9 408:12 410:17 411:3,7,13 incidents 13:4	54:16 221:20,21 244:1 245:19 246:4 252:13 306:10,11 307:14 308:11 include 15:12,16 33:13 105:17 106:14,17 108:21 219:8 220:6 390:1 391:4 408:3 included 18:5 27:17 97:14 111:12 120:6 131:9 311:18 356:10,13 357:14 includes 106:22 including 101:8 227:8 302:2 incomplete 6:3 incorporate 119:9 120:20 121:2 216:4 incorporates 128:19 incorrect 32:20 122:4 128:19 185:19,21 207:10 incorrectly 410:18 independent 333:7 343:21 344:1,4,7 indicate 8:5 91:16 122:13 165:22 167:1 168:21 191:7 198:1 202:3 219:11 287:1 338:21 indicated 43:15 57:18 163:14 180:14 193:1 197:9,19 211:12 285:17 287:7 337:10 348:15 350:19 352:9 364:14 405:5 indicates 121:7 140:1 141:12	144:2 146:5 147:1 204:7,21 406:6 indication 199:17 199:18 indicator 91:5 individual 112:7 340:3 individual's 112:6 individuals 101:8 114:13 149:16 191:22 195:8 196:3,12 242:21 247:13 365:2 indulgence 157:4 information 1:10 9:16 20:10,13 27:16 33:12 38:17 40:8 43:7 44:16 45:14 90:9 97:22 98:6 99:1 102:11 108:21 109:4 110:20 111:14 114:17,20 115:6 115:10 119:9 120:5,5,9,21 134:1,6,14,15 137:22 138:1,6 145:7 159:7,19 196:6 205:1 220:3 242:19 254:22 261:22 262:2 264:5,8,20 265:9 270:20,22 271:6 355:13 362:5 398:5,6 399:3 407:10 informed 30:22 195:16 403:17 injured 20:21 29:14,18,20 30:4 61:9,18,21 64:11 108:12,12 110:6 114:10 123:11 124:3 146:3 156:8 156:10 167:3 184:1 204:9	208:21 239:8 297:10 327:13 329:1 333:18 334:16 341:11 372:17 injuries 25:22 27:21 29:6,7 30:14 130:20 132:1,10,11,12,15 174:9,21 176:12 240:2 297:11 409:15 injury 25:9 184:18 317:6 332:4,9 inside 5:17 21:8 26:1,2 35:1,13 36:21 39:8 45:22 52:5,11,17 53:2 53:11 63:20 75:8 94:10 101:20 103:5 123:16 167:18 171:6 186:22 188:11 190:12,13,15,22 191:4 194:17 200:8 202:17 211:17 239:19,21 306:4 356:16 379:6,12 380:1 381:7 384:7 Inspector 188:1 instance 152:5 190:3,9,16,18 191:3,4 192:3 333:12,15 371:16 405:18 instances 152:3 189:16 190:6 195:9 198:16,21 instinct 332:11 instructions 84:22 instrument 307:21 instruments 132:8 intended 127:20 intent 131:19 132:6 215:14 219:2,21	362:4 404:13 405:9 intention 400:16 intentional 389:21 intentionally 401:5 interacting 153:13 interaction 167:12 interchangeably 152:10 interest 221:9 interesting 320:14 interference 106:3 interfering 402:10 interior 56:19 63:15 interject 136:22 141:16 internal 12:20 interrupt 49:9 162:20 224:9 intervened 317:3 intervention 405:20 interview 36:14 148:14,18 154:20 261:14,16,17 265:4 271:18 370:10 410:11 interviewed 154:9 260:19 261:12,19 262:1,5,13,16 280:2 410:4 interviewing 83:19 194:19 271:3 interviews 36:20 261:19 279:13 intestine 51:8 133:11 intestines 133:3,7 297:19 301:2 307:2 introduce 2:9 8:14 introduced 193:12 investigate 13:3,18 18:20 36:3 investigated 40:2
---	---	---	--	--

110:21 115:18	32:8,16,22 33:2,6	89:2,12,20 90:5	144:5,7,11,15	195:11,14,19,22
investigating 13:14	33:10,18,21 34:8	90:12,16 91:3,8	145:2,10,18	196:8,13,15,17,21
investigation 6:4	34:11,16 35:7,10	91:13,18 92:2,5,9	146:10,16 147:5,9	197:11,15,18,21
15:12 16:20 17:13	35:15,18 36:4,8	92:14,18,22 93:3	148:16,20 149:3,6	198:4,6,10,19
18:16 27:2 36:5	36:12,16 37:1,4,7	93:6,15,18,21	149:12,19,22	199:1,8,10,13
50:19 65:3 89:18	37:12,22 38:6,9	94:6,12,16,19	150:2,4,10,14,18	200:2,5,11,17
90:11 91:1 93:17	38:13 39:1,5,10	95:3,12,15,21,22	150:20 151:2,7,12	201:5,7,17,20
99:20 100:5 103:6	39:14,18 40:3,6	96:4,11,14,17,22	151:18,21 152:21	202:7,19 203:8,13
110:16 112:22	40:10,20 41:1,6	97:3,4,8,12,16,20	154:11 155:7,18	203:18,22 204:5
114:16 116:18	41:12,15,21 42:3	98:3,7,15,19 99:4	156:3,12,20 157:2	204:15,18 205:4
119:5,13 120:1	42:8,12,18 43:3,9	99:8,12,15 100:3	157:9,14,16,19	205:11,18,20
200:16 201:1	43:12,18 44:2,6	100:6,13,17 101:1	158:4 159:2,13,20	206:2,4,10,13,17
213:22 219:22	44:10,13,20,21	101:4,13,17 102:2	160:12,17 161:5	207:3,5,12,15
220:4 271:21	45:4,7,10,16,19	102:9,13,19 103:1	161:11,14,18,21	208:15 209:7,13
272:5,7 276:11	46:14 49:16,21	103:7,9 104:9,11	162:4,9,15 163:19	209:16,22 210:4,6
281:18 285:22	50:1,8,11,22 51:4	104:14,21 105:4,7	164:2,8,13,19	210:15 211:1,11
400:21 401:19	52:1,4,19,22 53:9	105:10,14 106:2,7	165:4,13,19 166:4	211:16 217:22
402:10 404:3	53:12,14,22 54:5	106:12,20 107:5	166:11,12,18,21	223:22 224:7
407:2,13,17	54:8,17,20 55:1,6	107:14 108:2,6,10	167:4,15,21 168:5	242:20 255:7
investigations	55:11,14 56:1,20	108:18 109:1	168:8,12,15,19	259:10 277:16
12:16 119:1,6	57:4,9,16,22 58:3	110:4,13,18 111:2	169:1,4,12,16,21	298:7 303:15
investigative 5:18	58:6,9,15 59:3,6	111:6,11,17,19	170:3,7,12,21	403:9 410:3,10
16:3 22:18 74:13	59:12,16,19 60:6	112:3,17 113:3,8	171:3,5,9,12,17	Investigator's
111:1 145:6,17,19	60:9,22 62:1,5,8	113:14,19 114:1,6	172:1,11,17,21	141:12 401:7
145:20 215:8	62:13,16,20 63:5	114:9,12,18,22	173:7,11,20 174:5	409:4
399:16 405:7	63:12,14 64:1,4,9	115:2,4,8,13,16	174:10,16,19	Investigators 6:7
investigator 1:10	64:14,19 65:5,9	115:21 116:2,5,7	175:1,7,12,15,18	44:14,19 108:22
1:22 2:12,14 9:11	65:20 66:5,9,16	116:12,16,21	175:21 176:4,10	133:21 137:7,14
10:22 11:1,11,21	67:2,7 68:19 69:1	117:7,9 118:16,17	177:1,6,10,15,19	138:2 254:22
12:4,9,10,12,13	69:5,10 70:3,6,9	118:18,21 119:3,7	178:3,9,12,16,20	400:6
12:17,19,20,21	70:14,22 71:3,5	119:11,17,20	179:2,6,11,16,21	investigatory 104:8
13:2,5,8,12,15,19	71:11,13,18,21	120:3,8,14 121:1	180:4,8,12,17,22	104:17
13:22 14:3,7,10	72:3,11,17,21	121:4,10,13,18,22	181:6,9,12,16,21	investment 219:19
14:12,16,18,21	73:2,5,9,14,20	122:5,8 123:1,5,9	182:4,9,13,17,20	invoices 363:2
15:3,7,9,14,17,20	74:4,7,19 75:6,11	123:18,22 124:5	183:5,10,16,21	involved 70:15
16:1,6 18:12,14	75:14,17 76:13,16	124:10,14,20	184:7,11,14,22	101:9 105:15
18:18,21 19:6,8	76:20 77:2,8,10	125:1,4,8,14,19	185:2,6,9,16,22	111:21,21 193:2
19:11,20 20:2,7	77:16 78:3,7,20	126:2,7,11,18	186:3,9,15,18	198:22 375:18
20:14,16,18 21:22	79:1,20 80:3,7,11	127:1,10,22	187:7,10,13,16	405:19
22:8,20 24:14,20	80:17,21 81:3,6	129:22 130:4,7,11	188:2,9,15,18,22	issue 3:19 210:19
25:1,6,12,17 26:6	81:12,15,19 82:1	130:21 131:3,6,15	189:3,8,14,19	211:10 245:6
26:9,13,16,19	82:5,8,14,20 83:4	131:18,21 132:7	190:8,13,17,21	320:8 359:10
27:3,6,12,18 28:2	83:9,12 84:14	133:1,4,9,14,19	191:10,19 192:1,9	404:21 413:21
28:5,10,17,20	85:5,15,21 86:11	134:3 139:10	192:12,17,21	issued 361:22
29:2,16 30:6,8,17	86:21 87:5,9,12	142:18,22 143:12	193:7,11,15,19,22	issues 3:14,17
30:21 31:13,22	88:5,14,16,21	143:15,19,22	194:5,9,12 195:5	213:5 225:10

245:18 359:3 items 190:6,7 200:13 201:2 340:2 350:16	345:17,20 346:1 346:17 347:3,7,12 347:15,18,21 348:2,4,14,20 349:1,7,10,15,18 350:4,9,15 351:13 351:22 352:7,14 352:20 353:5,9,14 353:16,18 354:5 354:10,15 355:4,8 355:12,15 356:3,9 356:21 357:2,6,10 357:18,22 358:9 358:13,16,20,22 359:10,13,17,21 360:4,8,12,17 361:3,7,10,14,19 362:8,12,14,18,20 363:1,7,9,21 364:3,10,13 365:5 365:15,22 366:9 366:13,16 367:2,8 367:12,15,21 368:3,6,10,12,16 368:21 369:2,18 369:20 413:16,17	376:22 Karen 2:17 287:18 keep 21:10 31:10 34:4 43:1 68:17 88:6 320:16 346:11,11 351:9 359:9 Keith 14:17,19 20:18 364:7 Kenneth 368:8,9 key 217:4 keys 236:18 334:7 kicks 290:12 kill 131:19 132:6,9 215:14 219:3 375:5 405:10 kind 21:17 31:1 32:1,2 36:14 56:6 56:21 61:1,16 64:20,21 78:8 85:10 89:4 93:11 143:3 153:2 257:1 292:22 295:9 311:14 319:2 326:9 339:22 354:14 knees 274:22 275:2 275:4 knew 34:13 102:3 235:17 240:5 242:5,11 250:4 256:21 272:20 273:21 315:20 316:1,12 317:5,16 317:21 318:10 328:3 331:11,15 333:14 346:10 354:16 402:21 knife 275:10 knocked 296:21 know 3:4 4:22 5:14 11:1 22:9,10 27:19 28:11 32:6 36:17 38:8 39:9 43:1 46:8 48:7 55:15 60:10 69:15	79:7 80:12 82:9 84:22 90:9 94:21 96:13,15 112:13 112:14 113:5,11 113:17,20 114:2 123:10 125:13 130:22 131:7,9 135:20 138:12 143:1 144:16,21 146:11,13 148:1 150:7 151:8 152:17 153:8,16 154:4,13 155:4,8 156:6,14,15 165:5 166:10 168:4 172:2,14 174:4,8 177:13 178:14 181:2,18 186:5 187:14 194:14 197:2,6,8 204:19 205:14,14 225:3,7 230:12,13,22,22 231:1 235:2 240:14 242:20 243:6 245:2 246:3 248:2,7,9,18 256:18 257:13,17 259:20 260:4,7,9 260:16 262:7,8 265:5 272:21 273:1,13,15,19,20 274:8 275:10 277:10,12,15,16 281:12 283:5 285:2,5 287:10,11 287:19 288:4,5,13 288:14,18,22 289:9 294:19 295:9,12 297:15 297:15,16 299:20 299:21,22 301:2 303:9,21 304:5 305:1 306:2 309:13 315:15 316:4,9,17 317:1 317:2,12,13,15,21	318:11,13 322:12 326:3,9 327:1 328:15,17 329:2,3 329:4 333:11,13 333:15,22 334:21 335:1,3,7,9 337:4 337:8,14,18,18 341:20,22 342:5,6 342:7,9,20 347:3 348:6 350:12,13 353:3 354:19,21 355:2,3,11 359:8 361:9,11 363:13 369:12 370:1,6,15 372:1,2 374:17 375:2,7 376:15 380:17 381:22 387:19 388:18,21 390:8,18 391:6 394:5 399:3 403:6 knowing 158:7 403:22 knowingly 403:22 knowledge 43:20 43:22 130:19 160:13 164:1 195:2 201:1 231:21 234:17 255:18 knowledgeable 133:6 407:8 known 253:4 254:8 306:18 308:8 knows 251:15
<hr/> J <hr/> jabbed 297:12 jabbing 251:14 392:9 jabs 250:19 jacket 315:8 Jackson 15:5 338:9 341:5 jail 295:18 James 1:20 2:19 220:13,19 221:7 January 361:16,16 job 290:17 jobs 247:10 Johnnie 15:5,5 Jones 1:19 48:17 48:18 189:6,7,15 189:20 190:11,15 190:20 191:2,14 191:20 192:2,11 192:15,18,22 193:10,14,18,21 194:4,6,10,20 195:6,13,15,21 196:1,10,14,16,18 197:7,13,16,19,22 198:5,7,13,20 199:2,9,11,16 200:4,10,13,21 201:6,8,18 202:2 202:10,21 203:12 203:16,19 204:1 214:7 339:16,17 339:21 340:8,13 340:16,19 341:1 341:16,20 342:4,6 342:9,13,17,22 343:4,7,11,15,17 343:22 344:3,6,9 344:12,19 345:2,4 345:6,9,11,12,14	<hr/> K <hr/> K-E-I-T 15:1 Kareen 376:16,17			<hr/> L <hr/> L-A-V 8:4 L-I-C-I-A 45:2 L-O 33:22 label 280:3 376:12 labeled 15:22 17:6 224:7 272:11 lacking 138:8 land 231:3 landed 231:14 273:1 274:1

390:19 391:16	179:18 183:8	licensed 196:4	little 83:13 91:5	405:1,2,16 406:21
landmark 57:14	184:3,5 207:11	406:10	93:13 139:4	looked 25:15 65:7
lands 231:6	235:14 303:16	licensee 2:18 215:6	147:20 160:3	66:19 106:21
language 218:19,21	410:4	220:21 233:10	171:1 235:22	149:16 170:17
406:2,3	led 112:14 185:18	243:20 288:13	269:3,5 270:10	183:22 302:6
Lanier 97:7	203:3 216:22	393:3 396:17	271:12 278:3	327:11 329:11,18
large 388:3	217:5 371:15	404:4 406:17	297:19 304:9	372:6 375:10
larger 160:17	378:14	408:9	306:19 342:1	looking 20:9 38:20
lastly 362:15	left 66:1 79:6,17	licensee's 395:21	372:3 375:3 377:2	40:4 41:10 53:21
late 140:15 370:2	86:3 144:22 145:4	396:15 397:19	380:18 382:11	59:1,5,7 65:11,19
395:11 397:9	146:1 147:1 154:2	398:9	383:12 401:8	67:16 68:17 78:21
latest 409:9	166:15 181:19	licenses 367:20	live 125:17 288:16	86:17 105:15
laughing 372:5	184:15 204:13	Lieutenant 50:12	LLC 1:4 362:21	107:20 111:13
Lavinchy 8:4,8 9:9	208:22 228:4	50:15 51:3,21	363:3,4,5	130:15 141:19
31:17 33:5 43:6	230:14,18 238:15	52:3,4,9 98:8,8	located 2:5 39:7	148:4 189:11
43:11 53:3 217:15	242:21 270:4,11	123:14,15 126:16	375:16 384:16	224:12,19 244:20
232:3,6 259:16,17	328:13 356:19	164:14,22 165:6	location 53:7 65:17	283:1 302:21
353:13,14 396:7	359:7 382:6,11	165:10,22 168:10	91:5 93:13 101:9	372:7 399:1
Lavinchy's 232:19	409:8 414:6	life 112:10,15	130:16 191:18	401:20 410:7,8
law 216:6 408:5,10	legal 215:6 217:19	132:15 216:11	195:20 198:17	looks 34:5 56:21
411:19	219:22 404:12	218:16 219:4	locations 101:22	61:7 64:22 66:2
lawyer 351:19	408:15 412:11	251:1,15 292:21	102:4	69:18 71:6 77:4
layers 306:20	legs 395:7	293:2 294:6	log 252:12 355:13	84:19,21 87:3
laying 313:22	lengthy 5:1	405:21	359:14,15 410:17	88:8 92:19 95:19
Layout 56:12 213:2	let's 19:18 23:15	life-threatening	411:3,7	178:7 182:14
224:14 379:16	32:13 34:2 40:15	130:20 132:1	logs 355:16	203:11 299:21
lead 27:8 83:21	49:4 55:2 73:15	218:22 405:4,6,18	long 12:11 14:5	302:21 321:3
140:10 185:13	81:17 85:16 92:3	406:5	24:9 40:21 43:22	336:6
192:6 226:3	99:21 138:14	lifted 4:21 278:20	58:13 90:17	loop 49:14
leading 61:12 72:2	141:5 176:15	lights 67:1 86:22	128:16 202:22	loose 216:13
94:2 109:6	189:20 191:3	235:10	203:2,4 221:16	lopped 56:22
learn 28:22 30:19	250:21 301:22	limited 213:11	304:7 334:1	lose 246:8
37:11 43:11 51:2	334:11 336:6	line 85:4 148:4,7	358:16 359:17	lost 179:1 214:4
52:3 60:21 101:19	372:15	161:17 162:13,21	388:3	247:6,7,10
learned 30:3 82:12	letter 97:6	163:9 206:6 228:1	longer 388:9	lot 5:8 19:16 20:8
119:9	letting 298:18	244:20 245:2	look 7:6,12 36:3	21:6,6,7,7,8,9,15
leave 145:16 187:5	level 222:13 238:8	253:21,22 257:5	39:17 53:5 63:15	25:15 35:21 37:8
299:7 302:3 323:8	238:9 296:7	269:4	68:10,12 102:16	61:15 67:13 75:8
324:19	400:16	lines 205:6 218:7	104:9 140:7	75:22 120:15
leaves 324:1	license 1:6 2:6	228:2,9	164:17 179:14	171:7,14 228:4
leaving 64:21 66:12	105:2 106:9	list 104:16	212:21,21 223:1	235:12 245:15,16
76:1 144:4,9	232:19 246:8	listed 54:19 262:16	236:8 248:22	247:17 254:4
146:8,15 147:14	255:19 360:14,19	listen 31:8 265:5	253:20 260:2	270:18 301:3
151:6 152:3,5,9	360:21 361:2,21	listened 339:6	287:13 288:6	304:3 306:14
152:10,12,14,15	362:2,9 369:17	listening 265:2	313:22 397:15	319:9 320:5
154:1 176:18,22	396:7	377:3	399:17 401:22	338:10 359:3,7

378:9,11,15,17 381:2,3 406:18 loud 246:17 Louise 1:22 2:10 49:5 lovely 59:18 low 275:8 lower 375:20 luck 74:22 lying 21:15	104:11,14,21 105:4,7,10 106:7 106:12,20 108:2 109:1 110:13,18 111:2,19 112:3 115:2,4,8,13,16 115:21 116:2,5,12 116:16 117:7,10 120:3,10 122:5,16 123:1,18 125:1 126:2,8,18 127:1 131:3 133:1,4 143:22 144:5,7,11 147:5 148:16,20 149:4 150:2,14,18 150:20 154:11 157:9,14,16 159:20 164:13 204:5 205:4,18 206:4 207:12,15 209:19,22 210:4,6 210:16 211:11 224:10 Madam 3:3,11 4:13 6:14 189:7 204:2 266:7 270:14 280:10 339:17 369:20 397:3 413:13 main 58:16 64:2,5 65:13,15 66:6 75:7 86:1 90:17 93:9 172:22 180:9 180:12 248:13 298:14 320:7 376:9 378:4 382:9 383:1 386:14 major 245:18 346:10 354:22 357:11 majority 351:16 making 89:5 109:14,15 232:6 256:21 271:18 399:3 man 56:11 77:22	87:2 182:8 213:2 213:4 224:13 251:9 379:16 man's 216:11 manage 294:21,22 360:21 management 197:16 199:5 201:9 276:19 299:4 312:21 349:11 358:5 manager 31:17 32:11 33:7 139:13 193:16 197:1,8 217:15 232:3,21 235:16 238:12 242:4 255:18 263:6 312:22 321:7 347:19,22 352:18,21,22 353:2,12 356:18 357:1,5 360:20 361:1,4,6 362:6,6 367:9,14,16,16,17 367:18,20 manager's 36:18 36:22 360:14,19 361:21 362:2,9 managers 263:8 312:21 313:1 managing 221:13 221:14 mandatory 35:2,2 35:3 maniac 271:16 manner 112:7 manufacturer 106:10 map 63:15 177:9 Marcelo 33:16,20 368:1,3 mark 235:22 267:21 marked 17:19 56:16 213:15 233:10 243:20	396:16 marking 56:19 Martin 44:21 45:2 massive 327:1 master 289:21 material 110:10 217:10 408:19 matter 1:3 2:13 4:18 5:5,11,21 6:5 7:9,20 18:20 72:9 89:18 97:10 208:10 211:4 227:14 231:11 238:12 253:3 350:2 414:11 matters 6:10,10 13:14 35:12 maximum 398:12 398:15 mean 23:10,13 40:11 42:9 70:15 79:10 103:5 104:7 112:17 124:15 143:7 144:16 150:4 156:13 172:7 206:17 246:3 260:8 266:20 283:5 301:3,4 310:1,2 320:14 322:4,14 323:16 324:10,14 326:21 329:12 335:7 363:14 371:3,4 373:6,7 374:22 389:10,11 391:3 394:5 403:3 410:8 means 135:14 254:5 389:17 404:4 meant 52:12 208:12 379:15,15 379:17 389:9 measurements 325:5 measures 240:16	240:19 medical 34:18 105:19 Medstar 29:12 45:6 45:8 204:9 meet 215:5 400:3 400:13,16 404:12 408:14 meeting 1:2 193:2 194:8,11,21 195:1 209:5 279:19 370:12 412:5,10 413:20 meetings 4:9 370:8 412:9,13,16 member 1:18,18,19 1:19,20,20 23:1,3 23:7,10,15,17,21 24:1,3 46:4 47:7 47:13,16 48:4,14 48:20 49:1,4 50:3 55:22 56:7 68:15 69:3,22 72:16 73:18 74:1 77:21 78:5 85:3 88:19 88:22 133:15 136:21 137:2,9,11 137:17 146:2 160:2 166:10,14 166:20,22 167:14 167:19 168:2,7,10 168:13,16,20 169:2,11,13,19,22 170:4,10,19,22 171:4,8,11,16,21 172:4,16,20 173:2 173:9,18 174:2,8 174:14,17,20 175:4,9,13,17,20 176:3,8,14 177:4 177:7,18 178:1,5 178:10,13,19,22 179:4,8,13,17 180:3,6,11,15,20 181:1,7,10,13,17 182:3,7,12,16,18
--	---	--	---	---

183:4,6,11,20	303:20 304:6,15	351:22 352:7,14	mentioned 111:9	109:18,22 113:12
184:2,8,12,19	304:18 306:8,17	352:20 353:5,9,14	116:4 295:17	113:16 117:13,16
185:1,3,7,10,20	307:6,10,17,19	353:16,18 354:5	306:9	117:19 118:2,5,9
186:1,4,12,17	308:13,17 309:1,6	354:10,15 355:4,8	met 1:13 31:16	119:15 128:11,13
187:1,8,11,14,17	309:13,18 310:1,6	355:12,15 356:3,9	50:11	128:22 129:6,11
187:22 188:12,16	310:14,19 311:1,5	356:21 357:2,6,10	metal 35:3 76:21	129:18 134:17,21
188:20 189:2,4,7	311:8,13,17,21	357:18,22 358:9	219:13	135:2,6,10,18
189:15,20 190:11	312:5,8,12,19	358:13,16,20,22	Michael 99:18	136:4,7,12,18,21
190:15,20 191:2	313:2,6,9,14,17	359:10,13,17,21	100:17 193:15	137:1 138:9,15,20
191:14,20 192:2	314:9,12,15,20,22	360:4,8,12,17	273:16	139:3,7,22 141:1
192:11,15,18,22	315:6,11,15,22	361:3,7,10,14,19	microphone 12:2	141:5,8,15,22
193:10,14,18,21	316:8,16,22 317:7	362:8,12,14,18,20	119:16 223:16	142:3,5,8,14,17
194:4,6,10,20	317:10,16,20	363:1,7,9,21	middle 301:7	148:10,13 154:17
195:6,13,15,21	318:7,14,18,22	364:3,10,13 365:5	380:16 386:6,7	155:3,12,15 157:5
196:1,10,14,16,18	319:14,17 320:13	365:15,22 366:9	387:15	158:20 160:4
197:7,13,16,19,22	321:2,21 322:3,22	366:13,16 367:2,8	mike 1:19 66:18	162:19 163:2,5,8
198:5,7,13,20	323:3,6,19 324:4	367:12,15,21	119:18 223:18	163:10,12 166:8
199:2,9,11,16	324:8,18 325:3,9	368:3,6,10,12,16	233:17 242:2,3,8	187:21 189:5
200:4,10,13,21	325:13,18,22	368:21 369:2,18	242:8,12 268:10	204:3,6,17,20
201:6,8,18 202:2	326:4,7 327:2,6	369:20 412:19	268:12,17,21	205:5,12,19 206:1
202:10,21 203:12	327:17 328:12,18	413:3,5,8,12,15	320:18 321:7	206:5,12,15 207:1
203:16,19 204:1	328:21 329:5,9,16	413:17 414:2	368:2,4 407:3	207:4,7,13,16,22
213:18 214:5,7	330:3,6,11,18	members 4:5,6	Mike's 242:17	208:3,6 211:22
258:17 266:19	331:2,5,8,13	42:21 67:16,21	military 226:2	212:4,7,10,14,17
267:2,6,10 269:10	332:1,6,15,18,21	68:7 81:8 193:3	Miller 1:15,17 2:3	212:22 213:7,10
269:13,16 270:12	333:4,11,16 334:2	208:9 209:3 212:3	2:16,21 3:4,8,13	213:13,20 214:1,6
280:13,16,19	334:9,14,21 335:3	293:12 373:22	3:16 4:3,15 6:15	214:8,12,17,20
281:3,6,9,14,20	335:8,14,19 336:1	400:7	6:18,22 7:3,6,10	215:2 220:14,17
282:2,4,7,11,18	336:9,13,15,19,22	memo 350:5,8,9,14	7:13 8:18,22 9:2	221:2 223:12,15
282:20,22 283:18	337:3,17 338:2,6	350:15,19 352:1	9:14,19 10:1,8,11	223:19 224:8,11
284:7,11,15,17	338:11,13,17,20	Memorial 5:13	10:14,17,20 11:4	224:16 232:8,12
285:1,9,11,13,16	339:2,9,12,17,19	287:9,9,11,15,19	11:8,16 12:3 16:7	232:14,22 233:4
286:10,15,19,22	339:21 340:8,13	287:22 288:19	16:11,18,22 17:4	256:1,4,8 258:2
287:6 288:2,8,12	340:16,19 341:1	322:12 398:22	17:8,11,15 18:7	258:10 266:6,8,10
288:15,20 289:5	341:16,20 342:4,6	memories 140:14	23:1,2,6,9,12,16	266:12,15 268:5,8
289:12,18 290:3,8	342:9,13,17,22	memorized 261:5	23:19,22 24:8	268:11,15,19
290:15,18 291:5	343:4,7,11,15,17	memory 142:1	31:7 46:11,15,21	269:8,11,12,15,21
291:14,17,22	343:22 344:3,6,9	men 219:12 225:5,8	47:2,6,8,11,14,18	270:3,6,9,16
292:2,6,10,13,17	344:12,15,19	225:16 226:3,7	48:2,8,11,12,15	272:9,12 280:11
293:14 294:1,4,12	345:2,4,6,9,11,14	229:4 230:2	48:18 49:2,8,11	281:5,8,21 282:9
295:8 296:8,16	345:17,20 346:1	289:16,17,18	57:12 59:22 60:4	282:13,16,19
297:3,8 298:1,11	346:17 347:3,7,12	291:3,6,10,16,18	60:14,18 67:15,19	283:7,11,14
299:6,8,14,18	347:15,18,21	295:6 311:6,9	68:8,14,16 69:14	285:18 286:9,13
300:2,6,12,18,20	348:2,4,14,20	312:12,15,16,16	69:18 73:16,21	286:17 289:16
301:1,6,10,13,19	349:1,7,10,15,18	312:17 346:5	74:2,9,15,20 75:2	297:6 303:7,10
302:10,14 303:8	350:4,9,15 351:13	393:16	77:20 109:10,13	304:17 307:8

330:22 331:3,7 336:17 339:15 358:3 369:10,15 369:22 370:14,18 370:22 371:9,12 371:19 372:4 373:17,20 386:16 386:21 387:3,13 389:5,12,19 390:4 390:6,11,13,15,21 391:11,14,17,19 391:21 392:1 393:6 394:21 395:2,6,9,13,20 396:3,10,13,21 397:1,5,8 398:2 398:14,19 399:8 399:21 411:15 412:2,20 413:4,6 413:9,9,14,16,18 414:5 milling 76:15 million 246:7,13 mind 309:12,14 319:21 mine 239:9 267:14 minimally 208:17 minute 7:7 67:8 117:21 118:3 162:20 182:11 184:4 224:9 227:14 254:19 393:20 minutes 184:9 203:14,17 227:22 228:6 229:7 231:20 232:2 237:16 239:3,7 241:7 242:22 250:1 252:20 254:5,17 271:10 271:15 302:1 310:9,12,13,16 314:5,5 320:16,17 321:19,22 322:2,8 392:8 393:20	misbehaved 292:18 misleading 110:10 159:18 216:3 218:10 220:2 400:20 401:8 408:18,21 misled 272:6 misread 126:14 misrepresentations 217:11 misrepresented 217:21 missed 9:4 278:11 missing 91:22 138:5 261:9 misstatement 129:4 misstates 128:9 129:15 134:8 mistake 218:20 277:10 332:13,13 mistaken 4:6 mistakes 298:8 misuse 105:2 mitigate 308:9 mix 61:6 Molina 33:16 37:13 40:9,16 41:16 46:5 194:1 moment 210:3 274:2 moments 9:17 218:9 Monday 8:6,10 294:17 money 223:4 225:11 290:5,6 393:5 monitor 38:21 39:3 381:22 monitored 381:18 monitoring 18:22 monitors 16:14,17 24:5 41:11 month 216:6 247:2 247:6 248:16,18 257:4,11 293:20	345:20 months 220:8 261:3,3 272:2 293:9,19 294:15 341:4 349:17,17 349:19 360:3,5,7 360:9 365:7,8 366:22 370:13,17 370:20 373:15 385:1 394:13 mop 199:22 morning 5:12 321:11 339:19 motion 412:21,22 mouse 55:10,12 move 16:3 48:19 67:21 92:4 140:22 212:12 235:11 250:22 395:14,17 395:17 396:1,5,6 412:10 moveable 39:20 moved 24:2 47:17 226:6 231:16 235:11 410:2 moving 85:8 127:18 163:13 376:19 MPD 6:7 8:9 25:19 35:9 52:9 82:21 90:3 91:16 101:10 101:11 113:4,5 114:21 115:19 123:20 124:6,8,22 125:6 126:16,21 127:14 192:16 195:16 217:12 237:19,20 241:21 252:13 352:9,10 352:17 353:6 363:3 364:16 365:1,4,12 401:10 401:19 403:5,12 403:13 407:13 Mullins 368:8,9 multi-tasking	194:18 multiple 6:1 25:21 27:20 167:10,11 175:2 muscle 227:15 252:9 music 66:21 320:19 320:21 321:5,19 322:8 mustard 215:7 217:20 <hr/> N <hr/> N-I 50:19 N-N-E-L-L 45:3 N.E 2:6 N.W 1:14 naked 290:2 name 11:20 12:5 32:15 33:15 118:15 153:7 162:17 168:3 176:1 193:17 221:6 280:3,17,21 341:17 342:14,15 342:16 343:1 344:13 368:7,13 377:2 387:19 names 28:1 30:3 114:5 115:18,22 133:17 135:8,11 136:8,10,15 137:4 137:5,13 138:17 139:8 242:20 243:3,5,7 260:10 299:22 374:17 375:12,15,22 376:22 napkin 323:14 napkins 323:13 nature 202:11 338:4 NE 1:5 near 66:2 87:4 223:18 376:3 380:14 381:22	necessarily 194:21 necessary 136:2 need 11:2 82:18 109:10 212:21 214:7 223:16 254:16 268:16,20 277:7 287:15,22 317:10 332:14 338:15 356:7 365:13 366:5 397:16 398:7 needed 27:9 33:12 241:19 370:11 373:8 400:10 403:18 needs 11:2 253:20 269:2 283:9 320:10 399:2,5 negligence 218:10 neither 61:10 117:4 neon 153:14 never 112:10 152:6 154:8 234:11,15 234:18 238:20,21 242:20 245:16 246:16 295:5 331:21 332:3 333:3 351:7,8 379:15,17 410:3 new 106:9 281:10 285:6 286:5 292:19 294:2 295:13 337:13 408:1,7,9 Nicholls 50:12,13 50:19 51:2,5,10 51:16 90:13 123:11 124:2 133:10 157:11,17 157:20 158:3,22 159:3,22 160:6,15 160:15 166:17 168:3,6,7,17 169:5,6 170:20 173:16,19,22 204:10
--	---	---	---	--

NICK 1:18	294:7	objections 135:17 396:11,12	93:9 107:7 145:8 185:14 190:10	401:16
nickname 280:22	note 198:8 205:21 238:7 364:6	obligation 357:7	191:4 192:3 193:4 195:1 218:8	oh 26:19 30:21 33:14 46:12,14
night 26:4 38:5,8 41:9 42:7,10 50:16 62:5,7 102:3 121:16 124:16 125:9 136:3,16,18 138:16,17 139:8 163:17 193:4 198:18 209:15 219:13 222:3 230:3,8 233:22 241:15 242:8 249:17 255:15 264:10 272:16 292:8,18 294:7,16 295:22 311:4,12 322:19 325:2 343:8 345:15 346:2 347:8,15 352:8 353:6,20 355:17 374:5 377:16 384:18 387:19 393:12 394:1 407:7	noted 191:6 356:4 notice 6:11,13,15 7:5,21 36:1 53:6 104:3,5 237:19 398:1,21 399:6,6 399:7,10 noticed 80:5 210:20 notices 236:1 noticing 74:16 notified 101:10 304:20,21 305:1 367:6,7 notify 366:13,17 367:2 number 101:21 229:13 367:3 377:4 395:21 numbers 17:10	observation 166:3 191:11 202:22 217:17 340:10 observations 186:2 observe 26:18 51:17 82:3 130:5 145:19 157:21 159:4 191:21 203:7 222:17 225:19 238:1 243:22 311:15 observed 19:18 26:22 82:8 95:7 126:20 133:11 165:1,7 173:4,5 188:13,17 189:17 190:1 222:18 227:5 340:3 observes 403:10 obstruct 220:3 401:12 obstructed 67:14 143:4 200:7 401:15 obstruction 215:22 401:14,21 obtain 31:3 97:21 98:6 261:22 262:2 obtaining 20:12 31:2 obviously 260:18 292:7 405:13 406:11 occur 67:12 92:12 92:15 93:2 121:12 190:5,7 298:2 394:9 occurred 5:11 13:17 18:17 44:9 53:6,8 57:15,17 58:5 61:5 68:20 86:3,7 90:21 91:12 92:7,10	237:17 241:15 243:11 244:4,18 279:14 330:13 362:10 392:10 408:12 410:1 occurring 86:14 87:17 241:3 393:14 occurs 55:19 56:2 67:9 92:11 offer 3:22,22 243:9 243:18 365:19 407:16 office 36:18,22,22 38:20 46:1 54:10 57:1 163:15 164:5 194:17 215:13 312:11 353:4 officer 20:9,12 21:20 27:8 50:12 50:13 51:2,4,10 51:16 90:12 123:10 124:2,8 133:10 157:11,17 157:20 158:3,21 159:3,9,22 160:6 160:15 166:16,19 167:20,22 168:6,7 168:17 169:4,6,7 170:4,20 173:15 173:19,21 204:10 237:19,21 403:17 officers 34:22 35:6 35:13,17 36:2 90:8 114:21 115:18 124:6,15 158:8 167:9 305:6 305:9,14 306:5 364:17 365:14 366:6 offices 83:18 official 37:13	77:14 104:1 108:4 119:20 129:8,11 135:6 155:18 156:3 183:4 186:4 186:15,19 213:1 261:1 268:2,11 272:1 282:4,7 288:11 300:4,4 317:16 319:14 321:6 326:8 362:15 370:7 377:21 392:14 OIC 219:7 351:4 364:4,7 366:10 okay 2:3,16,21 3:8 4:3,12,15 7:10,14 9:2,3,14,19 10:1,9 10:18,19 11:4,9 11:16 12:3 15:11 16:11,19,22 17:8 17:11,16 18:7 19:9 20:4,16 21:21 24:18 25:8 25:13 27:4,11,15 27:22 28:8 29:13 30:2,18 31:5,10 33:8 34:1,15 35:5 36:10 37:5,10,16 37:20 38:11,19 40:1,7,15 41:13 41:19,22 42:11 44:8 45:12 46:11 46:21 47:3 48:11 48:12 49:8,11,19 51:20 52:15 53:20 54:6,12 55:20 57:6 58:8,22 59:4 59:11,19,22 60:5 60:10 62:20 63:22 64:7,12,16 65:1 65:16 66:15,22 67:3,19 68:8,8
	O			
	O-L-G-A 8:5			
	OAG 1:22 120:19 165:16 219:7			
	object 113:22 122:18 128:21 129:14 132:2 140:9,12,19 147:19 148:7 158:11 214:15 273:8 326:21 345:12			
	objected 138:21			
	objecting 135:19 140:19			
	objection 16:19 103:13 109:5,7,14 109:16 127:6 128:4,10 129:3 132:17 134:7,8,12 135:16 154:15 155:1 158:15 213:8 232:15 272:3 392:21			
nightclub 64:21 66:13 85:19 146:20 221:9,11				
nightclubs 188:17 308:2				
nights 245:22 246:1 294:18 295:2 364:15 373:12				
nine 203:14,16 220:8 230:2 261:3 293:9,19 341:4 349:19 384:22				
noise 246:16				
non-security 350:18				
nope 38:4				
Nordstrom 12:22				
normal 188:4,6,21 205:22 254:12				
normally 76:6				

69:11 70:11 71:4 71:14 73:3 74:1,7 74:8,11,15,20 75:2,15 77:6,9 80:18 81:1,15 82:11 83:1,11 86:20 87:1 88:5 90:6,14,22 91:19 93:4,12 94:4,13 94:17 95:9,18 96:1 97:5 98:13 98:21 99:6,19 100:15 101:2 102:15,21 103:3,8 103:20 104:1 106:1,4,13,16 107:19 108:20 109:2,13 110:14 110:19 111:8 112:12,21 113:16 116:6,13,14 117:11,13,16 118:4,5,9 120:11 120:17 121:3,6 122:12,17 123:13 123:19 124:7,17 125:2,22 126:3 130:18 131:12 135:18 137:17 138:13 139:3,8,10 139:22 141:15 142:3,5,8,16,17 142:21 143:10 144:1,20 146:4,12 146:22 147:12,22 148:6,8,9,13 150:1,13,19 151:16 152:21 155:15 156:17,21 157:3,5 158:1,7 158:18,20 159:6 160:16 162:2 163:3,8,10,12,13 164:17,21 165:21 166:6,8 167:14,19 168:2,16,20	169:11,13 170:19 171:16 172:4 173:9 175:4,13,17 175:20 176:8,15 177:11 178:2,13 178:22 179:13,17 183:6,6 184:2,19 185:10,20 186:4 186:12 187:8,17 189:15 190:11,15 190:20 191:14,20 192:15,22 193:10 194:6 195:6,15 196:1,12,16 197:7 197:14,22 198:13 198:20 199:2 200:21 201:8,18 202:11,21 203:19 204:1,3,6,11,17 205:5,19 206:5,12 207:4,7,16,16 208:3,6 210:5,17 211:15,21,22 212:4,10,14 213:1 213:10,13 214:5,6 214:8,17,21 215:2 220:16 221:2 223:16 224:16 225:1,6,18 227:4 227:7 232:14,22 236:5 245:4 249:5 249:9 252:10 256:1 257:6,15,22 259:2,7,13,21 260:6,11,12,17 261:21 262:12,20 263:2 264:4 265:15,22 266:2,6 267:2,14,18 268:11,12,15,19 269:21 270:1,9,12 270:16 272:9,12 272:19 275:13 276:8,8 278:10,16 279:1,6 280:8,11 280:20 281:3,8	282:7,12 283:7,11 285:11,16 286:9 286:13,18,21,22 289:12 290:3 292:2,7,10,17,19 294:3 295:19 297:3,5 298:13 299:6 300:12 306:17 307:6,8,14 307:19 308:13 309:6,19 310:5,7 311:22 312:19 313:14,17 314:11 315:19 317:20 319:17 320:1 321:2,21 322:9 323:6 325:3,4,14 326:6 327:2,5 330:18 331:7 333:16 334:3 335:19 336:13,17 337:2 338:17 339:9,12,14 340:19 342:4 343:4,17 345:11 346:1 347:7 348:4 348:14 350:4 351:22 352:7 354:10 355:4,12 356:3,21 357:18 358:16,22 359:13 359:17 360:9,16 361:10,19 362:14 362:20 363:7,21 364:3,13 365:5,15 365:22 367:21 368:6,12 369:18 369:19,22 370:14 370:18,22 371:9 371:12 372:4 373:20 377:7 378:19,22 379:20 380:5,22 381:9,17 382:10 384:5 385:15 387:3,10 387:18 388:16	389:1,19 390:21 391:11,14,17,19 391:22 392:1,15 392:18 393:6 394:21 395:13,20 396:3,10,13,22 398:2,19 411:15 412:2 413:18 414:1,7 old 225:2,3 379:14 Olga 8:4,5 9:9 31:17 33:5 42:7 217:14 232:3,6 259:14 353:13,14 357:1 358:17,17 396:7 Olga's 356:21 once 138:2 159:9 159:21 160:5 229:3,5 296:1 334:19 ones 76:21 222:8 263:9 open 4:8 81:8 83:15 172:14 221:17,22 223:3 297:18 321:11,15 330:12 330:15 346:11 379:21 412:9,13 412:16 opening 3:9 4:17 9:22 10:4 380:3 operation 202:14 289:4 348:13 365:17 operations 187:15 opinion 4:11 206:7 206:11 opportunity 31:3 195:7 196:2,9,11 340:20 351:8 opposed 14:11 283:5 400:14 opposite 35:20 order 27:9 34:3 42:13 63:9 66:19	86:13 200:1 217:20 305:16 321:12 393:13 394:8 404:2 413:21,22 ordered 293:7 320:19,20 321:5 349:21 351:21 ordering 321:3 orders 85:7 organization 196:4 original 356:7 originally 245:9 outlined 402:10 408:15 410:20 411:8 outside 25:15 34:18 35:19,20 51:9 52:8 57:18 62:10 75:13 124:15 125:11 126:5,9,10 171:12 172:13 188:11 190:12,16 190:18 191:9,10 192:4,4,8,9 195:3 201:14 211:18 228:20 229:1,2 235:20 237:7 250:5 271:19 302:17 304:13,14 306:3,14 315:10 330:2 340:5 376:17,19,20 378:7 379:2,6 381:4,10 over-packed 249:17 overlay 271:12 overly 249:19 overruled 134:18 owned 313:12 owner 2:19 32:11 32:18,21 139:12 193:9 221:11 235:16 263:5,20 284:8,13,18 339:5
--	--	--	--	---

347:11,13,16 348:17 351:16 364:5 owners 32:20 193:9 352:4 402:7 ownership 193:2 196:6 199:5 201:9 348:17 349:11 350:20 owning 148:9	171:14 228:4 235:12 254:3 306:14 320:5 378:8,11,15,17 381:2,3 part 5:6 50:14 51:7 68:11 89:18 97:13 113:7 128:1 145:18 189:8 194:8 196:4 206:1 212:20 218:10,11 238:16 399:15 401:4 partial 410:15 particular 22:7,9 25:4 107:9 384:6 particularly 407:20 parties 2:9 3:21 193:5 411:17 partition 55:18,18 56:4,5 61:6 67:12 71:11,12 107:17 partner 221:13,15 246:7 351:15 364:12 party 196:3 pass 217:19 passageway 66:4 378:14 pat 371:16 pat-down 35:2 219:14 240:20 343:10,12 pat-downs 342:2 patch 314:1 patron 29:20 30:10 51:6,14,18 64:10 79:17 98:11 111:5 116:10 150:22 151:11,14,20 152:15,19 153:10 157:22 166:1 169:8 178:18 182:1 210:9 228:10 240:20,20 250:4 290:12	302:2 324:1 patrons 27:20 29:18 67:11 76:17 108:12 110:6 123:12 124:3 132:8 144:9 148:18 151:6,9 152:6 154:2,10 155:5 159:5 165:2 169:14 176:18 187:3 202:16 203:6,11,21 217:18 220:11 225:9 226:11 227:2,3 228:2 229:5 235:10,13 236:7 238:22 239:5,8 245:11 250:3 252:22 290:1,9,11,14,22 292:21 295:11,12 295:13,13 296:17 298:21 309:17 321:13 323:20 326:19 327:19 337:7 372:17 402:18 410:5 patrons/friends 154:21 patting 402:17 pause 23:11 pay 218:6 223:4 paying 78:10 140:21 141:3 246:13 payments 363:4 Pear 256:13 Pearson 243:15 256:14,15 257:7 260:18 264:21 344:5,6 345:4 346:3 347:5 375:11,14 396:2,8 407:6 people 5:19 21:7 25:21 30:4 32:12	33:11 54:1 55:16 56:4 61:9,16,18 61:20 64:20 70:15 70:20 76:15 78:9 79:4 80:8 84:22 86:15 111:21 149:14,15 153:4,6 154:3,13 161:22 167:3,8 173:17 191:12 194:2,19 194:22 206:19 208:19,21 210:12 223:1,4 226:17,18 226:19,20 227:20 228:7,10 237:4 240:4 245:14,21 246:10,12 247:10 247:22 248:8 250:1,2,6 254:9 260:19 261:12,14 262:1,14,16,19,22 263:13 265:1 271:3 273:7 274:10 279:20,21 279:22 287:2,2 289:1,6,10,13,14 289:19 290:5,20 291:7,20 292:14 294:16 295:10,10 298:6 302:17 303:16 308:4 310:9 311:2,14,22 312:6 313:17 314:7,16 315:1,3 315:3,9,17,20,22 318:1,8 319:15,18 319:21 320:5 322:6 323:17 324:5,5,11 328:1 328:8,9,13,20,21 337:12,13,18 354:22 365:11,13 366:4,7 371:16 374:5,16 378:20 379:2,3 380:3 391:13 403:1	409:13,21 410:11 people's 375:22 percent 22:10 221:10 255:7,10 280:7 292:12 311:20,22 343:6 359:5,6 363:15 365:10 perfect 393:22 394:5 period 24:9 46:9 308:12 404:10 periodically 42:9 permanent 385:5,9 permission 27:10 402:12 permit 399:12,14 402:12 person 20:19 21:12 25:10,14 30:11 32:5 43:14 56:3 107:21 112:13 152:18,18 156:1,9 169:15,20 170:2 170:11 172:6 173:4,6,10 174:3 174:9,15 175:5 176:22 178:14,15 181:14,15 184:5 184:10,13 211:17 236:6 283:9 299:4 309:10 315:4,6 316:4 327:13 340:11,13,16 341:11 344:22 401:13 person's 405:21 personal 163:22 205:9 359:14 personally 133:20 137:12 personnel 53:4 101:20 249:20 294:8,11,13 299:5 347:2 persons 279:14
---	--	---	--	---

perspective 93:11 104:17 111:1 230:11	44:8,18 45:1,5,8 45:12,17 46:2,8 46:18 47:1,4,10 47:20 48:6,10,13 48:17,22 49:6,10 49:12,19,22 50:2 50:4,9,18 51:1,20 52:2,15,21 53:1 53:10,13,20 54:3 54:6,12,18,21 55:2,8,20 56:8,18 57:3,6,13,20 58:1 58:4,8,11,22 59:4 59:11,14,17,20 60:1,8,11,16,19 61:20 62:2,7,9,14 62:18,21 63:7,13 63:22 64:3,7,12 64:16 65:1,6,16 66:3,7,15,22 67:3 67:18 68:1,3,9,17 68:21 69:7,11,16 69:20 70:1,4,7,11 70:19 71:1,4,9,12 71:14,16,20 72:1 72:6,14,19,22 73:3,7,12,15 74:6 74:12,21 75:4,9 75:12,15 76:11,14 76:18 77:1,6,9,12 77:17,22 78:18,22 79:15,21 80:4,8 80:15,18 81:1,4 81:10,13,17,21 82:2,7,11,15,17 83:1,7,11 84:10 85:13,16 86:10,20 87:1,7 88:2,12,15 89:9,14,21 90:6 90:14,22 91:4,10 91:15,19 92:3,8 92:12,15,19 93:1 93:4,12,16,19 94:4,10,13,17 95:1,9,13,18 96:1 96:9,13,16,20	97:1,5,9,13,17,21 98:5,13,17,21 99:6,10,14,19 100:4,11,15,19 101:2,11,14,18 102:7,10,15,21 103:3,8,11,17,21 104:2,12,15,22 105:5,8,11 106:1 106:4,8,16,21 107:8,19 108:3,7 108:14,20 109:2,7 109:18,20 110:2,8 110:14,19 111:3,8 111:13,18 112:1 112:12,21 113:5 113:10,17,21 114:3,7,10,15,19 115:1,3,5,9,14,17 115:22 116:3,6,9 116:13,17 117:4,8 117:11 118:1,6 119:8,12 122:18 127:5,15 128:4,9 128:16 129:14 132:2,17 134:7,19 135:1,5,12,21 139:1 140:6,11,22 141:2,18 147:19 148:6 154:15 155:1 158:11,18 177:13 212:1,2,9 212:12,15,18 213:3,21 214:2,19 232:10,16 256:2,3 256:5,6,10,15 257:6,10,15,19 258:5,13,19 259:2 259:7,13,17,21 260:2,6,11,13,17 261:1,6,13,16,21 262:6,12,15,20 263:2,11,17 264:1 264:4,12,16,19 265:8,13,16,19,22 266:3,7,9,11,13	266:16,22 267:4,8 267:14,18 268:2,7 268:9,13,18,20 269:1,18 270:1,4 270:7,10,13,17 271:5,20 272:8,10 272:13,19 273:3,6 273:11,14,18 274:4,9,14,17 275:13,21 276:6,9 276:15,18 277:3 277:20,22 278:6 278:10,16 279:1,6 279:10,12 280:4,8 281:17 282:21 283:2,8,13 326:20 327:5 345:12 374:3,8,12,16 375:6,9,17,21 376:2,8,10 377:3 377:7,11,14,17 378:1,6,10,13,16 378:19,22 379:7 379:10,20 380:5,8 380:12,17,22 381:5,9,12,17,21 382:3,7,10,18,21 383:3,6,8,11,17 383:20 384:2,5,10 384:12,19 385:4 385:10,12,15,17 385:20 386:2,15 386:16,19 387:1,4 387:10,12,14,18 387:21 388:1,7,10 388:14,16,19 389:1,3 390:3,5 392:21 396:12 397:3,7,9 398:3 398:17,20 399:9 411:21	phones 359:11 photograph 91:7 pick 38:2 239:12 290:4 picked 37:21 38:12 38:13 84:12,12 picture 22:22 24:12 24:15,22 56:11 59:1 90:15,17 93:22 94:14,21 95:16,22 96:2,6 96:18 97:2 377:19 pictures 23:4 31:16 39:3 piece 273:2 306:22 place 31:15 92:10 100:8 112:5 154:16 158:10 198:2 199:6 240:16,19 287:8 292:4 351:9 363:2 375:21 380:1 384:6 402:8 placed 91:6,8 93:16 164:16 358:6 384:7 places 156:5 placing 145:17 165:8 plain 149:10,11,16 plaintiffs 229:4 plan 1:9 5:2 6:1 65:18 99:9,21 100:1,8,9,22 101:15,16 102:11 102:12,22 103:4 103:15 105:22 106:14 111:12 112:2,4 198:8 213:6 216:5 218:15 219:9,16 247:21 251:5 279:3 281:10 282:17 283:15,19 283:20,21 284:12 284:19,21 285:3,6
--	--	---	--	--

285:7,14,21 286:2 286:5,18 287:1 293:10 352:8,12 384:14 404:8,18 404:18 405:3 406:1 408:2,3 411:9 plans 102:18,20,22 104:4 278:18 284:2 plastic 293:7,11,17 293:19,21 349:22 351:21 372:22 373:18 plastics 294:6 plasticware 350:17 plates 230:4 play 248:16 301:22 307:16 372:10 played 55:13 68:2 72:10 83:6 85:20 87:11 playing 75:3 320:19,21 please 12:1 87:8 221:6 283:10 314:10 point 9:5 21:4,6 27:7 29:4 39:6 44:11 52:16 54:13 57:13 64:20 77:14 78:12 84:15 85:6 111:4 130:2,9 133:5 152:13 160:19 181:22 191:16 199:3 206:14 209:5,10 209:11 210:10,18 229:10 230:17 237:22 238:5 248:14 250:7 251:13 255:6 256:17 259:7,8 274:5 275:15 300:16,16 301:15 303:17 306:3	307:1 309:4 318:11,13 320:7 321:10,17 331:19 334:22 349:2,12 351:2 354:15 360:2 403:15 409:11 410:16 pointed 27:13 53:8 65:12 66:6 236:8 254:1 pointer 95:2 pointing 24:11 79:2 266:1 police 19:14 20:9 20:12 21:8,19 50:6 90:8,10 94:7 94:20 95:4 130:8 131:2,7,8,10 166:16 167:9 216:18,21 241:14 265:12 302:5 304:20 305:6,9,14 305:16,22 306:4 307:4,5 309:7 325:6 358:7 365:14 366:6 371:7,8,10 403:16 404:14 405:8 pop 45:21 popped 227:15 portion 86:5 portrayed 322:4 POS 249:19 pose 293:1 posing 283:3 position 13:3 335:12 positional 112:8 possible 244:2 301:14 possibly 250:16 post 35:19 298:18 posted 35:17 364:18 pounds 374:22 poured 340:17	349:5 pouring 340:4 power 241:5 practice 6:19 206:2 precipitated 143:5 precluded 112:1 predicate 128:17 preliminary 3:14 3:17,19 6:9 45:21 premises 105:3 107:1 249:20 preparation 165:15 prepare 163:20 prepared 50:5 54:10 165:20 322:19 presence 319:20 403:2 present 1:16,21 32:5,9,10,11 50:13 202:13 219:12 222:2 243:12 276:19 403:6 presented 9:8,17 165:16 215:3,4 216:18 217:13 253:21 362:3 402:19 403:20 408:7 presenting 278:8 preservation 215:9 216:4 preserved 408:3 410:19 presiding 1:15 pretty 5:14 7:14 54:9 80:20 215:21 301:2 306:22 342:20 359:4 373:19 prevent 241:3 371:21 372:9 401:6 404:2 previous 13:2 119:6 127:9 134:9	293:11 primaries 399:18 primary 194:7 367:18 398:12 prior 119:4 146:14 170:2 198:17 346:2,18 prison 215:19 private 53:17 56:22 90:19 171:6 223:2 223:2 probably 5:6 56:10 58:7 65:22 84:1 87:16 88:18 139:14 153:17 167:7,9 182:10 188:18 194:2 203:14 222:8,13 244:21 245:12 247:11 249:18 262:10,14,18 272:17 289:10 308:2,21 313:12 321:8 359:5 361:22 393:9 problem 49:10 119:16 128:18 142:6 229:7 231:19 237:9 247:17 288:9 305:2 problems 47:1 245:16 procedure 324:9 326:10 327:18 330:21 331:9,11 333:18 334:10 procedures 34:20 34:20 111:5 proceed 118:11 proceeding 401:17 proceedings 3:1 414:8 process 137:19 369:13 406:1 processing 120:19	product 120:6 professional 335:21 program 333:9,10 338:9,22 prohibited 110:11 408:19 projection 58:13 promoters 296:3 297:17 pronounce 118:15 proof 9:12,13 373:14 394:12 properly 252:15 373:6,11 410:19 property 27:14 proposed 411:18 prosecuted 215:13 prosecuting 216:19 prosecution's 217:5 protect 290:9,11 309:17 protested 245:9 protocol 198:1,9 199:6 201:14,15 252:12 315:12 334:15 402:17 prove 215:5 216:14 217:20 218:14 219:1 220:6 400:4 410:16 proved 252:19,21 254:4 255:6 406:22 proven 220:1 provide 1:10 27:16 201:11,15 215:16 241:13,20 243:13 254:21 347:5 407:10 409:11 provided 37:19 39:16 40:17,18 114:4 137:21 159:19 160:22 189:9 192:5
--	--	---	--	---

216:21 218:13 220:2 359:14 361:21 364:16 400:20 407:1 408:21 provides 406:7 408:20 providing 216:2 362:4 402:3 proving 255:10 provision 218:15 251:5 407:19 408:5,10 provisions 410:21 proximity 222:14 public 57:2 83:15 83:21,22 86:4 172:15 188:4,5,7 208:10 210:19,21 211:3,4,9 219:20 220:10 245:6,10 306:19 372:14 373:7 pudding 373:14 394:12 pull 46:1 73:15 228:1 326:14 pulled 86:15 pumping 319:5 punch 229:15 245:20 punched 222:20 230:15 274:22 purely 112:20 purpose 1:9 107:2 145:12,16 167:16 194:11,15 213:12 216:2,16 249:13 402:9 412:11 purposefully 404:1 purposes 31:2 212:19 pursuant 4:22 93:17 408:2 pursues 5:10 put 22:22 45:20	68:4 79:12 83:3 111:21 112:15,19 158:5 238:6 246:7 246:13 247:8,22 248:8,8 250:18 254:7 277:7 293:21 369:7 393:15 401:18 <hr/> Q <hr/> qualifying 181:17 quarters 247:12 Queen 178:21 Queens 1:5 2:5 19:12 52:8 61:13 76:9 80:14,16 84:4 125:10 167:6 172:13 179:3 question 26:5 36:1 49:13 54:16 57:15 60:20 91:22 98:2 99:2 110:1 128:1 128:14 129:1,7,7 129:8,17 134:11 134:19,21 135:1,4 135:15 136:5 138:16,17,22 139:5,19 140:12 140:16,20 141:6 143:17 151:3 158:12,13,17 159:14,21 164:3 187:2 199:15 202:8 204:21 209:17 211:2 231:8 258:18 262:3 263:16,17 276:7 277:6 285:20 287:18 288:5 293:4 295:9 295:15 296:9 299:10 304:2,4 307:11,20 308:1 308:14,16,18 309:12 314:10 317:1,8,11 319:2	335:5,6 337:4 347:8,16 352:8 366:21 372:10 377:9 389:6 392:6 393:7 394:16 400:9 questions 109:9 117:12 128:18 135:16 136:1 166:7,9 176:16 187:19 189:6 204:4 207:17,18 207:18,19 208:5,9 209:3 225:4 255:22 265:3 271:9 279:15 280:9,12 283:3 286:19 288:21 297:4 303:11,22 304:16 314:10,13 336:14,20 339:16 373:21,22 374:1,1 389:4 394:20 397:11,12 queued 194:18 quicker 80:22 quickly 88:2 158:15 185:11 253:3 339:22 409:17 quite 76:12 184:8 319:3 400:15 412:3 quoted 131:14 <hr/> R <hr/> R 28:18 R-A-S-H-E-E-N 30:16 R-M-E-R 28:16 R-VIP 65:22 radio 170:1 313:7 313:10,11,15 314:2,8 315:4,13 318:3,4,12,12 327:14	radioed 353:2 radios 312:4,7,8,10 312:13,15,18,22 313:4,19 314:17 314:18 315:10 341:13 353:1 rags 84:18 85:8 94:8 199:20 200:6 200:15,19,19 201:2 railing 227:11 ran 229:11 332:2 range 325:20 361:17 ranging 139:15 rarely 16:18 Rasheen 30:12,15 176:2,10 297:9 rational 197:9 RDO 35:5,13,17 36:2 50:14 51:8 123:3,8 169:7,8 255:5 304:20 362:16 RDOs 367:3 403:6 react 335:10 reacted 197:5 335:9 read 8:2,11 158:14 260:21,22 271:20 272:1,2,13,15,17 371:7 397:21,22 reading 110:12 356:6 reads 260:21 ready 2:8 118:10 214:21 264:1 323:17,22 397:2,6 real 185:11 207:6 288:6 293:13 342:2 388:9 realize 257:20 366:9 realized 159:9,22 160:5 228:11 really 59:18 77:11	78:11 95:6 97:9 120:16 130:16 143:4 152:6,11 167:15 173:13 185:3 199:14 269:9 277:7 279:19 283:9 300:3 302:20 322:11 342:18 370:15 379:17 409:11 rear 65:14 rearend 296:15 reason 24:21 107:9 137:18 197:10 248:3 252:2 305:19 364:21 379:14 reasonable 219:3 reasonableness 405:14 reasons 412:15 recall 19:4 25:5,7 26:3 103:17 164:10 189:16 210:1 233:15 287:14 recap 193:5 receive 13:10 109:3 130:20 139:11 291:19,20 341:2 received 17:21 29:21 30:11 40:8 124:3 192:16 213:16 341:4 346:18 350:6 396:18 397:21 receiving 24:16 recess 118:7 recollection 24:13 32:19 372:5 recommendation 38:14 recommendations 39:12 recommended 39:8
--	---	--	---	---

reconvened 247:2	238:21 239:20	301:5,9,12,18,21	349:4,9,14,16,20	391:22 392:7,14
record 2:4,9 5:5	240:3,10,14,18	302:13,15 303:9	350:7,12 351:11	392:16 393:8,15
6:12,13 11:20	241:4,11,16 242:1	303:12 304:1,10	351:14 352:6,13	394:2,4,10,18
16:3 22:3 68:11	242:16 244:5,13	304:16,19,19,22	352:18,21 353:8	395:1,4,7
97:14 118:10	244:15,19 245:7	306:11 307:3,15	353:12,15,17,22	redid 285:6 293:6
127:16 128:20	249:2,5,9,15	307:18,22 308:15	354:7,12,19 355:6	redirect 208:1
138:10 162:20	251:9,20 252:18	308:20 309:3,11	355:10,14 356:2,6	392:4
212:20 221:6	253:9,13,16,19	309:14,21 310:5	356:12 357:1,4,9	reduce 367:5
224:12 246:2	255:3,6 256:14,18	310:11,18,21	357:16,20 358:4,5	reducing 366:16,18
268:6 283:8	257:9,13,17,22	311:3,7,10,16,20	358:11,15,19,21	367:3
285:19 387:5	258:7,11,15,22	312:3,7,9,14,20	359:2,12,16,20,22	Reeves 1:14
397:20 399:15	259:6,11,16,20	313:3,8,11,16,20	360:6,11,16,20	refer 111:15 136:13
411:17	260:1,4,8,12,16	314:11,14,18,21	361:5,8,11,15	reference 251:8
recorded 43:7	260:20 261:2,8,11	315:5,8,14,19	362:7,11,13,17,19	358:1 371:1
115:19 191:6	261:15,17 262:3,8	316:3,11,20 317:5	362:22 363:6,8,11	referenced 218:17
276:11	262:13,18 263:1,4	317:9,12,18 318:2	364:2,8,11 365:4	404:19
recording 144:18	263:15,18 264:3,7	318:10,16,20	365:6,21 366:1,12	referred 135:20
205:16	264:13,18 265:2	319:11,16 320:1	366:15,19 367:4	234:13 285:21
records 8:4,13	265:11,15,18,21	320:22 321:6	367:11,14,19	referring 74:17
232:6 233:2	266:2 267:12,16	322:1,17 323:1,4	368:1,5,9,11,15	141:17 155:13
395:18 409:2	267:20 268:3,16	323:10,22 324:7	368:18 369:1,4,13	156:18,19 162:22
RECROSS-EXA...	268:22 271:1,8	324:13,21 325:8	369:16,19 370:7	188:10
208:7 374:2	272:1,15,21 273:5	325:12,16,19	370:17,19 371:6	reflect 403:16
rectangles 177:21	273:9,13,15,20	326:2,6 327:16,21	371:11,18 372:1	reflected 143:11,13
rectangular 58:18	274:7,11,16,19	328:14,19 329:2,7	372:11 373:19	regard 5:1 98:2
red 57:20 58:4,10	275:14 276:2,8,13	329:15,20 330:5,9	374:7,11,15,19	99:1,20 107:2,3
58:16 59:9,9 96:9	276:16 277:1,5,21	330:17 331:10,14	375:7,15,19 376:1	108:4,8 115:6
180:5,18 181:2,2	278:2,9,14,22	332:5,8,17,20	376:6,9,13 377:5	regarded 234:14
181:4,7 224:22,22	279:5,9,11,17	333:1,6,13,20	377:10,12,15,21	regarding 44:16,17
225:2,5 269:6	280:7,15,18 281:1	334:4,11,17 335:1	378:4,8,12,15,18	103:15 163:17
270:2,5 383:15,17	281:5,7,12,16	335:5,11,16,22	378:21 379:5,9,11	164:7,11 165:11
387:16	284:1,9,13,16,20	336:2,12,19,21	379:21 380:6,10	350:10
Redding 2:19,19	285:5,10,14,15	337:2,15,22 338:4	380:15,20 381:1,6	regardless 190:2
33:3,4 84:8 193:9	286:7,21 287:5,10	338:8,12,18 339:1	381:11,15,20	regards 110:9
220:13,16,19	287:14,17 288:4	339:4,10,14,18,20	382:2,5,9,12,20	regions 29:19 176:6
221:5,7,7,10,14	288:11,14,18,20	340:7,11,15,18,22	382:22 383:5,7,10	register 382:4
221:18 222:1,4,7	289:3,8,17,20	341:3,18,22 342:5	383:14,19,22	383:13,15 384:1
222:12,18 223:8	290:4,10,17 291:1	342:8,12,15,21	384:4,9,11,13,21	385:7
223:21 224:10,15	291:8,15,21 292:1	343:2,6,9,14,16	385:8,11,13,16,18	registers 382:1
224:18 225:21	292:5,9,11,15	343:20 344:2,5,8	385:21 386:3	regular 34:14
227:7,10,18	293:3,15 294:3,10	344:11,14,17	387:9,11,17,20,22	277:13 295:12,16
230:20 232:1	294:14 295:14	345:1,3,5,8,10,16	388:5,8,12,15,17	296:17
233:14,17,21	296:11,18 297:4,5	345:19,22 346:5	388:21 389:2,11	regulars 295:21
234:4,8,10,15,18	297:8,12 298:4,12	346:22 347:6,10	389:15 390:10,12	reimbursable
235:1,4 236:22	299:7,9,16,20	347:14,17,20	390:14,17 391:7	34:18,22 35:6
237:13,20 238:2	300:4,8,15,19,22	348:1,3,9,19,22	391:12,15,18,20	133:15

related 192:19 196:6 346:4 350:9 350:17,17 351:4 355:21 364:4 365:16 369:11	report 5:18,19 11:1 13:21 14:1,2,6,9 16:3,20 17:13 18:4 22:19 27:17 29:15 33:13 34:4 34:5 41:17,18,20 42:16,22 43:7 44:11 45:13 50:5 50:19 54:11,19 63:9 72:22 74:13 74:17 90:1,3,10 90:11 91:1 97:14 97:18 98:1,17 99:3,17,22 100:2 103:6 104:13 111:9 114:4,20 115:20 117:6 120:7,10,12 121:6 122:13,19 123:2 123:20 124:17 125:13,18 126:4 126:15,20 131:2,7 131:8,9,11,13,14 137:20 138:7 140:1,7,14 141:12 141:17 142:11 143:11 144:1 145:1,17 146:4,22 147:7,8 148:2,3,5 151:4 152:2,7,20 155:10,13 156:5 157:6,10,20 159:19 162:8,10 162:12 163:3 165:17,18 204:7 205:7 211:13 213:22 215:8 218:18 219:10 233:12 238:5 241:22 242:2,6,9 242:13,15,18 243:9 252:12,14 252:16 255:17 256:12,16 257:8 258:21 259:10,14 262:2,17 263:19	263:19,21,22 264:6,9,21 265:10 270:21 271:21 272:4,5,11 276:11 281:18 285:22 293:8 307:5,5 309:7 321:1 355:8 355:10,21 356:5,8 356:10 357:3,4,15 357:19 358:4 371:7,8 375:10 396:1,8 400:6 401:7 403:5,9,11 403:16 405:5,8,8 405:12 406:18 407:8,12 408:8 409:5,7 411:13 reported 42:16 63:10 174:21 175:2 218:1 357:12 371:10 reporter 12:1 119:18 223:20 269:2 reports 13:7 119:10 120:18,21 131:10 263:8,14 299:22 398:9 407:2,18 representing 108:11 110:5 206:18 represents 245:6 request 10:4 37:13 requested 351:3 requesting 358:6 required 100:1,22 101:12,14 102:8 104:4 106:18 346:3 requirement 103:16 351:4,6,7 requirements 101:16 rescue 60:5 research 98:10 164:15	reset 46:7,9 resolution 251:4 resolve 60:3 respect 110:10 371:20 389:14 408:18 respond 249:13,16 252:14 358:7 393:13 responded 82:6 102:4 114:21 115:12 313:18 314:16 respondent 107:17 responding 19:1 61:4 405:14 response 109:19 129:2 134:13 137:3 209:17 responsibility 348:8,8,10 352:16 352:19,22 responsible 284:12 284:16,17,18,20 329:6 rest 251:16 414:6 restate 134:10 140:16 158:16 resting 212:11 restore 200:1 restored 31:1 restrained 112:7 restroom 53:21 83:15 93:22 117:18,22 rests 214:19,21 result 13:16 112:8 219:5,15,18 278:18 resulted 5:16 retailer 1:6 106:11 return 4:17 358:14 returned 242:14,17 257:7 259:3 revamped 293:9 revamping 279:3	revealed 402:13,15 review 31:18 54:13 131:1 160:18 164:20 398:7 reviewed 4:10 6:19 41:5 60:17,19 73:13 131:8 147:10 reviewing 82:12 162:5 revocation 105:1 rewind 69:6,8 88:1 rid 293:6 351:15,17 351:20 right 4:16 6:21 7:13,15 8:11 9:3 10:8 12:4 17:1,11 18:10 22:17 23:9 28:21 31:20 32:13 34:2 38:6 42:1,14 45:12,17 50:4,9 51:1 52:21 53:1 54:6 55:8 57:17 58:11 59:1 60:16 62:9,14 63:7,17 64:3,7 66:22 67:17 68:1,21 69:8 70:1,14,19 71:4 72:6 73:3,7 73:12 74:21 75:4 77:1 78:7,22 80:9 81:11,13 82:15 83:7,12 84:13 85:16,21 86:17 87:12,15,22 88:8 88:15 89:9,14 90:2,2 92:3 93:1,2 93:4,19 95:13 96:7,16 98:21 99:10 101:18 102:7 103:11 104:6 107:8 108:3 108:14 109:12 110:8,17 111:3 115:17 116:9,13 117:11 118:6,20
--	--	--	---	--

127:18 135:12	374:17 375:6,9	room 1:14 36:13	306:19 337:6	306:5,6 310:20,22
137:15 138:20	376:10 377:1	37:9 57:5,17,18	372:14 392:19	315:2,3 316:13
139:5 140:11	378:6,17,22 379:7	59:7,8,13 66:4,4	safety-wise 188:7	317:6 323:13
142:9 151:7 172:7	380:16,19 381:7	67:10 90:19,19	Saks 12:21	327:3,6,22 329:10
174:2,3 175:9	381:17 382:6,7,21	139:12 180:14	sales 247:7 363:15	329:17,17,18,20
176:3,19 177:15	383:8,11 384:4,19	194:17 195:4	365:11	329:22 330:2,11
177:20,21 178:1,5	385:1,9,20 386:5	224:2,3 262:9	sanctioning 411:3	330:14,18,19
178:5,6,19 179:15	386:6,8,12 387:8	264:22 269:5,6,12	sanitized 208:17	333:17,21 334:3,4
180:3,5,11,21	387:15,16 388:19	269:15,22 270:19	211:7	334:5,5 335:1
181:5,8,11 182:12	389:3 390:17	271:2,15,19	sat 295:21 296:4	336:2 340:1
187:19 191:2	393:9 394:18	279:18 302:6	338:8,13 339:6	376:11 389:16
192:2 205:17	397:1,18 399:8	366:20 385:12,13	Saturday 5:12	392:9,9,12 410:13
213:2,3,14 214:1	411:16,19 412:4	387:16	56:12 230:3 295:4	saying 8:19 38:15
214:18 225:22	Rivanski 28:13,18	rooms 222:22	295:5 363:10,20	85:1,22 129:19
230:21 231:7	30:20 31:12 52:10	223:2,3	364:1,15 365:9	141:19 188:20
235:22 236:11,14	Road 1:5 2:6 19:13	rotating 39:17	377:16	210:13 247:19
239:15,16 241:17	52:8 76:9 84:4	rough 56:19 244:16	Saturdays 364:22	273:18,21 276:1
241:18 242:6,10	125:10 171:19	roughly 224:6	save 158:19	298:6 303:13
244:9,10,22 247:9	172:13	227:8 237:14	saved 216:10 219:4	308:10 309:11
247:12 253:16	rock 324:1	362:1 370:8,13	250:22 405:21	320:17 336:6
255:10,15 262:9	Rodriguez 1:20	round 58:12,12	saw 20:5 25:9,14	351:6 357:13,17
263:11 264:12,16	56:7 69:3,22	rovers 384:10	38:18 41:9 61:6	398:16,18
264:17 267:2,3,16	280:12,13,16,19	roving 295:1	61:11 62:10,10	says 56:11 63:16,18
267:16 269:2,4,6	281:3,6,9,14,18	Rudy 368:13,18	64:9 65:2 66:9,11	65:22 75:12 91:5
269:6 270:6,7,17	281:20 282:2,4,7	ruined 31:4 192:14	66:17 79:17,19	93:13 101:7
271:14 274:4	282:11,18,20,22	ruining 52:13	82:18,21 89:17	103:15 106:13
277:3,20 281:7	285:13,16 286:19	rule 305:8	108:1 132:13	112:4,9 122:19
282:11 284:8	286:22 287:6	rules 226:22	146:7 147:11,17	125:19 126:12
287:3,9 289:2	288:2,20 289:5,12	run 117:18,22	148:22 149:9,14	153:22 157:11
291:7 292:9,14	289:18 290:3,8,15	246:8,19 294:19	150:6 151:5	177:22 180:6
294:1,9 298:7	290:18 291:5,14	297:13 305:17	153:12 155:22	242:2 252:12
299:11 301:12	291:17,22 292:2,6	running 251:16	156:6,10 161:3,5	258:12 263:7
302:20 303:8	292:10,13,17	254:12 271:16	161:7,9 170:17	277:1 281:14
305:7 315:1	293:4,14 294:1,4	409:19	174:11,15 176:18	309:7 321:1
316:14,15 317:22	294:12 295:8	runs 171:15	176:19 179:10	377:21 378:16
318:17 319:1,19	296:8,16 297:3	rush 64:22	181:14 183:7,18	403:11
321:19 322:3	331:13 336:15,18	rushed 302:8	183:21 184:5	scanned 57:8
323:6 324:18	336:19,22 337:3	Ruthanne 1:15,17	185:16,17 186:6	scattered 403:1
325:4,7 326:7,17	337:17 338:2,6,11		186:13 187:5	scenarios 112:11
327:12 329:10,16	338:17,20 339:2,9	S	188:3 190:1 192:4	scene 6:6 19:12,15
329:17,19 330:3,4	339:12 344:15	safe 241:9	197:4 209:17	21:3 26:4,7,11
330:8,13 344:2	413:7,8 414:2	safely 320:8 321:4	210:3 227:10,13	27:10 28:6 36:3
345:3 354:1,7	role 12:8 84:16,19	safety 188:4,5	227:19 242:10	70:21 82:3,6,6
360:10,11 361:11	182:1 343:7 347:8	208:11 210:19,22	250:5 251:10	90:8 108:16
363:11,19,21	347:9 356:21	211:4,4,9 219:20	274:16,19 275:9	114:21 115:11,19
366:8,20 367:6,17	roll 324:1 412:21	220:10 245:6,10	276:3 304:13	116:22 123:20

124:9,11 125:7	310:13 314:5	284:2,12,19,21	76:2,4,4,7 77:13	seeing 56:8 81:11
127:21 135:15	316:6 329:21	285:3,6,7,14,21	77:14 78:8,13	83:8 95:11 102:18
208:16 210:21	375:4 409:9	286:2,5 287:1,2	79:2,5,8 80:8 81:5	184:20 186:5
211:7 215:9 216:5	section 108:15	289:7,14,19,20,21	81:7 82:18 84:5	260:15 302:18
222:9 228:14,14	111:12 162:12	289:22 290:6,20	84:15 85:1,6	375:1 384:8
230:12,19 248:15	230:9 385:22	290:20,21 291:3,4	86:16 87:7,14,18	seek 160:8
248:16 253:15	386:4 406:7 412:8	291:7,12,20	87:20,21 88:3,7	seeking 412:11
305:18 306:7	412:13,15	292:19 293:10	89:4,17 94:19	seen 9:13 96:2
331:16 341:10	sections 104:18,19	294:8,12 298:19	102:16 103:3	132:6,7 159:11
402:22 408:4	security 1:9 5:2,2	311:2,3 312:5,9	105:5 107:2 111:8	160:9 209:5
410:18,21	6:1 31:21 32:11	312:15 328:3,6,15	112:18 117:1	397:10
scenes 30:22 52:13	32:14 34:7,20,21	328:22 331:11	122:9 127:19	seeping 87:22
106:3 192:13	40:19 49:14 56:12	335:11 337:12,20	128:3,7 129:12	sees 251:14 302:3,3
248:19 331:18	76:17,22 77:4,7	338:7 341:14	130:3 134:11	selections 54:14
372:16	77:11 78:1,16	343:12,14,15	142:19 143:3,5	selling 246:11
schedule 4:1	79:10,11 99:9,20	344:18,19,21,22	145:7,14 147:14	semicircles 58:20
scheme 401:3	100:1,8,9,10,12	345:7,13,15 346:4	149:7,15 152:3	send 259:9
screen 16:8,10	100:14,21,22	346:7 347:2 348:5	155:10 156:22	sense 189:10 205:7
22:22 47:17 74:14	101:6,15,16,20	352:8,12 353:1	157:11,18 158:8	sensibility 309:20
79:18 89:10 108:1	102:3,11,12,22	355:19,20 357:8	159:10,22 160:6	sent 8:3 351:18
screens 16:5,8	104:4 105:22	358:12,14 374:5,9	160:19 179:4,14	369:14 384:22
23:18 47:15 75:1	106:14 107:6,11	374:14 375:18	182:18 184:3,10	sentenced 402:2
scrubbing 85:10	107:21 111:12	376:12 377:6,7	186:10 192:5	separate 168:14
seal 403:19	112:2,4 149:9,17	379:16,17 380:13	195:7 200:18	233:5
searched 240:22	155:20 173:15	381:13,13,16,19	209:9,11,19 223:3	separated 55:17
searches 219:14	193:20 198:8	381:21 384:3,6	224:21 228:21	182:22
searching 35:3	203:20 213:2,4	392:20 393:3,10	230:7,8 231:2	Sergeant 25:19
seated 223:11	216:5 218:15	393:12,17 402:16	235:19 237:20	27:5,7,15,19
second 23:11 51:14	219:9,12,16	404:8,18,18 405:3	250:11 252:8	124:22 125:9
85:1 88:6 100:7	224:13 225:13,14	405:10 406:1	256:16 257:22	166:19,20 167:1
118:1 123:6	225:17,19,20,22	407:4,5,11 408:2	258:22 261:19	170:13
155:14,16 157:4	226:5,5,10,14,21	408:3 411:9	267:5,7,18 269:3	series 176:15 181:3
161:17 177:11	227:1,1 229:4,9	see 18:1 21:1,12,18	269:7,9,12,15,21	serious 27:20 29:7
184:10 190:16,17	229:16 231:18	23:8 33:1,3,19	269:22 270:1,21	132:11 265:6
192:3 218:9	233:20,21 234:3	41:8 47:21,22	273:6 274:9,14	308:10
232:18,18 251:3	234:12,14,19,22	53:10,13 55:15,16	277:9 279:19	seriously 29:14,17
299:1,2 355:20	235:11,12,16	56:3,4,6,7 57:20	280:20 281:19	29:20 204:8
370:9 406:8	240:16,18 242:7	61:2,3,8,18,21	286:20 287:13	219:21 220:11
412:18,19	243:11 245:12	62:2,15 64:8,13	297:19 302:18	246:4 393:4
seconded 412:21	247:21 248:11	64:17,20 66:8	303:17,20 314:1	serving 321:14
413:1	249:20 251:5,12	67:6,10,22 68:6	315:9 328:12	322:15
secondly 337:19	255:20 260:5,9	68:10,11,14,15	337:20 356:18	session 293:5
seconds 147:2,15	263:6,7 278:18	69:6,13,17,20	361:9 375:1,17	set 195:1 323:22
184:9 228:7	279:3,8 280:6	71:17,21 72:7,12	376:3,14,20	324:2
231:11 239:7	281:10 282:16	72:18 73:4,6,19	380:12 383:4	sets 379:12
241:7 254:6	283:14,19,20,21	75:16,18,20 76:1	392:17 406:21	settlement 278:19

setup 323:20	shot 59:7 65:15	79:17,22 84:16	181:16 182:17	294:12,19 320:17
seven 29:19 176:6	237:2 305:21	86:1,6 88:1	183:5,10 184:7,11	321:22 322:2,7
219:12 297:17	shoulder 79:22	170:14 171:18,18	184:22 185:2,6,9	323:15 365:7,8
303:4 320:16	show 1:5 2:7,22 3:1	172:12,12 177:21	185:22 186:3,18	370:13 381:12,13
321:18 360:3,4,6	4:1,19 5:7 8:13	180:5 305:7,13	188:9,19 189:3,14	386:5
360:8 384:3,3,18	39:4 54:22 55:9	314:2 328:5,7	189:19 190:14	size 304:7 306:21
386:8,9	55:10 56:18 60:20	393:20	191:11,13,19	sizes 388:2
severe 30:13	65:8 84:11 85:18	sidewalk 244:8,10	192:1,17,21 193:7	skin 307:1
175:19 176:11	103:14 138:5	sign 339:5	194:5,9 195:5,12	slashed 250:1
409:15	141:13 145:8	signal 23:4,5	195:14,22 196:13	sleeper 112:9
severely 297:10	166:15 170:14	signatory 364:7	196:15,17 197:15	sleepholds 405:4
severity 346:8	217:9,13 223:10	signature 15:5	197:18,21 198:4,6	406:4
shape 191:8 202:16	223:10 232:8,20	signatures 14:6,15	198:11,12,19	sleeve 88:8
share 57:7 176:1	239:4 266:21	signed 339:6	199:1,8,10 200:4	slice 227:15
268:6	283:17 303:13	significant 206:16	201:5,7,17 203:18	slow 294:18 295:2
sharp 113:21 275:5	383:12 393:2	206:18,21	203:22 284:22	small 88:6 147:20
shed 203:4	402:7 406:16	signs 53:7	286:22 287:6	smaller 245:22
sheet 232:16	409:2 411:5	silent 329:3	289:5 291:2,14,17	smart 32:17 34:6
Sheri 124:22	414:10	Silverstein 1:19	291:21 293:14	34:10,12,16,19
Sherigas 193:17	showed 37:14,16	24:1 47:16 73:18	295:8 296:11	100:14 101:5
196:22 201:21	38:16 121:8 140:2	74:1 160:2 297:7	300:19 307:5	105:16 108:11
238:13 244:21	149:8 228:16	297:8 298:1,11	309:12 336:21	110:5 157:6
348:1,2 357:5,6,7	252:19 254:1	299:6,8,14,18	337:1,3 338:5,11	159:16 160:14,19
366:20	303:15 330:10	300:2,6,12,18,20	339:12,18,20	193:20 234:7,9,10
shirt 70:17 77:5	407:14	301:1,6,10,13,19	340:7,15,18 343:3	234:14,17,21
79:7,13 87:3 88:8	showing 39:2 56:13	302:10,14 303:20	343:16 344:11	235:3,5,7 250:12
173:15 182:5	66:3 74:18 307:2	304:6,15 339:19	345:8,16,19	250:22 253:2
236:9,11 250:8	382:14 401:2	413:11,12	347:17,20 348:3	255:1,8,11 259:22
253:1 302:16	shown 219:1	similar 151:15	349:14 352:13	259:22 279:7
326:15,16 327:11	265:17 401:11	180:18	353:15 357:9,17	280:5 376:21
328:5 336:6	403:1	simple 309:8,15,16	358:5,7,15 362:17	smashed 319:7
shirts 22:12,14	shows 9:9 57:14	373:16	363:5,8 364:12	Smith 66:18 99:18
25:4 153:14,15	85:14 87:2 94:2	simply 202:5	368:11,15	100:18,20 114:12
225:15 289:15	207:2 215:4	simultaneously	site 103:19 237:9	193:16 233:17
shooting 229:2	227:22 236:17	36:14	314:3	242:12 271:21
237:2 305:20	246:1 253:22	single 220:8 250:3	sits 172:13	272:6 320:18
short 1:20 85:3	254:2 276:21	373:15 394:13	sitting 244:7	321:3 368:2,4
88:8 140:15	403:13,13,21	sir 85:6 88:18,21	323:11	407:3,7
187:21,22 188:12	408:20 409:5,7,10	166:21 167:4	situated 171:6	smoke 380:4,11
188:16,20 189:2,4	shrink 86:13	168:12,15,19	situation 241:6	smoother 10:7
304:17,18 306:8	shut 187:15 203:1,5	169:1,16,21 170:3	265:6 326:18	snapshot 404:12
306:17 307:6	246:21,22 247:1,3	170:21 171:3,5	405:5,15,19	sneak 379:3
342:1,2,11 388:9	256:20 293:5	172:21 174:16,19	situations 218:17	sneaking 298:18
413:14,15	side 20:17 35:20	175:12 177:6,10	218:22 405:4	snuck 252:6 275:20
shortly 127:3,5,7	58:18,20,21 65:11	178:9,12 179:16	406:5	275:22
127:14 348:16	66:1,19 69:19	180:22 181:6,9,12	six 244:21 294:8,10	solution 24:4

solutions 200:8	32:21 33:14 42:6	spray 81:9 228:21	72:18 73:6,19	346:4 348:5
somebody 24:7	109:11 120:16	229:1	96:8 99:9 117:2,5	350:18 400:5,7
25:9 70:4 112:19	127:16 128:21	sprayed 79:3	121:8,17 124:13	stage 58:17 59:2
132:9 153:13	159:11 160:2	sprays 79:3	124:16,22 125:20	65:11,13,15 66:6
156:6 167:17	173:21 196:2,11	square 248:6,7	126:5,8,17,21	66:19 86:6 90:18
229:18,19 230:15	196:19 199:11	squares 269:5,22	127:3,14 128:3,7	93:9 222:13
237:2 251:21	276:5 340:20	squirting 329:22	129:3,9,21 130:3	226:11,12
287:17 293:17	352:5	330:7	130:15 132:14,20	stages 58:21 86:1
298:17 304:8	speaking 130:13	stab 29:19 51:14	137:21 155:6,10	90:18 224:20
305:21 306:12	170:13,16 352:5	175:3 176:6 389:8	156:11,22 157:12	staggered 51:6
308:21 309:1,4	speaks 251:3	391:1,12	157:18,21 158:8	169:9,14,20
318:12 319:6,8	253:11,14	stabbed 5:20 26:1	158:22 159:4,11	staggering 170:2
326:12 371:5	special 288:22	54:2 114:14	160:6,11,20 161:3	staging 190:22
372:5 378:2	399:11,14	191:12 208:20	163:17 164:7	stain 87:3 88:10
389:21 393:19	specific 124:1	228:8 231:1,10	169:8 171:4 172:9	340:4
somebody's 251:1	139:4,19 140:14	235:18 272:20	173:12,13 215:10	stains 78:14 80:5
soon 77:13 80:20	specifically 85:17	273:1,7,19,22	215:15 216:14,18	stairs 66:2
239:10 324:1	105:12 106:5	274:6,8 292:14	216:20 217:3,10	stakeholders 194:7
360:22 382:5	141:17 173:14	300:3 301:14	217:11,14 218:2,5	stamp 184:21
394:11	specifics 171:1	303:1,1,3,4,5	218:14 221:9,11	185:19,21 190:2
sorry 3:15,16 8:9	348:5	316:1,9,14,19	221:16 235:17	stand 11:14 220:15
9:1,3 12:1 46:12	speed 77:18	317:2,4,13,14,17	237:19,21 241:13	220:22 264:5,8
48:22 49:8 57:17	spell 11:20 33:20	317:21 390:2	241:20 243:2	274:18
59:20 68:5 72:4	280:16	391:3,4,16 405:19	245:18 248:12	standard 220:1
75:7 76:3 77:12	spelled 30:16 50:19	stabbing 191:17	279:14,16 281:14	330:20 331:8
93:7 99:14 108:5	50:20 280:21	220:9 222:3	350:10 354:14	333:18 334:9,15
109:15 113:12	spend 392:19 393:4	240:17 241:3	355:1 359:3	404:13 405:14
126:13 140:17	spent 393:9	251:21 274:10	362:16,21 363:3,3	standards 408:15
186:19 214:11	spilled 230:2	292:3 295:16	363:5 367:10,16	standing 11:6 31:8
223:14 224:11	splatters 330:13	296:6,13 298:2	373:8 400:5,7,9	55:16 79:14 80:9
246:22 257:19	split 75:1 218:8	306:16 307:16	401:12 402:20	156:14 173:11,16
266:11 268:13	275:15 297:18	319:6,8 354:13,14	403:21 404:13	222:12 224:19,21
278:6 311:11	spoke 27:5,7 28:9	354:17,20 355:9	407:14 408:6,9,21	225:22 244:22
344:18 379:12	31:11,17 32:1	357:12 389:9,13	409:1,3,6 412:12	267:9 335:17
382:14 389:5	33:9,11 34:6	389:22	Stadium's 19:15	354:1
390:3 406:8	37:12 40:11 42:9	stabblings 219:5	27:14 218:10	standpoint 229:4
sort 25:16 56:18	51:21 123:14	stack 323:13	219:16	248:11
63:8 79:21 183:12	124:22 125:10	stadium 1:4,5 2:5	Stadiums 217:20	stands 349:1
307:11 326:22	133:9 165:22	2:20 19:10 20:1,6	staff 22:14 25:4	star 350:22
330:15 375:18	166:19 167:1,20	20:19,20 21:20	51:17 70:12,18	start 3:9,12 11:5
382:11 383:12	167:22 170:20	22:5,6,11 26:7,12	72:12,18 73:6,19	32:14 34:2 55:7
387:16	201:9 255:1	27:2,20 29:6 30:9	77:6,8 81:7 146:2	67:5 69:9 99:21
sorts 200:9	spoken 43:6 166:1	35:21 36:3,21	157:21 159:4	138:14 166:11,15
sound 324:10	spot 81:22 91:14,17	49:14 51:9,15,17	173:15 199:5,19	228:22 256:21
space 206:22	252:2,3 354:8	52:11 53:4 56:19	201:10 319:18	257:3 376:19
speak 27:9 31:21	spotted 89:1	61:11 64:5 72:12	326:11 341:14	400:1

149:17 374:9	203:4 220:15	403:11	164:1,4 215:17	208:2 211:21
sweatshirts 150:7	233:8 235:11	tapes 41:5 107:3	221:1 240:5 271:7	212:3,4 213:1
sweaty 267:13	238:4 245:22	228:9,16 230:8	277:16 307:13	215:1 220:11
sweeping 73:6,20	246:4 252:22	239:4 255:14	379:1 392:8	221:2 224:16
73:21 85:11	266:18 324:16	271:14 303:13,14	testify 10:22 11:7	233:8 245:17
122:20	331:15 332:12	329:10 397:14,15	60:12 62:22	258:10 265:16
swept 52:13	336:3 341:11	taxes 246:13	244:22 270:19,21	280:9 283:13
swiftly 410:1	396:5 398:21	team 197:14,17	279:13 288:10	285:11 295:8
switched 366:21	399:5,10 404:17	tech 194:1	289:13 344:16	297:3 304:15
swizzle 92:20	410:10	technical 59:21	399:5	307:6 318:22,22
sworn 11:2,6,13	taken 5:4 93:8	60:2	testifying 74:10	327:5 336:14
220:21 283:4,9	95:19,22 204:22	technician 31:18	310:17 320:20	339:13,17,20
system 47:4 160:18	225:12 292:21	33:15 48:21 49:5	402:4	369:18,20 387:12
249:19	309:5 394:8	139:13	testimony 46:19	387:13,14 391:21
	takeover 369:17	technicians 24:4	63:1 68:13 89:15	392:1,3 394:21
T	takes 219:20	105:19,20	103:18 109:16	395:4,6 399:21
T 220:19 221:7	220:10 393:3	telephone 8:3,9	111:14 118:22	411:14,15 414:1,2
T-R-U 280:21	talk 36:21 98:22	tell 21:16 33:5	127:9 128:10	414:4
T-R-U-I-T 280:18	talked 125:20	34:10 38:4 43:16	129:15,16 134:8	thick 297:18 342:3
280:19	130:14 179:18	61:17 76:19 77:11	144:21 145:3	thing 34:12 72:7
T-R-U-I-T-T	184:5 205:8 206:6	78:11 79:22 94:21	146:13 148:22	79:16 82:17
280:17	259:15,22 279:21	95:6 107:20 114:7	156:22 161:2	145:11 184:16
T-shirt 70:13	325:10 385:6	142:12 162:6	173:5 189:9	211:8 231:7
302:15	talking 24:19 32:4	169:3,14 170:5	192:13,16 193:1	242:11 245:20
t/a 1:5	38:21 43:2 46:12	177:8 200:12	204:12 205:8	253:20 260:3
tab 93:13	46:13,16,16,19	203:20 222:5,10	207:9 264:14	293:13 316:13
table 92:13,16,16	53:3 79:11 183:13	223:13 239:22	271:6 276:10	326:8 373:4
228:15 229:18,21	223:13 254:16	240:15 260:3	285:2 292:3 306:1	382:13
253:5 295:22	273:7 299:19	267:19 274:5	310:3,8 319:3	things 32:6 41:9
296:4,6 322:13,17	382:8 386:17,19	298:5 318:1,8	355:16 356:1	57:2 61:1 65:2
322:21 323:2,14	386:22 387:6	350:8 351:11	371:2,3 374:4	84:11 89:16
323:16 324:2,2,3	talks 104:3 162:13	354:11,16 367:6	390:6 392:10,12	101:10,12 115:15
324:5,6,11,13,17	tampered 248:15	376:4 385:2,5	397:10 398:10	120:15 153:19
390:20	tampering 244:3	telling 57:1 278:12	401:11 402:3	188:16 205:10
tables 72:12,18	tandem 215:15	316:2 332:2,7	410:7	210:20 246:20
122:14,20 224:4	tape 94:7,20 95:4	336:8 387:7	testing 142:1	263:14 266:1
226:17 230:5	127:20 130:8	ten 261:3	thank 3:5 4:13 9:19	277:13 307:13
275:3 322:20	227:21,22 228:21	tended 21:2,19	10:16 11:16 34:1	326:9 331:18
323:12	231:2 235:19	94:1,5	57:12 73:22 81:14	370:4 372:12,19
take 4:1 8:15,19,20	236:17 238:6	tending 19:1	118:4,12,20,20	373:8 380:18
34:3 40:22 42:15	242:10 250:11	term 389:20	130:18 133:13	391:9 393:22
53:15 68:12 79:7	254:2 279:20	terms 189:21 193:6	139:21 154:12	406:18
95:19 96:18	302:1,5,18 303:18	348:4 392:19	155:9 158:1	think 5:13 7:1,3
117:20 118:3	327:21 329:3	393:11	162:18 166:7	16:9,15 18:3 24:3
132:4 154:18	330:9 335:2 354:2	testified 11:15	176:14,15 187:19	25:7 38:3 41:2,2
169:5 179:14	taped 244:12	132:19 163:21	189:2,7 204:1,2	42:4,5 46:4 47:18

49:12 50:16 54:8	299:2 373:4	time 4:8,9 9:11	244:20 245:1,2,12	219:1 220:1
58:6 59:20 60:6	Thomas 368:14,18	19:10 24:9 26:4	247:20 248:17	260:15 264:5,17
60:10 66:11 68:4	thorough 119:14	37:17,18 39:19	250:7 251:13,13	264:20 271:7
71:2 77:3 88:22	120:2 404:3	43:13,17 46:9	253:21,22 254:15	278:8 285:2
89:3 108:4 109:20	thought 23:19	49:15 50:17 52:17	257:6 259:3,8	393:21 397:22
110:17 116:3	24:22 30:4 46:15	52:19 53:2 54:13	260:15 263:10	400:2 401:11
123:6 124:15	46:22 63:1 72:8	64:13 67:1 72:1	264:11 272:14	405:11 414:8
126:11 133:22	129:6 137:2	82:3,21 85:4	275:11,15 276:14	Todd 2:17,18 3:5,7
140:15 141:22	204:12 207:9	98:14,16 101:10	278:3,5,7 282:14	8:16 10:2,3,9,13
142:14 158:13	210:18 229:14,15	111:4 112:13,15	282:17,18 286:2	10:16 16:21
161:6 166:18	229:16 239:14	115:10 117:17	297:20 306:3	103:13,20 104:1
173:4,14 186:7	258:6 268:9	121:11 122:1,3,9	310:14,15 314:6	109:5,6,8,11,12
187:18 193:17,20	330:19 371:1	123:7,10 124:13	317:2,3,5,14,22	109:15 117:14,15
194:13 206:18,21	373:5 378:1,10,13	127:11 128:5	318:11,13 320:7	117:17,21 118:4
207:17,22 212:2	382:19	129:3,9,14,20	321:7,10,17	118:10,12,14,17
212:16 231:8	threat 293:2 294:5	133:16 134:9,12	322:16 326:21,22	118:19 119:4,22
241:1,4 245:5	threatening 112:11	134:15 135:13,14	328:2 331:19	120:4,11,17 121:3
246:1 248:12	112:15 132:16	135:14,19,20	335:4 338:16	121:6,11,15,21
251:17 255:3	218:17 251:16	136:8,10,11,13,19	345:13 349:12	122:3,6,12,16,17
261:10 267:12	three 12:14 119:1	137:22 138:6	351:2 353:4	122:21 123:2,7,13
269:16 272:15	161:7,9,12 188:1	139:4 140:15,18	354:16 360:2	123:19 124:4,7,12
273:2 276:3 277:7	188:13 216:2	141:9 142:19	370:15 374:17	124:17,21 125:2,6
277:14 280:9	222:1 224:20,21	143:1 144:13,22	377:6 390:7	125:12,16,22
282:1 284:5	226:13,21 228:2,7	145:4 146:1,5,17	392:13,22 393:1	126:3,9,13,19
287:22 289:15	229:13 232:2	147:1,10,13,17	403:5 404:12	127:2,7,12,18
293:12 297:21	245:18,22 247:11	148:4,7 154:15,19	407:6 408:11	128:2,6,12,15
302:22 303:5	250:19 252:20	158:19 161:17	410:22 411:17	129:2,8,12,16,20
308:8 309:14	271:9,10 279:21	162:13,21 163:9	times 40:11,13	130:2,5,9,18
311:10 314:4	284:1 293:16	167:5 173:3,5	132:9,10 140:7,13	131:1,4,12,16,20
315:15 317:22	295:18 298:13	179:9 184:20	140:13 141:9	132:4,12,19 133:2
320:2 328:3	299:21 306:9,11	185:18,19,21	144:18 152:9,11	133:5,13,16 134:2
329:13 330:1	306:20 307:14,15	189:21 190:2	183:17 185:11	134:5,10 135:9,22
332:11 333:1,2	308:10 312:16	195:8,12,13,16	203:9 206:9,16	136:6,9,14,20
335:22 339:10	316:6 341:8	196:20 198:15	216:20 230:6	137:8,10,16,18
341:7 351:20	367:19,20 370:17	202:13 205:6,7,9	247:17 276:10	138:13,19,21
356:12,19 366:12	370:19 372:12,19	205:14,17,22	289:10 303:4	139:6,21 140:1,9
366:15,21 373:3	373:3 376:20	206:6,20,21 207:6	312:10 313:12	140:17 141:1,6,7
379:1 389:4,6	377:6 385:21	207:6,8 217:13	timing 129:5	141:11,21 142:2,4
391:7 393:2,13	396:14	218:7 226:16	143:14,16	142:6,10,16,21
397:2 400:12	threw 374:13	227:5,9,10,12	tired 372:3 382:15	143:10,14,17,21
409:14 412:3	throat 112:6	228:1,2,9 229:10	title 193:6	144:1,6,8,12,20
thinking 230:15	throw 246:1	232:20 234:4	today 5:8 47:12,13	145:5,12 146:4,12
231:13 371:13	throws 293:17	235:3,9 236:21	64:18 65:4 98:1	146:22 147:6,12
thinks 231:9	341:19	237:11,14 238:5	144:21 146:13	147:22 148:8,12
third 155:16	Thursday 295:4	240:17 243:3,12	156:22 215:3	148:14,17,21
250:10 252:11	341:8	243:15 244:17,20	217:7,13 218:14	149:5,8,14,21

150:1,3,8,13,15	287:16 392:3,5,15	346:13	trickle 203:11	182:11 185:4
150:19,21 151:4,8	392:18 393:1,11	trained 202:1,3,4,6	tried 21:9 45:21	186:19,19 189:19
151:16,19 152:1	393:21 394:3,7,15	202:9,11 226:2	74:14 391:13	189:20 204:8,13
154:8,12,18 155:4	394:19 395:11,16	291:18 331:17	Tru 281:1	215:22 218:2
155:9,14,16,22	395:22 396:4,19	332:3,9,10,15,18	trucks 19:13	219:6,18 222:18
156:9,17,21 157:3	396:22 399:22	332:21 333:2,3,5	167:10	224:20 225:7,15
157:10,15,17	400:1 412:1 414:4	333:7,12,14	true 39:11 271:11	226:8,10,13
158:1,7,16,19,21	told 6:4 9:10 34:12	337:12,19 338:7	316:3	227:20,22 228:6
159:6,15,21 160:5	34:19 38:3 49:17	338:15,19 346:6,9	Truit 280:13	229:7 231:20
160:16 161:1,9,13	62:12 102:5	372:16 404:8	316:19	232:16,17 233:4,7
161:16,19 162:2,7	137:13 161:19	training 13:11	trusted 347:4	239:3,7 241:7
162:11,18 163:1,4	169:17 191:6	119:10 202:5	try 48:1 55:12 69:7	242:21 246:21
163:7,9,11,13,21	195:20,21 230:3	279:3 291:19	75:1 314:6 318:5	247:1,3 250:1,1,2
164:4,10,17,21	234:21 242:8	326:10 331:20	338:5	250:5 251:12
165:9,15,21 166:6	257:2 264:22	333:8,9 337:11	trying 42:21,22	252:21,22 254:2,5
176:16 207:20	273:16 280:5	338:9,10,14,22	45:20 67:5 138:4	254:17,19 255:2
208:2,4,8 209:1,9	286:10 297:14,22	341:1,4,9,10,11	140:9 150:5 152:1	255:15 256:20
209:15,20 210:1,5	316:8,16 319:11	341:12,13 346:3,7	210:8 246:15,17	271:9 272:17
210:7,17 211:3,15	319:13,14 354:5,7	346:18 347:2	246:18,18 247:16	279:21 295:6
211:21 213:9,11	354:21 355:2,7	350:18	290:19 298:21	296:2,2 297:15
214:11,14,22	389:18 392:7,17	transaction 369:8	308:9 309:21	298:19 300:10
215:1 221:5,8,12	tools 145:20	transcript 6:20	325:4 336:3	305:4,6 306:14
221:16,20 222:2,5	top 86:3 177:16	372:7	391:12	308:6 310:8,12,12
222:10,16 223:6,9	180:21 231:10	transported 29:10	turn 16:13,16 48:1	310:16 313:12
223:14,18 225:18	274:12,20 275:18	29:11	48:9 49:6 66:20	314:4,5 328:6
227:4,8,16 230:17	316:13 361:17	trapped 302:11	119:18	349:20 350:16
231:21 232:4,11	total 284:2 289:11	trauma 409:18	turned 277:5	351:20 352:4
232:13,17 233:1,6	294:8,10 311:11	traveled 208:22	341:19 342:18	355:15 362:1
233:12,15,19	totality 405:17	treated 54:1	374:21	363:12,20,20,22
234:2,6,9,13,16	totally 387:6	treatment 24:16	turning 48:3 99:2	363:22 364:14,17
234:19 235:2	touch 48:4 225:9	34:19	turns 48:7	366:6,18,22 370:8
236:20 237:11,18	touching 290:1	Trevor 30:8 111:15	twice 296:1 303:5	372:21 375:4,22
237:22 238:18	tough 23:7 149:6	116:4 217:4 222:9	two 28:12 29:6,7,10	377:5 379:1,12
239:18,22 240:8	151:22 306:22	222:21 224:5	29:11,17 34:17,21	380:18 385:19
240:12,15 241:1,8	towel 20:22 71:7	226:1 227:11,12	35:17 39:20 41:2	391:8,8 393:20
241:13,20 242:14	174:12,18	227:19 228:16	41:3 47:15 58:20	407:2 409:3,5
243:8,22 244:11	towels 84:18 85:10	230:21 231:1,2,3	61:9,10 62:1,4,10	410:12
244:14,16 245:4	94:8,22 95:8,10	231:3,9,9 251:14	79:19 95:17 99:13	two-thirds 181:3,4
248:21 249:3,6,10	127:20 128:3,8	252:4,8 259:17	105:18 108:11	type 201:12
251:2,19 252:10	129:13 130:3,8	277:17,19 302:7	110:6 117:21	types 85:7 393:14
253:7,11,14,17	200:6,6 239:11	313:22 319:13	151:15 152:3	typically 35:18
254:20 255:4,21	town 355:20	321:9 354:2,8	157:1,7 159:5,17	208:20 247:5
258:4 261:10	track 34:4 43:1	389:16 390:1,12	160:7,13,14,21	295:3
270:15 271:22	179:1 369:11	390:16 405:10	161:3,7,8,20	
272:3 281:22	traffic 37:8 174:1	Trevor's 252:8	168:9,13 175:19	
282:3,5,15 287:12	train 248:17 333:8	320:4	175:22 177:21	

U

U.S 215:12

Uh-huh 193:18	unfortunately 217:6 407:7	27:1	161:20 162:3,8,10	viewed 147:4,16
ultimate 352:15	unidentified 75:18	venture 306:18	162:11 165:8	152:22 209:21
ultimately 216:10	85:18 144:3	venues 245:15	175:10 183:13,14	210:9
219:4	146:18,19 151:5	veracity 337:5	183:15 185:4	viewing 209:4
Um 135:21	154:1 161:8	verified 163:16	186:11,20 191:17	views 200:7
um-hum 11:8	176:17	164:6	204:8 211:12	violated 104:20
18:14 57:22 77:20	uniform 149:18	verify 337:6,10,14	215:11 255:2	106:6 108:15
81:3 121:21	uniforms 149:1	version 404:19	400:4,8 409:4,5,7	218:14 251:6
124:20 131:15	United 163:15	vertical 93:7 96:5	410:4,13	violation 6:6
137:1 141:21	164:5	vertically 180:2	victims/patrons	105:21 106:17,22
161:18 171:8,11	universe 346:20	vest 88:1,7 184:17	108:12	violations 6:2 18:22
177:18 182:3	University 29:11	302:16	video 31:18,19	104:9 105:9,12
183:20 205:11	204:22	VI 63:16	33:15 37:14 40:13	108:8 110:3
253:13 265:18	unknown 29:19	victim 62:3 66:11	46:1,9,17 47:22	398:13 404:17
266:8,15 345:5,10	113:21 176:6	75:19 76:3,4,5	55:13 60:20 67:17	406:22
386:2 387:22	unlawful 1:8 107:1	85:18 116:4,20	67:22 68:2,6	violence 198:17
unable 46:1 61:17	216:1,15 249:12	117:5 122:9	70:20 71:15 72:10	203:3
139:19 217:7	250:15 401:1	132:20 144:22	73:11 74:18 75:3	violent 221:21
unavailable 405:11	402:9	145:15 146:7,15	77:21 78:6 80:20	307:14,21 308:18
unclear 410:12	unrelated 170:9	146:18,19 147:1	82:12,16 83:6,19	308:21 309:9,19
undead 301:20	unsure 89:8	147:14 151:6	84:12 85:12,20	310:7 352:11
underneath 78:15	unusual 211:20	152:5,7,10,12,14	86:19 87:11 89:13	401:9
150:6	upper 375:19	152:15,17 154:1,2	107:20 112:18	VIP 57:18 58:1,2,5
understand 6:9	use 12:2 16:18 35:3	155:11 156:19	126:4 139:13	58:10 59:10 63:18
42:19 43:4 106:9	55:9,12 95:1	159:1 174:21	144:17 149:9	63:19 67:10
119:12,22 120:18	131:10,11 145:20	175:2 176:9,17	152:22 154:22	177:16,22 178:6
125:15 128:1	199:20,21 216:10	179:18 183:9	185:13 189:11	180:21 224:4
135:7 151:3 152:2	341:12 389:8,20	186:7 187:5 218:2	191:5,9,11,21	238:8 293:12
159:14 164:3	uses 64:6	325:11	192:4,8,10 194:16	296:7 299:11
211:2 247:19	usually 6:19 267:15	victims 29:4 34:17	194:17,18 195:4,7	380:14,14 385:22
248:18 254:16	287:20 361:22	44:17 45:14 52:7	202:22 203:7,20	386:4
292:3 294:7 335:6	utensils 292:22	62:10 80:13 95:17	209:4,12,21 210:8	VIPs 292:7,14,18
384:11 406:14		105:18 110:6	213:1 214:13	292:18
understanding 4:5	V	114:5,8 115:7	215:16 241:14	virtue 362:8
22:3 198:14	V 382:11 383:12	116:1,15 117:2	315:3 327:4 340:1	vision 89:15
278:17 279:2	vacation 234:1	122:10 130:19	376:11 402:3	visiting 91:14
354:18	255:20 256:19	133:11,18 134:6	403:13 405:13	visitors 337:7
understood 191:2	257:7 259:4	135:9 136:11,16	410:8	volume 410:9
193:14 194:4,20	vacuum 405:2	137:5,13 144:3	videoclip 64:13	vote 412:5,22
200:10 201:22	Vaguely 3:7	148:15,19 152:3,9	videoed 141:9	413:19
286:4 326:5	valid 362:5,6	153:2,9 154:9,20	videos 54:22 61:21	
341:16 355:22	various 32:12	154:21 155:5	278:1,4,7 374:20	W
391:2	183:16 266:1	156:2 157:1,7,12	videotape 85:14	wait 72:16 81:17
undisturbed	vascular 301:2	157:18 159:12,17	view 63:13,14	135:18 285:18
208:22	vehicles 19:18 20:5	160:1,8,10,13,21	83:10 147:6	288:8,8,8 307:17
unfortunate 287:8		161:3,7,8,10,12	194:16 262:19	310:1,2,2 336:4

waiting 60:2 79:16 80:19 236:15 335:17	62:18,21 67:16,22 68:9,11 74:5 81:2 84:8 85:17 109:22 117:19 118:14 135:3 138:18 141:16 145:14 158:13 220:14 223:12 233:7 236:16 238:4 242:1 246:19 247:4 248:10,13 260:22 267:4,6,22 268:5,14 272:5 283:17 298:21 307:10 310:3 326:4,9 334:12 337:4 339:21 361:12 370:3,11 379:3 381:15 385:1,2 389:7 391:2 395:14	133:22 276:3 302:7 405:20 warranted 411:12 warrants 411:3 Washington 1:14 45:9 188:8 281:15 wasn't 6:12 9:3 21:17 28:1 38:16 42:12 74:22 96:18 130:12 135:2,7 136:2,15 137:22 138:10 153:1 194:21 283:16 288:3 304:10 306:2 371:20 410:6 waste 197:4 watch 179:7 228:9 277:22 278:7 289:22 290:13 303:13 watched 231:7 278:2,3,4 303:14 327:21 354:3 watching 68:5 200:3 207:10 275:16 291:11 386:12 water 81:8 199:20 200:6,9 330:12,15 332:12 340:4,17 341:19 374:13 way 10:6 42:15 66:1 83:16 86:16 89:6 152:22 181:3 181:4 191:8 198:22 202:16 219:21 248:17 249:16 278:4 289:21 305:12 337:5,9,13 338:21 357:8 373:1 389:21 401:20 we're 23:3 309:21 363:13 we've 324:22	weapon 113:1 239:18,20 240:1 240:13 241:9,10 273:22 275:10 307:3,4 402:15 weapons 241:11 249:16 wear 22:6 wearing 22:11,14 149:1,10 153:8 wears 22:16 Wednesday 295:3 295:4 341:8 week 3:20 219:18 245:22 255:20 296:1 384:18 weekend 5:14 291:13 weeks 219:6 246:21 247:1,3 256:21 295:18 349:20 351:21 weigh 374:22 weight 158:9 went 6:5 44:19 45:5 138:2 161:16 204:9 209:20 227:13 235:8 247:3 271:14 289:9 297:1 299:17 300:4,6,8 300:9,10,11 302:19 349:21 361:1 363:14 365:6,7 372:21 weren't 23:20 39:21 132:11 134:5 162:11 246:22 287:21 373:10 393:22 whatsoever 201:16 238:16 341:15 whichever 189:21 white 323:14 wholesaler 106:10 wide 65:15	width 300:14 wiggle 69:16,20 wild 342:16 wings 230:4 wipe 200:14 Wipes 323:12 wiping 72:12,18 wish 170:13 411:18 wishes 4:2 withdraw 148:12 withdrawn 398:1 witness 11:12,14 52:16 109:8,17 117:12 122:14 133:2 137:3 156:11 195:7 212:6 217:4 220:12,15,20,22 265:10 266:4 283:4 395:5 witnessed 98:11 124:8 126:4 132:20 158:10 160:10 190:1 218:1 319:15,18 400:6 405:12 409:5 witnesses 212:8 375:17 395:10,12 397:13 witnessing 264:14 wondering 205:1 word 68:12 153:12 154:5 279:17,18 389:8 391:1 words 199:20 280:4 309:3 329:14 354:20 wore 313:11 work 11:3 60:8,12 63:2 247:13 348:13 358:17 359:1 360:9 369:2 369:5 worked 12:19 215:15 359:18,20
---	---	--	---	--

360:2	77:4 100:9,16		13-251-00072 1:7	2013 13:17 18:17
worker 226:6	106:13 140:8	Z	14:2 412:12	361:13,14,16
working 28:14	242:6 272:14	0	14th 1:14	362:2 404:9
44:14 51:8 102:3	284:2 413:22	09 284:3	15 63:18,19 139:14	408:11
133:21 169:6,8	wrong 63:6 78:19	1	154:3 172:2,3	2014 1:12
230:2 242:8 289:7	122:2 262:1 321:8	1 17:2,7 66:1,4	177:22 178:7	21 29:5 35:1
289:11 291:10	371:15 372:18	90:10 104:15	222:15 247:4	2127 1:5 2:5
311:4 359:18	wrote 11:1 100:20	204:7 233:10	262:10,14,15	22 329:21 401:12
373:18 407:6	126:15 242:12	283:19 286:1,18	264:22 267:21	22-722 400:18
works 60:15 236:10	256:16 257:8	385:13 395:21	268:3 291:13,13	23 55:5,7 62:22
343:17,18,20,22	258:21 272:16	396:15,17 397:19	380:14 381:6	63:4 67:4 71:19
world 125:17	375:11	411:11	383:7 386:10,11	72:7 73:4,10
254:18		1,000 349:22	150 246:12 305:14	89:16 186:5,6,10
worried 245:10	X	1,500 167:8	366:5	206:8
276:4	Y	10 84:2 99:7 154:3	16 177:22 178:6	24 147:2 226:18
worst 254:18	yards 20:3 172:18	172:2 177:16	291:4,13 374:4	25 167:9 172:18
wouldn't 48:4	172:18,20 300:18	180:21 194:2	380:14 381:6	226:20 227:2,2
145:11 162:5	300:21 301:16	272:1 275:17	386:11,12	237:16 359:5
242:22 291:9	304:6,11,12	279:22 284:3	17 291:3,12,13	362:1
301:17 306:20	305:15 325:20,22	291:15 294:15	311:3 374:4	25-402(f) 106:9,13
372:22	yeah 6:22 16:9 23:2	295:5 308:3	386:14 387:11	407:22
wound 21:17 24:17	23:22 39:18 41:2	311:11 349:16	18 275:3	25-766 108:7 110:3
25:16 29:8,15	42:8 48:14 55:6	373:15 374:21	19 1:12	408:17
30:1,12 79:19	60:16 68:16 70:9	383:5,6,7 385:14	2	25-823 105:1,9
87:22 169:10	74:9,11 76:3	386:5 394:13	2 66:4 91:1,20	25-823(2) 400:19
176:13 211:13	101:4 107:14	100 22:9 247:12	224:4 233:10	25-823(5) 402:11
297:22 317:6	111:11 145:10	248:8 255:7,10	238:8 269:5,6,12	25-823(6) 406:7
wounds 29:19	149:19,22 150:10	280:7 292:11	269:15,22 299:11	25-823(f) 408:15
51:14 79:19	155:18 156:4,12	300:17 311:20,22	385:13 396:2,7	250 350:3
122:10 132:22	161:5 270:3 281:6	325:21 326:1	404:16 411:11	251-00072 2:5
175:3 176:6	309:13 315:9	343:6 366:4	2:00 276:22	26 13:17 18:17
wrap 79:8 208:1	325:18 342:15	11 18:2,3 99:15	2:04 121:8,20 207:8	345:17
326:15 334:4	356:19	284:4 291:3,15	277:1,12,19	26th 5:13 124:18
wrapped 20:22	year 188:1,13	311:10	2:04:07 185:12	222:3 287:12
182:5,8 186:14,20	308:11 393:8,10	11:00 364:16	276:15	346:3 362:12
210:10 236:12	years 12:14 119:1	12 15:22 17:7,14,15	2:04:32 185:12	27 34:21 73:14
250:8 275:12	221:19 245:19	41:21,22 65:6,9	2:40 237:15	75:10 89:16
327:11 328:2,5	246:2 293:16	75:19 85:17 89:16	20 224:6 227:2,2	179:18 183:7
336:5 381:2	305:4 306:10	99:16,21 146:7	246:2 308:3	206:8 219:11
write 101:7 242:9	308:3 342:3,10	181:14 194:2	2000 1:14	249:20 254:6
242:15 263:4,12	362:1	206:8 272:8	20009 1:15	289:10 290:19
263:14,19,21	years-old 29:5 35:1	320:14 321:3	2010 412:9,14,17	291:2,4,10 295:5
writing 102:18	yellow 22:12 25:2	12-CMP-00680	2011 282:1,2	311:11,13,14
259:8 293:21	149:4,5 266:18,20	3:21	283:20 286:1,18	393:17
356:14,16	269:3	13 2:4	404:19	29 247:4
written 25:4 70:12	Yep 45:10			

3			
3 58:1 92:4,5 111:15 224:4 238:8 243:20 299:11 385:13 396:9,15,17 406:6 406:9 3,000 248:6 3:00 235:9 321:15 322:18 323:5,20 3:03 239:5 320:17 3:03:26 227:21 3:03:36 253:22 3:04 277:21 320:3 321:18 3:05 26:20 52:6 121:13 123:4,16 145:16 148:2 205:15 277:19 322:14,15 403:8 403:15 3:05:06 72:4 140:3 141:14 206:20 3:05:45 89:2 3:05:46 86:12 146:6 3:05:59 64:15 89:3 144:4 145:22 151:5 153:22 176:17 239:5 254:4 3:06 88:17,18 140:4 148:2 3:06:12 72:5 140:3 140:4 141:14 3:06:33 72:4 3:06:34 75:16,17 147:2,11 183:7 184:3 3:06:52 147:14 181:11 3:07 8:6,8,12 217:16 358:6 3:08 51:5 52:7 72:16 122:13 123:12 124:2	245:3 3:08:15 72:11,17 3:10 26:14,15 64:20 72:15 122:14 123:20 124:8,19 125:7 126:1,6,10 173:8 218:3 400:7 403:10 3:10:40 73:5,19 3:11 87:8 321:17 3:11:02 66:20 320:15 3:12 126:13 3:12:03 81:2 126:12 3:13 52:9 126:17 403:12 3:15 376:19 3:24 126:21 127:8 127:13 128:7 129:4,10,19 403:14,16 3:24:38 82:19 206:20 3:25 237:21 3:30 237:21 245:3 30 167:9 172:18,20 231:11 237:8 241:7 300:18,20 301:16 304:6,11 304:12 312:10 314:5 325:20,22 359:6 300 308:4 374:22 32 74:5 33 228:7 33,000 248:7 35 83:2 184:9,9 185:11 186:16,17 207:8 260:9 276:12,13 36 239:7 310:13 375 249:18	59:10 93:5,6 204:7 221:19 385:13 388:20 404:5 407:19 411:11 4/25/15 360:15 4:00 321:11,16 364:16 4:35 2:2 40 147:14 308:2 359:6 409:9 400 228:10 237:5 308:4 366:4 400S 1:14 405 412:8 405(b)(13) 412:16 405(b)(4) 412:13 45 245:19	6:24 118:8 60 363:15
		5	7
		5 54:19 72:21,22 74:10,17 93:20,21 106:5 140:8 141:20 142:4 144:2 163:1 206:7 224:3 385:14 388:5,7,8,14,15 389:2 400:19 408:16 411:11 5-26-2013 258:12 5,000 237:4 5/26 8:6,10 50 20:3 500 167:8 245:21 248:8 51 221:10 550 246:3 56 339:10 5C 2:7	7 55:3 62:15,16 63:10 64:17 65:2 66:12 75:19 87:6 89:16 95:14 144:6 145:22 176:17 184:15 206:8 385:14 7-0-0 413:19 70 363:15 702 108:4 722 401:13 75 365:10 766 108:6,7,20 110:8 7th 350:6
		6	8
		6 57:17,18 59:7,8 59:13 94:15 106:5 224:2 385:12,14 387:16 388:6,12 388:14,15 389:2 6:13 118:7	8 29:9,22 177:16 211:13 385:14 386:4 388:11 82005 1:6 2:6 823(5) 108:19
			9
			9 97:6 177:16 349:17 385:14 386:4 9:25 369:15 9:57 414:12 90 413:21 911 8:13 9:10 43:14 43:17 98:10 164:12,16 165:3,8 165:11 166:2 217:12,15,19 231:22 232:1,7 252:17,20 316:6 353:8 354:4,6,11 354:12,16 355:1,2 355:7 356:4 357:12 358:2,6 406:10 409:2
	4		
	4 57:18 58:2,5,10		